

**AMENDMENT NO. 3
TO
MEMORANDUM OF UNDERSTANDING
between
Santa Barbara County Association of Governments
and
City of Carpinteria
for the
Rincon Trail Project**

This AMENDMENT NO. 3 to the Memorandum of Understanding (MOU), originally executed on November 27, 2017, between the Santa Barbara County Association of Governments (SBCAG) and the City of Carpinteria (CITY) is entered into with the authorization of the Board of Directors of SBCAG and the City Council of CITY, herein referred to collectively as PARTIES.

RECITALS

WHEREAS, PARTIES identified an improvement project that proposes to close a gap in the California Coastal Trail between CITY's eastern city limits to Santa Barbara County Rincon Park, called Rincon Trail Project and herein referred to as PROJECT.

WHEREAS, PROJECT includes the following primary features: Non-motorized multi-use trail between Carpinteria Avenue and Santa Barbara County Rincon Park, pre-fabricated steel bridge over the railroad, and ingress and egress treatments at trailheads.

WHEREAS, CITY has retained the professional services of firms to perform consulting environmental, design and preliminary engineering, utility relocation, and right of way services for PROJECT, herein referred to as CONSULTANT TEAM.

WHEREAS, CITY has administered consulting agreements for the CONSULTANT TEAM with funding sources secured by SBCAG and CITY for PROJECT.

WHEREAS, as lead agency in accordance with the California Environmental Quality Act (CEQA), CITY prepared an Environmental Impact Report (EIR) for PROJECT.

WHEREAS, on January 18, 2022, CITY's Planning Commission accepted and certified the EIR in accordance with CEQA.

WHEREAS, CITY has required the California Department of Transportation (Caltrans) to deliver PROJECT as a condition of approval of CITY's Conditional Use Permit/Coastal Development Permit No. 09-1522-CUP/CDP, dated November 23, 2017, issued to Caltrans as a part of the Linden Avenue/Casitas Pass Road Interchanges and Via Real Extension Project.

WHEREAS, the CITY's EIR included a comparative analysis of four different alternatives with the CITY identifying an environmental preferred alternative (Alternative 3).

WHEREAS, on January 19, 2019, SBCAG approved, and in February 2019, the City Council of CITY approved, Amendment No. 1 to the MOU for additional funding of \$250,000 from SBCAG's share of Regional Surface Transportation Program (RSTP) funds to PROJECT.

WHEREAS, in March 2020, the California Transportation Commission approved \$802,000 in Active Transportation Program (ATP) funds for the phases that include detailed design, utility relocation, permitting, and right of way necessary to complete the revised trail alignment for PROJECT.

WHEREAS, on May 21, 2020, SBCAG approve AMENDMENT NO. 2 to the MOU for additional funding of \$422,000 from RSTP and another \$802,000 from the Active Transportation Program (ATP) for pre-construction services for PROJECT.

WHEREAS, additional funding is needed for CITY's CONSULTANT TEAM to complete environmental, preliminary engineering, utility relocation, and right of way services necessary to complete pre-construction activities for PROJECT.

WHEREAS, on January 20, 2022, the SBCAG Board approved to contribute up to \$550,000 in additional Highway 101 reserve funding from RSTP to allow the CITY and its CONSULTANT TEAM complete pre-construction work for the PROJECT.

WHEREAS, SBCAG and CITY wish to execute AMENDMENT NO. 3 to increase the budget for additional project development costs related to PROJECT.

AGREEMENT

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, PARTIES do mutually agree that AMENDMENT NO. 3, shall amend the MOU and AMENDMENT NO. 1, and AMENDMENT NO. 2 as follows:

1. Article 8 is deleted and replaced in its entirety as follows:

Term of the Memorandum of Understanding. The term of this MOU shall become effective upon signature of PARTIES and shall continue through December 31, 2023.

2. Attachment C "Estimated Cost and Funding Table" is deleted and replaced in its entirety, as attached hereto and incorporated herein by reference, as shown in Exhibit 1 to this AMENDMENT NO. 3.

Counterparts. This AMENDMENT NO. 3 may be executed in several counterparts, all of which taken together shall constitute a single agreement between the PARTIES.

Ratifications. The terms and provisions set forth in this AMENDMENT NO. 3 shall modify and supersede all inconsistent terms and provisions set forth in the MOU, AMENDMENT NO. 1, AND AMENDMENT NO. 2. The terms and provisions of the MOU, AMENDMENT NO. 1 and AMENDMENT NO. 2, except as expressly modified and superseded by this AMENDMENT NO. 3, are ratified and confirmed and shall continue in full force and effect, and shall continue to be legal, valid, binding and enforceable obligations of the Parties.

(Signatures on following page.)

This AMENDMENT NO. 3 to the Memorandum of Understanding is entered into by Santa Barbara County Association of Governments and shall be effective when fully executed by the PARTIES.

CITY OF CARPINTERIA

A Municipal Corporation

**SANTA BARBARA COUNTY
ASSOCIATION OF GOVERNMENTS**

A Joint Powers Authority

Wade Nomura
Mayor

Das Williams
Chair, SBCAG Board of Directors

Date:

Date:

ATTEST:

ATTEST:

Acting City Clerk

Marjie Kirn
Executive Director

APPROVED AS TO FORM:

APPROVED AS TO FORM:
Rachel Van Mullem
County Counsel

Jena Shoaf Acos, on behalf of
Brownstein, Hyatt, Farber, Schreck,
LLP Acting as City Attorney of the City
of Carpinteria

Deputy County Counsel

EXHIBIT 1

ATTACHMENT C

COST AND FUNDING TABLE
(Dollars in Thousands)

| Funding Type | MOU and Amendments | | Pre-Construction Funding Totals by Phase and Agency | | | | | | | | |
|----------------------------|--------------------|---------------|---|--------------|--------------|----------------|--------------|--------------|--------------|----------------|----------------|
| | | | PA&ED | | PS&E | | Right of Way | | Total | | |
| | Description | Approval Date | CITY | SBCAG | CITY | SBCAG | CITY | SBCAG | CITY | SBCAG | Total |
| CC Grant ¹ | | | \$128 | \$0 | \$72 | | | | | \$200 | \$200 |
| Other Local | | | \$62 | \$0 | | | | | \$62 | | \$62 |
| MA Ped & Bike ² | | | \$113 | \$0 | \$215 | | \$60 | | \$388 | \$0 | \$388 |
| RSTP #1 ³ | Amendment #1 | 1/17/2019 | \$0 | \$85 | | \$104 | | \$61 | | \$250 | \$250 |
| RSTP #2 ³ | Amendment #2 | 5/21/2020 | | \$40 | | \$249 | | \$133 | | \$422 | \$422 |
| RSTP #3 ³ | Amendment #3 | 2/17/2022 | | | | \$300 | | \$250 | | \$550 | \$550 |
| ATP ⁴ | Amendment #2 | 5/21/2020 | \$0 | \$0 | | \$386 | | \$416 | | \$802 | \$802 |
| Total⁵ | | | \$303 | \$125 | \$287 | \$1,039 | \$60 | \$860 | \$650 | \$2,024 | \$2,674 |

Notes:

1. CITY received grants from the Coastal Conservancy to cover environmental and preliminary design
2. CITY received grants from the Measure A Pedestrian and Bike Program to cover environmental, design and right of way activities
3. SBCAG has contributed RSTP funds through three separate amendment actions to the MOU with CITY to cover environmental, design and right of way activities
4. SBCAG has contributed ATP funding from Cycle 3 for pre-construction work related to design and right of way activities
5. The funding totals in this MOU only cover pre-construction funding. SBCAG has been awarded ATP funding for the construction phase from ATP in the amount of \$6.032 million that would need to be allocated and would be the subject of a future MOU between SBCAG and the CITY.

EXHIBIT 2
ATTACHMENT D
MILESTONE SCHEDULE

| MAJOR TASK | RESPONSIBLE PARTY | TARGET DATES |
|--|-------------------|------------------------------|
| Design and Right of Way Funds Authorized | SBCAG | Complete – March 2020 |
| CITY ARB Approval | CITY | November 2021 |
| EIR Certification | CITY | January 2022 |
| Coastal Development Permit (CITY) | CITY | January 2022 |
| Complete NEPA for RW Transfer | CITY | February 2022 |
| COUNTY SBAR Approval | CITY (w/COUNTY) | April 2022 |
| RW Transfer Cooperative Agreement | CITY (w/CALTRANS) | April 2022 |
| Coastal Development Permit (COUNTY) | CITY (w/COUNTY) | May 2022 |
| 95% Design Complete | CITY | May 2022 |
| Maintenance Agreement | CITY (w/COUNTY) | May 2022 |
| Construction & Maintenance Agreement | CITY (w/UPRR) | June 2022 |
| Right of Way Certified | CITY | June 2022 |
| 100% Design Complete | CITY | July 2022 |
| Submit Request for CTC Allocation of ATP Funds | SBCAG | August 2022 |
| Construction Phase Funds Allocated | SBCAG (w/CTC) | December 2022 |
| Advertise for Construction Bids | CITY | February 2023 |
| Award Construction Contract | CITY | April 2023 |
| Begin Construction | CITY | June 2023 |
| Complete Construction (est.) | CITY | June 2024 |