

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



ITEM
3.12
(ID # 7905)

MEETING DATE:

Tuesday, September 11, 2018

FROM : EXECUTIVE OFFICE:

SUBJECT: EXECUTIVE OFFICE: 12th Amendment to the Amended and Restated Joint Exercise of Powers Agreement Creating the Riverside County Habitat Conservation Agency, All Districts. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the 12th Amendment to the Restated and Amended Joint Exercise of Powers Agreement Creating Riverside County Habitat Conservation Agency and authorize the Chairman to execute the same on behalf of the County.

ACTION: Policy


Melissa Noone, Associate Management Analyst 8/27/2018

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Washington, Perez and Ashley
Nays: None
Absent: Tavaglione
Date: September 11, 2018
xc: EO

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	\$	\$	\$	\$
NET COUNTY COST	\$	\$	\$	\$
SOURCE OF FUNDS: N/A			Budget Adjustment:	No
			For Fiscal Year:	18/19

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The RCHCA is a public agency formed by a Joint Powers Agreement (JPA) between the County of Riverside and ten cities located within Riverside County. The purpose of the formation of RCHCA is to provide an agency for the acquisition, administration, operation and maintenance of land and facilities for ecosystem conservation and habitat reserves for the Stephens' Kangaroo Rat in Western Riverside County under the Stephens' Kangaroo Rat Habitat Conservation Plan (SKR HCP).

Since approximately August 1991, the RCHCA has contracted with the county under a Management Services Contract, by which the county has provided certain services, including providing Treasurer, Auditor and General Manager. The RCHCA's Treasurer and financial system are currently under the County of Riverside Auditor Controller. In December 2015, the RCHCA Board of Directors and Western Riverside Council of Government (WRCOG) Executive Committee approved a proposal to fully transfer the duties of the administration and management of RCHCA activities to WRCOG. In May 2018, both Agencies also approved a full consolidation of RCHCA and WRCOG. In order to proceed with the full consolidation of RCHCA and WRCOG, the RCHCA's Joint Powers Agreement requires an Amendment to assign a new Treasurer for the RCHCA, which will be WRCOG, pursuant to California Government Code.

On May 17, 2018, the RCHCA Board of Directors approved the 12th Amendment to the Amended and Restated Joint Exercise of Powers Agreement. The Amendment does the following:

1. Section 3.8.1, "Treasurer" is amended to state the Treasurer of the Agency will be a certified public accountant appointed by the RCHCA Board of Directors, and shall perform all functions pursuant to California Government Code 6505, 6505.5, and 6505.6, and by all other applicable law and regulations.
2. Section 3.8.2, "Auditor" is amended to state the Auditor of the Agency shall be appointed by the RCHCA Board of Directors in compliance and all applicable rules and regulations pursuant to California Government Code Sections 6505, 6505.5, 6505.6.

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

3. Section 3.8.4, "General Manager" outlines specific authority to the General Manager, if appointed, or such other officer or employee of the Agency to whom the Board delegates such authority, shall administer personnel and personnel policies.

The Amendment now needs to be approved by the Board of Supervisors. The Amendment is approved as to form by County Counsel.

Impact on Residents and Businesses


N/A

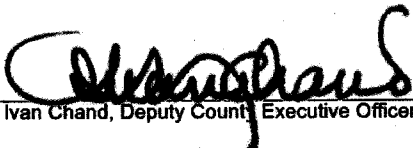
Additional Fiscal Information

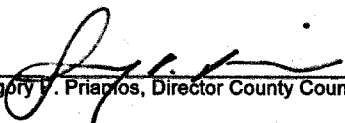
There is no fiscal impact on the county.

SUPPLEMENTAL

ATTACHMENTS: Twelfth Amendment to the Amended and Restated Joint Exercise of Powers Agreement Creating Riverside County Habitat Conservation Agency


Cynthia M. Goral, Chief Deputy County Counsel 8/28/2018


Ivan Chand, Deputy County Executive Officer 9/5/2018


Gregory P. Priamos, Director County Counsel 8/28/2018

TWELFTH AMENDMENT TO THE AMENDED AND RESTATED

JOINT EXERCISE OF POWERS AGREEMENT

CREATING RIVERSIDE COUNTY HABITAT CONSERVATION AGENCY

THIS TWELFTH AMENDMENT TO THE AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT CREATING RIVERSIDE COUNTY HABITAT CONSERVATION AGENCY ("Agency") is made by and between the COUNTY OF RIVERSIDE, the CITY OF CORONA, the CITY OF HEMET, the CITY OF LAKE ELSINORE, the CITY OF MENIFEE, the CITY OF MORENO VALLEY, the CITY OF MURRIETA, the CITY OF PERRIS, the CITY OF RIVERSIDE, the CITY OF TEMECULA and the CITY OF WILDOMAR (hereinafter collectively called the "Member Agencies"), for the acquisition, administration, operation and maintenance of land and facilities for ecosystem conservation and habitat reserves for the Stephens' kangaroo rat and other species which have been listed as threatened or endangered or which are candidates for such listing pursuant to the laws of the United States or the State of California.

RECITALS

WHEREAS, the Agency is a Joint Powers Authority created pursuant to the provisions of Article 1, Chapter 5, Division 7, Title 1 of the Government Code of the State of California relating to the joint exercise of the powers common to public agencies; and

WHEREAS, this Twelfth Amendment ("Amendment") hereby amends the Amended and Restated Joint Exercise of Powers Agreement Creating the Riverside County Habitat Conservation Agency created on May 15, 1990, and includes all prior amendments thereto including Amendment No. 1 approved on 08/20/1990, Amendment No. 2 approved on 11/06/1990, Amendment No. 3 approved on 04/30/1991, Amendment No. 4 approved on 06/01/1993, Amendment No. 6 approved on 08/01/1995, Unnumbered Amendment approved on 06/03/1997, Amendment No. 7 approved on 02/11/2003, Amendment No. 8 approved on 02/28/2006, Amendment No. 10 and Errata Sheet approved on 12/23/2008, Amendment No. 11 approved on 05/09/2009, and Amendment No. 12 approved upon full execution by all Members; and

1 11th Amendment to Said Agreement (the “Agreement”).

2 Now, therefore, the Member Agencies agree as follows:

3 **AGREEMENT**

4 1. Section 3.8.1, “Treasurer” of the Agreement is hereby amended in its entirety to read as
5 follows:

6 “3.8.1 Treasurer. The Treasurer of the Agency shall be a certified public accountant
7 appointed by the RCHCA Board of Directors, to be the depository and have custody of all
8 the money of the agency from whatever source. The Treasurer of the Agency shall possess
9 the powers of and shall perform those functions required of a treasurer by California
10 Government Code Sections 6505, 6505.5 and 6505.6, and by all other applicable laws and
11 regulations, including any subsequent amendments thereto”; and

12 2. Section 3.8.2, “Auditor” of the Agreement is hereby amended in its entirety to read as
13 follows:

14 “3.8.2, Auditor. The Auditor of the Agency shall be appointed by the RCHCA Board of
15 Directors in compliance with the applicable rules and regulations pursuant to California
16 Government Code Sections 6505, 6505.5 and 6505.6 and shall draw all warrants to pay
17 demands against the Agency approved by the Board. The Auditor of the Agency shall
18 possess the powers of and shall perform those functions required of an Auditor by
19 California Government Code Sections 6505, 6505.5 and 6505.6, and by all other
20 applicable laws and regulations, including any subsequent amendments thereto” and;

21 3. Section 3.8.4 “General Manager” of the Agreement is hereby amended in its entirety to
22 read as follows:

23 “3.8.4, General Manager. The general manager, if appointed, or such other officer or
24 employee of the Agency to whom the Board delegates such authority, shall have the power
25 to appoint, promote, demote and remove employees of the Agency subject to the
26 provisions of the Agency’s approved budget, and subject to such personnel policies as may
27 have been adopted by the Board. The General Manager shall also have the power to enter
28 into Agreements in an amount not to exceed Fifty-Thousand dollars (\$50,000) per

1 Agreement, per fiscal year, and enter into non-substantive Amendments to such
2 Agreements where there is no change to the maximum obligation amount or the scope of
3 work in the Agreement.”

4 4. The terms and conditions of the Agreement not expressly amended by this Twelfth
5 Amendment shall continue in full force and effect.

6 5. This Twelfth Amendment shall become effective on the date that execution of this Twelfth
7 Amendment is authorized by the last of the governing bodies of the Member Agencies.

8 IN WITNESS WHEREOF, the parties have executed this Twelfth Amendment as of the date last
9 set forth below and agree to abide by its terms from this date forward.

10
11 Dated: 7/5/18

CITY OF CORONA

12
13 Attest: Kyria Edwards
14 City Clerk

By: Kasee Spiegel
Mayor

15 Dated: _____

CITY OF HEMET

16 Attest: _____
17 _____
18 City Clerk

By: _____
Mayor

19 Dated: _____

CITY OF LAKE ELSINORE

20 Attest: _____
21 _____
22 City Clerk

By: _____
Mayor

23 Dated: _____

CITY OF MORENO VALLEY

24 Attest: _____
25 _____
26 City Clerk

By: _____
Mayor

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11 Dated: _____

CITY OF CORONA

12 Attest: _____

By:

13
14 City Clerk

Mayor

15 Dated: _____

CITY OF HEMET

16 Attest: _____

By:

17
18 City Clerk

Mayor

19 Dated: _____

CITY OF LAKE ELSINORE

20 Attest: _____

By:

21
22 City Clerk

Mayor

23 Dated: _____

CITY OF MORENO VALLEY

24 Attest: _____

By:

25
26 City Clerk

Mayor

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11 Dated: _____

CITY OF CORONA

12 Attest: _____

By:

13
14 City Clerk

Mayor

15 Dated: _____

CITY OF HEMET

16 Attest: _____

By:

17
18 City Clerk

Mayor

19 Dated: 7/5/18

CITY OF LAKE ELSINORE

20 Attest: 

By: 

21
22 City Clerk

Mayor

23 Dated: _____

CITY OF MORENO VALLEY

24 Attest: _____

By:

25
26 City Clerk

Mayor

1 Dated: _____

CITY OF MURRIETA

2 Attest: _____

By: _____

3 City Clerk

Mayor

5 Dated: _____

CITY OF PERRIS

6 Attest: _____

By: _____

7 City Clerk

Mayor

9 Dated: _____

CITY OF RIVERSIDE

10 Attest: _____

By: _____

11 City Clerk

Mayor

13 Dated: _____

COUNTY OF RIVERSIDE

14 Attest: _____

By: _____

15 Clerk of the Board

Chairman, Board of Supervisors

18 Dated: _____

CITY OF TEMECULA

19 Attest: _____

By: _____

20 City Clerk

Mayor

22 Dated: 7/18/2018

CITY OF MENIFEE

23 Attest: [Signature]

By: [Signature]

24 City Clerk

Mayor *Pro Tem*

26 Dated: _____

CITY OF WILDOMAR

27 Attest: _____

By: _____

28 City Clerk

Mayor

FORM APPROVED COUNTY COUNSEL

4 BY: [Signature] 5-10-18 DATE

AARON C. GETTIS

DATE

1 Agreement, per fiscal year, and enter into non-substantive Amendments to such
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10
11 Dated: _____

CITY OF CORONA

12 Attest: _____

By: _____

13
14 City Clerk

Mayor

15 Dated: _____

CITY OF HEMET

16 Attest: _____

By: _____

17
18 City Clerk

Mayor

19 Dated: _____

CITY OF LAKE ELSINORE

20 Attest: _____

By: _____

21
22 City Clerk

Mayor

23 Dated: 07/18/18

CITY OF MORENO VALLEY

24 Attest: _____

By: _____

25
26 City Clerk

Mayor

Pat Jacquelyn Nares

Dr. Yvonne...

27 APPROVED AS TO FORM
28 DATE 7-18-18
BY _____
CITY ATTORNEY
CITY OF MORENO VALLEY

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Dated: July 3, 2018

Attest: Stephanie D. Smith
City Clerk

Dated: _____

Attest: _____
City Clerk

Dated: _____

Attest: _____
City Clerk

Dated: _____

Attest: _____
Clerk of the Board

Dated: _____

Attest: _____
City Clerk

Dated: _____

Attest: _____
City Clerk

Dated: _____

Attest: _____
City Clerk

CITY OF MURRIETA

By: [Signature]
Mayor

CITY OF PERRIS

By: _____
Mayor

CITY OF RIVERSIDE

By: _____
Mayor

COUNTY OF RIVERSIDE

By: _____
Chairman, Board of Supervisors

CITY OF TEMECULA

By: _____
Mayor

CITY OF MENIFEE

By: _____
Mayor

CITY OF WILDOMAR

By: _____
Mayor

FORM APPROVED COUNTY COUNSEL

4 BY: AAC 5-10-18
AARON C. GETTIS DATE

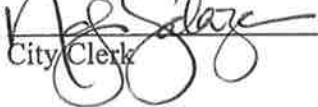
1 Dated: _____

2 Attest: _____

3 City Clerk

4
5 Dated: 8/31/18

6 Attest: _____

7 
8 City Clerk

9 Dated: _____

10 Attest: _____

11 City Clerk

13 Dated: _____

14 Attest: _____

15 Clerk of the Board

18 Dated: _____

19 Attest: _____

20 City Clerk

22 Dated: _____

23 Attest: _____

24 City Clerk

26 Dated: _____

27 Attest: _____

28 City Clerk

CITY OF MURRIETA

By: _____

Mayor

CITY OF PERRIS

By: 

Mayor

CITY OF RIVERSIDE

By: _____

Mayor

COUNTY OF RIVERSIDE

By: _____

Chairman, Board of Supervisors

CITY OF TEMECULA

By: _____

Mayor

CITY OF MENIFEE

By: _____

Mayor

CITY OF WILDOMAR

By: _____

Mayor

FORM APPROVED COUNTY COUNSEL

4 BY:  5-10-18
AARON C. GETTIS DATE

1 Dated: _____

CITY OF MURRIETA

2 Attest: _____

By: _____

3 City Clerk

Mayor

5 Dated: _____

CITY OF PERRIS

6 Attest: _____

By: _____

7 City Clerk

Mayor

9 Dated: September 19, 2018

CITY OF RIVERSIDE

10 Attest: 

By: 

11 City Clerk

Mayor

13 Dated: _____

COUNTY OF RIVERSIDE

14 Attest: _____

By: 
CHIEF ASSISTANT CITY ATTORNEY

15 Clerk of the Board

Chairman, Board of Supervisors

18 Dated: _____

CITY OF TEMECULA

19 Attest: _____

By: _____

20 City Clerk

Mayor

22 Dated: _____

CITY OF MENIFEE

23 Attest: _____

By: _____

24 City Clerk

Mayor

26 Dated: _____

CITY OF WILDOMAR

27 Attest: _____

By: _____

28 City Clerk

Mayor

FORM APPROVED COUNTY COUNSEL

4 BY:  5-10-18
AARON C. GETTIS DATE

1 Dated: _____

CITY OF MURRIETA

2 Attest: _____

By: _____

3 City Clerk

Mayor

5 Dated: _____

CITY OF PERRIS

6 Attest: _____

By: _____

7 City Clerk

Mayor

9 Dated: _____

CITY OF RIVERSIDE

10 Attest: _____

By: _____

11 City Clerk

Mayor

13 Dated: _____

COUNTY OF RIVERSIDE

14 Attest: _____

By: _____

15 Clerk of the Board

Chairman, Board of Supervisors

17 Dated: 7-10-2018

CITY OF TEMECULA

19 Attest: 

By: 

20 City Clerk

Mayor

22 Dated: _____

CITY OF MENIFEE

23 Attest: _____

By: _____

24 City Clerk

Mayor

26 Dated: _____

CITY OF WILDOMAR

27 Attest: _____

By: _____

28 City Clerk

Mayor

FORM APPROVED COUNTY COUNSEL

4 BY: Aaron C. Gettis 5-10-18 DATE

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Dated: _____

Attest: _____

City Clerk

Dated: _____

Attest: _____

City Clerk

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Attest: _____

City Clerk

Dated: SEP 11 2018

Attest: _____

Kelli Bayton, Deputy
Clerk of the Board

Dated: _____

Attest: _____

City Clerk

Dated: _____

Attest: _____

City Clerk

Dated: _____

CITY OF MURRIETA

By: _____

Mayor

CITY OF PERRIS

By: _____

Mayor

CITY OF RIVERSIDE

By: _____

Mayor

COUNTY OF RIVERSIDE

By: *Chuck Wolf*

Chairman, Board of Supervisors **CHUCK WASHINGTON**

FORM APPROVED COUNTY COUNSEL
BY: *Synthia M. Gunzel 8-24-18*
SYNTHIA M. GUNZEL DATE

CITY OF TEMECULA

By: _____

Mayor

CITY OF MENIFEE

By: _____

Mayor

CITY OF WILDOMAR

1 Dated: _____

CITY OF MURRIETA

2 Attest: _____

By: _____

3 City Clerk _____

Mayor _____

5 Dated: _____

CITY OF PERRIS

6 Attest: _____

By: _____

7 City Clerk _____

Mayor _____

9 Dated: _____

CITY OF RIVERSIDE

10 Attest: _____

By: _____

11 City Clerk _____

Mayor _____

13 Dated: _____

COUNTY OF RIVERSIDE

14 Attest: _____

By: _____

15 Clerk of the Board _____

Chairman, Board of Supervisors _____

18 Dated: _____

CITY OF TEMECULA

19 Attest: _____

By: _____

20 City Clerk _____

Mayor _____

22 Dated: _____

CITY OF MENIFEE

23 Attest: _____

By: _____

24 City Clerk _____

Mayor _____

26 Dated: 07-11-18

CITY OF WILDOMAR

27 Attest: Alexis A. Lee

Mayor [Signature]

28 City Clerk _____



FORM APPROVED COUNTY COUNSEL
BY: Aco 5-10-18
AARON C. GETTIS DATE