

**RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE,
NORTH CAROLINA ON MAY 26, 2020**

A motion was made by _____ and seconded by _____
for the adoption of the following Resolution, and upon being put to a vote was duly adopted:

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 wastewater treatment works, and

WHEREAS, The City of Charlotte has need for and intends to construct the McAlpine Creek Wastewater Management Facility Clarifier and Aeration Rehabilitation project, and

WHEREAS, The City of Charlotte intends to request state loan assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

That the City of Charlotte, will arrange financing for all remaining costs of the project, if approved for a State loan award.

That the City of Charlotte 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.

That the governing body of the City of Charlotte agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Charlotte to make scheduled repayment of the loan, to withhold from the City of Charlotte 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.

That the City of Charlotte will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the City of Charlotte, David Czerr (Charlotte Water Director), and any successor so titled, or his designees, is hereby authorized to execute and file an application on behalf of the City of Charlotte with the State of North Carolina for a loan to aid in the construction of the project described above.

That, if accepted into the loan program by the State, Kelly Flannery (Finance Officer) and any successor so titled, or her designee, is hereby authorized to execute and accept a loan offer and promissory note on behalf of the City of Charlotte with the State of North Carolina for a loan to aid in the construction of the project described above in an amount not to exceed \$70,325,678 plus or minus 10% in accordance with the loan program based on actual project costs.

That except as set forth above, David Czerr (Charlotte Water Director) and Kelly Flannery (Finance Officer), and successors so titled, are 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.

That the City of Charlotte 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 the 26th day of May, 2020 at Charlotte, North Carolina.

Vi Lyles, Mayor, City of Charlotte

CERTIFICATION BY RECORDING OFFICER

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of May, 2020, the reference having been made in Minute Book _____, and recorded in full in Resolution Book _____, Page(s) _____.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of May, 2020.

Stephanie C. Kelly, City Clerk