

RESOLUTION # _____

RESOLUTION AUTHORIZING EXECUTION OF MEMORANDUM OF UNDERSTANDING BETWEEN THE
COUNTY OF BUNCOMBE AND THE BOARD OF TRUSTEES OF ASHEVILLE-BUNCOMBE TECHNICAL
COMMUNITY COLLEGE

- WHEREAS, on November 8, 2011, the voters of Buncombe County approved the levy of a One-Quarter Cent County Sales and Use Tax by authority of Article 46 of Chapter 105 of the North Carolina General Statutes (hereinafter sometimes the "1/4 Sales Tax");
- WHEREAS, this 1/4 Sale Tax was imposed and levied as a tax "in addition to all other State and local sales and use taxes" which offers eligible counties and cities an opportunity to obtain added sources of revenue with which to meet their growing financial needs, and to reduce reliance on other revenues, such as the property tax;
- WHEREAS, by Resolution #: 11-12-02 dated December 6, 2011 the Board of Commissioners confirmed their intent to spend the additional revenues from the 1/4 Sales Tax to make capital improvements to the College although no formal directive was made to restrict such spending;
- WHEREAS, in the intervening years a number of new major capital projects have been completed, yet a recent building assessment demonstrates that almost \$25,000,000 in deferred maintenance projects on existing College buildings is required;
- WHEREAS, at the same time concerns have been expressed by the Board of Trustees and the community regarding the fact that, while the County has fully funded these capital projects, the County has not used all the proceeds of the 1/4 Sales Tax on the capital needs of the College;
- WHEREAS, cash flow projections of the 1/4 Sales Tax based on budget to actual revenues and disbursements from and after 2012 demonstrate that with careful planning and cooperation the 1/4 Sales Tax should provide revenues for debt service obligations and agreed capital projects and costs of operations (See the attached "Article 46 Sales Tax Fund Cash Flow Forecast" attached to the Memorandum of Understanding as Exhibit A);
- WHEREAS, the College and the County understand that, due to the governmental and discretionary nature of the tax, the parties cannot legally bind each other to fulfill the mutual desires expressed herein; and
- WHEREAS, this Board is of the opinion that it is in the best interests of the citizens and residents of the County for the Board of Commissioners and the Board of Trustees to define and memorialize their intentions as to the specific uses of the proceeds of this 1/4 Sales Tax and commit to work together in requesting that the local delegation cause the attached Memorandum of Understanding to become law.

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

1. That the Chairman and County Manager, or either of them, are hereby authorized to execute the Memorandum of Understanding, to include a provision for the shared creation of a joint advisory committee to review requests for additional capital investments in College facilities, by and between the County of Buncombe and The Board of Trustees of Asheville-Buncombe Technical Community College.
2. That the direction of this Board is that a joint advisory committee be formed by and between the County and the College modeled after the Buncombe School Capital Fund Commission; to this end, the Board is open to other structures of the committee's appointment and membership so long as the basic model framework is achieved; and the Chairman is hereby authorized, empowered and directed, by and with the approval of Buncombe County Legal Services, to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate in order to achieve the results contemplated by this Resolution, except that none of the above shall be authorized or empowered to do anything or execute any document which is in contravention, in any way, of the specific provisions of this Resolution.
3. That this Board commits to request jointly with The Board of Trustees of Asheville-Buncombe Technical Community College that the local delegation have this Memorandum of Understanding adopted by the General Assembly in a local act.
4. That all acts and doings of officers, employees and agents of the County, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in the furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.
5. That this resolution shall be effective upon its adoption.

This the 5th day of March, 2019.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Lamar Joyner, Clerk

By: _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney