RESOLUTION APPROVING AND AUTHORIZING THE CHAIR TO SIGN THE AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE SARPY COUNTY AND CITIES WASTEWATER AGENCY AND SARPY COUNTY FOR CONTRIBUTION REIMBURSEMENT

WHEREAS, pursuant to Neb. Rev. Stat. §23-104(6), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-103, the powers of the County as a body are exercised by the County Board; and,

WHEREAS, pursuant to Resolution 2017-337, Sarpy County is a member of the Sarpy County and Cities Wastewater Agency (hereinafter the “Agency”); and,

WHEREAS, on July 10, 2018, pursuant to Resolution 2018-213, Sarpy County approved the revised FY2018-2019 Agency Budget. Furthermore, on July 31, 2018, pursuant to Resolution 2018-224, Sarpy County approved the Interlocal Agreement between Sarpy County and Cities Wastewater Agency and Sarpy County, Nebraska For Contribution Reimbursement Agreement (hereinafter “Contribution Agreement”), which provided the terms and conditions on which Sarpy County’s additional financial contributions to the Agency would be reimbursed by the Agency; and,

WHEREAS, Sarpy County offered to make additional contributions to the Agency for the FY2018-2019 to cover the Agency’s anticipated expenses with the understanding that Sarpy County will be reimbursed to by the Agency, the terms of said reimbursement for the additional funds are set forth in the Amendment to Interlocal Agreement between the Sarpy County and Cities Wastewater Agency and Sarpy County, Nebraska for Contribution Interlocal, a copy of which is attached hereto as Exhibit A (hereinafter the “Amendment to Contribution Agreement”); and,

WHEREAS, on November 13, 2018, the Agency approved the Amendment to Contribution Agreement; and,

WHEREAS, the Sarpy County Board of Commissioners deems it appropriate and advisable to enter into the Amendment to Contribution Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD of COMMISSIONERS that this Amendment to Contribution Agreement is hereby approved.

BE IT FURTHER RESOLVED THAT the Chairman of this Board is hereby authorized to sign on behalf of the County, the Amendment to Contribution Agreement, and any other related documents, the same being approved by this Board.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 27th day of November, 2018.

ATTEST:

Sarpy County Board Chairman

Sarpy County Clerk

Chief Deputy

2018-362
MEMO

To: Sarpy County Board

From: Lisa Haire

Re: Amendment to Interlocal Agreement with Sarpy County and Cities Wastewater Agency for Contribution Reimbursement

On November 27, 2018 the County Board will be asked to approve and authorize the Chairman to sign the attached Amendment to the Interlocal Agreement for the contribution reimbursement of County funds. On July 31, 2018, Sarpy County approved the Interlocal Agreement for contribution to the Sarpy County and Cities Wastewater Agency for the FY 2018/2019 budget to help cover the Agency’s anticipated expenses. The Agreement outlined how the County will be reimbursed by the Agency. This Amendment is for an additional contribution from the County to the Agency for FY 2018-2019.

Do not hesitate to contact myself or Dan Hoins at 593-2347 if you have comments or questions.

November 20, 2018

Lisa Haire
Sarpy County Administration Coordinator

cc: Dan Hoins
Brian Hanson
Scott Bovick
Deb Houghtaling
RESOLUTION APPROVING AND AUTHORIZING THE CHAIR TO SIGN THE AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN THE SARPY COUNTY AND CITIES WASTEWATER AGENCY AND SARPY COUNTY FOR CONTRIBUTION REIMBURSEMENT

WHEREAS, pursuant to the Interlocal Cooperation Act, set out at Neb. Rev. Stat. § 13-801 et seq., (hereinafter the “Act”), Sarpy County and the Cities of Papillion, Bellevue, Springfield, La Vista and Gretna entered into an agreement, (hereinafter the “Agency Formation Agreement”) and formed the interlocal agency called the Sarpy County and Cities Wastewater Agency (hereinafter the “Agency”); and,

WHEREAS, the Agency is a separate body corporate and politic under the Act; and,

WHEREAS, pursuant to Agency Formation Agreement, the powers of the Agency as a body are exercised by the Agency Board; and,

WHEREAS, on June 26, 2018, the Agency approved the annual budget for the fiscal year commencing July 1, 2018 and ending June 30, 2019 (“FY2018-FY2019”); and,

WHEREAS, Sarpy County offered to make a contribution to the Agency for the FY2018-2019 to cover the Agency’s anticipated expenses with the understanding that three hundred and sixty-five thousand and three hundred and seventeen dollars ($365,317.00) (“Contribution Funds”) will be reimbursed to Sarpy County by the Agency; and,

WHEREAS, the Agency’s Board approved the FY2018-2019 annual budget based upon Sarpy County’s willingness to contribute the Contribution Funds, among other funds, during the FY2018-2019 with the condition that the Agency reimburses Sarpy County the full amount of the Contribution Funds in accordance with a separate written interlocal agreement; and,

WHEREAS, the County and the Agency entered into an Interlocal Agreement where the County agreed to make a contribution to the Agency for the FY2018-2019 to cover the Agency’s anticipated expenses with the understanding that three hundred and sixty-five thousand and three hundred and seventeen dollars ($365,317.00) will be reimbursed to the County by the Agency (“Contribution Interlocal”); and,

WHEREAS, the Agency’s Board has determined that additional funds will be needed to pay the Agency’s anticipate expenses for the FY2018-2019 and the County is willing to contribute the additional funds needed as long as the additional funds will be reimbursed pursuant to the terms of the Contribution Interlocal.

WHEREAS, the Agency Board has discussed the proposed amendment to the Contribution Interlocal for the reimbursement to Sarpy County for the funds contributed during the FY2018-2019, as attached hereto as Exhibit A (hereinafter the “Amendment to the Contribution Interlocal”), and after discussion the Agency Board deemed it appropriate, necessary, convenient and advisable to approve the Amendment to the Contribution Interlocal for execution.
NOW, THEREFORE, BE IT RESOLVED BY THE AGENCY BOARD that this Board hereby approves and adopts the Amendment to the Contribution Interlocal; and,

BE IT FURTHER RESOLVED THAT the Chairman of this Board is hereby authorized to sign on behalf of the Agency Board the Amendment to the Contribution Interlocal, and any other related documents, the same being approved by this Board.

The above Amended Resolution was approved by a vote of the Sarpy County and Cities Wastewater Agency Board at a public meeting duly held in accordance with applicable law on the 24th day of July 2018.

[Signature]
Sarpy County and Cities Wastewater Agency Board Chairman

Approved as to Form:
[Signature]
Agency Attorney
Exhibit A

Amendment to Contribution Interlocal
AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN THE SARPY COUNTY AND CITIES WASTEWATER AGENCY AND SARPY COUNTY, NEBRASKA FOR CONTRIBUTION REIMBURSEMENT

THIS AMENDMENT is entered into by and between the Sarpy County and Cities Wastewater Agency (the “Agency”) and the County of Sarpy, Nebraska (the “County”) (collectively, the “Parties”);

WHEREAS, the County is a political subdivision, duly created and validly existing under the laws of the State of Nebraska; and,

WHEREAS, the Agency was created as a separate body corporate and politic by the County and five cities located in Sarpy County, Nebraska pursuant to that certain Interlocal Agreement Creating the Sarpy County and Cities Wastewater Agency dated September 19, 2017, (“Formation Agreement”) by the authority granted under the Nebraska Interlocal Cooperation Act, Neb. Rev. Stat. 13-801, et seq.; and,

WHEREAS, the County is a Member of the Agency; and,

WHEREAS, the County and the Agency entered into an Interlocal Agreement where the County agreed to make a contribution to the Agency for the FY2018-2019 to cover the Agency’s anticipated expenses with the understanding that three hundred and sixty-five thousand and three hundred and seventeen dollars ($365,317.00) (“Contribution Funds”) will be reimbursed to the County by the Agency (“Contribution Interlocal”); and,

WHEREAS, the Agency’s Board has determined that additional funds will be needed to pay the Agency’s anticipate expenses for the FY2018-2019 and the County is willing to contribute the additional funds needed as long as the additional funds will be reimbursed pursuant to the terms of the Contribution Interlocal.

NOW, THEREFORE, in consideration of the mutual covenants contained in the Contribution Interlocal and this Amendment, the Parties agree as follows:

A) The fifth WHEREAS paragraph of the Contribution Interlocal is hereby deleted in its entirety and replaced with the following:

WHEREAS, the County has offered to make a contribution to the Agency for the FY2018-2019 to cover the Agency’s anticipated expenses with the understanding that Six Hundred Fifty-Six Thousand Seven Hundred Fifty-Eight and No/100 dollars ($656,758.00) (“Contribution Funds”) will be reimbursed to the County by the Agency; and,

B) Paragraph 1 of the Contribution Interlocal is hereby deleted in its entirety and replaced with the following:

1. Payment of Contribution Funds. The County shall pay to the Agency during the FY2018-FY2019 the Contribution Funds, a total amount of $656,758.00. The County shall have sole discretion as to when the payment of Contribution Funds will be made
during the FY2018-FY2019. The County shall have sole discretion on whether the payment of Contribution Funds shall be made in one lump sum payment or in installments during the FY2018-FY2019. The County recognizes the benefits of the Agency’s purposes as set forth in the Formation Agreement as good and valuable consideration for paying the Contribution Funds.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]
This AMENDMENT by the parties hereto is expressed by the approval in open meeting by the Agency and the County and the following execution by their respective authorized representatives.

IN WITNESS WHEREOF, the parties hereunto set their hands to this Agreement upon the day and year hereinafter indicated.

Signed by the Sarpy County and Cities Wastewater Agency this 13th day of November 2018.

ATTEST

Lisa A. Haine

SARPY COUNTY AND CITIES WASTEWATER AGENCY

David Kelly
Chairperson
Sarpy County and Cities Wastewater Agency

Approved as to Form:

Agency Attorney
IN WITNESS WHEREOF, the parties hereunto set their hands to this Agreement upon the day and year hereinafter indicated.

Signed by Sarpy County this 27th day of November 2018.

SARPY COUNTY, NEBRASKA,
A Political Subdivision

Chairperson
Board of Commissioners

Approved as to Form:

Sarpy County Attorney