



**SUBMITTAL TO THE BOARD OF DIRECTORS
RIVERSIDE COUNTY REGIONAL PARK
AND OPEN-SPACE DISTRICT
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM
13.4
(ID # 6023)

MEETING DATE:

Tuesday, January 9, 2018

FROM : REGIONAL PARK & OPEN SPACE DISTRICT:

SUBJECT: REGIONAL PARK AND OPEN-SPACE DISTRICT: Second Amendment to the Memorandum of Understanding for Cooperative Planning and Development of the Santa Ana River Trail in Riverside County by and between The Riverside County Regional Park and Open Space District and Riverside County Transportation Commission; District 2; [\$500,000]

RECOMMENDED MOTION: That the Board of Directors:

1. Approve the Second Amendment to the Memorandum of Understanding for Cooperative Planning and Development of the Santa Ana River Trail in Riverside County by and between The Riverside County Regional Park and Open Space District and Riverside County Transportation Commission; and
2. Authorize the Chairman of the Board of Directors to execute the same on behalf of the District; and
3. Direct the Clerk of the Board to return three (3) copies of the executed amendment to the District.

ACTION: Policy

Scott Bangle, Director, General Manager / Park Director

12/19/2017

MINUTES OF THE BOARD OF DIRECTORS

On motion of Director Perez, seconded by Director Jeffries and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington and Perez
Nays: None
Absent: Ashley
Date: January 9, 2018
xc: Parks

Kecia Harper-Ihem
Clerk of the Board

By:
Deputy

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AND OPEN-SPACE DISTRICT
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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$500,000.00	\$ 0	\$ 500,000.00	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: 33110 CIP Parks Grants Coastal Conservancy Grant			Budget Adjustment:	No
			For Fiscal Year:	17/18

BACKGROUND

On March 10, 2015 by M.O. 13-2D, the Riverside County Regional Park and Open-Space District ("District") contracted with Riverside County Transportation Commission ("RCTC") to provide project management services for the completion of the Santa Ana River Trail through Riverside County. As a part of this agreement, the District provided a \$500,000 advance to RCTC for reimbursement of direct costs incurred on the project.

The first amendment to this agreement was approved on September 13, 2016 by M.O. 13-1D. It expanded the scope of service from the original agreement to allow RCTC to procure and provide management and contract administration for environmental, design, and right-of-way consultant services for an additional portion of the Santa Ana River Trail, generally identified as the portion of the Trail through the Green River Golf Course ("SART 2 Portion").

The proposed second amendment to the original agreement would allow RCTC to procure, subject to reimbursement from the District, preliminary engineering, environmental, and final design services for all portions of the Trail Project in Riverside County, rather than solely for the SART 2 Portion, and increase the amount of the District deposit to \$1,000,000.

IMPACT ON CITIZENS AND BUSINESSES

This amendment will help to increase the efficiency of the project by allowing RCTC preliminary engineering, environmental, and final design services for the majority of the Trail Project in Riverside County. When finished the Santa Ana River Trail will be a vital asset for the citizens of Riverside County.

ATTACHMENTS

2nd Amendment to MOU


Rohini Dasika, Principal Management Analyst 1/2/2018


Gregory P. Priamos, Director County Counsel 12/21/2017

**SECOND AMENDMENT
TO
THE MEMORANDUM OF UNDERSTANDING
FOR COOPERATIVE PLANNING AND DEVELOPMENT OF THE
SANTA ANA RIVER TRAIL IN RIVERSIDE COUNTY
By and Between
THE RIVERSIDE COUNTY REGIONAL PARK AND OPEN-SPACE DISTRICT
And
RIVERSIDE COUNTY TRANSPORTATION COMMISSION**

THIS SECOND AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE PLANNING AND DEVELOPMENT OF THE SANTA ANA RIVER TRAIL IN RIVERSIDE COUNTY ("Second Amendment"), dated as of January 9, 2018 is entered into by and between THE RIVERSIDE COUNTY REGIONAL PARK AND OPEN-SPACE DISTRICT, a special district created pursuant to the California Public Resources Code Div.5, Ch.3, Art.3, ("District"), and RIVERSIDE COUNTY TRANSPORTATION COMMISSION ("RCTC"), a public agency under the authority of the laws of the State of California, sometimes collectively referred to herein as the "Parties".

RECITALS

A. The District and RCTC have entered into a Memorandum of Understanding For Cooperative Planning and Development of the Santa Ana River Trail in Riverside County, dated March 10, 2015 (the "Original Agreement"), pursuant to which District has retained the services of RCTC to provide project management services and contract administration services for the benefit of the Santa Ana River Trail project in Riverside County, more particularly described in the Original Agreement.

B. The District and RCTC have entered into a First Amendment to the Original Agreement, dated October 17, 2016, to amend the Original Agreement to allow RCTC to procure and provide management and contract administration for environmental, design, and right-of-way consultant services for an additional portion of the Santa Ana River Trail ("Trail"), generally identified as the portion of the Trail through the Green River Golf Course ("SART 2 Portion").

C. The Parties now desire to enter into this Amendment No. 2 to the Original Agreement to provide for RCTC to procure, subject to reimbursement from the District, preliminary engineering, environmental, and final design services for all portions of the Trail Project in Riverside County, rather than solely for the SART 2 Portion, and to increase the amount of the District deposit.

NOW THEREFORE, in consideration of the foregoing and the mutual promises herein contained, the Parties agree as follows:

SECTION 1. Section I.A.2 of the Original Agreement is hereby amended, in its entirety, to read as follows:

2. Subject to reimbursement by the District, function as the administering agent assisting the Lead Agency on procuring, contracting for, and managing all future consultant contracts related to the completion of the Trail in Riverside County including, but not limited to, the contract for construction management services, contracts for construction, and, as agreed upon by the Parties, contracts for design, environmental and right-of-way services; and

SECTION 2. Section I.A.6 of the Original Agreement is hereby amended, in its entirety, to read as follows:

6. Prepare the procurement documents for the construction services related to Trail completion and, as agreed upon by the Parties, prepare the procurement documents for the design, environmental and right-of-way services, in addition to the construction services. Provide a final review of the plans specifications and estimates included therewith. Provide the District with an opportunity to review and comment on the procurement documents, including the plans, specifications and estimates; and

SECTION 3. Section A(5) of Exhibit A of the Original Agreement is hereby amended, in its entirety, to read as follows:

A. RCTC agrees:

5. To receive and deposit a One Million Dollar (\$1,000,000) advance from the District in an interest bearing account to be used for payments to contractors on the Trail Project, and for RCTC staff salaries and benefits, and other direct costs and related expenditures, as described above. Once the first payment is made to a contractor, to reimburse RCTC for staff salaries and benefits, or to reimburse RCTC for other direct costs or related expenditures, RCTC shall request reimbursements as provided herein so that a positive balance is consistently maintained in the Account. RCTC shall pay out the Account balance on final Trail project costs in place of requesting reimbursement from District when the outstanding costs do not exceed the balance in the Account. Once the Trail project is complete or the MOU has been

terminated by the Parties pursuant to the terms of the MOU, RCTC shall refund any unexpended funds to the District within ninety (90) days thereof.

SECTION 4. Section B(1) of Exhibit A of the Original Agreement is hereby amended, in its entirety, to read as follows:

B. District Agrees:

1. To provide a One Million Dollar (\$1,000,000) advance for payments made by RCTC for the Trail project under this MOU.

SECTION 5. CONTINUING EFFECT. Except as amended or modified herein, all the terms of the Original Agreement, as previously amended, shall remain in full force and effect, provided that the provisions of this Second Amendment shall prevail over any inconsistency or conflicting provisions of the Original Agreement, as previously amended.

SECTION 6. SEVERABILITY. If any provisions of this Second Amendment shall be determined to be illegal or unenforceable, such determination shall not affect any other provision of this Second Amendment, and all such other provisions shall remain in full force and effect.

SECTION 7. INCORPORATION OF RECITALS. The recitals set forth above are true and correct and are incorporated by reference as though fully set forth herein.

SECTION 8. GOVERNING LAW. This Amendment shall be governed by the laws of the State of California. Venue shall be in Riverside County.

SECTION 9. COUNTERPARTS. This Second Amendment may be signed in counterparts, each of which shall constitute an original.

[Signatures on following page]

**SIGNATURE PAGE
TO
SECOND AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING
FOR COOPERATIVE PLANNING AND DEVELOPMENT
OF THE SANTA ANA RIVER TRAIL IN RIVERSIDE COUNTY
(Agreement No. 15-67-059-02)**

IN WITNESS WHEREOF, the Parties have executed this Second Amendment as of the dates written below.

DISTRICT

RIVERSIDE COUNTY REGIONAL
PARK AND OPEN-SPACE DISTRICT

By: 
Chuck Washington
Chairman, Board of Directors

Dated: JAN 09 2018

RCTC

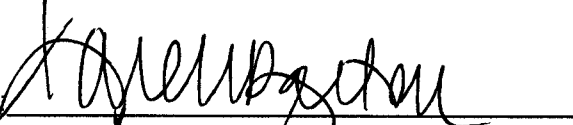
RIVERSIDE COUNTY
TRANSPORTATION COMMISSION

By: 
Anne Mayer
Executive Director

Dated: ~~1-4-2018~~ 1-4-2018

ATTEST:


Kecia Harper-Ihem
Clerk of the Board

By: 
Deputy

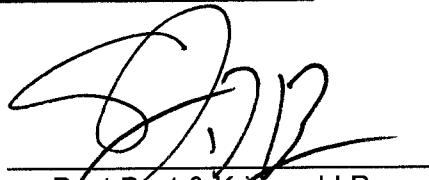
(Seal)

APPROVED AS TO FORM:

Gregory P. Priamos
County Counsel

By: 
Cynthia M. Gunzel
Deputy County Counsel

APPROVED AS TO FORM:

By: 
Best Best & Krieger LLP
Counsel of Riverside County
Transportation Commission