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AMENDMENT I TO AGREEMENT

THIS AMENDMENT I TO AGREEMENT, ("Amendment I"), is made this 17th day of December, 2024 ("Effective Date"), by and between the COUNTY OF FRESNO, a political subdivision of the State of California ("County"), and the DEL REY 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 October 24, 2023, the County and the District entered into Agreement 23-583 ("Agreement"), whereby \$300,000 in CDBG funds were made available to the District for the Del Rey Wastewater Treatment Plant Hazard Reduction, Project No. 23151 ("Project"); and

WHEREAS, the District informed the County that the total estimated cost of the Project has increased from \$300,000 to \$435,500 due to increased construction costs; and

WHEREAS, the District is in need of \$135,500 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 \$135,500 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 \$135,500 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 15-20, are amended to read:

"WHEREAS, the District has estimated that the total cost of the Project is \$435,500, and the District has requested the sum of \$435,500 from the County's allocation of CDBG funds; and

1 WHEREAS, the County Board of Supervisors, at a public hearing conducted on May 9,  
2 2023, approved as part of the County's 2023-2024 Annual Action Plan, the usage of \$300,000 in  
3 CDBG funds for the Project, as requested by the District; and

4 WHEREAS, there is an additional \$135,500 in CDBG funds that can be made available to  
5 the District for the Project in Fiscal Year 2024-2025; and"; and

6 2. The proposed Project budget on Page 2, Lines 20 through 22, is amended to read:

7 "Construction	\$378,500
8 Design & Construction Engineering	37,500
9 Contingency, Permits & Misc.	<u>20,000</u>
Total	\$435,500"

10 3. The proposed funding summary for the Project on Page 3, Line 1, is amended to  
11 read:

12 "CDBG \$435,500"

13 4. That the dollar figure set forth on Page 2, Line 25; Page 3, Line 14; and Page 5,  
14 Line 1, is amended in each such place to read "\$435,500".

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

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

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

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

28 (D) Each party using a digital signature represents that it has undertaken and satisfied

1 the requirements of Government Code section 16.5, subdivision (a), paragraphs (1) through (5),  
2 and agrees that each other party may rely upon that representation.

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

6 6. Counterparts. This Amendment I may be signed in counterparts, each of which is  
7 an original, and all of which together constitute this Amendment I.

8 7. County and District agree that this Amendment I is sufficient to amend the  
9 Agreement, and that upon execution of this Amendment I, the Agreement and this Amendment I  
10 together shall be considered the Agreement.

11 The Agreement, as hereby amended, is ratified and continued. All remaining provisions,  
12 terms, covenants, conditions, and promises contained in the Agreement shall remain in full force  
13 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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DEL REY COMMUNITY SERVICES DISTRICT COUNTY OF FRESNO


BY:   
Carlos Arias, District Manager

BY:   
Nathan Magsig, Chairman of the  
Board of Supervisors of the  
County of Fresno

Date: 10/23/2024

Date: 12.17.24

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: N23151  
ACTIVITY CODE: 7219

REMIT TO:  
Del Rey Community Services District  
Attn: Carlos Arias, District Manager  
10649 E. Morro Drive  
Del Rey, CA 93616  
Telephone: (559) 888-2272

JA:PD  
G:\7205ComDev\Agendas-Agreements\2024\1217 Amend I to Del Rey WWTP Hazard Reduction 23151\_AGT.docx  
October 22, 2024