

Memorandum

To: PPO Subcommittee
From: Amanda Grint, Assistant General Manager
Date: August 31, 2022
Re: Amendment 2 Interlocal Agreement with Sarpy County and Papillion for WP6 and WP7

In October 2018, an interlocal amendment was approved by the Board and the City of Papillion for shared responsibilities of the WP6 and WP7 flood control reservoirs project. Amendment 1 was approved in February 2020 to revise the payment schedule for Sarpy County and add a County project. In transferring of the projects to the City of Papillion, it was noted that Cornhusker Road at WP7 (Big Elk Lake) was the County's jurisdiction at the time of the previous agreements but has since been annexed and is now in the City of Papillion. This amendment outlines the new road responsibilities and also clarifies that the mitigation site will be maintained by the District until established.

Staff recommends that the Subcommittee recommend to the Board that the General Manager be authorized to execute the proposed Second Amendment to the Interlocal Cooperation Act Agreement with the City of Papillion and Sarpy County for Papio Watershed Regional Flood Control Detention Basins WP-6 and WP-7 subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

**SECOND AMENDMENT TO
INTERLOCAL COOPERATION ACT AGREEMENT**

This Second Amendment is made on the date of the last undersigned signature (“Effective Date”) and hereby amends the Interlocal Cooperation Act Agreement dated April 21, 2020 (“Agreement”), by and between the County of Sarpy, Nebraska (“County”), the Papio-Missouri River Natural Resources District (“NRD”) and the City of Papillion, Nebraska (“City”).

1. The Agreement shall be amended to remove the existing section 19 b) and replace it with the following:
 - b) the NRD, at its sole cost and expense, shall operate, maintain, repair, replace and regulate the MITIGATION IMPROVEMENTS;
and
2. The Agreement shall be amended to change the word “COUNTY” in section 21 (b) to read “CITY.”

Any terms not defined in this Second Amendment shall have the same meaning as the terms are defined in the Agreement. Where any terms and conditions in this Second Amendment are in conflict with the Agreement, the terms and conditions of this Second Amendment shall control. All other provisions of the Agreement shall remain in full force and effect. This Second Amendment may be signed in separate counterparts.

IN WITNESS WHEREOF, the parties have caused this Second Amendment to be signed and delivered by their duly authorized representatives, as of the date shown below, to be bound as of the Effective Date.

(Signature pages to follow)

CITY OF PAPILLION, NEBRASKA

Date: _____

By: _____
Mayor

Attest:

City Clerk

SEAL

PAPIO-MISSOURI RIVER NATURAL
RESOURCES DISTRICT

Date: _____

By: _____
General Manager

Attest:

SEAL

COUNTY OF SARPY, NEBRASKA

Date: _____

By: _____
Chairman of the Sarpy County
Board of Commissioners

Attest:

County Clerk

SEAL