

STATE OF NORTH CAROLINA	}	ORDINANCE TO PERMIT SURRY COUNTY
	}	TO ENTER INTO REIMBURSEMENT
COUNTY OF SURRY)	AGREEMENTS PURSUANT TO
	}	N.C.G.S. 153A-451

WHEREAS, the Surry County Board of Commissioners, after proper notice, hereby given, desires to adopt an Ordinance to permit Surry County to enter into Reimbursement Agreements pursuant to N.C.G.S. 153A-451;

AND, WHEREAS, N.C.G.S. 153A-451 states that “A county shall enact ordinances setting forth procedures and terms under which such agreements may be approved.”;

AND, WHEREAS, N.C.G.S. 153A-451 permits a County to provide for such reimbursements to be paid from any lawful source;

NOW, THEREFORE, the Board of County Commissioners of Surry County do hereby enact and ordain:

Section 1. Title:

This Ordinance shall be known as the 2010 Ordinance permitting Surry County to enter into Reimbursement Agreements pursuant to N.C.G.S. 153A-451 and may be cited as such, or as “The Reimbursement Ordinance”.

Section 2. Jurisdiction.

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

Section 3. 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.

Section 4. Interpretation and Intent.

- A. 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.
- B. 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.
- C. The Ordinance shall not be construed to hold Surry 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.
- D. Surry County shall have authority to enter into Reimbursement Agreements such that a developer or property owner may contract with Surry 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 Surry 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 Surry County.

- E. Surry 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.

Section 5. Effective Date.

This Ordinance shall be effective this the 17th day of May, 2010.

Section 6. Funding.

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

Passed, approved and adopted by the Surry County Board of Commissioners on this the 17th day of May, 2010.