

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

242



**FROM:** Executive Office

**SUBMITTAL DATE:**  
November 4, 2014

**SUBJECT:** Fourth Amendment to Extend the Original Five-Year Term of the Agreement for the Operation and Maintenance of the Lake Elsinore Phase II Aeration System. Districts 1/3/5 (\$100,000 FY 14/15).

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve the attached amendment to extend the expiration of the original agreement to June 30, 2015; and
2. Authorize the Chairman of the Board of Supervisors to sign the amendment.

**BACKGROUND:**

**Summary**

The Lake Elsinore San Jacinto Watershed Project Authority (LESJWA) was formed to facilitate the development of joint projects that improve water quality at Lake Elsinore and the San Jacinto Watershed. An agreement between the City of Lake Elsinore, Elsinore Valley Municipal Water District (EVMWD), and the County of Riverside to construct, and for EVMWD to operate and maintain the Lake Elsinore Phase II Aeration System was approved August 1, 2006.

Steven Horn  
Senior Management Analyst

Departmental Concurrence

FORM APPROVED COUNTY COUNSEL  
BY: AARON C. GETTIS  
DATE: 11-4-14

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 100,000	\$ 0	\$ 100,000	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 100,000	\$ 0	\$ 100,000	\$ 0	
<b>SOURCE OF FUNDS: GENERAL FUND/NPDES - 11050</b>				<b>Budget Adjustment: No</b>	
				<b>For Fiscal Year: 14/15</b>	

**C.E.O. RECOMMENDATION:**

APPROVE

BY:   
Alex Gann

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

- A-30
- 4/5 Vote
- Positions Added
- Change Order

3-9

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**  
**FORM 11: Fourth Amendment to Extend the Original Five Year Term of the Agreement for the Operation and Maintenance of the Lake Elsinore Phase II Aeration System. Districts 1/3/5 (\$100,000 FY 14/15)**

**DATE:** November 4, 2014

**PAGE:** Page 2 of 2

**BACKGROUND:**

**Summary (continued)**

This amendment request extends the term of the agreement to expire by June 30, 2015. All other terms and conditions of the agreement shall remain unchanged. Due to recent staffing changes at EVMWD and the City of Lake Elsinore, negotiations for a new long-term O&M agreement have been delayed. New staff at EVMWD and the City of Lake Elsinore is now in place and it is expected that a new agreement between the parties will be negotiated and subsequently approved by each agencies respective board during this fiscal year.

**Impact on Citizens and Businesses**

No additional fees or new taxes on citizens and businesses are proposed as part of this recommended action. In fact, the impact on citizens and businesses in the area would be positive as the extension of this agreement will allow for the continuation of previously approved funding from the County to EVMWD for the operation and maintenance of the aeration system until a new long-term agreement is negotiated. This ensures that the system is operated and maintained per installation and operational specifications so that lake water quality is maintained.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

The original five-year agreement between the three agencies identified ongoing operation and maintenance costs of \$300,000 per FY to be equally shared by all three agencies. The extension of this agreement will have no additional Net County Cost beyond what was proposed in the original agreement. The original agreement was approved on August 1, 2006 and thus required Net County Cost of \$100,000 per fiscal year for ongoing operation and maintenance expenses of the Aeration System.

## **Fourth 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 (a copy of the First Amendment is attached as Appendix B).
- D. In June 2012 the PARTIES agreed to change the expiration date from June 30, 2012 to June 30, 2013 thereby extending the term of the original AGREEMENT by one year (a copy of the Second Amendment is attached as Appendix C).
- E. In September 2013 the PARTIES agreed to change the expiration date from June 30, 2013 to June 30, 2014 thereby extending the term of the original AGREEMENT by one year (a copy of the Third Amendment is attached as Appendix D).
- F. The PARTIES concur that it would be mutually beneficial to enact a new O&M Agreement in order to ensure stable operation of the Phase II aeration system. Consequently, the PARTIES are actively engaged in developing a new long-term O&M Agreement.
- G. The PARTIES believe it is essential to continue operation of the Phase II aeration system during negotiations of the terms and conditions for a new long-term O&M Agreement 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, 2015 rather than June 30, 2014.
- 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 \_\_\_\_\_