

## AMENDMENT I TO AGREEMENT

THIS AMENDMENT I TO AGREEMENT, ("Amendment I"), is made this 8<sup>th</sup> day of November, 2022 ("Effective Date"), by and between the COUNTY OF FRESNO, a political subdivision of the State of California ("County"), and the MALAGA COUNTY WATER DISTRICT, a special district in the County of Fresno formed under Part 2 of Division 12 of the California Water Code, with a district office located at 3580 South Frank Street, Fresno, CA 93725 ("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 June 7, 2022, the County and the District entered into Agreement 22-236, ("Agreement"), whereby \$250,000 in CDBG funds were made available to the District for the Malaga Wastewater Treatment Plant Nitrogen Reduction, Project No. 21451 ("Project"); and

WHEREAS, the District has submitted the Malaga Wastewater Treatment Plant Nitrogen Reduction, Phase II ("Phase II"), for CDBG funding; and

WHEREAS, the District has estimated that the total cost of Phase II is \$250,000, and the District has requested the sum of \$250,000 from the County's allocation of CDBG funds; and

WHEREAS, the County Board of Supervisors, at a public hearing conducted on June 21, 2022, approved as part of the County's 2022-2023 Action Plan, Phase II on the back-up list should funding become available; and

WHEREAS, there are now sufficient CDBG funds available to fund the next project on the back-up list, which is Phase II; and

WHEREAS, the Project and Phase II have the same purpose and general scope, with different specific components to each; and

WHEREAS, the County has determined that the most efficient way to complete both projects is to combine Phase II with the Project;

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

3 1. Page 1, Lines 17-18, is amended to read:

4 "WHEREAS, the District has estimated that the total cost of the Project is \$500,000, and  
5 the District has requested the sum of \$500,000 from the County's allocation of CDBG funds; and"

6 2. The budget for the Project on Page 2, Lines 20-22, is amended to read:

" Construction	\$375,000
Design & Construction Engineering	\$ 75,000
Contingency, Permits & Misc.	<u>\$ 50,000</u>
Total	\$500,000"

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10 3. The proposed funding summary for the Project on Page 2, Line 28 and Page 3, Line  
11 1, is amended to read:

"CDBG	\$500,000
Local Financial Contribution	<u>\$ 0</u>
Total	\$500,000"

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14 4. That the dollar figure set forth on Page 2, Line 25, Page 3, Line 13, and Page 4,  
15 Line 19, of the Agreement, is amended to read "\$500,000".

16 County and District agree that this Amendment I is sufficient to amend the  
17 Agreement, and that upon execution of this Amendment I, the Agreement and this Amendment I  
18 together shall be considered the Agreement. Upon execution of this Amendment I, any reference  
19 in the updated Agreement to the Project shall be construed to refer to both the Project and Phase  
20 II.

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

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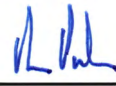
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1 IN WITNESS WHEREOF, the parties have executed this Amendment 1 as of the day and  
2 year first hereinabove written.

3  
4 MALAGA COUNTY WATER DISTRICT

COUNTY OF FRESNO


5  
6 BY:   
7 President/Superintendent/  
8 Chairman/Manager

BY:   
Brian Pacheco, Chairman of the  
Board of Supervisors of the  
County of Fresno

9 Date: 9/27/2022

Date: 11/8/22

10  
11 ATTEST:  
12 Bernice E. Seidel  
13 Clerk of the Board of Supervisors  
14 County of Fresno, State of California

15 BY:   
16 Deputy

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18  
19  
20 FUND NO: 0001  
21 SUBCLASS NO: 10000  
22 ORG NO: 7205  
23 ACCOUNT NO: 7885  
PROJECT NO: N21451  
ACTIVITY CODE: 7219

REMIT TO:

Malaga County Water District  
Attention: Moises Ortiz, District Manager  
3580 S. Frank Street  
Fresno, CA 93725  
Telephone: (559) 485-7353