

**JOINT RESOLUTION OF THE  
BUNCOMBE COUNTY BOARD OF COMMISSIONERS  
AND THE ASHEVILLE CITY BOARD OF EDUCATION  
BUNCOMBE COUNTY, NORTH CAROLINA**

**THIS RESOLUTION** is adopted by both the Asheville City Board of Education ("Board of Education") and the Buncombe County Board of Commissioners ("Board of Commissioners") on the dates indicated below.

**WHEREAS**, the Board of Education wishes to enter into a continuing contract for capital outlay under N.C. Gen. Stat. §§ 115C-441(c1) and 528(a) for the lease-purchase of telecommunications equipment for Asheville City Schools ("Contract");

**WHEREAS**, the Contract, including finance payments and equipment "end-of-term" purchase option, will not exceed TWO HUNDRED AND SEVENTY FIVE THOUSAND AND NO/100 DOLLARS (\$275,000) and will be financed by First American Commercial Bancorp, Inc. (hereafter "Vendor");

**WHEREAS**, the Board of Education will pay the total cost of the Contract in installments over a period of forty-eight (48) months;

**WHEREAS**, the Board of Education will finance the cost of the Contract out of its existing budget in each of those fiscal years;

**WHEREAS**, pursuant to N.C. Gen. Stat. § 115C-528(g), the Contract must be treated as a continuing contract for capital outlay subject to the provisions of N.C. Gen. Stat. § 115C-441(c1);

**WHEREAS**, the Contract between the Board of Education and the Vendor is not an obligation of the County of Buncombe and does not require direct funding from the Board of Commissioners to the Board of Education for successive years;

**WHEREAS**, pursuant to N.C. Gen. Stat. § 115C-528(i), no action for any deficiency may lie against the County of Buncombe or the Board of Education and the taxing power of the County of Buncombe is not, and may not, be pledged directly or indirectly to secure any moneys due under a contract;

**WHEREAS**, the Board of Education's budget resolution for the fiscal year 2018-2019 includes an appropriation authorizing the payment for that year's portion of the obligation; and

**WHEREAS**, although the Board of Education and the Board of Commissioners agree that the entire cost of the contract will be covered by the Board of Education's existing budget, the contract is nevertheless being approved by resolution of the Board of Commissioners in order to comply with the technical requirements of N.C. Gen. Stat. § 115C-441(c1) to the extent such requirements are applicable.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, per N.C. Gen. Stat. § 115C-441(c1), that the Board of Commissioners, subject to the foregoing, agree to appropriate sufficient funds to the Board of Education in ensuing fiscal years in an amount which is sufficient to meet the contract obligations incurred by the Board of Education for this Project, so long as the amount the Board of Education shall be obligated to pay under the Contract shall not exceed the amounts recited above. The Board of Education understands and expressly agrees that said funds shall be a part of, and not in addition to, the regular appropriations made to the Board of Education.

Adopted, this \_\_ day of \_\_\_\_\_, 2019

Adopted, this \_\_ day of \_\_\_\_\_, 2019

**Buncombe County  
Board of Commissioners**

**Asheville City  
Board of Education**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Chair

Approved to Form:

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Christopher Z. Campbell  
Attorney, Asheville City Board of Education

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Michael Frue  
Buncombe County Senior Staff Attorney