

## Attachment A

### AMENDMENT TO COMMITMENT AGREEMENT BY AND BETWEEN SANTA BARBARA COUNTY AND SURF DEVELOPMENT COMPANY

This agreement to amend a loan commitment agreement (hereinafter "Commitment Amendment") is made by and between the County of Santa Barbara, a political subdivision of the State of California ("County") and Surf Development Company, a California non-profit public benefit corporation ("Surf Development") and amends that certain Loan Commitment Agreement made by and between the County and Surf Development, dated as of June 1, 2009 ("Commitment Agreement").

This Commitment Amendment is made as of \_\_\_\_\_, 2010, by and between the County and Surf Development in reference to the following facts:

A. County is the lead agency of the Santa Barbara County HOME Consortium and administers the HOME Program on behalf of the Consortium.

B. On May 15, 2007 the Board of Supervisors adopted a resolution approving the 2007 update to the County of Santa Barbara HOME Consortium Consolidated Plan ("Action Plan") governing the use of HOME funds. The Board action included an approval of a reservation of funds in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for the development of a congregate care home to serve the needs of up to four adults with developmental disabilities in the City of Goleta, known as Braddock House ("Project").

D. The County and Surf Development entered into a HOME Commitment Agreement dated June 1, 2009, through which the County committed HOME Investment Partnerships Act (HOME) funds under the Santa Barbara County HOME Consortium in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for the Project.

E. On July 14, 2009 the Board of Supervisors adopted a resolution approving the 2009 update to the 2006-2010 Consolidated Plan ("Action Plan") governing the use of HOME funds. The Board action included an approval of a reservation of additional funds to the Project in the amount of Fifty Thousand Dollars (\$50,000).

G. The Commitment Agreement and this Commitment Amendment constitute a commitment of funds to an eligible project within two years of the County receiving the 2007 and 2009 HOME grants, as required under the HOME Program.

H. The Project has experienced unexpected delays since execution of the Commitment Agreement due to construction bids being higher than expected resulting from the unique nature of the project design, thus preventing Surf Development from commencing construction within the one-year timeline contemplated in the Commitment Agreement.

I. Surf Development has indicated that it will be able to secure all necessary additional funding in order to commence construction within one year of execution of this Commitment Amendment.

Now, therefore, for good and valuable consideration, the County and Surf Development agree as follows:

1. The Commitment Agreement is hereby amended as set forth below:

a. Section 3, Purpose of the Agreement, is modified to read as follows:

“The Commitment Agreement evidences the reservation of an aggregate of Two Hundred Thousand Dollars (\$200,000) through the 2007 and 2009 Action Plans and the intent to negotiate a loan of HOME funding for the Project.”

b. Section 4, Term of this Agreement, is modified to read as follows:

“This Agreement shall begin immediately and terminate the earlier of July 1, 2011 or until such time that a Loan Agreement is negotiated and executed between County and Surf Development for the Project.

c. Addition of Section 17, Reporting Requirements:

“Surf agrees to provide County with quarterly project status update reports consisting of, at minimum, the following information:

1. Sources and Uses statement
2. Status of project financing
3. Status of local approvals
4. General project update

Reports shall be provided on the following dates:

August 31, 2010

November 30, 2010

February 28, 2011

May 31, 2011


Except as amended by this Amendment, the Commitment Agreement shall continue unmodified and in full force and effect.

*(Remainder of Page intentionally left blank)*

In witness whereof, the County and Surf Development have caused this Commitment Amendment to be executed by their respective duly authorized officer:

SURF DEVELOPMENT COMPANY  
a California non-profit public benefit corporation

COUNTY OF SANTA BARBARA  
a political subdivision of the  
State of California

By:   
Raymond F. Down  
Board President

By: \_\_\_\_\_  
Janet Wolf  
Chair of the Board of Supervisors

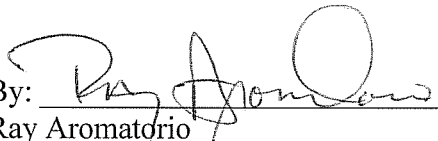
**APPROVED AS TO FORM:**

DENNIS A. MARSHALL  
COUNTY COUNSEL

By: \_\_\_\_\_  
Mary McMaster  
Deputy County Counsel


**APPROVED AS TO FORM:**

RISK MANAGEMENT

By:   
Ray Aromatorio  
Risk Program Administrator

**APPROVED AS TO FORM:**

BOB GEIS  
AUDITOR CONTROLLER

By:   
Juan Izquierdo  
Division Chief