

**AMENDMENT NO. 1
TO FUNDING AGREEMENT
FOR THE
CHAPIN COMMERCIAL CANNABIS PROJECT
INITIAL STUDY AND PROPOSED MITIGATED NEGATIVE DECLARATION**

THIS AMENDMENT NO. 1 to Funding Agreement No. A-15136 between the County of Monterey, a political subdivision of the State of California (“County”) and Donald D. Chapin, Jr. and Barbara A. Chapin, Co-trustees of the Chapin Living Trust dated April 27, 1999 (“PROJECT APPLICANTS”) (collectively, the “Parties”), and effective as of the last date opposite the respective signatures below:

WHEREAS, an Initial Study/proposed Mitigated Negative Declaration (IS/MND) is required for the Chapin Commercial Cannabis Project (“Project”);

WHEREAS, County engaged Rincon Consultants, Inc. (“CONTRACTOR”), to prepare the EIR for the Project;

WHEREAS, the PROJECT APPLICANTS entered into Funding Agreement No. A-15136 with the County on March 16, 2021 (“AGREEMENT”) to prepare an IS/MND as part of the environmental review for the Project through January 31, 2022 for an amount not to exceed \$23,561;

WHEREAS, PROJECT APPLICANTS will be submitting an operational plan to include additional uses for the Project;

WHEREAS, additional time is needed to allow PROJECT APPLICANTS to submit an operational plan and to allow CONTRACTOR to update the Initial Study to include the operational plan submitted by the Project Applicants;

WHEREAS, the Parties wish to amend the AGREEMENT to extend the term for one (1) additional year to January 31, 2023 with no associated dollar amount increase to the total not to exceed amount of \$23,561 to allow CONTRACTOR to continue to provide services identified in the AGREEMENT as amended by this Amendment No. 1.

NOW, THEREFORE, the Parties agree to amend the AGREEMENT as follows:

1. Amend the second paragraph of Paragraph 6.a., “CONTRACTOR,” to read as follows:

If this AGREEMENT is terminated prior to January 31, 2023, any unused balance of the Base Budget deposited by PROJECT APPLICANTS to fund the PSA’s Base Budget amount shall be returned to PROJECT APPLICANTS within sixty (60) days of receipt of notice of termination by County.

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

This AGREEMENT shall become effective March 16, 2021, and continue through January 31, 2023, unless terminated pursuant to Paragraph 9 or amended pursuant to Paragraph 13 of this AGREEMENT.

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

This AGREEMENT shall terminate on January 31, 2023 but may be terminated earlier by PROJECT APPLICANTS or County, by giving thirty (30) days written notice to the other.

4. This AGREEMENT as amended is based on the County engaging the CONTRACTOR in accordance with the PSA between the County and the CONTRACTOR and Amendment No. 1 to the PSA, attached hereto respectively as Exhibits "1" and "1A."
5. All other terms and conditions of the Agreement, including all Exhibits thereto, remain unchanged and in full force.
6. This Amendment No. 1 shall be attached to the Agreement and incorporated therein as if fully set forth in the Agreement.

IN WITNESS WHEREOF, the Parties have executed this Amendment No. 1 as of the day and year written below.

COUNTY OF MONTEREY

PROJECT APPLICANTS*

By: Erik V. Lundquist
Erik V. Lundquist, AICP, Director
Housing and Community Development

Date: 1/11/2022

Approved as to Form
Office of the County Counsel
Leslie J. Girard, County Counsel

By: Kristi A. Markey
C21D52A9D63 Kristi A. Markey
Deputy County Counsel

Date: 1/11/2022

Approved as to Fiscal Provisions

By: Gary Giboney
D3834BFEC1D8446 Gary Giboney
Chief Deputy Auditor-Controller

Date: 1/11/2022

By: Don Chapin
(Chapin Living Trust dated April 27, 1999)

Its: Donald D. Chapin Jr., Co-trustee
(Print Name and Title)

Date: 1/10/2022

By: N/A
(Chapin Living Trust dated April 27, 1999)

Its: N/A
(Print Name and Title)

Date: _____

*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 CONTRACTOR 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.

EXHIBIT 1A

**AMENDMENT NO. 1 TO
PROFESSIONAL SERVICES AGREEMENT
BETWEEN
RINCON CONSULTANTS, INC.
AND THE COUNTY OF MONTEREY
TO PROVIDE
INITIAL STUDY/ PROPOSED MITIGATED
NEGATIVE DECLARATION (IS/MND)**

**AMENDMENT NO. 1
TO PROFESSIONAL SERVICES AGREEMENT
BETWEEN COUNTY OF MONTEREY AND
RINCON CONSULTANTS, INC.**

THIS AMENDMENT NO. 1 to the Professional Services Agreement between the County of Monterey, a political subdivision of the State of California (“County”) and Rincon Consultants, Inc. (“CONTRACTOR”), is hereby entered into between the County and the CONTRACTOR (collectively, the “Parties”) and effective as of the last date opposite the respective signatures below.

WHEREAS, CONTRACTOR entered into a Professional Services Agreement with the County on March 23, 2021 (“Agreement”) to provide an Initial Study and proposed Mitigated Negative Declaration (“services”) for the Chapin Commercial Cannabis Project (“Project”) through January 31, 2022 for an amount not to exceed \$23,115;

WHEREAS, Project Applicant will be submitting an operational plan to include additional uses for the Project;

WHEREAS, additional time is needed to allow Project Applicant to submit an operational plan and to allow CONTRACTOR to update the Initial Study to include the operational plan submitted by the Project Applicant;

WHEREAS, the Parties wish to amend the Agreement to extend the term for one (1) additional year to January 31, 2023 with no associated dollar amount increase for the total not to exceed amount of \$23,115 to allow CONTRACTOR to continue to provide services identified in the Agreement and as amended by this Amendment No. 1.

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

1. Amend first sentence of Paragraph 3, TERM OF AGREEMENT, to read as follows:

The term of this Agreement is from March 16, 2021 to January 31, 2023.

2. Amend County information in Paragraph 14, NOTICES, to read as follows:

FOR COUNTY: Kathy Nielsen, Management Analyst II
 Housing and Community Development Department
 1441 Schilling Place, South 2nd Floor
 Salinas, CA 93901-4527
 (831) 755-4832
 194-HCD-Contracts@co.monterey.ca.us

Amendment No. 1 to Professional Services Agreement
Rincon Consultants, Inc.
Chapin Commercial Cannabis Project IS-MND
Housing and Community Development (HCD)
Term: March 16, 2021 – January 31, 2023
Not to Exceed: \$23,115

3. Except as amended herein, all other terms and conditions of the Agreement, including all Exhibits thereto, remain in full force and effect.
4. This Amendment No. 1 shall be attached to the Agreement and incorporated therein as if fully set forth in the Agreement.

Amendment No. 1 to Professional Services Agreement
Rincon Consultants, Inc.
Chapin Commercial Cannabis Project IS-MND
Housing and Community Development (HCD)
Term: March 16, 2021 – January 31, 2023
Not to Exceed: \$23,115

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

PROJECT APPLICANT*

By: _____
Erik V. Lundquist, AICP, Director
Housing and Community Development

By: _____
(Signature of Chair, President or Vice President)

Date: _____

Its: _____
(Print Name and Title)

**Approved as to Form
Office of the County Counsel
Leslie J. Girard, County Counsel**

Date: _____

By: _____
Kristi A. Markey
Deputy County Counsel

By: _____
(Signature of Secretary, Asst. Secretary, CFO,
Treasurer or Asst. Treasurer)

Date: _____

Its: _____
(Print Name and Title)

Approved as to Fiscal Provisions

Date: _____

By: _____
Gary Giboney
Chief Deputy Auditor-Controller

Date: _____

**Approved as to Indemnity and Insurance Provisions
Office of the County Counsel**

By: _____
Danielle P. Mancuso
Risk Manager

Date: _____

*INSTRUCTIONS: If CONTRACTOR 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 CONTRACTOR 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 CONTRACTOR 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 CONTRACTOR 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.

Amendment No. 1 to Professional Services Agreement
Rincon Consultants, Inc.
Chapin Commercial Cannabis Project IS-MND
Housing and Community Development (HCD)
Term: March 16, 2021 – January 31, 2023
Not to Exceed: \$23,115