

**AMENDMENT TO THE MEMORANDUM OF AGREEMENT
AMONG
CITY OF OXNARD, COUNTY OF VENTURA, AND VENTURA COUNTY WATERSHED
PROTECTION DISTRICT (PARTIES)
TO PROVIDE EQUAL COST SHARING FOR HARBOR BEACHES OF VENTURA COUNTY
BACTERIA TMDL SPECIAL STUDIES AND COMPLIANCE ACTIONS**

This Amendment ("MOA Amendment") to the Memorandum of Agreement to Provide Equal Cost Sharing for Harbor Beaches of Ventura County Bacteria Total Maximum Daily Load (TMDL) Special Studies and Compliance Actions ("MOA") is entered into effect on July 1, 2021, among the following entities: City of Oxnard ("City"), County of Ventura ("County"), and Ventura County Watershed Protection District ("District") (collectively referred to as the "Parties" and individually as a "Party").

RECITALS

WHEREAS, the MOA, attached hereto and incorporated herein by reference, was executed for cost sharing for Harbor Beaches of Ventura County Bacteria Total Maximum Daily Load (TMDL) Special Studies and Compliance Actions, effective January 1, 2018;

WHEREAS, the Extension No. 1 to MOA, attached hereto and incorporated herein by reference, extended the term of the MOA to December 31, 2021;

WHEREAS, the Parties desire to continue their support for Harbor Beaches of Ventura County Bacteria TMDL Special Studies and Compliance Actions as required by the Harbor Beaches of Ventura County (Kiddie Beach and Hobie Beach) Bacteria TMDL by extending the term of the MOA through December 31, 2022, to fund a Groundwater Special Study at Kiddie and Hobie Beaches per Southern California Coastal Water Research Project's Conceptual Work Plan dated May 18, 2021 (Special Study) provided in Exhibit C; and

WHEREAS, the Channel Islands Beach Community Services District (CIBCSD) may wish to join the MOA Amendment to cost share the Special Study.

NOW, THEREFORE, in consideration of these recitals and other consideration set forth below, it is mutually agreed by the Parties that:

1. The term of the MOA shall be extended an additional 12 months, ending on a new termination date of December 31, 2022.
2. The Parties agree to actively support the effort of Harbor Beaches of Ventura County Bacteria TMDL Special Studies and Compliance Actions during the term of the MOA Amendment by funding equal contributions of the total cost of the Groundwater Special Study at Kiddie and Hobie Beaches activities in accordance with the proposed budget in Exhibit A.
3. The Parties agree to carry over a balance of \$158,434.38 (one hundred fifty-eight thousand four hundred thirty-four dollars and thirty-eight cents) from the existing MOA

and MOA Extension No.1 to cover a portion of the Fiscal Year (FY) 2021-2022 Contribution, as documented in Exhibit A.

4. Each of the Parties agrees to submit payment in accordance with the proposed payment schedule in Exhibit A, within 90 calendar days of receipt of the invoice from the Lead Agency, to fund special study activities through December 31, 2022.
5. Channel Islands Beach Community Services District (CIBCSD) may become a party to this MOA Amendment by giving notice in the manner provided in Exhibit B, which is attached hereto and incorporated herein by this reference, to all Parties. If CIBCSD elects to become a party to this MOA Amendment, CIBCSD agrees to pay the Lead Agency, County of Ventura, for groundwater special study not exceeding \$20,000.00 (twenty thousand dollars) in Fiscal Year (FY) 2021-2022 as shown in Exhibit A and based on the cost allocation formula and the total estimated cost, attached hereto and made part of the MOA Amendment by this reference. If CIBCSD joins this MOA Amendment after the other Parties have already paid the Lead Agency based on the calculation without CIBCSD, within ninety (90) calendar days of receipt of CIBCSD's payment, the Lead Agency shall submit to each Party a payment for the difference between what that Party actually paid and what that Party owes once CIBCSD is a party to the MOA Amendment.
6. Any notice pursuant to this MOA Amendment shall be made by certified mail or registered letter, return receipt requested, or by overnight courier to all Parties at the following addresses:

To the Lead Agency —
Ewelina Mutkowska
County of Ventura
800 S Victoria Avenue
Ventura, California 93009-1610
Phone: (805) 645-1382

To the City of Oxnard —
Jan Hauser
City of Oxnard
6001 Perkins Road
Oxnard, CA 93033
Phone (805) 271-2205 or (805) 844-5501

**To the Ventura County Watershed
Protection District —**
Arne Anselm
VCPWA-Watershed Protection
800 S Victoria Avenue
Ventura, California 93009-1610
Phone: (805) 654-3942

**To the Channel Islands Beach
Community Services District —**
Pete Martinez
CIBCSD
353 Santa Monica Dr
Oxnard, CA 93035
Phone: (805) 985-6021

7. All Obligations of the Parties under the MOA shall remain full force and effect unless modified in this MOA Amendment.

In Witness Whereof, the Parties have executed this MOA Amendment on the date on the date opposite their respective names.

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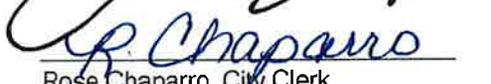
SIGNATURE PAGE

By the authorized signatures below the Parties agree to the MOA Amendment and agree to provide for equal cost sharing for the Groundwater Special Study at Kiddie and Hobie Beaches through December 31, 2022.

City of Oxnard



John C. Zaragoza, Mayor



Rose Chaparro, City Clerk

Date: 12-21-21

Date: 12/21/21

APPROVED AS TO FORM:



Stephen Fischer, City Attorney

Date: 10/27/21

County of Ventura, Ventura County Public Works Agency



Jeff Pratt, P.E., Director

Date: 9/20/21

Ventura County Public Works Agency - Watershed Protection



Glenn Shephard, P.E., Director

Date: 9/16/2021

Exhibit A

Project Cost

Fiscal Year	Consultant Services Cost	Lead Agency 2% Administration Fee	Total Cost	Cost Per MOA Party (City, County, VCPWA-WP)	Cost Per MOA Party (If CIBCS D Joins MOA Amendment; City, County, VCPWA-WP, CIBCS D*)
2021-2022	\$345,000.00	\$6,900.00	\$351,900.00	\$117,300.00	\$87,975.00
2022-2023	\$20,000.00	\$400.00	\$20,400.00	\$6,800.00	\$5,100.00
Total Groundwater Special Study	\$365,000.00	\$7,300.00	\$372,300.00	\$124,100.00	\$93,075.00

Cost Sharing Distribution and Payment Schedule

MOA Party	Total Cost	MOA Balance	Additional Contributions	FY 2021-2022 Contributions	FY 2022-2023 Contributions
County of Ventura	\$124,100.00	\$52,811.46	\$71,288.54	\$64,488.54	\$6,800.00
City of Oxnard	\$124,100.00	\$52,811.46	\$71,288.54	\$64,488.54	\$6,800.00
VCPWA-Watershed Protection	\$124,100.00	\$52,811.46	\$71,288.54	\$64,488.54	\$6,800.00
Total	\$372,300.00	\$158,434.38	\$213,865.62	\$193,465.62	\$20,400.00

Cost Sharing Distribution and Payment Schedule (if CIBCS D Joins MOA Amendment)

MOA Party	Total Cost	MOA Balance	Additional Contributions	FY 2021-2022 Contributions	FY 2022-2023 Contributions
County of Ventura	\$117,433.34	\$52,811.46	\$64,621.88	\$57,821.88	\$6,800.00
City of Oxnard	\$117,433.33	\$52,811.46	\$64,621.87	\$57,821.87	\$6,800.00
VCPWA-Watershed Protection	\$117,433.33	\$52,811.46	\$64,621.87	\$57,821.87	\$6,800.00
CIBCS D	\$20,000.00	\$0	\$20,000.00	\$20,000.00	\$0
Total	\$372,300.00	\$158,434.38	\$213,865.62	\$193,465.62	\$20,400.00

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Exhibit B

Notice to All Parties of Channel Island Beach Community Services District's Election to Join the MOA Amendment

Date of Notice: _____

Pursuant to Section 5 of the MOA Amendment titled "Addendum to the Memorandum of MOA Amendment Among City of Oxnard, County of Ventura, and Ventura County Watershed Protection District (Parties) to provide equal cost sharing for Harbor Beaches of Ventura County Bacteria TMDL Special Studies and Compliance Actions", entered into effect on July 1, 2021 (MOA Amendment), which is incorporated herein by this reference, the Channel Islands Beach Community Services District (CIBCSD) elects to join the MOA Amendment. In joining the MOA Amendment, CIBCSD agrees to all provisions of the MOA Amendment, including all of the benefits and burdens bestowed upon CIBCSD due to the provisions of the MOA Amendment, and CIBCSD asserts that it shall comply with all provisions in the MOA Amendment. Thus, CIBCSD shall become a party to the MOA Amendment such that the term "Party" used therein shall apply to CIBCSD and the term "Parties" used therein shall include CIBCSD.

The date whereby CIBCSD shall join the MOA Amendment, which in any case shall be at least fifteen (15) calendar days after the date of notice listed above, is: _____.

To effectuate this election, CIBCSD shall provide this Notice to all other parties to the MOA Amendment in the manner required by Section 6 of the MOA Amendment.

By 
John C. Zaragoza, Mayor

Date: 12-21-21

APPROVED AS TO FORM AND PROCEDURE:

By 
Stephen M. Fischer, City Attorney

Date: 10/27/21