

### **December 10, 2013– Regular Session**

The Swain County Board of Commissioners held a Regular Session on December 10, 2013. Present were Chairman Carson, Vice-Chair White, Commissioner Moon, Commissioner Dixon and Commissioner Monteith.

Chairman Carson called the regular session to order and led the pledge of allegiance.

### **Adjust Agenda**

Commissioner Dixon made a motion to adjust the agenda to better facilitate the meeting. Commissioner Monteith seconded the motion. A vote was unanimous.

### **Approval of Minutes**

Commissioner Dixon made a motion to approve minutes of the November 12 public hearing, November 12 work session and November 12 regular session. Commissioner Moon seconded the motion. A vote was unanimous.

### **Tax Collector's Report**

Peggy Hyde presented the Tax Collector's report to the Board for the month of November 2013. Ad-Valorem tax receivable was reported at \$5,362,437.89. There was \$846,633.49 collected for the month. Total collections year to date were \$3,388,406.70. The tax collection percentage year to date was 60.09%. Total releases were \$1,428.59, total discoveries were \$224.25 and total refunds were \$190.09. Commissioner Monteith 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**

Dean Kowal presented a report to the Board for November 2013. Mrs. Kowal reported revenues for the month were \$1,318,774.39. Total revenue year to date is \$5,914,885.63. We have approximately 44.16% of revenues for 2013/2014 fiscal year. Expenditures for the month were \$730,663.41. Year to date we have expended \$5,006,705.96. We have paid out approximately 37.38% of the General Fund appropriations for 2013/2014 fiscal year. Commissioner Monteith made a motion to approve the Finance Report as presented. Commissioner Dixon seconded the motion. A vote was unanimous.

### **Action Items**

**Authorizing/Financing Resolution:** Commissioner Dixon made a motion to approve the following resolution authorizing the purchase/financing of 10 Sheriff vehicles, 4 Human Services vehicles and 1 ambulance:



### **NORTH CAROLINA COUNTY OF SWAIN 2013-01**

### **Resolution #930-**

At a duly called meeting of the Swain County Commissioners held in accordance with all applicable legal requirements, including open meeting laws, on the 10th day of December, 2013 the following resolution was introduced and adopted:

A resolution of the Swain county board of commissioners authorizing the execution and delivery of a Master Equipment Lease-Purchase Agreement with PNC Equipment Finance, llc, as lessor, and separate Lease Schedules thereto for the acquisition, purchase, financing and leasing of certain equipment within the terms herein provided; authorizing the execution and delivery of other documents required in connection therewith; and authorizing all other actions necessary to the consummation of the transactions contemplated by this Resolution.

WHEREAS, Swain County (the "*Lessee*"), a body politic and corporate duly organized and existing as a political subdivision, municipal corporation or similar public entity of the State/Commonwealth of North Carolina is authorized by the laws of the State/Commonwealth of North Carolina to purchase, acquire and lease certain equipment and other property for the benefit of the Lessee and its inhabitants and to enter into contracts with respect thereto; and WHEREAS, the governing body of the Lessee (the "*Board*") has determined that a true and very

real need exists for the acquisition, purchase and financing of certain property consisting of 10 sheriff vehicles, 4 human service vehicle and one ambulance (collectively, the “*Equipment*”) on the terms herein provided; and

WHEREAS, in order to acquire such Equipment, the Lessee proposes to enter into that certain Master Equipment Lease-Purchase Agreement (the “*Master Lease*”) with PNC Equipment Finance, LLC, as lessor (the “*Lessor*”), substantially in the proposed form presented to the Board at this meeting, and separate Lease Schedules thereto substantially in the form attached to the Master Lease; and

WHEREAS, the Board deems it for the benefit of the Lessee and the efficient and effective administration thereof to enter into the Master Lease and the separate Lease Schedules relating thereto from time to time as provided in the Master Lease for the purchase, acquisition, financing and leasing of the Equipment to be therein more specifically described on the terms and conditions provided therein and herein;

NOW, THEREFORE, BE IT AND IT IS HERBY RESOLVED BY THE GOVERNING BODY OF THE LESSEE AS FOLLOWS:

*Section 1.* It is hereby found and determined that the terms of the Master Lease (including the form of Lease Schedule and Payment Schedule attached thereto), in the form presented to this meeting, are in the best interests of the Lessee for the acquisition, purchase, financing and leasing of the Equipment.

*Section 2.* The form, terms and provisions of the Master Lease (including the form of Lease Schedule and Payment Schedule attached thereto) are hereby approved in the forms presented at this meeting, with such insertions, omissions and changes as shall be approved by the Swain County Board of Commissioners of the Lessee (the “*Authorized Officers*”) executing the same, the execution of such documents being conclusive evidence of such approval. The Authorized Officers of the Lessee are each hereby authorized and directed to sign and deliver the Master Lease, each Lease Schedule thereto, each Payment Schedule relating thereto and any related exhibits attached thereto if and when required; *provided, however,* that, without further authorization from the governing body of the Lessee, (a) the aggregate principal component of Rent Payments under all Leases entered into pursuant to the Master Lease shall not exceed \$530,000 (b) the maximum term under any Lease entered into pursuant to the Master Lease shall not exceed 4 years; and (c) the maximum interest rate used to determine the interest component of Rent Payments under each Lease shall not exceed the lesser of the maximum rate permitted by law or ten percent (10%) per annum. The Authorized Officers may sign and deliver Leases to the Lessor on behalf of the Lessee pursuant to the Master Lease on such terms and conditions as they shall determine are in the best interests of the Lessee up to the maximum aggregate principal component, maximum term and maximum interest rate provided above. The foregoing authorization shall remain in effect for a period of two years from the date hereof during which the Authorized Officers are authorized to sign and deliver Leases pursuant to the Master Lease on the terms and conditions herein provided and to be provided in each such Lease.

*Section 3.* The Authorized Officers and other officers and employees of the Lessee shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated by the Master Lease and each Lease Schedule (including, but not limited to, the execution and delivery of the certificates contemplated therein, including appropriate arbitration certifications) and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Master Lease and each Lease Schedule.

*Section 4.* If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

*Section 5. Effective Date.* This Resolution shall be effective immediately upon its approval and adoption.

ADOPTED AND APPROVED by the Board of the Lessee this \_\_\_ day of \_\_\_\_\_, 20\_\_.

The undersigned further certifies that the above Resolution has not been repealed or amended and remains in full force and effect and further certifies that the Master Lease (including the form of Lease Schedule and Payment Schedule attached thereto) are the same as presented at said meeting of the governing body of Lessee, excepting only such changes, insertions and omissions as shall have been approved by the officers who executed the same.

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Phillip B. Carson Sr, Chairman  
Swain County Commissioners

ATTEST:

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

Commissioner Monteith seconded the motion. A vote was unanimous.

**Budget Amendment #2:** Commissioner Dixon made a motion to approve the following budget amendment:

**SWAIN COUNTY - BUDGET AMENDMENT #2**

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, 2014:

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.
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**General Fund**

**Data Processing**

Salary	12,000	
Contracted Service	10,000	

**Special Appropriations**

State of Franklin- EDTAP	25,211	
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**Board of Elections**

Contracted Services	4,252	
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**Sheriff's Office**

Contracted Services	10,000	
Salary	10,000	
Insurance	10,000	

**General Fund Revenues**

School Reimbursement	12,800	
EDTAP		25,211
Town of Bryson City		4,252
Miscellaneous Revenue		12,700
Cops Grant		17,800
DSS Salary Reimbursement		12,000
Mountain Discovery Charter School	_____	<u>9,500</u>
<b>TOTAL</b>	<b>81,463</b>	<b>81,463</b>

As Clerk of the Board, I certify the Swain County Board of Commissioners in a Regular Session approved this budget amendment on December 10, 2013

\_\_\_\_\_  
Cindi Woodard, Clerk to the Board

Commissioner Moon seconded the motion. A vote was unanimous.

**School Resource Officer – Mountain Discovery Charter School:** Commissioner Dixon made a motion to approve an agreement between the Mountain Discovery Charter School, SC Commissioners and Swain County Sheriff's Office providing a school resource officer at MDCS from 8am til 8:45 and 10:15 til 11:45 each day. Commissioner Moon seconded the motion. A vote was unanimous.

**Extra Holiday:** Commissioner Dixon made a motion to grant the County of Swain Employees an additional holiday on December 27, 2013. Commissioner Monteith seconded the motion. A vote was unanimous.

**Health Department Budget Revision:** Commissioner Dixon made a motion to approve a budget revision for the Health Department as presented by Alison Cochran. Commissioner Monteith seconded the motion. A vote was unanimous.

**Congratulations to SCHS Football Team:** The Board commended the SCHS football team on an outstanding season.

**New Business:** None

**Informal Discussion:**

-December 24, 2013 work session cancelled.

**Public Comment:** None

**Adjournment**

Commissioner Monteith made a motion to adjourn. Commissioner Dixon 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