

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: December 10, 2024

## Item Details

Presenter(s): Eric Neumann, Director

Department(s): Electric Utilities

### Requested Motion

Motion to approve an amendment to the Load Management Agreement, previously adopted by the Town Council on October 08, 2024, between the Town of Apex and North Carolina Eastern Municipal Power Agency (NCEMPA) ElectriCities and authorize the Town Manager, or their designee, to execute on behalf of the Town.

### Approval Recommended?

The Town Clerk recommends the Town Council approve the meeting minutes as presented or amended.

### Item Details

An updated Agreement between the Town of Apex and ElectriCities was approved by Town Council on October 8, 2024. This motion is to approve administrative and formatting changes to the previously approved Agreement as recommended by ElectriCities.

These administrative changes have been reviewed by the Town of Apex legal counsel to ensure there are no impacts to the terms of the contract previously approved by Town Council.

The changes include:

- (1) changing the format from a unilateral letter from the Town to a mutual agreement signed by both parties;
- (2) added reference to prior Load Management Services Agreement dated July 27, 1989, which this Agreement supersedes;
- (3) updated the notice address for ElectriCities; and
- (4) removed reference to a Bond Resolution from 1982.

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Item Details from October 8, 2024:

ElectriCities currently manages and operates the Town's load management control system Yukon (an Eaton software). New switch technology requires an update to this control system which will be hosted by Eaton. The Town would like for ElectriCities to continue to operate the system on its behalf due to staff limitations. As such a new agreement between the Town and ElectriCities for the load management program has been drafted and requires Council approval.

The agreement includes indemnification from the Town to ElectriCities; any questions about the indemnification should be directed to Town Attorney, Laurie Hohe.

#### Attachments

- CN2-A1: Agreement - Load Management Agreement between North Carolina Eastern Municipal Power Agency (NCEMPA) ElectriCities and the Town of Apex

