

RESOLUTIONS – 2021

***Following the List of 2021 Resolutions in Chronological Order,
Each Resolution Can Be Viewed in its Entirety***

- 21-01-01 Resolution Supporting the Buxton Maintenance/Storm Damage Repair Project (Jan. 19, 2021)
- 21-02-02 Resolution Supporting Home Health and Hospice Request for Proposal (Feb. 01, 2021)
- 21-02-03 Reimbursement Resolution – Fiscal Year 2020-2021 Vehicle and Equipment Financing Project #2 (Feb. 01.2021)
- 21-02-04 Resolution US Army Corps Amends Intent of Safe Navigation for Hatteras Inlet (Feb. 16, 2021)
- 21-03-05 Resolution Authorizing Installment Financing Contract for 2,199,721 with Banc of America Pub Capital (Mar. 15, 2021)
- 21-04-06 Resolution Thanks Outer Banks (Apr. 7, 2021)
- 21-04-07 Resolution Wind Over Waves Road Petition (Apr. 7, 2021)
- 21-05-08 Resolution to Appoint Manteo Review Officer (May 3, 2021)
- 21-05-09 Resolution 21-22 Hatteras Inlet Maintenance Contract and Permit Modification (May 17, 2021)
- 21-05-10 Resolution Requesting US Army Corps Amend Fed Authorization to Add Hatteras Bar to Hatteras and Rollinson Fed Authorization (May 17, 2021)
- 21-06-11 Resolution Approving Permit Modifications for Dare County C&D Landfill (June 7, 2021)
- 21-06-12 Resolution Authorizing Increase in Micro-Purchase Threshold (June 7, 2021)
- 21-06-13 Resolutions Dare Home Health Hospice – BrightSpring (June 21, 2021)
- 21-06-14 Reimbursement Resolution – FY 21-22 Public Works Equipment Financing Project (June 21, 2021)
- 21-06-15 Reimbursement Resolution – FY 21-22 Vehicle and Equipment Financing Project (June 21, 2021)
- 21-08-16 Resolution Authorizing the Negotiation of an Installment Financing Contract (Aug. 2, 2021)

- 21-08-17 Resolution of the County of Dare, North Carolina Declaring the Intent of the County of Dare, North Carolina to Reimburse Itself for Capital Expenditures from the Proceeds of Certain Tax-Exempt Obligations (Aug. 16, 2021)
- 21-08-18 Resolution Supporting the Dare County Tourism Board Event Center Concept as Presented August 2, 2021 (Aug. 16, 2021)
- 21-09-19 Resolution of the BOC of the County of Dare, NC, Authorizing the Negotiations of an Installment Financing Contract and Providing for Certain Other Related Matters Thereto (Sept. 7, 2021)
- 21-09-20 Resolution of the BOC of the County of Dare, NC, Approving an Installment Financing Contract and Delivery Thereof and Providing for Certain Other Related Matters (Sept. 7, 2021)
- 21-09-21 Resolution Approving the Memorandum of Agreement Between the State of NC and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation (Sept. 7, 2021)
- 21-09-22 Resolution to Authorize the Use of Electronic Advertisement for Contracts and Services Subject to G.S. 143-129 (Sept. 7, 2021)
- 21-09-23 Resolution Opposing the US Fish & Wildlife Service's Proposed Designation of Critical Habitat Unit NC1 and NC1A for the Red Knot Rufa (Sept. 7, 2021)
- 21-09-23 Resolution Opposing the US Fish & Wildlife Service's Proposed Designation of Critical Habitat Unit NC1 and NC1A for the Red Knot Rufa (Sept. 7, 2021)
- 21-09-24 Resolution Approving an Installment Financing Contract for Town Beach Projects (Sept. 20, 2021)
- 21-09-25 Resolution Governor's Highway Safety Program (Sept. 20, 2021)
- 21-10-26 Resolution Declaring the Intent of Dare County to Reimburse Itself for Capital Expenditures From the Proceeds of Certain Tax-Exempt Obligations (Oct. 4, 2021)
- 21-10-27 Resolution 5311 Designee Certification Form – Transportation (Oct. 4, 2021)
- 21-10-27A Resolution 5311 Designee Certification Form – Transportation-Amended (Oct. 18, 2021)
- 21-10-28 Resolution for the LEOSSA Trust to Participate in AGPIP (Oct. 18, 2021)

- 21-11-29 Resolution to Convey Personal Property to the Outer Banks SPCA (November 1, 2021)
- 21-11-30 Resolution Reaffirming Opposition of United Nations Agenda 21 (November 1, 2021)
- 21-11-31 Resolution to Rename the Dare County Center the Virginia Tillett Center (November 15, 2021)
- 21-11-32 Resolution Opposing Any Changes to NC Shrimp Fisheries Management Plan (November 15, 2021)
- 21-12-33 Resolution Declaring Intent to Permanently Close a Portion of Beacon Road (December 6, 2021)

FOLLOWING ARE THE 2021 RESOLUTIONS

The **most recently adopted** item **appears first** in sequence

Scroll down to view all 2021 Resolutions

RESOLUTION

A RESOLUTION BY THE DARE COUNTY BOARD OF COMMISSIONERS DECLARING IT'S INTENT TO PERMANENTLY CLOSE A PORTION OF DARE COUNTY PUBLIC ROAD KNOWN AS BEACON ROAD.

WHEREAS, the unimproved eastern terminus and cul-de-sac portion of Beacon Road is located in unincorporated Dare County, and

WHEREAS, the unimproved eastern terminus of Beacon Road and the cul-de-sac portion of Beacon Road is a publically-dedicated road as noted on the plat for Southern Vista Subdivision, Map Book A Slide 34 dated January 11, 1978 in the Dare County Register of Deeds, and

WHEREAS, the Dare County Board of Commissioners declares its intent to permanently close a portion of Beacon Road located between Southgate Drive and East Point Drive in Rodanthe as noted on the map of the area labeled Attachment A with this resolution, and

WHEREAS, NCGS 153A-241 establishes procedures by which local governments can consider the abandonment of public roads after a duly advertised hearing and other public notice procedures are enacted.

NOW, THEREFORE, BE IT RESOLVED the Dare County Board of Commissioners declares its intent to permanently close the unimproved eastern terminus and cul-de-sac portion of the publicly-dedicated road known as Beacon Road in Rodanthe, North Carolina and in accordance with North Carolina General Statute 153A-241 a public hearing on the question shall be held at 9:00 a.m. on January 3, 2022.

ADOPTED the 6th day of December 2021 by the Dare County Board of Commissioners

SEAL:



A handwritten signature in blue ink, appearing to read "Robert L. Woodard", written over a horizontal line.

Robert L. Woodard, Chairman
Dare County Board of Commissioners

ATTEST:

A handwritten signature in blue ink, appearing to read "Cheryl C. Anby", written over a horizontal line.

Cheryl C. Anby, Clerk



Resolution

Opposing Any Changes to NC Shrimp Fisheries Management Plan

WHEREAS, in 1992 North Carolina became the first state to require all shrimp trawlers to use bycatch reduction devices (BDRs); and

WHEREAS, the NC Division of Marine Fisheries (NCDMF) adopted the NC Shrimp Fisheries Management Plan in April of 2006 to reduce bycatch from both commercial and recreational shrimping; and

WHEREAS, the NCDMF adopted Amendment 1 to the NC Shrimp Fisheries Management Plan in February of 2015 which recommended a wider range of certified bycatch reduction devices (BRD) to choose from and the requirement of two BRDs in shrimp trawls and skimmer trawls beginning June 1, 2015; and

WHEREAS, in 2015 this action made North Carolina the first and only state to require the use of two federally and or state certified BRDs; and

WHEREAS, in 2015, five experimental gear combinations were tested during the summer on large vessels and during the summer and fall of 2016, four additional gear combinations were tested on large vessels in the Pamlico Sound; and

WHEREAS, in the final year of the study, 2017, three gear combinations were tested on both small and large vessels in the Atlantic Ocean and the Pamlico Sound; and

WHEREAS, four of the twelve gear combinations tested met or exceeded the 40% target reduction in finfish bycatch while also minimizing shrimp loss (Brown, et al., 2017, 2018); and

WHEREAS, overall, finfish bycatch reductions ranged from 4.5% to 57.2% and differences in shrimp catch between the control and experimental nets ranged from a 16.2% loss to a 9.9% gain; and

WHEREAS, in 2019, NCDMF required all shrimp trawlers operating in the Pamlico Sound and its tributaries to use one of the four gear combinations which were tested and shown to reduce the finfish bycatch by 40% to 57%; and

WHEREAS, shrimp trawling in North Carolina estuarine waters is prohibited during the weekend and nighttime trawling is also prohibited in several areas; and

WHEREAS, approximately one million acres are permanently closed to shrimp trawling, which account for 47% of the state's estuary; and

WHEREAS, 200,000 acres are closed seasonally to shrimp trawling with a combined total of 1,886 square miles which are permanently or seasonally closed to shrimp trawling; and

WHEREAS, a scoping document period was held January 7-21, 2020 to solicit public comments on potential management strategies for Amendment 2; and

WHEREAS, fishery stakeholders provided in-person comments at three scoping meetings which were held in Washington, Morehead City and Wilmington; and

WHEREAS, Amendment 2 proposes that the Northern Region would include the Croatan Sound, Roanoke Sound, Pamlico Sound, Pamlico River, Bay River, Neuse River and their tributaries along with extending existing closure in the mouth of Stumpy Point Bay; and

WHEREAS, 228,733 acres would close to shrimp trawling if selected.

THEREFORE, BE IT RESOLVED, that the Dare County Board of Commissioners strongly oppose any changes to the NC Shrimp Fisheries Management Plan, as directed by Amendment 2, while recognizing the North Carolina shrimp fisheries as leading the nation in bycatch reduction under current North Carolina rules and law.

This the 15th day of November, 2021.



A handwritten signature in blue ink, appearing to read "Robert Woodard, Sr.", written over a horizontal line.

Robert Woodard, Sr., Chairman

Attest:

A handwritten signature in blue ink, appearing to read "Cheryl C. Anby", written over a horizontal line.

Cheryl C. Anby, Clerk to the Board

21-11-31



Resolution to Rename the Dare County Center as the Virginia Tillett Center

WHEREAS, Virginia Tillett was a professional educator and Outer Banks community leader who served the residents and visitors of Dare County, North Carolina, as an elected official for more than 30 years; and

WHEREAS, Virginia Tillett served in the positions of both chair and vice chair on the Dare County Board of Education for 20 years; and in 2002 was elected to the Dare County Board of Commissioners, where she served as a commissioner for 12 years; and

WHEREAS, Virginia Tillett has been honored as the recipient of a wide array of awards over the past several decades, including the Dare County Outstanding Citizen of the Year award and the Outer Banks Chamber of Commerce’s Citizen of the Year award, both of which she received in 2015; and

WHEREAS, in 2006, Virginia Tillett was honored by North Carolina Governor Michael Easley, who awarded her the prestigious Order of the Long Leaf Pine Award and in April 2021, Virginia Tillett was recognized for her accomplishments and dedication to servant leadership by the North Carolina Black Alliance, who presented her with a 2021 Trailblazer Award; and

WHEREAS, as a Dare County Commissioner, Virginia Tillett played an instrumental role in the development of the Dare County Center, a multi-generational facility on Roanoke Island that provides resources, programs and activities designed to enhance the lives of all Dare County citizens ranging from youth and adults to seniors and families; and

WHEREAS, without Virginia Tillett’s tireless efforts and her vision for the facility, specifically as a place where individuals of all ages could get together and learn from one another, these individuals would not benefit from the wide array of programs and services it offers to the Dare County community; and

WHEREAS, renaming the Dare County Center as the Virginia Tillett Center recognizes Virginia Tillett’s dedication to the community where she was born and raised and ensures her lasting legacy as a Dare County trailblazer whose service and leadership has had a profound and positive impact on thousands of Dare County residents over the years; and

THEREFORE, BE IT RESOLVED, that the Dare County Board of Commissioners hereby declares that, in honor of her life and many significant contributions as a longtime community leader, the Dare County Center will officially be renamed as the Virginia Tillett Center.

This the 15th day of November 2021.



Robert Woodard, Sr., Chairman

Attest:
Cheryl C. Anby, Clerk to the Board

21-11-30



**RESOLUTION REAFFIRMING OPPOSITION OF
UNITED NATIONS AGENDA 21**

WHEREAS, Dare County was founded on the basic American principle of private property ownership and the right of local governments to develop communities in ways that are beneficial for its citizens; and

WHEREAS, these uniquely American principles are threatened by Agenda 21 initiated at the United Nations Conference on Environment and Development (UNCED) held in 1992 at Rio de Janeiro, which represents a comprehensive plan of extreme environmentalism, social engineering, and global political control; and

WHEREAS, Agenda 21 is being covertly pushed into local communities throughout the United States by the International Council of Local Environmental Initiatives (ICLEI) in the form of local "sustainable development" policies such as Smart Growth, Wildlands Project, Resilient Cities, Regional Visioning Projects, and other "Green" or "Alternative" projects; and

WHEREAS, this United Nations Agenda 21 plan of radical so-called "sustainable development" views the American way of life of private property ownership, single family homes, private car ownership and individual travel choices, and privately owned farms; all as destructive to the environment; and

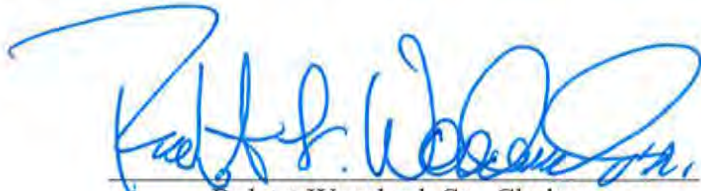
WHEREAS, Agenda 21 has determined that National sovereignty is deemed as social injustice, which according to their policy is described as the right and opportunity of all people to benefit equally from the resources afforded us by society and the environment which would be accomplished by a socialistic redistribution of wealth; and

WHEREAS, neither the United States government, nor any state or local government, is legally bound by the United Nations Agenda 21, as it has never been endorsed by the United States Senate.

NOW, THEREFORE, BE IT RESOLVED that the Dare County Board of Commissioners reaffirms its recognition of the destructive nature of United Nations Agenda 21 and does hereby expose to the public and public policy makers the dangerous intent of the plan and urges communities to reject the radical policies and destructive "sustainable development" strategies of United Nations Agenda 21.

This the 1st day of November, 2021




Robert Woodard, Sr., Chairman

Attest:


Cheryl C. Anby, Clerk to the Board

**RESOLUTION AUTHORIZING THE CONVEYANCE OF PROPERTY
PURSUANT TO G.S. 160A-279**

WHEREAS, the County of Dare owns certain items of personal property that are utilized by the Outer Banks SPCA for the purpose of animal control within the County;

WHEREAS, North Carolina General Statute 160A-279 authorizes a county to convey, with or without consideration, personal property by private sale to a nonprofit corporation, if the county is authorized by law to appropriate money to the corporation;

NOW, THEREFORE BE IT RESOLVED, by the Dare County Board of Commissioners that:

1. Dustin Peele, Dare County Purchasing Agent, is hereby authorized to convey, without consideration, to Outer Banks SPCA, the following items of surplus personal property:

2014 Chevrolet Van, VIN #1GCWGFCA0E1138734


2. Said person is further authorized and directed to execute any documents, transfer title, and perform all necessary functions associated with this conveyance.
3. Said person shall publish a notice summarizing the contents of this resolution, and the property may be conveyed at any time after 10 days after publication of the notice.

This the 1ST day of November, 2021

COUNTY OF DARE, NORTH CAROLINA


Robert Woodard Sr., Chairman




Cheryl Anby, Clerk to the Board

21-10-28

RESOLUTION OF THE COUNTY OF DARE, NORTH CAROLINA FOR THE LEOSSA TRUST TO PARTICIPATE IN AGPIP

WHEREAS, the **Board of Commissioners** of the **County of Dare, NC** on October 4, 2021 established a trust pursuant to N.C.G.S. § 159-30.2 for the purpose of paying law enforcement officer special separation allowance benefits for which the **County of Dare, NC** is liable ("LEOSSA Trust");

WHEREAS, the LEOSSA Trust is an irrevocable trust, and the assets of the LEOSSA Trust will not be subject to the claims of the **County of Dare, NC**'s creditors;

WHEREAS, the **Board of Commissioners** wishes to invest assets from the LEOSSA Trust in the Ancillary Governmental Participants Investment Program ("AGPIP") established by the Treasurer of the State of North Carolina (the "Treasurer");

WHEREAS, the **Board of Commissioners** has determined that it is advisable and in the best interests of the **County of Dare, NC** to contribute assets from the LEOSSA Trust to AGPIP, as provided in the Deposit Agreement between the **County of Dare, NC** and the Treasurer, which is attached to this resolution (the "Deposit Agreement").

NOW, THEREFORE, BE IT RESOLVED, that

The LEOSSA Trust was established by adoption of the trust agreement on October 4, 2021;

The person serving in the Finance Director position at the **County of Dare, NC** is appointed the Plan Administrator pursuant to the provisions of the trust agreement for the LEOSSA Trust;

The LEOSSA Trust is established for the purpose of paying law enforcement officer special separation allowance benefits for which the **County of Dare, NC** is liable;

The trustees of the LEOSSA Trust were determined and selected to be the persons serving in the County of Dare positions of the County Manager, the Finance Director, and the Human Resources Director (currently Robert Outten, David Clawson, and Elizabeth Reilly respectively).

The LEOSSA Trust shall participate in AGPIP pursuant to the terms and conditions of the Deposit Agreement;

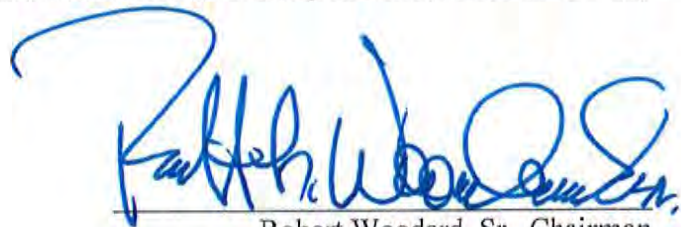
The initial contribution of the LEOSSA Trust to AGPIP shall be \$ 2,350,000 (the "Contribution").

The Plan Administrator and the following officers, managers, and/or representatives of the **County of Dare, NC** (collectively, the "Authorized Representatives") are authorized and directed to execute and deliver the Deposit Agreement, to take any other actions deemed necessary or appropriate to consummate the transactions provided for therein, and to cause the Contribution to be made: County Manager, Finance Director, Human Resources Director, and Assistant Finance Director;

The Authorized Representatives, acting on behalf of the **County of Dare, NC**, are authorized to take all such actions as they may deem necessary or appropriate to give effect to the foregoing resolutions; and

All actions heretofore taken by any of the Authorized Representatives acting on behalf of the **County of Dare, NC** in furtherance of the foregoing resolutions are hereby ratified, adopted, approved, and confirmed in all respects.

Adopted and approved by the **Board of Commissioners** of the **County of Dare, NC**, this 18th day of October, 2021.



Robert Woodard, Sr., Chairman



Cheryl C. Anby, Clerk to the Board



21-10/27A

5311 DESIGNEE CERTIFICATION FORM

Amended

Resolution No. 21-10-27A

Resolution authorizing the filing of applications with the North Carolina Department of Transportation Integrated Mobility Division for grant years FY2023-FY2027, for federal transportation assistance authorized by 49 U.S.C. 5311, United States Code, other federal statutes administered by the Federal Transit Administration or state statutes administered by the State of North Carolina.

WHEREAS, the North Carolina Department of Transportation has been delegated authority to award federal financial assistance for transit projects as allocated throughout North Carolina by County:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Dare County

1. That the County Manager is authorized to execute and file an application for federal assistance on behalf of the County of Dare with the State of North Carolina for federal assistance authorized by 49 U.S.C. Chapter 5311 United States Code, other federal statutes or state statutes authorizing a project administered by the Federal Transit Administration.
2. That the County Manager is authorized to execute and file with its applications the annual certifications and assurances and other documents the State of North Carolina requires before awarding a federal assistance grant or cooperative agreement.
3. That the County Manager is authorized to execute grant and cooperative agreements with the State of North Carolina on behalf of the County of Dare.

The undersigned duly qualified, Robert Woodard, Sr., Chairman of the Board of Commissioners, acting on behalf of the County Commissioners of Dare County, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the County Commissioners of Dare County held on October 18, 2021.



Robert Woodard, Sr., Chairman
Dare County Board of Commissioners

Attest:

Cheryl C. Anby, Clerk to the Board Dare County
October 18, 2021

21-10-27

5311 DESIGNEE CERTIFICATION FORM

Resolution No. 21-10-27

Resolution authorizing the filing of applications with the North Carolina Department of Transportation-Integrated Mobility Division for grant years FY2023-FY2027, for federal transportation assistance authorized by 49 U.S.C. 5311, United States Code, other federal statutes administered by the Federal Transit Administration or state statutes administered by the State of North Carolina.

WHEREAS, the North Carolina Department of Transportation has been delegated authority to award federal financial assistance for transit projects as allocated throughout North Carolina by County;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Dare County

1. That Transportation Division Supervisor is authorized to execute and file an application for federal assistance on behalf of the County of Dare Transportation Division with the State of North Carolina for federal assistance authorized by 49 U.S.C. Chapter 5311 United States Code, other federal statutes or state statutes authorizing a project administered by the Federal Transit Administration.
2. That Transportation Division Supervisor is authorized to execute and file with its applications the annual certifications and assurances and other documents the State of North Carolina requires before awarding a federal assistance grant or cooperative agreement.
3. That Transportation Division Supervisor is authorized to execute grant and cooperative agreements with the State of North Carolina on behalf of the County of Dare.

The undersigned duly qualified, Robert Woodard, Sr., Chairman of the Board of Commissioners, acting on behalf of the County Commission of Dare County, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the County Commission of Dare County held on October 4, 2021



Robert Woodard, Sr., Chairman
Dare County Board of Commissioners

Cheryl C. Anby, Clerk to the Board Dare County
October 4, 2021

21-10-26

RESOLUTION OF THE COUNTY OF DARE, NORTH CAROLINA
DECLARING THE INTENT OF THE COUNTY OF DARE, NORTH
CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES
FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS

WHEREAS, the Board of Commissioners of the County of Dare, North Carolina ("County") has determined that it is in the best interests of County to proceed with the following projects: 1) at the Fessenden Center, replacement of all decking, handicap ramps, stairs, handrails, and pickets, upgrading to composite materials, for both ADA and storm mitigation improvements; 2) a beach nourishment maintenance project in the village of Buxton, to maintain the project originally constructed in 2017; and 3) a new beach nourishment project in the village of Avon (collectively, the "Projects");

WHEREAS, the County presently intends, at one time or from time to time, to finance all or a portion of the costs of the Projects with proceeds of tax-exempt obligations and reasonably expects to cause to be executed and delivered tax-exempt obligations (the "Obligations") to finance, or to reimburse itself for, all or a portion of the costs of the Projects; and

WHEREAS, the County desires to proceed with some or all of the Projects and will incur and pay certain expenditures in connection with the Projects prior to the date of execution and delivery of the Obligations (the "Original Expenditures"), such Original Expenditures to be paid for originally from a source other than the proceeds of the Obligations, and the County intends, and reasonably expects, to be reimbursed for such Original Expenditures from a portion of the proceeds of the Obligations to be executed and delivered at a date occurring after the dates of such Original Expenditures;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Dare, North Carolina as follows:

Section 1. *Official Declaration of Intent.* The County presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the County on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The County reasonably expects to execute and deliver the Obligations to finance all or a portion of the costs of the Projects and the maximum principal amount of Obligations expected to be executed and delivered by County to pay for all or a portion of the costs of the Projects is approximately \$32,000,000, a current estimate of which is further broken out for the Projects on Exhibit A to this Resolution.

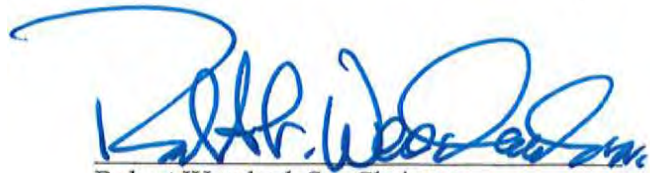
Section 2. *Compliance with Regulations.* The County adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the County's intent to reimburse itself for the Original Expenditures from proceeds of the Obligations.

Section 3. *Itemization of Capital Expenditures.* The Finance Director of the County, with advice from bond counsel, is hereby authorized, directed and designated to act on behalf of the County in determining and itemizing all of the Original Expenditures incurred and paid by the County in connection with the Projects during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligations.

Section 4. *Effective Date.* This Resolution shall become effective immediately upon the date of its adoption.

Approved this 4th day of October, 2021




Robert Woodard, Sr., Chairman

ATTEST:


Cheryl C. Anby, Clerk to the Board

EXHIBIT A

PRELIMINARY PROJECT AMOUNTS

| | | |
|---|---------------------|---------------------|
| Fessenden Center | | \$285,000 |
| Buxton Beach Nourishment Maintenance | | |
| Grant | \$1,557,607 | |
| FEMA/State (short term debt) | \$8,835,528 | |
| County (five-year debt) | <u>\$10,053,164</u> | |
| Total | | \$20,446,299 |
| Avon Beach Nourishment Initial Construction | | |
| County (five-year debt) | | <u>\$12,684,358</u> |
| Total projects | | <u>\$33,415,657</u> |
| Total short-term debt | \$8,835,528 | |
| Total five-year debt | <u>\$23,022,522</u> | |
| Total debt | <u>\$31,858,050</u> | |

21-09-25

Resolution

North Carolina Governor's Highway Safety Program
LOCAL GOVERNMENTAL RESOLUTION

WHEREAS, the Dare County Sheriff's Office (herein called the "Agency")
(The Applicant Agency)
has completed an application contract for traffic safety funding; and that Dare County Board of Commissioners
(The Governing Body of the Agency)
of Commissioners (herein called the "Governing Body") has thoroughly considered the problem

identified and has reviewed the project as described in the contract;
THEREFORE, NOW BE IT RESOLVED BY THE Dare County Board of Commissioners IN OPEN
(Governing Body)
MEETING ASSEMBLED IN THE CITY OF Manteo, NORTH CAROLINA,

THIS 20 DAY OF September 2021, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Edward Jack Scarborough is authorized to file, on behalf of the Governing
(Name and Title of Representative)
Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal
funding in the amount of \$ 25,000.00 to be made to the Governing Body to assist in defraying
(Federal Dollar Request)
the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$ 0.0 as
(Local Cash Appropriation)
required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other
appropriate persons to furnish such information, data, documents and reports as required by the contract, if
approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by [Signature]
(Chairperson/Mayor)

ATTESTED BY [Signature]
(Clerk)

DATE 9/20/21



21-09-24

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS

WHEREAS, the County of Dare, North Carolina (the "*County*") is a validly existing political subdivision of the State of North Carolina, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the "*State*");

WHEREAS, the County has the power, pursuant to the General Statutes of North Carolina to (1) enter into installment contracts in order to purchase, or finance or refinance the purchase of, real or personal property and to finance or refinance the construction or repair of fixtures or improvements on real property and (2) create a security interest in some or all of the property financed or refinanced to secure repayment of the purchase price;

WHEREAS, the Board of Commissioners of the County (the "*Board*") has previously determined and hereby further determines that it is in the best interest of the County to pay the capital costs of beach nourishment projects in Duck, Kill Devil Hills, Kitty Hawk and Southern Shores and improvements to the County's Justice Center (collectively, the "*Projects*");

WHEREAS, the County has previously authorized the execution and delivery of an installment financing contract between the County and a financial institution to finance the Projects but hereby determines that it would be in the best interest of the County to enter into an installment financing contract (the "*Contract*") with the Dare County Public Facilities Corporation (the "*Corporation*") in order to pay the capital costs of the Project to facilitate the execution and delivery of the Bond (as defined below);

WHEREAS, in order to secure the County's obligations under the Contract, the County will enter into a deed of trust (the "*Deed of Trust*") in connection with the execution and delivery of the Contract relating to the County's fee simple interest in the site on which the County's Justice Center is located to secure the financing;

WHEREAS, the Contract and the Deed of Trust permit the County to enter into amendments to finance additional projects and refinance the Projects using the County's Justice Center as collateral, and the County may or may not grant additional collateral in connection with such amendments;

WHEREAS, the Corporation will execute and deliver its Limited Obligation Bond, Series 2021 (the "*Bond*") in a principal amount not to exceed \$13,000,000, evidencing proportionate undivided interests in rights to receive certain Revenues (as defined in the Contract) pursuant to the Contract, which Bond will be sold to Regions Capital Advantage, Inc. (the "*Purchaser*");

WHEREAS, there have been described to the Board the forms of the following documents (collectively, the "*Instruments*"), copies of which have been made available to the Board, which the Board proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing:

- (1) the Contract;
- (2) the Deed of Trust;
- (3) an Indenture of Trust between the Corporation and The Bank of New York Mellon Trust Company, N.A., as trustee, (the "*Indenture*"); and
- (4) an Interlocal Agreement (the "*Interlocal Agreement*") between the County and the towns of Duck, Kill Devil Hills, Kitty Hawk and Southern Shores regarding the beach nourishment projects;

WHEREAS, it appears that each of the Instruments is in an appropriate form and is an appropriate instrument for the purposes intended;

WHEREAS, the County made certain findings in connection with a resolution adopted on September 7, 2021 and hereby reaffirms those findings in connection with this financing plan;

WHEREAS, a public hearing on the Contract after publication of a notice with respect to such public hearing must be held and the Board of Commissioners conducted such public hearing at its September 7, 2021 meeting;

WHEREAS, the County has filed an application to the LGC for approval of the Contract and the Bond;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, AS FOLLOWS:

Section 1. *Additional Members of the Financing Team.* That the selection by the Deputy County Manager/Finance Director to retain Bank of New York Mellon Trust Company, N.A., as trustee and Regions Capital Advantage, Inc., as Purchaser, is hereby authorized and ratified.

Section 2. *Approval, Authorization and Execution of Certain Instruments.* The Board of Commissioners hereby approves the financing of the Projects in accordance with the terms of the Contract and Deed of Trust, which will be valid, legal and binding obligations of the County in accordance with their respective terms. The Board of Commissioners hereby approves sale of the Bond to the Purchaser in a principal amount not to exceed \$13,000,000, such amount to be repaid by the County to the Corporation as provided in the Contract. The form, terms and content of the Contract, Deed of Trust and Indenture are in all respects authorized, approved and confirmed, and each of the County Manager, the Deputy County Manager/Finance Director and the Clerk to the Board of Commissioners, or their respective designees (the "*Authorized Officers*"), are authorized, empowered and directed to execute and deliver the Contract and the Deed of Trust for and on behalf of the County, including necessary counterparts, in substantially the forms presented to the Board of Commissioners, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Contract and the Deed of Trust, each of the Authorized Officers are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Instruments as executed.

Section 3. *Approval, Authorization and Execution of the Interlocal Agreement.* The form, terms and content of the Interlocal Agreement is in all respects authorized, approved and confirmed, and each of the Authorized Officers are authorized, empowered and directed to execute and deliver the Interlocal Agreement for and on behalf of the County, including necessary counterparts, in substantially the forms presented to the Board of Commissioners, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Interlocal Agreement, each of the Authorized Officers are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Interlocal Agreement as executed.

Section 4. **Further Actions.** Each of the Authorized Officers are hereby designated as the County's representatives to act on behalf of the County in connection with the transactions contemplated by the Instruments, and each of the Authorized Officers are authorized and directed to proceed with the financing of the Projects in accordance with the terms of the Instruments and to seek opinions on matters of law from the County Attorney, which the County Attorney is authorized to furnish on behalf of the County, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. Each of the Authorized Officers are hereby authorized to designate one or more employees of the County to take all actions which each of the Authorized Officers are authorized to perform under this Resolution, and each of the Authorized Officers, including their designees, are in all respects authorized on behalf of the County to supply all information pertaining to the transactions contemplated by the Instruments. Each of the Authorized Officers are authorized to execute and deliver for and on behalf of the County any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Instruments or as they may deem necessary or appropriate in order to implement and carry out the intent and purposes of this Resolution. Any and all acts of the Authorized Officers may be done individually or collectively.

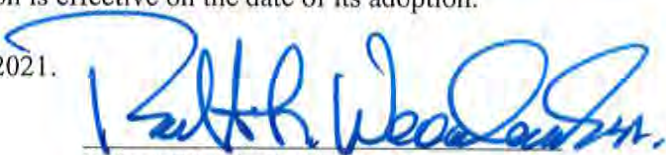
Section 5. **Related Actions.** All acts and doings of officers, employees and agents of the County, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.

Section 6. **Repealer.** All motions, orders, resolutions, ordinances and parts thereof, in conflict herewith are hereby repealed.

Section 7. **Severability.** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 8. **Effective Date.** This Resolution is effective on the date of its adoption.

Adopted this the 20th day of September, 2021.



Robert Woodard, Chairman

Attest:



Cheryl C. Anby, Clerk to the Board

STATE OF NORTH CAROLINA)
)
COUNTY OF DARE) SS:

I, *Cheryl C. Anby*, Clerk to the Board of Commissioners of the County of Dare, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of a resolution entitled **“RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS”** duly adopted by the Board of Commissioners of the County of Dare, North Carolina at a meeting held on the 20th day of September, 2021.

WITNESS my hand and the corporate seal of the County of Dare, North Carolina, this the 20th day of September, 2021.



Cheryl C. Anby
Clerk to the Board of Commissioners
County of Dare, North Carolina





21-09-23

**Resolution Opposing the United States Fish & Wildlife Service's
Proposed Designation of Critical Habitat Unit NC-1 and NC-1A
(Outer Banks-Hatteras Island and Shoals) for the Red Knot Rufa**

WHEREAS, on December 11, 2014, the United States Fish and Wildlife Service (USFWS) listed the Red Knot Rufa shorebird as a threatened species under the auspices of the Endangered Species Act and disclosed a compulsory critical habitat designation would be forthcoming in 2015, and

WHEREAS, the designation of critical habitat can impact a wide variety of coastal projects involving federal action, which include activities or programs of any kind authorized, funded, or carried out, in whole or in part by federal agencies pertaining to coastal and inlet management activities, such as dredging and beach renourishment projects that are permitted, and/or funded and implemented by the United States Army Corps of Engineers and hurricane recovery activities financially supported by the Federal Emergency Management Agency, and

WHEREAS, other federal actions can involve the administration of the National Flood Insurance Program, implementation of building codes, federal grants for public access and infrastructure improvements, and other programs/policies, and

WHEREAS, on July 15, 2021 and nearly seven years after listing the Red Knot Rufa as threatened, the USFWS is proposing to indiscriminately designate the Outer Banks, NC, (11,367 acres of occupied habitat in Dare and Hyde Counties) as critical habitat identified as "Unit NC-1" and Outer Banks-Hatteras Island and Shoals; Dare County, NC which is 5,754 acres of occupied habitat in Dare County consisting of beach shoreline from the southeast side of Oregon Inlet, south along the ocean-facing side of the island including Pea Island National Wildlife Refuge, encompassing a total geographic footprint of 13.25 miles west to the east side of Hatteras Inlet and 4,940 acres in Cape Hatteras National Seashore and 814 acres that are uncategorized, and

WHEREAS, Outer Banks (Unit NC-1 and NC-1A) has never been identified as an important stopover for the Red Knot Rufa in any previous publication authored by the USFWS, and

WHEREAS, the USFWS also specifically disclosed **special management considerations** for the Red Knot Rufa will be necessitated to address threats to critical habitat and are divided into seven categories, and moreover some the activities cited in these categories include; recreational beach use, beach driving, predation, beach nourishment, sand fencing, dredged material disposal, inlet relocation, and human-caused disasters, and

WHEREAS, these special management considerations therefore can unnecessarily and negatively impact the local, State, and federal economies; and the public's access and enjoyment of the beach, and

WHEREAS, not only has the USFWS proposed all of Hatteras Island and Shoals to be designated as critical habitat but all of the remaining beaches of Dare County as well which includes over 50.8 miles of oceanfront shoreline encompassing the entire Cape Hatteras National Seashore and Pea Island National Wildlife Refuge 3, meaning all oceanfront shoreline is proposed as Red Knot Rufa critical habitat, and

WHEREAS, the USFWS has also proposed to extend the continuous Red Knot Rufa critical habitat in-the Cape Hatteras National Seashore as identified as Units NC-1 and NC-1A and when combined with other areas totals over a 150 continuous mile stretch of North Carolina oceanfront that is proposed as Red Knot Rufa critical habitat, and

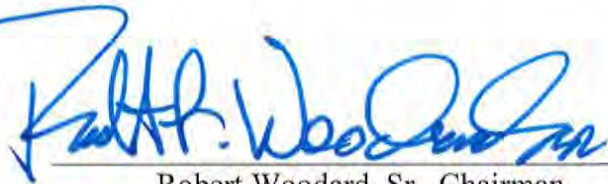
WHEREAS, the proposed designation of more than 150-mile continuous stretch of Red Knot Rufa oceanfront shoreline strongly implies the USFWS designation methodology is too sensitive and broad, and therefore is capturing all habitat instead of critical habitat for the Red Knot Rufa.

THEREFORE, BE IT RESOLVED, that Dare County is strongly opposed to the USFWS proposed designation of Red Knot Rufa critical habitat along the shorelines of Outer Banks (Unit NC-1 and NC-1A) as set forth in Document Number 2021-14406 of the Federal Register and will work with State and federal resource officials and elected representatives to ensure the critical habitat designation, as proposed, is not included in the final rule.

BE IT FURTHER RESOLVED, that Dare County hereby requests the USFWS revisit the Red Knot Rufa critical habitat designation methodology in a manner resulting in a more fine-tuned designation of important habitats for the Red Knot Rufa rather than broad, indiscriminate continuous stretches of oceanfront shoreline; most notably, a more than 150 mile continuous stretch in North Carolina that includes proposed Unit NC-1, NC-1A and Dare County

This the 7th day of September, 2021.




Robert Woodard, Sr., Chairman

Attest:


Cheryl C. Anby, Clerk to the Board

21-09-22



**Resolution to Authorize the Use of Electronic Advertisement for
Contracts and Services Subject to G.S. 143-129**

WHEREAS, contracts for construction or repair work, and for the purchase of apparatus, supplies, materials, and equipment that meet the monetary threshold established in G.S. 143-129 must be publicly advertised; and

Whereas, G.S. 143-129(b) authorizes the governing board to allow the use of electronic advertisement as an alternative to advertisement in a newspaper of general circulation; and

Whereas, in some cases, advertisement in the newspaper may be the most effective method of obtaining competition, but in other cases, advertisement by electronic means may be a more effective and efficient method of reaching prospective bidders; and

Whereas, it is in all cases important to provide citizens an opportunity to obtain information about major contracts to be awarded by this entity;

THEREFORE, BE IT RESOLVED that the Dare County Board of Commissioners resolves to:

1. Authorize the County Manager, or his designee, to advertise solicitations for bid using electronic means in lieu of placing an advertisement in a newspaper of general circulation whenever he or she determines it to be the most effective and efficient method of obtaining competition for a contract.
2. Advertisement by newspaper and electronic means may be used together or in the alternative, and the requirements of G.S. 142-129(b) shall be met as long as one of the methods used meets the specific requirements and minimum time for advertisement under that statute.

Adopted this the 7th day of September, 2021.




Robert Woodard, Sr., Chairman

Attest:


Cheryl C. Amby, Clerk to the Board



21-09-21

**A RESOLUTION BY THE COUNTY OF DARE
APPROVING THE MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE
STATE OF NORTH CAROLINA AND LOCAL GOVERNMENTS ON PROCEEDS
RELATING TO THE SETTLEMENT OF OPIOID LITIGATION**

WHEREAS, as of 2019, the opioid epidemic had taken the lives of more than 16,500 North Carolinians, torn families apart, and ravaged communities from the mountains to the coast; and

WHEREAS, the COVID-19 pandemic has compounded the opioid crisis, increasing levels of drug misuse, addiction, and overdose death; and

WHEREAS, the Centers for Disease Control and Prevention estimates the total "economic burden" of prescription opioid misuse alone in the United States is \$78.5 billion a year, including the costs of healthcare, lost productivity, addiction treatment, and criminal justice involvement; and

WHEREAS, the opioid epidemic has had significant negative impacts upon the citizens of Dare County; and

WHEREAS, certain counties and municipalities in North Carolina joined with thousands of local governments across the country to file lawsuit against opioid manufacturers and pharmaceutical distribution companies and hold those companies accountable for their misconduct; and

WHEREAS, representatives of local North Carolina governments, the North Carolina Association of County Commissioners, and the North Carolina Department of Justice have negotiated and prepared a Memorandum of Agreement (MOA) to provide for the equitable distribution of any proceeds from a settlement of national opioid litigation to the State of North Carolina and to individual local governments; and

WHEREAS, an agreement in the national opioid litigation has been announced that could potentially bring millions in opioid treatment funds to Local Governments and the State of North Carolina; and

WHEREAS, by signing onto the MOA, the state and local governments maximize North Carolina's share of opioid settlement funds to ensure the needed resources reach communities as quickly, effectively, and directly as possible; and

WHEREAS, it is advantageous to all North Carolinians for local governments, including Dare County and its citizens, to sign onto the MOA and demonstrate solidarity in response to the opioid epidemic, and to maximize the share of opioid settlement funds received both in the state and this county to help abate the harm; and

WHEREAS, the MOA directs substantial resources over multiple years to local governments on the front lines of the opioid epidemic while ensuring that these resources are used in an effective way to address the crisis.

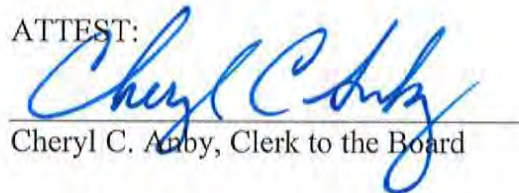
NOW, THEREFORE BE IT RESOLVED, Dare County hereby approves the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation, and any subsequent settlement funds that may come into North Carolina as a result of the opioid crisis. Furthermore, Dare County authorizes the County Manager (or County Attorney) take such measures as necessary to comply with the terms of the MOA and receive any settlement funds, including executing any documents related to the allocation of opioid settlement funds and settlement of lawsuits related to this matter. Be it further resolved copies of this resolution and the signed MOA be sent to opioiddocs@ncdoj.gov as well as forwarded to the North Carolina Association of County Commissioners at communications@ncacc.org.

Adopted this the 7th day of September, 2021.



Robert Woodard, Sr., Chairman
Dare County Board of Commissioners

ATTEST:



Cheryl C. Abby, Clerk to the Board



RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS

WHEREAS, the County of Dare, North Carolina (the "*County*") is a validly existing political subdivision of the State of North Carolina, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the "*State*");

WHEREAS, the County has the power, pursuant to the General Statutes of North Carolina to (1) enter into installment contracts in order to purchase, or finance or refinance the purchase of, real or personal property and to finance or refinance the construction or repair of fixtures or improvements on real property and (2) create a security interest in some or all of the property financed or refinanced to secure repayment of the purchase price;

WHEREAS, the Board of Commissioners of the County (the "*Board of Commissioners*") has determined that it is in the best interest of the County to receive an advance of funds in an aggregate principal amount of not more than \$3,000,000 by entering into an installment financing contract (the "*Contract*") with First Bank (the "*Bank*") in order to finance the capital costs of the acquisition of land and an existing building for future use by the County to replace the County's Kill Devil Hills EMS Station and the acquisition of property in Manteo (the "*Manteo Property*") and renovation of the existing building to be used as a youth center (the "*Projects*"), and (2) pay the costs related to execution and delivery of the Contract;

WHEREAS, the obligation of the County to make Installment Payments under the Contract is a limited obligation of the County payable solely from currently budgeted appropriations of the County and does not constitute a pledge of the faith and credit of the County within the meaning of any constitutional debt limitation;

WHEREAS, in order to provide security for the County's obligations under the Contract, the County will grant to the Bank a security interest under a deed of trust, assignment of rents and leases security agreement and financing statement (the "*Deed of Trust*") in the County's fee simple interest in the site of the Manteo Property, together all improvements and fixtures located thereon (collectively, the "*Mortgaged Property*");

WHEREAS, a public hearing on the Contract after publication of a notice with respect to such public hearing must be held and the Board of Commissioners conducted such public hearing at its August 2, 2021 meeting;

WHEREAS, there has been made available to the Board of Commissioners the form of the Contract and the Deed of Trust and other related agreements which the County proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing; and

WHEREAS, it appears that each of the Contract and the Deed of Trust (collectively, the "*Instruments*") is in appropriate form and is an appropriate instrument for the purposes intended;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, AS FOLLOWS:

Section 1. *Approval, Authorization and Execution of Instruments.* The Board of Commissioners hereby approves the financing of the Projects in accordance with the terms of the Instruments, which will be valid, legal and binding obligations of the County in accordance with their respective terms. The Board of Commissioners hereby approves the amount to be advanced by the Bank to the County pursuant to the Contract in an aggregate principal amount not to exceed \$3,000,000 at an

interest rate of 1.48% per annum, such amount to be repaid by the County to the Bank as provided in the Contract. The form, terms and content of the Instruments are in all respects authorized, approved and confirmed, and each of the County Manager, the Deputy County Manager/Finance Director and the Clerk to the Board of Commissioners, or their respective designees (the "Authorized Officers"), are authorized, empowered and directed to execute and deliver the Instruments for and on behalf of the County, including necessary counterparts, in substantially the forms presented to the Board of Commissioners, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Instruments, each of the Authorized Officers are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Instruments as executed.

Section 2. **Further Actions.** Each of the Authorized Officers are hereby designated as the County's representatives to act on behalf of the County in connection with the transactions contemplated by the Instruments, and each of the Authorized Officers are authorized and directed to proceed with the financing of the Projects in accordance with the terms of the Instruments and to seek opinions on matters of law from the County Attorney, which the County Attorney is authorized to furnish on behalf of the County, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. Each of the Authorized Officers are hereby authorized to designate one or more employees of the County to take all actions which each of the Authorized Officers are authorized to perform under this Resolution, and each of the Authorized Officers, including their designees, are in all respects authorized on behalf of the County to supply all information pertaining to the transactions contemplated by the Instruments. Each of the Authorized Officers are authorized to execute and deliver for and on behalf of the County any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Instruments or as they may deem necessary or appropriate in order to implement and carry out the intent and purposes of this Resolution. Any and all acts of the Authorized Officers may be done individually or collectively.

Section 3. **Related Actions.** All acts and doings of officers, employees and agents of the County, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.

Section 4. **Repealer.** All motions, orders, resolutions, ordinances and parts thereof, in conflict herewith are hereby repealed.

Section 5. **Severability.** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 6. **Effective Date.** This Resolution is effective on the date of its adoption.

Adopted this the 7th day of September, 2021.


Robert Woodard, Sr., Chairman

Attest:

Cheryl C. Aubry, Clerk to the Board

STATE OF NORTH CAROLINA)
)
COUNTY OF DARE) SS:

I, *Cheryl C. Anby*, Clerk to the Board of Commissioners of the County of Dare, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of a resolution entitled “**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS**” duly adopted by the Board of Commissioners of the County of Dare, North Carolina at a meeting held on the 7th day of September, 2021.

WITNESS my hand and the corporate seal of the County of Dare, North Carolina, this the 7th day of September, 2021.



Cheryl C. Anby

Cheryl C. Anby
Clerk to the Board of Commissioners
County of Dare, North Carolina

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA,
AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT AND PROVIDING
FOR CERTAIN OTHER RELATED MATTERS THERETO

WHEREAS, the County of Dare, North Carolina (the "*County*") is a validly existing political subdivision of the State of North Carolina, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the "*State*");

WHEREAS, the County has the power, pursuant to the General Statutes of North Carolina to (1) enter into installment contracts in order to purchase, or finance or refinance the purchase of, real or personal property and to finance or refinance the construction or repair of fixtures or improvements on real property and (2) create a security interest in some or all of the property financed or refinanced to secure repayment of the purchase price;

WHEREAS, the Board of Commissioners of the County (the "*Board*") hereby determines that it is in the best interest of the County to enter into (1) an Installment Financing Contract (the "*Contract*") with [Bank][a financial institution to be determined] (the "*Bank*") in order to finance beach nourishment projects in Duck, Kill Devil Hills, Kitty Hawk and Southern Shores and improvements to the County's Justice Center (the "*Projects*"), and (2) a deed of trust, security agreement and fixture filing (the "*Deed of Trust*") related to the County's fee simple interest in the real property on which the County's Justice Center is located (the "*Mortgaged Property*") that will provide security for the County's obligations under the Contract;

WHEREAS, the County hereby determines that the Projects are essential to the County's proper, efficient and economic operation and to the general health and welfare of its inhabitants; that the Projects will provide an essential use and will permit the County to carry out public functions that it is authorized by law to perform; and that entering into the Contract and Deed of Trust is necessary and expedient for the County by virtue of the findings presented herein;

WHEREAS, the County hereby determines that the Contract allows the County to finance the Projects at a favorable interest rate currently available in the financial marketplace and on terms advantageous to the County;

WHEREAS, the County hereby determines that the estimated cost of financing the Projects is an amount not to exceed \$13,000,000 and that such cost of financing the Projects exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the County in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State;

WHEREAS, although the cost of financing the Projects pursuant to the Contract is expected to exceed the cost of financing the Projects pursuant to a bond financing for the same undertaking, the County hereby determines that the cost of financing the Projects pursuant to the Contract and the Deed of Trust and the obligations of the County thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of financing the Projects; and (3) no revenues are produced by the Projects so as to permit a revenue bond financing;

WHEREAS, the County has determined and hereby determines that the estimated cost of financing the Projects pursuant to the Contract reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles;

WHEREAS, the increase in taxes, if any, necessary to meet the sums to fall due under the Contract will not be excessive;

WHEREAS, no deficiency judgment may be rendered against the County in any action for its breach of the Contract, and the taxing power of the County is not and may not be pledged in any way directly or indirectly or contingently to secure any money due under the Contract;

WHEREAS, the County is not in default under any of its debt service obligations;

WHEREAS, the County's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act, and external auditors have determined that the County has conformed with generally accepted accounting principles as applied to governmental units in preparing its Annual Budget ordinance;

WHEREAS, past audit reports of the County indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the County has not been censured by the North Carolina Local Government Commission (the "LGC"), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies; and

WHEREAS, a public hearing on the Contract after publication of a notice with respect to such public hearing was held on the date of the adoption of this Resolution and approval of the LGC with respect to entering the Contract must be received; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, AS FOLLOWS:

Section 1. *Authorization to Negotiate the Contract; Ratification.* That the County Manager and the Deputy County Manager/Finance Director, individually and collectively, with advice from the County's financial advisor, are hereby authorized and directed to proceed and negotiate on behalf of the County to finance the Projects for a principal amount not to exceed \$13,000,000 under the Contract to be entered into in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina and to provide in connection with the Contract, as security for the County's obligations thereunder, the Deed of Trust conveying a lien and interest in the Mortgaged Property, including the improvements thereon, as may be required by the Bank providing the funds to the County under the Contract. All actions of the County Manager and the Deputy County Manager/Finance Director, individually and collectively, or their designees, in furtherance of financing the Projects, whether previously or hereinafter taken, are hereby ratified and authorized.

Section 2. *Application to LGC.* That the Deputy County Manager/Finance Director or his designee is hereby directed to file with the LGC an application for its approval of the Contract and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to attach thereto such exhibits regarding the County and its financial condition as may be required by the LGC.

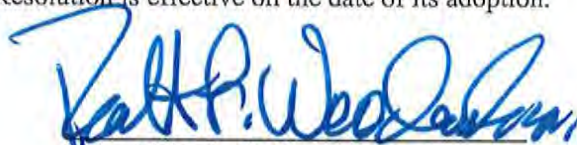
Section 3. **Direction to Retain Special Counsel and Financial Advisor.** That the selection by the Deputy County Manager/Finance Director to retain the assistance of Parker Poe Adams & Bernstein LLP, as special counsel, DEC Associates, Inc., as financial advisor, and Piper Sandler & Co., as placement agent, is hereby authorized and ratified.

Section 4. **Ratification.** All actions of the County and its officials, whether previously or hereafter taken in effectuating the proposed financing as described herein, are hereby ratified, authorized and approved.


Section 5. **Repealer.** That all motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 6. **Effective Date.** That this Resolution is effective on the date of its adoption.

Adopted this the 7th day of September, 2021.


Robert Woodard, Chairman

Attest:


Cheryl C. Anby, Clerk to the Board

STATE OF NORTH CAROLINA)
)
COUNTY OF DARE) SS:

I, *Cheryl C. Anby*, Clerk to the Board of Commissioners of the County of Dare, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of a resolution entitled “RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO” duly adopted by the Board of Commissioners of the County of Dare, North Carolina at a meeting held on the 7th day of September, 2021.

WITNESS my hand and the corporate seal of the County of Dare, North Carolina, this the 7th day of September, 2021.



Cheryl C. Anby

Cheryl C. Anby
Clerk to the Board of Commissioners
County of Dare, North Carolina

21-08-18



Resolution
Supporting the Dare County Tourism Board Event Center Concept
as Presented August 2, 2021

WHEREAS, Dare County has a tourism-based economy that has sustained our community for generations and celebrates the people, places and activities that make our area special; and

WHEREAS, Dare County tourism annually generates nearly \$1.2 billion in direct spending, supports employment for every one in three Dare County residents (13,880 jobs) and generates \$116.5 million in state and local tax revenues, thereby offsetting the tax burden of each Dare County resident by \$3,146; and

WHEREAS, Dare County tourism has proven to be an incredibly resilient economic engine despite many natural and man-made challenges; and

WHEREAS, Dare County enjoys year-round visitation but relies on the summer months of June, July and August for roughly 70 percent of its annual tourism business; and

WHEREAS, this reliance on summer visitation makes Dare County vulnerable to business disruptions and creates other issues related to workforce, housing and infrastructure that must expand and contract dramatically to accommodate the surge in summer business; and

WHEREAS, a year-round tourism economy provides a more stable foundation for employment and county planning and the Dare County Tourism Board was created to promote year-round visitation; and

WHEREAS, the Dare County Tourism Board has demonstrated the potential for events to generate non-peak season visitation and recognizes the further potential for event development with the creation of an appropriately sized indoor facility; and

WHEREAS, the Dare County Tourism Board has purchased properties within the Town of Nags Head that are suitable for the development of such a facility; and

WHEREAS, the Dare County Tourism Board has funded consultant studies to evaluate and make recommendations regarding event use types, space requirements, financial and economic impact projections for a multi-use facility and event center; and

WHEREAS, the Dare County Tourism Board appointed an advisory committee consisting of representatives from the public, the Dare County Tourism Board, the Town of Nags Head, the Outer Banks Hotel/Motel Association and the Dare County Board of Commissioners to formulate a recommendation for an economically viable event center capable of hosting groups of 300-plus people; and

WHEREAS, the advisory committee unanimously recommended an event center building concept with a flexible, heated and cooled space of 48,275 square feet, an event hall capable of hosting sporting tournaments, concerts, banquets, trade and consumer shows, meetings and other uses with groups of 300 to 2,500 people; and

WHEREAS, the event center concept also contains a kitchen intended to service said events while also providing culinary training opportunities for the community; and

WHEREAS, the Johnson Consulting study that was conducted projected \$25 million in new spending within the area, 191 new jobs created throughout the community and nearly \$1.2 million in annual tax revenue by the fifth year of operation; and

WHEREAS, the consultant study also projected an annual operating deficit of approximately \$310,000 by the fifth year of operation; and

WHEREAS, the multi-million dollar return justifies the anticipated operating deficit; and

WHEREAS, a hotel on Dare County Tourism Board-owned property is not recommended because it places an added burden on septic and the site, and a hotel partner often requires a public subsidy; and

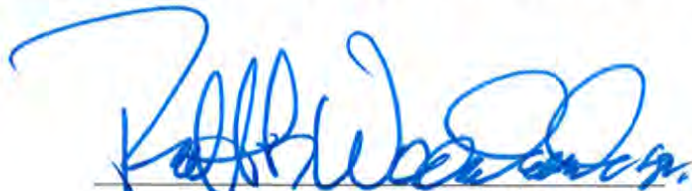
WHEREAS, the Dare County Tourism Board voted unanimously in support of this event center concept; and

WHEREAS, support of the concept allows further planning and consideration to take place with regard to the Town of Nags Head Unified Development Ordinance, North Carolina state regulators regarding septic and stormwater, the Dare County Tourism Board and Dare County government regarding event center construction and operations funding.

THEREFORE, BE IT RESOLVED, that the Dare County Board of Commissioners hereby endorses by unanimous vote on this date, August 16, 2021, and provides its support for the event center concept as was presented to the Board of Commissioners during its meeting on August 2, 2021.

This the 16th day of August 2021.




Robert Woodard, Sr., Chairman

Attest:


Cheryl C. Anby, Clerk to the Board

21-08-17



**RESOLUTION OF THE COUNTY OF DARE, NORTH CAROLINA
DECLARING THE INTENT OF THE COUNTY OF DARE, NORTH
CAROLINA TO REIMBURSE ITSELF FOR CAPITAL
EXPENDITURES FROM THE PROCEEDS OF CERTAIN TAX-
EXEMPT OBLIGATIONS**

WHEREAS, the Board of Commissioners of the County of Dare, North Carolina ("*County*") has determined that it is in the best interests of County to finance (1) beach nourishment projects in Duck, Kill Devil Hills, Kitty Hawk and Southern Shores and (2) improvements to the County's Justice Center (the "*Projects*");

WHEREAS, the County presently intends, at one time or from time to time, to finance all or a portion of the costs of the Projects with proceeds of tax-exempt obligations and reasonably expects to cause to be executed and delivered tax-exempt obligations (the "*Obligations*") to finance, or to reimburse itself for, all or a portion of the costs of the Projects; and

WHEREAS, the County desires to proceed with some or all of the Projects and will incur and pay certain expenditures in connection with the Projects prior to the date of execution and delivery of the Obligations (the "*Original Expenditures*"), such Original Expenditures to be paid for originally from a source other than the proceeds of the Obligations, and the County intends, and reasonably expects, to be reimbursed for such Original Expenditures from a portion of the proceeds of the Obligations to be executed and delivered at a date occurring after the dates of such Original Expenditures;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Dare, North Carolina as follows:

Section 1. *Official Declaration of Intent.* The County presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the County on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The County reasonably expects to execute and deliver the Obligations to finance all or a portion of the costs of the Projects and the maximum principal amount of Obligations expected to be executed and delivered by County to pay for all or a portion of the costs of the Projects is approximately \$13,000,000.


Section 2. *Compliance with Regulations.* The County adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the County's intent to reimburse itself for the Original Expenditures from proceeds of the Obligations.

Section 3. *Itemization of Capital Expenditures.* The Finance Director of the County, with advice from bond counsel, is hereby authorized, directed and designated to act on behalf of the County in determining and itemizing all of the Original Expenditures incurred and paid by the County in connection with the Projects during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligations.

Section 4. *Effective Date.* This Resolution shall become effective immediately upon the date of its adoption.

Adopted this 16th day of August, 2021.




Robert Woodard, Sr., Chairman

Attest:


Cheryl C. Anby, Clerk to the Board

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO

WHEREAS, the County of Dare, North Carolina (the "*County*") is a validly existing political subdivision of the State of North Carolina, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the "*State*");

WHEREAS, the County has the power, pursuant to the General Statutes of North Carolina to (1) enter into installment contracts in order to purchase, or finance or refinance the purchase of, real or personal property and to finance or refinance the construction or repair of fixtures or improvements on real property and (2) create a security interest in some or all of the property financed or refinanced to secure repayment of the purchase price;

WHEREAS, the Board of Commissioners of the County (the "*Board*") hereby determines that it is in the best interest of the County to enter into (1) an Installment Financing Contract (the "*Contract*") with a financial institution to be determined (the "*Bank*") in order to finance the capital costs of the acquisition of land and an existing building for future use by the County to replace the County's Kill Devil Hills EMS Station and the acquisition of property and renovation of the existing building to be used as a youth center (the "*Projects*"), and (2) a deed of trust, security agreement and fixture filing (the "*Deed of Trust*") related to the County's fee simple interest in some or all of the real property on which the Projects will be located (the "*Mortgaged Property*") that will provide security for the County's obligations under the Contract;

WHEREAS, the County hereby determines that the Projects are essential to the County's proper, efficient and economic operation and to the general health and welfare of its inhabitants; that the Projects will provide an essential use and will permit the County to carry out public functions that it is authorized by law to perform; and that entering into the Contract and Deed of Trust is necessary and expedient for the County by virtue of the findings presented herein;

WHEREAS, the County hereby determines that the Contract allows the County to finance the Projects at a favorable interest rate currently available in the financial marketplace and on terms advantageous to the County;

WHEREAS, the County hereby determines that the estimated cost of financing the Projects is an amount not to exceed \$3,000,000 and that such cost of financing the Projects exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the County in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State;

WHEREAS, although the cost of financing the Projects pursuant to the Contract is expected to exceed the cost of financing the Projects pursuant to a bond financing for the same undertaking, the County hereby determines that the cost of financing the Projects pursuant to the Contract and the Deed of Trust and the obligations of the County thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of financing the Projects; and (3) no revenues are produced by the Projects so as to permit a revenue bond financing;

WHEREAS, the County has determined and hereby determines that the estimated cost of financing the Projects pursuant to the Contract reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles;

WHEREAS, the increase in taxes, if any, necessary to meet the sums to fall due under the Contract will not be excessive;

WHEREAS, no deficiency judgment may be rendered against the County in any action for its breach of the Contract, and the taxing power of the County is not and may not be pledged in any way directly or indirectly or contingently to secure any money due under the Contract;

WHEREAS, the County is not in default under any of its debt service obligations;

WHEREAS, the County's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act, and external auditors have determined that the County has conformed with generally accepted accounting principles as applied to governmental units in preparing its Annual Budget ordinance;

WHEREAS, past audit reports of the County indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the County has not been censured by the North Carolina Local Government Commission (the "LGC"), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies; and

WHEREAS, a public hearing on the Contract after publication of a notice with respect to such public hearing was held on the date of the adoption of this Resolution and approval of the LGC with respect to entering the Contract must be received; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, AS FOLLOWS:

Section 1. *Authorization to Negotiate the Contract; Ratification.* That the County Manager and the Deputy County Manager/Finance Director, individually and collectively, with advice from the County's financial advisor, are hereby authorized and directed to solicit proposals from financial institutions to finance the Projects and to proceed and negotiate on behalf of the County to finance the Projects for a principal amount not to exceed \$3,000,000 under the Contract to be entered into in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina and to provide in connection with the Contract, as security for the County's obligations thereunder, the Deed of Trust conveying a lien and interest in the Mortgaged Property, including the improvements thereon, as may be required by the Bank providing the funds to the County under the Contract. All actions of the County Manager and the Deputy County Manager/Finance Director, individually and collectively, or their designees, in furtherance of financing the Projects, whether previously or hereinafter taken, are hereby ratified and authorized.

Section 2. *Application to LGC.* That the Deputy County Manager/Finance Director or his designee is hereby directed to file with the LGC an application for its approval of the Contract and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to attach thereto such exhibits regarding the County and its financial condition as may be required by the LGC.

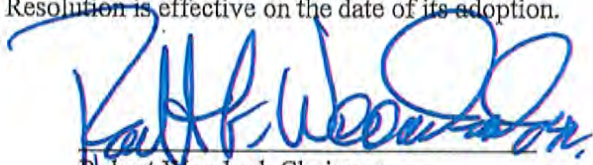
Section 3. *Direction to Retain Special Counsel and Financial Advisor.* That the Deputy County Manager/Finance Director is hereby authorized and directed to retain the assistance of Parker Poe Adams & Bernstein LLP, as special counsel, DEC Associates, Inc., as financial advisor, and Piper Sandler & Co., as placement agent.

Section 4. *Ratification.* All actions of the County and its officials, whether previously or hereafter taken in effectuating the proposed financing as described herein, are hereby ratified, authorized and approved.

Section 5. *Repealer.* That all motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 6. *Effective Date.* That this Resolution is effective on the date of its adoption.

Adopted this the 2nd day of August, 2021.



Robert Woodard, Chairman

Attest:



Cheryl C. Arby, Clerk to the Board

STATE OF NORTH CAROLINA)
)
COUNTY OF DARE) SS:

I, *Cheryl C. Anby*, Clerk to the Board of Commissioners of the County of Dare, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of a resolution entitled “**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT, DIRECTING THE PUBLICATION OF NOTICE WITH RESPECT THERETO AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO**” duly adopted by the Board of Commissioners of the County of Dare, North Carolina at a meeting held on the 2nd day of August, 2021.

WITNESS my hand and the corporate seal of the County of Dare, North Carolina, this the 2nd day of August, 2021.



Cheryl C. Anby

Cheryl C. Anby
Clerk to the Board of Commissioners
County of Dare, North Carolina

Resolution No. 21-06-15

REIMBURSEMENT RESOLUTION – FISCAL YEAR 2021-2022 VEHICLE AND EQUIPMENT FINANCING PROJECT

WHEREAS, the County Manager and the Finance Officer have described to the Board of Commissioners the desirability of adopting a resolution, as provided under federal tax law, to facilitate the County's use of financing proceeds to restore County funds when the County makes capital expenditures prior to closing on a bond issue or other financing;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Dare, North Carolina as follows:

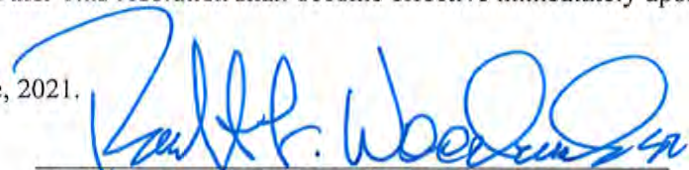
Section 1. *Official Declaration of Intent.* The County presently intends, and reasonably expects, to reimburse itself for the original expenditures incurred and paid by the County on or after the date occurring 60 days prior to the date of adoption of this resolution from a portion of the proceeds of the obligations. The County reasonably expects to execute and deliver the obligations to finance all or a portion of the costs of the project and the maximum principal amount of obligations expected to be executed and delivered by County to pay for all or a portion of the costs of the project is \$2,980,682.

Section 2. *Compliance with Regulations.* The County adopts this resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the County's intent to reimburse itself for the original expenditures from proceeds of the obligations.

Section 3. *Itemization of Capital Expenditures.* The Finance Director of the County is hereby authorized, directed and designated to act on behalf of the County in determining and itemizing all of the original expenditures incurred and paid by the County in connection with the project during the period commencing on the date occurring 60 days prior to the date of adoption of this resolution and ending on the date of execution and delivery of the obligations.

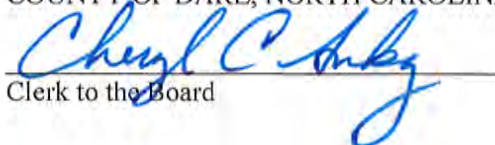
Section 4. *Effective Date.* This resolution shall become effective immediately upon the date of its adoption.

Adopted this 21st day of June, 2021.


Chairman, Board of County Commissioners

[SEAL]

COUNTY OF DARE, NORTH CAROLINA


Clerk to the Board



Resolution No. 21-06-14

**REIMBURSEMENT RESOLUTION – FISCAL YEAR 2021-2022 PUBLIC WORKS
EQUIPMENT FINANCING PROJECT**

WHEREAS, the County Manager and the Finance Officer have described to the Board of Commissioners the desirability of adopting a resolution, as provided under federal tax law, to facilitate the County's use of financing proceeds to restore County funds when the County makes capital expenditures prior to closing on a bond issue or other financing;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Dare, North Carolina as follows:

Section 1. *Official Declaration of Intent.* The County presently intends, and reasonably expects, to reimburse itself for the original expenditures incurred and paid by the County on or after the date occurring 60 days prior to the date of adoption of this resolution from a portion of the proceeds of the obligations. The County reasonably expects to execute and deliver the obligations to finance all or a portion of the costs of the project and the maximum principal amount of obligations expected to be executed and delivered by County to pay for all or a portion of the costs of the project is \$1,385,396.

Section 2. *Compliance with Regulations.* The County adopts this resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the County's intent to reimburse itself for the original expenditures from proceeds of the obligations.

Section 3. *Itemization of Capital Expenditures.* The Finance Director of the County is hereby authorized, directed and designated to act on behalf of the County in determining and itemizing all of the original expenditures incurred and paid by the County in connection with the project during the period commencing on the date occurring 60 days prior to the date of adoption of this resolution and ending on the date of execution and delivery of the obligations.

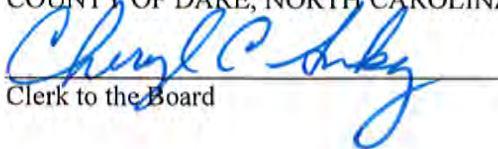
Section 4. *Effective Date.* This resolution shall become effective immediately upon the date of its adoption.

Adopted this 21st day of June, 2021.


Chairman, Board of County Commissioners

[SEAL]

COUNTY OF DARE, NORTH CAROLINA


Clerk to the Board





**Resolutions of the
Dare County Board of Commissioners
June 21, 2021**

The following Resolutions were duly adopted by the Dare County Board of Commissioners (the "Board"), the governing body of Dare County (the "County"), in a duly called regular meeting on June 21, 2021.

WHEREAS, the County currently owns certain assets, which assets are associated with and utilized in the operation of Dare Home Health & Dare Hospice (the "Agency");

WHEREAS, N.C. Gen. Stat. §131E-13 provides that if the County leases, sells, or conveys the Agency, or part thereof, the procedural requirements of N.C. Gen. Stat. §131E-13(d) shall apply;

WHEREAS, the Board has carefully studied the future needs of the Agency and has held public hearings and obtained public comment on the present and future needs of the Agency in accordance with the requirements of N.C. Gen. Stat. §131E-13(d);

WHEREAS, the Board has substantially complied with the requirements of N.C. Gen. Stat. §131E-13(d)(1) through (6) and has: (i) at a regular meeting more than sixty (60) days prior to the date hereof, adopted a resolution declaring the intent of the County to sell the Agency (the "Resolution of Intent"); (ii) at said meeting, requested proposals for the sale of the Agency by direct solicitation of at least five (5) prospective purchasers; (iii) conducted a public hearing on the Resolution of Intent; (iv) required information on charges, services, and indigent care at similar facilities owned and operated by each proponent; (v) conducted a public hearing on the proposals to purchase the Agency; and (vi) made copies of the proposals with respect to the Agency available to the public at least ten (10) days before the public hearing on said proposals;

WHEREAS, Res-Care, Inc. d/b/a BrightSpring Health Services ("BrightSpring"), an experienced home health and hospice provider, submitted a proposal on behalf of itself and its affiliates to purchase substantially all of the assets used in the operation of the Agency (the "Assets");

WHEREAS, the terms and conditions of the proposed sale of the Assets to Adoration Home Health Care Virginia, LLC, an affiliate of BrightSpring ("Purchaser") have been reduced to writing in the form of an Asset Purchase Agreement by and between the County and Purchaser (the "Asset Purchase Agreement"), a draft copy of which is attached hereto as Exhibit A;

WHEREAS, at least ten (10) days before this meeting, the County made copies of the Asset Purchase Agreement available to the public in accordance with the requirements of N.C. Gen. Stat. §131E-13(d)(8) and a legal notice of this regular meeting of the Board was published in accordance with the requirements of N.C. Gen. Stat. §131E-13(d)(7); and

WHEREAS, in accordance with the requirements of N.C. Gen. Stat. §131E-13(d)(7), after considering whether the sale of the Assets to the Purchaser, in accordance with the provisions of this Resolution, will meet the health-related needs of medically underserved groups, such as low income persons, racial and ethnic minorities, and handicapped persons, the Board finds that the sale of the Assets is in the public interest.


NOW, THEREFORE, be it resolved that in accordance with N.C. Gen. Stat. §131E-13(d), the Board hereby authorizes, on behalf of the County, the following actions:

1. The Chairman of the Board and the County Manager to execute, on behalf of the County, a final version of the Asset Purchase Agreement, and any other agreements, certificates, documents, and instruments to be executed by the County in connection with the Asset Purchase Agreement, all of which shall be finalized with the assistance and upon the advice of Counsel to the County;
2. The County Manager to enter into Retention Bonus Letter Agreements with all employees of the Agency who accept new employment with Purchaser as of the closing date of the transaction contemplated by the Asset Purchase Agreement, consistent with the form attached hereto as Exhibit B;
3. The County Finance Officer to establish a restricted fund for the purposes of setting aside funds to secure the indemnification obligations of the County pursuant to the terms of the Asset Purchase Agreement; and
4. The County Manager to take such other and further actions as may be necessary to conclude and implement the transaction described in this Resolution.

This the 21st day of June, 2021.



DARE COUNTY BOARD OF COMMISSIONERS


Robert L. Woodard, Sr., Chairman

ATTEST:

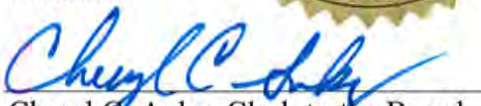

Cheryl C. Anby, Clerk to the Board

EXHIBIT A

ASSET PURCHASE AGREEMENT

Attached.

EXHIBIT B

RETENTION BONUS LETTER AGREEMENT TEMPLATE

June 30, 2021

[Employee's Name]
[Employee's Address]
[Employee's Address]

RE: Retention Bonus

Dear [Employee's Name],

In connection with the purchase of the assets utilized in connection with Dare Home Health & Dare Hospice ("Agency") from Dare County, and subject to criminal background checks, pre-employment screening, and drug screening conducted pursuant to its personnel policies, Adoration Home Health Care Virginia, LLC, an affiliate of BrightSpring Health Services (the "New Operator"), will offer employment to all qualified employees of the Agency, which employment will commence on or about August 1, 2021 (the "Commencement Date"). To ensure the smooth transition of the Agency to the New Operator, Dare County shall pay a retention bonus to all employees who remain employed by the County to work at the Agency until the closing of the transaction, and who accept new employment with the New Operator and remain employed for at least six (6) months. This retention bonus will be paid in two (2) equal installments, so long as you meet the eligibility criteria set forth below.

If you are employed by the County to work at the Agency on the date prior to the Commencement Date, you will paid fifty percent (50%) of the Retention Bonus Amount (as defined below), which shall be payable to you as part of your final payroll amount from Dare County.

If you are employed by the New Operator on the six (6) month anniversary of the Commencement Date, you will be paid the remaining fifty percent (50%) of the Retention Bonus Amount, which shall be payable to you as part of your payroll amount paid after the six (6) month anniversary of the Commencement Date (the "Second Installment Payment"); provided, however, to the extent your employment with the New Operator is terminated for any reason prior to the six (6) month anniversary of the Commencement Date, you will not be eligible for the Second Installment Payment.

| | |
|------------------------|--|
| Retention Bonus Amount | [Employee's Specific Retention Bonus Amount] |
|------------------------|--|

If you agree with the terms of the retention bonus set forth above, kindly execute and return a copy of this letter to me at outten@darenc.com no later than July 9, 2021.

On behalf of Dare County, I would like to thank you for your service to our community and wish you all of the best in the future.

Sincerely,

Robert Outten, County Manager

Accepted and Approved:

[Name of Employee]



21-06-12

**RESOLUTION
AUTHORIZING INCREASE IN MICRO-PURCHASE THRESHOLD**

WHEREAS, from time to time, Dare County (the “County”) purchases goods and services using federal funding subject to the procurement standards in 2 C.F.R. Part 200, Subpart D; and

WHEREAS, the County is a non-Federal entity under the definition set forth in 2 C.F.R. § 200.1; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(ii), a non-Federal entity may award micro-purchases without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents that the non-Federal entity files accordingly; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iii), a non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), a non-Federal entity may self-certify on an annual basis a micro-purchase threshold not to exceed \$50,000 and maintain documentation to be made available to a Federal awarding agency and auditors in accordance with 2 C.F.R. § 200.334; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), such self-certification must include (1) a justification for the threshold, (2) a clear identification of the threshold, and (3) supporting documentation, which, for public institutions, may be a “higher threshold consistent with State law”; and

WHEREAS, G.S. 143-129(a) and G.S. 143-131(a) require the County Board of Commissioners to conduct a competitive bidding process for the purchase of (1) “apparatus, supplies, materials, or equipment” where the cost of such purchase is equal to or greater than \$30,000, and (2) “construction or repair work” where the cost of such purchase is greater than or equal to \$30,000; and

WHEREAS, North Carolina law does not require a unit of local government to competitively bid for purchase of services other than services subject to the qualifications-based selection process set forth in Article 3D of Chapter 143 of the North Carolina General Statutes (the “Mini-Brooks Act”); and

WHEREAS, G.S. 143-64.32 permits units of local government to exercise, in writing, an exemption to the qualifications-based selection process for services subject to the Mini-Brooks Act for particular projects where the aggregate cost of such services do not exceed \$50,000; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), the County Board of Commissioners now desires to adopt higher micro-purchase thresholds than those identified in 48 C.F.R. § 2.101.

NOW THEREFORE, BE IT RESOLVED BY THE DARE COUNTY BOARD OF COMMISSIONERS

1. In accordance with 2 C.F.R. § 200.320(a)(1)(iv) and the applicable provisions of North Carolina law, the Dare County Board of Commissioners (the “Board”) hereby self-certifies the following micro-purchase thresholds, each of which is a “higher threshold consistent with State law” under 2 C.F.R. § 200.320(a)(1)(iv)(C) for the reasons set forth in the recitals to this resolution:

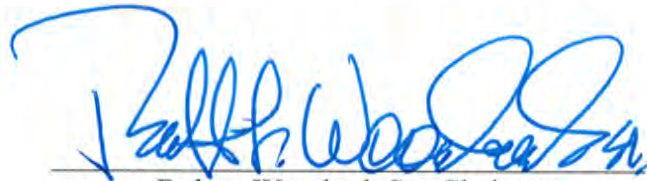
- A. \$30,000, for the purchase of “apparatus, supplies, materials, or equipment”; and
- B. \$30,000, for the purchase of “construction or repair work”; and
- C. \$50,000, for the purchase of services not subject to competitive bidding under North Carolina law; and
- D. \$50,000, for the purchase of services subject to the qualifications-based selection process in the Mini-Brooks Act; provided that such threshold shall apply to a contract only if the County has exercised an exemption to the Mini-Brooks Act, in writing, for a particular project pursuant to G.S. 143-64.32. If the exemption is not authorized, the micro-purchase threshold shall be \$10,000.

2. The self-certification made herein shall be effective as of July 1, 2021 and shall be applicable until June 30, 2022, but shall not be applicable to Federal financial assistance awards issued prior to November 12, 2020, including financial assistance awards issued prior to that date under the Coronavirus Aid, Relief, and Economic Support (CARES) Act of 2020 (Pub. L. 116-136).

3. In the event that the County receives funding from a federal grantor agency that adopts a threshold more restrictive than those contained herein, the County shall comply with the more restrictive threshold when expending such funds.

Adopted this 7th day of June, 2021.




Robert Woodard, Sr., Chairman

Attest:


Cheryl C. Anby, Clerk to the Board

21-06-11



**RESOLUTION
APPROVING PERMIT MODIFICATIONS FOR DARE COUNTY
C&D LANDFILL**

WHEREAS, the Dare County C&D Landfill is currently permitted under permit No. 2803-CDLF-1995 to receive and dispose of the following waste types generated from the boundaries of Dare County, North Carolina, consistent with the resolution passed on August 2, 2004;

- Construction or Demolition Debris” as defined in N.C.G.S. 130A-290(a)(4) means solid waste resulting solely from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures, but does not include inert debris, land-clearing debris or yard debris.
- “Inert Debris” as defined in N.C.G.S. 130A-290(a)(14) means solid waste which consists solely of material that is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal (i.e. concrete, brick, concrete block, uncontaminated soil, rock, and gravel).
- “Land-clearing debris” as defined in N.C.G.S. 130A-290(a)(15) means solid waste which is generated solely from land-clearing activities (i.e. stumps and tree trunks).
- “Asphalt” in accordance with N.C.G.S. 130-294(m).


WHEREAS, The population and area served by the Dare County C&D Landfill is requested to be amended to the following: To add Hyde, and Tyrrell counties and all incorporated municipalities located within the aforementioned counties. The currently permitted types of debris accepted at the Dare County C&D Landfill as listed above are to remain unchanged.

NOW THEREFORE, BE IT RESOLVED BY THE DARE COUNTY BOARD OF COMMISSIONERS to approve permit modifications for the Dare County C&D Landfill, under permit No. 2803-CDLF-1995, to include the population and area served as residents, visitors and commercial business/builder haulers of Dare, Hyde and Tyrrell counties and all incorporated municipalities located within the aforementioned counties with the current permitted types of debris

accepted, as listed above, and fees currently charged at the Dare County C&D Landfill to remain unchanged.

Adopted this 7th day of June, 2021.





Robert Woodard, Sr., Chairman

Attest: 

Cheryl C. Anby, Clerk to the Board



RESOLUTION
REQUESTING THAT THE U.S. ARMY CORPS OF ENGINEERS AMEND THE
EXISTING FEDERAL AUTHORIZATION TO ADD THE HATTERAS BAR TO THE
HATTERAS AND ROLLINSON FEDERAL AUTHORIZATION

WHEREAS, the waterway between Hatteras Island and Ocracoke Island, known as Hatteras Inlet and also known as Rollinson Channel, is a unique area in that it provides the only way for local watermen to get direct access to the Atlantic Ocean; and

WHEREAS, the Hatteras Inlet waterway not only provides a direct channel to the Atlantic Ocean for commercial and recreational fishing vessels, it is the means of access for the United States Coast Guard Station Hatteras and is the only direct route for the station to use when responding to lifesaving ocean rescue missions; and

WHEREAS, Hatteras Inlet is subject to constantly shifting shoals and sandbars posing a clear and present danger for safe navigation between Hatteras and Ocracoke Islands and through the channel to the Atlantic Ocean that is known as the Hatteras Inlet Gorge; and

WHEREAS, the dangerous shoaling at Hatteras Inlet not only threatens the lives and property of commercial and recreational vessels it also jeopardizes the economy of the region by causing irreparable harm to charter boat operators, commercial fishing operations, seafood processing houses, marine repair facilities, and other local businesses on both Hatteras and Ocracoke Islands that depend on the Hatteras Inlet waterway; and

WHEREAS, an increase in the number of storms has changed the dynamic inlet by exposing the what use to be the direct route due to the erosion of Hatteras Island and Ocracoke Island going from a .25-mile-wide inlet in 1993 to a 2.3-mile-wide inlet in 2020; and

WHEREAS, the current Federal Authorization used by the U.S. Army Corps of Engineers was established in the 1940's with boundaries that are no longer relevant given the changes to the inlet over time which has resulted in an authorization that is restricted to only a small portion of the Connecting Channel just off the south end of Hatteras Island and does NOT include the entire Ferry Route to Ocracoke Island or the Hatteras Inlet Gorge to and including the Atlantic Ocean Bar; and

WHEREAS, the Hatteras Inlet is the only Federal Authorization in North Carolina that does not have the Bar included as part of the inlet complex in the Federal Authorization but has marked and maintained aids to navigation by the United States Coast Guard; and

WHEREAS, the Dare County Board of Commissioners has been diligently seeking funding for proactive dredging to secure reliable and cost effective navigational access to enable

our working watermen to get to the Atlantic Ocean and for our visitors to safely travel between Hatteras and Ocracoke Islands, both of which are vital to public safety and to sustain the economy of the region; and

NOW, THEREFORE, BE IT RESOLVED that the Dare County Board of Commissioners supports the request through the Water Resources Reform and Development Act of 2014 Section 7001 to add the Hatteras Inlet Bar as a part of the Rollinson and Hatteras Federal Authorization.

Adopted this the 17th day of May, 2021



A handwritten signature in blue ink, appearing to read "Robert Woodard, Sr.", written over a horizontal line.

Robert Woodard, Sr., Chairman

Attest:

A handwritten signature in blue ink, appearing to read "Cheryl C. Anby", written over a horizontal line.

Cheryl C. Anby, Clerk to the Board



Resolution

2021-2022 Hatteras Inlet Maintenance Contract and Permit Modification

WHEREAS, Dare County desires to sponsor, 2021-2022 Hatteras Inlet Maintenance Contract and Permit Modification, to provide construction administrative services associated with maintaining Hatteras Inlet Navigation Channels.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) Dare County requests the State of North Carolina to provide financial assistance to Dare County for 2021-2022 Hatteras Inlet Maintenance and Permit Modification in the amount of \$27,450.00
- 2) Dare County assumes full obligation for payment of the balance of project costs;
- 3) Dare County will obtain all necessary State and Federal permits;
- 4) Dare County will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
- 5) Dare County will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 6) Dare County will obtain appropriate easements, rights-of-way or suitable dredge material disposal areas that may be necessary for the construction and operation of the project without cost or obligation to the State.
- 7) Dare County will ensure that the project is open for use by the public on an equal basis with limited restrictions (if on public property);
- 8) Dare County will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) Dare County accepts responsibility for the operation and maintenance of the completed project.

Adopted this the 17th day of May, 2021.




Robert Woodard, Sr., Chairman

Attest:


Cheryl C. Anby, Clerk to the Board

21-05-08



**RESOLUTION
APPOINTING REVIEW OFFICER**

WHEREAS, S.L. 1997-309 (S875) makes a number of significant changes in the procedures for recording maps and plats; and

WHEREAS, the main purpose of the law is to transfer the responsibility for reviewing plats to determine whether they meet recording requirements from the Register of Deeds to a Review Officer; and

WHEREAS, GS47-30.2 requires the Board of County Commissioners in each County, by resolution, to appoint a person to serve as Review Officer to review each plat before it is recorded and certify that it meets the statutory requirements for recording; and

WHEREAS, GS47-30.2 allows for local municipalities to request their respective County governments to be allowed to appoint local Review Officers to review local plats for compliance to GS47-30.2; and

WHEREAS, it is the desire of Dare County and Town of Manteo Board of Commissioners to ensure an expeditious review of all maps and plats as required by GS47-30.2 before they are presented to the Register of Deeds for recording.

NOW THEREFORE BE IT RESOLVED, that the Dare County Board of Commissioners in support of the request from the Town of Manteo to appoint **MELISSA DICKERSON**, Town Planner, of the Manteo Planning Department to perform all responsibilities as required for Review Officer for the Town of Manteo under the appropriate North Carolina General Statutes, and shall from this date forward, be the only Town of Manteo official authorized to certify maps and plats pursuant to GS47-30.2.

BE IT FURTHER RESOLVED that a copy of this Resolution designating the local Review Officer be recorded in the Dare County Register of Deeds Office and indexed in the name of the Review Officer.

This the 3rd day of May, 2021



Dare County Board of Commissioners

Robert Woodard, Sr., Chairman

Attest:

Cheryl Adby, Clerk to the Board

North Carolina Department of Transportation
Division of Highways
Request for Addition to State Maintained Secondary Road System

North Carolina

County: Dare

Road Description: Wind Over Waves, Phase 1 (N. Sand Dollar Court, Turtle Court and Otter Way)
and Wind Over Waves, Phase 2, N. Sand Dollar Court and Otter Way, Salvo, NC
totalling less than .1 miles in length (4668 feet)

WHEREAS, the attached petition has been filed with the Board of County Commissioners of the County of Dare requesting that the above described road, the location of which has been indicated in red on the attached map, be added to the Secondary Road System, and

WHEREAS, the Board of County Commissioners is of the opinion that the above described road should be added to the Secondary Road System, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the System.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of the County of Dare that the Division of Highways is hereby requested to review the above described road, and to take over the road for maintenance if it meets established standards and criteria.

CERTIFICATE

The foregoing resolution was duly adopted by the Board of Commissioners of the County of Dare at a meeting on the 7th day of April, 2021.

WITNESS my hand and official seal this the 7th day of April, 2021.



Cheryl C. Kirby
Clerk, Board of Commissioners
County: Dare

PLEASE NOTE:

Forward direct with request to the Division Engineer, Division of Highways

21-04-06



Celebrating Gratitude | May 9-15, 2021

**A RESOLUTION THANKING CITIZENS, BUSINESSES
AND COUNTY EMPLOYEES FOR THEIR HELP
DURING THE PANDEMIC AND DECLARING
“THANKS, OUTER BANKS!” – A WEEK OF GRATITUDE**

Whereas, the Outer Banks has a 434-year history of resilience and strength coupled with a powerful sense of community; and

Whereas, the world has suffered a horrible pandemic with over 500,000 people dying from COVID-19 in the United States alone; and

Whereas, Dare County has not been spared the ravages of the pandemic to our personal health, to our personal lives, our lifestyles, and to our economy; and

Whereas, vaccines are now being provided that give us hope for our future health and well-being; and

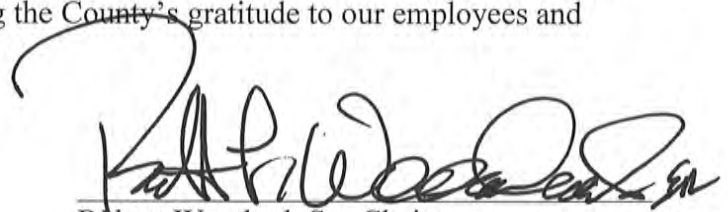
Whereas, the Outer Banks has pulled through together – from families to first responders to front line workers to medical facilities – with Courage, Compassion and Strength to get past the worst of the pandemic.

Now, Therefore, be it Resolved, that the Dare County Board of Commissioners does hereby declare May 9 – 15, 2021 as “Thanks, Outer Banks!” – A Week of Gratitude and urges all citizens and businesses to participate to show their gratitude; and

Be It Further Resolved that County officials and employees are encouraged to support the efforts of “Thanks, Outer Banks!” showing the County’s gratitude to our employees and citizens.

Approved this 7th of April, 2021




Robert Woodard, Sr., Chairman

ATTEST:

Cheryl C. Anby, Clerk to the Board

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT IN THE AMOUNT OF \$2,199,721 WITH BANC OF AMERICA PUBLIC CAPITAL CORP TO FINANCE THE ACQUISITION OF CERTAIN EQUIPMENT FOR USE BY THE COUNTY OF DARE, NORTH CAROLINA, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

BE IT RESOLVED by the governing body for the County of Dare, North Carolina (the "County"):

Section 1. The governing body of the County does hereby find and determine:

(a) The County proposes the acquisition of certain equipment, which may include fixtures as more fully described in the hereinafter mentioned Contract (collectively, the "Equipment");

(b) After consideration, the governing body of the County has determined that the most advantageous manner of financing thereof is by an installment contract pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended;

(c) Pursuant to Section 160A-20, the County is authorized to finance the acquisition of personal property, including fixtures, by installment contracts that create a security interest in the property financed to secure repayment of the financing; and

(d) Banc of America Public Capital Corp ("BAPCC") has proposed to enter into an Installment Financing Contract with the County to finance the Equipment pursuant to which BAPCC will lend the County the amount of \$2,199,721 (the "Contract").

Section 2. The governing body of the County hereby authorizes and directs the County Manager and Finance Director to execute, acknowledge and deliver the Contract on behalf of the County in such form and substance as the person executing and delivering such instruments on behalf of the County shall find acceptable. The Clerk is hereby authorized to affix the official seal of the County to the Contract and attest the same.

Section 3. The proper officers of the County are authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this Resolution and the Contract.

Section 4. Notwithstanding any provision of the Contract, no deficiency judgment may be rendered against the County in any action for breach of a contractual obligation under the Contract and the taxing power of the County is not and may not be pledged directly or indirectly

to secure any moneys due under the Contract, the security provided under the Contract being the sole security for BAPCC in such instance.

Section 5. 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, as amended (the "Code") as required so that interest on the County's obligations under the Contract will not be included in the gross income of BAPCC.

Section 6. This Resolution shall take effect immediately upon its passage.

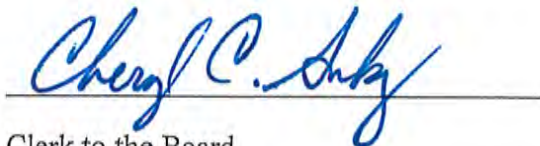
PASSED AND ADOPTED this 15th day of March, 2021.



Chairman, Board of County Commissioners

[SEAL]

COUNTY OF DARE, NORTH CAROLINA



Clerk to the Board





**A RESOLUTION
REQUESTING THAT THE U.S. ARMY CORPS OF ENGINEERS AMEND THE
EXISTING FEDERAL AUTHORIZATION TO MEET THE ORIGINAL INTENT OF
THE AUTHORIZATION OF SAFE NAVIGATION FROM HATTERAS TO THE
HATTERAS INLET**

WHEREAS, the waterway between Hatteras Island and Ocracoke Island, known as Hatteras Inlet and also known as Rollinson Channel, is a unique area in that it provides the only way for local watermen to get direct access to the Atlantic Ocean and for NCDOT to transport millions of people each year between Hatteras and Ocracoke Islands who, because there is no bridge, must travel between the two islands on ferry vessels; and

WHEREAS, the Hatteras Inlet waterway not only provides a direct channel to the Atlantic Ocean for commercial and recreational fishing vessels, it is the means of access for the United States Coast Guard to use when responding to potentially lifesaving ocean rescue missions; and

WHEREAS, Hatteras Inlet is subject to constantly shifting shoals and sandbars posing a clear and present danger for safe navigation between Hatteras and Ocracoke Islands and through the channel to the Atlantic Ocean that is known as the Hatteras Inlet Gorge; and

WHEREAS, the dangerous shoaling at Hatteras Inlet not only threatens the lives and property of commercial and recreational vessels it also jeopardizes the economy of the region by causing irreparable harm to charter boat operators, commercial fishing operations, seafood processing houses, marine repair facilities, and other local businesses on both Hatteras and Ocracoke Islands that depend on the Hatteras Inlet waterway; and

WHEREAS, because the most direct navigational route between Hatteras and Ocracoke Islands, known as the Connecting Route and also known as the Old Ferry Route, cannot be used due to shoaling, local vessels and NCDOT ferries are forced to take the only alternative route from Hatteras to the Hatteras Inlet Gorge; and

WHEREAS, the original intent of the 1940's federal authorization was to provide a route from Hatteras to the Hatteras Inlet Gorge to provide access to the Atlantic for all mariners with the understanding that that the route was sustainable because it was protected by Hatteras and Ocracoke Island; and

WHEREAS, an increase in the number of storms has changed the dynamic inlet by exposing the what used to be the direct route due to the erosion of Hatteras Island and Ocracoke Island going from a .25-mile-wide inlet in 1993 to a 2.3-mile-wide inlet in 2020; and

NOW, THEREFORE, BE IT RESOLVED that the Dare County Board of Commissioners supports the US Army Corps of Engineers submission to realign the Hatteras Channel to include Barney Slough, Sloop Channel and South Ferry Channel to provide a direct route to the Hatteras Gorge.

This the 16th day of February, 2021



A large, stylized handwritten signature in blue ink, which appears to read "Robert Woodard, Sr.", is written over a horizontal line.

Robert Woodard, Sr., Chairman

Attest:

A handwritten signature in blue ink, which appears to read "Cheryl C. Anby", is written over a horizontal line.

Cheryl C. Anby, Clerk to the Board

Resolution No. 21-02-03

REIMBURSEMENT RESOLUTION – FISCAL YEAR 2020-2021 VEHICLE AND EQUIPMENT FINANCING PROJECT #2

WHEREAS, the County Manager and the Finance Officer have described to the Board of Commissioners the desirability of adopting a resolution, as provided under federal tax law, to facilitate the County’s use of financing proceeds to restore County funds when the County makes capital expenditures prior to closing on a bond issue or other financing;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Dare, North Carolina as follows:

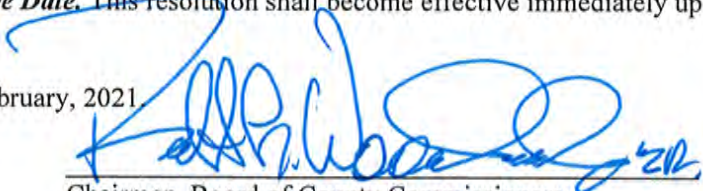
Section 1. *Official Declaration of Intent.* The County presently intends, and reasonably expects, to reimburse itself for the original expenditures incurred and paid by the County on or after the date occurring 60 days prior to the date of adoption of this resolution from a portion of the proceeds of the obligations. The County reasonably expects to execute and deliver the obligations to finance all or a portion of the costs of the project and the maximum principal amount of obligations expected to be executed and delivered by County to pay for all or a portion of the costs of the project is \$1,671,162.

Section 2. *Compliance with Regulations.* The County adopts this resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the County’s intent to reimburse itself for the original expenditures from proceeds of the obligations.

Section 3. *Itemization of Capital Expenditures.* The Finance Director of the County is hereby authorized, directed and designated to act on behalf of the County in determining and itemizing all of the original expenditures incurred and paid by the County in connection with the project during the period commencing on the date occurring 60 days prior to the date of adoption of this resolution and ending on the date of execution and delivery of the obligations.

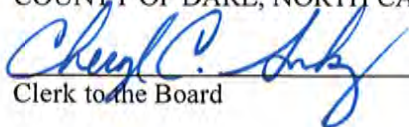
Section 4. *Effective Date.* This resolution shall become effective immediately upon the date of its adoption.

Adopted this 1st day of February, 2021


Chairman, Board of County Commissioners

[SEAL]

COUNTY OF DARE, NORTH CAROLINA


Clerk to the Board



21-02-02



**Resolution
Supporting Home Health and Hospice
Request for Proposal**

WHEREAS, Dare County currently owns certain assets, which assets are associated with and utilized in the operation of a Medicare-certified home health and hospice agency, Dare Home Health & Dare Hospice (the "Agency"); and

WHEREAS, the Board has performed a review of the current home health and hospice operational environment in its region, as well as the Agency's fiscal and operational position, and has examined and considered the prospects for continuing to operate these services as an independent provider in such environment; and

WHEREAS, the Board has examined the potential benefits of conveying the Agency to another operator, and believes it is in the best interest of the County and the community to further investigate the opportunities for a sale of the Agency at this time; and

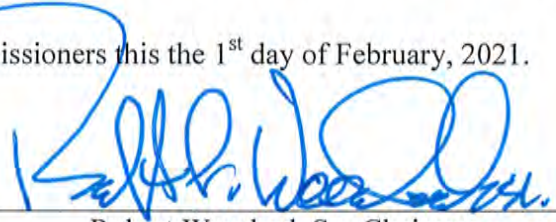
WHEREAS, N.C. Gen. Stat. §131 E-13(d) sets forth the procedural requirements by which the County must sell or otherwise convey the Agency to a third party; such procedural requirements were promulgated to ensure that all interested parties, including, without limitation, the members of the general public have the opportunity to comment about a potential sale or conveyance; and pursuant to N.C. Gen. Stat. §131E-13(d)(1), the Board desires to declare its intent to sell the Agency.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby declares its intent to sell the Agency, contingent upon the County's receipt of an acceptable proposal for such sale, which complies with the requirements of North Carolina law and is satisfactory to the Board.

BE IT FURTHER RESOLVED, that the Board hereby authorizes health care advisors to prepare and issue a Request for Proposal ("RFP") for the sale of the Agency, which shall include a copy of N.C. Gen. Stat. §131E-13(d), and if needed, to negotiate and effectuate the sale of the Agency.

Adopted by the Dare County Board of Commissioners this the 1st day of February, 2021.




Robert Woodard, Sr., Chairman

Attest: 
Cheryl C. Anby, Clerk to the Board



**Resolution
Supporting The Buxton Maintenance/Storm
Damage Repair Project**

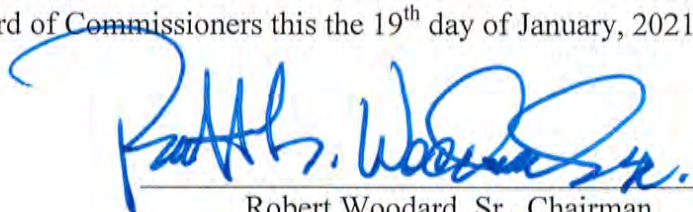
WHEREAS, Dare County desires to sponsor The Buxton Maintenance/Storm Damage Repair Project, to provide Coastal Storm Damage Mitigation to the Village of Buxton.

THEREFORE, BE IT RESOLVED THAT:

- 1) Dare County requests the State of North Carolina to provide financial assistance to Dare County for The Buxton Maintenance/Storm Damage Repair in the amount of \$ 1,557,606.74.
- 2) Dare County assumes full obligation for payment of the balance of project costs;
- 3) Dare County will obtain all necessary State and Federal permits;
- 4) Dare County will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
- 5) Dare County will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 6) Dare County will obtain appropriate easements, rights-of-way or suitable dredge material disposal areas that may be necessary for the construction and operation of the project without cost or obligation to the State.
- 7) Dare County will ensure that the project is open for use by the public on an equal basis with limited restrictions (if on public property);
- 8) Dare County will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) Dare County accepts responsibility for the operation and maintenance of the completed project.

Adopted by the Dare County Board of Commissioners this the 19th day of January, 2021.




Robert Woodard, Sr., Chairman

Attest: 
Cheryl C. Anby, Clerk to the Board