

**SECOND AMENDMENT TO THE NEW PORT RICHEY  
SURPLUS WATER AND OPERATION AND MAINTENANCE AGREEMENT  
NUMBER 2007-008**

THIS SECOND AMENDMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between TAMPA BAY WATER, A Regional Water Supply Authority, an interlocal governmental agency of the State of Florida created and existing pursuant to Sections 163.01, 373.1962 and 373.1963, Florida Statutes (TAMPA BAY WATER), acting by and through its Board of Directors, and the CITY OF NEW PORT RICHEY, a municipal corporation of the State of Florida ("CITY"), acting by and through its City Manager.

**WITNESSETH:**

**WHEREAS**, TAMPA BAY WATER was created to develop, recover, store and supply water at wholesale to its Member Governments which include the Counties of Hillsborough, Pinellas and Pasco, and the Cities of Tampa, St. Petersburg and New Port Richey; and

**WHEREAS**, a Surplus Water and Operation and Maintenance Agreement was executed between TAMPA BAY WATER and the CITY on March 20, 2007 and the First Amendment was executed on August 18, 2009. The excess water is treated by the CITY for re-purchase by TAMPA BAY WATER;

**WHEREAS**, TAMPA BAY WATER has enhanced its ability to supply water to its Member Governments through the implementation of the West Pasco Infrastructure Project. New infrastructure was installed at the CITY'S Maytum Water Treatment Plant, and

**WHEREAS**, raw water from the Starkey and North Pasco Wellfields is delivered by TAMPA BAY WATER to the CITY'S Maytum Water Treatment Plant in excess of the CITY'S demand. The excess water is treated by the CITY for re-purchase by TAMPA BAY WATER, and

**NOW THEREFORE**, in consideration of the foregoing premises which shall be deemed an integral part of this Second Amendment, TAMPA BAY WATER and CITY intending to be legally bound hereby agree as follows:

Section 1. The Determination of the Annual Estimated Treatment Rate paragraph has been modified to account for a change in the ENR Index and to allow it to be finalized prior to completing the budget for the next fiscal year. The ENR Skilled Labor Index for Atlanta Changed from a base year of 1913 to a base year of 1967 between their November 2015 and their December 2015 issues. This reduced the Index value by a factor of 8.66671. A new value for the denominator in the ENR portion of the equation for the “Annual Estimated Treatment Rate” has been calculated to be 624.9 by dividing 5415.62 by 8.66671. Also, the new rate calculation will be completed by Tampa Bay Water prior to finalizing the budget for the next fiscal year. The most recently calculated index values that are available at that time will be used in the calculation.

Section 2. The last sentence and equation of Paragraph 8 of the Agreement, as previously amended, is superseded and replaced with the following text and equation:

The “Annual Estimated Treatment Rate” shall then be calculated by adjusting the base treatment rate for FY 2008 by the most recently published industry indexes comprised of 50% of the Engineering News Record “Skilled Labor” Index for Atlanta and 50% of the Chemical Engineering Plant Cost “Equipment” Index as shown in the following equation:

$$\text{Rate effective October 1} = \text{Base Treatment Rate} * \left( 0.5 * \frac{\text{ENR Skilled Labor Index}}{624.9} + 0.5 * \frac{\text{CE Equipment Index}}{634.0} \right)$$

Section 3. Except as modified by Section 2, above, the Agreement, as previously amended, remains in full force and effect.

Section 4. This Second Amendment shall take effect on the date first written above.

**IN WITNESS WHEREOF**, TAMPA BAY WATER and CITY have executed this Second Amendment to the Agreement on the day first written above.

**[THIS SPACE INTENTIONALLY LEFT BLANK]**

**ATTEST:**

**TAMPA BAY WATER, A Regional Water  
Supply Authority**

\_\_\_\_\_  
Matt Jordan, General Manager

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM:

(SEAL)

\_\_\_\_\_  
General Counsel

**ATTEST:**

**CITY OF NEW PORT RICHEY**

\_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Rob Marlowe, Mayor

Date: \_\_\_\_\_

APPROVED AS TO FORM:

(SEAL)

\_\_\_\_\_  
Office of the City Attorney