

**FIRST AMENDMENT TO
BOARD OF STATE AND COMMUNITY CORRECTIONS
AB 900 II CONSTRUCTION AGREEMENT
FOR MONTEREY COUNTY**

This first Amendment (“**Amendment**”) to the December 6, 2016 Board of State and Community Corrections Jail Construction Agreement (“**Agreement**”) is entered into as of December 8, 2017 (“**Amendment Effective Date**”), by and between the Board of State and Community Corrections (“**BSCC**”), an agency of the government of the State of California (“**State**”), and Monterey County (“**Participating County**”). BSCC and Participating County shall be referred to collectively herein as “**Parties**,” and individually as a “**Party**.”

RECITALS

WHEREAS, the Parties entered into that certain Board of State and Community Corrections Jail Construction Agreement dated December 6, 2016 (“**Agreement**”).

WHEREAS, the Parties desire to amend the Agreement as set forth herein.

WHEREAS, Article 2 of the Agreement provides that any amendment to the Agreement shall be binding on (i) the State only if signed by the Agency Representative, and (ii) the Participating County only if signed or certified in form reasonably acceptable to BSCC by the Participating County Construction Administrator.

NOW, THEREFORE, by the signatures of their authorized representatives below, the Parties agree as follows:

SECTION 1. AMENDMENTS TO AGREEMENT

Replace Exhibit B, Section 5, Budget Classification Schedules, as follows:

LINE ITEM	STATE FUNDS	CASH MATCH	IN-KIND MATCH	TOTAL
1. Construction (with Contingency)	\$71,800,000	\$0		\$71,800,000
2. Additional Eligible Costs	\$1,459,322	\$0		\$1,459,322
3. Architectural	\$4,193,142	\$1,500,000		\$5,693,142
4. Construction Management	\$2,547,536	\$4,154,464		\$6,702,000
5. CEQA		\$170,766		\$170,766
6. Audit			\$35,000	\$35,000
7. Site Acquisition			\$1,306,000	\$1,306,000
8. Needs Assessment			\$21,770	\$21,770
9. County Administration			\$1,196,000	\$1,196,000
10. Transition Planning			\$500,000	\$500,000
11. Real Estate Due Diligence			\$16,000	\$16,000
TOTAL ELIGIBLE PROJECT COSTS	\$80,000,000	\$5,825,230	\$3,074,770	\$88,900,000
PERCENT OF TOTAL PROJECT COST	89.10%	6.49%	3.42%	100%

SECTION 2. AUTHORITY

Each Party represents to the other Party that this Amendment has been executed in compliance with the requirements of Article 2 of the Agreement.

SECTION 3. GENERAL PROVISIONS

Capitalized terms used but not defined in this Amendment shall have the meanings assigned to them in the Agreement. In the event of a conflict between any provision of the Agreement and a provision of this Amendment, the provision of this Amendment shall control. Except as otherwise amended by this Amendment, all of the terms and conditions of the Agreement shall remain in full force and effect. This Amendment may be executed in counterparts, each of which shall be deemed to be an original, and all of such counterparts shall together constitute one executed original instrument.

[SIGNATURES TO IMMEDIATELY FOLLOW ON NEXT PAGE]

EXECUTION COPY

IN WITNESS WHEREOF, the Parties have executed this Amendment, as of the Amendment Effective Date.

BOARD OF STATE AND COMMUNITY CORRECTIONS

By: Kathleen T. Howard
Signature of Executive Director or Designee

Name and Title: Kathleen T. Howard, Executive Director

Date: 12/05/2017

"PARTICIPATING COUNTY"

County of Monterey:

By: _____
Signature

Name and Title: Mary Adams, Chair of the Board

Date: _____

EXECUTION COPY

IN WITNESS WHEREOF, the Parties have executed this Amendment, as of the Amendment Effective Date.

BOARD OF STATE AND COMMUNITY CORRECTIONS

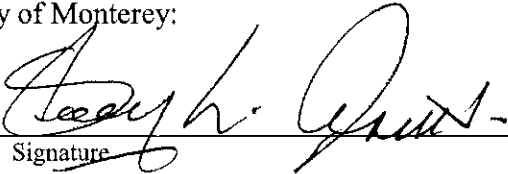
By: _____
Signature of Executive Director or Designee

Name and Title: Kathleen T. Howard, Executive Director

Date: _____

“PARTICIPATING COUNTY”

County of Monterey:

By:  _____
Signature

Name and Title: Mary Adams, Chair of the Board

Date: 12.5.17



Monterey County Board of Supervisors

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Board Order

Agreement No.: A-13098

Upon motion of Supervisor Alejo, seconded by Supervisor Salinas and carried by those members present, the Board of Supervisors hereby:

- a. Authorized the Chair of the Board of Supervisors to execute the First Amendment to the Board of State and Community Corrections Jail Construction Agreement (in substantially the form attached) which corrects a clerical error and allows the Jail Housing Addition Project to proceed under the terms of AB 900 Jail Financing Program Phase II; and
- b. Authorized and directed the County Administrative Officer, Resource Management Director, and Sheriff to take such other further actions as may be necessary or appropriate to meet State requirements as defined under the AB 900 Jail Financing Program.

PASSED AND ADOPTED this 14th day of November 2017, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Salinas, Parker and Adams
NOES: None
ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 80 for the meeting November 14, 2017.

Dated: November 17, 2017
File ID: A 17-440

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy