

FORSYTH COUNTY
BOARD OF COMMISSIONERS

**BRIEFING
DRAFT**

MEETING DATE: APRIL 10, 2017

AGENDA ITEM NUMBER: 6

SUBJECT: RESOLUTION AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN FORSYTH COUNTY AND THE TOWNS OF LEWISVILLE, WALKERTOWN, RURAL HALL, AND BETHANIA TO FACILITATE MEMBERSHIP AND PARTICIPATION BY THE TOWNS IN THE SERVICES OF THE FORSYTH COUNTY JOINT HISTORIC RESOURCES COMMISSION

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:

SUMMARY OF INFORMATION:

ATTACHMENTS: YES NO

SIGNATURE: _____

COUNTY MANAGER

DATE: _____

**RESOLUTION AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT
BETWEEN FORSYTH COUNTY AND THE TOWNS OF LEWISVILLE,
WALKERTOWN, RURAL HALL, AND BETHANIA TO FACILITATE MEMBERSHIP
AND PARTICIPATION BY THE TOWNS IN THE SERVICES OF THE
FORSYTH COUNTY JOINT HISTORIC RESOURCES COMMISSION**

WHEREAS, Forsyth County has been designated a Certified Local Government by the National Park Service of the U.S. Department of Interior and is an active participant in the Forsyth County Joint Historic Resources Commission; and

WHEREAS, the Towns of Lewisville, Walkertown, Rural Hall, and Bethania seek to participate in the programming and services of the Forsyth County Joint Historic Resources Commission under Forsyth County's Certified Local Government designation; and

WHEREAS, the Forsyth County Joint Historic Resources Commission is authorized to represent the County and the Towns within Forsyth County pursuant to the provisions of N.C.G.S. 160A-400.7 through 400.14;

NOW, THEREFORE, BE IT RESOLVED that the Forsyth County Board of Commissioners hereby authorizes the Chairman or the County Manager and the Clerk to the Board to execute, on behalf of Forsyth County, the attached Interlocal Agreement between Forsyth County and the Towns of Lewisville, Walkertown, Rural Hall, and Bethania and any other necessary documents to facilitate membership and participation by the Towns in the programming and services of the Forsyth County Joint Historic Resources Commission under Forsyth County's Certified Local Government designation.

Adopted this 10th day of April 2017.

INTERLOCAL AGREEMENT

THIS AGREEMENT, entered into this _____ day of _____, 2017, by and between Forsyth County (the "County") and Town of Lewisville, the Town of Walkertown, the Town of Rural Hall, and the Town of Bethania (the "Towns");

WITNESSETH

WHEREAS, the County has been designated a Certified Local Government (CLG) by the National Park Service of the U.S. Department of Interior and is a member of the Forsyth County Joint Historic Resources Commission (the "Commission"); and

WHEREAS, the Towns would like to become a member of the Commission and participate in the CLG programming, and the National Park Service and State Historic Preservation Office (SHPO) recommend the Towns participate through an affiliation with the County as a CLG; and

WHEREAS, the Commission is authorized to represent the County and the Towns within Forsyth County pursuant to the provisions of N.C.G.S. 160A-400.7 through 400.14;

NOW, THEREFORE, in consideration of the premises and the mutual promises hereinafter set forth, the County and the Towns, agree as follows:

1. Purpose. The purpose of this Agreement is to arrange for the County, in its capacity as a CLG, to provide the Towns access to the services enumerated herein below by the Commission.
2. Services to be provided by the Commission. The Commission agrees to provide the following services to the County as a CLG and its affiliated Towns:
 - a. Comply with all requirements stipulated in the current version of the *Guidelines for North Carolina's Certified Local Government Program* created by the State Historic Preservation Office (SHPO), Division of Historical Resources, Office of Archives and History, North Carolina Department of Natural and Cultural Resources. This is pursuant to the SHPO's tasks enumerated in the National Historic Preservation Act of 1966, as amended (16 USC 470 et seq.), and in state and federal preservation standards, guidelines, and regulations.
 - b. Comply with all requirements stipulated in the Unified Development Ordinances for the County and all the Towns.
 - c. Review proposed National Register nominations and submit to the SHPO comments as to whether or not, in the Commission's opinion, the property or district meets the National Register of Historic Places (NRHP) criteria. The Commission shall provide a reasonable opportunity for public participation in the review process.
 - d. Review proposed Local Historic Landmark designation ordinances and submit to the appropriate elected body comments as to whether or not, in the Commission's

opinion, the property or district meets the Landmark criteria. The Commission shall provide a reasonable opportunity for public participation in the review process.

- e. Review proposed Historic and Historic Overlay District designation ordinances and submit to the appropriate elected body comments as to whether or not, in the Commission's opinion, the district meets the appropriate criteria. The Commission shall provide a reasonable opportunity for public participation in the review process.
3. Services to be provided by the Towns. The Towns agree to provide the following services under the County's CLG designation:
- a. Comply with all requirements stipulated in the *Guidelines for North Carolina's Certified Local Government Program* created by the State Historic Preservation Office, Division of Historical Resources Office of Archives and History North Carolina Department of Cultural Resources. This is pursuant to the SHPO's tasks enumerated in the National Historic Preservation Act of 1966, as amended (16 USC 470 et seq.), and in state and federal preservation standards, guidelines, and regulations.
 - b. Enforce appropriate State or local legislation for the designation and protection of historic properties.
 - c. Participate, financially and through public involvement in a County-wide inventory of properties of historical, prehistorical, architectural, and/or cultural significance.
 - d. Receive comments from the Commission and hold a public hearing on the proposed Local Historic Landmark designation ordinances, after which the appropriate elected body may adopt the designation ordinance as proposed, adopt the designation ordinance with any amendments it deems necessary, or reject the proposal.
 - e. Acceptance of all Local Historic Landmark designation ordinances to date that are located within each specific County or Town limits.
 - f. Review proposed National Register nominations and submit to the appropriate elected body comments as to whether or not, in the Commission's opinion, the property or district meet the required criteria. The chief local elected official shall provide his/her recommendation in addition to the Commission's comments to the SHPO.
 - g. As funds become available, apply for Historic Preservation Fund Grants to Certified Local Governments for matching grants for eligible historic preservation activities and projects. All grants must be submitted by the Commission. The County or the Towns which are awarded a grant must assist in the accounting process for receiving and processing the funds. Eligibility is contingent upon compliance by the CLG with

the conditions of its Certification Agreement and the performance standards set forth in Guidelines for North Carolina's Certified Local Government Program.

- i. Each CLG receiving a grant hereunder must meet the following requirements:
 1. Adhere to all required administrative procedures and policies for CLG grants set forth in the Guidelines for North Carolina's Certified Local Government Program and in the federal Historic Preservation Fund Grants Manual.
 2. Maintain an adequate financial management system that
 - a. meets federal standards specified in Office of Management and Budget Circular A-87;
 - b. can be audited in accordance with Office of Management and Budget Circular A-133; and,
 - c. documents compliance with procurement requirements of 43 CFR Part 12.76 or applicable State law.
 3. Adhere to any requirements mandated by Congress regarding the use of Historic Preservation Funds.
 4. Adhere to requirements specified by the SHPO in the Grant Agreement.
4. Duration. The duration of this Agreement shall be for the lifetime of the Forsyth County Joint Historic Resources Commission. Each Town may withdraw from this agreement with a ninety (90) day written notice to the North Carolina State Historic Preservation Office.
5. Personnel. Staff for the Commission will be supplied by the City-County Planning & Development Services Department.
6. Method of Financing. No financing will be necessary for this undertaking. Each party shall include those costs for which it is responsible in its annual fiscal year budget so long as this Agreement is effective.
7. Entire Agreement; Amendment. This is the entire Agreement between the parties hereto as to the subject matter herein. This Agreement may be amended only in writing pursuant to duly adopted resolutions of the governing bodies of the County and the Towns.
8. Termination. Either party may terminate its participation in this agreement by providing ninety (90) days written notice of its intent to do so.
9. Authority to Contract: Each party hereto represents and warrants that it has the legal authority, by ordinance or otherwise, to enter into this Agreement and to bind itself to its terms, and that its governing board has approved this Agreement or will ratify this Agreement as required pursuant to N.C.G.S. 160A-461.

IN TESTIMONY WHEREOF, the County and the Towns have caused these presents to be executed by their respective, duly authorized officers on the day and year first above written.

Forsyth County

By: _____

Title: _____

Town of Lewisville

By: _____

Title: _____

Town of Walkertown

By: _____

Title: _____

Town of Rural Hall

By: _____

Title: _____

Town of Bethania

By: _____

Title: _____