

RESOLUTION NO. 30684

A RESOLUTION TO AMEND RESOLUTION NO. 30123 TO EXTEND THE EFFECTIVE PERIOD OF THE INTERLOCAL AGREEMENT WITH WWTA REGARDING THE E2I2 PROJECTS FROM TWELVE (12) TO TWENTY-FOUR (24) MONTHS, ALONG WITH OTHER MINOR MODIFICATIONS AS PER THE ATTACHED AMENDED AGREEMENT.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, it is hereby amending Resolution No. 30123 to extend the effective period of the Interlocal Agreement with WWTA regarding the E2I2 projects from twelve (12) to twenty-four (24) months, along with other minor modifications as per the attached Amended Agreement.

ADOPTED: March 9, 2021

/mem

**FIRST AMENDMENT TO THE
ENVIRONMENTAL AND ECONOMIC INFRASTRUCTURE IMPROVEMENTS PLAN
AN INTER LOCAL AGREEMENT FOR COST SHARING BETWEEN THE CITY OF
CHATTANOOGA, TENNESSEE AND THE HAMILTON COUNTY WATER AND
WASTEWATER TREATMENT AUTHORITY GOVERNING SEWER FLOW AND
SEWER SYSTEM CAPITAL IMPROVEMENTS**

The purpose of this document is to amend the ENVIRONMENTAL AND ECONOMIC INFRASTRUCTURE IMPROVEMENTS PLAN AN INTER LOCAL AGREEMENT FOR COST SHARING BETWEEN THE CITY OF CHATTANOOGA, TENNESSEE AND THE HAMILTON COUNTY WATER AND WASTEWATER TREATMENT AUTHORITY GOVERNING SEWER FLOW AND SEWER SYSTEM CAPITAL IMPROVEMENTS (“e2i2 Agreement”), which is hereby entered into between the CITY OF CHATTANOOGA, TENNESSEE, a municipal corporation located in Hamilton County, Tennessee, organized and existing under the laws of the State of Tennessee (hereinafter referred to as "Chattanooga" or the "City"), and, THE HAMILTON COUNTY WATER AND WASTEWATER TREATMENT AUTHORITY, an authority organized and existing under the laws of the State of Tennessee (hereinafter referred to as "WWTA"), and shall be referred to as the 1st Amendment. Chattanooga and WWTA are sometimes referred to in this 1st Amendment individually as a "Party" and collectively as the "Parties."

WHEREAS, the Parties hereby acknowledge that the Effective Date of the e2i2 Agreement is December 5, 2019, and without this 1st Amendment, the e2i2 would be null and void on its own terms;

WHEREAS, the Parties intend to modify the terms of the e2i2 Agreement as set forth in this 1st Amendment;

The Parties hereby agree to the following:

1. Amend paragraph 19.a of the e2i2 agreement so that it reads as follows: **Consider eliminating the** ~~Eliminate~~ discharges from the Signal Mountain waste water treatment plant by **considering** eliminating the treatment plant altogether, **as well as options to upgrade the plant**, when the Red Bank EQ station is completed.

2. Amend paragraph 20 of the e2i2 agreement so that it reads as follows: The obligations of the Parties set forth above are subject to the lodging and entry by the United States District Court of the WWTA Consent Decree. If the Consent Decree is not entered and lodged within **twenty-four (24)** ~~twelve (12)~~ months after the Effective Date of this Agreement, this Agreement will become null and void.

3. Amend paragraph 21 of the e2i2 agreement so that it reads as follows: The obligations of the Parties set forth above are subject to modification of the Chattanooga Consent Decree to extend the deadlines established in Paragraphs 20(h)(ii) and 23 of Chattanooga's Consent Decree by 60 months. If the Court does not approve a modification to the Chattanooga Consent Decree within **twenty-four (24)** ~~twelve (12)~~ months of the Effective Date of this Agreement regarding the extension of time, this Agreement will be null and void.

4. The Parties may execute this Agreement in separate counterparts, and each counterpart shall be deemed to be an original instrument.

5. The Effective Date of this 1st Amendment shall be the date signed by both Parties below.

IN WITNESS WHEREOF, the Parties hereto enter into this 1st Amendment. Each person signing this 1st Amendment represents and warrants that he or she has been duly authorized to enter into this agreement by the corporate body or municipality on whose behalf it is indicated that the person is signing.

City of Chattanooga, Tennessee	Hamilton County Water and Wastewater Treatment Authority
By:	By:
Its:	Its:
Date:	Date: