



SECOND ADDENDUM TO AGREEMENT

BY AND BETWEEN THE
MARIN COUNTY FLOOD CONTROL AND WATER CONSERVATION
DISTRICT AND SHELTERBELT BUILDERS, INC., DATED 12/05/2006

THIS ADDENDUM is made and entered into this _____ day of _____ 200____, by and between the MARIN COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a political subdivision of the State of California (hereinafter referred to as "District") and SHELTERBELT BUILDERS, INC. (hereinafter referred to as "Contractor")

RECITALS

WHEREAS, the District and the Contractor entered into an agreement for Habitat Mitigation and Monitoring for Novato Creek Flood Control Project Phase VIII dated December 5, 2006 ("Agreement"); and

WHEREAS, Sections 4 & 5 and Exhibits "A" & "B1" to the agreement obligated Contractor to provide services set forth in SCOPE OF SERVICES (Exhibit "A"); and

WHEREAS, the parties desire to amend the agreement to increase the maximum cost to the District by \$82,355 for a total contract cost of \$269,699 and extend the time period that the services will be performed through December 2010.

NOW, THEREFORE, the parties agree to modify Sections 4 & 5 and Exhibits "A" & "B1" as set forth below.

AGREEMENT

1. Except as otherwise provided herein all terms and conditions of the agreement shall remain in full force and effect.
2. Updated Certificate of Insurance(s) attached hereto.
3. Sections 4 & 5 and Exhibits "A" & "B1" are hereby amended to read as follows:

4. MAXIMUM COST TO DISTRICT:

In no event will the cost to District for the services to be provided herein exceed the maximum sum of \$269,699.

5. TIME OF AGREEMENT:

This Agreement shall commence on December 5, 2006, and shall terminate on December 31, 2010. Certificate(s) of Insurance must be current on day Contract commences and if scheduled to lapse prior to termination date, must be automatically updated before final payment may be made to Contractor. The final invoice must be submitted within 30 days of completion of the stated scope of services.

Add to Exhibit "A" -- SCOPE OF SERVICES:

Contractor will perform habitat monitoring and mitigation within the Novato Creek Flood Control Project -- Phase VIII through year 4 of the 5-year term required by the project's environmental permits. The additional scope includes:

Restoration monitoring and reporting. Conduct annual (for years 2009 and 2010) monitoring and prepare two reports assessing the success of habitat restoration per US Army Corps of Engineers and the CA Department of Fish & Game permit requirements. These tasks include:

- Independent restoration monitoring for years 2009 and 2010
- Photo monitoring through December 2010
- Preparing the annual mitigation reports for CA and Federal agencies per requirements stated in the project's environmental permits. Report is due to the District by December 1 each year.

Required maintenance of planted areas. Hand weeding and watering (with a water truck) around planting basins through December 2010.

Replace Exhibit "B1" -- FEES AND PAYMENT SCHEDULE:

This contract has a maximum not to exceed sum of \$269,699. Payment shall be made to the contractor upon receipt of monthly, itemized invoices for Consultant's services and reimbursable expenses.

IN WITNESS WHEREOF, the parties hereto have executed this Addendum on the day first written above.

CONTRACTOR:

MARIN COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT:

By _____



COUNTY COUNSEL REVIEW AND APPROVAL (Only required if any of the noted reason(s) applies)
REASON(S) REVIEW:

- Contract Requires Board of Supervisors' Approval**
- Standard Short Form Content Has Been Modified**
- Optional Review by County Counsel at Department's Request**

County Counsel

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