

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

339A



FROM: TLMA - Transportation Department

SUBMITTAL DATE:
June 29, 2011

SUBJECT: Amendment 1 to TUMF Funding Agreement with Western Riverside Council of Governments (WRCOG) for the Clinton Keith Road Widening Project from Interstate 215 to State Route 79

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the subject TUMF Funding Amendment 1 with WRCOG, and authorize the Chairman to execute the same.
2. Authorize the Director of Transportation to approve future administrative amendments to this TUMF Funding Agreement.

BACKGROUND: The proposed Clinton Keith Road Widening Project (Project) would provide an east-west connection between Interstate 215 and State Route 79. Clinton Keith Road is

Juan C. Perez
Director of Transportation

JCP:gh
(Continued On Attached Page)

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 12,000,000	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2011/2012

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

C.E.O. RECOMMENDATION:

APPROVE

BY:
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Stone 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: July 12, 2011
 xc: Transp.

Kecia Harper-Ihem
Clerk of the Board

By:
Deputy

Prev. Agn. Ref. 2/5/08, Item 3.40 | **District:** 3 | **Agenda Number:**

3.50

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

FORM APPROVED COUNTY COUNSEL
 BY:
 CYNTHIA M. GUNZEL
 DATE: 6-22-11
 Departmental Concurrence

Dept' Recomm.: Consent Policy
 Per Exec. Ofc.: Consent Policy

The Honorable Board of Supervisors

RE: Amendment 1 to TUMF Funding Agreement with Western Riverside Council of Governments (WRCOG) for the Clinton Keith Road Widening Project from Interstate 215 to State Route 79

June 29, 2011

Page 2 of 2

proposed as a six-lane urban arterial from Antelope Road in the City of Murrieta to SR-79 at Benton Road in unincorporated Riverside County. Clinton Keith Road will be on a new alignment east of Los Alamos Road to SR-79. This Project will provide the ultimate six-lane backbone network facility for approximately 3.4 miles of improvements to the existing and new alignment.

The County and WRCOG entered into a TUMF Funding Agreement for this Project in the amount of \$17,000,000, approved by the Board on February 5, 2008 (Agenda Item 3.40). At the request of WRCOG, this Amendment 1 would reduce the TUMF Funding amount for the Agreement to a revised total of \$12,000,000. Due to the dramatic decline in TUMF revenues since we first entered into this Agreement, some of the projects in the Southwest Zone have had to reduce their budgets to align with available revenues. This amended amount is consistent with the revised budget amount currently programmed in the WRCOG Southwest Zone TIP for this Project.

Authorizing the Director of Transportation to approve future administrative amendments to this TUMF Funding Agreement would enable and facilitate the processing of certain administrative functions, including changes and updates to the project schedule and shifting of programmed dollar amounts from one phase to another for this Project without changing the total overall Agreement terms such as the funding amount.

Project Number: B20472

2011 JUN 29 11:03

2011 JUN 29 11:03

**AMENDMENT 1 TO TRANSPORTATION UNIFORM MITIGATION FEE PROGRAM
AGREEMENT**

CLINTON KEITH ROAD, SR-79 TO I-215

THIS AMENDMENT 1 ("Amendment") is entered into this 12th day of July, 2010, by and between the WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS ("WRCOG") and the COUNTY OF RIVERSIDE ("Agency"). WRCOG and the Agency are sometimes referred to individually as "Party" and collectively as "Parties."

RECITALS

A. WRCOG and Agency have entered into an agreement titled "Transportation Uniform Mitigation Fee Program Agreement" that is dated **February 5, 2008** ("Agreement"). The Agreement provides the terms and conditions, scope of work, schedule and funding amount for the delivery of the **Clinton Keith Road, SR-79 to I-215 Widening Project** (the "Project").

B. The Parties desire to amend the Agreement by modifying the funding amount specified in the Agreement.

C. The funding amount specified in the Agreement is being amended to match the funding amounts shown in the adopted 2010 Southwest Zone 5-year Transportation Improvement Plan (TIP) for this Project.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and subject to the conditions contained herein, the Parties hereby agree as follows:

1. The Funding Amount contained in Section 2 of the Agreement is hereby reduced from Seventeen Million (\$17,000,000) to a revised not to exceed amount of **Twelve Million dollars (\$12,000,000)**.

2. The forgoing modification of the Funding Amount is within the Maximum TUMF Share.

3. Exhibit "A-1" Estimate of Cost of the Agreement is hereby deleted in its entirety and replaced with Exhibit "A-1" Estimate of Cost attached to this Amendment and incorporated herein by reference.


4. The description of items eligible for advance/reimbursement in Section 3 of the Agreement shall be amended to include at the end of the last line of this Section the following: "and (10) any AGENCY administrative cost to deliver the Project."

5. Except to the extent specifically modified or amended hereunder, all of the terms, covenants and conditions of the Agreement shall remain in full force and effect between the Parties hereto.

[Signatures on Following Page]

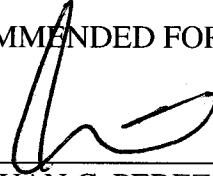
IN WITNESS WHEREOF, the Parties have caused this Amendment to the Agreement to be executed by their duly authorized representatives to be effective on the day and year first written above.

**WESTERN RIVERSIDE COUNCIL
OF GOVERNMENTS**

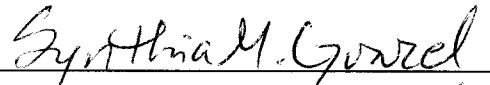
By: 
RICK BISHOP
Executive Director

**COUNTY OF RIVERSIDE
TRANSPORTATION DEPARTMENT**


RECOMMENDED FOR APPROVAL:

By: 
JUAN C. PEREZ
Director of Transportation

APPROVED AS TO FORM:

By: 
SYNTHIA M. GUNZEL, Deputy
County Counsel

APPROVAL BY THE BOARD OF
SUPERVISORS:

By:  Date: JUL 12 2011
Chairman, Riverside County Board of
Supervisors **BOB BUSTER**

ATTEST:

By:  Date: JUL 12 2011
DEPUTY
KECIA HARPER-IHEM
Clerk of the Board

EXHIBIT "A-1"
ESTIMATE OF COST

PHASE	TUMF	LOCAL	TOTAL
PA&ED	\$0	\$1,700,000	\$1,700,000
PS&E	\$0	\$3,000,000	\$3,000,000
ROW	\$7,000,000	TBD	TBD
CON	\$5,000,000	TBD	TBD
<i>Total Approved by WRCOG</i>	\$12,000,000		

EXHIBIT "A-2"
PROJECT SCHEDULE

PHASE	START DATE	COMPLETION DATE
PA&ED	FY 01/02	FY 05/06
PS&E	FY 04/05	FY 10/11
ROW	FY 04/05	FY 10/11
CON	FY 11/12	FY 12/13