

MECKLENBURG COUNTY

**RESOLUTION AUTHORIZING EXECUTION OF THE
AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR THE UMBRELLA
MITIGATION BANK BETWEEN MECKLENBURG COUNTY AND THE CITY OF
CHARLOTTE**

WHEREAS, the City and the County operate the Charlotte-Mecklenburg Storm Water Services utility pursuant to an interlocal agreement entered into between these parties in 1993, which identifies their respective rights and responsibilities for operation and management of storm water throughout Mecklenburg County; and

WHEREAS, the City and County entered into the Interlocal Agreement for the Umbrella Mitigation Bank (“Agreement”) in June 2008, to ensure that County stream and wetland restoration projects submitted to the Umbrella Mitigation Bank qualify for said credits in that they are planned, designed and constructed in a way that takes advantage of partnership opportunities between the two parties, provides cost effective solutions to water quality impairment, maximizes mitigation opportunities, provides preservation of the restoration corridor in perpetuity and provides maintenance as necessary in perpetuity; and

WHEREAS, the City and the County desire to amend the Agreement through the Amended and Restated Interlocal Agreement for the Umbrella Mitigation Bank (“Amended and Restated Agreement”) to make technical corrections, comply with updated Federal mitigation rules, and make other procedural clarifications including specifying a credit sales methodology; and

WHEREAS, N.C. Gen. Stat. § 160A-461 requires that such agreement “...shall be ratified by resolution of the governing board of each unit spread upon its minutes”; now, therefore, be it

RESOLVED by the Board of Commissioners of Mecklenburg County that the Interim County Manager is hereby authorized and directed to execute the Amended and Restated Agreement between the County of Mecklenburg and the City of Charlotte in substantially the form attached to this resolution and that this resolution shall be spread upon the minutes.

Approved as to form:

County Attorney

CERTIFICATION

I, Janice S. Paige, Clerk of the Board of Commissioner of Mecklenburg County, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a resolution adopted by the Board of Commissioners, in regular session convened on the 5th day of November, 2013.

WITNESS my hand and the common seal of the County of Mecklenburg, North Carolina, this the _____ day of November, 2013.

Janice S. Paige, Clerk to the Board