

§ 162A-68.5. Alternate procedure for inclusion of additional political subdivision.

(a) Notwithstanding G.S. 162A-67 and G.S. 162A-68, any time subsequent to the creation of a district, the district shall be expanded in accordance with this section to include territory of a requesting county if the governing board of the county submits a resolution requesting inclusion in the district and the county meets all of the following criteria:

- (1) The county is contracting with the district for bulk service.
- (2) The district has installed a sewage disposal system, sewerage system, sewers, or any portion thereof, in that county.
- (3) The district serves customers in that county as of the date of the resolution.

(b) Upon receipt of a resolution described in subsection (a) of this section, the district board shall send to the Environmental Management Commission and the requesting county all of the following:

- (1) A map or maps of the district showing each of the following:
 - a. The present and proposed new boundaries of the district.
 - b. The existing sewage disposal system, sewerage system, and sewers.
 - c. Any proposed extension of the sewage disposal system, sewerage system, sewer, including any sewer interceptors and outfalls.
- (2) A description of any proposed extension of sewerage services to the requesting county, which shall address all of the following:
 - a. Extension of sewerage service to the requesting county on substantially the same basis and in the same manner as such services are provided within the rest of the district prior to inclusion of the new territory.
 - b. A proposed time schedule for extension of sewerage service to the requesting county.
 - c. The estimated cost of extension of sewerage service to the requesting county; the method by which the district board proposes to finance the extension; the outstanding existing indebtedness of the district, if any; and the valuation of assessable property within the district and within the requesting county.
- (3) An analysis of the inclusion of the territory in the district.

(c) The Environmental Management Commission shall review the documents submitted under subsection (b) of this section and shall, in conjunction with the requesting county, set a time and place within the requesting county for a public hearing. The chair of the governing body of the requesting county shall give prior notice of such hearing by posting a notice at the courthouse door of the requesting county at least 30 days prior to the hearing and also by publication at least once a week for four successive weeks in a newspaper or newspapers having general circulation in the district and in the requesting county, the first publication to be at least 30 days prior to such public hearing.

(d) If, after the public hearing, the Environmental Management Commission determines that the inclusion of the territory will not adversely affect customer service in the district and will preserve and promote the public health and welfare of the district, the Environmental Management Commission shall adopt a resolution expanding and defining the boundaries of the district to include the territory in the district. Such resolution shall state an effective date of the inclusion of the territory in the district.

(e) Any action or proceeding in any court to set aside a resolution of the Environmental Management Commission, or to obtain any other relief upon the ground that such resolution or any proceeding or action taken with respect to the inclusion of the requesting county within the district is invalid, must be commenced within 30 days after the effective date of the resolution adopted by the Environmental Management Commission. After the expiration of such period of

limitation, no right of action or defense founded upon the invalidity of the resolution or the inclusion of the requesting county in the district shall be asserted, nor shall the validity of the resolution or the inclusion of the requesting county be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such period.

(f) Any territory of the requesting county included within an existing district by resolution of the Environmental Management Commission shall be subject to all debts of the district.

(g) Upon inclusion in the district, the district board shall be expanded by two members, who shall be qualified registered voters residing in the territory added to the district and appointed by the governing body of the requesting county. The terms of office of the members appointed under this subsection may be varied for a period not to exceed six months from the terms provided for in G.S. 162A-67 so that the appointment of successors to such members may more nearly coincide with the appointment of successors to members of the existing district board. All successor members shall be appointed for the terms provided for in G.S. 162A-67.

(h) G.S. 162A-67(a)(4) and G.S. 162A-68 shall not apply to any expansion under this section. (2019-127, s. 1.)