

October 25, 2011 Special Session

The Swain County Board of Commissioners held Special Session on October 25, 2011 at 5:35 p.m. Present were Chairman Carson, Commissioner Moon, Commissioner Dixon and Commissioner Monteith. Vice-Chair White was absent.

Chairman Carson called the meeting to order. Commissioner Dixon led with prayer and the pledge.

Purpose

The purpose of this special session is to consider financing and other documents for the Business and Education Center.

Kevin King, County Manager, noted the amount is for \$600,000 which will supplement the project at the Old Court House. Financing will be through RBC Centura Bank at an interest rate of 2.1%.

Commissioner Montieth made a motion to proceed with the financing documents/application for the Business and Education Center including the following resolutions:



Resolution #930-2011-03

**NORTH CAROLINA
COUNTY OF SWAIN**

“DECLARATION OF OFFICIAL INTENT TO REIMBURSE”

BE IT HEREBY RESOLVED that the County of Swain, N.C. does hereby adopt the following declaration (the “Declaration”) of official intent to reimburse.

This declaration is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of the County of Swain, North Carolina (the “Issuer”) with respect to the matters contained herein.

1. **Expenditures to be Incurred.** The Issuer anticipates incurring expenditures (the “Expenditures”) to construct building and remodeling existing facility.
2. **Plan of Finance.** The Issuer intends to finance the costs of the real property located at 300 Buckners Branch Road, Bryson City with the proceeds of debt to be issued by the Issuer (the “Borrowing”) the interest on which is to be excluded from gross income for Federal income tax purposes.
3. **Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the construction and renovation is \$600,000.
4. **Declaration of Official Intent to Reimburse.** The issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

This the 25th day of October, 2011.

Phil Carson, Chairman
Swain County Commissioners

ATTEST:

Cindi Woodard, Clerk to the Board
Board of Commissioners



Resolution #930-2011-04

**NORTH CAROLINA
COUNTY OF SWAIN**

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR
APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH
CAROLINA GENERAL STATUTE 160A-20**

WHEREAS, the County of Swain of Bryson City, North Carolina desires to engage in a financing contract of which proceeds will construct the Swain County Business and Education Center (the "Project") to better serve the citizens of Swain County; and

WHEREAS, The County desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Swain County, North Carolina, meeting in special session on the 25th day of October, 2011, make the following findings of fact:

1. The proposed contract is necessary or expedient because the County has a bid pending for the proposed construction of the project.
2. The proposed contract is preferable to a bond issue for the same purpose because the County does not have enough unappropriated fund balance to pay for the facility and the rates for the installment purchase are competitive with a general obligation or revenue bond.
3. The cost of financing under the proposed contract is less than the cost of issuing a general obligation bond.
4. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because the County received very competitive bids for the project.
5. The County of Swain's debt management procedures and policies are good because the County has followed all the laws associated with the installment purchase agreement.
6. The increase in taxes necessary to meet the sums to fall due under the proposed contract will be 0 cents per \$100 valuation.
7. The County of Swain is not in default in any of its debt service obligations.
8. The attorney for the County of Swain has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that Finance Officer is hereby authorized to act on behalf of the County of Swain in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption this 25th day of October, 2011.

The motion to adopt this resolution was made by _____, seconded by _____ and passed by a vote of _ to _.

Phil Carson, Chairman
Swain County Commissioners

ATTEST:

Cindi C. Woodard, Clerk
Swain County Commissioners

Commissioner Dixon seconded the motion. A vote was unanimous.

Adjournment

There being no further business to discuss at this time, Commissioner Dixon made a motion to adjourn.
A vote was unanimous.

Respectfully Submitted,

Cindi C. Woodard,
Clerk to the Board
Swain County Commissioners

Phil Carson,
Chairman
Swain County Commissioners