

848

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



FROM: Executive Office

SUBMITTAL DATE:
June 7, 2011

SUBJECT: Amendment to Extend the Term of the Agreement for the Operation and Maintenance of the Lake Elsinore Phase II Aeration System

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the attached amendment to extended the expiration of the agreement to June 30, 2012; and
2. Authorize the Chairman of the Board of Supervisors to sign the amendment.

(Continued on Page 2)

Michael R. Shetler

Michael R. Shetler, Senior Management Analyst

FINANCIAL DATA

Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
Annual Net County Cost:	\$ 0	For Fiscal Year:	2011/2012

SOURCE OF FUNDS:

Positions To Be Deleted Per A-30

Requires 4/5 Vote

C.E.O. RECOMMENDATION: APPROVE

BY: *Christopher M. Hans*

County Executive Office Signature Christopher M. Hans

Policy

Consent

Dept's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 3.2 of 8/1/2006

District: 1,2,3 & 5

Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3.7

FORM APPROVED COUNTY COUNSEL
BY DAVID H.K. HUFF DATE 5/24/11
Departmental Concurrence

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

Amendment to Extend the Term of the Agreement for the Operation and Maintenance of the Lake Elsinore Phase II Aeration System

June 7, 2011

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BACKGROUND: The Lake Elsinore San Jacinto Watershed Project Authority (LESJWA) was formed to facilitate the development of joint projects that improve the water quality at Lake Elsinore and the San Jacinto Watershed. An agreement between the City of Lake Elsinore, Elsinore Valley Municipal Water District and the County to construct, operate and maintain the Lake Elsinore Diffused Air Line-Aeration System was approved August 1, 2006, (Ref. Agenda Item 3.2-attached).

This amendment request is to extend the term of the agreement by twelve months to June 30, 2012. All other terms and conditions of the agreement shall remain unchanged.

Amendment to Extend the Term of the Agreement for the Operation and Maintenance of the Lake Elsinore Phase II Aeration System

This amendment is made and effective this first day of May, 2011 by and among the COUNTY OF RIVERSIDE ("COUNTY"), the CITY OF LAKE ELSINORE ("CITY") and the ELSINORE VALLEY MUNICIPAL WATER DISTRICT ("DISTRICT"). The COUNTY, CITY and DISTRICT are sometime collectively referred to as the "PARTIES."

RECITALS

- A. The COUNTY, CITY and DISTRICT are PARTIES to an existing Agreement for the Operation and Maintenance of the Lake Elsinore Phase II Aeration System ("AGREEMENT") signed and made effective on August 1, 2006 (copy attached as Appendix A).
- B. The initial term (Section 6) of the existing AGREEMENT was for five years and is scheduled to terminate on June 30, 2011 unless otherwise extended by the PARTIES.
- C. By letter dated December 23, 2010 the PARTIES committed to submit a new Operations and Maintenance (O&M) Agreement for the Phase II Aeration System to the Santa Ana Regional Water Quality Control Board by April 30, 2011 (copy attached as Appendix B).
- D. The PARTIES concur that it is desirable to ensure the stable operation of the Phase II aeration system for the remainder of 2011 while a long-term O&M Agreement is being developed and additional project sponsorship is sought.

NOW, THEREFORE, in consideration of the facts recited above, and the covenant, conditions and promises contained in the existing AGREEMENT, the PARTIES mutually agree as follows:

AMENDMENT

- 1. Section 6 of the AGREEMENT shall be revised so that the initial term expires on June 30, 2012 rather than June 30, 2011.
- 2. All other terms and conditions in the existing AGREEMENT shall remain unchanged by this amendment to extend the initial term for a period of 12 months.

3. Consistent with Section 10-J of the AGREEMENT, this Amendment may be executed simultaneously or in any number of counterparts, each of which shall be deemed an original and together shall constitute one and the same instrument.
4. This Amendment shall become effective when it has been executed by all of the PARTIES.

IN WITNESS WHEREOF, the PARTIES have caused this Amendment to be effective as of the day and year first above written.

For the CITY OF LAKE ELSINORE

By _____

Dated: _____

Title: _____

For ELSINORE VALLEY MUNICIPAL WATER DISTRICT

By _____

Dated: _____

Title: _____

For the COUNTY OF RIVERSIDE

By _____

Dated: _____

Title: _____

FORM APPROVED COUNTY COUNSEL
 BY: David H.K. Huff 5/24/11
 DAVID H.K. HUFF DATE