

Belknap County Commissioners Meeting
April 1, 2008
Commissioners Conference Room

Commissioner Daigneault called the Belknap County Commissioners meeting to order at 6:30 PM on the above date at 34 County Drive, Laconia, NH.

Members present: Commissioner Philip Daigneault, Chairman; Commissioner Christopher Boothby, Vice Chairman. Commissioner Richard Long, Clerk was on a scheduled vacation.

Attendees: Michael Muzzey, David Barnes, Stephen Nedeau, Alida Millham and Marie Mora.

Minutes of the Meeting

Commissioner Daigneault and Commissioner Boothby

Resolution and order of County Commissioners Regarding borrowing under RSA 29:8

David Barnes from Divine Millimet & Branch in Manchester who has acted as the bond council for Belknap County for a number of years, has come to the Commissioners meeting to discuss borrowing including many borrowings under RSA 29:8. Over the last few weeks, some residents had raised questions about the process in which the county borrows money through Tax Anticipation Notes (referred to as Tan's moving forward). David analyzed the situation and checked the statutes on what the county had done and came up with the review that what the county had done is appropriate under the statutes. David laid out the process in a resolution that he prepared for the Commissioners the Executive Committee of the County Convention and then for the County Convention (3 total). The first resolution that needs to take place is the Commissioners. There is also a cash flow statement that goes with this resolution for projected cash flow from 01/01/08 to 12/31/08. This is subject to approval of the County Convention Executive Committee.

Michael Muzzey asked David the following question: In looking at the actual borrowing request for the TAN of \$7,850,000. It is Mike's understanding that that amount was based upon a calculation of cash flow over the next 6 months. Mike is assuming by looking at the cash flow statement, that the borrow amount was arrived at by interpolating somewhere between September and October deficit balances to come up with that dollar amount. David said that was pretty much correct and explained the deficit that you look at, percentages you use based on data, and estimated cash flow to come up with the figure. There was discussion.

Commissioner Boothby then made the motion as follows based on resolutions and order of the County Commissioners regarding borrowing under RSA29: 8.

WHEREAS, by past actions, including those taken at its meetings on December 10, 2007, February 19, 2008 and March 4, 2008 (the “Past Proceedings”), the Belknap County Convention (the “Convention”) authorized the County to borrow pursuant to RSA 29:8 in the amounts of \$14,271,909, \$14,940,632 and \$14,590,632, respectively; and

WHEREAS, by past actions the County Commissioners (the “Commissioners”) have taken action regarding the County’s borrowing under RSA 29:8, the most recent action being taken at its March 4, 2008 meeting with respect to a borrowing by the County of up to the amount of \$14,590,632 (the “March Authorization”):

WHEREAS, certain residents of the County have alleged that the Past Proceedings as well as the actions by the Commissioners were defective for a number reasons, including (i) the fact that borrowings under RSA 29:8 should have been authorized by the Convention’s Executive Committee (the “Executive Committee”); and (ii) that effect of the Past Proceedings was to authorize the County to borrow an amount consisting of the aggregate of the amounts referenced in each of the three separate authorizations (collectively the “Objections”); and have indicated that they may pursue litigation to prevent the County from exercising such borrowing authority pursuant to the Past Proceedings; and

WHEREAS, while the Commissioners do not believe that the Objections have merit, they wish to take such action so that the County may proceed to borrow funds pursuant to RSA 29:8 to meet its obligation; and

WHEREAS, to that end the Convention, by action of even date, has rescinded its prior authorizations of borrowing under RSA 29:8 as contained in the Past Proceedings, with the understanding that the Executive Committee would be acting to authorize such borrowings;

NOW, THEREFORE, in consideration of the foregoing, it is hereby:

RESOLVED: that based upon their review of the Cash Flow Statement in the form of Exhibit A, attached hereto, the Commissioners hereby find that the money in the treasury of the County is insufficient to meet the demands upon the same;

RESOLVED: that the County Treasurer (the “Treasurer”) is hereby ordered to borrow up to the sum of \$14,271,909 pursuant to the provisions of RSA 29:8, such amount being deemed necessary to meet the demands upon the treasury of the County; provided, however, that this order is subject to the approval of the County’s Executive Committee to be given at a meeting at which the Treasurer appears in person to testify in support of such borrowing;

RESOLVED: that the County's note be given therefore in accordance with the provisions of RSA 29:8;

RESOLVED: that all past actions of the Commissioners inconsistent with these Resolutions and Order, including the actions taken at the meeting of March 4, 2008, are hereby rescinded.

Commissioner Daigneault seconded. Unanimous. **Motion carries.** Let the record note that Commissioners Philip Daigneault and Christopher Boothby have voted in the affirmative and the resolution has passed.

Commissioner Boothby made the motion to adjourn. Commissioner Daigneault seconded. Unanimous. Motion carries. The meeting was adjourned at 6:45 PM.

Angela A. Bovill, Administrative Assistant

Attest: _____
Philip P. Daigneault, Chair

Christopher D. Boothby, Vice Chair

Richard W. Long, Clerk