



Legislation Text

File #: 2018-911, Version: 1

Proposed Agreement Regarding Northeast Sewage Disposal System with County of Wayne

Agenda of: September 26, 2018
Item No.: **2018-911**
Amount: Revenue Contract

TO: The Honorable
Board of Directors
Great Lakes Water Authority

FROM: Sue F. McCormick
Chief Executive Officer
Great Lakes Water Authority

DATE: September 19, 2018

RE: Proposed Agreement Regarding Northeast Sewage Disposal System with County of Wayne

MOTION

Upon recommendation of Randal Brown, General Counsel, the Board of Directors (“Board”) of the Great Lakes Water Authority (“GLWA”), **authorizes the Chief Executive Officer (“CEO”) to execute the Agreement Regarding Northeast Sewage Disposal System with County of Wayne;** and authorizes the CEO to take such other action as may be necessary to accomplish the intent of this vote.

BACKGROUND

Wayne County (“County”) receives sewage disposal services from GLWA for its Northeast Sewage Disposal System (“NESDS”), which relationship has been governed by a contract dated January 13, 1944, as amended (collectively, the “1944 Contract”), which expired on February 27, 2001. The parties have continued to govern their relationship as though the 1944 Contract was still in full force and effect.

The 1944 Contract requires the County to install and maintain all sewage meters and to replace or repair any meter found to be inaccurate. At some point in time, DWSD took over the operation, maintenance and repair of the County’s sewage flow meter referred to as WM-S-1, which was previously used as a billing meter. GLWA is also amenable to assuming the operation, maintenance and repair of the County’s WM-S-1B meter. It is to the collective benefit of the parties to ensure the accuracy of the WM-S-1 and WM-S-1B meters.

The parties have engaged in good faith negotiations on the terms of a new wastewater disposal services contract to replace the 1944 Contract which contract would, as applicable, address the operation, maintenance, repair, replacement and/or relocation of the meters. The parties seek to extend *nunc pro tunc* the 1944 Contract terms and conditions from February 27, 2001, to July 1, 2020, as though it had never expired. It is the intent of the parties to complete negotiations on a new contract to replace the 1944 Contract by July 1, 2020.

The purpose of this Agreement is to provide for: (i) the extension of the 1944 Contract, (ii) amendments to the NESDS service area, and (iii) the operation, maintenance, repair, replacement and/or relocation of the meters, as applicable, by and at the expense of GLWA in accordance with its charge-making policies, notwithstanding the provisions of the 1944 Contract and otherwise subject to the terms and conditions of the Agreement.

In the event a new wastewater disposal services contract between the parties is not executed on or before July 1, 2020, all costs incurred by GLWA related to the replacement and/or relocation of the meters will be charged back to the County in full via the County's monthly GLWA wastewater bill. The County will reimburse GLWA in full within 180 days of any charge-back; reimbursement may be made in up to six (6) equal installments.

Exhibit A, the service area map, is not attached for homeland security reasons. Exhibit B, a copy of the 1944 Contract and its two amendments, is not attached for space considerations (43 pages) but can be provided upon request.

JUSTIFICATION

Approval of this Agreement provides a mutually beneficial framework for future interactions between GLWA and the County; extends the term of the 1944 Contract until July 1, 2020; updates the service area to reflect current boundaries and infrastructure; and addresses, to the mutual satisfaction of the parties, the replacement and/or relocation of the meters.

FINANCIAL PLAN IMPACT

Summary: The project expenses is budgeted under the existing PCI Contract GLWA-CON-179: Task 6 in the amount of \$200,000.00 for FY 2019

Funding Source: Sewer Construction Bond
CIP 260400: Sewage Meter Design, Installation, and Replacement

Cost Center: Wastewater Engineering

Expense Type: Construction Engineering Services (5421-892211.000-616900-260400)

COMMITTEE REVIEW

This matter is being presented directly to the full Board of Directors for consideration and approval.

SHARED SERVICES IMPACT

This item does not impact the shared services agreement between GLWA and DWSD.