

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING ST
SEPTEMBER 24, 2012 7:00 P.M.**

MINUTES

**PRESENT: Al Edwards, Mayor Pro Tem
George Crowley, Councilman
David Hammond, Councilman
Matt Barton, Councilman**

Absent: James F. Palmer, Mayor

**ALSO: Eddie Peterson, City Administrator
Larry Vickery, Utilities General Manager
Paul Worley, City Clerk
Jeff DeFoor, Director of Electric Utilities
Jerry Crawford, Water and Sewer Director
George Govignon, City Attorney
Garry Moss, Chief of Police
Terry Mills, Assistant Fire Chief
Michelle Taylor, Calhoun Schools Superintendent
Don Hood, Calhoun Schools Finance Director**

1. Mayor Pro Tem Edwards called the meeting to order and welcomed everyone in attendance.
 - A. Councilman Hammond gave the invocation.
2. Mayor Pro Tem Edwards led the group in the Pledge of Allegiance to the United States Flag.
3. Councilman Hammond made a motion to approve the agenda and Councilman Barton seconded the motion. All voted aye, motion approved.
4. Councilman Crowley made a motion to approve the minutes of the September 10, 2012 City Council Meeting. Councilman Barton gave a second with all voting aye, motion approved.
5. **Mayor's Comments:**
 - A. Mayor Pro Tem Edwards reminded the public of an annexation and zoning request of R-1B for 0.45 acres at a location of 123 Thomas Street for Patsy Hall. The ZAB will meet on October 4th and the Public Hearing will be on October 8th.
 - B. Mayor Pro Tem Edwards reminded the public of the United Way Unity Run on September 25th. There will be a 1-K kids run at 5:00 pm at Gordon Central High School and a 5-k run/walk at 6:30pm starting at Gordon Central and finishing in downtown Calhoun.

6. Public Hearings and Comments:

- A. Mayor Pro Tem Edwards opened the public hearing for a beer pouring license request by Estuardo Cabrera DBA: Los Panchos at a location of 235 West Line Street.
- Mr. Peterson stated that all advertising and legal requirements have been met.
 - Mayor Pro Tem Edwards asked for comments and there were none.
 - Councilman Hammond made a motion to approve the beer pouring license request. Councilman Crowley gave a second with all voting aye, motion approved.
- B. Mayor Pro Tem Edwards opened the public hearing for a beer package license request by Anant Patel DBA: Dev Darshan, LLC (North Wall BP) at a location of 312 North Wall Street.
- Mr. Peterson stated that all advertising and legal requirements have been met.
 - Mayor Pro Tem Edwards asked for comments and there were none.
 - Councilman Crowley made a motion to approve the beer package license request. Councilman Barton gave a second with all voting aye, motion approved.

7. Old Business:

- A. Mayor Pro Tem Edwards reviewed the proposed 2012 property tax millage rates. City of Calhoun proposed millage rate is 1.98 and the Calhoun City Schools proposed millage rate is 17.762. The City of Calhoun and the Calhoun Board of Education held three public hearings as required by Georgia Code 48-5-32.1. The public hearings were held on September 10th at 11:30am and 6:00pm; and September 18th at 6:00pm at the Calhoun Depot. The public hearings were advertised in the Calhoun Times on August 29th, September 1st, Sept. 5th, Sept.8th, and Sept. 12th. Councilman Hammond stated that there was good participation at the three public hearings concerning the millage rate. Councilman Crowley also stated that he felt like the public hearings went well and commended the City Schools and the City of Calhoun for all of the effort put into the process. Loel McKinnon of 173 Timber Ridge who was in attendance commented that his local businesses were hurting in the bad economy and did not support the property tax increase. Councilman Hammond made a motion to approve the City of Calhoun and Calhoun Board of Education proposed property tax millage rates. Councilman Crowley gave a second with all voting aye, motion approved.
- B. Mayor Pro Tem Edwards conducted the second reading of a variance request by Haley Stephens at a location of parcel number C65-026 on Red Bud Road. The ZAB will meet on November 8th and the public hearing will be on November 12th.
- C. Mayor Pro Tem Edwards conducted the second reading of an annexation and zoning request of R-1 for 2.672 acres by Rick Lumpkin at a location of 1023 Sugar Valley Road. The ZAB will meet on November 8th and the public hearing will be on November 12th.

8. New Business:

- A. Mayor Pro Tem Edwards discussed an Electric Cities of Georgia pole attachment agreement. Mayor Pro Tem Edwards read a resolution stating; approving the pole attachment license agreement for distribution poles with Comcast Cable Communications Management, LLC, or an affiliate thereof; authorizing the execution, delivery and performance of such agreement; and for other purposes. Councilman Crowley made a motion to approve the Pole Attachment Resolution. Councilman Barton gave a second with all voting aye, motion approved. (Resolution attached)
- B. Mayor Pro Tem Edwards conducted the first reading of a taxicab operator regulatory license request by Rolando Gonzalez, D/B/A: Taxi Tacanal, at a location of 96 East May Street. The public hearing will be on October 22nd.
- C. The Calhoun Police Department made a request to use asset seizure funds from Federal Account #3 for pin striping and lettering of the new police fleet. Estimated cost of \$8,000. Councilman Barton made a motion to allow the necessary funds be used from asset seizure for the pin striping and lettering of the new police fleet. Councilman Crowley gave a second with all voting aye, motion approved.
- D. Administrator Peterson reviewed the 4th quarter financial reports and Budget Amendment #3 for fiscal year 2012. Actual revenues through June 30, 2012 for the general fund came in at 96% of projections for a total of \$11,448,269. Actual expenditures came in at 92.5% of projections for a total of \$10,894,412. After transfers the City of Calhoun's fund balance increased by \$562,490. Fiscal year end reports were also submitted for the special funds, electric, water/sewer, telecommunications, and utility internal service fund. Administrator Peterson also reviewed the third and final budget amendment for the fiscal year ending June 30, 2012. Councilman Crowley made a motion to approve the yearend financial statements and budget amendments. Councilman Barton gave a second with all voting aye, motion approved. (financial statements and budget amendment attached)

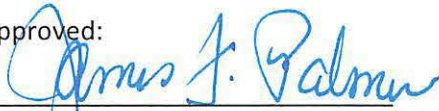
9. Other written items not on the agenda: None

10. Work Reports:

- Administrator Peterson stated that Streetscape phase III should be finished within the next few days. The project has been a long process, but has turned out well.

11. Councilman Hammond made a motion to adjourn. The motion was seconded by Councilman Barton with all voting aye, motion approved.

Approved:



James F. Palmer, Mayor

Submitted:



Paul Worley, City Clerk

City of Calhoun
Budget to Actual Report- Modified Accrual Basis
GENERAL FUND
For the Twelve Months Ended June 30, 2012

	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL	% USED
Revenues				
Property taxes and intangibles	\$ (1,224,520)	\$ (1,224,520)	\$ (1,182,331)	96.6%
Franchise taxes (incl. payments from Utilities)	(2,077,781)	(2,077,781)	(1,957,516)	94.2%
Local option sales tax	(2,150,020)	(2,191,552)	(2,245,212)	102.4%
Beer, wine, and liquor taxes	(340,000)	(340,000)	(341,055)	100.3%
Business licenses and taxes	(365,000)	(365,000)	(371,356)	101.7%
Insurance premium taxes	(570,000)	(610,500)	(620,892)	101.7%
License and permit	(94,800)	(94,800)	(78,006)	82.3%
Intergovernmental	(757,864)	(801,499)	(558,079)	69.6%
Charges for services	(67,663)	(67,663)	(65,905)	97.4%
Fines and forfeitures	(1,138,538)	(1,138,538)	(1,111,719)	97.6%
Rents / royalties (incl. payments from Utilities)	(3,007,318)	(3,007,318)	(2,903,124)	96.5%
Interest	(10,500)	(10,500)	(10,663)	101.6%
Miscellaneous	(1,500)	(1,500)	(2,411)	160.7%
Total Revenues	(11,805,504)	(11,931,171)	(11,448,269)	96.0%
Expenditures				
General administration	1,126,262	1,296,929	1,097,591	84.6%
Court services	451,067	451,068	432,741	95.9%
Community services and development	191,409	199,546	192,919	96.7%
Library	316,306	316,306	270,099	85.4%
Building inspection	334,793	334,793	326,149	97.4%
Airport	154,035	154,035	159,559	103.6%
Public Safety				
Police	3,694,093	3,720,494	3,447,801	92.7%
Fire	3,045,685	3,045,685	2,948,433	96.8%
Animal control	75,290	77,865	73,933	95.0%
Public Works				
Highways and streets	1,696,231	1,705,541	1,509,033	88.5%
Maintenance and parks	300,749	301,564	276,197	91.6%
Cemetery	170,266	172,566	159,958	92.7%
Total Expenditures	11,556,186	11,776,392	10,894,412	92.5%
Excess of Revenues (Over) Under Expenditures	(249,318)	(154,779)	(553,857)	
Other Financing Sources				
Operating transfers in	(556,913)	(651,902)	(732,486)	112.4%
Sale of fixed assets	(15,500)	(15,500)	(5,959)	38.4%
Operating transfers out	821,731	822,181	729,812	88.8%
Total Other Financing Sources	249,318	154,779	(8,633)	-5.6%
Net Change in Fund Balance	\$ -	\$ -	\$ (562,490)	

City of Calhoun
Budget to Actual Report- Modified Accrual Basis
SPECIAL FUNDS-GENERAL GOVERNMENT
For the Twelve Months Ended June 30, 2012

SPECIAL FUND	AMENDED BUDGET	ACTUAL REVENUES	% USED	ACTUAL EXPENDITURES/ EXPENSES	% USED	NET CHANGE IN FUND BALANCE/ NET (INCOME) LOSS
UDAG	\$ (25,000)	\$ (25,382)	101.5%	\$ 2,500	10.0%	\$ (22,882)
Confiscated Assets	(50,555)	(49,374)	97.7%	56,463	111.7%	7,089
Hotel-Motel	(270,000)	(279,561)	103.5%	279,561	103.5%	-
Recreation	(948,032)	(946,351)	99.8%	917,318	96.8%	(29,033)
<i>Program Revenues</i>	(570,862)	(619,181)	108.5%			
<i>Gen Fund Transfers</i>	(377,170)	(327,170)	86.7%			
2011 SPLOST Capital Project	-	(213,802)	0.0%	900	0.0%	(212,902)
SPLOST 2005	(2,589,444)	(2,250,503)	86.9%	187,750	7.3%	(2,062,753)
School Capital Proj.	(2,500)	(1,252)	50.1%	1,017,018	40680.7%	1,015,766
2011 School Capital Proj.-(<i>Proj. length budget</i>)	(49,800,000)	(31,465)	0.1%	8,596,032	17.3%	8,564,567
Golf G. O. Debt	(370,369)	(370,369)	100.0%	370,369	100.0%	-
School Debt	(3,575,821)	(4,711,971)	131.8%	1,901,552	53.2%	(2,810,419)
Solid Waste	(772,192)	(703,318)	91.1%	690,655	89.4%	(12,663)
Golf Fund	(802,273)	(555,292)	69.2%	806,382	100.5%	251,090
School Tax	(103,078)	-	0.0%	51,335	49.8%	51,335
Municipal Court	(775,000)	(872,265)	112.6%	872,265	112.6%	-
Totals	<u>\$ (60,084,264)</u>	<u>\$ (11,010,905)</u>	18.3%	<u>\$ 15,750,100</u>	26.2%	<u>\$ 4,739,195</u>

City of Calhoun
 Budget to Actual Report - Modified Accrual Basis
ELECTRIC FUND
 For the Twelve Months Ended June 30, 2012

OPERATING REVENUES	BUDGET	ACTUAL	% USED
Sales	\$ (31,800,421)	\$ (32,430,181)	102.0%
MEAG Year End Settlement	(300,000)	(428,072)	142.7%
Rent/Other	(24,200)	(24,200)	100.0%
Late Penalties	(150,000)	(127,794)	85.2%
Pole Rental	(110,000)	(108,441)	98.6%
Miscellaneous	(73,000)	(70,079)	96.0%
Total Operating Revenues	<u>(32,457,621)</u>	<u>(33,188,767)</u>	102.3%
OPERATING EXPENSES			
Personal Services	1,106,510	1,050,967	95.0%
Contractual Services	3,596,224	3,573,731	99.4%
Supplies	26,365,374	28,285,072	107.3%
Other	772,840	591,273	76.5%
Total Operating Expenses	<u>31,840,948</u>	<u>33,501,043</u>	105.2%
Net Operating Income	(616,673)	312,276	
NON-OPERATING REVENUES & EXPENSES:			
Interest Revenue	(111,140)	(106,186)	95.5%
Interest Revenue Interfund	(59,946)	(59,947)	100.0%
Interest Expense	12,000	-	-
Donations from Private Sources	(10,000)	-	-
Capital Expense	641,215	626,662	97.7%
Sale of Assets	(1,000)	-	-
Meag Trust Account	(653,000)	(325,991)	49.9%
Transfers Out	933,544	1,083,765	116.1%
Transfers In	-	(28,699)	-
Grant Proceeds	(135,000)	(258,301)	191.3%
Total Non-operating Revenues & Expenses	<u>616,673</u>	<u>931,303</u>	151.0%
NET LOSS	<u>\$ -</u>	<u>\$ 1,243,579</u>	

City of Calhoun
 Budget to Actual Report - Modified Accrual Basis
WATER & SEWER DEPARTMENT
 For the Twelve Months Ended June 30, 2012

OPERATING REVENUES	BUDGET	ACTUAL	% USED
Sales	\$ (14,556,535)	\$ (14,196,363)	97.5%
Cost Recovery/Install	(110,000)	(234,771)	213.4%
Late Penalties	(134,000)	(130,790)	97.6%
Permits / Fees / Fines	(29,000)	(34,981)	120.6%
Sprinkler Charges	(235,000)	(262,083)	111.5%
Other	(91,500)	(158,141)	172.8%
Total Operating Revenues	<u>(15,156,035)</u>	<u>(15,017,127)</u>	99.1%

OPERATING EXPENSES			
Personal Services	3,357,349	3,194,463	95.1%
Contractual Services	1,947,835	1,977,808	101.5%
Supplies	3,187,183	2,994,394	94.0%
Other	2,152,421	2,037,539	94.7%
Total Operating Expenses	<u>10,644,788</u>	<u>10,204,204</u>	95.9%

Net Operating Income	(4,511,247)	(4,812,923)	
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NON-OPERATING REVENUES & EXPENSES:

Interest Revenue	(22,269)	(25,654)	115.2%
Interest Expense	870,037	800,668	92.0%
Principal Expense	3,035,801	2,923,909	96.3%
Capital Expense	3,003,200	1,561,614	52.0%
Transfers Out	266,348	29,774	11.2%
Transfers In	(1,716,870)	(956,489)	55.7%
Grant Proceeds	(925,000)	(381,754)	0.0%

Total Non-operating Revenues & Expenses	<u>4,511,247</u>	<u>3,952,068</u>	87.6%
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Net Income	<u>\$ -</u>	<u>\$ (860,855)</u>	
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City of Calhoun
 Budget to Actual Report-Modified Accrual Basis
TELECOMMUNICATIONS FUND
 For the Twelve Months Ended June 30, 2012

OPERATING REVENUES	BUDGET	ACTUAL	% USED
Sales	\$ (873,196)	\$ (973,354)	111.5%
Late Penalties	(4,500)	(7,742)	172.0%
Miscellaneous	(1,590)	(1,839)	115.7%
Total Operating Revenues	<u>(879,286)</u>	<u>(982,935)</u>	111.8%
OPERATING EXPENSES			
Personal Services	279,702	271,046	96.9%
Contractual Services	288,497	312,315	108.3%
Supplies	51,100	114,379	223.8%
Other	159,428	63,106	39.6%
Total Operating Expenses	<u>778,727</u>	<u>760,846</u>	97.7%
Net Operating Income	(100,559)	(222,089)	
NON-OPERATING REVENUES & EXPENSES:			
Interest Revenue	(3,609)	(3,517)	97.4%
Interest Expense	18,460	18,461	100.0%
Principal Expense	99,435	99,435	100.0%
Capital Expense	-	138,384	-
Transfers Out	-	647	-
Transfers In	(13,727)	(864)	6.3%
Total Non-operating Revenues & Expenses	<u>100,559</u>	<u>252,546</u>	251.1%
NET LOSS	<u>\$ -</u>	<u>\$ 30,457</u>	

City of Calhoun
 Budget to Actual Report - Modified Accrual Basis
UTILITY INTERNAL SERVICE FUND
 For the Twelve Months Ended June 30, 2012

OPERATING REVENUES	BUDGET	ACTUAL	% USED
Indirect Cost Allocations - Service Fees - General	\$ (181,482)	\$ (377,557)	208.0%
Indirect Cost Allocations - Service Fees - Utilities	(2,288,537)	(2,367,178)	103.4%
Miscellaneous	(39,600)	(41,081)	103.7%
Total Operating Revenues	<u>(2,509,619)</u>	<u>(2,785,816)</u>	111.0%
OPERATING EXPENSES			
Utilities Administration	464,833	486,981	104.8%
Finance	343,366	447,447	130.3%
Utility Tellers	122,919	131,780	107.2%
Purchasing	81,464	99,982	122.7%
Engineering	428,382	415,986	97.1%
Work Order Dispatch	42,435	41,176	97.0%
GIS	172,163	169,069	98.2%
Customer Service	210,012	163,188	77.7%
Meter Reading	271,861	263,072	96.8%
Billing	252,253	226,549	89.8%
Total Operating Expenses	<u>2,389,688</u>	<u>2,445,230</u>	102.3%
Net Income Before Non-operating Items	(119,931)	(340,586)	
NON-OPERATING REVENUES & EXPENSES:			
Interest Revenue	-	(1,297)	-
Principal Expense	50,360	50,359	100.0%
Interest Expense	29,971	29,971	100.0%
Transfers In	-	(224)	0.0%
Transfers Out	39,600	39,600	100.0%
Total Non-Operating Revenues & Expenses	<u>119,931</u>	<u>118,409</u>	98.7%
NET INCOME	<u>\$ -</u>	<u>\$ (222,177)</u>	

**City of Calhoun
Budget Amendment #3 Fiscal 2012**

		Original	Revised	Budget	Budget
		Budget	Budget	Amendment	Amended Budget
General Fund					
#1					
Tax Administration - Technical Support	1101514-521300	\$ 5,700	\$ 6,430	\$ 1,200	7,630
Cemetery - Bad Debt Expense	1404950-573901	-	-	2,400	2,400
McConnell Rd. Comm. Ctr. - Repair & Maint.	1106182-522200	250	250	2,200	2,450
Economic Dev. - Airport- Repairs & Maint.	1107563-522200	-	-	6,000	6,000
Depot - CO - Bldg.	1106181-541300	-	-	7,500	7,500
Transfer In General Fund Labor & Equipment	1000000-391125	-	-	<u>(19,300)</u>	<u>(19,300)</u>

To allow for additional costs for Gordon County to record and remove FIFA's for taxes. To record writing off receivables for cemetery which are deemed to be uncollectible. To record repairs and maintenance for Community Center and Airport. Improvements provided by EECBG to Depot. All overages funded by additional funds transferred in to General Fund.

\$ -

#2					
Confiscated Assets Fund					
R & M Building-Renovation of Special OPS	2103200-531 174	-	-	\$ 4,650	4,650
Advertising	2103200-543 174	-	-	975	975
Purchased Services	2103200-523 174	-	-	1,500	1,500
Commercial Trash Pickup	2103200-522 174	-	-	375	375
Use of Fund Balance	2103200-399000	-	-	<u>(7,500)</u>	<u>(7,500)</u>
				\$ -	

Expenditures exceeded budget due to the renovation of the building donated to Special Ops.

#3					
Hotel Motel Fund					
Hotel Motel Tax Revenue	2750000-314100	(265,000)	(270,000)	\$ (9,600)	(279,600)
Housing and Economic Development	2750000-571002	265,000	270,000	<u>9,600</u>	279,600
				\$ -	

Hotel-Motel revenues increased this year, thereby increasing our payout to the Economic Development and the Chamber of Commerce.

#4					
2011 SPLOST Capital Project Fund					
Intergovernment-County Revenue	3240000-337100	-	-	\$ (213,802)	(213,802)
Capital Outlay Buildings	3240000-541 172	-	-	61,200	61,200
Addition to Fund Balance	3240000-	-	-	<u>152,602</u>	<u>152,602</u>
				\$ -	

Year-end amendment to included the SPLOST collection that began in May of 2012 and expenditures on Recreation building and library building.

#5					
Golf Debt Service					
Transfer-In General Fund	4200000-391101	(370,369)	(370,369)	(9)	(370,378)
Interest-Bonds	4200000-582100	87,069	87,069	<u>9</u>	87,078
				\$ -	

Year-end amendment needed so expenditures not greater than budget.

#6					
SPLOST DEBT SVC FUND-SCHOOLS					
IG-Federal Government Grants	4110000-331000	-	(785,821)	785,821	-
Interest-Bonds	4110000-582100	-	785,821	(785,821)	-
IG-Federal Government Grants	4300000-331000	-	-	(785,821)	(785,821)
Interest-Bonds	4300000-582100	319,670	319,670	<u>785,821</u>	1,105,491

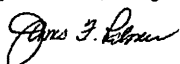
Year-end amendment to combine the 2011 debt service account with the 2011 debt service account.

#7					
Municipal Court					
Police Fines	7450000-351170	(775,000)	(775,000)	(97,500)	(872,500)
Transfer-Out to General Fund	7450000-611001	473,035	473,035	<u>97,500</u>	570,535
				\$ -	

Year-end amendment needed to accommodate the rise in revenues.

ADOPTED this 24th day of September, 2012

City of Calhoun, Georgia



James F. Palmer, Mayor

Attest:



Eddie Peterson, City Administrator

**A RESOLUTION
OF THE CITY OF CALHOUN**

APPROVING THE POLE ATTACHMENT LICENSE AGREEMENT FOR DISTRIBUTION POLES WITH COMAST CABLE COMMUNICATIONS MANAGEMENT, LLC, OR AN AFFILIATE THEREOF; AUTHORIZING THE EXECUTION, DELIVERY AND PERFORMANCE OF SUCH AGREEMENT; AND FOR OTHER PURPOSES

WHEREAS, the City of Calhoun ("Electric Provider") (a) owns and operates certain electric distribution poles and (b) third parties, including certain telecommunication and cable service providers, license the use of certain space on such poles, from time to time, for the attachment of lines and other apparatus thereto; and

WHEREAS, Electric Provider desires to manage the use of such poles in a manner that maintains efficient rendering of service to Participant's utility customers and such telecommunication and cable service providers' customers while assuring (a) proper allocation of the costs of owning and operating such poles among all users thereof, so as to avoid subsidization of each other's services and taking into account whether or not reciprocal rights are offered by users respecting their respective facilities, and (b) safe operations of such poles; and

WHEREAS, Electric Provider and fifty other municipal electric providers (collectively, the "Participants") have caused to be created Electric Cities of Georgia, Inc., a Georgia nonprofit corporation ("Electric Cities"), as an instrumentality of the Participants to perform services on their behalf in accordance with Section 115 of the Internal Revenue Code, and have entered into a Participant Services Contract, dated as of March 1, 2009, as amended and supplemented (the "Services Contracts"); and

WHEREAS, the Lt. Governor has requested that Electric Cities, on behalf of the Participants, negotiate operationally similar pole attachment, or joint use to the extent the applicable parties mutually desire reciprocal rights, agreements with telecommunication and cable service providers to take advantage of certain economies of scale and avoid certain legislative and litigation risk, which process resulted in the creation of a Pole Attachment Service offering by Electric Cities to all Participants, whereby Electric Cities provides certain services related to managing the use of the Participants' utility poles by third parties, including, but not limited to, negotiation of pole attachment and joint use agreements on their behalf and management of certain pole attachment and joint use operations; and

WHEREAS, Electric Cities has completed the negotiation of such agreements at the direction and with the input of Electric Provider and certain other Participants and recommends that Electric Provider and other applicable Participants enter into a certain Pole Attachment License Agreement For Distribution Poles, dated as of January 1, 2012 (the "Agreement"), with Comcast Cable Communications Management, LLC, or the affiliate thereof (the "Attacher"); and

WHEREAS, Electric Provider desires to (a) authorize the execution, delivery and performance of the Agreement, provided that the Agreement shall only be delivered to the Attacher subsequent to, or simultaneously with, payment of amounts, or estimated amounts subject to true up upon an inventory in accordance with the Agreement, owed by Attacher thereunder for calendar year 2012 and any other attachment license amounts, or estimated amounts, owed by the Attacher for prior years, and (b) appoint Electric Cities and its subcontractor for pole services, if any, as Electric Provider's agent for administration of certain pole attachments in accordance with the Services Contract and the Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE ELECTRIC PROVIDER IN A MEETING DULY ASSEMBLED, AND IT IS HEREBY RESOLVED BY AUTHORITY THEREOF, as follows:

Section 1. The Electric Provider hereby approves and authorizes the execution, delivery and performance of the Agreement, including the exhibits thereto, in substantially the form of the draft thereof attached hereto as Exhibit A, and hereby incorporated herein by reference, subject to such minor changes, additions and deletions made in the discretion of the General Manager (the "Authorized Official") of the Electric Provider, with advice of counsel, provided that the Agreement shall only be delivered to the Attacher subsequent to, or simultaneously with, payment of amounts, or estimated amounts subject to true up upon an inventory in accordance with the Agreement, owed by Attacher thereunder for calendar year 2012 and any other attachment license amounts, or estimated amounts, owed by the Attacher for prior years, such amount to be calculated by Authorized Official. The Agreement shall be executed by the Authorized Official, attested by the appropriate officer of the Electric Provider, and shall have the Electric Provider's seal affixed thereto, and shall be delivered to the Attacher, and when so executed and delivered, shall be binding upon the Electric Provider in accordance with its terms. Execution and delivery of the Agreement as authorized herein shall be conclusive evidence of the Electric Provider's approval thereof.

Section 2. The Electric Provider hereby authorizes the Authorized Official and General Manager, or either of them, to take any further actions and execute and deliver any other documents necessary to carry out the purpose of this Resolution, including, but not limited to, communicating the decisions of the Electric Provider to the Attacher with respect to any matter respecting the Agreement, as amended from time to time.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLVED this 24th day of September, 2012.

[SEAL]

Attest:

Paul Worley
Its: Paul Worley, City Clerk

CITY OF CALHOUN

By: [Signature]
Its: Al Edwards, Mayor Pro-Tem

