

**FOURTH AMENDMENT TO BOARD OF STATE
AND COMMUNITY CORRECTIONS AB 900 II
CONSTRUCTION AGREEMENT FOR SANTA
BARBARA COUNTY**

This fourth Amendment (“Amendment”) to the February 11, 2013 Board of State and Community Corrections Jail Construction Agreement (“Agreement”) is entered into as of October 15, 2021 (“Amendment Effective Date”), by and between the Board of State and Community Corrections (“BSCC”), an agency of the government of the State of California (“State”), and Santa Barbara County (“Participating County”). BSCC and Participating County shall be referred to collectively herein as “Parties,” and individually as a “Party.”

RECITALS

WHEREAS, the Parties entered into that certain Board of State and Community Corrections Jail Construction Agreement dated February 11, 2013, which has been amended on August 15, 2016, March 8, 2019, and April 23, 2021.

WHEREAS, the Parties desire to amend the Agreement as set forth herein.

WHEREAS, Article 2 of the Agreement provides that any amendment to the Agreement shall be binding on (i) the State only if signed by the Agency Representative, and (ii) the Participating County only if signed or certified in form reasonably acceptable to BSCC by the Participating County Construction Administrator.

NOW, THEREFORE, by the signatures of their authorized representatives below, the Parties agree as follows:

SECTION 1. RESTATEMENT OF AB 900 PHASE II REQUIREMENTS

The intent of this section is to set forth the existing requirements of the AB 900 Phase II program and to affirm that the Agreement does not require the Participating County to maintain any specified county-wide level of rated capacity as a condition of participating in the AB 900 Phase II program. The Participating County is required to construct approximately 344 beds in accordance with the Project Description in Exhibit B.

SECTION 2. AUTHORITY

Each Party represents to the other Party that this Amendment has been executed in compliance with the requirements of Article 2 of the Agreement.

SECTION 3. GENERAL PROVISIONS

Capitalized terms used but not defined in this Amendment shall have the meanings assigned to them in the Agreement. In the event of a conflict between any provision of the Agreement and a provision of this Amendment, the provision of this Amendment shall control. Except as otherwise amended by this Amendment, all of the terms and conditions of the Agreement shall remain in full force and effect. This Amendment may be executed in counterparts, each of which shall be deemed to be an original, and all of such counterparts shall together constitute one executed original instrument.

IN WITNESS WHEREOF, the Parties have executed this Amendment, as of the Amendment Effective Date.

BOARD OF STATE AND COMMUNITY CORRECTIONS

By: **Kathleen T. Howard** Digitally signed by Kathleen T. Howard
Date: 2021.10.13 11:50:37 -07'00'
Signature of Executive Officer or Designee
Name and Title: Kathleen T. Howard, Executive Officer

Date: _____

“PARTICIPATING COUNTY”

County of Santa Barbara:

By: _____
Signature of Authorized County Administrator
Name and Title: John L. Green, Senior Project Manager

Date: _____

Capitalized terms used but not defined in this Amendment shall have the meanings assigned to them in the Agreement. In the event of a conflict between any provision of the Agreement and a provision of this Amendment, the provision of this Amendment shall control. Except as otherwise amended by this Amendment, all of the terms and conditions of the Agreement shall remain in full force and effect. This Amendment may be executed in counterparts, each of which shall be deemed to be an original, and all of such counterparts shall together constitute one executed original instrument.

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BOARD OF STATE AND COMMUNITY CORRECTIONS

By: _____
Signature of Executive Officer or Designee
Name and Title: Kathleen T. Howard, Executive Officer

Date: _____

“PARTICIPATING COUNTY”

County of Santa Barbara:

By: **John Green** _____
Signature of Authorized County Administrator
Name and Title: John L. Green, Senior Project Manager

Digitally signed by John Green
DN: cn=John Green, o=General Services, ou=Capital
Projects, email=jlgreen@countyofsb.org, c=US
Date: 2021.10.13 11:25:40 -0700'

Date: _____