

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



ITEM: 3.24
(ID # 24316)

MEETING DATE:
Tuesday, March 19, 2024

FROM : EXECUTIVE OFFICE:

SUBJECT: EXECUTIVE OFFICE: Approve and Execute the First Amendment to the Infrastructure Project Funding Agreement Between the County of Riverside and Elsinore Valley Municipal Water District, for an Additional Amount not to Exceed \$578,635, through Fiscal Year 26/27. District 1. [\$578,635 Total Cost - 100% American Recovery Plan Act (ARPA)]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve and Execute the First Amendment to the Infrastructure Project Funding Agreement Between the County of Riverside and Elsinore Valley Municipal Water District for Delivery of Additional Scope of Work Items for the Grand Avenue Lakeland Village Community Center Sewer Extension Project, for an Additional Amount not to Exceed \$578,635, through Fiscal Year 26/27; and
2. Authorize the Chair of the Board of Supervisors to Execute the Agreement on Behalf of the County.

ACTION:Policy

Stephanie Perez, Deputy Director of Admin. Services 3/14/2024

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington and Gutierrez
Nays: None
Absent: Perez
Date: March 19, 2024
xc: E.O.

Kimberly A. Rector
Clerk of the Board
By:
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 578,635	\$ 578,635	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: 100% ARPA			Budget Adjustment: N/A	
			For Fiscal Year: 23/24 – 26/27	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On March 11, 2021, President Biden signed into law a \$1.9 trillion economic stimulus bill also known as the COVID-19 Stimulus Package or the American Rescue Plan Act (ARPA). The intent of the bill is to accelerate the United States recovery from the economic and health impacts of the COVID-19 pandemic. ARPA includes \$362 billion in Coronavirus State and Local Fiscal Recovery Funds (ARPA Fiscal Recovery Funds) for eligible state, local, territorial, and tribal governments.

Riverside County’s share of the American Rescue Plan funding is estimated to be \$479 million, of which the first installment of \$239,937,299 was received on May 10, 2021, and the second installment in the same amount was received on June 6, 2022. The funds must be obligated by December 31, 2024, and expended by December 31, 2026.

On April 27, 2021, the Executive Office presented the Board of Supervisors with a preliminary ARPA funding allocation and on October 19, 2021, presented a revised funding allocation after the U.S. Treasury released the ARPA interim funding guidelines. The revised allocation included a new category for Child Care. The funding allocation obligates funds to 7 categories: Infrastructure, Housing & Homelessness, Economic Recovery, County Departments Response, Non-Profit Assistance, Child Care and Revenue Backfill.

On October 4, 2022, the Board of Supervisors approved the ARPA 2nd installment funding allocation which allocated \$33 million per district to be obligated towards infrastructure, housing and homelessness, workforce development, neighborhood revitalization, business revitalization, childcare facilities, and non-profits.

On December 6, 2022, (Agenda Item 3.4), at the recommendation of the County’s 1st District, the Board of Supervisors approved execution of an ARPA Infrastructure Project Funding Agreement with the Elsinore Valley Municipal Water District (EVMWD) for delivery of EVMWD’s Highway 74/Ethanac Sewer Extension Project, Grand Avenue Lakeland Village Community Center Sewer Extension Project, and Lakeland Village 8" Water Line Extension - Ranspot and Peeler Project. To meet the future growth and improvements planned at the Lakeland Village Community Center, on July 11, 2023 (Agenda Item 3.1), the Board of Supervisors approved allocation of \$578,635 in additional 1st District ARPA 2nd Installment funding for an expanded project scope on the Grand Avenue Lakeland Village Community Center Sewer Extension

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STATE OF CALIFORNIA**

Project. The additional work will include demolition of the community center's septic tanks and leach lines, provisions for an on-site sewer lateral for a possible future restroom at the lower field, and construction and connection of the community center's facilities to EVMWD's municipal sewer. The attached First Amendment to the ARPA Funding Agreement sets forth the conditions of the additional scope and funding, and also reflects a slight extension to the Project's schedule in recognition of the additional work. The proposed First Amendment to Agreement also includes an extension of schedule for the Lakeland Village 8" Water Line Extension - Ranspot and Peeler Project, due to delays associated with construction projects in the area being conducted by other agencies. Both Projects are still anticipated to be completed well in advance of ARPA deadlines for expenditure. All other terms memorialized in the original ARPA Funding Agreement would remain intact.

Impact on Residents and Businesses

The additional improvements on the Grand Avenue Lakeland Village Community Center Sewer Extension Project are expected to improve the long-term sustainability and infrastructure of this important community asset.

ATTACHMENTS:

- First Amendment to ARPA Funding Agreement Between the County of Riverside and the Elsinore Valley Municipal Water District


Stephanie Perini, Deputy Director of Admin. Services 3/6/2024


Aaron Gettis 2/29/2024

1 FIRST AMENDMENT TO FUNDING AGREEMENT BETWEEN
2 THE COUNTY OF RIVERSIDE AND THE ELSINORE VALLEY MUNICIPAL WATER DISTRICT
3 FOR INFRASTRUCTURE PROJECTS
4

5 THIS FIRST AMENDMENT to a Funding Agreement for Elsinore Valley Municipal Water District
6 Projects effective December 6, 2022, by and between the County of Riverside, a political subdivision of the
7 State of California (hereinafter the "County"), and the Elsinore Valley Municipal Water District (hereinafter
8 "Subrecipient"), (collectively referred to as the "Parties"), amends said Funding Agreement as follows:

9 **RECITALS**

10 WHEREAS, County and Subrecipient entered into that certain Funding Agreement for Elsinore
11 Valley Municipal Water District Infrastructure Projects effective as of December 6, 2022 ("Agreement")
12 for American Rescue Plan Act (ARPA) funding, based on the following facts and as further described
13 below; and

14 WHEREAS, on March 11, 2021, ARPA was signed into law, amending Section 9901 of Title VI of
15 the Social Security Act which establishes the Coronavirus State and Local Fiscal Recovery Funds (Fiscal
16 Recovery Funds) to provide state, local and Tribal governments with the resources needed to respond to the
17 pandemic and its economic effects and to build a stronger, more equitable economy during the recovery;
18 and

19 WHEREAS, on February 8, 2022, Minute Order 3.3, the Board of Supervisors of the County of
20 Riverside approved allocation of American Rescue Plan Act (ARPA) Coronavirus State and Local Fiscal
21 Recovery Funds (Fiscal Recovery Funds) funds to support eligible infrastructure projects within Riverside
22 County; and

23 WHEREAS, to respond to the negative effects of the pandemic, which in turn affect our community
24 as a whole, County has dedicated a portion of the allotted ARPA funds to local agencies for the delivery
25 and implementation of vital and eligible infrastructure projects; and

26 WHEREAS, County and Subrecipient entered into the Agreement for the County to reimburse
27 Subrecipient for a total amount not to exceed \$9,200,000 in ARPA Fiscal Recovery Funds, for expenditures
28 related to construction of Subrecipient's Highway 74/Ethanac Sewer Extension Project, Grand Avenue

1 Lakeland Village Community Center Sewer Extension Project, and Lakeland Village 8" Water Line
2 Extension - Ranspot and Peeler Project; and

3 WHEREAS, additional scope of work items for the Grand Avenue Lakeland Village Community
4 Center Sewer Extension Project have been identified, and County and Subrecipient now wish to revise the
5 Agreement to reflect updated Infrastructure Project scope of work, costs, and schedule; and

6 WHEREAS, to reflect updated Infrastructure Project scope of work and costs, the Parties desire to
7 amend the Agreement to reflect that the County may reimburse the Subrecipient for a total amount not to
8 exceed \$9,778,635; and

9 WHEREAS, circumstances have delayed the schedule for the Lakeland Village 8" Water Line
10 Extension - Ranspot and Peeler Project, and County and Subrecipient now wish to revise the Agreement to
11 reflect an updated Infrastructure Project schedule.

12 NOW, THEREFORE, for good valuable consideration, the receipt and adequacy of which is hereby
13 acknowledged, providing that all other sections not amended remain in full force and effect, the Parties
14 agree to amend the Agreement as follows:

- 15 1. Incorporation of Recitals. The above recitals are true and correct and are incorporated herein by
16 reference.
- 17 2. Section 4.1 Funding. The Agreement is hereby amended to delete in its entirety Section 4.1, and
18 replace it with:
19 "County shall provide funding to Subrecipient in an amount not to exceed \$9,778,635 ("Award"),
20 in quarterly payments in accordance with progress pay estimates submittals, and in compliance with
21 ARPA Guidelines as set forth in Attachment B, attached hereto and by this reference incorporated
22 herein, for the completion of the Infrastructure Projects. In the event that there is a conflict in the
23 terms for payment in this Agreement and the terms in Attachments B and C, the terms in
24 Attachments B and C shall take precedence. Subrecipient shall provide other non-federal funding
25 at least equal to the amounts shown in Attachment A, attached hereto and by this reference
26 incorporated herein, as a match to the funds provided by the County for the Infrastructure Projects."
27 3. Attachment A - Infrastructure Project Scope. Attachment A of the Agreement is hereby amended to
28 delete in its entirety the "Scope of Work," "Project Budget," and "Schedule" sections of the "Grand

Avenue Lakeland Village Community Center Sewer Extension Project” provisions and replace it with:

Scope of Work

The Subrecipient will complete all planning, design, and procurement necessary to construct the Infrastructure Project. This includes extension of Subrecipient’s main sewer line to the Lakeland Village Community Center, construction of two lateral connections from the main line to the Community Center property line, demolition and disposal of existing on-site septic tanks and leach lines, and construction and connection of one new on-site line to the newly constructed lateral connection on the main line. The second lateral connection may be utilized by the Lakeland Village Community Center when future site improvements require the connection. Project costs also include sewer connection fees.

Project Budget

ITEM	DESCRIPTION	COUNTY OF RIVERSIDE ARPA PROJECT FUNDING AMOUNT (Not to Exceed)	SUBRECIPIENT NON-FEDERAL FUNDING AMOUNT	ESTIMATED PROJECT COST
1	Engineering Design	\$0	\$150,000	\$150,000
2	Environmental Compliance	\$0	\$0	\$0
3	Engineering Support During Construction	\$0	\$0	\$0
4	Contracted Construction Services	\$194,500	\$0	\$194,500
5	Construction	\$784,135	\$0	\$784,135
6	Project Administration	\$0	\$35,363	\$35,363
7	Indirect Costs (36.83%)	\$0	\$164,637	\$164,637
TOTAL:		\$978,635	\$350,000	\$1,328,635

Schedule

ITEM	DESCRIPTION OF SUBMITTAL	ESTIMATED DUE DATE
1	Feasibility Report	N/A
2	Preliminary Design Report	Complete
3	Final Design	March 31, 2024
4	Spec Review, Bid/Award	July 1, 2024
5	Construction and Implementation	November 30, 2024

6	Project Closeout	March 31, 2025
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4. Attachment A - Infrastructure Project Scope. Attachment A of the Agreement is hereby amended to delete in its entirety the “Schedule” section of the “Lakeland Village 8” Water Line Extension - Ranspot and Peeler Project” provisions and replace it with:

Schedule

ITEM	DESCRIPTION OF SUBMITTAL	ESTIMATED DUE DATE
1	Feasibility Report	N/A
2	Preliminary Design Report	Complete
3	Final Design	December 31, 2023
4	Spec Review, Bid/Award	July 1, 2024
5	Construction and Implementation	July 1, 2025
6	Project Closeout	December 31, 2025

5. Entire Understanding. The Agreement and this First Amendment contain the entire understanding and agreement of the Parties. There are no oral or written representations, understandings or ancillary covenants, undertakings, or agreements that are not contained or expressed referred to within this First Amendment and Agreement.
6. Use of Electronic (Digital) Signatures. 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 the CUETA as amended from time to time. The 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

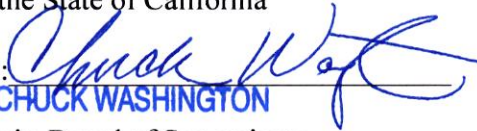
1 type of "electronic signature" as defined in subdivision (i) of Section 1633.2 of the Civil Code.
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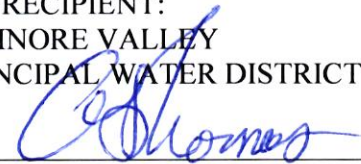
1 SIGNATURE PAGE
2 TO
3 FIRST AMENDMENT TO FUNDING AGREEMENT BETWEEN
4 THE COUNTY OF RIVERSIDE AND THE ELSINORE VALLEY MUNICIPAL WATER DISTRICT
5 FOR INFRASTRUCTURE PROJECTS

6 IN WITNESS HEREOF, the parties hereto have caused this First Amendment to be duly
7 executed on 3/19/2024.

8 COUNTY:
9 COUNTY OF RIVERSIDE, a political subdivision
10 of the State of California

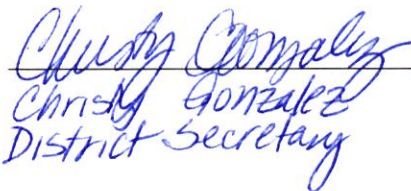
11 By: 
12 **CHUCK WASHINGTON**
13 Chair, Board of Supervisors

SUBRECIPIENT:
EL SINORE VALLEY
MUNICIPAL WATER DISTRICT

By: 
General Manager


14 ATTEST:
15 Clerk of the Board
16 Kimberly Rector

17 By: 
18 Deputy

ATTEST:

Christy Gonzalez
District Secretary

19 (Seal)

20 APPROVED AS TO FORM
21 County Counsel

22 By: 
23 Kristine Bell-Valdez
24 Deputy County Counsel