



# County of El Dorado

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## Legislation Text

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**File #:** 09-1546, **Version:** 1

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Transportation Department recommending the Board accept the Bureau of Reclamation Modification 0004 to Assistance Agreement 05FG202051 for the Angora Creek Fisheries/Stream Environment Zone Enhancement Project (PW 09-30486, CIP 95161).

Fiscal Impact/Change to Net County Cost:

There is no Fiscal Impact associated with this agenda item. There is no Net County Cost.

### Background:

On December 17, 2008 the Transportation Department (Department) was notified by the State of California (State), via the California Tahoe Conservancy (CTC) that the State was freezing existing bonds, effectively stopping or significantly slowing work on a number of State funded Environmental Improvement Program (EIP) projects from December 17, 2008 to present. On July 9, 2009, the CTC notified the Department that the State Treasurer's Office freed up limited funds to cover existing unpaid bills with the remaining amount used to restart existing bond-funded projects.

As a result of the State Bond freeze issues, the CTC CTA-07029 Site Improvement Grant was frozen, which was the main funding source to construct the Angora Creek Fisheries/Stream Environment Zone Enhancement Project (Project). Therefore, due to this State funding issue, the construction was delayed until 2010 which impacted the Bureau of Reclamation (BOR) Assistance Agreement 05FG202051 performance completion date of December 31, 2009. Hence, the requirements to extend the performance period completion date to December 31, 2010 within the Assistance Agreement Modification #0004.

### Reason for Recommendation:

This Assistance Agreement Modification #0004, with the current unfrozen CTC CTA-07029 grant funds, will allow the Department to complete the construction of the Project during the summer of 2010.

The BOR has advised the Department that this Modification #0004 to the Agreement has been executed by the BOR unilaterally, which was signed by the BOR Grants Officer on December 23, 2009 prior to the Agreement Modification #0003 amended completion date of December 31, 2009.

BOR Modifications #001 to #003 used a different form, Modification of Assistance Agreement, 7-2278 (02-02), to modify its Agreements. That form contained a section (Section 16) in which the BOR indicated whether or not the recipient was required to sign the document. The BOR Agreement Modification #0002 required County execution due to the fact that it involved an increase in funding as well as extending the term of the Agreement. The current Modification #0004 utilizes a new form, Assistance Agreement, 7-2279 (05-22-09), which does not contain the previous Section 16 language.

Upon acceptance of the BOR Agreement Modification #0004 by the Board, the Director of Transportation will sign the Agreement Modification #0004 in accordance with Board Resolution No. 273-2008, Item 3, to memorialize the Board action.

Actions to be taken by Department following Board approval:

1. The Director of Transportation will sign the Agreement Modification #0004.
2. The Department will transmit one (1) fully-executed Agreement Modification #0004 to the BOR for their records.
3. The Department will provide the Board Clerk and the Contract Services Unit with one (1) fully-executed copy of Agreement Modification #0004.

Contact:

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Director of Transportation

Concurrences: County Counsel