

**SECOND AMENDMENT TO THE APEX/WESTERN WAKE CRISIS MINISTRY,
INC. AGREEMENT FOR UTILITY CUSTOMER ASSISTANCE PROGRAM
ADMINISTRATION SERVICES**

This **SECOND AMENDMENT** to the Apex/Western Wake Crisis Ministry, Inc. Agreement for Utility Customer Assistance Program Administration Services dated April 27, 2021, hereinafter referred to as “AGREEMENT” is entered into this _____ day of _____, 20____, by and between Western Wake Crisis Ministry, Inc., hereinafter referred to as “Agency”, and the Town of Apex, hereinafter referred to as “Town”.

WITNESSETH:

WHEREAS, Agency and Town agreed to collaborate on the administration of the Town’s Utility Customer Assistance Program (UCAP);

WHEREAS, the Town created UCAP Guidelines to set the policy for the UCAP, in particular the eligibility requirements for applicants;

WHEREAS, the Town desires to modify those eligibility requirements;

NOW, THEREFORE, Town and Agency mutually agree to amend the AGREEMENT as follows:

1. **Article 6, Section 1. Changes in the Services** is hereby amended to read:

Changes in the Services. Changes in the Services or a change in the duration or any other term of this Agreement shall be made only by a written amendment executed by both parties. The Town Manager shall have the authority to approve and execute any amendments to this Agreement on behalf of the Town.

2. **Article 8, Section 3. Entire Agreement; Amendments** is hereby amended to read:

Entire Agreement; Amendments. This Agreement represents the entire and integrated agreement between the Parties and supersedes all prior negotiations, representations, or agreements, either written or oral, including clickthrough agreements, clickwrap agreements, clickwrap licenses, or similar non-reciprocal agreements (collectively, “clickthrough agreement”). ~~This Agreement may be amended only by written amendment signed by both parties.~~ Neither party may amend or seek to amend, this Agreement by clickthrough agreement.

3. **Attachment A, Town of Apex Customer Assistance Program Guidelines** is amended as shown on the attached Exhibit A.

IN WITNESS WHEREOF, Agency and Town, being duly authorized, have caused these presents to be signed in their names as of the day and year first above written, on the following pages.

AGENCY

TOWN

Western Wake Crisis Ministry, Inc. Town of Apex

By: _____
(signature)

By: _____
(signature)

Name: _____
(typed or printed name)

Name: _____
(typed or printed name)

Title: _____

Title: _____

EXHIBIT A

Apex Customer Assistance Program Guidelines

Purpose: COVID 19 has negatively impacted the economy and the financial stability of many customers of the Town of Apex (“Town”) utility system. The Town declared a moratorium on the disconnection of service and assessment of related fees in March, 2020 and has currently extended that suspension through May 31, 2021. There are currently over 1,800 residential customers whose account would be subject to disconnection if the moratorium was lifted. As the Council considers lifting the moratorium they want to establish a customer assistance program (“CAP”) to help those customers. It is anticipated that the CAP will continue after the impacts of COVID have passed in order to help less fortunate members of the community.

Funding and Use of Funds: The CAP will be funded entirely from the Town’s General Fund and voluntary contributions from utility customers. Funds will be used to reduce the outstanding balance of eligible customers and to reimburse cost incurred by human service organizations that make CAP eligibility determinations under the terms of written agreements with the Town.

Funds set aside for CAP will be applied to the outstanding balance of eligible customers by the recording of these transactions in the Town’s accounting records. Reimbursement of expenditures occurred by human service organizations will be paid by check.

Staff Involvement: The Town’s Finance, Administration and Legal Departments have been involved in establishing the program in collaboration with Western Wake Crisis Ministry (“WWCM”).

Program Requirements: To be eligible for assistance the account must be served by the Apex utility system. The account service address must be within the corporate limits of the Town of Apex due to the assistance being funded predominately by the Town’s General Fund. The account must be subject to disconnection or disconnected. If a moratorium on disconnections is in place, the account meets this requirement if it would be subject to disconnection if the moratorium were not in place.

Eligibility Criteria: The following eligible criteria are in place for the CAP:

The applicant must be a resident at the service address of the account,

The applicant must be a US citizen or lawfully present in the US and

The household must meet the income eligibility requirements (Income equal to or less than **80% of Area Median Income (AMI), adjusted for family size, for the Raleigh, NC Metropolitan Statistical Area (MSA) as published by the U.S. Department of Housing and Urban Development (HUD).** ~~200%~~ of the federal poverty level.)

Eligibility Determinations: Determinations will be made by a human services organization that is independent of the Town. WWCM has agreed to make eligibility determinations in accordance with the terms of an agreement with the Town.

Due to the large number of potential applicants the Town and WWCM have agreed that a system of scheduling appointments for applicants and sharing that information will be put in place. The

applicant will not be disconnected prior to WWCM having adequate time to process the application and make an eligibility determination. If an applicant misses their initial appointment, these terms will apply to a second appointment only but to no rescheduled appointments thereafter.

Administration of Awards: The maximum award amount made to an applicant's outstanding balance will be \$636.00, or the total outstanding balance, whichever is lesser. \$636.00 is the current average outstanding balance of a residential customer subject to disconnection. Each applicant is eligible to be awarded assistance only once prior to June 30, 2022. Thereafter, an applicant is eligible to receive assistance once each fiscal year.

WWCM will inform the Town of the applicants who are eligible. Awards will be subject to the availability of funds. Availability means an unexpended and unencumbered appropriation remains in the Town's General Fund sufficient to make the award. Staff will keep WWCM informed of the amount available for awards. Prior to accounts being credited for the award staff will confirm the residence is within the Town limits.

Communications: The CAP will be communicated to utility customers through mailings, emails, social media and the Town's website.