




# MEMORANDUM

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October 1, 2013

**TO:** Board of Mayor and Aldermen

**FROM:** Eric Stuckey, City Administrator   
Mark Hilty, Water Management Director  
David Parker, City Engineer/CIP Executive

**SUBJECT:** Consideration of Amendment to Harpeth Valley Utility District Contract

**Purpose**

The purpose of this memorandum is to present to the Board of Mayor and Aldermen (BOMA) the proposed amendment to the Harpeth Valley Utility District (HVUD) Contract.

**Background**

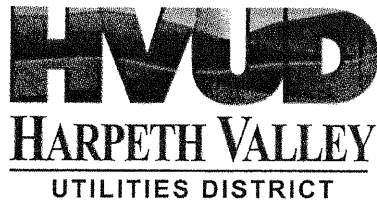
The City of Franklin currently operates within a contract with the HVUD pertaining to water purchases. The original contract, signed March 28, 1978 was amended on August 25, 1998 with a contract term of 30 years. While there is still time left in this contract term, the HVUD has expressed interest in amending the contract to a term of 40 years. Based on the City Charter, the City of Franklin is limited to a 30 year contract term. The length of the contract term has been discussed with HVUD staff and they are amenable to revising the contract to a 30 year contract term.

**Financial Impact**

The provisions of the proposed contract amendment do not alter the financial aspects of the contract with the exception of extending the contract term to a period of 40 years from the date of execution.

**Recommendation**

Staff recommends that the BOMA approve the contract amendment contingent on changing the contract term 30 years.



August 14, 2013

Mr. Mark Hilty  
City of Franklin  
109 3<sup>rd</sup> Avenue South  
P. O. Box 305  
Franklin, Tennessee 37065-0305

**RE: City of Franklin  
Amendment to Contract**

Dear Mr. Hilty:

We are enclosing two copies of the Amendment to Contract for the long term contract between the City of Franklin and Harpeth Valley Utilities District. The amendment is to extend the term of the contract to 40 years from the date of the amendment.

Please have both copies of the amendment executed, but do not date, and return to Harpeth Valley. We will have our Board of Commissioners execute and date the amendments. We will return one copy of the executed amendment for your files.

Thank you in advance for your assistance in this matter and your long standing commitment to our regional water supply partnership.

Respectfully,

A handwritten signature in black ink that reads "John H. Barnes". The signature is written in a cursive style with a large initial "J".

John H. Barnes  
Assistant General Manager

Cc w/encl.: Mayor Ken Moore, Eric Stuckey, City of Franklin  
Kenny Diehl, SSR  
John Brown, HVUD  
Robert E. Parker, PLCS  
Jay Tant, HVUD

**AMENDMENT TO CONTRACT**

This Amendment, made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2013, by and between the HARPETH VALLEY UTILITIES DISTRICT OF DAVIDSON AND WILLIAMSON COUNTIES, Tennessee, (hereinafter referred to as "Harpeth") and the CITY OF FRANKLIN, TENNESSEE, (hereinafter referred to as "Franklin"),

**WITNESSETH:**

**WHEREAS**, Harpeth and Franklin entered into that certain contract dated March 29, 1978, and amended in 1998 (hereinafter referred to as the "Contract"), for a supply of water; and

**WHEREAS**, Harpeth and Franklin desire to amend the Contract to extend the term of the Contract for forty (40) years from the date of this Amendment.

**NOW, THEREFORE**, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, the parties hereto do hereby agree as follows:

1. Paragraph 9 of the Contract is hereby amended to extend the term of the Contract for a period of forty (40) years from the date of this Amendment.

Except as hereinabove specifically amended, all the terms, conditions, and provisions of the Contract shall remain in full force and effect.

**IN WITNESS WHEREOF**, the parties hereto, acting under authority of their respective governing bodies, have caused this Amendment to be duly executed in duplicate, each of which shall constitute an original.

THE CITY OF FRANKLIN, TENNESSEE

HARPETH VALLELY UTILITIES DISTRICT  
OF DAVIDSON AND WILLIAMSON  
COUNTIES, TENNESSEE

BY: \_\_\_\_\_

BY: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST: \_\_\_\_\_

ATTEST: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_