CHAPTER 51- REIMBURSEMENT AGREEMENTS

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§ 51.01 Intent and Purpose, Authority

The Haywood County Board of County Commissioners believes infrastructure projects are essential to promote the creation and attraction of new businesses, expansion and retention of existing business to stimulate job opportunities and to improve the quality of life in Haywood County. Providing resources for economic development projects can increase local sales and property tax base of the County and the perspective municipalities.

The purpose of this Chapter is to give the Board of County Commissioners the authority to enter into Reimbursement Agreements pursuant to NCGS 153A-45.

§ 51.02 Jurisdiction

This Ordinance is and shall be applicable to all parts of Haywood County, including those within the corporate limits of any municipality located within Haywood County. Projects subject to reimbursement may be located within the County or within any municipality within Haywood County.

§51.03 Full Force and Effect

If any portion of this Ordinance shall be determined to be invalid, unconstitutional or otherwise ineffective, such ruling shall not affect the remainder and other parts and clauses of this Ordinance, and the same shall remain in full force and effect.

§51.04 Interpretation and Intent

Nothing in this ordinance shall be construed to conflict with the provisions of the North Carolina General Statutes. In the event of an ambiguity or conflict between this Ordinance and the provisions of the North Carolina General Statutes, the latter shall prevail.

A. It is the intent of this Ordinance to prescribe circumstances under which a developer or property owner who is party to a Reimbursement Agreement shall solicit bids in accordance with Article 8 of Chapter 143 of the North Carolina General Statutes when awarding contracts for work that would have required competitive bidding if the contract had been awarded by the County. The County Manager or their designee will review the bids.

B. The Ordinance shall not be construed to hold Haywood County responsible for any defect of the developer's or property owner's technical compliance with Article 8 of Chapter 143 of the North Carolina General Statutes.
Haywood County shall have authority to enter into Reimbursement Agreements such that a developer or property owner may contract with Haywood County and/or another municipality to construct an improvement which, had County constructed, would be subject to competitive bidding regulations under Article 8 of Chapter 143 of the North Carolina General Statutes. Such Reimbursement Agreement authorized by N.C.G.S. 153A-451 shall not be subject to Article 8 of Chapter 143 of the North Carolina General Statutes except as provided by N.C.G.S. 153A-451(d). Developer or property owner who is a party to a Reimbursement Agreement with Haywood County shall solicit bids in accordance with Article 8 of Chapter 143 of the North Carolina General Statutes when awarding contracts for work that would have required competitive bidding if the contract had been awarded by Haywood County.

C. Haywood County is also authorized to participate jointly in Reimbursement Agreements with a municipality and a developer or property owner so long as the developer or property owner solicits bids in accordance with Article 8 of Chapter 143 of the North Carolina General Statutes when awarding contracts for work that would have required competitive bidding if the contract had been awarded by the municipality or the County.

§51.05 Funding

Haywood County may provide for such reimbursements to be paid from any lawful source, including the County's unrestricted general fund.

§51.06 Adoption and Effective Date

Upon motion by Commissioner _____and seconded by

Commissioner_____, the above Ordinance shall become effective upon

its adoption, this _____day of May 2016.

_____
Mark S. Swanger, Chairman
Haywood County Board of Commissioners