

**AMENDMENT TO AGREEMENT
BETWEEN THE COUNTY OF SAN MATEO AND
THE AIRPORT COMMISSION OF THE CITY AND COUNTY OF SAN FRANCISCO
RELATING TO CHILD CARE SERVICES**

THIS AMENDMENT TO THE AGREEMENT, entered into this ____ day of _____, 20____, by and between the COUNTY OF SAN MATEO, hereinafter called "County," and the CITY AND COUNTY OF SAN FRANCISCO, hereinafter called "City," acting through its Airport Commission, hereinafter called "Commission";

W I T N E S S E T H:

WHEREAS, pursuant to Government Code, Section 31000, County may contract with independent contractors for the furnishing of such services to or for County or any Department thereof;

WHEREAS, the parties entered into an Agreement for the provision of child care services on July 8, 2008; and

WHEREAS, the parties wish to amend the Agreement to increase the maximum obligation by \$66,000 for the 2012-13 fiscal year to a new aggregate maximum obligation of \$1,598,500.

NOW, THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO AS FOLLOWS:

1. The first sentence of Recital F. of the Agreement is amended to read as follows:

The Commission desires to continue providing assistance to all Airport-based employees for another five years to June 30, 2013 in an amount not to exceed \$306,500 for fiscal years 2008-09, 2009-10, 2010-11 and 2011-12 and in an amount not to exceed \$372,500 for fiscal year 2012-2013.

2. The first sentence of Section 2. A. of the Agreement is amended to read as follows:

Annual Funding Amount. The Commission will pay up to \$306,500 (the "Annual Funding Amount") during fiscal years 2008-09, 2009-10, 2010-11, 2011-12 and \$372,500 during fiscal year 2012-13 to the County to subsidize Airport-based Employee childcare costs at PalCare for verifiable subsidy costs incurred during each such fiscal year, as described in paragraphs B. through E. below.

3. The first two sentences of Section 3. of the Agreement are amended to read as follows:

During the term of this agreement, the County will require Palcare to provide the Commission and County within 30 days of the end of each quarter ending on September, 30, December 31, March 31 and June 30, documentation of the actual costs billed in accordance with this Agreement. The Commission will pay the County the quarterly amounts required under this Agreement based upon quarterly invoices submitted by Palcare to the County not to exceed \$90,000 quarterly, or \$306,500 annually for fiscal years 2008-09, 2009-10, 2010-11, 2011-12 and not to exceed \$100,000 quarterly or \$372,500 annually for fiscal year 2012-13.

4. Section 4. of the Agreement is amended to read as follows:

Quarterly payments from the Commission shall be specified by the County based upon the Commission's advice as to the appropriate sum; provided , however, that no quarterly payment shall exceed \$90,000 for fiscal years 2008-09, 2009-10, 2010-11, 2011-12 and \$100,000 for fiscal year 2012-13, and total payments shall not \$306,500 annually for fiscal years 2008-09, 2009-10, 2010-11, 2011-12 and \$372,500 for fiscal year 2012-13.

5. All other terms and conditions of the Agreement dated July 8, 2008, between the County and Commission shall remain in full force and effect.
6. This Amendment constitutes the entire understanding of the parties hereto with respect to the amendment to the Parties' July 8, 2008 Agreement (Resolution No. 068551) and correctly states the rights, duties, and obligations of each Party as of this document's date. Any understandings, promises, negotiations, or representations between the Parties not expressly stated in this document are not binding. All subsequent modifications shall not be effective unless set forth in a writing and executed by both parties.

IN WITNESS WHEREOF, the parties hereto, by their duly authorized representatives,
have affixed their hands.

COUNTY OF SAN MATEO

By: _____
President, Board of Supervisors, San Mateo County

Date: _____

ATTEST:

By: _____
Clerk of Said Board

AIRPORT COMMISSION OF THE CITY
AND COUNTY OF SAN FRANCISCO

Date: _____

By: _____
Airport Director

APPROVED AS TO FORM:

DENNIS J. HERRERA
City Attorney

AUTHORIZED BY AIRPORT
COMMISSION OF THE CITY AND
COUNTY OF SAN FRANCISCO

Resolution No: 11-0266
Adopted: November 15, 2011

By: _____
Deputy City Attorney

ATTEST: _____
Commission Secretary