

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



ITEM: 11.1
(ID # 25526)

MEETING DATE:

Tuesday, July 30, 2024

FROM : FLOOD CONTROL DISTRICT

SUBJECT: FLOOD CONTROL DISTRICT: Approval of the First Amendment to Funding Agreement Between the Riverside County Flood Control and Water Conservation District and the City of Norco for the Norco Lateral N-1G, Project No. 2-0-10034, CEQA Exempt per CEQA Guidelines Section 15061(b)(3), District 2. [\$116,757 Not-to-Exceed Cost – District Zone 2 Funding 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the First Amendment to Funding Agreement ("Amendment") is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3), the "Common Sense" exemption;
2. Approve the Amendment between the Riverside County Flood Control and Water Conservation District ("District") and the City of Norco ("City");
3. Authorize the Chair of the District's Board of Supervisors ("Board") to execute the Amendment documents on behalf of the District;
4. Authorize the District's General Manager-Chief Engineer or designee to take all necessary steps to implement the Amendment, including, but not limited to, negotiating, approving and executing any non-substantive amendments, subject to approval as to form by County Counsel; and
5. Direct the Clerk of the Board to return two (2) fully executed original Amendment documents to the District.

ACTION:Policy

Claudio Padres
Claudio Padres, ASST CHIEF FLOOD CONTROL ENG 7/17/2024

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: July 30, 2024
xc: Flood

Kimberly A. Rector
Clerk of the Board
By *Kimberly A. Rector*
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$116,757	\$0	\$116,757	\$0
NET COUNTY COST	\$0	\$0	\$0	\$0
SOURCE OF FUNDS: Zone 2 Funding 100% (See Additional Fiscal Information)			Budget Adjustment: No	
			For Fiscal Year: 24/25	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On November 29, 2022 [Agenda Item No. 11.6], the District's Board approved a Funding Agreement ("Agreement") by which the District will contribute up to Five Hundred Ninety Thousand One Hundred Seventy-Nine Dollars (\$590,179) to the City for construction of the Norco Lateral N-1G project ("Project") located within California Avenue as part of a City-administered public works contract. The Project will convey flows and outlet to the proposed Norco MDP Line N-1 Extension storm drain located in 7th Street.

The City advertised the Project for public works construction bids. The lowest responsible bid came in substantially higher than originally estimated due to the Southern California Gas line relocation. Based on the City's bid results, the Project costs increased from an estimated Five Hundred Ninety Thousand One Hundred Seventy-Nine Dollars (\$590,179) to Seven Hundred Six Thousand Nine Hundred Thirty-Six Dollars (\$706,936).

This Amendment is necessary to change the District's financial contribution in the Agreement from the original amount of Five Hundred Ninety Thousand One Hundred Seventy-Nine Dollars (\$590,179) to Seven Hundred Six Thousand Nine Hundred Thirty-Six Dollars (\$706,936).

County Counsel has approved the Amendment as to legal form, and the City has executed the Amendment.

Environmental Findings

Pursuant to CEQA, the Project was reviewed and determined to be categorically exempt from CEQA pursuant to CEQA Guidelines Section 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 additional funding for the construction of the Project.

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Impact on Residents and Businesses

The District's financial contribution toward the City'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 facilities will alleviate flooding on the private properties on California Avenue as well as to capture the remaining runoff tributary to California Avenue between 7th Street and the southerly extents of Norco Master Drainage Plan Line ND Extension.

Prev. Agn. Ref. MT 20520, 11.6 of 11/29/2022

Additional Fiscal Information

In the original Agreement approved by the District's Board in 2022, the District was to contribute up to \$590,179 to the City for the design and construction of the Project. This Amendment increases the District's contribution by One Hundred Sixteen Thousand Seven Hundred Fifty-Seven Dollars (\$116,757) to cover its financial contribution to the project.

The original contract amount for the Agreement and the costs of the Amendment are summarized below:

Funding Summary

Funding Agreement

Estimated Design and Administration Contribution	\$ 49,473
Estimated Construction Contribution	\$ 540,706
Maximum District Contribution to the City	\$ 590,179
Estimated MSHCP Mitigation Fee	\$ 16,221
(3% of Estimated Construction Contribution of \$540,706)	
Total Estimated District Cost	\$ 606,400

Amendment

Increased Construction Contribution (based on City's bid results - Maximum District Contribution to the City)	\$ 706,936
Difference between Original Agreement and Amendment	\$ 116,757

SOURCE OF FUNDS: (Continued)

25120-947240-536200 Contribution to Non-County Agency – Zone 2

ATTACHMENTS:

1. Vicinity Map
2. First Amendment to Funding Agreement

AGR:bjj
P8/256922

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



Jason Farin, Principal Management Analyst 7/23/2024



Aaron Gettis, Chief of Deputy County Counsel 7/17/2024

FIRST AMENDMENT TO FUNDING AGREEMENT

Norco Lateral N-1G
Project No. 2-0-10034

This First Amendment to Funding Agreement ("First Amendment"), dated as of July 30, 2024, is entered into by and between the RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body corporate and politic ("DISTRICT"), and the CITY OF NORCO, a municipal corporation ("CITY"). DISTRICT and CITY are collectively referred to herein as "Parties" and individually as "Party". The Parties hereby agree as follows:

RECITALS

A. DISTRICT and CITY have entered into that certain Funding Agreement dated November 29, 2022 [DISTRICT's Board Agenda Item No. 11.6], hereinafter called "Original Agreement", to support the construction of the of Norco Lateral N-1G ("PROJECT"), which will provide necessary flood control and drainage improvements to alleviate flooding on California Avenue in the city of Norco. PROJECT runs north to south along California Avenue collecting flows and conveying them into the proposed North Norco Channel Line N-1 Extension located on Seventh Street.

B. Pursuant to Original Agreement, DISTRICT desired to contribute a total amount not to exceed Five Hundred Ninety Thousand One Hundred Seventy-Nine Dollars (\$590,179) to CITY toward CITY's construction of PROJECT infrastructure.

C. Subsequent to the execution of Original Agreement, CITY advertised PROJECT for public works construction bids and the anticipated Southern California Gas line relocation cost came in substantially higher than estimated. Based on CITY's bid results, PROJECT costs increased from an estimated Five Hundred Ninety Thousand One Hundred Seventy-Nine Dollars (\$590,179) to Seven Hundred Six Thousand Nine Hundred Thirty-Six Dollars (\$706,936).

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

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

F. Section III.13 of 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 J of AGREEMENT is hereby amended to read:
"TOTAL DISTRICT CONTRIBUTION for PROJECT shall not exceed a total sum of Seven Hundred Six Thousand Nine Hundred Thirty-Six Dollars (\$706,936) and"
2. SECTION I.2 of AGREEMENT is amended to read:
"Invoice DISTRICT (Attention: Special Projects Section) for fifty percent (50%) of DESIGN CONTRIBUTION upon execution of this Agreement. DESIGN CONTRIBUTION shall not exceed a total sum of Seven Hundred Six Thousand Nine Hundred Thirty-Six Dollars (\$706,936) for PROJECT."
3. Last sentence in SECTION I.4 of AGREEMENT is amended to read:
"DESIGN CONTRIBUTION and DESIGN ADMIN shall not exceed a total sum of Seven Hundred Six Thousand Nine Hundred Thirty-Six Dollars (\$706,936) for PROJECT."
4. Section I.9 of AGREEMENT is hereby amended to read:

"At the time of providing written notice of the award of a construction contract for PROJECT, invoice DISTRICT (Attention: Special Projects Section) for BID PRICE, subject to and provided that TOTAL DISTRICT CONTRIBUTION does not exceed a total sum of Seven Hundred Six Thousand Nine Hundred Thirty-Six Dollars (\$706,936) for PROJECT. BID PRICE shall be supported by a copy of CITY's bid abstracts for PROJECT."

5. Section I.17 of AGREEMENT is hereby amended to read:

"At the time of providing a Notice of Completion, invoice DISTRICT (Attention: Special Projects Section) for CITY's CONTRACT ADMINISTRATION CONTRIBUTION and, if applicable, CITY's CONSTRUCTION CHANGE ORDERS CONTRIBUTION, subject to and provided TOTAL DISTRICT CONTRIBUTION shall not Seven Hundred Six Thousand Nine Hundred Thirty-Six Dollars (\$706,936), for DISTRICT review."

6. Section II.1 of AGREEMENT is hereby amended to read:

Within thirty (30) days after receipt of CITY's invoices (i) pay all approved CITY's invoices and (ii) review and approve associated documents as described in RECITALS and SECTION I herein this Agreement, subject to and provided that TOTAL DISTRICT CONTRIBUTION shall not exceed to Seven Hundred Six Thousand Nine Hundred Thirty-Six Dollars (\$706,936) for PROJECT.

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

"Notwithstanding any other provision herein this Agreement, TOTAL DISTRICT CONTRIBUTION shall not exceed a total sum of to Seven

Hundred Six Thousand Nine Hundred Thirty-Six Dollars (\$706,936) and shall be used by CITY solely for the purpose of designing and constructing PROJECT as set forth herein. No additional funding whatsoever shall be provided by DISTRICT for any subsequent PROJECT modifications, extensions or repairs."

8. Except to the extent specifically deleted, added to or amended herein, all of the terms, covenants and conditions of said Original Agreement executed on November 29, 2022 shall remain in full force and effect between Parties hereto.

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

10. 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

July 30, 2024
(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL:

**RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT,
a body politic**

By J. Uhley
JASON E. UHLEY
General Manager-Chief Engineer

By Karen S. Spiegel
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 KBM
KRISTINE-BELL VALDEZ
Deputy County Counsel

By Nancy Li
Deputy

(SEAL)

First Amendment to Funding Agreement with City of Norco
Norco Lateral N-1G
Project No. 2-0-10034
06/20/24
AGR:blj

RECOMMENDED FOR APPROVAL:

CITY OF NORCO

By _____
KEVIN BASH
Mayor

APPROVED AS TO FORM:

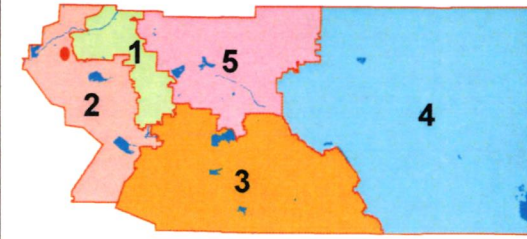
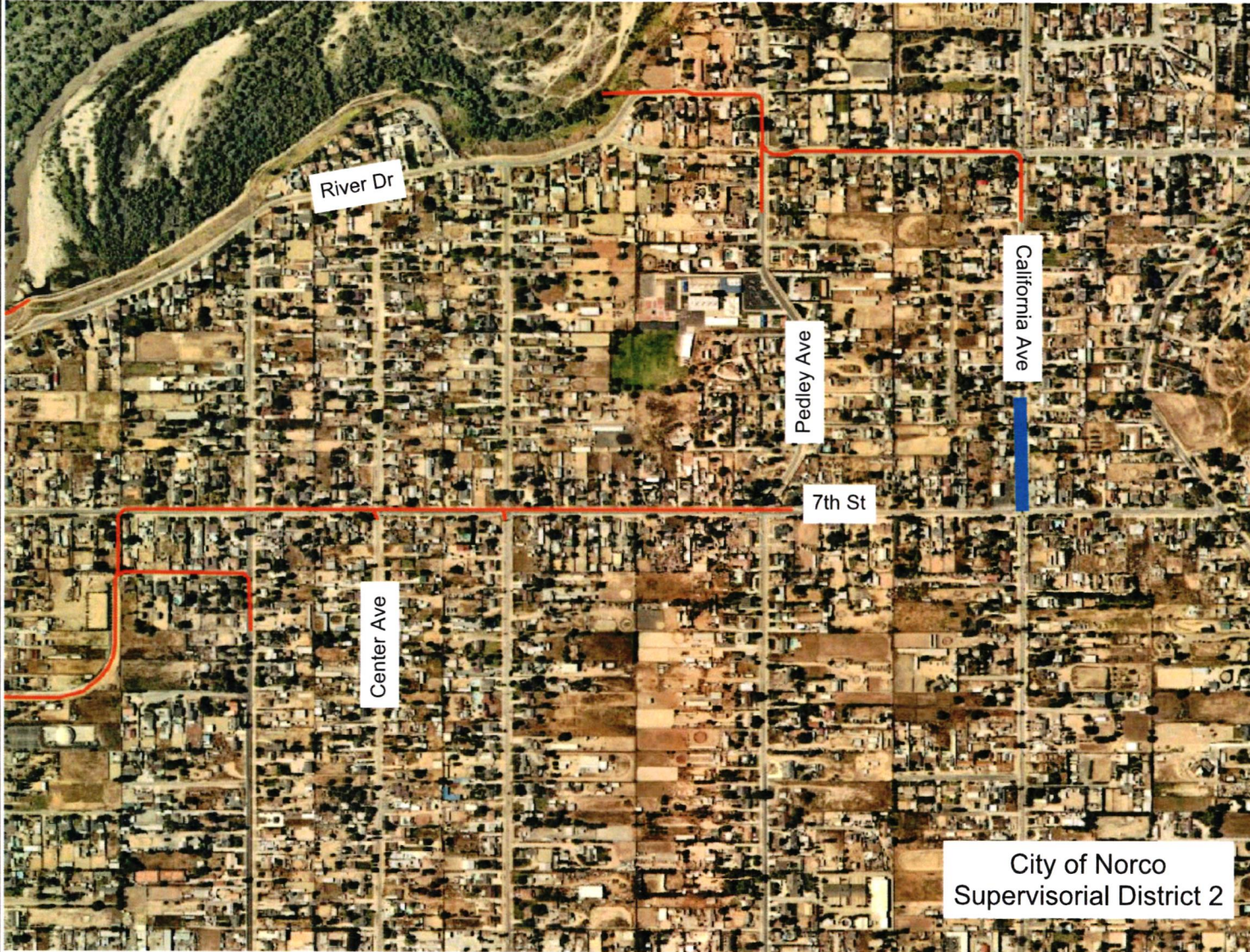
ATTEST:

By _____
COLIN BURNS
City Attorney

By _____
DANA ROA, CMC
City Clerk

(SEAL)

First Amendment to Funding Agreement with City of Norco
Norco Lateral N-1G
Project No. 2-0-10034
06/20/24
AGR:blj



Legend

- Project Vicinity
- Existing Facilities
- Supervisorial District

Description

Norco Lateral N-1G
 Project No. 2-0-10034



VICINITY MAP

