

**RESOLUTION REGARDING SPONSORSHIP OF
CAPE FEAR REGIONAL THEATRE**

WHEREAS, the Fayetteville Public Works Commission (PWC) is a public authority under North Carolina law that supplies utility-related goods and services to retail and wholesale customers in Fayetteville and surrounding communities;

WHEREAS, PWC has determined that a sponsorship of the Cape Fear Regional Theatre's (CFRT's) theater construction project to facilitate the incorporation of energy efficiency and conservation measures and promote community goodwill is in the best interest of the City and the public and is consistent with PWC's constitutional and statutory requirements to serve the public interest in a manner consistent with PWC's purposes; and

WHEREAS, PWC has further determined that a sponsorship of the CFRT's theater construction project to facilitate the incorporation of energy efficiency and conservation measures and promote community goodwill is consistent with the existing sponsorship policies of PWC and the City.

**THEREFORE, LET IT BE RESOLVED BY THE COMMISSIONERS OF
THE FAYETTEVILLE PUBLIC WORKS COMMISSION THAT:**

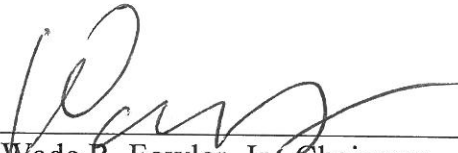
1. Subject to the approval of the City Council of the City of Fayetteville and the negotiation and execution of a sponsorship agreement consistent with this Resolution, PWC shall sponsor CFRT's theater construction project to facilitate the incorporation of energy efficiency and conservation measures in an amount not to exceed two hundred fifty thousand dollars (\$250,000). The sponsorship will be paid in five (5) consecutive annual installments of fifty thousand dollars (\$50,000) on July 1 each year beginning in 2022. Each installment payment will be contingent upon (a) CFRT's receipt of at least three million dollars (\$3,000,000.00) during the fiscal year ending June 30, 2022 from either a state legislative appropriation or any other public or private funding source that is given to CFRT as a funding match based upon CFRT raising at least one million dollars (\$1,000,000.00) during the same fiscal year from other sources, (b) CFRT's receipt of at least two million dollars (\$2,000,000.00) during the fiscal year ending June 30, 2023 from either a state legislative appropriation or any other public or private funding source that is given to CFRT as a funding match based upon CFRT raising at least one million dollars (\$1,000,000.00) during the same fiscal year from other sources, (c) this Commission's annual budget appropriation for the sponsorship agreement, which appropriation may be granted or denied by the Commission acting in its sole discretion in each applicable fiscal year, and (d) compliance by CFRT with all material covenants of the sponsorship agreement.

2. This matter shall be referred to the City Council of the City of Fayetteville for their concurrence in accordance Section 6A.7(7) of the Charter.

3. If the City Council of the City of Fayetteville approves the sponsorship, then the CEO/General Manager of the Fayetteville Public Works Commission, acting on its behalf, shall be authorized and directed to negotiate and execute a sponsorship agreement with CFRT that identifies the utility-related projects to be paid with sponsorship funds, identifies the specific manner in which community goodwill for PWC and the City will be promoted, and ensures compliance with Section 1 of this Resolution and applicable law so that the sponsorship funds are utilized for public services consistent with PWC's purposes.

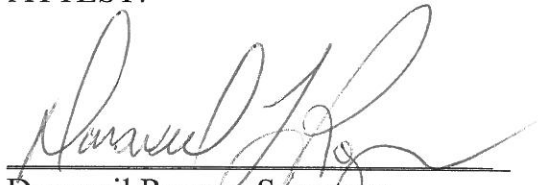
ADOPTED this 22nd day of September 2021.

FAYETTEVILLE PUBLIC WORKS COMMISSION



Wade R. Fowler, Jr., Chairman

ATTEST:



Darsweil Rogers, Secretary