

## **WAKE COUNTY BOARD OF COMMISSIONERS**

**March 15, 2010**

**Regular Meeting**

**2:00 p.m.**

**Room 700, Wake County Courthouse**

Members present were: Tony Gurley, Chair, Betty Lou Ward, Vice Chair, Lindy Brown, Joe Bryan, Paul Coble, Stan Norwalk, Harold H. Webb.

Others attending were: Scott Warren, County Attorney, David C. Cooke, County Manager, Susan J. Banks, Clerk to the Board

### **Meeting Called to Order: Chairman Tony Gurley**

### **Pledge of Allegiance**

### **Invocation: Commissioner Paul Coble**

### **Items of Business**

#### **Approval of Agenda**

Betty Lou Ward, Vice Chair motioned, seconded by Lindy Brown, to approve the agenda as presented.

The motion passed unanimously.

#### **Approval of the Minutes of the Commissioners' Regular Meeting on March 1, 2010**

Lindy Brown motioned, seconded by Betty Lou Ward, Vice Chair, to approve the Minutes of the Commissioners' Regular Meeting on March 1, 2010.

The motion passed unanimously.

#### **Retiree Recognition**

Mr. David Cooke reported that Ms. Laurie Finn will retire on April 1st, 2010 with over 34 years of service to Wake County. Mr. Cooke presented her with a plaque for her service and expressed appreciation for her service.

#### **Caring, Serving, Respecting Customer Award (CSRC)**

Mr. Cooke recognized Ms. Valerie Thomas-Davis, nominated by her manager, for customer service excellence. He also recognized Ms. Peggy Roberson, nominated by her manager, for

customer service excellence. He presented both of them gifts for their excellent customer service.

**Recognition of the Sustained Professional Purchasing Award Given to the Wake County Procurement Services Department by the Carolinas Association of Governmental Purchasing**

Mr. David Cooke asked the Finance Procurement Team to come forward. Finance Office employees; Mr. Tom Wester, Purchasing Director, Ms. Melissa England, Scott Hanner, Dave Knoll, and Mary Ingram were recognized for their excellent work in achieving the Sustained Professional Purchasing Award for the sixth year in a row. This is the sixth year this department has received the award.

**Proclamation to Recognize Wake County Participation in the Capital Area Veterans Stand Down and to Proclaim March 25, 2010 as Capital Area Veterans Stand Down Day**

Mr. Frank Lawrence informed the Board that the Capital Area Veterans' Stand Down will be held on March 25, 2010 at the South Wilmington Street Center, 1020 South Wilmington Street in Raleigh, from 7:30 a.m. to 3:00 p.m. He explained that a stand down was done years ago when soldiers returned from war. They would provide them with healthcare, clothes, food, and other needs to get them re-acclimated into their culture.

Commissioner Brown read aloud the proclamation.

Betty Lou Ward, Vice Chair motioned, seconded by Paul Coble, to approve the Proclamation to recognize Wake County's Participation in the Capital Area Veterans Stand Down and Proclaim March 25, 2010 as Capital Area Veterans Stand Down Day.

The motion passed unanimously.

Commissioner Brown pointed out the poster for the Veterans' Stand Down.

## Proclamation

**WHEREAS**, Ending Homelessness is a national, statewide, Triangle-wide, and local initiative, more than 300 communities across the United States and more than 20 cities and counties across North Carolina, including Raleigh/Wake County, Durham/Durham County, and Chapel Hill/Orange County each adopting and implementing Ten Year Plans to End Homelessness: and,

**WHEREAS**, the U.S. Department of Veteran Affairs estimates that nearly 131,000 veterans are homeless on any given night across the country, and nearly 262,000 experience homelessness over the course of a year; and,

**WHEREAS**, last year the South Wilmington Street Men's Shelter served over 200 homeless veterans; and,

**WHEREAS**, nationally 23% of male homeless population is veterans; and,

**WHEREAS**, America's homeless veterans have served in all wars and military conflicts since WWII; and,

**WHEREAS**, veterans are now returning to our community from active, wartime duty in Iraq (Operation Iraqi Freedom) and Afghanistan (Operation Enduring Freedom); and,

**WHEREAS**, on March 25, 2010, Raleigh/Wake County is hosting the Capital Area Homeless Veterans' Stand Down to assist local veterans experiencing homelessness access a wide range of services and connect with service providers in one place on one day with the ultimate goal of becoming employed, obtaining housing and achieving stability in their lives; and,

**WHEREAS**, in support of the 2010 Capital Area Homeless Veterans' Stand Down and in support of the estimated 200 veterans expected to attend and receive assistance;

**NOW THEREFORE, BE IT RESOLVED THAT**, the Wake County Board of Commissioners, proclaims March 25, 2010, as

“Capital Area Homeless Veterans' Stand Down Day”

in Wake County. I urge citizens, businesses, civic organizations and faith communities to support this and other efforts to end and prevent homelessness in our community.

Adopted this the 15<sup>th</sup> day of March, 2010.

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**Proclamation to Declare March 27, 2010 as Wake County Human Services' Making Magic Day in Wake County**

Mr. Lawrence Flemming, Co-Chair of the Marking Magic Alliance, said that the Making Magic Alliance started when Chairman Gurley served on the Human Services Board. The Making Magic Family Expo is a fun-filled day for the whole community with the purpose of raising awareness about summer learning loss, the resulting achievement gap, the value of summer learning opportunities, and the work of Making Magic Alliance.

The Alliance will be holding the 2010 Making Magic Family Expo on March 27, 2010 at the Exposition Center at the NC State Fairgrounds in Raleigh from 10:00 a. m. to 6:00 p.m.

Mr. Flemming invited the Board to the event. He shared a picture from the first expo and explained how Ray Price was instrumental in starting the Making Magic event. He said that there is a billboard on Highway 70 South advertising the event. Commissioner Ward read aloud the proclamation.

Betty Lou Ward, Vice Chair motioned, seconded by Lindy Brown, to approve the Proclamation to Declare March 27, 2010 as Wake County Human Services' Making Magic Day in Wake County.

The motion passed unanimously.

Commissioner Bryan noted that the event is a lot of fun. He mentioned the silent action from last year.

Commissioner Brown asked if Mr. Ray Price is sponsoring the event. Mr. Flemming said that he was sponsoring the event.

## PROCLAMATION

*Whereas*, all young people experience learning losses when they do not engage in educational activities during the summer; research spanning 100 years shows that students typically score lower on standardized tests at the end of summer vacation than they do on the same tests at the beginning of the summer; and

*Whereas*, more than half of the achievement gap between lower and higher income youth can be explained by unequal access to summer learning opportunities; and

*Whereas*, most students lose about two months of grade level equivalency in mathematical computation skills over the summer months, low-income students also lose more than two months in reading achievement, despite the fact that their middle-class peers make slight gains. As a result, low-income youth are less likely to graduate from high school or enter college; and

*Whereas*, children lose more than academic knowledge over the summer; most children, particularly children at high risk of obesity, gain weight more rapidly when they are out of school during summer break; and

*Whereas*, since 2002 more than 3,100 Wake County youth have experienced summer camp opportunities due to the Making Magic Alliance; the Alliance is made up of individuals, organizations and corporations from across Wake County who recognize the need for outside of school opportunities for Wake's youth; and

*Whereas*, the Alliance, a group of people who are serious about closing the achievement gap, brings the whole community together with the common goal of helping families who need it most with afterschool, summer, and track out options for their young people by providing scholarships; and

*Whereas*, the Making Magic Expo, a day of family-focused activities and entertainment, is another avenue to advocate for at-risk youth and raise funds to send them to summer camps.

***NOW, THEREFORE, BE IT RESOLVED*** that the Wake County Board of Commissioners hereby proclaim Saturday, March 27, 2010 as “**Making Magic Day**” in Wake County. We urge all residents, businesses and organizations to show their support for youth in our community by participating in the Making Magic Family Expo.

Adopted this the 15<sup>th</sup> day of March, 2010.

## Economic Update

Mr. David Cooke reported on the Capital & Bond Update, the 2010 Budget and the 2011 Budget Process. He reported savings of \$31 million on the Hammond Road Detention Center construction project and \$22 million on the Justice Center project for a total of \$53 million below budget in capital projects. Contracts have been awarded on the Hammond Road Detention Center and Justice Center. The Justice Center budget was \$210 million in the previous plan and the current plan is \$187.7 million. The County's AAA bond rating was reaffirmed on the General Obligation Bond debt. The bond sale is scheduled for March 16, 2010. There will be \$100 million in bonds sold for public schools and \$25.8 million in bonds for Wake Tech. There is \$86.3 million in tax-exempt General Obligation bonds and \$39.5 million in taxable Recovery Zone Economic Development Bonds. This will be the first time the county has used Recovery Zone Economic Development Bonds which have a 45% subsidy where interest will be paid by the federal government.

Mr. Cooke reported that the 2010 operating budget was \$953.7 million when originally adopted. The year-end revenues expected are \$947.2 million. There will need to be \$6.5 million saved by the end of the fiscal budget year. Most revenues are down except the property tax which is slightly up. At the April 5, 2010 meeting, there will be an update of the budget and departments. There will be state and county reductions.

At the planning retreat in January, there was a gap of anywhere from \$8 million to \$18 million. The fiscal year 2011 budget now has a \$12-\$22 million gap. The State has reduced funding mostly in Human Services. Each county department has been requested to make a 7% reduction in its operating budget in order to help bridge the gap. Mr. Cooke is also scheduled to meet with the advisory boards on the upcoming budget.

There are efforts to start to implement reductions in 2010. The recommended budget will be presented to the Board at the May 17, 2010 meeting.

## Consent Agenda

Commissioner Brown asked if #11 could be taken off the agenda for clarification.

Paul Coble motioned, seconded by Lindy Brown, to approve the consent agenda items without item #11, which was moved to the regular agenda for further clarification.

The motion passed unanimously.

### **Approval of the Application for the NC Department of Correction's Criminal Justice Partnership Program Grant and Approval of the FY2011 Management Contract for the Wake County Day Reporting Center**

Paul Coble motioned, seconded by Lindy Brown, to approve the application for the FY 2011 Criminal Justice Partnership Program grant funding for the Wake Day Reporting Center to be submitted on Wake County's behalf by Carolina Correctional Services, Inc., and authorize the County Manager to enter into an agreement for Fiscal Year 2011 with Carolina

Corrections Services, Inc. for FY 2011 management and operation of the Wake Day Reporting Center, subject to review and approval by the County Attorney.

The motion passed unanimously.

**Accept \$14,081 in Community Emergency Response Team (CERT) Homeland Security Grants**

Paul Coble motioned, seconded by Lindy Brown, to accept the Department of Homeland Security's Community Emergency Response Team (CERT) program grants via the North Carolina Department of Crime Control and Public Safety and the Governor's Citizen Corp Office on behalf of:

- a. the Cary CERT in the amount of \$7,492.00;
- b. the Cary Academy Cert in the amount of \$4,089.09; and
- c. the Wake County Sector-Carolina Preserve CERT in the amount of \$2,500, with funds to be appropriated in the FY 2010 Grants and Donations budget system, and further; Authorize the County Manager or designee, to sign the accompanying Memorandums of Agreement and permit the sub-granting of these awards to the respective Community Emergency Response Teams.

The motion passed unanimously.

**Wake County Public School System Plan 2000, Plan 2004, and CIP 2006 Reallocation Request (Second Reading)**

Paul Coble motioned, seconded by Lindy Brown, to reallocate \$3,515,521 of savings from seventeen Plan 2000 projects and \$20,885,229 of savings from thirty-two Plan 2004 projects to Program Contingency in their respective plans; and reduce the Plan of Record (overall budget) for Plan 2000 by \$3,515,521, reduce the overall budget for Plan 2004 by \$20,885,229, and increases the overall budget for the CIP 2006 School Building Program by \$24,400,750.

The motion passed unanimously.

**Resolution  
Reallocate PLAN 2000 and PLAN 2004 Funds**

**WHEREAS**, the Wake County Board of Education is engaged in a Long Range Building Program; and

**WHEREAS**, the Wake County Board of Education has duly requested that the Board of Commissioners approve the reallocation of \$3,515,521 from PLAN 2000 projects to the plan's Program Contingency; and

**WHEREAS**, the Wake County Board of Education has duly requested that the Board of Commissioners approve the reallocation of \$20,885,229 from PLAN 2004 projects to the plan's Program Contingency; and

**NOW, THEREFORE, BE IT RESOLVED** that the Wake County Board of Commissioners hereby reallocates funds as follows:

FROM		AMOUNT	TO	AMOUNT
<b>PLAN 2004 Building Program</b>			<b>PLAN 2004</b>	
Systemwide Improvements	\$	5,915,402	Program Contingency	\$20,885,229
Reroofing	\$	1,685,674		
Holly Grove Elementary	\$	1,394,397		
East Wake High	\$	1,373,792		
Panther Creek High	\$	1,205,864		
Millbrook High Addition and Renovations	\$	1,070,532		
Holly Springs High	\$	1,032,015		
Wakelon Elementary	\$	870,000		
2007 Crowding Solution	\$	781,952		
Martin Middle Addition and Renovations	\$	691,531		
Carroll Middle Renovations	\$	590,566		
Cary High Addition and Renovations	\$	477,757		
Enloe High Addition	\$	464,812		
Barwell Road Elementary	\$	451,424		
East Garner Elementary	\$	450,092		
North Forest Pines Elementary	\$	446,667		
Forest Pines Drive Elementary	\$	379,942		
Wake Forest-Rolesville High Renovations	\$	334,366		
Brier Creek Elementary	\$	257,697		
Ligon Middle Renovations	\$	240,277		
North Garner Middle Renovations	\$	205,773		
Harris Creek Elementary	\$	181,565		
Sanford Creek Elementary	\$	136,091		
West Millbrook Middle Start Up	\$	79,143		
Brooks Elementary Start Up	\$	39,728		
Millbrook High Start Up	\$	36,170		
Daniels Middle Addition and Renovations	\$	34,583		
Northwoods Elementary Renovations	\$	27,293		
Apex High Start Up	\$	14,860		
Douglas Elementary Addition and Renovations	\$	12,524		
River Bend Elementary	\$	2,140		
Elementary E24	\$	600		
<b>PLAN 2004 Total</b>		<b>\$20,885,229</b>	<b>PLAN 2004 Total</b>	<b>\$20,885,229</b>
Longview School	\$	155,862		
Sys Wide Improve-Modernization	\$	155,331		
Special Optional	\$	150,601		
Wiley Elementary	\$	112,880		
Carpenter Elementary	\$	66,164		
Forestville Road Elementary	\$	35,564		
Wake Forest Elementary	\$	19,849		
Heritage Middle	\$	17,064		
Enloe High	\$	8,219		
Forest Pines Elementary	\$	663		
<b>PLAN 2000 Total</b>		<b>\$3,515,521</b>	<b>PLAN 2000 Total</b>	<b>\$3,515,521</b>

Adopted this the 15th day of March 2010.

Wake County Board of Commissioners

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Tony Gurley, Chairman

**Resolution**  
**Change Plans of Record for PLAN 2000, PLAN 2004, and CIP 2006**

**WHEREAS**, the Wake County Board of Education is engaged in a Long Range Building Program; and

**WHEREAS**, the Wake County Board of Education has duly requested that the Board of Commissioners approve the lowering of the Plan of Record for PLAN 2000 by \$3,515,521 and PLAN 2004 by \$20,885,229, and increasing the CIP 2006 Plan of Record by \$24,400,750; and

**NOW, THEREFORE, BE IT RESOLVED** that the Wake County Board of Commissioners hereby reallocates funds as follows:

FROM	AMOUNT	TO	AMOUNT
<b>PLAN 2000</b>		<b>CIP 2006</b>	
Contingency	\$3,515,521	Reserves	\$24,400,750
<b>PLAN 2004</b>			
Contingency	\$20,885,229		
<b>Total</b>	<b>\$24,400,750</b>	<b>Total</b>	<b>\$24,400,750</b>

Adopted this the 15th day of March 2010.

Wake County Board of Commissioners

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Tony Gurley, Chairman

**Wake County Public School System CIP 2006 Reallocation Request (Second Reading)**

Paul Coble motioned, seconded by Lindy Brown, to reallocate \$27,783,145 in savings from 29 projects to fund Wilburn Elementary, Building Permits, Program Management and Reserve.

The motion passed unanimously.

**Resolution  
Reallocate Appropriation within CIP 2006**

**WHEREAS**, the Wake County Board of Education is engaged in a Long Range Building Program; and

**WHEREAS**, the Wake County Board of Education has duly requested that the Board of Commissioners approve the reallocation of CIP 2006 funds from project savings to Wilburn Elementary, Building Permits, Program Management, and Reserves; and

**NOW, THEREFORE, BE IT RESOLVED** that the Wake County Board of Commissioners hereby reallocates funds as follows:

FROM	AMOUNT	TO	AMOUNT
<b>CIP 2006</b>		<b>CIP 2006</b>	
Cary High	\$ 1,210,580	Wilburn Elementary	\$ 18,802,677
E-29 Elementary	\$ 1,182,682		
East Millbrook Middle	\$ 1,128,372		
East Wake High	\$ 1,261,702		
Lake Myra Elementary	\$ 1,026,708		
Laurel Park Elementary	\$ 1,560,300		
Lynn Road elementary	\$ 2,143,339		
Martin Middle	\$ 42,412		
River Bend Elementary	\$ 1,067,964		
Sycamore Creek Elementary	\$ 1,064,916		
Wake Forest-Rolesville High	\$ 5,849,253		
Wendell Middle	\$ 1,264,449		
Subtotal	\$ 18,802,677		
Aversboro Elementary	\$ 584,392	Program Management	\$ 2,398,851
Bryan Road Middle	\$ 374,749		
Enloe High	\$ 602,354		
Martin Middle	\$ 837,356		
Subtotal	\$ 2,398,851		
Child Nutrition Warehouse	\$ 39,598	Building Permits for Wilburn Elementary	\$ 69,891
Martin Middle	\$ 30,293		
Subtotal	\$ 69,891		
Alston Ridge Elementary	\$ 75,000	Reserve	\$ 6,511,726
Banks Road Elementary	\$ 63,000		
Bugg Elementary	\$ 825,038		
Child Nutrition Warehouse	\$ 10,402		
Herbert Akins Elementary	\$ 725,168		
Heritage High	\$ 714,037		
Holly Grove Middle	\$ 767,224		
Lacy Elementary	\$ 170,000		
Mills Park Elementary	\$ 354,017		
Mills Park Middle	\$ 621,008		
Poe Elementary	\$ 310,160		
Root Elementary	\$ 897,000		
Smith Elementary	\$ 882,852		
Wendell Middle & East Cary Conversion	\$ 96,820		
Subtotal	\$ 6,511,726		
<b>CIP 2006 Total</b>	<b>\$ 27,783,145</b>	<b>CIP 2006 Total</b>	<b>\$ 27,783,145</b>

Adopted this the 15th day of March 2010.

Wake County Board of Commissioners

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Tony Gurley, Chairman

**Award Multi-Year Extension Contract to Provide Wireless Internet Access for Patrons at Wake County Public Libraries**

Paul Coble motioned, seconded by Lindy Brown, to authorize the County Manager to negotiate and execute a multi-year service extension contract with Time Warner Business Class to provide Wireless Internet Access (WiFi) in Wake County Public Library facilities.

The motion passed unanimously.

**Regular Agenda**

**Public Hearing on the Proposed Amendments to the Southwest Wake Area Land Use Plan (LUPA 03-09)**

Mr. Tim Gardiner, Planning Inspections and Development, said this a request for an amendment to the Southwest Wake Area Land Use Plan. He stated there were several meetings on this amendment change and this was presented at the Board's work session. The Guiding Principles document is the stakeholder driven Harris Lake Drainage Basin Study. He reviewed the documents included in the agenda package which were an executive summary from the study, a written summary of the changes proposed, maps showing the existing Southwest Wake Area Land Use Plan, proposed Southwest Wake Area Land Use Plan, and highlighted map showing the proposed changes. There has been public involvement on the study and consideration of the proposed amendments including the Harris Lake Stakeholder Group, presentation made to the New Hill Community, presentations to the municipalities of Apex, Fuquay-Varina and Holly Springs and property owner notification during the Planning Board process. He introduced Ms. Pat Crissman with the Wooten Company who helped them through the Harris Lake Drainage Basin Study. The study included taking a closer look at the types of development that should occur, the trade-offs of development patterns and how to the county and municipalities address the development in the Southwest Area Land Use Plan - Harris Lake Sub-Area. He explained the base study area and shared a map of the area including the five mile boundary as used in the past. The map also showed the current level of the lake and where it would be if it were 20 feet higher as proposed by Progress Energy to construct additional reactors on the site. Progress Energy will go through the process as proposed within a twenty to thirty year timeframe and will be responsible for mitigating roadways

The stakeholders included:  
Harris Lake Basin Residents  
Progress Energy

Towns of Apex, Holly Springs and Fuquay-Varina  
Wake County Government (Planning, Emergency Preparedness, Environmental Services, and Community Services)  
NC Wildlife Resources  
Capital Area Metropolitan Planning Organization (CAMPO)  
NC Department of Transportation (NCDOT)

The stakeholders' goal was to have a plan that accurately represented future uses, planned extension of infrastructure, address natural resource conservation and rural lands, and addresses rural communities and cultural/historic resources. The study was data driven. Impacts of each scenario were provided and noted that each of the infrastructure improvements have a cost attached. A positive impact was increase in employment. Infrastructure improvements included road widening, and extension of water and sewer lines with cost impacts from \$188 million to \$316 million. The impact assessments indicated that a minimum of 11,420 residences could be impacted.

Mr. Gardiner stated the purpose of the amendments are to align land uses with the municipalities plans, identify most effective places to establish potential employment centers and to partner with Progress Energy in maintaining Harris Lake as a resource.

The changes include:

- Move 8,937 acres to Apex extraterritorial jurisdiction;
- Add proposed municipal fringe residential densities around the western border of Fuquay-Varina (1,750 Acres) and the southern border of Holly Springs (1,500 Acres);
- Increase the land use classification to 1 unit per acre in the areas served by agreement with Harnett County water lines (4,000 acres);
- Add Neighborhood Activity Center designation at the intersection of piney Grove Wilbon Road and NC Highway 42 currently shown on Fuquay-Varina/Garner Area Land Use Plan with Fuquay-Varina's USA (62 acres);
- Adjust parcel-based boundary of Neighborhood Activity Center at intersection of Bonsal Road and Old US 1 Highway (32 acres);
- Denote the majority of the land owned by Progress Energy for the purposes of the Shearon Harris Nuclear Facility as Utility/Harris Lake (14,470 acres);
- Change an area along Old Holly Springs Apex Road to a mixed use land use classification (170 acres)
- Add business park land classifications:
  - \*Connected to the potential wastewater treatment plant on the north side of US 1 (310 acres)
  - \*On the south side of US 1 (1,480 acres)
  - \*Extend the potential business park on Holly Springs-new Hill Road to the west (478 acres)

There was discussion about other potential uses by Progress Energy in addition to generation of energy.

Mr. Gardiner reviewed implementation actions such as addressing other concerns of stakeholders, continue partnerships, and align infrastructure planning for the area. He said there were studies done: The Planned and Managed Development, Transportation, and Rural Land and Community Resource Planning. Mr. Cooke said the Capital Area Metropolitan Planning Organization (CAMPO) would prioritize the long range road/transportation needs. Commissioner Norwalk noted areas in Wake Forest with growth and the condition of the roads. He said that he does not see the implementation of the roads for the project. Commissioner Norwalk said he was concerned about the roads. He asked who is in charge of the roads and making sure they are installed in a timely fashion. Mr. Gardiner said the stakeholders would weigh in on this process. Commissioner Norwalk stated there needs to be a backup plan on the roads infrastructure if growth comes first in case the State puts responsibility of roads on the county. Commissioner Bryan said the NCDOT said that it is not the objective to put the roads on the counties, which the Governor has also confirmed. The 1st item on the NCACC list or priorities and legislators is for the roads not to be transferred to the counties.

Mr. Gardiner said that when there is an increase in the lake level Progress Energy will be responsible for the bridges and culverts which would be constructed for future uses. Municipalities will be involved with the Rural Land and Community Resource Planning.

Commissioner Norwalk said that the state has said this is not a critical water supply. Mr. Gardiner said that Harris Lake does not provide a potable water supply. He said there was no current movement to move this into a water supply watershed.

Chairman Gurley opened the public hearing.  
No one spoke.  
Chairman Gurley closed the public hearing.

Mr. John Miller, Planning Board Chair, said this has been a three year process. There was collaboration with the municipalities and stakeholders on this project. The Planning Board recommended approval. Commissioner Bryan asked if the approval was from what was written down. Mr. Miller said this is correct.

Mr. Gardiner said the Planning staff recommended approval of the amendment.

Betty Lou Ward, Vice Chair motioned, seconded by Paul Coble, to adopt amendments to the Southwest Wake Area Land Use Plan (LUPA 03-09).

The motion passed with a vote of 6 - 1.

AYES: Paul Coble, Betty Lou Ward, Tony Gurley, Harold H. Webb, Lindy Brown, Joe Bryan  
NOES: Stan Norwalk

**Accept \$93,694 in Additional Federal Funding Through the N. C. Department of Health and Human Services' Division of Social Services for the Crisis Intervention Program**

Commissioner Brown said she wanted some additional clarification on this item. She asked if the \$2,057,315 from last year would require an additional \$93,694 and where the funding would come from.

Mr. Bob Sorrels said that each year in the budget it is estimated the amount of funds needed. Once mid-year allocations from the state are received the budget is balanced. The latest allocation from the state is the reason for the difference between what will be received from the state and what was budgeted.

Lindy Brown motioned, seconded by Betty Lou Ward, Vice Chair, to accept and appropriate \$93,694 in additional Federal Funding through the North Carolina Department of Health and Human Services' Division of Social Services for the Crisis Intervention Program.

The motion passed unanimously.

**Public Comments:**

Chairman Gurley opened the public comments part of the meeting and requested comments be kept to three minutes or less per person.

Ms. Tonya Baker-Nelson said that she was opposed to the abortion procedures. Most of abortions occur between 7-12 weeks. She asked that the board investigate the actual procedure. She counsels women. Abortion hurts women and men.

Mr. Art Wilson said that UNC Research Center has provided a legal opinion on the subject of reinstating abortion coverage to the employees' health plan. He said that the manager and attorney advised the board to obey the North Carolina Supreme Court. He referred to comments made by Mr. Jack Nichols and by Commissioner Norwalk. He asked the board to serve the public trust.

Mr. Everett Craig said that he and his wife were concerned about the potential closing of the Garner Library. He said the criteria used for review of the

libraries left the Garner Library at a disadvantage. He was referred to Mr. Frank Cope.

Ms. Diane Stalling said that the laws have been changed over the years. She said that there were 11 abortions paid by taxpayers' money in Wake County. She said the procedure is done for convenience. She asked the Board not to use the taxpayers' money to pay for abortions.

Ms. Melissa Reid, Vice President of Planned Parenthood, asked the board to reinstate elective abortion coverage in the county employees' health plan. She said the benefit is legal. She said the procedure should be left up to the doctor and family. She said the changes made may leave a misunderstanding of a casual decision. In the event a mother developed a health problem, the procedure could be done. Planned Parenthood offers low cost birth control and counseling.

Mr. James Cummings, 2517 Whippletree Drive, said he put a detached garage on his lot. His property is part of the Swift Creek Management Plan. He has a 12% impervious surface limit. He said that his entire driveway would meet the limit and he cannot add-on or add anything to his lot. He understands the need to protect waterways. He asked the board to work with Cary, Raleigh, Apex, and Garner to keep the same standards and remove or reduce the 12% requirement. He said the homeowner should have the right to add value to their property.

Mr. Marshall "Pete" Ashworth said that he had heard rumors about closing the Garner Library. He said the library was essential to the Town of Garner. His granddaughter attended the library and heard storytellers. The library is important to children. He asked the board to consider keeping the library open.

Ms. Donna Williams said that she is a mother of four children and grandmother of 6.5 grandchildren. She read aloud parts of the article authored by Mr. David Bass with Commissioner Norwalk's comments in a local newspaper. She shared her daughter's comparison about using taxpayers' money for abortions was like going to the jails and ending lives to save taxpayer money. She asked the board to reconsider the proposal to reinstate elective abortion coverage for employees because she does not want to pay for abortions.

Mr. Bill Randall, lives in Wake Forest, commended the board. He noted the person from Planned Parenthood speaking of rights. He said the issue is whether abortion is the "right thing to do." He said that he was the fourth child. His mother had medical issues and chose to have him anyway. He asked the board to carefully consider the issue.

Mr. Tony Beasley, Director of Economic Development, Town of Garner, said that Southeast Regional Library is a drawing point for the Town of Garner for economic development. He said that the volume is there and asked the board to look at alternative ways to save money.

Ms. Kathy Barringer, Mayor Pro-Tem, Town of Garner, said she was in the Garner Women's Club which was the founder of the library years ago. She asked the board to consider keeping the library open. She lived in Southeast Raleigh when her 5 sons were growing up and they frequently used the library.

Mayor Ronnie Williams thanked all the commissioners that attended the meeting in March in the Town of Garner about the Southeast Regional Library. He compared the Town of Garner to the Town of Mayberry on the Andy Griffith Show. He said that Garner has community pride, good people, great schools, and a great library. He asked the board to keep the library open.

Mayor Frank Eagles asked that no libraries be closed in Wake County especially since the Town of Rolesville does not have a library.

Ms. Sarah Preston, ACLU representative, said that she was glad reconsideration is being made about the health plan and abortion coverage. She said there are a lot of opinions and that women should be supported. She asked for the issue to be reconsidered.

Ms. Carolyn Eller asked the board to reconsider the county health plan to offer elective abortion coverage. She said this was not the venue for this decision. She said she believed this was not a legal decision after hearing the arguments.

Mr. Seth Dobson, pro-life advocate, said that Planned Parenthood does have a stake in this decision and they provide hundreds of thousands of abortions each year. He suggested the board to investigate the Planned Parenthood website and review the 2007-2008 annual report and how many prenatal cases there are in comparison to abortions. He said that the resolution covers the threat to a mother's life, rape and incest so it has the needed language. He said that when speaking of abortions like it is a drain to the taxpayers, it sends a message the community is better off without them. He said these decisions determine the culture of life in North Carolina. He asked the board to oppose the resolution on item 16.

Chairman Gurley called for a short break and the reconvened the meeting.

### **Reinstatement of Coverage for Elective Abortions**

Chairman Gurley said Commissioner Norwalk has asked for consideration of a resolution directing the County Manager to reinstate coverage for elective abortions in the self-funded medical benefits plan for Wake County employees,

spouses and dependents, effective no later than March 19, 2010. He stated the agenda has materials included from this item when it was considered at the February 15, 2010 regular meeting. Commissioner Bryan said since the item had been brought back before the board as an agenda item, he offered a motion to ratify the health insurance as follows:

Joe Bryan motioned, seconded by Paul Coble, to ratify the modification of Wake County's health insurance plan by conforming it to the Federal Employees Health Benefits Program (FEHB) and for consistency with North Carolina Supreme Court law involving Wake County. The modification eliminates insurance coverage for elective abortions and the administrative expenses associated with abortion procedures, unless the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest. The Board of Commissioners acknowledges that tax dollars shall not be spent for the funding of medically unnecessary abortions. This action is consistent with Federal law since 1976 and most recently with the Omnibus Appropriations Act of 2009 signed by President Obama.

Commissioner Norwalk said that the next action should be consideration of the resolution in the agenda package and then if Commissioner Bryan wants to present another resolution he could do so. He said the motion proposed by Commissioner Bryan had not been through the agenda process. He said a vote on Commissioner Bryan's motion should not take precedence over the resolution in the agenda package which directs the County Manager to reinstate employee insurance coverage for elective abortions.

Chairman Gurley said that Commissioner Norwalk, as a member voting on the prevailing side, could bring this item back for consideration. By placing the item back on the agenda for consideration it reopens the item for action by any commissioner. He said anyone can make the first motion.

Commissioner Brown said the policy is for a commissioner to give staff and commissioners seven days notification when placing an item on the agenda. She said Chairman Gurley is referring to a new and different process. She asked who placed the information in the agenda package that is on page 279 (the agenda item materials from February 15, 2010). Mr. Cooke said that he asked staff to include the item history from the February 15th, 2010 meeting to be put in the agenda packet which was not usual. He stated it was the practice to include the background materials in the agenda package when an item is being reconsidered.

Commissioner Coble said that staff puts information in agenda packages and not all materials are provided in the agenda review meetings. Commissioners Norwalk and Brown expressed concern about the materials and said there was a double standard. Commissioner Norwalk said he had not been allowed to bring up items at regular meetings because they had not gone through the

agenda process. In addition, Commissioner Norwalk stated there was another document presented at the agenda meeting that was not included in this package but that the included resolution may have taken precedence over the attorney's document.

Commissioner Bryan asked if his motion was in order. Chairman Gurley stated Commissioner Bryan's motion was the same motion that was presented on February 15th which failed with a three to three vote. He said the issue is the same with the inclusion of the new resolution. County Attorney Scott Warren interjected that this item is not being brought back to the board for "reconsideration" from February 15, 2010 but is brought back as a new item which was changed from the February 15, 2010 agenda item. He stated Commissioner Norwalk conferred with him about placing this item on the agenda for March 15, 2010 and he prepared a draft agenda item to facilitate his request but Commissioner Norwalk's resolution was included in the item instead of the county attorney's draft item. As a follow up, Commissioner Norwalk then stated that the information provided in the agenda from the February 15th meeting should not have been in the agenda materials. Mr. Warren said if this item was going to be brought back for reconsideration, it should have been brought back up at the March 1st meeting otherwise it would not fit the "reconsideration" criteria. Commissioner Norwalk asked the item was on the agenda if the board was not going to reconsider it. Chairman Gurley suggested that a vote be taken on Commissioner Bryan's motion and then the action for consideration being proposed by Commissioner Norwalk could be brought up for a vote.

Commissioner Brown made a motion to consider the attached resolution directing the County Manager to reinstate coverage for elective abortions in the self-funded medical benefits plan for Wake County employees, spouses and dependents, effective March 19, 2010. Chairman Gurley said that the motion was out of order since there was already a motion on the table and her motion was contradictory to the motion on the table.

Mr. Warren said that the motion by Commissioner Bryan is not a re-consideration but it is the flip side of the resolution. One proposal is to keep the abortion insurance coverage benefit out of the employee insurance coverage and the other is to keep the abortion insurance coverage benefit in the insurance coverage. He said it is up to the Chairman, as the Board Parliamentarian, to determine if Commissioner Bryan's motion is in or out of order. Commissioner Ward asked when the Chairman becomes Parliamentarian. Mr. Warren said that the Chairman has always been the Parliamentarian as part of the board's rules which have not changed. He stated some commissioners are just more comfortable being the Parliamentarian than others.

Commissioner Bryan re-stated his motion.

Commissioner Brown said that she is a trained clinical social worker who is guided by a professional Code of Ethics. The social workers code of ethics states they should be sensitive to cultural and ethnic diversity and strive to end discrimination, oppression, poverty and other forms of social injustice; must ensure dignity and worth of a person. She said social workers promote clients' socially responsible self-determination; seek to enhance clients' capacity and opportunity to change and to address their own needs; are cognizant of their dual responsibility to clients and to the broader society. Social workers seek to resolve conflicts between clients' interests and the broader society's interest in a socially responsible manner consistent with the values, ethical principles and ethical standards of the profession. She said could not consciously vote for Commissioner Bryan's stated motion.

Commissioner Ward said that the language says the county should not be spending money on the "medically unnecessary abortions" which is not a decision to be made by this board but by the patient and their doctor. She called the question.

The motion failed with a vote of 3-4 to ratify the modification of Wake County's health insurance plan by conforming it to the Federal Employees Health Benefits Program (FEHB) and for consistency with North Carolina Supreme Court law involving Wake County. The modification eliminates insurance coverage for elective abortions and the administrative expenses associated with abortion procedures, unless the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest. The Board of Commissioners acknowledges that tax dollars shall not be spent for the funding of medically unnecessary abortions. This action is consistent with Federal law since 1976 and most recently with the Omnibus Appropriations Act of 2009 signed by President Obama.

AYES: Paul Coble, Tony Gurley, Joe Bryan

NOES: Betty Lou Ward, Stan Norwalk, Harold H. Webb, Lindy Brown

Commissioner Norwalk read the resolution attached in the agenda and Commissioner Ward offered a second. Commissioner Gurley asked if that was a motion by Commissioner Norwalk. Commissioner Norwalk stated it was the resolution and the motion. Commissioner Norwalk moved for adoption of the resolution, which was seconded by Commissioner Ward.

Stan Norwalk motioned, seconded by Betty Lou Ward, Vice Chair, to adopt the resolution directing the County Manager to reinstate coverage for elective abortions in the self-funded medical benefits plan for Wake County employees, spouses and dependents, effective no later than March 19, 2010.

Commissioner Coble said as an elected official he had to be sensitive to the taxpayers and is also pro-life. He stated the resolution was written by someone who serves as legal counsel for Planned Parenthood and has a professional and political interest in the outcome of this decision. The resolution represents the work of someone who is the local chairman of the Democratic Party; has declared their candidacy for serving on the Board of Commissioners. He said the resolution asks the board to take action based on a legal opinion which is contrary to the advice of the county's legal counsel and then accept financial responsibility for that action. The resolution offers unwarranted criticism of the county manager and county attorney. He said the resolution asks the board to set aside its opinion in favor of an organization that will benefit from the outcome of this vote. The Manager's action does not eliminate the ability of a person to have an abortion but eliminates the county providing the financial support of the abortion. At a time of weak economy, mounting pressures on the budget and people worried about the loss of jobs, it seems to be an odd time to press the issue.

Commissioner Brown said that the Chairman and his colleague originally brought this issue up to the board as a result of the Town of Apex decision. This was not brought up by the Democrats. She said the case from the 1980's did not apply to county employees but to a different population. She expressed her support of the individual's making their own decisions on this matter.

Commissioner Norwalk said the court case this argument is based on is about 30 years old. It has been brought up this year for a purpose and people's opinion on abortion is the ideal wedge issue. He said the upcoming election will be a fierce county commissioner race. He stated this was a political issue. He said he did not bring this issue up originally but it was brought up in Apex as a cost saving issue.

Commissioner Ward said that an abortion should be the doctor and the woman's decision and called the question. Chairman Gurley stated the question could not be called because everyone had not had an opportunity to speak.

Commissioner Bryan said the County Attorney, the Board's legal advisor, advised the board that the taxpayer funded elective abortions are illegal. The resolution states that this board lacks confidence in the legal interpretation of the Wake County Attorney and is taking a different legal opinion. He said the Manager made the decision to change the coverage based on the advice of the County Attorney. The resolution is not very well written because it reads "reinstate coverage" and does not define "coverage" so it is not clear. He said it should read "reinstate taxpayer funded elective abortions." He said the resolution does not direct the county manager to do anything and is a smack in the face of not following the professional advice of the two most senior trusted staff.

Chairman Gurley said the he would like to give the public information. He said that abortion is a most divisive controversial issue in politics today. He said there has been a stalemate with Row vs. Wade, allowing abortions, and the Hyde Amendment preventing certain government funded abortions. The balance has been broken then and now they are being told they should pay for "elective abortions" which are not medically necessary abortions. Chairman Gurley explained the following significant cases:

- 1973 Roe v. Wade legalized abortion
- 1976 Hyde Amendment bared the use of certain tax monies used to pay for abortion
- 1981 Stam vs. North Carolina - if the County were to fund abortions the State would give the counties the authority to do so. Since then, there has been no legislative authority given for counties to pay for abortions.

Mr. Gurley stated that in 1999, the county began paying for abortions, by no specific authority given by this board but was inadvertently included in the county employees' insurance policy. Chairman Gurley said a mistake was made by providing insurance coverage for abortions within the county's insurance policy. In 2010, when it became evident this was county practice, it was stopped. County Attorney Scott Warren ruled that Stam v. State was still the law and Chairman Gurley agreed with Mr. Warren. The County Manager then took administrative action to remove that coverage from the county's insurance plan. Chairman Gurley noted that President Obama said last week that the national healthcare plan was to include abortions. He said the county is becoming part of the national tide.

Chairman Gurley spoke to the arguments heard on this topic as follows:

- The counties have the authority to set benefits for employees since 1970s. If abortion had been a normal benefit for employees, the Supreme Justice would not have written in 1981, that if abortion was to be covered than the county would have to have the direct authority from the state.
- Counties can purchase insurance as authorized by state law. Wake County does not have insurance but has a self-funded health plan.
- It discriminates against women as stated by the ACLU (American Civil Liberties Union) that says by not paying for abortions, the county is denying women a health benefit while allowing men equal benefits. He said he could not think of a comparable benefit for men.
- The Manager does not have authority to remove the coverage. Chairman Gurley stated that the coverage of elective abortion is not allowed by law. He said the County Manager must follow the law.
- There was no vote to take the coverage away. He stated there was no vote to add the coverage either so therefore the Manager has now corrected it.
- Elective Abortion is part of comprehensive healthcare for women. Chairman Gurley disagreed stating abortion is an emotional, political and moral issue that divides this country. He said the Supreme Justice recognized that

abortion was not a regular medical issue and made the statement that if the counties were to have that coverage in their health plan they must be given specific authority.

-Abortion is just not birth control.

Chairman Gurley said the county is not allowed to pay for taxpayer funded abortions. The current policy mirrors the federal policy and the county is providing what it should at this time. He said for the county to do more, it would take the county down a dangerous political path designed by abortion lawyer, Mr. Jack Nichols and exposing Wake County citizens to unnecessary risks.

Commissioner Brown said that the reason she supported Commissioner Norwalk's resolution was because the County Manager made a mistake and made reference to a case related to indigent crime. She said that she wanted the Manager and Attorney to realize they took authority, sending the documentation to the provider, without coming before the Board of Commissioners for authorization. She said she supported returning the insurance coverage policy to the coverage provided for elective abortions before the County Manager removed the insurance coverage for elective abortions. She said she was not agreeing to use taxpayers' money for abortion but did agree to the statement that the Manager did not have the authority to remove the insurance coverage for elective abortions.

Commissioner Coble said that Commissioner Brown can state her reasoning for her decisions on how she votes.

Commissioner Norwalk said that Chairman Gurley left out the conclusion of the case where the judge said that taxpayer dollars would not be used to pay for elective abortions for the indigent women, not county employees. Chairman Gurley asked if the intent of the resolution was to include elective abortions because everything else spoken to in the resolution was already covered. Commissioner Norwalk said he felt the County was being bullied by Mr. Paul Stam, with the Chairman's help. He does not want to be bullied into doing anything and the county should not be forced to take the elective abortion coverage out. He said there were comments about Paul Stam suing people and he did not feel that the Chairman was unbiased on this matter.

Chairman Gurley said he had not claimed to be unbiased. He stated Commissioner Ward was in the first meeting when this item came up and it was discussed about putting this item on the consent agenda because it was not controversial. He stated Commissioner Ward was to talk to Commissioners Norwalk and Brown and he was going to talk with Commissioners Bryan and Coble about how this coverage was not supposed to be provided and the board had never voted to add the coverage to the county's health plan in the first

place. The item was not added for political reasons. It was originally placed on the February 1st meeting which was cancelled because of inclement weather.

Commissioner Brown said that she was in the agenda meeting with Commissioner Ward and this topic was brought up as if the county was going to be sued for having elective abortions included in the health plan, following the events with the Town of Apex. She said that the citizens' issues are not being addressed because of this political agenda.

Commissioner Ward said that this is not typical behavior of this board. She said was at the agenda meeting where this item was to go on the consent agenda. However, following the meeting she decided that was not the direction she wanted to support. She has strong reservations and this still is a decision between a woman and her doctor. She called the question.

Commissioner Norwalk restated his motion.

The motion to adopt the resolution directing the County Manager to reinstate coverage for elective abortions in the self-funded medical benefits plan for Wake County employees, spouses and dependents, effective no later than March 19, 2010, was approved with a 4 - 3 vote.

AYES: Betty Lou Ward, Stan Norwalk, Harold H. Webb, Lindy Brown  
NOES: Paul Coble, Tony Gurley, Joe Bryan

## **RESOLUTION**

WHEREAS, N.C.G.S. 153A-92(a) provides that "Subject to the limitations set forth in subsection (b), the board of commissioners shall fix or approve the schedule of pay, expense allowances, and other compensation of all county officers and employees, whether elected or appointed, and may adopt position classification plans;" and

WHEREAS, GS 153A-92(d) provides that "A county may purchase ... health insurance or both for the benefit of all or any class of county officers and employees as part of their compensation;" and

WHEREAS, in the budget that was adopted in June, 2009 for FY 2010, the Wake Board authorized self-funded health insurance for county employees as a form of compensation; and

WHEREAS, in the budget, as in previous years, the health insurance allowed county employees to obtain reimbursement for gynecological services, including contraception and abortion services; and

WHEREAS, in February, 2010, the Wake County Manager, without authorization from the Wake Board of Commissioners and on the advice of the County Attorney, removed such reimbursement from the self-funded health insurance; and

WHEREAS, the School of Government has provided a legal opinion that the County Manager does not have independent authority to modify a county health insurance program without a vote of the Board of Commissioners or unless such authority has been delegated to him; and

WHEREAS, the County Manager has not been delegated the authority to alter any legally authorized employee benefit; and

WHEREAS, there has been no ruling by any Court that the provision of insurance reimbursement for gynecological services, including contraception and abortion services is prohibited by law; and

NOW, THEREFORE, BE IT RESOLVED, THAT THE Wake Board of County Commissioners instructs the Wake County Manager to reinstate such coverage until further action by the Wake Board of Commissioners.

Adopted this the 15th day of March, 2010.

**Approval of a Mental Health, Developmental Disabilities, and Substance Abuse Services (MH/DD/SAS) Budget Revision**

Mr. Bob Sorrels said the item allows for alignment of the Mental Health, Developmental Disabilities and Substance Abuse Services budget for the remainder of the fiscal year. There have been seven (7) reallocations from the state. Balance of revenues and expenditures is necessary. This item could have been on the regular agenda but because of the dollar amount it was placed on the regular agenda for consideration. The funding is a reduction of \$2,099,176. The reductions are in the Local Management Entity. Absorption in the current year's operation budget is being done. Varying amounts of impacts will occur at ATC Inpatient, Adult Treatment Teams, Rate Reductions, and decrease in services. These are stand alone state reductions.

Commissioner Ward said that this is a difficult budget year. The public needs to talk to their representatives about the state funding.

Betty Lou Ward, Vice Chair motioned, seconded by Paul Coble, to accept the allocation changes from the North Carolina Division of Mental Health, Developmental Disabilities and Substance Abuse Services and decreases the Human Services budget by \$2,099,176.

The motion passed unanimously.

Commissioner Ward noted this budget year was a sad issue. Commissioner Bryan said that there will be more state funding reductions forthcoming.

**Approval of Final Construction Contract (GMP #3B) for the Wake County Justice Center**

Mr. Phil Stout, Facilities Design and Construction Director, shared a chart of progress on the Wake County Justice Center. He shared diagrams of the building inside and outside and the construction schedule. The excavation and foundation work has started. By the end of April, there will be significant changes in the site. He described specifics of the work being done using current photographs. He said GMP-3B is the final and remainder of the construction packages. He covered the bid packages and project cost summaries.

<b>Construction Bid Packages</b>			
<b>CONSTRUCTION CONTRACT</b>	<b>AMOUNT</b>	<b>BOC AWARD</b>	<b>COMPLETION</b>
<b>GMP #1: Asbestos Abatement / Interior Demolition</b>	<b>\$1,372,661</b>	<b>August 2008</b>	<b>January 2009</b>
<b>GMP #2: Building Demolition, Excavation and Shoring</b>	<b>\$4,838,472</b>	<b>November 2008</b>	<b>February 2010</b>
<b>GMP #3A: Building Foundations, Pilings, Elevators/Escalators, Tower Cranes</b>	<b>\$21,003,791</b>	<b>February 2010</b>	<b>November 2010</b>
<b>GMP #3B: Building Envelope, Systems and Interiors (Remainder of Construction)</b>	<b><u>\$120,029,000</u></b>	<b>March 2010</b>	<b>Summer 2013</b>
<b>TOTAL CONSTRUCTION COST</b>	<b>\$147,243,924</b>		

## Project Cost Summary:

ITEM	ORIGINAL AMOUNT	CURRENT AMOUNT
<b>Construction (Construction Manager at Risk)</b>		
GMP #1	\$ 1,574,853	\$1,372,661
GMP #2	\$ 6,532,565	\$4,838,472
GMP #3A	\$ 25,928,166	\$21,003,791
GMP #3B	<u>\$136,731,891</u>	<u>\$120,029,000</u>
<b>CONSTRUCTION SUBTOTAL</b>	<b>\$170,767,475</b>	<b>\$147,243,924</b>
CMAR Preconstruction	\$1,050,000	\$1,050,000
Furniture, Furnishings, Equipment	\$12,700,000	\$11,900,000
Permit Fees, Reproduction Costs, Title Insurance for Limited Obligation Bonds	\$1,300,000	\$1,300,000
Architectural / Engineering	\$13,300,000	\$13,300,000
Quality Control (Testing, Inspections, Commissioning)	<u>\$3,945,000</u>	<u>\$3,945,000</u>
<b>SUBTOTAL</b>	<b>\$203,062,475</b>	<b>\$178,738,924</b>
County Project Contingencies	<u>\$6,984,624</u>	<u>\$8,936,946</u>
<b>TOTAL PROJECT COST</b>	<b>\$210,047,099</b>	<b>\$187,675,870</b>

## Project Funding Summary

(in millions)

	Justice Ctr. Bond Proceeds	Hammond Detention Ctr. Savings	Current Cash	Future Cash	Total
Original Budget	185.0	-0-	12.2	12.8	210.0
Reallocation of Hammond Savings					
Excess Bonds	( 10.5)	10.5	-0-	-0-	-0-
Excess Future Cash	( 9.2)	-0-	-0-	9.2	-0-
Revised Funding (February 2010)	165.3	10.5	12.2	22.0	210.0
Required Appropriation	160.0	10.5 (FY2012)	12.2	5.0 (FY2012)	187.7
Excess Funds	5.3*	-0-	-0-	17.0	22.3
	*Bonds that won't be issued				

The project is below budget by \$22.3 million. The total project cost of \$187.7 million is \$22.3 million less than the project budget included in the County's Seven-Year Capital Program. The board enthusiastically congratulated Mr. Stout on this accomplishment with a standing ovation.

Joe Bryan motioned, seconded by Lindy Brown, to approve the Guaranteed Maximum Price Contract (GMP #3B) in the amount of \$120,029,000 with the previously selected Construction Manager at Risk, Balfour Beatty/Barnhill Contracting Joint Venture of Raleigh for construction of the Justice Center; and further, to authorize the Chairman to execute contract documents with Balfour Beatty/Barnhill Contracting Joint Venture establishing the terms, conditions and GMP #3B amount of \$120,029,000; said contract documents to be reviewed and approved by the County Attorney.

The motion passed unanimously.

#### **Recovery Zone Economic Development Bonds Additional Allocation**

Ms. Nicole Kreiser, Debt Manager, reported that on March 2, 2010, the County submitted a request to the NC Federal Tax Reform Allocation Committee for an additional allocation of \$33,200,000 over and above the County's existing allocation of \$6,333,000 which is designated towards the Wilburn Elementary renovation project. The request included \$12,400,000 to go towards the renovation of Wilburn Elementary and \$20,800,000 to go towards the construction of Walnut Creek Elementary. The committee met on March 11, 2010 to review the county's allocation request.

Ms. Kreiser said that it is the county's intent to issue additional of Recovery Zone Economic Development bonds instead of the Build America bonds as part of the March 16, 2010 general obligation bond sale, additional debt service savings will be received over the payback period. The Federal Government offers 45 percent subsidy on interest payments for Recovery Zone Economic Development Bonds as compared to 35 percent subsidy on interest payments for Build America Bonds. This action will ratify the application of the existing bonds.

Betty Lou Ward, Vice Chair motioned, seconded by Lindy Brown, to adopt a resolution ratifying the application for additional Recovery Zone Economic Development Bonds and to approve the receipt of an additional allocation of Recovery Zone Economic Development Bonds from the Tax Reform Allocation Committee.

The motion passed unanimously.

Commissioner Bryan asked Mr. Tom Lee about Qualified School Construction Bonds backed by the treasury. He asked if there was an update on this subject. Ms. Kreiser said that Wake County is waiting on the Jobs Bill. The subsidy will make a difference. She spoke with the Department of Treasury two weeks ago.

Commissioner Norwalk asked the savings of bonds. Ms. Kreiser said these bonds would save the county \$8 million. The sale was scheduled for March 16th.

The Board of Commissioners for the County of Wake, North Carolina, met in regular session in the Commissioners' Meeting Room in the Wake County Courthouse in Raleigh, North Carolina, the regular place of meeting, at 2:00 p.m., on March 15, 2010, with Tony Gurley, Chairman, presiding. The following Commissioners were:

PRESENT: Lindy Brown, Joe Bryan, Paul Coble, Stan Norwalk, Betty Lou Ward and Harold H. Webb.

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ABSENT: n/a

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ALSO PRESENT: David Cooke, County Manager; Scott Warren, County Attorney; Nicole Kreiser, County Debt Manager; and Susan J. Banks, Clerk to the Board.

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Ms. Nicole Kreiser, County Debt Manager, introduced the following resolution the title of which was read and copies of which had been previously distributed to each Commissioner:

**RESOLUTION ACCEPTING AN ADDITIONAL ALLOCATION OF CAPACITY TO ISSUE RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS FROM THE NORTH CAROLINA TAX REFORM ALLOCATION COMMITTEE; RATIFYING THE COUNTY'S FILING OF A REQUEST FOR SUCH ADDITIONAL CAPACITY FROM SAID COMMITTEE; AND DESIGNATING THE USE OF SUCH ALLOCATION**

BE IT RESOLVED by the Board of Commissioners (the “Board”) for the County of Wake, North Carolina (the “County”):

Section 1. The Board has determined and does hereby find and declare as follows:

(a) The American Reinvestment and Recovery Act of 2009 (the “Recovery Act”) added provisions to the Internal Revenue Code of 1986, as amended, that permit state or local governments to issue taxable obligations referred to as “Build America Bonds” and “Recovery Zone Economic Development Bonds” under a program under which the issuer of bonds eligible for exclusion from the gross income of the owners thereof may make an irrevocable election to have such interest not so excluded, and the issuer will receive interest subsidy payments directly from the United States Treasury in an amount equal to 35% of the corresponding interest payable on the bonds designated as Build America Bond and 45% of the interest payable on the bonds designated as Recovery Zone Economic Development Bonds. The County received an allocation of \$6,333,000 to issue Recovery Zone Economic Development Bonds pursuant to the Recovery Act. By resolution previously adopted by the Board, the Board has designated the entire area of the County as a “Recovery Zone” for purposes of the Recovery Act.

(b) On February 15, 2010, the Board adopted a resolution authorizing the issuance of \$125,800,000 of General Obligation Public Improvement Bonds, Series 2010 of the consisting of School Bonds and Community College Bonds (the “Bonds”), which resolution provided that all or some part of the Bonds could be issued as Build America Bonds or Recovery Zone Economic Development Bonds.

(c) The Recovery Act establishes a procedure pursuant to which allocations to issue Recovery Zone Economic Development Bonds to various local governments that will not be utilized by such local governments may be reallocated to other local governments for use, and the State of North Carolina has established a procedure for the North Carolina Tax Reform Allocation Committee (the “Committee”) to reallocate such unused capacity. The County has filed an application with the Committee for an additional reallocation of \$33,200,000 of North Carolina’s unused allocation and on March 11, 2010 the Committee awarded an allocation of unused capacity to the County. The Board now intends to utilize such reallocated capacity in connection with the issuance of the Bonds.

Section 2. The Board hereby accepts the additional allocation awarded to the County by the Committee. The Board hereby ratifies and approves the filing by the County Manager on behalf of the County of a request to the Committee for a reallocation to the County of capacity to issue Recovery Zone Economic Development Bonds.

Section 3. The renovation of Wilburn Elementary School and the construction of Walnut Creek Elementary School are hereby declared to be the Recovery Zone Economic Development Bond projects to be financed with the Recovery Zone Economic Development Bond capacity allocated to the County under the Recovery Act.

Section 4. This resolution shall take effect upon its passage.

Upon motion of Commissioner Betty Lou Ward, seconded by Commissioner Lindy Brown, the foregoing resolution entitled "RESOLUTION ACCEPTING AN ADDITIONAL ALLOCATION OF CAPACITY TO ISSUE RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS FROM THE NORTH CAROLINA TAX REFORM ALLOCATION COMMITTEE; RATIFYING THE COUNTY'S FILING OF A REQUEST FOR SUCH ADDITIONAL CAPACITY FROM SAID COMMITTEE; AND DESIGNATING THE USE OF SUCH ALLOCATION" was passed by the following vote:

Ayes: Lindy Brown, Joe Bryan, Paul Coble, Tony Gurley, Stan Norwalk,

Betty Lou Ward and Harold H. Webb.

Noes: n/a

\* \* \* \* \*

I, Susan J. Banks, Clerk to the Board of Commissioners for the County of Wake, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of said Board of Commissioners at a regular meeting held March 15, 2010, as relates in any way to the passage of the foregoing resolution providing for the issuance of general obligation bonds of said County as described in such proceedings and that said proceedings are recorded in the minutes of said Board of Commissioners.

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

WITNESS my hand and the seal of said County, this 15<sup>th</sup> day of March, 2010.

[SEAL]

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Clerk to the Board

**Resolution Authorizing the Issuance and Sale of up to \$460,000,000  
General Obligation Refunding Bonds**

Ms. Nicole Kreiser, Debt Manager, stated the following bonds are of outstanding callable maturities.

Series 2003A Public Improvement Bonds: \$16,000,000  
Series 2003B Criminal Justice Facilities Bonds: \$4,400,000  
Series 2004 Public Improvement Bonds: \$30,000,000  
Series 2005 School Bonds: \$27,500,000  
Series 2007 Public Improvement Bonds: \$248,000,000  
Series 2009A Public Improvement Bonds: \$87,000,000

Based on interest rates as of March 1, 2010 the present value savings of refunding these maturities is expected to be \$16.47 million, or 3.989% of the \$412.9 million principal remaining of these bonds. The bonds will be sold competitively by the Local Government Commission on April 21, 2010. Since market conditions may change by the sale date, the resolution authorizes the Interim Finance Director to determine at or before the sale date whether it is in the best interest of the County to refund all or any portion of the bonds.

Paul Coble motioned, seconded by Joe Bryan, to approve the following:

- 1) Resolution making certain findings and Authorizing the Filing of an Application with the Local Government Commission in connection with the Proposed Issuance of General Obligation Refunding Bonds of the County of Wake, North Carolina;
- 2) Order Authorizing \$460,000,000 General Obligation Refunding Bonds; and
- 3) Adopt the Resolution providing for the Issuance of General Obligation Refunding Bonds, Series 2010.

The motion passed unanimously.

The Board of Commissioners for the County of Wake, North Carolina, met in regular session in the Commissioners' Meeting Room in the Wake County Courthouse in Raleigh, North Carolina, the regular place of meeting, at 2:00 p.m., on March 15, 2010, with Tony Gurley, Chairman, presiding. The following Commissioners were:

PRESENT: Lindy Brown, Joe Bryan, Paul Coble, Stan Norwalk, Betty Lou Ward and Harold H. Webb.

ABSENT: n/a

ALSO PRESENT: David Cooke County Manager; Scott Warren, County Attorney; Nicole Kreiser, County Debt Manager; and Susan J. Banks, Clerk to the Board.

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Ms. Nicole Kreiser, County Debt Manager, introduced the following resolution the title of which was read and copies of which had been previously distributed to each Commissioner:

**RESOLUTION MAKING CERTAIN FINDINGS AND AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION IN CONNECTION WITH THE PROPOSED ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF WAKE, NORTH CAROLINA**

BE IT RESOLVED by the Board of Commissioners (the “Board”) for the County of Wake, North Carolina (the “County”):

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

- (a) Preliminary analysis has been completed to demonstrate the benefits of refunding all or a portion of the County’s outstanding (i) General Obligation Public Improvement Bonds, Series 2003A, dated April 1, 2003, (ii) General Obligation Criminal Justice Facilities Bonds, Series 2003B, dated November 1, 2003, (iii) General Obligation Public Improvement Bonds, Series 2004, dated April 1, 2004, (iv) General Obligation School Bonds, Series 2005, dated November 1, 2005, (v) General Obligation Public Improvement Bonds, Series 2007, dated March 1, 2007 and (vi) General Obligation Public Improvement Bonds, Series 2009A, dated April 1, 2009.
- (b) The County wishes to commence the procedures for the authorization of refunding bonds to refund all or a portion of such outstanding bonds.
- (c) The annual audits of the County show the County to be in strict compliance with debt management policies and that the budgetary and fiscal management policies are in compliance with law.

Section 2. The filing by the County of an application of the County with the North Carolina Local Government Commission for approval of the issuance of not to exceed \$460,000,000 General Obligation Refunding Bonds for the purpose of refunding all or a portion of the outstanding bonds described above and paying the financing cost relating thereto is hereby ratified, authorized and approved.

Section 3. Womble Carlyle Sandridge & Rice, PLLC is hereby appointed to serve as bond counsel to the County and Waters and

Company, LLC is hereby appointed to serve as financial advisor to the County in connection with the proposed issuance of the bonds, but solely at the pleasure of the County.

Section 4. This resolution shall take effect immediately upon its passage.

Thereupon the resolution entitled "RESOLUTION MAKING CERTAIN FINDINGS AND AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION IN CONNECTION WITH THE PROPOSED ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF WAKE, NORTH CAROLINA" was passed by the following vote:

Ayes: Lindy Brown, Joe Bryan, Paul Coble, Tony Gurley, Stan Norwalk, Betty Lou Ward and Harold H. Webb.

Noes: n/a

Thereupon, Commissioner Paul Coble introduced the following order authorizing bonds, the title of which was read and copies of which had been previously distributed to each Commissioner:

**ORDER AUTHORIZING \$460,000,000 GENERAL OBLIGATION REFUNDING BONDS**

BE IT ORDERED by the Board of Commissioners for the County of Wake, North Carolina:

1. That pursuant to The Local Government Bond Act, as amended, the County of Wake, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said County may now or hereafter have power and authority to contract, and in evidence thereof to issue General Obligation Refunding Bonds in an aggregate principal amount not exceeding \$460,000,000 for the purpose of providing funds, together with any other available funds, to (a) refund all or a portion of said County's outstanding (i) General Obligation Public Improvement Bonds, Series 2003A, dated April 1, 2003, (ii) General Obligation Criminal Justice Facilities Bonds, Series 2003B, dated November 1, 2003, (iii) General Obligation Public Improvement Bonds, Series 2004, dated April 1, 2004, (iv) General Obligation School Bonds, Series 2005, dated November 1, 2005, (v) General Obligation Public Improvement Bonds, Series 2007, dated March 1, 2007 and (vi) General Obligation Public Improvement Bonds, Series 2009A, dated April 1, 2009 and (b) pay certain expenses related thereto.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of debt of said County has been filed with the Clerk to the Board of Commissioners for said County and is open to public inspection.

4. That this order shall take effect upon adoption.

The Board of Commissioners for said County thereupon designated the Interim Finance Director to make and file with the Clerk to said Board of Commissioners the sworn statement of debt of said County which is required by The Local Government Bond Act, as amended, to be filed after the bond order has been introduced.

Thereupon, the Interim Finance Director filed with the Clerk to said Board of Commissioners, in the presence of said Board of Commissioners, the sworn statement of debt as required by The Local Government Bond Act, as amended.

Thereupon, the order entitled "ORDER AUTHORIZING \$460,000,000 GENERAL OBLIGATION REFUNDING BONDS" was passed by the following vote:

Ayes: Lindy Brown, Joe Bryan, Paul Coble, Tony Gurley, Stan Norwalk, Betty Lou Ward and Harold H. Webb.

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Noes: n/a

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Thereupon, Commissioner Paul Coble then announced that the order entitled "ORDER AUTHORIZING \$460,000,000 GENERAL OBLIGATION REFUNDING BONDS" had been adopted.

The Clerk to the Board of Commissioners for said County was thereupon directed to publish the aforementioned order, together with the appended statement as required by The Local Government Bond Act, as amended, once in The News and Observer.

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

**RESOLUTION PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010**

BE IT RESOLVED by the Board of Commissioners (the "Board") for the County of Wake, North Carolina (the "County"):

Section 1. The Board has determined and does hereby find and declare as follows:

(a) An order authorizing not exceeding \$460,000,000 General Obligation Refunding Bonds was adopted by the Board on March 15, 2010, which order has taken effect.

(b) None of said bonds have been issued, no notes have been issued in anticipation of the receipt of the proceeds of the sale of said bonds and it is necessary to issue such bonds at this time.

(c) The shortest period of time in which the outstanding General Obligation Public Improvement Bonds, Series 2003A (the "2003A Bonds") of said County, dated April 1, 2003, to be refunded by said refunding bonds can be finally paid without making it unduly burdensome on the taxpayers of the County as determined by the North Carolina Local Government Commission (the "Commission") is a period which expires on April 1, 2015, and that the end of the unexpired usefulness of the projects financed by said 2003A Bonds, is estimated as a period of forty (40) years from April 1, 2003, the date of said 2003A Bonds, and that such period expires on April 1, 2043.

(d) The shortest period of time in which the outstanding General Obligation Criminal Justice Facilities Bonds, Series 2003B (the "2003B Bonds") of said County, dated November 1, 2003, to be refunded by said refunding bonds can be finally paid without making it unduly burdensome on the taxpayers of the County as determined by the North Carolina Local Government Commission (the "Commission") is a period which expires on February 1, 2022, and that the end of the unexpired usefulness of the projects financed by said 2003B Bonds, is estimated as a period of forty (40) years from November 1, 2003, the date of said 2003B Bonds, and that such period expires on November 1, 2043.

(e) The shortest period of time in which the outstanding General Obligation Public Improvement Bonds, Series 2004 (the "2004 Bonds") of said County, dated April 1, 2004, to be refunded by said refunding bonds can be finally paid without making it unduly burdensome on the taxpayers of the County as determined by the Commission is a period which expires on March 1, 2017, and that the end of the unexpired usefulness of the projects financed by said 2004 Bonds, is estimated as a period of forty (40) years from April 1, 2004, the date of said 2004 Bonds, and that such period expires on April 1, 2044.

(f) The shortest period of time in which the outstanding General Obligation School Bonds, Series 2005 (the “2005 Bonds”) of said County, dated November 1, 2005, to be refunded by said refunding bonds can be finally paid without making it unduly burdensome on the taxpayers of the County as determined by the Commission is a period which expires on May 1, 2023, and that the end of the unexpired usefulness of the projects financed by said 2005 Bonds, is estimated as a period of forty (40) years from November 1, 2005, the date of said 2005 Bonds, and that such period expires on November 1, 2045.

(g) The shortest period of time in which the outstanding General Obligation Public Improvement Bonds, Series 2007 (the “2007 Bonds”) of said County, dated March 1, 2007, to be refunded by said refunding bonds can be finally paid without making it unduly burdensome on the taxpayers of the County as determined by the Commission is a period which expires on March 1, 2025, and that the end of the unexpired usefulness of the projects financed by said 2007 Bonds, is estimated as a period of forty (40) years from March 1, 2007, the date of said 2007 Bonds, and that such period expires on March 1, 2047.

(h) The shortest period of time in which the outstanding General Obligation Public Improvement Bonds, Series 2009A (the “2009A Bonds”) of said County, dated April 1, 2009, to be refunded by said refunding bonds can be finally paid without making it unduly burdensome on the taxpayers of the County as determined by the Commission is a period which expires on March 1, 2026, and that the end of the unexpired usefulness of the projects financed by said 2009A Bonds, is estimated as a period of forty (40) years from April 1, 2009, the date of said 2009A Bonds, and that such period expires on April 1, 2049.

Section 2. Pursuant to said order there shall be issued bonds of the County in the aggregate principal amount of not to exceed \$460,000,000 designated “General Obligation Refunding Bonds, Series 2010” and dated the date of delivery thereof (the “Bonds”). Initially, the Bonds shall be stated to mature (subject to adjustment as hereinafter provided) annually, March 1, \$660,000 2011, \$765,000 2012, \$780,000 2013, \$9,200,000 2014, \$19,140,000 2015, \$12,480,000 2016, \$12,430,000 2017, \$25,550,000 2018, \$25,340,000 2019, \$35,790,000 2020, \$51,625,000 2021, \$47,405,000 2022, \$43,880,000 2023, \$52,935,000 2024, \$57,795,000 2025 and \$18,740,000 2026, and shall bear interest at a rate or rates to be determined by the Commission at the time the Bonds are sold, which interest to the respective maturities thereof shall be payable on each March 1 and September 1, beginning September 1, 2010, until payment of such principal sum.

The Interim Finance Director of the County is hereby authorized to determine at or before the time of opening of the bids for the Bonds whether it is in the best economic interests of the County to refund all or any portion of the 2003A Bonds, the 2003B Bonds, the 2004 Bonds, the 2005 Bonds, the 2007 Bonds or the 2009A Bonds, so long as the Interim Finance Director of the County determines that such refunding will result in debt service savings to the County and that proceeding with the refunding at that time is in the best interests of the County. In making such determination, the Interim Finance Director of the County may adjust the principal amount of the maturities listed above and the aggregate principal amount of the Bonds, provided that (1) the aggregate principal amount of the Bonds shall not exceed \$460,000,000, (2) the final maturity of the Bonds shall not be later than the final maturity of any bond being refunded and (3) the aggregate debt service over the life of the refunding bonds is less than the aggregate debt service on the bonds to be refunded.

Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated, unless it is (a) authenticated upon an interest payment date, in which event it shall bear interest from such interest payment date or (b) authenticated prior to the first interest payment date, in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest on the Bonds shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof.

The Bonds shall be issued by means of a book-entry system with no physical distribution of Bond certificates to be made except as hereinafter provided. One Bond certificate with respect to each date on which the Bonds are stated to mature, in the aggregate principal amount of the Bonds stated to mature on such date and registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), shall be issued and required to be deposited with DTC and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in the principal amount of \$5,000 or any whole multiple thereof, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. The principal of each Bond shall be payable to Cede & Co. or any other person appearing on the registration books of the County hereinafter provided for as the registered owner of such Bond or his registered assigns or legal representative, at such office of the Bond Registrar (hereinafter mentioned) or such other place as the County may determine upon the presentation and surrender thereof as the same shall become due and payable. Payment of the interest on each Bond shall be made

by said Bond Registrar on each interest payment date to the registered owner of such Bond (or the previous Bond or Bonds evidencing the same debt as that evidenced by such Bond) at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed to such person at his address as it appears on such registration books; provided, however, that for so long as the Bonds are deposited with DTC, the payment of the principal of and interest on the Bonds shall be made to DTC in same-day funds by 2:30 p.m. or otherwise as determined by the rules and procedures established by DTC. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC, and transfer of principal and interest payments to beneficial owners of the Bonds by participants of DTC will be the responsibility of such participants and other nominees of such beneficial owners. The County shall not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Bonds or (b) the County determines that continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the County shall discontinue the book-entry system with DTC. If the County identifies another qualified securities depository to replace DTC, the County shall make arrangements with DTC and such other depository to effect such replacement and deliver replacement Bonds registered in the name of such other depository or its nominee in exchange for the outstanding Bonds, and the references to DTC or Cede & Co. in this resolution shall thereupon be deemed to mean such other depository or its nominee. If the County fails to identify another qualified securities depository to replace DTC, the County shall deliver replacement Bonds in the form of fully-registered certificates in denominations of \$5,000 or any whole multiple thereof ("Certificated Bonds") in exchange for the outstanding Bonds as required by DTC and others. Upon the request of DTC, the County may also deliver one or more Certificated Bonds to any participant of DTC in exchange for Bonds credited to its account with DTC.

Unless indicated otherwise, the provisions of this resolution that follow shall apply to all Bonds issued or issuable hereunder, whether initially or in replacement thereof.

Section 3. The Bonds shall bear the manual or facsimile signatures of the Chairman of the Board and the Clerk to the Board for the County and the official seal or a facsimile of the official seal of the County shall be impressed or imprinted, as the case may be, on the Bonds.

The certificate of the Local Government Commission of North Carolina to be endorsed on all Bonds shall bear the manual or facsimile signature of the Secretary of said Commission and the certificate of authentication of the

Bond Registrar to be endorsed on all Bonds shall be executed as hereinafter provided.

In case any officer of the County or the Local Government Commission of North Carolina whose manual or facsimile signature shall appear on any Bonds shall cease to be such officer before the delivery of such Bonds, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and any Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of such Bond shall be the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

The Bonds and the endorsements thereon shall be in substantially the following form:

No. R-\_\_ . \$ \_\_\_\_\_

United States of America

State of North Carolina

COUNTY OF WAKE, NORTH CAROLINA

GENERAL OBLIGATION REFUNDING BOND, SERIES 2010

<u>Maturity Date</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
March 1, 20__	_____%	_____

The County of Wake, a body corporate and politic duly organized and validly existing in the State of North Carolina, is justly indebted and for value received hereby promises to pay to

CEDE & CO.

or registered assigns or legal representative on the date specified above, upon the presentation and surrender hereof, at the office of the Finance Director of said County (the "Bond Registrar"), in the County of Wake, North Carolina, the principal sum of

\_\_\_\_\_ DOLLARS

and to pay interest on such principal sum from the date hereof or from March 1 or September 1 next preceding the date of authentication to which interest

shall have been paid, unless such date of authentication is March 1 or September 1 to which interest shall have been paid, in which case from such date, such interest to the maturity hereof being payable on each March 1 and September 1, beginning September 1, 2010, at the rate per annum specified above, until payment of such principal sum. The interest so payable on any such interest payment date will be paid to the person in whose name this bond (or the previous bond or bonds evidencing the same debt as that evidenced by this bond) is registered at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed to such person at his address as it appears on the bond registration books of said County; provided, however, that for so long as the Bonds (hereinafter defined) are deposited with The Depository Trust Company, New York, New York ("DTC"), the payment of the principal of and interest on the Bonds shall be made to DTC in same day funds by 2:30 p.m. or otherwise as determined by the rules and procedures established by DTC. Both the principal of and the interest on this bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof. For the prompt payment hereof, both principal and interest as the same shall become due, the faith and credit of said County are hereby irrevocably pledged.

This bond is one of an issue of bonds designated "General Obligation Refunding Bonds, Series 2010" (the "Bonds") and issued by said County for the purpose of providing funds to refund certain outstanding general obligation bonds of said County. The Bonds are issued under and pursuant to The Local Government Bond Act, as amended, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina, an order adopted by the Board of Commissioners for said County, which order has taken effect, and a resolution duly passed by said Board of Commissioners (the "Resolution").

The Bonds maturing on or prior to March 1, 2020 are not subject to redemption prior to maturity. The Bonds maturing on March 1, 2021 and thereafter will be subject to redemption prior to their maturity, at the option of said County, from any moneys that may be made available for such purpose, either in whole or in part on any date not earlier than March 1, 2020, at a redemption price equal to 100% of the principal amount of the Bonds to be redeemed, plus accrued interest to the date fixed for redemption.

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the

Resolution. One Bond certificate with respect to each date on which the Bonds are stated to mature, in the aggregate principal amount of the Bonds stated to mature on such date and registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York (“DTC”), is being issued and required to be deposited with DTC and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in the principal amount of \$5,000 or any whole multiple thereof, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC, and transfer of principal and interest payments to beneficial owners of the Bonds by participants of DTC will be the responsibility of such participants and other nominees of such beneficial owners. Said County will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In certain events, said County will be authorized to deliver replacement Bonds in the form of fully-registered certificates in the denomination of \$5,000 or any whole multiple thereof in exchange for the outstanding Bonds as provided in the Resolution.

At the office of the Bond Registrar, in the manner and subject to the conditions provided in the Resolution, Bonds may be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of authorized denominations and bearing interest at the same rate.

The Bond Registrar shall keep at his office the books of said County for the registration of transfer of Bonds. The transfer of this bond may be registered only upon such books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall deliver in exchange for this bond a new Bond or Bonds, registered in the name of the transferee, of authorized denominations, in an aggregate principal amount equal to the principal amount of this bond, of the same maturity and bearing interest at the same rate.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this bond have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within said County sufficient to pay the principal of and the interest on this bond as the same shall become due; and that the total indebtedness of said County, including this bond, does not exceed any constitutional or statutory limitation thereon.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Resolution until this bond shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the County of Wake, North Carolina, by resolution duly passed by its Board of Commissioners, has caused this bond to be manually signed by the Chairman of said Board and the Clerk to said Board for said County and its official seal to be impressed hereon, all as of the \_\_\_\_ day of \_\_\_\_\_, 2010.

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Chairman

[SEAL]

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Clerk to the Board

#### CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within bond has been approved under the provisions of The Local Government Bond Act of North Carolina.

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Secretary of the Local Government  
Commission of North Carolina

#### CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds of the series designated herein and issued under the provisions of the within-mentioned Resolution.

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Interim Finance Director, as Bond  
Registrar

Date of authentication: \_\_\_\_\_

ASSIGNMENT

FOR VALUE RECEIVED the undersigned registered owner thereof hereby sells, assigns and transfers unto \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints \_\_\_\_\_

\_\_\_\_\_

attorney to register the transfer of said bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

In the presence of:

\_\_\_\_\_  
\_\_\_\_\_

NOTICE: The signature must be guaranteed by an institution which is a participant in the Securities Transfer Agent Medallion Program (STAMP) or similar program.

The signature to this assignment must correspond with the name as it appears on the face of the within Bond in every particular, without alteration of enlargement or any change whatever.

Certificated Bonds issuable hereunder shall be in substantially the form of the Bonds registered in the name of Cede & Co. with such changes as are necessary to reflect the provisions of this resolution that are applicable to Certificated Bonds.

Section 4. The Bonds maturing on or prior to March 1, 2020 are not subject to redemption prior to maturity. The Bonds maturing on March 1, 2021 and thereafter will be subject to redemption prior to their maturity, at the option of said County, from any moneys that may be made available for such purpose, either in whole or in part on any date not earlier than March 1, 2020, at a redemption price equal to 100% of the principal amount of the Bonds to be redeemed, plus accrued interest to the date fixed for redemption.

If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds or portions of Bonds of such maturity to be redeemed shall be selected by lot in such manner as said County in its discretion may determine; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000. So long as a book-entry system with DTC, is used for determining beneficial ownership of Bonds, if less than all of the Bonds within the maturity are to be redeemed, DTC and its participants shall determine which of the Bonds within a maturity are to be redeemed by lot. If less than all of the Bonds stated to mature on different dates shall be called for redemption, the particular Bonds or portions thereof to be redeemed shall be called such manner as the County may determine.

Not more than sixty (60) nor less than thirty (30) days before the redemption date of any Bonds to be redeemed, whether such redemption be in whole or in part, the County shall cause a notice of such redemption to be filed with the Bond Registrar and to be mailed, postage prepaid, to the registered owner of each Bond to be redeemed in whole or in part to his address appearing upon the registration books of the County, provided that such notice to Cede & Co. shall be given by certified or registered mail. Failure to mail such notice or any defect therein shall not affect the validity of the redemption as regards registered owners to whom such notice was given as required hereby. Each such notice shall set forth the date designated for redemption, the redemption price to be paid and the maturities of the Bonds to be redeemed. In the event that Certificated Bonds are outstanding, each such notice to the registered owners thereof shall also set forth, if less than all of the Bonds of any maturity then outstanding shall be called for redemption, the distinctive numbers and letters, if any, of such Bonds to be redeemed and, in the case of any Bond to be redeemed in part only, the portion of the principal amount thereof to be redeemed. If any Bond is to be redeemed in part only, the notice of redemption shall state also that on or after the redemption date, upon surrender of such Bond, a new Bond or Bonds in principal amount equal to the unredeemed portion of such Bond will be issued.

Any notice of redemption may state that the redemption to be effected is conditioned upon the receipt by the County on or prior to the redemption date of moneys sufficient to pay the principal of and interest on the Bonds to be redeemed, and that if such moneys are not so received, such notice shall be of no force or effect and such Bond shall not be required to be redeemed. In the event that such notice contains such a condition and moneys sufficient to pay the redemption price and interest on such Bonds are not received by the County on or prior to the redemption date, the redemption shall not be made and the County shall within a reasonable

time thereafter give notice, in the manner in which the notice of redemption was given, that such moneys were not so received.

On or before the date fixed for redemption, moneys shall be deposited with the Bond Registrar to pay the principal of and the redemption premium, if any, on the Bonds or portions thereof called for redemption as well as the interest accruing thereon to the redemption date thereof.

On the date fixed for redemption, notice having been given in the manner and under the conditions hereinabove provided, the Bonds or portions thereof called for redemption shall be due and payable at the redemption price provided therefor, plus accrued interest to such date. If moneys sufficient to pay the redemption price of the Bonds or portions thereof to be redeemed, plus accrued interest thereon to the date fixed for redemption, are held by the Bond Registrar in trust for the registered owners of Bonds or portions thereof to be redeemed, interest on the Bonds or portions thereof called for redemption shall cease to accrue, such Bonds or portions thereof shall cease to be entitled to any benefits or security under this resolution or to be deemed outstanding, and the registered owners of such Bonds or portions thereof shall have no rights in respect thereof except to receive payment of the redemption price thereof, plus accrued interest to the date of redemption.

If a portion of a Bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender such Bond to the Bond Registrar for payment of the principal amount thereof so called for redemption and the redemption premium, if any, on such principal amount, and the Bond Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond or Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

Section 5. Bonds, upon surrender thereof at the office of the Bond Registrar, together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any Bond may be registered only upon the registration books of the County upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for such Bond a new Bond or Bonds, registered in the

name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the principal amount of such Bond so surrendered, of the same maturity and bearing interest at the same rate.

In all cases in which Bonds shall be exchanged or the transfer of Bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this resolution. All Bonds surrendered in any such exchange or registration of transfer shall forthwith be canceled by the Bond Registrar. The County or the Bond Registrar may make a charge for shipping and out-of-pocket costs for every such exchange or registration of transfer of Bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made by the County or the Bond Registrar for exchanging or registering the transfer of Bonds under this resolution.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any such Bond and the interest on any such Bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond, including the interest thereon, to the extent of the sum or sums so paid.

The County shall appoint such registrars, transfer agents, depositaries or other agents as may be necessary for the registration, registration of transfer and exchange of Bonds within a reasonable time according to then current commercial standards and for the timely payment of principal and interest with respect to the Bonds. The Finance Director of the County, or any person at anytime acting in such capacity, is hereby appointed the registrar, transfer agent and paying agent for the Bonds (collectively, the "Bond Registrar"), subject to the right of the Board of the County to appoint another Bond Registrar, and as such shall keep at his office in the County, the books of the County for the registration, registration of transfer, exchange and payment of the Bonds as provided in this resolution.

Section 6. The County covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986 (the "Code"), as amended or as may be amended from time to time, and any Treasury regulations now or hereafter promulgated thereunder, to the extent necessary so that interest on the bond will not be included in gross income of the owners of the Bonds for purposes of federal income tax.

Section 7. All actions of the Chairman of the Board, the County Manager, the Interim Finance Director, the Debt Manager and the Clerk to the Board for the County in applying to the Local Government Commission of North Carolina to

advertise and sell the Bonds is hereby authorized, ratified and approved, and the Local Government Commission of North Carolina is hereby requested to ask for sealed bids for the Bonds by publishing notices and distributing a Preliminary Official Statement relating to the sale of the Bonds. The County Manager, the Interim Finance Director and the Debt Manager are hereby authorized to assist the Commission in preparing such Preliminary Official Statement, to be dated the date of delivery thereof, and such Preliminary Official Statement may be used in relation to the offering and sale of the Bonds.

The preparation of a final Official Statement (the "Final Official Statement"), which will be in the form of the Preliminary Official Statement, but will include certain pricing and other information to be made available to the successful bidder for the Bonds by the Local Government Commission of North Carolina, is hereby approved, and the Chairman of the Board, the County Manager, the Interim Finance Director and the Debt Manager of the County are each hereby authorized to execute and deliver such Final Official Statement for and on the behalf of the County, and such execution and delivery shall be conclusive evidence of the approval of the Board of the Final Official Statement.

Section 8. The County hereby undertakes, for the benefit of the beneficial owners of the Bonds, to provide:

(a) by not later than seven months from the end of each fiscal year of the County, beginning with the fiscal year ending June 30, 2010, to the Municipal Securities Rulemaking Board (the "MSRB"), audited financial statements of the County for such Fiscal Year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or, if such audited financial statements of the County are not available by seven months from the end of such fiscal year, unaudited financial statements of the County for such fiscal year to be replaced subsequently by audited financial statements of the County to be delivered within fifteen (15) days after such audited financial statements become available for distribution;

(b) by not later than seven months from the end of each fiscal year of the County, beginning with the fiscal year ending June 30, 2010, to the MSRB, (i) the financial and statistical data as of a date not earlier than the end of the preceding fiscal year for the type of information included under the heading "THE COUNTY - Debt Information and - Tax Information" (excluding any information on overlapping units) in the Final Official Statement relating to the Bonds and (ii) the combined budget of the County for the current fiscal year, to the extent such items are not included in the audited financial statements referred to in (a) above;

(c) in a timely manner, to the MSRB, if any, notice of any of the following events with respect to the Bonds, if material:

(1) principal and interest payment delinquencies;

- (2) non-payment related defaults;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) substitution of credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions or events affecting the tax-exempt status of the Bonds;
- (7) modification to the rights of the beneficial owners of the Bonds;
- (8) bond calls;
- (9) defeasances;
- (10) release, substitution or sale of any property securing repayment of the Bonds; and
- (11) rating changes; and

(d) in a timely manner, to the MSRB, notice of a failure of the County to provide required annual financial information described in (a) or (b) above on or before the date specified.

All information provided to the MSRB as described in this Section shall be provided in an electronic format as prescribed by the MSRB and accompanied by identifying information as prescribed by the MSRB.

The County may meet the continuing disclosure filing requirements described above by complying with any other procedure that may be authorized or required by the United States Securities and Exchange Commission.

If the County fails to comply with the undertaking described above, any beneficial owner of the Bonds may take action to protect and enforce the rights of all beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all beneficial owners of the Bonds.

The County reserves the right to modify from time to time the information to be provided to the extent necessary or appropriate in the judgment of the County, provided that:

(a) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature or status of the County;

(b) the information to be provided, as modified, would have complied with the requirements of Rule 15c2-12 issued under the Securities Exchange Act of 1934 (“Rule 15c2-12”) as of the date of the Official Statement, after taking into account any amendments or interpretations of Rule 15c2-12, as well as any changes in circumstances; and

(c) any such modification does not materially impair the interests of the beneficial owners of the Bonds, as determined either by parties unaffiliated with the County (such as bond counsel), or by the approving vote of the registered owners of a majority in principal amount of the Bonds pursuant to the terms of this resolution, as this resolution may be amended from time to time, at the time of such amendment.

In the event that the County makes such a modification, the annual financial information containing the modified operating data or financial information shall explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Section shall terminate upon payment, or provision having been made for payment in a manner consistent with Rule 15c2-12, in full of the principal of and interest on all of the Bonds.

Section 9. The appointment of Waters and Company, LLC, Birmingham, Alabama, as financial advisor to the County in connection with the issuance of the Bonds, as described in the Official Statement, is hereby approved, ratified and confirmed.

Section 10. The Interim Finance Director is hereby authorized to select a responsible financial institution to serve as escrow agent (the “Escrow Agent”) in connection with the refunding of the bonds to be refunded mentioned in Section 11 below, subject to the right of the Board for the County to appoint another Escrow Agent as provided in the Escrow Deposit Agreement (hereinafter mentioned), and as such shall perform its responsibilities as provided in the Escrow Deposit Agreement. The Escrow Deposit Agreement, and the creation of the Escrow Fund thereunder and the other arrangements to accomplish such refunding, is hereby approved, and the Chairman of the Board, the County Manager, the Interim Finance Director, the Debt Manager and the Clerk to the Board for the County are each hereby authorized to execute and deliver such Escrow Deposit Agreement for and on behalf of the County with such additions, deletions and changes as they deem necessary.

Section 11. Subject to the next succeeding sentence, the County hereby determines to refund (a) \$16,000,000 of the County’s outstanding General Obligation Public Improvement Bonds, Series 2003A, dated April 1, 2003, maturing April 1, 2014 and 2015, (b) \$4,400,000 of the County’s outstanding General Obligation Criminal Justice Facilities Bonds, Series 2003B, dated November 1, 2003, maturing February 1, 2014 to 2022, inclusive, (c) \$30,000,000 of the County’s outstanding General Obligation Public Improvement Bonds, Series 2004, dated April 1, 2004, maturing March 1, 2015 to 2017, inclusive, (d) \$27,500,000 of the County’s outstanding General Obligation School Bonds, Series 2005, dated November 1, 2005, maturing May 1, 2016 to 2023, inclusive, (e) \$248,000,000 of the County’s outstanding General Obligation Public Improvement Bonds, Series 2007, dated March 1, 2007, maturing March 1, 2018 to 2025, inclusive, and (f) \$87,000,000 of the County’s outstanding General Obligation Public Improvement Bonds, Series 2009A, dated April 1, 2009, maturing March 1, 2020 to 2026, inclusive. If, on or prior to the sale date of the Bonds, the Interim Finance Director of the County shall determine that it is in the best economic interests of the County not to refund all or any portion of such bonds, the Interim Finance Director is hereby authorized to make changes in the amounts and maturities of such bonds to be refunded, such changes to be set forth in a certificate of the Interim Finance Director to be delivered on the date of issuance of the Bonds and in the Escrow Deposit Agreement.

Subject to the issuance of the Bonds to refund such bonds in accordance with this Section, all of the County’s outstanding (a) General Obligation Public Improvement Bonds, Series 2003A, dated April 1, 2003, maturing April 1, 2014 and 2015, (b) General Obligation Criminal Justice Facilities Bonds, Series 2003B, dated November 1, 2003, maturing February 1, 2014 to 2022, inclusive, (c) General Obligation Public Improvement Bonds, Series 2004, dated

April 1, 2004, maturing March 1, 2015 to 2017, inclusive, (d) General Obligation School Bonds, Series 2005, dated November 1, 2005, maturing May 1, 2016 to 2023, inclusive, (e) General Obligation Public Improvement Bonds, Series 2007, dated March 1, 2007, maturing March 1, 2018 to 2025, inclusive, and (f) General Obligation Public Improvement Bonds, Series 2009A, dated April 1, 2009, maturing March 1, 2020 to 2026, inclusive, are hereby called for redemption on such date as the Interim Finance Director, with the advice of counsel, shall deem appropriate, in accordance with the resolutions authorizing the issuance of said bonds, this resolution and the Escrow Deposit Agreement. The Interim Finance Director is hereby directed to provide notices of such redemption at the times and in the manner set forth in the resolution authorizing the issuance of said bonds.

Section 12. The Chairman of the Board, the County Manager, the Interim Finance Director, the Debt Manager and the Clerk to the Board for the County are hereby authorized and directed to execute and deliver such closing and other documents necessary for the purpose of facilitating the sale and issuance of the Bonds in a manner consistent with the terms of this resolution.

Section 13. The County has previously authorized the issuance of \$12,400,000 of general obligation refunding bonds pursuant to a bond order adopted by the Board on February 16, 2004 and \$26,100,000 general obligation refunding bonds pursuant to a bond order adopted by the Board on February 21, 2005, which bonds have not been issued under said bond orders (although other bonds may have been issued pursuant to such bond orders). The Board hereby repeals the authorization to issue the unissued portion of the refunding bonds and such authorization shall, following the adoption of this resolution, be of no force or effect.

Section 14. This resolution shall take effect upon its passage, except for Section 11 of this resolution which shall become effective only upon the issuance of the Bonds.

Upon motion of Commissioner Paul Coble, seconded by Commissioner Joe Bryan, the foregoing resolution entitled "RESOLUTION PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010" was passed by the following vote:

Ayes: Lindy Brown, Joe Bryan, Paul Coble, Tony Gurley, Stan Norwalk, Betty Lou Ward and Harold H. Webb.

Noes: n/a

\* \* \* \* \*

I, Susan J. Banks, Clerk to the Board of Commissioners for the County of Wake, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board for said County at a regular meeting held on March 15, 2010, as relates in any way to the introduction and

adoption of a bond order authorizing the issuance of general obligation refunding bonds and the passage of the foregoing resolution providing for the issuance of general obligation refunding bonds of said County.

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

WITNESS my hand and the official seal of said County this 15<sup>th</sup> day of March, 2010.

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Clerk to the Board

[SEAL]

## **Other Items**

### **Committee Reports**

Commissioner Brown said that the public will be getting letters about the census this week. She noted that she attended the second Garner public library meeting. She said Earnest Myatt Child Development Center had submitted a letter and petition to share with the Board of Commissioners.

She said that the 10-year Plan to End Homelessness is coming to its final stages. She commended the Fuquay-Varina Educational Foundation.

Commissioner Coble reminded all the Board members of the 200 Club meeting this coming Wednesday at the Wake County Commons. He explained the 200 Club is a program for fallen public safety officers' families. Dr. Brent Myers will be the speaker.

Commissioner Bryan said the National Association of Counties Legislative meeting had transportation committee meetings and there were urban county issues. There were food and agriculture discussions about the importance of buying local products. Economic Development in the face of a recession was discussed. A community in the upper part of Maryland was competing with Virginia and North Carolina in economic development. Help for small businesses and trade was a focus as well as other topics. He noted Time Magazine Joe Cline gave his opinion of the economy. There were several Congressmen and Senators present at the Legislative Breakfast. He noted

other programs that Congress is attempting to change. He spoke of the internet occupancy tax.

Commissioner Norwalk asked about the next meeting with the school board. The Chairman noted this was the third Wednesday in April. Commissioner Bryan suggested having Ms. Ann Denlinger at the meeting.

Commissioner Ward said that the NACO Legislative Conference was very informative. She noted the speaker from Time Magazine and information provided. She said that she attended her committee meeting on the Cultural Arts and also heard the Economic Development speaker. Both senators from North Carolina were present at the breakfast. This is the first time all the North Carolina congress members were present.

Commissioner Brown noted the Bladen County Commissioners had lost a fellow commissioner.

### **Adjourn**

Paul Coble motioned, seconded by Lindy Brown, to adjourn the meeting.

The motion passed unanimously.

Respectfully submitted,

Susan J. Banks, CMC  
Clerk to the Board  
Wake County Board of Commissioners