

## RESOLUTION 2011-12

### A RESOLUTION AMENDING RESOLUTION 2009-20, NORTH CHARLESTON SEWER DISTRICT SEWER USE RESOLUTION

Whereas, a need exists to amend Article VI, Section 6.07 Agreement and Fees, Subparagraph (G); and

Whereas, the North Charleston Sewer District is now minded to clarify who will be required to pay the cost of operating and maintaining such sewerage facilities as discussed in subparagraph (G); and

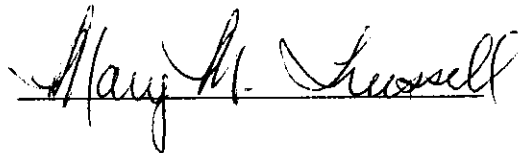
Whereas, this Resolution will do so.

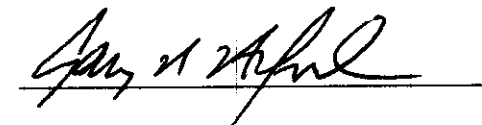
NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE COMMISSION OF THE NORTH CHARLESTON SEWER DISTRICT OF THE STATE OF SOUTH CAROLINA AS FOLLOWS:

Article VI Section 6.07 (G) is amended to read: (G) To guarantee payment to the District, where proposed sewerage facilities include pumping station(s), treatment facilities and/or other facilities requiring frequent routine checks on operation and/or the performance of routine maintenance, the cost of operating and maintaining such sewerage facilities until such time as the sewer service charge revenue realized from the area served by such facilities equals twice the estimated operation and maintenance cost. The Agreement shall further provide that (1), upon its creation, the homeowners' association or equivalent shall be responsible for making the payments required by this section; (2) if the homeowners' association fails to make such payments, each individual lot covered by the Agreement will be billed a pro rata share of the payment; and (3) no sewer service will be provided to any lot for which amounts are owed pursuant to this section, and if applicable, sewer service will be discontinued to any lot failing to make the payments required by this section. No ordinary gravity or force main sewer maintenance shall be considered applicable under this requirement.

ADOPTED by the North Charleston Sewer District Commission of the State of South Carolina on this 10<sup>th</sup> day of October 2011.

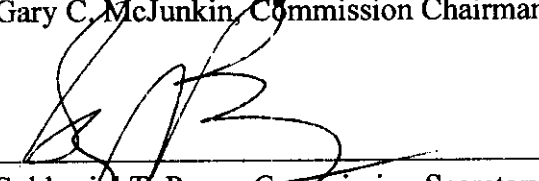
WITNESS:

  
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NORTH CHARLESTON SEWER DISTRICT

  
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Gary C. McJunkin, Commission Chairman

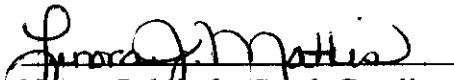
  
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Sylderrial T. Pryor, Commission Secretary

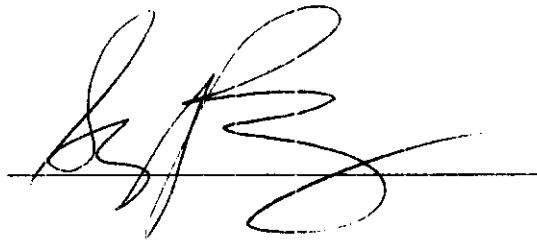
STATE OF SOUTH CAROLINA   )  
  )  
COUNTY OF CHARLESTON     )

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named North Charleston Sewer District by Gary C. McJunkin, its Chairman and Sylderrial T. Pryor, its Secretary, sign, seal, and as its act and deed, deliver the within written Resolution, and that (s)he with the other witness witnessed the execution thereof.

SWORN to before me this

10<sup>th</sup> day of October, 2011

  
Notary Public for South Carolina



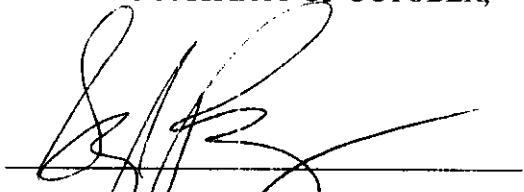
My Commission expires 9/9/2021

I, THE UNDERSIGNED, THE DULY QUALIFIED AND ACTING SECRETARY OF THE NORTH CHARLESTON SEWER DISTRICT, AND THE KEEPER OF THE RECORDS OF THE SEWER DISTRICT, INCLUDING THE JOURNAL OF PROCEEDINGS OF THE COMMISSION, DO HEREBY CERTIFY:

1. THAT THE ATTACHED RESOLUTION IS A TRUE AND CORRECT COPY OF THE RESOLUTION AS FINALLY ADOPTED AT A MEETING OF THE GOVERNING BODY HELD ON THE 10TH DAY OF OCTOBER, 2011 AND DULY RECORDED IN MY OFFICE.

2. THAT SUCH MEETING WAS DULY CONVENED AND HELD IN ALL RESPECTS IN ACCORDANCE WITH LAW AND TO THE EXTENT REQUIRED BY LAW, DUE AND PROPER NOTICE OF SUCH MEETING WAS GIVEN; AND A LEGALLY SUFFICIENT NUMBER OF MEMBERS OF THE GOVERNING BODY VOTED IN THE PROPER MANNER AND FOR THE ADOPTION OF SAID RESOLUTION; AND THAT ALL OTHER REQUIREMENTS AND PROCEEDINGS UNDER THE LAW INCIDENT TO THE PROPER ADOPTION OR PASSAGE OF SAID RESOLUTION, INCLUDING PUBLICATION IF REQUIRED, HAVE BEEN FULFILLED, CARRIED OUT, AND OTHERWISE OBSERVED; AND THAT I AM AUTHORIZED TO EXECUTE THIS CERTIFICATE.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 10TH DAY OF OCTOBER, 2011.

  
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SYLDERRIAL T. PRYOR, SECRETARY