

# MINUTES

## MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

### CALLED SESSION

SEPTEMBER 23, 2011

**BE IT REMEMBERED**, that the Board of Commissioners for Monroe County, Tennessee, was begun and held at the Courthouse in Madisonville, Tennessee, in Called Session, September 23, 2011 at 11:00 A.M. Present and presiding was Wanda Alexander, Chairperson, and the following Commissioners were present and answered roll call.

#### **FIRST DISTRICT**

Wanda Alexander  
Marty Allen  
Bennie Moser

#### **SECOND DISTRICT**

Bill Bivins  
Richard Kirkland  
Judy Lee

#### **THIRD DISTRICT**

Harold Hawkins  
Bill Shadden  
Roger Thomas

**ALSO PRESENT**, were County Clerk, Larry C. Sloan, Finance Director, Elizabeth Hicks and several department heads.

The Board of Commissioners was officially opened by Sheriff Bivens.

The invocation was given by the Chairperson.

The Pledge of Allegiance to the Flag was led by the Chairperson.

**9-1 BOARD OF COMMISSIONERS MINUTES FOR AUGUST 23, 2011-APPROVED**

There being no exceptions to the Board of Commissioners Minutes for August 23, 2011, it was moved by Commissioner THOMAS, seconded by Commissioner SHADDEN, that these minutes be approved as presented. Motion carried. Aye 9 Nay 0

**923-2 RESOLUTION SETTING THE TAX LEVY IN MONROE COUNTY, TENNESSEE FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, AND ENDING JUNE 30, 2012**

**SECTION 1.** BE IT RESOLVED by the Board of County Commissioners of Monroe County, Tennessee, assembled in called session on the 23<sup>rd</sup> day of September 2011 that the uniform tax rate for Monroe County, Tennessee, for the fiscal year beginning July 1, 2011 shall be \$1.95 on each \$100.00 of taxable property county-wide. This is to provide revenue for each of the following funds and otherwise conform to the following levies:

<b><u>FUND</u></b>	<b><u>Tax Rate</u></b>	<b><u>Revenue (90% Collection)</u></b>
<b>General County</b>	<b>\$0.80</b>	<b>\$7,288,626.98</b>
<b>General Purpose School</b>	<b>0.59</b>	<b>5,375,362.40*</b>
<b>Solid Waste/Sanitation</b>	<b>0.13</b>	<b>1,184,401.88</b>
<b>Highway/Public Works</b>	<b>0.08</b>	<b>728,862.70</b>
<b>General Debt Service</b>	<b>0.35</b>	<b>3,188,774.30</b>
<b>Total Tax Rate</b>	<b>\$1.95</b>	<b>\$17,766,028.27</b>

\*Includes A.D.A

\*\*Estimated Assessment for the 2011/2012 Fiscal Year - \$1,012,309,303.00

**SECTION 2.** BE IT RESOLVED, that there is hereby levied a Gross Receipts Tax as provided by law. The proceeds of the Gross Receipts Tax herein shall accrue to the General Fund.

**SECTION 3.** BE IT FURTHER RESOLVED, that all resolutions of the Board of County Commissioners of Monroe County, Tennessee, which are in conflict, are hereby repealed.

**SECTION 4.** BE IT FURTHER RESOLVED that this resolution shall take effect from and after its passage, the public welfare requiring it. This resolution shall be spread upon the minutes of the Board of County Commissioners.

It was moved by Commissioner ALLEN, seconded by Commissioner MOSER, that this Resolution be approved as presented. Motion carried on roll call. Aye 5-Commissioners ALEXANDER, ALLEN, BIVINS, KIRKLAND & MOSER; Nay 4-Commissioners HAWKINS, LEE, SHADDEN & THOMAS

Commissioner HAWKINS went on record saying, he is for a 15¢ tax increase with 8¢ for the Schools, 5¢ for the Highway Department, 1¢ for Solid Waste and 1¢ for County General.

He is against the assessment of a 22¢ tax increase for the County General, therefore he voted against the tax rate increase.

Commissioner LEE went on record saying, some budget cuts should have been made, because the tax increase will be hard for some to pay

**923-3 RESOLUTION MAKING APPROPRIATIONS FOR THE VARIOUS FUNDS,  
DEPARTMENTS, INSTITUTIONS, OFFICES AND AGENCIES OF MONROE COUNTY,  
TENNESSEE, FOR THE YEAR BEGINNING JULY 1, 2011, AND ENDING JUNE 30, 2012.**

SECTION 1. BE IT RESOLVED by the Board of County Commissioners of Monroe County, Tennessee, assembled in called session on the 23rd day of September, 2011, that the amounts hereafter set out are hereby appropriated for the purpose of meeting the expenses of the various funds, departments, institutions, offices and agencies of Monroe County, Tennessee, for the capital outlay, and for meeting the payment of principal and interest on the county's debt maturing during the year beginning July 1, 2011, and ending June 30, 2012, according to the following schedule:

**GENERAL FUND**

51100 County Commission	\$ 397,084
51210 Board of Equalization	1,250
51300 County Mayor	192,725
51300 Personnel Office	144,088
51400 County Attorney	30,000
51500 Election Commission (Including Voter Registration)	239,382
51600 Register of Deeds	331,318
51750 Codes Compliance	112,762
51760 Geographic Information Systems (GIS)	88,011
51800 County Buildings	677,271
51900 Other General Administration	243,500
51910 Preservation of Records	16,060
52100 Accounting & Budgeting	606,342
52300 Property Assessor's Office	279,625
52310 Reappraisal Program	88,909
52400 County Trustee's Office	301,493
52500 County Clerk's Office	445,204
53100 Circuit Court	879,841
53310 General Sessions Court	237,261
53400 Chancery Court	257,755
53800 Probate Court	44,805

53900 Other Administration of Justice	21,000
54110 Sheriff's Department	2,605,268
54210 Jail	2,365,502
54240 Juvenile Services	103,154
54260 Commissary	190,000
54310 Fire Prevention and Control	181,589
54420 Rescue Squad	50,000
54490 Other Emergency Management	143,374
54610 County Coroner	41,800
54900 Other Public Safety – E911	110,000
55110 Health Department	58,100
55120 Rabies and Animal Control	162,015
5130 Ambulance/Emergency Medical Services	2,696,915
55160 Dental Health Program	478,517
55170 Alcohol & Drug Programs	0
55180 Crippled Children Services	1,995
55190 Other Local Health Services	340,641
55510 General Welfare Assistance	42,621
55520 Aid to Dependent Children	1,000
56300 Senior Citizen Assistance	38,000
56500 Libraries	113,374
56900 Other Social Cultural Parks and Recreational	187,765
57100 Agriculture Extension Service	74,609
57500 Soil Conservation	48,101
57700 Flood Control	2,000
58110 Tourism	219,611
58120 Industrial Development	183,366
58190 Other Economic & Community Development	741,197
58220 Airport	78,119
58300 Veterans' Services	23,860
58500 Contributions to Other Agencies	13,500
58600 Employee Benefits	129,039
91130 Public Safety Projects	10,000
99100 Transfers to Other Funds	<u>30,000</u>

Total General Fund	<u>\$ 17,100,718</u>
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**SOLID WASTE/SANITATION FUND**

57720 Sanitation Education/Information	\$1,277,743
55732 Convenience Centers	825,941
55770 Post Closure Care Costs	24,000
58600 Employee Benefits	720
64000 Litter and Trash Collection	<u>61,355</u>

Total Solid Waste/Sanitation Fund	<u>\$ 2,189,759</u>
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**DRUG CONTROL FUND**

54150 Drug Enforcement \$241,483

Total Drug Control Fund \$241,483

**HIGHWAY/PUBLIC WORKS FUND**

61000 Administration 224,162

62000 Highway and Bridge Maintenance 2,346,316

63100 Operation and Maintenance of Equipment 666,617

65000 Other Charges 231,500

66000 Employee Benefits 31,000

68000 Capital Outlay 801,384

Total Highway/Public Works Fund \$ 4,300,979

**EMPLOYEE INSURANCE**

51900 Other General Administration \$2,222,000

Total Employee Insurance \$2,222,000

**GENERAL PURPOSE SCHOOL FUND**

71100 Regular Instruction Program \$ 18,303,649

71150 Alternative Instruction Program 68,399

71200 Special Education Program 3,356,237

71300 Vocational Education Program 1,445,603

71600 Adult Education Program 63,408

72110 Attendance 31,815

72120 Health Services 1,324,735

72130 Other Student Support 976,572

72210 Regular Instruction Program 1,397,280

72220 Special Education Program 414,525

72230 Vocational Education Program 11,521

72260 Adult Programs 109,112

72310 Board of Education 534,878

72320 Director of Schools 314,268

72410 Office of the Principal 1,736,083

72510 Fiscal Services 20,493

72610 Operation of Plant 3,258,763

72620 Maintenance of Plant 1,004,066

72710 Transportation 2,306,489

73100 Food Service 248,185

73300 Community Services 116,240

73400 Early Childhood Education 289,354

82130 Principal - Education 0

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82330 Other Debt Service - Education	311,687
99110 Transfers Out	150,000
<b>Total General Purpose School Fund</b>	<b><u>\$ 37,793,362</u></b>

**CENTRAL CAFETERIA FUND**

73100 Food Service	<u>\$2,761,541</u>
<b>Total Central Cafeteria Fund</b>	<b><u>\$2,761,541</u></b>

**GENERAL DEBT SERVICE FUND**

82110 Principal - General Government	\$2,164,456
82210 Interest - General Government	2,064,297
82310 Other Debt Service - General Government	<u>270,604</u>
<b>Total General Debt Service Fund</b>	<b><u>\$4,499,357</u></b>

BE IT FURTHER RESOLVED that the budget for the School Federal Projects Fund shall be the budget approved for separate projects within No Child Left Behind (NCLB), Individuals with Disabilities Education Act (IDEA - Part B and Preschool), Carl Perkins Vocational fund and other federal grants by the Monroe County Board of Education.

SECTION 2. BE IT FURTHER RESOLVED that there are also hereby appropriated certain portions of the commissions and fees for collecting taxes and licenses and for administering other funds which the trustee, county clerk, circuit court clerk, clerk and master, register, and the sheriff and their officially authorized deputies and assistants may be entitled to receive under state laws heretofore or hereafter enacted. Expenditures out of commissions and/or fees collected by the trustee, county clerk, circuit court clerk, clerk and master, register and sheriff may be made for such purposes and in such amounts as may be authorized by existing law or by valid order of any court having power to make such appropriations. Any excess commissions and/or fees collected over and above the expenditures duly and conclusively authorized shall be paid over to the trustee and converted into the General Fund as provided by law.

BE IT FURTHER RESOLVED that if any fee officials, as enumerated in Section 8-22-101, Tennessee Code Annotated, operate under provisions of Section 8-22-104, Tennessee Code Annotated, provisions of the preceding paragraph shall not apply to those particular officials.

SECTION 3. BE IT FURTHER RESOLVED that any amendment to the budget, except for amendments to the budget for funds under supervision of the director of schools, shall be approved as provided in Section 5-9-407, Tennessee Code Annotated. The director of schools must receive approval of the Board of Education for transfers within each major category of the budget, and approval of both the Board of Education and Board of County Commissioners for

transfers between major categories as required by law. One copy of each amendment shall be filed with the county clerk, one copy with the chairman of the Budget Committee, and one copy

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with each divisional or departmental head concerned. The reason(s) for each transfer shall be clearly stated; however, this section shall in no case whatsoever be construed as authorizing transfer from one fund to another, but shall apply solely to transfers within a certain fund.

SECTION 4. BE IT FURTHER RESOLVED that any appropriations made by this resolution which cover the same purpose for which a specific appropriation is made by statute is made in lieu of but not in addition to said statutory appropriation. The salary, wages, or remuneration of each officer, employee, or agent of the county shall not be in excess of the amounts authorized by existing law or as set forth in the estimate of expenditures which accompanies this resolution. Provided, however, that appropriations for such salaries, wages, or other remuneration hereby authorized shall in no case be construed as permitting expenditures for an office, agency, institution, division or department of the county in excess of the appropriation made herein for such office, agency, institution, division or department of the county. Such appropriation shall constitute the limit to the expenditures of any office, agency, institution, division or department for the year ending June 30, 2012. The aggregate expenditures for any item of appropriation shall in no instance be more than the amount herein appropriated for such item.

SECTION 5. BE IT FURTHER RESOLVED that any resolution which may hereafter be presented to the Board of County Commissioners providing for appropriations in addition to those made by this Budget Appropriation Resolution shall specifically provide sufficient revenue or other funds actually to be provided during the year in which the expenditure is to be made to meet such additional appropriation. Said appropriating resolution shall be submitted to and approved by the state director of Local Finance after its adoption as provided by Section 9-21-403, Tennessee Code Annotated.

SECTION 6. BE IT FURTHER RESOLVED that the county mayor and county clerk are hereby authorized to borrow money on revenue anticipation notes, provided such notes are first approved by the state director of Local Finance, to pay for the expenses herein authorized until the taxes and other revenue for the year 2010-2011 have been collected. The proceeds of loans for each individual fund shall not exceed 60% of the appropriations of each fund and shall be used only to pay the expenses and other requirements of the fund for which the loan is made. The loan shall be paid out of revenue from the fund for which money is borrowed. The notes evidencing the loans authorized under this section shall be issued under the applicable sections of Title 9, Chapter 21, Tennessee Code Annotated. Said notes shall be signed by the county mayor and countersigned by the county clerk and shall mature and be paid in full without renewal not later than June 30, 2012.

SECTION 7. BE IT FURTHER RESOLVED that the delinquent county property taxes for the year 2009 and prior years and the interest and penalty thereon collected during the year ending June 30, 2012, shall be apportioned to the various county funds according to the subdivision of the tax levy for the year 2010. The clerk and master and the trustee are hereby authorized and directed to make such apportionment accordingly.

SECTION 8. BE IT FURTHER RESOLVED that the TVA Revenue Sharing Funds is accrued with the Sweetwater City Schools up to \$100,000, \$150,000 to the County General Fund,

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\$21,000 to the Highway Department and the rest of the funds are to be allocated to the Monroe County General Purpose School Fund.

SECTION 9. BE IT FURTHER RESOLVED that the PILT funds (in Lieu of Taxes for Federally owned Land) shall be distributed with \$100,000 going to County General Fund and the balance going to the Highway Department.

SECTION 10. BE IT FURTHER RESOLVED that all unencumbered balances of appropriations remaining at the end of the year shall lapse and be of no further effect at the end of the year at June 30, 2012.

SECTION 11. BE IT FURTHER RESOLVED that any resolution or part of a resolution which heretofore has been passed by the Board of County Commissioners which is in conflict with any provision in this resolution be and the same is hereby repealed.

SECTION 12. BE IT FURTHER RESOLVED that this resolution shall take effect from and after its passage and its provisions shall be in force from and after July 1, 2011. This resolution shall be spread upon the minutes of the Board of County Commissioners.

SECTION 13. BE IT FURTHER RESOLVED that the Federal Projects grants operate on a reimbursement basis and funds are requested from the State of Tennessee by Monroe County for expenditures on a monthly basis. The Federal Projects Fund operates with a cash deficit at various times throughout the fiscal year due to a slow turn-around time for reimbursements from the State of Tennessee. Generally Accepted Accounting Principles (GAAP) consider a cash deficit in any fund be a significant deficiency in internal control and Monroe County does not desire to operate any fund with a cash deficit. The General Purpose School Fund shall transfer \$100,000 (not to exceed) to the Federal Projects Fund on or before June 30, 2012. The \$100,000 transfer shall remain in the Federal Projects Fund as designated fund balance from the General Purpose School Fund and may be repaid at any time thereafter.

It was moved by Commissioner ALLEN, seconded by Commissioner KIRKLAND, that this Resolution be approved as presented. Motion carried on roll call. Aye 9 Nay 0

**923-4 RESOLUTION MAKING APPROPRIATIONS TO NONPROFIT CHARITABLE ORGANIZATIONS OF MONROE COUNTY, TENNESSEE FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012**

**WHEREAS**, Section 5-9-109, Tennessee Code Annotated, authorizes the Monroe County Legislative Body to make appropriations to various nonprofit charitable organizations and,



**WHEREAS**, the Monroe County Legislative Body recognizes the various nonprofit charitable organizations providing services in Monroe County have great need of funds to carry on their charitable work,

**NOW THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Monroe County meeting in called session on this the 23rd day of September, 2011.

**SECTION 1.** That five hundred ninety seven thousand six hundred two dollars (\$597,602) be appropriated to nonprofit organizations in Monroe County as reflected below:

<b>Account No.</b>	<b>Agency</b>	<b>Amount</b>
101-54420-316	Monroe County Rescue Squad	\$ 50,000
101-54310	Fire Prevention- Monroe Co Fire Association	181,589
101-54900-316-E911	Emergency Communications – E911	110,000
101-55180-316	Children’s Special Services – Health Dept.	1,995
101-55510-130	Dept of Children Services – Social Worker	25,253
101-55520-312	Dept. of Children Services – Aid to Dep. Children	1,000
101-56900-316-H&SBC	Hearing & Speech Foundation – Blount Co.	5,000
101-56300-316-CORAV	Monroe County Senior Citizens	30,000
101-56300-399-HOMEA	Senior Citizens Home Assistance Service	8,000
101-56500-316-HABIT	Habitat for Humanity	10,000
101-56900-316-AGING	East TN Human Resources - Aging	1,000
101-56900-316-DIALR	East TN Human Resources – Dial a Ride	6,000
101-56900-316-B&GCL	Boys and Girls Club	25,000
101-56900-316-DIVET	Disabled Veterans	1,000
101-56900-316-BIR-3	Birth to Three	3,000
101-56900-316-CHAMB	Chamber of Commerce	10,000
101-56900-316-CHILD	Child and Family Services – Child Abuse	5,720
101-56900-316-COMMH	Community Health Access	7,500
101-56900-316-CONTC	CONTAC	1,800
101-56900-316-DOUGC	Douglas Cherokee	10,000
101-56900-316-GSHEP	Good Shepherd	6,000
101-56900-316-REDCR	American Red Cross	17,500
101-56900-316-RBRES	Rarity Bay First Responders	1,500
101-56900-316-IMAGL	Imagination Library	6,500
101-56900-316-MACA	Monroe Area Council for the Arts	8,000
101-56900-316-MCBEA	Monroe County Beautiful	10,000
101-56900-316-MEALS	Meals on Wheels	15,000
101-56900-316-SPOLM	Special Olympics	1,000
101-56900-316-HFIRE	State Forestry Service	2,000
101-57700-316	Sweetwater Watershed – Flood Control	2,000
101-56900-316-SVCA	Sweetwater Valley Citizens for the Arts	2,500
101-56900-316-SWMIN	Sweetwater Area Ministries	6,000
101-56900-316-TNOVH	Tennessee Overhill Heritage	12,500
101-56900-316-TRICO	Tri County Center	4,500
101-56900-316-UTH&S	UT Hearing and Speech	3,745

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**AND BE IT FURTHER RESOLVED**, that all appropriations enumerated in Section 1 above are subject to the following conditions:

1. That the nonprofit organizations to which the funds are appropriated shall file with the county clerk and the disbursing officials a copy of any annual report of its business affairs and transactions and the proposed use of the county's funds in accordance with rules and regulations promulgated by the Comptroller of the Treasury, Chapter 0380-2-7. Such annual report shall be prepared and certified by the chief financial officer of such nonprofit organization in accordance with Section 5-9-109 c. Tennessee Code Annotated.
2. That said funds must only be spent by the named nonprofit charitable organizations in furtherance of their nonprofit charitable purposes benefiting the general welfare of the residents of Monroe County.
3. That it is the expressed interest of the County Commission of Monroe County in providing these funds to the above named nonprofit charitable organizations to be fully in compliance with Chapter 0380-2-7 of the Rules of the Comptroller of the Treasury, and Section 5-9-109, Tennessee Code Annotated and any and all other laws which may apply to county organizations to nonprofit organizations and so this appropriation is made subject to compliance with any and all of these laws and regulations.

**BE IT FURTHER RESOLVED**, that this resolution shall take effect from and after its passage and its provisions shall be in full force from and after July 1, 2011. This resolution shall be spread upon the minutes of the Board of County Commissions this the 23<sup>rd</sup> day of September, 2011.

It was moved by Commissioner MOSER, seconded by Commissioner ALLEN, that this Resolution be approved as presented. Motion carried on roll call. Aye 9 Nay 0

**923-5 RESOLUTION OF MONROE COUNTY, TENNESSEE, AUTHORIZING THE ISSUANCE OF INTEREST BEARING GENERAL OBLIGATION CAPITAL OUTLAY NOTES, SERIES 2011, IN AN AMOUNT NOT TO EXCEED \$1,650,000 AND PROVIDING FOR THE PAYMENT OF SAID NOTES**

WHEREAS, the Board of Commissioners (the "Board") of Monroe County, Tennessee (the "County"), has determined that it is necessary and desirable to authorize, issue, sell, and provide for the payment of its interest bearing capital outlay notes to finance certain public works projects, consisting of the acquisition of various equipment for the Highway Department, the acquisition of vehicles for the Sheriff's Department, the acquisition of 2 ambulances and various equipment for the Ambulance Department of the County and the construction of a new

Tellico Station, the acquisition of a phone system for County buildings and the Courthouse, the acquisition of all other property real and personal appurtenant thereto and connected with such work, and to pay all legal, fiscal, administrative, and engineering costs incident thereto (collectively, the "Project");

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WHEREAS, the County estimates that the economic life of such equipment exceeds 4 years;

WHEREAS, the County finds and determines that the Project will promote or provide a traditional governmental activity or otherwise fulfill a public purpose;

WHEREAS, in order to proceed as expeditiously as possible with such an essential Project, it is necessary that interest bearing capital outlay notes be issued for the purpose of providing funds to finance the Project; and,

WHEREAS, the County is authorized by the provisions of Title 9, Chapter 21, Tennessee Code Annotated, as amended, to issue such notes for said purposes upon the approval of the Director of the Office of State and Local Finance (the "Director of State and Local Finance").

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MONROE COUNTY, TENNESSEE, AS FOLLOWS:

Section 1. Authority. The Notes herein authorized shall be issued pursuant to Title 9, Chapter 21, Tennessee Code Annotated, as amended, and other applicable provisions of law.

Section 2. Authorization. For the purpose of providing funds to finance the costs of the Project, there shall be issued pursuant to, and in accordance with, the provisions of Title 9, Chapter 21, Tennessee Code Annotated, as amended, and other applicable provisions of law, the interest bearing capital outlay notes of the County, in the aggregate principal amount of not to exceed \$1,650,000, or such lesser amount as may be determined by the County Mayor of the County (the "County Mayor") at the time of sale (collectively, the "Notes", individually, the "Note"). The term of the Notes shall not exceed the reasonably expected economic life of the Project which is hereby certified to be at least the term of the Notes.

Section 3. Terms of the Notes. The Notes shall be designated "General Obligation Capital Outlay Notes, Series 2011". The Notes shall be issued in registered form, without coupons, in minimum denominations of \$5,000. The Notes shall be numbered from 1 upwards, shall be dated the date of issuance and delivery, or such other date as the County Mayor shall determine, shall be sold at not less than the par amount thereof, and shall bear interest at a rate not to exceed 4.50% per annum, such interest being payable at such times as agreed upon with the purchaser of such Notes, but in no event less than semiannually each year commencing six months from the dated date or such date as shall be designated by the County Mayor (the "Interest Payment Date"), and shall mature not later than the end of the fourth fiscal year following the fiscal year in which the Notes are issued. Each year the Notes are outstanding the County shall retire principal on the Notes in an amount that is estimated to be at least equal to an amortization which reflects level debt service on the Notes. The Notes shall contain such

terms, conditions, and provisions other than as expressly provided or limited herein as may be agreed upon by the County Mayor of the County and the purchaser of the Notes.

Interest on the Notes shall be payable by wire transfer or by check or other form of draft of the "Note Registrar," as such term is hereinafter defined, deposited by the Note Registrar in

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the United States mail, first class postage prepaid, in sealed envelopes, addressed to the owners of such Notes, as of the applicable Interest Payment Date, at their respective addresses as shown on the registration books of the County maintained by the Note Registrar as of the close of business fifteen (15) calendar days preceding the next Interest Payment Date. All payments of the principal of and interest on the Notes shall be made in any coin or currency of the United States of America which, on the date of payment thereof, shall be legal tender for the payment of public and private debts.

Section 4. Redemption. The Notes shall have such redemption provisions as may be determined at the time of the sale of the Notes by the County Mayor and the purchaser of the Notes; provided, however, that no redemption premium shall be great than 1%.

Section 5. Execution. The Notes shall be executed in the name of the County; shall bear the manual signature of the County Mayor; shall be countersigned by the County Clerk of the County (the "County Clerk") with his or her manual signature; and, shall have printed or impressed thereon the official seal of the County. In the event any officer whose signature appears on the Notes shall cease to be such officer, such signature shall nevertheless be valid and sufficient for all purposes. The Notes shall be issued in typed, printed, or photocopied form, or any combination thereof, substantially in the form attached hereto as Exhibit "A", with such minor changes therein or such variations thereof as the County Mayor may deem necessary or desirable, the blanks to be appropriately completed by the County Mayor prior to the issuance of the Notes.

Section 6. Registration, Negotiability, and Payment. (a) The County Clerk of the County is hereby appointed the note registrar and paying agent (the "Note Registrar"), and as such shall establish and maintain suitable books (the "Registration Books") for recording the registration, conversion, and payment of the Notes, and shall also perform such other duties as may be required in connection with any of the foregoing. The Note Registrar is hereby authorized to authenticate and deliver the Notes to the original purchaser thereof, or as he or she may designate, upon receipt by the County of the proceeds of the sale thereof and to authenticate and deliver Notes in exchange for Notes of the same principal amount delivered for transfer upon receipt of the Notes to be transferred in proper form with proper documentation as herein described. The Notes shall not be valid for any purpose unless authenticated by the Note Registrar by the manual signature of the Note Registrar on the certificate set forth in Exhibit "A" hereto. The Notes shall be fully registered as to both principal and interest and shall be fully negotiable upon proper endorsement by the registered owner thereof. No transfer of any Notes shall be valid unless such transfer is noted upon the Registration Books and until such Note is surrendered, cancelled, and exchanged for a new Note which shall be issued to the transferee, subject to all the conditions contained herein. Principal on the Notes shall be paid at maturity upon presentation or surrender of the Notes at the principal office of the Note

Registrar, and payment in such manner shall forever discharge and release the obligation of the County to the extent of the principal and interest so paid.

(b) The County may from time to time at its discretion remove the Note Registrar and appoint a successor Note Registrar to whom all records, documents, and instruments relating to its duties as Note Registrar shall be delivered. Any successor Note Registrar shall be appointed

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by resolution of the County, and shall be a trust company or bank having the powers of a trust company, having, at the time of such appointment, a combined capital, surplus, and undivided profits aggregating at least Ten Million Dollars (\$10,000,000), and be willing and able to accept the office of Note Registrar on reasonable and customary terms, and authorized by law to perform all duties imposed upon it by this Resolution.

(c) In the event that any amount payable on any Note as interest shall at any time exceed the rate of interest lawfully chargeable thereon under applicable law, then any such excess shall, to the extent of such excess, be applied against the principal of such Note as a prepayment thereof without penalty, and such excess shall not be considered to be interest. All rates of interest specified herein shall be computed on the basis of a three hundred sixty (360) day year composed of twelve (12) months of thirty (30) days each.

Section 7. Exchange of Notes. Notes upon surrender thereof at the office of the Note Registrar, together with an assignment of such Notes duly executed by the registered owner thereof, or his, her, or its attorney or legal representative, may be exchanged for an equal aggregate principal amount of Notes of the same maturity, of any denomination or denominations authorized by this Resolution, and bearing interest at the same rate as the Notes surrendered for exchange.

Section 8. Transfer of Notes. Each Note shall be transferable only on the registration books maintained by the Note Registrar at the principal office of the Note Registrar, upon the surrender for cancellation thereof at the principal office of the Note Registrar, together with an assignment of such Note duly executed by the owner thereof or his, her or its attorney or legal representative, and upon payment of the charges hereinafter provided, and subject to such other limitations and conditions as may be provided therein or herein. Upon the cancellation of any such Note, the Note Registrar shall, in exchange for the surrendered Note or Notes, deliver in the name of the transferee or transferees a new Note or Notes of authorized denominations, of the same aggregate principal amount, maturity, and rate of interest as such surrendered Note or Notes, and the transferee or transferees shall take such new Note or Notes subject to all of the conditions herein contained.

Section 9. Regulations with Respect to Exchanges and Transfers. In all cases in which the privilege of exchanging or transferring Notes is exercised, the County shall execute, and the Note Registrar shall deliver, Notes in accordance with the provisions of this Resolution. For every exchange or transfer of Notes, whether temporary or definitive, the County and the Note Registrar may make a charge, unless otherwise herein to the contrary expressly provided, sufficient to pay for any tax, fee, or other governmental charge required to be paid with respect to such exchange or transfer, all of which taxes, fees, and other governmental charges shall be paid to the County by the person or entity requesting such exchange or transfer as a condition

precedent to the exercise of the privilege of making such exchange or transfer. Neither the County nor the Note Registrar shall be obligated to exchange or transfer any Note during the fifteen (15) calendar days next preceding the maturity date of the Notes or any call for redemption.

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Section 10. Mutilated, Lost, Stolen, or Destroyed Notes. In the event any Note issued hereunder shall become mutilated, or be lost, stolen, or destroyed, such Note shall, at the written request of the registered owner, be cancelled on the Registration Books and a new Note shall be authenticated and delivered, corresponding in all aspects but number to the mutilated, lost, stolen, or destroyed Note. Thereafter, should such mutilated, lost, stolen, or destroyed Note or Notes come into possession of the registered owner, such Notes shall be returned to the Note Registrar for destruction by the Note Registrar. If the principal on said mutilated, lost, stolen, or destroyed Note shall be due within fifteen (15) calendar days of receipt of the written request of the registered owner for authentication and delivery of a new Note, payment therefore shall be made as scheduled in lieu of issuing a new Note. In every case the registered owner shall certify in writing as to the destruction, theft, or loss of such Note, and shall provide indemnification satisfactory to the County and to the Note Registrar, if required by the County and the Note Registrar.

Any notice to the contrary notwithstanding, the County and all of the officials, employees, and agents thereof, including the Note Registrar, may deem and treat the registered owners of the Notes as the absolute owners thereof for all purposes, including, but not limited to, payment of the principal thereof, and the interest thereon, regardless of whether such payment shall then be overdue.

Section 11. Authentication. Only such of the Notes as shall have endorsed thereon a certificate of authentication, substantially in the form set forth in Exhibit "A" hereto duly executed by the Note Registrar shall be entitled to the rights, benefits, and security of this Resolution. No Note shall be valid or obligatory for any purpose unless, and until, such certificate of authentication shall have been duly executed by the Note Registrar. Such executed certificate of authentication by the Note Registrar upon any such Note shall be conclusive evidence that such Note has been duly authenticated and delivered under this Resolution as of the date of authentication.

Section 12. Source of Payment and Security. The Notes, as to both principal and interest, shall be payable from funds of the County legally available therefore and to the extent necessary from ad valorem taxes to be levied on all taxable property within the corporate limits of the County without limitation as to time, rate, or amount. Said Notes shall be a direct general obligation of the County, for which the punctual payment of the principal of and interest on the Notes, the full faith and credit of the County is irrevocably pledged.

Section 13. Levy of Taxes. For the purpose of providing for the payment of the principal of and interest on the Notes, to the extent necessary, there shall be levied in each year in which such Notes shall be outstanding a direct tax on all taxable property in the County,

fully sufficient to pay all such principal and interest falling due prior to the time of collection of the next succeeding tax levy. Said tax shall be assessed, collected, and paid at the time, and in the same manner, as the other taxes of said County, shall be in addition to all other taxes, and shall be without limitation as to time, rate, or amount, and for that purpose there is hereby levied a direct annual tax in such amount as may be found necessary each year to pay said principal of and interest on the Notes maturing in said year. Principal or interest falling due at

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any time when there shall be insufficient funds on hand from such tax levy for the payment thereof shall be paid from the general fund or other available funds of the County, but reimbursement therefore may be made from the taxes herein provided when the same shall have been collected. Such taxes levied and collected therefore shall be deposited in the County's debt service fund and used solely for the payment of principal of and interest on the Notes as the same shall become due.

Section 14. Approval of Director of State and Local Finance. Anything herein contained to the contrary notwithstanding, no Notes authorized under this Resolution shall be issued, sold, or delivered, unless and until such Notes shall first have been duly approved by the Director of State and Local Finance, as provided by Section 9-21-601 et seq Tennessee Code Annotated, as amended. The County Mayor, County Clerk, and Attorney for the County, are hereby authorized to take or cause to be taken such steps as are necessary to obtain such approval. After the issuance and sale of the Notes, and for each year that any of the Notes are outstanding, the County shall submit its annual budget to the Director of State and Local Finance for approval immediately upon the County's adoption of the budget.

Section 15. Sale of Notes. The Notes herein authorized are authorized to be sold by the County Mayor by the informal bid process at a price of not less than par and accrued interest.

Section 16. Disposition of Note Proceeds. The proceeds from the sale of the Notes shall be paid to the official of the County designated by law as the custodian of the funds thereof to be deposited in a special fund known as the "General Obligation Capital Outlay Notes Project Fund" (the "Project Fund"), which is hereby authorized to be created, to be kept separate and apart from all other funds of the County. The monies in the Project Fund shall be disbursed solely to finance the Project. Monies in the Project Fund may be invested and shall be secured in the manner prescribed by applicable statutes relative to the investment and securing of public or trust funds. Any monies remaining in the Project Fund after completion of the Project shall be transferred to the County's debt service fund and used to pay debt service on the Notes.

Section 17. Reimbursement Provisions. The County is in the process of causing certain capital expenditures to be made with respect to the Project, including, but not necessarily limited to, planning, design, and architectural expenses, and the County desires to establish its official intent that certain of the expenditures related to the Project and certain other related expenditures be reimbursed from the proceeds of the Notes. Therefore, the Board of the County finds and determines, as follows:

- (a) that it is in the best interest of the County to proceed immediately with the Project, thereby incurring certain capital expenditures;

(b) that the County has certain funds available which may be used temporarily for this purpose, pending the issuance of the Notes;

(c) that pursuant to the provisions of this Resolution, the Board anticipates that the County will issue the Notes for the purpose of financing the Project;

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(d) that the Board reasonably expects to reimburse such amounts to such fund or source from which such expenditures may be made on a temporary basis as soon as proceeds from the issuance of such Notes are available; and,

(e) that this declaration of official intent is consistent with the budgetary and financial circumstances of the County.

The Board of the County by this Resolution hereby establishes its official intent to issue the Notes to finance the costs of the Project and other related expenditures in an amount not to exceed \$1,650,000. Pending the issuance of such Notes, funds necessary to finance such costs shall be advanced from such source of funds on hand and available for such purpose, and any amounts so advanced shall be reimbursed from the proceeds of the Notes.

Section 18. Designation of Notes as Qualified Tax-Exempt Obligations. The County hereby designates the Notes as "qualified tax-exempt obligations" within the meaning and for the purpose of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), to the extent legally allowable at the time of the issuance of the Notes.

Section 19. Non-Arbitrage Certification. The County certifies and covenants with the owners of the Notes that so long as the principal of any Note remains unpaid, monies on deposit in any fund or account in connection with the Notes, whether or not such monies were derived from the proceeds of the sale of the Notes or from any other source, will not be used in a manner which will cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code, and any lawful regulations promulgated thereunder, as the same presently exist, or may from time to time hereafter be amended, supplemented or revised. The County reserves the right, however, to make any investment of such monies permitted by Tennessee law and this Resolution if, when and to the extent that said Section 148 or regulations promulgated thereunder shall be repealed or relaxed or shall be held void by final decision of a court of competent jurisdiction, but only if any investment made by virtue of such repeal, relaxation, or decision would not, in the opinion of counsel of recognized competence in such matters, result in making the interest on the Notes subject to inclusion in gross income of the owners thereof for federal income tax purposes.

The County covenants that it shall comply with Section 148(f) of the Code, unless legally exempted therefrom and it represents that in the event it shall be required by Section 148(f) of the Code to pay "Rebatable Arbitrage," as defined in the regulations promulgated under the Code, to the United States Government, it will make such payments as and when required by said Section 148(f) and will take such other actions as shall be necessary or permitted to



prevent the interest on the Notes from becoming subject to inclusion in federal gross income of the owners of the Notes for purposes of federal income taxation.

Section 20. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the County and the owners of the Notes, and after the issuance of the Notes, no change, variation, or alteration of any kind in the provisions of this Resolution shall be made in any manner, until such time as all installments of the principal of and interest on the Notes

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shall have been paid in full or the consent of the registered owners of the Notes has been obtained; provided, however, that the County is hereby authorized to make such amendments to this Resolution as will not impair the rights or security of the owners of the Notes.

Section 21. No Action to be Taken Affecting Validity of the Notes. The County hereby covenants and agrees that it will not take any action, that would in any manner affect the validity of the Notes or limit the rights and remedies of the owners from time to time of such Notes. The County further covenants that it will not take any action that will cause the interest on the Notes to be subject to inclusion in gross income of the owners thereof for purposes of federal income taxation.

Section 22. Miscellaneous Acts. The County Mayor, the County Clerk, and all other appropriate officials of the County are hereby authorized, empowered, and directed to do any and all such acts and things, and to execute, acknowledge, and deliver all such documents, instruments, and certifications, specifically including but not limited to, making arbitrage certifications and executing a note purchase agreement in connection with the purchase of the Notes, in addition to those acts, things, documents, instruments, and certifications hereinbefore authorized and approved, as may in their discretion, be necessary or desirable to implement or comply with the intent of this Resolution; or any of the documents herein authorized and approved; or for the authorization, issuance, and delivery of the Notes.

Section 23. Failure to Present Notes. Subject to the provisions of Section 3 hereof, in the event any Note shall not be presented for payment when the principal becomes due at maturity and in the event monies sufficient to pay such Note shall be held by the Note Registrar for the benefit of the owner thereof, all liability of the County to such owner for the payment of such Note shall forthwith cease, terminate, and be completely discharged. Thereupon, the Note Registrar shall hold such monies, without liability for interest thereon, for the benefit of the owner of such Note who shall thereafter be restricted exclusively to such monies for any claim under this Resolution or on, or with respect to, said Note, subject to escheat or other similar law, and any applicable statute of limitation.

Section 24. Payments Due on Saturdays, Sundays, and Holidays. Whenever the interest on or principal of any Note is due on a Saturday or Sunday or, at the place designated for payment, a legal holiday or a day on which banking institutions are authorized by law to close, then the payment of the interest on, or the principal of, such Note need not be made on such date but must be made on the next succeeding day not a Saturday, Sunday, or a legal holiday or a day upon which banking institutions are authorized by law to close, with the same force and effect as if made on the date of maturity; and no interest shall accrue for the period after such date.

Section 25. No Recourse Under Resolution or on Notes. All stipulations, promises, agreements, and obligations of the County contained in this Resolution shall be deemed to be the stipulations, promises, agreements, and obligations of the County and not of any officer, director, or employee of the County in his or her individual capacity, and no recourse shall be had for the payment of the principal of or interest on the Notes or for any claim based thereon

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or under this Resolution against any officer, director, or employee of the County or against any official or individual executing the Notes.

Section 26. Severability. If any section, paragraph, or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions hereof.

Section 27. Repeal of Conflicting Resolutions and Effective Date. All resolutions and orders, or parts thereof, in conflict with the provisions of this Resolution, are, to the extent of such conflict, hereby repealed, and this Resolution shall be in effect as of the date of its adoption the welfare of the County requiring it.

It was moved by Commissioner ALLEN, seconded by Commissioner BIVINS, that this Resolution be approved as presented. Motion carried on roll call. Aye 9 Nay 0

**923-6RESOLUTION AUTHORIZING ONE OR MORE LOANS PURSUANT TO ONE OR MORE LOAN AGREEMENTS BETWEEN MONROE COUNTY, TENNESSEE, AND THE PUBLIC BUILDING AUTHORITY OF THE CITY OF CLARKSVILLE, TENNESSEE, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$10,600,000; AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH LOAN AGREEMENT(S) AND OTHER DOCUMENTS RELATING TO SAID LOAN(S); APPROVING THE ISSUANCE OF BONDS BY SUCH PUBLIC BUILDING AUTHORITY; PROVIDING FOR THE APPLICATION OF THE PROCEEDS OF SAID LOAN(S) AND THE PAYMENT OF SUCH INDEBTEDNESS; AND, CONSENTING TO THE ASSIGNMENT OF THE COUNTY'S OBLIGATION UNDER SUCH LOAN AGREEMENT(S)**

WHEREAS, the Board of Commissioners (the "Board") of Monroe County, Tennessee (the "County"), has determined that it is necessary to finance the costs of certain "public works projects", as defined in Title 9, Chapter 21, Tennessee Code Annotated, as from time to time amended and supplemented, consisting of the acquisition, construction, improvement, renovation, repair, and equipping of schools within the County, the acquisition of all property real and personal appurtenant thereto and connected with such work, to pay all legal, fiscal, administrative, and engineering costs incident thereto, reimbursement for expenditures related to the foregoing projects, and to pay costs incident to the issuance of the bond and the loan to the County (collectively, the "Project"), by obtaining one or more loans from The Public Building Authority of the City of Clarksville, Tennessee (the "Authority");

WHEREAS, it has been determined by the Board of the County to be in the best interests of the County to finance the Project through The Tennessee Municipal Bond Fund fixed rate loan program;

WHEREAS, the Authority has been established pursuant to the provisions of Title 12, Chapter 10, Tennessee Code Annotated, as amended (the "Act"), and is authorized pursuant to

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the provisions of the Act to issue its bonds from time to time, in one more series, and to loan the proceeds thereof to the County for the above described purposes;

WHEREAS, in order to effectuate the program, the Issuer has authorized and approved by its Resolution, adopted October 14, 2009, the issuance of its Local Government Loan Program Bonds, in an aggregate principal amount not to exceed \$300,000,000;

WHEREAS, the Authority will issue its Local Government Loan Program Bonds (Monroe County School Loan), in one or more series with an appropriate series designation (the "Bonds"), in the aggregate principal amount of not to exceed Ten Million Six Hundred Thousand Dollars (\$10,600,000), and loan the proceeds thereof to the County pursuant to the provisions of one or more Loan Agreements, between the County and the Authority, to be dated the date of issuance and delivery (collectively, the "Loan Agreement"),

WHEREAS, the indebtedness evidenced by the Loan Agreement shall be payable from any and all funds of the County legally available therefore, including, but not necessarily limited to, ad valorem taxes to be levied for such purpose on all taxable property within the corporate limits of the County, without limitation as to time, rate, and amount and for the punctual payment of said principal of, premium, if any, and interest on, the Loan Agreement, the full faith and credit of the County will be irrevocably pledged;

WHEREAS, the Bonds are to be secured by and contain such terms and provisions as set forth in a Bond Purchase Agreement, entered into between the Authority and the purchaser of the Bonds (the "Purchaser").

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MONROE COUNTY, TENNESSEE:

Section 1. Approval of the Loan. (a) For the purpose of providing funds to finance the Project and to pay costs incident to the issuance and sale of the Bonds, the loan to the County from the Authority is hereby authorized in the total principal amount of not to exceed \$10,600,000 and the County is hereby authorized to borrow such funds from the Authority.

(b) The Bonds to be issued by the Authority shall bear interest at a fixed rate to be determined at the time of the issuance of the Bonds, as provided in the Loan Agreement. The County Mayor and County Clerk are authorized to enter into the Loan Agreement, such Loan Agreement to bear interest at a fixed rate, as the County Mayor and County Clerk shall determine is in the best interest of the County. The County shall make payments of interest and principal in the amounts and on the dates set forth in the Loan Agreement from the sources and

funds described herein and in the Loan Agreement. The final rate of interest payable on the Loan Agreement shall not to exceed the maximum rate of interest permitted by applicable law. The Loan Agreement shall be for a term of not exceed twenty years. The final principal and interest payment dates, final interest rate payable, amortization of principal amounts of the loan evidenced by the Loan Agreement, and prepayment provisions of such Loan Agreement, may be established by the County Mayor and the County Clerk and the purchaser of the Bonds, at the time of the sale of the Bonds and the execution and delivery of the Loan Agreement, as shall be

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determined to be in the best interests of the County, in accordance with the terms of this Resolution and the Loan Agreement.

Section 2. Approval of Loan Agreement. The form, terms, and provision of the Loan Agreement are in the best interest of the County and are hereby approved and the Board hereby authorizes the County Mayor and the County Clerk of the County to execute and deliver such Loan Agreement, such Loan Agreement to be in substantially the form of the Loan Agreement presented to this meeting, the execution of such Loan Agreement by the County Mayor and the County Clerk to evidence their approval of any and all changes to such Loan Agreement, and any related documents necessary to the consummation of the transactions contemplated by the Loan Agreement.

Section 3. Fulfillment of Obligations. The Board of the County is authorized and directed to fulfill all obligations of the County under the terms of the Loan Agreement.

Section 4. Tax Levy. There shall be levied and collected in the same manner as other ad valorem taxes of the County on all taxable property within the corporate limits of the County without limitation as to time, rate, or amount, to the extent necessary in the event funds of the County legally available to pay the indebtedness evidenced by the Loan Agreement are insufficient, a tax sufficient to pay when due the amounts payable under the Loan Agreement, as and when they become due, and to pay any expenses of maintaining and operating the Project required to be paid by the County under the terms and provisions of the Loan Agreement. For the prompt payment of the Loan Agreement, both principal and interest, as the same shall become due, the full faith and credit of the County are irrevocably pledged.

Section 5. Approval of Bonds. For the purpose of providing funds to make the loan to the County evidenced by the Loan Agreement, as provided herein and in the Loan Agreement, and to pay legal, fiscal, and administrative costs incident thereto, including costs incident to the issuance and sale of the Bonds related to the Loan Agreement, the issuance and sale of the Bonds by the Authority in connection with the Loan Agreement is hereby approved.

Section 6. Disposition of Proceeds. The proceeds from the sale of the Bonds shall be paid to the official of the County designated by law as the custodian of the funds thereof to be deposited in a special fund known as the "School Loan Project Fund" (the "Project Fund"), which is hereby authorized to be created, to be kept separate and apart from all other funds of the County. The monies in the Project Fund shall be disbursed solely to finance the Project and to pay costs of issuance incurred in connection with the issuance of the Bonds and the loan of the proceeds thereof to the Municipality. Monies in the Project Fund may be invested and shall

be secured in the manner prescribed by applicable statutes relative to the investment and securing of public or trust funds. Any monies remaining in the Project Fund after completion of the Project shall be used to pay debt service on the Bonds.

Section 7. Consent to Assignment. The County hereby consents to the assignment of all of the Authority's right, title, and interest in and to the Loan Agreement as security for the

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Bonds to which such Loan Agreement relates, except for certain reserved rights of the Authority, to the Purchaser.

Section 8. Reimbursement Provisions. The County may have made or may hereafter make expenditures with respect to the Project from a source of funds other than proceeds of the loan from the Authority under the Loan Agreement, such expenditures occurring prior to the execution and delivery of the Loan Agreement. The County reasonably expects that it will reimburse such original expenditures with proceeds of the loan from the County made pursuant to the Loan Agreement to the extent permissible under Treasury Regulation 1.150-2.

Section 9. Arbitrage Certification. The County recognizes that the purchaser and owner of the Bonds will have accepted them on, and paid therefore a price, that reflects the understanding that interest thereon is excludable from gross income for purposes of federal income taxation under laws in force on the date of delivery of the Bonds. In this connection, the County agrees that it shall take no action which may cause the interest on said Bonds to be included in gross income for federal income taxation. It is the reasonable expectation of the Board of the County that the proceeds of the Bonds will not be used in a manner which will cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code, and to this end the said proceeds of the Bonds and other related funds established for the purposes herein set out shall be used and spent expeditiously for the purposes described herein. The Board further covenants and represents that in the event it shall be required by Section 148(f) of the Code to pay any investment proceeds of the Bonds to the United States government, it will make such payments as and when required by said Section 148(f) and will take such other actions as shall be necessary or permitted to prevent the interest on the Bonds from becoming taxable. The County Mayor and County Clerk, or either of them, are authorized and directed to make such certifications in this regard in connection with the sale of the Bonds as either or both shall deem appropriate, and such certifications shall constitute a representation and certification of the County.

Section 10. Miscellaneous Acts. The County Mayor, the County Clerk, the County Trustee, the County Attorney, and the Finance Director, and all other appropriate officials of the County are hereby authorized, empowered, and directed to do any and all such acts and things, and to execute, acknowledge, and deliver all such documents, instruments, and certifications, in connection with the execution of the Loan Agreement and the issuance of the Bonds by the Authority, in addition to those acts, things, documents, instruments, and certifications hereinbefore authorized and approved, as may in their discretion, be necessary or desirable to implement or comply with the intent of this Resolution; or any of the documents herein authorized and approved.

Section 11. Captions. The captions or headings in this Resolution are for convenience only and shall in no way define, limit, or describe the scope or intent of any provision hereof.

Section 12. Severability. Should any provision or provisions of this Resolution be declared invalid or unenforceable in any respect by final decree of any court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, ordinance, or provisions shall not affect the remaining provisions of such Resolution.

Section 13. Repeal of Conflicting Resolutions. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

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Section 14. Effective Date. This Resolution shall take effect upon its adoption, the welfare of the County requiring it.

It was moved by Commissioner MOSER, seconded by Commissioner THOMAS, that this Resolution be approved as presented. Motion carried on roll call. Aye 9 Nay 0

### **ADJOURNMENT**

The meeting was adjourned.

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**TIM YATES, MAYOR**

**ATTEST**

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**LARRY C. SLOAN, CLERK**