

The Chairman of the Board of Commissioners (the "Board") for the County of Buncombe (the "County") stated that the Board has been requested by the Enka Candler Fire and Rescue Department ("ECFD") to hold a public hearing, as required by Sections 150(e)(3) and 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") regarding an Installment Loan between First Bank and the ECFD (the "Loan"). The proceeds of the Loan will be used by ECFD to pay (a) the cost of acquiring, constructing and equipping a new substation (the "Project") and (b) certain costs and expenses associated with closing the Loan. The Chairman then stated a notice of public hearing had been posted on November 22, 2019 on the County's website, in accordance with the sections of the Code referenced above.

_____ declared the public hearing open on the proposed issuance of the Loan and the financing of the Project.

At approximately __: __ .m., the Chairman announced that the Board would hear anyone who wished to be heard on the advisability of the Project and the proposed Loan and that a representative of the ECFD was available and prepared to discuss the details concerning both.

After the Board had heard all persons who requested to be heard, the Chairman declared the public hearing closed.

_____ then introduced the following resolution, the title of which was read and copies of which had been previously distributed to each Commissioner:

**RESOLUTION AUTHORIZING AND APPROVING THE DELIVERY OF
A TAX-EXEMPT INSTALLMENT LOAN BETWEEN THE ENKA
CANDLER FIRE AND RESCUE DEPARTMENT AND FIRST BANK AND
MATTERS RELATED THERETO**

WHEREAS, the Enka Candler Fire and Rescue Department, Inc (the "ECFD") and the County of Buncombe, North Carolina (the "County") have heretofore entered into an agreement whereby the ECFD has agreed to provide the County fire protection services for certain portions of the County; and

WHEREAS, ECFD wishes to finance (a) the cost of acquiring, constructing and equipping a new substation (the "Project") and (b) certain costs and expenses associated with the closing of the Loan (hereinafter defined); and

WHEREAS, ECFD and First Bank intend to enter into an Installment Loan (the "Loan") whereby First Bank will advance to ECFD funds for the Project and related costs; and

WHEREAS, the interest component of the repayment obligations under the Loan are intended to be excludable from the gross income of the recipients thereof; and

WHEREAS, pursuant to the Internal Revenue Code of 1986, as amended (the "Code"), the issuance of the Bonds must be approved, after a public hearing required by Sections 150(e)(3) and 147(f) of the Code, by the governmental unit having jurisdiction over the area in which the Project is located; and

WHEREAS, the Agreement does not constitute a debt of the State of North Carolina or any political subdivision or any agency thereof, including the County, or a pledge of the faith and credit of the State of North Carolina or any political subdivision or any such agency, including the County, but are payable solely from the revenues and other funds provided for by the ECFD pursuant to the terms of the Loan; and

WHEREAS, because no revenues or taxes of the County are legally pledged to the repayment obligations under the Loan, the staff of the County has made no financial analysis of the Loan or the Project; and

WHEREAS, the Board of Commissioners of the County (the "Board"), pursuant to public notice duly given, has held a public hearing on the advisability of the making of the Loan to finance the Project and has considered the comments of all persons who requested to be heard;

NOW THEREFORE, BE IT RESOLVED by the Board as follows:

1. The Board has held the public hearing and taken the actions set forth herein in order to satisfy Sections 150(e)(3) and 147(f) of the Code.

2. The execution of the Loan in an aggregate principal amount not exceeding \$2,055,000.00 to finance the Project and related costs is hereby approved.

3. The Clerk to the Board is hereby authorized and directed to provide a certified copy of this resolution to the ECFD and First Bank.

4. THE AGREEMENT DOES NOT CONSTITUTE A DEBT OF THE STATE OF NORTH CAROLINA OR ANY POLITICAL SUBDIVISION OR ANY AGENCY THEREOF, INCLUDING THE COUNTY, OR A PLEDGE OF THE FAITH AND CREDIT OF THE STATE OF NORTH CAROLINA OR ANY POLITICAL SUBDIVISION OR ANY SUCH AGENCY, INCLUDING THE COUNTY.

5. This resolution shall take effect upon its adoption.

This the ____ of December, 2018.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Lamar Joyner, Clerk

By: _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney