

The Board of Commissioners for the County of Wake, North Carolina met in a regular meeting in the Board Room of the Wake County Justice Center, Room 2700, 301 South McDowell Street in Raleigh, North Carolina, the regular place of meeting, at 2:00 p.m. on April 16, 2018.

Present: \_\_\_\_\_

Absent: \_\_\_\_\_

Also present: Scott Warren, County Attorney; Denise Hogan, Clerk to the Board; Emily Lucas, Interim Finance Director; Todd Taylor, Debt Manager; \_\_\_\_\_

\* \* \* \* \*

\_\_\_\_\_ introduced the following resolution, copies of which had been distributed to each Commissioner:

**RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS REGARDING THE PROPOSED ISSUANCE OF LIMITED OBLIGATION BONDS TO REFINANCE A PORTION OF THE COUNTY'S OBLIGATIONS UNDER AN INSTALLMENT FINANCING AGREEMENT PROVIDING FOR THE FINANCING OF THE CONSTRUCTION AND EQUIPPING OF CERTAIN PUBLIC SCHOOL AND COMMUNITY COLLEGE FACILITIES AND TO FINANCE ADDITIONAL SCHOOL IMPROVEMENTS; CALLING A PUBLIC HEARING; AND REQUESTING THE LOCAL GOVERNMENT COMMISSION TO APPROVE THE FINANCING ARRANGEMENT**

WHEREAS, in order to provide financing for additional new public school facilities and for renovation, rehabilitation and improvement of existing school facilities in Wake County, North Carolina (the "County"), and to provide financing for new community college facilities and renovation, rehabilitation and improvement of existing community college facilities in the County, the County entered into an Installment Financing Agreement, dated as of February 1, 2017, with Wells Fargo Bank, National Association (the "Lender"), which was amended and restated by the Amended and Restated Installment Financing Agreement, dated as of February 1, 2018, between the County and the Lender (the original Installment Financing Agreement, as amended and restated is herein referred to as the "Agreement");

WHEREAS, the Agreement was entered into by the County pursuant to the authority granted to the County by North Carolina General Statutes Section 160A-20 (the "Act");

WHEREAS, in order to secure the payment obligations of the County to the Lender in connection with the Agreement, the Board of Education for the Wake County Public School System conveyed the sites of Willow Springs High School, Apex High School and Barton Pond Elementary School, three of the public schools included in the improvements financed under the Agreement, and the County, pursuant to the Act, granted a Deed of Trust on such sites (and the improvements located thereon, including the schools located or to be located thereon);

WHEREAS, the Agreement was entered into under a plan of finance under which the obligations of the County under the Agreement would be refinanced from time to time by Limited Obligation Bonds issued pursuant to, and secured by a deed of trust entered into under the authority of, the Act;

WHEREAS, the Board has determined that in addition to refinancing the existing obligations under the Agreement, the Board will consider financing additional school improvements with proceeds of the Limited Obligation Bonds;

WHEREAS, based upon the foregoing, the Board has determined to consider whether to proceed at this time with a new Limited Obligation Bond financing in an amount not to exceed \$175,000,000 for the purpose of refinancing amounts drawn to date under the Agreement and also to finance the additional school improvements, such Limited Obligation Bonds to be secured by a new Deed of Trust on Apex High School;

WHEREAS, in accordance with Section 160A-20(g) of the Act, the County is required to hold a public hearing on the proposed issuance of Limited Obligation Bonds; and

WHEREAS, certain findings by the Board must be made in support of the County's application to the North Carolina Local Government Commission for approval of the proposed Limited Obligation Bonds;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners (the "Board") for the County as follows:

Section 1. The Board does hereby find and determine as follows:

(a) The proposed Limited Obligation Bond issue is necessary or expedient because it is part of a comprehensive plan of finance of needed improvements to the public school facilities and community college facilities within the County.

(b) The proposed Limited Obligation Bond issue is preferable to a general obligation bond issue because (i) the County does not have the constitutional authority to issue non-voted general obligation bonds pursuant to Article V, Section 4 of the North Carolina Constitution for the purposes described above without an election; (ii) funds are required to be available to continue the on-going plan of finance for the school and community college improvements being financed under the Agreement (then refinanced by a bond issue) and the time for when an election regarding the issuance of voted general obligation bonds may be conducted make refinancing the obligations under the Agreement with voted general obligation bonds impractical;

and (iii) existing circumstances require that funds be available to commence construction and installation of the additional school improvements to be financed as soon as practicable, and the time for when an election regarding the issuance of voted general obligation bonds make refinancing the obligations under the Agreement would significantly delay the commencement of such construction and installation.

(c) The sums to fall due with respect to the Limited Obligation Bonds are adequate and not excessive for the proposed purpose.

(d) The County's debt management procedures and policies are good because all debt management practices have been made in accordance with State law.

(e) The increases in taxes, if any, necessary to meet the sums to fall due with respect to the Limited Obligation Bonds will not be excessive.

(f) The County is not in default in any of its debt service obligations.

Section 2. The Board hereby authorizes and approves the filing of an application with the Local Government Commission for approval of the Limited Obligation Bonds in an amount not to exceed \$175,000,000 and requests the Local Government Commission to approve the issuance of the Limited Obligation Bonds as described above.

Section 3. The Board hereby fixes 2:00 p.m. on May 21, 2018 in the Commissioners' Meeting Room in the Wake County Justice Center located at 301 South McDowell Street in Raleigh, North Carolina, Room 2700 as the hour, day and place for a public hearing on (a) the proposed Limited Obligation Bond issue, and (b) the Deed of Trust to secure the Limited Obligation Bonds.

Section 4. The Board hereby directs the Clerk to said Board to publish notice of such public hearing once in The News and Observer not later than the 10<sup>th</sup> day before said date.

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

Upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing resolution was adopted by the following vote:

Ayes: \_\_\_\_\_

Noes: \_\_\_\_\_

\* \* \* \* \*

I, Denise Hogan, Clerk to the Board of Commissioners for the County of Wake, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of such much of the proceedings of said Board, at a regular meeting held on April 16, 2018, as it relates in any way to the passage of the foregoing resolution and that said proceedings are recorded in the minutes of said Board.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and official seal of said County this 16th day of April, 2018.

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Clerk to the Board of Commissioners

[SEAL]