

**JOINT RESOLUTION FOR JOINT OPERATION  
OF A SINGLE STORM WATER SYSTEM WITHIN THE CITY LIMITS**

**WHEREAS**, North Carolina General Statutes 153A-277 and 160A-314 require that no storm water utility fee may be levied whenever two or more units of local government operate separate structural and natural storm water and drainage system services in the same area within a county unless the units of local government allocate among themselves the functions, duties, powers, and responsibilities for jointly operating a single system within the same area; and

**WHEREAS**, the City of Charlotte ("City") and County of Mecklenburg ("County") currently have certain distinct responsibilities in connection with the operation of separate systems; and

**WHEREAS**, the City has recognized the existing allocation of responsibilities in its adoption of new storm water services; and

**WHEREAS**, the County wishes to maintain the current allocation of responsibilities within the municipal limits of the City; and

**WHEREAS**, only one unit of local government may levy a fee pursuant to NCGS 153A-277 and 160A-314 within the joint service area; and

**WHEREAS**, the City intends to charge a storm water fee to properties within the municipal limits of the City beginning this fiscal year.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY AND CITY COUNCIL OF CHARLOTTE AS FOLLOWS:**

1. The City recognizes that the County will continue to clean and maintain streams that have a watershed greater than one (1) square mile ("large streams") in accordance with policies and levels of service adopted by the Board of County Commissioners. In addition, the County will continue to administer FEMA floodplain regulations.

2. The County recognizes that the City will continue to perform the following services within the municipal limits of the City:

(i) operate, clean, maintain, and be responsible for the storm water drainage system in streets right-of-way.

(ii) protect quality of storm water runoff or surface waters as required by 1987 amendments to the Clean Water Act.

(iii) operate, clean, maintain, and be responsible for the storm water drainage system located on private property, having a watershed of less than one square mile, in accordance with policies and levels of service adopted by the City Council.

3. The County recognizes that the City intends to charge a storm water fee to properties within the municipal limits of the City in order to partially support the operation of the storm water drainage system as described above.

4. The City agrees to levy a fee (to be determined by the County) sufficient to cover all or a portion of the costs of the County storm water drainage system operation for large streams and FEMA floodplain regulation within the municipal limits of the City, if requested, beginning January 1, 1994 or later. Before levy of a fee which includes funding for County services, the City Council and Board of County Commissioners shall conduct a joint public hearing. The City agrees to forward the portion of the fee collected for County services to the County, and the County agrees to pay any administrative, billing or accounting costs incurred by the City related to the levy and collection of the portion of the fee used by the County.

5. The City agrees to assist in the billing and collection of fees for unincorporated areas of the County and within town limits, if requested by the County. The County agrees to pay any administrative, billing or accounting costs incurred by the City related to the levy and collection of fees in the unincorporated areas of the County and/or within the town limits.

6. The City and County agree to a target of January 1, 1994, for resolving issues related to the establishment of a single storm water utility, and shall proceed in good faith as quickly as possible to develop an interlocal agreement between them for that purpose.

7. The purpose of this resolution is to acknowledge the allocation of duties among the City and County in connection with the joint operation of and responsibility for a structural and natural storm water and drainage system in the same area and to establish a target date for operating a single utility in this same area.

8. This resolution will remain in effect until the City and County have negotiated and executed an interlocal agreement establishing a single storm water utility as referred to above.

This is the 8th day of September, 1992.

*Approved as to form:*

**BOARD OF COUNTY COMMISSIONERS**

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

\_\_\_\_\_  
*Chairman*

*Henry W. Underhill Jr.*  
\_\_\_\_\_  
*City Attorney*

*Certification by Clerks*

**CITY COUNCIL**

\_\_\_\_\_  
*County Clerk*

*[Signature]*  
\_\_\_\_\_  
*Mayor*

\_\_\_\_\_  
*City Clerk*