



Caldwell County
North Carolina
Board of Commissioners Meeting

September 11, 2023 at 6:00 PM
City-County Chambers
905 West Avenue NW, Lenoir

MINUTES

Attendance:

Present:

Randy Church, Chairman
Mike LaBrose, Vice Chairman
Jeff Branch, Commissioner
Donnie Potter, Commissioner
Robbie Wilkie, Commissioner
David Lackey, County Attorney
Donald Duncan, County Manager
Abby Rich, County Clerk

Call to Order

Chairman Church called the September 11, 2023 Board of Commissioners Meeting to order at 6:02 PM.

Public Comment Period

There were no individuals signed up for public comment.

Invocation

Interim Pastor Robert Livingston of Mount Zion Baptist Church provided the invocation for those in attendance.

Pledge of Allegiance

Commissioner Potter led the Pledge of Allegiance for those in attendance.

Agenda Amendments from the Board, Manager & Public

The County Manager informed the Board of an amendment to the agenda. This amendment is Item 20, a Resolution from the Appalachian Regional Commission for the Evergreene Industrial Site.

Vice Chairman LaBrose made the motion to accept the agenda as the County Manager had presented.

The motion carried unanimously.

Agenda Items

1. Commemorating September 11th, 2001

Chairman Church read the Resolution Commemorating September 11, 2001.
Commissioner Wilkie made the motion to adopt the resolution as read.
The motion carried unanimously.

2. Moment of Silence in Remembrance of 9/11

Chairman Church announced a moment of silence in remembrance of September 11, 2001.

3. Honoring Deborah "Debbie" Keller

Tax Administrator Josh Angle came to the podium to read the Resolution in Honor of Deborah "Debbie" Keller.

Commissioner Potter made the motion to adopt the resolution as presented. Commissioner Potter continued by saying that Ms. Keller was a fine lady.

Chairman Church made a point to highlight the almost 50 years of service that Ms. Keller provided for the County.

The motion carried unanimously.

4. Ambulance Franchise Ordinance 01-23

Emergency Services Chief Dino DiBernardi came to the podium to provide a brief overview of the request for an extension of the Ambulance Franchise Ordinance Agreement with North State Medical Transport. Chief DiBernardi also noted that this is the second reading of the Franchise Agreement. Chairman Church verified that the agreement term would be for 3 years. Commissioner Potter asked Chief DiBernardi if there was anyone in attendance from North State Medical Transport. It was noted that there was not anyone in attendance to represent North State Medical Transport, but they were in attendance at the last meeting.

Commissioner Wilkie made the motion to adopt the Ambulance Franchise Ordinance as presented.

The motion carried unanimously.

5. Partnership with ICGH for Behavioral Health Services

Corey Richardson came to the podium to present a partnership with ICGH for behavioral health services. Mr. Richardson told the Board that ICGH is able to bring in federal funding. Mr. Richardson provided an overview of the services that ICGH provides. Mr. Richardson then continued by stating that there are two crises occurring, one of those being suicide and one of those being overdoses. Mr. Richardson said they like to focus on quality care and that there is a modified 12-step facilitation for all substance-use disorders. ICGH incorporates social support by utilizing peer support specialists and ICGH has a focus on behavioral health. Richardson went through the types of clinicians that they have at ICGH. He said that medication is just a small part of treatment provided by ICGH. Mr. Richardson said that those receiving services also learn drug-free coping skills. Mr. Richardson then provided a brief overview of the pharmacy services offered by ICGH. By offering these services, ICGH is able to increase the level of confidentiality. Mr. Richardson then explained the process of relocating individuals and providing them with a support specialist. ICGH has peer support specialists that work all throughout the program. Mr. Richardson concluded his presentation by asking the Board if there were any questions.

Chairman Church told Mr. Richardson everything he mentioned was informational and intriguing. Chairman Church followed by saying he appreciates everything Mr. Richardson had to say. Commissioner Potter told Mr. Richardson that Caldwell County wants and needs all of the services offered. Commissioner Potter followed by saying that he is grateful for anything ICGH can bring to the table. The question was asked as to whether or not ICGH would have an office in the County. Mr. Richardson provided that ICGH hopes to have an office in the Health Department. The County Manager followed by telling the Board that the Health Department has two offices, a bathroom, and larger rooms for group therapy available. The County Manager then thanked Bob Floyd for recommending ICGH. Commissioner Potter then asked how those in need would find ICGH. Mr. Richardson stated that individuals can get help on the ICGH website or by phone and ICGH takes referrals as well. Mr. Richardson continued by saying that it will be easier once the in-person services are in place, but there are still telehealth services available. Vice Chairman LaBrose asked if ICGH has adequate staffing to work with Caldwell County. Mr. Richardson replied yes and provided details about the individuals that are ready to service this area. Mr. Richardson thanked the Board for their time and the Board thanked Mr. Richardson for coming.

6. Health Department Partnership with ICGH- MOU

Commissioner Potter made the motion to adopt the MOU as presented.

The motion carried unanimously.

7. Atrix Group Design Build

George Auten, the CEO of Atrix, came to the podium to present on the Cahah's Mountain EMS Base Design. Mr. Auten provided a background of the company and told the Board that he believes this project is in Atrix's wheelhouse based on their prior careers.

Simon Lucas then came to the podium. Mr. Lucas said some of the key contractors that work with Atrix are critical to the success of the projects. Atrix has worked hard to select the people that understand the quality that Atrix expects to be provided. Mr. Lucas continued by saying that the Atrix team understands what is required to

execute a construction project.

Mike McCourt came to the podium to speak next. Mr. McCourt provided an overview of the work that has been accomplished thusfar. He then stated that the Atriax team had visited all of the facilities and they noticed the lack of storage space in those facilities. Atriax has already started having design meetings concerning the EMS base. The Board was shown a conceptual floor plan for the space. It was noted that there was added storage space in the rendering shown. Mr. McCourt then walked through the next steps of the process and said they are ready and are passionate about this project. Mr. McCourt asked the Board if they had any questions. Commissioner Potter asked what the start to finish time would be for the project. Mr. Lucas provided that it would be completed by the end of 2024.

8. Establishing Design Build Criteria with Atriax

Chairman Church made the motion to adopt the resolution as presented. The motion carried unanimously.

9. Cajah Mountain EMS Base Project Amendment

The County Manager said that this would be the first of many steps and it is to make sure that the County is on budget for the project. Commissioner Branch asked what the budget was for this project. The County Manager told the Board that the estimate was approximately \$3,000,000 and we would have a better figure in about a month. Commissioner Potter made the motion to approve the budget revision of \$51,500. The motion carried unanimously.

10. 2013 Tax Release

Tax Administrator Josh Angle came to the podium to request the release of the 10-year-old delinquent taxes. By North Carolina General Statute, these taxes are no longer allowed to be collected. The total amount of real and personal property taxes outstanding is \$113,187.70. This value is current, and the collection amount is a 17% improvement from last year. Mr. Angle requested that the Board release the 10-year-old delinquent taxes.

Chairman Church made the motion to release the 10-year-old delinquent taxes as presented by the Tax Administrator in the amount of \$113,187.70. The motion carried unanimously.

Consent

Chairman Church turned the meeting over to the County Manager to review the consent agenda.

11. Approval of Minutes from August 14th, 2023 Meeting

Approval was requested for the August 14th meeting minutes.

12. Revision of Opioid Settlement Funds MOU

The State has requested amendments to be made to the resolution. This resolution reflects those changes.

13. Award of Capital Outlay Loan

The capital outlay loan was approved in the budget, but the Board must award the loan. The loan is being awarded to Bank of America for \$1,700,000 for 59 months at a 4.28% interest rate. The closing costs are \$15,287.

14. Animal Care and Enforcement Use of Donated Funds

Animal Care and Enforcement is requesting to use \$5,000 in donated funds for additional stainless-steel beds, microchips, and food for the animals.

15. Tuition Reimbursement Benefit for Employees

The benefit was approved at the August 2023 meeting. Approximately 6 staff members are already taking advantage of it and the estimated cost for the year is \$30,000.

16. Wilson Creek Legal Fees

The County Manager is recommending hiring a firm to assist in working with federal partners to preserve Wilson Creek.

17. Collettsville Tank Amendment for Engineering Services

These are the engineering services for construction oversight and tank closing.

18. Water Shortage Response Plan

The County is required to update its water shortage response plan every 5 years. There are four resolutions for this item, each of these are for the four independent systems.

19. Appointment of Cynthia Watkins to Council on Aging

The Council on Aging is recommending that the Board make this appointment.

20. Appalachian Regional Commission Industrial Grant Resolution

If awarded, this grant will be utilized for the Evergreene Industrial Park.

Vice Chairman LaBrose made the motion to accept the consent agenda as the County Manager had presented.

The motion carried unanimously.

Closed Session Pursuant to § 143-318.11 (C)

Vice Chairman LaBrose made the motion to enter closed session pursuant to § 143-318.11. (C) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. With the County Attorney, County Manager, County Clerk, Deputy County Manager, and Chief Financial Officer in attendance at 7:14 PM.

The motion carried unanimously.

Vice Chairman LaBrose made the motion to exit the closed session at 7:53 PM.

The motion carried unanimously.

Adjourn

Commissioner Potter made the motion to adjourn at 7:53 PM.

The motion carried unanimously.

RESOLUTION

17-23



**PATRIOT DAY COMMEMORATION
SEPTEMBER 11, 2023**

WHEREAS, on Tuesday, September 11, 2001, the United States of America fell victim to a terrorist attack that claimed the lives of 2,996 individuals, and

WHEREAS, as an initiative to remember the lives of those lost during this terrorist attack, Patriot Day was drafted by a joint resolution of the United States Congress on December 18, 2001; and

WHEREAS, Patriot Day honors those who perished as a result of an attack on the World Trade Center in New York City, and those who perished attempting to rescue individuals trapped under debris and on high floors of those buildings; and

WHEREAS, Patriot Day also honors those who perished as a result of the attacks on the Pentagon in Virginia, and the lives that were lost on United Airlines Flight 93 in Pennsylvania; and

WHEREAS, Caldwell County honors those who selflessly risked their lives to rescue others, and recognize those individuals as heroes; and

WHEREAS, each year on September 11, citizens across the United States of America are reminded how precious our freedom and safety truly are, and are encouraged to pay tribute to those whose lives were tragically lost that day; and

NOW THEREFORE BE IT RESOLVED, the Caldwell County Board of Commissioners, on behalf of Caldwell County, commemorate Patriot Day on September 11, 2023, and express our deepest condolences for those lives lost in the 2001 terrorist attacks against our nation, as well as our highest gratitude for those who endeavor to preserve our liberties and our safety.

Adopted this 11 day of September, 2023.



Randy T. Church, Chairman



Abigail Rich, County Clerk

RESOLUTION

18-2023



**RESOLUTION RECOGNIZING THE SERVICE
OF DEBORAH "DEBBIE" KELLER**

WHEREAS, Caldwell County Tax Department Administrative Assistant Deborah "Debbie" H. Keller began her career with the County on September 13, 1973; and

WHEREAS, Mrs. Keller served the County as a Switchboard Operator, where she gained a vast knowledge of every position and every person that worked for the County; and

WHEREAS, in 1975, Mrs. Keller carried the knowledge she learned from operating the switchboard to the Tax Department, where she held the position of Secretary; and

WHEREAS, Mrs. Keller made the Tax Department her home away from home and became a fixture in the Tax Department; and

WHEREAS, Mrs. Keller was much more than an employee who worked at the County. At her desk, she had what many considered a therapy chair, where employees from all Departments found her friendship and wisdom; and

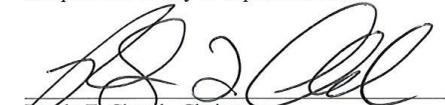
WHEREAS, Mrs. Keller offered a listening ear and sound advice as she walked with her colleagues through celebrations, sickness, loss of the loved ones, relationships, broken homes, and straying children; and

WHEREAS, Mrs. Keller talked with employees through difficult times. She never forgot her responsibility to taxpayers to do her job and would remind those in her therapy chair that it was time to return to their duties; and

WHEREAS, Mrs. Keller served the County for fifty years, making her the longest serving employee in the history of Caldwell County government; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Caldwell County Board of Commissioners remembers the life and service of Deborah "Debbie" Keller and dedicates a park bench in her memory.

Adopted this 11 day of September 2023.


Randy T. Church, Chairman


Jeff Branch, Commissioner


Michael W. LaBrose, Vice Chairman


Donnie Potter, Commissioner


Robbie Wilkie, Commissioner


Attest: Abigail Birch, County Clerk

RESOLUTION

19-23



**A RESOLUTION BY THE COUNTY OF CALDWELL
TO DIRECT THE EXPENDITURE OF OPIOID SETTLEMENT FUNDS**

WHEREAS Caldwell County has joined national settlement agreements with companies engaged in the manufacturing, distribution, and dispensing of opioids, including settlements with drug distributors Cardinal, McKesson, and AmerisourceBergen, and the drug maker Johnson & Johnson and its subsidiary Janssen Pharmaceuticals;

WHEREAS the allocation, use, and reporting of funds stemming from these national settlement agreements and bankruptcy resolutions (“Opioid Settlement Funds”) are governed by the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation (“MOA”) and the Supplemental Agreement for Additional Funds from Additional Settlements of Opioid Litigation (“SAAF”);

WHEREAS Caldwell County has received Opioid Settlement Funds pursuant to these national settlement agreements and deposited the Opioid Settlement Funds in a separate special revenue fund as required by section D of the MOA;

WHEREAS section E.6 of the MOA states:

E.6. Process for drawing from special revenue funds.

- a. *Budget item or resolution required. Opioid Settlement Funds can be used for a purpose when the Governing Body includes in its budget or passes a separate resolution authorizing the expenditure of a stated amount of Opioid Settlement Funds for that purpose or those purposes during a specified period of time.*

- b. *Budget item or resolution details. The budget or resolution should (i) indicate that it is an authorization for expenditure of opioid settlement funds; (ii) state the specific strategy or strategies the county or municipality intends to fund pursuant to Option A or Option B, using the item letter and/or number in Exhibit A or Exhibit B to identify each funded strategy, and (iii) state the amount dedicated to each strategy for a stated period of time.*

NOW, THEREFORE BE IT RESOLVED, in alignment with the NC MOA, Caldwell County authorizes the expenditure of opioid settlement funds as follows:

1. **First strategy authorized**

- a. Name of strategy: Post-Overdose Response Team
- b. Strategy is included in Exhibit A
- c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: Exhibit A, Strategy 8
- d. Amounted authorized for this strategy: \$530,709.00
- e. Period of time during which expenditure may take place:
 - Start date July 01, 2023 through End date June 30, 2024
- f. Description of the program, project, or activity: Provide services as a PORT, outlined by the NCDHHS PORT Toolkit. The Caldwell County R.E.S.T.A.R.T. PORT will actively connect persons who have experienced non-fatal drug overdoses to addiction/mental health treatment, recovery support, harm reduction services, primary healthcare, and/or other services or supports needed to improve the overall health or well-being.
- g. Provider: Caldwell County R.E.S.T.A.R.T.

2. **Second strategy authorized**

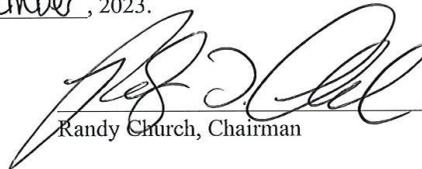
- a. Name of strategy: Evidence-based Addiction Treatment
- b. Strategy is included in Exhibit A
- c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: Exhibit A, Strategy 2
- d. Amounted authorized for this strategy: \$5,000
- e. Period of time during which expenditure may take place:
 - Start date July 01, 2023 through End date June 30, 2024
- f. Description of the program, project, or activity: Support evidence-based addiction treatment consistent with the American Society of Addiction Medicine's national practice guidelines for the treatment of opioid use disorder – specifically Medication-Assisted Treatment (MAT) with any medication approved for this purpose by the U.S. Food and Drug Administration – through Opioid Treatment Programs, qualified providers of Office-Based Opioid Treatment, Federally Qualified Health Centers, treatment offered in conjunction with justice system programs, or other community-based programs offering evidence based addiction treatment.
- g. Provider: Caldwell County R.E.S.T.A.R.T.

3. **Third strategy authorized**

- a. Name of strategy: Naloxone distribution
- b. Strategy is included in Exhibit A
- c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: Exhibit A, Strategy 7
- d. Amounted authorized for this strategy: \$25,000
- e. Period of time during which expenditure may take place:
 - Start date July 01, 2023 through End date June 30, 2024
- f. Description of the program, project, or activity: Distribute naloxone to persons at risk of overdose or their social networks, through our post-overdose response team, program that provides naloxone to persons upon release from jail. Distribute naloxone to emergency medical service providers to provide naloxone to persons at risk of overdose, or other community-based organizations that provide services to people who use drugs.
- g. Provider: Caldwell County R.E.S.T.A.R.T

The total dollar amount of Opioid Settlement Funds appropriated across the above named and authorized strategies is \$560,709.00.

Adopted this the 11th day of September, 2023.



 Randy Church, Chairman

ATTEST:



 Abby Rich, NCCCC County Clerk

RESOLUTION

20-23



ESTABLISHMENT OF CRITERIA FOR A DESIGN-BUILD DELIVERY METHOD FOR CONSTRUCTION CONTRACTS AND APPROVAL OF USING THE DESIGN-BUILD DELIVERY METHOD FOR CAJAH’S MOUNTAIN EMS BASE.

In accordance §143-128.1A **Designs Build Contracts**; regarding design-build delivery method for construction projects, Caldwell County Emergency Services Public is submitting, for approval, the criteria that Caldwell County must establish to utilize this method of delivery. Additionally emergency Services is requesting approval to utilize the design-build method of delivery for the construction, renovation, and additions for the Cajah’s Mountain EMS Base. Due to the need for the project to be completed by end of Calendar Year 2024, this delivery method will provide the needed flexibility to complete the project on time and within budget.

Explanation: Part 1: Establishment of Criteria for a Design-Build Delivery Method for Construction Contracts and Approval of Using the Design-Build Delivery Method for the Cajah’s Mountain EMS Base authorizing governmental entities to utilize the design-build delivery method for construction contracts. The first step in the process for utilizing the design-build delivery method is that a governmental entity is to establish in writing the criteria used for determining the circumstances under which the design-build method is appropriate for a project. The criteria proposed the following:

Criteria for Determining Whether the Design-Build Delivery Method is Appropriate for a project.

(Criteria 1) *The extent to which the County can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications (RFQ) for a design-builder.* The design-build delivery method may be used if it is determined that, for the project, the County has professional personnel that are both qualified and experienced to thoroughly define project requirements prior to the issuance of a request for qualifications for a design-builder. Consideration will be given to the qualifications and experience of the personnel in the Emergency Services Department and the availability of professional personnel in the areas of purchasing, finance, and legal, to assist in the development of an RFQ.

(Criteria 2) *The time constraints for the delivery of the project.* The design-build delivery method may be used if a project has a firm date by which a facility must be operational and the normal delivery method is likely not to be timely (typically study, design, bid, and construct.) The size and cost of a project will dictate complexity and schedule.

(Criteria 3) *The ability to ensure that a quality project can be delivered.* The design-build delivery method may be used if it is determined that, for the project, the County has professional and experienced personnel to ensure that the design-build firm will provide a quality project

within the budget constraints established by Commissioners. Consideration will be given to the qualifications and experience of the personnel in the Emergency Services Department.

(Criteria 4) *The capability of the County to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery.* The design-build delivery method may be used if it is determined that, for the project, the County has professional and experienced personnel that are knowledgeable of design-build projects, or in the alternative, experienced consultants local to Greenville are available to be retained to perform the construction management of a design-build contract.

(Criteria 5) *A good-faith effort to comply with G.S. 143-128, G.S. 143-28.4, and to recruit and select small business entities.* The design-build delivery method may be used if it is determined that for the project, requirements will be imposed which ensure that contractors will comply with the M/WBE goals set by Commissioners.

(Criteria 6) *The criteria utilized by the County, including a comparison of the costs and benefits of using the design-build delivery method for a given project in lieu of other delivery methods identified.* The criteria utilized by the city when considering a design-build delivery method for a project will be as follows:

- Is the project well defined and does it include qualitative and quantitative characteristics that make a design-build contract more appropriate than other methods of delivery?
- Is the Project timeline overly constrained and will it be necessary to have the facility complete and operational within a short time frame?
- Will it be necessary to have beneficial use of a portion of the facility while it is under construction?
- Given the scope of the project, is there a maximum budget that must be adhered to, in order to allow negotiations, and flexibility to make appropriate decisions on scope as the project progresses?
- Does the design-build delivery method meet the ultimate operational goals established for a given facility and the quality project achieved as a result of a more fluid and flexible delivery method?

In general terms, if it is determined that the expected expense of a design-build project will be no more than ten (10%) greater than the expected expense of a traditional, study, design, bid, and construct project, the design-build delivery method may be utilized.

Part 2: Applying the criteria to the Cahah's Mountain EMS Base. The second step for the process is determining whether to use the design-build delivery method for a project is to apply the criteria to the project. In applying the criteria to the Cahah's Mountain EMS Base it is recommended that the design build method be used for the project. This determination is based upon a review of the above criteria as it relates to this project as follows:

Criteria 1: Through the Emergency Services Department, the County has professional personnel that are both qualified and experienced to thoroughly define project requirements prior to the

issuance of a request for qualifications for a design-builder. Additionally, professional personnel are available in the areas of purchasing, finance, and legal, to assist in the development of an RFQ.

Criteria 2: Caldwell County EMS operates as the primary 911 response agency within Caldwell County, covering 474 square miles, including both rural and urban settings. With terrain ranging from the Wilson Creek Gorge to large lakes, multiple highways, a variety of industrial sectors, multiple school campuses, and a population of approximately 82,000 people, Caldwell County offers its emergency responders a diverse, exciting environment to serve.

Caldwell County EMS fields 9 ambulances daily, providing Advanced Life Support (ALS), 2 quick response vehicles (QRVs), and backup units which are always available. EMS responded to over 19,000 calls in FY2021-2022 and is planning to add multiple new divisions within the system to address the ever-changing requirements and needs relating to serving the citizens and visitors of Caldwell County and the medical facilities in the region.

County Commissioners have explored options to serve the Southwestern portion of the County including the municipality of Cahah's Mountain. The County recently purchased approximately 14.69 acres which includes a former medical office of approximately 3,600 sq ft. Existing building plans are included in Exhibit B.

The site is located at 1901 Connelly Springs Rd and will house 2 fulltime Advanced Life Support Units (ambulances), one quick response vehicle, remodeled clinical areas will serve as training simulation labs for medical personnel, supervising staff, and a satellite office for the Caldwell County Sheriff's office. The base will be designed to accommodate personnel and take the needs of the emergency response staff and response times into consideration.

This facility design and construction is a period of approximately 18-months. Typical procedure would be to procure a design consultant, complete design, and then undertake construction. This process would take approximately 24 months. The Design-Build process provides the best option for the County to expedite services to a growing area of the county.

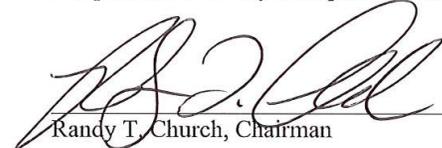
Criteria 3: Within the Emergency Services Department, the County has professional experienced personnel to ensure that the design-build firm will provide a quality project within the budget constraints established by Commissioners.

Criteria 4: Within the Emergency Services Department, the County has professional and experienced personnel that are knowledgeable of design-build projects. Should it become necessary to contract the construction management of a design-build contract, there are experienced consultants local to Caldwell County that are available.

Criteria 5: As stated under Criteria #2, one of the benefits of the Design-Build process is that it may reduce the overall project schedule by 6 to 12 months. This has a direct benefit on the project budget. The design-build delivery method is not expected to involve any additional expense than the expected expense of a traditional study, design, bid, and construct project. The

budget for renovation and Construction the EMS Base is \$1.8 - \$2 Million, not counting furnishings, appliances, training equipment, and civil site work. By reducing the time frame by 12 months, we are eliminating the price escalation that would occur within the year. Additionally, the scope of the design efforts will be reduced. This enables more of the approved project budget to go directly towards the physical improvements of the facility. These benefits to both the project schedule and cost make the design-build option more appealing than the more conventional design-bid-build in this instance. There is no fiscal impact to the County in the establishment of this policy and approval of the utilization of design-build delivery method.

Adopted this 11th day of September 2023.



Randy T. Church, Chairman



Abigail Rich, County Clerk

**RESOLUTION OF THE COUNTY OF CALDWELL, NORTH CAROLINA APPROVING AN
INSTALLMENT FINANCING AGREEMENT TO FINANCE VEHICLES AND EQUIPMENT
AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS**

WHEREAS, the County of Caldwell, North Carolina (the “*County*”) is a political subdivision validly existing under the constitution, statutes and laws of the State of North Carolina (the “*State*”);

WHEREAS, the County has the power, pursuant to the General Statutes of North Carolina to (1) enter into installment contracts in order to purchase, or finance or refinance the purchase of, real or personal property and to finance or refinance the construction or repair of fixtures or improvements on real property and (2) create a security interest in some or all of the property financed or refinanced to secure repayment of the purchase price;

WHEREAS, the Board of Commissioners of the County (the “*Board of Commissioners*”) has determined that it is in the best interest of the County to enter into an installment financing (the “*Agreement*”) with Bank of America, N.A. (the “*Lender*”) in accordance with its proposal dated August 16, 2023 in order to obtain funds to pay the costs of the acquisition and installation of vehicles and equipment (collectively, the “*Projects*”), and to put a security interest in all or a portion of the Projects in favor of the Lender in order to provide security for the County’s obligations under the Agreement;

WHEREAS, the County will enter into the Agreement in an aggregate principal amount of not to exceed \$1,573,000;

WHEREAS, there has been made available to the Board of Commissioners in the office of the County’s Finance Officer the form of the Agreement which the County proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing at an interest rate as specified in the Agreement and in the bid summary provided to the Board of Commissioners; and

WHEREAS, it appears that the Agreement is in appropriate form and is an appropriate instrument for the purposes intended;

*NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE
COUNTY OF CALDWELL, NORTH CAROLINA, AS FOLLOWS:*

Section 1. ***Ratification of Prior Actions.*** All actions of the County Manager, the County Attorney, the Finance Officer and the Clerk to the Board of Commissioners and their respective designees in effectuating the proposed financing are approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Agreement.

Section 2. ***Approval, Authorization and Execution of Agreement.*** The Board of Commissioners approves the Projects in accordance with the terms of the Agreement, which will be a valid, legal and binding obligation of the County in accordance with its terms. The Board of Commissioners approves the amount advanced by the Lender to the County pursuant to the Agreement in an aggregate principal amount not to exceed \$1,573,000 at an annual interest rate (in the absence of default or change in tax status) shall not exceed 4.2857%, and the financing term shall not exceed five (5) years from closing. The form, terms and content of the Agreement are in all respects authorized, approved and confirmed. The County Manager, the County Attorney, the Finance Officer and the Clerk to the Board of Commissioners, or their respective designees (the “*Authorized Officers*”), are authorized, empowered and directed to execute and deliver the Agreement for and on behalf of the County, including necessary counterparts, in substantially the form made available to the Board of Commissioners, but with

such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the approval of the Board of Commissioners of any and all such changes, modifications, additions or deletions. From and after the execution and delivery of the Agreement, each Authorized Officer is authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Agreement as executed.

Section 3. **Further Actions.** Each Authorized Officer is designated as the County's representative to act on behalf of the County in connection with the transactions contemplated by the Agreement. The Authorized Officers are authorized and directed to proceed with the Projects in accordance with the terms of the Agreement, and to seek opinions on matters of law from the County Attorney, which the County Attorney is authorized to furnish on behalf of the County, and opinions of law from such other attorneys for all documents contemplated under this Resolution as required by law. The Authorized Officers are authorized to designate one or more employees of the County to take all actions which they are authorized to perform under this Resolution, and each is in all respects authorized on behalf of the County to supply all information pertaining to the transactions contemplated by the Agreement. The Authorized Officers are authorized to execute and deliver for and on behalf of the County any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Agreement or as they may deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution. Any and all acts of the Authorized Officers may be done individually or collectively.

Section 4. **Bank-Qualification.** The County will designate its obligations to make principal and interest payments under the Agreement as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

Section 5. **Reimbursement.** The County intends that the adoption of this resolution will be a declaration of the County's official intent to reimburse expenditures for the Projects that are to be financed from the proceeds of the Lender financing described above. The County intends that funds that have been advanced, or that may be advanced, from the County's general fund or any other County fund related to the Projects, for project costs may be reimbursed from the financing proceeds.

Section 6. **Severability.** If any section, phrase or provision of this Resolution is for any reason declared invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 7. **Repealer.** All motions, orders, resolutions, ordinances and parts thereof in conflict herewith are repealed.

Section 8. **Effective Date.** This Resolution is effective on the date of its adoption.

PASSED, ADOPTED AND APPROVED this 11th day of September, 2023.

STATE OF NORTH CAROLINA)
)
COUNTY OF CALDWELL) ss:

I, ABIGAIL I. RICH, Clerk to the Board of Commissioners of the County of Caldwell, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of a resolution entitled “**RESOLUTION OF THE COUNTY OF CALDWELL, NORTH CAROLINA APPROVING AN INSTALLMENT FINANCING AGREEMENT TO FINANCE VEHICLES AND EQUIPMENT AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS**” adopted by the Board of Commissioners of the County of Caldwell, North Carolina at a meeting held on the 11th day of September, 2023.

WITNESS my hand and the corporate seal of the County of Caldwell, North Carolina, this the 11 day of September, 2023.



Abigail I. Rich

Abigail I. Rich
Clerk to the Board of Commissioners
County of Caldwell, North Carolina

**Caldwell County
Project Resolution
Appalachian Regional Commission
Evergreene Industrial Park Infrastructure**

WHEREAS, the North Carolina General Assembly authorized the receipt of grant funding from N.C. Department of Commerce and the Appalachian Regional Commission to stimulate economic development, infrastructure and/or job creation. A portion of the funding authorized the making of grants to aid eligible units of government to stimulate the creation of jobs through the expansion of infrastructure; and

WHEREAS, Caldwell County desires to assist through grant funding the economic development of the Evergreene Industrial Park located in Sawmills; and

WHEREAS, Caldwell County intends to request from the Appalachian Regional Commission grant assistance for the project from the ARC program for the expansion of existing infrastructure in the area to make the property located in Sawmills attractive for economic development:

NOW THEREFORE BE IT RESOLVED, BY THE CALDWELL COUNTY COMMISSION:

That Caldwell County will provide \$199,312.50 in direct funding and \$114,800 in in-kind funding for the Evergreene Industrial Park Infrastructure project.

That Donald E. Duncan Jr., County Manager, and successor county managers, is hereby authorized to execute and file the application on behalf of Caldwell County with The NC Department of Commerce Rural Economic Development Division and/or the Appalachian Regional Commission for a grant to assist in the development of the project described above.

That Donald E. Duncan Jr., County Manager, and successor county managers, is hereby authorized and directed to furnish such information as The NC Department of Commerce Rural Economic Development Division and/or the Appalachian Regional Commission may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That Caldwell County has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

Adopted this the 11 day of September 2023 at Caldwell County, North Carolina.


 Randy F. Church, Commission Chairman

RESOLUTION FOR APPROVING WATER SHORTAGE RESPONSE PLAN

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water service and each large community water system shall develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan and submitted to the Department for review and approval; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for Caldwell County Water System – Southeast NC01-14-047, has been developed and submitted to the Caldwell County Board of Commissioners for approval; and

WHEREAS, the Caldwell County Board of Commissioners finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for Caldwell County Water System – Southeast NC01-14-047, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Caldwell County Board of Commissioners of Caldwell County Water System – Southeast NC01-14-047 that the Water Shortage Response Plan entitled, WSRP 01-14-047 Caldwell Southeast dated July 1, 2023, is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Caldwell County Board of Commissioners intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the 11th day of September, 20 23.

Name: Randy Church, Chairman

Title: Caldwell County Board of Commissioners

Signature: [Handwritten Signature]

ATTEST: [Handwritten Signature]



RESOLUTION FOR APPROVING WATER SHORTAGE RESPONSE PLAN

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water service and each large community water system shall develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan and submitted to the Department for review and approval; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for Caldwell County Water System – North NC01-14-048, has been developed and submitted to the Caldwell County Board of Commissioners for approval; and

WHEREAS, the Caldwell County Board of Commissioners finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for Caldwell County Water System – North NC01-14-048, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Caldwell County Board of Commissioners of Caldwell County Water System – North NC01-14-048 that the Water Shortage Response Plan entitled, WSRP 01-14-048 Caldwell North dated July 1, 2023, is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

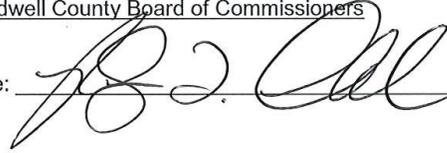
BE IT FURTHER RESOLVED that the Caldwell County Board of Commissioners intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the 11th day of September, 2023.

Name: Randy Church, Chairman

Title: Caldwell County Board of Commissioners

Signature: _____



ATTEST:



RESOLUTION FOR APPROVING WATER SHORTAGE RESPONSE PLAN

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water service and each large community water system shall develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan and submitted to the Department for review and approval; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for Caldwell County Water System – West NC01-14-045, has been developed and submitted to the Caldwell County Board of Commissioners for approval; and

WHEREAS, the Caldwell County Board of Commissioners finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for Caldwell County Water System – West NC01-14-045, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

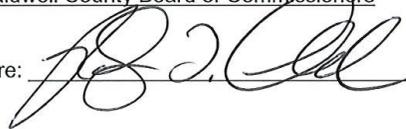
NOW, THEREFORE, BE IT RESOLVED by the Caldwell County Board of Commissioners of Caldwell County Water System – West NC01-14-045 that the Water Shortage Response Plan entitled, WSRP 01-14-045 Caldwell West dated July 1, 2023, is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Caldwell County Board of Commissioners intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

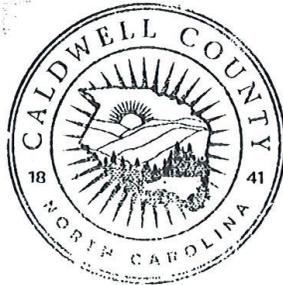
This the 11th day of September, 2023.

Name: Randy Church, Chairman

Title: Caldwell County Board of Commissioners

Signature: 

ATTEST: 



RESOLUTION FOR APPROVING WATER SHORTAGE RESPONSE PLAN

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water service and each large community water system shall develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan and submitted to the Department for review and approval; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for Caldwell County Water System – Addison Lane NC10-14-001, has been developed and submitted to the Caldwell County Board of Commissioners for approval; and

WHEREAS, the Caldwell County Board of Commissioners finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for Caldwell County Water System – Addison Lane NC10-14-001, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Caldwell County Board of Commissioners of Caldwell County Water System – Addison Lane NC10-14-001 that the Water Shortage Response Plan entitled, WSRP 10-14-001 Caldwell Addison Lane dated July 1, 2023, is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Caldwell County Board of Commissioners intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the 11th day of September, 2023.

Name: Randy Church, Chairman

Title: Caldwell County Board of Commissioners

Signature: [Handwritten Signature]

ATTEST: [Handwritten Signature]



**THIS PAGE
LEFT BLANK**