

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

836



FROM: Community Action Partnership of Riverside County

SUBMITTAL DATE:
11/17/10

SUBJECT: Revised Amendment #10 to the Low-Income Utility Bill Assistance Agreement with City of Riverside for the Sharing Households Assist Riverside's Energy (SHARE) Program

RECOMMENDED MOTION: That the Board of Supervisors ratify and:

- 1) Authorize the Chairman of the Board to sign the attached revised Amendment #10 to the Low-Income Utility Bill Assistance Agreement between the City of Riverside and the Community Action Partnership of Riverside County (CAP Riverside) for the SHARE Program to provide administrative funding for the term July 1, 2010 through June 30, 2011, not to exceed \$267,391.

Lois J. Carson
Lois J. Carson, CAP, Executive Director

Continued (2 pages total)

FINANCIAL DATA	Current F.Y. Total Cost:	\$267,391	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	10/11

SOURCE OF FUNDS: 100% City of Riverside Funds	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE
BY: *Debra Cournoyer*
Debra Cournoyer

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: December 7, 2010
xc: CAP

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

Prev. Agn. Ref.: (9/21/99, 3.44) (12/12/00, 3.22) (7/10/01, 3.46) (7/15/03 3.45) (9/12/06, 3.49) (10/2/07, 3.46), 6/3/08 (3.51), 7/1/08 (#3.71), 6/16/09 (#3.13), 4/6/10 (3.28), 7/13/10 (#3.20)

District: 1,2

Agenda Number:

3.5

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

Dept Recomm.:
Per Exec. Ofc.:

FROM: CAP Riverside

DATE: 11/17/10

SUBJECT: Revised Amendment #10 to the Agreement with
City of Riverside for the Sharing Households
Assist Riverside's Energy (SHARE) Program

PAGE: 2 of 2

BACKGROUND:

Since 1989, CAP Riverside has administered the SHARE program by identifying eligible customers using the City of Riverside's guidelines, processing client applications and performing other necessary administrative activities. The City of Riverside allocates funding per fiscal year for utility bill and deposit assistance for low-income City of Riverside customers. These funds remain with the City of Riverside who will apply up to \$150 in electric assistance to the accounts of eligible customers. The City of Riverside provides funding to CAP Riverside for administering the program.

On September 21, 1999 (Agenda #3.44), December 12, 2000 (Agenda #3.22), July 10, 2001 (Agenda #3.46), July 15, 2003 (Agenda #3.45), September 12, 2006 (Agenda #3.49), October 2, 2007 (Agenda #3.46), June 3, 2008 (Agenda #3.51), July 1, 2008 (Agenda #3.71), June 16, 2009 (Agenda #3.13), and April 6, 2010 (Agenda #3.28), the Board of Supervisors approved the SHARE Agreement and Amendments 1 through 9 to provide administrative funding and extend the Agreement with the City of Riverside for the term July 1, 1999 through June 30, 2010.

On July 13, 2010 (#3.20), the Board approved Amendment #10, to provide \$267,391 in administrative funding for Fiscal Year 2010/2011. The amendment was returned to the City of Riverside for signature; however, the amendment was not fully executed. Counsel for the City of Riverside modified the amendment to clarify provisions for allocating the administrative costs. The amount of the award remains unchanged.

Therefore, the Executive Director of CAP Riverside requests the Board to approve the revised Amendment #10 to the Low-Income Utility Bill Assistance Agreement with the City of Riverside for the term July 1, 2010 to June 30, 2011, not to exceed \$267,391.

FINANCIAL IMPACT: No County General Funds will be required.

CONCUR/EXECUTE:

LJC:MYJ:KA:jb

**TENTH AMENDMENT TO AGREEMENT
FOR USE OF LOW-INCOME UTILITY BILL AND
DEPOSIT ASSISTANCE FUNDS**

THIS TENTH AMENDMENT TO AGREEMENT is made and entered into this 16th day of February, 201~~0~~¹, by and between THE CITY OF RIVERSIDE, a California charter city and municipal corporation of the State of California (“City”), and the COMMUNITY ACTION PARTNERSHIP OF RIVERSIDE COUNTY, a political subdivision of the State of California, (“Grantee”), to provide low-income City utility customers with utility bill and deposit assistance, with reference to the following:

RECITALS

WHEREAS, the parties hereto entered into the Agreement for Use of Low-Income Utility Bill and Deposit Assistance Funds (“Agreement”) on July 1, 1999, wherein the City agreed to use funds from the Public Benefits Surcharge authorized by AB 1890 (Chapter 854, Statutes of 1996), to assist the City’s low-income utility customers; and

WHEREAS, on January 25, 2001, the City and Grantee entered into a First Amendment to Agreement For Use of Low-Income Utility Bill and Deposit Assistance Funds (“First Amendment”) amending and restating Section 4; and

WHEREAS, on July 25, 2001, the City and Grantee entered into a Second Amendment to Agreement For Use of Low-Income Utility Bill and Deposit Assistance Funds (“Second Amendment”) amending and restating Section 4; and

WHEREAS, on August 12, 2003, the City and Grantee entered into a Third Amendment to Agreement For Use of Low-Income Utility Bill and Deposit Assistance Funds (“Third Amendment”) amending and restating Section 4; and

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DEC 07 2010 3.5
2011-3-105897

WHEREAS, on July 25, 2006, the City and Grantee entered into a Fourth Amendment to Agreement For Use of Low-Income Utility Bill and Deposit Assistance Funds (“Fourth Amendment”) amending and restating Section 4; and

WHEREAS, on August 29, 2007, the City and Grantee entered into a Fifth Amendment to Agreement For Use of Low-Income Utility Bill and Deposit Assistance Funds (“Fifth Amendment”) amending and restating Sections 4 and 11; and

WHEREAS, on June 3, 2008, the City and Grantee entered in a Sixth Amendment to Agreement For Use of Low-Income Utility Bill and Deposit Assistance Funds (“Sixth Amendment”) amending and restating Sections 4 and 11; and

WHEREAS, on July 25, 2008, the City and Grantee entered in a Seventh Amendment to Agreement For Use of Low-Income Utility Bill and Deposit Assistance Funds (“Seventh Amendment”) amending and restating Sections 4 and 11; and

WHEREAS, on July 1, 2009, the City and Grantee entered in an Eighth Amendment to Agreement For Use of Low-Income Utility Bill and Deposit Assistance Funds (“Eighth Amendment”) amending and restating Sections 4 and 11; and

WHEREAS, on June 1, 2010, the City and Grantee entered into a Ninth Amendment to Agreement For Use of Low-Income Utility Bill and Deposit Assistance Funds (“Ninth Amendment”), amending and restating Sections 4 and 11 to add an additional \$1,000,000 to the funds for the electric utility assistance for the term of the agreement ending on June 30, 2010; and

WHEREAS the Parties now desire to provide further low-income assistance, for the term expiring June 30, 2011, and to clarify the City’s allocation of administrative costs to the Grantee.

NOW THEREFORE, the parties hereto mutually agree that the Agreement dated July 1, 1999, is hereby amended as follows:

1. Section 2 is amended as follows:

“2. The City shall pay the Grantee 15% of the amount of utility assistance actually provided under the program as administrative costs to administer the program. Payment of administrative costs shall occur at the time each time that utility assistance is given by Grantee to an eligible low-income client, and shall be limited to 15% of the amount of the assistance granted to that low-income client.”

2. Section 4 is amended and restated as follows:

“The Grantee will provide utility assistance of up to \$150 per eligible low-income client for electric utility services for the benefit of the City’s low-income electric utility customers.

4.1 For eligible low-income electric utility customers, such assistance will be available on a one-time basis during the 12-month period covered by the Agreement, and only if the customer has not applied for and received such assistance within twelve months of date of the new application, and will be paid directly to the City. Any change of address by the customer during the twelve month period ensuing from when the last such assistance was paid will render customer ineligible for the assistance, as set forth herein.

4.2 The City will provide to Grantee up to \$1,632,608.69 for low-income electric utility customer assistance and up to \$267,391.31 to Grantee for administration of the program for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

4.3 Upon agreement of the duly authorized representatives of the City and the Grantee, the low-income electric utility customer assistance may be increased by up to 25% if available funds are depleted.

4.4 The City's funding of the program will be subject to annual appropriation."

IN WITNESS WHEREOF, City and Grantee have caused this Tenth Amendment to be duly executed on the day and year first above written. All provisions of the Agreement, and the nine prior Amendments thereto, not inconsistent with this Tenth Amendment shall remain in full force and effect and are hereby incorporated into this Tenth Amendment.

CITY OF RIVERSIDE, a charter city and municipal corporation

COMMUNITY ACTION PARTNERSHIP OF RIVERSIDE COUNTY

By: *Bob P. Dehn*
City Manager

By: *Marian Ashley*
MARION ASHLEY
CHAIRMAN, BOARD OF SUPERVISORS

Attest: *Colleen J. Nicol*
Colleen J. Nicol, City Clerk

ATTEST:
KECIA HARPER-IHEM, Clerk
By: *Kecia Harper-Ihem*
DEPUTY

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: *Susan Wilson*
Deputy City Attorney

By: *Larisa S. McKenna*
COUNTY COUNSEL
Larisa S. McKenna

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Thank you.