

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



FROM: Supervisor Marion Ashley

SUBMITTAL DATE:
March 22, 2011

SUBJECT: First Amendment to the Memorandum of Understanding for Septic System Mitigation between the County of Riverside, Eastern Municipal Water District, and the City of Perris for the Community of Enchanted Heights

RECOMMENDED MOTION: That the Board of Supervisors:

Approve the First Amendment to the Memorandum of Understanding for Septic System Mitigation between the County of Riverside, Eastern Municipal Water District, and the City of Perris for the Community of Enchanted Heights

BACKGROUND: The community of Enchanted Heights was developed in the 1960s with individual septic systems and currently experiences an unacceptable number of failures. This community exists both within the City of Perris and the unincorporated area of the County. In 2005, the Riverside County Board of Supervisors passed Resolution 2005-300, which established a prohibition for new septic systems in the community. This Resolution was the first step in securing funding for a community sewer system. As the next step to secure funding for this project, the County, Eastern Municipal Water District, and City of Perris entered into a Memorandum of Understanding (MOU) in July of 2010, delineating the responsibilities of each party as required by the State grant application. As the responsibilities of the parties have changed since the initial MOU was entered into, this Amendment seeks to redefine the roles of each respective party.

Marion Ashley

Supervisor Marion Ashley
Fifth District

Departmental Concurrence

Dep't Recomm.: Policy
Per Exec. Ofc.: Policy

 Consent
 Consent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Buster 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: March 29, 2011
xc: Supvr. Ashley, District

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

Prev. Agn. Ref. 6/28/05, 9.1;
7/27/10, 3.84

District: 5

Agenda Number:

3.34

FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING FOR SEPTIC SYSTEM MITIGATION BETWEEN THE COUNTY OF RIVERSIDE, EASTERN MUNICIPAL WATER DISTRICT, AND THE CITY OF PERRIS FOR THE COMMUNITY OF ENCHANTED HEIGHTS

This First Amendment to Memorandum of Understanding ("**First Amendment**") is made and entered into between and among **THE COUNTY OF RIVERSIDE**, a political subdivision of the State of California ("**County**"), **EASTERN MUNICIPAL WATER DISTRICT**, a public agency ("**Eastern**"); and **THE CITY OF PERRIS**, a municipal corporation ("**City**") as of the last date of its execution by all Parties. County, City and Eastern are hereinafter sometimes referred to individually as a "**Party**" and collectively as the "**Parties.**"

RECITALS

WHEREAS, the Parties previously entered into that certain Memorandum of Understanding, dated as of August 2010 ("**MOU**"); and

WHEREAS, the Parties now desire to amend the MOU to modify the responsibilities of the Parties under the MOU.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, it is agreed that:

AGREEMENT

1. Capitalized terms that are used in this First Amendment without definition and that are defined in the MOU are used herein as so defined.

2. Section 1 of the MOU is hereby deleted in its entirety, and the following is inserted into its place and stead:

1. CITY RESPONSIBILITIES. City shall be the lead agency, grant recipient, and administrator for the Proposition 84 Program grant. (Funding Agreement No. 84-10C30, Project No. P84-3310009-801) The City of Perris will provide on-site coordination process with City residents; coordination to include logistics and public meetings.

3. Section 2 of the MOU is hereby deleted in its entirety, and the following is inserted into its place and stead:

2. COUNTY RESPONSIBILITIES. County, through its Environmental Health Department, shall be the lead agency responsible for the inspection of the demolition and abandonment of the existing septic systems for compliance with applicable codes. If deemed necessary, the County shall also be responsible for enforcement of residence connection to sewer. The County, through its Department of Building and Safety, will inspect the sewer system on-

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site construction. The County will also provide on-site coordination process with County residents. Coordination will include logistics and public meetings.

4. Section 3 of the MOU is hereby deleted in its entirety, and the following is inserted into its place and stead:


3. EASTERN'S RESPONSIBILITIES. Eastern shall have primary responsibility for bid, and construction of the Enchanted Heights Sewer project. Eastern shall be responsible for choosing a contractor for both off-site and on-site construction of said project. Payment of on-site construction contractor shall be reimbursed through various funding sources including but not limited to the County of Riverside and City of Perris. Eastern shall be responsible for acquiring the property necessary for the lift station. It is anticipated that Eastern will own and operate the collection system, lift station, and force main upon completion of the Project, and be responsible for customer billing. Eastern shall ensure that all of the Parties are named as additional insured under any policy of insurance related to construction of the Project.

5. Except as set forth in this First Amendment, all of the terms and conditions of the MOU shall remain unmodified and in full force and effect.

6. The signatories hereto represent that they have been appropriately authorized to execute this First Amendment on behalf of the Party for whom they sign.


IN WITNESS WHEREOF, the parties hereto have executed this MOU.

EASTERN MUNICIPAL WATER DISTRICT

By: 
Anthony J. Pack, General Manager

Dated: 4/4/2011

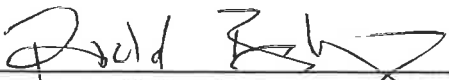
ATTEST:

By: 
Secretary to the Board

APPROVED AS TO FORM:

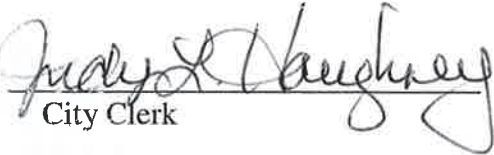
By: 

CITY OF PERRIS

By: 
Richard Belmudez, City Manager

Date: 3/24/11

ATTEST:

By: 
City Clerk

APPROVED AS TO FORM:

By: 
Eric Dunn, City Attorney

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

By: Bob Buster
Bob Buster, Chairman

Date: MAR 29 2011

ATTEST:
CLERK OF THE BOARD

By: Karen [Signature]
Deputy

APPROVED AS TO FORM:
Pamela J. Walls, County Counsel

By: Jinny R. Yang [Signature]
Jinny R. Yang, Deputy