

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: _____ //.

Date of Request: May 28, 2008

Date Request Received: May 28, 2008

Board Meeting Date Requested: June 2, 2008

Board Meeting Date Assigned: June 2, 2008

Short Title: Resolution Authorizing Consent Of Contract Assignment: New Hanover County Water & Sewer Conveyance Agreements To The Cape Fear Public Utility Authority.

Request Status:
 Request is proceeding to Board of Commissioners
 More information is needed – see attached
 Request on hold – no further information needed
 Other:

Background: On July 1, 2008, the Utility operations of both the City of Wilmington and the County of New Hanover will be consolidated into the Cape Fear Public Utility Authority. Pender County currently has agreements with New Hanover County to convey the sewer generated in the Rocky Point area to the New Hanover County wastewater collection system via a pipeline under the Northeast Cape Fear River and then onto the City of Wilmington, where it is treated at the Northside Treatment Plant. As of July 1, 2008, with this authorization, Pender County will be contracting with the new Authority for sewer conveyance.

(Administrative Use Only)

CONTRACT TYPE

- Renewal
 For Service(s)
 Intergovernmental – County as Grantee
 Federal Grantor
 State Grantor
 Grant or
 County as Grantor
 County Funds
 Other Funds
- Revision
 For Equipment

Specific Action Requested: The Board of Commissioners of Pender County is requested to approve the assignment of all contracts currently with New Hanover County for water/sewer conveyance to the new Cape Fear Public Utility Authority effective July 1, 2008.

PURCHASING Budgeted Item: Yes No
Date Rec'd: Reviewed and Approved
 Comments on Reverse

Requested by: Michael Mack
Department: Pender Utilities
Title: Director
Contact Phone: 910-259-1570
Contact Fax: 910-259-1579

Date Sent: _____
Signed: _____

ATTORNEY Reviewed and Approved
Date Rec'd: Legal Problem(s)
 Comments on Reverse

Date Sent: _____
Signed: _____

FINANCE Sufficient Funds Available
Date Rec'd: Not Available
 Budget Amendment Necessary
 Budgeted Amendment is Attached
 Comments on Reverse

Date Sent: _____
Signed: _____

CLERK Signature(s) Required:
 Board Chairman/County Manager
 Other:

Date Rec'd Approved by Board: Yes No
At meeting on

MANAGER'S RECOMMENDATION:

Respectfully Recommend Approval.

DTM
Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Board of Commissioners that

the attached Assignment of Contract, assigning all New Hanover County water and sewer conveyance contracts presently in effect to the new Cape Fear Public Utility Authority, effective July 1, 2008. The Chairman and/or County Manager is authorized to execute any documentation necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Williams ___ Tate ___ Blanchard ___ Brown ___ Rivenbark ___

J. David Williams, Jr., Chairman 06/02/08
Date

Attest 06/02/08
Date



NEW HANOVER COUNTY

WANDA M. COPLEY
County Attorney

KEMP P. BURPEAU
Deputy County Attorney

SHARON J. HUFFMAN
Assistant County Attorney

April 9, 2008

Pender County
Lori Brill, County Manager
PO Box 5
Burgaw, NC 28425

RE: Assignment of Contract

Dear Manager:

Please be advised that effective July 1, 2008, New Hanover County and the New Hanover County Water and Sewer shall have conveyed all water and sewer services to the Cape Fear Public Utility Authority. As part of the closing, the County and District are assigning contracts relating to such services to the Authority. Accordingly, we ask that you execute and return to us, within thirty (30) days, the enclosed Consent to Assignment document at your earliest convenience. The Authority's Chief Finance officer is Brent McAbee, 127 Racine Drive, Suite 201, Wilmington, NC 28403.

We appreciate your having assisted the District and County, and trust your association with the Authority will be mutually beneficial.

Sincerely,

Kemp Burpeau
Deputy County Attorney

Enclosure: Consent to Assignment Form

RECEIVED APR 11 2008

State of North Carolina

Consent to Contract Assignment

New Hanover County

For mutual consideration, the receipt of which is hereby acknowledged, the undersigned governmental entity, a party to a certain contract more specifically identified as New Hanover County Agreement No.08-0238, between said governmental entity and New Hanover County and/or the New Hanover County Water and Sewer District, agrees, consents and authorizes assignment of the above referenced contract obligations, duties, terms, conditions and benefits to the Cape Fear Public Utility Authority. The undersigned governmental entity acknowledges and agrees that it shall look solely to the Cape Fear Public Utility Authority for compensation and/or other performance under the referenced contract on or after July 1, 2008.

Manager: Pender County

By: _____