

FIFTH AMENDMENT TO
SEWERAGE AGENCY OF SOUTHERN MARIN
JOINT EXERCISE OF POWERS AGREEMENT

THIS FIFTH AMENDMENT to Sewerage Agency of Southern Marin Joint Exercise of Powers Agreement, dated for convenience as of November 1, 1982, by and between ALMONTE SANITARY DISTRICT, ALTO SANITARY DISTRICT, CITY OF MILL VALLEY, RICHARDSON BAY SANITARY DISTRICT, TAMALPAIS COMMUNITY SERVICES DISTRICT and HOMESTEAD VALLEY SANITARY DISTRICT.

R E C I T A L S

WHEREAS, the parties hereto have previously entered into an Agreement entitled, "SEWERAGE AGENCY OF SOUTHERN MARIN JOINT EXERCISE OF POWERS AGREEMENT," dated for convenience as of June 1, 1979, as subsequently amended; and

WHEREAS, the parties hereto desire to further amend said Agreement in certain particulars;

NOW, THEREFORE, the parties hereto do hereby agree to amend said Agreement by adding subsection 8 to Section 16 thereof to read as follows:

"8. Hold Harmless.

(a) It is specifically understood and agreed that no Member Entity nor any officer or employee thereof, is responsible for any damage or liability occurring by reason of anything done or omitted to be done by Agency under or in connection with any work, authority or jurisdiction not delegated to any Member Entity under this Agreement. It is also understood and agreed that, pursuant to Government Code Section 895.4, Agency shall fully indemnify and hold each Member Entity harmless from any damage or liability occurring by reason of anything done or omitted to be done by Agency under or in connection with any work, authority or jurisdiction not delegated to any of the Member Entities under this Agreement.

(b) It is specifically understood and agreed that neither Agency nor any officer or employee thereof, is responsible for any damage or liability occurring by reason of anything done or omitted to be done by any of the Member Entities pursuant to this Agreement. It is also understood and agreed that, pursuant to Government Code Section 895.4, each Member Entity shall fully indemnify and hold Agency harmless from any damage or liability occurring by reason of anything done or omitted to be done by such Member Entity pursuant to this agreement."

This Fifth Amendment shall become effective when all parties hereto shall have authorized execution thereof by their respective governing bodies.

CITY OF MILL VALLEY,
a Municipal Corporaton

Flora Pranzke
Mayor

ATTEST:

Elaine Carry
City Clerk (SEAL)

ALMONTE SANITARY DISTRICT,
a Public Corporaton

Thomas C Roberts
President

COUNTERSIGN:

[Signature]
Secretary (SEAL)

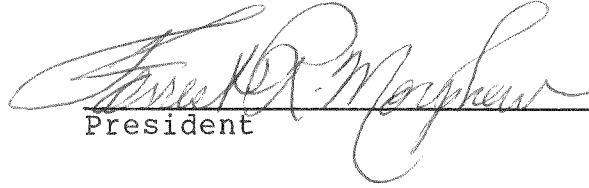
ALTO SANITARY DISTRICT,
a Public Corporation

Howard A. Sinner
President

COUNTERSIGN:

Maei McClure
Secretary (SEAL)

RICHARDSON BAY SANITARY DISTRICT,
a Public Corporation



President

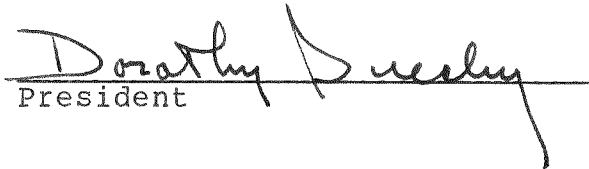
COUNTERSIGN:



Secretary

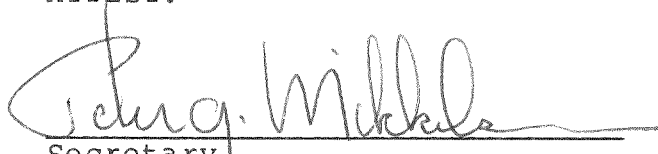
(SEAL)

TAMALPAIS COMMUNITY SERVICES
DISTRICT, a Public Corporation



President

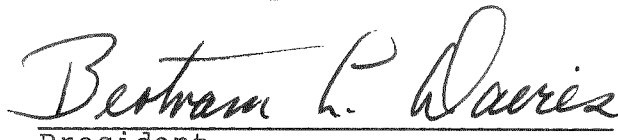
ATTEST:



Secretary

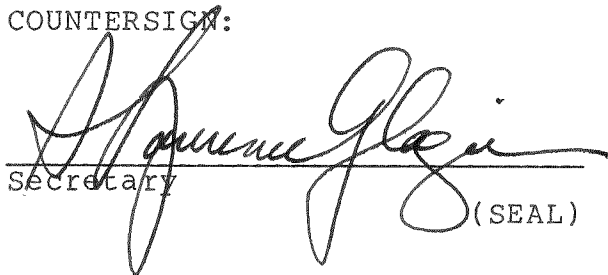
(SEAL)

HOMESTEAD VALLEY SANITARY DISTRICT
a Public Corporation



President

COUNTERSIGN:



Secretary

(SEAL)