

**RESOLUTION OF THE FAYETTEVILLE PUBLIC WORKS COMMISSION TO  
DIRECT THE FILING OF AN APPLICATION FOR STATE LOAN AND/OR  
GRANT ASSISTANCE**

**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 construction of a drinking water treatment works project, and

**WHEREAS**, The Fayetteville Public Works Commission has concluded it is an eligible unit of government as a “local government unit” for purposes of NCGS 159G. NCGS 159G is a general law procedure applicable to, *inter alia*, cities as defined in G.S. 160A-1, and Section 3 of the Fayetteville Public Works Commission’s Charter establishes that the Fayetteville Public Works Commission is a legal entity and a public authority with all of the powers and privileges provided to cities by the general law procedures that are not inconsistent with the Charter, and

**WHEREAS**, The Fayetteville Public Works Commission has need for and intends to construct a drinking water system rehabilitation project in the attached Exhibit A, and

**WHEREAS**, The Fayetteville Public Works Commission intends to request state loan and/or grant assistance for the project,

**NOW THEREFORE BE IT RESOLVED BY THE COMMISSION OF THE  
FAYETTEVILLE PUBLIC WORKS COMMISSION:**

1. That the Fayetteville Public Works Commission, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.
2. 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.
3. That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Fayetteville Public Works Commission to make scheduled repayment of the loan, to withhold from the Fayetteville Public Works Commission any State funds that would otherwise be distributed to the Fayetteville Public Works Commission in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.
4. That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

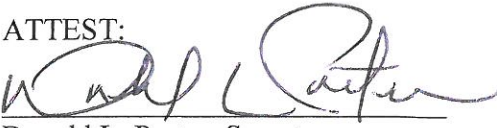
5. That Elaina Ball, CEO/General Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the construction of the project described above, furnish 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.
6. 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.

**ADOPTED** this 13th day of April 2022.

FAYETTEVILLE PUBLIC WORKS COMMISSION

  
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Evelyn O. Shaw, Chair

ATTEST:

  
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Donald L. Porter, Secretary

Drinking Water Treatment Works Project Cost Estimate

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Water Distribution System Rehabilitation

up to \$5,000,000

**CERTIFICATION BY RECORDING OFFICER**

The undersigned duly qualified and acting Clerk to the PWC Board of the Fayetteville Public Works Commission 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 COMMISSION duly held on the 13th day of April, 2022; 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 13TH day of APRIL 2022.

James A. Duval  
(Signature of Recording Officer)

CLERK TO THE PWC BOARD  
(Title of Recording Officer)