

## **Consent Item 5:**

Resolution Authorizing the Executive Director to Execute Amendment #2 to the Memorandum of Agreement for the Western Intake Partnership

### **Purpose:**

To receive authorization from the OWASA Board of Directors to amend the Memorandum of Agreement for the Western Intake Partnership to extend the Agreement through June 30, 2025.

### **Background:**

- A Memorandum of Agreement (MOA) between the City of Durham, Town of Pittsboro, Chatham County and OWASA was finalized in 2019 which summarized how costs would be shared between four studies to secure access to their allocations of water from Jordan Lake through a proposed new intake and treatment facility on the west side of Jordan Lake. The four studies included in the MOA are:
  - Governance
  - Preliminary Design of Intake and Transmission Infrastructure
  - Preliminary Design of Water Treatment Facility
  - Environmental Permitting
- This MOA also enabled each Partner to opt in or out of any of the studies and summarized how each Partner would reimburse the other Partners should they choose to opt out of a study and subsequently decide to participate in a given study.
- This MOA was amended in 2020 to add a Program Manager to manage the four projects included in the original MOA.
- As part of the update of the Long-Range Water Supply Plan (LRWSP), on June 9, 2022 the OWASA Board of Directors selected working with the City of Durham, Town of Pittsboro, and Chatham County as the best alternative to secure access to our allocation of water from Jordan Lake. Specifically, the Board decided to invest in the planning, permitting and preliminary design of a new intake and transmission facilities on the west side of Jordan Lake with these Partners. At that meeting, the Board postponed investing in a proposed treatment facility on the west side of the lake.
- Subsequent to the June 9, 2022 Board decision and upon approval of the FY 2023 budget, OWASA began participating in the Governance, Preliminary Design of Intake and Transmission Infrastructure, Environmental Permitting, and Program Management tasks authorized under the original MOA and Amendment #1.

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- The MOA expires on June 30, 2023. The tasks authorized under the MOA and Amendment #1 are scheduled to extend through the end of calendar year 2024, but there is uncertainty in that schedule. Thus the Partners are proposing to extend the MOA until June 30, 2025 under a second amendment.
- The MOA, Amendment #1, and proposed Amendment #2 do not obligate OWASA to participate in the final design or construction of the Western Intake Facilities.

**Staff and Counsel Recommendation:**

Staff and Counsel recommend that the Board of Directors adopt the Resolution Authorizing Executive Director to Enter into Amendment #2 to the Memorandum of Agreement for the Western Intake Partnership.

**Information:**

- Attachment 1 – Memorandum of Agreement for the Western Intake Partnership
- Attachment 2 – Amendment #1 to the Memorandum of Agreement for the Western Intake Partnership
- Attachment 3 – Draft Amendment #2 to the Memorandum of Agreement for the Western Intake Partnership
- Attachment 4 – Resolution Authorizing Executive Director to Enter into Amendment #2 to the Memorandum of Agreement