

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

655



FORM APPROVED COUNTY COUNSEL
BY: *Sybil M. Gunzel*
DATE: 8-3-11
SYBIL M. GUNZEL
Departmental Counsel

FROM: Fire

SUBMITTAL DATE:
August 1, 2011

SUBJECT: Amendment No. 1 to the Professional Service Agreement with the Mountain Communities Fire Safe Council

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Amendment No. 1 to the Professional Services Agreement between the County of Riverside, Fire Department and the Mountain Communities Fire Safe Council to facilitate the cooperative hazardous fuel reduction program in the mountain communities; and
2. Authorize the Purchasing Agent, in accordance with Ordinance No. 459.4, to exercise the renewal option, and to sign future amendments that do not change the substantive terms of the Professional Services Agreement.

BACKGROUND: Following the 2003 wildfires, the Fire Department began receiving Federal and State grant funds for reducing the fire hazard on non-federal lands in the San Jacinto Mountains. One of the fuel reduction programs instituted was the Cooperative Hazardous Fuels Reduction Program, which was a cooperative effort between the Fire Department and the Mountain Communities Fire Safe Council (MCFSC).
(continued Page 2)

Diane Sinclair

Diane Sinclair, Deputy Director for
John R. Hawkins, County Fire Chief

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

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

C.E.O. RECOMMENDATION: APPROVE
Robert Tremaine
BY: _____
Robert Tremaine

County Executive Office Signature

Consent
 Policy
 Consent
 Policy

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

Prev. Agn. Ref.: 7/13/2010 3.52 | District: 3 | Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3.49

RE: Approval of the Amendment to the Sole Source Professional Service Agreement with the Mountain Communities Fire Safe Council

Date: August 1, 2011

Page 2

BACKGROUND: (continued)

On July 13, 2010, agenda #3.52, the Board of Supervisors approved a sole source Professional Services Agreement (PSA) with the MCFSC to continue this cooperative tree abatement program. Under the PSA, the MCFSC helps in contacting property owners, obtain participation agreements from the property owners and helps insure work conducted by County Contracted vendors for tree abatement services are completed to fire code specifications. All documentation and work performed by MCFSC are reviewed and approved by County Fire Department staff before committing any funds.

The original agreement called for twenty-five percent (25%) of the overall cost for tree abatement services would be collected directly from the homeowner to cover the cost of assessment and inspection services provided by MCFSC. This amendment will increase this amount to thirty-five percent (35%). This increase is due to cost increases incurred by the MCFSC. The program has been so successful, that the MCFSC is moving towards farther outlying properties; thus incurring additional costs in time and travel to these properties.

Mountain Communities Fire Safe Council is almost entirely grant funded; less than 1% of their operating costs come from dues and donations. Each grant has to pay its prorated share of costs. This 35% covers the proportionate share of operational costs for this project.

MCFSC staff are all part time employees on an as needed basis. The Project Managers' compensation is \$20/per hour, plus 20% paid on their behalf for California Unemployment Training, Social Security, Medicare, and California Unemployment. MCFSC pays mileage reimbursement based on the IRS reimbursement rate, currently \$0.555 per mile.

This Amendment has been reviewed and approved as to form by County Counsel.

PRICE REASONABLENESS: This Amendment with MCFSC contains no cost to the County for the services they will perform. MCFSC will bill the homeowner directly at the 35%. The Fire Department does not have the adequate resources, i.e. inspectors, to provide the assessment and inspections required by the State of California Public Resources Code 4291 for the requirement of defensible space and County Ordinance No. 787 adopting the 2010 California Fire Code and 2010 Building Standards Code.

**AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE COUNTY OF RIVERSIDE AND MOUNTAIN COMMUNITIES FIRE
SAFE COUNCIL (MCFSC)**

This Amendment No. 1 to the Professional Services Agreement, ("Amendment") dated as of _____, is entered by and between the County of Riverside, a political subdivision of the State of California, ("COUNTY"), and Mountain Communities Fire Safe Council, a California nonprofit, public benefit corporation, ("CONTRACTOR").

CONTRACTOR:	Mountain Communities Fire Safe Council
Contract Term:	July 1 2011 through June 31, 2012
Effective Date of Amendment:	08/01/2011
Annual Maximum Contract Amount:	\$ No Cost To The County

WHEREAS, COUNTY and CONTRACTOR have entered into that certain Professional Services Agreement, ("Agreement") dated July 13, 2010 pursuant to which the parties have agreed to work cooperatively to reduce hazardous fuel in mountain communities; and

WHEREAS, COUNTY and CONTRACTOR desire to amend the Agreement to increase the percentage of the cost-share contribution of the total cost of abatement that CONTRACTOR may collect from the property owners for services rendered in furtherance of the hazardous fuel reduction program in the mountain communities; and

NOW THEREFORE, for good and valuable consideration the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

1. Compensation. Section 3.1 of the Agreement is hereby replaced in its entirety by the following:

The CONTRACTOR shall not receive payment from the COUNTY for services performed under this agreement. The CONTRACTOR may collect a cost-share contribution in the amount of Thirty-Five Percent (35%) of the total cost of abatement. This amount will be paid directly by property owners to CONTRACTOR to cover operational costs incurred by the CONTRACTOR and for providing inspectors.

2. All other terms and conditions of the Agreement are to remain unchanged and shall remain in full force and effect.

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IN WITNESS WHEREOF, the Parties hereto have caused their duly authorized representatives to execute this Amendment.

County

County of Riverside
Purchasing and Fleet Services
Riverside, CA 92501

Contractor

Mountain Communities Fire Safe Council
P.O. Box 507
Idyllwild, CA 92549

By: _____

Bob Buster, Chairman
Board of Supervisors

By: _____

Name:
Title:

ATTEST:

Kecia Harper-Ihem
Clerk of the Board

By: _____

Deputy

APPROVED AS TO FORM:

Pamela J. Walls
County Counsel

By: Synthia M. Gunzel

Synthia M. Gunzel
Deputy County Counsel