

**AMENDMENT NO. 2 TO
MONTICELLO PUBLIC CEMETERY DISTRICT
AGREEMENT NO. 230118B (MPCD)**

THIS AMENDMENT NO. 2 OF MONTICELLO PUBLIC CEMETERY DISTRICT AGREEMENT NO. 230118C (“Agreement”) is made and entered into as of this 27th day of February 2024 by and between MONTICELLO PUBLIC CEMETERY DISTRICT, a special district organized under the laws of the State of California, hereinafter referred to as “DISTRICT”, and PRESTIGE LAWN CARE MAINTENANCE, whose mailing address is 119 Parkview Lane, Napa, CA 94559, hereinafter referred to as “CONTRACTOR.” The DISTRICT and CONTRACTOR may be referred to below collectively as “Parties” and individually as “Party.”

RECITALS

WHEREAS, on August 5, 2022, DISTRICT and CONTRACTOR entered into an Agreement to provide landscape maintenance services; and

WHEREAS, the Agreement provides that the CONTRACTOR may perform non-routine maintenance work with approval by the DISTRICT; and

WHEREAS, the Parties amended the Agreement on May 16, 2023 (“Amendment No. 1”) to increase the maximum compensation payable to CONTRACTOR in Fiscal Year 2022-23 by \$20,000 from \$35,000 to \$55,000 so that the CONTRACTOR could blade the entire cemetery grounds, refurbish the plaque entrance area, and repair erosion at the Spanish Flat Water District water connection and utility boxes at the cemetery’s southeast corner; and

WHEREAS, the DISTRICT identified the need to construct walking paths on the cemetery grounds for easier access to gravesites, particularly for seniors, and plant several shade trees to give currently exposed sections of the lawn relief from direct sunlight that has caused unsightly browning of several large patches during the warm season; and

WHEREAS, DISTRICT and CONTRACTOR now wish to amend the Agreement to increase the maximum payment amounts allowable under the Agreement in Fiscal Year 2023-24 by \$65,000 from \$35,000 to \$100,000 to fund the aforementioned non-routine landscaping projects approved by the DISTRICT and to increase the maximum payment amounts allowable under the Agreement in subsequent renewal year(s) by \$10,000 from \$35,000 to \$45,000.

TERMS

NOW, THEREFORE, DISTRICT and CONTRACTOR amend Monticello Public Cemetery District Agreement No. 230118C (the “Agreement”) as follows:

1. Paragraph 3(c) of the Agreement is amended in its entirety to read as follows:

3. **Compensation.**

(c) Maximum Amount. Notwithstanding subparagraphs (a) and (b), the maximum payments under this Agreement shall not exceed FIFTY-FIVE THOUSAND DOLLARS (\$55,000) for professional services for the fiscal year ending June 30, 2023, ONE HUNDRED THOUSAND DOLLARS (\$100,000) for professional services for the fiscal year ending June 30, 2024, and FORTY-FIVE THOUSAND DOLLARS (\$45,000) per fiscal year for each renewal year, provided, however, that the maximum amounts described herein shall not be construed as guaranteed sums, and compensation shall be based upon services actually rendered and reimbursable expenses actually incurred.

2. This Amendment No. 2 shall be effective February 27, 2024.

3. Except as provided herein, all other terms and provisions of the Agreement and its Amendment No. 1 shall remain in full force and effect as originally agreed.

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IN WITNESS WHEREOF, this Agreement was executed by the parties hereto as of the date first above written.

MIGUEL A. HERNANDEZ, Owner/Operator

By Miguel Hernandez
Miguel A. Hernandez

"CONTRACTOR"

YASMIN HERNANDEZ, Chief Financial Officer

By Yasmin Hernandez
Yasmin Hernandez

MONTICELLO PUBLIC CEMETERY DISTRICT, a
special district, acting by and through its Board of Trustees

By _____
JOELLE GALLAGHER, Chair
Board of Trustees
"DISTRICT"

<p>APPROVED AS TO FORM Monticello Public Cemetery District Counsel</p> <p>By: <u>Ryan Fitzgerald (e-sign)</u> District Counsel</p> <p>Date: February 20, 2024</p>	<p>APPROVED BY THE MONTICELLO PUBLIC CEMETERY DISTRICT BOARD OF TRUSTEES</p> <p>Date: _____ Processed By: _____ Deputy Clerk of the Board</p>	<p>ATTEST: NEHA HOSKINS Clerk of the Monticello Public Cemetery District Board of Trustees</p> <p>By: _____</p>
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