

Project: New Beginnings Safe Parking
Program on County Property
Folio #: 003506
APN: 029-121-023 & 059-140-029
Agent: CS

**FIFTH AMENDMENT TO
LICENSE AND SERVICE AGREEMENT**

THIS FIFTH AMENDMENT TO LICENSE AND SERVICE AGREEMENT (hereinafter "Agreement") is made by and between the COUNTY OF SANTA BARBARA, a political subdivision of the State of California (hereinafter "COUNTY") and New Beginnings Counseling Center, a non-profit public benefit corporation (hereinafter "NEW BEGINNINGS COUNSELING CENTER").

WHEREAS, the overnight parking program concept originated from COUNTY'S and NEW BEGINNINGS COUNSELING CENTER'S concern over the safety, health and welfare of many individuals and families forced to live in their recreational vehicles and automobiles due to a lack of adequate housing in the COUNTY; and

WHEREAS, on August 17, 2004, the Santa Barbara County Board of Supervisors directed the County Executive Office to enter into a License and Service Agreement with NEW BEGINNINGS COUNSELING CENTER for the management of an overnight parking program which would provide a safe place for up to 5 vehicles to be parked overnight on the County Administration Building parking lot located on Victoria Street, Santa Barbara; and

WHEREAS, since 2004, the Agreement for the overnight parking program has been operating as intended and has be amended several times to extend the term, increase the amount of designated parking spaces, and expand the program to the Social Services Building parking lot at the Calle Real Campus; and

WHEREAS, with the pending expiration of the Agreement, COUNTY and NEW BEGINNINGS COUNSELING CENTER desire to amend the Agreement to extend the term on a year to year basis, not to exceed ten (10) years.

NOW THEREFORE, in consideration of the covenants and conditions contained herein, COUNTY and NEW BEGINNINGS COUNSELING CENTER agree to amend the Agreement as follows:

1. Section 1. Term shall be repealed in its entirety and replaced with the following:

"1. **Term**: The term of this Agreement shall commence on September 1, 2012, and shall continue on a year-to-year basis renewing automatically on September 1st of each year, and terminating on August 30, 2022, unless extended through mutual written agreement by the parties; so long as the "Admin Lot" and "Social Services South Lot" are used only for NEW

BEGINNINGS COUNSELING CENTER operations, whose operations are consistent with the purposes and uses set forth in this Agreement, and NEW BEGINNINGS COUNSELING CENTER is in compliance with this Agreement. Notwithstanding the above, either party may terminate this Agreement upon 10 days written notice to the other.”

2. It is expressly understood that in all other respects, the terms and conditions of the original License and Service Agreement signed by the County Executive Officer on behalf of the Santa Barbara County Board of Supervisors, on September 22, 2004, and subsequent Amendments to License and Service Agreement approved and executed by the Board of Supervisors on August 16, 2005, August 1, 2006, December 1, 2009 and October 12, 2010, shall remain in full force and effect.

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IN WITNESS WHEREOF, COUNTY and NEW BEGINNINGS COUNSELING CENTER have executed this Fifth Amendment to License and Service Agreement by the respective authorized officers as set forth below to be effective on the date executed by the COUNTY.

"COUNTY"
COUNTY OF SANTA BARBARA

ATTEST:
CHANDRA L. WALLAR
CLERK OF THE BOARD

By: _____
Doreen Farr, Chair
Board of Supervisors

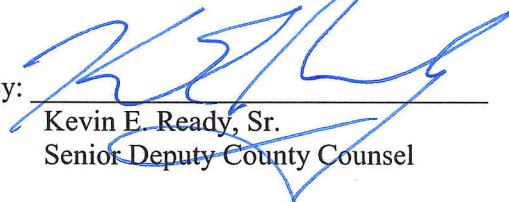
By: _____
Deputy

Date: _____

"NEW BEGINNINGS COUNSELING CENTER"

APPROVED AS TO FORM:
DENNIS A. MARSHALL
COUNTY COUNSEL

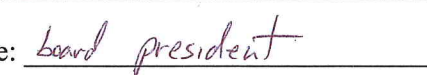
NEW BEGINNINGS COUNSELING CENTER, a nonprofit public benefit corporation (two signatures required)

By: 
Kevin E. Ready, Sr.
Senior Deputy County Counsel


By: 

Title: 

By: 

Title: 


APPROVED AS TO ACCOUNTING FORM:
ROBERT W. GEIS, CPA
AUDITOR-CONTROLLER

By: 
Deputy Auditor-Controller
Gregory Eric Levin
Advanced and Specialty Accounting

APPROVED:

By: 
Ronn Carlentine
Real Property Manager

APPROVED:

By: 
Ray Aromatorio, ARM, AIC
Risk Manager

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors
FROM: General Services Department, Real Estate Services

Based on a preliminary review of the project the following activity is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

APN(s): 029-121-023 & 059-140-029

Location: County Administration Building parking lot in Santa Barbara & Social Services South parking lot in the Calle Real Campus, Santa Barbara

Project Title: Fifth Amendment to License and Service Agreement for Safe Overnight Parking Program


Project Description: The proposed action is for the renewal of a license and service agreement for the continued use of designated parking spaces in County-owned parking lots for New Beginnings Counseling Center's Safe Overnight Parking Program and does not involve an expansion of use.

Exempt Status: (Check one)

- Ministerial
- Statutory
- Categorical Exemption
- Emergency Project
- Not a Project [§15352 and 15378(b)(2)]

Cite specific CEQA Guideline Section: 15301 Existing Facilities.

Reasons to support exemption findings: The proposed action is for the renewal of a license and service agreement for the continued use of designated parking spaces in County-owned parking lots for New Beginnings Counseling Center's Safe Overnight Parking Program and does not involve an expansion of use and is therefore categorically exempt from CEQA as stated in CEQA Guidelines Section 15301: Class 1 consists of the operation, repair and maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use.



Department/Division Representative
Ronn Carlentine, Real Estate Services Manager

Date: 6.8.12

NOTE: A copy of this document must be posted with the County's Planning and Development Department at least 6 days prior to consideration of the activity by the decision-makers to comply with County CEQA guidelines, and a copy must be filed with the County Clerk of the Board after project approval to begin a 35 day statute of limitations on legal challenges.

Distribution:

DATE FILED WITH CLERK OF THE BOARD