

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

280A



FROM: TLMA - Transportation Department

SUBMITTAL DATE:
September 15, 2010

SUBJECT: Amendment No. 3 to the County of Riverside, City of Palm Springs, City of Desert Hot Springs, CVAG Reimbursement Agreement for the Palm Drive/Gene Autry Trail Interstate 10 Interchange Project

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve this amendment to the County of Riverside, City of Palm Springs, City of Desert Hot Springs, CVAG Reimbursement Agreement for the Palm Drive/Gene Autry Trail Interstate 10 Interchange Project, and;
2. Authorize the Chairman of the Board to execute the same.

BACKGROUND: This Amendment No. 3 modifies the contribution of local funds towards the

Juan C. Perez
Director of Transportation

(Continued On Attached Page)

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 465,395	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2010/11
SOURCE OF FUNDS: DIF Funds				Positions To Be Deleted Per A-30 <input type="checkbox"/>
				Requires 4/5 Vote <input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY:
Tina Grande

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY: Karin L. Watts-Bazan DATE: 9/20/10
KARIN L. WATTS-BAZAN

Departmental Concurrence

Dept't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref. 06/16/09 (3.48), 11/09/04 (3.18), 06/15/99 (3.3) **District:** 5 **Agenda Number:**

The Honorable Board of Supervisors

RE: Amendment No. 3 to the County of Riverside, City of Palm Springs, City of Desert Hot Springs, CVAG Reimbursement Agreement for the Palm Drive/Gene Autry Trail Interstate 10 Interchange Project

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interchange improvements at Palm Drive/I-10 that are now under construction.

On January 26, 2010 (Item 3.48), the County awarded a construction contract for the interchange construction and authorized the use of \$1,300,000 in Development Impact Fees (DIF) from the Coachella Western areas (Fund 30508) towards this project.

The City of Desert Hot Springs, one of the project partners, has been able to receive an allocation of Federal dollars towards this project which reduces the local share contribution of the City and the County. This amendment establishes a County local share of \$465,395 towards this project from DIF funds. A separate item on this Board agenda transfers \$800,000 of the remaining DIF funds to offset a CVAG reimbursement to the County, leaving the County's overall DIF contribution towards this project at \$1,265,395.

This agreement has been approved by the CVAG Executive Committee.

AMENDMENT NUMBER THREE

to the

**COUNTY OF RIVERSIDE – CITY OF PALM SPRINGS – CITY OF DESERT HOT SPRINGS –
CVAG REIMBURSEMENT AGREEMENT**

for the

PALM DRIVE/ GENE AUTRY TRAIL INTERSTATE 10 INTERCHANGE PROJECT

THIS AMENDMENT NUMBER THREE is made and entered into this ____ day of _____, 2010, by and between the **County of Riverside** (“**Lead Agency**”), the **City of Palm Springs** (“**Palm Springs**”), the **City of Desert Hot Springs** (“**City**”), and the **Coachella Valley Association of Governments**, a California joint powers agency, (“**CVAG**”), and is made in reference to the following:

Whereas, Lead Agency, City, CVAG and the City of Palm Springs entered into a reimbursement agreement to advance funds for the Project on June 5, 2000 and entered into subsequent amendments to this reimbursement agreement on November 9, 2004 and June 8, 2009 (collectively, and as further amended herein, the “**Project Reimbursement Agreement**”); and

Whereas, the Project Reimbursement Agreement specifies how CVAG shall advance Project costs, subject to the obligations of the City, Palms Springs and Lead Agency to reimburse their assigned percentages thereof to CVAG as specified in the Jurisdictional Reimbursement Schedule; and

Whereas, the total cost for the Project is now estimated at \$25,931,000; and

Whereas, City has obtained funds (“**Demonstration Funds**”) for the Project, in the amount of \$1,979,780 through the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

NOW, THEREFORE, in consideration of the mutual covenants and subject to the conditions contained herein, the parties do agree as follows:

1. The total amount obligated and authorized for expenditure for the Project shall be \$25,931,000.
2. The Jurisdictional Reimbursement Schedule attached to Exhibit “C” of the Project Reimbursement Agreement has been completed and is hereby incorporated by this reference and is attached hereto.
3. Upon application of the entirety of the Demonstration Funds to the Project, City’s entire share of Project costs as set out in the Jurisdictional Reimbursement Schedule shall be deemed satisfied.

4. The sum of \$465,395 shall be applied to Lead Agency's percentage share of Project costs as set out in the Jurisdictional Reimbursement Schedule. As the total Project costs are now estimated, applying \$465,395 to Lead Agency's percentage share of the Project is expected to fully satisfy its percentage share.

The parties hereto have caused this Amendment Number Three to be executed by their duly authorized representatives on the above-referenced date.

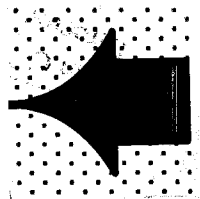
ATTEST:

AGENCY:

COUNTY OF RIVERSIDE

By: _____
Clerk of the Board

By: _____
Chairman, Board of Supervisors



CITY OF PALM SPRINGS

By: _____
City Manager

By: _____
Mayor

CITY OF DESERT HOT SPRINGS

By: _____
City Manager

By: _____
Mayor

CVAG

By: _____
Executive Director

By: _____
CVAG Chair

FORM APPROVED COUNTY COUNSEL

BY: Karin Watts-Bazan DATE 9/20/10
KARIN L. WATTS-BAZAN

JURISDICTIONAL REIMBURSEMENT SCHEDULE

**"PALM DRIVE/GENE AUTRY TRAIL INTERSTATE 10 INTERCHANGE
DESIGN ENGINEERING AND ENVIRONMENTAL"**

The Jurisdictions' Fixed Costs of the 25% Local Share of Project Costs for the Palm Drive/ Gene Autry Trail Interstate 10 Interchange Project as established by Amendment Number Three to the Reimbursement Agreement dated June 5, 2000, are set as follows;

City of Desert Hot Springs	\$ 0.00
County of Riverside	\$ 465,395.00

The Proportionate Share of the 25% Local Share of Qualified Project Costs, as well as 100% of Unqualified Project Costs, for the Palm Drive/ Gene Autry Trail Interstate 10 Interchange Project for the jurisdictions of Palm Springs and Cathedral City shall remain as determined by action of the CVAG Executive Committee at their meeting of September 29, 2003, as follows;

City of Palm Springs	37.59%
City of Cathedral City	10.88%