

FIRST AMENDMENT TO
MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF REDONDO BEACH, THE CITY OF HERMOSA BEACH, THE CITY OF
MANHATTAN BEACH, THE CITY OF TORRANCE, AND THE LOS ANGELES COUNTY
FLOOD CONTROL DISTRICT

REGARDING THE ADMINISTRATION AND COST SHARING FOR DEVELOPMENT OF THE
ENHANCED WATERSHED MANAGEMENT PROGRAM AND THE COORDINATED
INTEGRATED MONITORING PROGRAM FOR THE SANTA MONICA BAY WATERSHED
AND THE DOMINGUEZ CHANNEL WATERSHED

This First Amendment to the Memorandum of Understanding (this "FIRST AMENDMENT"), is made and entered into as of the date set forth below by and between the CITY OF REDONDO BEACH, a body corporate and politic, THE CITY OF HERMOSA BEACH, a body corporate and politic, THE CITY OF MANHATTAN BEACH, a body and politic, THE CITY OF TORRANCE, a municipal corporation, and THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT (LACFCD), a body corporate and politic. Collectively, these entities shall be known herein as "PARTIES" or individually as "PARTY."

WITNESSETH

WHEREAS, the PARTIES entered into the above referenced Memorandum of Understanding (MOU) in December of 2013;

WHEREAS, the PARTIES wish to enact this FIRST AMENDMENT to amend the MOU pursuant to Section 12 subsection e in order to increase the not to exceed amount from \$760,000.00 to \$1,003,014.00 due to increased costs in the preparation of Phase II plans including a Draft and Final EWMP plan (collectively, PLANS); and

WHEREAS, the PARTIES determined that the cost of completing Phase II plans would be negotiated with the Consultant at the completion of Phase I and that the PARTIES desire to participate and will provide Phase II funding in accordance with a mutually agreed upon revised cost Allocation Schedule to be established in this Amendment to the MOU; and

WHEREAS, the CITY OF REDONDO BEACH will act on behalf of the PARTIES in the preparation of the PLANS; and

WHEREAS, there were two (2) unanticipated financial outlays in Phase II which are an \$8,000 outreach effort which will be split equally among PARTIES and \$161,408 for Reasonable Assurance Analysis Modeling work which will be borne entirely by THE CITY OF TORRANCE as the work solely took place within the jurisdiction of THE CITY OF TORRANCE which are reflected in Table 1(f) of Exhibit "A-1"; and

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the PARTIES, and of the promises herein contained, is the PARTIES hereby agree to amend the MOU as follows:

Section 1. Recitals: The recitals set forth above are fully incorporated as part of this FIRST AMENDMENT.

Section 2. Purpose: The purpose of this FIRST AMENDMENT is to increase the not to exceed amount contemplated in the MOU from \$760,000.00 to \$1,003,014.00. Pursuant to this change, Exhibit "A" of the MOU shall be deleted in its entirety and replaced with Exhibit "A-1" attached hereto and incorporated by reference. Further, pursuant to changes to personnel of the PARTIES, Exhibit "B" of the MOU shall be deleted in its entirety and replaced with Exhibit "B-1" attached hereto and incorporated by reference.

Section 3. Terms: This FIRST AMENDMENT shall become effective on the date of the final execution by the PARTIES or November 11, 2014, whichever comes first, and shall remain in effect until (1) the Regional Board has given final approval to the last outstanding portion of the PLANS, (2) the City of Redondo Beach has provided the PARTIES with an accounting as set forth in section 7(d), of the MOU and (3) the PARTIES have paid all outstanding invoices.

Section 4. Assessment for Proportional Cost for PLANS. The PARTIES agree to pay the City of Redondo Beach for preparation and delivery of the Phase II PLANS in the amounts shown in Table (1c) and Table (1f) of Exhibit "A-1", based on the cost allocation formula shown in Table (2) of Exhibit A-1" attached hereto and made part of this FIRST AMENDMENT by reference. The City of Redondo Beach will annually invoice the PARTIES to this FIRST AMENDMENT as shown in Table (3) and Table (3a) of Exhibit "A-1", based on the allocated cost for developing the PLANS and the project administration and management costs at a percentage not to exceed 10% of the allocated costs for development of the PLANS. The cost of preparing Phase II PLANS has been negotiated with the Consultant pursuant to the conclusion of Phase I and will be allocated to the PARTIES based upon the revised Table (1c) and Table (1f) of Exhibit "A-1".

Section 5. No Other Amendments. Except as expressly stated herein, the MOU shall remain unchanged and in full force and effect. The MOU and this FIRST AMENDMENT shall constitute the entire agreement between the parties and supersede any previous oral or written agreement with respect to the subject matter hereof. In the event of any inconsistency between the terms of the MOU and this FIRST AMENDMENT, the terms of this FIRST AMENDMENT shall govern.

[SIGNATURES FOLLOW ON NEXT PAGES]

IN WITNESS WHEREOF, the PARTIES hereto have caused this FIRST AMENDMENT to be executed by their duly authorized representative and affixed as of the date of signature of the PARTIES:

CITY OF REDONDO BEACH

Date: _____

By: _____
Steve Aspel, Mayor

ATTEST:

By: _____
Eleanor Manzano, City Clerk

APPROVED AS TO FORM

By: _____
Mike Webb, City Attorney

CITY OF HERMOSA BEACH

Date: _____

By: _____
Peter Tucker, Mayor

ATTEST:

By: _____
Elaine Doerfling, City Clerk

APPROVED AS TO FORM:

By: _____
Michael Jenkins, City Attorney

CITY OF MANHATTAN BEACH

Date: _____

By: _____
Wayne Powell, Mayor

ATTEST:

By: _____
Liza Tamura, City Clerk

APPROVED AS TO FORM

By:  _____
Omar Sandoval, Special Counsel

CITY OF TORRANCE

Date: _____

By: _____
Patrick J. Furey, Mayor

ATTEST:

By: _____
Rebecca Poirier, MMC, City Clerk

APPROVED AS TO FORM

By: _____
John Fellows, City Attorney

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

Date: _____

By: _____
Gail Farber, Chief Engineer

APPROVED AS TO FORM:

Mark J. Saladino
County Counsel

By: _____
Senior Associate

Date: _____

EXHIBIT A-1

**BEACH CITIES
EWMP/CIMP GROUP
PHASE I
Funding Contributions**

PHASE I TABLE 1a. TOTAL COST

Item		Total Cost
Contract Cost	(a)	\$278,414
RB Contract Management Fee (10%)	(b)	\$27,841
Sub-Total Cost	(a) + (b) = (c)	\$306,255
LACFCD Allocation (10%) [1]	(c) x 10% = (d)	\$30,626
TOTAL COST TO BE DISTRIBUTED	(c) - (d) = (e)	\$275,630
Santa Monica Watershed [2]		\$137,815
Dominguez Channel Watershed [2]		\$137,815

Notes

[1] The Los Angeles County Flood Control District (LACFCD) has committed to contributing 10% of the Total Cost for their share in the development of the plans.

[2] Using tributary land areas, the two watersheds were estimated to have an even split.

PHASE I TABLE 1b. DISTRIBUTION OF TOTAL COST AMONG PARTICIPATING AGENCIES

Santa Monica Bay Watershed					
Agency	Acres	Adjustment [3]	Percent of Area	Distributed Total Cost	
City of Redondo Beach [3]	2,613.50	2,540.90	33%	\$45,478.93	
City of Hermosa Beach	831.51	811.46	11%	\$15,159.64	
City of Manhattan Beach [3]	2,078.37	2,040.02	26%	\$35,831.88	
City of Torrance	2,313.76	2,313.76	30%	\$41,344.48	
TOTAL	7,837.14	7,706.14	100%	\$137,814.93	

Notes:

[3] Adjustments were made to Redondo Beach and Manhattan Beach to subtract the acreage of the Wylie Sump.

PHASE I TABLE 1c. DISTRIBUTION OF TOTAL COST AMONG PARTICIPATING AGENCIES

Dominguez Channel Watershed					
Agency	Acres	Adjustment [4] [5]	Percent of Area	Distributed Total Cost	
City of Redondo Beach	1,217.61	1,215.97	17%	\$23,428.54	
City of Hermosa Beach	0.00	0.00	0%	\$0.00	
City of Manhattan Beach	350.07	350.07	5%	\$6,752.93	
City of Torrance	11,056.79	5,578.31	78%	\$107,633.46	
TOTAL	12,624.47	7,144.35	100%	\$137,814.93	

Notes

[4] Adjustments were made to Redondo Beach and Torrance to subtract the acreage of Machado Lake.

[5] Adjustment was made to Torrance to subtract the acreage of the Ocean and Bishop Montgomery basins.

PHASE I TABLE 1d. DISTRIBUTION OF TOTAL COST AMONG PARTICIPATING AGENCIES

Combined Santa Monica Bay and Dominguez Channel Watershed					
Agency	Acres	Adjusted Acres	Percent of Area	Distributed Total Cost	
City of Redondo Beach	3,831.11	3,756.87	19%	\$68,907	
City of Hermosa Beach	831.51	811.46	4%	\$15,160	
City of Manhattan Beach	2,428.44	2,390.09	12%	\$42,585	
City of Torrance	13,370.55	7,892.07	65%	\$148,978	
LACFCD	N/A	N/A		\$30,626	
TOTAL	20,461.61	14,850.49	100%	\$306,255	

EXHIBIT A-1
BEACH CITIES
EWMP/CIMP GROUP
PHASE II
Funding Contributions

Phase II TABLE 1c. TOTAL COST

Item		Total Cost
Contract Cost	(a)	\$479,410
RB Contract Management Fee (10%)	(b)	\$47,941
Sub-Total Cost	(a) + (b) = (c)	\$527,351
LACFCD Allocation (10%) [1]	(c) x 10% = (d)	\$52,735.10
TOTAL COST TO BE DISTRIBUTED	(c) - (d) = (e)	\$474,616
Santa Monica Watershed [2]		\$237,307.95
Dominguez Channel Watershed [2]		\$237,307.95

Notes

[1] The Los Angeles County Flood Control District (LACFCD) has committed to contributing 10% of the Total Cost for their share in the development of the plans.

[2] Using tributary land areas, the two watersheds were estimated to have an even split.

Phase II TABLE 1d. DISTRIBUTION OF TOTAL COST AMONG PARTICIPATING AGENCIES

Santa Monica Bay Watershed					
Agency	Acres	Adjustment [3]	Percent of Area	Distributed Total Cost	
City of Redondo Beach [3]	2,613.50	2,540.90	33%	\$78,311.62	
City of Hermosa Beach	831.51	811.46	11%	\$26,103.87	
City of Manhattan Beach [3]	2,078.37	2,040.02	26%	\$61,700.07	
City of Torrance	2,313.76	2,313.76	30%	\$71,192.39	
TOTAL	7,837.14	7,706.14	100%	\$237,307.95	

Notes:

[3] Adjustments were made to Redondo Beach and Manhattan Beach to subtract the acreage of the Wylie Sump.

Phase II TABLE 1e. DISTRIBUTION OF TOTAL COST AMONG PARTICIPATING AGENCIES

Dominguez Channel Watershed					
Agency	Acres	Adjustment [4] [5]	Percent of Area	Distributed Total Cost	
City of Redondo Beach	1,217.61	1,215.97	17%	\$40,342.35	
City of Hermosa Beach	0.00	0.00	0%	\$0.00	
City of Manhattan Beach	350.07	350.07	5%	\$11,628.09	
City of Torrance	11,056.79	5,578.31	78%	\$185,337.51	
TOTAL	12,624.47	7,144.35	100%	\$237,307.95	

Notes

[4] Adjustments were made to Redondo Beach and Torrance to subtract the acreage of Machado Lake.

[5] Adjustment was made to Torrance to subtract the acreage of the Ocean and Bishop Montgomery basins.

Phase II TABLE 1f. DISTRIBUTION OF TOTAL COST AMONG PARTICIPATING AGENCIES

Combined Santa Monica Bay and Dominguez Channel Watershed						Outreach	Torrance	Total
Agency	Acres	Adjusted Acres	Percent of Area	Distributed Total Cost	Distribution	RAA/Modeling	Fair Share	
City of Redondo Beach	3,831.11	3,756.87	19%	\$118,653.98	\$1,600		\$120,254	
City of Hermosa Beach	831.51	811.46	4%	\$26,103.87	\$1,600		\$27,704	
City of Manhattan Beach	2,428.44	2,390.09	12%	\$73,328.16	\$1,600		\$74,928	
City of Torrance	13,370.55	7,892.07	65%	\$256,529.89	\$1,600	\$161,408	\$419,538	
LACFCD	N/A	N/A		\$52,735.10	\$1,600		\$54,335	
TOTAL	20,461.61	14,850.49	100%	\$527,351.00	\$8,000	\$161,408	\$696,759	

Exhibit A-1

**BEACH CITIES
EWMP/CIMP GROUP
Funding Contributions**

Table 2. Cost Allocation Formula

AGENCY Cost = Total EWMP&CIMP Cost X Agency Percent of Area

Table 2a. Cost Allocation Formula for Phase I Outreach

AGENCY COST = TOTAL PHASE I OUTREACH / 5 (AGENCIES)

EXHIBIT A-1

BEACH CITIES
EWMP/CIMP GROUP
Funding Contributions

Phase I Table 3. Invoice Schedule

	Agency Cost	Deposit Schedule
Agency	Total Cost	Jan 1, 2014
City of Redondo Beach	\$68,907	\$68,907
City of Hermosa Beach	\$15,160	\$15,160
City of Manhattan Beach	\$42,585	\$42,585
City of Torrance	\$148,978	\$148,978
LACFCD	\$30,626	\$30,626
TOTAL	\$306,255	\$306,255

Phase II Table 3a. Invoice Schedule

	Agency Cost	Deposit Schedule
Agency	Total Cost	Jan 1, 2015
City of Redondo Beach	\$120,254	\$120,254
City of Hermosa Beach	\$27,704	\$27,704
City of Manhattan Beach	\$74,928	\$74,928
City of Torrance	\$419,538	\$419,538
LACFCD	\$54,335	\$54,335
TOTAL	\$696,759	\$696,759

EXHIBIT B-1

BEACH CITIES WMG
EWMP/CIMP GROUP
Responsible Agencies Representative

1. City of Redondo Beach
Department of Public Works, Engineering Division
415 Diamond Street
Redondo Beach, CA 90266

Elaine Jeng, P.E.
E-mail: elaine.jeng@redondo.org
Phone: (310) 318-0661 x2279
Fax: (310) 374-4828

2. City of Hermosa Beach
Department of Public Works
1315 Valley Drive
Hermosa Beach, CA 90254

Homayoun Behboodi
E-mail: hbhboodi@hermosabch.org
Phone: (310) 318-0212
Fax: (310) 937-5015

3. City of Manhattan Beach
Department of Public Works
1400 Highland Avenue
Manhattan Beach, CA 90266

Raul Saenz
E-mail: rsaenz@citymb.info
Phone: (310) 802-5315
Fax: (310) 802-5314

4. City of Torrance
Department of Public Works
20500 Madrona Avenue
Torrance, CA 90503

John C. Dettle, P.E.
E-mail: jdettle@TorranceCA.gov
Phone: (310) 618-3059
Fax: (310) 781-6902

5. Los Angeles County Flood Control District
Department of Public Works
Watershed Management Division, 11th Floor
900 South Fremont Avenue

Alhambra, CA 91803

Angela George

E-mail: ageorge@dpw.lacounty.gov

Phone: (626) 458-4300

Fax: (626) 457-1526