

RESOLUTION OF THE
BUNCOMBE COUNTY BOARD OF COMMISSIONERS
AUTHORIZING CONTINUING CAPITAL CONTRACTS FOR CONSTRUCTION OF CERTAIN SECURITY
UPGRADES OF BUNCOMBE COUNTY SCHOOL FACILITIES

- WHEREAS, the Buncombe County Board of Education (the “Board of Education”) operates forty-seven schools and programs in numerous school buildings spread across the county, and is charged pursuant to G.S. §115C-47(61) with the duty of providing for a safe school environment for each of its schools;
- WHEREAS, the Board of Education has engaged in a process to identify and construct security improvements, beginning with the investigation of existing conditions, development or modifications of existing design, and construction of entrance and lobby improvements at each of its school buildings (the “Project,” each individually a “School Project”);
- WHEREAS, through a duly announced Request for Qualifications, the Board of Education identified a design professional and construction manager to design and construct the School Projects on a per-project basis;
- WHEREAS, the Board of Education will seek funding for the School Projects from a variety of sources, including without limitation, grant funding where available, approval through the School Capital Funding Commission, by direct request from the County in the yearly budgeting process, or through installment-purchase or bond financing, where a given School Project requires;
- WHEREAS, the Project requires agreements with the selected design professional and construction manager for terms extending across several budget years, and the Board of Education now wishes to enter into continuing contracts for capital outlay under N.C. Gen. Stat. §§ 115C-441(c1) for design and construction management services for the Project;
- WHEREAS, except where School Projects are grant-funded, funded within the Board of Education’s yearly capital outlay budget, or otherwise do not require action or approval from the County, the Board of Education will partner with the County to provide for approval of the amount and type of funding on a per-project basis;
- WHEREAS, neither of the contracts between the Board of Education and its design professional and construction manager for the Project are an obligation of the County of Buncombe; and

WHEREAS, the contracts are 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 RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. That the Board of Commissioners, subject to the foregoing and in accordance with N.C. Gen. Stat. § 115C-441(c1), 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 any contract therefore shall not exceed the amounts allocated for the applicable School Project.
2. This Resolution shall be applicable and is effective only with respect to individual School Projects that require expenditures over multiple budget years and that have been duly approved in advance by the Board of Commissioners.

This the 6th of April, 2021.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Lamar Joyner, Clerk

By: _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney