**Resolution(s) by Governing Body to be Included in Applications for Funding Offered by the NC DEQ Division of Water Infrastructure**

(Last updated: July 2023)

As part of the application for funding, you are required to submit resolutions that must be approved by your governing board at the time of application. Depending on your situation and number and types of applications you are submitting, you may need to submit multiple resolutions, or you can combine your required resolutions into one that lists all of the applications and covers all of the relevant clauses. Please see the table below to determine which resolution(s) you need to complete, depending on the type of project/funding application you are submitting.

|  |  |
| --- | --- |
| **Type of Project/Funding Application Type** | **Resolution to Complete** |
| * Drinking water construction *(not CDBG-I)* * Wastewater construction *(not CDBG-I)* * Stormwater construction * Emerging contaminants evaluation/assessment study * Lead Service Line identification and/or replacement * CWSRF Green Project * Asset Inventory and Assessment * Merger/Regionalization Feasibility * Stormwater planning | * [Project Resolution](#ProjectResolution) |
| * CDBG-I projects **only** | * [CDBG-I Project Resolution](#CDBG_I_Projects) |
| * Develop and implement a new stormwater utility **only** | * [Resolution to Develop and Implement a New Stormwater Utility with Stormwater Enterprise Fund](#NewStormwaterUtility) |

**Project Resolution**

**and Form for Certification by the Recording Officer**

Required for Applications for Funding for:

* Drinking water construction *(not CDBG-I)*
* Wastewater construction *(not CDBG-I)*
* Stormwater construction
* Emerging contaminants evaluation/assessment study
* Lead Service Line identification and/or replacement
* CWSRF Green Project
* Asset Inventory and Assessment
* Merger/Regionalization Feasibility
* Stormwater planning

Not required for applications for funding for CDBG-Infrastructure projects. For CDBG-I projects, use the [CDBG-I Project Resolution below](#CDBG_I_Projects).

Applications for projects with complete and eligible applications for the Spring 2023 round may resubmit the resolution from the Spring application to meet the Fall 2023 requirements.

***Requirements***

At a minimum, the resolution must include:

* Project Name(s): Put project name(s) as shown in application.
* All Authorized Representatives must be individually named at least by title but preferably by name in the resolution. DO NOT use the name of the local government unit itself.
* **Form for Certification by the Recording Officer (on the second page) must be completed and attached to the Resolution as shown in the template below**.

**\*\*\* The Resolution and the Form for Certification by the Recording Officer MUST be included in the Application Package \*\*\***

**The following is a suggested format for the project resolution. Fill out the yellow-highlighted areas with appropriate text. If submitting one resolution for multiple applications, be sure to include the project names of all applications and list all of the Authorized Representatives in the resolution.**

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The (unit of local government or applying utility) has need for and intends to construct, plan for, or conduct a study in a project described as (use **project name(s)** **from application form(s)**, or give a brief description of the project(s) in the application(s)), and

WHEREAS, The (unit of local government or applying utility) intends to request State loan and/or grant assistance for the project,

**NOW THEREFORE BE IT RESOLVED, BY THE (GOVERNING BODY) OF THE (UNIT OF LOCAL GOVERNMENT OR APPLYING UTILITY):**

That (unit of local government or applying utility), the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

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

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.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the (unit of local government) to make a scheduled repayment of the loan, to withhold from the (unit of local government) 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.

If applying for a regional project, that the **Applicant** will partner and work with other units of local government or utilities in conducting the project, including (names of partnering units of local governments or utilities).

That (name(s) and title(s) of official(s)), the **Authorized Representative** 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 and/or grant to aid in the study of or construction of the project described above.

That the **Authorized Representative**, 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.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, ordinances, and funding conditions applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the (date adopted) at (place), North Carolina.

#### **FORM FOR CERTIFICATION BY THE RECORDING OFFICER**

The undersigned duly qualified and acting (title of officer) of the (unit of local government or applying utility) 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 (name of governing body of applicant) duly held on the ­­­\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_; 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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

(Signature of Recording Officer)

(Title of Recording Officer)

**CDBG-I Project Resolution**

**and Form for Certification by the Recording Officer**

Required for Applications for Funding for:

* CDBG-Infrastructure applications **only**

***Requirements***

At a minimum, the resolution must include:

* Project Name(s): Put project name(s) as shown in application.
* All Authorized Representatives must be individually named at least by title but preferably by name in the resolution. DO NOT use the name of the local government unit itself.
* **If the Mayor or Mayor Pro-Term or other Chief Executive Officer is identified as the Authorized Representative, they CANNOT sign the resolution.**
* **Form for Certification by the Recording Officer (on the second page) must be completed and attached to the Resolution as shown in the template below**.

**\*\*\* The Resolution and the Form for Certification by the Recording Officer MUST be included in the Application Package \*\*\***

**The following is a suggested format for the project resolution. Fill out the yellow-highlighted areas with appropriate text.**

**RESOLUTION BY GOVERNING BODY OF APPLICANT**

WHEREAS, Title I of the Federal Housing and Community Development Act of 1974, as amended, has established the U.S. Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program, and has authorized the making of grants to aid eligible units of government in funding the cost of construction, replacement, or rehabilitation of water and wastewater infrastructure, and that the North Carolina Department of Environmental Quality (NCDEQ) Division of Water Infrastructure (DWI) was delegated the authority by the state legislature to administer the water and wastewater infrastructure portion of the state grant monies received from the U.S. HUD Small Cities (States) CDBG program by Session Law 2013-360, Section 15.15(a) as amended by Section 5.3 of Session Law 2013-363, and

WHEREAS, The (unit of local government) has need for and intends to implement a construction project described as (use **CDBG-I project name(s) from application form**, or give a brief description of the project in the application), and

WHEREAS, The (unit of local government) intends to request State grant assistance for the project,

**NOW THEREFORE BE IT RESOLVED, BY THE (GOVERNING BODY) OF THE (UNIT OF LOCAL GOVERNMENT):**

That (unit of local government), 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.

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

That (name and title of official), the **Authorized Representative**, 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 grant to aid in the construction of the project described above.

That the **Authorized Representative**, 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.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, ordinances, and funding conditions applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the (date adopted) at (place), North Carolina.

(Signature of Chief Executive Officer)

(Title)

**FORM FOR CERTIFICATION BY THE RECORDING OFFICER**

The undersigned duly qualified and acting (title of officer) of the (unit of local government) 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 (name of governing body of applicant) duly held on the ­­­\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_; 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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

(Signature of Recording Officer)

(Title of Recording Officer)

**Resolution to Develop and Implement a New Stormwater Utility with Stormwater Enterprise Fund**

Required for Applications for Funding for:

* Developing and Implementing a New Stormwater Utility **only**

**\*\*\* The Resolution and Certification by Recording Officer MUST be included in the Application Package \*\*\***

**The following is a suggested format for the project resolution and certification. These must be included in the application package for funding for developing and implementing a new stormwater utility. This resolution must be created by the local government that intends to develop and implement a new stormwater utility.**

**Fill out the yellow-highlighted areas with appropriate text.**

**RESOLUTION BY GOVERNING BODY OF LOCAL GOVERNMENT TO DEVELOP AND IMPLEMENT A NEW STORMWATER UTILITY WITH STORMWATER ENTERPRISE FUND**

WHEREAS, North Carolina General Assembly (NCGA) Session Law 2021-180 Section 12.14 established the Local Assistance for Stormwater Infrastructure Investments (LASII) Fund as a special fund in the Department of Environmental Quality to provide grants to eligible entities as defined in the Session Law for projects that will improve or create infrastructure for controlling stormwater quantity and quality, and

WHEREAS, The (unit of local government) intends to request, or to partner with a Council of Government or non-profit entity to request, LASII grant assistance to develop and implement a new stormwater utility in the (unit of local government) in a project described as (use project name from application form, or give a brief description of the project in the application), and

WHEREAS, The (unit of local government) does not have a stormwater utility with a stormwater Enterprise Fund at the time of application,

**NOW THEREFORE BE IT RESOLVED, BY THE (GOVERNING BODY) OF THE (UNIT OF LOCAL GOVERNMENT):**

That (unit of local government) will develop and implement a Stormwater Utility by providing staff and resources as determined by the project described above before the completion of the project.

That (unit of local government) will establish a Stormwater Enterprise Fund before the completion of the project described above.

That (unit of local government) will adopt and place into effect on, before, or upon completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for the Stormwater Enterprise Fund and for the proper operation, maintenance, and administration of the Stormwater Utility.

That (name and title of official), the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the (unit of local government) (or, if applicable, the Council of Government or non-profit entity partnering with the unit of local government) with the State of North Carolina for a grant to aid in the development and implementation of a new stormwater utility project described above.

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.

That the (unit of local government) (and, if applicable, the Council of Government or non-profit entity partnering with the unit of local government) 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 (date adopted) at (place), North Carolina.

#### **FORM FOR CERTIFICATION BY THE RECORDING OFFICER**

The undersigned duly qualified and acting (title of officer) of the (unit of local government) 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 (name of governing body of applicant) duly held on the ­­­\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_; 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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

(Signature of Recording Officer)

(Title of Recording Officer)