Amendment No. 2 to

Memorandum of Understanding

Coordinated Parkway Planning

Among Counties along the

Santa Ana River Corridor

This Amendment No. 2 to Memorandum of Understanding (hereinafter “Amendment No. 2”) is entered into as of Oct. 6, 2015,

BY AND AMONGST

AND

The County of Orange, a political subdivision of the State of California, hereinafter referred to as “ORANGE”;

AND

The County of Riverside, a subdivision of the State of California, herein referred to as “RIVERSIDE”;

AND

The County of San Bernardino, a subdivision of the State of California, herein referred to as “SAN BERNARDINO”;

AND

The Santa Ana Watershed Project Authority, a recognized regional agency that has significant responsibility for the management of the Santa Ana River throughout the watershed, herein referred to as “SAWPA”;

AND

The Wildlands Conservancy, a private non-profit group that has been instrumental in the development of the Parkway to date and is uniquely positioned and capable of fostering good stewardship throughout the basin, herein referred to as “WILDLANDS”;

ORANGE, RIVERSIDE, SAN BERNARDINO, SAWPA and WILDLANDS hereafter are collectively referred to as the “PARTIES” and individually as a “PARTY”

RECITALS

WHEREAS, certain lands within the counties of Orange, Riverside and San Bernardino form an expansive watershed which leads from the San Bernardino Mountains to the Pacific
Ocean along a river course known as the Santa Ana River;

WHEREAS, the Santa Ana River is a 100-mile-long river that serves the diverse needs of the three counties and adjacent cities including flood control, water conservation, habitat protection, education and recreation;

WHEREAS, Orange, Riverside and San Bernardino Counties, along with several cities, have separately adopted recreational plans, that include trails;

WHEREAS, these regional and local plans identify the Santa Ana River as an important recreational corridor, and the PARTIES have identified the need to coordinate these activities along the river to ensure consistency, facilitate planning, and share resources;

WHEREAS, on March 12, 1976, then Secretary of Interior Thomas Kleppe deemed portions of the trail in Orange County and San Bernardino County as the Santa Ana River National Recreational Trail #80 and #100, respectively, establishing for the first time, a national trail along the Santa Ana River;

WHEREAS, on June 27, 2006, a Memorandum of Understanding (hereinafter “AGREEMENT”) was executed to establish a mechanism to facilitate planning, project implementation, and reporting and accountability for the PARTIES as they endeavor to create a recreational parkway along the Santa Ana River for a period of five years from the date of the last signature signed on January 8, 2007; and

WHEREAS, this AGREEMENT was extended by Amendment (hereinafter “AMENDMENT 1”) on May 17, 2011 for an additional three (3) years from the date of the last signature to provide additional time for the PARTIES to complete a recreational parkway along the Santa Ana River; and

WHEREAS, on September 25, 2014, Governor Brown signed into law the creation of a
Santa Ana River Conservancy program through the State Coastal Conservancy (hereinafter “CONSERVANCY”); and

WHEREAS, the PARTIES wish to continue working with each other and cooperatively with the CONSERVANCY to advise, prioritize, and direct activities in the Santa Ana River corridor; and

WHEREAS, the PARTIES wish to extend the AGREEMENT an additional 3 years to allow time for completion of the trail and to work cooperatively in Partnership with the CONSERVANCY;

NOW, THEREFORE, IT IS AGREED by and between PARTIES to amend AGREEMENT as follows:

1. Section 1 shall be modified to reflect the addition of 3 additional voting members to the Policy Advisory Group for a total of 11 voting members. Section 1 will be deleted and replaced with:

“The PARTIES will establish an advisory committee comprised of eleven (11) voting members: one elected Supervisor from each of the three counties, six elected city representatives (two from each county to be appointed by the Supervisor of that county), one representative from SAWPA, and one representative from WILDLANDS for a total of eleven (11) members. The committee will be referred to as the Policy Advisory Group (PAG).”

2. Section 3 is deleted in its entirety.

3. Section 6 is deleted and replaced with:
“The term of the AGREEMENT shall be twelve (12) years from the date of the last signature in time below unless otherwise terminated pursuant to Section 1 g. or by mutual consent of all of the PARTIES to this AGREEMENT. All PARTIES have the right to withdraw from this AGREEMENT. If so, the PARTY that wishes to withdraw must give 120 days notice to the remaining PARTIES. In the event of a PARTY’s withdrawal, this AGREEMENT must be amended to reflect the change in membership.”

3. Except as expressly set forth in this AMENDMENT No. 2, all other terms and conditions of the AGREEMENT shall remain unchanged and in full force and effect.
IN WITNESS WHEREOF, each party hereto has executed this Amendment No. 2 to AGREEMENT by a duly authorized representative as of the date set forth above.

Santa Ana Watershed Project Authority, a Special District

By: ____________________________
Thomas P. Evans, Chairman, of the Commission of the Santa Ana Watershed Project Authority, Riverside, California

Date: October 6, 2015

By: ____________________________
Kelly Berry, Clerk of the Board
Riverside, California

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE COMMISSION

Date: October 6, 2015

By: ____________________________
Larry B. Mckenney, Executive Counsel
RIVERSIDE, California

By: ____________________________
Kelly Berry, Clerk of the Board
Riverside, California
IN WITNESS WHEREOF, each party hereto has executed this Amendment No. 2 to AGREEMENT by a duly authorized representative as of the date set forth above.

COUNTY OF RIVERSIDE, a subdivision of the State of California

Date: ______________

By: __________________________________ Date: __________
Marion Ashley, Chairman, Board of Supervisors of Riverside County, California

By: ___________________________
Clerk of the Board
SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD

By: ___________________________
Kecia Harper-Ihem, Clerk of the Board
Clerk of the Board of Supervisors
Of Riverside County, California

APPROVED AS TO FORM
Office of the County Counsel
RIVERSIDE County, California

By: ___________________________
Deputy
IN WITNESS WHEREOF, each party hereto has executed this Amendment No. 2 to AGREEMENT by a duly authorized representative as of the date set forth above.

COUNTY OF SAN BERNARDINO, a subdivision of the State of California

Date: __________

By_________________________________________

James Ramos, Chairman of the Board of Supervisors of San Bernardino County, California

By: __________________________________ Date: __________

Clerk of the Board

SIGNED AND CERTIFIED THAT A COPY OF
THIS DOCUMENT HAS BEEN DELIVERED TO
THE CHAIRMAN OF THE BOARD

_________________________

Laura H. Welch, Clerk of the Board
Clerk of the Board of Supervisors
Of San Bernardino County, California

APPROVED AS TO FORM
Office of the County Counsel
SAN BERNARDINO County, California

By: ___________________________ Deputy
IN WITNESS WHEREOF, each party hereto has executed this Amendment No. 2 to AGREEMENT by a duly authorized representative as of the date set forth above.

WILDLANDS CONSERVANCY, a private non-profit organization

Date: ____________

By: ________________________________

David Myers
Executive Director, Wildlands Conservancy
Oak Glen, California

By: __________________________________ Date: ____________

Clerk of the Board
Of Wildlands Conservancy
San Bernardino, California

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE GENERAL MANAGER

By: ________________________________

San Bernardino, California

APPROVED AS TO FORM

By: ________________________________

Attorney
IN WITNESS WHEREOF, each party hereto has executed this Amendment No. 2 to AGREEMENT by a duly authorized representative as of the date set forth above.

COUNTY OF ORANGE, a political subdivision of the State of California

Date: ____________

By ________________________________
Todd Spitzer, Chairman, Board of Supervisors
Orange County, CA

Date: ____________

APPROVED AS TO FORM
Office of the County Counsel
ORANGE COUNTY, California

By: ____________________________
Deputy