RESOLUTION OF THE FAYETTEVILLE PUBLIC WORKS COMMISSION TO DIRECT THE FILING OF AN APPLICATION FOR STATE LOAN 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 wastewater treatment project, and

WHEREAS, The Fayetteville Public Works Commission ("COMMISSION") has need for and intends to construct a wastewater treatment project in the attached Exhibit A, and

WHEREAS, The COMMISSION intends to request state loan assistance for the project,

NOW THEREFORE BE IT RESOLVED BY THE COMMISSION THAT:

1. The COMMISSION will arrange financing for all remaining costs of the project, if approved for a State loan award.

2. The COMMISSION 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. The COMMISSION agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the COMMISSION to make scheduled repayment of the loan, to withhold from the COMMISSION any State funds that would otherwise be distributed to the COMMISSION in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

4. The COMMISSION will provide for efficient operation and maintenance of the projects on completion of construction thereof.

5. Timothy Bryant, CEO/General Manager of the COMMISSION, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the COMMISSION with the State of North Carolina for a loan 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 projects, to make the assurances as contained above, and to execute such other documents as may be required in connection with the application.

6. The COMMISSION has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the projects and to Federal and State grants and loans pertaining thereto.

ADOPTED this 27th day of September 2023.

FAYETTEVILLE PUBLIC WORKS COMMISSION

Ronna R. Garrett, Chairwoman

ATTEST:

Evelyn O. Shaw, Secretary

Exhibit A

Wastewater Collection System Projects	Cost Estimate
Big Rockfish Creek Outfall (BRCO) (Loan approval for $26,187,999 already obtained – applying for additional funding only - $6,031,750; anticipated additional loan award of $5,000,000 and $2,712,259 bond funded)	$39,932,008
Big Rockfish Creek Outfall (BRCO) Lift Station Elimination (LSEO) (Loan approval for $6,255,105 already obtained – applying for additional funding only - $9,588,700; anticipated additional loan award of $430,000)	$16,273,805

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 27th day of September, 2023; 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 27TH day of SEPTEMBER 2023.

Verna C Quan
(Signature of Recording Officer)

CLERK TO THE PWC BOARD
(Title of Recording Officer)