

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



ITEM
11.1
(ID # 4138)

MEETING DATE:
Tuesday, May 23, 2017

FROM : FLOOD CONTROL DISTRICT:

SUBJECT: FLOOD CONTROL DISTRICT: Approve Amendment No. 1 to Cooperative Agreement between the District and the City of Wildomar for Wildomar Master Drainage Plan Lateral C-1, Project No. 7-0-00076; District 1; (\$190,000 for FY 16/17), Total [Not to Exceed \$2,200,000]; District Funds 100%

RECOMMENDED MOTION: That the Board of Supervisors:

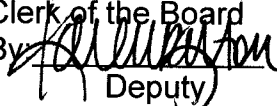
1. Approve the Amendment No. 1 to Cooperative Agreement between the District and the City of Wildomar (City);
2. Authorize the Chairman to execute the Amendment documents on behalf of the District; and
3. Authorize the General Manager-Chief Engineer to pay the Riverside Conservation Agency the mitigation payment per Section 13.4 Provision B of the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) Implementation Agreement.

ACTION:

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, Perez and Ashley
Nays: None
Absent: None
Date: May 23, 2017
xc: Flood

Kecia Harper-Ihem
Clerk of the Board
By 
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 190,000	\$ 0	\$ 2,200,000	\$ 0
NET DISTRICT COST	\$ 190,000	\$ 0	\$ 2,200,000	\$ 0
SOURCE OF FUNDS: 25170-947520-527980 (Zone 7 Const/Maint/Misc Contracts)			Budget Adjustment:	No
			For Fiscal Year:	FY16-17

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On June 17, 2014 (Agenda Item No. 11.3), the Board of Supervisors approved the cooperative agreement between the District and City which set forth the terms and conditions by which the District would contribute funding to the City of Wildomar for the design and construction of Wildomar Master Drainage Plan Lateral C-1 as part of a City administered public works construction contract.

The initial cooperative agreement stipulated the total amount to be paid was not to exceed \$2,010,000. However, the lowest responsible bid came in substantially higher than the originally estimated construction cost. Amendment No. 1 raises the total not to exceed paid contract sum to two million two hundred thousand dollars (\$2,200,000), an increase of one hundred ninety thousand dollars (\$190,000).

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

Impact on Residents and Businesses

Amendment No. 1 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 costs associated with the design, actual rights of way acquisition and construction of said flood control facility. Sufficient funds are available in the District's Zone 7 budget for FY 2016-2017. Future operations and maintenance costs associated with mainline storm drains that are greater than 36 inches in diameter will accrue to the District.

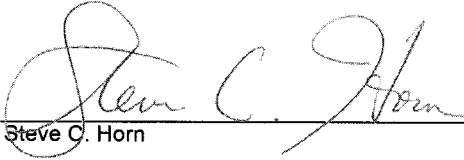
ATTACHMENTS:

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

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COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

Previous Agreement referenced on June 17, 2014, Agenda Item No. 11.3.

RKM:blm



Steve C. Horn

5/15/2017



Gregory F. Priamos, Director County Counsel

4/27/2017

AMENDMENT NO. 1
to COOPERATIVE AGREEMENT
Wildomar Master Drainage Plan Lateral C-1
Project No 7-0-00076

The Riverside County Flood Control and Water Conservation District, hereinafter called "DISTRICT" and the City of Wildomar, hereinafter called "CITY", hereby agree as follows:

RECITALS

A. On June 17, 2014 [DISTRICT'S Board Agenda Item No. 11.3], DISTRICT and CITY entered into a Cooperative Agreement, hereinafter called "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 Wildomar Master Drainage Plan Lateral C-1 storm drain systems, hereinafter together called "PROJECT".

B. Pursuant to AGREEMENT, CITY completed PROJECT design and advertised PROJECT for public works construction bids. The lowest responsible and responsive bid came in substantially higher than the originally estimated construction cost. Therefore, DISTRICT and CITY wish to increase the amount of DISTRICT'S financial contribution for PROJECT.

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 G in the RECITALS of AGREEMENT is amended to read:

"Altogether, TOTAL DESIGN CONTRIBUTION, TOTAL CONSTRUCTION CONTRIBUTION and ACQUISITION CONTRIBUTION are hereinafter called "DISTRICT TOTAL CONTRIBUTION". DISTRICT TOTAL CONTRIBUTION shall not exceed a total sum of two million two hundred thousand dollars (\$2,200,000); and"

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2. Section II.15 is amended to read:

"Pay CITY, within thirty (30) days after receipt of CITY'S appropriate invoice, for remainder of TOTAL CONSTRUCITON CONTRIBUTION as set forth in Section I.34 and I.36, provided, however, that DISTRICT TOTAL CONTRIBUTION shall not exceed a total sum of two million two hundred thousand dollars (\$2,200,000); and"

3. Section II.16 is added to read:

"Within thirty (30) days of CITY awarding PROJECT construction contract, pay Riverside Conservation Agency (RCA) the costs associated with the Multi-Species Habitat Conservation Plan ("MSHCP"), which is either the lesser of three percent (3%) of the ORIGINAL BID or three percent (3%) of the contract bid price, less the value of the applicable project specific mitigation."

4. Section III.1 is amended to read:

"DISTRICT TOTAL CONTRIBUTION shall not exceed a total sum of two million two hundred thousand dollars (\$2,200,000) and shall be used by CITY solely for the purpose of designing and constructing PROJECT as set form herein; and"

5. Except to the extent specifically delêted, added to, or amended herein, all of the terms, covenants and conditions of said AGREEMENT executed on June 17, 2014 shall remain in full force and effect between the parties hereto.

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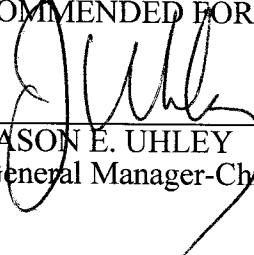
1 IN WITNESS WHEREOF, the parties hereto have executed this Amendment on

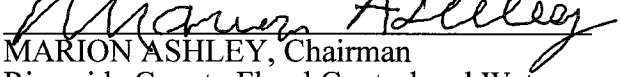
2 MAY 23 2017

3 (to be filled in by Clerk of the Board)

4 RECOMMENDED FOR APPROVAL:

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

5 By 
6 JASON E. UHLEY
7 General Manager-Chief Engineer

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

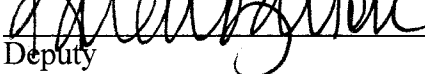
8 APPROVED AS TO FORM:

ATTEST:

9 GREGORY P. PRIAMOS
10 County Counsel

KECIA HARPER-IHEM
Clerk of the Board

11 By 
LEILA MOSHREF-DANESH
12 Deputy County Counsel


By 
Deputy

(SEAL)

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25 Amendment No. 1 to
26 Cooperative Agreement: Wildomar Master Drainage Plan Lateral C-1
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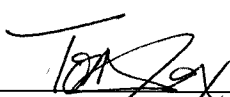
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CITY OF WILDOMAR

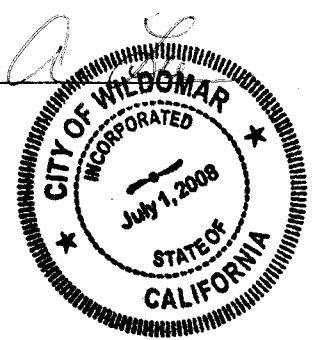
By 
GARY NORDQUIST
City Manager

APPROVED AS TO FORM:

ATTEST:

By 
THOMAS D. JEX
City Attorney

By 
DEBBIE A. LEE
City Clerk



(SEAL)

Amendment No. 1 to
Cooperative Agreement: Wildomar Master Drainage Plan Lateral C-1
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