

1                                   **TWELFTH AMENDMENT TO THE AMENDED AND RESTATED**  
2   **JOINT EXERCISE OF POWERS AGREEMENT**  
3                                   **CREATING RIVERSIDE COUNTY HABITAT CONSERVATION AGENCY**  
4

5           THIS TWELFTH AMENDMENT TO THE AMENDED AND RESTATED JOINT EXERCISE  
6 OF POWERS AGREEMENT CREATING RIVERSIDE COUNTY HABITAT CONSERVATION  
7 AGENCY (“Agency”) is made by and between the COUNTY OF RIVERSIDE, the CITY OF CORONA,  
8 the CITY OF HEMET, the CITY OF LAKE ELSINORE, the CITY OF MENIFEE, the CITY OF  
9 MORENO VALLEY, the CITY OF MURRIETA, the CITY OF PERRIS, the CITY OF RIVERSIDE, the  
10 CITY OF TEMECULA and the CITY OF WILDOMAR (hereinafter collectively called the “Member  
11 Agencies”), for the acquisition, administration, operation and maintenance of land and facilities for  
12 ecosystem conservation and habitat reserves for the Stephens’ kangaroo rat and other species which have  
13 been listed as threatened or endangered or which are candidates for such listing pursuant to the laws of the  
14 United States or the State of California.

15   **RECITALS**

16           WHEREAS, the Agency is a Joint Powers Authority created pursuant to the provisions of Article  
17 1, Chapter 5, Division 7, Title 1 of the Government Code of the State of California relating to the joint  
18 exercise of the powers common to public agencies; and

19           WHEREAS, this Twelfth Amendment (“Amendment”) hereby amends the Amended and Restated  
20 Joint Exercise of Powers Agreement Creating the Riverside County Habitat Conservation Agency created  
21 on May 15, 1990, and includes all prior amendments thereto including Amendment No. 1 approved on  
22 08/20/1990, Amendment No. 2 approved on 11/06/1990, Amendment No. 3 approved on 04/30/1991,  
23 Amendment No. 4 approved on 06/01/1993, Amendment No. 6 approved on 08/01/1995, Unnumbered  
24 Amendment approved on 06/03/1997, Amendment No. 7 approved on 02/11/2003, Amendment No. 8  
25 approved on 02/28/2006, Amendment No. 10 and Errata Sheet approved on 12/23/2008, Amendment No.  
26 11 approved on 05/09/2009, and Amendment No. 12 approved upon full execution by all Members; and

27           WHEREAS, the Member Agencies desire to amend the Restated and Amended Joint Exercise of  
28 Powers Agreement Creating the Riverside County Habitat Conservation Agency and Incorporating the

1 11<sup>th</sup> Amendment to Said Agreement (the "Agreement").

2 Now, therefore, the Member Agencies agree as follows:

3 **AGREEMENT**

- 4 1. Section 3.8.1, "Treasurer" of the Agreement is hereby amended in its entirety to read as  
5 follows:

6 "3.8.1 Treasurer. The Treasurer of the Agency shall be a certified public accountant  
7 appointed by the RCHCA Board of Directors, to be the depositary and have custody of all  
8 the money of the agency from whatever source. The Treasurer of the Agency shall possess  
9 the powers of and shall perform those functions required of a treasurer by California  
10 Government Code Sections 6505, 6505.5 and 6505.6, and by all other applicable laws and  
11 regulations, including any subsequent amendments thereto"; and

- 12 2. Section 3.8.2, "Auditor" of the Agreement is hereby amended in its entirety to read as  
13 follows:

14 "3.8.2, Auditor. The Auditor of the Agency shall be appointed by the RCHCA Board of  
15 Directors in compliance with the applicable rules and regulations pursuant to California  
16 Government Code Sections 6505, 6505.5 and 6505.6 and shall draw all warrants to pay  
17 demands against the Agency approved by the Board. The Auditor of the Agency shall  
18 possess the powers of and shall perform those functions required of an Auditor by  
19 California Government Code Sections 6505, 6505.5 and 6505.6, and by all other  
20 applicable laws and regulations, including any subsequent amendments thereto" and;

- 21 3. Section 3.8.4 "General Manager" of the Agreement is hereby amended in its entirety to  
22 read as follows:

23 "3.8.4, General Manager. The general manager, if appointed, or such other officer or  
24 employee of the Agency to whom the Board delegates such authority, shall have the power  
25 to appoint, promote, demote and remove employees of the Agency subject to the  
26 provisions of the Agency's approved budget, and subject to such personnel policies as may  
27 have been adopted by the Board. The General Manager shall also have the power to enter  
28 into Agreements in an amount not to exceed Fifty-Thousand dollars (\$50,000) per

1 Agreement, per fiscal year, and enter into non-substantive Amendments to such  
2 Agreements where there is no change to the maximum obligation amount or the scope of  
3 work in the Agreement.”

4 4. The terms and conditions of the Agreement not expressly amended by this Twelfth  
5 Amendment shall continue in full force and effect.

6 5. This Twelfth Amendment shall become effective on the date that execution of this Twelfth  
7 Amendment is authorized by the last of the governing bodies of the Member Agencies.

8 IN WITNESS WHEREOF, the parties have executed this Twelfth Amendment as of the date last  
9 set forth below and agree to abide by its terms from this date forward.

10  
11 Dated: \_\_\_\_\_

CITY OF CORONA

12 Attest: \_\_\_\_\_

By: \_\_\_\_\_

13  
14 City Clerk

Mayor

15 Dated: \_\_\_\_\_

CITY OF HEMET

16 Attest: \_\_\_\_\_

By: \_\_\_\_\_

17  
18 City Clerk

Mayor

19 Dated: \_\_\_\_\_

CITY OF LAKE ELSINORE

20 Attest: \_\_\_\_\_

By: \_\_\_\_\_

21  
22 City Clerk

Mayor

23 Dated: \_\_\_\_\_

CITY OF MORENO VALLEY

24 Attest: \_\_\_\_\_

By: \_\_\_\_\_

25  
26 City Clerk

Mayor

1 Dated: \_\_\_\_\_

CITY OF MURRIETA

2 Attest: \_\_\_\_\_

By: \_\_\_\_\_

3 City Clerk

Mayor

5 Dated: \_\_\_\_\_

CITY OF PERRIS

6 Attest: \_\_\_\_\_

By: \_\_\_\_\_

7 City Clerk

Mayor

9 Dated: \_\_\_\_\_

CITY OF RIVERSIDE

10 Attest: \_\_\_\_\_

By: \_\_\_\_\_

11 City Clerk

Mayor

13 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

14 Attest: \_\_\_\_\_

By: \_\_\_\_\_

15 Clerk of the Board

Chairman, Board of Supervisors

18 Dated: \_\_\_\_\_

CITY OF TEMECULA

19 Attest: \_\_\_\_\_

By: \_\_\_\_\_

20 City Clerk

Mayor

22 Dated: \_\_\_\_\_

CITY OF MENIFEE

23 Attest: \_\_\_\_\_

By: \_\_\_\_\_

24 City Clerk

Mayor

26 Dated: \_\_\_\_\_

CITY OF WILDOMAR

27 Attest: \_\_\_\_\_

By: \_\_\_\_\_

28 City Clerk

Mayor

FORM APPROVED COUNTY COUNSEL

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BY: AARON C. GETTIS 5-10-18 DATE