

RESOLUTION APPROVING AN INVOICE FROM, AND PAYMENT TO, HUX
CONTRACTING, LLC, IN THE AMOUNT OF SIXTY-TWO THOUSAND FIVE HUNDRED
DOLLARS (\$62,500.00) FOR EMERGENCY ASPHALT COMPACTING, MILLING, AND
PAVING FOR UNION COUNTY WATER

WHEREAS, Union County Water authorized Hux Contracting, LLC (the “Company”) on March 1, 2025, to perform emergency compacting, milling, and paving of an area of pavement on Highway 74 that was removed to facilitate the repair of a water main break (the “Work”); and

WHEREAS, the Company performed such services on March 1, 2025; and

WHEREAS, although there were sufficient funds in the Water and Wastewater Operations Budget (60026514-5381) ordinance to cover the Work performed by the Company, there was no purchase order or agreement entered into to authorize the Work and an associated payment obligation due to the emergency nature of the Work; and

WHEREAS, the Company submitted an invoice for the emergency Work in the amount of Sixty-Two Thousand Five Hundred Dollars (\$62,500.00) on March 1, 2025; and

WHEREAS, although the Work was satisfactorily completed, the Union County finance officer appropriately disapproved payment under the invoice because there was no properly authorized contract or purchase order which allowed payment for the Work under the encumbrance; and

WHEREAS, pursuant to N.C.G.S. 159-28(c), the Board of Commissioners (the “Board”) may approve an invoice that has been disapproved by the finance officer so long as there is an appropriation in the associated budget or project ordinance and there is an unencumbered balance that is more than the amount to be paid under the disapproved invoice; and

WHEREAS, there is a greater amount unencumbered left in the appropriation for the emergency Work than the amount of the invoice for the Work performed by the Company; and

WHEREAS, the Board desires to approve the invoice to allow the Company to be paid for the Work that was satisfactorily performed pursuant to direction from Union County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Union County, North Carolina as follows:

- (1) The invoice from, and associated payment to, Hux Contracting, LLC, in the amount of Sixty-Two Thousand Five Hundred Dollars (\$62,500.00) for emergency work performed to compact, mill, and pave an area of pavement on Highway 74 that was removed to facilitate the repair of a water main break for Union County Water, which is attached hereto, is approved.

- (2) The Board is approving payment of this invoice for the following reasons: (i) Hux Contracting, LLC, satisfactorily performed the work associated with this invoice under the belief it was properly authorized to perform the work through authorization from Union County Water due to an emergency repair; (ii) staff acted in good faith in authorizing Hux Contracting, LLC, to perform the work; and (iii) there were sufficient funds in the Water and Wastewater Operations Budget (60026514-5381) ordinance to pay for the work performed.
- (3) The Chair shall sign the certificate on the check or draft given in payment of the invoice.
- (4) This resolution shall take effect immediately upon its passage.

Adopted this 7th day of April, 2025.

ATTEST:

Lynn G. West, Clerk to the Board

Melissa Merrell, Chair