

# FORSYTH COUNTY

## BOARD OF COMMISSIONERS

MEETING DATE: JANUARY 23, 2017 AGENDA ITEM NUMBER: 11


**SUBJECT: RESOLUTION RATIFYING AND AUTHORIZING EXECUTION OF AN AMENDMENT TO AN INTERLOCAL AGREEMENT BETWEEN FORSYTH COUNTY AND CITY OF WINSTON-SALEM TO EXPAND THE USE OF CITY/COUNTY UTILITY COMMISSION FUNDS GENERATED BY OUT OF COUNTY SERVICES**

**COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:** Recommend Approval

**SUMMARY OF INFORMATION:**

See attached

ATTACHMENTS:  YES  NO

SIGNATURE:  DATE: January 18, 2017  
COUNTY MANAGER

**RESOLUTION RATIFYING AND AUTHORIZING EXECUTION OF AN  
AMENDMENT TO AN INTERLOCAL AGREEMENT BETWEEN FORSYTH COUNTY  
AND CITY OF WINSTON-SALEM TO EXPAND THE USE OF CITY/COUNTY  
UTILITY COMMISSION FUNDS GENERATED BY OUT OF COUNTY SERVICES**

**BE IT RESOLVED** that the Forsyth County Board of Commissioners hereby ratifies an amendment to the Agreement between Forsyth County and the City of Winston-Salem to expand the use of the City/County Utility Commission Funds generated by out of County services to include funding the design and construction of municipal infrastructure through Reimbursement Agreements or other agreements in addition to economic development purposes.

**BE IT FURTHER RESOLVED** that the Agreement between Forsyth County and the City of Winston-Salem is further revised to authorize Forsyth County and the City of Winston-Salem to receive loans and grants of said City/County Utility Commission funds, generated by out of County services for the purposes authorized herein upon mutual agreement by the County and the City.

**BE IT FURTHER RESOLVED** that the Chairman or County Manager and the Clerk to the Board are hereby authorized to execute the amended agreement, on behalf of Forsyth County, subject to a pre-audit certificate thereon by the County Chief Financial Officer, where applicable, and approval as to form and legality by the County Attorney.

**BE IT FURTHER RESOLVED** that this Resolution ratifying interlocal cooperation between Forsyth County and the City of Winston-Salem is hereby spread upon the minutes of the Forsyth County Board of Commissioners pursuant to N.C.G.S. 160A-461.

Adopted this the 23<sup>rd</sup> day of January 2017.

**SECOND AMENDMENT TO CONTRACT BETWEEN  
THE COUNTY OF FORSYTH AND CITY OF WINSTON-SALEM  
DATED APRIL 20, 1976**

The agreement between the County of Forsyth and the City of Winston-Salem dated April 20, 1976, and relating to the Utility Commission, is hereby further amended by ~~adding a~~ revising paragraph 12 thereto to read as follows:

12. Funds Received From Out of County Service. Notwithstanding anything herein to the contrary, should the Utility Commission ("Commission") provide water, sewer or treatment services to customers outside of Forsyth County through the use, in whole or in part, of Utility Commission facilities, the Commission may charge those customers rates in excess of those charged to customers receiving similar service within Forsyth County; and, in such case, the Commission may set aside and spend for economic development or for design and construction of municipal infrastructure purposes up to one-half of the amount by which the funds collected from out of county exceed the amount that would have been received for like service to customers within Forsyth County.

Municipal infrastructure includes, without limitation, water mains, sanitary sewer lines, lift stations, stormwater lines, streets, curb and gutter, sidewalks, traffic control devices, and other associated facilities.

Further, should the Utility Commission provide out-of-county services that do not include furnishing water, sewer or treatment services through the use, in whole or in part, of Utility Commission facilities, the Commission may charge such fees as are agreed upon between the Commission and the out-of-county officials; and, in such case, a portion of the out-of-county fees received by the Commission, not to exceed fifty percent (50%), may be set aside and spent by the Commission for economic development or for design and construction of municipal infrastructure purposes. The installation of facilities outside Forsyth County will be paid for with non-Utility Commission funds.

The Utility Commission will collect the above described fees designated for the use of the City and County for economic development or for design and construction of municipal infrastructure and place said money into a Utilities Reserve Fund. Said Reserve Fund will be administered by the Utility Commission. After the close of each fiscal year, the Utilities Superintendent will provide a report to the Clerk ~~of~~ to the Forsyth County Board of Commissioners and the City Secretary. Said report will summarize activity relating to the money received or distributed during the prior fiscal year and will provide the Reserve Fund's fiscal year end balance.

Money from the Reserve Fund described above will be released only after the ~~Board of Aldermen~~ City Council and County Commissioners both ~~pass~~ adopt resolutions ~~approving~~ authorizing an amount of money to be used for the economic development or design and construction of municipal infrastructure projects, describing the manner the money shall be paid and/or used, and setting forth any special or general conditions to be imposed upon the expenditure for the economic development or design and construction of municipal infrastructure project. The City and County may provide for transfer of said money at any time up to the current balance in the Reserve Fund.

Upon mutual agreement of both the City and County of the terms, either party may receive loans or grants from the Reserve Fund for the purposes authorized herein. All funds repaid under a loan shall be returned to the Reserve Fund.

IN WITNESS WHEREOF, the parties hereto have caused the due execution of this second agreement amendment following due approval thereof by the Forsyth County Board of ~~County~~ Commissioners on behalf of ~~the~~ Forsyth County and by the ~~Board of Aldermen~~ City Council on behalf of the City of Winston-Salem.

FORSYTH COUNTY

By: \_\_\_\_\_  
Chairman, Forsyth County Board of Commissioners

\_\_\_\_\_  
Clerk to the Board

[SEAL]

CITY OF WINSTON-SALEM

By: \_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Secretary

[SEAL]