

**AMENDMENT NO. 1 TO THE UTILITY USERS TAX
BILLING AND COLLECTION AGREEMENT**

THIS Amendment No. 1 to the Utility Users Tax Billing and Collection Agreement (“the Agreement”) is made and entered into this ____ day of _____, 2019, by and between the **EAST BAY MUNICIPAL UTILITY DISTRICT**, a public entity, hereinafter called “the DISTRICT,” and the **CITY OF HERCULES**, hereinafter called “the AGENCY.”

WITNESSETH

WHEREAS, the AGENCY and the DISTRICT entered into the Utility Users Tax Billing and Collection Agreement on October 15, 2009 (“Agreement”); and

WHEREAS, the Agreement provides that the DISTRICT will provide billing and collection services of the AGENCY’s Utility User Tax; and

WHEREAS, the Agreement is set to expire on October 14, 2019; and

WHEREAS, the DISTRICT and the AGENCY wish to extend the Agreement for a ten (10) year term; and

WHEREAS, the DISTRICT and the AGENCY wish to amend the Agreement only to extend the Agreement for a ten (10) year term; and

WHEREAS, the DISTRICT and the AGENCY intend that all other contract terms remain the same; and

WHEREAS, Section 1.06 requires an agreement to extend the Agreement to be in writing;

NOW, THEREFORE, it is mutually agreed by the DISTRICT and the AGENCY that for the considerations hereinafter set forth, the Agreement shall be amended as follows:

1. Section 1.06 shall be amended to state:

This agreement will remain in effect, except as provided for in paragraphs 2.08, 3.02(c) and 3.04 until **October 14, 2029**. This Agreement may be extended by written agreement between the Agency and the District. Termination of this Agreement shall not affect Agency’s liability, as provided herein, to pay the cost of services which have been rendered by the District pursuant to the terms of this Agreement.

2. Except as specifically amended hereby, the Agreement remains in full force and effect in accordance with the terms thereof.

DISTRICT:

AGENCY:

Signature:_____

Signature:_____

Name:_____

Name:_____

Title: Director of Finance

Title: City Manager/Finance Director/City
Treasurer

Date:_____

Date:_____