

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



ITEM
3.36
(ID # 3402)

MEETING DATE:

Tuesday, February 7, 2017


FROM : TLMA-TRANSPORTATION:

SUBJECT: TLMA TRANSPORTATION: Approve Amendment No. 1 to Cost Share Agreement between Riverside County Flood Control and Water Conservation District and the County of Riverside for the Water Resources Development Act 2000 Section 214; 10 years (\$200,000 for FY 16/17 to FY 25/26); [Total \$2,000,000; District Funds 80%, County Funds 20%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Amendment No. 1 to Cost Share Agreement (Agreement) between Riverside County Flood Control and Water Conservation District (District) and the County of Riverside (County); and
2. Authorize the Chairman to execute the Agreement documents on behalf of the County.

ACTION: Policy


Patricia Romo, Director of Transportation 1/19/2017

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Tavaglione, Washington and Ashley
Nays: None
Absent: None
Date: February 7, 2017
xc: Transp.

Kecia Harper-Ihem
Clerk of the Board

By: 
Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$200,000	\$200,000	\$2,000,000	\$ 0
NET COUNTY COST	\$0	\$0	\$0	\$ 0
SOURCE OF FUNDS: 80% Flood District Funds, 20% Various Local Transportation Funds. No general funds will be used.			Budget Adjustment: No	
			For Fiscal Year: 16/17-25/26	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On July 3, 2012 (Agenda Item No. 3.35), the Board of Supervisors approved the Agreement between the District and County Transportation Department (County) which set forth the terms and conditions by which the County will reimburse the District for deposits made to the Army Corps of Engineers (ACOE) to expedite the evaluation and issuance of Section 404 permits of the Clean Water Act for District and County priority projects.

Amendment No. 1 extends the term of the Agreement to September 30, 2026 to allow for the continued evaluation of Section 404 permits for District and County projects.

The Memorandum of Agreement (MOA) between the County, the District, and the ACOE for the expedient review of permit applications for District and County priority projects appears as a separate agenda item.

County Counsel has approved the Amendment as to its legal form. A companion item appears on the Riverside County Flood Control and Water District's Board agenda this same date.

Impact on Residents and Businesses

Entering into the cost share agreement will allow the transportation department the ability to respond in a time efficient manner to public demands on our road system.

SUPPLEMENTAL:

Additional Fiscal Information

Pursuant to this amendment and the MOA, the District will provide a maximum contribution of two million dollars (\$2,000,000) to the Corps over a ten-year period for the continued evaluation of Section 404 permits. The District and County agree to cost share on an (80%-20%) basis of the project's actual cost. The County share will be approximately \$40,000 and will be funded with money from various local transportation funds. There are no general funds used for this effort.

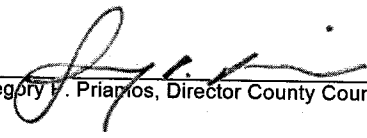
**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

Contract History and Price Reasonableness

The contract cost is based on an approximation of ACOE staff time to review project documents. Actual costs may be less depending on the amount of work performed.

ATTACHMENTS:

Amendment No.1 to Cost Share Agreement



Gregory V. Priamos, Director County Counsel 1/25/2017

AMENDMENT NO. 1
to
COST SHARE AGREEMENT

Water Resources Development Act of 2000
Section 214 Memorandum of Agreement

The Riverside County Flood Control and Water Conservation District, a body politic ("DISTRICT"), and the County of Riverside, a political subdivision of the State of California ("COUNTY"), hereby agree as follows:

RECITALS

A. On July 3, 2012 [DISTRICT'S Board Agenda Item No. 11.1], DISTRICT and COUNTY entered into that certain Cost Share Agreement ("AGREEMENT") which sets forth the terms and conditions under which DISTRICT will make initial deposits to the Army Corps of Engineers, Los Angeles District on behalf of DISTRICT and COUNTY to expedite the evaluation of Section 404 permits of the Clean Water Act for DISTRICT and COUNTY designated priority projects; and

B. Pursuant to said AGREEMENT, the COUNTY will reimburse DISTRICT for their initial deposit and actual share of the costs thereafter; and

C. To better facilitate funding for identified mutual goals and projects, DISTRICT and COUNTY desire to extend the duration of AGREEMENT to September 30, 2026.

NOW, therefore, in consideration of the preceding recitals and the mutual covenants hereinafter contained, the parties hereto mutually agree to amend AGREEMENT as follows:

1. Paragraph K in the RECITALS of AGREEMENT is amended to read:

"DISTRICT has included the sum of two hundred thousand dollars (\$200,000) in its Fiscal Year 2016-2017 budget"; and

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2. Section III.1 is amended to read:

"The term of this Agreement shall start on January 1, 2017 and end September 30, 2026"; and

3. Section III.7 is deleted in its entirety; and

4. Except to the extent specifically deleted, added to or amended herein, all of the terms, covenants and conditions of said AGREEMENT executed on July 3, 2012 shall remain in full force and effect between the parties hereto.

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IN WITNESS WHEREOF, the parties hereto have executed this Amendment on

(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL:

**RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT**

By _____
JASON E. UHLEY
General Manager-Chief Engineer


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

APPROVED AS TO FORM:

ATTEST:

GREGORY P. PRIAMOS
County Counsel

KECIA HARPER-IHEM
Clerk of the Board

By  _____
NEAL KIPNIS
Deputy County Counsel

By _____
Deputy


(SEAL)

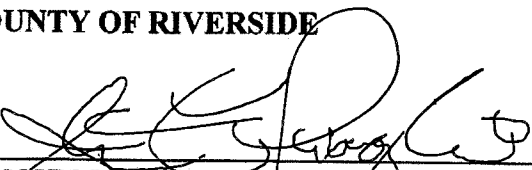

Amendment No. 1 to Cost Share Agreement: County of Riverside
Water Resources Development Act of 2000 Section 214 Memorandum of Agreement
11/30/2016
AMR:bad

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RECOMMENDED FOR APPROVAL:

COUNTY OF RIVERSIDE

By 
PATRICIA ROMO
Director of Transportation

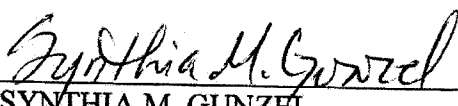
By 
~~JOHN J. BENOIT, Chairman~~
Board of Supervisors 

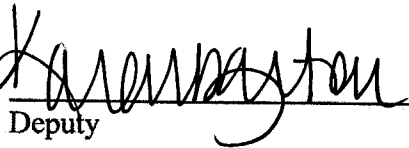
APPROVED AS TO FORM:

ATTEST:

GREGORY P. PRIAMOS
County Counsel

KECIA HARPER-IHEM
Clerk of the Board

By 
SYNTHIA M. GUNZEL
Supervising Deputy County Counsel

By 
Deputy

(SEAL)

Amendment No. 1 to Cost Share Agreement: County of Riverside
Water Resources Development Act of 2000 Section 214 Memorandum of Agreement
11/30/2016
AMR:bad