

CHAPTER 51- REIMBURSEMENT AGREEMENTS

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§ 51.01 Intent and Purpose, Authority

The purpose of this Chapter is to give the Board of County Commissioners the authority to enter into Reimbursement Agreements pursuant to N.C. Gen. Stat. Section 153A-451.

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 the local sales- and property-tax base of the County and the various municipalities.

(Ord. passed 5-2-2016; Am. Ord. passed 7-18-2022)

§ 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. Reimbursement agreements authorized by N.C. Gen. Stat. Section 153A-451 shall not be subject to Article 8 of Chapter 143 of the General Statutes (Public Contracts) except as provided in Sec. 153A-451(d) (awarding contracts for work that would have required competitive bidding if the contract had been awarded by the County).

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- 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.

A developer or property owner which 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.

(Ord. passed 5-2-2016; Am. Ord. passed 7-18-2022)

§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 Effective Date and Revision of Original Ordinance

This revised ordinance revises and supplants the ordinance in Chapter 51 originally adopted May 2, 2016, and all subsequent amendments, and shall be effective on and after July 18, 2022.