

**FIRST AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT
BETWEEN THE CITY OF AUSTIN AND LOWER COLORADO RIVER AUTHORITY
REGARDING BUOYS AT TOM MILLER DAM**

THIS First Amendment to the Interlocal Cooperation Agreement Between the City Of Austin and Lower Colorado River Authority Regarding Buoys At Tom Miller Dam (“Amendment”) is made and entered into by and between the City of Austin, Texas, (“City”) and the Lower Colorado River Authority (“LCRA”), for the purposes and consideration in this Amendment.

RECITALS

1. In February 2007, the City and LCRA entered into an Interlocal Cooperation Agreement (“Agreement”) in order allow LCRA to install and maintain buoys and warning markers near and around Tom Miller Dam, and allocate the parties’ respective responsibilities;

2. The LCRA has been installing and maintaining the buoys and warning markers near Tom Miller Dam and is uniquely qualified to continue maintenance of current and future buoys; ,

3. By this Amendment, City and LCRA desire to expand the area covered by the Agreement to include all of Lake Austin, Lady Bird Lake, Decker Lake and the area surrounding Water Treatment Plant #4 on Lake Travis which is within the City’s territorial and extraterritorial jurisdiction; and

3. The City and LCRA have the authority to enter into this Amendment pursuant to Chapter 791 of the Texas Government Code.

AMENDMENTS

In consideration of these recitals and mutual covenants in this Amendment, the parties agree as follows:

1. Section II. Purpose, is amended to add the following paragraph at the end of Section II:

“The City has water treatment plants and other improvements abutting or adjacent to bodies of water within the City of Austin’s controlling jurisdiction. It is the intentions of the parties that all terms and provisions of this Agreement shall apply to buoys and warning markers placed in and upon waters within the City’s territorial and extraterritorial jurisdiction over which the City of Austin has jurisdiction. ”

2. Section III. Statement of Services to be Performed, is amended to remove the language “Tom Miller Dam” and replace it to read “all of Lake Austin, Lady Bird Lake, Decker Lake and the area surrounding Water Treatment Plant #4 on Lake Travis within the territorial and extraterritorial jurisdiction of the City.” Section III. is further amended to add the following

language at the end of the fourth paragraph, "LCRA understands it may be considered a sub-recipient of grant funds, and as applicable, agrees to cooperate with the City in complying with any grant terms imposed on the City." Section III. Is further amended to remove the language "at LCRA's expense" and amend the following statement as follows:

3. "Austin shall reimburse LCRA for the actual cost of materials, equipment and LCRA labor to replace or repair Buoys which are lost, destroyed or damaged. Austin shall notify LCRA when repairs or replacement of buoys is required."

4. Section VI. Term of Agreement, is amended to revise the termination date of the Agreement from December 31, 2017 to December 31, 2022.

EXECUTED AS OF THE LATER DATE SET FORTH BELOW.

CITY OF AUSTIN

By: _____
Name: _____
Title: _____
Date: _____

**LOWER COLORADO
RIVER AUTHORITY**

By: _____
Name: Jimmy Havins
Title: _Chief Operating Officer
Date: _____