

**SUBMITTAL TO THE FLOOD CONTROL AND
WATER CONSERVATION DISTRICT BOARD
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

861 B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:

SUBJECT: Little San Gorgonio Creek Spreading Grounds
Joint Use Agreement
Project Nos. 5-0-00010 and 5-0-00040
Amendment No. 1

September 1, 2009

RECOMMENDED MOTION:

1. Ratify Amendment No. 1 to the Joint Use Agreement between the Flood Control District (FLOOD CONTROL), the San Gorgonio Pass Water Agency (AGENCY) and the Beaumont-Cherry Valley Water District (DISTRICT), and authorize the Chairman to execute the Agreement documents on behalf of the Flood Control District.
2. Authorize the General Manager-Chief Engineer to terminate the Agreement at his sole discretion.

BACKGROUND:

Continued on Page 2

WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA	Current F.Y. District Cost:	N/A	In Current Year Budget:	N/A
	Current F.Y. County Cost:	N/A	Budget Adjustment:	N/A
	Annual Net District Cost:	N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: Michael R. Shetler
Michael R. Shetler

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY: NEAL R. KIPNIS DATE

Policy

Consent

Dep't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: | District: 5th | Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

11.1

**FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD SUBMITTAL
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

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Page 2

BACKGROUND (continued):

The Amendment extends the term of the Joint Use Agreement between the aforementioned parties until January 5, 2014 and provides a method for the parties to individually terminate the Agreement. The original Agreement, executed on January 5, 1999, set forth the terms and conditions by which the Little San Gorgonio Creek Spreading Grounds will be jointly utilized for emergency debris storage, percolation and recharge purposes. Unintentionally the Amendment was not processed prior to the expiration of the original Agreement on January 5, 2009. Amending the original Agreement provides mutual joint use that benefits all parties and is in the best interest of the Flood Control District.

County Counsel has approved the Amendment as to legal form and both the water agencies have executed the Amendment.

FINANCIAL INFORMATION:

The design and construction have been completed under the original Agreement and the District should be relieved from some of the future maintenance costs of the spreading grounds.

KEC:bjj

AMENDMENT NO. 1
JOINT USE OF PERCOLATION PONDS
(LITTLE SAN GORGONIO CREEK – SPREADING GROUNDS)
(Project Nos. 5-0-00010 and 5-0-00040)

The BEAUMONT-CHERRY VALLEY WATER DISTRICT, hereinafter called "DISTRICT", SAN GORGONIO PASS WATER AGENCY, hereinafter called "AGENCY", and RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, hereinafter called "FLOOD CONTROL", collectively hereinafter called "PARTIES", hereby agree as follows:

RECITALS

A. DISTRICT, AGENCY and FLOOD CONTROL previously entered into that certain Agreement, hereinafter called "AGREEMENT", on or about January 5, for joint use of percolation ponds; and

B. AGREEMENT sets forth the PARTIES' mutual understanding rights and responsibilities with respect to the construction, operation, maintenance, for the certain percolation ponds, by AGENCY, located in certain real property owned by DISTRICT and

C. PARTIES wish to amend and extend the term of AGREEMENT as more particularly set forth herein.

NOW, THEREFORE, the Parties hereto mutually agree to amend AGREEMENT as follows, effective January 5, 2009:

1. Paragraph 8 of AGREEMENT is changed to read:

8. **TERM:** The term of AGREEMENT shall be extended beginning January 5, 2009 and for the remaining ensuing calendar month and for each separate ensuing calendar month thereafter through January 5, 2014. Any

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party hereto may terminate AGREEMENT at the end of any calendar month upon receipt of thirty (30) days advanced written notice of termination to the other PARTIES. Such notice of termination may be authorized at the sole discretion of the General Manager-Chief Engineer for FLOOD CONTROL.

DISTRICT and AGENCY, in order to terminate AGREEMENT, the respective Boards of Directors shall take the matter in open meeting in the month preceding such notice before authorizing termination. Notice may be delivered to the other PARTIES (i) in person, (ii) by certified mail (returned receipt requested), or (iii) by express carrier (signature confirmation).

2. Except as amended and extended in Section 1, the terms and conditions of AGREEMENT shall remain in full force and effect. Notwithstanding the immediately preceding sentence, AGREEMENT shall be interpreted in a manner consistent with the intent of AGREEMENT and all the remaining terms, covenants and conditions of said AGREEMENT dated January 5, 1999 shall remain in full force and effect between PARTIES hereto.

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement on

(to be filled in by Clerk of the Board)

FLOOD CONTROL

**RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT**

RECOMMENDED FOR APPROVAL:

By 
WARREN D. WILLIAMS
General Manager-Chief Engineer

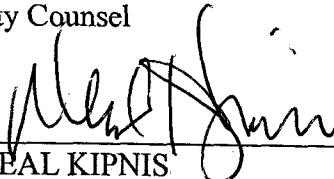
By _____
MARION ASHLEY, Chairman
Riverside County Flood Control and Water
Conservation District Board of Supervisors

APPROVED AS TO FORM:

ATTEST:

PAMELA J. WALLS
County Counsel

KECIA HARPER-IHEM
Clerk of the Board

By 
NEAL KIPNIS
Deputy County Counsel

By _____
Deputy

(SEAL)

Amendment No. 1: Joint Use Percolation Ponds
4/29/09
IMG:blj

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DISTRICT

**BEAUMONT - CHERRY VALLEY
WATER DISTRICT**

By Blair M Ball
Responsible Officer

Dr. Blair Ball
Printed Name

President
Title

AGENCY

SAN GORGONIO PASS WATER AGENCY

By John Jeter
Responsible Officer

JOHN JETER
Printed Name

PRESIDENT
Title

Amendment No. 1: Joint Use Percolation Ponds
4/29/09
IMG:blj