

FORM APPROVED COUNTY COUNSEL
DATE 10/20/14
BY: GREGORY P. PRIAMOS

FISCAL PROCEDURES APPROVED
JEANINE J. REY, FINANCE DIRECTOR
BY: Jeanine J. Rey 10/20/14
JEANINE J. REY Departmental Concurrence

**SUBMITTAL TO THE FLOOD CONTROL AND
WATER CONSERVATION DISTRICT BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

102B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
November 4, 2014

SUBJECT: Ratify and Approve Amendment No. 2 to Contract Agreement for Support for Regional NPDES Program Activities; [\$35,000]; District Funds 100%

RECOMMENDED MOTION: That the Board of Supervisors:

1. Ratify and approve Amendment No. 2 to Contract Agreement between the District and County of Riverside (County); and
2. Authorize the Chairman to execute the Amendment documents on behalf of the District.

BACKGROUND:

Summary

This Amendment No. 2 to Contract Agreement is necessary to allow District to provide additional funding for inspections conducted in Fiscal Year 2013/14.

(Continued on Page 2)

AMR:blm
P8/164200

WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 35,000	\$ N/A	\$ 35,000	\$ N/A	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET DISTRICT COST	\$ 35,000	\$ N/A	\$ 35,000	\$ N/A	

SOURCE OF FUNDS: Continued on page 2

Budget Adjustment: No
For Fiscal Year: 14/15

C.E.O. RECOMMENDATION:

APPROVE

BY:
Steven C. Horn

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

☐ Positions Added
☐ Change Order

☐ A-30
☐ 4/5 Vote

Prev. Agn. Ref.: 11.2 of 4/20/04
11.4 of 6/30/09

District: All

Agenda Number:

11-2

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT
BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

164200

FORM 11: Ratify and Approve Amendment No. 2 to Contract Agreement for Support for
Regional NPDES Program Activities; [\$35,000]; District Funds 100%

DATE: November 4, 2014

PAGE: Page 2 of 3

BACKGROUND:

Summary (continued)

On April 20, 2004 (Item No. 11.2), the Board of Supervisors approved the Contract Agreement for Support for Regional NPDES Program Activities (Agreement) between the District and the Community Health Agency, Department of Environmental Health to provide funding in support of its Household Hazardous Waste (HHW)/Anti-Freeze, Batteries, Oil and Latex Paint (ABOP) collection programs and the commercial/industrial business Compliance Assistance Program (CAP).

On June 30, 2009 (Item No. 3.17), the Board of Supervisors approved Amendment No. 1 to the Agreement to (i) amend the scope of services; (ii) extend the term of the Agreement for another five (5) years; and (iii) continue funding to the County in support of its commercial/industrial business Compliance Assistance Program (CAP).

County, through its commercial/industrial business Compliance Assistance Program (CAP) program, assisted the District with NPDES MS4's permits compliance during Fiscal Year 2013-14 as required by the Regional Water Quality Control Boards, County of Riverside, Coachella Valley Water District (CVWD), and the following Cities: Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, Rancho Mirage, Beaumont, Calimesa, Canyon Lake, Corona, Eastvale, Hemet, Jurupa Valley, Lake Elsinore, Menifee, Moreno Valley, Norco, Perris, Riverside and San Jacinto (Cities). The regulatory requirements imposed on businesses and local government by the United States Environmental Protection Agency and State of California through the NPDES stormwater program continues to escalate. Therefore, the above program resulted in additional tasks and associated compensation that exceeded the contract limit set for Fiscal Year 2013-2014 by \$35,000. District staff is recommending that the Board approve the \$35,000 to pay for inspection services conducted in Fiscal Year 2013-2014.

Impact on Residents and Businesses

This Agreement allows the District to implement stormwater quality inspections for businesses in a cost effective manner. Costs incurred under this amendment will be funded by i) the existing Benefit Assessments for the Santa Ana, Santa Margarita, and Whitewater Watersheds, as appropriate, and ii) contributions from CVWD, the County of Riverside and any Cities, as appropriate.

SUPPLEMENTAL:

Additional Fiscal Information

Sufficient funding is available in the District's budget for FY 2014-15.

SOURCE OF FUNDS: (continued)

25180 947540 525440 NPDES Whitewater Assessment

25190 947560 525440 NPDES Santa Ana Assessment

25200 947580 525440 NPDES Santa Margarita Assessment

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT
BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

164200

FORM 11: Ratify and Approve Amendment No. 2 to Contract Agreement for Support for
Regional NPDES Program Activities; [\$35,000]; District Funds 100%

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PAGE: Page 3 of 3

Contract History and Price Reasonableness

The original contract amount for the Agreement, the cost of this Amendment No. 2 and prior Amendment No. 1 are summarized below:

1. Contract Agreement for Support for Regional NPDES Program Activities w/County
Original budget: \$3,450,000 (Not-to-exceed \$575,000 for FY 2003/04 through FY 2008/09)
Amendment No. 1: \$1,375,000 (Reduced from Not-to-exceed \$575,000 to \$275,000 for FY 2009/10
through FY 2013/14, amends the scope of services and extends
the Agreement for another five years)
Amendment No. 2: \$ 35,000 (An additional \$35,000 for FY 2013/14)
Total costs: \$4,860,000

AMR:blm

AMENDMENT NO. 2
TO CONTRACT AGREEMENT - SUPPORT FOR
REGIONAL NPDES PROGRAM ACTIVITIES

The Riverside County Flood Control and Water Conservation District, hereinafter called "DISTRICT", and the County of Riverside, hereinafter called "COUNTY" on behalf of its Department of Environmental Health, previously entered into that certain Agreement dated April 20, 2004, hereinafter referred to as "AGREEMENT", that provided for COUNTY to perform certain National Pollutant Discharge Elimination System (NPDES) Program Activities for DISTRICT in support of DISTRICT'S Commercial/Industrial Compliance Assistance Program; and

On June 30, 2009, DISTRICT and COUNTY entered into Amendment No. 1 to extend the term of AGREEMENT and to reduce the scope of services to be provided by COUNTY; and

DISTRICT desires COUNTY to provide additional inspection services above the level specified in AGREEMENT in support of NPDES program and COUNTY is willing to perform such work as requested by DISTRICT; and

DISTRICT and COUNTY desire to acknowledge and affirm that COUNTY has continued to provide additional inspection services for DISTRICT beyond the term of Amendment No. 1 in anticipation of the approval and execution of this Amendment No. 2 by DISTRICT and COUNTY; and

DISTRICT and COUNTY mutually agreed that the amount of compensation to be paid for said additional inspection services shall not exceed thirty-five thousand dollars (\$35,000). Furthermore, DISTRICT and COUNTY mutually agreed that, upon approval of this Amendment No. 2 by DISTRICT'S Board of Supervisors, the total amount of compensation for FIELD SERVICES under said AGREEMENT shall be increased from two hundred seventy-

1 five thousand dollars (\$275,000) to three hundred ten thousand dollars (\$310,000) for Fiscal
2 Year 2013-2014.

3 NOW, THEREFORE, DISTRICT and COUNTY mutually agree to amend the
4 AGREEMENT as follows:

- 5 1. Subsection 2.(d) is changed to read:

6 DISTRICT shall contribute a sum not to exceed three hundred ten thousand
7 dollars (\$310,000) (REIMBURSEMENT) for Fiscal Year 2013-2014 to
8 support FIELD SERVICES and ENFORCEMENT ACTIONS/LITIGATION
9 SUPPORT.
10

- 11 2. Except to the extent specifically added to, modified or amended herein, all of
12 the terms, covenants and conditions of said AGREEMENT dated April 20,
13 2004, and Amendment No. 1 dated June 30, 2009 shall remain in full force
14 and effect between the parties hereto.
15

16 //

17 //

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 2

on _____.

(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL:

**RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT**

By 

WARREN D. WILLIAMS
General Manager-Chief Engineer

By _____

MARION ASHLEY, Chairman
Riverside County Flood Control and Water
Conservation District Board of Supervisors

APPROVED AS TO FORM:

ATTEST:

GREGORY P. PRIAMOS
County Counsel

KECIA HARPER-IHEM
Clerk of the Board

By 

NEAL KIPNIS
Deputy County Counsel


By _____

Deputy

(SEAL)

RECOMMENDED FOR APPROVAL:

COUNTY OF RIVERSIDE

By 

STEPHEN VAN STOCKUM
Director of Environmental Health

By _____

JEFF STONE, Chairman
County of Riverside Board of Supervisors

APPROVED AS TO FORM:

ATTEST:

GREGORY P. PRIAMOS
County Counsel

KECIA HARPER-IHEM
Clerk to the Board

By 

ERIC STOPHER
Deputy County Counsel

By _____

Deputy

(SEAL)

Amendment No. 2 to Agreement for Support
for Regional NPDES Program Activities
09/30/14
AMR:blm