METRO FLOOD DIVERSION AUTHORITY

AMENDED AGENDA

Thursday, March 28, 2019

3:30 PM

Fargo City Commission Chambers
Fargo City Hall
225 4th Street North

1. Call to order
2. Approve minutes from previous meetings — Item 2. — Action
3. Approve order of agenda — Action
4. Management — Information
   a. PMC report
5. Administrative/Legal — Information/action
6. Public Outreach — Information
   a. Committee report
   b. Business Leaders Task Force update
7. Land Management — Information
   a. Committee report
8. Finance — Information/action
   a. Committee report — Item 8a.
   b. Voucher approval — Item 8b.
   c. Recommended contracting actions — Item 8c.
   d. 2019 Braun Intertec billing rates — Item tabled by Finance Committee
   e. Amendment 1 – State Water Commission cost share reimbursement agreement
9. Other Business
   a. Preparation for Task Orders 5 and 6
10. Next Meeting – April 11, 2019
11. Adjournment

cc: Local Media

North Dakota State Water Commission

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March 27, 2019

Mary Scherling, Chair
Metro Flood Diversion Authority
211 Ninth Street South
Fargo, ND 58108-2806

RE: Fargo Moorhead Metro Area Flood Risk Management Project

Dear Chair Scherling:

The enclosed Amendment I to the Agreement for Cost-Share Reimbursement Fargo Moorhead Metro Area Flood Risk Management Project is to provide an additional cost-share of up to $66,500,000 to reimburse 50 percent of actual eligible costs for the Flood Risk Management Project. Please sign, date, and make a copy of the agreement for your records before returning the original agreement to this office. The signed amendment is necessary to proceed with reimbursements to the Authority based on claim vouchers documenting the actual eligible costs. Prior to issuing reimbursements, provide a copy of the certificate of insurance and all endorsements to State Water Commission. The agreement is void if not signed and returned within 60 days of the Secretary's signature.

If you have any questions, please call me at 328-4952.

Sincerely,

Jeffrey Mattern, P.E.
Engineer Manager

JM:1928

DOUG BURGUM, GOVERNOR
CHAIRMAN

GARLAND ERBELE, P.E.
CHIEF ENGINEER AND SECRETARY

SWC Project No. 1928
Project Manager: JMattern
March 2019

AMENDMENT I to the
Agreement for Cost-Share Reimbursement
Fargo Moorhead Metro Area Flood Risk Management Project

1. Background. In July 2016, the State of North Dakota (State), by and through the State Water Commission (Commission), and the Metro Flood Diversion Authority (Sponsor) entered into the Agreement for Cost-Share Reimbursement Fargo Flood Control Project 2015 - 2017 (Agreement).

2. Intent. The intent of the parties here is to amend the Agreement to provide an additional cost-share of up to $66,500,000 to reimburse 50 percent of actual eligible costs for the Flood Risk Management Project.

3. Agreement. Commission and Sponsor agree to replace all of the language in paragraph 2 **("COMMISSION'S RESPONSIBILITY AND INTENT")** with the following:

> Commission will provide Sponsor with cost-share, not to exceed $135,500,000, as approved by Commission on February 14, 2019 ($66,500,000) and as authorized in section 8 of S.B. 2020, 2015 N.D. Leg. ($69,000,000) to reimburse 50 percent of actual eligible costs incurred in Sponsor's Fargo Moorhead Area Metro Area Flood Risk Management Project (Project), contingent on availability of funds and conditions of this agreement. Commission's intent in providing this funding to Sponsor is merely to help Sponsor financially afford Project. Sponsor retains sole and absolute discretion in the manner and means of carrying out Project, except to the extent specified in this agreement.

NORTH DAKOTA STATE WATER COMMISSION
By: Garland Erbele
GARLAND ERBELE, P.E.
Chief Engineer - Secretary

Date: March 27, 2019

METRO FLOOD DIVERSION AUTHORITY
By: _____
MARY SCHERLING
Chair

Date: _____