

## **THIRD AMENDMENT TO TREE TRIMMING AGREEMENT**

This Third Amendment to Tree Trimming Agreement (“Amendment No. 3”), between the City of La Habra (“City”) and West Coast Arborists (“Contractor”) takes effect on July 1, 2023.

### **BACKGROUND**

On September 15, 2014, the City entered into an agreement (“Agreement”) with Contractor for tree trimming services. On July 1, 2020 the parties executed a First Amendment to the Agreement to amend insurance and compensation provisions. On February 6, 2023 the parties executed a Second Amendment to the Agreement to approve a 3.5 percent CPI adjustment. The parties desire to again amend the amount of compensation. The parties, therefore, agree as follows:

### **AGREEMENT**

**SECTION 1.** Section 3.1 of the Agreement is deleted in its entirety and replaced with the following:

3.1 Compensation.

Except as provided in this section, **CONTRACTOR** shall receive compensation for all Services rendered under this Agreement at the rates set forth in the Schedule of Billing Rates attached hereto as Exhibit "B", and Incorporated herein by reference. Total compensation shall not exceed \$343,142.31, without written approval of **CITY'S** Project Representative. **CONTRACTOR** shall not receive compensation for any services provided outside the Scope of Work unless such additional services (hereinafter “Extra Work”) are approved in writing by **CITY** or its appointed representative prior to **CONTRACTOR** performing the "Extra Work".

**SECTION 2.** Exhibit “B” SCHEDULE OF COMPENSATION

The Schedule of Compensation is hereby amended and replaced with a new and revised Exhibit “B” document titled: “The Schedule of Compensation for Year 2023-2024” and is attached to this amendment.

3. Except as expressly amended herein, all of the terms and conditions of the Original Agreement, First Amendment, Second Amendment, and as amended by this Third Amendment, shall remain in full force and effect and are ratified by each Party. The Original Agreement, First Amendment, Second Amendment, and this Third Amendment contain the entire agreement of the Parties with respect to the subject matter hereof, and supersedes all prior negotiations, understandings or agreements. The Parties agree that if

any provisions of this Third Amendment conflicts with the Original Agreement and/or First Amendment, and/or Second Amendment, then the provisions of this Third Amendment shall prevail. If any portion of this Third Amendment is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

CITY OF LA HABRA

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Jim Sadro  
City Manager

By: \_\_\_\_\_  
Richard D. Jones  
City Attorney

ATTEST:

By: \_\_\_\_\_  
Rhonda J. Barone, CMC  
City Clerk

COUNTER SIGNED:  
WEST COAST ARBORISTS

By: \_\_\_\_\_  
Patrick Mahoney, PRESIDENT

\_\_\_\_\_  
DATE