

**NORTH CAROLINA DEPARTMENT OF STATE TREASURER
LOCAL GOVERNMENT COMMISSION**

MINUTES

November 14, 2023

The meeting was called to order by Chairman Dale R. Folwell at 1:30 p.m., on the above date. The meeting was conducted in person and by use of simultaneous communication by GoToWebinar™. Members present in person: Chair Folwell, Secretary of State Elaine Marshall, and Secretary of Revenue Ronald Penny. Members present virtually: State Auditor Beth Wood (Auditor Wood arrived at 1:40 p.m.), Paul Butler, and Nancy Hoffmann.

Members absent: John Burns, Vida Harvey, and Mike Philbeck.

A quorum was present for the entire meeting.

Other DST participants present in person: Sharon Edmundson, Jennifer Wimmer, Kendra Boyle, Debbie Tomasko, and Cindy Aiken.

Others attending in person: DST staff Joah Bickley, Ted Brinn, and Ben Garner; Bill Toole (Secretary of State office).

Chair Folwell asked those members present if they had any actual, potential, or the appearance of a conflict of interest regarding the matters on the agenda. No conflicts were reported.

Secretary Penny made a motion to approve the minutes of the October 3, 2023 meeting. Ms. Hoffmann seconded the motion, and the minutes were approved by unanimous vote of 5 – 0 (Absent: Wood, Burns, Harvey, and Philbeck).

Chair Folwell called the members' attention to the OPEB & Pension Liabilities report attached to these minutes and labelled **"EXHIBIT 1"**.

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UAL UNITS

TOWN OF SPRING LAKE

Secretary Marshall made a motion to adopt the following resolution:

"RESOLUTION APPROVING THE APPLICATION OF THE TOWN OF SPRING LAKE, NORTH CAROLINA. THIS PROJECT CONSISTS OF THE LEASE OF EIGHT POLICE VEHICLES AND THREE PUBLIC WORKS VEHICLES (THE "PROJECT") THROUGH A MASTER LEASE AGREEMENT PURSUANT TO G.S. 160A-19.

WHEREAS, the Town of Spring Lake, North Carolina (the "Town") has determined that the Project is necessary and expedient to provide adequate public safety and public works services to Town residents; and

WHEREAS, pursuant to Section 160A-19 of the General Statutes of North Carolina, the Town intends to lease the vehicles through an existing Master Lease Agreement (the "Contract") with Enterprise Fleet Management; and

WHEREAS, the lease is for a term of 5 years, and the total payments will be \$547,500; and

WHEREAS, pursuant to Article 8, Chapter 159 of the General Statutes of North Carolina, as a local government on the Unit Assistance List, the Town has made proper application to the North Carolina Local Government Commission (the "Commission") for approval of the vehicle lease pursuant to S.L. 2022-53, s. 6; and

WHEREAS, the Secretary of the Commission has determined that the unit has complied with G.S. 159-149; and

WHEREAS, the Commission, pursuant to G.S. 159-151(b), upon information and evidence received, finds and determines as follows:

- (i) that the proposed Project is necessary and expedient for the Town;
- (ii) that the proposed undertaking cannot be economically financed by a bond issue;
- (iii) that the sums to fall due under the Contract are adequate and not excessive for its proposed purpose; and
- (iv) that the Contract will not require an excessive increase in taxes.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the application for approval of the Contract and the planned financing are hereby approved under the provisions of G.S. 160A-19, as amended, Article 8 of Chapter 159 of the General Statutes, as amended, and relevant resolutions of the Commission."

Secretary Penny seconded the motion and the foregoing was approved by unanimous vote of 6 – 0 (Absent: Burns, Harvey, and Philbeck).

Mayor Kia Anthony; Jason Williams, Interim Town Manager; and Debra Mack, financial consultant attended virtually to speak and answer Commission members' questions.

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TOWN OF TRYON

Secretary Marshall made a motion to adopt the following resolution:

“RESOLUTION APPROVING THE APPLICATION OF THE TOWN OF TRYON, NORTH CAROLINA. THIS PROJECT CONSISTS OF THE PURCHASE OF THREE POLICE VEHICLES (THE “PROJECT”) THROUGH AN INSTALLMENT PURCHASE CONTRACT AGREEMENT PURSUANT TO G.S. 160A-20.

WHEREAS, the Town of Tryon, North Carolina (the “Town”) has determined that the Project is necessary and expedient to replace aging vehicles in order to provide adequate public safety services to Town residents; and

WHEREAS, pursuant to Section 160A-20 of the General Statutes of North Carolina, the Town intends to finance the Project through an Installment Purchase Contract (the "Contract") with Home Trust Bank (the "Bank") whereby the Bank shall advance moneys to the Town, and the Town, subject to its right of nonappropriation, shall repay the advance with interest in installments; and

WHEREAS, the principal amount of the Contract shall not exceed \$168,000 with monthly level principal payments for a term of seven (7) years at an approved interest rate of 4.50%; and

WHEREAS, pursuant to Article 8, Chapter 159 of the General Statutes of North Carolina, as a local government on the Unit Assistance List, the Town has made proper application to the North Carolina Local Government Commission (the "Commission") for approval of the proposed financing pursuant to S.L. 2022-53, s. 6; and

WHEREAS, the Secretary of the Commission has determined that the unit has complied with G.S. 159-149; and

WHEREAS, the Commission, pursuant to G.S. 159-151(b), upon information and evidence received, finds and determines as follows:

- (i) that the proposed Project is necessary and expedient for the Town;
- (ii) that the proposed undertaking cannot be economically financed by a bond issue;
- (iii) that the sums to fall due under the Contract are adequate and not excessive for its proposed purpose; and
- (iv) that the Contract will not require an excessive increase in taxes.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the application for approval of the Contract and the planned financing are hereby approved under the provisions of G.S. 160A-20, as amended, Article 8 of Chapter 159 of the General Statutes, as amended, and relevant resolutions of the Commission."

Secretary Penny seconded the motion and the foregoing was approved by unanimous vote of 6 – 0 (Absent: Burns, Harvey, and Philbeck).

Jim Fatland, Town Manager; Susan Bell, Town Clerk; and Randall Hodge, Police Chief attended virtually to speak and answer Commission members' questions.

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BEGIN CONSENT AGENDA

FAYETTEVILLE METROPOLITAN HOUSING AUTHORITY

Ms. Hoffmann made a motion to adopt the following resolution:

**RESOLUTION APPROVING FAYETTEVILLE
METROPOLITAN HOUSING AUTHORITY MULTIFAMILY
NOTE IN AN AMOUNT UP TO \$15,500,000 (THE "NOTE")
FOR FAYETTEVILLE GARDENS AND THE FINANCING
TEAM THEREFOR**

WHEREAS, the Fayetteville Metropolitan Housing Authority (the "Authority") has decided to issue its Multifamily Note (the "Note") to finance the acquisition, rehabilitation and equipping by OAHS Fayetteville Gardens TC LLC, a Delaware limited liability company (the "Borrower"), of a low-income multifamily residential rental facility known as Fayetteville Gardens, consisting of 100 units, in the City of Fayetteville, North Carolina (the "Development"); and

WHEREAS, in order to finance the Development, the Authority proposes to issue the Note in an aggregate principal amount of not to exceed \$15,500,000, pursuant to the Housing Authorities Law, Article 1 of Chapter 157 of the North Carolina General Statutes, as amended (the "Act"); and

WHEREAS, the Note has to be approved by the North Carolina Local Government Commission (the "Commission"), for which approval the Commission may consider the criteria set forth in North Carolina General Statutes Section 159-153, and the Authority has applied to the Commission for such approval; and

WHEREAS, based upon the information and evidence received in connection with such application, including resolutions adopted by the Board of Commissioners of the Authority on October 12, 2023, it is hereby determined and found by the Commission:

- (a) that such proposed note issue is necessary or expedient;
- (b) that the proposed amount of such note issue is adequate and not excessive for the proposed purposes thereof;
- (c) that the Borrower has demonstrated that it is financially responsible and capable of fulfilling its obligations with respect to the Note and the Development;
- (d) that the Authority's debt management procedures and policies are good and that it is not in material default with respect to any of its debt service obligations; and
- (e) the proposed date and manner of sale of the Note will not have an adverse effect upon any scheduled or anticipated sale of any obligations by the State of North Carolina or any political subdivision thereof or any agency of either of them; and

WHEREAS, the Authority has requested that the Commission approve its selection of the following financing team members for the upcoming issuance of the Note:

Bond Counsel:	McGuireWoods LLP
Authority's Counsel:	The Charleston Group
Borrower:	OAHS Fayetteville Gardens TC LLC
Borrower's Counsel:	Nixon Peabody LLP
	Parker Poe Adams & Bernstein LLP
Permanent Lender:	Federal Home Loan Mortgage Corporation
Initial Funding Lender:	Grandbridge Real Estate Capital LLC

Freddie Mac/Servicer's Counsel: Kutak Rock LLP
Fiscal Agent: The Huntington National Bank

WHEREAS, based upon the information and evidence received by the Commission, it is the opinion of the Commission that the request by the Authority be approved; and

WHEREAS, it is expected that the Note will initially be acquired by Grandbridge Real Estate Capital LLC (the "Initial Funding Lender"), and then assigned to the Federal Home Loan Mortgage Corporation ("Freddie Mac"); and

WHEREAS, there have been presented to the Commission forms of the following documents (the "Documents") to be used in connection with the issuance of the Note:

(a) Funding Loan Agreement, among the Authority, the Initial Funding Lender, and The Huntington National Bank, as fiscal agent (the "Fiscal Agent"), providing for the issuance of the Note, together with the form of the Note;

(b) Project Loan Agreement, among the Authority, the Borrower and the Fiscal Agent, providing for the financing of the Development by the Authority, together with the form of the promissory note of the Borrower; and

(c) Regulatory Agreement and Declaration of Restrictive Covenants, from the Borrower for the benefit of the Authority and the Fiscal Agent;

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission:

Section 1. The sale of the Note pursuant to the Documents in substantially the forms furnished to the Commission is hereby approved, such sale being subject to the satisfaction of the conditions set forth in the Documents and herein.

Section 2. It is hereby determined, with the approval of the Authority and the Borrower that the Note shall be issued in an aggregate principal amount not to exceed \$15,500,000, shall initially bear interest at a fixed rate, such rate not to exceed 12.0% per annum, and shall have a final maturity not later than December 31, 2041.

Section 3. The Secretary of the Commission, or any Deputy Secretary, is hereby appointed the designated representative of the Commission for the purposes of this resolution and such designated representative is hereby authorized and directed, within the terms and conditions of this resolution, to approve such changes to the Documents, including details of the Note, as shall be satisfactory to him or her, and to approve the forms of other documents relating to the Note.

Section 4. The financing team set forth above is hereby approved.

Section 5. This resolution shall be effective immediately upon its passage.

Secretary Penny seconded the motion and the foregoing resolution was adopted by unanimous vote of 6 – 0 (Absent: Burns, Harvey, and Philbeck).

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GASTONIA HOUSING AUTHORITY

Ms. Hoffmann made a motion to adopt the following resolution:

RESOLUTION APPROVING GASTONIA HOUSING AUTHORITY MULTIFAMILY HOUSING REVENUE BONDS (RUTHERFORD CROSSING), SERIES 2023 IN AN AMOUNT UP TO \$12,075,000 (THE “BONDS”) AND THE FINANCING TEAM THEREFOR

WHEREAS, the Gastonia Housing Authority (the “Authority”) has decided to issue its \$12,075,000 Multifamily Housing Revenue Bonds (Rutherford Crossing), Series 2023 (the “Bonds”) to finance the acquisition, construction and equipping by Rutherford Crossing Limited Partnership, a North Carolina limited partnership (the “Borrower”), of a low income multifamily residential rental facility to be known as Rutherford Crossing, consisting of 120 units, in the City of Cherryville, Gaston County, North Carolina (the “Development”); and

WHEREAS, in order to finance the Development, the Authority proposes to issue the Bonds in an aggregate principal amount not to exceed \$12,075,000, pursuant to the Housing Authorities Law, Article 1 of Chapter 157 of the North Carolina General Statutes, as amended (the “Act”); and

WHEREAS, the Bonds have to be approved by the North Carolina Local Government Commission (the “Commission”), for which approval the Commission may consider the criteria set forth in North Carolina General Statutes Section 159-153, and the Authority has applied to the Commission for such approval; and

WHEREAS, based upon the information and evidence received in connection with such application, including resolutions adopted by the Board of Commissioners of the Authority on October 24, 2023, it is hereby determined and found by the Commission:

- (a) that such proposed bond issue is necessary or expedient;
- (b) that the proposed amount of such bond issue is adequate and not excessive for the proposed purposes thereof;
- (c) that the Borrower has demonstrated that it is financially responsible and capable of fulfilling its obligations with respect to the Bonds and the Development;
- (d) that the Authority’s debt management procedures and policies are good and that it is not in material default with respect to any of its debt service obligations; and
- (e) the proposed date and manner of sale of the Bonds will not have an adverse effect upon any scheduled or anticipated sale of any obligations by the State of North Carolina or any political subdivision thereof or any agency of either of them; and

WHEREAS, the Authority has requested that the Commission approve its selection of the following financing team members for the upcoming issuance of the Bonds:

Bond Counsel:	McGuireWoods LLP
Authority’s Counsel:	Mullen Holland & Cooper P.A.
Borrower:	Rutherford Crossing Limited Partnership

Borrower's Counsel:	Reno & Cavanaugh PLLC Pease Law PLLC
Initial Bondholder:	Bank of America, N.A.
Initial Bondholder's Counsel:	Holland & Knight LLP
Permanent Lender:	Cedar Rapids Bank and Trust Company
Permanent Lender's Counsel:	Winthrop & Weinstine, P.A.

WHEREAS, based upon the information and evidence received by the Commission, it is the opinion of the Commission that the request by the Authority be approved; and

WHEREAS, it is anticipated that the Bonds will be privately placed with Bank of America, N.A. (the "Initial Bondholder") during the construction of the Development, and privately placed with Cedar Rapids Bank and Trust Company (the "Permanent Lender") once the Development has reached stabilization; and

WHEREAS, there have been presented to the Commission forms of the following documents (the "Documents") to be used in connection with the issuance of the Bonds:

- (a) Bond Financing Agreement, by and among the Authority, the Borrower and the Initial Bondholder, providing for the issuance of the Bonds, together with the form of the Bonds, and providing for the financing of the Development by the Authority;
- (b) Promissory Note given by the Borrower to the Authority; and
- (c) Regulatory Agreement and Declaration of Restrictive Covenants, from the Borrower for the benefit of the Authority.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission:

Section 1. The sale of the Bonds pursuant to the Documents in substantially the forms furnished to the Commission is hereby approved, such sale being subject to the satisfaction of the conditions set forth in the Documents and herein.

Section 2. It is hereby determined, with the approval of the Authority and the Borrower that the Bonds shall be issued in an aggregate principal amount not to exceed \$12,075,000, shall initially bear interest at a variable rate, such rate not to exceed 12.0% per annum, and shall have a final maturity not later than December 31, 2041.

Section 3. The Secretary of the Commission, or any Deputy Secretary, is hereby appointed the designated representative of the Commission for the purposes of this resolution and such designated representative is hereby authorized and directed, within the terms and conditions of this resolution, to approve such changes to the Documents, including details of the Bonds, as shall be satisfactory to him or her, and to approve the forms of other documents relating to the Bonds.

Section 4. The financing team set forth above is hereby approved.

Section 5. This resolution shall be effective immediately upon its passage.

Secretary Penny seconded the motion and the foregoing resolution was adopted by unanimous vote of 6 – 0 (Absent: Burns, Harvey, and Philbeck).

INLIVIAN MULTIFAMILY HOUSING - FAIRHAVEN GLEN

Ms. Hoffmann made a motion to adopt the following resolution:

**RESOLUTION APPROVING INLIVIAN MULTIFAMILY
HOUSING REVENUE BONDS (FAIRHAVEN GLEN),
SERIES 2023 IN AN AMOUNT UP TO \$21,000,000 (THE
“BONDS”) AND THE FINANCING TEAM THEREFOR**

WHEREAS, INLIVIAN (the “Authority”) has decided to issue its Multifamily Housing Revenue Bonds (Fairhaven Glen), Series 2023 (the “Bonds”) to finance the acquisition, construction and equipping by Fairhaven Glen, LLC, a Wisconsin limited liability company (the “Borrower”), of a multifamily residential rental facility to be known as Fairhaven Glen, consisting of 140 units and located in the City of Charlotte, North Carolina (the “Development”); and

WHEREAS, in order to finance the Development, the Authority proposes to issue the Bonds in one or more series in an aggregate principal amount not to exceed \$21,000,000, pursuant to the Housing Authorities Law, Article 1 of Chapter 157 of the North Carolina General Statutes, as amended (the “Act”); and

WHEREAS, the Bonds have to be approved by the North Carolina Local Government Commission (the “Commission”), for which approval the Commission may consider the criteria set forth in North Carolina General Statutes Section 159-153, and the Authority has applied to the Commission for such approval; and

WHEREAS, based upon the information and evidence received in connection with such application, including resolutions adopted by the Board of Commissioners of the Authority on October 17, 2023, it is hereby determined and found by the Commission:

- (a) that such proposed bond issue is necessary or expedient;
- (b) that the proposed amount of the bond issue is adequate and not excessive for the proposed purposes thereof;
- (c) that the Borrower has demonstrated that it is financially responsible and capable of fulfilling its obligations with respect to the Bonds and the Development;
- (d) that the Authority’s debt management procedures and policies are good and that it is not in material default with respect to any of its debt service obligations; and
- (e) the proposed date and manner of sale of the Bonds will not have an adverse effect upon any scheduled or anticipated sale of any obligations by the State of North Carolina or any political subdivision thereof or any agency of either of them; and

WHEREAS, the Authority has requested that the Commission approve its selection of the following financing team members for the upcoming issuance of the Bonds:

Bond Counsel:	McGuireWoods LLP
Authority’s Counsel:	The Banks Law Firm, P.A.
Borrower:	Fairhaven Glen, LLC

Borrower's Counsel:	Foley & Lardner LLP
Trustee:	The Bank of New York Mellon Trust Company, N.A.
Purchaser's Representative:	CBRE Group, Inc.
Originator:	Boston Capital Finance LLC
Originator's Counsel:	Kutak Rock LLP
Tax Credit Investor:	The Richman Group, or an affiliate
Tax Credit Investor's Counsel:	JDF, LLC

WHEREAS, based upon the information and evidence received by the Commission, it is the opinion of the Commission that the request by the Authority be approved; and

WHEREAS, it is anticipated that the Bonds will be privately placed with one or more purchasers (the "Purchasers"); and

WHEREAS, there have been presented to the Commission forms of the following documents (the "Documents") to be used in connection with the issuance of the Bonds:

(a) Indenture of Trust between the Authority and The Bank of New York Mellon Trust Company, N.A., as trustee (the "Trustee"), providing for the issuance of the Bonds, together with the form of the Bonds;

(b) Loan Agreement between the Authority and the Borrower, pursuant to which the Authority will lend the proceeds of the Bonds to the Borrower (the "Loan");

(c) Promissory Note given by the Borrower to the Authority to evidence the Loan, which the Authority will assign to the Trustee as security for the Bonds;

(d) Regulatory Agreement and Declaration of Restrictive Covenants, from the Borrower for the benefit of the Authority and the Trustee; and

(e) the form of the Bond Purchase Agreement to be dated the date of sale of the Bonds, among the Authority, the Borrower, and each of the Purchasers; and

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission:

Section 1. The sale of the Bonds pursuant to the Documents in substantially the forms furnished to the Commission is hereby approved, such sale being subject to the satisfaction of the conditions set forth in the Documents and herein.

Section 2. It is hereby determined, with the approval of the Authority and the Borrower that the Bonds shall be issued in an aggregate principal amount not to exceed \$21,000,000, shall initially bear interest at a variable rate, such rate not to exceed 12.0% per annum, and shall have a final maturity not later than December 31, 2071.

Section 3. The Secretary of the Commission, or any Deputy Secretary, is hereby appointed the designated representative of the Commission for the purposes of this resolution and such designated representative is hereby authorized and directed, within the terms and conditions of this resolution, to approve such changes to the Documents, including details of the Bonds, as shall be satisfactory to him or her, and to approve the forms of other documents relating to the Bonds.

Section 4. The financing team set forth above is hereby approved.

Section 5. This resolution shall be effective immediately upon its passage.

Secretary Penny seconded the motion and the foregoing resolution was adopted by unanimous vote of 6 – 0 (Absent: Burns, Harvey, and Philbeck).

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INLIVIAN MULTIFAMILY HOUSING – ALLEGHANY CROSSING

Ms. Hoffmann made a motion to adopt the following resolution:

RESOLUTION APPROVING INLIVIAN MULTIFAMILY HOUSING REVENUE BONDS (ALLEGHANY CROSSING), SERIES 2023 IN AN AMOUNT UP TO \$40,000,000 (THE “BONDS”) AND THE FINANCING TEAM THEREFOR

WHEREAS, INLIVIAN (the “Authority”) has decided to issue its Multifamily Housing Revenue Bonds (Alleghany Crossing), Series 2023 (the “Bonds”) to finance the acquisition, construction and equipping by HDP Alleghany, LP, a North Carolina limited partnership (the “Borrower”), of a low-income multifamily residential rental facility, consisting of 220 units in the City of Charlotte, North Carolina (the “Development”); and

WHEREAS, in order to finance the Development, the Authority proposes to issue the Bonds in an aggregate principal amount not to exceed \$40,000,000, pursuant to the Housing Authorities Law, Article 1 of Chapter 157 of the North Carolina General Statutes, as amended (the “Act”); and

WHEREAS, the Bonds have to be approved by the North Carolina Local Government Commission (the “Commission”), for which approval the Commission may consider the criteria set forth in North Carolina General Statutes Section 159-153, and the Authority has applied to the Commission for such approval; and

WHEREAS, based upon the information and evidence received in connection with such application, including resolutions adopted by the Board of Commissioners of the Authority on October 17, 2023, it is hereby determined and found by the Commission:

- (a) that such proposed bond issue is necessary or expedient;
- (b) that the proposed amount of the bond issue is adequate and not excessive for the proposed purposes thereof;
- (c) that the Borrower has demonstrated that it is financially responsible and capable of fulfilling its obligations with respect to the Bonds and the Development;
- (d) that the Authority’s debt management procedures and policies are good and that it is not in material default with respect to any of its debt service obligations; and
- (e) the proposed date and manner of sale of the Bonds will not have an adverse effect upon any scheduled or anticipated sale of any obligations by the State of North Carolina or any political subdivision thereof or any agency of either of them; and

WHEREAS, the Authority has requested that the Commission approve its selection of the following financing team members for the upcoming issuance of the Bonds:

Bond Counsel:	McGuireWoods LLP
Issuer's Counsel:	The Banks Law Firm, P.A.
Borrower:	HDP Alleghany, LP
Borrower's Counsel:	Reno & Cavanaugh PLLC
	The Banks Law Firm, P.A.
Underwriter:	Stifel, Nicolaus & Company, Incorporated
Underwriter's Counsel:	Tiber Hudson LLC
Permanent Lender:	Federal Home Loan Mortgage Corporation
Freddie Mac Servicer:	Grandbridge Real Estate Capital LLC
Freddie Mac/Servicer's Counsel:	Ballard Spahr LLP
Tax Credit Investor:	Truist Community Capital, LLC
Trustee/Fiscal Agent:	Truist Bank

WHEREAS, based upon the information and evidence received by the Commission, it is the opinion of the Commission that the request by the Authority be approved; and

WHEREAS, there have been presented to the Commission forms of the following documents (the "Documents") to be used in connection with the issuance of the Bonds:

(a) Indenture of Trust between the Authority and Truist Bank, as trustee (the "Trustee"), providing for the issuance of the Bonds, together with the form of the Bonds;

(b) Loan Agreement between the Authority and the Borrower, pursuant to which the Authority will lend the proceeds of the Bonds to the Borrower (the "Loan");

(c) Promissory Note given by the Borrower to the Authority to evidence the Loan, which the Authority will assign to the Trustee as security for the Bonds;

(d) Regulatory Agreement and Declaration of Restrictive Covenants from the Borrower for the benefit of the Authority and the Trustee;

(e) Preliminary Official Statement relating to the offering and sale of the Bonds;

(f) Bond Purchase Agreement among the Authority, the Borrower and the Underwriter;

(g) the form of the Funding Loan Agreement among the Authority, Truist Bank, as Fiscal Agent, and Grandbridge Real Estate Capital LLC, as Initial Funding Lender, relating to the permanent financing for the Development; and

(h) the form of the Project Loan Agreement among the Authority, the Borrower and the Fiscal Agent, relating to the permanent financing for the Development;

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission:

Section 1. The sale of the Bonds pursuant to the Documents in substantially the forms furnished to the Commission is hereby approved, such sale being subject to the satisfaction of the conditions set forth in the Documents and herein.

Section 2. It is hereby determined, with the approval of the Authority and the Borrower that the Bonds shall be issued in an aggregate principal amount not to exceed \$40,000,000, shall initially bear interest at a fixed rate not to exceed 12.0% per annum, and shall have a final maturity not later than December 31, 2041.

Section 3. The Secretary of the Commission, or any Deputy Secretary, is hereby appointed the designated representative of the Commission for the purposes of this resolution and such designated representative is hereby authorized and directed, within the terms and conditions of this resolution, to approve such changes to the Documents, including details of the Bonds, as shall be satisfactory to him or her, and to approve the forms of other documents relating to the Bonds.

Section 4. The financing team set forth above is hereby approved.

Section 5. This resolution shall be effective immediately upon its passage.

Secretary Penny seconded the motion and the foregoing resolution was adopted by unanimous vote of 6 – 0 (Absent: Burns, Harvey, and Philbeck).

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NORTH CAROLINA HOUSING FINANCE AGENCY

Ms. Hoffmann made a motion to adopt the following resolution:

RESOLUTION CONCERNING THE SALE OF MULTIFAMILY HOUSING REVENUE BONDS OF THE NORTH CAROLINA HOUSING FINANCE AGENCY IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$60,000,000

BE IT RESOLVED by the Local Government Commission of North Carolina (the “Commission”):

Section 1. The Commission does hereby find and determine that the North Carolina Housing Finance Agency (the “Agency”) has advised the Commission that it desires to issue a series of revenue bonds for the purpose of assisting the following facilities to be owned by the entities (collectively, the “Owners” and each an “Owner”) described herein and managed by NC RD Portfolio I, LLC, Charlotte, North Carolina, or an affiliate thereof:

<u>Multifamily Development</u>	<u>Development Owner</u>	<u>County</u>
Cambridge Creek Apartments	Cambridge Creek NC, LLC	Davie
Cedarwood Apartments	Cedarwood Apartments NC, LLC	Robeson
Devonshire Apartments	Devonshire Housing NC, LLC	Edgecombe
Gavin Park Apartments	Gavin Park of Lumberton NC, LLC	Robeson
George E's Place	Metro-Tarboro NC, LLC	Edgecombe
Green Oaks Apartments	Green Oaks of Grover NC, LLC	Cleveland
Hillside Apartments	Hillside Apartments NC, LLC	Iredell
Hunters Ridge Apartments	Hunter's Ridge Housing NC, LLC	Pitt
Meadowview Apartments	Meadowview Apartments NC, LLC	Johnston
Morgan Hills Apartments	Morgan Hills NC, LLC	Burke

New Horizons Apartments	New Horizons Apartments NC, LLC	Beaufort
Oakhill Apartments	Oakhill Housing NC, LLC	Nash
Park Place II	Modern Dixie Development NC, LLC	Iredell
Phillips Village	Phillips Village NC, LLC	Cleveland
Pine Ridge Place	Polkton Housing Associates NC, LLC	Anson
Pine Terrace Apartments	Pine Terrace Apartments NC, LLC	Anson
Rio Del Mar	Rio del Mar Housing NC, LLC	Beaufort
River Bluff Apartments	River Bluff Apartments NC, LLC	Columbus
Robinwood Apartments	Robinwood at Wendell NC, LLC	Wake
Valdese Village	Valdese Village NC, LLC	Burke
Wellonton Apartments	Wellonton Associates NC, LLC	Columbus
Willow Wood Apartments	Willow Wood of Laurinburg NC, LLC	Scotland
Wintergreen Apartments	Wintergreen Apartments NC, LLC	Pitt
Woodhaven Apartments	Woodhaven Apartments NC, LLC	Stanly

The revenue bonds will be used to finance the cost of the acquisition, renovation, improvement, equipping and furnishing of each of the aforementioned facilities (each a “Project” and collectively, the “Projects”). Each Owner will separately finance and operate a respective Project.

Section 2. In connection with the authorization and issuance of the Bonds as hereinafter provided, the Agency has furnished to the Commission on the date hereof one duplicate copy of the following documents. As indicated below, certain documents will be duplicated with respect to each Project and each Owner.

(1) Trust Indenture, to be dated as of December 1, 2023 (the “Indenture”), between the Agency and The Bank of New York Mellon Trust Company, N.A., as trustee (the “Trustee”) providing for the issuance of the “North Carolina Housing Finance Agency Multifamily Housing Revenue Bonds (Fitch Irick Portfolio), Series 2023” (the “Bonds”), including the form of the Bonds attached thereto;

(2) Loan Agreement, to be dated as of December 1, 2023, among the Agency and the Owners, including the form of the Note to be executed by each respective Owner, with respect to the Bonds;

(3) Bond Purchase Agreement, to be dated the date of delivery thereof (the “Bond Purchase Agreement”), among Stifel, Nicolaus & Company, Inc. (the “Underwriter”), the Agency and the Owners, relating to the Bonds;

(4) Preliminary Official Statement of the Agency, to be dated the date of delivery thereof, to be used by the Underwriter in connection with the underwriting and offering of the Bonds;

(5) Land Use Restriction Agreement, to be dated on or about the date of delivery thereof, among the Agency, each respective Owner, and the Trustee, relating to the Bonds;

(6) Continuing Disclosure Agreement, to be dated as of December 1, 2023, between the Owners and The Bank of New York Mellon Trust Company, N.A., as dissemination agent; and

(7) Remarketing Agreement, to be dated as of December 1, 2023, between the Owners and Stifel, Nicolaus & Company, Inc., as remarketing agent.

Section 3. The Agency has requested approval of its selection of the following financing team members for the upcoming issuance of the Bonds:

Bond Counsel:	Womble Bond Dickinson (US) LLP
Trustee/Paying Agent:	The Bank of New York Mellon Trust Company, N.A.
Underwriter:	Stifel, Nicolaus & Company, Inc.
Underwriter's Counsel:	Tiber Hudson LLC
Financial Advisor:	Caine Mitter & Associates Inc.
Trustee's Counsel:	Moore & Van Allen, PLLC

Section 4. The sale of the Bonds in an aggregate principal amount not to exceed \$60,000,000 at a private sale pursuant to the executed Bond Purchase Agreement, which shall reflect the issuance of the Bonds is hereby approved.

Section 5. The purchase price for the Bonds shall not be less than 98% of the aggregate principal amount of the Bonds, plus accrued interest, if any, to the date of delivery of the Bonds, or such greater price as may be set forth in the Bond Purchase Agreement.

Section 6. The Bonds may be issued and sold in one or more Series from time to time as described herein. The Bonds shall not mature later than December 1, 2029, and shall be in the principal amounts and bear interest at the rate or rates from the date thereof, all as may be set forth in the Bond Purchase Agreement and Indenture, provided that the Bonds shall initially bear interest at a fixed rate, such fixed rate not to exceed 10% per annum.

Section 7. The Commission does hereby determine that the sale of the Bonds in the manner and for the prices as provided in this resolution is in the best interest of the Agency and best effectuates the purposes of Chapter 122A of the General Statutes of North Carolina, as amended.

Section 8. The Secretary of the Commission shall have the power to appoint such Designated Assistants for the purposes of this resolution as the Secretary shall deem necessary in order to carry out the purposes of this resolution.

Section 9. The issuance of the Bonds is hereby approved subject to the terms and conditions set forth in this resolution.

Section 10. This resolution shall be effective immediately upon its adoption.

Secretary Penny seconded the motion and the foregoing resolution was adopted by unanimous vote of 6 – 0 (Absent: Burns, Harvey, and Philbeck).

RALEIGH HOUSING AUTHORITY

Ms. Hoffmann made a motion to adopt the following resolution:

**RESOLUTION APPROVING HOUSING AUTHORITY OF
THE CITY OF RALEIGH, NORTH CAROLINA
MULTIFAMILY HOUSING REVENUE BONDS (NEW
BERN CROSSINGS), SERIES 2023 IN AN AMOUNT UP**

**TO \$28,000,000 (THE “BONDS”) AND THE FINANCING
TEAM THEREFOR**

WHEREAS, the Housing Authority of the City of Raleigh, North Carolina (the “Authority”) has decided to issue its Multifamily Housing Revenue Bonds (New Bern Crossings), Series 2023 (the “Bonds”) to finance the acquisition, construction and equipping by New Bern Harmony Housing LLC, a North Carolina limited liability company (the “Borrower”), of a low income multifamily residential rental facility, consisting of 192 units, in the City of Raleigh, Wake County, North Carolina (the “Development”); and

WHEREAS, in order to finance the Development, the Authority proposes to issue the Bonds in an aggregate principal amount not to exceed \$28,000,000, pursuant to the Housing Authorities Law, Article 1 of Chapter 157 of the North Carolina General Statutes, as amended (the “Act”); and

WHEREAS, the Bonds have to be approved by the North Carolina Local Government Commission (the “Commission”), for which approval the Commission may consider the criteria set forth in North Carolina General Statutes Section 159-153, and the Authority has applied to the Commission for such approval; and

WHEREAS, based upon the information and evidence received in connection with such application, including resolutions adopted by the Board of Commissioners of the Authority on October 26, 2023, it is hereby determined and found by the Commission:

- (a) that such proposed bond issue is necessary or expedient;
- (b) that the proposed amount of the bond issue is adequate and not excessive for the proposed purposes thereof;
- (c) that the Borrower has demonstrated that it is financially responsible and capable of fulfilling its obligations with respect to the Bonds and the Development;
- (d) that the Authority’s debt management procedures and policies are good and that it is not in material default with respect to any of its debt service obligations; and
- (e) the proposed date and manner of sale of the Bonds will not have an adverse effect upon any scheduled or anticipated sale of any obligations by the State of North Carolina or any political subdivision thereof or any agency of either of them; and

WHEREAS, the Authority has requested that the Commission approve its selection of the following financing team members for the upcoming issuance of the Bonds:

Bond Counsel:	McGuireWoods LLP
Issuer’s Counsel:	The Francis Law Firm, PLLC
Borrower:	New Bern Harmony Housing LLC
Borrower’s Counsel:	Womble Bond Dickinson (US) LLP
Underwriter:	Stifel, Nicolaus & Company, Incorporated
Underwriter’s Counsel:	Tiber Hudson LLC
Permanent Lender:	Federal Home Loan Mortgage Corporation
Freddie Mac Servicer:	Regions Bank
Freddie Mac/Servicer’s Counsel:	Ballard Spahr LLP
Tax Credit Investor:	Regions Affordable Housing, LLC

Tax Credit Investor's Counsel: Jones Walker LLP
Trustee/Fiscal Agent: Regions Bank

WHEREAS, based upon the information and evidence received by the Commission, it is the opinion of the Commission that the request by the Authority be approved; and

WHEREAS, there have been presented to the Commission forms of the following documents (the "Documents") to be used in connection with the issuance of the Bonds:

(a) Indenture of Trust between the Authority and Regions Bank, as trustee (the "Trustee"), providing for the issuance of the Bonds, together with the form of the Bonds;

(b) Loan Agreement between the Authority and the Borrower, pursuant to which the Authority will lend the proceeds of the Bonds to the Borrower (the "Loan");

(c) Promissory Note given by the Borrower to the Authority to evidence the Loan, which the Authority will assign to the Trustee as security for the Bonds; and

(d) Regulatory Agreement and Declaration of Restrictive Covenants from the Borrower for the benefit of the Authority and the Trustee;

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission:

Section 1. The sale of the Bonds pursuant to the Documents in substantially the forms furnished to the Commission is hereby approved, such sale being subject to the satisfaction of the conditions set forth in the Documents and herein.

Section 2. It is hereby determined, with the approval of the Authority and the Borrower that the Bonds shall be issued in an aggregate principal amount not to exceed \$28,000,000, shall initially bear interest at a fixed rate not to exceed 12.0% per annum, and shall have a final maturity not later than December 31, 2045.

Section 3. The Secretary of the Commission, or any Deputy Secretary, is hereby appointed the designated representative of the Commission for the purposes of this resolution and such designated representative is hereby authorized and directed, within the terms and conditions of this resolution, to approve such changes to the Documents, including details of the Bonds, as shall be satisfactory to him or her, and to approve the forms of other documents relating to the Bonds.

Section 4. The financing team set forth above is hereby approved.

Section 5. This resolution shall be effective immediately upon its passage.

Secretary Penny seconded the motion and the foregoing resolution was adopted by unanimous vote of 6 – 0 (Absent: Burns, Harvey, and Philbeck).

STANLY COUNTY

Ms. Hoffmann made a motion to adopt the following resolution:

RESOLUTION APPROVING THE APPLICATION OF THE COUNTY OF STANLY, NORTH CAROLINA. THIS PROJECT CONSISTS OF REPLACEMENT OF THE COUNTY'S COMPUTER AIDED DISPATCH (CAD) AND RECORDS MANAGEMENT SYSTEM (RMS) (THE "PROJECT") THROUGH AN INSTALLMENT FINANCING CONTRACT AGREEMENT PURSUANT TO G.S. 160A-20.

WHEREAS, the County of Stanly, North Carolina (the "County") has determined that the replacement of its aging E-911 CAD and RMS systems is necessary and expedient for the County's public safety needs; and

WHEREAS, pursuant to Section 160A-20 of the General Statutes of North Carolina, the County intends to finance the Project through an Installment Financing Contract (the "Contract") between First Bank (the "Bank") whereby the Bank shall advance moneys to the County, and the County, subject to its right of nonappropriation, shall repay the advance with interest in installments; and

WHEREAS, the principal amount of the Contract shall not exceed \$2,000,000 with semi-annual level principal payments for a term of twelve (12) years at an approved interest rate of 3.93%; and

WHEREAS, pursuant to Article 8, Chapter 159 of the General Statutes of North Carolina, the County has made proper application to the North Carolina Local Government Commission (the "Commission") for approval of the proposed financing; and

WHEREAS, the Secretary of the Commission has determined that the unit has complied with G.S. 159-149; and

WHEREAS, the Commission, pursuant to G.S. 159-151, upon information and evidence received, finds and determines as follows:

- (i) that the proposed Contract is necessary or expedient for the County;
- (ii) that the Contract, under the circumstances, is preferable to a bond issue for the same purpose;
- (iii) that the sums to fall due under the Contract are adequate and not excessive for its proposed purpose;
- (iv) that the County's debt management procedures and policies are good, or that reasonable assurances have been given that its debt will henceforth be managed in strict compliance with law;
- (v) that the increase in taxes, if any, necessary to meet the sums to fall due under the Contract will not be excessive; and
- (vi) that the County is not in default in any of its debt service obligations.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the application for approval of the Contract and the planned financing are

hereby approved under the provisions of G.S. 160A-20, as amended, Article 8 of Chapter 159 of the General Statutes, as amended, and relevant resolutions of the Commission.”

Secretary Penny seconded the motion and the foregoing was approved by unanimous vote of 6 – 0 (Absent: Burns, Harvey, and Philbeck).

* * * * *

WAKE COUNTY HOUSING AUTHORITY

Ms. Hoffmann made a motion to adopt the following resolution:

RESOLUTION APPROVING HOUSING AUTHORITY OF THE COUNTY OF WAKE MULTIFAMILY HOUSING REVENUE BONDS (TRYON STATION), SERIES 2023 IN AN AMOUNT UP TO \$25,000,000 (THE “BONDS”) AND THE FINANCING TEAM THEREFOR

WHEREAS, the Housing Authority of the County of Wake (the “Authority”) has decided to issue its Multifamily Housing Revenue Bonds (Tryon Station), Series 2023 (the “Bonds”) to finance the acquisition, construction and equipping by KB Garner, LLC, a North Carolina limited liability company (the “Borrower”), of a multifamily residential rental facility to be known as Tryon Station, consisting of 176 units in the Town of Garner, Wake County, North Carolina (the “Development”); and

WHEREAS, in order to finance the Development, the Authority proposes to issue the Bonds in an aggregate principal amount not to exceed \$25,000,000, pursuant to the Housing Authorities Law, Article 1 of Chapter 157 of the North Carolina General Statutes, as amended (the “Act”); and

WHEREAS, the Bonds have to be approved by the North Carolina Local Government Commission (the “Commission”), for which approval the Commission may consider the criteria set forth in North Carolina General Statutes Section 159-153, and the Authority has applied to the Commission for such approval; and

WHEREAS, based upon the information and evidence received in connection with such application, including resolutions adopted by the Board of Commissioners of the Authority on October 11, 2023, it is hereby determined and found by the Commission:

- (a) that such proposed bond issue is necessary or expedient;
- (b) that the proposed amount of such bond issue is adequate and not excessive for the proposed purposes thereof;
- (c) that the Borrower has demonstrated that it is financially responsible and capable of fulfilling its obligations with respect to the Bonds and the Development;
- (d) that the Authority’s debt management procedures and policies are good and that it is not in material default with respect to any of its debt service obligations; and
- (e) the proposed date and manner of sale of the Bonds will not have an adverse effect upon any scheduled or anticipated sale of any obligations by the State of North Carolina or any political subdivision thereof or any agency of either of them; and

WHEREAS, the Authority has requested that the Commission approve its selection of the following financing team members for the upcoming issuance of the Bonds:

Bond Counsel:	McGuireWoods LLP
Issuer's Counsel:	The Charleston Group
Borrower:	KB Garner, LLC
Borrower's Counsel:	Blanco, Tackabery & Matamoros, P.A.
Underwriter:	Stifel, Nicolaus & Company, Incorporated
Underwriter's Counsel:	Tiber Hudson LLC
Permanent Bondholder:	Cedar Rapids Bank and Trust Company
Permanent Bondholder's Counsel:	Winthrop & Weinstine, P.A.
Tax Credit Investor:	Red Stone Equity Partners, LLC
Tax Credit Investor's Counsel:	Applegate & Thorne-Thomsen, P.C.
Trustee:	U.S. Bank Trust Company, National Association
Trustee's Counsel:	Maynard Nexen, PC

WHEREAS, based upon the information and evidence received by the Commission, it is the opinion of the Commission that the request by the Authority be approved; and

WHEREAS, it is anticipated that the Bonds will be sold in the public market during the construction phase of the Development and privately placed with Cedar Rapids Bank and Trust Company (the "Permanent Bondholder") once the Development has reached stabilization; and

WHEREAS, there have been presented to the Commission forms of the following documents (the "Documents") to be used in connection with the issuance of the Bonds:

(a) Trust Indenture between the Authority and U.S. Bank Trust Company, National Association, as trustee (the "Trustee"), providing for the issuance of the Bonds, together with the form of the Bonds;

(b) Loan Agreement between the Authority and the Borrower, pursuant to which the Authority will lend the proceeds of the Bonds to the Borrower (the "Loan");

(c) Promissory Note given by the Borrower to the Authority to evidence the Loan, which the Authority will assign to the Trustee as security for the Bonds; and

(d) Regulatory Agreement and Declaration of Restrictive Covenants from the Borrower for the benefit of the Authority and the Trustee;

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission:

Section 1. The sale of the Bonds pursuant to the Documents in substantially the forms furnished to the Commission is hereby approved, such sale being subject to the satisfaction of the conditions set forth in the Documents and herein.

Section 2. It is hereby determined, with the approval of the Authority and the Borrower that the Bonds shall be issued in an aggregate principal amount not to exceed \$25,000,000, shall initially bear interest at a fixed rate not to exceed 12.0% per annum, and shall have a final maturity not later than April 30, 2045.

Section 3. The Secretary of the Commission, or any Deputy Secretary, is hereby appointed the designated representative of the Commission for the purposes of this resolution and such designated representative is hereby authorized and directed, within the terms and conditions of this resolution, to approve such changes to the Documents, including details of the Bonds, as shall be satisfactory to him or her, and to approve the forms of other documents relating to the Bonds.

Section 4. The financing team set forth above is hereby approved.

Section 5. This resolution shall be effective immediately upon its passage.

Secretary Penny seconded the motion and the foregoing resolution was adopted by unanimous vote of 6 – 0 (Absent: Burns, Harvey, and Philbeck).

WILMINGTON HOUSING AUTHORITY – STARWAY VILLAGE I

Ms. Hoffmann made a motion to adopt the following resolution:

RESOLUTION APPROVING HOUSING AUTHORITY OF THE CITY OF WILMINGTON, NORTH CAROLINA MULTIFAMILY HOUSING REVENUE NOTE IN AN AMOUNT UP TO \$23,500,000 (THE "MULTIFAMILY NOTE") FOR STARWAY VILLAGE – PHASE I AND THE FINANCING TEAM THEREFOR

WHEREAS, the Housing Authority of the City of Wilmington, North Carolina (the “Authority”) has decided to issue its Multifamily Housing Revenue Note (the “Multifamily Note”) to finance the acquisition, construction and equipping by Starway Village I, LLC, a North Carolina limited liability company (the “Borrower”), of a low income multifamily residential rental facility to be known as Starway Village – Phase I, consisting of 176 units, in the City of Wilmington, New Hanover County, North Carolina (the “Development”); and

WHEREAS, in order to finance the Development, the Authority proposes to issue the Multifamily Note in an aggregate principal amount not to exceed \$23,500,000, pursuant to the Housing Authorities Law, Article 1 of Chapter 157 of the North Carolina General Statutes, as amended (the “Act”); and

WHEREAS, the Multifamily Note has to be approved by the North Carolina Local Government Commission (the “Commission”), for which approval the Commission may consider the criteria set forth in North Carolina General Statutes Section 159-153, and the Authority has applied to the Commission for such approval; and

WHEREAS, based upon the information and evidence received in connection with such application, including resolutions adopted by the Board of Commissioners of the Authority on October 3, 2023, it is hereby determined and found by the Commission:

- (a) that such proposed note issue is necessary or expedient;
- (b) that the proposed amount of such note issue is adequate and not excessive for the proposed purposes thereof;

(c) that the Borrower has demonstrated that it is financially responsible and capable of fulfilling its obligations with respect to the Multifamily Note and the Development;

(d) that the Authority's debt management procedures and policies are good and that it is not in material default with respect to any of its debt service obligations; and

(e) the proposed date and manner of sale of the Multifamily Note will not have an adverse effect upon any scheduled or anticipated sale of any obligations by the State of North Carolina or any political subdivision thereof or any agency of either of them; and

WHEREAS, the Authority has requested that the Commission approve its selection of the following financing team members for the upcoming issuance of the Multifamily Note:

Bond Counsel:	McGuireWoods LLP
Authority's Counsel:	The Banks Law Firm, P.A.
Borrower:	Starway Village I, LLC
Borrower's Counsel:	Blanco Tackabery & Matamoros, P.A.
Fiscal Agent:	U.S. Bank Trust Company, National Association
Fiscal Agent's Counsel:	Nexsen Pruet, PLLC
Initial Funding Lender:	Churchill Mortgage Construction LLC
Initial Funding Lender's Counsel:	Norris George & Ostrow PLLC
	Butler Snow LLP
Permanent Lender:	Cedar Rapids Bank and Trust Company
Permanent Lender's Counsel:	Winthrop & Weinstine, P.A.

WHEREAS, based upon the information and evidence received by the Commission, it is the opinion of the Commission that the request by the Authority be approved; and

WHEREAS, it is expected that the Multifamily Note will initially be privately placed with Churchill Mortgage Construction LLC (the "Initial Funding Lender") during construction of the Development, and privately placed with Cedar Rapids Bank and Trust Company once the Development has reached stabilization; and

WHEREAS, there have been presented to the Commission forms of the following documents (the "Documents") to be used in connection with the issuance of the Multifamily Note:

(a) Funding Loan Agreement, among the Authority, the Initial Funding Lender, and U.S. Bank Trust Company, National Association, as fiscal agent (the "Fiscal Agent"), providing for the issuance of the Multifamily Note, together with the form of the Multifamily Note;

(b) Project Loan Agreement, among the Authority, the Borrower and the Fiscal Agent, providing for the financing of the Development by the Authority, together with the form of the promissory note of the Borrower; and

(c) Regulatory Agreement and Declaration of Restrictive Covenants, from the Borrower for the benefit of the Authority and the Fiscal Agent.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission:

Section 1. The sale of the Multifamily Note pursuant to the Documents in substantially the forms furnished to the Commission is hereby approved, such sale being subject to the satisfaction of the conditions set forth in the Documents and herein.

Section 2. It is hereby determined, with the approval of the Authority and the Borrower that the Multifamily Note shall be issued in an aggregate principal amount not to exceed \$23,500,000, shall initially bear interest at a variable rate, such rate not to exceed 12.0% per annum, and shall have a final maturity not later than December 31, 2044.

Section 3. The Secretary of the Commission, or any Deputy Secretary, is hereby appointed the designated representative of the Commission for the purposes of this resolution and such designated representative is hereby authorized and directed, within the terms and conditions of this resolution, to approve such changes to the Documents, including details of the Multifamily Note, as shall be satisfactory to him or her, and to approve the forms of other documents relating to the Multifamily Note.

Section 4. The financing team set forth above is hereby approved.

Section 5. This resolution shall be effective immediately upon its passage.

Secretary Penny seconded the motion and the foregoing resolution was adopted by unanimous vote of 6 – 0 (Absent: Burns, Harvey, and Philbeck).

* * * * *

WILMINGTON HOUSING AUTHORITY – STARWAY VILLAGE II

Ms. Hoffmann made a motion to adopt the following resolution:

RESOLUTION APPROVING HOUSING AUTHORITY OF THE CITY OF WILMINGTON, NORTH CAROLINA MULTIFAMILY HOUSING REVENUE NOTE IN AN AMOUNT UP TO \$13,600,000 (THE "MULTIFAMILY NOTE") FOR STARWAY VILLAGE – PHASE II AND THE FINANCING TEAM THEREFOR

WHEREAS, the Housing Authority of the City of Wilmington, North Carolina (the “Authority”) has decided to issue its Multifamily Housing Revenue Note (the “Multifamily Note”) to finance the acquisition, construction and equipping by Starway Village II, LLC, a North Carolina limited liability company (the “Borrower”), of a low income multifamily residential rental facility to be known as Starway Village – Phase II, consisting of 102 units, in the City of Wilmington, New Hanover County, North Carolina (the “Development”); and

WHEREAS, in order to finance the Development, the Authority proposes to issue the Multifamily Note in an aggregate principal amount not to exceed \$13,600,000, pursuant to the Housing Authorities Law, Article 1 of Chapter 157 of the North Carolina General Statutes, as amended (the “Act”); and

WHEREAS, the Multifamily Note has to be approved by the North Carolina Local Government Commission (the “Commission”), for which approval the Commission may consider the criteria set forth in North Carolina General Statutes Section 159-153, and the Authority has applied to the Commission for such approval; and

WHEREAS, based upon the information and evidence received in connection with such application, including resolutions adopted by the Board of Commissioners of the Authority on October 3, 2023, it is hereby determined and found by the Commission:

- (a) that such proposed note issue is necessary or expedient;
- (b) that the proposed amount of such note issue is adequate and not excessive for the proposed purposes thereof;
- (c) that the Borrower has demonstrated that it is financially responsible and capable of fulfilling its obligations with respect to the Multifamily Note and the Development;
- (d) that the Authority's debt management procedures and policies are good and that it is not in material default with respect to any of its debt service obligations; and
- (e) the proposed date and manner of sale of the Multifamily Note will not have an adverse effect upon any scheduled or anticipated sale of any obligations by the State of North Carolina or any political subdivision thereof or any agency of either of them; and

WHEREAS, the Authority has requested that the Commission approve its selection of the following financing team members for the upcoming issuance of the Multifamily Note:

Bond Counsel:	McGuireWoods LLP
Authority's Counsel:	The Banks Law Firm, P.A.
Borrower:	Starway Village II, LLC
Borrower's Counsel:	Blanco Tackabery & Matamoros, P.A.
Fiscal Agent:	U.S. Bank Trust Company, National Association
Fiscal Agent's Counsel:	Nexsen Pruet, PLLC
Initial Funding Lender:	Churchill Mortgage Construction LLC
Initial Funding Lender's Counsel:	Norris George & Ostrow PLLC
	Butler Snow LLP
Permanent Lender:	Cedar Rapids Bank and Trust Company
Permanent Lender's Counsel:	Winthrop & Weinstine, P.A.

WHEREAS, based upon the information and evidence received by the Commission, it is the opinion of the Commission that the request by the Authority be approved; and

WHEREAS, it is expected that the Multifamily Note will initially be privately placed with Churchill Mortgage Construction LLC (the "Initial Funding Lender") during construction of the Development, and privately placed with Cedar Rapids Bank and Trust Company once the Development has reached stabilization; and

WHEREAS, there have been presented to the Commission forms of the following documents (the "Documents") to be used in connection with the issuance of the Multifamily Note:

- (a) Funding Loan Agreement, among the Authority, the Initial Funding Lender, and U.S. Bank Trust Company, National Association, as fiscal agent (the "Fiscal Agent"), providing for the issuance of the Multifamily Note, together with the form of the Multifamily Note;

(b) Project Loan Agreement, among the Authority, the Borrower and the Fiscal Agent, providing for the financing of the Development by the Authority, together with the form of the promissory note of the Borrower; and

(c) Regulatory Agreement and Declaration of Restrictive Covenants, from the Borrower for the benefit of the Authority and the Fiscal Agent.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission:

Section 1. The sale of the Multifamily Note pursuant to the Documents in substantially the forms furnished to the Commission is hereby approved, such sale being subject to the satisfaction of the conditions set forth in the Documents and herein.

Section 2. It is hereby determined, with the approval of the Authority and the Borrower that the Multifamily Note shall be issued in an aggregate principal amount not to exceed \$13,600,000, shall initially bear interest at a variable rate, such rate not to exceed 12.0% per annum, and shall have a final maturity not later than December 31, 2044.

Section 3. The Secretary of the Commission, or any Deputy Secretary, is hereby appointed the designated representative of the Commission for the purposes of this resolution and such designated representative is hereby authorized and directed, within the terms and conditions of this resolution, to approve such changes to the Documents, including details of the Multifamily Note, as shall be satisfactory to him or her, and to approve the forms of other documents relating to the Multifamily Note.

Section 4. The financing team set forth above is hereby approved.

Section 5. This resolution shall be effective immediately upon its passage.

Secretary Penny seconded the motion and the foregoing resolution was adopted by unanimous vote of 6 – 0 (Absent: Burns, Harvey, and Philbeck).

WILMINGTON HOUSING AUTHORITY – TIDEWATER TOWNHOMES

Ms. Hoffmann made a motion to adopt the following resolution:

RESOLUTION APPROVING HOUSING AUTHORITY OF THE CITY OF WILMINGTON, NORTH CAROLINA MULTIFAMILY HOUSING REVENUE BONDS (TIDEWATER TOWNHOMES), SERIES 2023 IN AN AMOUNT UP TO \$20,000,000 (THE “BONDS”) AND THE FINANCING TEAM THEREFOR

WHEREAS, the Housing Authority of the City of Wilmington, North Carolina (the “Authority”) has decided to issue its Multifamily Housing Revenue Bonds (Tidewater Townhomes), Series 2023 (the “Bonds”) to finance the acquisition, rehabilitation and equipping by OAHS Tidewater LLC, a Delaware limited liability company (the “Borrower”), of a multifamily residential rental facility known as Tidewater Townhomes, consisting of 104 units, located in the City of Wilmington, North Carolina (the “Development”); and

WHEREAS, in order to finance the Development, the Authority proposes to issue the Bonds in one or more series in an aggregate principal amount of not to exceed \$20,000,000, pursuant to the Housing Authorities Law, Article 1 of Chapter 157 of the North Carolina General Statutes, as amended (the “Act”); and

WHEREAS, the Bonds have to be approved by the North Carolina Local Government Commission (the “Commission”), for which approval the Commission may consider the criteria set forth in North Carolina General Statutes Section 159-153, and the Authority has applied to the Commission for such approval; and

WHEREAS, based upon the information and evidence received in connection with such application, including resolutions adopted by the Board of Commissioners of the Authority on November 7, 2023, it is hereby determined and found by the Commission:

- (a) that such proposed bond issue is necessary or expedient;
- (b) that the proposed amount of the bond issue is adequate and not excessive for the proposed purposes thereof;
- (c) that the Borrower has demonstrated that it is financially responsible and capable of fulfilling its obligations with respect to the Bonds and the Development;
- (d) that the Authority’s debt management procedures and policies are good and that it is not in material default with respect to any of its debt service obligations; and
- (e) the proposed date and manner of sale of the Bonds will not have an adverse effect upon any scheduled or anticipated sale of any obligations by the State of North Carolina or any political subdivision thereof or any agency of either of them; and

WHEREAS, the Authority has requested that the Commission approve its selection of the following financing team members for the upcoming issuance of the Bonds:

Bond Counsel:	McGuireWoods LLP
Authority’s Counsel:	The Banks Law Firm, P.A.
Borrower:	OAHS Tidewater LLC
Borrower’s Counsel:	Nixon Peabody LLP
	Parker Poe Adams & Bernstein LLP
Trustee:	The Huntington National Bank
Underwriter:	FMSbonds, Inc.
Underwriter’s Counsel:	Greenberg Traurig, LLP
Controlling Person:	Red Stone Servicer, LLC
Controlling Person’s Counsel:	Greenberg Traurig, LLP
Tax Credit Investor:	Raymond James Affordable Housing
Investments	
Tax Credit Investor’s Counsel:	Klein Hornig LLP

WHEREAS, based upon the information and evidence received by the Commission, it is the opinion of the Commission that the request by the Authority be approved; and

WHEREAS, it is expected that the Bonds will be privately placed with a single investor (the “Purchaser”), to be identified by FMSbonds, Inc., as Underwriter; and

WHEREAS, there have been presented to the Commission forms of the following documents (the “Documents”) to be used in connection with the issuance of the Bonds:

(a) Indenture of Trust between the Authority and The Huntington National Bank, as trustee (the “Trustee”), providing for the issuance of the Bonds, together with the form of the Bonds;

(b) Loan Agreement between the Authority and the Borrower, pursuant to which the Authority will lend the proceeds of the Bonds to the Borrower (the “Loan”);

(c) Promissory Note given by the Borrower to the Authority to evidence the Loan, which the Authority will assign to the Trustee as security for the Bonds;

(d) Regulatory Agreement and Declaration of Restrictive Covenants, from the Borrower for the benefit of the Authority and the Trustee; and

(e) Bond Purchase Agreement to be dated the date of sale of the Bonds, among the Authority, the Borrower, and the Underwriter; and

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission:

Section 1. The sale of the Bonds pursuant to the Documents in substantially the forms furnished to the Commission is hereby approved, such sale being subject to the satisfaction of the conditions set forth in the Documents and herein.

Section 2. It is hereby determined, with the approval of the Authority and the Borrower that the Bonds shall be issued in an aggregate principal amount not to exceed \$20,000,000, shall initially bear interest at a fixed rate, such rate not to exceed 12.0% per annum, and shall have a final maturity not later than December 31, 2064.

Section 3. The Secretary of the Commission, or any Deputy Secretary, is hereby appointed the designated representative of the Commission for the purposes of this resolution and such designated representative is hereby authorized and directed, within the terms and conditions of this resolution, to approve such changes to the Documents, including details of the Bonds, as shall be satisfactory to him or her, and to approve the forms of other documents relating to the Bonds.

Section 4. The financing team set forth above is hereby approved.

Section 5. This resolution shall be effective immediately upon its passage.

Secretary Penny seconded the motion and the foregoing resolution was adopted by unanimous vote of 6 – 0 (Absent: Burns, Harvey, and Philbeck).

* * * * *

WINSTON SALEM HOUSING AUTHORITY

Ms. Hoffmann made a motion to adopt the following resolution:

**RESOLUTION APPROVING HOUSING AUTHORITY OF
THE CITY OF WINSTON-SALEM MULTIFAMILY NOTE
IN AN AMOUNT UP TO \$20,000,000 (THE "NOTE") FOR
SALEM GARDENS AND THE FINANCING TEAM
THEREFOR**

WHEREAS, the Housing Authority of the City of Winston-Salem (the “Authority”) has decided to issue its Multifamily Note (the “Note”) to finance the acquisition, rehabilitation and equipping by OAHS Salem Gardens TC LLC, a Delaware limited liability company (the “Borrower”), of a low-income multifamily residential rental facility known as Salem Gardens, consisting of 150 units, in the City of Winston-Salem, North Carolina (the “Development”); and

WHEREAS, in order to finance the Development, the Authority proposes to issue the Note in an aggregate principal amount of not to exceed \$20,000,000, pursuant to the Housing Authorities Law, Article 1 of Chapter 157 of the North Carolina General Statutes, as amended (the “Act”); and

WHEREAS, the Note has to be approved by the North Carolina Local Government Commission (the “Commission”), for which approval the Commission may consider the criteria set forth in North Carolina General Statutes Section 159-153, and the Authority has applied to the Commission for such approval; and

WHEREAS, based upon the information and evidence received in connection with such application, including resolutions adopted by the Board of Commissioners of the Authority on October 10, 2023, it is hereby determined and found by the Commission:

- (a) that such proposed note issue is necessary or expedient;
- (b) that the proposed amount of such note issue is adequate and not excessive for the proposed purposes thereof;
- (c) that the Borrower has demonstrated that it is financially responsible and capable of fulfilling its obligations with respect to the Note and the Development;
- (d) that the Authority’s debt management procedures and policies are good and that it is not in material default with respect to any of its debt service obligations; and
- (e) the proposed date and manner of sale of the Note will not have an adverse effect upon any scheduled or anticipated sale of any obligations by the State of North Carolina or any political subdivision thereof or any agency of either of them; and

WHEREAS, the Authority has requested that the Commission approve its selection of the following financing team members for the upcoming issuance of the Note:

Bond Counsel:	McGuireWoods LLP
Borrower:	OAHS Salem Gardens TC LLC
Borrower’s Counsel:	Nixon Peabody LLP
	Parker Poe Adams & Bernstein LLP
Permanent Lender:	Federal Home Loan Mortgage Corporation
Initial Funding Lender:	Grandbridge Real Estate Capital LLC
Freddie Mac/Servicer’s Counsel:	Kutak Rock LLP

Fiscal Agent:

The Huntington National Bank

WHEREAS, based upon the information and evidence received by the Commission, it is the opinion of the Commission that the request by the Authority be approved; and

WHEREAS, it is expected that the Note will initially be acquired by Grandbridge Real Estate Capital LLC (the “Initial Funding Lender”), and then assigned to the Federal Home Loan Mortgage Corporation (“Freddie Mac”); and

WHEREAS, there have been presented to the Commission forms of the following documents (the “Documents”) to be used in connection with the issuance of the Note:

(a) Funding Loan Agreement, among the Authority, the Initial Funding Lender, and The Huntington National Bank, as fiscal agent (the “Fiscal Agent”), providing for the issuance of the Note, together with the form of the Note;

(b) Project Loan Agreement, among the Authority, the Borrower and the Fiscal Agent, providing for the financing of the Development by the Authority, together with the form of the promissory note of the Borrower; and

(c) Regulatory Agreement and Declaration of Restrictive Covenants, from the Borrower for the benefit of the Authority and the Fiscal Agent;

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission:

Section 1. The sale of the Note pursuant to the Documents in substantially the forms furnished to the Commission is hereby approved, such sale being subject to the satisfaction of the conditions set forth in the Documents and herein.

Section 2. It is hereby determined, with the approval of the Authority and the Borrower that the Note shall be issued in an aggregate principal amount not to exceed \$20,000,000, shall initially bear interest at a fixed rate, such rate not to exceed 12.0% per annum, and shall have a final maturity not later than December 31, 2041.

Section 3. The Secretary of the Commission, or any Deputy Secretary, is hereby appointed the designated representative of the Commission for the purposes of this resolution and such designated representative is hereby authorized and directed, within the terms and conditions of this resolution, to approve such changes to the Documents, including details of the Note, as shall be satisfactory to him or her, and to approve the forms of other documents relating to the Note.

Section 4. The financing team set forth above is hereby approved.

Section 5. This resolution shall be effective immediately upon its passage.

Secretary Penny seconded the motion and the foregoing resolution was adopted by unanimous vote of 6 – 0 (Absent: Burns, Harvey, and Philbeck).

MISCELLANEOUS ACTION ITEMS

TOWN OF CARY

Ms. Hoffmann made a motion to approve the following:

The Town of Cary and the North Chatham Volunteer Fire Department are requesting approval of an annexation payment of Wake County Parcel 0714635459 according to G.S. 160A-31.1, whereby the Town will make a lump sum payment of \$4,874.94 for the debt related to facilities and equipment. The annexation was completed on June 22, 2023.

Secretary Penny seconded the motion and the foregoing was approved by unanimous vote of 6 – 0 (Absent: Burns, Harvey, Philbeck).

* * * * *

ECU HEALTH

Ms. Hoffmann made a motion to approve the following:

ECU Health is requesting to amend its Master Trust Indenture to modernize the MTI definition of IADS “Income Available for Debt Service” (and various related changes) in order to keep up with various accounting and operational changes applicable to ECU Health. Given the implementation of GASB 87 and GASB 96, revisions are needed in definitions to deal with how payments made under GASB 87 leases should be accounted for in the IADS calculation. ECU Health has determined (with approval from the bank bondholders) to continue to treat payments under GASB 87 leases (and similar GASB 96 technology arrangements) as operating expenses and not as debt service. Pursuant to the terms of the Master Trust Indenture, ECU Health is requesting that the Local Government Commission consent to a First Amendment to Master Trust Indenture providing for such amendments.

Secretary Penny seconded the motion and the foregoing was approved by unanimous vote of 6 – 0 (Absent: Burns, Harvey, Philbeck). Paul Billow, Bond Counsel, attended virtually and answered Members’ questions.

* * * * *

ON SLOW COUNTY HOSPITAL AUTHORITY

Ms. Hoffmann made a motion to approve the following:

On October 3, 2023 the LGC approved the financing of the Authority with U.S. Department of Housing and Urban Development section 241 FHA insured mortgage loan financing (FHA project no. 053-10041) in an amount not to exceed \$23,109,200, which included an interest rate of 6.75%. Due to the market increase in interest rates the Authority would like to request a rate change Not to Exceed 7.75%.

Secretary Penny seconded the motion and the foregoing was approved by unanimous vote of 6 – 0 (Absent: Burns, Harvey, Philbeck).

END OF CONSENT AGENDA

Auditor Wood made a motion to adopt the following items:

See **EXHIBIT 2**: Budget Ordinance for FY 2024 for the **Town of Eureka**; and

See **EXHIBIT 3**: Resolution Adopting a Credit Card Policy for **Cliffside Sanitary District**, and

See **EXHIBIT 4**: Resolution Modifying Designation of Account Signatories for **Cliffside Sanitary District**, and

See **EXHIBIT 5**: Budget Ordinance Amendment # 1 for **Kingstown**, and

See **EXHIBIT 6**: Resolution to Modify Appointment of a Finance Officer for **Spencer Mountain**.

Mr. Butler seconded the motion and the foregoing were adopted by unanimous vote of 6 – 0 (Absent: Burns, Harvey, and Philbeck).

**Establishing Guidelines for Successful Appeal - Units with Late Audits –
Sales Tax Withholding**

Commission members asked LGC staff to revise the resolution establishing the guideline(s) in the resolution. No action was taken on the Resolution, and members asked staff to submit a modified resolution for consideration at a future meeting.

Auditor Wood made a motion to adjourn. Secretary Penny seconded the motion which passed by unanimous vote. The meeting adjourned at 3:02 p.m.

The next regularly scheduled meeting of the North Carolina Local Government Commission will be held on December 5, 2023 at 1:30 p.m.

I, Sharon Edmundson, Secretary of the North Carolina Local Government Commission, CERTIFY that the foregoing is a true and correct account of actions taken at a meeting of the North Carolina Local Government Commission duly called and held on November 14, 2023.

WITNESS my hand at Raleigh, NC, this 14th day of November 2023.



Sharon Edmundson, Secretary of the
Local Government Commission of North Carolina

EXHIBIT 1

Local Governments Requesting Debt Approval by LGC									
Meeting Date 11/14/23									
		As Reported in 2023 Fiscal Year End Audits (except as otherwise noted)							
Name of Unit	County	Total OPEB Liability	Actuarial Value of OPEB Assets	Net OPEB Liability	Total LEOSSA Pension Liability	Actuarial Value of LEOSSA Assets	Net LEOSSA Pension Liability	Total Net Liability for OPEB and LEOSSA	LGERS/TSERS Net Pension Liability (1)
Cary	Wake	150,722,686	-	150,722,686	8,994,705	-	8,994,705	159,717,391	66,725,682
ECU Health	Pitt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	not available
Fayetteville Metropolitan Housing Authority (5)	Cumberland	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1,183,572
Gastonia Housing Authority (6)	Gaston	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Inlivian Housing Redefined (6)	Mecklenburg	N/A	N/A	N/A	N/A	N/A	N/A	N/A	11,355,067
Onslow County Hospital Authority (3)	Onslow	11,186,335	-	11,186,335	N/A	N/A	N/A	11,186,335	N/A
Raleigh Housing Authority (3)	Wake	1,312,151	2,956,891	(1,644,740)	N/A	N/A	N/A	(1,644,740)	1,036,711
Spring Lake (2)	Cumberland	3,796,598	-	3,796,598	280,155	-	280,155	4,076,753	1,707,088
Stanly County	Stanly	8,759,895	-	8,759,895	1,747,209	-	1,747,209	10,507,104	15,843,386
Tryon	Polk	N/A	N/A	N/A	352,099	-	352,099	352,099	366,223
Wake County Housing Authority (4)	Wake	N/A	N/A	N/A	N/A	N/A	N/A	N/A	217,771
Wilmington Public Housing Authority (3)	New Hanover	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1,004,133
Winston Salem Housing Authority (5)	Forsyth	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3,899,355
LGERS - Local Government Employees' Retirement System			OPEB - Other Post Employment Benefits (e.g. retiree healthcare)						
TSERS - Teachers' and State Employees' Retirement System			N/A - Not applicable						
(1) LGERS/TSERS liabilities are satisfied by monthly employer contributions to the plans. The contribution rates are reviewed annually and adjusted as needed. See detailed explanation on cover page.									
(2) Financials as of 06/30/2020									
(3) Financials as of 03/31/2022									
(4) Financials as of 06/30/2022									
(5) Financials as of 09/30/2022									
(6) Financials as of 12/31/2022									
(7) Financials as of 3/31/2021									

Town of Eureka
BUDGET ORDINANCE
FOR THE FISCAL YEAR ENDING June 30, 2024
PRESENTED FOR ADOPTION ON November 14, 2023

PURSUANT TO Session Law 2019-29, the Local Government Budget and Fiscal Control Act does not apply to the Town during the period its charter is suspended; therefore a budget is not statutorily required. However, in the best interest of the Town's citizenry, transparency, and accountability, staff have prepared a balanced budget for fiscal year 2024, it is as follows:

Section 1: The following amounts are hereby appropriated in the General Fund for the operation of the town government and its activities for the fiscal year beginning July 1, 2023 and ending June 30, 2024 in accordance with the chart of accounts heretofore established for this Town:

General and administrative	\$ 48,675
Public safety	7,200
Transportation	500
Lights	6,560
Cemetery	20,500
Environmental protection	25,000
Powell Bill	7,000
Contingency	10,876
Loan to sewer fund	50,000
Contribution to fund balance	48,222
Total appropriations	\$ 224,533

Section 2: It is estimated that the following revenues will be available in the General Fund:

Current property taxes	\$ 78,198
Prior year property taxes (incl penalties and interest)	\$ 2,000
Property taxes (motor vehicles)	13,000
Local option sales tax	65,000
Utilities sales tax	13,000
US Postal Service rent payments	5,635
Cemetery plot sales	15,000
Powell Bill	7,000
ABC beverage tax	300
Solid waste revenue	25,000
Solid waste disposal tax	200
Miscellaneous	200
Total Estimated Revenue	\$ 224,533

Town of Eureka
BUDGET ORDINANCE
FOR THE FISCAL YEAR ENDING June 30, 2024
PRESENTED FOR ADOPTION ON November 14, 2023

Section 3: The following amounts are hereby appropriated in the Sewer Fund for the operation of the Town's sewer utility for the fiscal year beginning July 1, 2023 and ending June 30, 2024 in accordance with the chart of accounts heretofore established for this Town:

Sewer Operations	\$ 370,200
AIA Study	62,400
Total Appropriations Sewer	<u>\$ 432,600</u>

Section 4: It is estimated that the following revenues will be available in the Sewer Fund for the fiscal year beginning July 1, 2023 and ending June 30, 2024. This estimate includes the rate increase of 5% that was adopted by the Local Government Commission on September 12, 2023 and effective as of November 1, 2023.

Charges for services	\$ 120,000
DEQ AIA grant	62,400
Emergency operating grant (2022)	35,034
Emergency operating grant (2024)	165,166
Loan from general fund	50,000
	<u>\$ 432,600</u>

Section 5: There is hereby levied a tax at the rate of seventy five cents (\$0.75) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2023, for the purpose of raising the revenue listed "Current Year Property Taxes" in the General Fund in Section 2 of this ordinance. The property value is listed as \$10,630,848. This rate is based on an estimated rate of collection of 98.00%. The estimated rate of collection is based upon the 2022-2023 fiscal year rate of collection as provided by Wayne County.

Section 6: The Secretary of the Local Government Commission and the Finance Officer are hereby authorized to transfer appropriations as contained herein:

a) Transfers between line-item appropriations within a department or function without limitations and without a report to the governing board being required.

b) Transfers of up to \$5,000 between departments or functions, within the same fund. The finance officer must make an official report on such transfers at the next regular meeting of the governing board.

c) All transfers between funds require prior approval by the governing board in an amendment to this budget ordinance

Town of Eureka
BUDGET ORDINANCE
FOR THE FISCAL YEAR ENDING June 30, 2024
PRESENTED FOR ADOPTION ON November 14, 2023

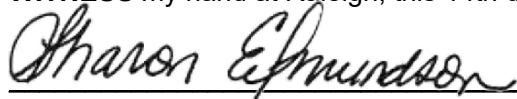
Section 7: The Finance Officer or a designee may make cash advances between funds for periods not to exceed 60 days without reporting to the Governing Board. Any advances that extend beyond 60 days must be approved by the Board. All advances that will be outstanding at the end of the fiscal year must be approved by the Board.

Section 8: The Finance Officer or designee are hereby authorized to: (a) take any actions and to (b) execute and deliver any contract, agreement, and any other document on behalf of the Local Government Commission that may be necessary, appropriate or desirable for the purpose of collecting Town receipts and expending appropriations from all funds.

Section 9: Copies of this Budget Ordinance shall be furnished to the Secretary of the Local Government Commission and to the Finance Officer to be kept on file by them for their direction in the disbursement of funds.

I, Sharon Edmundson, Secretary of the North Carolina Local Government Commission, **CERTIFY** that the foregoing is a true and correct copy of the budget ordinance adopted at a meeting of the North Carolina Local Government Commission duly called and held on November 14, 2023.

WITNESS my hand at Raleigh, this 14th day of November 2023.

A handwritten signature in cursive script, reading "Sharon Edmundson", is written over a solid horizontal line.

Sharon Edmundson, Secretary of the
North Carolina Local Government Commission



Dale R. Folwell, CPA

RESOLUTION TO ADOPT A CREDIT CARD POLICY FOR THE
CLIFFSIDE SANITARY DISTRICT

WHEREAS, the Local Government Commission (the Commission) impounded the books and assumed full control of all financial affairs of the Cliffside Sanitary District (the "District") pursuant to Section 159-181(c) of the North Carolina General Statutes (N.C.G.S.) and,

WHEREAS, it is the responsibility of the Finance Officer, who is appointed by and serves at the pleasure of the governing board, to supervise the disbursement of public funds of the District;

WHEREAS, the District wishes to utilize credit cards to simplify and to expedite certain authorized purchases while ensuring that use of credit cards is appropriately controlled and regulated;

NOW, THEREFORE, BE IT RESOLVED, that the Commission:

- 1) Authorizes the District's Finance Officer to apply for credit cards from the District's official depository and to operate the credit card program pursuant to the attached "Credit Card Policy for the Cliffside Sanitary District" (Attachment A).
- 2) Adopts the "Credit Card Policy for the Cliffside Sanitary District" (Attachment A).
- 3) Requires that all District credit card users shall complete the "Card User Agreement" (Attachment B) prior to assignment of a District credit card by the Finance Officer.

I, Sharon G. Edmundson, Secretary of the North Carolina Local Government Commission, DO HEREBY CERTIFY that the foregoing is a true and correct copy of the Resolution adopted by the North Carolina Local Government Commission at its meeting held on November 14, 2023.

WITNESS my hand this 14th day of November, 2023.

Sharon Edmundson

Sharon Edmundson, Secretary
North Carolina Local Government Commission

ATTACHMENT A CREDIT CARD POLICY FOR THE CLIFFSIDE SANITARY DISTRICT

PURPOSE

This policy intends to supplement the purchasing process, not replace the purchase order requirements. The benefits of credit card use includes a reduction in the number of small value requests for payment. The program also provides increased control and freedom in daily activities. This policy establishes procedures for the administration of the District's credit card and to regulate its use by credit card users.

SCOPE

This policy applies to all District departments, employees, staff, and any other individuals authorized by the Finance Officer to use a District credit card. This policy does not replace or circumvent procurement policies and procedures.

POLICY

It is the policy of the District that the Finance Officer shall be responsible for managing the District's credit card(s), including the sole authority to obtain credit cards on the District's behalf, operation of the credit card program, and enforcement of this policy. The Finance Officer shall oversee the accounts and maintain a list of authorized credit card users. The District will make an effort to limit the number of credit cards used.

No credit card may be issued without prior approval from the Finance Officer.

A District credit card user shall complete and submit a Card User Agreement prior to the use of a District credit card. The District may terminate authorization to use a District credit card at any time for any reason. A District credit card user shall return the card upon request or upon termination of employment.

DISTRICT CREDIT CARD USE

District credit cards should only be used in the following situations:

- 1) emergencies that present a public safety hazard or threat for which a purchase order cannot be issued through the routine accounts payable/procurement process;
- 2) as authorized by the Finance Officer or designee.

All purchases shall comply with applicable District policies and procurement procedures; credit cards shall not be used to circumvent routine procurement procedures. Credit cards shall only be used for public purpose and official District business only. Cash advances are strictly prohibited.

EXHIBIT 3 Page 3 of 4

Resolution Adopting a Credit Card Policy
Cliffside Sanitary District
November 14, 2023
PAGE 3

The credit card user shall not allow anyone else to use the credit card or account number. Under no circumstances shall a District credit card be used for personal use or gain. Credit card users who conduct any personal business with a District credit card, make unauthorized purchases or purchases without prior Finance Officer approval, fail to provide required receipts and documentation, or otherwise misuse the District credit card may be subject to corrective action up to and including termination, legal action, and personal liability for the total dollar amount of these transactions plus any administrative fees charged by the vendor in connection with the misuse. Any credit card user who uses a District credit card fraudulently after termination may be subject to legal action.

District credit cards will have a maximum credit limit of \$1,000.

Prior to use of a District credit card for a purchase, a credit card user shall first:

- 1) obtain a purchase order from the Finance Officer obligating the District to pay for the purchase; and/or
- 2) request and obtain written authorization from the Finance Officer to check out the card from the District's office and to use the card for the purchase. The request shall state the date the card will be checked out, the purpose of the use of the card, and the date the card shall be returned.

Upon completion of the purchase, the credit card user shall return and secure the card in the District's office and email confirmation to the Finance Officer of the day and time the card was returned.

DOCUMENTATION AND PAYMENT

At the time of a transaction, the credit card user shall obtain and retain an original, detailed transaction receipt that clearly specifies the public purpose and ensure the purchase order number is indicated on the receipt (if applicable). Receipts shall be presented to the Finance Officer within 10 days of the credit card statement date or upon request. The Finance Officer will validate card charges monthly and reconcile charges to the credit card statement. Lack of proper documentation or authorization may result in loss of credit card privileges and/or personal liability. Securing missing receipts shall be the responsibility of the credit card user.

LOST, STOLEN, OR COMPROMISED CARDS

It is the responsibility of the credit card user to ensure safekeeping of the card while in their possession and to notify the Finance Officer in the event of a lost, stolen, or compromised credit card. The Finance Officer shall take appropriate action as needed.

EFFECTIVE DATE

This policy was adopted by the Local Government Commission and is effective as of November 14, 2023.

ATTACHMENT B
CLIFFSIDE SANITARY DISTRICT
CARD USER AGREEMENT

I have requested and received authorization from the Cliffside Sanitary District (“District”) Finance Officer to use a District credit card. I understand that the District may terminate my right to use the District credit card at any time for any reason and agree to return the credit card upon request or upon termination of employment. I have read, understand, and agree to the terms of the “Credit Card Policy for the Cliffside Sanitary District”.

Card User

Print Name: _____

Signature: _____

Date: _____

Approval by Finance Officer or Designee

Print Name: _____

Signature: _____

Date: _____

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Dale R. Folwell, CPA

RESOLUTION TO MODIFY DESIGNATION OF ACCOUNT SIGNATORIES FOR THE CLIFFSIDE SANITARY DISTRICT

WHEREAS, the Local Government Commission (the Commission) impounded the books and assumed full control of all financial affairs of the Cliffside Sanitary District (the "District") pursuant to Section 159-181(c) of the North Carolina General Statutes (N.C.G.S.) and,

WHEREAS, the Commission desires to modify the designation of Account Signatories for the District;

NOW, THEREFORE, the Commission,

- 1) terminates the appointment of Sharon Edmundson as an Account Signatory; and
- 2) appoints Kendra Boyle as an Account Signatory; and
- 3) retains Eric Faust as Finance Officer and Account Signatory with the authority to execute signature cards for the existing Town bank accounts and countersign disbursements pursuant to the Commission's Resolution adopted September 12, 2023; and
- 4) retains Becky Dzingeski as Deputy Finance Officer and an Account Signatory with the authority to execute signature cards for the existing District bank accounts and countersign disbursements pursuant to the Commission's Resolution adopted October 4, 2020.

I, Sharon G. Edmundson, Secretary of the North Carolina Local Government Commission, DO HEREBY CERTIFY that the foregoing is a true and correct copy of the Resolution adopted by the North Carolina Local Government Commission at its meeting held on November 14, 2023.

WITNESS my hand this 14th day of November, 2023.

Sharon Edmundson

Sharon Edmundson, Secretary
North Carolina Local Government Commission



LOCAL GOVERNMENT COMMISSION
STATE AND LOCAL GOVERNMENT FINANCE DIVISION
SHARON EDMUNDSON, DEPUTY TREASURER

Kingstown
BUDGET AMENDMENT #1
FISCAL YEAR ENDING 6.30.24
PRESENTED FOR ADOPTION ON November 14, 2023

BE IT ORDAINED BY THE by the North Carolina Local Government Commission acting in place of the Town Council of Kingstown, North Carolina pursuant to General Statute 159-181(c), that the following amendment to the budget ordinance for the fiscal year ending June 30, 2024 is hereby adopted as stated:

Section 1. The budget for the General Fund is amended to include the following changes:

Appropriations	Original Budget	Amendment Amount	Amended Budget
Parks & Recreation	\$ 15,500	\$ 7,600	\$ 23,100
Total Increase in Expenditures		<u>\$ 7,600</u>	
Revenues			
Parks & Recreation Grant Proceeds	\$ -	\$ 5,105	\$ 5,105
Fund Balance Appropriated	\$ -	\$ 2,495	\$ 2,495
Total Increase in Revenues		<u>\$ 7,600</u>	

Justification for Budget Amendment:

To account for the receipt of grant funds from the County and related expenditures for installation of a concrete pad.

I, Sharon Edmundson, Secretary of the North Carolina Local Government Commission, **CERTIFY** that the foregoing is a true and correct copy of the budget ordinance amendment adopted at a meeting of the North Carolina Local Government Commission duly called and held on November 14, 2023.

WITNESS my hand at Raleigh, this 14th day of November 2023,

Sharon Edmundson, Secretary
North Carolina Local Government Commission



Dale R. Folwell, CPA

**RESOLUTION TO MODIFY APPOINTMENT OF FINANCE OFFICER
FOR THE TOWN OF SPENCER MOUNTAIN**

WHEREAS, the Local Government Commission (the Commission) impounded the books and assumed full control of all financial affairs of the Town of Spencer Mountain (the "Town") pursuant to Section 159-181(c) of the North Carolina General Statutes (N.C.G.S.) and,

WHEREAS, acting pursuant to N.C.G.S. 159-24, the Commission desires to modify the appointment of Finance Officer for the Town;

NOW, THEREFORE, the Commission,

- 1) acting pursuant to N.C.G.S. 159-24, appoints Becky Dzingeski as Finance Officer and Account Signatory with the authority to execute signature cards for the existing Town bank accounts and countersign disbursements; and
- 2) terminates the appointment of Sharon Edmundson as Finance Officer and designation as Account Signatory.

I, Sharon G. Edmundson, Secretary of the North Carolina Local Government Commission, DO HEREBY CERTIFY that the foregoing is a true and correct copy of the Resolution adopted by the North Carolina Local Government Commission at its meeting held on November 14, 2023.

WITNESS my hand this 14th day of November, 2023.

Sharon Edmundson

Sharon Edmundson, Secretary
North Carolina Local Government Commission