

A RESOLUTION NO. 24-05 OF THE JAMES ISLAND PUBLIC SERVICE DISTRICT COMMISSION APPROVING THAT CERTAIN INTERGOVERNMENTAL SEWER INFRASTRUCTURE AGREEMENT WITH THE COMMISSIONERS OF PUBLIC WORKS OF THE CITY OF CHARLESTON, AND OTHER MATTERS RELATING THERETO

NOW THEREFORE, BE IT RESOLVED, by the James Island Public Service District Commission (the "**Commission**"), the governing body of the James Island Public Service District, South Carolina (the "**District**"), as follows:

Section 1 Findings. The Commission makes the following findings of fact in connection with the adoption of this resolution (this "**Resolution**"):

(a) The District is a special purpose district, a body politic and corporate, created pursuant to the provisions of Act No. 498 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1961, as amended. The District owns, operates, and maintains a sewer collection and transmission utility system ("**JIPSD System**") to provide sewer utility services within its service boundaries.

(b) The Commissioners of Public Works of the City of Charleston ("**CWS**") operates, maintains, and manages the City of Charleston's combined water and sewer utility system (the "**CWS System**").

(c) The District and CWS are working together to complete the "Harbor View Road Force Main Capacity Upgrade Project" (the "**Harbor View Project**"), which involves interconnection between both the JIPSD System and the CWS System.

(d) The District and the CWS have negotiated the terms and each party's responsibilities for the Harbor View Project in an Intergovernmental Sewer Infrastructure Agreement (the "**Intergovernmental Agreement**"). The form of the Intergovernmental Agreement is attached to this Resolution as **Exhibit A**.

Section 2 Approval of Intergovernmental Agreement. The form, provisions, terms, and conditions of the Intergovernmental Agreement, as attached at **Exhibit A** to this Resolution, are hereby approved, and all of the provisions, terms, and conditions thereof are hereby incorporated herein by reference as if the Intergovernmental Agreement was set out in this Resolution in its entirety. The Chairman of the Commission (the "**Chairman**") is hereby authorized, empowered, and directed to execute and seal the Intergovernmental Agreement in the name and on behalf of the District; and the Chairman is further authorized, empowered, and directed to deliver the Intergovernmental Agreement to the CWS. The Intergovernmental Agreement is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall not materially adversely affect the rights of the District thereunder and as shall be approved by the official or officials of the District executing the same, upon the advice of counsel, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Intergovernmental Agreement now before this meeting.

EXHIBIT A

Form of Intergovernmental Agreement

Section 3 Other Documents. To the extent any other documents related to the Harbor View Project require additional or further modifications, edits, or amendments to conform with the terms of the Intergovernmental Agreement, the Chairman is authorized to undertake all such modifications, edits, amendments, or other actions as may be necessary to conform such documents to the terms of the Intergovernmental Agreement.

Section 4 Effective Date. The provisions of this Resolution shall be effective immediately upon the adoption hereof.

DONE IN MEETING DULY ASSEMBLED, this 22nd day of April 2024.



(SEAL)

**JAMES ISLAND PUBLIC SERVICE DISTRICT,
SOUTH CAROLINA**

By: *Marilyn Clifton*
Chair
James Island Public Service District Commission

Attest:

[Signature]

Secretary
James Island Public Service District Commission