

AMENDMENT I TO AGREEMENT

THIS AMENDMENT I TO AGREEMENT, ("Amendment I"), is made this 7<sup>th</sup> day of January, 2025 ("Effective Date"), by and between the COUNTY OF FRESNO, a political subdivision of the State of California ("County"), and the BIOLA COMMUNITY SERVICES DISTRICT ("District").

WITNESSETH

WHEREAS, the County has been designated as the sponsoring agency to administer and implement the Community Development Block Grant (CDBG) Program activities of the County, and its participating cities, in accordance with the provisions of Title I of the Housing and Community Development Act of 1974, as amended, and the laws of the State of California; and

WHEREAS, on November 28, 2023, the County and the District entered into Agreement 23-641 ("Agreement"), whereby \$300,000 in CDBG funds were made available to the District for the Biola Groundwater Recharge, Project No. 21032 ("Project"); and

WHEREAS, the District informed the County that the total estimated cost of the Project has increased from \$300,000 to \$375,000 due to increased construction costs; and

WHEREAS, the District is in need of \$75,000 in CDBG funding to complete the Project; and

WHEREAS, on October 16, 2024, the Housing and Community Development Citizens Advisory Committee reviewed the request for an additional \$75,000 in CDBG funds in accordance with the County's Citizen Participation Plan, and recommended the additional funds be made available for the Project; and

WHEREAS, there is \$75,000 in CDBG funds that can be made available to the District for the Project this fiscal year.

NOW THEREFORE, in consideration of their mutual promises as hereinafter set forth, the County and District agree to amend the Agreement as follows:

- 1. Page 1, Lines 15 through Page 2, Line 2, is amended to read:

"WHEREAS, the District has estimated that the total cost of the Project is \$375,000, and the District has requested the sum of \$375,000 in CDBG funds be made available for the Project;

1 and

2 WHEREAS, at a public hearing conducted on May 11, 2021, the County Board of  
3 Supervisors approved as part of approving the County's 2021-2022 Annual Action Plan, the usage  
4 of \$250,000 in CDBG funds for the Project, as requested by the District; and

5 WHEREAS, the County's Housing and Community Development Citizens Advisory  
6 Committee, at a public meeting on October 18, 2023, recommended that CDBG funding for the  
7 Project be increased from \$250,000 to \$300,000, as requested by the District due to increased  
8 construction costs; and

9 WHEREAS, the County Board of Supervisors, at a public meeting conducted on November  
10 28, 2023, approved the usage of \$300,000 in CDBG funds for the project; and

11 WHEREAS, the County's Housing and Community Development Citizens Advisory  
12 Committee, at a public meeting on October 16, 2024, recommended that CDBG funding for the  
13 Project be increased from \$300,000 to \$375,000, as requested by the District due to increased  
14 construction costs; and

15 WHEREAS, there is an additional \$75,000 in CDBG funds that may be made available to  
16 the District for the Project this fiscal year; and"

17 2. The proposed Project budget on Page 3, Lines 2 through 4, is amended to read:

18	"Construction	\$275,100
19	Design & Construction Engineering	50,000
	Contingency, Permits & Misc.	<u>49,900</u>
20	Total	\$375,000"

21 3. The proposed funding summary for the Project on Page 3, Lines 11 through 12, is  
22 amended to read:

23	"CDBG	\$375,000
24	Local Financial Contribution	<u>0</u>
	Total	\$375,000"

25 4. That the dollar figure set forth on Page 3, Line 7; Page 3, Line 25; and Page 5, Line  
26 12, is amended in each such place to read "\$375,000".

27 5. Electronic Signatures. The parties agree that this Amendment I may be executed  
28 by electronic signature as provided in this section.

1 (A) An "electronic signature" means any symbol or process intended by an  
2 individual signing this Amendment I to represent their signature, including but not limited to (1) a  
3 digital signature; (2) a faxed version of an original handwritten signature; or (3) an electronically  
4 scanned and transmitted (for example by PDF document) version of an original handwritten  
5 signature.

6 (B) Each electronic signature affixed or attached to this Amendment I (1) is  
7 deemed equivalent to a valid original handwritten signature of the person signing this Agreement  
8 for all purposes, including but not limited to evidentiary proof in any administrative or judicial  
9 proceeding, and (2) has the same force and effect as the valid original handwritten signature of  
10 that person.

11 (C) The provisions of this section satisfy the requirements of Civil Code section  
12 1633.5, subdivision (b), in the Uniform Electronic Transaction Act (Civil Code, Division 3, Part 2,  
13 Title 2.5, beginning with section 1633.1).

14 (D) Each party using a digital signature represents that it has undertaken and  
15 satisfied the requirements of Government Code section 16.5, subdivision (a), paragraphs (1)  
16 through (5), and agrees that each other party may rely upon that representation.

17 (E) This Amendment I is not conditioned upon the parties conducting the  
18 transactions under it by electronic means and either party may sign this Amendment I with an  
19 original handwritten signature.

20 6. County and District agree that this Amendment I is sufficient to amend the Agreement,  
21 and that upon execution of this Amendment I, the Agreement and this Amendment I together shall  
22 be considered the Agreement.

23 The Agreement, as hereby amended, is ratified and continued. All remaining provisions,  
24 terms, covenants, conditions, and promises contained in the Agreement shall remain in full force  
25 and effect.

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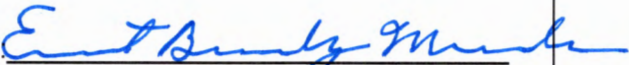
1 IN WITNESS WHEREOF, the parties have executed this Amendment I as of the day and year  
2 first hereinabove written.

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BIOLA COMMUNITY SERVICES DISTRICT

COUNTY OF FRESNO

BY:   
Jennifer Duarte, Board President

BY:   
Ernest Buddy Mendes, Chairman of the  
Board of Supervisors of the  
County of Fresno

Date: 11/22/24

Date: 1-7-2025

ATTEST:  
Bernice E. Seidel  
Clerk of the Board of Supervisors  
County of Fresno, State of California

BY:   
Deputy

FUND NO: 0001  
SUBCLASS NO: 10000  
ORG NO: 7205  
ACCOUNT NO: 7885  
PROJECT NO: N21032  
ACTIVITY CODE: 7219

REMIT TO:  
Biola Community Services District  
Attn: Elaine Cervantes, General Manager  
P.O. Box 57  
Biola, CA 93606  
Telephone: (559) 843-2657

JA:JN  
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October 14, 2024