

LAKE AGASSIZ WATER AUTHORITY
Board of Directors Meeting

Fargo City Commission Chambers
Fargo, North Dakota

December 18, 2024

DRAFT AGENDA

- 11:00 a.m. I. Call to Order & Roll Call – Chair Mahoney
- 11:01 a.m. II. Introductions – Chair Mahoney
- 11:02 a.m. III. >**Approval of Agenda** – Chair Mahoney
- 11:03 a.m. IV. >**Series D Small Systems Amendment Approvals**
 - i. >***Carrington**
 - ii. >***Cooperstown**
 - iii. >***Valley City**
 - iv. >***Hillsboro**
 - v. ***Mayville**
 - vi. >***Fargo**
 - vii. ***Grand Forks**
- 11:20 a.m. V. Adjourn

Bold = Action Item

*** = Roll Call Vote**

**INTERIM FINANCING AGREEMENT SERIES D
SMALL SYSTEMS AMENDMENT**

**BY AND BETWEEN
GARRISON DIVERSION CONSERVANCY DISTRICT
AND
LAKE AGASSIZ WATER AUTHORITY
AND
CITY OF CARRINGTON, NORTH DAKOTA
AND
CITY OF COOPERSTOWN, NORTH DAKOTA
AND
CITY OF FARGO, NORTH DAKOTA
AND
CITY OF GRAND FORKS, NORTH DAKOTA
AND
CITY OF HILLSBORO, NORTH DAKOTA
AND
CITY OF MAYVILLE, NORTH DAKOTA
AND
AND CITY OF VALLEY CITY, NORTH DAKOTA**

Dated as of ____, 2024

INTERIM FINANCING AGREEMENT SERIES D – SMALL SYSTEMS AMENDMENT

THIS INTERIM FINANCING AGREEMENT SERIES D – SMALL SYSTEMS AMENDMENT (the “Small Systems Amendment”), is entered this ____ day of _____, 2024 (the “Effective Date”), by and between GARRISON DIVERSION CONSERVANCY DISTRICT, a governmental agency, body politic and corporate of the State of North Dakota (“Garrison Diversion”); LAKE AGASSIZ WATER AUTHORITY, a governmental agency, body politic and corporate of the State of North Dakota (“LAWA”); CITY OF CARRINGTON, NORTH DAKOTA, a municipal corporation and political subdivision of the State of North Dakota (“Carrington”); CITY OF COOPERSTOWN, NORTH DAKOTA, a municipal corporation and political subdivision of the State of North Dakota (“Cooperstown”); CITY OF FARGO, NORTH DAKOTA, a municipal corporation and political subdivision of the State of North Dakota (“Fargo”); CITY OF GRAND FORKS, NORTH DAKOTA, a municipal corporation and political subdivision of the State of North Dakota (“Grand Forks”); CITY OF HILLSBORO, NORTH DAKOTA, a municipal corporation and political subdivision of the State of North Dakota (“Hillsboro”); CITY OF MAYVILLE, NORTH DAKOTA, a municipal corporation and political subdivision of the State of North Dakota (“Mayville”); CITY OF VALLEY CITY, NORTH DAKOTA, a municipal corporation and political subdivision of the State of North Dakota (“Valley City”) (collectively, “D2 Participants”). This Small Systems Amendment adds Parties to the Interim Financing Agreement Series D, dated November 1, 2023 (“Series D Agreement”), and obligates D2 Participants to share in the funding of the 2023-2025 RRVWSP Work Plan. Unless otherwise amended or referenced herein, all terms and conditions of the Series D Agreement remain valid and in full effect.

1. The initial Series D Participants entered into the Series D Agreement on November 1, 2023, which is an agreement to finance 81.16% of the 25% local cost share of Garrison Diversion 2023-2025 Biennium Work Plan. The initial Series D Participants agreed to obtain financing for the local share of the Work Plan in two tranches, with the first financing only obligating Fargo and Grand Forks through the Series D1 Financing. A second round of debt financing for the remaining 18.84% of the Local Project Costs was to be separately issued as a “Series D2 Financing” once the D2 Participants were identified. This Small Systems Amendment requires the undersigned D2 Participants to finance the remaining 18.84% of the 25% Local Project Costs, granting to each the rights and obligations pursuant thereto, as if they had all originally signed the Series D Agreement.
2. This Small Systems Amendment identifies all D2 Participants’ respective nominations for a water supply. Through signatures on this Small Systems Amendment and a previously or contemporaneously executed Memorandum of Commitment, each D2 Participant nominates the water supply identified on Attachment 1, which is hereby added as Exhibit C to the Series D Agreement.
3. The undersigned agrees to pay their respective portions of the Local Project Costs in the amounts identified in Attachment 2, pursuant to and in the manner described in Paragraph 3.06 of the Series D Agreement and from legally available revenues that are irrevocably pledged to payment thereof. The undersigned will execute debt instruments for their respective financial obligations for the Series D2 Financing, up to the amounts identified in Attachment 2, plus financing costs. These payments are made on behalf of LAWA. Attachment 2 includes an Amended Exhibit B, which replaces the Series D Agreement Exhibit B.

If to Mayville: Attn: City Auditor
 21 1st St NE
 Mayville, ND 58257

If to Valley City: Attn: City Auditor
 254 2nd Avenue NE
 Valley City, ND 58072

9. The Parties, having been represented by counsel or having waived the right to counsel, have carefully read and understand the contents of this Small System Amendment, and agree they have not been influenced by any representations or statements made by any other Parties.
10. The undersigned confirms it has the legal right and ability to enter into this Small Systems Amendment and the Series D Agreement.
11. This Small Systems Amendment may be executed in two or more counterparts, each of which together shall be deemed an original, but all of which together shall constitute one and the same instrument. In the event that any signature is delivered by facsimile transmission or by e-mail delivery of a “.pdf” format data file, such signature shall create a valid and binding obligation of the Party executing (or on whose behalf such signature is executed) with the same force and effect as if such facsimile or “.pdf” signature page was an original thereof.

IN WITNESS WHEREOF, Garrison Diversion, LAWA, Carrington, Cooperstown, Fargo, Grand Forks, Mayville, Hillsboro, and Valley City caused this Series D Agreement – Small Systems Amendment to be executed.

(Remainder of page intentionally left blank.)

Signature Page for the Garrison Diversion Conservancy District

The governing body of the Garrison Diversion Conservancy District approved this Series D Agreement- Small Systems Amendment on the _____ day of _____, 2024.

GARRISON DIVERSION
CONSERVANCY DISTRICT, a
governmental agency, body politic and
corporate

By: _____
Alan Walter, Chair

ATTEST:

Secretary

Signature Page for the Lake Agassiz Water Authority

The governing body of the Lake Agassiz Water Authority approved this Series D Agreement – Small Systems Amendment on the _____ day of _____, 2024.

LAKE AGASSIZ WATER AUTHORITY, a governmental agency, body politic and corporate

By: _____
Dr. Timothy Mahoney, Chair

ATTEST:

Secretary

Signature Page for Carrington

The governing body of the City of Carrington approved this Series D Agreement – Small Systems Amendment on the ____ day of _____, 2024.

City of Carrington, a governmental agency,
body politic and corporate.

By: _____

ATTEST:

Secretary

Signature Page for Cooperstown

The governing body of the City of Cooperstown approved this Series D Agreement – Small Systems Amendment on the ____ day of _____, 2024.

City of Cooperstown, a governmental agency, body politic and corporate.

By: _____

ATTEST:

Secretary

Signature Page for the City of Fargo

The governing body of the City of Fargo approved this Series D Agreement – Small Systems Amendment on the _____ day of _____, 2024.

City of Fargo, a governmental agency, body politic and corporate

By: _____
Dr. Timothy Mahoney, Mayor

ATTEST:

Secretary

Signature Page for the City of Grand Forks

The governing body of the City of Grand Forks approved this Series D Agreement – Small Systems Amendment on the _____ day of _____, 2024.

City of Grand Forks, a governmental agency, body politic and corporate

By: _____
Brandon Bochenski, Mayor

ATTEST:

Secretary

Signature Page for Hillsboro

The governing body of the City of Hillsboro approved this Series D Agreement – Small Systems Amendment on the ____ day of _____, 2024.

City of Hillsboro, a governmental agency,
body politic and corporate.

By: _____

ATTEST:

Secretary

Signature Page for Mayville

The governing body of the City of Mayville approved this Series D Agreement – Small Systems Amendment on the ____ day of ____, 2024.

City of Mayville, a governmental agency,
body politic and corporate.

By: _____

ATTEST:

Secretary

Signature Page for Valley City

The governing body of the City of Valley City approved this Series D Agreement – Small Systems Amendment on the ____ day of _____, 2024.

City of Valley City, a governmental agency,
body politic and corporate.

By: _____

ATTEST:

Secretary

Attachment 1 – New Exhibit C

EXHIBIT C

RRVWSP Nominations

Series D2 Participant	Domestic Nomination	Industrial Nomination	Total Nomination
Carrington / Carrington JDA	0.00 cfs	0.50 cfs	0.50 cfs
Cooperstown	0.00 cfs	0.20 cfs	0.20 cfs
Hillsboro	0.00 cfs	0.50 cfs	0.50 cfs
Mayville	0.00 cfs	0.50 cfs	0.50 cfs
Valley City	1.00 cfs	1.00 cfs	2.00 cfs
Grand Forks / East Grand Forks	13.80 cfs	14.30 cfs	28.10 cfs
Fargo / West Fargo / Cass Rural	66.30 cfs	17.40 cfs	83.70 cfs
Total	81.10 cfs	34.40 cfs	115.50 cfs

Attachment 2 – Amended Exhibit B

EXHIBIT B

Local Project Participant Cost Distribution

Legislatively Approved State Grant: \$180 million

Local Cost Share Required: \$60 million

Local Cost Responsibility for Series D Small Systems Amendment – D2 Financing:

Series D2 Participants	Series D Small Systems Allocation Percentage*	Series D2 Principal
Carrington / Carrington JDA	0.8050%	\$ 90,979
Cooperstown	0.5183%	\$ 58,582
Hillsboro	1.1948%	\$ 135,046
Mayville	1.1948%	\$ 135,046
Valley City	5.4507%	\$ 616,064
Grand Forks / East Grand Forks	16.1325%	\$ 1,823,370
Fargo / West Fargo / Cass Rural	74.7038%	\$ 8,443,353
Total	100.00%	\$ 11,302,440.00

Local Cost Responsibility in initial Interim Financing Agreement Series D:

Fargo \$40,048,873

Grand Forks \$8,648,687

Signature Page for Carrington

The governing body of the City of Carrington approved this Series D Agreement – Small Systems Amendment on the 9th day of October 2024.

City of Carrington, a governmental agency,
body politic and corporate.

By: Thomas Edmann
Mayor

ATTEST:

Jennifer East
Secretary

Signature Page for Cooperstown

The governing body of the City of Cooperstown approved this Series D Agreement – Small Systems Amendment on the 2nd day of Dec, 2024.

City of Cooperstown, a governmental agency, body politic and corporate.

By: Paul Pantano

ATTEST:

Christina Deason
Secretary

Signature Page for the City of Fargo

The governing body of the City of Fargo approved this Series D Agreement – Small Systems Amendment on the 9 day of December, 2024.

City of Fargo, a governmental agency, body politic and corporate

By: 
Dr. Timothy Mahoney, Mayor

ATTEST:


Secretary

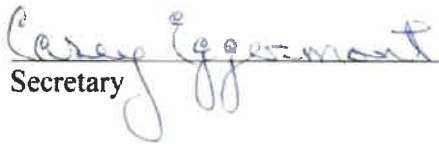
Signature Page for Hillsboro

The governing body of the City of Hillsboro approved this Series D Agreement – Small Systems Amendment on the 16th day of Dec., 2024.

City of Hillsboro, a governmental agency,
body politic and corporate.

By: 

ATTEST:

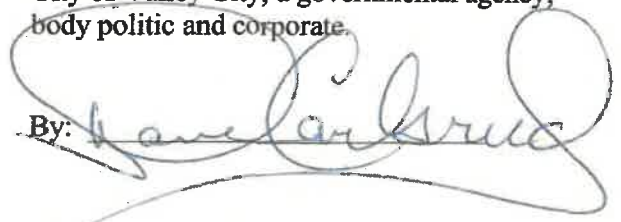

Secretary

Signature Page for Valley City

The governing body of the City of Valley City approved this Series D Agreement – Small Systems Amendment on the 6 day of Dec, 2024.

City of Valley City, a governmental agency,
body politic and corporate.

By:



ATTEST:



~~Secretary~~

Deputy Auditor