

## FIRST AMENDMENT TO SUBRECIPIENT AGREEMENT

This document amends the Subrecipient Agreement entered into by the Santa Barbara County Board of Supervisors and the Casmalia Community Services District (“District”) on June 25, 2008 (“Subrecipient Agreement”).

Whereas the County has entered into a Cooperation Agreement for Community Development Block Grant Funds for Three Federal Fiscal Years (2007–2009) (“Cooperation Agreement”) with the Cities of Lompoc, Buellton, Carpinteria and Solvang to administer and carry out the County’s Community Development Block Grant (“CDBG”) Program as part of an Urban County Consortium under the Housing and Community Development Act of 1974, as amended (“the Act”); and

Whereas the County has the authority to undertake the installation of public improvements or facilities as specifically authorized in the HUD Common Rule at 24 Code of Federal Regulations (CFR) Section 570.201(c); and

Whereas the County has adopted the 2007-2010 Consolidated Plan and a 2007 Budget for CDBG Programs for FY 2007-2008; and

Whereas the District entered into the Subrecipient Agreement with the County for the purpose of obtaining funding for the following activities: development and construction of water distribution system improvements including construction of a new tank, and retaining an expert consultant to design and manage the process for tank construction and for related system improvements (the “Project”).

Whereas the Subrecipient Agreement has an expiration date of August 31, 2009; and

Whereas because of unexpected delays the District has not fully completed the Project or expended the total amount of funds available under the Subrecipient Agreement; and

Whereas the District and County wish to amend the Subrecipient Agreement to extend the expiration date to August 31, 2010; and

Whereas the initial allocation of funds designated in the Subrecipient Agreement was less than had been reserved for the Project in the County’s 2007-2008 Annual Action Plan update to the 2007-2010 Consolidated Plan Consolidated Plan and is insufficient to complete the Project; and

Whereas the District and County seek to amend the amount of funds available by the grant from Four Hundred Thousand Dollars (\$400,000) to Four Hundred Ten Thousand Seven Hundred Fifty Nine Dollars (\$410,759), in accordance with the project amendment to the Urban County’s 2007-2008 Annual Action Plan update to the 2007-2010 Consolidated Plan.

Now, therefore for good and valuable consideration, the receipt and sufficient of which is hereby acknowledged, it is agreed by and between the District and the County as follows:

I. Sections 7, 8 and 9A of the Subrecipient Agreement are hereby amended to read in their entirety as follows:

“7. TIME OF PERFORMANCE. District’s performance of Phase I Tasks shall commence on or after June 25, 2008, and shall be completed not later than March 31, 2009. In the event District elects to proceed to Phase II and the Phase II Conditions Precedent have been satisfied, the Task II Tasks shall commence on or after October 1, 2008, and shall be completed not later than August 31, 2010.”

“8. SOURCES AND AVAILABILITY OF FUNDS. It is understood by the parties hereto that the funds being used for the purposes of this Agreement are funds furnished to County through HUD pursuant to the provisions of the CDBG Program. In full recognition of the funding source and notwithstanding any other provision of this Agreement, the maximum amount of CDBG funds that may be provided pursuant to this Agreement shall not exceed the greater of (i) Four Hundred Ten Thousand Seven Hundred Fifty Nine Dollars (\$410,759). In addition funds under this Agreement shall only be provided by County as reimbursement to District for expenses actually and validly incurred by District for the Project.”

“9. COMPENSATION.

A. REIMBURSEMENT AFTER PERFORMANCE. Subject to Paragraphs 4, 5 and 8 above, and 11.I. below, County shall reimburse District an amount not to exceed Fifty Thousand Dollars (\$50,000) for Phase I Tasks and Three Hundred Sixty Thousand Seven Hundred Fifty Nine Dollars (\$360,759) for Phase II Tasks, which together constitutes full and complete reimbursement for the performance of this Agreement.”

II. The Subrecipient Agreement Exhibit B entitled Casmalia Water Distribution System Improvements Budget is hereby amended as such that the Allowance for Phase II Task 3 Scope of work is changed from \$255,000 to \$265,759.

IN WITNESS WHEREOF, County and District have caused this First Amendment to Subrecipient Agreement to be executed by their duly authorized representatives.

**ATTEST:**

MICHAEL F. BROWN  
Clerk of the Board

By: \_\_\_\_\_  
Deputy Clerk of the Board

**COUNTY:**

County of Santa Barbara,  
political subdivision of the State of California

By: \_\_\_\_\_  
Joseph Centeno, Chairman  
Board of Supervisors

**APPROVED AS TO FORM:**

DENNIS A. MARSHALL  
COUNTY COUNSEL

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

**SUBRECIPIENT:**

Casmalia Community Services District

By: \_\_\_\_\_

Title: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

**APPROVED AS TO FORM:**

ROBERT W. GEIS  
AUDITOR CONTROLLER

By: \_\_\_\_\_  
Mark Paul  
Specialty Accounting Division Chief

**APPROVED AS TO FORM:**

RAY AROMATORIO  
RISK PROGRAM ADMINISTRATOR

By: \_\_\_\_\_

Expenditure Accounting Information  
Fund: 0064 Dept: 055  
Line Item: Program: