

EXHIBIT “A”

AMENDMENT TO
COMMUNITY COST-SHARE AGREEMENT
(DISTRICT AGREEMENT NO. 22007652)
BY AND BETWEEN
THE NORTHEAST OHIO REGIONAL SEWER DISTRICT
AND
CITY OF BRECKSVILLE

This Amendment to Agreement (the “Amendment”) is made and entered into this _____ day of _____, 2024, by and between the Northeast Ohio Regional Sewer District (District) acting pursuant to Resolution No. 114-13, adopted by the Board of Trustees of the District on May 16, 2013, and the City of Brecksville (City) acting pursuant to Ordinance/Resolution No. _____, adopted on _____, 20____.

Recitals

WHEREAS, the District, as a component of implementing a regional stormwater management program, manages a financial account termed the “*Community Cost-Share Account*” that is for the aggregation and dissemination of funds derived from revenues collected from the Stormwater Fee; and

WHEREAS, on or around October 6, 2022 the District and the City entered into a Community Cost-Share Agreement (the “Agreement”) for the 1635 CSPA04-Flood Reduction at Riverview Road project (the “Project”); and

WHEREAS, the original contract amount has increased due to changes in the design of the Project; and

WHEREAS, it is, therefore, necessary for the parties to amend the Agreement to increase the funding for the Agreement by \$200,000.00.

NOW THEREFORE, in consideration of the foregoing, the payment and the mutual promises contained in this Amendment, the parties agree as follows:

1. By execution of this Amendment, the District and the City agree that the total Community Cost-Share funding allocated to the Project under the Agreement shall be increased by the amount not to exceed \$200,000.00 for an amended total funding amount of \$900,000.00, as further described in the Request for Budget Modification attached hereto as Exhibit “A.”

2. The provisions of this Amendment are hereby incorporated into the Agreement, as if fully rewritten therein. All terms used herein shall be defined and construed in the manner set forth in the Agreement. Except as otherwise provided in, or as otherwise necessary or appropriate to give effect to the terms of this Amendment, all the provisions, terms and conditions contained in the Agreement and not inconsistent with this Amendment shall remain unchanged and in full force and effect. In the event of any conflict between the Agreement and this Amendment, the

terms, conditions and provisions of this Amendment shall control.

The parties have executed this Amendment on the day and year first above written.

NORTHEAST OHIO REGIONAL SEWER DISTRICT

BY: _____
Kyle Dreyfuss-Wells
Chief Executive Officer

AND

BY: _____
Darnell Brown, President
Board of Trustees

CITY OF BRECKSVILLE

By: _____
Title: _____

The Legal Form and Correctness of this Instrument is hereby Approved:

CITY OF BRECKSVILLE

Assistant/Director of Law

This Instrument Prepared By:

Anka M. Davis
Assistant General Counsel
Northeast Ohio Regional Sewer District

Each party agrees that this Amendment may be executed and distributed for signatures via email, and that the emailed signatures affixed by both parties to this Amendment shall have the same legal effect as if such signatures were in their originally written format.

**MODIFICATION TO
AGREEMENT NO.
22007652**

NORTHEAST OHIO REGIONAL SEWER DISTRICT

WITH

CITY OF BRECKSVILLE

FOR

COMMUNITY COST-SHARE AGREEMENT
AMENDMENT:

1635 CSPA04 – FLOOD REDUCTION AT RIVERVIEW
ROAD PROJECT

TOTAL ADDITIONAL COST: \$200,000.00

TOTAL REVISED AGREEMENT AMOUNT: \$900,000.00

THE LEGAL FORM AND CORRECTNESS OF THE
WITHIN INSTRUMENT ARE HEREBY APPROVED.

ERIC J. LUCKAGE
CHIEF LEGAL OFFICER

DATE

CERTIFICATION

It is hereby certified that the amount required to meet the contract, agreement, obligation, payment or expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the Treasury or in process of collection to the credit of the fund free from any obligation or certification now outstanding.

KENNETH J. DUPLAY
CHIEF FINANCIAL OFFICER

Date

Budget Center 8100

EXHIBIT "A"



Community Cost-Share Program REQUEST FOR BUDGET MODIFICATION

*Community Cost-Share Program
Request for Budget Modification*

Member Community: City of Brecksville

Project Title: Flood Reduction at Riverview Rd in Brecksville

Project Manager:  Date: 05/08/2024
Signature

Justification and Description of Changes:
 Provide a summary of the revised budget (by category) and include a brief justification and itemized breakdown for the amount proposed in each category. For example, stream restoration project extended by 500 feet of streambank @ \$150/linear ft. to protect newly discovered underground utility.

Summary of Project Modification:

Contribution from the City's CCS ac
 count is increasing from \$700,000 to \$900,000. The project's original estimate was \$2.1M in 2022 and has increased to \$4.4M in 2024.

Project Expenses	Original Budget	Revised Budget	Details
Professional Services			
Personnel (<i>Member Community Staff Only</i>)			
Subcontract			
Equipment			
Materials			
Other	700,000	900,000	
TOTAL	\$700,000.00	\$900,000.00	\$200,000.00 increase (AS)

Direct all Community Cost-Share budget modification questions and requests to the Watershed Team Leader, 216-881-6600, and the Grant Programs Administrator is to be copied on all correspondence pertaining to budget modification.