

FORM APPROVED COUNTY COUNSEL  
 BY: GREGORY P. PRAMOS DATE 3/17/15

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



**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
 April 7, 2015

**SUBJECT:** Approval of Amendment No. 1 to Cooperative Agreement for Southwest Riverside MDP Line G Stage 2, Line G-1 and Line F-1; Project Nos. 1-0-00319, 1-0-00321 and 1-0-00322; District 1; [\$501,000]; District Funds 100%

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

1. Approve Amendment No. 1 to Cooperative Agreement between the District and City of Riverside (City) to increase the amount of District's financial contribution; and
2. Authorize the Chairman to execute the Amendment documents on behalf of the District.

**BACKGROUND:**

**Summary**

On March 13, 2012 (Agenda Item No. 11.1), the Board of Supervisors approved the cooperative agreement between the District and City which set forth the terms and conditions whereby the District would contribute funding to the City for the design and construction of the referenced flood control facilities.

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*[Signature]*  
 WARREN D. WILLIAMS  
 General Manager-Chief Engineer

FISCAL PROCEDURES APPROVED  
 JEANINE J. REY, FINANCE DIRECTOR  
 BY: *[Signature]* 3/10/15  
 JEANINE J. REY, Departmental Concurrence

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 501,000	\$ N/A	\$ 501,000	\$ N/A	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET DISTRICT COST	\$ 501,000	\$ N/A	\$ 501,000	\$ N/A	
<b>SOURCE OF FUNDS:</b> 25110 947400 527980 (Zone 1 Const/Maint/Misc Contracts)				<b>Budget Adjustment:</b> No	
				For Fiscal Year 14/15	

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

APPROVE

BY: *[Signature]*  
 Alex Gann

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

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

Prev. Agn. Ref.: 11.1 of 03/13/12

District: 1<sup>st</sup>

Agenda Number:

11-1

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

**FORM 11:** Approval of Amendment No. 1 to Cooperative Agreement for Southwest Riverside MDP Line  
G Stage 2, Line G-1 and Line F-1; Project Nos. 1-0-00319, 1-0-00321 and 1-0-00322;  
District 1; [\$501,000]; District Funds 100%

**DATE:** April 7, 2015

**PAGE:** Page 2 of 2

**BACKGROUND:**

**Summary (continued)**

The City completed the design and advertised the flood control facilities for public works construction bids. The lowest responsible and responsive bid came in substantially higher than the originally estimated construction costs.

This Amendment No. 1 is necessary to change the District's financial contribution in the cooperative agreement approved on March 13, 2012 from the original amount of two million nine hundred sixteen thousand dollars (\$2,916,000) to three million four hundred seventeen thousand dollars (\$3,417,000). Said flood control facilities are to be designed and constructed by the City and inspected, operated and maintained by the District and City.

County Counsel has approved the Amendment as to legal form and the City has executed the Amendment.

**Impact on Residents and Businesses**

Costs incurred under this Amendment will be funded by ad-valorem property tax revenue and entails no new fees, taxes or bonded indebtedness to residents and businesses. Upon construction completion, these flood control facilities will alleviate ongoing flooding problems and will benefit residents and businesses in the area.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

The District is funding all design and construction costs. Sufficient funding is available in the District's Zone 1 budget for Fiscal Year 2014-2015. Future operation and maintenance costs will accrue to the District.

**Attachments:**

1. Amendment No. 1 to Cooperative Agreement

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2 AMENDMENT NO. 1  
3 to COOPERATIVE AGREEMENT

4 Southwest Riverside MDP Line G Stage 2, Line G-1, and Line F-1  
5 Project Nos. 1-0-00319, 1-0-00321 and 1-0-00322

6 The Riverside County Flood Control and Water Conservation District, hereinafter called  
7 "DISTRICT" and the City of Riverside, hereinafter called "CITY", hereby agree as follows:

8 RECITALS

9 A. On March 13, 2012 [DISTRICT'S Board Agenda Item No. 11.1], DISTRICT and  
10 CITY entered into a Cooperative Agreement, hereinafter called "AGREEMENT", which set  
11 forth the terms and conditions under which DISTRICT will contribute funding in support of  
12 CITY'S efforts to design and construct the Southwest Riverside MDP Line G Stage 2, Line G-1,  
13 and Line F-1 storm drain systems, hereinafter together called "PROJECT".

14 B. Pursuant to AGREEMENT, CITY completed PROJECT design and advertised  
15 PROJECT for public works construction bids. The lowest responsible and responsive bid came  
16 in substantially higher than the originally estimated construction cost. Therefore, DISTRICT  
17 and CITY wish to increase the amount of DISTRICT'S financial contribution for PROJECT.

18  
19 NOW, THEREFORE, in consideration of the preceding recitals and the mutual covenants  
20 hereinafter contained, the parties hereto mutually agree to amend AGREEMENT as follows:

21 1. Paragraph H in the RECITALS of AGREEMENT is amended to read:

22 "Altogether, DESIGN CONTRIBUTION, CONSTRUCTION CONTRIBUTION  
23 and ACQUISITION CONTRIBUTION are hereinafter called "DISTRICT TOTAL  
24 CONTRIBUTION". DISTRICT TOTAL CONTRIBUTION shall not exceed a total  
25 sum of three million four hundred seventeen thousand dollars (\$3,417,000); and"  
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2. Section III.1 is amended to read:

"DISTRICT TOTAL CONTRIBUTION, including any payments made by the DISTRICT prior to the execution of this Amendment No. 1, shall not exceed a total sum of three million four hundred seventeen thousand dollars (\$3,417,000). DISTRICT TOTAL CONTRIBUTION shall be used by CITY solely for the purpose of designing and constructing PROJECT as set forth herein."

3. Except to the extent specifically deleted, added to, or amended herein, all of the terms, covenants and conditions of said AGREEMENT executed on March 13, 2012 shall remain in full force and effect between the parties hereto.

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IN WITNESS WHEREOF, the parties hereto have executed this Amendment on

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(to be filled in by Clerk of the Board)

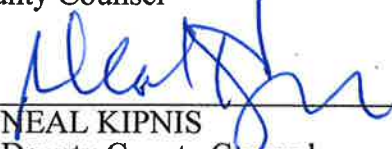
RECOMMENDED FOR APPROVAL: **RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT**

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:  
GREGORY P. PRIAMOS  
County Counsel

ATTEST:  
KECIA HARPER-IHEM  
Clerk of the Board

By   
NEAL KIPNIS  
Deputy County Counsel

By \_\_\_\_\_  
Deputy

(SEAL)

Amendment No. 1 to  
Cooperative Agreement: Southwest Riverside  
MDP Line G Stage 2, Line G-1, and Line F-1  
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**CITY OF RIVERSIDE**

By Deanna Lorson

Name Deanna Lorson  
Asst. City Manager 96

**APPROVED AS TO FORM:**

**ATTEST:**

By [Signature]

By [Signature]

Name A. BEAUMON  
City Attorney  
Deputy CA

Name Colleen J. Nicol  
City Clerk

(SEAL)

Amendment No. 1 to  
Cooperative Agreement: Southwest Riverside  
MDP Line G Stage 2, Line G-1, and Line F-1  
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