

Warren County
Board of Commissioners
Special Meeting

August 19, 2015 - 5:45 pm

Armory Civic Center Meeting Room
Warrenton, NC

**August 19, 2015
Board of Commissioners
Special Meeting**

Suggested Agenda

- Item # 1: Chairman or designee call Special Meeting to Order**
- Item # 2: Moment of Silence & Conflict of Interest Disclaimer**
- Item # 3: Clerk read Notice of Special Meeting**
- Item # 4: Consider USDA Loan Resolution for Warren County Water & Sewer District III, Emergency & Essential Community Water Assistance Grant (ECWAG)**
- Item # 5: Adjourn Special Meeting**

**August 19, 2015
Special Meeting**

Item # 1:

Chairman or designee call Special Meeting to Order

Item # 2:

Moment of Silence & Conflict of Interest Disclaimer

- *“Members of the Warren County Board of Commissioners are advised, hereby, of their duty under the State Government Ethics Act to avoid conflicts of interest and the appearance of such conflict; and, further, are instructed to refrain from participating in any matter coming before this Board of County Commissioners with respect to which there is a conflict of interest or appearance of such conflict”.*
- In accordance with the State Government Ethics Act, it is the duty of every Board member to avoid both conflicts of interest and appearances of conflict.
- Does any Board member have any known conflict of interest or appearance of conflict with respect to any matter coming before this Board today?
- If so, please identify the conflict and refrain from any undue participation in the particular matter involved.

**August 19, 2015
Special Meeting**

Item # 3:

Clerk read Notice of Special Meeting

Notice

Special Meeting Warren County Board of Commissioners

Notice is hereby served that the Warren County Board of Commissioners will hold a Special Meeting on Wednesday, August 19, 2015 at 5:45 PM in the Warren County Armory Civic Center Meeting Room, 501 US Highway 158 Business, East, Warrenton, NC.

The purpose of this Special Meeting is to consider USDA Loan Resolution for Warren County Water & Sewer District III, Emergency & Essential Community Water Assistance Grant (ECWAG).

All interested persons are encouraged to attend this Special Meeting. Board of Commissioners' regularly scheduled work session immediately follows.

Barry Richardson, Chairman
Warren County Board of Commissioners

August 19, 2015
Special Meeting

Item # 4:

Consider USDA Loan Resolution for Warren County Water & Sewer District III, Emergency & Essential Community Water Assistance Grant (ECWAG) to accept a grant in the amount of \$150,000 from the US Department of Agriculture. Warren County Water & Sewer District III contribution is \$2,549. (More background information has been provided in a separate e-mail)

County Manager's Recommendation:

Recommend the Board adopt the Loan Resolution and authorize the County Manager to sign the Resolution and any related documentation.

LOAN RESOLUTION
(Public Bodies)A RESOLUTION OF THE Warren County Board of CommissionersOF THE Warren County Water & Sewer District No. III

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Provide water service

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Warren County Water & Sewer District No. III*(Public Body)*(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of One Hundred Fifty Thousand & 00/100pursuant to the provisions of N. C. General Statute 162 A; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association;

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(e)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as County Clerk of the Warren County Water & Sewer District No. III hereby certify that the Warren County Board of Commissioners of such Association is composed of five members, of whom, _____ constituting a quorum, were present at a meeting thereof duly called and held on the 19th day of August, 2015; and that the foregoing resolution was adopted at such meeting by the vote shown above, I further certify that as of _____, the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been rescinded or amended in any way.

Dated, this 19th day of August, 2015

Angelena Kearney Dunlap
Title County Clerk

Adjourn

**August 19, 2015
Special Meeting**