

FORSYTH COUNTY

BOARD OF COMMISSIONERS

ADDED ITEM

MEETING DATE: MAY 9, 2016 AGENDA ITEM NUMBER: 17

SUBJECT: RESOLUTION RATIFYING AND AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN FORSYTH COUNTY, THE CITY OF WINSTON-SALEM AND THE AIRPORT COMMISSION OF FORSYTH COUNTY TO PROVIDE FUNDING FOR OPERATING EXPENSES AND/OR CAPITAL EXPENSES TO ENHANCE THE AIRPORT'S COMPETITIVENESS

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:

SUMMARY OF INFORMATION:

See attached

ATTACHMENTS: YES NO

SIGNATURE: _____ DATE: _____
COUNTY MANAGER

**RESOLUTION RATIFYING AND AUTHORIZING EXECUTION OF AN
INTERLOCAL AGREEMENT BETWEEN FORSYTH COUNTY, THE CITY OF
WINSTON-SALEM AND THE AIRPORT COMMISSION OF FORSYTH COUNTY TO
PROVIDE FUNDING FOR OPERATING EXPENSES AND/OR CAPITAL EXPENSES
TO ENHANCE THE AIRPORT'S COMPETITIVENESS**

WHEREAS, Forsyth County, the City of Winston-Salem and the Airport Commission of Forsyth County propose to enter into an Interlocal Agreement to provide funds to the Airport Commission of Forsyth County (hereinafter "Airport Commission") annually to be used for operating expenses and/or capital expenses in a manner consistent with the attached Interlocal Agreement to enhance the Airport's competitiveness with neighboring airports; and

WHEREAS, the City is authorized to levy and use property taxes to maintain an airport pursuant to N.C.G.S. 160A-209 and to appropriate funds to carry out any public purpose pursuant to N.C.G.S. 160A-20.1; and

WHEREAS, the County is authorized to improve, equip, and maintain an airport pursuant to N.C.G.S. 63-7 and an airport is declared a public, governmental function exercised for a public purpose pursuant to N.C.G.S. 63-50;

NOW, THEREFORE, BE IT RESOLVED that the Forsyth County Board of Commissioners hereby authorizes the Chairman or County Manager and Clerk to the Board to execute the attached Interlocal Agreement between Forsyth County, the City of Winston-Salem and the Airport Commission of Forsyth County for providing operating and/or capital expenses for the Airport in the annual amount of \$150,000 by the City and County each over an eight-year period, subject to the provisions of the attached Interlocal Agreement and subject to a pre-audit certificate thereon by the County Chief Financial Officer and approval as to form and legality by the County Attorney.

BE IT FURTHER RESOLVED that this Resolution ratifying interlocal cooperation between Forsyth County, the City of Winston-Salem and the Airport Commission of Forsyth County is hereby spread upon the minutes of the Forsyth County Board of Commissioners.

Adopted this the 9th day of May 2016.

NORTH CAROLINA)
FORSYTH COUNTY)

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT (hereinafter the "Agreement") is made and entered into this ____ day of _____, 2016, by and between Forsyth County, a political subdivision of the State of North Carolina (hereinafter the "County"), the City of Winston-Salem, a municipal corporation organized under the laws of the State of North Carolina (hereinafter the "City"), and the Airport Commission of Forsyth County, a body politic and corporate created by the General Assembly of North Carolina (hereinafter the "Airport Commission");

WITNESSETH:

WHEREAS, the City and County propose to enter into this Agreement to provide funds to the Airport Commission annually to be used for operating expenses and/or capital expenses to enhance the competitiveness of the Smith Reynolds Airport (hereinafter "Airport") with neighboring airports; and

WHEREAS, the City is authorized to levy and use property taxes to maintain an airport pursuant to N.C.G.S. 160A-209 and to appropriate funds to carry out any public purpose pursuant to N.C.G.S. 160A-20.1; and

WHEREAS, the County is authorized to improve, equip, and maintain an airport pursuant to N.C.G.S. 63-7 and an airport is declared a public, governmental function exercised for a public purpose pursuant to N.C.G.S. 63-50.

NOW, THEREFORE, in consideration of the premises contained herein and other good and valuable consideration, the parties hereto agree as follows:

The City and County hereby contract and agree with each other as authorized by Article 20, Part 1 of Chapter 160A of the North Carolina General Statutes and other applicable laws, to provide equal appropriations to the Airport Commission on an annual basis for an eight-year period, subject to the terms and conditions outlined hereinbelow.

I.

The City and the County each agree to make an annual payment, over an eight-year period, to the Airport Commission in an amount equal of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000) beginning on or after October 1, 2016.

II.

The Airport Commission agrees to expend the funds collected under this Interlocal Agreement from the City for capital expenses at the Airport and funds from the County must be used either for operating expenses or capital expenses at the Airport.

III.

The City and County will provide the payments provided herein subject to the conditions outlined herein for an eight-year period; and at the end of this period the City and County will evaluate the success of such efforts to determine their willingness to extend this Agreement.

IV.

The Airport Commission will provide quarterly reports to the City and County detailing how the funds provided under this Agreement have been used and how the funds have impacted the Airport's competitiveness with neighboring airports.

This Agreement shall remain valid as long as the Airport property continues to be located within the City limits of Winston-Salem.

This Agreement is subject to annual appropriation of the funds by both the City and the County.

The Airport Commission and its subcontractors shall comply with Article 2 of Chapter 64 of the North Carolina General Statutes relating to the required use of the federal E-Verify program to verify the work authorization of newly hired employees. Failure of the Airport Commission to comply with this provision or failure of its subcontractors to comply could render this contract void under North Carolina law.

In accordance with N.C.G.S. §147-86.59 and other applicable sections of N.C.G.S. §147-86.55 et seq., the Iran Divestment Act of 2015, each Party hereby certifies that it is not identified on the State Treasurer's list of persons which the Treasurer has determined engage in investment activities in Iran, including any subcontractors hereunder of either Party.

This Agreement shall be governed by the laws of the State of North Carolina.

This Agreement shall become effective upon its full execution.

IN WITNESS WHEREOF, the City, the County and the Airport Commission have set their hands and seals as of the day and year first above written.

[SIGNATURES ON NEXT PAGE]

CITY OF WINSTON-SALEM

ATTEST:

By: _____

City Secretary

FORSYTH COUNTY

ATTEST:

By: _____

Clerk to the Board

AIRPORT COMMISSION OF
FORSYTH COUNTY

ATTEST:

By: _____
