

FORM APPROVED COUNTY COUNSEL 11/22/14 DATE
 BY: GREGORY P. PRAMOS
 Departmental Concurrence

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

311



FROM: Fire

SUBMITTAL DATE:
November 6, 2014


SUBJECT: First Amendment to the Fire Protection Agreement with the City of Cathedral City for Proposed Annexation Area (Annexation No. 2014-08-04); District 4 / 4; [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the First Amendment to the Cooperative Agreement to provide Fire Protection, Fire Prevention, Rescue and Medical Emergency Services for the City of Cathedral City for the proposed Annexation Area, between the County of Riverside and the City of Cathedral City; and
2. Authorize the Chairman of the Board to execute this First Amendment to the Cooperative Agreement on behalf of the County.

BACKGROUND:

Summary
Continued on Page 2


 Glenn Patterson, Deputy Chief of Admin for
 John R. Hawkins, County Fire Chief

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ n/a	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	


SOURCE OF FUNDS: Budget Adjustment: n/a
For Fiscal Year: 14/15

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 Jeffries and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Stone, Benoit and Ashley
 Nays: None
 Absent: Tavaglione
 Date: November 24, 2014
 xc: Fire

Kecia Harper-Ihem
 Clerk of the Board
 By: 
 Deputy

- Positions Added
- Change Order
- A-30
- 4/5 Vote

3-40

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: First Amendment to the Fire Protection Agreement with the City of Cathedral City for
Proposed Annexation Area (Annexation No. 2014-08-04); District 4 / 4; [\$0]**

DATE: November 6, 2014

PAGE: 2 of 3

BACKGROUND:

Summary (continued)

On September 9, 2014, Agenda Item 3-40, the Board of Supervisors approved the Fire Protection Agreement with the City of Cathedral City for the proposed annexation area No. 2014-08-04. On September 25, 2014 the Local Agency Formation Commission (LAFCO) approved the annexation subject to certain conditions including a requirement for an agreement based on specific terms with regard to fire services, which the original agreement did not contain. After review, it was determined that the terms within the approved conditions had the potential to make the contract, based on the specific terms, operationally unfeasible. Therefore the County submitted a request for reconsideration on October 27, 2014. The reconsideration will be heard by LAFCO on December 11, 2014. The amendment to the agreement for consideration by the Board of Supervisors today reflects the County's specific amendments to the initial contract based on the application for reconsideration. The city agrees with the requested change and adopted the amendment on November 5, 2014. By taking action today, the county is hopeful that if LAFCO approves the reconsideration the annexation can be recorded quickly as the new agreement will already be entered into by both parties.

This is the first amendment to this agreement. The amendment is for the Section IV Initial Term and Renewal of the agreement. The changes to this Section are as follows.

- The termination date of June 30, 2017, is amended to June 30, 2024 or when the City of Cathedral City is able to provide fire services with a response time comparable to the County's standard response for the Annexation Area as agreed to by the respective fire chiefs of each jurisdiction; whichever occurs first.
- Additional language that stipulates should the County lose operational control of the first responding Fire Station's ability to respond to incidents within the Annexation Area, this agreement becomes null and void.
- Additional language that stipulates that in the event the City of Cathedral City elects to join the County's Regional Fire System and contracts for Fire Protection Services, this agreement becomes null and void, as the services to the Annexed Area would be made a part of a new Cooperative Agreement.

The agreement shall become valid only upon the effective date of the Annexation. Should the proposed Annexation fail to be completed for any reason, the agreement shall be null and void.

The subject area is defined as approximately 678 acres generally located north of Interstate Highway 10 along Varner Road corridor, west of Rio Del Sol Road, and south of Varner Road, and east of Da Vall Drive, The site is located within lower alluvial areas of the Indio Hills to the north and contains primarily Sonoran Creosote bush scrub habitat. The community of Thousand Palms is located immediately to the east of the proposed subject area.

Impact on Citizens and Businesses

The subject area will continue to receive Fire Protection Services from the County of Riverside through this Agreement. Also, the annexation is uninhabited; therefore, there will be no impact to the business or citizens of the area.

SUPPLEMENTAL:

Additional Fiscal Information

The proposed amendment will not impact the amount of estimated revenue. There are no fiscal implications with the amendment.

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Proposed Annexation Area (Annexation No. 2014-08-04); District 4 / 4; [\$0]**

DATE: November 6, 2014

PAGE: 3 of 3

Contract History and Price Reasonableness

On September 9, 2014, Agenda Item 3-40, the Board of Supervisors approved the Fire Protection Agreement with the City of Cathedral City for the proposed annexation area No. 2014-08-04. This was the initial contract with the City of Cathedral City for Fire Protection Services. This is the first amendment to that agreement.

**FIRST AMENDMENT TO THE COOPERATIVE AGREEMENT
TO PROVIDE FIRE PROTECTION, FIRE PREVENTION, RESCUE
AND MEDICAL EMERGENCY SERVICES FOR
THE CITY OF CATHEDRAL CITY IN ANNEXATION PROPOSAL LAFCO 2014-08-4**

THIS FIRST AMENDMENT, made and entered into this ____ day of _____, 2014, by and between the County of Riverside, a political subdivision of the State of California, on behalf of the Fire Department, (hereinafter referred to as "COUNTY") and the City of Cathedral City, a duly created city, (hereinafter referred to as "CITY"), whereby it is agreed as follows:

I. Recitals: This first Amendment is made with respect to the following purposes and facts which each of the parties agree to be true and correct:

A. On September 9, 2014, the COUNTY and the CITY entered into that certain Agreement titled: A Cooperative Agreement to Provide Fire Protection, Fire Prevention, Rescue and Medical Emergency Services for the City of Cathedral City in Annexation Proposal LAFCO 2014-08-4

B. The COUNTY and CITY now wish to amend the Agreement.

II. Amendment: On page 3 of the Agreement, Section IV Initial Term and Renewal, Subsection A is deleted in its entirety and replaced as follows: The term of this Agreement shall be from the effective date of Annexation through June 30, 2024 or the CITY is able to provide fire services with a response time comparable to the COUNTY's standard response for the Annexation Area as agreed to by the respective fire chiefs of each jurisdiction; whichever occurs first.

III. Amendment: On page 3 of the Agreement, Section IV Initial Term and Renewal, Subsection F is added as follows: Should the COUNTY lose operational control of the first responding Fire Station's ability to respond to incidents within the Annexation Area, this agreement becomes null and void, as there would be a Frustration of Purpose in providing adequate response time. The County will endeavor to provide as much notice as possible should this occur.

IV. Amendment: On Page 3, of the Agreement, Section IV Initial Term and Renewal, Subsection G is added as follows: In the event CITY elects to join the COUNTY's Regional Fire System and contracts with the COUNTY for Fire Protection Services within the entire jurisdiction of the CITY, this agreement becomes null and void, as the services to the Annexed Area would be made a part of a new Cooperative Agreement.

V. Except as specifically set forth herein, all other terms and conditions of the Agreement shall remain in full force.

IN WITNESS WHEREOF, the duly authorized officials of the parties hereto have, in their respective capacities, set their hands as of the date first hereinabove written.

Dated: _____

CITY OF CATHEDRAL CITY

By: _____

Title: _____

ATTEST:

APPROVED AS TO FORM:

By: _____

Title: _____

(SEAL)

Dated: NOV 24 2014

COUNTY OF RIVERSIDE

By: Jeff Stone
Chairman, Board of Supervisors
JEFF STONE

ATTEST:

APPROVED AS TO FORM:
GREGORY P. PRIAMOS,
County Counsel

KECIA HARPER-IHEM
Clerk of the Board

By: Eric Stopher
ERIC STOPHER
Deputy County Counsel

By: Kecia Harper-Ihem
Deputy

(SEAL)

IN WITNESS WHEREOF, the duly authorized officials of the parties hereto have, in their respective capacities, set their hands as of the date first hereinabove written.

Dated: November 12, 2014

CITY OF CATHEDRAL CITY

By: [Signature]

Title: Mayor

ATTEST:

By: [Signature]

Title: City Clerk

(SEAL)

APPROVED AS TO FORM:

[Signature]
City Attorney

Dated: _____

COUNTY OF RIVERSIDE

By: _____
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM
Clerk of the Board

By: _____
Deputy

(SEAL)

APPROVED AS TO FORM:
GREGORY P. PRIAMOS,
County Counsel

By: [Signature]
ERIC STOPHER
Deputy County Counsel