

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

**MINUTES**

**July 9, 2024**

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 Paul Butler. Members present virtually: State Auditor Jessica Holmes; McKinley Wooten, Designee for Secretary of Revenue Ronald Penny; Vida Harvey; Nancy Hoffmann, and Mike Philbeck.

Members absent: John Burns.

A quorum was present for the entire meeting.

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

Others attending in person: DST staff: MJ Vieweg, Linde Skinner, Stephanie Bacik, Tony Blalock, Biff McGilvray, Frank Lester, Ted Brinn, Sam Watts 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. Ms. Hoffmann reported a conflict of interest and recused herself from the City of Greensboro matter. Ms. Harvey reported a conflict of interest and recused herself from the City of Greensboro and Lincon County matters. Their statements of recusal are incorporated into these meeting minutes pursuant to the requirements of the State Government Ethics Act.

Auditor Holmes made a motion to approve the minutes of the June 4, 2024 and June 24, 2024 meetings. Ms. Hoffmann seconded the motion, and the minutes were approved by unanimous vote of 8 – 0 (Absent: Burns).

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

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**TOWN OF ANDREWS**

Mr. Butler made a motion to adopt the following resolution:

**"RESOLUTION APPROVING THE APPLICATION OF THE TOWN OF ANDREWS, 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 Andrews, North Carolina (the "Town") has determined that

the Project is necessary and expedient to replace aging vehicles in order to provide adequate public safety and public works 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 United Community 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 \$170,000 with monthly level principal payments for a term of five (5) years at an approved interest rate of 7.24%; 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;
- (iv) that the Contract will not require an excessive increase in taxes; and
- (v) that the Town 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."

Mayor James Reid and Town Administrator Tammy Holloway attended virtually to speak and answer Commission members' questions.

Secretary Marshall seconded the motion which passed by unanimous vote of 8 – 0 (Absent: Burns).

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**BEGIN CONSENT AGENDA**

**AQUA NORTH CAROLINA**

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

**“RESOLUTION APPROVING THE APPLICATION OF AQUA NORTH CAROLINA FOR ITS LEAD SERVICE LINE INVENTORY PROJECT.**

WHEREAS, Aqua North Carolina, Inc., a North Carolina corporation (“Aqua”) has determined that the Project is necessary and expedient to inspect water service lines in its systems located in Cumberland, Hoke, Iredell, Catawba, Gaston, Surry, and Warren Counties, and build a water line inventory to comply with Lead and Copper Rule Revision requirements; and

WHEREAS, Aqua filed an application with the Commission for approval of a Drinking Water State Revolving Loan in the amount not to exceed \$2,275,048 with the term of twenty (20) years at an interest rate not to exceed 4%; and

WHEREAS, the Commission, pursuant to G.S. 159-153(f), upon information and evidence received, finds, and determines as follows:

- (i) The amount of the indebtedness to be incurred is not excessive for the purpose contemplated; and
- (ii) Aqua has demonstrated the financial responsibility and capability to fulfill its obligations with respect to the indebtedness.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the Commission hereby approves the award of the State Drinking Water Revolving Loan to Aqua and approves the loan amount and approves the loan terms, under the provisions of G.S. 159-153 and G.S.159G-40(a), as amended, and relevant resolutions of the Commission.”

Mr. Philbeck seconded the motion which passed by unanimous vote of 8 – 0 (Absent: Burns).

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**CITY OF CHARLOTTE**

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

**“RESOLUTION APPROVING THE FINANCING TEAM FOR THE CITY OF CHARLOTTE, NORTH CAROLINA GENERAL OBLIGATION REFUNDING BONDS, SERIES 2024**

*WHEREAS*, the City of Charlotte, North Carolina (the “*City*”) has requested that the Local Government Commission of North Carolina (the “*Commission*”) approve their selection of the following financing team members in connection with the issuance of its general obligation refunding bonds in an aggregate principal amount not to exceed \$70,000,000 (the “*Bonds*”) to be used for the purpose of refunding the City’s outstanding General Obligation Refunding Bonds, Series 2014A and paying costs of issuing the Bonds:

Underwriters:	J.P. Morgan Securities LLC Wells Fargo Bank, National Association Academy Securities
Bond Counsel:	Parker Poe Adams & Bernstein LLP
Underwriters’ Counsel:	McGuireWoods LLP
Financial Advisor:	DEC Associates, Inc.

*WHEREAS*, based upon the information and evidence received by the Commission, it is the opinion of the Commission that the City’s request should be approved.

*NOW, THEREFORE, BE IT RESOLVED* by the Commission that the above financing team is hereby approved for the issuance of the Bonds.

Mr. Philbeck seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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

**“RESOLUTION APPROVING THE APPLICATION OF THE CITY OF CHARLOTTE, NORTH CAROLINA RELATING TO THE NOT TO EXCEED \$70,000,000 OF THE CITY OF CHARLOTTE, NORTH CAROLINA GENERAL OBLIGATION REFUNDING BONDS, SERIES 2024**

*WHEREAS*, the City of Charlotte, North Carolina (the “*City*”) has applied to the Local Government Commission of North Carolina (the “*Commission*”), pursuant to the Local Government Bond Act, as amended, for approval of the issuance of general obligation refunding bonds in an aggregate principal amount not to exceed \$70,000,000 (the “*Bonds*”) to be used for the purpose of refunding the City’s outstanding General Obligation Refunding Bonds, Series 2014A and paying costs of issuing the Bonds; and

*WHEREAS*, the City has furnished to the Commission the forms of the following:

(a) a Bond Resolution adopted by the City Council of the City on June 10, 2024 authorizing the City to issue the Bonds and authorizing the form and the terms of the documents described below;

(b) a Preliminary Official Statement (the “*Preliminary Official Statement*”) with respect to the Bonds; and

(c) a Bond Purchase Agreement related to the Bonds (the “*Purchase Agreement*”) among the City, the Commission and J.P. Morgan Securities LLC, as managing underwriter, and Wells Fargo Bank, National Association and Academy Securities, as underwriters;

*WHEREAS*, based upon the information and evidence received in connection with such application for approval of the issuance of the Bonds, the Commission hereby finds and determines as follows:

- (1) the proposed bond issue is necessary or expedient;
- (2) the amount proposed is adequate and not excessive for the proposed purpose of the issue;
- (3) the City’s debt management procedures and policies are good;
- (4) the increase in taxes, if any, necessary to service the proposed debt will not be excessive;
- (5) the proposed bonds can be marketed at reasonable rates of interest; and
- (6) the assumptions used by the finance officer of the City in preparing the statement of estimated interest filed with the clerk pursuant to G.S. 159-55.1(a) are reasonable.

*NOW, THEREFORE, BE IT RESOLVED* by the Commission that the application of the City for approval of the Bonds in an aggregate principal amount not to exceed \$70,000,000 for the purposes set forth is hereby approved pursuant to the Local Government Bond Act, as amended.”

Mr. Philbeck seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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

**“RESOLUTION CONCERNING THE PRIVATE SALE OF THE CITY OF CHARLOTTE, NORTH CAROLINA GENERAL OBLIGATION REFUNDING BONDS, SERIES 2024**

*WHEREAS*, Article 7 of Chapter 159 of the General Statutes of North Carolina, as amended, authorizes the Local Government Commission of North Carolina (the “*Commission*”) to sell general obligation bonds at private sale without advertisement to any purchasers thereof at such prices as the Commission determines to be in the best interest of the issuing unit, subject to the approval of the governing board of the issuing unit; and

*WHEREAS*, under the terms and conditions set forth below and in the form of the Bond Purchase Agreement (the “*Purchase Agreement*”) among the City, the Commission and J.P. Morgan Securities LLC, as managing underwriter, and Wells Fargo Bank, National Association and Academy Securities, as underwriters (collectively, the “*Underwriters*”), the Underwriters have offered to purchase the City’s General Obligation Refunding Bonds, Series 2024 in an aggregate principal amount not to exceed \$70,000,000 (the “*Bonds*”), to be used for the purpose of refunding the City’s outstanding General Obligation Refunding Bonds, Series 2014A and paying costs of issuing the Bonds; and

*WHEREAS*, the Commission has received a copy of a Preliminary Official Statement (the “*Preliminary Official Statement*”) relating to the offering of the Bonds; and

*WHEREAS*, the City has requested the Commission to sell the Bonds at private sale without advertisement in accordance with Article 7 of Chapter 159 of the General Statutes of North Carolina, as amended; and

*WHEREAS*, the Commission desires to approve the request of the City that it sell the Bonds at private sale without advertisement; and

*WHEREAS*, the Commission desires to accept the offer of the Underwriters to purchase the Bonds substantially in the form of the Purchase Agreement and upon the terms and conditions set forth below; and

*NOW, THEREFORE, BE IT RESOLVED* by the Commission as follows:

*Section 1.* The sale of the Bonds to the Underwriters at private sale without advertisement pursuant to the Bond Resolution adopted by the City Council of the City on June 10, 2024 related to the Bonds (the “*Bond Resolution*”) and an executed Purchase Agreement substantially in the form furnished to the Commission is hereby approved, such sale being subject to the approval of the Secretary of the Commission or a designated assistant of the Commission (the “*Designated Assistant*”) and satisfaction of the conditions set forth below.

*Section 2.* The aggregate principal amount of the Bonds will not exceed \$70,000,000 and the Bonds will have a final maturity not beyond July 1, 2034. The purchase price for the Bonds will be approved by the Designated Assistant on the date of the sale of the Bonds as provided in the Purchase Agreement.

*Section 3.* The Commission hereby determines that the sale of the Bonds in the manner and for the price as provided in this resolution is in the best interest of the City, provided that such sale is approved by the City.

*Section 4.* The Secretary of the Commission, or any Deputy Secretary is hereby appointed the Designated Assistant of the Commission for the purpose of this resolution. The Designated Assistant is hereby authorized and directed, within the terms and conditions of this resolution, to approve such changes to the Purchase Agreement, including details of the Bonds, as is satisfactory to him or her, to approve the forms of other documents relating to the Bonds, to execute and deliver the Purchase Agreement and such other documents on

behalf of the Commission and to provide for the execution and delivery of the Bonds in accordance with the Bond Resolution and the Purchase Agreement.

*Section 5.* The Official Statement relating to the Bonds, substantially in the form of the Preliminary Official Statement furnished to the Commission, with such insertions and changes therein as may be approved by the Designated Assistant, and the use thereof in connection with the public offering and sale of the Bonds, are hereby approved and authorized. The Designated Assistant is hereby authorized and directed to deliver on behalf of the Commission the final Official Statement in such form.

*Section 6.* This Resolution is effective immediately upon its passage.”

Mr. Philbeck seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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## **DURHAM HOUSING AUTHORITY**

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

### **RESOLUTION APPROVING HOUSING AUTHORITY OF THE CITY OF DURHAM MULTIFAMILY HOUSING REVENUE BONDS (LOFTS AT SOUTHSIDE - PHASE IV), SERIES 2024 IN AN AMOUNT UP TO \$7,000,000 AND THE FINANCING TEAM THEREFOR**

WHEREAS, the Housing Authority of the City of Durham (the “Authority”) has decided to issue its Multifamily Housing Revenue Bonds (Lofts at Southside - Phase IV), Series 2024 (the “Bonds”) to finance the acquisition, construction and equipping by Southside Revitalization Phase IV, LP, a Missouri limited partnership (the “Borrower”), of a 44-unit multifamily rental housing development to become part of the Lofts at Southside located in the City of Durham, 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 \$7,000,000, 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 June 26, 2024, 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:	The Banks Law Firm, P.A.
Borrower:	Southside Revitalization Phase IV, LP
Borrower's Counsel:	Winthrop & Weinstine, P.A.
Initial Bondholder:	U.S. Bank National Association
Initial Bondholder's Counsel:	Thompson Coburn LLP
Permanent Lender:	Cedar Rapids Bank and Trust Company
Permanent Lender's Counsel:	Messerli & Kramer, P.A.
Tax Credit Investor:	U.S. Bancorp Community Development Corporation
Tax Credit Investor's Counsel:	Applegate & Thorne-Thomsen, P.C.

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 U.S. Bank National Association (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 \$7,000,000, 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, 2046.

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.

Mr. Philbeck seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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#### **TOWN OF GARNER**

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

#### **RESOLUTION APPROVING THE APPLICATION OF THE TOWN OF GARNER, NORTH CAROLINA FOR THE FINANCING OF A TOWN HALL ANNEX FOR SAID TOWN THROUGH AN INSTALLMENT FINANCING AGREEMENT PURSUANT TO N.C.G.S. §160A-20**

WHEREAS, the Town of Garner, North Carolina (the “Town”) has determined that it is necessary and expedient to pay the cost of acquiring an existing building within the vicinity of the Town Hall to be used by the Town’s engineering, information technology and communications departments and the construction and equipping of various renovations thereto (the “Project”); and

WHEREAS, pursuant to Section 160A-20 of the General Statutes of North Carolina, the Town intends to finance the Project pursuant to an Installment Financing Agreement (the “Agreement”) between the Town and JPMorgan Chase Bank, N.A. (the “Lender”), whereby the Lender shall advance moneys to the Town, and the Town, subject to its right of nonappropriation, shall repay the advancement with interest in installments; and

WHEREAS, the aggregate principal amount of the Agreement shall not exceed

\$6,250,000 with annual principal and semi-annual interest payments with a term of approximately fifteen (15) years (final maturity not to exceed May 1, 2039) at a rate of 4.30% per annum, subject to adjustment as provided in the Agreement; and

WHEREAS, pursuant to Article 8, Chapter 159 of the General Statutes of North Carolina, the Town 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 Section 159-149 of the General Statutes of North Carolina; and

WHEREAS, the Commission, pursuant to Section 159-151 of the General Statutes of North Carolina, upon information and evidence received, finds and determines as follows:

- (i) that the Agreement is necessary or expedient for the Town;
- (ii) that the Agreement, under the circumstances, is preferable to a bond issue for the same purpose;
- (iii) that the sums to fall due under the Agreement are adequate and not excessive for its proposed purpose;
- (iv) that the Town’s debt management procedures and policies are good;
- (v) that the Town is not in default in any of its debt service obligations;
- (vi) that the increase in taxes, if any, necessary to meet the sums to fall due under the Agreement will not be excessive.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the application for approval of the Agreement and the financing contemplated thereby is hereby approved under the provisions of Section 160A-20 of the General Statutes of North Carolina and relevant resolutions of the Commission.

Mr. Philbeck seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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**INLIVIAN HOUSING**

Ms. Hoffman made a motion to approve the following action:

**RESOLUTION APPROVING INLIVIAN MULTIFAMILY  
HOUSING REVENUE NOTES (LINDEN VILLAGE  
APARTMENTS), SERIES 2024 IN AN AMOUNT UP TO  
\$38,500,000 FOR LINDEN VILLAGE APARTMENTS AND  
THE FINANCING TEAM THEREFOR**

WHEREAS, INLIVIAN (the “Authority”) has decided to issue its Multifamily Housing Revenue Notes (Linden Village Apartments), Series 2024 (the “Multifamily Notes”) to finance LGC Minutes July 2024

the acquisition, construction and equipping by Roers Charlotte Apartments LLC, a Minnesota limited liability company, or a related or affiliated entity (the “Borrower”), of a low income multifamily residential rental facility to be known as Linden Village Apartments, consisting of 238 units, in the City of Charlotte, Mecklenburg County, North Carolina (the “Development”); and

WHEREAS, in order to finance the Development, the Authority proposes to issue the Multifamily Notes in one or more series in an aggregate principal amount not to exceed \$38,500,000, 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 Notes 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 June 18, 2024, 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 Notes 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 Notes 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 Notes:

Bond Counsel:	McGuireWoods LLP
Authority’s Counsel:	The Banks Law Firm, P.A.
Borrower:	Roers Charlotte Apartments LLC
Borrower’s Counsel:	Winthrop & Weinstine, P.A.
Fiscal Agent:	U.S. Bank Trust Company, National Association
Funding Lenders:	Deutsche Bank Securities Inc.
	CB Madison Investments LLC
Funding Lenders’ Counsel:	Kutak Rock LLP
Servicer:	Red Stone Servicer, LLC

Servicer's Counsel: Greenberg Traurig, 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 Multifamily Notes will be privately placed with Deutsche Bank Securities, Inc. and CB Madison Investments LLC (collectively, the "Funding Lenders"); 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 Notes:

(a) Funding Loan Agreement, between the Authority and the Funding Lenders, providing for the issuance of the Multifamily Notes, together with the forms of the Multifamily Notes;

(b) Borrower Loan Agreement, between the Authority and the Borrower, providing for the financing of the Development by the Authority;

(c) Promissory Notes 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 Multifamily Notes 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 Notes shall be issued in an aggregate principal amount not to exceed \$38,500,000, 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 June 30, 2070.

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 Notes, as shall be satisfactory to him or her, and to approve the forms of other documents relating to the Multifamily Notes.

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

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

Mr. Philbeck seconded the motion and the foregoing resolution was adopted by unanimous vote of 8- 0 (Absent: Burns).

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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 \$20,000,000**

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 (individually, a “Borrower” and, collectively, the “Borrowers”) described herein:

<u>Multifamily Development</u>	<u>Development Owner</u>	<u>Location</u>
Berry Park Apartments	Berry Park NC, LLC	Chadbourn
British Woods Apartments	British Woods NC, LLC	Roanoke Rapids
Brittany Place Apartments	Brittany Place NC, LLC	Washington
Brookside Apartments	Brookside Village NC, LLC	Maxton
Burnside Village Apartments	Burnside Village NC LLC	Hookerton
Chadwick Place Apartments	Chadwick Place NC, LLC	Chadbourn
Gooden Village Apartments	Gooden Village NC, LLC	Elizabethtown
Pine Ridge Apartments	Pine Ridge NC, LLC	Newland
Piney Pointe Apartments	Piney Pointe NC, LLC	Hamlet
Ridgeview Apartments	Ridgeview NC, LLC	Sparta
Ridgeway Apartments	Ridgeway NC, LLC	Taylorsville
River Park Apartments	River Park NC, LLC	Sylva (Dillsboro)
Scotland Arms Apartments	Scotland Arms NC, LLC	Scotland Neck
Woodfield Apartments	Woodfield Apts NC, LLC	Fairmont

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

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(1) Trust Indenture, to be dated as of August 1, 2024 (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 (Weaver–PPM Portfolio), Series 2024” (the “Bonds”), including the form of the Bonds attached thereto;

(2) Loan Agreement, to be dated as of August 1, 2024, among the Agency and the Borrowers, including the form of the Note to be executed by each Borrower, with respect to the Bonds;

(3) Bond Purchase Agreement, to be dated the date of delivery thereof (the “Bond Purchase Agreement”), among Herold & Lantern Investments, Inc. and Churchill Stateside Securities, LLC (the “Underwriters”), the Borrowers, the Agency and the Commission, relating to the Bonds;

(4) Remarketing Agreement, to be dated as of August 1, 2024, between Herold & Lantern Investments, Inc. and Churchill Stateside Securities, LLC, as remarketing agent (together, the “Remarketing Agent”), and the Borrowers;

(5) Preliminary Official Statement of the Agency, to be used by the Underwriters in connection with the underwriting and offering of the Bonds; and

(6) Land Use Restriction Agreements, to be dated the date of delivery thereof, among the Agency, each respective Borrower and the Trustee, relating to the Bonds.

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.
Underwriters:	Herold & Lantern Investments, Inc. and Churchill Stateside Securities, LLC
Underwriters’ Counsel:	Norris George & Ostrow PLLC
Financial Advisor:	Caine Mitter & Associates Incorporated

Section 4. The sale of the Bonds in an aggregate principal amount not to exceed \$20,000,000 in a public offering pursuant to the executed Bond Purchase Agreement, which shall reflect the issuance of the Bonds herein approved 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 September 1, 2032, 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 8.00% 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 Deputy Secretary of the Commission shall have the power to appoint such Designated Assistants for the purposes of this resolution as the Deputy 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.

Mr. Philbeck seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

\* \* \* \* \*

#### **TOWN OF VALDESE**

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

**“RESOLUTION APPROVING THE FINANCING REQUEST OF  
THE TOWN OF VALDESE, NORTH CAROLINA FOR THE  
CLIVE AVENUE BASIN AND PUMP STATION UPGRADES  
PROJECT.**

WHEREAS, the Town of Valdese, North Carolina (the “Town”) has determined that it is necessary or expedient to rehabilitate failing portions of its wastewater collection system and make numerous upgrades to its pump station; and

WHEREAS, the Town filed an application with the North Carolina Local Government Commission (the “Commission”) for approval of a Wastewater State Revolving Loan in an amount not to exceed \$1,488,510 with the term of twenty (20) years at the rate, as established under this program for the respective loan, State or Federal, not to exceed 4%; and

WHEREAS, the Commission, upon the information and evidence it received, finds, and determines as follows:

- (1) That the proposed loan is necessary or expedient;
- (2) That the amount proposed is adequate and not excessive for the proposed purpose of the loan;
- (3) That the Town’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;

(4) That the increase in taxes, if any, necessary to service the proposed debt will not be excessive; and

(5) That the interest rate for the proposed loan will be a reasonable rate.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission hereby approves the award of the Wastewater Revolving Loan to the Town and approves the loan terms.”

Mr. Philbeck seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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### **TOWN OF FUQUAY-VARINA – REVENUE BONDS**

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

#### **“RESOLUTION APPROVING THE FINANCING TEAM FOR THE TOWN OF FUQUAY-VARINA REVENUE BONDS**

WHEREAS, The Town of Fuquay-Varina (the “Town”) has requested that the North Carolina Local Government Commission (the “Commission”) approve its selection of the following financing team members for its upcoming issue of revenue bonds:

Bond Counsel:	Sanford Holshouser LLP
Underwriter:	Robert W. Baird & Co. Incorporated
Financial Advisor:	Davenport & Company LLC
Feasibility Consultant:	Stantec Consulting Services, Inc.
Underwriter’s Counsel:	Womble Bond Dickinson (US) LLP
Trustee:	U.S. Bank Trust Company, National Association
Trustee’s counsel:	Holland and Knight, LLP

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



NOW, THEREFORE, BE IT RESOLVED by the Commission that the above financing team is approved for the Town's proposed issue of revenue bonds."

Mr. Philbeck seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 -0 (Absent: Burns).

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

**"RESOLUTION APPROVING THE APPLICATION OF THE TOWN OF FUQUAY-VARINA FOR THE ISSUANCE OF REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$75,000,000**

WHEREAS, the Town of Fuquay-Varina (the "Town") has applied to the North Carolina Local Government Commission (the "Commission"), pursuant to The State and Local Government Revenue Bond Act (Article 5, Chapter 159 of the General Statutes, as amended), for approval of the issuance of revenue bonds to pay costs related to the Town's participation in improvement and expansion of the City of Sanford's water treatment plant, of other water system improvements, and financing costs;

WHEREAS, the Town has furnished to the Commission documents and other information related to the financing and the security for the bonds;

WHEREAS, the principal amount of the bonds will not exceed \$75,000,000;

WHEREAS, the maturity of the bonds will not extend beyond February 1, 2049, and the true interest cost of the bonds will not exceed 5.50%;

WHEREAS, the Commission, pursuant to G.S. 159-86, upon information and evidence received, finds and determines as follows:

- (i) that the proposed revenue bond issue is necessary or expedient for the Town;
- (ii) that the amount proposed is adequate and not excessive for the proposed purpose of the issue;
- (ii) that the project is feasible;
- (iii) that the Town's debt management procedures and policies are good; and
- (iv) that the proposed bonds can be marketed at reasonable interest cost to the Town.

NOW, THEREFORE, BE IT RESOLVED by the Commission (1) that the application for approval of the bonds is approved under the provisions of the Revenue Bond Act and relevant resolutions of the Commission, and (2) that the Secretary of the Commission, or any Designated Assistant, is authorized to execute and deliver appropriate documents to evidence the Commission's approval and otherwise to carry out the financing contemplated by this approval."

Mr. Philbeck seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 -0 (Absent: Burns).

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

**"RESOLUTION APPROVING THE PRIVATE SALE OF TOWN OF  
FUQUAY-VARINA REVENUE BONDS IN THE MAXIMUM AMOUNT  
OF \$75,000,000**

WHEREAS, the North Carolina Local Government Commission (the "Commission") has previously approved the issuance by the Town of Fuquay-Varina, North Carolina (the "Town"), of revenue bonds in the maximum amount of \$75,000,000 pursuant to The State and Local Government Revenue Bond Act (Article 5, Chapter 159 of the General Statutes, as amended);

WHEREAS, Article 7, as amended, of Chapter 159 of the General Statutes authorizes the Commission to sell revenue bonds at private sale without advertisement to any purchasers thereof at such prices as the Commission determines to be in the best interest of the issuing unit, subject to the approval of the governing board of the issuing unit or one or more persons designated by resolution of such governing board to approve such prices; and

WHEREAS, the Town has requested the Commission to undertake such a private sale of the bonds;

WHEREAS, the Commission has received a draft of a Bond Purchase Agreement (the "Bond Purchase Agreement") relating to the sale of the bonds proposed to be entered into among the Town, the Commission and Robert W. Baird & Co. Incorporated ("Baird"), by which Baird proposes to purchase the bonds after a public offering;

WHEREAS, the Commission desires to approve the request of the Town that it sell the bonds at private sale without advertisement; and

WHEREAS, the Commission desires to accept Baird's offer to purchase the bonds substantially as set forth in the draft Bond Purchase Agreement and upon the terms and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Commission, as follows:

Section 1. The sale of the bonds to Baird at private sale without advertisement pursuant to an executed Bond Purchase Agreement substantially in the form of the draft furnished to the Commission is hereby approved, such sale being subject to the approval of the Town and satisfaction of the conditions set forth below.

Section 2. The aggregate principal amount of the bonds shall not exceed \$75,000,000, and the purchase price for the bonds shall be equal to at least 98% of the par amount of the bonds offered.

Section 3. The bonds shall bear interest at a true interest not to exceed 5.50%.

Section 4. The final maturity of the bonds shall not extend beyond February 1, 2049.

Section 5. The Commission hereby determines that the sale of the bonds in the manner and for the price as provided in this resolution is in the best interest of the Town, provided that the sale is approved by the Town (which may include approval by one or more persons designated by resolution of the Town Board for that purpose).

Section 6. The Secretary of the Commission or any Deputy Secretary is hereby appointed the Designated Assistant of the Commission for the purpose of this resolution, and the Designated Assistant is hereby authorized and directed, within the terms and conditions of this resolution, to approve changes to the Bond Purchase Agreement, including details of the bonds, as may be satisfactory to that officer, to approve the forms of other documents relating to the bonds, to execute and deliver the Bond Purchase Agreement and such other documents on behalf of the Commission and to provide for the execution and delivery of the bonds in accordance with the Bond Purchase Agreement and the resolution adopted by the Town Board.

Section 7. This resolution takes effect immediately.”

Mr. Philbeck seconded the motion and the foregoing resolution was passed by unanimous vote of 8 -0 (Absent: Burns).

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#### **TOWN OF FUQUAY-VARINA – SRF LOAN**

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

#### **“RESOLUTION APPROVING THE FINANCING REQUEST OF THE TOWN OF FUQUAY-VARINA, NORTH CAROLINA: THIS**

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**PROJECT CONSISTS OF PARTICIPATION IN A COOPERATIVE PROJECT TO INCREASE THE CAPACITY OF THE CITY OF SANFORD'S REGIONAL WATER TREATMENT PLANT FROM 12 MGD TO 30 MGD.**

WHEREAS, the Town of Fuquay-Varina, North Carolina (the "Town") has determined that it is necessary or expedient to participate in a cooperative project among the Town, the City of Sanford, and the Town of Holly Springs to increase the capacity of the City of Sanford's regional water treatment plant (WTP), from 12 MGD to 30 MGD in order to meet the water needs due to anticipated growth in the region; and

WHEREAS, by mutual agreement, the City of Sanford is funding the cost of an additional 8 MGD capacity, the Town of Fuquay-Varina is funding the cost of an additional 6 MGD capacity, and the Town of Holly Springs is funding the cost of an additional 4 MGD capacity; and

WHEREAS, the Town filed an application with the North Carolina Local Government Commission (the "Commission") for approval of a Drinking Water State Revolving Loan in an amount not to exceed \$54,000,000 with the term of twenty (20) years at the rate, as established under this program for the respective loan, State or Federal, not to exceed 4%; and

WHEREAS, the Commission, upon the information and evidence it received, finds, and determines as follows:

- (1) That the proposed loan is necessary or expedient;
- (2) That the amount proposed is adequate and not excessive for the proposed purpose of the loan;
- (3) That the Town'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;
- (4) That the increase in taxes, if any, necessary to service the proposed debt will not be excessive; and
- (5) That the interest rate for the proposed loan will be a reasonable rate.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission hereby approves the award of the Drinking Water Revolving Loan to the Town and approves the loan terms."

Mr. Philbeck seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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**TOWN OF HOLLY SPRINGS**

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

**“RESOLUTION APPROVING THE FINANCING TEAM FOR THE  
TOWN OF HOLLY SPRINGS, NORTH CAROLINA ENTERPRISE  
SYSTEMS REVENUE BONDS, SERIES 2024**

**WHEREAS**, the Town of Holly Springs, North Carolina (the “*Town*”) has requested that the Local Government Commission of North Carolina (the “*Commission*”) approve its selection of the following financing team members for the upcoming Enterprise Systems Revenue Bond issue:

Underwriter:	PNC Capital Markets LLC
Bond Counsel:	Parker Poe Adams & Bernstein LLP
Underwriter’s Counsel:	Womble Bond Dickinson (US) LLP
Financial Advisor:	DEC Associates, Inc.
Feasibility Consultant:	NewGen Strategies and Solutions, LLC
Trustee:	U.S. Bank Trust Company, National Association

**WHEREAS**, based upon the information and evidence received by the Commission, it is the opinion of the Commission that the Town’s request should be approved.

**NOW, THEREFORE, BE IT RESOLVED** by the Commission that the above-referenced financing team is hereby approved for the Town’s upcoming Enterprise Systems Revenue Bonds, Series 2024.”

Mr. Philbeck seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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

**“RESOLUTION APPROVING THE APPLICATION OF THE TOWN OF  
HOLLY SPRINGS, NORTH CAROLINA FOR THE ISSUANCE OF NOT  
TO EXCEED \$75,000,000 ENTERPRISE SYSTEMS REVENUE BONDS**

**WHEREAS**, the Town of Holly Springs, North Carolina (the “*Town*”) has applied to the Local Government Commission of North Carolina (the “*Commission*”), pursuant to the State and Local Government Revenue Bond Act, as amended, for approval of the issuance of not to exceed \$75,000,000 aggregate principal amount of Enterprise Systems Revenue Bonds, Series 2024 (the “*Bonds*”) of the Town of Holly Springs, North Carolina to (1) finance its portion of the design and construction of an eighteen (18) MGD expansion of the City of Sanford’s Water Filtration Facility from its present capacity of twelve (12) MGD to thirty (30) MGD (the “*Project*”), (2) pay capitalized interest on the Bonds, and (3) pay the costs of issuing the Bonds;

**WHEREAS**, the Town has furnished to the Commission the forms of the following:

(1) a General Trust Indenture to be dated as of July 1, 2024 (the “*General Indenture*”) between the Town and U.S. Bank Trust Company, National Association, as trustee (the “*Trustee*”);

(2) a Series Indenture, Number 1 to be dated as of July 1, 2024 (the “*Series Indenture*”), between the Town and the Trustee;

(3) a Preliminary Official Statement with respect to the Bonds;

(4) a Bond Purchase Agreement (the “*Purchase Agreement*”) to be dated on or about July 15, 2024 among the Commission, the Town and PNC Capital Markets LLC, (the “*Underwriter*”), pursuant to which the Commission will sell the Bonds on behalf of the Town to the Underwriter in accordance with the terms and conditions set forth therein; and

(5) a Construction Management Agreement, dated as of August 1, 2023, among the City of Sanford, North Carolina (the “*City*”), the Town, and the Town of Fuquay-Varina, North Carolina (collectively, the “*Participants*”) pursuant to which the Participants (1) designated the City as their agent to contract for, coordinate payment of, and manage construction of the Project, and (2) will deposit funds with Regions Bank from which the City will finance the Project.

**WHEREAS**, based upon the information and evidence received in connection with such application, the Commission hereby determines and finds as follows:

(i) the proposed revenue bond issue is necessary or expedient for the Town;

(ii) the amount proposed is adequate and not excessive for the proposed purpose of the issue;

(iii) the proposed Project is feasible;

(iv) the Town’s debt management procedures and policies are good; and

(v) the proposed revenue bonds can be marketed at reasonable interest cost to the Town.

**NOW, THEREFORE, BE IT RESOLVED** by the Commission that the application of the Town for approval of the proposed Bonds in an amount not to exceed \$75,000,000 for the purposes set forth is hereby approved pursuant to the State and Local Government Revenue Bond Act, as amended.”

Mr. Philbeck seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

Ms. Hoffmann made a motion to approve the following resolution:  
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**“RESOLUTION CONCERNING THE PRIVATE SALE OF THE TOWN  
OF HOLLY SPRINGS, NORTH CAROLINA ENTERPRISE SYSTEMS  
REVENUE BONDS**

**WHEREAS**, Article 7 of Chapter 159 of the General Statutes of North Carolina, as amended, authorizes the Local Government Commission of North Carolina (the “*Commission*”) to sell revenue bonds at private sale without advertisement to any purchasers thereof at such prices as the Commission determines to be in the best interest of the issuing unit, subject to the approval of the governing board of the issuing unit;

**WHEREAS**, the Town of Holly Springs, North Carolina (the “*Town*”) has applied to the Commission, pursuant to the State and Local Government Revenue Bond Act, as amended, for approval of the issuance of not to exceed \$75,000,000 aggregate principal amount of Enterprise Systems Revenue Bonds, Series 2024 (the “*Bonds*”) of the Town of Holly Springs, North Carolina, to (1) finance its portion of the design and construction of an eighteen (18) MGD expansion of the City of Sanford’s Water Filtration Facility from its present capacity of twelve (12) MGD to thirty (30) MGD (the “*Project*”), (2) pay capitalized interest on the Bonds, and (3) pay the costs of issuing the Bonds;

**WHEREAS**, PNC Capital Markets LLC (the “*Underwriter*”) has offered to purchase the Bonds from the Commission on the terms and conditions set forth below and in the form of the Bond Purchase Agreement to be dated on or about July 15, 2024 (the “*Purchase Agreement*”) among the Commission, the Town, and the Underwriter;

**WHEREAS**, the Commission has received a copy of a Preliminary Official Statement with respect to the Bonds (the “*Official Statement*”);

**WHEREAS**, the Town has requested the Commission to sell the Bonds at private sale without advertisement in accordance with Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina;

**WHEREAS**, the Commission desires to approve the request of the Town that it sell the Bonds at private sale without advertisement; and

**WHEREAS**, the Commission desires to accept the offer of the Underwriter to purchase the Bonds substantially in the form of the Purchase Agreement and upon the terms and conditions set forth below;

**NOW, THEREFORE, BE IT RESOLVED** by the Commission:

Section 1. The sale of the Bonds to the Underwriter at private sale without advertisement pursuant to the executed Purchase Agreement, a General Trust Indenture to be dated as of July 1, 2024 (the “*General Indenture*”) between the Town and U.S. Bank Trust Company, National Association, as trustee (the “*Trustee*”), and Series Indenture, Number 1 to be dated as of July 1, 2024 (the “*Series Indenture*”), between the Town and the Trustee, is

hereby approved, such sale being subject to the approval of the Designated Assistant (as defined below) and satisfaction of the conditions set forth below.

Section 2. The aggregate principal amount of the Bonds will not exceed \$75,000,000. The purchase price for the Bonds will be approved by the Designated Assistant on the date of the sale of the Bonds and set forth in the Purchase Agreement.

Section 3. The Bonds will bear interest at an effective interest cost not to exceed 5.00%, as determined by the Commission.

Section 4. No maturity of the Bonds will exceed November 1, 2054.

Section 5. The Commission hereby determines that the sale of the Bonds in the manner and for the price as provided in this resolution is in the best interest of the Town, provided that such sale is approved by the Town.

Section 6. The Secretary of the Commission, or any Deputy Secretary is hereby appointed the “*Designated Assistant*” for the purpose of this resolution, and the Designated Assistant is hereby authorized and directed, within the terms and conditions of this resolution, to approve such changes to the Purchase Agreement, including details of the Bonds, as shall be satisfactory to him or her, to approve the forms of other documents relating to the Bonds, to execute and deliver the Purchase Agreement and such other documents on behalf of the Commission and to provide for the execution and delivery of the Bonds in accordance with the General Indenture, the Series Indenture, and the Purchase Agreement.

Section 7. The Official Statement relating to the Bonds, substantially in the form furnished to the Commission, with such insertions and changes therein as may be approved by the Designated Assistant, and the use thereof in connection with the public offering and sale of the Bonds, is hereby approved and authorized. The Designated Assistant is hereby authorized and directed to deliver on behalf of the Commission the final Official Statement in such form.

Section 8. This Resolution is effective immediately on its passage.”

Mr. Philbeck seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

\* \* \* \* \*

#### **CITY OF SANFORD – REVENUE BONDS**

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

#### **“RESOLUTION APPROVING THE FINANCING TEAM FOR THE CITY OF SANFORD, NORTH CAROLINA ENTERPRISE SYSTEMS REVENUE BONDS, SERIES 2024**

WHEREAS, the City of Sanford, North Carolina (the “*City*”) has requested that the Local Government Commission of North Carolina (the “*Commission*”) approve its selection of



the following financing team members for the upcoming Enterprise Systems Revenue Bond issue:

Underwriters:	Wells Fargo Bank, National Association Truist Securities, Inc.
Bond Counsel:	Parker Poe Adams & Bernstein LLP
Underwriters' Counsel:	Womble Bond Dickinson (US) LLP
Financial Advisor:	First Tryon Advisors
Feasibility Consultant:	Raftelis Financial Consultants, Inc.
Trustee:	Regions Bank

WHEREAS, based upon the information and evidence received by the Commission, it is the opinion of the Commission that the City's request should be approved.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the above-referenced financing team is hereby approved for the City's upcoming Enterprise Systems Revenue Bonds, Series 2024."

Mr. Philbeck seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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

**"RESOLUTION APPROVING THE APPLICATION OF THE CITY OF SANFORD, NORTH CAROLINA FOR THE ISSUANCE OF NOT TO EXCEED \$76,000,000 ENTERPRISE SYSTEMS REVENUE BONDS**

WHEREAS, the City of Sanford, North Carolina (the "*City*") has applied to the Local Government Commission of North Carolina (the "*Commission*"), pursuant to the State and Local Government Revenue Bond Act, as amended, for approval of the issuance of not to exceed \$76,000,000 aggregate principal amount of Enterprise Systems Revenue Bonds, Series 2024 (the "*Bonds*") of the City of Sanford, North Carolina to (1) finance the costs of extensions, additions, and capital improvements to, or the renewal and replacement of capital assets of, or purchasing and installing new equipment for, the City's Enterprise Systems (collectively, the "*Projects*"), including, among other things, the City's proportionate share of the design and construction of an eighteen (18) MGD expansion of the City's Water Filtration Facility from its present capacity of twelve (12) MGD to thirty (30) MGD (the "*Expanded WFF*"), and (2) pay the costs of issuing the Bonds;

WHEREAS, the City has furnished to the Commission the forms of the following:

- (1) an Amended and Restated General Trust Indenture dated as of June 1, 2020 (the "*General Indenture*") between the City and Regions Bank, as trustee (the "*Trustee*");
- (2) a Series Indenture, Number 3 to be dated as of August 1, 2024 (the "*Series Indenture*"), between the City and the Trustee;
- (3) a Preliminary Official Statement with respect to the Bonds;

(4) a Bond Purchase Agreement (the “*Purchase Agreement*”) to be dated on or about July 10, 2024 among the Commission, the City and Wells Fargo Bank, National Association, on its own behalf and as representative of Truist Securities, Inc. (collectively, the “*Underwriters*”), pursuant to which the Commission will sell the Bonds on behalf of the City to the Underwriters in accordance with the terms and conditions set forth therein; and

(5) a Construction Management Agreement, dated as of August 1, 2023, among the City, the Town of Holly Springs, North Carolina, and the Town of Fuquay-Varina, North Carolina (collectively, the “*Participants*”) pursuant to which the Participants (1) designated the City as their agent to contract for, coordinate payment of, and manage construction of the Expanded WFF, and (2) will deposit funds with Regions Bank from which the City will finance the Expanded WFF.

WHEREAS, based upon the information and evidence received in connection with such application, the Commission hereby determines and finds as follows:

(i) the proposed revenue bond issue is necessary or expedient for the City;

(ii) the amount proposed is adequate and not excessive for the proposed purpose of the issue;

(iii) the proposed Projects are feasible;

(iv) the City’s debt management procedures and policies are good; and

(v) the proposed revenue bonds can be marketed at reasonable interest cost to the City.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the application of the City for approval of the proposed Bonds in an amount not to exceed \$76,000,000 for the purposes set forth is hereby approved pursuant to the State and Local Government Revenue Bond Act, as amended.”

Mr. Philbeck seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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

**“RESOLUTION CONCERNING THE PRIVATE SALE OF THE CITY OF SANFORD, NORTH CAROLINA ENTERPRISE SYSTEMS REVENUE BONDS**

WHEREAS, Article 7 of Chapter 159 of the General Statutes of North Carolina, as amended, authorizes the Local Government Commission of North Carolina (the “*Commission*”) to sell revenue bonds at private sale without advertisement to any purchasers

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thereof at such prices as the Commission determines to be in the best interest of the issuing unit, subject to the approval of the governing board of the issuing unit;

WHEREAS, the City of Sanford, North Carolina (the “City”) has applied to the Commission, pursuant to the State and Local Government Revenue Bond Act, as amended, for approval of the issuance of not to exceed \$76,000,000 aggregate principal amount of Enterprise Systems Revenue Bonds, Series 2024 (the “Bonds”) of the City of Sanford, North Carolina, to (1) finance the costs of extensions, additions, and capital improvements to, or the renewal and replacement of capital assets of, or purchasing and installing new equipment for, the City’s Enterprise Systems (collectively, the “Projects”), including, among other things, the City’s proportionate share of the design and construction of an eighteen (18) MGD expansion of the City’s Water Filtration Facility from its present capacity of twelve (12) MGD to thirty (30) MGD, and (2) pay the costs of issuing the Bonds;

WHEREAS, Wells Fargo Bank, National Association, on its own behalf and as representative of Truist Securities, Inc. (collectively, the “Underwriters”), has offered to purchase the Bonds from the Commission on the terms and conditions set forth below and in the form of the Bond Purchase Agreement to be dated on or about July 10, 2024 (the “Purchase Agreement”) among the Commission, the City and the Underwriters;

WHEREAS, the Commission has received a copy of a Preliminary Official Statement with respect to the Bonds (the “Official Statement”);

WHEREAS, the City has requested the Commission to sell the Bonds at private sale without advertisement in accordance with Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina;

WHEREAS, the Commission desires to approve the request of the City that it sell the Bonds at private sale without advertisement; and

WHEREAS, the Commission desires to accept the offer of the Underwriters to purchase the Bonds substantially in the form of the Purchase Agreement and upon the terms and conditions set forth below;

NOW, THEREFORE, BE IT RESOLVED by the Commission:

Section 1. The sale of the Bonds to the Underwriters at private sale without advertisement pursuant to the executed Purchase Agreement, an Amended and Restated General Trust Indenture dated as of June 1, 2020 (the “General Indenture”) between the City and Regions Bank, as trustee (the “Trustee”), and Series Indenture, Number 3 to be dated as of August 1, 2024 (the “Series Indenture”), between the City and the Trustee, is hereby approved, such sale being subject to the approval of the Designated Assistant (as defined below) and satisfaction of the conditions set forth below.

Section 2. The aggregate principal amount of the Bonds will not exceed \$76,000,000. The purchase price for the Bonds will be approved by the Designated Assistant on the date of the sale of the Bonds and set forth in the Purchase Agreement.

Section 3. The Bonds will bear interest at an effective interest cost not to exceed 5.00%, as determined by the Commission.

Section 4. No maturity of the Bonds will exceed June 1, 2049.

Section 5. The Commission hereby determines that the sale of the Bonds in the manner and for the price as provided in this resolution is in the best interest of the City, provided that such sale is approved by the City.

Section 6. The Secretary of the Commission, or any Deputy Secretary is hereby appointed the “*Designated Assistant*” for the purpose of this resolution, and the Designated Assistant is hereby authorized and directed, within the terms and conditions of this resolution, to approve such changes to the Purchase Agreement, including details of the Bonds, as shall be satisfactory to him or her, to approve the forms of other documents relating to the Bonds, to execute and deliver the Purchase Agreement and such other documents on behalf of the Commission and to provide for the execution and delivery of the Bonds in accordance with the General Indenture, the Series Indenture, and the Purchase Agreement.

Section 7. The Official Statement relating to the Bonds, substantially in the form furnished to the Commission, with such insertions and changes therein as may be approved by the Designated Assistant, and the use thereof in connection with the public offering and sale of the Bonds, is hereby approved and authorized. The Designated Assistant is hereby authorized and directed to deliver on behalf of the Commission the final Official Statement in such form.

Section 8. This Resolution is effective immediately on its passage.”

Mr. Philbeck seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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#### **CITY OF SANFORD – SRF LOAN**

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

**“RESOLUTION APPROVING THE FINANCING REQUEST OF  
THE CITY OF SANFORD, NORTH CAROLINA: THIS  
PROJECT CONSISTS OF INCREASING THE CAPACITY OF  
THE CITY OF SANFORD’S REGIONAL WATER TREATMENT  
PLANT FROM 12 MGD TO 30 MGD.**

WHEREAS, the City of Sanford, North Carolina (the “City”) has determined that it is necessary or expedient to participate in a cooperative project among the City and the Towns of Fuquay-Varina and Holly Springs to increase the capacity of the City’s regional water treatment plant (WTP), from 12 MGD to 30 MGD in order to meet the water needs due to anticipated growth in the region; and

WHEREAS, by mutual agreement, the City is funding the cost of an additional 8 MGD capacity, the Town of Fuquay-Varina is funding the cost of an additional 6 MGD capacity, and the Town of Holly Springs is funding the cost of an additional 4 MGD capacity; and

WHEREAS, the City filed an application with the North Carolina Local Government Commission (the “Commission”) for approval of a Drinking Water State Revolving Loan in an amount not to exceed \$88,369,170 with the term of thirty (30) years at the rate, as established under this program for the respective loan, State or Federal, not to exceed 4%; and

WHEREAS, the Commission, upon the information and evidence it received, finds, and determines as follows:

- (1) That the proposed loan is necessary or expedient;
- (2) That the amount proposed is adequate and not excessive for the proposed purpose of the loan;
- (3) That the City’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;
- (4) That the increase in taxes, if any, necessary to service the proposed debt will not be excessive; and
- (5) That the interest rate for the proposed loan will be a reasonable rate.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission hereby approves the award of the Drinking Water Revolving Loan to the City and approves the loan terms.”

Mr. Philbeck seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

#### **END OF CONSENT AGENDA**

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#### **CITY OF GREENSBORO**

Secretary Marshall made a motion to adopt the following resolution:

**RESOLUTION APPROVING THE FINANCING TEAM FOR THE CITY OF GREENSBORO, NORTH CAROLINA LIMITED OBLIGATION BONDS, SERIES 2024**

WHEREAS, the City of Greensboro, North Carolina (the “City”) has requested that the North Carolina Local Government Commission (the “Commission”) approve its selection of the following financing team members in connection with the issuance by the City of its Limited Obligation Bonds, Series 2024:

Co-Bond Counsel:	Womble Bond Dickinson (US) LLP McKenzie & Associates
Underwriters:	Wells Fargo Bank, National Association (Senior Manager) Loop Capital Markets LLC (Co-Manager)
Underwriters’ Counsel:	Robinson Bradshaw & Hinson, P.A.
Financial Advisor:	First Tryon Advisors
Trustee:	U.S. Bank Trust Company, National Association
Trustee’s Counsel:	Holland & Knight LLP

WHEREAS, based upon the information and evidence received by the Commission, the Commission is of the opinion that the request by the City should be approved.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the above financing team is hereby approved.

Mr. Butler seconded the motion and the foregoing resolution was adopted by unanimous vote of 6 – 0 (Recuse: Harvey, Hoffmann; Absent: Burns).

Thereupon, Secretary Marshall made a motion to adopt the following resolution:

**RESOLUTION APPROVING THE APPLICATION OF THE CITY OF GREENSBORO, NORTH CAROLINA FOR THE FINANCING OF A NEW FLEET SERVICING GARAGE AND VARIOUS CAPITAL IMPROVEMENT PROJECTS AND EQUIPMENT ACQUISITIONS THROUGH THE ISSUANCE OF NOT TO EXCEED \$47,500,000 LIMITED OBLIGATION BONDS, SERIES 2024 AND THE EXECUTION AND DELIVERY OF A MASTER TRUST AGREEMENT, A FIRST SUPPLEMENTAL TRUST AGREEMENT AND A DEED OF TRUST IN CONNECTION THEREWITH**

WHEREAS, the City of Greensboro, North Carolina (the “City”) has determined that a need exists to (a) acquire, construct and equip a new fleet servicing garage and (b) undertake various capital improvement projects and equipment acquisitions including, without limitation, yard waste collection carts, parks and recreational facilities improvement and equipment, improvements to the Greensboro Science Center, the Cultural Arts Center and the Heritage House, library improvements, solid waste transfer station improvements, police facility security improvements, streetscape and crosswalk improvements, including lighting and other corridor improvements, office renovations and other miscellaneous items (collectively, the “Project”);

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WHEREAS, pursuant to Article 8, Chapter 159 of the General Statutes of North Carolina, as amended, the City has made proper application to the North Carolina Local Government Commission (the “Commission”) for approval of the proposed financing;

WHEREAS, the City proposes to finance the Project through the issuance of its City of Greensboro, North Carolina Limited Obligation Bonds, Series 2024 (the “Series 2024 Bonds”) in accordance with Section 160A-20, as amended, of the General Statutes of North Carolina (the “Act”);

WHEREAS, the City has filed with the application to the Commission drafts of the following documents relating to the proposed financing:

(a) Master Trust Agreement, to be dated as of August 1, 2024 (the “Master Trust Agreement”), between the City and U.S. Bank Trust Company, National Association, as trustee (the “Trustee”);

(b) First Supplemental Trust Agreement, to be dated as of August 1, 2024 (the “First Supplemental Trust Agreement”), between the City and the Trustee, including the form of the Series 2024 Bonds set forth as Exhibit A thereto;

(c) Deed of Trust, to be dated as of August 1, 2024 (the “Deed of Trust”), from the City to the Deed of Trust trustee named therein for the benefit of the Trustee and its successors and assigns;

(d) Bond Purchase Agreement, to be dated the date of delivery thereof (the “Bond Purchase Agreement”), between Wells Fargo Bank, National Association and Loop Capital Markets LLC (the “Underwriters”) and the City; and

(e) Preliminary Official Statement, to be dated the date of delivery thereof (the “Preliminary Official Statement”), relating to the offering and sale of the Series 2024 Bonds;

WHEREAS, in order to secure its obligations with respect to the Series 2024 Bonds under the Master Trust Agreement and the First Supplemental Trust Agreement, the City will execute and deliver the Deed of Trust granting a lien on the site of the new fleet servicing garage constituting a portion of the Project, together with any improvements and fixtures located or to be located thereon, subject to permitted encumbrances;

WHEREAS, the Series 2024 Bonds, together with corresponding obligations under the Master Trust Agreement, the First Supplemental Trust Agreement and the Deed of Trust relating thereto, constitute an installment contract or contract within the meaning of the Act entered into by the City for the purpose of financing the Project;

WHEREAS, the City proposes to sell the Series 2024 Bonds to the Underwriters pursuant to the Bond Purchase Agreement;

WHEREAS, the Series 2024 Bonds will be offered and sold to the public pursuant to the Preliminary Official Statement and a final Official Statement relating to the offering and sale of the Series 2024 Bonds;

WHEREAS, the principal amount of the Series 2024 Bonds shall not exceed \$47,500,000;

WHEREAS, the Series 2024 Bonds shall have a final maturity not to exceed October 1, 2044;

WHEREAS, the all-in true interest cost of the Series 2024 Bonds shall not exceed 4.75% per annum; and

WHEREAS, based upon the information and evidence received in connection with such application, it is hereby found and determined by the Commission that:

(a) the proposed Series 2024 Bonds are necessary or expedient for the City;

(b) the financing of the Project through the issuance of the Series 2024 Bonds, under the circumstances, is preferable to a general obligation bond issue for the same purpose;

(c) the sums to fall due on the Series 2024 Bonds are adequate and not excessive for the proposed purposes thereof;

(d) the City's debt management procedures and policies are good;

(e) no increase in taxes is expected to be necessary to meet the sums to fall due with respect to the Series 2024 Bonds; and

(f) the City is not in default in any of its debt service obligations.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the application of the City for approval of the Master Trust Agreement, the First Supplemental Trust Agreement, the Deed of Trust and the proposed issuance of the Series 2024 Bonds pursuant thereto is hereby approved under the provisions of the Act subject to the conditions set forth in this resolution. The Series 2024 Bonds may be sold to the Underwriters pursuant to the terms of the Bond Purchase Agreement subject to the conditions set forth in this resolution.

Mr. Butler seconded the motion and the foregoing resolution was adopted by unanimous vote of 6 – 0 (Recuse: Harvey, Hoffmann; Absent: Burns).

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## **LINCOLN COUNTY**

Mr. Philbeck made the motion to adopt the following resolution:

**“RESOLUTION APPROVING THE FINANCING TEAM FOR THE SALE  
AND DELIVERY OF LINCOLN COUNTY PUBLIC FACILITIES**



CORPORATION LIMITED OBLIGATION BONDS (LINCOLN COUNTY,  
NORTH CAROLINA), SERIES 2024

WHEREAS, County of Lincoln (the “County”) has requested that the North Carolina Local Government Commission (the “Commission”) approve its selection of the following financing team members for the upcoming negotiated sale and delivery of the Lincoln County Public Facilities Corporation Limited Obligation Bonds (Lincoln County, North Carolina), Series 2024 (the “Bonds”):

Bond Counsel:	Robinson, Bradshaw & Hinson, P.A.
Underwriter:	Wells Fargo Bank, National Association
Underwriter’s Counsel:	Womble Bond Dickinson (US) LLP
Trustee:	Truist Bank
Trustee Counsel:	Pope Flynn, LLC
Financial Advisor:	Davenport & Company LLC

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

NOW, THEREFORE, BE IT RESOLVED by the Commission that the above financing team is hereby approved for the sale and delivery of the Bonds.”

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 7 – 0 (Recuse: Harvey, Absent: Burns).

Mr. Philbeck made the motion to adopt the following resolution:

“RESOLUTION APPROVING THE APPLICATION OF COUNTY OF LINCOLN, NORTH CAROLINA TO FINANCE A PORTION OF THE COST OF VARIOUS PROJECTS THROUGH AN INSTALLMENT FINANCING AGREEMENT PURSUANT TO G.S. § 160A-20.

WHEREAS, the County of Lincoln, North Carolina, (the “County”) has determined that it is in the best interest of the County to finance the costs of expanding, renovating, constructing, equipping and improving the Lincoln County Detention Center located at 700 John Howell Memorial Drive, Lincolnton, North Carolina 28092 (the “Project”); and

WHEREAS, pursuant to Section 160A-20 of the General Statutes of North Carolina, the County intends to effectuate such purposes through funds to be made available pursuant to an Installment Financing Agreement, dated as of August 1, 2024 (the “Installment Financing Agreement”), between the County and Lincoln County Public Facilities Corporation (the “Corporation”), whereby the Corporation will advance moneys to the County for such purposes and the County, subject to its right of nonappropriation, will repay the amount advanced with interest in installments; and

WHEREAS, the Corporation intends to enter into a Trust Agreement, dated as of August 1, 2024, with Truist Bank (the “Trustee”), pursuant to which the Corporation will execute and deliver its Limited Obligation Bonds (Lincoln County, North Carolina), Series 2024 (the “Bonds”) evidencing the proportionate and undivided interests in the rights of the

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owners thereof to receive installment payments to be made by the County pursuant to the Installment Financing Agreement; and

WHEREAS, the Bonds will be underwritten by Wells Fargo Bank, National Association (the “Underwriter”), and the proceeds of the sale of the Bonds shall be advanced by the Underwriter to the Corporation for deposit with the Trustee; and

WHEREAS, the principal amount of the advance under the Installment Financing Agreement shall not exceed \$30,000,000; and

WHEREAS, the final maturity of the installment payments to be made pursuant to the Installment Financing Agreement shall not be beyond June 30, 2045; and

WHEREAS, the effective interest cost of the amount advanced pursuant to the Installment Financing Agreement shall not to exceed 5.00% per annum; 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 Commission, pursuant to Section 159-151 of the General Statutes of North Carolina, upon information and evidence received, finds and determines as follows:

- (i) that the Installment Financing Agreement is necessary or expedient for the County;
- (ii) that the Installment Financing Agreement, under the circumstances, is preferable to a general obligation bond issue for the same purpose;
- (iii) that the sums to fall due under the Installment Financing Agreement are adequate and not excessive for its proposed purpose;
- (iv) that the County’s debt management procedures and policies are good;
- (v) that the County is not in default in any of its debt service obligations; and
- (vi) that the increase in taxes, if any, necessary to meet the sums to fall due under the Installment Financing Agreement will not be excessive;

NOW, THEREFORE, BE IT RESOLVED by the Commission that the application for approval of the Installment Financing Agreement and the proposed financing are hereby approved under the provisions of Section 160A-20 of the General Statutes of North Carolina and relevant resolutions of the Commission.”

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 7 – 0 (Recuse: Harvey, Absent: Burns).

\*\*\*\*\*

**TOWN OF LELAND**

Town Manager David Hollis, Deputy Manager Missy Rhodes, and Finance Director Carly Hagg attended the meeting in person and answered members' questions. Staff Attorney Paige Inman also attended in person. Following a discussion, Mr. Butler made a motion to adopt the following resolution:

**RESOLUTION APPROVING THE FINANCING TEAM  
FOR THE TOWN OF LELAND, NORTH CAROLINA  
LIMITED OBLIGATION BONDS, SERIES 2024**

WHEREAS, the Town of Leland, North Carolina (the "Town") has requested that the North Carolina Local Government Commission (the "Commission") approve its selection of the following financing team members for the upcoming issuance of its Limited Obligation Bonds, Series 2024:

Underwriter:	Truist Securities, Inc.
Underwriter's Counsel:	Parker Poe Adams & Bernstein LLP
Bond Counsel:	McGuireWoods LLP
Trustee:	U.S. Bank Trust Company, National
Trustee's Counsel:	Association
Financial Advisor:	Moore & Van Allen PLLC
	First Tryon Advisors

WHEREAS, based upon information and evidence received by the Commission, it has determined to approve the Town's request;

NOW, THEREFORE, BE IT RESOLVED by the Commission that the above financing team for the Town's Limited Obligation Bonds, Series 2024 is hereby authorized and approved.

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by a vote of 7 – 1 (No: Folwell, Absent: Burns).

\* \* \* \* \*

Mr. Butler made a motion to adopt the following resolution:

**RESOLUTION APPROVING THE APPLICATION OF THE  
TOWN OF LELAND, NORTH CAROLINA TO FINANCE  
THE RENOVATION OF A PORTION OF THE TOWN  
HALL OF THE TOWN AND THE CONSTRUCTION AND  
EQUIPPING OF AN ADDITION THERETO PURSUANT  
TO AN INSTALLMENT FINANCING BY THE TOWN  
THROUGH THE ISSUANCE OF THE LIMITED  
OBLIGATION BONDS AND THE EXECUTION AND**

## **DELIVERY OF A TRUST AGREEMENT AND FIRST SUPPLEMENTAL TRUST AGREEMENT**

WHEREAS, the Town of Leland, North Carolina (the “Town”) intends to enter into a Trust Agreement dated as of August 1, 2024 (the “Trust Agreement”), between the Town and U.S. Bank Trust Company, National Association, as trustee (the “Trustee”), and a First Supplemental Trust Agreement dated as of August 1, 2024 (the “First Supplemental Trust Agreement”), between the Town and the Trustee, pursuant to which the Town will issue its Limited Obligation Bonds, Series 2024 (the “2024 Bonds”) and the Trustee will advance the proceeds of such 2024 Bonds to the Town for the purpose of financing the renovation of a portion of the existing Town Hall of the Town, and the construction and equipping of an addition thereto, which renovation, construction and equipping will include the addition of offices, meeting rooms, flex space, restrooms, mechanical system upgrades, a new HVAC system, redesigned evidence processing and storage areas, ancillary areas, and additional parking spaces (the “Project”); and

WHEREAS, pursuant to Article 8, Chapter 159 of the General Statutes of North Carolina, as amended, the Town has made proper application to the North Carolina Local Government Commission (the “Commission”) for approval of the proposed issuance of the 2024 Bonds pursuant to the Trust Agreements; and

WHEREAS, the Town has filed with the application to the Commission drafts of the following documents relating to the proposed refinancing:

- (a) Trust Agreement;
- (b) First Supplemental Trust Agreement, including the form of the 2024 Bonds as Exhibit A thereto;
- (c) Deed of Trust;
- (d) Bond Purchase Agreement, to be dated the date of delivery thereof (the “Bond Purchase Agreement”), by and between Truist Securities, Inc. (the “Underwriter”) and the Town; and
- (e) Preliminary Official Statement, to be dated the date of delivery thereof (the “Preliminary Official Statement”), relating to the offering and sale of the 2024 Bonds;

WHEREAS, pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended, the Town intends to finance the Project by entering into the Trust Agreement and the First Supplemental Trust Agreement, whereby the Town will issue its 2024 Bonds, each 2024 Bond constituting a contract between the Town and the owner thereof for such owner to provide to the Town financing of a portion of the cost of financing the Project; and

WHEREAS, to secure its obligations with respect to the 2024 Bonds under the Trust Agreement and the First Supplemental Trust Agreement, the Town will execute and deliver the Deed of Trust granting a lien on the site where the Project is located, together with all improvements and fixtures located and to be located thereon; and

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WHEREAS, the Town proposes to sell the 2024 Bonds to the Underwriter pursuant to the Bond Purchase Agreement in a public offering pursuant to the Preliminary Official Statement and a final Official Statement; and

WHEREAS, the aggregate principal amount of the 2024 Bonds shall not exceed \$13,500,000, the final maturity thereof shall be not later than December 1, 2030, and the true interest cost of the 2024 Bonds shall not exceed 4.50%; and

WHEREAS, based upon information and evidence received in connection with such application, it is hereby found and determined by the Commission that:

- (a) the proposed 2024 Bonds and the Project are necessary or expedient for the Town;
- (b) the obtaining of financing with limited obligation bonds, under the circumstances, is preferable to a general obligation bond issue for the same purpose;
- (c) the sums to fall due with respect to the 2024 Bonds are adequate and not excessive for the proposed purposes thereof;
- (d) the Town's debt management procedures and policies are good;
- (e) there will be no increase in taxes necessary to meet the sums to fall due under the proposed financing; and
- (f) the Town is not in default in any of its debt service obligations.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the application of the Town for approval of the Trust Agreement and the First Supplemental Trust Agreement and the proposed issuance of the 2024 Bonds is hereby approved under the provisions of Section 160A-20 of the General Statutes of North Carolina and Article 8 of Chapter 159 of the General Statutes of North Carolina. The 2024 Bonds may be sold to the Underwriter pursuant to the Bond Purchase Agreement. The Commission hereby approves the use of the Official Statement in the offering of the 2024 Bonds.

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous a vote of 7 – 1 (No: Folwell, Absent: Burns).

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## **CABARRUS COUNTY**

The following representatives attended the meeting in person and answered members' questions: Chairman of the Board of County Commissioners Steve Morris, County Manager Mike Downs, Assistant County Manager Kelly Sifford, Finance Director Jim Howden, and

Andrew Carter and Jeremy Carter of DEC Associates, the County's Financial Advisor. Doug Carter of DEC Associates also attended virtually.

The County had submitted an application requesting approval to issue limited obligation bonds in the amounts of (a) \$186,000,000 (to refund/take out the 2022B LOBs Bond Anticipation Note and to fund the remaining budgets of the 2022B projects, consisting of the County courthouse, school replacements and improvements, and various other County facilities) and (b) \$42,000,000 (to purchase the building known as the ACN Corporate Headquarters to house the County Health and Human Services Department). The County's application combined the two proposed LOBs amounts as one borrowing, however parts (a) and (b) were discussed separately. Following a lengthy discussion, Chair Folwell asked for a motion to approve part (a) the \$186,000,000 LOBs amount. No member made a motion, and the County's request for approval failed for lack of a motion. No action was taken on part (b) of the LOBs request.

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## **CITY OF ROCKY MOUNT**

Mayor Sandy Roberson, City Manager Keith Rogers, Finance Director Krystal Hunter, Financial Advisor Ted Cole of Davenport & Co., LLC, and Bond Counsel Connor Crews of McGuireWoods, LLP attended the meeting in person and answered members' questions.

Ms. Harvey left the meeting at 4:05 p.m. and returned at 4:13 p.m.

After a lengthy discussion about the City's application to finance the replacement of Fire Station #2 and the City's recently incurred short-term debt to acquire real property for economic development, Chair Folwell made a motion to deny approval of the City's application. Mr. Butler seconded the motion which failed by a vote of 3 – 5 (Yes: Folwell, Butler, Philbeck; No: Holmes, Marshall, Wooten, Harvey, Hoffmann; Absent: Burns).

Subsequently, Mr. Wooten made a motion to adopt the following resolution:

### **RESOLUTION APPROVING THE FINANCING TEAM FOR THE CITY OF ROCKY MOUNT, NORTH CAROLINA INSTALLMENT FINANCING AGREEMENT**

WHEREAS, the City of Rocky Mount, North Carolina (the "City") has requested that the North Carolina Local Government Commission (the "Commission") approve its selection of the following financing team members for the execution and delivery of an installment financing agreement to be dated on or about August 15, 2024, between the City of Rocky Mount, North Carolina and Banc of America Public Capital Corp:

Bond Counsel:	McGuireWoods LLP
Lender:	Banc of America Public Capital Corp
Bank's Counsel:	Butler Snow LLP
Financial Advisor:	Davenport & Company LLC

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

NOW, THEREFORE, BE IT RESOLVED by the members of the Commission that the above financing team is hereby approved.

Auditor Holmes seconded the motion and the foregoing resolution was adopted by a vote of 5 – 3. (Yes: Wooten, Holmes, Marshall, Harvey, Hoffmann; No: Butler, Philbeck, Folwell; Absent: Burns)

\*\*\*\*\*

Mr. Wooten made a motion to adopt the following resolution:

**RESOLUTION APPROVING THE APPLICATION OF THE  
CITY OF ROCKY MOUNT, NORTH CAROLINA FOR THE  
APPROVAL OF AN INSTALLMENT FINANCING  
AGREEMENT BETWEEN THE CITY AND BANC OF  
AMERICA PUBLIC CAPITAL CORP TO FINANCE A  
PORTION OF THE COSTS OF THE CONSTRUCTION  
AND EQUIPPING OF FIRE STATION #2**

WHEREAS, the City of Rocky Mount, North Carolina (the “City”) intends to construct and equip an approximately 16,240 square foot fire station to replace the City’s existing Fire Station #2 (the “Project”); and

WHEREAS, the City Council of the City has approved the execution and delivery of an Installment Financing Agreement (the “Agreement”) to be dated on or about August 15, 2024, with Banc of America Public Capital Corp (the “Lender”) to provide the financing for the Project; and

WHEREAS, pursuant to Article 8 of Chapter 159 of the General Statutes of North Carolina, as amended, the City has made proper application to the North Carolina Local Government Commission (the “Commission”) for approval of the proposed financing pursuant to the Agreement; and

WHEREAS, the City has filed with the application to the Commission drafts of the following documents relating to the proposed financing:

(a) Installment Financing Agreement dated as of August 15, 2024, between the City and the Lender; and

(b) Deed of Trust, Security Agreement, Assignment of Rents and Leases, and Fixture Filing (Future Advances) dated as of August 15, 2024 (the “Deed of Trust”) from the City to the deed of trust trustee named therein for the benefit of the Lender, granting a lien to the Lender on the Project; and

WHEREAS, to secure its obligations with respect to the Agreement, the City will execute and deliver the Deed of Trust; and

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WHEREAS, under the Agreement, the Lender shall make a loan to the City in the aggregate principal amount of \$11,400,000 with a final maturity not beyond July 15, 2044 and bear interest at a rate not to exceed 4.5428% per annum; and

WHEREAS, based upon information and evidence received in connection with such application, it is hereby found and determined by the Commission that:

- (a) the proposed Agreement is necessary or expedient for the City;
- (b) the Agreement, under the circumstances, is preferable to a general obligation bond issue for the same purpose;
- (c) the sums to fall due with respect to the Agreement are adequate and not excessive for the proposed purposes thereof;
- (d) the City's debt management procedures and policies are good;
- (e) no increase in taxes will be necessary to meet the sums to fall due under the Agreement; and
- (f) the City 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 of the City for approval of the Agreement is hereby approved under the provisions of Article 8 of Chapter 159 and Section 160A-20 of the General Statutes of North Carolina and the relevant resolutions of the Commission.

Auditor Holmes seconded the motion and the foregoing resolution was adopted by a vote of 5 – 3 (Yes: Wooten, Holmes, Marshall, Harvey, Hoffmann; No: Butler, Philbeck, Folwell; Absent: Burns).

After the vote, several Commission members urged the City to explore ways to construct the fire station less expensively. Mayor Roberson stated that is a discussion he is prepared to have with the City Council. City Council Member Andre Knight, who was in attendance in person, addressed the members, saying:

“Thank you all for supporting the fire station. We desperately need it. It's been in our community for the last 40 years. It was built on the homesite of Buck Leonard, the Negro League baseball player, across from the Wright's Center, our adult day health center and it has somewhat of a little bit of impact on our community. But we desperately need it. I've been a long supporter of Ms. Marshall, growing up in Rocky Mount and North Carolina Central. And so, I just want to thank Auditor Holmes and those who supported it. And I do understand some history with Rocky Mount. But we are here to serve the needs of our people. I just want to thank you for understanding that. And our citizens are happy. We'll go back and get up with our city manager and our finance department.”

Secretary Marshall responded, “We'll be watching.” Mr. Knight answered, “Thank you, I appreciate that.”



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**TOWN OF SPRING LAKE**

Mr. Butler made a motion to adopt the following items:

**See EXHIBIT 2:** Resolution to Approve and Ratify Resolution Accepting Golden Leaf Foundation Grant for **the Town of Spring Lake;**

**See EXHIBIT 3:** Budget Ordinance Amendment # 25-01 for the **Town of Spring Lake;**

**See EXHIBIT 4:** Budget Ordinance Amendment # 25-02 for the **Town of Spring Lake;** and

**See EXHIBIT 5:** Budget Ordinance Amendment # 25-03 for the **Town of Spring Lake.**

Mr. Philbeck seconded the motion and the foregoing were adopted by a vote of 8 – 0 (Absent: Burns).

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

**See EXHIBIT 6:** Resolution to Return Financial Control to the **Town of Spring Lake.**

Mr. Butler seconded the motion and the foregoing resolution was adopted by a vote of 8 – 0 (Absent: Burns).

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**LATE AUDITS DISCUSSION – UPDATE**

LGC Secretary Debbie Tomasko presented updated information to the members about late audits and appeals submitted to the Commission by municipalities and counties regarding the potential withholding of sales tax distributions under G.S. 159-34(e), (f), (g), and (h) for failing to submit FY 2023 audits to the Commission by July 1, 2024. No action was taken, and staff was directed to continue planning the process for review and decisions by the Commission.

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Secretary Marshall made a motion to adjourn. Mr. Wooten seconded the motion which passed by unanimous vote. The meeting adjourned at 4:55 p.m.

The next regularly scheduled meeting of the North Carolina Local Government Commission will be held on August 6, 2024, at 1:30 p.m.

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I, Jennifer Wimmer, Deputy 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 July 9, 2024.

WITNESS my hand at Raleigh, NC, this 9th day of July 2024.

*Jennifer Wimmer*

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Jennifer Wimmer, Deputy Secretary of the  
Local Government Commission of North Carolina

# EXHIBIT 1

Local Governments Requesting Debt Approval by LGC Meeting Date 07/09/24									
		As Reported in 2023 Fiscal Year End Audits							
Name of Unit	County	Total OPEB Liability Ending	Plan Fiduciary Net Position	Net OPEB Liability	Total LEOSSA Pension Liability Ending	Plan Fiduciary Net Position	Net LEOSSA Pension Liability	Total Net Liability for OPEB and LEOSSA	LGERS/TSERS Net Pension Liability (1)
Andrews	Cherokee	N/A	N/A	N/A	20,710	0	20,710	20,710	607,582
Cabarrus County	Cabarrus	39,967,487	4,074,775	35,892,712	12,244,359	0	12,244,359	48,137,071	49,020,060
Charlotte	Mecklenburg	362,261,000	147,982,000	214,279,000	157,177,000	0	157,177,000	371,456,000	364,760,000
Durham Housing Authority (2)	Durham	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Fuquay-Varina	Wake	3,574,369	0	3,574,369	1,802,625	0	1,802,625	5,376,994	14,150,958
Garner	Wake	16,415,108	0	16,415,108	4,401,519	0	4,401,519	20,816,627	10,264,014
Greensboro	Guilford	148,923,261	34,243,114	114,680,147	37,440,965	7,943,793	29,497,172	144,177,319	131,886,996
Holly Springs	Wake	6,258,755	801,434	5,457,321	2,996,477	0	2,996,477	8,453,798	17,395,343
Inlivian Housing Redefined (3)	Mecklenburg	N/A	N/A	N/A	N/A	N/A	N/A	N/A	11,355,067
Leland	Brunswick	N/A	N/A	N/A	1,134,268	0	1,134,268	1,134,268	8,806,269
Lincoln County	Lincoln	52,297,001	0	52,297,001	3,901,463	0	3,901,463	56,198,464	31,081,448
Rocky Mount	Nash	44,727,549	0	44,727,549	8,685,853	0	8,685,853	53,413,402	34,888,283
Sanford	Lee	45,594,045	4,318,296	41,275,749	4,943,788	0	4,943,788	46,219,537	13,343,106
Valdese	Burke	1,013,314	0	1,013,314	330,993	0	330,993	1,344,307	2,387,452
Wrightsville Beach	New Hanover	5,165,507	0	5,165,507	805,715	0	805,715	5,971,222	3,190,792
LGERS - Local Government Employees' Retirement System		OPEB - Other Post Employment Benefits (e.g. retiree healthcare)							
TSERS - Teachers' and State Employees' Retirement System		NA - 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 12/31/2019									
(3) Financial as of 12/31/2022									



**NORTH CAROLINA**  
DEPARTMENT OF STATE TREASURER

STATE TREASURER OF NORTH CAROLINA  
DALE R. FOLWELL, CPA

*Dale R. Folwell, CPA*

**STATE AND LOCAL GOVERNMENT FINANCE DIVISION  
AND THE LOCAL GOVERNMENT COMMISSION**

**RESOLUTION TO APPROVE AND RATIFY A RESOLUTION OF  
THE BOARD OF COMMISSIONERS OF SPRING LAKE  
ACCEPTING A GOLDEN LEAF FOUNDATION GRANT**

WHEREAS, the North Carolina Local Government Commission (the "Commission"), pursuant to N.C.G.S. 159-181(c), impounded the books and assumed control of the financial affairs of the Town of Spring Lake (the "Town"); and

WHEREAS, on June 6, 2024, the Golden LEAF Foundation ("Golden LEAF") awarded a grant to the Town in the amount of \$750,000.00 for engineering and construction expenses for stormwater infrastructure replacements designed to mitigate flash flooding in the Town; and

WHEREAS, the terms of the grant award require the Town to accept the grant by executing a Grantee Acknowledgment and Agreement within forty-five (45) days after the award date; and

WHEREAS, on June 24, 2024 the Town's Board of Commissioners adopted a resolution accepting the offer of the Golden LEAF grant (the "Grant Acceptance Resolution"); and

WHEREAS, the Commission desires to approve the Town's acceptance of the grant and ratify the Town Board's action in adopting the Grant Acceptance Resolution;

NOW THEREFORE, be it resolved, to give full force and effect to the Town Board's Grant Acceptance Resolution, the Commission, acting as the governing board for the Town's financial affairs pursuant to N.C.G.S. 159-181(c) hereby approves and ratifies the Grant Acceptance Resolution, to be effective retroactively as of June 24, 2024, as if it had been adopted by the Commission on behalf of the Town.

I, Debbie Tomasko, 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 July 9, 2024.

WITNESS my hand this 9th day of July, 2024.



Debbie Tomasko, Secretary  
North Carolina Local Government Commission

3200 Atlantic Avenue • Raleigh, North Carolina 27604

Courier #56-20-45

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# EXHIBIT 3

**ORDINANCE NO.25-01**  
**TOWN OF SPRING LAKE, NORTH CAROLINA**  
**Ordinance Adopting the Golden LEAF Foundation Grant - Grant ID**  
**G-202403-09255/Spring Lake Flash Flood Mitigation Grant Project Ordinance (Fund 40)**

**THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION ON BEHALF OF THE TOWN OF SPRING LAKE, NORTH CAROLINA DOES ORDAIN** that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

**Section I:** This Ordinance is to establish a budget for a project funded by The Golden LEAF Foundation, G-202403-09255/ Spring Lake Flash Flood Mitigation. These funds will be used for engineering and construction expenses to replace the existing infrastructure with larger capacity pipes

**Section II:** The following amounts are appropriated for the project and authorized for revenue and expenditure as of June 6, 2024.

	<b>Project Budget</b>
<b>ESTIMATED REVENUES</b>	
Golden LEAF Grant - Flash Flood Mitigation G-202403-09255	\$ 750,000
Transfer in - Stormwater Fund	75,000
<b>Total Revenues</b>	<b>\$ 825,000</b>
<b>APPROPRIATIONS</b>	
Mobilization / Traffic Control - Total of items below \$58,000	
Mobilization (Wapiti)	\$ 30,000
Traffic Control Measures	28,000
Capital Improvements	
Demolition	116,000
Construction Total of items below \$411,000	
57 stone 85 tons	7,000
24" RCP 1200'	56,000
30" RCP 530'	91,000
catch basins * 4	32,000
outfall	8,000
rip rap * 8 tons	1,000
replace asphalt	91,000
replace driveways and curbs	124,000
geotextile *21 rolls	1,000
Engineering, Permitting, Surveying - Total of items below \$108,000	
Permitting/ Engineering	60,000
Erosion Control	16,000
Utilities	15,000
Surveying for construction	17,000
Contingency/Price Escalation	132,000
<b>Total Appropriations</b>	<b>\$ 825,000</b>

**Section III:** The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements.

**Section IV:** The Town Manager is hereby directed to report the financial status of the project to the governing board on a quarterly basis.

**Section V:** Copies of the grant project ordinance shall be furnished to the Town Manager, the Finance Officer and to the Clerk to the Town Council.

**Section VI:** This grant project ordinance expires when all grant funds have been obligated and expended by the Town or June 6, 2025 whichever comes first.

**WITNESS my hand at Raleigh, this 9th day of July 2024**

  
 Debbie Tomasko, Secretary of the Local Government Commission of North Carolina

**ORDINANCE NO. 25-02**  
**TOWN OF SPRING LAKE, NORTH CAROLINA**  
**Ordinance Amending the 2024-25 Stormwater Fund Budget**

THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION ON BEHALF OF THE TOWN OF SPRING LAKE, NORTH CAROLINA DOES ORDAIN:

Section I: Estimated Revenues and Appropriations. Stormwater Fund is hereby amended by increasing estimated revenues and appropriations in the amounts indicated:

	2024-25 Adopted Budget	Current Request Increase (Decrease)	Revised 2024-25 Amended Budget
<b>ESTIMATED REVENUES</b>			
Fees and Charges	299,331	-	299,331
Investment Earnings	12,491	-	12,491
<b>Total Revenues</b>	<b>311,822</b>	<b>-</b>	<b>311,822</b>
<b>APPROPRIATIONS</b>			
Non-Departmental	30,302	-	30,302
Fund Balance Increase	16,666	-	16,666
Administration	264,854	(75,000) (1)	189,854
Interfund Transfers - Fund 40 Golden LEAF Grant	-	75,000 (1)	75,000
<b>Total Appropriations</b>	<b>311,822</b>	<b>-</b>	<b>311,822</b>

- 1) \$75,000 transfer to the Gold LEAF Grant Project Fund. Decrease in Capital Outlay in Administration and Increase to Interfund Transfers.

WITNESS my hand at Raleigh, this 9th day of July 2024

  
 Debbie Tomasko, Secretary of the Local Government Commission of North Carolina



**ORDINANCE NO. 25-03  
TOWN OF SPRING LAKE, NORTH CAROLINA  
Ordinance Amending the 2024-25 Fee Schedule**

THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION ON BEHALF OF THE TOWN OF SPRING LAKE, NORTH CAROLINA DOES ORDAIN:

**Section I:** This Ordinance is to correct a typographical error on the Adopted 2024-25 Fee Schedule page FS 23-30

**Section II:** The following annual fees are hereby corrected:

	<u>2024-25 Adopted Fee Schedule</u>	<u>2024-25 Amended Fee Schedule</u>
<b>RESIDENTIAL</b>		
Solid Waste Available Fee	348.00	384.00
<b>COMMERCIAL/MOBILE HOME PARKS</b>		
Solid Waste Collection Fee	348.00	384.00

**Section III:** Copies of the amended Fee Schedule will be provided to the Town Manager, the Finance Officer and to the Clerk to the Town Council.

**Section IV:** The Adopted Fee Schedule for 2024-25 page FS 23-30 is hereby amended to reflect the corrections as noted above.

WITNESS my hand at Raleigh, this 9th day of July 2024

  
 \_\_\_\_\_  
 Debbie Tomasko, Secretary of the Local Government Commission of North Carolina



NORTH CAROLINA  
DEPARTMENT OF STATE TREASURER

STATE TREASURER OF NORTH CAROLINA  
DALE R. FOLWELL, CPA

*Dale R. Folwell, CPA*

STATE AND LOCAL GOVERNMENT FINANCE DIVISION  
AND THE LOCAL GOVERNMENT COMMISSION

RESOLUTION TO RETURN FINANCIAL CONTROL  
TO THE TOWN OF SPRING LAKE

WHEREAS, the Local Government Commission (the "Commission") assumed control of the financial affairs of the Town of Spring Lake (the "Town") pursuant to its authority under N.C.G.S. 159-181(c); and

WHEREAS, the deficiencies which led to the Commission's assumption of financial control have been addressed; and

WHEREAS, Town officials, Town staff, and Commission staff will complete the activities listed on Page 2 to facilitate return of financial control to the Town; and

WHEREAS, Commission staff will continue to monitor the Town's compliance with the Local Government Budget and Fiscal Control Act (North Carolina General Statutes Chapter 159, Article 3);

NOW THEREFORE, BE IT RESOLVED, that the Commission returns full control of all financial affairs of the Town of Spring Lake to its elected board and its properly designated fiscal officers effective the earlier of August 1, 2024 or the date the Town appoints a properly bonded Finance Officer.

I, Debbie Tomasko, 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 July 9, 2024.

WITNESS my hand this 9<sup>th</sup> day of July, 2024.

*Debbie Tomasko*

Debbie Tomasko, Secretary  
North Carolina Local Government Commission



Resolution to Return Financial Control to the Town of Spring Lake  
July 9, 2024  
Page 2

TOWN OF SPRING LAKE RETURN OF FINANCIAL CONTROL  
REQUIRED FINANCIAL AND OPERATIONAL ACTIVITIES

The following actions must be taken to complete the transition of financial control from the Local Government Commission to the Town.

LGC Staff

1. Provide copies to the Town of all resolutions adopted by the LGC acting in its role as governing board for financial matters for the Town.
2. Provide to the Town all materials created by or in the possession of LGC staff related to work performed by LGC staff for applications for and receipt of loans and grants or for any other matters related to the financial operations or management of the Town.
3. Return to the Town any other files, documents, materials, supplies, or other Town property.
4. Remove Kendra Boyle and Tiffany Anderson as account signatories from the Town's official depository account.

Town of Spring Lake Governing Board

1. Appoint a Finance Officer, as required pursuant to G.S. 159-24.
2. Secure appropriate faithful performance bond for the finance officer as required pursuant to G.S. 159-29 and terminate the bond for Kendra Boyle (see for [Session Law 2022-53](#) for modified requirements for finance officer faithful performance bonds).
3. Identify and reassign any financial duties previously assigned to Kendra Boyle and Tiffany Anderson.
4. Change passwords to any accounts or software that may have been used by LGC staff.
5. Commit to continued monitoring by LGC staff.