

**FIRST AMENDMENT
TO
MEMORANDUM OF AGREEMENT
BETWEEN
COUNTY OF LOS ANGELES
AND
THE U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT**

This First Amendment to Memorandum of Agreement ("FIRST AMENDMENT"), is entered into by and between the County of Los Angeles (hereinafter the "County"), and the United States Army Corps of Engineers, Los Angeles District (hereinafter the "Corps"), collectively referred to as the "Parties."

RECITALS

WHEREAS, the Parties entered into a Memorandum of Agreement ("MOA"), effective March 18, 2014, for expedited permit evaluation-related services by the Corps for County-designated priority projects requiring Corps' approval pursuant to Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899; and

WHEREAS, the MOA is set to expire December 31, 2016; and

WHEREAS, section 214 of the Federal Water Resources Development Act of 2000, Public Law 106-541 ("WRDA 2000") as amended and codified at 33 U.S.C. 2352 authorizes the Secretary of the Army, after public notice, to accept and expend funds contributed by a non-Federal public entity to expedite the evaluation of a permit of that entity related to a project or activity for a public purpose under the jurisdiction of the Department of the Army; and

WHEREAS, the Chief of Engineers, by memorandum dated September 2, 2015, has authorized the District and Division Engineers of the Corps to accept and expend funds contributed by non-Federal public entities subject to certain limitations; and

WHEREAS, the Parties desire to extend the duration of the MOA an additional two years; and

WHEREAS, the Corps has determined additional funding from the County is necessary to continue to fund permit evaluation-related activities through December 31, 2018; and

NOW, THEREFORE, the Parties hereby agree to amend the MOA as follows:

SUBJECT: First Amendment to Memorandum of Agreement between the County of Los Angeles and the U.S. Army Corps of Engineers' Los Angeles District – Expedited Permit Evaluation-Related Services for Projects Requiring Corps' Approval pursuant to Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899

1. Article III. – INTERAGENCY COMMUNICATIONS. The third sentence of this Article is amended to read:

“For the purposes of this MOA, the County’s Principal Representative will be Frank Wu, Senior Civil Engineer, Watershed Management, and the Corps’ Principal Representative will be Dr. Daniel Swenson, Chief, Los Angeles and San Bernardino Section, Regulatory Division.

2. Article IV. - NOTICES. The address for the County in the first paragraph of Article VI is amended to read as follows:

“If to County:

Los Angeles County
Department of Public Works
Watershed Management Division
900 South Fremont Ave, 11th Floor
Alhambra, CA 91803-1331”

3. Article VI. – FUNDING. Paragraphs A and B of this Article are amended to read as follows:

“A. Funding Periods:

1. First funding period: March 1, 2014 - December 31, 2014
2. Second funding period: January 1, 2015 – December 31, 2015
3. Third funding period: January 1, 2016 – December 31, 2016
4. Fourth funding period: January 1, 2017 - December 31, 2017
5. Fifth funding period: January 1, 2018 – December 31, 2018

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B. Funding amounts:

1. Total estimated costs for the first funding period are \$175,000.00.
2. Total estimated costs for the second funding period are \$60,000.00.
3. Total estimated costs for the third funding period are \$0.00.
4. Total estimated costs for the fourth funding period are \$100,000.00.
5. Total estimated costs for the fifth funding period are \$0.00.
6. Total funding for this MOA is \$335,000.00.”

4. Article XII- EFFECTIVE DATE AND DURATION. This Article is amended in its entirety to read:


“This MOA and any amendments will become effective on the date of signature by the last Party. Unless amended or modified, this MOA shall remain in force until whichever of these events occurs first: 1) December 31, 2018; or 2) the MOA is terminated pursuant to Article X.B.”

5. Integration. This FIRST AMENDMENT represents the entire understanding of the Parties regarding the changes to the MOA. Unless expressly amended herein, all terms and conditions of the MOA remain in full force and effect.

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IN WITNESS WHEREOF, the FIRST AMENDMENT is executed by the County, acting by and through its Department of Public Works Director and by the Corps, through its authorized officer.

THE COUNTY OF LOS ANGELES

By: 
for Gail Farber
Director
Department of Public Works


Date: 11-14-16

APPROVED AS TO FORM:

MARY C. WICKHAM
County Counsel


Deputy

U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT

By: 
Kirk E. Gibbs
Colonel, US Army
Commander and District Engineer

Date: 12-7-16