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## **AGENDA**

**Lower Cape Fear Water & Sewer Authority**  
**1107 New Pointe Boulevard, Suite # 17, Leland, North Carolina**  
**1:30 p.m. – Special Board Meeting**  
**March 27, 2020**

**MEETING CALL TO ORDER:** Chairman Milliken

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

### **CLOSED SESSION**

**CS1** - Closed Session in Accordance with NCGS§143-318.11(a)(5)(ii) to Consider Compensation and Other Material Terms of Employment Contracts or Proposed Employment Contracts Associated with the Hiring of an Executive Director

**CS2** - Closed Session in Accordance with NCGS§143-318.11(a)(5)(ii) for Consideration of Request for Proposal for an Attorney

**CS3** - Closed Session in Accordance with NCGS§143-318.11(a)(5)(i) to Discuss a Potential Interlocal Agreement with Fayetteville Public Works Commission (PWC) for the Acquisition of Lock and Dam #1

**OB1** - Resolution of the Lower Cape Fear Water & Sewer Authority Authorizing the Hiring of an Executive Director

**OB2** - Request for Qualifications, Legal Services

**ADJOURNMENT**

*Lower Cape Fear Water & Sewer Authority*

1107 New Pointe Blvd, Suite 17  
Leland, North Carolina 28451



phn 910.383.1919 fax 910.383.1949  
www.lcfwasa.org

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## **AGENDA ITEM**

To: CHAIRMAN MILLIKEN AND BOARD MEMBERS

From: JERRY W. PIERCE P.E., INTERIM EXECUTIVE DIRECTOR

Date: March 27, 2020

Re: Closed Session in Accordance with NCGS§143-318.11(a)

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A Closed Session is requested to address the following:

**CS1** - Closed Session in Accordance with NCGS§143-318.11(a)(5)(ii) to Consider Compensation and Other Material Terms of Employment Contracts or Proposed Employment Contracts Associated with the Hiring of an Executive Director

**CS2** - Closed Session in Accordance with NCGS§143-318.11(a)(5)(ii) for Consideration of Request for Proposal for an Attorney

**CS3** - Closed Session in Accordance with NCGS§143-318.11(a)(5)(i) to Discuss a Potential Interlocal Agreement with Fayetteville Public Works Commission (PWC) for the Acquisition of Lock and Dam #1

### **Action Requested:**

A motion is made by \_\_\_\_\_ to go into a closed session in accordance with North Carolina General Statute

- ~ 143-318.11(a)(5)(ii) to Consider Compensation and Other Material Terms of Employment Contracts or Proposed Employment Contracts Associated with the Hiring of an Executive Director;
- ~ 143-318.11(a)(5)(ii) for Consideration of Request for Proposal for an Attorney; and
- ~ 143-318.11(a)(5)(i) to Discuss a Potential Interlocal Agreement with Fayetteville Public Works Commission (PWC) for the Acquisition of Lock and Dam #1

The motion is seconded by \_\_\_\_\_.

### **Closed Session**

A motion is made by \_\_\_\_\_ to return to open session.

The motion is seconded by \_\_\_\_\_.

## **AGENDA ITEM**

To: CHAIRMAN MILLIKEN AND BOARD MEMBERS

From: JERRY W. PIERCE, P.E., INTERIM EXECUTIVE DIRECTOR

Date: March 27, 2020

Re: Resolution of the Lower Cape Fear Water & Sewer Authority Authorizing the Hiring of an Executive Director

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In response to the advertisement for the Executive Director's position, the Board received 29 applications. The applications were narrowed down to eleven candidates based upon their qualifications. The Personnel Committee selected five of the eleven candidates to be interviewed. The Personnel Committee interviewed four of the candidates with one candidate declining to be interviewed without assurances that the Board would exceed the advertised salary range. The Personnel Committee selected two candidates to be interviewed by the full Board.

Based upon the interviews of the two candidates, the Board has selected the candidate that they feel best meets the requirements for the new Executive Director.

**Action Requested:** Motion to approve/disapprove

Resolution of the Lower Cape Fear Water & Sewer Authority Authorizing the Hiring of the selected candidate as the new Executive Director for the Lower Cape Fear Water and Sewer Authority

**Resolution of the Lower Cape Fear Water & Sewer Authority  
Authorizing the Hiring of an Executive Director**

**WHEREAS**, on September 2, 2019 the former Executive Director, Don Betz, submitted a letter to the Lower Cape Fear Water and Sewer Authority Board of Directors announcing his retirement date of December 1, 2019; and

**WHEREAS**, on November 26, 2019 the Authority entered into an employment agreement with Jerry W. Pierce, P.E. to serve as Interim Executive Director with an effective employment date of December 1, 2019 specifying the term of employment for a minimum of three months or until February 28, 2020 and on February 10, 2020 the Board approved extending the term of employment for an additional three months or until May 31, 2020; and

**WHEREAS**, on January 15, 2020 advertisement for the Executive Director position was published on the Authority’s web page and on several job search websites resulting in receipt of 29 applications with four, qualified applicants being interviewed by the Personnel Committee which recommended two, final candidates for interview by the Board of Directors; and

**WHEREAS**, on March 27, 2020 the Lower Cape Fear Water and Sewer Authority Board of Directors interviewed the two, final candidates and it is the Board’s recommendation that \_\_\_\_\_ be hired for this position.

**Now, Therefore, Be It Resolved:**

1. The Board hereby approves the hiring of \_\_\_\_\_ as Executive Director;
2. The Board shall fix the compensation of the Executive Director within limits established by the Board;
3. The terms of employment of the Executive Director shall be agreed upon and reduced to a written agreement to be signed on behalf of the Authority by the Chairman and Secretary; and
4. Effective as of the effective date of his employment agreement the Board hereby authorizes Mr. \_\_\_\_\_ to exercise all duties of the office of the Executive Director of the Authority.

**This Resolution Adopted the 27th day of March, 2020.**

\_\_\_\_\_  
Al Milliken, Chairman

ATTEST:

\_\_\_\_\_  
Charlie Rivenbark, Secretary

## AGENDA ITEM

To: CHAIRMAN MILIKEN AND BOARD MEMBERS

From: JERRY W. PIERCE, P.E., INTERIM EXECUTIVE DIRECTOR

Date: March 27, 2020

Re: Legal Services RFQ

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With the retirement of John Wessell as the Authority's attorney, the Board will need to select a firm to provide legal services after June 30, 2020. One method that could be used is to advertise a Request for Qualifications (RFQ) and solicit responses from interested firms. We have prepared a RFQ for your consideration based upon the RFQ that was used when John was hired.

We have also developed a timeline of the steps that will be needed to select and hire a new law firm to provide legal services by the July 1, 2020 deadline.

**Action Requested:** Motion to approve/disapprove advertisement for the legal services and issuance of the Request for Qualifications.

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**LOWER CAPE FEAR WATER AND SEWER AUTHORITY  
REQUEST FOR QUALIFICATIONS  
LEGAL SERVICES**

The Lower Cape Fear Water and Sewer Authority (“the Authority”) was incorporated in 1970 and is a regional non-profit public agency comprised of six member governments; Bladen County, Brunswick County, Columbus County, New Hanover County, Pender County and the City of Wilmington. The Authority is authorized to construct and operate water and sewer systems located within its service area. The Authority current owns and operates through a contract with a third party the Kings Bluff Raw Water Pump Station and Associated 34 mile transmission system that provides raw water for treatment to water treatment plants in Brunswick, New Hanover and Pender Counties. The Authority also owns a 6 mgd surface water treatment plant in Tar Heel, NC that provides potable water to the Smithfield Foods plant located in Tar Heel. The water treatment plant is operated by Smithfield Food per an agreement between the Authority and Smithfield Foods.

The Authority seeks to engage outside legal counsel to provide a broad range of legal service and assistance to the Board of Directors. A law firm is desired to meet the needs of the Authority with particular expertise in the areas of state and local government, eminent domain, employment law, contract law, state and federal environmental regulations, and the preparation of water supply agreements.

Interested law firms are encouraged to provide detailed response to this Request for Qualifications illustrating their firm’s capabilities, resources and experience in the above referenced legal services areas. Please provide: resumes of the key professional personnel who would be available to the Authority including the key partner or principal who would have overall responsibility and accountability for the legal services performed for the Authority; a schedule of hourly billing rates by category and classification of personnel valid through the period of July 1, 2020 to June 30, 2021; and a statement regarding any apparent conflicts of interest that the firm may have with the Authority or its customers. Please refer to the Authority’s website for customer information.

Please provide a letter of interest and six copies of the requested materials to the attention of:

Jerry W. Pierce, P.E.  
Interim Executive Director  
Lower Cape Fear Water and Sewer Authority  
1107 New Pointe Blvd. Suite 17  
Leland, NC 28451

For additional questions call (910) 383-1919 or email [JerryPierceLcfwasa@atmc.net](mailto:JerryPierceLcfwasa@atmc.net). Please respond by 3:00 p.m. on April, 22, 2020.

*Lower Cape Fear Water & Sewer Authority*

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**DRAFT AUTHORITY ATTORNEY SELECTION TIMELINE**

3/23/2020 DRAFT RFQ FOR ATTORNEY SERVICES  
3/27/2020 BOARD TO APPROVE RFQ  
4/1/2020 ADVERTISE RFQ AND SEND RFQ TO FIRMS  
4/13/2020 APPOINT COMMITTEE TO REVIEW RFQ RESPONSES  
4/22/2020 RFQ RESPONSES DUE  
4/27/2020 COMMITTEE TO BEGIN APPLICANT REVIEW PROCESS (SELECT TOP 3)  
5/11/2020 FULL BOARD TO INTERVIEW TOP 3 ATTORNEYS AND SELECT AN ATTORNEY  
5/22/2020 STAFF, EXISTING ATTORNEY, AND CHAIRMAN NEGOTIATE CONTRACT WITH NEW ATTORNEY  
6/8/2020 REVIEW AND APPROVE CONTRACT WITH NEW ATTORNEY  
7/1/2020 NEW ATTORNEY STARTS