

FEBRUARY 3, 2009

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA  
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, February 3, 2009.

ATTENDANCE

**Present:** Chairman Jennifer Roberts and Commissioners  
Karen Bentley, Dumont Clarke, Harold Cogdell, Jr.  
Neil Cooksey, George Dunlap, Bill James  
Vilma Leake and Daniel Murrey  
County Manager Harry L. Jones, Sr.  
County Attorney Marvin A. Bethune  
Clerk to the Board Janice S. Paige

**Absent:** None.

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**-INFORMAL SESSION-**

*The meeting was called to order by Chairman Roberts, after which the matters below were addressed.*

**(1) STAFF BRIEFINGS - NONE**

**(2A) CLOSED SESSION – CONSULT WITH ATTORNEY**

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matter to be discussed in Closed Session: Mecklenburg County vs. Nortel Government Solutions.

Motion was made by Commissioner Cooksey, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purpose: Consult with Attorney.

*Commissioner Dunlap was present, but absent when the above motion was made.*

*The Board went into Closed Session at 5:30 p.m. and came back into Open Session at 6:13 p.m.*

*Commissioner Dunlap was present when the Board came back into Open Session. He returned during Closed Session.*

**(3) REMOVAL OF ITEMS FROM CONSENT**

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 9 and 22.

*The Board then proceeded to the Meeting Chamber for the remainder of the meeting.*

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**-FORMAL SESSION-**

*Invocation was given by Commissioner Bentley, which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.*

**CITIZEN PARTICIPATION**

**PROCLAMATIONS AND AWARDS**

**(1A) BLACK HISTORY MONTH**

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating February 2009 as Black History Month in Mecklenburg County.

*The proclamation was read by Commissioner Leake.*

*A copy of the proclamation is on file with the Clerk to the Board.*

**(2) PUBLIC APPEARANCE**

The following persons appeared to speak during the Public Appearance portion of the meeting:

Destiny Clarke and Blanche Penn addressed an upcoming event October 16, 2009 by Winners Plus in honor of the late County Commissioner Valerie C. Woodard.

Martin Davis spoke in opposition to domestic partner benefits.

**(3A) APPOINTMENTS**

**INFORMATION SERVICES AND TECHNOLOGY COMMITTEE**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint Dennis Callan, Jenifer Daniels, Pamela Gordon, Gregory Hardin, Bill Hodges, Marcia Lane, Craig Richardville, and Aaron Sanders and reappoint John Lillard to the Information Services and Technology Committee for a three-year term expiring February 28, 2012.

*Note: They are replacing Llieva Ageenko, Deborah Bell, Mike Brannon, Shannon Chavis-Smith, Dave Clark, Anne Marie Giuriceo, Charles Marino and Joy Marshall.*

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**(3B) CENTRALINA ECONOMIC DEVELOPMENT COMMISSION – PRIVATE SECTOR REPRESENTATIVE**

Commissioner Leake asked about the process for making a private sector appointment to the Centralina Economic Development Commission.

Chairman Roberts explained that the Centralina Economic Development Commission was not a Board established by the County.

Commissioner Leake said she feels the Board should be consistent in its appointment process.

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey, to follow the Board's normal nomination process for selection of the Board's private sector representative on the Centralina Economic Development Commission.

Commissioner Clarke said he feels the Board should move forward with supporting the Chairman's recommendation, which is to appoint Ron Leeper.

Commissioner Leake said she has nothing against Mr. Leeper, but feels others should be given the opportunity to apply.

Commissioner Bentley asked Chairman Roberts to comment on why she recommended Mr. Leeper, which she did.

Clerk to the Board Janice S. Paige noted that if the Board follows the nomination process for County boards, then staff would have to advertise and the matter would be back before the Board in March.

After further discussion regarding the appointment process, Commissioner Leake said she was willing to withdraw her motion, if the seconder, Commissioner Cooksey, agreed to withdraw his second.

Commissioner Cooksey said he did not wish to withdraw.

Further discussion took place and it was the consensus of the Board that the appointment process be a future topic for a Budget/Public Policy meeting.

The vote was then taken on the motion and failed 6-3 with Commissioners Clarke, Cogdell, Dunlap, James, Murrey and Roberts voting no and Commissioners Bentley, Cooksey, and Leake voting yes, to follow the Board's normal nomination process for the selection of the Board's private sector representative on the Centralina Economic Development Commission.

Motion was made by Commissioner Dunlap and seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to recommend the appointment of Ron Leeper to the Centralina Economic Development Commission as the Board's Private Sector Representative.

**(4A) PUBLIC HEARINGS**

**REAL ESTATE EXCISE TAX REFUND REQUEST**

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to hold a hearing on request by Hutchens, Senter & Britton, P.A. for reimbursement of overpayment of North Carolina excise tax in the amount of \$170.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to close the hearing and approve reimbursement to Hutchens, Senter & Britton, P.A. for overpayment of North Carolina excise tax in the amount of \$170.

**(5) ADVISORY COMMITTEE REPORTS – NONE**

**(6) MANAGER’S REPORT - NONE**

**CONSENT ITEMS**

**Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 9 and 22 to be voted upon separately:**

**(7) APPROVAL OF MINUTES**

Approve minutes of Regular Meeting held January 21, 2009; Special Meeting held January 8, 2009; and Closed Session minutes of January 6, 2009 and January 21, 2009.

**(8) POST-CONSTRUCTION ORDINANCE MITIGATION PAYMENT**

Recognize, receive and appropriate \$30,823 in additional funding from Blackstone Development, LLC for a post-construction ordinance mitigation payment.

**(10) RECORDS RETENTION AND DISPOSITION SCHEDULE – SHERIFF’S OFFICE**

Approve the new County Sheriff’s Office Records Retention and Disposition Schedule issued by the N.C. Department of Cultural Resources.

*A copy of the Schedule is on file with the Clerk to the Board.*

**(11) DISTRICT ATTORNEY’S OFFICE RENOVATION – CONSTRUCTION CONTRACT**

Award a construction contract in the amount of \$3,234,000 to Streamline, LLC for a renovation and expansion of the District Attorney Offices in the Historic Courthouse, located at 700 E. Trade Street.

**(12) REZONING APPLICATION FOR COUNTY OWNED PROPERTY**

Approve submission of a rezoning application to the City of Charlotte requesting rezoning of a portion of Mecklenburg County owned Tax Parcels 207-041-05 and 207-041-08 from R-3 to Institutional.

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*Note: Tax Parcels 207-041-05 and 207-041-08 (+/- 31.14 acres) were acquired in 2003 by Mecklenburg County for the greenway program. In 2006, The Public Library of Charlotte and*

*Mecklenburg County (PLCMC), the County's Park and Recreation Department and the County's Real Estate Services Department held discussions and agreed that a portion of the property was suitable for development and acceptable as a location to replace the existing Carmel Branch Library that is currently housed in leased space. The lease terminates in 2010.*

*PLCMC would like to build a joint-use library and nature center on +/- 12 acres of the property. In discussions with the city's Planning Department, PLCMC has been advised that the property will need to be rezoned from the R-3 classification to a more appropriate classification since the building is in excess of 12,500 square feet. PLCMC proposes a building that is +/- 19,000 square feet. The County's Real Estate Services Department requested approval to submit a rezoning application to the city with the Library acting as agent for the County.*

**(13) STREET LIGHTING PRELIMINARY ASSESSMENT ROLLS – SET PUBLIC HEARING**

Adopt Preliminary Assessment Roll Resolutions setting a public hearing on February 17, 2009  
on

Street Lighting Preliminary Assessment Rolls for the Brantley Oaks, Capps Hollow, Cardinal Woods, Coffey Creek/Ayrshire Glen, Hearthstone, Highland Park, McGinnis Village, Mountain Point, Mountain Point Estates, Ridgewood, Royal Oaks, Spicewood, Stewarts Crossing, and Wilson Glen Subdivisions.

*Resolutions recorded in full in Minute Book 44-A Documents # \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.*

**(14) PROFESSIONAL SERVICES AGREEMENT FOR FLOODPLAIN MAPPING SERVICES**

- 1) Authorize the County Manager to negotiate and execute a contract with AECOM to provide professional engineering services for floodplain mapping services.
- 2) Authorize the County Manager to negotiate and execute a contract with Michael Baker Engineering, Inc. to provide professional engineering services for flood plain mapping services.

**(15) HAZARD MITIGATION PROGRAM – TRANSFER OF REUSABLE BUILDING MATERIALS**

Adopt a Resolution Approving Transfer Of Reusable Building Materials To Habitat for Humanity of Charlotte, Inc. to allow for salvage of materials prior to demolition of structures purchased by Mecklenburg County.

*Resolution recorded in full in Minute Book 44-A, Document # \_\_\_\_\_.*

**(16) HAZARD MITIGATION PROGRAM – FLOODPLAIN ACQUISITION, QUICK BUY**

1. Accept the "Offer of Sale of Land" from Carla Nash owner of 5135 Dolphin Lane for \$101,464.54.
2. Accept the "Offer of Sale of Land" from Matthew Caya owner of 2909 Dunlavin Way for \$168,027.57.
3. Accept the "Offer of Sale of Land" from Elaine Falcone owner of 3811 Country Club

Drive for \$169,846.24.

4. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

*Note: This action will purchase and remove the above properties from the floodplain.*

**(17) STATE BOARD OF ELECTIONS GRANT FUNDS**

Recognize, receive and appropriate grant funds in the amount of \$94,869.93 from the State Board of Elections to purchase voting equipment shelving and High Speed Ballot Reader.

**(18) Z. SMITH REYNOLDS GRANT APPLICATION – LUESA**

Authorize the County Manager to submit a grant application in the amount of \$52,379 to the Z. Smith Reynolds Small Grant Program to fund floodplain reforestation in the McDowell Creek Watershed.

**(19) AMENDMENTS TO THE MECKLENBURG COUNTY FLOODPLAIN REGULATIONS – SET PUBLIC HEARING**

Set a public hearing to be held February 17, 2009 to receive comments on amendments to Mecklenburg County Floodplain Regulations and then adopt the proposed revisions to the Mecklenburg County Floodplain Regulations.

**(20) HEALTH DEPARTMENT REVENUE ADJUSTMENTS**

Recognize, receive and appropriate additional revenue of \$389,008 to reflect actual local, state, and federal allocations to the Health Department.

**(23) SECTION 103 AIR QUALITY GRANT**

Approve the submission of the County's Clean Air Act (CAA) Section 103, Special Purpose multi-year federal grant application; and upon award of grant, recognize, receive and appropriate the CAA Section 103 grant award.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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**(9) CENTRAL PIEDMONT COMMUNITY COLLEGE PARKING DECK**

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James,

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Leake, Murrey and Roberts voting yes, to authorize the County Manager to finalize negotiations for and execute a Ground Lease Agreement and a Shared Parking Agreement with Central Piedmont Community College (CPCC) for (1) lease of the property and (2) construction and use of the parking deck and other nearby County and CPCC parking lots and decks. Also, that the remaining funds needed for completion of this project be included on the County's Stimulus Package list or CPCC's, if they have one.

Prior to the vote:

Commissioner Bentley removed this item from Consent for clarification and background purposes with respect to this project, in light of the Board's recent discussion regarding debt issuance.

Finance Director Dena Diorio addressed this project. It was noted that this action does not commit to any future debt issuance at this time, it just allows them to proceed with the first phase of this project.

Commissioner Clarke asked was this a "shovel ready" project. *The response was yes.*

Commissioner Clarke asked why wasn't this project on the list of stimulus projects that will be taken to Washington. *The response was that there's a County list and lists from Charlotte-Mecklenburg Schools and Central Piedmont Community College (CPCC).*

County Manager Jones said when staff goes to Washington, they'll have both lists. County Manager Jones said he wasn't aware if this project was on CPCC's list or not.

County Manager Jones explained that there are several lists of stimulus projects that have been prepared by respective governmental entities. The County has a list that it has submitted to the federal government for the stimulus package.

Commissioner Cooksey said he feels this is an important project and that thought needs to be given to how to get it funded "sooner rather than later."

Rich Rosenthal, on behalf of CPCC, addressed this issue. He said the project is not on CPCC's list and that they have not had an opportunity to put items on that list.

Commissioner Dunlap asked at some point would there be a prioritization of the stimulus package list.

Chairman Roberts said the Board has not prioritized the list and thus far has not been asked to prioritize it, but if there are certain projects preferred over others; this should be communicated to the County's federal delegation.

Chairman Roberts asked that staff place this matter of prioritization of the Stimulus Package list on a future Budget/Public Policy agenda.

Commissioner Leake asked who generated the Stimulus Package list. *The response was it was done by staff.*

## **(22) AREA MENTAL HEALTH SECOND QUARTER FY 2009 REPORT**

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to recognize and receive the Second Quarter 2009 Area Mental Health Report.

**Financial Management**

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	<u>Budget</u>	<u>Actual</u>	<u>% Received</u>
<b>Revenue Source</b>			
Medicaid & CAP	13,786,864	5,837,557	42.34%
State and Federal	34,051,083	15,067,679	44.25%
Third Party/Other	97,293	44,323	45.56%
Grants	3,845,759	1,358,855	35.33%
County	47,351,099	17,046,881	36.00%
<b>Total Revenues</b>	<b>\$99,132,098</b>	<b>\$39,355,295</b>	<b>39.70%</b>

	<u>Budget</u>	<u>Actual</u>	<u>% Spent</u>
<b>Service Continuum</b>			
Children's Developmental Services	6,973,034	3,170,878	45.47%
Child & Adolescent Services	14,829,143	4,243,976	28.62%
Adult Mental Health	14,131,038	2,520,631	17.84%
Adult Substance Abuse	13,417,880	7,797,989	58.12%
Local Management Entity	11,929,373	4,137,167	34.68%
BHC Randolph	20,020,073	9,814,484	49.02%
Developmental Disabilities	17,831,557	7,670,171	43.01%
<b>Total Expenditures</b>	<b>\$99,132,098</b>	<b>\$39,355,295</b>	<b>39.70%</b>

*Note: In accordance with General Statute 122C-115.1(e), within 30 days of the end of each quarter of the fiscal year, the program director of the county program shall present to each member of the board of county commissioners a budgetary statement and balance sheet that details the assets, liabilities, and fund balance of the county program. This information shall be read into the minutes of the meeting at which it is presented.*

Commissioner Leake removed this item from Consent, in order to let the Board know that she received calls regarding Area Mental Health’s relationship with the general public. The calls have centered around constituents lack of knowledge of what services are available through Area Mental Health and knowledge of how to access those services. It’s felt that perhaps the department needs to be more visible in the community. *County Manager Jones responded by saying, if Commissioners receive calls from constituents regarding the availability of services, to refer them to his office and staff will make sure they’re connected to the appropriate source.*

Commissioner James, with respect to the report, said he would like to know (referencing page 12) more about substance abuse bed days, specifically as it relates to the 550 consumers receiving detox and the 118 consumers receiving residential services. He asked were these individual consumers or “repeat customers.” *County Manager Jones said he would get the answer and report back.*

Commissioner James said it’s been a concern of his that the County does not have a policy that limits who goes through detox, with respect to how many times one can go through detox during a given year.

*A copy of the report is on file with the Clerk to the Board.*

**STAFF REPORTS AND REQUESTS**

**(21) MECKLENBURG COUNTY JAIL EXPANSION 2008 – CONSTRUCTION**



**MANAGER SELECTION**

Bryan Turner with Real Estate Services addressed the Mecklenburg County Jail Expansion 2008 Project, the construction manager selection process, and the construction manager at risk program. It was noted that the action being considered does not commit the Board to a contractual dollar amount; it's just to approve the selection and ranking of the firms. It was

noted also that staff would be back to the Board throughout this process with updates.

General Manager Michelle Lancaster also addressed this matter.

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake, to defer Item 21, authorizing the County Manager to negotiate a fee and execute contracts with Balfour Beatty Rodgers Builders for Pre-Construction and Construction Management Services for the Mecklenburg County Jail Expansion 2008 and in the event negotiations with this firm are unsuccessful, approve negotiations with the second short-listed firm. (G.S. 143-64.31).

Commissioner Cogdell said his reasons for wanting to defer were as follows:

- 1) He feels the full Board should receive the presentations the Jail Selection Committee received with respect to this proposal. Thus, giving the full Board an opportunity to ask questions.
- 2) He thinks it's putting the "cart before the horse" in light of the economy and in light of the County's budget outlook for next fiscal year.
- 3) He said the current Board needs to be given the opportunity to set its priorities in light of this.
- 4) He said the Board needs to have some in-depth discussion with respect to where it should put its limited resources.

Commissioner Cooksey noted for the record that he worked for what was then Centex Construction Company, now Balfour Beatty, as a consultant for about six months, over five years ago. He currently does not have a relationship with them, but for transparency purposes, he wanted to disclose this. Commissioner Cooksey said he spoke with the County Attorney regarding this and it was determined that he does not have a conflict of interest in this matter.

Commissioner Bentley addressed the process the committee went through in the selection process. Commissioner Bentley said she thinks the current process works well, thus, she doesn't understand why it's felt the entire Board needs to go through that process, when that's the purpose of having the committee.

Commissioner Cogdell said his motive for recommending deferral is because he feels the County doesn't have the debt capacity to do a project of this magnitude. Commissioner Cogdell said he understands there may well be a need for another jail over the course of the next ten years, but he still doesn't feel he's had a sufficient amount of information and knowledge with regard to a number of issues to make a decision about who to select or the time period in which the Board should be moving forward on this. Commissioner Cogdell noted also that had he been able to attend the committee's final meeting, he would have voted no.

Commissioner Dunlap said he doesn't want to question the process, but he feels there are questions that Board members may have regarding the selection that would need to be answered at some point.

Commissioner Clarke encouraged the Board to move forward with the action being requested and not to defer. He spoke in support of the committee's work. Commissioner Clarke noted that the action being requested is not about authorizing construction of a jail. He said the Board is two – three years away from that decision.

There was then discussion of how the committee was selected. What was the process used by the committee. What are the criteria for selection of a contractor.

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Substitute motion was made by Commissioner James, seconded by Commissioner Bentley, to authorize the County Manager to negotiate a fee and execute contracts with Balfour Beatty / Rodgers Builders for Pre-Construction and Construction Management Services for the Mecklenburg County Jail Expansion 2008 and in the event negotiations with this firm are unsuccessful, approve negotiations with the second short-listed firm. (G.S. 143-64.31).

Secondly,  
that all interested parties be notified that the Board will be revisiting its capital plan, which will have an impact on how quickly or whether the County continue with the jail in phases, at all, or other things.

Commissioner Cooksey addressed the difference between a construction manager at risk and a traditional contractor. Commissioner Cooksey said he's concerned that if the Board doesn't move forward, then it won't have the answers it'll need when it looks at its capital spending over the next several years.

Commissioner Cogdell asked General Manager Lancaster to comment on the reasons why Balfour Beatty / Rodgers Builders was selected. The response was 1) Balfour Beatty brings a cohesive team that has worked together on previous projects. They were the only firm to do this. 2) Balfour Beatty brings a history of projects, six North Carolina criminal justice systems projects, none of the others did. 3) Their MWSBE participation numbers were better than the other firms.

Commissioner Cogdell said staff should have noted in the background/justification with respect to this item, the reasons outlined by General Manager Lancaster.

He stated further that he also had questions with respect to the following, which he feels they should take into consideration when making this type of selection:

- 1) The history of the firm, with regard to workforce development and partnering with workforce development programs
- 2) The number of local employees they would hire versus those that would be brought in from another location.

Commissioner Leake requested a list of the projects that Balfour Beatty / Rodgers Builders have done in North Carolina, that were jails and came within budget.

Chairman Roberts asked whether Balfour Beatty / Rodgers Builders 1) usually complete their projects on schedule and within budget, 2) done projects of this size before, and 3) have experience with LEED Certification, performance management, reducing cost of operations, energy efficient efforts, etc. *The response was yes.*

The vote was taken on the substitute motion made by Commissioner James, seconded by Commissioner Bentley and was unanimously carried with Commissioners Bentley, Cogdell, Cooksey, Clarke, Dunlap, James, Leake, Murrey, and Roberts voting yes, to authorize the County Manager to negotiate a fee and execute contracts with Balfour Beatty / Rodgers Builders for Pre-Construction and Construction Management Services for the Mecklenburg County Jail Expansion 2008 and in the event negotiations with this firm are unsuccessful, approve negotiations with the second short-listed firm. (G.S. 143-64.31).

Secondly,  
that all interested parties be notified that the Board will be revisiting its capital plan, which will have an impact on how quickly or whether the County continue with the jail in phases, at all, or other things.

*Note: The Short List was as follows:*

1. *Balfour Beatty / Rodgers Builders*
2. *Bovis / Bell Associates / RJ Leeper*
3. *dck / Edison Foard / DE Walker Construction*

*Note: Commissioner Leake originally voted no, however, she asked that her vote be changed to yes. It was the consensus of the Board to allow her to do so.*

**(24) REFUNDING BONDS**

**RESOLUTION RELATING TO REFUNDING BONDS**

Commissioner Bill James introduced the following resolution, which was read by its

above title:

WHEREAS, the Board of Commissioners for the County of Mecklenburg, North Carolina (the “County”), is considering authorizing the issuance of refunding bonds of the County in an aggregate principal amount not exceeding \$300,000,000 for the purpose of providing funds, with other available funds, for refunding all or a portion of certain outstanding general obligation bonds, including paying expenses related thereto, and it is necessary to take certain related action at this time;

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Board of Commissioners for the County, as follows:

Section 1. Said Board hereby finds and determines in connection with authorizing the issuance of such bonds that (i) the issuance of such bonds is necessary or expedient in order to realize debt service savings for the County, (ii) the principal amount of such bonds is adequate and not excessive for the proposed purpose of such bonds because it is based upon the best estimate of the County of the funds needed for such purpose and takes into account other funds of the County available for such purpose, (iii) the County’s debt management procedures and policies are good and are managed in strict compliance with law, (iv) the increase in taxes, if any, necessary to service such bonds will not be excessive because it is expected that debt service savings will be realized in connection with the issuance of such bonds and (v) such bonds can be marketed at reasonable rates of interest.

Section 2. The County Manager, the Director of Finance and the County Attorney of the County are each hereby authorized to take such actions as may be advisable in connection with authorizing the issuance of such bonds; and all actions heretofore taken by any of such officers or any other officer of the County relating to such matter on behalf of the County are hereby approved, ratified and confirmed.

Section 3. The Local Government Commission is hereby requested to sell the bonds at private sale without advertisement to any purchaser or purchasers thereof, at such prices as the Local Government Commission determines to be in the best interest of the County, subject to the approval of the County.

Section 4. The Board recommends the selection of the following professionals to be on the financing team for the bonds and that their services be utilized to the extent required and where appropriate:

Bond Counsel	Robinson, Bradshaw & Hinson, P.A., Charlotte, North Carolina
Underwriter	Wachovia Securities Charlotte, North Carolina

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The Board hereby requests the Local Government Commission to approve such professionals as members of such financing team. The Board will at a later date make recommendations for the selection of other persons required in connection with the issuance of the bonds.

Section 5. This resolution shall take effect immediately upon its passage.

\* \* \* \*

Upon motion of Commissioner Bill James, seconded by Commissioner George Dunlap, the foregoing resolution was passed by the following vote:

Ayes: Commissioners Bentley, Cogdell, Cooksey, Clarke, Dunlap, James, Leake, Murrey, and Roberts

Nays: None.

**RESOLUTION TO INTRODUCE BOND ORDER**

Commissioner Bill James moved adoption of a resolution to introduce the bond order, that motion was seconded by Commissioner Karen Bentley, and the resolution was read by the above title.

**BOND ORDER AUTHORIZING THE ISSUANCE OF \$300,000,000 REFUNDING BONDS OF THE COUNTY OF MECKLENBURG**

**WHEREAS**, the County of Mecklenburg (the "County") has issued General Obligation Public Improvement Bonds, Series 2001A, dated May 1, 2001 (the "General Obligation Public Improvement Bonds, Series 2001A"), a certain portion of which remain outstanding (the "Outstanding General Obligation Public Improvement Bonds, Series 2001A"); and

**WHEREAS**, the County has issued General Obligation Public Improvement Bonds, Series 2001D, dated December 1, 2001 (the "General Obligation Public Improvement Bonds, Series 2001D"), a certain portion of which remain outstanding (the "Outstanding General Obligation Public Improvement Bonds, Series 2001D"); and

**WHEREAS**, the County has issued General Obligation Public Improvement Bonds, Series 2002A, dated August 1, 2002 (the "General Obligation Public Improvement Bonds, Series 2002A"), a certain portion of which remain outstanding (the "Outstanding General Obligation Public Improvement Bonds, Series 2002A"); and

**WHEREAS**, the County has issued General Obligation Public Improvement Bonds, Series 2002B, dated August 1, 2002 (the "General Obligation Public Improvement Bonds, Series 2002B"), a certain portion of which remain outstanding (the "Outstanding General Obligation Public Improvement Bonds, Series 2002B"); and

**WHEREAS**, the County has issued General Obligation Public Improvement Bonds, Series 2003A, dated February 1, 2003 (the "General Obligation Public Improvement Bonds, Series 2003A"), a certain portion of which remain outstanding (the "Outstanding General Obligation Public Improvement Bonds, Series 2003A"); and

**WHEREAS**, the Board of Commissioners of the County deems it advisable to refund all or a portion of the Outstanding General Obligation Public Improvement Bonds, Series 2001A, Outstanding General Obligation Public Improvement Bonds, Series 2001D, Outstanding General Obligation Public Improvement Bonds, Series 2002A, Outstanding General Obligation Public Improvement Bonds, Series 2002B and Outstanding General Obligation Public Improvement Bonds, Series 2003A (collectively referred to herein as the "Bonds to be Refunded") pursuant to and in

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accordance with The Local Government Finance Act; and;

**NOW, THEREFORE, BE IT ORDERED** by the Board as follows:

**Section 1.** The County Board of Commissioners has ascertained and hereby determines that it is advisable to refund the Bonds to be Refunded.

**Section 2.** To raise all or a portion of the money required to refund the Bonds to be Refunded as set forth above and to pay expenses in connection therewith, bonds of the County are hereby authorized and shall be issued pursuant to The Local Government Finance Act of North Carolina. The maximum aggregate principal amount of bonds authorized by this bond order shall be \$300,000,000.

**Section 3.** Taxes sufficient to pay the principal of and interest on those bonds when due shall be annually levied and collected.

**Section 4.** A sworn statement of the County's debt has been filed with the Clerk to the Board of Commissioners and is open to public inspection.

**Section 5.** The bond order shall take effect upon its adoption.

The motion to introduce the above bond order was adopted by the following vote:

Ayes: Commissioners Bentley, Cogdell, Cooksey, Clarke, Dunlap, James, Leake, Murrey, and Roberts

Nays: None.

The Board of Commissioners thereupon designated the Director of Finance as the officer whose duty it shall be to make and file with the Clerk to the Board of Commissioners the sworn statement of debt of the County which is required by The Local Government Finance Act, as amended, to be filed after the bond order has been introduced and before the bond order has been adopted.

Thereupon the Director of Finance filed with the Clerk to the Board of Commissioners, in the presence of the Board of Commissioners, the sworn statement of debt as so required.

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**ADOPTION OF BOND ORDER**

Commissioner Bill James moved that the Board adopt without change and direct the Clerk to publish as prescribed by The Local Government Bond Act the bond order entitled "BOND ORDER AUTHORIZING THE ISSUANCE OF \$300,000,000 REFUNDING BONDS OF THE COUNTY OF MECKLENBURG" introduced at the meeting of the Board of Commissioners held on February 3, 2009. The motion was seconded by Commissioner Karen Bentley and was adopted by the following vote:

Ayes: Commissioners Bentley, Cogdell, Cooksey, Clarke, Dunlap, James, Leake, Murrey, and Roberts

Nays: None.

\* \* \*

**FEBRUARY 3, 2009**

**RESOLUTION AUTHORIZING ISSUANCE OF BONDS**

Commissioner Bill James moved adoption of the following resolution, the motion was seconded by Commissioner Karen Bentley, and the resolution was read by the above title.

WHEREAS, the bond order hereinafter described has taken effect, and it is desirable to make provision for the issuance of bonds authorized thereby;

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

1. Pursuant to and in accordance with the refunding bond order adopted by the Board of Commissioners on February 3, 2009, the Issuer shall issue its bonds in the maximum aggregate principal amount of \$300,000,000.

2. The bonds to be issued pursuant to the bond order described in the preceding paragraph shall be designated "General Obligation Refunding Bonds, Series 2009A" (the "Bonds").

3. The Bonds shall be dated their date of issuance, and shall bear interest from their date at a rate or rates that shall be determined upon the private sale of the Bonds, and interest shall be payable on August 1, 2009, and semi-annually thereafter on February 1 and August 1. The Bonds shall mature annually on August 1, as determined upon their sale.

Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated on an interest payment date, in which event it shall bear interest from that interest payment date, or (b) authenticated prior to the first interest payment date, in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest on the Bonds shall be payable in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof. Debt service will be payable to the owners of Bonds shown on the records of the hereinafter designated Bond Registrar of the Issuer on the record date, which shall be the fifteenth day of the calendar month (whether or not a business day) next preceding a debt service payment date.

The Bonds shall be deemed to refund each of the issues of bonds being refunded within the respective periods of usefulness of the capital projects financed by each of the issues of bonds being refunded.

4. The Bonds will be issued in fully registered form by means of a book entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to and registered in the name of The Depository Trust Company, New York, New York ("DTC") or its nominee and immobilized in its custody. The book entry system will evidence beneficial ownership of the Bonds in the principal amounts of \$5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on and principal of the Bonds will be payable in clearinghouse funds to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of those participants and other nominees of beneficial owners. The Issuer will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the Issuer determines that continuation of the book entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Issuer will discontinue the book entry system with DTC in a manner consistent with DTC's rules and procedures. If the Issuer fails to arrange for another qualified securities depository

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to replace DTC, the Issuer will authenticate and deliver replacement Bonds in the form of fully registered certificates in denominations of \$5,000 or integral multiples thereof.

5. The Bonds shall bear the manual or facsimile signatures of the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners of the Issuer, and the official seal or a facsimile of the official seal of the Issuer shall be impressed or imprinted, as the case may be, on the Bonds.

The certificate of the Local Government Commission of North Carolina to be endorsed on all Bonds shall bear the manual or facsimile signature of the Secretary of that Commission or of a representative designated by that Secretary, and the certificate of authentication of the Bond Registrar to be endorsed on all Bonds shall be executed as provided below.

In case any officer of the Issuer or the Local Government Commission of North Carolina whose manual or facsimile signature appears on any Bonds shall cease to be that officer before the delivery of those Bonds, that manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery, and any Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of the Bond shall be the proper officers to sign the Bond although at the date of the Bond those persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it has been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

6. The Bonds and the endorsements thereon shall be in substantially the following form:

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to issuer or its agent for registration of transfer, exchange, or payment and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

NO. R- \_\_\_\_\_ \$ \_\_\_\_\_

United States of America  
State of North Carolina

COUNTY OF MECKLENBURG

GENERAL OBLIGATION REFUNDING BOND, SERIES 2009A

INTEREST RATE	MATURITY DATE	DATE OF BOND	CUSIP
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\_\_\_\_\_

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: \_\_\_\_\_ DOLLARS

The County of Mecklenburg (the "County"), a county of the State of North Carolina, acknowledges itself indebted and for value received hereby promises to pay to the registered owner named above, on the date specified above, upon surrender hereof, at the office of the Director of Finance of the County, 600 East Fourth Street, 11th Floor, Charlotte, NC 28202 (the "Bond Registrar"), the principal sum shown above and to pay to the registered owner hereof, by check mailed to the registered owner at its address as it appears on the bond registration books of the County, interest on that principal sum from the date of this bond or from the February or August 1 next preceding the date of authentication to which interest shall have been paid, unless the date of authentication is a February 1 or August 1 to which interest shall have been paid, in which case from that date, interest to the maturity hereof being payable on August 1, 2009, and semi-annually thereafter on February 1 or August 1 of each year, at the rate per annum specified above, until

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payment of the principal sum. The interest so payable on any interest payment date will be paid to the person in whose

name this bond is registered at the close of business on the record date for that interest, which shall be the fifteenth day of the calendar month (whether or not a business day) next preceding that interest payment date. Both the principal of and the interest on this bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

This bond is issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, and pursuant to The Local Government Finance Act of the State of North Carolina, as amended, a bond order adopted by the Board of Commissioners of the County on February 3, 2009 (the "Bond Order") and a resolution adopted by that Board (the "Resolution") to provide funds, together with any other funds that may be provided, to advance refund all or a portion of the County's outstanding General Obligation Public Improvement Bonds, Series 2001A dated as of May 1, 2001, outstanding General Obligation Public Improvement Bonds, Series 2001D dated as of December 1, 2001, outstanding General Obligation Public Improvement Bonds, Series 2002A dated as of August 1, 2002, outstanding General Obligation Public Improvement Bonds, Series 2002B dated as of August 1, 2002 and outstanding General Obligation Public Improvement Bonds, Series 2003A dated as of February 1, 2003.

The bonds will be issued in fully registered form by means of a book entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to and registered in the name of DTC or its nominee and immobilized in its custody. The book entry system will evidence beneficial ownership of the bonds in principal amounts of \$5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of participants and other nominees of beneficial owners. The County will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through participants.

The Bond Registrar shall keep at its office the books of the County for the registration of transfer of bonds. The transfer of this bond may be registered only upon those books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in form satisfactory to the Bond Registrar. Upon any registration of transfer, the Bond Registrar shall deliver in exchange for this bond a new bond or bonds, registered in the name of the transferee, in authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this bond, of the same maturity and bearing interest at the same rate.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this bond, exist, have been performed and have happened, and that the amount of this bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by said Constitution or statutes. The faith and credit of the County are hereby pledged to the punctual payment of the principal of and interest on this bond in accordance with its terms.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Bond Order or the Resolution until this bond shall have been endorsed by the authorized representative of the Local Government Commission of North Carolina and authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the County has caused this bond [to be manually signed by] [to bear the facsimile signatures of] the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners and [a facsimile of] its official seal to be [imprinted] [impressed] hereon, and this bond to be dated its date of issuance.

\_\_\_\_\_  
Chairman of the Board of Commissioners

(SEAL)

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

**CERTIFICATE OF LOCAL GOVERNMENT COMMISSION**

The issuance of the within bond has been approved under the provisions of The Local Government Bond Act of North Carolina.



**FEBRUARY 3, 2009**

Secretary,

Local Government Commission

**CERTIFICATE OF AUTHENTICATION**

This bond is one of the Bonds of the issue designated herein and issued under the provisions of the within-mentioned Bond Order and Resolution.

COUNTY OF MECKLENBURG  
DIRECTOR OF FINANCE, as Bond Registrar

By: \_\_\_\_\_  
Authorized Signature

Date of Authentication: \_\_\_\_\_, 2009

**ASSIGNMENT**

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ the within Bond and irrevocably appoints \_\_\_\_\_ attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without any alteration whatsoever.

Signature Guaranteed:  
\_\_\_\_\_

NOTICE: Signature(s) must be guaranteed by an institution which is a participant in the Securities Transfer Agent Medallion Program (STAMP) or similar program.

7. Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in form satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this resolution, and bearing interest at the same rate.

The transfer of any Bond may be registered only on the registration books of the Issuer upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in form satisfactory to the Bond Registrar. Upon any registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for the Bond a new Bond or Bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of the Bond so surrendered, of the same maturity, and bearing interest at the same rate.

In all cases in which Bonds shall be exchanged or the transfer of Bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this resolution. All Bonds surrendered in any exchange or registration of transfer shall forthwith be cancelled by the Bond Registrar. The Issuer or the Bond

Registrar may make a charge for shipping and out-of-pocket costs for every exchange or registration of transfer of Bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to the exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of Bonds under this resolution..

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any Bond and the interest on any Bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon that Bond including the interest thereon, to the extent of the sum or sums so paid.

The Issuer shall appoint such registrars, transfer agents, depositaries or other agents and make such other arrangements as may be necessary for the registration, registration of transfer and exchange of Bonds within a reasonable time according to commercial standards then applicable and for the timely payment of principal and interest with respect to the Bonds. The Director of Finance of the Issuer is hereby appointed the registrar, transfer agent and paying agent for the Bonds (collectively, the "Bond Registrar"), subject to the right of the governing body of the Issuer to appoint another Bond Registrar, and as such shall keep at his office as Director of Finance, 600 East Fourth Street, 11th Floor, Charlotte, NC 28202, the books of the Issuer for the registration, registration of transfer, exchange and payment of the Bonds as provided in this resolution.

8. The Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners and the Director of Finance of the Issuer are hereby authorized and directed to cause the Bonds to be prepared and, when they shall have been duly sold by the Local Government Commission, to execute the Bonds and have the Bonds endorsed and authenticated as provided herein and to deliver the Bonds to the purchaser or purchasers to whom they may be sold by the Local Government Commission.

9. The Issuer covenants to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), to the extent required to preserve the exclusion from gross income of interest on the Bonds for federal income tax purposes.

10. The Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners, the Director of Finance and other officers of the Issuer are hereby authorized and directed to execute and deliver for and on behalf of the Issuer any and all financing statements, certificates, documents or other papers and to perform any and all acts they may deem necessary or appropriate in order to carry out the intent of this resolution and the matters herein authorized.

11. The Issuer hereby authorizes the officers of the Issuer designated therein to execute and deliver an Escrow Deposit Agreement, a Bond Purchase Agreement and an Official Statement in such form as may be approved by them, their execution thereof constituting conclusive evidence of such approval. The Preliminary Official Statement and the Official Statement are hereby authorized for use in connection with the sale of the Bonds. The Director of Finance is hereby authorized to determine and approve the principal amount of the Bonds, the annual maturity amounts, interest rates and sale prices of the Bonds, and any other details necessary in connection with the sale of the Bonds.

12. The Issuer hereby undertakes, for the benefit of the beneficial owners of the Bonds, to provide:

(a) by not later than seven months from the end of each fiscal year of the Issuer, to the Municipal Securities Rulemaking Board ("MSRB"), audited financial statements of the Issuer for such fiscal year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or, if such audited financial statements of the Issuer are not available by seven months from the end of such fiscal year, unaudited financial statements of the Issuer for such fiscal year to be replaced subsequently by audited financial statements of the Issuer to be

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(b) delivered within 15 days after such audited financial statements become available for distribution.

(c) by not later than seven months from the end of each fiscal year of the Issuer, to the MSRB, (i) the financial and statistical data as of a date not earlier than the end of the preceding fiscal year for the type of information included under heading "The County - Debt Information and - Tax Information" in the Official Statement relating to the Bonds (excluding any information on overlapping or underlying units) and (ii) the combined budget of the Issuer for the current fiscal year, to the extent such items are not included in the audited financial statements referred to in (a) above;

(d) in a timely manner, (i) prior to July 1, 2009, to each nationally recognized municipal securities information repository or to the MSRB, and to the state information depository for the State of North Carolina, if any, and (ii) on and after July 1, 2009, to the MSRB, notice of any of the following events with respect to the Bonds, if material:

- (1) principal and interest payment delinquencies;
- (2) non-payment related default;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on any credit enhancements reflecting financial difficulties;
- (5) substitution of any credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions or events affecting the tax-exempt status of the Bonds;
- (7) modification to the rights of the beneficial owners of the Bonds;
- (8) bond calls;
- (9) defeasances;
- (10) release, substitution or sale of any property securing repayment of the Bonds;
- (11) rating changes; and

(e) in a timely manner, to the MSRB, notice of a failure of the Issuer to provide required annual financial information described in (a) or (b) above on or before the date specified.

The County shall provide the documents referred to above to the MSRB in an electronic format as prescribed by the MSRB and accompanied by identifying information as prescribed by the MSRB.

The County may discharge its undertaking described above by transmitting the documents referred to above to any entity and by any method authorized by the U.S. Securities and Exchange Commission.

If the Issuer fails to comply with the undertaking described above, any beneficial owner of the Bonds may take action to protect and enforce the rights of all beneficial owners with respect to

such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any

**FEBRUARY 3, 2009**

acceleration of payment of the Bonds. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all beneficial owners of the Bonds.

The Issuer reserves the right to modify from time to time the information to be provided to the extent necessary or appropriate in the judgment of the Issuer, provided that:

(a) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identify, nature, or status of the Issuer;

(b) the information to be provided, as modified, would have complied with the requirements of Rule 15c2-12 issued under the Securities Exchange Act of 1934 ("Rule 15c2-12") as of the date of the Official Statement relating to the Bonds, after taking into account any amendments or interpretations of Rule 15c2-12, as well as any changes in circumstances; and

(c) any such modification does not materially impair the interest of the beneficial owners, as determined either by parties unaffiliated with the Issuer (such as bond counsel), or by the approving vote of the registered owners of a majority in principal amount of the Bonds pursuant to the terms of this bond resolution, as it may be amended from time to time, at the time of the amendment.

Any annual financial information containing modified operating data or financial information shall explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Section shall terminate upon payment, or provision having been made for payment in a manner consistent with Rule 15c2-12, in full of the principal of and interest on all of the Bonds.

Ayes: Commissioners Bentley, Cogdell, Cooksey, Clarke, Dunlap, James, Leake, Murrey, and Roberts

Nays: None.

*Extract & Resolutions recorded in full in Minute Book 44-A, Document # \_\_\_\_\_.*

#### **COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE**

**COMMISSION COMMENTS** – No general comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

#### **ADJOURNMENT**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:22 p.m.

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Janice S. Paige, Clerk

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Jennifer Roberts, Chairman