

Item Title: Resolution to Amend the Johnston County and City of Raleigh Utility Service Area Agreement

Specific Action Requested:

That the Board of Commissioners adopts a Resolution approving the Sixth Amendment to the Johnston County and City of Raleigh Utility Service Area Agreement.

Item Summary:

Purpose: Per Section 12-11-2 (F) of the Wake County Unified Development Ordinance (UDO), the Board of Commissioners must approve any utility extension into Wake County from an adjacent County.

Background: On July 29, 2008, the City of Raleigh and Johnston County executed an interlocal agreement (ILA) that allowed Johnston County to extend water service lines into pre-designated areas of Wake County. The purpose of the extension was to allow Johnston County to serve its county customers more effectively along the county line and also allow emergency water supply connections to entities in Wake County.

In accordance with North Carolina General Statute §162A-87.3 *Services Outside the District*, the Wake County Unified Development Ordinance (UDO Section 12-11-2 *Public Systems*) requires all such extensions of adjacent county water and/or sewer lines by a public utility into Wake County be approved by the Wake County Board of Commissioners. These extensions shall include the approval of an Interlocal Agreement and Service Boundary Map between the relevant municipality (Raleigh) and the service provider's governing body (Johnston County).

Raleigh and Johnston County have agreed to amend the ILA via a sixth amendment, which expands the scope of properties that may connect to the water line. More specifically, it will allow administrative approval, between Raleigh and Johnston County, for connection of any previously recorded individual residential lot contiguous to the existing water line.

Board Goal: This action is consistent with routine County operations

Fiscal Impact: There is no fiscal impact.

Additional Information:

Per the Wake County UDO, utility extensions from neighboring counties are allowed if all of the following conditions are met:

1. The residents of the area will benefit from the extension of services.
2. The extension of the service is consistent with the Wake County Land Use Plan, unless the extension is necessary to replace a failing water or wastewater system that constitutes a public health issue.
3. There is an interlocal agreement that includes the future ownership and maintenance of the provided services between the service provider and the relevant municipality for the extension of services (water and/or sewer).
4. There is not an adopted plan to provide water and/or sewer services to the proposed area by the relevant municipality within the next five (5) years. If an adopted plan already exists, then that plan shall first be amended before allowing the proposed water and/or sewer extension.

The principal reasons for these provisions are to preserve the land use planning efforts that have been made by Wake County and the various municipalities, ensure that there is adequate discussion and coordination between Wake County, the relevant municipality and the utility service provider, and to protect the municipality's investment in its water and sewer systems.

The Board of Commissioners approved the 2008 Interlocal Agreement and all subsequent amendments (one through five) of the ILA between Johnston County and the City of Raleigh. The sixth amendment provides further clarification on which properties in Wake County that front the existing Johnston County water line may choose to connect.

The proposed amendment satisfies the four requirements of the UDO; therefore County staff recommends adoption of the attached resolution.

The Johnston County Board of Commissioners approved the amendment at their meeting on October 7, 2019. Raleigh City Council is considering this item at their November 4, 2019 meeting.

Attachments:

1. Board of Commissioners' Resolution
2. Interlocal Agreement Between City of Raleigh and Johnston County
3. Interlocal Agreement – Sixth Amendment