

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CHAIRMAN TO EXECUTE  
AN APPLICATION FOR CLEAN WATER STATE REVOLVING FUND FUNDING,  
ENTER INTO AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND  
NATURAL RESOURCES, AND TO PROVIDE THE NECESSARY ASSURANCES**

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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 works; and

WHEREAS, The County of Buncombe has need for and intends to construct an expansion of the wastewater pre-treatment system at the County's Subtitle D landfill, consisting of an extension of the existing leachate injection and gas recovery lines as well as the generation of renewable energy from the captured methane gas; and

WHEREAS, The County of Buncombe intends to request state loan assistance for the wastewater pre-treatment project, as authorized by the American Recovery and Reinvestment Act of 2009.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners for the County of Buncombe as follows:

1. That the County of Buncombe, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan 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 County of Buncombe to make scheduled repayment of the loan, to withhold from the County of Buncombe any State funds that would otherwise be distributed to the local government unit 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 David Gantt, Chairman of the Buncombe County Board of Commissioners, 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 to aid in the construction of the project described above.
6. That the **Authorized Official**, and successors so titled, is hereby authorized and directed to 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.
7. 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.
8. That this resolution is effective upon its adoption.

Adopted this the 24th day of March, 2009.

ATTEST:

BOARD OF COMMISSIONERS  
FOR THE COUNTY OF BUNCOMBE

\_\_\_\_\_  
Kathy Hughes, Clerk to the Board

By: \_\_\_\_\_  
David Gantt, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
County Attorney

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Clerk to the Board of Commissioners of the County of Buncombe 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 Buncombe County Board of Commissioners duly held on the day of \_\_\_\_\_, 2009; 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 day of \_\_\_\_\_, 2009.

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(Signature of Recording Officer)

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(Title of Recording Officer)