

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



ITEM: 3.7  
(ID # 13131)

MEETING DATE:

Tuesday, August 04, 2020

FROM: EXECUTIVE OFFICE:

SUBJECT: EXECUTIVE OFFICE: Approval of the First Amendment to Amended and Restated Memorandum of Understanding to Conduct Integrated Regional Water Management Planning for the Upper Santa Margarita Watershed Between the County of Riverside, the Riverside County Flood Control and Water Conservation District and the Rancho California Water District for an Additional Five Years (Fiscal Years 2020/2021 – 2024/2025), CEQA Exempt, Districts 1, 3 and 5. [\$125,000 Total – \$25,000 annually, 100% General Fund] (Companion Item to MT Item No. 12769)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the project is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3);
2. Approve the First Amendment to the Amended and Restated Memorandum of Understanding to Conduct Integrated Regional Water Management Planning for the Upper Santa Margarita Watershed ("Amendment") Between the County of Riverside ("County"), the Riverside County Flood Control and Water Conservation District ("District"), and the Rancho California Water District ("RCWD") for \$25,000 annually for an Additional Five Years (Fiscal Years 2020/2021 – 2024/2025);
3. Authorize the Chairman of the Board to execute the same on behalf of the County;
4. Authorize the County's Chief Executive Officer to negotiate, approve and execute any non-substantive amendments, subject to County Counsel approval; and
5. Direct the Clerk of the Board to return two (2) executed Amendments to the District and one (1) executed Amendment to the County.

ACTION:

*Frankie Z. Ezzat*  
Frankie Z. Ezzat, Chief Deputy County Executive Officer

7/28/2020

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MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt  
Nays: None  
Absent: None  
Date: August 4, 2020  
xc: EO

Kecia R. Harper  
Clerk of the Board  
By: *[Signature]*  
Deputy

(Companion Item 11.3)



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

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$25,000	\$25,000	\$125,000	\$0
<b>NET COUNTY COST</b>	\$0	\$0	\$0	\$0
<b>SOURCE OF FUNDS:</b> 100% General Fund (NPDES – 110500000)			<b>Budget Adjustment:</b> No	
			<b>For Fiscal Year:</b> 20/21-24/25	

**C.E.O. RECOMMENDATION:** [CEO use]

**BACKGROUND:**

**Summary**

Integrated Regional Water Management ("IRWM") is a collaborative effort to manage the significant range of water resources within a designated region. IRWM crosses jurisdictional, watershed and political boundaries; involves multiple agencies, stakeholders, individuals, and groups; and attempts to address the issues and differing perspectives of the entities involved through mutually beneficial solutions.

One such designated region is the Upper Santa Margarita Watershed Planning Region ("Region"), which includes the city of Temecula, the southwest portion of unincorporated County of Riverside, and portions of the cities of Murrieta and Wildomar. Since 2007, RCWD, the District, and the County, collectively the "Agencies", have worked cooperatively as partners and collaboratively with other stakeholders to implement the IRWM Plan for the Region.

This collaborative partnership is most recently detailed in the Amended and Restated Memorandum of Understanding to Conduct Integrated Regional Water Management Planning for the Upper Santa Margarita Watershed ("MOU") between the Agencies, which was approved by the Board of Supervisors for the District on January 5, 2016 (Minute Order 11-1). The MOU set forth the terms and conditions by which the Parties participate in a joint collaborative effort to implement, fund and manage the IRWM Plan for the Region.

This First Amendment will extend the term of the MOU through Fiscal Year 2024/2025 and allow the District to continue to support the management and implementation of the IRWM Plan for the Region through an annual fiscal contribution.

County Counsel has approved the First Amendment as to legal form. RCWD has executed the First Amendment. A companion item appears on the County's Agenda this same date.

**Environmental Findings**

The approval of the First Amendment is not subject to the California Environmental Quality Act ("CEQA") in accordance with Section 15378(b)(4) of the State CEQA Guidelines, even if it is deemed a project under CEQA, there is no potential for a physical environmental impact to occur and therefore the 15061(b)(3) Common Sense exemption would also apply as no physical environmental impacts would occur due to the project and the project will ultimately help

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

improve the environment through providing enhanced management and funding within the IRWM planning region.

The First Amendment, which extends the MOU, will not, in and of itself, result in a physical change to the environment and does not authorize to any extent whatsoever actual physical development. Such development, if it occurs at all, will be the result of subsequent actions subject to further CEQA review. Therefore, the approval of the First Amendment is not a project within the meaning of CEQA. No further CEQA analysis is required.

**Impact on Residents and Businesses**

The proposed action entails no new fees, taxes or bonded indebtedness to residents and businesses. On the contrary, approval of the Amendment will enable the District to continue to request IRWM grant funding for future water quality projects. Additionally, the Amendment supports the implementation of the IRWM Plan, which will benefit residents and businesses in the Region and improve quality of life and natural resource management.

**Additional Fiscal Information**

Following are the maximum estimated District financial contributions per fiscal year for the management and implementation of the IRWM Planning for the Upper Santa Margarita Watershed:

<b>Fiscal Year</b>	<b>Contribution</b>
Fiscal Year 2020/2021	\$25,000
Fiscal Year 2021/2022	\$25,000
Fiscal Year 2022/2023	\$25,000
Fiscal Year 2023/2024	\$25,000
Fiscal Year 2024/2025	\$25,000

Sufficient funding is available in the District's Fiscal Year 2020-2021 budget and will be included in the proposed budgets for Fiscal Years 2021-2022 through 2024-2025, as appropriate.

**ATTACHMENTS:**

1. First Amendment to Amended and Restated Memorandum of Understanding to Conduct Integrated Regional Water Management Planning for the Upper Santa Margarita Watershed
2. Upper Santa Margarita Watershed Map

  
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Gregory V. Priamos, Director County Counsel      7/29/2020



FIRST AMENDMENT TO AMENDED AND RESTATED MEMORANDUM OF  
UNDERSTANDING TO CONDUCT INTEGRATED REGIONAL WATER MANAGEMENT  
PLANNING FOR THE UPPER SANTA MARGARITA WATERSHED

This First Amendment to Amended And Restated Memorandum Of Understanding To Conduct Integrated Regional Water Management Planning For The Upper Santa Margarita Watershed ("First Amendment"), effective August 4, 2020, is entered into by and between the RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body politic ("DISTRICT"), the COUNTY OF RIVERSIDE, a political subdivision of the State of California ("COUNTY"), and the RANCHO CALIFORNIA WATER DISTRICT, a political subdivision of the state ("RCWD"). The parties hereby agree as follows:

RECITALS

- A. DISTRICT, COUNTY, and RCWD, each hereinafter individually called "AGENCY" and collectively "AGENCIES".
- B. AGENCIES have entered into that certain Amended and Restated Memorandum of Understanding to Conduct Integrated Regional Water Management Planning for the Upper Santa Margarita Watershed entered into on January 5, 2016 ("Original Memorandum of Understanding") setting forth responsibilities and authorizations relating to the implementation of Integrated Regional Water Management ("IRWM") planning for the Upper Santa Margarita Watershed.
- C. The Original Memorandum of Understanding also authorized the establishment of a Stakeholder Advisory Committee ("Committee"), which acts in an advisory role to AGENCIES for IRWM plan goals and priorities outreach and project integration.
- D. The Original Memorandum of Understanding together with this First Amendment are collectively referred to herein as the "Memorandum of Understanding" or "MOU".
- E. AGENCIES wish to amend the Original Memorandum of Understanding to extend the term period.

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

1. Section 7 of the Original Memorandum of Understanding is hereby amended to add a new subsection e by adding the following:

e. COUNTY's financial contribution shall not exceed Twenty-Five Thousand Dollars (\$25,000) per fiscal year for COUNTY's Fiscal Years 2020/2021, 2021/2022, 2022/2023, 2023/2024 and 2024-2025.

2. Section 7 of the Original Memorandum of Understanding is hereby amended to add a new subsection f by adding the following:

f. DISTRICT's financial contribution shall not exceed Twenty-Five Thousand Dollars (\$25,000) per fiscal year for DISTRICT's Fiscal Years 2020/2021, 2021/2022, 2022/2023, 2023/2024 and 2024-2025.

3. Section 9 of the Original Memorandum of Understanding is hereby amended and restated in its entirety to read as follows:

9. This MOU may be terminated by any of AGENCIES with 120 calendar days written notice to all AGENCIES and Committee. The term of this MOU is from its Effective Date to June 30, 2025, unless extended or replaced by other agreements.

4. The provisions of this First Amendment shall prevail over any inconsistent or conflicting provisions of the Original Memorandum of Understanding as heretofore amended and shall supplement the remaining provisions thereof.

5. Except as amended or modified herein, all the terms of the Original Memorandum of Understanding shall remain in full force and effect and shall apply with the same force and effect. Subject to the provisions of the Original Memorandum of Understanding as to assignment, the agreements, conditions, and provisions herein contained shall apply to and bind the heirs, executors, administrators, successors, and assigns of the parties hereto. If any provisions



of this First Amendment or the Original Memorandum of Understanding shall be determined to be illegal or unenforceable, such determination shall not affect any other provision of the Memorandum of Understanding, and all such other provisions shall remain in full force and effect. The language in all parts of the Memorandum of Understanding shall be construed according to its normal and usual meaning and not strictly for or against either DISTRICT or COUNTY or RCWD.

6. This First Amendment shall not be binding or consummated until it is fully executed by the parties.

7. This First Amendment may be executed in any number of counterparts, each of which will be an original, but all of which together will constitute one instrument. Each party of this First Amendment agrees to the use of electronic signatures, such as digital signatures that meet the requirements of the California Uniform Electronic Transactions Act ("CUETA") Cal. Civ. Code §§ 1633.1 to 1633.17), for executing this First Amendment. The parties further agree that the electronic signatures of the parties included in this First Amendment are intended to authenticate this writing and to have the same force and effect as manual signatures. Electronic signature means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record pursuant to CUETA as amended from time to time. CUETA authorizes use of an electronic signature for transactions and contracts among parties in California, including a government agency. Digital signature means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature, and shall be reasonably relied upon by the parties. For purposes of this section, a digital signature is a type of "electronic signature" as defined in subdivision (i) of Section 1633.2 of the Civil Code..

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

August 4, 2020.

(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL:

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

By

Jason E. Uhley  
JASON E. UHLEY  
General Manager-Chief Engineer

By

Karen S. Spiegel  
KAREN SPIEGEL, Chairwoman  
Riverside County Flood Control and Water  
Conservation District Board of Supervisors

APPROVED AS TO FORM:

ATTEST:

GREGORY P. PRIAMOS  
County Counsel

KECIA HARPER  
Clerk of the Board

By

Synthia M. Gunzel  
SYNTHIA M. GUNZEL  
Chief Deputy County Counsel

By

Deisilla Gasso  
Deputy

First Amendment to Amended and Restated Memorandum of Understanding  
To Conduct Integrated Regional Water Management Planning  
For the Upper Santa Margarita Watershed  
05/07/2020  
RKM:blm


## RECOMMENDED FOR APPROVAL:

By

  
GEORGE JOHNSON  
County Executive Officer

## COUNTY OF RIVERSIDE


By

  
V. MANUEL PEREZ, Chairman  
Board of Supervisors

## APPROVED AS TO FORM:

GREGORY P. PRIAMOS  
County Counsel

By

  
AARON C. GETTIS  
Supervising Deputy County Counsel

## ATTEST:

KECIA HARPER  
Clerk of the Board


By

  
Deputy

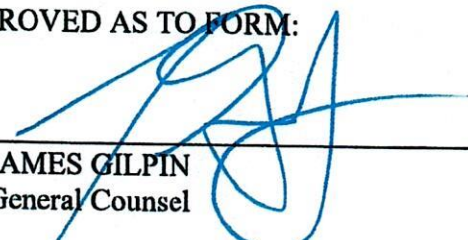
First Amendment to Amended and Restated Memorandum of Understanding  
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**RANCHO CALIFORNIA WATER  
DISTRICT**

By   
JEFF ARMSTRONG  
General Manager

APPROVED AS TO FORM:

By   
JAMES GILPIN  
General Counsel

ATTEST:  
By   
KELLI E. GARCIA  
Secretary of the Board of Directors

First Amendment to Amended and Restated Memorandum of Understanding  
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