

**AMENDMENT TO CONTRACT –**  
**# 2**  
**(Contract regarding impact fees, HSD)**

The County of San Benito (“COUNTY”) and Colantuono, Highsmith & Whatley, PC (“CONTRACTOR”) enter into this agreement on the date stated next to the signatures below. In consideration of the mutual promises set forth herein, the parties agree as follows:

**1. Existing Contract.**

**a. Initial Contract.**

COUNTY and CONTRACTOR acknowledge that the parties entered into a contract, dated June 30, 2017.

**b. Prior Amendments. (Check one.)**

☐ The initial contract previously has not been amended.

☒ The initial contract previously has been amended. The date(s) of prior amendments are as follows: February 20, 2018.

**c. Incorporation of Original Contract.**

The initial contract and any prior amendments to the initial contract (hereafter collectively referred to as the “original contract”) are attached to this amendment as Exhibit 1 and made a part of this amended contract.

**2. Purpose of this Amendment.**

The purpose of this amendment is to change the agreement between the parties in the following particulars:

**a. Term of the Contract. (Check one.)**

☒ The term of the original contract is not modified.

☐ The term of the original contract (Exhibit 1) is extended from the current expiration date of \_\_\_\_\_, to a new expiration date of \_\_\_\_\_.

**b. Scope of Services.** (Check one.)

- ☐ The services specified in the original contract (Exhibit 1) are not modified.
- ☒ The services specified in the original contract (Exhibit 1) are modified as specified below: (Check one.)
- ☒ The services specified in the original contract are modified only as specified below:

**Modified or New Scope of Services:**

In addition to the duties previously described, Contractor will provide legal representation in Case No. 18-00026, (The Hollister School District's Petition for Order Relieving Petitioner from the Provisions of Government Code Section 945.4.)

- ☐ The services specified in the original contract are deleted in their entirety and replaced with the following services:

**New Scope of Services:**

(Insert new services.)

**c. Payment Terms.** (Check one.)

- ☐ The payment terms in the original contract (Exhibit 1) are not modified.
- ☒ The payment terms in the original contract (Exhibit 1) are modified as specified below: (Check one.)
- ☒ The payment terms are modified only as specified below:

**Modified or New Payment Terms:**

The contract is amended to add an additional \$85,000 at Contractor's standard billing rates, ranging from \$160/hour to \$350/hour, for a total contract amount not to exceed \$97,000.

- ☐ The payment terms are deleted in their entirety and replaced with the following payment terms:

**New Payment Terms:**

**B-1. BILLING**

Charges for services rendered pursuant to the terms and conditions of this contract shall be invoiced on the following basis: (Check one.)

- ☐ One month in arrears.
- ☐ Upon the complete performance of the services specified in the original agreement (Exhibit 1) and this amendment.
- ☐ The basis specified in paragraph B-4.

## **B-2. PAYMENT**

Payment shall be made by COUNTY to CONTRACTOR at the address specified in paragraph 8 of the original contract, net thirty (30) days from the invoice date.

## **B-3. COMPENSATION**

COUNTY shall pay to CONTRACTOR: (Check one.)

☐ a total lump sum payment of \$\_\_\_\_\_, or

☐ a total sum not to exceed \$\_\_\_\_\_

for services rendered pursuant to the terms and conditions of the original contract (Exhibit 1) and this amendment, and pursuant to any special compensation terms specified in paragraph B-4.

## **B-4. SPECIAL COMPENSATION TERMS: (Check one.)**

☐ There are no additional terms of compensation.

☐ The following specific terms of compensation shall apply:  
(Specify)

### **d. Other Terms. (Check one.)**

☒ There are no other terms of the original contract that are modified.

☐ Other terms of the original contract are modified only as specified below:

#### **Other Modified or New Terms:**

(Insert other modified or new terms.)

### **3. Other Terms.**

All other terms and conditions of the original contract (Exhibit 1) which are not changed by this amendment shall remain the same.

**CONTRACTOR**

\_\_\_\_\_  
Name/Title: Michael Colantuono, Partner

\_\_\_\_\_  
Date

**COUNTY**

San Benito County Board of Supervisors

\_\_\_\_\_  
Anthony Botelho, Chair

\_\_\_\_\_  
Date

**APPROVED AS TO LEGAL FORM:**

San Benito County Counsel's Office

\_\_\_\_\_  
Barbara Thompson

\_\_\_\_\_  
Date

**EXHIBIT 1**  
**TO AMENDMENT # 2**

**ORIGINAL**  
**CONTRACT**

(Please attach the initial contract and any prior amendments, from the most recent to the initial contract, in reverse chronological order.)