

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 11.

Date of Request: June 25, 2008

Date Request Received: June 25, 2008

Board Meeting Date Requested: July 7, 2008

Board Meeting Date Assigned: July 7, 2008

Short Title: Resolution Authorizing Consent Of Contract Assignment: City Of Wilmington Water & Sewer Conveyance Of 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 were consolidated into the Cape Fear Public Utility Authority. Pender County currently has agreements with the City of Wilmington to treat sewer generated in the Rocky Point area and transported 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 treatment.

On June 2, 2008, this Board consented to the assignment of all water/sewer agreements with New Hanover County to the Cape Fear Public Utilities Authority.

Staff recommends approval.

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

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

(Administrative Use Only)

CONTRACT TYPE

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

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

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

PBP
Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Board of Commissioners that the attached Consent to Assignment, assigning all City of Wilmington sewer treatment 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 07/07/08
Date

Attest 07/07/08
Date

CONSENT TO ASSIGNMENT

The County of Pender, a party to the Agreement described in Exhibit "A" attached hereto and made a part hereof by reference hereby consents to the assignment of said Agreement from the City of Wilmington to the Cape Fear Public Utility Authority effective July 1, 2008.

County of Pender Board of Commissioners

By: _____
David Williams, Chairman

ATTEST:

Clerk to the Board

APPROVED AS TO FORM:

County Attorney

CERTIFICATION

This instrument has been preaudited in the manner required by The Local Government Budget and Fiscal Control Act.

This ___ day of _____, 20__.

County Finance Officer

STATE OF NORTH CAROLINA
COUNTY OF PENDER

I, _____, a Notary Public for said State and County, certify that Paul Parker personally came before me this day and acknowledged that he is the Clerk to the County of Pender Board of Commissioners and that by authority duly given and as the act of the Board, the foregoing instrument was signed in its name by its Chairman, sealed with its corporate seal attested by himself as its Clerk.

Witness my hand and official seal, this the ___ day of _____, 20__.

Notary Public

My Commission Expires:

[SEAL] _____

Exhibit "A"

Title of Agreement and Parties	Date	Contract Number
Amended and Reinstated Interlocal Agreement between the City of Wilmington and the County of Pender Relating to Waste Water Treatment Services	October 23, 2002	

assignment.consent.pender