

## **SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT**

THIS SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT (the "**Amendment**") is made and entered into as of **July 1, 2013**, by and between COUNTY OF MONTEREY ("**County**") on behalf of NATIVIDAD MEDICAL CENTER ("**Hospital**"), and ALAN SMITH, DPM, an individual ("**Contractor**") with respect to the following:

### **RECITALS**

- A. County owns and operates Hospital, a general acute care teaching hospital facility located in Salinas, California under its acute care license.
- B. Contractor and Hospital have entered into that certain Professional Services Agreement dated July 1, 2011; amended July 1, 2012 (the "**Agreement**") pursuant to which Contractor provides professional consultation and treatment in the Specialty to Hospital Patients.
- C. Hospital and Contractor desire to amend the Agreement.

### **AGREEMENT**

IN CONSIDERATION of the foregoing recitals and the mutual promises and covenants contained herein, Hospital and Contractor agree as follows:

- 1. **Defined Terms.** Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Agreement.
- 2. **Section 5.1.** Section 5.1 to the Agreement is hereby amended to read in its entirety as follows:
  - "5.1 Term.** This Agreement shall become effective on July 1, 2011 (the "**Effective Date**"), and shall continue until June 30, 2015 (the "**Expiration Date**"), subject to the termination provisions of this Agreement."
- 3. **Section 6.3.** Section 6.3, "Attorneys' Fees," to the Agreement is hereby deleted in its entirety.
- 4. **Counterparts.** This Amendment may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.
- 5. **Continuing Effect of Agreement.** Except as herein provided, all of the terms and conditions of the Agreement remain in full force and effect from the Effective Date of the Agreement.

6. **Reference.** After the date of this Amendment, any reference to the Agreement shall mean the Agreement as amended by this Amendment.

IN WITNESS WHEREOF, Hospital and Contractor have executed this Amendment as of the day and year first written above.

**CONTRACTOR**

**ALAN SMITH DPM**, an individual

Date: 5/22/, 2013

Alan H. Smith

**NATIVIDAD MEDICAL CENTER**

By: M. L. Lee  
Contracts /Purchasing Manager

Purchase Order Number \_\_\_\_\_

Date: 6-11, 2013

By: [Signature]  
Natividad Medical Center Representative

Date: 5/24, 2013

APPROVED AS TO LEGAL FORM:  
CHARLES J. McKEE, County Counsel

Stacy Saelle  
Stacy Saelle, Deputy County Counsel

Date: 6/5, 2013

Reviewed as to fiscal provisions

[Signature]  
Auditor-Controller  
County of Monterey 6-6-13