

DATA SHEET
Agenda Item No. 15.

Meeting Date: December 7, 2017

Agenda Item:

Authorize extension of contract with Sulphur River Basin Authority for joint water resources planning through August 31, 2018.

Placement:	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Individual Consideration	<input type="checkbox"/> Executive Session
Vote:	<input type="checkbox"/> Non-Weighted	<input checked="" type="checkbox"/> Weighted Capital	
Recommending Department:			

Background:

In January 2002, the Board authorized a contract between the District and the Sulphur River Basin Authority (SRBA) for joint planning for potential water supplies in the Sulphur River Basin. Also, North Texas Municipal Water District (NTMWD), Tarrant Regional Water District (TRWD) and the cities of Irving and Dallas are participating in the joint planning activities. The contract with SRBA has been renewed or extended from time to time. The participating entities have worked with the SRBA in scoping and managing various on-going studies in conjunction with U.S. Army Corp of Engineers to better identify potential water resource projects for future development. This joint planning effort is consistent with both the Regional C Plan and the Texas Water Plan.

The current agreement is set to expire in May 2018. To accommodate ongoing efforts to complete the U.S. Army Corps of Engineers Sulphur River Basin Studies, SRBA has requested the participating parties to extend the agreement through August 31, 2018 - - the end of its fiscal year. Enclosed is the proposed First Amendment to extend the termination date of the Contract to August 31, 2018. The proposed amendment has already been approved by SRBA and the other participating entities, except for Dallas and the District.

Financial:

The District's Financial commitment of (\$29,142.00) under the SRBA agreement is programmed to be funded from the future water line item in the Regional Treatment Water System FY 2018 Operation Budget and adequate funds are available.

Recommendation:

Staff recommends approval of the First Amendment to the Advanced Funding Agreement for Water Resources Planning with the Sulphur River Basin, and other participating utilities.

Enclosures:

First Amendment to 2013 Advanced Funding Agreement

Submitted By: Larry N. Patterson
Larry Patterson, Deputy Executive Director

Date: December 1, 2017

FIRST AMENDMENT TO 2013 ADVANCED FUNDING AGREEMENT

On this, the 17th day of October, 2017, the undersigned parties adopt this First Amendment to the 2013 Advanced Funding Agreement (“Agreement”) entered into on the 28th day of May, 2013, by and between the Sulphur River Basin Authority (“Authority”) and North Texas Municipal Water District, City of Irving, City of Dallas, Upper Trinity Regional Water District and Tarrant Regional Water District (“Participants”), a copy of which is attached hereto as Exhibit A.

This First Amendment relates to the respective interests of the Authority and Participants as follows:

Article 1 - of the “Agreement” The words “five (5) years” in Article 1, “Term” and “Termination Date” is adjusted to mean “upon conclusion of the fiscal year in which the five year term shall lapse (Fiscal Year 2018 / August 31, 2018.)

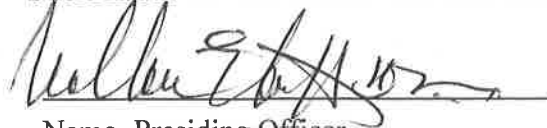
Article 5, Section 5.01 - of the “Agreement” in accordance with Article 5, Section 5.01 provides in pertinent part that this agreement may be continued for periods of time up to and not exceeding five (5) years, by mutual agreement the parties.

By mutual agreement of the parties hereto, the term of the “Agreement” is hereby extended to the conclusion of Fiscal Year 2018 / August 31, 2018.

All other terms of the “Agreement” shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto acting under the authority of their respective governing bodies have caused this “First Amendment” to be duly executed in several counterparts, each of which shall constitute an original, all as of the day and year first written above, shall be the Effective Date of this “First Amendment”.

SULPHUR RIVER BASIN AUTHORITY



Name, Presiding Officer

ATTEST:



Name, Secretary/Treasurer

APPROVED AS TO FORM AND LEGALITY:



Name, Counsel for the Authority

UPPER TRINITY REGIONAL WATER DISTRICT

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By: _____
Printed Name: _____
Title: _____

ATTEST:

By: _____
Printed Name: _____
Title: _____

APPROVED AS TO FORM AND LEGALITY:

By: _____
Printed Name: _____
Title: _____