RESOLUTION NO. ____________________

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN BUNCOMBE COUNTY AND THE CITY OF ASHEVILLE ALLOWING THE COUNTY TO CONDUCT BUILDING INSPECTIONS FOR THE AB TECH COMMUNITY COLLEGE 2017-2018 CAPITAL IMPROVEMENT PROJECT

WHEREAS, on November 8, 2011, the voters of Buncombe County approved the levy of a One-Quarter Cent County Sales and Use Tax; and

WHEREAS, by Resolution dated December 6, 2011, the Board of Commissioners confirmed their intent to spend the additional revenues from the One-Quarter Cent County Sales and Use Tax to make certain capital improvements to the Asheville-Buncombe Technical Community College (hereinafter "AB Tech Capital Projects"); and

WHEREAS, the State Board of Community Colleges, pursuant to its authority granted under Section 8.19 of Session Law 2011-145, has delegated to the County construction authority, said authority being more specifically described in "Special Construction Delegation Guidelines" (CC11-028) issued by the North Carolina State Board of Community Colleges; and

WHEREAS, under said construction authority, the County will oversee the aforementioned Capital Projects and, therefore, believes it would be more efficient for it, rather than the City, to exercise inspection authority and monitor and insure compliance with North Carolina’s building rules and regulations pursuant to its authority under N.C. Gen. Stat. sec. 153A-351 and 153A-352; and

WHEREAS, the County has requested that the City allow it to conduct the building inspections and permitting for the AB Tech Capital Projects, and the City agrees, with some limited exceptions, that the County should be allowed to conduct said inspections within its jurisdiction; and

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-392 North Carolina Cities’ permitting and inspection authority is “applicable to the erection, construction, and use of buildings by the State of North Carolina and its political subdivisions[;]”; and

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-413, “[t]he city council of any city may request the board of county commissioners of the county in which the city is located to direct one or more county building inspectors to exercise their powers within part or all of the city’s jurisdiction...[;]” and in the manner provided in N.C.G.S. sec. 160A-360(g); and

WHEREAS, in addition, the Parties are authorized to execute and enter into this Interlocal Agreement pursuant to N.C. Gen. Stat. § 160A-461; and

WHEREAS, the Board of Commissioners feels that it is in the best interest of citizens to enter into this Interlocal Agreement with the City of Asheville.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE AS FOLLOWS:

1. That the Chairman and the County Manager, or either of them, are hereby authorized to execute the attached Interlocal Agreement.
2. That the Clerk and County Legal Services shall see that copies of the Interlocal Agreement are delivered to County Planning, Permits & Inspections, General Services and the Fire Marshal.

3. That this Resolution shall be effective upon its adoption.

Adopted this 5th day of December, 2017.

ATTEST:

BOARD OF COMMISSIONERS
FOR THE COUNTY OF BUNCOMBE

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Kathy Hughes, Clerk to the Board

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Brownie Newman, Chairman

APPROVED AS TO FORM:

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County Attorney