



Contract Number
18-19 A-1

SAP Number

San Bernardino County Flood Control District

Department Contract Representative	Melissa Walker P.E.
Telephone Number	(909) 387-7995
Contractor	City of Twentynine Palms
Contractor Representative	Frank J. Luckino
Telephone Number	760-367-6799 ext. 1004
Contract Term	January 9, 2018 – January 9, 2043
Original Contract Amount	Non-Financial Amendment
Amendment Amount	Non-Financial Amendment
Total Contract Amount	Non-Financial Amendment
Cost Center	1960002540

IT IS HEREBY AGREED AS FOLLOWS:

MEMORANDUM OF UNDERSTANDING – AMENDMENT NO. 1

WHEREAS, the San Bernardino County Flood Control District (**DISTRICT**) and the City of Twentynine Palms (**CITY**) entered into a Memorandum of Understanding (**MOU**), Contract No. 18-19, on January 9, 2018, for the construction of a recreational multi-use community trail system (**TRAIL**) along the **DISTRICT's** facilities, as well as to establish each party's rights, responsibilities, and liabilities, and

WHEREAS, the **CITY** is in the process of obtaining funding for the **TRAIL**, and a requirement for the funding disbursement is that the term of the **CITY's** MOU with the **DISTRICT** should be extended to expire in 2043, and

WHEREAS, the **DISTRICT** seeks to assist the **CITY** in obtaining such funding and has agreed to extend the expiration of the MOU from 2038 to 2043.

NOW, THEREFORE, IT IS UNDERSTOOD AND MUTUALLY AGREED AS FOLLOWS:

1. Section 2(a) of the **MOU** is hereby deleted and replaced with the following:
 - a) The initial term of the **MOU** shall be for twenty-five (25) years and shall commence on the date this agreement is approved by the San Bernardino County Flood Control District Board of Supervisors. The initial term may be

extended by the mutual written agreement of the parties for successive five (5) year terms at the end of the initial term and each extended term.

2. The Parties agree that this Amendment No. 1 may be executed in counterparts, each of which shall be deemed to be an original, but both of which together shall constitute one and the same instrument, and that a photocopy or facsimile may serve as an original. If this Amendment No. 1 is executed in counterparts, no signatory hereto shall be bound until both the parties have fully executed a counterpart of this Amendment No. 1. The Parties shall be entitled to sign and transmit an electronic signature of this Amendment No. 1 (whether by facsimile, PDF, or other email 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 Amendment No. 1 upon request.
3. Unless amended as set forth herein, all terms and conditions of the **MOU**, as previously amended, shall remain unchanged and in full force and effect.
4. This Amendment No. 1 shall take effect on the date it is signed by both Parties.

WITNESS WHEREOF, this Amendment No. 1 has been fully executed on behalf of **DISTRICT** and **CITY** by their duly authorized representatives.

**SAN BERNARDINO COUNTY
FLOOD CONTROL DISTRICT**

►

Curt Hagman, Board Chairman

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

By _____
Deputy

(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

► _____
Sophie A. Akins, Deputy County Counsel

Date _____

Reviewed for Contract Compliance

► _____
Andy Silao, P.E., Chief – Contracts

Date _____

Reviewed/Approved by District

► _____
Brendon Biggs, Chief Flood Control Engineer

Date _____