

**FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT
BY AND BETWEEN
THE CITY OF DESERT HOT SPRINGS
AND
MIG, INC.**

THIS AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN THE CITY OF DESERT HOT SPRINGS AND MIG, INC. ("Amendment"), is made and entered into as of the 5th day of February 2019, by and between the City of Desert Hot Springs, a municipal corporation, in the County of Riverside, State of California, hereinafter referred to as the "City," and MIG, Inc., a California corporation, hereinafter referred to as "Consultant," with the City and Consultant sometimes together referred to herein as the "Parties."

RECITALS

WHEREAS, the Parties previously entered into that certain Professional Services Agreement by and Between the City of Desert Hot Springs and MIG, Inc., dated July 18, 2017 ("Agreement"), for Consultant to provide the City with services related to the 2018 Comprehensive General Plan Update; and

WHEREAS, the Parties desire to amend the Agreement to extend the completion date.

NOW THEREFORE, in consideration of the foregoing recitals and other good and valuable consideration the receipt and adequacy of which is hereby acknowledged, the Parties hereby agree as follows:

AGREEMENT

Section 1. RECITALS

The Recitals set forth above are hereby incorporated into this Amendment by this reference, as though fully set forth herein.

Section 2. DEFINITIONS AND TERMS

All words, terms and phrases used or referenced in this Amendment, not expressly defined in this Amendment, shall have the same meaning ascribed to them in the Agreement.

Section 2. SECTION 3 - COMPLETION DATE

The term set forth in the Agreement is hereby amended such that it shall expire at end of business day on March 18, 2020.

Section 4. ATTORNEY'S FEES

In the event any action, suit or proceeding is brought for the enforcement of, or the declaration of any right or obligation pursuant to this Amendment or as a result of any alleged breach of any provision of this Amendment, the prevailing party in such suit or proceeding shall be entitled to recover its costs and expenses, including reasonable attorney's fees, and any judgment or decree rendered in such a proceeding shall include an award thereof.

Section 5. COUNTERPARTS

This Amendment may be executed in several counterparts, each of which shall be deemed to be an original and shall constitute one and the same instrument and shall become binding upon the Parties when at least a copy hereof shall have been signed by the Parties hereto.

Section 6. CONFLICTS

In the event there exists any conflicts between the terms of this Amendment and the Agreement, the terms of this Amendment shall be superseding.

Section 7. REMAINING PROVISIONS

All other remaining terms and conditions of the Agreement shall remain unchanged.


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IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be executed as of the date first written above.

CITY OF DESERT HOT SPRINGS

MIG, INC.

Charles Maynard, City Manager



Carolyn Verheyen, Vice President

ATTEST:

Jerryl Soriano, City Clerk

APPROVED AS TO FORM:

Jennifer Mizrahi, City Attorney






6233 – First Amendment Professional Services Agreement MIG, Inc. (01.24.19)

Final Audit Report

2019-01-29

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