

AMENDMENT TO AGREEMENT BETWEEN  
POLK REGIONAL WATER COOPERATIVE  
AND  
POLK COUNTY  
POLK REGIONAL WATER COOPERATIVE  
HEARTLAND PROTECTION AND SUSTAINABILITY PROJECT

This AMENDMENT TO AGREEMENT (Amendment) effective upon execution by both parties, by and between the POLK REGIONAL WATER COOPERATIVE, a public entity established by Interlocal Agreement, having an address of 330 West Church Street, Bartow, Florida 33831, hereinafter referred to as the "PRWC", and Polk County, a political subdivision of the State of Florida, having an address of Attn.: Utilities Division Director, 1101 Jim Keene Boulevard, Winter Haven, Florida 33880, hereinafter referred to as the "Member." The PRWC and the Member are also referred to herein individually as a "Party" and collectively as the "Parties."

WITNESSETH:

**WHEREAS**, in 2017, the Florida Legislature passed HB 573, better known as the Heartland Headwaters Protection and Sustainability Act (Chapter No. 2017-111, Laws of Florida) (the Act), which statutorily recognizes the vital importance of those portions of the Green Swamp Area of Critical State Concern that lie within the jurisdictional bounds of Polk and Lake counties and designates Polk County's aquifers as the headwaters for six of Florida's major rivers: the Alafia, Hillsborough, Kissimmee, Ocklawaha, Peace, and Withlacoochee Rivers. Furthermore, it acknowledges the critical importance of Polk County's aquifers to the economic and ecological health of the surrounding regions. The Act declared that fostering partnerships between Regional Water Supply Authorities (RWSA) and local governments is in the state's interest;

**WHEREAS**, for the purposes of fostering such partnerships, the Act requires that the PRWC prepare annual comprehensive reports listing projects that are needed to protect and restore the region's water resources, so that they may be considered for state funding. These funds are awarded to PRWC by the Florida Department of Environmental Protection (FDEP);

**WHEREAS**, on July 28, 2022, FDEP and PRWC entered into grant agreement number LPA0212 (Grant Agreement), a copy of which attached hereto as **Exhibit A**, for PRWC to receive funding as Grantee for the Polk Regional Water Cooperative Heartland Headwaters Protection and Sustainability Project;

**WHEREAS**, the Grant Agreement identified the the Polk County Alternative Water Supply Receiving Facility Project (Project 6) as a component of the Polk Regional Water Cooperative Heartland Headwaters Protection and Sustainability

Project (Project(s));

**WHEREAS**, the Member is a member government of PRWC, and the Grant Agreement provides that PRWC and Member shall work in conjunction with PRWC in implementing the Projects; and

**WHEREAS**, on September 21, 2022, Member and PRWC entered into an agreement titled Agreement Between Polk Regional Water Cooperative and Polk County Polk Regional Water Cooperative Heartland Protection and Sustainability Project (Member Agreement), a copy of which is attached hereto as **Exhibit B**, to provide for utilization of funds allocated in the Grant Agreement for the Projects by the Member, and for the Member to be bound by the requirements of the Grant Agreement as those requirements pertain to Member's activities with regard to the Projects; and

**WHEREAS**, on March 24, 2023, FDEP and PRWC entered into Amendment No. 1 to the Grant Agreement (Amendment No. 1), a copy of which is attached hereto as **Exhibit C-1**, which made revisions to Grant Agreement, including modifying the budget and scope of work for the Polk Regional Water Cooperative Heartland Headwaters Protection and Sustainability Project as a result of additional funds being appropriated by the Florida Legislature under the 2022-2023 General Appropriations Act; and

**WHEREAS**, on September 29, 2023, FDEP and PRWC entered into Amendment No. 2 to the Grant Agreement (Amendment No. 2), a copy of which is attached hereto as **Exhibit C-2**, which made further revisions to the Grant Agreement, including modifying the budget and scope of work for the Polk Regional Water Cooperative Heartland Headwaters Protection and Sustainability Project as a result of additional funds being appropriated by the Florida Legislature under the 2023-2024 General Appropriations Act; and

**WHEREAS**, Section 4 of the Member Agreement provides that in the event the Grant Agreement is amended, the Parties shall coordinate in good faith to amend the Member Agreement to be consistent with the Grant Agreement; and

**WHEREAS**, Member and PRWC desire to amend the Member Agreement be consistent with and to account for the modifications reflected in Amendment No. 1 and Amendment No. 2 to the Grant Agreement;

**NOW THEREFORE**, in consideration of the mutual terms, covenants and conditions contained herein, the Parties hereby mutually agree as follows:

1. **RECITALS.** The foregoing recitals are true and correct and form a material part of this Agreement.

2. **PURPOSE.** This Amendment modifies the Member Agreement to

incorporate and implement the changes reflected in Amendment No. 1 and Amendment No. 2 to the Grant Agreement., but otherwise does not alter the existing terms of the Member Agreement.

3. **AMENDMENT TO THE MEMBER AGREEMENT.** The Parties agree that the Member Agreement is amended such that the term "Grant Agreement" utilized in the Member Agreement shall be defined as the original Grant Agreement, as amended by Amendment No. 1 and Amendment No. 2., and incorporate **Exhibit C-1 and Exhibit C-2** as exhibits to the Member Agreement. The terms of Member Agreement shall otherwise remain unchanged and in full effect.

IN WITNESS WHEREOF, the undersigned have caused this Amendment to be duly executed and entered into by the Parties.

POLK COUNTY, FLORIDA

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


\_\_\_\_\_ ,

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

ATTEST:

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

APPROVED AS TO FORM AND CORRECTNESS:

  
\_\_\_\_\_  
COUNCIL ADMINISTRATOR'S OFFICE

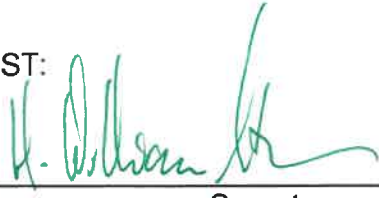
POLK REGIONAL WATER COOPERATIVE

By:   
\_\_\_\_\_, Chairman

Date: 7-24-24

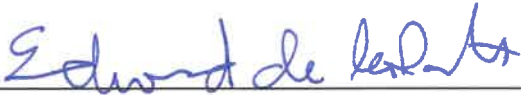
ATTEST:

By:



, Secretary

APPROVED AS TO FORM AND CORRECTNESS:



Edward P. de la Parte, Legal Counsel