

**RESOLUTION OF THE PUBLIC WORKS COMMISSION, A COMMISSION OF THE CITY OF FAYETTEVILLE  
NORTH CAROLINA (THE PUBLIC WORKS COMMISSION), AUTHORIZING THE DELEGATION OF CERTAIN  
DUTIES OF THE PUBLIC WORKS COMMISSION TO THE GENERAL MANAGER, CHIEF FINANCIAL OFFICER  
AND OTHER SENIOR STAFF.**

WHEREAS, on June 29, 2016 the North Carolina State Legislature enacted House Bill 392 which revised Chapter VI of the Charter of The City of Fayetteville and is titled "An Act Amending the Charter of the City of Fayetteville to make changes related to the membership and operation of the Public Works Commission", and

WHEREAS, the changes made in HB392 clarify and modify the responsibilities of the Commission, and

WHEREAS, the Public Works Commission has in the past via resolution, policy and practice delegated certain authorities to staff of the Public Works Commission, and

WHEREAS, the Public Works Commission desires to maintain continuity of operations, comply with the revised Chapter VI of the Charter of The City of Fayetteville and the laws and statutes of the State of North Carolina, and

WHEREAS, the Public Works Commission under Section 6A.8 of Chapter VI of the Charter of the City of Fayetteville and under the General Statutes of the State of North Carolina has the ability to delegate certain duties and responsibilities, and

WHEREAS, the Public Works Commission seeks to operate in an efficient manner consistent with the laws, statutes and regulations of the United States and the State of North Carolina as well as the best practices of municipality utilities, and

WHEREAS, the Public Works Commission has deemed that it is consistent with its authority and fiduciary responsibilities to delegate certain duties and responsibilities takes the following action.

NOW, THEREFORE, BE IT RESOLVED BY THE PUBLIC WORKS COMMISSION THAT:

1. The duties allowed to be delegated to the CEO/General Manager under sections 6A.8.b 1-7 of Chapter VI of the Charter of the City of Fayetteville are so delegated to the CEO/General Manager.
2. Pursuant to North Carolina General Statute 143-129 and Sections 6A.8 and 6A.20 of Chapter VI of the Charter of the City of Fayetteville, concerning the approval contracts, The Public Works Commission delegates authority for the CEO/General Manager to award and execute contracts, reject bids, or re-advertise to receive bids for the purchase of apparatus, supplies, materials and equipment for the Public Works Commission, subject to the following limitations;
  - a. Delegation is granted for all contracts under the statutory limits identified in Section 6A.20 of Chapter VI of the Charter of the City of Fayetteville and contained in North

Carolina General Statute 143-129. This delegation is subject to the requirements and limitations of North Carolina General Statutes as well as those requirements and limitations contained within Commission approved policies. This delegation is subject to the further limitation stated in 2.b.

- b. Delegation is not granted for those contracts that either must be sent to City Council for approval or are associated with the purchase of real property to be put into the name of the City of Fayetteville as described in Section 6A.9 of Chapter VI of the Charter of the City of Fayetteville.
3. Pursuant to Section 6A.8 of Chapter VI of the Charter of the City of Fayetteville the Public Works Commission delegates that the General Manager may execute other agreements, contracts and documents not included within item #2 of this resolution. These documents include but are not limited to Utility Relocation Agreements, Federal, State and Local regulatory agency documents, service agreements with third parties, service agreements with customers, service level agreements and Interlocal agreements with other governmental entities, right of way and encroachment agreements, general service agreements (GSA's) and Task Authorizations. This delegation is subject to the requirements and limitations contained within the Public Works Commission approved policies. In cases where the signatory to such documents is required to be a Professional Engineer, Certified Public Accountant or other professional or authority designation the General Manager has the ability to delegate such duties as required.
4. Pursuant to Section 6A.8 of Chapter VI of the Charter of the City of Fayetteville and North Carolina General Statute 159 Article 3, otherwise known as The Local Government Budget and Fiscal Control Act the Public Works Commission designates the General Manager as the Budget Officer as described in Section 159-9. The Commission further designates the Chief Financial Officer of the Public Works Commission as the Finance Officer as described in 159 Article 3. The Finance Officer shall give a true accounting and faithful performance bond with sufficient sureties in the amount of one hundred thousand dollars (\$100,000). The premium on the bond shall be paid by the Fayetteville Public Works Commission.
5. Pursuant to Section 6A.8 of Chapter VI of the Charter of The City of Fayetteville the Public Works Commission designate the General Manager and the Chief Financial Officer as designated authorized signers of checks, drafts and other electronic transfers of funds. In cases where additional signatures are required the Chief Financial Officer has the authority to designate a senior staff member as the secondary signer.
6. Pursuant to Section 6A.8 of Chapter VI of the Charter of the City of Fayetteville the Commission delegates to the Chief Financial Officer the ability to act on behalf of the Treasurer of the Commission with regards to receipts and disbursements. The delegation of making disbursements is limited to those disbursements that are part of a properly approved and executed contract or agreement. For disbursements made that do not require a contract or agreement, said disbursements are subject to limits and encumbrances within the approved Commission Budget as may be amended from time to time by the Commission and are subject to the pre-audit requirements of the Local Government Budget and Fiscal Control Act. In the absence of the Chief Financial Officer these duties may be assumed by the General Manager or delegated to other senior staff as needed to maintain continuity of operation.

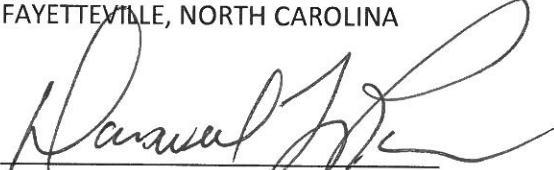
7. Pursuant to Section 6A.8 of Chapter VI of the Charter of The City of Fayetteville the Public Works Commission delegates authority to the Chief Financial Officer the ability to enter into agreements and other instruments in connection with financial service products related to the issuance, compliance and function of Bonds and related documents.
8. Wells Fargo Bank, N.A. and First Citizens Bank, for farm product sales only, shall be the official depository banks of the Fayetteville Public Works Commission (NCGS 159-31). The Chief Financial Officer shall sign all disbursements and counter signed by the Chief Executive Officer in accordance with NCGS 159-25.

In order to maintain proper transparency and to ensure the Commission meets their fiduciary oversight responsibilities of these delegated actions, the General Manager, Chief Financial Officer and other PWC Senior Staff shall prepare periodic reports and presentations as directed by the Commission. These reports and presentations will be presented publically during a regularly scheduled Commission Meeting and unless allowed to be presented in closed session under North Carolina General Statute 143-318.11.

The authority under this resolution becomes effective July 1, 2016.

Considered and adapted this 13 Day of July, 2016 at Fayetteville North Carolina.

PUBLIC WORKS COMMISSION OF THE CITY OF  
FAYETTEVILLE, NORTH CAROLINA

  
Darsweil L. Rogers, Chairman

ATTEST:



Michael G. Lallier, Secretary