

## METROPOLITAN SEWERAGE DISTRICT BOARD

June 4, 1985

The District Board of the Metropolitan Sewerage District of Buncombe County, North Carolina, met in special session in the Boardroom in the Administration Building, N.C. Highway 251 North, Woodfin, North Carolina, the regular place of meeting, at 10 a.m., June 4, 1985.

Present: Chairman Robinson, presiding, and members Batts, Boggs, Clark, Dent, Dyson, Ivey, and Pope.

Absent: Member Smith and Vice-Chairman Williams.

\* \* \* \* \*

Chairman Robinson introduced the following order which was read by its title and explained:

AN ORDER AMENDING THE BOND ORDER  
ADOPTED ON MAY 23, 1985

WHEREAS, the District Board of the Metropolitan Sewerage District of Buncombe County on May 23, 1985, adopted a bond order authorizing the issuance of \$14,420,000 Sewerage System Revenue Bonds, Series 1985A of said District (the "Order"); and

WHEREAS, said District Board has determined that it is advisable to amend two provisions of the Order;

NOW, THEREFORE,

BE IT ORDERED by the District Board of the Metropolitan Sewerage District of Buncombe County:

Section 1. The definition of "Investment Obligations" in Section 101 of the Order is hereby amended by deleting the word "and" immediately prior to "(v)" therein and by adding at the end of such definition the words "and (vi) participating shares in a mutual fund for local government investment provided that the investments of such fund are limited to those qualifying for investment by the State under Section 147-69.1 of the General Statutes of North Carolina and that such fund is certified by the Local Government Commission."

Section 2. Section 517 of the Order is hereby amended to read as follows:

Section 517. Moneys Held in Trust. All moneys which the Trustee shall have withdrawn from the Bond Service Fund or shall have received from any other source and set aside or transferred for the purpose of paying any of the Bonds or other Parity Indebtedness hereby secured, either at the maturity thereof or upon call for redemption, shall be held in trust for the respective Owners of such Bonds or Holders of such Indebtedness in special accounts as herein provided and such moneys shall not be subject to lien or attachment by any creditor of the District. But any moneys which shall be so set aside or transferred by the Trustee and which shall remain unclaimed by the Owners of such Bonds or Holders of such Indebtedness for the period of five (5) years after the date on which such Bonds or Indebtedness shall have become due and payable shall be treated as abandoned property pursuant to the provisions of Section 116B-18 of the General Statutes of North Carolina and the Trustee or other holder of such property shall report and remit such property to the Escheat Fund described in Article 3 of Chapter 116B of the General Statutes of North Carolina according to the requirements of said Article 3, and thereafter the Owners of such Bonds or Holders of such Indebtedness shall look only to said Escheat Fund for payment and then only to the extent of the amounts so received, without any interest thereon, and the Trustee or such other holder shall have no responsibility with respect to such moneys."

Section 3. This order shall take effect immediately upon its adoption.

Upon motion of member Ivey, seconded by member Dyson, the foregoing order entitled:

AN ORDER AMENDING THE BOND ORDER  
ADOPTED ON MAY 23, 1985

was adopted by the following vote:

Ayes: 8  
Noes: 0

Thereupon, Chairman Robinson introduced the following resolution which was read by its title and explained:

RESOLUTION AMENDING THE SERIES RESOLUTION  
PROVIDING FOR THE ISSUANCE AND SALE OF  
\$14,420,000 SEWERAGE SYSTEM REVENUE BONDS,  
SERIES 1985A PASSED ON MAY 23, 1985.

The District Board of the Metropolitan Sewerage District of Buncombe County DOES HEREBY DETERMINE AND RESOLVE, as follows:

Section 1. The District Board of said District passed on May 23, 1985, a series resolution providing for the issuance and sale of \$14,420,000 Sewerage System Revenue Bonds, Series 1985A of said District pursuant to the provisions of the bond order authorizing the issuance of said bonds adopted by said District Board on May 23, 1985 (the "Series Resolution").

Section 2. The amount of \$1,371,750 in Section 8(c) of the Series Resolution is hereby amended to be \$1,408,312.50.

Section 3. The amount of \$452,000 in Section 9(d) of the Series Resolution is hereby amended to be \$243,334.

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

Upon motion by member Dent, seconded by member Boggs, the foregoing resolution entitled:

RESOLUTION AMENDING THE SERIES RESOLUTION  
PROVIDING FOR THE ISSUANCE AND SALE OF  
\$14,420,000 SEWERAGE SYSTEM REVENUE BONDS,  
SERIES 1985A PASSED ON MAY 23, 1985.

was passed by the following vote:

Ayes: 8  
Noes: 0

The Chairman explained that Vice-Chairman Williams is ill and may not be able to attend the closing in New York on June 12 and 13 and that he, Chairman Robinson, because of business commitments, may not be able to attend the closing and recommended that the Engineer-Manager be authorized to sign the appropriate documents on behalf of the District.

Thereupon, the following resolution was introduced:

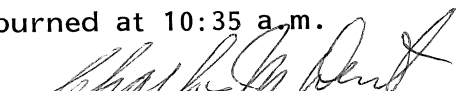
PURSUANT TO ARTICLE 4, SECTION 1, OF THE BYLAWS OF THE  
DISTRICT, THE ENGINEER-MANAGER IS HEREBY AUTHORIZED TO  
SIGN ORDERS FOR DISBURSEMENT OF FUNDS IN LIEU OF THE  
CHAIRMAN OR THE VICE-CHAIRMAN AT THE CLOSING OF THE  
BONDS TO BE HELD IN NEW YORK ON JUNE 12 AND 13, 1985.

Upon motion by member Pope, seconded by member Dent, the foregoing resolution entitled:

PURSUANT TO ARTICLE 4, SECTION 1, OF THE BYLAWS OF THE  
DISTRICT, THE ENGINEER-MANAGER IS HEREBY AUTHORIZED TO  
SIGN ORDERS FOR DISBURSEMENT OF FUNDS IN LIEU OF THE  
CHAIRMAN OR THE VICE-CHAIRMAN AT THE CLOSING OF THE  
BONDS TO BE HELD IN NEW YORK ON JUNE 12 AND 13, 1985.

was passed by the following vote: Ayes, 8; Noes, 0.

There being no further business, the meeting was adjourned at 10:35 a.m.

  
Secretary

## METROPOLITAN SEWERAGE DISTRICT BOARD

June 18, 1985

The regular monthly meeting of the Metropolitan Sewerage District Board was held in the Boardroom of MSD's Administration Building, 2 p.m., Tuesday, June 18, 1985.

Chairman Robinson and the following Board members were present: Messrs. Batts, Boggs, Clark, Dent, Dyson, and Williams. Also present were Attorney Walter Currie and Consulting Engineer Don Berryhill.

Mr. Dent moved that the minutes of the May 21/23 and June 4 meetings stand approved as written, subject to the Board's review. Mr. Dyson seconded the motion, and voice vote was unanimous in favor of the motion.

Mr. W. H. Mull, Engineer-Manager, reported on the following:

- a. Bond Closing in New York, June 12-13, 1985: Mr. Mull presented to the Board a chronology of financing events for the Bond Issue and a diagram which set forth the various funds into which the bond proceeds were deposited and the flow of funds therefrom. These were received as information by the Board.
- b. Bids received on automobile for MSD Administration: After the bids were reviewed, Mr. Dent moved that the Board accept the low bid of \$7,940.70 for a 1985 Dodge Omni from Pelle Dodge-Subaru. Mr. Clark seconded the motion, and roll call vote was unanimous in favor of the motion. The other two bids received were from Pelle Dodge-Subaru for a Dodge Aries (\$8,638.38) and from Apple Tree Chevrolet-Honda for a Chevrolet Cavalier (\$8,687.23).
- c. Resolution re establishing two new accounts (Maintenance Reserve Fund and General Fund) with NCNB and
- d. Resolution re telephone authorization for wire transfers of moneys in Maintenance Reserve Fund and General Fund accounts to any other MSD fund: Mr. Mull told the Board that he had written letters to Wachovia, First-Citizens, NCNB, First Union, and North-western financial institutions seeking proposals for establishing these new accounts. Wachovia, First-Citizens, and NCNB sent representatives to present their proposals to Mr. Mull, while the other two mailed theirs. After evaluation of the proposals, Mr. Mull chose NCNB over the other firms, in accordance with Board instructions. After reviewing a spreadsheet prepared by Mr. Mull setting forth comparison of the banks' proposals, Mr. Dyson moved that the Board adopt the resolutions establishing the two new accounts and authorizing wire transfers of moneys in the two accounts to any other MSD fund. Mr. Boggs seconded the motion, and roll call vote was unanimous in favor of the motion.
- e. Request from Dave Cheadle to lease sign space: After discussion, Mr. Dent moved that Mr. Mull negotiate an amount with Mr. Cheadle for leasing the space and have the District's attorney draw up the necessary legal documents after Mr. Cheadle complies with State and local sign ordinance requirements, leasing the space for a period of two years with option to renew. Mr. Clark seconded the motion, and roll call vote was unanimous in favor of the motion.
- f. Auditors' proposal for '84-85 audit: Mr. Williams moved that the Board enter into the agreement with McGladrey Hendrickson & Pullen to audit the MSD accounts for the year ending June 10, 1985, for a sum of \$4,000 (the amount budgeted). Mr. Clark seconded the motion, and roll call vote was unanimous in favor of the motion.

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Mr. Mull reported to the Board that Mrs. A. J. Rivers had contacted him and had requested that the MSD make her an offer for a strip of land consisting of .38 acre alongside the road that goes to the Weaverville Treatment Plant, this being the only land still owned by Mrs. Rivers in that area. Mr. and Mrs. Rivers sold the District 10 acres of land about twenty years ago for the site of the Weaverville Treatment Plant. Mr. Mull told the Board that the only benefit it would be to the District to own the strip of land would be to control access to the right-of-way, the strip of land itself not being large enough for any other usage. It was the consensus of the Board to do nothing about Mrs. Rivers' request at this time.

Mr. Mull told the Board that he had attended the last in the series of Alternatives for Asheville meeting June 17.

The next regular monthly meeting of the MSD Board is scheduled for July 16.

There being no further business, the meeting was adjourned at 3:10 p.m.

  
Secretary

METROPOLITAN SEWERAGE DISTRICT BOARD

RESOLUTION

WHEREAS, the State of North Carolina, by act of the 1984 General Assembly, has adopted the Supplemental Retirement Income Plan of North Carolina pursuant to which the State of North Carolina, its departments, agencies, and instrumentalities are authorized to provide a Supplemental Retirement Income Plan to conform with Section 401(k) of the Internal Revenue Code of 1954 as amended; and

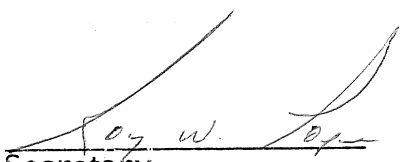
WHEREAS, the District Board has reviewed the benefits of participation in the abovementioned Plan and is of the opinion that it would be worthwhile for the employees of the Metropolitan Sewerage, if they so elect, to participate in such Plan.

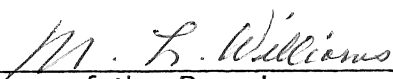
NOW, THEREFORE, BE IT RESOLVED that the Metropolitan Sewerage District hereby elects to participate in the Supplemental Retirement Income Plan of North Carolina, and the proper representatives of the Metropolitan Sewerage District are authorized to execute an Employer/Administrator Agreement with Branch Banking & Trust Company (BB&T) of Wilson, North Carolina, and to execute such other documents as may be necessary to implement the Plan.

RESOLVED FURTHER that the Metropolitan Sewerage District agrees to comply with the operating procedures as set forth by the Administrator of the abovementioned Plan, including giving proper notification to the Administrator of the enrollment of the Metropolitan Sewerage District as a participant in the Plan.

FURTHER RESOLVED that the Secretary shall certify a copy of this Resolution and forward such certified copy to Branch Banking & Trust Company in Wilson, North Carolina.

READ, APPROVED, AND ADOPTED: This 20th day of August, 1985.

  
Secretary

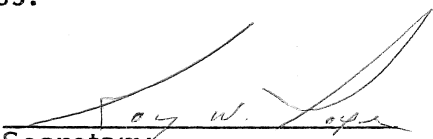
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Chairman of the Board  
Metropolitan Sewerage District of  
Buncombe County, North Carolina

METROPOLITAN SEWERAGE DISTRICT

CERTIFICATION

This is to certify that, at a regular meeting of the Metropolitan Sewerage District Board held on the 30th day of August, 1985, the attached Resolution, which is a true and accurate copy, was duly introduced and legally passed in accordance with the law and regulations relating to the operation of the Metropolitan Sewerage District.

This the 30th day of August, 1985.

  
Secretary