

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

715B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:

November 30, 2010

SUBJECT: West Norco Channel Project No. 2-0-00160 Funding Agreement - Amendment No. 1

RECOMMENDED MOTION:

Approve the Amendment between the District and the City of Norco; and authorize the Chairman to execute the Amendment documents on behalf of the District.

BACKGROUND:

The Amendment provides for the District to contribute an additional sum of one hundred fifty thousand dollars (\$150,000) to the City of Norco for the construction of two facilities that drain into West Norco Channel.

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

Signature of Warren D. Williams

TMC:bjp

WARREN D. WILLIAMS General Manager-Chief Engineer

Table with 4 columns: FINANCIAL DATA, Current F.Y. District Cost, Current F.Y. County Cost, Annual Net District Cost, In Current Year Budget, Budget Adjustment, For Fiscal Year.

Table with 2 columns: SOURCE OF FUNDS (25120 947420 536200, Zone 2 Construction / Maintenance / Miscellaneous - Contracts), Positions To Be Deleted Per A-30, Requires 4/5 Vote.

C.E.O. RECOMMENDATION:

APPROVE BY: Michael R. Shetler Michael R. Shetler

County Executive Office Signature

- Consent Policy checkboxes

MINUTES OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT

On motion of Supervisor Stone, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Stone, Benoit and Ashley Nays: None Absent: Tavaglione Date: November 30, 2010 xc: Flood

Kecia Harper-Ihem Clerk of the Board By: [Signature] Deputy

Prev. Agn. Ref.:

District: 2nd

Agenda Number:

11.1

FISCAL PROCEDURES APPROVED MAN M. CHAND, FINANCE DIRECTOR

FORM APPROVED COUNTY COUNSEL BY NEAL R. KIPNIS DATE 11/10

BY: [Signature] ANNIE HEY-JAWKINS

Departmental Concurrence

Dept's Recomm.:

Per Exec. Ofc.:

FUNDING AGREEMENT
FOR WEST NORCO CHANNEL
PROJECT NO. 2-0-00160
AMENDMENT NO. 1

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

RECITALS

A. DISTRICT included the sum of five hundred thousand dollars (\$500,000) in its Fiscal Year 2008-2009 budget ("DISTRICT CONTRIBUTION") for the purpose of contributing funds to CITY'S construction of Western Avenue Storm Drain Improvements and Broken Arrow Street Storm Drain Improvements, hereinafter called "PROJECT", which drains into the West Norco Channel; and

B. DISTRICT and CITY on September 2, 2008, entered into a Funding Agreement (hereinafter the "FUNDING AGREEMENT") setting forth (i) the general terms and conditions by which CITY would construct, own, operate and maintain PROJECT and (ii) the terms and conditions by which DISTRICT would pay funds to CITY as DISTRICT CONTRIBUTION.

C. DISTRICT and CITY, as PROJECT has proceeded, recognize the construction costs have increased substantially and DISTRICT has included an additional sum of one hundred fifty thousand dollars (\$150,000) in its Fiscal Year 2010-11 budget and is willing to contribute said funds, hereinafter called "SUPPLEMENTAL CONTRIBUTION", to CITY for the construction of PROJECT.

NOW, THEREFORE, in consideration of the preceding recitals and the mutual covenants hereinafter contained, DISTRICT AND CITY agree to amend the FUNDING AGREEMENT as follows:

- 1. Section II is amended to read:

NOV 30 2010 11.1

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"3. Within thirty (30) days of the execution of Amendment No. 1 and receipt of invoice from CITY, DISTRICT shall pay SUPPLEMENTAL CONTRIBUTION to CITY."

2. Except as specifically modified herein, all other provisions of FUNDING AGREEMENT shall remain in effect and unchanged.

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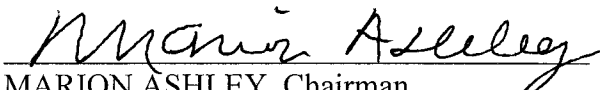
IN WITNESS HEREOF, the parties hereto have executed this Agreement as of

NOV 30 2010

(to be filled in by Clerk of the Board).

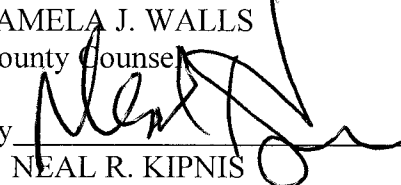
RECOMMENDED FOR APPROVAL: **RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT**

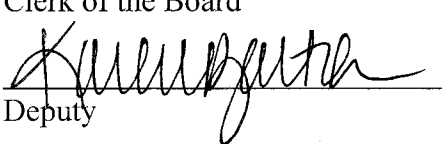
By 
WARREN D. WILLIAMS
General Manager-Chief Engineer

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

APPROVED AS TO FORM:

ATTEST:


PAMELA J. WALLS
County Counsel
By 
NEAL R. KIPNIS
Deputy County Counsel

KECIA HARPER-IHEM
Clerk of the Board
By 
Deputy

(SEAL)

RECOMMENDED FOR APPROVAL: **CITY OF NORCO**


By 
DOMINIC MILANO
City Engineer

By 
~~MALCOLM MILLER~~ BERWIN HANNA
Mayor Pro Tem

APPROVED AS TO FORM:

ATTEST:

By 
JOHN HARPER
City Attorney

By 
BRENDA JACOBS
City Clerk

(SEAL)

Amendment to 09/02/08 Funding Agreement-City of Norco-FY10/11
TMC:bjp:blj
09/02/10

NOV 30 2010 11.1