AMENDMENT NO. 1 TO THE INTERLOCAL FUNDING AGREEMENT AND MEMORANDUM OF UNDERSTANDING

(RELATED TO STUDY OF THE TRINITY AQUIFERS IN HAYS COUNTY AND THE REGION)

This is Amendment No. 1 to the Interlocal Funding Agreement and Memorandum of Understanding between the Barton Springs/Edwards Aquifer Conservation District (BSEACD), and Hays County (the County) which was originally executed on October 10, 2019. This amendment: extends the deadline for performing the tasks under Article 2.2 and the tasks cited in Exhibit "A" as mentioned in Articles 2.2 and 3.2; and, clarifies the Effective Date and the term of the ILA under Article 4.1 to be consistent with the change to Articles 2.2 and 3.2. All other provisions will remain as in the existing ILA.

OBLIGATIONS OF THE COUNTY

Hereinafter, Article II shall be modified by changing paragraph 2.2 to read as follows:

2.2 BSEACD agrees to perform the Project in general accordance with the task descriptions provided in Exhibit "A" (incorporated herein), delivering a preliminary report on Monitor Wells by August 31, 2022 and continuing to perform support tasks, such as, Potentiometric Measuring, Analysis of Stream Gain/Loss, and Dye Tracing, through August 31, 2022.

Hereinafter, Article III shall be modified by changing paragraph 3.2 to read as follows:

3.2 If BSEACD is unable to or does not otherwise perform the tasks cited in Exhibit "A" by August 31, 2022, then BSEACD shall return the monies paid by Hays County within thirty (30) days of August 31, 2022. If BSEACD performs only a portion of the tasks cited in Exhibit "A" by August 31, 2022, then it shall return an appropriate portion of the monies paid by Hays County, as agreed by the Parties.

Hereinafter, Article IV shall be modified by changing paragraph 4.1 to read as follows:

4.1 The Effective Date of this Agreement shall be October 10, 2019. The term of the Agreement shall continue from the Effective Date until August 31, 2022, or until the parties have fulfilled all obligations under this Agreement.

No other changes to the ILA are hereby authorized.

The parties have executed this agreement on the 8th day of July, 2021.

County of Hays:

By: _____
Judge Ruben Becerra
Hays County Judge

ATTEST:

_____
Elaine Cardenas, Hays County Clerk

Barton Springs Edwards Aquifer Conservation District:

By: Blayne Stansberry 7/8/21
Blayne Stansberry
Board President

ATTEST:

By: Tammy Raymond 7/8/21
Tammy Raymond
Assistant Secretary to the
Board of Directors

APPROVED AS TO FORM:

By: Bill Dugat III Date: 7/12/21
William D. Dugat III
Attorney for BSEACD

_____ Date: _____
Mark D. Kennedy
General Counsel – Hays County