

AMENDMENT NO. 1 TO THE
MEMORANDUM OF UNDERSTANDING
BETWEEN JOHN MUIR LAND TRUST AND CONTRA COSTA COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT
FOR THE PACHECO MARSH / LOWER WALNUT CREEK
RESTORATION AND PUBLIC ACCESS PROJECT

This Amendment No. 1 (“Amendment”) to the Memorandum of Understanding dated December 9, 2020, (the “MOU”) is entered into on _____, 2024 (“Effective Date”), by and between the Contra Costa County Flood Control and Water Conservation District, a flood control district (“District”), and the John Muir Land Trust, a California nonprofit public benefit corporation (“JMLT”). The District and JMLT are sometimes referred to herein together as the “Parties,” and each as a “Party.” Capitalized terms used but not defined in this Amendment shall have the same meanings as the terms have in the MOU.

RECITALS

- A. The District and JMLT entered into the MOU to establish the Parties’ responsibilities with respect to the design, construction, maintenance, and operation of the Restoration Work and Public Access Recreation Work. JMLT’s Public Access and Recreation Work was to be funded, in part, by the SFBRA Grant – a \$1,000,000 grant by the SFBRA from Measure AA funds.
- B. At its July 9 2024 meeting, the SFBRA board approved an amendment adding an additional \$3,000,000 for JMLT’s portion of the project, allowing the disbursement of up to \$4,000,000 for the JMLT’s Public Access and Recreation Work. The Parties desire to amend the MOU to reflect this increase in SFBRA funding.

AMENDMENT

NOW, THEREFORE, for good and valuable consideration the receipt and adequacy of which are hereby acknowledged, the Parties agree to amend the MOU, as follows:

- 1. SFBRA Grant Funding Increase. Section B.3.b (7) of the MOU is deleted and replaced with new Section B.3.b.(7), to read:

“(7) Invoice DISTRICT for up to \$4,000,000 in eligible Public Access and Recreation Work performed by JMLT, its subcontractors and/or consultants for reimbursement by SFBRA.
- 2. New District Contact. Section F.1. of the MOU is deleted and replaced with the following new addressee for notices given to the District:

“1. DISTRICT Contra Costa County Flood Control and Water Conservation District
Attn: Sara Duckler
255 Glacier Drive
Martinez, CA 94553”

3. Future Notices. The following is added at the end of Section F (Notices) to require all notices to be in writing, to specify the manner of giving notices, and to allow the Parties to change their addresses for notices in the future without requiring an amendment to the MOU:

“A notice given under this MOU shall be in writing and delivered to the Party at its address stated above, as follows: hand-delivered in person; sent by First Class U.S. Mail with postage prepaid; or delivered by overnight carrier with delivery charges prepaid and timely deposited to ensure next business day delivery. A notice will be deemed given: on the same day it is hand-delivered in person; on the fifth day after the postmark date if sent by First Class U.S. Mail; and on the next business day after the date it is timely deposited for overnight delivery by an overnight carrier. Either Party may change its address for receipt of notices by giving written notice to the other Party in any manner permitted by the section at least five days before the new address becomes effective.”

4. Counterparts. The Parties recognize and agree that separate counterpart signature pages may be used to execute this Amendment, but that all such pages constitute one and the same Amendment.

[Remainder of page intentionally left blank. Signatures on next page(s).]

The parties hereto have executed this Amendment to the MOU as of the Effective Date first set forth above.

JOHN MUIR LAND TRUST

CONTRA COSTA COUNTY FLOOD
CONTROL AND WATER
CONSERVATION DISTRICT

By: _____
Linus Eukel, Executive Director

By: _____
Warren Lai, Chief Engineer

APPROVED AS TO FORM:

By: _____
Name: Stephen M. Siptroth
Title: Assistant County Counsel

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