FIRST AMENDMENT TO CONTRACT
between
CITY OF BUELLTON
and
MARBORG INDUSTRIES

This **FIRST AMENDMENT TO CONTRACT** (the "Amendment") is made and entered into this 28th day of April 2016 and by and between the City of Buellton, a Municipal corporation ("City"), and MarBorg Industries ("Contractor").

1. RECITALS

A. On June 10, 2010, the City and Contractor entered into that Contract to provide solid waste services to the City from July 1, 2010, to June 30, 2017 (the "Contract"); and,

B. On March 24, 2016, the Buellton City Council directed staff to prepare a Contract amendment extending the Contract with the Contractor for 10 years for solid waste collection services; and

C. The City and Contractor desire to amend the Contract to extend the term of the Contractor for services performed until June 30, 2027.

2. AMENDMENT

In consideration of the mutual covenants and recitals contained in the Contract and this Amendment, which are incorporated herein, City and Consultant agree as follows:

1. Article 3 of the Contract is hereby amended to read as follows:

Article 3.2 Term.

The term of this Contract shall commence on the Effective Date and shall end at midnight on June 30, 2027, unless earlier terminated. Contractor's obligation to collect Municipal Solid Waste and Recyclable Materials shall begin on July 1, 2010, at 12:01 a.m.

Article 3.3 Option to Extend Term

The City, by its own action or on request of the Contractor, may extend the term of this Contract for one or more periods of one year, up to a maximum of three (3) years, on the same term and conditions. If City wishes to extend the term it shall deliver a written notice to Contractor at least six months before its expiration of the term (i.e. June 30, 2027) specifying the number of years, from one to three, by which it wishes to

extend the term. If the City initially elects to extend the term for less than three years, it may subsequently elect to further extend the term in increments of one year, up to a total of three years, i.e. until June 30, 2030. If the City so elects, it shall deliver written notice to Contractor at least six months prior to the expiration of the term, as initially extended.

2. Except as expressly modified herein, all the terms referenced in this Contract shall have the same meaning as the terms defined in the Contract.

4. Except as expressly modified by this Amendment, all terms and provisions of the Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the City and Contractor have executed the Amendment as of the day and year first noted above.

MARBORG INDUSTRIES

By: _____

Title: President

By: _____

Title: Vice - President

CITY OF BUELLTON

_____

Marc Bierdzinski, City Manager

Approve as to Form

_____

Stephen A. McEwen, City Attorney

Attest:

_____

Linda Reid, City Clerk