

MECKLENBURG COUNTY BOARD OF COMMISSIONERS

**RESOLUTION REGARDING INTERLOCAL AGREEMENT
BETWEEN MECKLENBURG COUNTY AND THE CITY OF CHARLOTTE
TO FUND THE STEVENS CREEK STREAM RESTORATION PROJECT**

WHEREAS, on May 17, 1993, the Mecklenburg County Board of Commissioners (the “Board”) adopted the “Mecklenburg County Storm Water Management Plan” (the “Plan”), which sets forth guiding principles and a financial plan for the operation of a comprehensive storm water management program in Mecklenburg County, North Carolina (the “County”); and

WHEREAS, N.C.G.S. §160A-461 (“Interlocal Cooperation Authorized”) authorizes units of local governments to enter into agreements with each other in order to execute certain undertakings, such as the operation of a storm water management program by one unit of local government on behalf of another unit of local government; and

WHEREAS, County and the City of Charlotte (the “City”) have negotiated and finalized an Interlocal Agreement (the “ILA”) for Funding of the Stevens Creek and Gravity Sewer Project, to be dated on or about the date hereof, a copy of which is attached hereto as Exhibit A; and

WHEREAS, N.C.G.S. §160A-461 further requires that such agreements “...be ratified by resolution of the governing board of each unit and spread upon its minutes”; and

WHEREAS, on April 9, 2018, the City Council recognized and approved for the City to enter into the Interlocal Agreement with the County;

NOW, THEREFORE, BE IT RESOLVED,

- (i) that the County Manager (or his/her authorized designee) be authorized and directed to execute the ILA, and that this Resolution be spread upon the County minutes;
- (ii) that the County Manager (or his/her authorized designee) be authorized to provide County’s written approval of the award by City of the construction contract for the Project, as more specifically detailed in the ILA;
- (iii) that the County Manager (or his/her authorized designee) be authorized to enter into and approve any subsequent proposed change orders to the construction contract originally approved by County pursuant to subsection (ii) above; and
- (iv) that County shall appropriate \$2,702,664.39 from the Storm Water Services Fund, combined with \$184,800 in appropriated Capital Improvement Paygo Funds for Park and Recreation, fund the sum of \$2,887,464.39 to the City as the County’s contribution for completion of the Project, in accordance with the terms and conditions of the ILA.

This the ___ day of September, 2018.

Approved as to form:

County Attorney

CERTIFICATION

I, _____, Clerk of the Board of Commissioners 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 ____ day of September, 2018.

WITNESS my hand and the common seal of the County of Mecklenburg, North Carolina, this the ____ day of _____, 2018.

Clerk to the Board

Exhibit A

[see attached ILA]