

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

**MINUTES**

**March 5, 2024**

The meeting was called to order by Chairman Dale R. Folwell at 12:00 noon, on the above date. The meeting was conducted in person and by use of simultaneous communication by GoToWebinar™. Members present in person: Chair Folwell, Bill Toole, Designee for Secretary of State Elaine Marshall (Mr. Toole arrived at 12:05 p.m.), and Paul Butler. Members present virtually: State Auditor Jessica Holmes, Secretary of Revenue Ronald Penny, Nancy Hoffmann, and Mike Philbeck.

Members absent: John Burns and Vida Harvey.

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: Joah Bickley, MJ Vieweg, Tony Edmundson, and Becky Dzingeski; Department of Environmental Quality staff: Shadi Eskaf, Division of Water Infrastructure Director and Vic D'Amato, Viable Utilities Unit Supervisor.

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

Mr. Butler made a motion to approve the minutes of the February 6, 2024 meeting. Mr. Philbeck seconded the motion, and the minutes were approved by unanimous vote of 6 – 0 (Absent: Toole, Burns, Harvey).

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 PEMBROKE**

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

**"RESOLUTION APPROVING THE APPLICATION OF THE TOWN OF PEMBROKE, NORTH CAROLINA. THIS PROJECT CONSISTS OF THE PURCHASE AND INSTALLATION OF WATER METERS AND METER-READING EQUIPMENT (THE "PROJECT") THROUGH AN INSTALLMENT FINANCING AGREEMENT PURSUANT TO G.S. 160A-20.**

WHEREAS, the Town of Pembroke, North Carolina (the "Town") has determined that the Project, the purchase and installation of radio-controlled water meters and meter-reading equipment, is necessary and expedient to allow the Town to be more efficient at tracking

water usage and meter-reading; and

WHEREAS, pursuant to Section 160A-20 of the General Statutes of North Carolina, the Town financed the Project through an Installment Financing Agreement (the "Agreement") between the Town and Utility Service Co., Inc. executed in July 2018, as amended in June 2021; and

WHEREAS, the principal amount of the Agreement was not to exceed \$865,625 with annual level payments for a term of five (5) years; 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 financing previously entered into by the Town; and

WHEREAS, the Secretary of the Commission has determined that the unit has now complied with G.S. 159-149 by submitting its application for approval; and

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

- (i) that the proposed 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, or that reasonable assurances have been given that its debt will henceforth be managed in strict compliance with law;
- (v) that the increase in taxes, if any, necessary to meet the sums to fall due under the Agreement will not be excessive; and
- (vi) 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 Agreement and the 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."

Auditor Holmes seconded the motion and the foregoing resolution was adopted by unanimous vote of 7 – 0 (Absent: Burns, Harvey). Tyler Thomas, Town Manager; Marie Moore, Finance Officer; and Jessica Scott, Town Attorney of Hunt & Brooks law firm attended virtually to speak and answer members' questions.

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

**“RESOLUTION APPROVING THE APPLICATION OF THE TOWN OF PEMBROKE, NORTH CAROLINA. THIS PROJECT CONSISTS OF REFINANCING A BANK LOAN FOR THE CONSTRUCTION OF A RECREATION COMPLEX (THE “PROJECT”) THROUGH AN INSTALLMENT FINANCING AGREEMENT PURSUANT TO G.S. 160A-20.**

WHEREAS, the Town of Pembroke, North Carolina (the “Town”) has determined that the Project, the refinancing of a bank loan for the Recreation Complex project, is necessary and expedient to allow the Town to obtain a lower interest rate and save the Town interest costs; and

WHEREAS, pursuant to Section 160A-20 of the General Statutes of North Carolina, the Town originally financed the Project through an Installment Financing Agreement (the “Agreement”) between the Town and BB&T Bank (now Truist Bank) (“the Bank”) in 2007, and refinanced the loan in 2017; and

WHEREAS, the principal amount of the Agreement was not to exceed \$1,450,000 with quarterly principal and interest payments for a term of ten (10) years at the refinanced interest rate of 1.89%; 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 financing previously entered into by the Town; and

WHEREAS, the Secretary of the Commission has determined that the unit has now complied with G.S. 159-149 by submitting its application for approval; and

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

- (i) that the proposed 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, or that reasonable assurances have been given that its debt will henceforth be managed in strict compliance with law;
- (v) that the increase in taxes, if any, necessary to meet the sums to fall due under the Agreement will not be excessive; and

(vii) 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 Agreement and the 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.”

Auditor Holmes seconded the motion and the foregoing resolution was adopted by unanimous vote of 7 – 0 (Absent: Burns, Harvey). Tyler Thomas, Town Manager; Marie Moore, Finance Officer; and Jessica Scott, Town Attorney of Hunt & Brooks law firm attended virtually to speak and answer members’ questions.

## TOWN OF FOREST CITY

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

**“RESOLUTION APPROVING THE APPLICATION OF THE TOWN OF FOREST CITY, NORTH CAROLINA. THIS PROJECT CONSISTS OF A LEASE-TO-PURCHASE AGREEMENT FOR A COMBINATION CLEANER AND VACUUM TRUCK (THE “PROJECT”) THROUGH AN INSTALLMENT PURCHASE CONTRACT AGREEMENT PURSUANT TO G.S. 160A-20.**

WHEREAS, the Town of Forest City, North Carolina (the “Town”) has determined that the Project is necessary and expedient to acquire a Vac-Con combination cleaner and soft dig vacuum truck to be used by the Water and Sewer Department for conducting repairs in a safer, more efficient manner, and for use at sewer pump stations to reduce flooding during heavy rains; and

WHEREAS, pursuant to Section 160A-20 of the General Statutes of North Carolina, the Town intends to finance the Project through an Installment Financing Contract (the “Contract”) with Leasing 2, Inc.; and

WHEREAS, the principal amount of the Contract shall not exceed \$650,000 with annual level debt service payments for a term of five (5) years at an approved interest rate of 5.04%; 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.”

Auditor Holmes seconded the motion and the foregoing resolution was adopted by a unanimous vote of 7 – 0 (Absent: Burns, Harvey). Forest City Manager Janet Mason attended virtually.

#### **TOWN OF BEAUFORT – WATER AND WASTEWATER SYSTEMS**

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

**“RESOLUTION APPROVING THE APPLICATION OF THE TOWN OF BEAUFORT, NORTH CAROLINA FOR THE ISSUANCE OF NOT TO EXCEED AN AGGREGATE PRINCIPAL AMOUNT OF \$15,067,000 WATER AND SEWER SYSTEM REVENUE BONDS AND TO ISSUE A LIKE AMOUNT OF WATER AND SEWER SYSTEM REVENUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

WHEREAS, the Town of Beaufort, North Carolina (the “Town”) has applied to the North Carolina Local Government Commission (the “Commission”), for approval of the issuance of not to exceed \$15,067,000 aggregate principal amount of water and sewer system revenue bonds (the “Bonds”) to finance various improvements to the Town’s water and sewer system (the “Project”); and

WHEREAS, under the plan of finance for the issuance of these Bonds, the United States Department of Agriculture (“USDA”) has issued a commitment to purchase the Bonds, subject to certain terms and conditions, upon completion of the Project, but in order to provide construction funding for the Project, it is necessary for the Town to issue its Water and Sewer System Revenue Bond Anticipation Notes in an aggregate principal amount of not to exceed \$15,067,000, to be issued in two series, in anticipation of the issuance of the Bonds (the “Notes”).

WHEREAS, in connection with the long-term plan of finance, in the event the Project is not completed by the maturity date of the Notes, the Town may need to issue one or more additional bond anticipation notes (the “Additional Notes”) in anticipation of the issuance of the Bonds, in order to complete the construction of the Project before USDA will purchase the Bonds. The principal amount of any such Additional Notes shall not exceed the principal amount of the Notes such Additional Notes are refinancing; and

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

- (a) Bond Order, to be adopted March 11, 2024, authorizing the issuance of Bonds, the Notes and any Additional Notes of the Town, subject to the terms thereof; and
- (b) Series Resolutions of the Town, to be adopted March 11, 2024, authorizing the issuance of the Notes by the Town, subject to the terms thereof (collectively, the “Series Resolution”)

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

- (i) that the proposed issuance of the Bonds, the issuance of the Notes and the issuance of any Additional Notes in anticipation of the issuance of the Bonds is necessary or expedient;
- (ii) that the proposed amount of the proposed Bonds, the Notes and any Additional Notes are adequate, when added to other monies available to the Town, and not excessive for the proposed purposes thereof;
- (iii) that the Project is feasible;
- (iv) that the annual audit of the Town shows the Town to be in strict compliance with debt management policies, and the budgetary and fiscal management policies of the Town are in compliance with the law; and
- (v) that the Bonds, the Notes and any Additional Notes can be marketed at a reasonable interest cost to the Town.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the application of the Town of Beaufort, North Carolina for approval of the proposed Bonds, the Notes and any Additional Notes in an aggregate principal amount not to exceed \$15,067,000 for the purposes set forth is hereby approved pursuant to The State and Local Government Revenue Bond Act, as amended.”

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

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

**“RESOLUTION CONCERNING THE PRIVATE SALE OF TOWN OF  
BEAUFORT, NORTH CAROLINA WATER AND SEWER SYSTEM  
REVENUE BOND ANTICIPATION NOTES**

WHEREAS, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina authorizes the North Carolina Local Government Commission (the “Commission”) to sell revenue bonds and revenue bond anticipation notes at public sale or 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, the Town of Beaufort, North Carolina (the “Town”) has requested the Commission to sell its \$8,031,000 Water and Sewer System Revenue Bond Anticipation Note, Series 2024A and \$7,036,000 Water and Sewer System Revenue Bond Anticipation Note, Series 2024B (collectively, the “Note”) and any Additional Notes approved concurrently herewith (collectively, the “Notes”) in accordance with Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina; and

WHEREAS, the Note is being issued in anticipation of the issuance of Water and Sewer System Revenue Bonds by the Town (the “Bonds”) to be purchased by the United States Department of Agriculture (the “USDA”) pursuant to a commitment to purchase the Bonds, subject to certain terms and conditions, upon completion of the project for which each Note is being issued (collectively, the “Project”); and

WHEREAS, in the event the Project is not completed at the time of maturity of the Notes, the Town may need to issue additional notes (the “Additional Notes”) in anticipation of the issuance of the Bonds, in connection with completion of the construction of the Project before USDA will purchase the Bonds. The principal amount of any Additional Notes shall not exceed the principal amount of the Notes being refinanced by such Additional Notes; and

WHEREAS, the Town has requested that the Commission also approve the future sale of any Additional Notes in connection with the construction of the Project; provided that USDA has issued a commitment to purchase the bonds to be issued at the maturity of any Additional Notes; and

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

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

Section 1. The sale of the Notes at private sale without advertisement to one or more purchasers determined by the Secretary of the Commission as proposing the best interest rate or rates practicably available to the Town is hereby approved, such sale being subject to the approval of the Town and satisfaction of the conditions set forth below.

Section 2. The sale of any Additional Notes at private sale without advertisement to one or more purchasers determined by the Secretary of the Commission as proposing the best interest rate or rates practicably available to the Town is hereby approved, provided that

USDA has given a commitment to purchase the bonds to be issued at the maturity of any such Additional Notes, such sale being subject to the approval of the Town and satisfaction of the conditions set forth below.

Section 3. The aggregate principal amount of the Note shall not exceed \$15,067,000, shall be issued in two series, and the purchase price for the Note shall be approved by the Secretary of the Commission at the time of the sale of the Note. The aggregate principal amount of any Additional Notes shall not exceed the aggregate principal amount of the Note being refinanced, such amount equal to the aggregate principal amount of all commitments issued by USDA to purchase the Bonds.

Section 4. Renewal notes may be sold to private purchasers to refinance any maturing Note or Additional Notes, or renewals thereof.

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

Section 6. This resolution shall be effective immediately upon its passage.

Section 7. The Commission hereby approves the engagement of Parker Poe Adams & Bernstein LLP as bond counsel to the Town in connection with the issuance of the Notes.”

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

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

**“RESOLUTION CONCERNING THE PRIVATE SALE OF THE TOWN  
OF BEAUFORT, NORTH CAROLINA WATER AND SEWER SYSTEM  
REVENUE BONDS TO USDA**

WHEREAS, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina authorizes the North Carolina Local Government Commission (the “Commission”) to sell revenue bonds and revenue bond anticipation notes at public sale or 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, the Town of Beaufort, North Carolina (the “Town”) has requested the Commission to sell its Water and Sewer System Revenue Bonds approved concurrently herewith (the “Bonds”) to the United States Department of Agriculture (“USDA”) upon the completion of construction of the project to be permanently financed thereby pursuant to commitments previously issued by USDA, all in accordance with Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina; and

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



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

Section 1. The sale of the Bonds to USDA at private sale without advertisement in accordance with commitments previously made by USDA 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 purchase price for the Bonds shall not exceed \$15,067,000,

Section 3. No maturity of the Bonds shall be later than forty years from the date of issuance thereof.

Section 4. 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 shall be approved by the Town.

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

Section 6. The Commission hereby approves the engagement of Parker Poe Adams & Bernstein LLP as bond counsel to the Town in connection with the issuance of the Notes and the Bonds.”

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

## **TOWN OF BEAUFORT – STORMWATER SYSTEM**

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

### **“RESOLUTION APPROVING THE APPLICATION OF THE TOWN OF BEAUFORT, NORTH CAROLINA FOR THE ISSUANCE OF NOT TO EXCEED AN AGGREGATE PRINCIPAL AMOUNT OF \$3,007,000 STORMWATER SYSTEM REVENUE BONDS AND TO ISSUE A LIKE AMOUNT OF STORMWATER SYSTEM REVENUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

WHEREAS, the Town of Beaufort, North Carolina (the “Town”) has applied to the North Carolina Local Government Commission (the “Commission”), for approval of the issuance of not to exceed \$3,007,000 aggregate principal amount of stormwater system revenue bonds (the “Bonds”) to finance various improvements to the Town’s stormwater system (the “Project”); and

WHEREAS, under the plan of finance for the issuance of these Bonds, the United States Department of Agriculture (“USDA”) has issued a commitment to purchase the Bonds, subject to certain terms and conditions, upon completion of the Project, but in order to provide construction funding for the Project, it is necessary for the Town to issue its Stormwater

System Revenue Bond Anticipation Notes in an aggregate principal amount of not to exceed \$3,007,000 in anticipation of the issuance of the Bonds (the “Note”).

WHEREAS, in connection with the long-term plan of finance, in the event the Project is not completed by the maturity date of the Note, the Town may need to issue one or more additional bond anticipation notes (the “Additional Notes”) in anticipation of the issuance of the Bonds, in order to complete the construction of the Project before USDA will purchase the Bonds. The principal amount of any such Additional Notes shall not exceed the principal amount of the Note such Additional Notes are refinancing; and

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

- (a) Bond Order, to be adopted March 11, 2024, authorizing the issuance of Bonds, the Note and any Additional Notes of the Town, subject to the terms thereof; and
- (b) Series Resolution of the Town, to be adopted March 11, 2024, authorizing the issuance of the Note by the Town, subject to the terms thereof (collectively, the “Series Resolution”)

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

- (6) that the proposed issuance of the Bonds, the issuance of the Note and the issuance of any Additional Notes in anticipation of the issuance of the Bonds is necessary or expedient;
- (ii) that the proposed amount of the proposed Bonds, the Note and any Additional Notes are adequate, when added to other monies available to the Town, and not excessive for the proposed purposes thereof;
- (iii) that the Project is feasible;
- (iv) that the annual audit of the Town shows the Town to be in strict compliance with debt management policies, and the budgetary and fiscal management policies of the Town are in compliance with the law; and
- (v) that the Bonds, the Note and any Additional Notes can be marketed at a reasonable interest cost to the Town.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the application of the Town of Beaufort, North Carolina for approval of the proposed Bonds, the Note and any Additional Notes in an aggregate principal amount not to exceed \$3,007,000 for the purposes set forth is hereby approved pursuant to The State and Local Government Revenue Bond Act, as amended.”

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

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

**“RESOLUTION CONCERNING THE PRIVATE SALE OF TOWN OF  
BEAUFORT, NORTH CAROLINA STORMWATER SYSTEM REVENUE  
BOND ANTICIPATION NOTE**

WHEREAS, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina authorizes the North Carolina Local Government Commission (the “Commission”) to sell revenue bonds and revenue bond anticipation notes at public sale or 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, the Town of Beaufort, North Carolina (the “Town”) has requested the Commission to sell its \$3,007,000 Stormwater System Revenue Bond Anticipation Note, Series 2024 (the “Note”) and any Additional Notes approved concurrently herewith (collectively, the “Notes”) in accordance with Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina; and

WHEREAS, the Note is being issued in anticipation of the issuance of Stormwater System Revenue Bonds by the Town (the “Bonds”) to be purchased by the United States Department of Agriculture (the “USDA”) pursuant to a commitment to purchase the Bonds, subject to certain terms and conditions, upon completion of the project for which the Note is being issued (the “Project”); and

WHEREAS, in the event the Project is not completed at the time of maturity of the Note, the Town may need to issue additional notes (the “Additional Notes”) in anticipation of the issuance of the Bonds, in connection with completion of the construction of the Project before USDA will purchase the Bonds. The principal amount of any Additional Notes shall not exceed the principal amount of the Note being refinanced by such Additional Notes; and

WHEREAS, the Town has requested that the Commission also approve the future sale of any Additional Notes in connection with the construction of the Project; provided that USDA has issued a commitment to purchase the bonds to be issued at the maturity of any Additional Notes; and

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

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

Section 1. The sale of the Note at private sale without advertisement to one or more purchasers determined by the Secretary of the Commission as proposing the best interest rate or rates practicably available to the Town is hereby approved, such sale being subject to the approval of the Town and satisfaction of the conditions set forth below.

Section 2. The sale of any Additional Notes at private sale without advertisement to one or more purchasers determined by the Secretary of the Commission as proposing the best

interest rate or rates practicably available to the Town is hereby approved, provided that USDA has given a commitment to purchase the bonds to be issued at the maturity of any such Additional Notes, such sale being subject to the approval of the Town and satisfaction of the conditions set forth below.

Section 3. The aggregate principal amount of the Note shall not exceed \$3,007,000 and the purchase price for the Note shall be approved by the Secretary of the Commission at the time of the sale of the Note. The aggregate principal amount of any Additional Notes shall not exceed the aggregate principal amount of the Note being refinanced, such amount equal to the aggregate principal amount of all commitments issued by USDA to purchase the Bonds.

Section 4. Renewal notes may be sold to private purchasers to refinance any maturing Note or Additional Notes, or renewals thereof.

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

Section 6. This resolution shall be effective immediately upon its passage.

Section 7. The Commission hereby approves the engagement of Parker Poe Adams & Bernstein LLP as bond counsel to the Town in connection with the issuance of the Note.”

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

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

**“RESOLUTION CONCERNING THE PRIVATE SALE OF THE TOWN  
OF BEAUFORT, NORTH CAROLINA STORMWATER SYSTEM  
REVENUE BONDS TO USDA**

WHEREAS, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina authorizes the North Carolina Local Government Commission (the “Commission”) to sell revenue bonds and revenue bond anticipation notes at public sale or 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, the Town of Beaufort, North Carolina (the “Town”) has requested the Commission to sell its Stormwater System Revenue Bonds approved concurrently herewith (the “Bonds”) to the United States Department of Agriculture (“USDA”) upon the completion of construction of the project to be permanently financed thereby pursuant to commitments previously issued by USDA, all in accordance with Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina; and

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

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

Section 1. The sale of the Bonds to USDA at private sale without advertisement in accordance with commitments previously made by USDA 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 purchase price for the Bonds shall not exceed \$3,007,000,

Section 3. No maturity of the Bonds shall be later than forty years from the date of issuance thereof.

Section 4. 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 shall be approved by the Town.

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

Section 6. The Commission hereby approves the engagement of Parker Poe Adams & Bernstein LLP as bond counsel to the Town in connection with the issuance of the Notes and the Bonds.”

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

#### **CITY OF CHARLOTTE**

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

**“RESOLUTION APPROVING THE APPLICATION OF THE CITY OF CHARLOTTE, NORTH CAROLINA. THIS PROJECT CONSISTS OF THE LEASE OF A 22,961 SQUARE FOOT BUILDING THROUGH A 10-YEAR LEASE PURSUANT TO G.S. 159-148.**

WHEREAS, the City of Charlotte, North Carolina (the “City”) has determined that a 10-year lease of a 22,961 square foot building with an option to purchase the property is necessary and expedient to provide office and warehouse space for Charlotte Water, and enable consolidating all Charlotte Water employees in one location; and

WHEREAS, the City intends to lease the building from the owner for a term of ten (10) years with an optional 60-month extension, at approximately \$352,000 for the first year’s lease payments, with a total amount not to exceed \$3,952,288 (the “Lease”); and

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

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

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

- (i) that the proposed Lease is necessary or expedient for the City;
- (ii) that the Lease, under the circumstances, is preferable to a bond issue for the same purpose;
- (iii) that the sums to fall due under the Lease are adequate and not excessive for its proposed purpose;
- (iv) 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;
- (v) that the increase in taxes, if any, necessary to meet the sums to fall due under the Lease will not be excessive; and
- (viii) that 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 for approval of the Lease is hereby approved under the provisions of Article 8 of Chapter 159 of the General Statutes, as amended, and relevant resolutions of the Commission."

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

## CITY OF CONCORD

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

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

**WHEREAS**, the City of Concord, 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 for the issuance of the City’s Utilities Systems Revenue Bonds, Series 2024 in an aggregate principal amount not to exceed \$25,000,000 (the “*Bonds*”):

Bond Counsel:	Parker Poe Adams & Bernstein LLP
Trustee/Paying Agent/Bond Registrar:	U.S. Bank Trust Company, National Association
Financial Advisor:	First Tryon Advisors, LLC
Feasibility Consultant:	Raftelis Financial Consultants, Inc.

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

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

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

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

**“RESOLUTION APPROVING THE APPLICATION OF THE CITY OF CONCORD, NORTH CAROLINA FOR THE ISSUANCE OF UTILITIES SYSTEMS REVENUE BONDS, SERIES 2024**

**WHEREAS**, the City of Concord, 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 Utilities Systems Revenue Bonds, Series 2024 (the “*Bonds*”), in the aggregate principal amount of not to exceed \$25,000,000 to (1) finance various improvements to the City's water, wastewater and electric systems, including upgrades and process enhancements to the Hillgrove Water Treatment Plant (the “*Projects*”), and (2) pay the costs of issuing the Bonds.

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

- (i) a Bond Order adopted by the City Council of the City on February 8, 2024 authorizing the issuance of the Bonds and the form and the terms of each of the documents set forth below;
- (ii) a General Trust Indenture dated as of February 1, 1993 (the “*Original General Indenture*”) between the City and U.S. Bank Trust Company, National Association, as successor trustee (the “*Trustee*”);
- (iii) a Series Indenture, Number 12, to be dated as of April 1, 2024, between the City and the Trustee;
- (iv) a Preliminary Official Statement to be dated the date of delivery thereof with respect to the Bonds;
- (v) a Notice of Sale to be dated the date of delivery thereof pursuant to which the City and the Commission will offer the Bonds for sale; and
- (vi) a proposed Amended and Restated General Trust Indenture that amends the Original General Indenture to be executed and delivered upon receipt by the City of the consent of a majority of the owners in aggregate principal amount of the bonds outstanding under the Original General Indenture;

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

- (i) that such proposed Bonds are necessary or expedient;
- (ii) that the proposed amount of the Bonds is adequate and not excessive, when added to other money available to the City, for the proposed purpose thereof;
- (iii) that the Projects are feasible;
- (iv) that the City's debt management procedures and policies are good; and
- (v) that the proposed Bonds can be marketed at a 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 aggregate principal amount not to exceed \$25,000,000 is hereby approved pursuant to The State and Local Government Revenue Bond Act, as amended."

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

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

**"RESOLUTION CONCERNING THE SALE OF THE CITY OF  
CONCORD, NORTH CAROLINA UTILITIES SYSTEMS REVENUE  
BONDS, SERIES 2024**

**WHEREAS**, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina authorizes the Local Government Commission of North Carolina (the "*Commission*") to sell revenue bonds at public sale or 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**, the City of Concord, 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 its Utilities Systems Revenue Bonds, Series 2024 (the "*Bonds*"), in the aggregate principal amount of not to exceed \$25,000,000 to (1) finance various improvements to the City's water, wastewater and electric systems, including upgrades and process enhancements to the Hillgrove Water Treatment Plant (the "*Projects*"), and (2) pay the costs of issuing the Bonds;

**WHEREAS**, the City has requested the Commission to sell the Bonds through a competitive sale to the bidder whose bid results in the lowest interest cost to the City, determined on the basis of the true interest cost method;



**WHEREAS**, the Commission has received forms of the following:

- (i) a Bond Order adopted by the City Council of the City on February 8, 2024 authorizing the issuance of the Bonds and the form and the terms of each of the documents set forth below;
- (ii) a General Trust Indenture dated as of February 1, 1993 (the “*Original General Indenture*”) between the City and U.S. Bank Trust Company, National Association, as successor trustee (the “*Trustee*”);
- (iii) a Series Indenture, Number 12, to be dated as of April 1, 2024, between the City and the Trustee;
- (iv) a Preliminary Official Statement to be dated the date of delivery thereof with respect to the Bonds;
- (v) a Notice of Sale to be dated the date of delivery thereof pursuant to which the City and the Commission will offer the Bonds for sale; and
- (vi) a proposed Amended and Restated General Trust Indenture that amends the Original General Indenture to be executed and delivered upon receipt by the City of the consent of a majority of the owners in aggregate principal amount of the bonds outstanding under the Original General Indenture;

**WHEREAS**, the Commission desires to approve the request of the City that it sell the Bonds at public sale;

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

**Section 1.** The sale of the Bonds by the Secretary or Deputy Secretary of the Commission or a designated assistant of the Commission (the “*Designated Assistant*”) in accordance with the Notice of Sale for the Bonds at the lowest interest cost to the City, determined on the basis of the true interest cost method is hereby approved, such sale being subject to the approval of the City and satisfaction of the conditions set forth below.

**Section 2.** The aggregate principal amount of the Bonds shall not exceed an aggregate principal amount of \$25,000,000. The purchase price for the Bonds shall be approved by the Designated Assistant on the date of the sale of the Bonds.

**Section 3.** The Bonds shall bear interest at a true interest cost not to exceed 5.00%, all measures being defined as determined by the Commission.

**Section 4.** The final maturity of the Bonds shall not exceed December 1, 2043.

**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 shall be approved by the City.

**Section 6.** The Secretary of the Commission, or any Deputy Secretary, or their respective designee, 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 the forms of documents relating to the Bonds, to execute and deliver such documents on behalf of the Commission and to provide for the execution and delivery of the Bonds in accordance with the Bond Order, the Series Indenture, and such other documents to be delivered in connection therewith.

**Section 7.** The Preliminary Official Statement, 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.

**Section 8.** This Resolution shall be effective immediately upon its passage.

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

## **HAYWOOD COUNTY**

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

**“RESOLUTION APPROVING THE APPLICATION OF THE COUNTY OF HAYWOOD FOR THE FINANCING OF CERTAIN GOVERNMENTAL FACILITIES THROUGH AN INSTALLMENT FINANCING CONTRACT PURSUANT TO G.S. § 160A-20**

WHEREAS, County of Haywood, North Carolina (the “County”) has determined that it is in the best interests of the County to enter into an installment financing contract with the Haywood County Financing Corporation, a North Carolina nonprofit corporation (the “Corporation”), in order to (1) finance renovations and an expansion to the existing County detention center, including, but not limited to, an approximately 155 new bed expansion and a new security system integrated into the existing detention center (collectively, the “Projects”), and (2) pay certain costs incurred in connection with the execution and delivery of the Contract (as defined below);

WHEREAS, pursuant to Section 160A-20 of the General Statutes of North Carolina (the “General Statutes”), the County intends to finance the Projects through an Installment Financing Contract (the “Contract”) between the County and the Corporation, whereby the Corporation will advance money to the County for the purpose of financing the Projects and the County, subject to its right of non-appropriation, will repay the advancement with interest in installments; and

WHEREAS, the Corporation will enter into an Indenture of Trust between the Corporation and Truist Bank, as trustee (the “Trustee”), pursuant to which the Corporation will execute and deliver its Limited Obligation Bonds (County of Haywood, North Carolina), Series 2024 (the “2024 Bonds”); and

WHEREAS, the 2024 Bonds are to be underwritten by PNC Capital Markets LLC (the “Underwriter”), and the proceeds from the sale of the 2024 Bonds will be remitted by the Underwriter to the Corporation to fund the advances by the Corporation to the County under the Contract; and

WHEREAS, the aggregate principal amount of the 2024 Bonds shall not exceed \$28,500,000; and

WHEREAS, the maturity of the installment payments under the Contract for the 2024 Bonds shall not extend beyond December 31, 2044; and

WHEREAS, the true interest cost with respect to the 2024 Bonds shall not exceed 5.00%; and

WHEREAS, pursuant to Article 8 of Chapter 159 of the General Statutes, the County and the Corporation have made proper application to the Local Government Commission (the “*Commission*”) for approval of the proposed financing; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the application for approval of the Contract, the 2024 Bonds and the planned financing are hereby approved and ratified under the provisions of Section 160A-20, Article 8 of Chapter 159 of the General Statutes and relevant resolutions of the Commission.”

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

Mr. Philbeck made a motion to approve the following resolution:

**“RESOLUTION APPROVING THE FINANCING TEAM FOR THE LIMITED OBLIGATION BONDS (COUNTY OF HAYWOOD, NORTH CAROLINA), SERIES 2024”**

WHEREAS, the County of Haywood, North Carolina (the “County”) has requested that the North Carolina Local Government Commission approve its selection of the following financing team members for the above-referenced bonds:

Bond Counsel:	- Parker Poe Adams & Bernstein LLP
Financial Advisor:	- Davenport & Company LLC
Underwriter:	- PNC Capital Markets LLC
Underwriter’s Counsel:	- Moore & Van Allen, PLLC
Trustee:	- Truist Bank
Trustee’s Counsel:	- Pope Flynn LLC

WHEREAS, based on the information and evidence received by the Local Government Commission, the Local Government Commission is of the opinion that the request by the County should be approved.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the above-referenced financing team is hereby approved for the execution and delivery of the above-referenced bonds.”

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

**TOWN OF HUNTERSVILLE**

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

**“RESOLUTION APPROVING THE APPLICATION OF THE TOWN OF HUNTERSVILLE FOR THE FINANCING OF CERTAIN GOVERNMENTAL FACILITIES THROUGH AN INSTALLMENT FINANCING CONTRACT PURSUANT TO G.S. § 160A-20**

WHEREAS, Town of Huntersville, North Carolina (the “Town”) has determined that it is in the best interests of the Town to enter into an installment financing contract with the Huntersville Public Facilities Corporation, a North Carolina nonprofit corporation (the “Corporation”), in order to (1) finance the construction, equipping and furnishing of a new Town Hall and the renovations and improvements to the Town’s existing Town Hall building (collectively, the “Projects”), and (2) pay certain costs incurred in connection with the execution and delivery of the Contract (as defined below);

WHEREAS, pursuant to Section 160A-20 of the General Statutes of North Carolina (the “General Statutes”), the Town intends to finance the Projects through an Installment Financing Contract (the “Contract”) between the Town and the Corporation, whereby the Corporation will advance money to the Town for the purpose of financing the Projects and

the Town, subject to its right of non-appropriation, will repay the advancement with interest in installments; and

WHEREAS, the Corporation will enter into an Indenture of Trust between the Corporation and U.S. Bank Trust Company, National Association, as trustee (the “Trustee”), pursuant to which the Corporation will execute and deliver its Limited Obligation Bonds (Town of Huntersville, North Carolina), Series 2024 (the “2024 Bonds”); and

WHEREAS, the 2024 Bonds are to be underwritten by Robert W. Baird & Co. Incorporated (the “Underwriter”), and the proceeds from the sale of the 2024 Bonds will be remitted by the Underwriter to the Corporation to fund the advances by the Corporation to the Town under the Contract; and

WHEREAS, the aggregate principal amount of the 2024 Bonds shall not exceed \$32,000,000; and

WHEREAS, the maturity of the installment payments under the Contract for the 2024 Bonds shall not extend beyond June 1, 2044; and

WHEREAS, the true interest cost with respect to the 2024 Bonds shall not exceed 5.00%; and

WHEREAS, pursuant to Article 8 of Chapter 159 of the General Statutes, the Town and the Corporation have made proper application to the Local Government Commission of North Carolina (the “Commission”) for approval of the proposed financing; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Commission that the application for approval of the Contract, the 2024 Bonds and the planned financing are hereby approved and ratified under the provisions of Section 160A-20, Article 8 of Chapter 159 of the General Statutes and relevant resolutions of the Commission.”

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

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

**“RESOLUTION APPROVING THE FINANCING TEAM FOR THE LIMITED OBLIGATION BONDS (TOWN OF HUNTERSVILLE, NORTH CAROLINA), SERIES 2024”**

WHEREAS, the Town of Huntersville, 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 above-referenced bonds:

Bond Counsel:	- Parker Poe Adams & Bernstein LLP
Financial Advisor:	- Davenport & Company LLC
Underwriter:	- Robert W. Baird & Co. Incorporated
Underwriter’s Counsel:	- Pope Flynn LLC
Trustee:	- U.S. Bank Trust Company, National Association
Trustee’s Counsel:	- Moore & Van Allen, PLLC

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

NOW, THEREFORE, BE IT RESOLVED by the Commission that the above-referenced financing team is hereby approved for the execution and delivery of the above-referenced bonds.”

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

**INLIVIAN - EVOKE LIVING AT BALLANTYNE**

Mr. Philbeck made a motion to approve the following action:

**RESOLUTION APPROVING INLIVIAN MULTIFAMILY HOUSING REVENUE NOTE IN AN AMOUNT UP TO \$11,500,000 (THE "MULTIFAMILY NOTE") FOR EVOKE LIVING AT BALLANTYNE AND THE FINANCING TEAM THEREFOR**

WHEREAS, INLIVIAN (the “Authority”) has decided to issue its Multifamily Housing Revenue Note (the “Multifamily Note”) to finance the acquisition, construction and equipping by Ballantyne Housing, LLC, a North Carolina limited liability company (the “Borrower”), of a low income multifamily residential rental facility, consisting of approximately 60 units, to be known as Evoke Living at Ballantyne and located 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 Note in an aggregate principal amount not to exceed \$11,500,000, pursuant to the Housing Authorities Law, Article 1 of Chapter 157 of the North Carolina General Statutes, as amended (the “Act”); and

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

WHEREAS, based upon the information and evidence received in connection with such application, including resolutions adopted by the Board of Commissioners of the Authority on February 20, 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 Note and the Development;
- (d) that the Authority’s debt management procedures and policies are good and that it is not in material default with respect to any of its debt service obligations; and
- (e) the proposed date and manner of sale of the Multifamily Note will not have an adverse effect upon any scheduled or anticipated sale of any obligations by the State of North Carolina or any political subdivision thereof or any agency of either of them; and

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

Bond Counsel:	McGuireWoods LLP
Authority’s Counsel:	The Banks Law Firm, P.A.
Borrower:	Ballantyne Housing, LLC
Borrower’s Counsel:	Hunter, Maclean, Exley & Dunn, P.C.
Fiscal Agent:	Truist Bank
Initial Funding Lender:	Truist Bank
Initial Funding Lender’s Counsel:	Riemer & Braunstein LLP
Permanent Lender:	Barings Affordable Housing Mortgage Fund III LLC
Permanent Lender’s Counsel:	Kutak Rock, LLP
Tax Credit Investor:	Truist Community Capital, LLC

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

WHEREAS, it is expected that the Multifamily Note will initially be privately placed with Truist Bank (the “Initial Funding Lender”) during construction of the Development, and privately placed with Barings Affordable Housing Mortgage Fund III LLC once the Development has reached stabilization; and

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

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

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

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

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

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

Section 2. It is hereby determined, with the approval of the Authority and the Borrower that the Multifamily Note shall be issued in an aggregate principal amount not to exceed \$11,500,000, shall initially bear interest at a variable rate, such rate not to exceed 12.0% per annum, and shall have a final maturity not later than December 31, 2042.

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

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

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



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

## **TOWN OF KERNERSVILLE**

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

**“RESOLUTION APPROVING THE APPLICATION OF THE TOWN OF KERNERSVILLE, NORTH CAROLINA. THIS PROJECT CONSISTS OF IMPROVEMENTS TO MULTIPLE MUNICIPAL FACILITIES, BUILDINGS, AND INFRASTRUCTURE (THE “PROJECT”) THROUGH AN INSTALLMENT FINANCING CONTRACT AGREEMENT PURSUANT TO G.S. 160A-20.**

WHEREAS, the Town of Kernersville, North Carolina (the “Town”) has determined that the Project, including street paving, walking path improvements, and structural replacements and improvements to various municipal buildings (Town Hall roof, Fire Station #43 bay door, Equipment Shed roof), is necessary and expedient to replace or improve aging facilities, buildings, and infrastructure; and

WHEREAS, pursuant to Section 160A-20 of the General Statutes of North Carolina, the Town intends to finance the Project through an Installment Financing Contract (the “Contract”) between the Town and Webster 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 \$2,500,000 with semi-annual level principal payments for a term of ten (10) years at an approved interest rate of 4.155%; 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 G.S. 159-149; and

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

- (i) that the proposed Contract is necessary or expedient for the Town;
- (ii) that the Contract, under the circumstances, is preferable to a bond issue for the same purpose;
- (iii) that the sums to fall due under the Contract are adequate and not excessive for its proposed purpose;

- (iv) that the 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;
- (v) that the increase in taxes, if any, necessary to meet the sums to fall due under the Contract will not be excessive; and
- (ix) 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."

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

## NC HOUSING FINANCE AGENCY

Mr. Philbeck 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 \$13,200,000**

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 revenue bonds for the purpose of (a) financing the acquisition by LIH Kimberly Ridge Preservation, LP, a limited partnership created under the laws of the State of North Carolina (the "Borrower") of an existing multifamily residential rental facility in the City of Kannapolis, North Carolina and the rehabilitation, improvement and equipping thereof and (b) paying certain fees and expenses incurred in connection with the issuance and sale of the Bonds (hereinafter defined). The development to be financed with the proceeds of the Bonds is an approximately 76-unit complex located at 450 Cabarrus Arms Drive, Kannapolis, North Carolina, to be owned by the Borrower.

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 the following documents.

(1) Indenture of Trust (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 Tax-Exempt Mortgage-backed

Bonds (M-TEMS) Series 2024 (FN) (Cabarrus Arms Apartments Project)” (the “Bonds”), including the form of the Bonds attached thereto;

(2) Financing Agreement among the Agency, the Borrower and the Trustee;

(3) Bond Purchase Agreement (the “Bond Purchase Agreement”), among Stifel, Nicolaus & Company, Incorporated (the “Underwriter”), the Agency and the Borrower, relating to the Bonds;

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

(5) Land Use Restriction Agreement among the Agency, the 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.
Underwriter:	Stifel, Nicolaus & Company, Incorporated
Underwriter’s Counsel:	Tiber Hudson LLC
Financial Advisor:	Caine Mitter & Associates Incorporated
Borrower’s Counsel:	Ellinger Carr PLLC
Trustee’s Counsel:	Moore & Van Allen PLLC

Section 4. The sale of the Bonds in an aggregate principal amount not to exceed \$13,200,000 at a private sale 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 shall not mature later than January 1, 2042, and shall be in the principal amounts and bear interest at the rate or rates from the date thereof, all as may be set forth in the Bond Purchase Agreement and Indenture, provided that the Bonds shall initially bear interest at a fixed rate, such fixed rate not to exceed 10% per annum.

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

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

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

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

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

## **MISCELLANEOUS ACTION ITEMS**

### **TOWN OF SANFORD**

Mr. Philbeck made a motion to approve the following five (5) items for the Town of Sanford:

1. The Town of Sanford and the Carolina Trace Rural Fire Department are requesting approval of an annexation payment according to G.S. 160A-31.1, whereby the Town will make a lump sum payment totaling \$3,841.67 for the debt related to facilities and equipment.

This payment includes two annexations:

\$2,810.27 Schoolhouse Sanford- HWY 87 and Harvey Faulk Rd on June 4, 2019

\$1,031.40 South Carter - HWY 87 on January 17, 2023

2. The Town of Sanford and the Deep River Rural Fire Department are requesting approval of an annexation payment according to G.S. 160A-31.1, whereby the Town will make a lump sum payment of \$1,339.74 for the debt related to facilities and equipment. This annexation occurred on July 19, 2022.

3. The Town of Sanford and the Northview Rural Fire Department are requesting approval of an annexation payment according to G.S. 160A-31.1, whereby the Town will make a lump sum payment totaling \$90,143.85 for the debt related to facilities and equipment.

This payment includes nine annexations:

\$2,100.31 County of Lee- Tabitha Lane on November 19, 2019

\$2,446.92 Village of Cumnock - Cumnock and Cotten Rds on September 15, 2020

\$25,840.31 Village of Cumnock Phase 2 - Cumnock and Cotten Rds on October 19, 2021

\$3,737.91 Pinnacle Partners - Valley and Forest Wood Park Rds on April 20, 2021

\$5,601.45 Truesdale & Racoon Path- Hawkins Avenue and Beachtree Drive on December 21, 2021

\$6,188.08 Daybreak Farms- Colon and Brickyard Rds on January 18, 2022

\$9,167.53 Midtown- US 1, Colon and Lower Moncure Rds on February 15, 2022

\$2,824.85 Matthews and Rattz (Midtown Phase 2)- Colon Rd on May 16, 2022

\$32,236.50 Helix Ventures- Hawkins Avenue and Iron Furnace Rd on June 20, 2023

4. The Town of Sanford and the Pocket Rural Fire Department are requesting approval of an annexation payment according to G.S. 160A-31.1, whereby the Town will make a lump sum payment of \$1,869.82 for the debt related to facilities and equipment. This annexation occurred on October 18, 2022.

5. The Town of Sanford and the Tramway Rural Fire Department are requesting approval of an annexation payment according to G.S. 160A-31.1, whereby the Town will make a lump sum payment totaling \$1,749.73 for the debt related to facilities and equipment.

This payment includes three annexations:

\$593.25 Pine Reserve LLC- Center Church Rd on September 15, 2020

\$655.48 Racoon Path Holdings LLC- Courtland Dr and HWY 78 on January 5, 2021

\$501.00 Mashburn Estates - HWY 1/15-501 on August 17, 2021

Secretary Penny seconded the motion and the foregoing items were approved by unanimous vote of 7 – 0 (Absent: Burns, Harvey).

## END OF CONSENT AGENDA

\* \* \* \* \*

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

**See EXHIBIT 2:** Grant Project Ordinance for **Cliffside Sanitary District**.

Mr. Toole seconded the motion and the foregoing was adopted by unanimous vote of 7 – 0 (Absent: Burns, Harvey).

Secretary Penny made a motion to adopt the following items:

**See EXHIBIT 3:** Budget Ordinance Amendment # 24-10 for the **Town of Spring Lake**; and

**See EXHIBIT 4:** Budget Ordinance Amendment # 24-11 for the **Town of Spring Lake**.

Auditor Holmes seconded the motion and the foregoing were adopted by a vote of 6 – 1 (No: Folwell, Absent: Burns, Harvey).

NC DEQ staff Shadi Eskaf, Division of Water Infrastructure Director and Vic D'Amato, Viable Utilities Unit Supervisor presented a Viable Utility Reserve Status Report and answered members' questions.

Mr. Toole made a motion to adopt the following resolutions:

**See EXHIBIT 5:** Resolution Approving Grant from the Viable Utility Reserve for the **City of Goldsboro**;

**See EXHIBIT 6:** Resolution Modifying Criteria for Assessing Local Government Units (VUR); and

**See EXHIBIT 7:** Resolution Modifying Evaluation Criteria for Viable Utility Reserve Study Grant Applications.

Secretary Penny seconded the motion and the foregoing were adopted by unanimous vote of 7 – 0 (Absent: Burns, Harvey).

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

**See EXHIBIT 8: Resolution to Waive Audit Requirement for Cliffside Sanitary District.**

Mr. Butler seconded the motion and the foregoing was adopted by unanimous vote of 7 – 0 (Absent: Burns, Harvey).

\* \* \* \* \*

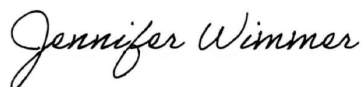
The members noted March is Women’s History Month, and recognized the achievements of notable women in government, including the late Janice Faulkner who served as Secretary of State in 1996, and the current Secretary of State Elaine Marshall, who has held the office since 1997. Mr. Butler made a motion to adjourn. Auditor Holmes seconded the motion which passed by unanimous vote. The meeting adjourned at 1:46 p.m.

The next regularly scheduled meeting of the North Carolina Local Government Commission will be held on April 2, 2024, at 1:30 p.m.

\* \* \* \* \*

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 March 5, 2024.

WITNESS my hand at Raleigh, NC, this 5th day of March 2024.



---

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

EXHIBIT 1

Local Governments Requesting Debt Approval by LGC									
Meeting Date 03/05/24									
		As Reported in 2023 Fiscal Year End Audits							
Name of Unit	County	Total OPEB Liability	Actuarial Value of OPEB Assets	Net OPEB Liability	Total LEOSSA Pension Liability	Actuarial Value of LEOSSA Assets	Net LEOSSA Pension Liability	Total Net Liability for OPEB and LEOSSA	LGERS/TSERS Net Pension Liability (1)
Beaufort	Carteret	N/A	N/A	N/A	589,349	0	589,349	589,349	3,593,024
Charlotte	Mecklenburg	362,261,000	147,982,000	214,279,000	157,177,000	0	157,177,000	371,456,000	364,760,000
Concord	Cabarrus	49,455,920	15,755,264	33,700,656	9,279,937	0	9,279,937	42,980,593	48,791,582
Forest City	Rutherford	9,282,858	0	9,282,858	1,283,746	0	1,283,746	10,566,604	5,663,994
Haywood County	Haywood	49,627,400	0	49,627,400	2,154,735	0	2,154,735	51,782,135	20,102,665
Huntersville	Mecklenburg	3,607,473	0	3,607,473	4,588,655	0	4,588,655	8,196,128	11,128,281
Inlivian Housing Redefined (2)	Mecklenburg	N/A	N/A	N/A	N/A	N/A	N/A	N/A	11,355,067
Kernersville	Forsyth	11,078,511	0	11,078,511	3,400,877	0	3,400,877	14,479,388	10,737,330
Pembroke	Robeson	2,285,100	0	2,285,100	354,318	0	354,318	2,639,418	1,365,226
Sanford	Lee	45,594,045	4,318,296	41,275,749	4,943,788	0	4,943,788	46,219,537	13,343,106
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) 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**

**GRANT PROJECT ORDINANCE FOR CLIFFSIDE SANITARY DISTRICT  
SYSTEM REPAIRS AND WASTEWATER TREATMENT PLANT RETROFIT**

BE IT ORDAINED, by the North Carolina Local Government Commission acting in place of the Governing Board of the Cliffside Sanitary District, North Carolina ("the District") pursuant to General Statute § 159-181(c) 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 1. The projects authorized are for the System Repairs and Wastewater Treatment Plant Retrofit Project No. VUR-W-ARP-0073. The ARPA Project Grant will be one hundred percent of eligible project costs up to a maximum of \$2,861,966 paid from the American Rescue Plan Act (ARPA) grant funding from the State Fiscal Recovery Fund.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the board resolution and the budget contained herein.

Section 3. The following amounts are appropriated for the projects:

Construction	\$ 2,506,333
Engineering	\$ 285,633
Administration	\$ 70,000

Total \$ 2,861,966

Section 4. The following revenue is anticipated to be available to complete these projects:

American Rescue Plan Act (ARPA) grant funding from the State Fiscal Recovery Fund	\$2,861,966
--	-------------

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements, and federal regulations. The terms of the resolution also shall be met.

Section 6. Funds may be advanced by the Sewer Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agencies in an orderly and timely manner.

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Grant Project Ordinance  
Cliffside Sanitary District  
March 5, 2024  
Page 2

Section 7. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total grant revenues received or claimed.

Section 8. The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to the Local Government Commission in its role as governing board for financial matters pursuant to General Statute § 159-181(c).

Section 9. Copies of this Grant Project Ordinance shall be furnished to the Finance Officer for direction in carrying out this project.

Section 10. The Secretary of the Local Government Commission and the Finance Officer are hereby authorized to (a) take any actions and to (b) execute and deliver any contract, agreement, and any other document on behalf of the District that may be necessary, appropriate, or desirable for the purpose of collecting grant funds on behalf of the District and expending appropriations from the Grant Project Fund.

Section 11. The Secretary of the Local Government Commission and the Finance Officer are hereby authorized, on behalf of the District, to execute all applications and other documents necessary or desirable for the purpose of carrying out this project, including documents required for compliance with all federal and state laws and regulations applicable to this project.

Adopted this 5<sup>th</sup> day of March 2024.

I, Debbie Tomasko, Interim Secretary of the North Carolina Local Government Commission, DO HEREBY CERTIFY that the foregoing is a true and correct copy of the Grant Project Ordinance adopted by the North Carolina Local Government Commission at its meeting held on March 5, 2024.

WITNESS my hand this 5th day of March, 2024.



Debbie Tomasko, Interim Secretary  
North Carolina Local Government Commission

EXHIBIT 3

**ORDINANCE NO. 24-10**  
**TOWN OF SPRING LAKE, NORTH CAROLINA**  
**Ordinance Amending the 2023-24 General 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.** General Fund is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	2023-24 Adopted Budget	Increase (Decrease)		2023-24 Amended Budget
<b>ESTIMATED REVENUES</b>				
Investment Earnings	200,000	108,000	(2)	308,000
Sale of Capital Assets	171,000	(108,000)	(2)	63,000
Miscellaneous Revenue	1,000	18,630	(1)	19,630
<b>Total Revenues</b>	<b>8,577,889</b>	<b>18,630</b>		<b>8,596,519</b>
<b>APPROPRIATIONS</b>				
Non-Departmental	(158,571)	18,630	(1)	(139,941)
<b>Total Appropriations</b>	<b>8,577,889</b>	<b>18,630</b>		<b>8,596,519</b>

- 1) Record unanticipated revenue received of \$18,630 and appropriate funds for expenditures for projected insurance deductibles for Employment Practice Liability, Workers Compensation and Auto Liability. The \$18,630 in Non-Departmental will be moved to the actual departments expenditures as incurred per Sections 19 and 20 of the Adopted FY 24 Budget Ordinance.
- 2) Appropriate additional Interest Income from March - June of \$108,000 and reduce Sales of Capital Assets by the same \$108,000 to align FY 24 actual capital asset sales.

WITNESS my hand at Raleigh, this 5th day of March 2024



Secretary of the Local Government Commission of North Carolina

EXHIBIT 4

**ORDINANCE NO. 24-11**  
**TOWN OF SPRING LAKE, NORTH CAROLINA**  
**Ordinance Amending the 2023-24 Water and Sewer 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. Water and Sewer Fund is hereby amended by increasing estimated revenues and appropriations in the amounts indicated:**

	<b>2023-24 Amended Budget</b>	<b>Current Request Increase (Decrease)</b>	<b>2023-24 Amended Budget</b>
<b>ESTIMATED REVENUES</b>			
Water Tap	0	2,366 (1)	2,366
Returned Check Fees	1,500	215 (1)	1,715
Sale of Material - Meters	-	4,073 (1)	4,073
Sale of Capital Assets	-	9,715 (1)	9,715
<b>Total Revenues</b>	<b>4,978,406</b>	<b>16,369</b>	<b>4,994,775</b>
<b>APPROPRIATIONS</b>			
Non-Departmental	1,761,656	16,369 (1)	1,778,025
<b>Total Appropriations</b>	<b>4,978,406</b>	<b>16,369</b>	<b>4,994,775</b>

- 1) Appropriate revenue received over budget projections in the amount of \$16,369; and expenditures in Non-Departmental for projected insurance deductibles for Employment Practice Liability, Workers Compensation and Auto Liability. The \$16,369 in Non-Departmental will be moved to the actual departments expenditures as incurred per Sections 19 and 20 of the Adopted FY 24 Budget Ordinance.

WITNESS my hand at Raleigh, this 5th day of March 2024

  
 Secretary of the Local Government Commission of North Carolina



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 APPROVING GRANT FROM THE VIABLE UTILITY RESERVE

WHEREAS, the North Carolina General Assembly enacted Session Law 2020-79, entitled in part "AN ACT TO IMPROVE THE VIABILITY OF THE WATER AND WASTEWATER SYSTEMS OF CERTAIN UNITS OF LOCAL GOVERNMENT . . . ; TO CREATE AND PROVIDE FUNDING FOR THE VIABLE UTILITY RESERVE TO PROVIDE GRANT MONEY FOR LOCAL GOVERNMENT UNITS, . . ." (the "Act"); and

WHEREAS, the Act amended Chapter 159G of the General Statutes ("G.S."), establishing the Viable Utility Reserve ("VUR") to be used for grants to local government units for specified purposes; and

WHEREAS, the Act amended Chapter 159G of the General Statutes by modifying G.S. 159G-32 to authorize the Department of Environmental Quality (the "Department") to make grants from the VUR for specified purposes, including certain public water and wastewater infrastructure projects; and

WHEREAS, the Act amended Chapter 159G of the General Statutes by adding a new Subsection 159G-39(e), requiring that the Department shall not award a grant from the VUR unless the Local Government Commission (the "Commission") approves the award of the grant and the terms of the grant; and

WHEREAS, the Commission and the State Water Infrastructure Authority (the "Authority") have developed and adopted criteria to determine how local government units should be assessed and reviewed pursuant to G.S. 159G-45(a), and have used the assessment and review process to identify distressed units, pursuant to G.S. 159G-45(b); and

WHEREAS, the City of Goldsboro has been identified as distressed and has submitted a resolution indicating they are committed to completing the viable utility (VU) program requirements: studies; education/training; short- and long-term planning for maintenance, repair, and replacement; and long-term financial management, and that they are working with the other distressed LGUs in their county, including the LGU(s) currently under LGC fiscal control, and that they will provide adequate access to staff, documents, equipment, and other resources pertinent to complete the studies; and

WHEREAS, the City of Goldsboro has resolved to work with other units of government including the Town of Fremont, Town of Eureka, Town of Pikeville, Town of Mt. Olive, and Wayne County in conducting the asset assessment, regionalization feasibility, and rate studies; and

Resolution Approving VUR Grant  
March 5, 2024  
Page 2

WHEREAS, the City was previously awarded a VUR study grant for a Merger/Regionalization Feasibility Evaluation based on Authority approval (September 2021) and Commission approval (October 2021); and

WHEREAS, the project funded by the initial grant was completed in December 2023 and additional work is needed to complete the evaluation and analysis; and

WHEREAS, the Authority approved a \$260,000 VUR study grant for the City for “Goldsboro MRF Part B” at its February 20, 2024 meeting to continue this work;

NOW THEREFORE, BE IT RESOLVED by the Commission, pursuant to its authority recited herein, THAT the Commission approves a grant from the Viable Utility Reserve up to a maximum funding amount of \$260,000 for the City’s “Goldsboro MRF Part B” project.

I, Debbie Tomasko, Interim 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 March 5, 2024.

WITNESS my hand this 5<sup>th</sup> day of March 2024.



Debbie Tomasko, Interim Secretary  
North Carolina Local Government Commission





**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 MODIFYING THE CRITERIA FOR ASSESSING LOCAL GOVERNMENT  
UNITS AS PROVIDED UNDER NORTH CAROLINA GENERAL STATUTE 159G-45**

WHEREAS, the North Carolina General Assembly enacted Session Law 2020-79, entitled in part “AN ACT TO IMPROVE THE VIABILITY OF THE WATER AND WASTEWATER SYSTEMS OF CERTAIN UNITS OF LOCAL GOVERNMENT . . . ; TO CREATE AND PROVIDE FUNDING FOR THE VIABLE UTILITY RESERVE TO PROVIDE GRANT MONEY FOR LOCAL GOVERNMENT UNITS, . . .” (the “Act”); and

WHEREAS, Section 1.(k) of the Act amended Article 2 of Chapter 159G of the General Statutes (“G.S.”) by adding a new Section 159G-45 requiring that the State Water Infrastructure Authority (the “Authority”) and the Local Government Commission (the “Commission”):

- (a) develop criteria to assess and review local government units and
- (b) utilize the assessment and review process to identify distressed units; and

WHEREAS, the Commission and the Authority have previously developed and adopted criteria for assessing units; and

WHEREAS, the staffs of the Commission and Authority propose that the assessment criteria be updated to:

- 1. Remove the “DW Pop / Mile” and “Sewer Pop / Mile “ population/mile parameters;
- 2. Modify the DW compliance parameter to incorporate lead and copper rule violations such that a LGU scores 1 point for more than five Action Level Exceedances or MCL violations in a five-year period and/or ongoing treatment technique violations;
- 3. Modify the rates parameter to be based on the 85th percentile for each type of system using the monthly bill for 5,000 gallons as calculated from the most current rate data available (to be updated annually); and

WHEREAS, the Authority approved these modifications to the assessment criteria at its February 20, 2024 meeting;

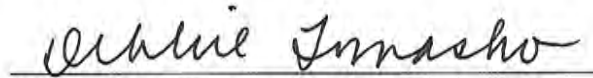
NOW THEREFORE, BE IT RESOLVED by the Commission, pursuant to its authority recited herein, that:

The Commission adopts the modified “Viable Utility Reserve Assessment Criteria” as defined in Attachment A as the criteria for reviewing and assessing local government units.

Resolution Modifying Assessment Criteria  
March 5, 2024  
Page 2

I, Debbie Tomasko, Interim 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 March 5, 2024.

WITNESS my hand this 5<sup>th</sup> day of March 2024.

A handwritten signature in cursive script, reading "Debbie Tomasko", is written over a horizontal line.

Debbie Tomasko, Interim Secretary  
North Carolina Local Government Commission



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 MODIFYING EVALUATION CRITERIA FOR  
VIALE UTILITY RESERVE STUDY GRANT APPLICATIONS

WHEREAS, the North Carolina General Assembly enacted Session Law 2020-79, entitled in part “AN ACT TO IMPROVE THE VIABILITY OF THE WATER AND WASTEWATER SYSTEMS OF CERTAIN UNITS OF LOCAL GOVERNMENT . . . ; TO CREATE AND PROVIDE FUNDING FOR THE VIALE UTILITY RESERVE TO PROVIDE GRANT MONEY FOR LOCAL GOVERNMENT UNITS, . . .” (the “Act”); and

WHEREAS, the Act amended Chapter 159G of the General Statutes (“G.S.”) by adding a new Section 159G-35(c) requiring the Local Government Commission (the “Commission”) and the State Water Infrastructure Authority (the “Authority”) to develop evaluation criteria for grants from the Viale Utility Reserve and use the criteria to review applications and award grants; and

WHEREAS, the staff of the North Carolina Department of Environmental Quality’s Division of Water Infrastructure (the “Division”) has proposed two categories (Category 1 and Category 2) for grant prioritization for study grants; and

WHEREAS, “Category 1” was approved by the Commission and the Authority in 2021 as the highest priority, comprising units designated as distressed due to their financial affairs being under the control of the Commission, as well as units designated as distressed and working with distressed units under the financial control of the Commission; and

WHEREAS, “Category 2” was approved by the Commission and the Authority in 2021 to comprise all other LGUs identified as distressed; LGUs in Category 2 are eligible to apply under a competitive process for study grant funding, are subject to prioritization based on VUR assessment score, and are eligible for grant applications when there are remaining funds in the VUR after meeting all needs in Category 1;

WHEREAS, Commission and Authority staff recommend that Category 2 evaluation criteria be modified to be subject to prioritization based on the Priority Rating System for drinking water and wastewater State Reserve Program study grants instead of the VUR assessment score, with tie-breaker criteria as follows: revenue outlook (15 points), moratorium (15 points), service population less than 1,000 (10 points), project addressing multiple distressed units (5 points); and

WHEREAS, the Authority approved these changes at its February 20, 2024 meeting;

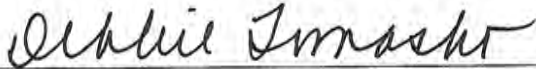


NOW THEREFORE, BE IT RESOLVED by the Commission, pursuant to its authority recited herein, that:

1. the Commission retains the definition of Category 1 for study grants; and
2. the Commission approves the modifications to the Category 2 evaluation criteria for study grants; and
3. the modifications to Category 2 evaluation criteria shall become effective beginning with the Fall 2024 funding application cycle.

I, Debbie Tomasko, Interim 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 March 5, 2024.

WITNESS my hand this 5th day of March 2024.



Debbie Tomasko, Interim Secretary  
North Carolina Local Government Commission



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 WAIVE THE AUDIT REQUIREMENT FOR  
CLIFFSIDE SANITARY DISTRICT FOR FISCAL YEARS 2018 THROUGH 2022

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

WHEREAS, pursuant to G.S. 159-181(c), if a unit of local government under the financial control of the Commission or public authority failed to submit annual audit reports as required by G.S. 159-34(a), the Commission may waive the audit requirement in G.S. 159-34(a) for any or all of the missing reports provided that the use of all grant funds and borrowed funds is documented to the satisfaction of the grantors and lenders; and

WHEREAS, Commission staff has determined that for fiscal years 2018 through 2022, the District received grant funds from the Department of Environmental Quality's Division of Water Infrastructure ("DWI"), that those funds are either paid directly to third-party payees by DWI or paid to the Town on a reimbursement basis by DWI only for approved expenditures, and that DWI staff have confirmed that the use of the grant funds is documented to their satisfaction; and

WHEREAS, Commission staff has determined that for fiscal years 2018 through 2022, no other grant funds were received; and

WHEREAS, Commission staff has confirmed that the District has borrowed no funds;

NOW THEREFORE, the Commission,

- 1) Waives the annual audit requirement for Cliffside Sanitary District for fiscal years 2018 through 2022; and
- 2) Directs Commission staff to contract for audit for fiscal year 2023 as soon as practicable.

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Resolution to Waive Audit Requirement  
Cliffside Sanitary District  
March 5, 2024  
Page 2

I, Debbie Tomasko, Interim 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 March 5, 2024.

WITNESS my hand this 5<sup>th</sup> day of March 2024.

  
\_\_\_\_\_  
Debbie Tomasko, Interim Secretary  
North Carolina Local Government Commission