



FIRST AMENDMENT TO THE

AGREEMENT BETWEEN THE COUNTY OF SAN MATEO
(HUMAN SERVICES AGENCY OFFICE OF HOUSING),

AND

THE CITY OF DALY CITY

FOR THE DALY CITY HOME PROGRAM
(WITH BALANCE OF \$287,795)

Contact Person: Marina Yu
Telephone number: (650) 802-5039

**FIRST AMENDMENT TO THE
AGREEMENT WITH THE CITY OF DALY CITY ("CONTRACTOR")
FOR THE DALY CITY HOME PROGRAM
(WITH A BALANCE OF \$287,795)**

THIS FIRST AMENDMENT TO THE FOLLOWING AGREEMENT BETWEEN COUNTY AND CONTRACTOR AS NAMED ABOVE: Agreement for the Daly City HOME Program, made and entered on October 22, 2002, approved by Resolution No. 65632 ("Funding Agreement"):

WITNESSETH

WHEREAS, the San Mateo County HOME Consortium was established in the early 90s for qualified jurisdictions in the County to access HOME funds efficiently; and

WHEREAS, the Contractor has participated in the San Mateo County HOME Consortium since its inception, but had decided to leave the Consortium as of the end of FY 2002-2003; and

WHEREAS, the HOME Consortium Cooperation Agreement with Contractor, dated June 1, 1999, by Resolution No. 62844 ("Cooperation Agreement), enumerated terms and conditions of HOME funding to the Contractor through the FY 2002-2003 HOME funding cycle; and

WHEREAS, the Funding Agreement which allocated Contractor \$500,000, incorporates the Cooperation Agreement by reference; and

WHEREAS, the Cooperation Agreement specifically provided that the contract term "shall remain in effect until the HOME funds from each of the Federal fiscal years are closed out pursuant to Federal regulation 24 CFR 92.505"; and

WHEREAS, as of June 30, 2003, the Contractor has a remaining balance of HOME funds under the Funding Agreement of some \$287,795; and

WHEREAS, the Funding Agreement provides an ostensible termination date of June 30, 2003, but which would need to be extended to coincide with the close-out of the HOME funds; and

WHEREAS, the HOME close-out date provision renders an imprecise contract end term for the Funding Agreement;

WHEREAS, the purpose of this Amendment is to clarify the end date by providing and consolidate the contract end terms of the Agreements;

NOW THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO THAT THE AGREEMENTS IS AMENDED AS FOLLOWS:

1. The end date for the Funding Agreement is June 30, 2008.
2. Exhibit A, Section A shall have the following section appended:

Eligible activities shall include eligible costs associated with the construction of housing on the surplus BART lot at DeLong Street (3 units) and the Parkview site (1 unit), both projects which are intended to be developed by Peninsula Habitat for Humanity. In accordance with County HOME Consortium requirements, both these projects have been set up by the County in the HUD Integrated Disbursement and Information System (IDIS).

and

3. Except as herein specified, all other terms and conditions of the Agreements shall remain in full force and effect. Where the language of the Agreements conflict with that of this Amendment, the latter shall prevail.

IN WITNESS WHEREOF, the parties hereto, by their duty authorized representatives, have affixed their hands.

COUNTY OF SAN MATEO

By: _____

Rose Jacobs Gibson, President
Board of Supervisors

Date: _____

Attest:


Clerk of Said Board

Date: _____

CITY OF DALY CITY

By: John Martin, City Manager

Print Name & Title



Signature

Date: 11/12/03



FIRST AMENDMENT

EXTENDING THE TERM TO

AGREEMENT BETWEEN THE COUNTY OF SAN MATEO
(HUMAN SERVICES AGENCY OFFICE OF HOUSING),

AND

CITY OF DALY CITY

TO PROVIDE HOME FUNDS FOR
CITY-ADMINISTERED HOME PROGRAM
(WITH BALANCE OF \$258,792)

Contact Person: Marina Yu
Telephone number: (650) 802-5039

**FIRST AMENDMENT EXTENDING THE TERM OF
THE AGREEMENT WITH THE CITY OF DALY CITY ("CONTRACTOR")
TO PROVIDE THE DALY CITY HOME PROGRAM (WITH A BALANCE OF \$258,792)**

THIS FIRST AMENDMENT TO THE FOLLOWING AGREEMENT BETWEEN COUNTY AND CONTRACTOR AS NAMED ABOVE: Agreement to Provide HOME Funds for City-Administered HOME Program, made and entered on April 27, 2000, approved by Board of Supervisors' Resolution No. 63518 ("Funding Agreement"):

WITNESSETH

WHEREAS, the San Mateo HOME Consortium was established in the early 90s for qualified jurisdictions in the County to access HOME funds efficiently; and

WHEREAS, the Contractor has participated in the San Mateo County HOME Consortium since its inception, but had decided to leave the Consortium as of the end of June 30, 2003; and

WHEREAS, the HOME Consortium Cooperation Agreement with Contractor, dated June 1, 1999, by Resolution No. 62844 ("Cooperation Agreement"), enumerated the terms and conditions of HOME funding to the Contractor through the FY 2002-2003 HOME funding cycle; and

WHEREAS, the Funding Agreement which allocated Contractor a total of \$494,460, incorporates the Cooperation Agreement by reference; and

WHEREAS, the Cooperation Agreement specifically provided that the contract term "shall remain in effect until the HOME funds from each of the Federal fiscal years are closed out pursuant to Federal regulation 24 CFR 92.505"; and

WHEREAS, as of June 30, 2003, the Contractor has a remaining HOME balance of some \$258,792 under the Funding Agreement; and

WHEREAS, the Funding Agreement provides an ostensible termination date of December 31, 2005, but which would need to be extended to coincide with the close-out of the HOME funds; and

WHEREAS, the HOME close-out date provision renders an imprecise contract end date for the Funding Agreement; and

WHEREAS, the purpose of this Amendment is to provide a date for the Contractor to close out the HOME funds, and hence a definitive date for the end term of the Funding Agreement;

NOW THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO THAT THE FUNDING AGREEMENT IS AMENDED AS FOLLOWS:

1. The end date for the Funding Agreement is June 30, 2008; and
 2. Exhibit A, Section C, Paragraph 8 shall have the following appended:
 - c. As of June 30, 2003, City has identified a specific project on which to expend the balances. This project is a seven-unit development to be developed by Peninsula Habitat for Humanity on Third Avenue, Daly City. In accordance with the HOME Consortium requirements, the County has set up the project in the HUD Integrated Disbursement and Information System (IDIS).
- and
3. Except as herein specified, all other terms and conditions of the Funding Agreement shall remain in full force and effect. Where the language of the Funding Agreement conflicts with that of this Amendment, the latter shall prevail.

IN WITNESS WHEREOF, the parties hereto, by their duty authorized representatives, have affixed their hands.

COUNTY OF SAN MATEO

By: _____

Rose Jacobs Gibson, President
Board of Supervisors

Date: _____

Attest:

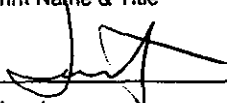
Clerk of Said Board

Date: _____

CITY OF DALY CITY

By: John Martin, City Manager

Print Name & Title



Signature

Date: 11/12/03