

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

216



FROM: Executive Office

SUBMITTAL DATE:
Oct 2, 2012

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, 2013; and
2. Authorize the Chairman of the Board of Supervisors to sign the amendment.

(Continued on Page 2)

Michael R. Shetler

Michael R. Shetler, Principal 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:	2012/2013

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

BY: *Debra Cournoyer*
Debra Cournoyer

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

Dept. Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 3.2 of 8/1/2006 | **District:** 1,2,3 & 5 | **Agenda Number:**

3.7 of 6/7/2011

3.4

Departmental Concurrence

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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,

This amendment request is to extend the term of the agreement by twelve months to June 30, 2013. All other terms and conditions of the agreement shall remain unchanged.

Second 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 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 hereinafter 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 was scheduled to terminate on June 30, 2011 unless otherwise extended by the PARTIES.
- C. On May 1, 2011 the PARTIES agreed to change the expiration date from June 30, 2011 to June 30, 2012 thereby extending the term of the original AGREEMENT by one year (copy attached as Appendix B).
- D. The PARTIES concur that it would be mutually beneficial to enact a long-term O&M Agreement in order to ensure stable operation of the Phase II aeration system and attract additional agencies to participate in the project. Consequently, the PARTIES are actively engaged in developing a draft of the long-term O&M Agreement
- E. The PARTIES further concur that preparation of an appropriate long-term O&M Agreement first requires the Regional Board to approve the proposed Comprehensive Nutrient Reduction Plan (CNRP).
- F. As of June 30, 2011 the Regional Board had not yet taken final action to approve the CNRP; however, such approval is expected to occur prior to the end of 2012.
- G. The PARTIES believe it is essential to continue operation of the Phase II aeration system, pending the Regional Board's final decision, as a show of good faith and the PARTIES sincere commitment to improving water quality in Lake Elsinore.

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, 2013 rather than June 30, 2012.
2. All other terms and conditions in the existing AGREEMENT shall remain unchanged by this amendment to revise the aforementioned termination date.
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 upon execution by all three PARTIES.

IN WITNESS WHEREOF, the PARTIES have caused this Amendment to become effective by their respective endorsements (below):

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: _____