

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



ITEM: 11.3
(ID # 12769)

MEETING DATE:

Tuesday, August 04, 2020

FROM: FLOOD CONTROL DISTRICT:

SUBJECT: FLOOD CONTROL DISTRICT: 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 Riverside County Flood Control and Water Conservation District, the County of Riverside and the Rancho California Water District for an Additional Five Years (Fiscal Years 2020/2021 – 2024/2025), Districts 1, 3 and 5. [\$125,000 Total – \$25,000 Annually, District Funds 100%] (Companion Item to MT Item No.13131)

RECOMMENDED MOTION: That the Board of Supervisors:

1. 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 ("First Amendment") Between the Riverside County Flood Control and Water Conservation District ("District"), the County of Riverside ("County") and the Rancho California Water District ("RCWD") for \$25,000 annually for an additional five years (Fiscal Years 2020/2021 – 2024/2025);
2. Authorize the Chairwoman of the Board to execute the same on behalf of the District;
3. Authorize the District's General Manager-Chief Engineer to negotiate, approve and execute any non-substantive amendments, subject to County Counsel approval; and
4. Direct the Clerk of the Board to return two (2) executed First Amendments to the District and one (1) executed First Amendment to the County.

ACTION: Policy

Jason Uhley, GENERAL MGR-CHF FLD CNTRL ENG 7/23/2020

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: Flood

(Companion Item 3.7)

Kecia R. Harper
Clerk of the Board
By:
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$25,000	\$25,000	\$125,000	\$0
NET COUNTY COST	\$0	\$0	\$0	\$0
SOURCE OF FUNDS:			Budget Adjustment: No	
25170-947520-536200 Zone 7 Contribution to Non-County Agency			For Fiscal Year: 20/21-24/25	

C.E.O. RECOMMENDATION: Approve

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 Agencies 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.

Prev. Agn. Ref.: 11-1 of 01/05/16

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, which states that a "project" does not include "the creation of government funding mechanisms or other

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government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment."

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 First Amendment will enable the District to continue to request IRWM grant funding for future water quality projects. Additionally, the First 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:

Fiscal Year	Contribution
1. Fiscal Year 2020/2021	\$25,000
2. Fiscal Year 2021/2022	\$25,000
3. Fiscal Year 2022/2023	\$25,000
4. Fiscal Year 2023/2024	\$25,000
5. 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 IRWM Region Map

RKM:blm
P8/231546


Jason Farin, Principal Management Analyst 7/29/2020


Gregory L. Priamos, Director County Counsel 7/23/2020

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

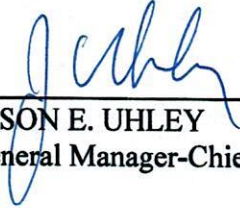
August 4, 2020.

(to be filled in by Clerk of the Board)


RECOMMENDED FOR APPROVAL:

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

By


JASON E. UHLEY
General Manager-Chief Engineer

By


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
Chief Deputy County Counsel

By


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

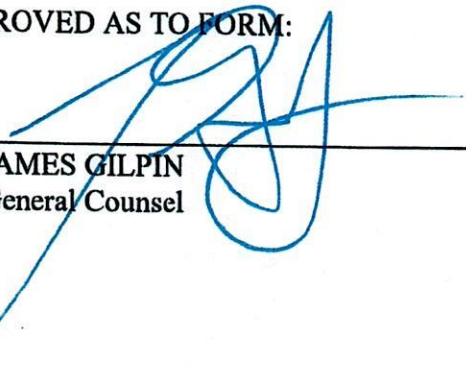

Deputy

First Amendment to Amended and Restated Memorandum of Understanding
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RKM:blm

**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
To Conduct Integrated Regional Water Management Planning
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05/07/2020
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