

SECOND AMENDMENT TO COOPERATIVE AGREEMENT BETWEEN THE CITIES OF CLAREMONT, LA VERNE, POMONA, AND SAN DIMAS REGARDING THE ADMINISTRATION, DUTIES, AND COST SHARING FOR IMPLEMENTING THE COORDINATED INTEGRATED MONITORING PROGRAM OF THE EAST SAN GABRIEL VALLEY WATERSHED MANAGEMENT GROUP

THIS SECOND AMENDMENT TO THE AGREEMENT (SECOND AMENDMENT) is entered into by and between the CITIES OF CLAREMONT, LA VERNE, POMONA, AND SAN DIMAS. Collectively, these entities shall be known herein as "PARTIES" or individually as "PARTY".

RECITALS

WHEREAS, in July and August of 2015, the PARTIES City Council's approved the Cooperative Agreement for the administration, duties, and cost sharing for implementation of the Coordinated Integrated Monitoring Program (CIMP) of the East San Gabriel Valley Watershed Management Group (ESGVWVG);

WHEREAS, in September of 2017, the PARTIES City Council's approved the FIRST Amendment to the Cooperative Agreement (AGREEMENT) for the City of Pomona to become LEAD AGENCY;

WHEREAS, per Section 7.v of the Cooperative Agreement allows for Agreement to be amended by all PARTIES written consent;

WHEREAS, per the third Recital on Page 2 of the AGREEMENT, the LEAD AGENCY shall be the contracting party entering into contracts to carry out the CIMP on behalf of the ESGVWVG;

WHEREAS, the LEAD AGENCY entered into a Professional Services Agreement in September 2017, with Stantec Consulting Services for FY2017-18 and FY 2018-19 (6 months) on behalf of the ESGVWVG in the amount of \$506,638 for cost sharing as per the Agreement;

WHEREAS, the PARTIES, desire to enter into this SECOND AMENDMENT to amend Exhibit B-1 of the AGREEMENT to reflect revised consultant costs.

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the PARTIES, and of the promise contained in the SECOND AMENDMENT, FIRST AMENDMENT, and AGREEMENT, the PARTIES agree as follows:

1. The Recitals are true and correct and are hereby incorporated herein by this reference.
2. The LEAD AGENCY shall be the contracting party entering into contracts to carry out the Coordinated Integrated Monitoring Program (CIMP) on behalf of the ESGVWVG.

3. Upon the commencement of the term of Pomona's consultant agreement with Stantec for CIMP implementation services, the CIMP implementation Funding Contributions in Exhibit B-1 of the AGREEMENT shall be replaced with Exhibit B-2 (attached hereto as Attachment 1 and incorporated by reference), and the PARTIES shall, thereafter, fund CIMP implementation in accordance with Exhibit B-2.
4. **Adequate Consideration.** The PARTIES hereto irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this SECOND AMENDMENT.
5. **Counterparts.** This SECOND AMENDMENT may be executed in duplicate originals, each of which is deemed to be an original, but when taken together shall constitute but one and the same instrument.

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

[Signatures on following pages]

CITY OF CLAREMONT

By _____
Tara Schultz, City Manager

Date

ATTEST:

By _____
Shelley Desautels, City Clerk

Date

APPROVED AS TO FORM:

By _____
City Attorney

Date

CITY OF LA VERNE

By _____
Robert Russi, City Manager

Date

ATTEST:

By _____
Lupe Estrella, Assistant City Clerk

Date

APPROVED AS TO FORM:

By _____
Robert Kress, City Attorney

Date

CITY OF POMONA

By _____
Linda Lowry, City Manager

Date

ATTEST:

By _____
Marie M. Macias, Interim City Clerk

Date

APPROVED AS TO FORM:

By _____
Arnold M. Alvarez-Glasman, City Attorney

Date

CITY OF SAN DIMAS

By _____
Blaine Michaelis, City Manager

Date

ATTEST:

By _____
Debra Black, City Clerk

Date

APPROVED AS TO FORM:

By _____
Mark Steres, City Attorney

Date

EXHIBIT B-2
East San Gabriel Valley Watershed Management Group

Table 1. Implementation of CIMP - July 1, 2018 to June 30, 2019 COMBINED APPROVED FIRST AMENDMENT COST PLUS NEW COST AMOUNT

Agency	ESGVWMG Watershed Area		Stantec * Contract Award (Not to Exceed)	90% Watershed Area Based Cost Allocation**	10% General Cost Allocation (Based on Contract Award)	Fiscal Year 2018-2019 Combined Approved/New Cost
	Square Miles	% Total				
			\$323,881	\$291,493	\$32,388	\$323,881
Claremont	7.16	18.36%		\$53,518	\$8,097	\$61,615
La Verne	5.76	14.77%		\$43,054	\$8,097	\$51,151
Pomona	19.47	49.94%		\$145,572	\$8,097	\$153,669
San Dimas	6.60	16.93%		\$49,350	\$8,097	\$57,447
Totals =	38.99	100%		\$291,493	\$32,388	\$323,881

*Stantec Cost from Contract was from July 1 to December 31, 2018 and did not include wet weather sampling. This is the remainder of contract plus new costs

** Contract Award multiplied by the "% Total" multiplied by 90%

Table 2. Lead Agency Coordination

Agency	10% Fee For Lead Agency Coordination For Fiscal Year
Claremont	\$8,097
La Verne	\$8,097
Pomona	\$8,097
San Dimas	\$8,097
Totals =	\$32,388

Table 3. Total Agency Cost

Agency	Total Not To Exceed for Agencies CIMP Implementation (Tables 1 and 2)
Claremont	\$69,712
La Verne	\$59,248
Pomona	\$161,766
San Dimas	\$65,544
Totals =	\$356,269

**Page 2 of Agreement, 4th paragraph states 10% of the Consultant Contract Award

EXHIBIT B-2
East San Gabriel Valley Watershed Management Group

Table 1. Implementation of CIMP - July 1, 2019 to December 30, 2019

Agency	ESGVWMG Watershed Area		Stantec Contract Award (Not to Exceed)	90% Watershed Area Based Cost Allocation*	10% General Cost Allocation (Based on Contract Award)	Fiscal Year 2019-2020
	Square Miles	% Total				
			\$99,782	\$89,804	\$9,978	\$99,782
Claremont	7.16	18.36%		\$16,488	\$2,495	\$18,983
La Verne	5.76	14.77%		\$13,264	\$2,495	\$15,759
Pomona	19.47	49.94%		\$44,848	\$2,495	\$47,343
San Dimas	6.60	16.93%		\$15,204	\$2,495	\$17,698
Totals =	38.99	100%		\$89,804	\$9,978	\$99,782

* Contract Award multiplied by the "% Total" multiplied by 90%

Table 2. Lead Agency Coordination

Agency	10% Fee For Lead Agency Coordination For Fiscal Year
Claremont	\$2,495
La Verne	\$2,495
Pomona	\$2,495
San Dimas	\$2,495
Totals =	\$9,978

Table 3. Total Agency Cost

Agency	Total Not To Exceed for Agencies CIMP Implementation (Tables 1 and 2)
Claremont	\$21,477
La Verne	\$18,253
Pomona	\$49,837
San Dimas	\$20,193
Totals =	\$109,760

**Page 2 of Agreement, 4th paragraph states 10% of the Consultant Contract Award