

**Windsor, North Carolina**  
**March 4, 2013**  
**Regular Meeting**

The Bertie County Board of Commissioners met for a presentation from Cooperative Extension at 9:00 AM in the Commissioners Room with the following members present or absent:

Present: J. Wallace Perry, Chairman  
Rick Harrell  
John Trent  
Ronald "Ron" Wesson

Absent: Charles L. Smith, Vice-Chairman

Staff Present: Interim County Manager Morris Rascoe  
Assistant County Manager Misty Deanes

Chairman Perry opened the meeting and led the invocation and Pledge of Allegiance.

**PRESENTATION**

Cooperative Extension Director Richard Rhodes and Cooperative Extension staff presented information regarding the work done by Cooperative Extension over the past year.

**MONUMENT TO FALLEN OFFICERS**

Chairman Perry stated that a monument to fallen officers had been discussed in the past and Cooperative Extension had been leading up this project. Chairman Perry stated that the project would cost approximately \$5000.00.

The board discussed this project.

Commissioner Wesson introduced a **MOTION** to approve the project at a cost of up to \$5,000.00. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

**RECESS**

Chairman Perry recessed the meeting until 10:00 AM.

**RECONVENE**

The Bertie County Board of Commissioners reconvened for a regular meeting at 10:00 AM in the Commissioners Room with the following members present or absent:

Present: J. Wallace Perry, Chairman  
Rick Harrell  
John Trent  
Ronald "Ron" Wesson

Absent: Charles L. Smith, Vice-Chairman (listening via phone)

Staff Present: Interim County Manager Morris Rascoe  
Assistant County Manager Misty Deanes  
Assistant County Attorney Jonathan Huddleston

Chairman Perry opened the meeting.

## PUBLIC COMMENTS

### MR. JAMES PUGH REGARDING MEETING

Mr. James Pugh discussed the Eastern Civic Group which consists of twenty-two counties in G.K. Butterfield's district. Mr. Pugh invited the Board to attend meetings of that group. Mr. Pugh stated that Commissioner Wesson would be speaking at the next meeting.

## APPOINTMENTS

### RED CROSS REPRESENTATIVE CAROLYN SELF AND EMERGENCY MANAGEMENT COORDINATOR MITCH COOPER REGARDING MEMORANDUM OF UNDERSTANDING BETWEEN BERTIE COUNTY AND THE AMERICAN RED CROSS GREATER ALBEMARLE AREA

Mr. Cooper introduced Ms. Self. Ms. Self discussed the proposed agreement.

Chairman Perry asked for suggestions on how the county could get more generators on hand for storms. Ms. Self stated that she knows Mr. Cooper has looked into this issue, and noted that counties can request such equipment from the State and other EMS agencies during storms. Ms. Self stated that she could help Mr. Cooper with his research on this issue.

Chairman Perry inquired if being in the Albemarle area would make Bertie County subject to being asked to open shelters up for people evacuating the coast. Ms. Self and Mr. Cooper discussed the State plan for such evacuations, stating that Bertie County is not in the plan in this area.

Commissioner Wesson stated that preplanning before a disaster can help and inquired about how to better get the word out to citizens in the county about disaster plans. Ms. Self discussed the need for disaster preparation education and having a good disaster preparedness plan.

Interim County Manager Rascoe recognized Ms. Patricia Ferguson in the audience, noting that Ms. Ferguson had worked the last Bertie County disasters representing the Red Cross.

Commissioner Harrell introduced a **MOTION** to approve the memorandum of understanding. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

### MS. DONNA NIXON OF THE PIERCE GROUP REGARDING EMPLOYEE BENEFITS

Ms. Nixon stated that she had presented the Board with letters to change the Agent of Record for Bertie County from Mark III to The Pierce Group.

Assistant County Attorney Huddleston discussed the current contract with Mark III, noting that signing the letters provided by Ms. Nixon would terminate that contract. Mr. Huddleston stated that there was no legal prohibition from changing the Agent of Record at this time.

Commissioner Harrell introduced a **MOTION** to make The Pierce Group the Agent of Record for Bertie County. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

### MAINTENANCE DIRECTOR ANTHONY RASCOE REGARDING REPLACEMENT OF FASCIA BOARD AND BOXING AT THE COURTHOUSE AND COUNTY OFFICE BUILDING

Mr. Rascoe stated that 125 linear feet of fascia board needed to be replaced and other areas where there are rotten boards need to be repaired. Mr. Rascoe stated that he had received two estimates for a total cost of \$3786.00. Mr. Rascoe discussed his current budget.

Commissioner Trent and Commissioner Wesson introduced a **MOTION** to move forward with these repairs out of the current Building and Grounds budget. Commissioner Harrell **SECONDED** the motion. The **MOTION PASSED** unanimously.

**PLANNING AND INSPECTIONS DIRECTOR TRACI WHITE REGARDING ABANDONED MOBILE HOME PROGRAM**

Ms. White updated the Board on the abandoned mobile home program and passed out a sheet with the expenditures and remaining balance in the program. Ms. White stated that since 2010, the County has received two extensions on this program and would need to request an extension again soon. Ms. White stated that part of the program is that the landowner has to pay \$300.00 and any tipping fees over 8 tons. Mr. John Whitehurst was present and Chairman Perry inquired as to whether not recent interpretation of the landfill contract would help with these costs. Mr. Whitehurst said that it should. The Board discussed the fees for landowners. Ms. White stated that she felt the fee has prohibited some landowners from participating in the program.

Ms. White asked the Board how it wanted to handle advertising, noting that the administrative fee listed includes postage and advertising. The Board encouraged Ms. White to continue advertising.

Commissioner Trent inquired if the contractors doing the work in the program were Bertie County contractors. Ms. White stated that all except one of the contractors were from Bertie County. Ms. White discussed the process for advertising for proposals.

The Board and staff continued to discuss this program.

Commissioner Trent introduced a **MOTION** to waive the fee for the homeowners and to apply for an extension to the program. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

Ms. White asked for direction on how often to advertise the program. Commissioner Harrell asked that Ms. White think about that issue and bring a recommendation to the Board.

Ms. White informed the Board that she would be going out on maternity leave in mid May. Ms. White stated that Economic Development Director Steve Biggs is the Deputy Subdivision Administrator and would handle matters related to that while she is out and Inspector GT Pittman would handle the Inspections Department while she is out. Ms. White stated that she would be available if anything came up that required her attention.

**EMERGENCY MANAGEMENT COORDINATOR MITCH COOPER AND LEWISTON-WOODVILLE FIRE AND EMS REPRESENTATIVE LARRY MIZELL REGARDING COLERAIN EMS**

Mr. Larry Mizell reminded the Board that Lewiston EMS had temporarily taken over Colerain EMS because of the issues in that squad. Mr. Mizell discussed the present financial situation in the Colerain EMS area, noting that the call volume is lower than they had originally been told and that Colerain EMS had not yet received its own number and could not take this service back over at this time. Mr. Mizelle and Mr. Whitehurst discussed collection percentages for rescue. Mr. Mizell stated that Lewiston-Woodville EMS is losing money by providing the services in the Colerain area. Mr. Mizell presented the Board with a packet of information about the financial situation. Mr. Mizell stated that Lewiston-Woodville EMS would need at least \$25,000.00 now to continue to provide these services and may need as much as \$50,000.00 as time goes on since they still continue to provide service to that area. Mr. Mizell stated that any funds allocated, but not used for this service would be returned to the County.

Commissioner Wesson asked for an update on the current status of Colerain EMS. Mr. Cooper updated the Board on the current status. Mr. Cooper stated that Colerain EMS cannot stand on its own at this time. Commissioner Harrell inquired as to whether the County had anticipated this financial issue. Mr. Cooper stated that the state of the books for Colerain EMS made it difficult to estimate the cost to run this service and all the County had to go on at the time was the call volume. The Board and staff discussed this matter at length.

Commissioner Trent introduced a **MOTION** to approve \$25,000.00 to go to Lewiston-Woodville EMS to come from Fund Balance and any unspent funds must be returned to the County. Commissioner Harrell **SECONDED** the motion. The **MOTION PASSED** unanimously.

Mr. Trent asked for a monthly budget from Lewiston-Woodville EMS beginning in March. Mr. Mizell stated that they could give the Board a copy of the expected expenditures and revenues each month.

Mr. Whitehurst stated that it would be helpful to have statement of unpaid Colerain EMS bills. The Board agreed and asked Mr. Cooper to provide this and a record of money coming in and going out for Colerain EMS.

### **RECESS**

The Board called for a five minute recess.

### **CONSENT AGENDA**

Chairman Perry called the meeting to order.

Commissioner Wesson introduced a **MOTION** to approve the minutes from February 18, 2013 with changes by the Assistant County Attorney. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

### **DISCUSSION AGENDA**

#### **EMS CONSULTANT SERVICES**

Interim County Manager Rascoe stated that the Board had discussed pursuing a consultant to write a request for proposals for EMS services in Bertie County. Mr. Rascoe stated that the gentleman who had done the previous EMS study for Bertie County was available to provide these services for a cost of between \$3000.00 to \$4000.00. The Board and staff discussed this issue.

Commissioner Wesson introduced a **MOTION** to move forward to bring this consultant on Board at a price not to exceed \$4000.00. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

#### **RESIDENCY POLICY**

The Board discussed the proposed residency policy.

Commissioner Harrell introduced a **MOTION** to approve the residency policy. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

#### **BOARD APPOINTMENT POLICY**

Assistant County Manager Misty Gibbs stated that the policy had been revised as discussed with the Board at its retreat. Ms. Gibbs discussed draft language regarding immediate family. Assistant County Attorney Huddleston stated that staff needed more direction on what the Board wished to accomplish with that section so that staff could clean up the language in that section to meet the Board's needs. The Board and staff discussed this matter. This matter was tabled until the next meeting.

#### **COMMUNITY MEETINGS**

Interim County Manager Rascoe discussed the proposed dates and locations for community meetings, noting that Staff would update the policy to begin the community meetings in April instead of March and hold one meeting per month after that date in each of the locations chosen.

Mr. James Pugh discussed getting people involved in the meetings.

Commissioner Harrell recognized former Chair Patricia Ferguson who was with the Board when it held community meetings in the past. Commissioner Harrell asked Ms. Ferguson for her suggestions on gaining participation at these meetings. Ms. Ferguson discussed tactics used by the Board in the past and suggestions.

#### **ADVERTISEMENT FOR THE COUNTY MANAGER POSITION**

Interim County Manager Rascoe discussed the proposed advertisement. Mr. Rascoe asked if the Board would like a time limit put on accepting applications or to have it stay open until filled.

The Board asked that the application period be open sixty days.

## **SHERIFFS OFFICE REQUEST FOR SALARY INCREASE FOR DETECTIVES**

Mr. Rascoe stated that the Finance Office had provided a document on the Sheriff's Office budget. Mr. Rascoe stated that the Sheriff was not present at this meeting and he felt this matter should not be discussed without the Sheriff present. The Board tabled this matter.

## **AUDIT CONTRACT**

Mr. Rascoe discussed the proposed audit contract.

Commissioner Harrell introduced a **MOTION** to approve the contract. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

## **EAST CAROLINA BEHAVIORAL HEALTH BOARD CHANGES**

Mr. Rascoe discussed information received regarding changes in the composition of the Board for East Carolina Behavioral Health. Mr. Rascoe stated that he would need to have further discussions with ECBH regarding this change.

## **COMMISSIONERS' REPORTS**

There were no reports.

## **COUNTY MANAGER'S REPORTS**

## **LETTER REGARDING NCFASST TRAINING SESSION**

Mr. Rascoe stated that the Board and staff had received a letter from Social Services Director Linda Speller regarding a training session on NCFASST.

## **BOARD OF EQUALIZATION AND REVIEW**

Mr. Rascoe stated that the Board of Equalization and Review would need to meet on April 1, 2013.

Commissioner Harrell called for a meeting of the Board of Equalization and Review on April 1, 2013 at 10:00 AM. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

## **MEETING WITH CHAMBER OF COMMERCE**

Commissioner Wesson stated that at 5 PM that day he and Tax Administrator Hosea Wilson would meet with the Chamber of Commerce regarding the License Plate Agency.

## **COUNTY ATTORNEY'S REPORTS**

There were no reports.

## **PUBLIC COMMENTS CONTINUED**

## **MS. PATRICIA FERGUSON REGARDING COUNTYIMPACT.COM**

Ms. Patricia Ferguson stated that she had launched a blog called countyimpact.com. Ms. Ferguson discussed this blog and what she feels are needs for the region.

## **RESOLUTION REGARDING GUN CONTROL**

Mr. Joe Hoggard stated that other counties have adopted resolutions regarding gun control and stated that he would like the Bertie County Commissioners to discuss and adopt such a resolution.

## **RECESS**

Chairman Perry recessed the meeting until 2:00 PM.

## **RECONVENE**

The Bertie County Board of Commissioners reconvened for a regular meeting at 10:00 AM in the Commissioners Room with the following members present or absent:

Present: J. Wallace Perry, Chairman  
Rick Harrell  
John Trent  
Ronald "Ron" Wesson

Absent: Charles L. Smith, Vice-Chairman

Staff Present: Interim County Manager Morris Rascoe  
Assistant County Manager Misty Deanes  
Assistant County Attorney Jonathan Huddleston

Chairman Perry opened the meeting.

### **CONVENE AS THE BOARD FOR WATER DISTRICTS I, II, III AND IV**

Chairman Harrell introduced a **MOTION** to convene as the Board for Water Districts I, II, III and IV. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

### **AUTOMATIC METER READERS**

The Board discussed this matter.

Commissioner Harrell introduced a **MOTION** to approve the resolutions regarding automatic meter readers. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

The resolutions read as follows:

H-2

RESOLUTION  
OWNER'S APPROVAL OF SPECIFICATION  
AND AUTHORIZATION TO RECEIVE BIDS  
CONTRACT NO. 1 - AUTOMATIC METER READING SYSTEM  
COUNTY WATER DISTRICT I  
BERTIE COUNTY

WHEREAS, County Water District I of Bertie County has received funding obligation from NCDENR Public Water Supply Section, and

WHEREAS, Specifications have been prepared by McDavid Associates, Inc. for County Water District I of Bertie County Automatic Meter Reading System.

NOW THEREFORE BE IT RESOLVED BY THE COUNTY WATER DISTRICT I OF BERTIE COUNTY:

That Specifications for AMR's be approved and Owner is authorized to take proposals for the Automatic Meter Reading System, and

That the Chairman/County Manager is authorized to execute and file all supporting documents for this project.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2013 in Bertie County, North Carolina.

\_\_\_\_\_  
Wallace Perry  
Chairman, Bertie County

(SEAL)

ATTEST:

\_\_\_\_\_  
Misty Deanes  
Clerk to Board

RESOLUTION  
OWNER'S APPROVAL OF SPECIFICATION  
AND AUTHORIZATION TO RECEIVE BIDS  
CONTRACT NO. 2 - AUTOMATIC METER READING SYSTEM  
COUNTY WATER DISTRICT II  
BERTIE COUNTY

WHEREAS, County Water District II of Bertie County has received funding obligation from  
NCDENR Public Water Supply Section, and

WHEREAS, Specifications have been prepared by McDavid Associates, Inc. for County Water  
District II of Bertie County Automatic Meter Reading System.

**NOW THEREFORE BE IT RESOLVED BY THE COUNTY WATER DISTRICT II OF BERTIE  
COUNTY:**

That Specifications for AMR's be approved and Owner is authorized to take proposals for the  
Automatic Meter Reading System, and

That the Chairman/County Manager is authorized to execute and file all supporting documents  
for this project.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2013 in Bertie County, North Carolina.

\_\_\_\_\_  
Wallace Perry  
Chairman, Bertie County

(SEAL)

ATTEST:

\_\_\_\_\_  
Misty Deanes  
Clerk to Board



RESOLUTION  
OWNER'S APPROVAL OF SPECIFICATION  
AND AUTHORIZATION TO RECEIVE BIDS  
CONTRACT NO. 3 - AUTOMATIC METER READING SYSTEM  
COUNTY WATER DISTRICT III  
BERTIE COUNTY

WHEREAS, County Water District III of Bertie County has received funding obligation from NCDENR Public Water Supply Section, and

WHEREAS, Specifications have been prepared by McDavid Associates, Inc. for County Water District III of Bertie County Automatic Meter Reading System.

**NOW THEREFORE BE IT RESOLVED BY THE COUNTY WATER DISTRICT III OF BERTIE COUNTY:**

That Specifications for AMR's be approved and Owner is authorized to take proposals for the Automatic Meter Reading System, and

That the Chairman/County Manager is authorized to execute and file all supporting documents for this project.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2013 in Bertie County, North Carolina.

\_\_\_\_\_  
Wallace Perry  
Chairman, Bertie County

(SEAL)

ATTEST:

\_\_\_\_\_  
Misty Deanes  
Clerk to Board

RESOLUTION  
OWNER'S APPROVAL OF SPECIFICATION  
AND AUTHORIZATION TO RECEIVE BIDS  
CONTRACT NO. 4 - AUTOMATIC METER READING SYSTEM  
COUNTY WATER DISTRICT IV  
BERTIE COUNTY

WHEREAS, County Water District IV of Bertie County has received funding obligation from NCDENR Public Water Supply Section, and

WHEREAS, Specifications have been prepared by McDavid Associates, Inc. for County Water District IV of Bertie County Automatic Meter Reading System.

**NOW THEREFORE BE IT RESOLVED BY THE COUNTY WATER DISTRICT IV OF BERTIE COUNTY:**

That Specifications for AMR's be approved and Owner is authorized to take proposals for the Automatic Meter Reading System, and

That the Chairman/County Manager is authorized to execute and file all supporting documents for this project.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2013 in Bertie County, North Carolina.

\_\_\_\_\_  
Wallace Perry  
Chairman, Bertie County

(SEAL)

ATTEST:

\_\_\_\_\_  
Misty Deanes  
Clerk to Board

**APPROVAL OF APPLICATIONS FOR FUNDING UPGRADING WATER SYSTEM IN DISTRICT II FOR AVOCA AND SCOTCH HALL PHASE I**

Mr. Rich Moore discussed a packet of information regarding the proposed rate structure and water usage information for Water District II. Mr. Moore discussed the current rate structure compared to usage. Mr. Moore discussed the operation and maintenance budget evaluation for this district. Mr. Moore discussed a preliminary cost estimate for water system improvements phase I in Water District II. Mr. Moore discussed future demands in Water District II.

The Board and staff discussed the needs of Water District II at length.

Commissioner Harrell introduced a **MOTION** to approve the resolution to submit the application for funding for Water District II. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

The resolution reads as follows:

4-3

RESOLUTION  
OWNER'S AUTHORIZATION TO SUBMIT  
APPLICATION FOR FUNDING  
COUNTY WATER DISTRICT II  
BERTIE COUNTY

WHEREAS, County Water District II in Bertie County realizes the need to upgrade their Water System to provide service to Avoca Farms, and Phase I Scotch Hall, and

WHEREAS, McDavid Associates, Inc. Has completed applications for assistance in funding.

NOW THEREFORE BE IT RESOLVED BY THE COUNTY WATER DISTRICT II OF BERTIE COUNTY:

That McDavid Associates, Inc. be authorized to file Application for Funding, and

That the Chairman/County Manager is authorized to execute and file all supporting documents for this project.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2013 in Bertie County, North Carolina.

\_\_\_\_\_  
Wallace Perry  
Chairman, Bertie County

(SEAL)

ATTEST:

\_\_\_\_\_  
Misty Deanes  
Clerk to Board

**GIS**

Charles Joyner and Rich Moore of McDavid Associates discussed the need for GIS mapping of the water system in Kelford and at Scotch Hall Preserve. Mr. Joyner discussed the match for this program.

The Board tabled this discussion until budget meetings.

**BLACK ROCK SUBDIVISION WATERLINE EXTENSION**

The Board and staff discussed this matter.

Commissioner Harrell introduced a **MOTION** to approve the resolution for the waterline extension to Black Rock Subdivision. Commissioner Trent **SECONDED** this motion. The **MOTION PASSED** unanimously.

The resolution reads as follows:

H-1

RESOLUTION  
OWNER'S APPROVAL OF PLANS AND SPECIFICATION  
AND  
AUTHORIZATION TO RECEIVE BIDS  
CONTRACT NO. 1 - BLACK ROCK SUBDIVISION WATER IMPROVEMENTS  
2011 BLACK ROCK SUBDIVISION WATER IMPROVEMENTS  
COUNTY WATER DISTRICT II  
BERTIE COUNTY

**WHEREAS,** County Water District II of Bertie County has received funding obligation from NCDENR Public Water Supply Section for the installation of water lines in Black Rock Subdivision, and

**WHEREAS,** Plans and Specifications have been prepared by McDavid Associates, Inc. for Black Rock Subdivision Water Line Improvements in County Water District II of Bertie County.

**NOW THEREFORE BE IT RESOLVED BY THE COUNTY WATER DISTRICT IV OF BERTIE COUNTY:**

That Plans and Specifications for Black Rock Water Line Improvements be approved and Owner is authorized to receive bids for the project, and

That the Chairman/County Manager is authorized to execute and file all supporting documents for this project.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2013 in Bertie County, North Carolina.

\_\_\_\_\_  
Wallace Perry  
Chairman, Bertie County

(SEAL)

**ATTEST:**

\_\_\_\_\_  
Misty Deanes  
Clerk to Board

## **REVIEW OF EXISTING PRIVATELY FUNDED WATER LINES CHECKLIST**

It was decided that this matter would be discussed at a water work session during the first meeting in April.

### **SOUTH WINDSOR WATER**

The Board and staff discussed South Windsor water. This matter was tabled until a future meeting.

**ADJOURN AS THE BOARD OR WATER DISTRICTS I, II, III AND IV**

Commissioner Wesson introduced a **MOTION** to adjourn as the Board for Water Districts I, II, III and IV. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

**DAVENPORT AND COMPANY REGARDING REFUNDING FOR WATER DISTRICTS**

Mitch Brigulio and Bob High of Davenport and Company presented information about refunding for the water districts.

Commissioner Trent introduced a **MOTION** to pass the resolution regarding refunding. Commissioner Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

The resolution reads as follows:

BOARD OF COMMISSIONERS  
OF BERTIE COUNTY  
Excerpt of Minutes  
of Meeting on  
March 4, 2013

Present: Chairman \_\_\_\_\_ presiding, and Commissioners: \_\_\_\_\_

Absent: \_\_\_\_\_

\* \* \* \* \*

The following resolution was discussed and its title was read:

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF AN INSTALLMENT FINANCING CONTRACT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTES § 160A-20 AND MAKING CERTAIN FINDINGS REQUIRED BY NORTH CAROLINA GENERAL STATUTE § 159-151

WHEREAS, the County of Bertie, North Carolina (the "County") is a validly existing political subdivision of the State of North Carolina (the "State"), existing as such under and by virtue of the Constitution, statutes and laws of the State;

WHEREAS, the County has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment purchase contracts in order to finance and refinance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the County has four water districts (identified as Water Districts I – IV) (the "Districts") to provide a water system within the County, which have incurred general obligation debt from time to time to finance the construction of the water system; and

WHEREAS, a portion of the general obligation bonds previously issued by the Districts are currently held by Rural Development, an agency of the United States Department of Agriculture ("USDA"), and the Districts intend to issue general obligation refunding bonds (the "District Bonds") in order to reduce the interest cost associated with such financings;

WHEREAS, the Board of Commissioners of the County (the "Board of Commissioners") has determined that it is in the best interest of the County to pursue the financing of the purchase of the District Bonds issued by the Districts in order to assist the Districts in achieving debt service savings with respect to the Districts' water system;

WHEREAS, the County intends to enter into a trust agreement with U.S. Bank National Association as bond trustee that will be treated as an installment financing contract, as permitted under Section 160A-20 of the General Statutes of North Carolina, as amended (the "Act"), and to issue limited obligation bonds issued under the trust agreement in order to provide financing for the purchase of the District Bonds, as hereinafter described;

WHEREAS, the County hereby determines that the proposed financing will allow the County to finance the purchase of the District Bonds at a favorable interest rate currently available in the financial marketplace and on terms advantageous to the County and the Districts;

WHEREAS, financing of the purchase of the District Bonds pursuant to § 160A-20 must be approved by the North Carolina Local Government Commission (the "LGC") and will only be approved if the findings of N.C.G.S. § 159-151(b) have been made;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners ("the Board") of the County, as follows:

After consideration, the Board has determined that the most advantageous manner of financing the acquisition of the District Bonds is by an installment financing contract as authorized by Section 160A-20 of the General Statutes of North Carolina, as amended.

Pursuant to Section 160A-20, the County is authorized to finance the acquisition of the District Bonds by entering into an installment contract and security agreement that creates a security interest in some or all of the District Bonds to secure repayment of the financing.

The proposed financing is necessary and expedient because it will reduce the interest rate paid by the Districts and the County for the debt relating to the water system operated by the Districts.

Although the cost of financing the purchase of the District Bonds pursuant to the proposed financing is expected to exceed such cost pursuant to a general obligation bond financing for the same undertaking, the County hereby determines that the proposed financing is preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; and (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of purchasing the District Bonds and the savings realized thereby and (3) insufficient County revenues are produced so as to permit a revenue bond financing.

The cost of the proposed undertaking exceeds the amount of funds that can be prudently raised from currently available appropriations, unappropriated fund balances, and non-voted general obligation bonds that could be issued by the County in the fiscal year pursuant to Article V, Section 4, of the North Carolina Constitution.

The sums proposed to be provided under the financing are adequate and not excessive for the stated purposes of acquiring the District Bonds.

The County's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act, and external auditors have determined that the County has conformed with generally accepted accounting principles as applied to governmental units in preparing its Annual Budget.

Past audit reports of the County indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the County has not been censured by the North Carolina Local Government Commission (the "LGC"), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies;

The County has determined and hereby determines that the estimated cost of financing the purchase of the District Bonds pursuant to the proposed financing reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles;

The County does not anticipate a future County property tax increase to pay the sums to fall due under the proposed financing;

The County is not in default in any of its debt service obligations.

Hunton & Williams LLP, as bond counsel ("Bond Counsel"), will render an opinion to the effect that entering into the proposed financing is authorized by law.

No deficiency judgment may be rendered against the County in any action for its breach of the proposed installment financing contract, and the taxing power of the County is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the proposed installment financing contract;

The County Manager, the County Finance Director, and other appropriate officers of the County, are authorized and directed to prepare and submit to the North Carolina Local Government Commission an application for approval of the financing described above and all relevant transactions contemplated thereby in an amount of approximately \$14,000,000, on a form prescribed by the LGC, to state in such application such facts and to attach thereto such exhibits regarding the County and its financial condition as may be required by the LGC, and the actions of the County Manager, County

Finance Director and other officers of the County in connection therewith are hereby approved and confirmed.

The County Manager, the County Finance Director and other appropriate officers of the County are authorized to take such steps as may be required under state law to cause the Board, acting as the governing body of the Districts, to issue the District Bonds.

The County Manager, the County Finance Director and other appropriate officers of the County are authorized to call for a public hearing if they, in consultation with bond counsel, determine that a public hearing is required, and shall take such steps as may be required to cause notice thereof to be published once in a qualified newspaper of general circulation within the County no fewer than 10 days prior to the date of such hearing.

The Board hereby approves the following financing team for the issuance and sale of the limited obligation bonds described above: Hunton & Williams LLP as bond counsel to the County and the Districts; Robert W. Baird & Company, as lead underwriter; Davenport & Company LLC, as financial advisor, Parker Poe Adams & Bernstein LLP, as underwriter's counsel, and U.S. Bank National Association as trustee. The County Manager and County Finance Director may appoint additional underwriters to participate with the lead underwriter in selling the limited obligation bonds.

All other acts of the Board and the officers of the County which are in conformity with the purposes and intent of this resolution and in furtherance of the issuance of the limited obligation bonds and the purchase of the District Bonds are hereby ratified, approved and confirmed.

All resolutions or parts thereof in conflict herewith are hereby repealed.

Commissioner \_\_\_\_\_ moved the passage of the foregoing resolution and Commissioner \_\_\_\_\_ seconded the motion, and the resolution was passed by the following vote:

Ayes: Commissioners \_\_\_\_\_

Nays: \_\_\_\_\_

Not Voting: \_\_\_\_\_

\* \* \* \* \*

I, Misty Gibbs, Clerk for the Board of Commissioners for Bertie County, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Board of Commissioners for the County at a regular meeting duly called and held March 4, 2012, as it relates in any way to the resolution hereinabove set forth, and that such proceedings are recorded in Minute Book \_\_\_\_\_ of the minutes of the Board. Pursuant to N.C.G.S. § 143-318.12, a current copy of a schedule of regular meetings of the Board of Commissioners for the County is on file in my office.

I DO HEREBY FURTHER CERTIFY that due notice of such meeting, stating its time and place and the subjects to be considered was posted, mailed or delivered as required by G. S. § 143-318.12(b)(2).

WITNESS my hand and the common seal of the County, this \_\_\_\_ day of March 2013.

\_\_\_\_\_  
Clerk to the Board of Commissioners

(SEAL)

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**PRIVATELY FUNDED WATER LINES CHECKLIST**

Mr. Rascoe encouraged the Board to review the privately funded checklist. Mr. Whitehurst discussed section 5 of the checklist, which he interpreted to take away the right of the Board to make decisions if the County's engineer and the developer's engineer disagree. The Board asked Assistant County Attorney Huddleston to review that section and discuss the intent of that section with County Attorney Smith who drafted the checklist.

**ADJOURN**

Chairman Perry adjourned the meeting.

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J. Wallace Perry, Chairman

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Misty J. Gibbs, Clerk to the Board