

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



**FROM:** Supervisor John Tavaglione

**SUBMITTAL DATE:  
September 22, 2015**

**SUBJECT:** Amendment No. 3 to the Memorandum of Understanding between Riverside, Orange, and San Bernardino Counties, the Santa Ana River Watershed Project Authority and the Wildlands Conservancy for coordinated parkway planning among counties along the Santa Ana River Corridor.

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

1. Authorizes Amendment No. 3 to the Memorandum of Understanding (MOU) for coordinated parkway planning among counties along the Santa Ana River Corridor;
2. Authorizes the Riverside County Regional Park and Open-Space District (District) General Manager, or designee, to execute future ministerial amendments to this MOU; and
3. Directs the Clerk of the Board to return six (6) copies of the Amendment to the District for transmittal and file.

**BACKGROUND:** The purpose of the original MOU is to establish a mechanism to facilitate planning, project implementation, and reporting and accountability for the parties as they endeavor to create a recreation parkway along the Santa Ana River. Amendment No. 3 to this MOU extending the term of this agreement for an additional three (3) years.

Departmental Concurrence

\_\_\_\_\_  
 John Tavaglione  
 Second District Supervisor

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$	In Current Year Budget:
	Current F.Y. Net County Cost:	\$	Budget Adjustment:
	Annual Net County Cost:	\$	For Fiscal Year:

<b>SOURCE OF FUNDS:</b>	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

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

**County Executive Office Signature**

Dept't Recomm.:  Consent  Policy  
 Per Exec. Ofc.:  Consent  Policy

**Prev. Agn. Ref.:** \_\_\_\_\_ **District:** \_\_\_\_\_ **Agenda Number:** \_\_\_\_\_

3-34

**Amendment No. 3 to  
Memorandum of Understanding**

Coordinated Parkway Planning  
Among Counties along the  
Santa Ana River Corridor

This Amendment No. 3 to Memorandum of Understanding (hereinafter "Amendment No. 3") is entered into as of \_\_\_\_\_, 2015,

**BY AND AMONGST**

**AND** The County of Orange, a political subdivision of the State of California, hereinafter referred to as "ORANGE"

**AND** The County of Riverside, a subdivision of the State of California, herein referred to as "RIVERSIDE";

**AND** The County of San Bernardino, a subdivision of the State of California, herein referred to as "SAN BERNARDINO";

**AND** The Santa Ana Watershed Project Authority, a recognized regional agency that has significant responsibility for the management of the Santa Ana River throughout the watershed, herein referred to as "SAWPA";

**AND** The Wildlands Conservancy, a private non-profit group that has been instrumental in the development of the Parkway to date and is uniquely positioned and capable of fostering good stewardship throughout the basin, herein referred to as "WILDLANDS";

ORANGE, RIVERSIDE, SAN BERNARDINO, SAWPA and WILDLANDS hereafter are collectively referred to as the "PARTIES" and individually as a "PARTY"

**RECITALS**

**WHEREAS**, certain lands within the counties of Orange, Riverside and San Bernardino form an expansive watershed which leads from the San Bernardino Mountains to the Pacific

1 Ocean along a river course known as the Santa Ana River;

2       **WHEREAS**, the Santa Ana River is a 100-mile-long river that serves the diverse needs of  
3 the three counties and adjacent cities including flood control, water conservation, habitat  
4 protection, education and recreation;

5       **WHEREAS**, Orange, Riverside and San Bernardino Counties, along with several cities,  
6 have separately adopted recreational plans, that include trails;

7       **WHEREAS**, these regional and local plans identify the Santa Ana River as an important  
8 recreational corridor, and the PARTIES have identified the need to coordinate these activities  
9 along the river to ensure consistency, facilitate planning, and share resources;

10       **WHEREAS**, on March 12, 1976, then Secretary of Interior Thomas Kleppe deemed  
11 portions of the trail in Orange County and San Bernardino County as the Santa Ana River  
12 National Recreational Trail #80 and #100, respectively, establishing for the first time, a national  
13 trail along the Santa Ana River;

14       **WHEREAS**, on June 27, 2006, a Memorandum of Understanding (hereinafter  
15 "AGREEMENT") was executed to establish a mechanism to facilitate planning, project  
16 implementation, and reporting and accountability for the PARTIES as they endeavor to create a  
17 recreational parkway along the Santa Ana River for a period of five years from the date of the  
18 last signature signed on January 8, 2007; and

19       **WHEREAS**, this AGREEMENT was extended by Amendment (hereinafter "AMENDMENT  
20 1") on October 31, 2012 for an additional three (3) years from the date of the last signature to  
21 provide additional time for the PARTIES to complete a recreational parkway along the Santa  
22 Ana River; and

23       **WHEREAS**, on September 25, 2014, Governor Brown signed into law the creation of a  
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1 Santa Ana River Conservancy program through the State Coastal Conservancy (hereinafter  
2 "CONSERVANCY"); and

3 **WHEREAS**, the PARTIES wish to continue working with each other and cooperatively  
4 with the CONSERVANCY to advise, prioritize, and direct activities in the Santa Ana River  
5 corridor; and

6 **WHEREAS**, the PARTIES wish to extend the AGREEMENT an additional 3 years to allow  
7 time for completion of the trail and to work cooperatively in Partnership with the  
8 CONSERVANCY;

9 **NOW, THEREFORE, IT IS AGREED** by and between PARTIES to amend AGREEMENT  
10 as follows:  
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- 12
- 13 1. Section 1 shall be modified to reflect the addition of 3 additional voting members to  
14 the Policy Advisory Group for a total of 11 voting members. Section 1 will be deleted  
15 and replaced with:

16

17 "The PARTIES will establish an advisory committee comprised of eleven (11) voting  
18 members: one elected Supervisor from each of the three counties, six elected city  
19 representatives (two from each county to be appointed by the Supervisor of that  
20 county), one representative from SAWPA, and one representative from WILDLANDS  
21 for a total of eleven (11) members. The committee will be referred to as the Policy  
22 Advisory Group (PAG)."

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- 24 2. Section 3 is deleted in its entirety.

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- 26 3. Section 6 is deleted and replaced with:

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"The term of the AGREEMENT shall be twelve (12) years from the date of the last signature on the MOU first approved in 2006 unless otherwise terminated pursuant to Section 1 g. or by mutual consent of all of the PARTIES to this AGREEMENT. All PARTIES have the right to withdraw from this AGREEMENT. If so, the PARTY that wishes to withdraw must give 120 days notice to the remaining PARTIES. In the event of a PARTY's withdrawal, this AGREEMENT must be amended to reflect the change in membership."

3. Except as expressly set forth in this AMENDMENT No. 3, all other terms and conditions of the AGREEMENT shall remain unchanged and in full force and effect.

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**IN WITNESS WHEREOF**, each party hereto has executed this Amendment No. 3 to AGREEMENT by a duly authorized representative as of the date set forth above.

**Santa Ana Watershed Project Authority, a Special District**

Date: \_\_\_\_\_

By \_\_\_\_\_  
Tom Evans, Chairman, of the Commission of the Santa Ana Watershed Project Authority, Riverside, California

By: \_\_\_\_\_

Date: \_\_\_\_\_

Clerk of the Commission  
SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE COMMISSION

APPROVED AS TO FORM  
RIVERSIDE, California

By: \_\_\_\_\_  
Attorney

\_\_\_\_\_  
Clerk of the Commission  
Clerk of the Commission  
Riverside, California

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**IN WITNESS WHEREOF**, each party hereto has executed this Amendment No. 3 to AGREEMENT by a duly authorized representative as of the date set forth above.

**COUNTY OF RIVERSIDE, a subdivision of the State of California**

Date: \_\_\_\_\_

By \_\_\_\_\_  
Marion Ashley, Chairman, Board of Supervisors of Riverside County, California

By: \_\_\_\_\_  
Clerk of the Board  
SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD

Date: \_\_\_\_\_  
APPROVED AS TO FORM  
Office of the County Counsel  
RIVERSIDE County, California

\_\_\_\_\_  
Kecia Harper-Ihem, Clerk of the Board  
Clerk of the Board of Supervisors  
Of Riverside County, California

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

**IN WITNESS WHEREOF**, each party hereto has executed this Amendment No. 3 to AGREEMENT by a duly authorized representative as of the date set forth above.

**COUNTY OF SAN BERNARDINO, a subdivision of the State of California**

Date: \_\_\_\_\_

By \_\_\_\_\_  
Janice Rutherford, Chairman of the Board of Supervisors of San Bernardino County, California

By: \_\_\_\_\_  
Clerk of the Board  
SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD

Date: \_\_\_\_\_  
APPROVED AS TO FORM  
Office of the County Counsel  
SAN BERNARDINO County, California

\_\_\_\_\_  
Laura H. Welch, Clerk of the Board  
Clerk of the Board of Supervisors  
Of San Bernardino County, California

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



1 **IN WITNESS WHEREOF**, each party hereto has executed this Amendment No. 3 to  
2 AGREEMENT by a duly authorized representative as of the date set forth above.

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4 **WILDLANDS CONSERVANCY, a private non-profit organization**

5  
6 Date: \_\_\_\_\_

6 By \_\_\_\_\_

7 David Myers  
8 Executive Director, Wildlands Conservancy  
9 Oak Glen, California

10 By: \_\_\_\_\_

10 Date: \_\_\_\_\_

11 Clerk of the Board  
12 SIGNED AND CERTIFIED THAT A COPY OF  
13 THIS DOCUMENT HAS BEEN DELIVERED TO  
14 THE GENERAL MANAGER

11 APPROVED AS TO FORM  
12 SAN BERNARDINO, California

13 By: \_\_\_\_\_

14 Attorney

13 \_\_\_\_\_  
14 Clerk of the Board  
15 Of Wildlands Conservancy  
16 San Bernardino, California

1 **IN WITNESS WHEREOF**, each party hereto has executed this Amendment No. 3 to  
2 AGREEMENT by a duly authorized representative as of the date set forth above.

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4 **COUNTY OF ORANGE, a political subdivision of**  
5 **the State of California**

6 Date: \_\_\_\_\_

7 By \_\_\_\_\_  
8 Shawn Nelson, Chairman, Board of Supervisors  
9 Orange County, CA

10 Date: \_\_\_\_\_

11 APPROVED AS TO FORM  
12 Office of the County Counsel  
13 ORANGE COUNTY, California

14 By: \_\_\_\_\_  
15 Deputy