

**MEMORANDUM OF UNDERSTANDING
BETWEEN COUNTY OF EL DORADO AND
EL DORADO COUNTY WATER AGENCY**

This **MEMORANDUM OF UNDERSTANDING** (MOU) is made and entered by and between the County of El Dorado, a political subdivision of the State of California (hereinafter referred to as "County") and El Dorado County Water Agency, a public agency whose principal place of business is 4330 Golden Center Drive, Suite C, Placerville, California 95667 (hereinafter referred to as "EDCWA").

RECITALS

WHEREAS, County is updating the General Plan Safety Element as required by California state law; and

WHEREAS, on March 19, 2020, the County Planning & Building Department issued a Request for Proposal (RFP) to update the General Plan Safety Element. The County selected Wood Environment & Infrastructure Solutions, Inc. to perform the update and executed Agreement 5185 on March 16, 2021 with a total project budget of **Two Hundred Fifteen Thousand One Hundred Forty Two Dollars and 00/100 (\$215,142.00)**; and

WHEREAS, the Project currently has a General Fund funding allocation in the amount of **One Hundred Twenty-Five Thousand Dollars and 00/100 (\$125,000.00)** in Fiscal Year 2021-22; and

WHEREAS, the Project is under-funded in the amount of **Ninety Thousand One Hundred Forty Two Dollars and 00/100 (\$90,142.00)**; and

WHEREAS, the Safety Element Update will include chapters that focus on geologic, seismic, and wildland fire hazards that relate to the reservoirs and water supply infrastructure in the County. Specific tasks within the scope require the identification of critical potable waterways

and facilities subject to these hazards, which will provide EDCWA with additional information and data to inform risk planning activities due to the hazards identified. In addition, the scope of work includes a climate vulnerability assessment in which the County's infrastructure will be evaluated in relation to the change in hazard frequency and severity due to climate change. These tasks most directly support EDCWA's water resource management objectives to: 1) advance county-wide drought planning effort, 2) provide county-wide and regional perspective to identify mutual interests and pursue potential partnerships, and 3) assist local land use authorities in development and implementation of water related ordinances;

WHEREAS, on July 8, 2020, EDCWA's Board made a finding that supporting the County of El Dorado's Safety Element Update of the General Plan is in the interest of the Agency; and authorized the Agency to transfer **\$50,000** to support the County Planning & Building Department's effort to include long-term, water supply and infrastructure vulnerability assessment and hazard and risk reduction measures within the General Plan Safety Element Update;

WHEREAS, due to various unforeseen delays, County did not make significant progress on this project during Fiscal Year 2020-21; however, County and EDCWA have agreed to carry-over this funding contribution to Fiscal Year 2021-22; and

WHEREAS, EDCWA's Fiscal Year 2021-22 Budget approved on June 9, 2021, included the previously authorized funding in the amount of \$50,000 for the purposes of supporting the County's Safety Element Update of the General Plan to include long-term water supply and infrastructure vulnerability assessment and hazard and risk reduction measures.

NOW THEREFORE, the parties do hereby agree as follows:

- 1. Payment of Funds.** EDCWA agrees to pay County a total amount of **\$50,000** as a one-time funding contribution for the cost to complete the General Plan Safety Element Update. County will invoice EDCWA for the \$50,000 funding contribution and EDCWA will transfer the funds to County's account via a journal entry.

2. **Term.** This MOU shall become effective when fully-executed by the parties hereto and shall expire on **June 30, 2022**.

3. **Termination.** Either party may terminate this MOU upon thirty (30) days written notice to the other.

4. **Notice to Parties:** All notices to be given by the parties hereto shall be in writing and served by depositing same in the United States Post Office, postage prepaid and return receipt requested. Notices to County shall be addressed as follows:

To County:

County of El Dorado
Planning and Building Department
2850 Fairlane Court
Placerville, California 95667

Attn.: Tiffany Schmid
Director

or to such other location as County directs.

Notices to EDCWA shall be addressed as follows:

To El Dorado Water Agency:

El Dorado County Water Agency
4330 Golden Center Drive, Suite C
Placerville, California 95667

Attn: Kenneth V. Payne
General Manager

With a copy to:

Sloan Sakai Yeung, &Wong, LLP
555 Capitol Mall, Suite 600
Sacramento, CA 95814

Attn: DeeAnne Gillick
General Counsel EDCWA

or to such other location as EDCWA directs.

5. **Amendment.** This MOU may be amended only by mutual written agreement and shall become effective only when fully executed by the duly authorized officers of the parties hereto. Any such amendment will be consistent with the purpose of this MOU.

6. County Administrator. The County office or employee with responsibility for administering this MOU is Robert Peters, Deputy Director of Planning, Planning and Building Department, or successor.

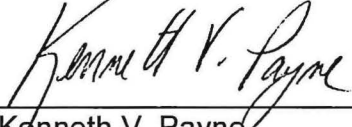
7. Authorized Signatures. The parties to this MOU represent that the undersigned individuals executing this MOU on their respective behalf are fully authorized to do so by law or other appropriate instrument and to bind upon said parties to the obligations set forth herein.

8. Venue. Any dispute resolution action arising out of this MOU shall be brought in El Dorado County, and shall be resolved in accordance with the laws of the State of California.

9. Entire Agreement. This document and any documents referred to herein or exhibits hereto are the entire Agreement between the parties and they incorporate or supersede all prior written or oral Agreements or understandings.


IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding on the dates indicated below.

EL DORADO COUNTY WATER AGENCY:

By: 
Kenneth V. Payne
General Manager

Dated: 1/5/2022

COUNTY OF EL DORADO:

By: 
Chair,
Board of Supervisors "County"

Dated: 2-22-2022

ATTEST:
Kim Dawson
Clerk of the Board of Supervisors

By: 
Deputy Clerk

Dated: 2-22-2022