

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



ITEM: 11.5
(ID # 22463)

MEETING DATE:
Tuesday, August 01, 2023

FROM : FLOOD CONTROL DISTRICT AND Office of Economic Development :

SUBJECT: FLOOD CONTROL DISTRICT: Approval of the First Amendment to Funding Agreement Between the Riverside County Flood Control and Water Conservation District and the County of Riverside for Van Buren Sewer Improvement Project, Project No. 2-6-10042, CEQA Exempt, Districts 1 and 2. [\$3,590,348 Not-to-Exceed Cost – District Funds 100%] (Companion Item MT Item No. 22312)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the First Amendment to Funding Agreement ("Amendment No. 1") for the Van Buren Sewer Improvement project is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15301(b), 15303(d) and 15061(b)(3);

Continued on page 2

ACTION:Policy

Jason Uhley, GENERAL MGR-CHF FLD CNTRL ENG

7/18/2023

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Gutierrez, and Perez
Nays: None
Absent: None
Date: August 1, 2023
xc: Flood, OED

Kimberly A. Rector
Clerk of the Board
By:
Deputy

(Companion Item 3.43)

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

RECOMMENDED MOTION: That the Board of Supervisors:

2. Approve the Amendment No. 1 between the Riverside County Flood Control and Water Conservation District ("District") and the County of Riverside ("County");
3. Authorize the Chair of the District's Board of Supervisors to execute the Amendment No. 1 documents on behalf of the District; and
4. Direct the Clerk of the Board to return one (1) fully executed original Amendment No. 1 to the District and one (1) executed original Amendment No. 1 to the Riverside County Office of Economic Development Department.

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 3,590,348	\$ 3,590,348	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: 25120-947420-536200 Contribution to Non-County Agency – Zone 2 Funds 100%			Budget Adjustment: No	
			For Fiscal Year: 24/25 - 25/26	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On April 26, 2022 (Agenda Item No. 11.6), the District's Board of Supervisors approved the Funding Agreement ("Agreement") by which the District will contribute up to Six Million Four Hundred Forty Thousand Dollars (\$6,440,000) in funding to the County for construction of the Van Buren Sewer Improvement project, which comprises an extension of the sanitary sewer system along the Van Buren corridor, ("Project") pursuant to a separate agreement with the City of Riverside ("City").

The City advertised the Project for public works construction bids. The lowest responsible and responsive bid came in substantially higher than the originally estimated construction costs. Based on the City's bid results, the Project costs increased from an estimated Fourteen Million Dollars (\$14,000,000) to Twenty-One Million Eight Hundred Five Thousand One Hundred Three Dollars (\$21,805,103).

This Amendment No. 1 is necessary to change the District's financial contribution in the Agreement from the original amount of Six Million Four Hundred Forty Thousand Dollars (\$6,440,000) to Ten Million Thirty Thousand Three Hundred Forty-Eight Dollars (\$10,030,348).

County Counsel has approved the Amendment No. 1 as to legal form. A companion item for this Amendment No. 1 appears on the County's Board agenda this same date.

Environmental Findings

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COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

Pursuant to CEQA, the Project was reviewed and determined to be categorically exempt from CEQA pursuant to CEQA Guidelines Sections 15301(b) for existing facilities, 15303(d) for construction of public facilities and 15061(b)(3) the General Rule exemption. The CEQA Guidelines provide this exemption based on the general rule that CEQA only applies to projects with the potential to cause a significant effect on the environment. With certainty, there is no possibility that the Project will have a significant effect on the environment as the Project is merely an amendment between public agencies to provide for additional funding for the construction of the Project.

Impact on Residents and Businesses

The District's financial contribution toward the County's Project is funded by ad valorem property tax revenue and entails no new fees, taxes nor bonded indebtedness to residents and businesses. Upon construction completion, the Project would serve the existing community by promoting improvements to surface and ground water quality. The Project will facilitate the connection of unincorporated businesses and residential communities to the City's regional sewer collection system.

Additional Fiscal Information

In the original Funding Agreement approved by the District's Board of Supervisors in 2022, the District was to contribute up to \$6,440,000 to the County for the construction of the Project. This Amendment No. 1 increases the District's contribution by \$3,590,348 to cover its financial contribution to the Project. Sufficient funding will be available in the District's Zone 2 proposed budget for FY 2024/25 and will be included in the proposed budget in the future years as appropriate and necessary.

ATTACHMENTS:

1. Vicinity Map
2. Funding Agreement

AMR:blm
P8/251817

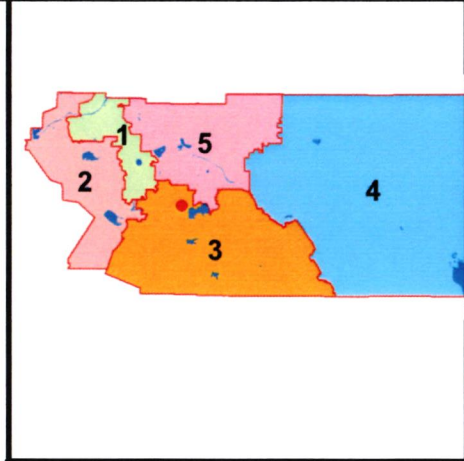
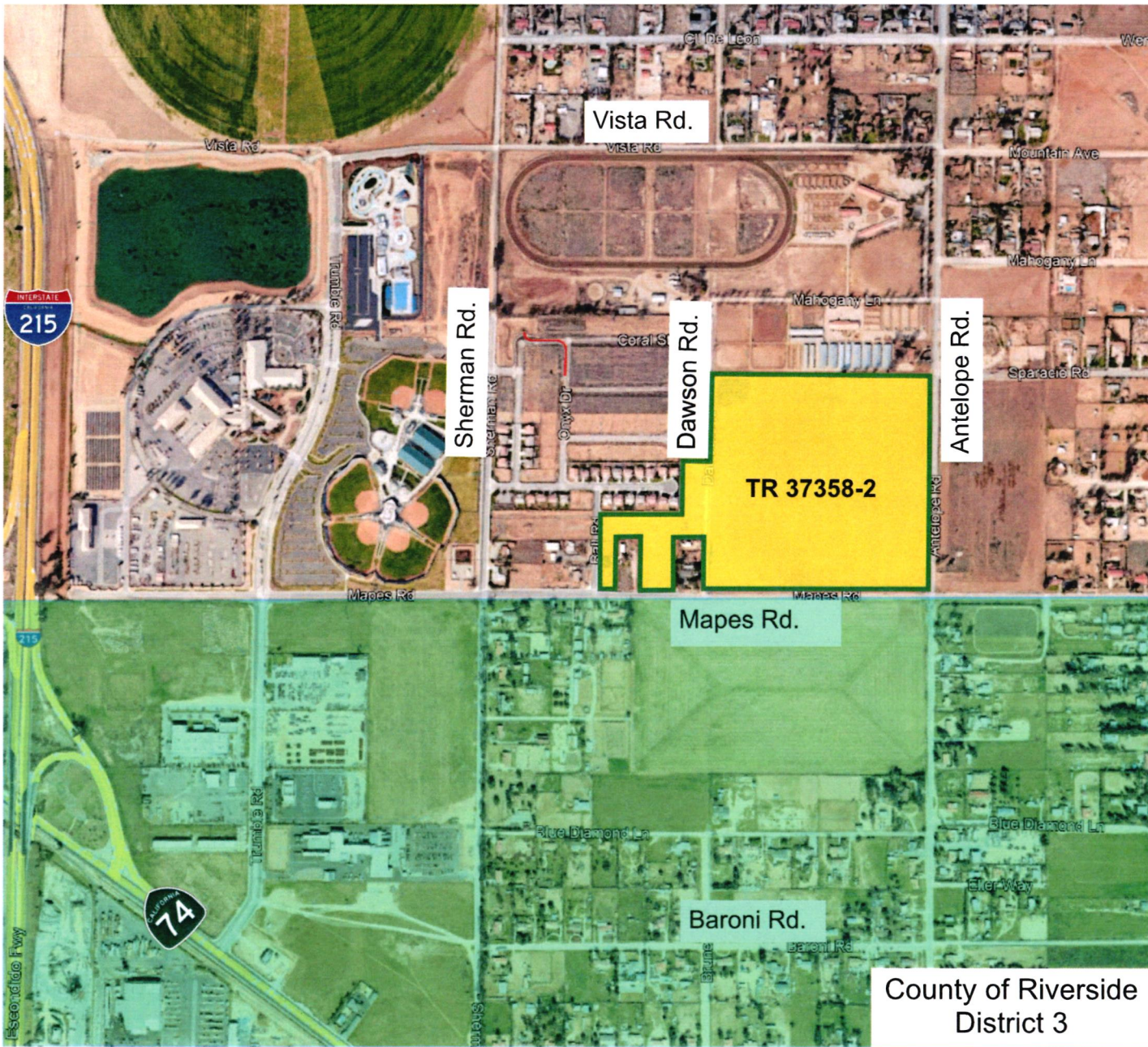
SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD
OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



Jason Farin, Principal Management Analyst 7/25/2023



Kristine Bell-Valdez, Supervising Deputy County Counsel 7/19/2023



- Legend**
- Project Vicinity
 - Existing Facilities
 - City of Menifee
 - Supervisorial District

Description

Romoland - Dawson Road
Lateral Storm Drain, Stage 1
Project No. 4-0-00426
Tract Map No. 37358-2

County of Riverside
District 3

VICINITY MAP



FIRST AMENDMENT TO FUNDING AGREEMENT
Van Buren Sewer Improvement
Project No. 2-6-10042

This First Amendment to Funding Agreement ("First Amendment"), dated August 1, 2023, is entered into by and between the Riverside County Flood Control and Water Conservation District, a body politic, ("DISTRICT") and the County of Riverside, a political subdivision of the State of California, on behalf of its Office of Economic Development Department ("COUNTY"). DISTRICT and COUNTY will be referenced herein individually as a "Party" and collectively as "Parties." Parties hereby agree as follows:

RECITALS

A. DISTRICT and COUNTY have entered into that certain Funding Agreement dated April 26, 2022 [DISTRICT's Board Agenda Item No. 11.6], hereinafter called "Original Agreement", to support the construction of the Van Buren Boulevard Sewer Improvements Project ("Project"), which will provide water quality improvement by promoting the conversion of septic systems to sewer thereby improving water quality within Goldenstar Creek and its tributaries, which are recognized as an impaired waterbody due to the presence of indicator bacteria, specifically Escherichia coli (E. coli).

B. Pursuant to Original Agreement, DISTRICT desired to contribute a total amount not to exceed Six Million Four Hundred Forty Thousand Dollars (\$6,440,000.00) to COUNTY toward the City of Riverside's ("CITY") construction of Project infrastructure.

C. Subsequent to the execution of Original Agreement, CITY advertised Project for public works construction bids and the lowest responsible/responsive bid came in substantially higher than the originally estimated construction cost. Based on CITY's bid results, Project costs increased from an estimated Fourteen Million Dollars (\$14,000,000.00) to Twenty-One Million Eight Hundred Five Thousand One Hundred Three Dollars (\$21,805,103.00).

D. The original estimates of costs will exceed DISTRICT's contribution described in Original Agreement. Therefore, due to mutual interests, DISTRICT and COUNTY wish to increase the amount of DISTRICT's financial contribution for Project.

E. The Original Agreement, together with the First Amendment, are collectively referred to herein as "AGREEMENT".

F. Section III.14 of the Original Agreement specifies that any alternation or variation of terms are subject to the written consent of Parties thereto.

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. RECITALS E of AGREEMENT is hereby amended to read:

"WHEREAS, CITY will be awarding contracts in the approximate amount of Twenty One Million Eight Hundred Five Thousand One Hundred Three Dollars (\$21,805,103.00) for construction of Project."

2. RECITALS L of AGREEMENT is amended to read:

"WHEREAS, the purpose of this Agreement is to set forth the terms and conditions whereby DISTRICT will contribute Ten Million Thirty Thousand Three Hundred Forty-Eight Dollars (\$10,030,348.00) to COUNTY ("TOTAL DISTRICT CONTRIBUTION") toward CITY's construction of Project infrastructure. COUNTY shall pay all amounts in excess of TOTAL DISTRICT CONTRIBUTION utilizing other funding mechanisms to support Project, if needed."

3. Section III.1 of AGREEMENT is hereby amended to read:

"Notwithstanding any other provision herein, this Agreement's TOTAL DISTRICT CONTRIBUTION shall not exceed a total sum of Ten Million Thirty Thousand Three Hundred Forty-Eight Dollars (\$10,030,348.00) and shall be used by COUNTY solely for the purpose of supporting CITY of said Project as set forth herein. No additional funding whatsoever shall be provided by DISTRICT for any subsequent Project modifications, extensions or repairs."

4. Except to the extent specifically deleted, added to or amended herein, all of the terms, covenants and conditions of said Original Agreement executed on April 26, 2022 shall remain in full force and effect between Parties hereto.

5. This First Amendment shall not be binding or consummated until its approval by DISTRICT's Board of Supervisors and fully executed by Parties.

6. 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.

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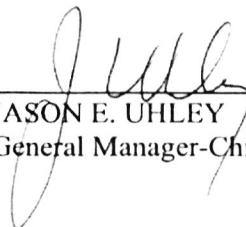
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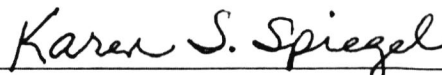
IN WITNESS WHEREOF, Parties hereto have executed this First Amendment on

August 1, 2023
(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, Chair
Riverside County Flood Control and Water
Conservation District Board of Supervisors

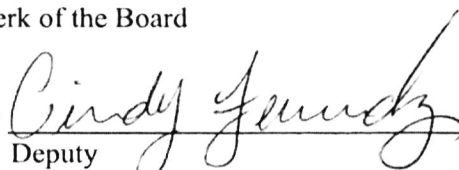
APPROVED AS TO FORM:

ATTEST:

MINH C. TRAN
County Counsel

KIMBERLY RECTOR
Clerk of the Board

By 
KRISTINE BELL-VALDEZ
Supervising Deputy County Counsel

By 
Deputy

(SEAL)

First Amendment to Funding Agreement
Van Buren Sewer Improvement
07/03/23
AMR:blm

RECOMMENDED FOR APPROVAL:

COUNTY OF RIVERSIDE

By 

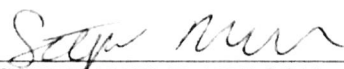
KEVIN JEFFRIES, Chair
Board of Supervisors

APPROVED AS TO FORM:

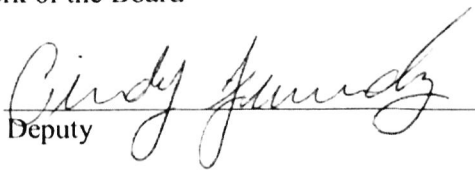
ATTEST:

MINH C. TRAN
County Counsel

KIMBERLY RECTOR
Clerk of the Board

By 

STEPHANIE K. NELSON
Deputy County Counsel

By 

Deputy

(SEAL)

First Amendment to Funding Agreement
Riverside Northside Specific Plan Master Drainage Plan
07/03/23
AMR:blm