

THE INFORMATION IN THIS BOX IS NOT A PART OF THE CONTRACT AND IS FOR COUNTY USE ONLY



Contract Number

23-923

SAP Number

County Administrative Office

Department Contract Representative Chad Nottingham
Telephone Number (909) 387-3104

Contractor Fenner Valley Water Authority
Contractor Representative Kelly Radvansky
Telephone Number (949) 459-6642
Contract Term N/A
Original Contract Amount N/A
Amendment Amount N/A
Total Contract Amount N/A
Cost Center N/A

Briefly describe the general nature of the contract: Joinder Agreement with Santa Margarita Water District and Fenner Gap Mutual Water Company to authorize the joinder of San Bernardino County for ex officio (non-voting) membership in the Fenner Valley Water Authority Joint Exercise of Powers Agreement.

FOR COUNTY USE ONLY

Approved as to Legal Form

Jason Searles, Supervising Deputy County
Counsel

Date 8/14/23

Reviewed for Contract Compliance

Date

Reviewed/Approved by Department

Chad Nottingham, Deputy Executive Officer

Date 8/14/23

**JOINDER FOR EX OFFICIO MEMBERSHIP OF THE FENNER VALLEY WATER
AUTHORITY JOINT EXERCISE OF POWERS AGREEMENT**

THIS JOINDER AGREEMENT ("Joinder") is made as of the last date signed below ("Effective Date"), and among Santa Margarita Water District, a California water district ("SMWD"), Fenner Gap Mutual Water Company, a California nonprofit mutual benefit corporation ("FGMWC"), and San Bernardino County, a body corporate and politic ("County").

RECITALS

- A. SMWD and Fenner Valley Mutual Water Company ("FVMWC") entered into a Joint Exercise of Powers Agreement on November 14, 2014, creating the Fenner Valley Water Authority ("Authority"). SMWD and FVMWC entered into a First Amendment to the Joint Exercise of Powers Agreement in October 2017 and a Second Amendment to the Joint Exercise of Powers Agreement in June 2020.
- B. On October 26, 2022, FVMWC amended its Articles of Incorporation with the California Secretary of State changing its name to Fenner Gap Mutual Water Company.
- C. In August 2023, SMWD and FGMWC entered into a Third Amendment to the Joint Exercise of Powers Agreement providing an opportunity for one or more ex-officio members to join the Authority.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Joinder of San Bernardino County. County hereby joins the Authority as an ex-officio member, with the rights and privileges described in Section 5.3 of the Joint Exercise of Powers Agreement.
2. Electronic Signatures. This Joinder 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 Joinder. The parties shall be entitled to sign and transmit an electronic signature of this Joinder (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 parties an original signed Joinder upon request.

IN WITNESS WHEREOF, the Members hereto have executed this Joinder by authorized officials thereof on the dates indicated below.

SANTA MARGARITA WATER DISTRICT

DATED: 8/17/2023

By: [Signature]
Title: General manager

APPROVED AS TO FORM:
By: [Signature]
Title: General Counsel

Address: 26111 Antonio Parkway
Rancho Santa Margarita, CA 92688

FENNER GAP MUTUAL WATER COMPANY

DATED: August 17, 2023

By: [Signature]
Title: Susan P. Kennedy, President

APPROVED AS TO FORM:
By: [Signature]
Title: General Counsel

Address: 550 South Hope Street, Suite 2850
Los Angeles, CA 90071

SAN BERNARDINO COUNTY

DATED: _____

By: [Signature]
Title: Dawn Rowe, Chair, Board of Supervisors
AUG 22 2023

APPROVED AS TO FORM:
TOM BUNTON, County Counsel
By: [Signature]
Title: Jason Searles, Supervising Deputy
County Counsel

Address: _____

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD

By: [Signature]
Deputy
Lynna Monell
Clerk of the Board of Supervisors
San Bernardino County

