

Amendment Number 1

Project Name: Water Reclamation Facility

This amendment is made and entered into by and between the State of Oregon, acting by and through the Oregon Infrastructure Finance Authority of the Oregon Business Development Department (“OBDD”), and the City of John Day, Oregon (“Recipient”), and amends the Financing Contract between Recipient and OBDD, Project Number Y21006, dated 5 April 2021, (“Contract”) for the above-named Project. Capitalized terms not defined in this amendment have the meanings assigned to them by the Contract.

Recital: The purpose of this amendment is to adjust the budget by adding a new line item in the W/W column and move funds between line items, and clarify the special conditions.

The parties agree to: Remove Exhibit D (Project Budget) of the Contract and replace it with the following new Exhibit D:

EXHIBIT D - PROJECT BUDGET AND SPECIAL CONDITIONS
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Budget Line Items	OBDD Water/ Wastewater Fund Y21006 (Contract)	OBDD CDBG Grant P18001	OBDD CDBG Grant #2 (pending approval)	Other Funds – Local Match	Estimated Totals
Design / Engineering	\$60,000	\$235,500	\$0	\$138,500	<u>\$ 434,000</u>
Environmental Review	\$0	\$0	\$0	\$30,000	<u>\$30,000</u>
Grant Administration	\$0	\$0	\$0	\$25,000	<u>\$ 25,000</u>
Project Management	\$15,000	\$0	\$0	\$0	<u>\$ 15,000</u>
Legal Fees	\$30,000	\$0	\$0	\$6,500	<u>\$ 36,500</u>
Hydrogeological Testing	\$200,000				\$200,000
Package Treatment* Plant Procurement	\$2,195,000*	\$0	\$2,264,500	\$0	\$4,459,500
Total	\$ 2,500,000	\$ 235,500	\$2,264,500	\$ 200,000	\$ 5,200,000

Special Conditions:

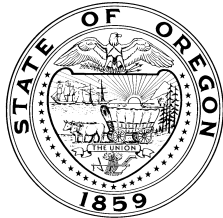
No Financing Proceeds for the “Package Treatment Plant Procurement” budget line item above of this Contract will be eligible for approval for disbursement until Recipient receives the balance of funds necessary for the Project and facility including a) receiving an award for construction costs from the USDA or another funder capable of covering the Project’s facility construction costs (approximately \$7.4 million); and b) receiving CDBG Grant #2 (pending approval) or receiving other sufficient funding for purchase of the package treatment plant.

SIGNATURE PAGE FOLLOWS

OBDD will have no obligation under this amendment, unless within 60 days after receipt, the Recipient delivers to OBDD the following items, each in form and substance satisfactory to OBDD and its Counsel:

- (i) this amendment duly executed by an authorized officer of the Recipient; and
- (ii) such other certificates, documents, opinions and information as OBDD may reasonably require.

Except as specifically provided above, this amendment does not modify the Contract, and the Contract shall remain in full force and effect during the term thereof. This amendment is effective on the date it is fully executed and approved as required by applicable law.



STATE OF OREGON
acting by and through its
Oregon Infrastructure Finance Authority
of the Business Development Department



CITY OF JOHN DAY

By: _____
Edward Tabor, Manager
Programs & Incentives

By: _____
The Honorable Ron Lundbom
Mayor of John Day

Date: _____

Date: _____

APPROVED AS TO LEGAL SUFFICIENCY IN ACCORDANCE WITH ORS 291.047:

Not required by OAR 137-045-0050