

SUBMITTAL TO THE FLOOD CONTROL AND
WATER CONSERVATION DISTRICT
BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM
11.1
(ID # 3365)

MEETING DATE:

Tuesday, April 11, 2017

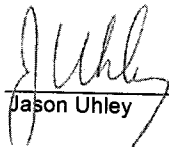
FROM : FLOOD CONTROL DISTRICT:

SUBJECT: FLOOD CONTROL DISTRICT: Approval of Amendment No. 2 to Cooperative Agreement for Southwest Riverside MDP Line G Stage 2, Line G-1 and Line F-1; Project Nos. 1-0-00319, 1-0-00321 and 1-0-00322; 1st District; [\$74,760]; District Funds 100%

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Amendment No. 2 to Cooperative Agreement between the District and City of Riverside (City) to increase the amount of District's financial contribution; and
2. Authorize the Chairman to execute the Amendment documents on behalf of the District.

ACTION: Policy


Jason Uhley

3/30/2017

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Tavaglione and Ashley
Nays: None
Absent: Washington
Date: April 11, 2017
xc: Flood

Kecia Harper-Ihem
Clerk of the Board

By: 
Deputy

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD
OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

BACKGROUND:

Summary

On April 7, 2015 (Agenda Item No. 11.1), the Board of Supervisors approved Amendment No. 1 between the District and City to increase the contract amount to the City for the design and construction of the referenced flood control facilities.

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 74,760	\$ 0	\$ 74,760	\$ 0
NET DISTRICT COST	\$ 74,760	\$ 0	\$ 74,760	\$ 0
SOURCE OF FUNDS: 25110 947400 523220 (Zone 1 Const/Maint/Misc Licenses and Permits)			Budget Adjustment: No	
			For Fiscal Year: 16/17	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary (continued)

The City has completed the construction of the flood control facilities, however District's financial contribution did not include the Multi Species Habitat Conservation Plan (MSHCP) fee required by the Riverside Conservancy Agency.

This Amendment No. 2 is necessary to increase the amount of District's financial contribution to include the required MSHCP fees from three million four hundred seventeen thousand dollars (\$3,417,000) to three million four hundred ninety-one thousand seven hundred sixty dollars (\$3,491,760).

County Counsel has approved the Amendment as to legal form and the City has executed the Amendment.

Impact on Residents and Businesses

Costs incurred under this Amendment will be funded by ad valorem property tax revenue and entails no new fees, taxes or bonded indebtedness to residents and businesses.

SUPPLEMENTAL:

Additional Fiscal Information

The District is funding all design and construction costs. Sufficient funding is available in the District's Zone 1 budget for Fiscal Year 2016-2017. Future operation and maintenance costs will accrue to the District.

ATTACHMENTS:

1. Vicinity Map
2. Amendment No. 2 to Cooperative Agreement

SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD
OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

AMR:blm


Elizabeth Olson

4/3/2017


Gregory H. Priamos, Director County Counsel

1/18/2017

AMENDMENT NO. 2
to
COOPERATIVE AGREEMENT

Southwest Riverside MDP Line G, Stage 2, Line G-1, and Line F-1
Project Nos. 1-0-00319, 1-0-00321 and 1-0-00322

The Riverside County Flood Control and Water Conservation District ("DISTRICT") and the City of Riverside ("CITY") hereby agree as follows:

RECITALS

A. On March 13, 2012 [DISTRICT'S Board Agenda Item No. 11.1], DISTRICT and CITY entered into a Cooperative Agreement ("AGREEMENT") which set forth the terms and conditions under which DISTRICT will contribute funding in support of CITY'S efforts to design and construct the Southwest Riverside MDP Line G, Stage 2, Line G-1, and Line F-1 storm drain systems ("PROJECT"); and

B. On April 7, 2015 [DISTRICT'S Board Agenda Item No. 11.1], DISTRICT and CITY entered into Amendment No. 1 to increase the total amount of compensation paid under the AGREEMENT from two million nine hundred sixteen thousand dollars (\$2,916,000) to three million four hundred seventeen thousand dollars (\$3,417,000); and

C. As the PROJECT proceeded, CITY recognized that DISTRICT'S contribution did not include costs associated with the Multiple Species Habitat Conservation Plan ("MSHCP"), as required by the Riverside Conservancy Agency; and

D. Pursuant to the AGREEMENT, CITY has completed construction for the PROJECT, and some of the authorized total remains unspent. Therefore, DISTRICT and CITY wish to increase the amount of DISTRICT'S financial contribution for the PROJECT to include those additional funds needed to fully reimburse CITY for MSHCP fees paid.

1 NOW, therefore, in consideration of the preceding recitals and the mutual covenants
2 hereinafter contained, the parties hereto mutually agree to amend AGREEMENT as follows,
3 effective upon approval of this Amendment No. 2 by DISTRICT'S Board of Supervisors:

4 1. Paragraph G in the RECITALS of AGREEMENT last sentence is added to read:

5
6 "(iv) One hundred percent (100%) of the actual cost of the MSHCP fee as set forth herein
7 (hereinafter called "MSHCP CONTRIBUTION"); and"; and

8 2. Paragraph H in the RECITALS of AGREEMENT is amended in its entirety to read:

9 "Altogether, DESIGN CONTRIBUTION, CONSTRUCTION CONTRIBUTION,
10 ACQUISITION CONTRIBUTION and MSHCP CONTRIBUTION are hereinafter called
11 "DISTRICT TOTAL CONTRIBUTION". DISTRICT TOTAL CONTRIBUTION shall not
12 exceed a total sum of three million four hundred ninety-one thousand seven hundred sixty
13 dollars (\$3,491,760); and"; and

14 3. Section I.9 is amended in its entirety to read:

15
16 "Keep an accurate accounting of all costs associated with the acquisition of rights of way, rights
17 of entry, temporary construction easements, and MSHCP fees for the PROJECT, and include
18 this accounting when invoicing DISTRICT for payment of ACQUISITION CONTRIBUTION
19 and MSHCP CONTRIBUTION as provided herein."; and

20 4. Section I.10 is amended in its entirety to read:

21
22 "Invoice DISTRICT for the costs incurred by CITY for acquisition of rights of way, rights of
23 entry, temporary construction easements, and MSHCP fees following award of construction
24 contract for PROJECT. However, the total amount of acquisition cost invoiced to DISTRICT
25 for ACQUISITION CONTRIBUTION of rights of way, rights of entry, and temporary
26 construction easements shall not exceed one hundred percent (100%) of the appraised values for
27 all acquired parcels plus customary escrow and closing costs. The total amount of MSHCP fees
28

1 shall not exceed the lesser of three percent (3%) of the lowest bid contract price or three percent
2 (3%) of the contract bid price, less the value of the applicable project specific mitigation or the
3 negotiated MSHCP fee paid by the CITY."; and

4
5 5. Section II.9 is amended in its entirety to read:

6 "Pay CITY, within thirty (30) days after receipt of CITY'S appropriate invoice, one hundred
7 percent (100%) of ACQUISITION CONTRIBUTION and one hundred percent (100%) of
8 MSHCP CONTRIBUTION as set forth in Sections I.9 and I.10."; and

9 6. Section III.1 is amended in its entirety to read:

10 "DISTRICT TOTAL CONTRIBUTION, including any payments made by the DISTRICT prior
11 to the execution of this Amendment No. 2, shall not exceed a total sum of three million four
12 hundred ninety-one thousand seven hundred sixty dollars (\$3,491,760). DISTRICT TOTAL
13 CONTRIBUTION shall be used by CITY solely for the purpose of designing and constructing
14 PROJECT as set forth herein."; and

15
16 7. Section III.7 is deleted in its entirety.

17 Except to the extent specifically deleted, added to, or amended herein, all of the terms,
18 covenants, and conditions of said AGREEMENT executed on March 13, 2012 and Amendment
19 No. 1 dated April 5, 2015 shall remain in full force and effect between the parties hereto.

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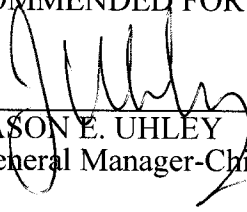
IN WITNESS WHEREOF, the parties hereto have executed this Amendment on

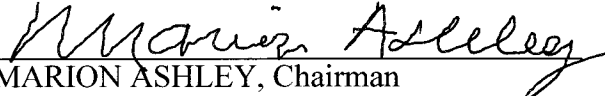
APR 11 2017

(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

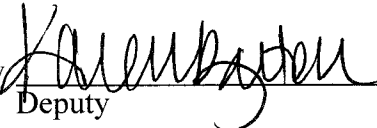
APPROVED AS TO FORM:

ATTEST:

GREGORY P. PRIAMOS
County Counsel

KECIA HARPER-IHEM
Clerk of the Board

By  11/3/17
NEAL KIPNIS
Deputy County Counsel

By 
Deputy

(SEAL)

Amendment No. 2 to
Cooperative Agreement: Southwest Riverside MDP Line G, Stage 2, Line G-1, and Line F-1
12/29/16
AMR:bad

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CITY OF RIVERSIDE

By  _____

JOHN RUSSO
City Manager

APPROVED AS TO FORM:


By  _____

GARY GEUSS
City Attorney

*Anthony Beaumont
Dep. City Atty*

ATTEST:

Date: March 16, 2017

By  _____

COLLEEN J. NICOL
City Clerk

(SEAL)

Amendment No. 2 to
Cooperative Agreement: Southwest Riverside MDP Line G, Stage 2, Line G-1, and Line F-1
12/29/16
AMR:bad