

RESOLUTION NO. 2007- 177

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF PARAGRAPH 3 AND PARAGRAPH 15 OF THE COST SHARE AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT THAT WAS EXECUTED ON APRIL 13, 2006, PURSUANT TO THE DISTRICT'S WATER PROTECTION AND SUSTAINABILITY PROGRAM, AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA TO EXECUTE THE AGREEMENT ON BEHALF OF ST. JOHNS COUNTY

WHEREAS, St. Johns River Water Management District (District), and St. Johns County, Florida (County) desire to amend paragraph 3 and paragraph 15 of the Cost Share Agreement, in order to extend the effective date from June 30 2007 to June 30 2008; and

WHEREAS, by amending the Cost Share Agreement with the District, the County will receive a public benefit, in that a level of stability and sustainability with respect to the water supply will be achieved; and

WHEREAS, the District has submitted a proposed Cost Share Agreement for the County to execute; and

WHEREAS, the Cost Share Agreement between the County, and the District establishes the rights, duties, and responsibilities of both the County and the District with respect to conducting the Scope of Work noted in the Agreement; and

WHEREAS, the County has reviewed the terms, provisions, conditions, and requirements of the amendment to the Cost Share Agreement (attached hereto, and incorporated herein); and

WHEREAS, the County has determined that accepting the terms of the amendment to the Cost Share Agreement, will serve the interests of the County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The above Recitals are hereby incorporated into the body of this Resolution, and are adopted as Findings of Fact.

Section 2. The Board of County Commissioners hereby approves the terms, provisions, conditions, and requirements of the amendment to the Cost Share Agreement between St. Johns County, Florida, and the St. Johns River Water Management District, and authorizes the Chairman of the Board of County Commissioners of St. Johns County, Florida to execute the **Amendment to the** Cost Share Agreement on behalf of St. Johns County.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 12th day of June, 2007.

RENDITION DATE 6/14/07

BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA

Attest:

Pam Halterman
Deputy Clerk

By:

Ben Rich
Ben Rich, Chair



**FIRST AMENDMENT TO THE AGREEMENT BETWEEN
THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
AND ST. JOHNS COUNTY
FOR THE WPSP - ST. JOHNS COUNTY CR 214 MEMBRANE RO WATER TREATMENT
PLANT PROJECT**

THIS AMENDMENT is entered into by and between the GOVERNING BOARD of the ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (“the District”), whose mailing address is 4049 Reid Street, Palatka, Florida 32177 and ST. JOHNS COUNTY (“County”), whose address is P. O. Box 3006, St. Augustine, Florida 32085-3006 and is effective on the date the last party has executed same.

WHEREAS, the District and County entered into Agreement SJ37012 on April 13, 2006, for the construction of the CR 214 Membrane RO Water Treatment Plant Project.

WHEREAS, the District and County desire to modify the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and for other good and valuable consideration, the District and County hereby agree to the following amendments:

1. **PARAGRAPH 3 - Term of Agreement:** delete this paragraph and replace it with the following paragraph:

“3. This Agreement shall extend from the Effective Date through June 30, 2008 (“Completion Date”).

The Effective Date of this Agreement shall be the date upon which the last party to this Agreement has dated and executed the same. Recipient shall not be eligible for reimbursement for any work that is commenced, or costs that are incurred, prior to the Effective Date.

2. **PARAGRAPH 15 – Multi-Year Funding Allocation:** delete this paragraph and replace it with the following paragraph:

“15. **Multi-Year Funding Allocation.** The following represents the anticipated amount of funding the District may authorize for each fiscal year. This information is provided for planning purposes only, and does not represent a commitment on the part of the District. The District reserves the right to revise these amounts annually, prior to the beginning of each Fiscal Year.

Fiscal Year 2006: \$3,270,000

Fiscal Year 2007: \$3,270,000

Any funds remaining from FY 2007 will be paid in FY 2008.”

The District and County agree that all other terms and conditions of the original Agreement are hereby ratified and continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have duly executed this Amendment on the date set forth below.

ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT

ST. JOHNS COUNTY

By: _____
Kirby B. Green III, Executive Director, or Designee

By: _____

Typed Name and Title

Date: _____

Date: _____

APPROVED BY THE OFFICE
OF GENERAL COUNSEL

Attest: _____

Stanley J. Niego, Sr. Assistant General Counsel

Typed Name and Title