

AMENDMENT 1 TO THE SAVE OUR INDIAN RIVER LAGOON PROJECT COST-SHARE
FUNDING INTERLOCAL AGREEMENT BETWEEN BREVARD COUNTY, FLORIDA, AND
THE CITY OF COCOA BEACH, FLORIDA

AGREEMENT NUMBER: SOIRL 20-168

THIS AMENDMENT is made and entered into by and between the Board of County Commissioners of Brevard County, Florida, a political subdivision of the State of Florida (hereinafter "COUNTY"), and the City of Cocoa Beach, Florida, a Florida municipal corporation organized and existing under the laws of the State of Florida (hereinafter "CITY").

WHEREAS, the parties have previously entered into that certain Save Our Indian River Lagoon Project Cost-Share Funding Interlocal Agreement No. SOIRL 20-168 on March 3, 2020 ("Agreement"), which is incorporated herein by this reference; and

WHEREAS, the CITY has experienced delays in design and survey work; and

WHEREAS, the CITY has secured additional grant funding for this project from the Florida Department of Environmental Protection; and

NOW, THEREFORE, in consideration of the promises and mutual covenants herein contained, the parties hereby agree as follows:

1. Section 3. Terms and Extensions, paragraph 3. a is amended to read as follows:
 - a. The term of this Agreement is from the date upon which the last party has dated and executed the same ("Effective Date") until December 31, 2027 ("Completion Date"). CITY shall not commence the Project until any required submittals are received and approved. Time is of the essence for every aspect of this Agreement, including any time extensions.
2. As a result of the additional funds made available from the Florida Department of Environmental Protection appropriations grant, "Attachment E – Eligible Funding Cost Share Form" of the Agreement is hereby amended as follows:

ATTACHMENT E

Recipient Name:		City of Cocoa Beach
Project Name:		Cocoa Beach Golf
Agreement Number:		SOIRL 20-168

Estimated Project Cost-Share Table							
Task Number	Task Description	Task Cost	Grant 1 (319)	Grant 2 (FDEP)	Grant 3 (SJRWMD)	Eligible Lagoon Tax Cost Share, Adjusted	Local Match
1	Permitting	1,500,000		\$1,000,000.00		\$500,000.00	\$
2	Engineering	1,000,000		\$ 500,000.00		\$500,000.00	\$
3	Construction	\$33,000,000.00		\$10,500,000.00		\$23,263,100.00	\$
4	Monitoring					\$100,000.00	
	Total	\$35,500,000.00	\$	\$12,000,000.00	\$	\$24,363,100.00	\$

Funding Eligibility Calculation		
Project Type		Muck Dredging
BMP Type (If stormwater)		SW Trad BMP
Pounds of Nitrogen Reduction		29694
Eligible Cost Share per Pound		\$820
Eligible Tax Funding Cost Share		\$24,363,100.00
Reduction so Sum of Grants does not exceed Project Cost		\$
Eligible Lagoon Tax Cost Share, Adjusted		\$24,363,100.00
Percent Cost Share to be contributed by the Lagoon Tax		69%

- All terms and conditions of the Agreement, and any amendments or modifications thereto, are incorporated herein by this reference. Such terms and conditions that are not inconsistent with the provisions of this First Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on the date last written below

BREVARD COUNTY, FLORIDA

WEST MELBOURNE, FLORIDA

By: _____

By: _____

Date: _____

Name: Ben Malik

Kristine Zonka, Chair

Title: Mayor

As Approved by the Board on February 2, 2022

Date: _____

Attest

Rachel Sadoff, Clerk

Date: _____

Reviewed for legal form and content for Brevard County



Heather Balsler, Assistant County Attorney