

TOWN COUNCIL

STAFF REPORT Finance Department



MEETING DATE:	February 9, 2020
PROJECT:	Consideration of an Extension for the Memorandum of Understanding between the Town of Bluffton and Beaufort Jasper Water and Sewer Authority Regarding Collaboration on Projects and Capacity Fee Credits
PROJECT MANAGER:	Chris Forster, MPA, CPFO, CGFM, Director of Finance & Administration

RECOMMENDATION: Staff requests that the Town Council consider approving a ninety-day extension of Memorandum of Agreement (“MOA”) 2011-38 with Beaufort-Jasper Water and Sewer Authority (“BJWSA”) to continue their franchise agreement and updated calculation of Capacity Fee Credits within the Town.

BACKGROUND/DISCUSSION: The Town and BJWSA first entered into a franchise agreement on November 14, 2001 to establish the terms and conditions upon which BJWSA would provide water and sewer to residences and businesses within the Town. Prior to expiration, that agreement was extended via MOA 2011-38 and expanded to include project collaboration and capacity fee credits with a term of ten (10) years. MOA 2011-38 was set to expire November 21, 2020. It was approved for a 90-day extension on November 10, 2020.

The Town has engaged BJWSA in negotiations to renew for another ten (10) year period. BJWSA has requested an additional 90-day extension while they coordinate all their intergovernmental agreements with surrounding municipalities.

NEXT STEPS: Attached hereto is a draft of the MOA extension for Town Council’s review and approval. Upon approval by Town Council, the Town Manager will execute this MOA extension.

ATTACHMENTS:

1. MOA 2011-38, ninety-day extension
2. Recommended Motion

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

AMENDMENT # 2
TO
MOU 2011-38

WITNESSETH:

WHEREAS, Memorandum of Understanding ("MOU") # 2011-38 was made and entered into the 22nd day of November, 2010 between the Town of Bluffton (hereinafter the "Town") and Beaufort-Jasper Water and Sewer Authority (hereinafter "BJWSA"); and

WHEREAS, Section III (B) of MOU # 2011-38 provided for a ten (10) year validity period which could be extended by mutual agreement of both parties; and

WHEREAS, prior to the end of the validity period, the Town and BJWSA agreed to extend the agreement for a period of ninety (90) days from November 22, 2020 through February 20, 2021; and

WHEREAS, the Town and BJWSA agree to amend MOU # 2011-38 as described herein.

NOW, THEREFORE, in exchange for the mutual promises written herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound, the Town and the BJWSA agree as follows:

1. Town and BJWSA agree to extend MOU # 2011-38 for an additional period of ninety (90) days from February 21, 2021 to May 22, 2021.
2. All other terms and conditions of MOU # 2011-38 shall remain in full force and effect and remain unchanged except as stated herein.

IN WITNESS WHEREOF, the parties hereto have caused the within Amendment # 2 to MOU # 2011-38 to be executed this _____ day of _____, 2021.

BEAUFORT-JASPER WATER
AND SEWER AUTHORITY

TOWN OF BLUFFTON

Date: _____

Date: _____

By: _____

By: _____

Print Name: _____

Print Name: _____

Position: _____

Position: _____

Witness: _____

Witness: _____

Attachments:

1. none

Recommended Motion

Consideration of an Extension for the Memorandum of Understanding between the Town of Bluffton and Beaufort Jasper Water and Sewer Authority Regarding Collaboration on Projects and Capacity Fee Credits

"I make a motion to approve the extension of the Memorandum of Agreement 2011-38 between the Beaufort Jasper Water Sewer Authority and the Town of Bluffton for a period of ninety days."