

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

321A



FROM: TLMA - Transportation Department

SUBMITTAL DATE:
September 15, 2011

SUBJECT: Miles Avenue Bridge and Clinton Street Construction Project - Amendment No. 2 to the Funding Agreement between the County of Riverside (COUNTY), City of Indio (CITY) and the Coachella Valley Association of Governments (CVAG)

RECOMMENDED MOTION: That the Board approve the attached Amendment No. 2 to the Funding Agreement between the COUNTY, CITY and CVAG for the above reference project, and authorize the Chairman to execute the same.

BACKGROUND: The Board of Supervisors executed a Cooperative Agreement on September 4, 2007 and Amendment No. 1 on August 10, 2010 between the COUNTY, CITY and CVAG which provided \$22,100,000 in total project funds for the Miles Avenue and Clinton Street widening project. The funding agreement includes a provision for CVAG to fund 75% of the total

Juan C. Perez
Director of Transportation

(Continued On Attached Page)

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 22,425,000	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2011/12
SOURCE OF FUNDS: TUMF [CVAG] (75%), City of Indio (12.5%), District IV Road Funds (12.5% paid back over 10 years) There are no General Funds used in this project.				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: Neal R. Kipnis DATE: 9/22/11
Departmental Concurrence

Dept' Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref. 7/10/01 Item 3.58, 9/4/07 Item 3.39, 8/10/10 Item 3.69 | **District:** 4 | **Agenda Number:**

3.22

The Honorable Board of Supervisors

RE: Miles Avenue Bridge and Clinton Street Construction Project - Amendment No. 2 to the Funding Agreement between the County of Riverside (COUNTY), City of Indio (CITY) and the Coachella Valley Association of Governments (CVAG)

September 15, 2011

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project costs and for CVAG to provide a loan to the COUNTY for funding of the COUNTY's portion of the project with reimbursement to be made, by the COUNTY, over a period of 10 years.

This Amendment provides an additional \$325,000 of funding for the project and increases CVAG's contribution to the project in an amount not to exceed \$243,750. The increase in cost was due primarily to quantity adjustments for additional roadway excavation and aggregate base that was necessary to stabilize the roadbed above an existing waterline, additional landscaping and fencing requested by the City of Indio and the Desert Sands School District, and additional catch basins, curb, gutter and sidewalk for drainage improvements and ADA compliance. Based upon the original agreement, the CITY and COUNTY will fund \$40,625 each, which is their share of the project costs.

Project No. B2-0389

AMENDMENT NUMBER TWO
for the
Agreement for the Miles Avenue Bridge and Clinton Street Construction Project

County of Riverside - City of Indio - CVAG

THIS AMENDMENT NUMBER TWO is made and entered into this _____ day of _____, 2011, by and between the **County of Riverside (Lead Agency)**, the **City of Indio ("Agency")**, and the **Coachella Valley Association of Governments**, a California joint powers agency, ("**CVAG**").

This Amendment Number Two approves additional work and obligates and authorizes for expenditure funds not previously authorized under the terms of the existing Reimbursement Agreement, approved by CVAG's Executive Committee on June 4, 2007, nor Amendment Number One approved by CVAG's Executive Committee on July 28, 2008. This Amendment Number Two increases the total project cost by an amount not to exceed \$325,000 as shown in Exhibit A - Estimate of Cost. All other provisions of the original Reimbursement Agreement and Amendment Number One remain in force.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment Number Two to be executed by their duly authorized representatives on this date:

FORM APPROVED COUNTY COUNSEL
BY: HP Victor MARSHAL VICTOR
DATE: 8/8/11

ATTEST: COUNTY OF RIVERSIDE
By: _____
Clerk to the Board Chairman of the Board of Supervisors

ATTEST: CITY OF INDIO
By: _____
City Clerk Mayor

ATTEST:

By: _____
Tom Kirk, Executive Director

CVAG

By: 
Yvonne Parks, Chair

EXHIBIT A
for

AMENDMENT NUMBER TWO
to the
Agreement for the Miles Avenue Bridge and Clinton Street Construction Project

County of Riverside - City of Indio - CVAG

Original Reimbursement Agreement - Total Project Cost	\$22,000,000
Amendment Number One - Total Estimated Cost	\$ 100,000
Amendment Number Two - Total Estimated Cost	<u>\$ 325,000</u>
Total Project Cost	\$22,425,000
CVAG Regional Share (75%) - Not to Exceed	\$16,818,750

By separate agreement, the County of Riverside and the City of Indio have agreed to evenly divide the Local Share (25%) of project costs.

County of Riverside - Not to Exceed	\$ 2,803,125
City of Indio - Not to Exceed	\$ 2,803,125

Pursuant to the 2007 Replacement Agreement:

The Project costs are to be apportioned at 75% CVAG Regional Funds and 25% local jurisdiction costs to be equally divided between the City of Indio and Riverside County. Loans are authorized to the City of Indio and to Riverside County for their 25% of local project costs, to be repaid over 10 years, plus simple interest set at Local Agency Investment Fund rates, adjusted annually, in accordance with CVAG policy.

The first annual payment will be due by July 30th of the first fiscal year following project completion. In this case, the first annual payment to CVAG by the City of Indio and Riverside County will be due by July 30, 2011. The first annual payment will be based on approved Agreements and Amendments, including this Amendment Number Two. All remaining annual payments will be due by July 30th of each of the following fiscal years. Future annual payments will be based on the final total cost of the Miles Avenue Bridge and Clinton Street Construction Project.