

**AMENDMENT NO. 1
TO
MEMORANDUM OF AGREEMENT
BETWEEN
THE ORANGE COUNTY FLOOD CONTROL DISTRICT
AND
THE COUNTY OF ORANGE
AND
THE U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT**

This Amendment No. 1 to the Memorandum of Agreement ("AMENDMENT NO. 1") is entered into by the Orange County Flood Control District (hereinafter the "District"), County of Orange (hereinafter the "County") and the Los Angeles District of the United States Army Corps of Engineers (hereinafter the "Corps"), collectively referred to as the "Parties."

RECITALS

WHEREAS, the Corps has jurisdiction over certain activities occurring in waters of the United States, including wetlands, pursuant to section 404 of the Clean Water Act of 1972, as amended, and navigable waters of the United States pursuant to section 10 of the Rivers and Harbors Act of 1899, as amended; and

WHEREAS, the Parties entered into a Memorandum of Agreement ("MOA"), effective January 29, 2013, for expedited and priority review of District- and County-designated priority projects by the Corps; 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, 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 to September 30, 2022; and

WHEREAS, the Corps has determined additional funding from the District and County is necessary to continue to fund permit evaluation-related activities through September 30, 2022.

NOW, THEREFORE, the Parties agree as follows:

AMENDMENT NO. 1

1. Article V. – FUNDING. Article V.A. is modified in its entirety to read:

“A. The total lump sum payment authorized by this MOA shall not exceed \$1,000,000 for the duration of the MOA unless agreed upon by all Parties.”

2. Article V. – FUNDING. Article V.D. is modified in its entirety to read:

“D. Prior to the Corps incurring any expenditure to expedite permit evaluation-related activities as specified in this MOA, the District and the County will make an annual lump sum payment to the Corps of the total amount specified in the Invoice(s). Payments by the District and the County are to be made payable to the Finance and Accounting Officer and sent to the following address:

U.S. Army Corps of Engineers, Los Angeles District
Finance and Accounting Officer
915 Wilshire Blvd.
Los Angeles, CA 90017
Attn: Carlos M. Tabares

3. Article XI- EFFECTIVE DATE AND DURATION. This Article is modified in its entirety to read:

“Article XI - EFFECTIVE DATE AND DURATION

This MOA and any amendments will become effective on the date of signature by the last Party. Unless amended or modified pursuant to Article IX.A., this MOA shall remain in force until whichever of these events occurs first: 1) September 30, 2022; or 2) the MOA is terminated pursuant to Article IX.B.”

4. Integration. This AMENDMENT NO. 1 represents the entire understanding of the Parties regarding the MOA and changes to the MOA. All other terms and conditions of the MOA remain in full force and effect.

[Remainder Left Intentionally Blank]

IN WITNESS WHEREOF, this AMENDMENT NO. 1 to the MOA is executed as of the dates indicated below by the District and County, acting by and through its authorized officer, and by Corps, through its authorized officer.

ORANGE COUNTY FLOOD CONTROL DISTRICT,
a body corporate and politic

Date: 11-8-16

By 
Chair of the Board of Supervisors
County of Orange, California

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

Date: 11-8-16

By 
Chair of the Board of Supervisors
County of Orange, California

Signed and certified that a copy of this document has been delivered to the Chair of the Board per G.C. Sec 25103, Reso 79-1535

Date: 11-8-16

By 
Robin Stieler
Clerk of the Board
County of Orange, California




APPROVED AS TO FORM
Office of the County Counsel

By 
Deputy

Date: 9-14-16

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

Date: 12-12-16

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