

May 9, 2011 – Regular Session

The Swain County Board of Commissioners held a regular session on May 9, 2011. Present were Chairman Carson, Vice-Chair White, Commissioner Monteith, Commissioner Moon and Commissioner Dixon.

Chairman Carson called the regular session to order.

Adjust Agenda

Commissioner Dixon made a motion to adjust the agenda to better facilitate the meeting. Vice-Chair White seconded the motion. A vote was unanimous.

Minutes

Commissioner Moon made a motion to approve minutes of the April 11 work session, April 11 regular session and April 25 work session. Commissioner Dixon seconded the motion. A vote was unanimous.

Administrative Reports

Tax Collector’s Report: Peggy Hyde presented a report to the Board for the month of April, 2011. Ad-Valorem tax receivable was reported at \$4,419,921.68. There was \$128,085.74 collected for the month. Total collections year to date were \$5,248,001.78. The tax collection percentage year to date was 94.01%. Total releases were \$1,820.16. Total discoveries were \$2,103.75. Total refunds were \$869.12. Commissioner Moon made a motion to approve the Tax Collector’s report as presented. Commissioner Dixon seconded the motion. A vote was unanimous.

Finance Officer’s Report: Kevin King presented a report to the Board for the month of April, 2011 also announcing Dean Kowal will begin reporting in August. Revenues for the month were \$709,691.79. Total revenue year to date is \$10,083,021.62. We have approximately 64.05% of revenues for 2010-2011 fiscal year. Expenditures for the month were \$946,790.98. Year to date we have expended \$9,537,756.02. We have paid out approximately 60.60% of the General Fund appropriations for 2010/2011 fiscal year. Vice-Chair White made a motion to approve the Finance Officer’s report as presented. Commissioner Dixon seconded the motion. A vote was unanimous.

ATM Services: Vice-Chair White made a motion to approve an ATM Purchase, Placement, Cash Load and Processing Agreement with One Source for the Swain County Administration Building. Commissioner Dixon seconded the motion. A vote was unanimous.

EMS Medicare Rate Increase: Commissioner Monteith made a motion to approve the Medicare 2011 Allowable Amounts for EMS. Commissioner Dixon seconded the motion. A vote was unanimous. The rates will now be: ALS NE \$370.19, ALS E \$586.13, BLS NE \$308.48, BLS E \$493.57, ALS 2 \$848.34, RURAL MILEAGE 18+ \$8.32, RURAL MILEAGE 1-17 \$12.48.

Financing Resolution – Sheriff’s Dept. vehicles: Commissioner Monteith made a motion to approve the following resolution:



Resolution #930-2011-02

NORTH CAROLINA
COUNTY OF SWAIN

RESOLUTION

The governing body for the County of Swain, North Carolina, held a regular meeting at the _____, the regular place of meeting, on _____, at _____ a.m./p.m.

Present: _____

Absent: _____

Also Present: _

* * * * *

_____ introduced the following resolution which was read:

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN
INSTALLMENT FINANCING CONTRACT IN THE AMOUNT OF \$240,000.00 WITH RBC
BANK (USA) TO FINANCE THE ACQUISITION OF CERTAIN EQUIPMENT FOR USE BY
THE County of Swain, NORTH CAROLINA, AUTHORIZING THE EXECUTION AND
DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN
CONNECTION THEREWITH

BE IT RESOLVED by the governing body for the County of Swain, North Carolina (the “Unit”):

Section 1. The governing body of the Unit does hereby find and determine:

The County of Swain proposes the acquisition of certain equipment, which may include fixtures as more fully described in the hereinafter mentioned Contract (collectively, the “Equipment”);

After consideration, the governing body of the Unit has determined that the most advantageous manner of financing thereof is by an installment contract pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended;

Pursuant to Section 160A-20, the Unit is authorized to finance the acquisition of personal property, including fixtures, by installment contracts that create a security interest in the property financed to secure repayment of the financing; and

RBC Bank (USA) (“RBC Bank (USA)”) has proposed that RBC Bank (USA) enter into an Installment Financing Contract with the Unit to finance the Equipment pursuant to which RBC Bank (USA) will lend the Unit then amount of \$240,000.00 (the “Contract”) and a related Escrow Agreement between the Unit and RBC Bank (USA) (the “Escrow Agreement”).

Section 2. The governing body of the Unit hereby authorizes and directs _____ to execute, acknowledge and deliver the Contract and Escrow Agreement on behalf of the Unit in such form and substance as the person executing and delivering such instruments on behalf of the Unit shall find acceptable. The Clerk is hereby authorized to affix the official seal of the County of Swain to the Contract and the Escrow Agreement and attest the same.

Section 3. The proper officers of the Unit are authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this Resolution and the Contract and the Escrow Agreement.

Section 4. Notwithstanding any provision of the Contract or the Escrow Agreement, no deficiency judgment may be rendered against the Unit in any action for breach of a contractual obligation under the Contract or the Escrow Agreement and the taxing power of the Unit is not and may not be pledged directly or indirectly to secure any moneys due under the Contract, the security provided under the Contract being the sole security for RBC Bank (USA) in such instance.

Section 5. The Unit covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the “Code”) as required so that interest on the Unit’s obligations under the Contract will not be included in the gross income of RBC Bank (USA).

Section 6. The Unit hereby represents that it reasonably expects that it, all subordinate entities thereof and all entities issuing obligations on behalf of the Unit will issue in the aggregate less than \$10,000,000 of tax-exempt obligations, including the Contract (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 2010. In addition, the Unit hereby designates the Contract and its obligations under the Contract as a “qualified tax-exempt obligation” for the purposes of the Code.

Section 7. This Resolution shall take effect immediately upon its passage.

Upon motion of _____, seconded by _____, members of the governing body, the foregoing resolution entitled **“RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT IN THE AMOUNT OF \$240,000.00 WITH RBC BANK (USA) TO FINANCE THE ACQUISITION OF CERTAIN EQUIPMENT, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH”** was passed by the following vote:

Ayes: _____

Nays: _____

PASSED AND ADOPTED this _____ day of _____, _____.

* * * * *

I, _____, Clerk for the County of Swain, North Carolina DO HEREBY CERTIFY that the foregoing has been carefully copied from the actually recorded minutes of the governing body of said County of Swain at a regular meeting held on _____, _____, the record having been made in the minutes of said governing body, and is a true copy of so much of said minutes as relates in any way to the passage of a resolution providing for the authorization of the Installment Financing Contract referred to therein.

I DO HEREBY FURTHER CERTIFY that a schedule, stating that the regular meetings of the Council are held on _____ of each month at _____ a.m./p.m., respectively, at _____, North Carolina, was on file with me for at least seven calendar days prior to said meeting, all in accordance with G.S. 143-318.12.

WITNESS my hand and corporate seal of said County of Swain, this _____ day of _____, _____.

Clerk, County of Swain
[SEAL]

Original Loan Amount: \$240,000.00

Loan Date: May _____, 2011

Commissioner Dixon seconded the motion. A vote was unanimous.

Fernwood Drive – Add to NCDOT Secondary Road System: Commissioner Moon made a motion to approve the following resolution be forwarded to NCDOT for consideration:

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
REQUEST FOR ADDITION TO THE STATE MAINTAINED SECONDARY ROAD SYSTEM

North Carolina
County of Swain
Road Description **Fernwood Drive**

WHEREAS, the attached petition has been filed with the Board of County Commissioners of the County of Swain requesting that the above described road, the location of which has been indicated in red on the attached map, be added to the Secondary Road System; and

WHEREAS, the Board of County Commissioners is of the opinion that the above described road should be added to the Secondary Road System and be paved.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of the County of Swain that the Division of Highways is hereby requested to review the above described road, and to take over the road for maintenance if it meets established standards and criteria and for pavement.

CERTIFICATE

The foregoing resolution was duly adopted by the Board of Commissioners of the County of Swain at a meeting on the ___ day of _____, 2011.

WITNESS my hand and official seal this the _____ day of _____, 20 ____.

 Clerk, Board of Commissioners
 County of Swain

Vice-Chair White seconded the motion. A vote was unanimous.

Budget Amendment #10: Commissioner Monteith made a motion to approve the following budget amendment:

SWAIN COUNTY - BUDGET AMENDMENT #10

BE IT ORDAINED by the Governing Board of the County of Swain, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2011:

SECTION 1. For the purpose of amending the adopted budget to reflect the following changes:

<u>Description</u>	Inc. Expenditures or Dec. Revenues	Inc.Revenues or Dec. Exp.
<u>General Fund</u>		
Special Appropriations		
West Swain VFD	37,000	
Alarka VFD	8,000	
Rescue Squad	14,000	
Bryson City VFD	20,000	
Legal Service	10,000	
ABC Rehab	3,000	
EDTAP	15,000	
CJPP		
Operating Expenses	1,400	
Data Processing		
Supplies	22,000	
Soil and Water		
Unemployment	7,000	
Capital Outlay	22,000	
EMS		
Contracted Services	30,000	
Capital Outlay	15,000	
Jail		
Contracted Service	25,000	
Health Insurance	10,000	
Sheriff		
Contracted Service	21,000	
Concealed Handgun	4,000	
Unemployment	9,000	
Capital Outlay	240,000	

Building and Grounds		
Capital Outlay		23,000
Board of Elections		
Contracted Service		10,000
Governing Body		
Supplies		6,000
Administration		
Contracted Service		22,000
EDC		
Contracted Services	7,000	

General Fund Revenues

Transfer Public Safety Capital		79,000
CJPP Revenue		1,400
Jail Revenues		35,000
ABC Revenue		3,000
Appropriated Fund Balance		101,000
Financing Proceeds		<u>240,000</u>
Total	520,400	520,400

PUBLIC SAFETY CAPITAL RESERVE FUND

Transfer To General Fund	160,000	
Appropriated Fund Balance		<u>160,000</u>
Total	160,000	160,000

CDBG FUND

Operating Expenses	400,000	
Grant Revenues		<u>400,000</u>
Total	400,000	400,000

FSFP Fund

Operating Expenses	100,000	
Grant Revenues		<u>100,000</u>
Total	100,000	100,000

Redevelopment Fund

Accounts Receivable	100,000	
Loan Revenues		<u>100,000</u>
Total	100,000	100,000

Governors Island Sewer Project

Operating Expenses	150,000	
Grant Revenue		<u>150,000</u>
Total	150,000	150,000

As Clerk of the Board, I certify this budget amendment was approved by the Swain County Board of Commissioners in a Regular Session on May 10, 2011.

Cindi Woodard, Clerk to the Board
Vice-Chair White seconded the motion. A vote was unanimous.

Records Retention and Disposition Schedule: Vice-Chair White made a motion to approve the Records Retention and Disposition Schedule. Commissioner Monteith seconded the motion. A vote was unanimous.

Budget Amendment – Schools: Vice-Chair made a motion to approve the Swain County Schools Budget Amendment transferring \$50,000.00 from Fund Balance to Capital Outlay for repair of SCHS track. Commissioner Monteith seconded the motion. A vote was unanimous.

New Business: None

Informal Discussion: None

Public Comments: None

Adjournment: With no further business to discuss, Commissioner Dixon made a motion to adjourn. Commissioner Monteith seconded the motion. A vote was unanimous.

Respectfully Submitted,

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

Phil Carson,
Chairman
Swain County Commissioners