

# Attachment D

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**AMENDMENT NO. 1  
TO FUNDING AGREEMENT NO. 3  
BETWEEN COUNTY OF MONTEREY AND  
JEFFREY LATOURETTE**

**THIS AMENDMENT NO. 1** to Funding Agreement No. 3 No. A-13654 between the County of Monterey, a political subdivision of the State of California (hereinafter, "County") and Jeffrey LaTourette (hereinafter, "PROJECT APPLICANT") is hereby entered into between the County and the PROJECT APPLICANTS (collectively, the "Parties") and effective as of the last date opposite the respective signatures below.

**WHEREAS**, PROJECT APPLICANT's predecessor in interest, Jeffrey and Monica LaTourette, husband and wife, (hereinafter, "PROJECT APPLICANTS") applied to the County for a permit for a standard subdivision for the LaTourette Subdivision (hereinafter, "Project") requiring an Environmental Impact Report (hereinafter, "EIR"); and

**WHEREAS**, County engaged Denise Duffy & Associates, Inc., (hereinafter, "Contractor") to prepare the EIR for the Project; and

**WHEREAS**, PROJECT APPLICANTS entered into Funding Agreement No. 3 No. A-13654 with County on July 25, 2017 (hereinafter "Agreement") to provide funding for the EIR for the Project through June 27, 2019 for an amount not to exceed \$161,304.75; and

**WHEREAS**, effective June 27, 2019, the PROJECT APPLICANTS executed an Agreement and Consent to Assignment of Funding Agreement No. 3, dated July 25, 2017, to assign all rights, title and interest in the Agreement solely to Jeffrey LaTourette; and

**WHEREAS**, the EIR for the Project has not been completed; and

**WHEREAS**, additional time is necessary to allow Contractor to continue to provide services associated with the completion of the EIR for the Project; and

**WHEREAS**, the Parties wish to amend the Agreement to extend the term for approximately two (2) additional years to June 30, 2021 with no associated dollar amount increase to allow PROJECT APPLICANT to continue funding County for costs incurred by Contractor to complete services identified in this Agreement and as amended by this Amendment No. 1.

**NOW, THEREFORE**, the Parties agree to amend the Agreement as follows:

1. In all places within the Agreement, and any amendment thereto, any reference to Jeffrey and Monica LaTourette, husband and wife, (PROJECT APPLICANTS) is hereby replaced with Jeffrey LaTourette (PROJECT APPLICANT).

2. Amend the second paragraph of Section a, "CONTRACTOR", of Paragraph 6, "Payments to CONTRACTOR", to read as follows:

Should this AGREEMENT be terminated prior to June 30, 2021, any unearned balance of the Base Budget deposited by PROJECT APPLICANT to fund the PSA's Base Budget amount shall be returned to PROJECT APPLICANT within sixty (60) days of receipt of notice of termination by County.

3. Amend Paragraph 8, "Term", to read as follows:

AGREEMENT shall become effective retroactive from June 27, 2017 and continue through June 30, 2021, unless terminated pursuant to Paragraph 9 or amended pursuant to Paragraph 13 of AGREEMENT.

4. Amend the first sentence of Paragraph 9, "Termination", to read as follows:

AGREEMENT shall terminate on June 30, 2021, but may be terminated earlier by PROJECT APPLICANT or County, by giving thirty (30) days' written notice to the other.

5. Amend "TO COUNTY" information of Paragraph 22, "Notices", to read as follows:

Resource Management Agency (RMA) Director or Designee  
County of Monterey  
Resource Management Agency – Land Use and Community Development  
1441 Schilling Place, South 2<sup>nd</sup> Floor  
Salinas, California 93901-4527

6. All other terms and conditions of the Agreement, including all Exhibits thereto, remain unchanged and in full force.
7. This Amendment No. 1 shall be attached to the Agreement and incorporated therein as if fully set forth in the Agreement.
8. The recitals to this Amendment No. 1 are incorporated into the Agreement and this Amendment No. 1.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 1 to the Agreement which shall be effective as of the last date opposite the respective signatures below.

COUNTY OF MONTEREY

By: [Signature]  
Interim Chief of Planning Services

Date: 8.9.19

Approved as to Form and Legality  
Office of the County Counsel-Risk Management  
Charles J. McKee, County Counsel-Risk Manager

**JEFFREY LATOURETTE\***  
By: [Signature]  
Jeffrey LaTourette

By: [Signature]  
Brian P. Briggs  
Deputy County Counsel

Its: Owner

Date: 8-6-19

Date: 7/15/19

Approved as to Fiscal Provisions

By: [Signature]  
Auditor/Controller

Date: 8/17/19

\*INSTRUCTIONS: IF PROJECT APPLICANT is a corporation, including non-profit corporations, the full legal name of the corporation shall be set forth above together with the signatures of two (2) specified officers per California Corporations Code Section 313. If PROJECT APPLICANT is a Limited Liability Corporation (LLC), the full legal name of the LLC shall be set forth above together with the signatures of two (2) managers. If PROJECT APPLICANT is a partnership, the full legal name of the partnership shall be set forth above together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership. IF PROJECT APPLICANT is contracting in an individual capacity, the individual shall set forth the name of the business, if any, and shall personally sign the Agreement or Amendment to said Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 1 to the Agreement which shall be effective as of the last date opposite the respective signatures below.

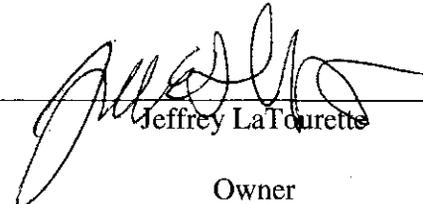
COUNTY OF MONTEREY

By: \_\_\_\_\_  
Interim Chief of Planning Services

Date: \_\_\_\_\_

Approved as to Form and Legality  
Office of the County Counsel-Risk Management  
Charles J. McKee, County Counsel-Risk Manager

JEFFREY LATOURETTE\*

By:  \_\_\_\_\_  
Jeffrey LaTourette

Its: \_\_\_\_\_  
Owner

By: \_\_\_\_\_  
Brian P. Briggs  
Deputy County Counsel

Date: \_\_\_\_\_  
7/15/19

Date: \_\_\_\_\_

Approved as to Fiscal Provisions

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