

**MINUTES OF THE SPECIAL MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS**

December 8, 2008 – 4:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

Present: Carl Ford, Chairman
Jon Barber, Vice-Chairman
Raymond Coltrain, Member
Tina Hall, Member
Chad Mitchell, Member

County Manager Gary Page, Clerk to the Board Carolyn Athey, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Ford convened the meeting at 4:00 pm.

Commissioner Mitchell provided the Invocation and also led the Pledge of Allegiance.

Chairman Ford said he had been questioned regarding his religion. Chairman Ford said he was not perfect and would do his best to do what was right for God, country and county. Chairman Ford referenced the Board's prayer before meetings, the Pledge of Allegiance, and also references to God on the front of the Administration and Salisbury Post buildings. Chairman Ford concluded with a quote from Ronald Regan, "Our liberty springs from and depends upon an abiding faith in God."

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Barber moved, Commissioner Mitchell seconded and the vote to approve the Consent Agenda passed unanimously.

The Consent Agenda consisted of the following:

- A. Subdivision Guarantee – Water Point Source for the Crane Point Subdivision (S 08-07)

2. CONSIDER APPROVAL OF PURCHASE OF VEHICLES FOR THE SHERIFF AND EMS DEPARTMENTS AND UPGRADE TO THE AS400

Finance Director Leslie Heidrick reported that the Finance Department had requested and received installment financing proposals for an upgrade to the AS400, the purchase of two (2) ambulances for the Rowan County Emergency Services Department and twelve (12) vehicles for the Sheriff’s Department. The amount to be financed was \$722,000 for a term of three (3) years. Five (5) bids were received and the Finance Department recommended acceptance of the low bid from Wachovia Bank, N.A. with an interest rate of 2.7% and a total cost of \$751,061.66, excluding legal fees.

The summary of the bids were as follows:

Financial Institution	Interest Rate
• Wachovia	2.70%
• RBC Bank	2.92%
• SunTrust	3.07%
• BB&T	3.39%
• LGFCU Financial Partners, LLC	3.75%

The Finance Department also requested approval of the associated Resolution, Declaration, Budget Amendment and that a new escrow account with Wachovia be approved.

County Manager Gary Page said the vehicles had been ordered and were awaiting delivery. Mr. Page said the AS400 and ambulances were currently in the bidding process. Mr. Page said the request before the Board was not to award the bid but rather financing the expenses over a period of time.

Commissioner Mitchell moved approval of the Resolution Authorizing the Execution and Delivery of an Installment Purchase Contract, Commissioner Hall seconded and the motion passed unanimously.

The Resolution read as follows:

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY
OF AN INSTALLMENT PURCHASE CONTRACT AND
RELATED INSTRUMENTS WITH WACHOVIA BANK, N.A.
TO FINANCE AN UPGRADE TO THE AS400 SYSTEM AND
THE PURCHASE OF TWO AMBULANCES AND TWELVE VEHICLES

BE IT RESOLVED by the governing body for Rowan County, North Carolina (the “Purchaser”):

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

- a) Rowan County proposes an upgrade to the AS400 system and the purchase of vehicles, as more fully described in the hereinafter mentioned Contract (collectively, the "Project");
- b) After consideration, the governing body 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;
- c) Pursuant to said Section 160A-20, Rowan County is authorized to finance the Project by installment contracts that create a security interest in the Project financed to secure repayment of the financing; and
- d) Wachovia Bank, N.A. has proposed that they finance the Project pursuant to an Installment Purchase Contract (the "Contract"), amount not to exceed \$722,000, between the Purchaser and Wachovia Bank, N.A.

Section 2. The governing body hereby authorizes and directs the Finance Officer, Leslie E. Heidrick, to execute, acknowledge and deliver the Contract on behalf of the Purchaser in such form and substance as the person executing and delivering such instruments on behalf of the Purchaser shall find acceptable. The Clerk is hereby authorized to affix the official seal of Rowan County to the Contract and attest the same.

Section 3. The proper officer of the Purchaser, as named above, is 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.

Section 4. Notwithstanding any provision of the Contract, no deficiency judgment may be rendered against the Purchaser in any action for breach of a contractual obligation under the Contract and the taxing power of the Purchaser 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 Wachovia Bank, N.A. in such instance.

Section 5. The Purchaser 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 (the "Code"), amended as required so that interest on the Purchaser's obligations under the Contract will not be included in the gross income of Wachovia Bank, N.A.

Section 6. The Purchaser hereby represents that it reasonably expects that it, all subordinate entities thereof and entities issuing obligations on behalf of

the Purchaser will not issue in the aggregate more than \$10,000,000 of tax-exempt obligations (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 2008. In addition, the Purchaser 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.

Commissioner Mitchell moved approval of the Declaration of Official Intent to Reimburse Expenditures. Commissioner Hall seconded and the motion passed unanimously.

Commissioner Mitchell moved, Commissioner Hall seconded and the vote to approve the budget amendment passed unanimously.

Commissioner Mitchell moved to create a new escrow account. The motion was seconded by Commissioner Barber and passed unanimously.

3. ADJOURNMENT

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 4:08 pm. The motion was seconded by Commissioner Mitchell and passed unanimously.

Respectfully Submitted,

Carolyn Athey
Clerk to the Board