

STATE OF SOUTH DAKOTA
BOARD OF WATER AND NATURAL RESOURCES
RESOLUTION _____

APPROVING THE JOINT POWERS AGREEMENT AMONG MEADE COUNTY, PENNINGTON COUNTY, THE CITY OF BOX ELDER, THE CITY OF RAPID CITY, AND THE SOUTH DAKOTA BOARD OF WATER AND NATURAL RESOURCES AND APPROVING THE SOUTH DAKOTA WATER AND ENVIRONMENT FUND GRANT AGREEMENT BETWEEN THE STATE AND MEADE COUNTY, PENNINGTON COUNTY, THE CITY OF BOX ELDER, AND THE CITY OF RAPID CITY AND DESIGNATING THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO ACT ON ITS BEHALF.

WHEREAS, the 2007 Legislature enacted section 9 of House Bill 1245 which appropriates \$100,000 to the Board of Water and Natural Resources (the "Board") for the purpose of providing grants to the local project sponsors for a feasibility study for developing regional water and sewer infrastructure in the Rapid City area to include Box Elder and portions of Meade County and Pennington County, according to the terms and conditions established by the Board; and

WHEREAS, the Meade County, Pennington County, City of Box Elder, and City of Rapid City (the "Local Governments") will execute a Joint Powers Agreement with the Board to examine the concept of regional approaches to mutual goals such as water and sewer development, and to take part in a joint study with Ellsworth Air Force Base on the feasibility of building a mechanical sewerage treatment facility east of Box Elder in the Box Elder drainage basin for the eventual use of multiple qualified bulk users known as the EAFB, Box Elder Drainage, I-90 Corridor Multiple Jurisdictional Bulk Sewerage Treatment Feasibility Study Project (the "Project"); and

WHEREAS, the Local Governments have agreed to assume responsibility for the Project and to jointly serve as local project sponsor for the Project to determine the feasibility of building a regional bulk sewerage mechanical treatment plant east of Box Elder in the Box Elder drainage basin that would treat sewerage for both the City of Box Elder and Ellsworth Air Force Base, and potentially qualified bulk users further west up the Box Elder Drainage Basin; and

WHEREAS, the Board was presented with a letter of application from the Local Governments requesting the funds appropriated by the 2007 Legislature in Section 9 of House Bill 1245 be placed under agreement to conduct a feasibility study for the development of regional water and sewer infrastructure in the Project study area; and

WHEREAS, the Board has determined that studying the feasibility of a EAFB, Box Elder Drainage, I-90 Corridor Multiple Jurisdictional Bulk Sewerage Treatment Feasibility Study Project is an eligible water resource project as defined by SDCL 46A-2-4; and

WHEREAS, the Board has reviewed the proposed “Joint Powers Agreement Among Meade County, Pennington County, the City of Box Elder, the City of Rapid City, and the South Dakota Board of Water and Natural Resources”, a true copy of which is attached hereto and finds it proper in all respects; and

WHEREAS, the Board has reviewed the proposed “South Dakota Water and Environment Fund Grant Agreement”, a true copy of which is attached hereto and finds it proper in all respects.

NOW THEREFORE BE IT RESOLVED

1. That the Board of Water and Natural Resources hereby approves a grant of one hundred thousand dollars (\$100,000), as set forth with particularity in the Grant Agreement attached hereto, which agreement is hereby approved; and,
2. That the Chairman is authorized to execute the “SOUTH DAKOTA WATER AND ENVIRONMENT FUND GRANT AGREEMENT” and the “JOINT POWERS AGREEMENT AMONG MEADE COUNTY, PENNINGTON COUNTY, THE CITY OF BOX ELDER, THE CITY OF RAPID CITY, AND THE SOUTH DAKOTA BOARD OF WATER AND NATURAL RESOURCES;” and
3. That the Secretary, Department of Environment and Natural Resources (the “Secretary”), is hereby designated as the representative of the Board of Water and Natural Resources to do all things on its behalf allowable under the terms of this Grant Agreement, and doing those acts specified in the Grant Agreement and is empowered to delegate such authority in writing to those persons under the supervision of the Secretary as deemed appropriate.

Dated the 28th day of September, 2007

(SEAL)

Chairman, Board of Water and
Natural Resources

ATTEST:

Secretary, Board of Water and
Natural Resources