

Resolution #26-0231  
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**RESOLUTION AMENDING THE AGREEMENT BETWEEN THE COUNTY OF FORSYTH AND CITY OF WINSTON-SALEM DATED APRIL 20, 1976 RELATING TO THE UTILITY COMMISSION**

**WHEREAS**, the City of Winston-Salem and Forsyth County executed an agreement on April 20, 1976, to consolidate their water and sewer systems and be operated by the City under policies established by a jointly appointed Utility Commission; and

**WHEREAS**, the agreement prohibited members of the City Council (formerly the Board of Aldermen) and the County Board of Commissioners from serving on the Utility Commission; and

**WHEREAS**, at that time, the merger involved only the City and County; however, the system has since expanded to include additional municipalities within Forsyth County; and

**WHEREAS**, it is recommended that Section 7 (Utility Commission), of the 1976 Agreement between the County of Forsyth and City of Winston Salem, be amended by removing the final sentence of the first paragraph, which states, "No member of the Board of Aldermen or the Board of Commissioners may serve as chairman or a member of the Utility Commission," and replacing it with: "No elected official from any governmental unit within Forsyth County may serve as chairperson or a member of the Utility Commission."

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Winston-Salem that the Agreement between the County of Forsyth and City of Winston Salem dated April 20, 1976, is hereby amended by revising Section 7 (Utility Commission) as follows. Deletions are shown in strikethrough and additions are underlined.

“A Utility Commission shall be appointed as a joint agency pursuant to the authority of G.S. 160A-462 within ninety (90) days of the adoption of this agreement, and shall consist of ten (10) members and a chairman. Five (5) members shall be appointed by the Board of County Commissioners and five (5) by the Board of Aldermen. Members shall serve five-year terms, except that initially two (2) members shall be appointed for one (1) year; two (2) members for two (2) years; two (2) members for three (3) years; two (2) members for four (4) years; and two (2) members for five (5) years, the City and the County each to appoint one (1) member for each of these terms. Thereafter, appointments shall be for five-year terms. No member shall be appointed to more than two (2) terms. The chairman shall be appointed jointly by the Mayor and Chairman of the Board of County Commissioners for a term of two (2) years, and may be appointed to not more than five (5) terms. Any member shall be subject to removal without cause by the governing body which appointed that member. ~~No member of the Board of Aldermen or the Board of Commissioners may serve as chairman or a member of the Utility Commission.~~ No elected official from any governmental unit within Forsyth County may serve as chairperson or a member of the Utility Commission.”

**BE IT FURTHER RESOLVED**, that the Mayor and City Clerk are hereby authorized to execute an amendment to the Agreement between the County of Forsyth and City of Winston-Salem dated April 20, 1976 as outlined above.