

**RESOLUTION OF THE WAKE COUNTY BOARD OF COMMISSIONERS TO LEVY A  
NEW SEVEN DOLLAR COUNTY VEHICLE REGISTRATION TAX AND  
APPROVE AN INTERLOCAL AGREEMENT FOR THE  
ADMINISTRATIVE DISTRIBUTION OF THE TAX**

WHEREAS, the North Carolina General Assembly enacted the County Vehicle Registration Tax in Chapter 105, Article 52 of the North Carolina General Statutes which authorizes counties operating a public transportation system or counties with at least one local government operating a public transportation system to levy an annual vehicle registration tax on motor vehicles within its jurisdiction ("County Vehicle Registration Tax") at rate not to exceed seven dollars (\$7.00) to be used by that county or municipality only to operate a public transportation system, including financing, constructing, operating, and maintaining that public transportation system; and

WHEREAS, Wake County and one or more municipal corporations in Wake County, namely: City of Raleigh, Town of Cary, Town of Wake Forest, and a small portion of the City of Durham with overlapping jurisdiction, hereinafter "Wake Transit Providing Municipalities," operate public transportation systems as of the date of this Resolution; and

WHEREAS, prior to the date of this Resolution, the Wake County Board of Commissioner's has not levied a County Vehicle Registration Tax in Wake County, but indicated its desire to do so on or about June 6, 2016, by and through the adoption of the Wake County Transit Plan, contingent upon the outcome of the advisory referendum on the levy of an additional one-half percent (1/2%) local sales and use tax pursuant to N.C.G.S. § 105-508, *et seq.* to fund the Wake County Transit Plan; and

WHEREAS, on November 30, 2016 the Wake County Board of Elections certified the results of the advisory referendum on the one-half percent (1/2%) local sales and use tax, whereby the Wake County voters approved the levy of said tax; and

WHEREAS, the County Vehicle Registration Tax is identified as an additional local source of revenue in the Wake County Transit Plan, Wake County Transit Financial Plan and Wake County Transit Governance ILA ("Governance ILA"), all approved earlier this year by authorized Resolutions of the Wake County Board of Commissioners, Capital Area Metropolitan Planning Organization (CAMPO), and Research Triangle Regional Public Transportation Authority d/b/a/ Triangle Transit, also known as GoTriangle ("GoTriangle"); and

WHEREAS, implementation of the Wake County Transit Plan and the Governance ILA are both contingent upon financing derived from a new County Registration Tax in addition to other sources of funding defined in the Governance ILA as "Wake County Tax Revenue" and "Wake Transit Plan Revenue"; and

WHEREAS, a public hearing has been conducted before the Board of Commissioners on the proposed levy of the new seven dollar (\$7.00) County Vehicle Registration Tax ("Wake County Vehicle Registration Tax") and proper notice has been duly published; and

WHEREAS, N.C.G.S. § 105-570 and N.C.G.S. § 160A-461 *et seq.* authorizes Wake County and the Wake Transit Providing Municipalities to enter into an interlocal agreement

(“Interlocal Agreement”) for the allocation and administrative distribution of revenue derived from the new Wake County Vehicle Registration Tax; and

WHEREAS, Wake County desires to enter into an Interlocal Agreement with the Wake Transit Providing Municipalities for the administrative distribution of the new Wake County Vehicle Registration Tax to GoTriangle in its capacity as the tax district administrator and the regional transportation authority with the power under N.C.G.S. §105-508, *et seq.* to manage the Wake County Tax Revenue identified in the Governance ILA that will fund the Wake County Transit Plan; and

WHEREAS, the draft Interlocal Agreement attached hereto has been distributed to the Wake Transit Providing Municipalities and to GoTriangle for their consideration and approval which is anticipated to occur before January 31, 2017; and

WHEREAS, the Wake Transit Providing Municipalities will benefit from the combination of funds derived from the new Wake County Vehicle Registration Tax with all other transit revenue sources identified and defined by the Governance ILA; and

WHEREAS, a separate agreement setting forth a mutual understanding between the Non-Transit Providing Municipalities as to their commitment to the same administrative distribution of funds as specified in the Interlocal Agreement from any future allocation they could receive from the Wake County Vehicle Registration Tax will be considered at a future date; and

WHEREAS, use of the funds derived from the new Wake County Vehicle Registration Tax shall only be expended in strict accordance with the financial covenants and provisions included in the Governance ILA for the benefit of the Wake Transit Plan; and

WHEREAS, upon the Board of Commissioner’s levy of the new Wake County \$7.00 Vehicle Registration Tax, collection and administration of the tax shall lie with the Division of Motor Vehicles only on motor vehicles registered in Wake County identified in N.C.G.S. § 105-562 as authorized for taxation.

NOW THEREFORE, the Board of Commissioners of Wake County (“Board”) resolves that:

1. The Board hereby approves the levy of a new Wake County Vehicle Registration Tax in the amount of seven dollars (\$7.00) among qualifying motor vehicles with tax situs in Wake County on an annual basis and as authorized pursuant to N.C.G.S. § 105-570 for the purpose of funding public transportation systems in accordance with the Wake County Transit Plan and Transit Governance Interlocal Agreement.
2. The Interlocal Agreement governing the administrative distribution of funds received from the levy of the new Wake County Vehicle Registration Tax is hereby approved substantially in the form attached and the County Manager is authorized and directed to execute the Interlocal Agreement, subject to further amendments as may be deemed necessary by the County Attorney.

3. The Clerk to the Board is hereby authorized and directed to mail or deliver a certified copy of this Resolution to GoTriangle, the City of Raleigh, the Town of Cary, the Town of Wake Forest, the City of Durham, and the North Carolina Division of Motor Vehicles for implementation of the new Wake County Vehicle Registration Tax pursuant to N.C.G.S. § 105-570.
4. Collection and administration of the new Wake County Vehicle Registration Tax, and all liability connected therewith, is with the North Carolina Division of Motor Vehicles (DMV) and shall begin and continue on the first day of the sixth calendar month after adoption of this Resolution pursuant to N.C.G.S. § 105-562, for the registration renewal offers that will be mailed DMV on or before July 1, 2017, subject to DMV implementation.
5. The Board hereby authorizes the County Manager to take any actions necessary to effect the provisions of this Resolution.
6. This Resolution shall take effect upon its passage.

Adopted this 5<sup>th</sup> day of December, 2016.

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Chairman

ATTEST: \_\_\_\_\_