

**THIRD AMENDMENT TO THE  
CITY OF UPLAND ANIMAL SHELTER  
ANIMAL CARE AND ADOPTION AGREEMENT**

This Third Amendment to the Animal Care and Adoption Services Agreement (“Third Amendment”) is made and entered into by and between the City of Upland (“City”) and Friends of the Upland Animal Shelter (“Friends”) as of September 11, 2023. City and Friends are collectively referred to herein as the “Parties.”

**RECITALS**

A. The City and Friends entered into that certain Animal Care and Adoption Services Agreement on August 12, 2019 through which the City leased space to Friends at the City Animal Shelter in exchange for a range of services, including animal care and adoption services (“Original Agreement”).

B. The City and Friends entered into an amendment to the Original Agreement on October 11, 2021 (the “First Amendment”) to allow Friends to provide veterinary care services at the Shelter.

C. The City and Friends entered into an amendment to the Original Agreement on September 12, 2022 (the “Second Amendment”) to establish an amended scope of work/delineation of duties and amended performance goals. The Original Agreement, together with the First and the Second Amendments, is hereinafter referred to as the “Original Agreement, as amended.”

C. The Parties now wish to amend the Original Agreement, as amended, to exercise the first three-year extension identified in the Original Agreement, as amended.

**NOW, THEREFORE**, the Parties agree as follows:

1. Incorporation of Recitals. The recitals listed above are true and correct and are hereby incorporated herein by this reference.

2. Agreement to Extend Term, and Amendment of Section 1 of the Original Agreement, as Amended, Entitled, “Term: Extensions.” Pursuant to Section 1 of the Original Agreement, as amended, the Parties hereby agree to extend the Term of the Original Agreement, as amended, through June 30, 2027. The Parties further agree that this constitutes the first of the two three-year extensions set forth in Section 1 of the Original Agreement, as amended, and that as a result, only one additional three-year extension may thereafter be entered into by the Parties without negotiation and preparation of a new agreement.

3. Full Force. Except as modified by this Third Amendment, all provisions of the Original Agreement, as amended by the First and Second Amendments, shall remain in full force and effect for the term thereof.

4. Electronic Transmission. A manually signed copy of this Third Amendment which is transmitted by facsimile, email or other means of electronic transmission shall be deemed to

have the same legal effect as delivery of an original executed copy of this Third Amendment for all purposes.

5. Counterparts. This Third Amendment may be executed in counterparts, each of which shall be deemed an original, but which together shall constitute one and the same instrument.

[SIGNATURES ON FOLLOWING PAGE]

**SIGNATURE PAGE TO**  
**THIRD AMENDMENT TO THE**  
**CITY OF UPLAND ANIMAL SHELTER**  
**ANIMAL CARE AND ADOPTION AGREEMENT**

IN WITNESS WHEREOF, the Parties have executed this Third Amendment as of the date last stated below.

Dated: September 9, 2023

**FRIENDS OF UPLAND ANIMAL SHELTER**



By: Andy Peterson

Its: President



By: Shelley Foglesong

Its: Vice President

Dated: September 11, 2023

**CITY OF UPLAND**



By: Bill Velto

Its: Mayor

APPROVED AS TO FORM:



By: Best Best & Krieger LLP

Its: City Attorney

ATTEST:



By: Keri Johnson

Its: City Clerk