



Contract Number

00-1086 A-5

SAP Number

San Bernardino County Flood Control District

Department Contract Representative	Michael Fam, P.E.
Telephone Number	909-387-8120
 Contractor	 Chino Basin Water Conservation District
Contractor Representative	Elizabeth Willis
Telephone Number	909-267-3220
Contract Term	October 24, 2000 - October 24, 2030
Original Contract Amount	
Amendment Amount	N/A
Total Contract Amount	
Cost Center	
Grant Number (if applicable)	

FIFTH AMENDMENT TO COOPERATIVE AGREEMENT NO. 00-1086

IT IS HEREBY AGREED AS FOLLOWS:

WHEREAS, the San Bernardino County Flood Control District (**DISTRICT**) and the Chino Basin Water Conservation District (**CBWCD**) entered into Cooperative Agreement No. 00-1086 (Agreement) to cooperate and facilitate the construction of proposed flood control and water conservation improvements on the outlet of the existing Grove Avenue Detention Basin, in the City of Ontario, and

WHEREAS, pursuant to Section 16 of the Mutual Agreements section of the Agreement, the term of the Agreement is for five years from the execution date of October 24, 2000, but the party may extend the Agreement for additional five (5) year terms, up to six (6) times, and

WHEREAS, the **DISTRICT** and **CBWCD** previously executed four amendments to the Agreement to extend the term of the Agreement in five-year increments per amendment, through October 24, 2025, and

WHEREAS, the **DISTRICT** and **CBWCD** desire to amend the Agreement to exercise their fifth option to extend the term of the Agreement by an additional five years, through October 24, 2030.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, the parties hereto agree to amend Cooperative Agreement, Contract No. 00-1086, as follows:

1. Section 16 of the Mutual Agreements section of the Agreement is hereby deleted and replaced with the following:

16) The term of this Contract is for thirty (30) years from the execution date, unless terminated as hereinafter specified. The **DISTRICT** will consider approval of a five (5) year time extension upon written request from the **CBWCD** one (1) year prior to the expiration of the term and any extensions thereto. Approval by the **DISTRICT** of said extension shall be subject to review as to the current fiscal environment and the **DISTRICT'S** current land use needs at the time. Said approval of subject five (5) year time extension will not be reasonably withheld. A total of one (1) time extension will be allowed.
2. All other provisions and terms of the Agreement shall remain unchanged. In the event of any conflict between the Agreement, as previously amended, and this Fifth Amendment, the provisions and terms of this Fifth Amendment shall control.
3. This Fifth Amendment may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall together constitute one and the same Fifth Amendment. The parties shall be entitled to sign and transmit an electronic signature of this Fifth Amendment (whether by facsimile, PDF or other mail transmission), which signature shall be binding on the party whose name is contained therein. Each party providing an electronic signature agrees to promptly execute and deliver to the other party an original signed Fifth Amendment upon request.

IN WITNESS WHEREOF, the San Bernardino County Flood Control District and Chino Basin Water Conservation District have each caused this Agreement to be subscribed by its respective duly authorized officers, on its behalf.

SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT

►

Dawn Rowe, Chair, Board of Supervisors

Dated: _____
SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD
Lynna Monell
Clerk of the Board of Supervisors

By _____
Deputy

CHINO BASIN WATER CONSERVATION DISTRICT

(Print or type name of corporation, company, contractor, etc.)

By ► _____
(Authorized signature - sign in blue ink)

Name _____
(Print or type name of person signing contract)

Title _____
(Print or Type)

Dated: _____

Address _____

FOR COUNTY USE ONLY		
Approved as to Legal Form	Reviewed for Contract Compliance	Reviewed/Approved by Department
► Sophie A. Curtis, County Counsel	► Andy Silao, P.E.	► Noel Castillo, Chief Flood Control Engineer
Date _____	Date _____	Date _____