



REQUEST FOR BOARD ACTION

ITEM NO. 17.

DATE OF REQUEST: February 9, 2009

REQUESTED BY: Michael G. Mack, Utilities Director, PCU

SHORT TITLE: Resolution by the Pender County Board of Commissioners to approve the filing of an application with the State of North Carolina for loan and/or grant assistance for the 6 mgd Surface Water Treatment Plant Project.

BACKGROUND: Pender County has need for and intends to construct a drinking water treatment works project described as a 6 MGD Surface Water Treatment Plant and 24" high service transmission main, and intends to request state loan and/or grant assistance for the project. This resolution authorizes the filing of an application with the State of North Carolina for loans and/or grants.

SPECIFIC ACTION REQUESTED: The Board of County Commissioners is requested to approve the resolution approving the filing of an application with the State of North Carolina for loan and/or grant assistance for the 6 mgd Surface Water Treatment Plant Project.

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.

MB

Initial

RESOLUTION

RESOLUTION: NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners:

Pender County has need for and intends to construct a drinking water treatment works project described as a 6 MGD Surface Water Treatment Plant and 24" high service transmission main and authorizes the filing of an application with State of North Carolina for loan and/or grant assistance for the project. The Chairman and/or County Manager are authorized to execute any documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Tate ___ Brown ___ Blanchard ___ Rivenbark ___ Williams ___

Jimmy T. Tate, Chairman 2/16/09
Date

ATTEST 2/16/09
Date

RESOLUTION BY THE PENDER COUNTY BOARD OF COMMISSIONERS

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of the construction of drinking water treatment works, and

WHEREAS, Pender County has need for and intends to construct a drinking water treatment works project described as a 6 MGD Surface Water Treatment Plant and 24" high service transmission main, and

WHEREAS, Pender County intends to request state loan and/or grant assistance for the project,

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners:

That Pender County, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of Pender County to make scheduled repayment of the loan, to withhold from Pender County any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Rick Benton, County Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Deputy Clerk of Pender County does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Pender County Board of Commissioners duly held on the 16th day of February, 2009; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2009.

Signature of Deputy Clerk

Melinda Knoerzer

Deputy Clerk