STATE TREASURER OF NORTH CAROLINA
DALE R. FOLWELL, CPA

Tale T. Foliable, CPA

SHARON EDMUNDSON DEPUTY TREASURER

STATE AND LOCAL GOVERNMENT FINANCE DIVISION AND THE LOCAL GOVERNMENT COMMISSION

North Carolina Capital Facilities Finance Agency Agenda

November 1, 2022

- 1. Pledge of Allegiance/Toast to the Flag of NC
- 2. Conflict of Interest Statement
- 3. Minutes for Approval August 2, 2022
- 4. Agenda Items
 - a. Aces for Autism, Revenue bonds for construction of family services and clinic building

Amount not to exceed: \$9,750,000

Details on attached NCCFFA Staff Analysis

- 5. Miscellaneous Items (Non-Action Items)
 - a. Statement of Economic Interest evaluations of members pursuant to the Ethics Act § 138A-15(c) Review only. Details attached.
- 6. Other Business
- 7. Adjourn Meeting

Agenda Notes:







LGC Staff Analysis For:	Aces for Autism
Amount Not to Exceed	\$ 9,750,000
NCCFFA Item	✓ Yes
Description	Aces for Autism, located in Greenville, North Carolina, is a not-for-profit treatment and educational center dedicated to empowering families and individuals impacted by autism to experience success from diagnosis through adulthood. The organization works with children from 18 months to 21 years. Aces for Autism's goal is for individuals affected by autism to reach their full potential by providing access to evidence-based, high-quality services. Services include behavioral therapy, parent trainings, social skills groups, family support programs, pre-kindergarten readiness classrooms, and educational support.
	Aces for Autism is a North Carolina nonprofit corporation with a 501(c)(3) letter. It is governed by an independent board of directors. Aces for Autism has a strong non-discrimination policy to serve all children and families dealing with autism regardless of race, creed, color or national origin. That policy applies to both employees and clients. Aces for Autism does not discriminate based on sex, gender, race, religion, national origin, disability, or sexual orientation.
	https://www.acesforautismnc.com
	Proposed Project
	In the Fall of 2018, Aces for Autism purchased 23.83 acres in Winterville NC. Aces for Autism has a master plan for a camp to provide a range of services for children and families dealing with autism, to be built in phases. Phase One is a 32,000 square foot family services and clinic building to provide one on one therapy rooms, activity space, gross motor skill rooms, a cafeteria, a store, diagnostic space, counseling space, administrative space, and models including a hair salon, doctor's/dentist's office, model apartment, and a grocery store to help children adapt to different environments. It will include space for parent training, a sensory room and a quiet room for children who need time away from stimulation. The assets to be constructed included site improvements and the buildings. Furnishings and electronics will be provided outside of the financing, including contributions from local business (such as upfitting the grocery store by Food Lion as a corporate charitable contribution).
	The construction contract for Phase I is in place. The schedule for completion is anticipated to be within 30 months.
	The total cost of the Project is expected to be \$13,657,922. The difference between the cost of the Project and the amount of the financing (not to exceed \$9,750,000) is being paid with contributions received by Aces for Autism for this capital project.
	Aces for Autism has generated tremendous support and fund-raising efforts from the residents, the faith community and the business community in and around Pitt County.
	Utilities: Gas: Greenville Utilities Water: Town of Winterville Sewer: Town of Winterville Electric: Town of Winterville Ready-to-serve letters from the utility providers have been received.
	Building Contractor: WIMCO Corporation, Washington NC
	Building Permits have been issued







	Aces for Autism
Financing Details	Proposed Financing
	- Revenue Bonds, Series 2022 (bank placement with TowneBank) - Location: Winterville NC - Not-to-exceed amount: \$9,750,000 - 20-year amortization, 30 month interest only construction period (22.5 years total) - Project: Finance a portion of the construction of a 32,000 sq. ft. Family Service and Clinic building and other infrastructure improvements Anticipated close mid-November 2022 - G.S. 159C-3(15a)(h)
	Financial Capability
	- Total Cash \$4,011,000 (12/31/2021) - Total Cash \$4,237,000 (3/31/2022 unaudited) - Total Assets \$5,720,000 (12/31/2021) - Total Liabilities \$1,267,000 (12/31/2021) - Total Equity \$4,453,000 (12/31/2021) - Net Income \$1,366,000 (12/31/2021) - Cash Available for Debt Service \$1,366,000 (12/31/2021) - Proposed Total Annual Debt Service \$751,000
	Manner of Financing
	- Private Bank Placement with TowneBank - The borrower shall provide the lender with first lien deed of trust on property - Fixed Interest Rate 4.80% (locked for the first 120 months) - Issuance must occur on or before November 17th in order hold 4.8% rate lock
	Financing Team
	- Bond Counsel: McGuireWoods - Borrower's Counsel: Colombo, Kitchen, Dunn, Ball & Porter, LLP - Bank Counsel: Womble Bond Dickinson (US) LLP - Bank Provider: TowneBank
	Approvals
	- Not to Exceed Amount of Loan: \$9,750,000 - Final Maturity not to exceed: 2045

NORTH CAROLINA CAPITAL FACILITIES FINANCE AGENCY

November 1, 2022 Meeting

MISCELLANEOUS NON-ACTION AGENDA ITEM

Statement of Economic Interest evaluations of members pursuant to the Ethics Act § 138A-15(c)

The following packet contains updated Statement of Economic Interest (SEI) evaluation letters issued by the State Ethics Commission. These are being provided for Agency members' review and for recording in the meeting minutes pursuant to the requirements of the State Government Ethics Act. Members are encouraged to review the evaluations to inform and remind them of the identified actual or potential conflicts of interest.

The SEI Evaluations being provided are:

- · Dale R. Folwell, State Treasurer
- DeAlva Wilson Glenn (Arnold)
- C. Theodore Hicks II
- · Marcus Bowen
- · Sharon Edmundson (State Treasurer designee)



POST OFFICE BOX 27685 RALEIGH, NC 27611 PHONE: 919-814-3600

Via Email

September 26, 2022

The Honorable Dale R. Folwell North Carolina Department of State Treasurer 3200 Atlantic Avenue Raleigh, North Carolina 27604

Re: <u>Evaluation of Statement of Economic Interest</u> North Carolina Capital Facilities Finance Agency

Dear Treasurer Folwell:

Our office has received your 2022 Statement of Economic Interest as a member of the **North Carolina Capital Facilities Finance Agency (the "Agency").** We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the Elections and Ethics Enforcement Act (the "Act").

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

We did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The North Carolina Capital Facilities Finance Agency was established to provide the benefits of taxexempt financing to non-profit institutions providing elementary and secondary education, private institutions of higher education and various other entities for special purpose projects serving a public interest. The Agency has the authority to issue bonds and notes, award contracts for the construction of any project on behalf of a participating institution, fix and collect fees, loan repayments, rents, and charges for the use of any project.

The Honorable Dale R. Folwell September 26, 2022 Page 2 of 2

As the Treasurer for the State of North Carolina, you fill an ex officio role on the Agency. You disclosed that you own a financial interest in Republic First BankCorp and in the investment management firm, Colony. Therefore, you have the potential for a conflict of interest and should exercise appropriate caution in the performance of your official duties should issues involving these entities come before the Agency for official action.

In addition to the conflict standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act. N.C.G.S. § 138A-15(c).

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 138A-14. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,

Mary Roerden, SEI Unit State Ethics Commission

cc: Laura Rowe, Ethics Liaison Attachment: Ethics Education Guide



POST OFFICE BOX 27685 RALEIGH, NC 27611 PHONE: 919-814-3600

Via Email

September 26, 2022

The Honorable Roy A. Cooper III Governor of North Carolina 20301 Mail Service Center Raleigh, North Carolina 27699-0301

Re: <u>Evaluation of Statement of Economic Interest Filed by Ms. DeAlva Wilson Glenn</u>
Member of the North Carolina Capital Facilities Finance Agency

Dear Governor Cooper:

Our office has received **Ms. DeAlva Wilson Glenn's** 2021 Statement of Economic Interest and 2022 No-Change form as a member of the **North Carolina Capital Facilities Finance Agency (the "Agency")**. We have reviewed the 2021 Statement of Economic Interest for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act (the "Act").

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

We did not find an actual conflict of interest or the likelihood for a conflict of interest.

The North Carolina Capital Facilities Finance Agency was established to provide the benefits of taxexempt financing to non-profit institutions providing elementary and secondary education, private institutions of higher education and various other entities for special purpose projects serving a public interest. The Agency has the authority to issue bonds and notes, award contracts for the construction of any project on behalf of a participating institution, fix and collect fees, loan repayments, rents, and charges for the use of any project.

The Honorable Roy A. Cooper III September 26, 2022 Page 2 of 2

Ms. Wilson Glenn serves as a public member on the Agency.

In addition to the conflict standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act. N.C.G.S. § 138A-15(c).

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 138A-14. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,

Mary Roerden, SEI Unit State Ethics Commission

cc: DeAlva Wilson Glenn
 Laura Rowe, Ethics Liaison
 Gregory S. McLeod, Deputy General Counsel, Office of the Governor
 Scarlett Hargis, Office of the Governor

Attachment: Ethics Education Guide

Mary Koerden



POST OFFICE BOX 27685 RALEIGH, NC 27611 PHONE: 919-814-3600

Via Email

September 26, 2022

The Honorable Phil Berger President Pro Tempore of the Senate 16 West Jones Street, Room 2008 Raleigh, North Carolina 27601

Re: Evaluation of Statement of Economic Interest Filed by Mr. C. Theodore Hicks II
Member of the North Carolina Capital Facilities Finance Agency

Dear Senator Berger:

Our office has received Mr. C. Theodore Hicks II's 2022 Statement of Economic Interest as a member of the North Carolina Capital Facilities Finance Agency (the "Agency"). We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the Elections and Ethics Enforcement Act (the "Act").

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

We did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The North Carolina Capital Facilities Finance Agency was established to provide the benefits of taxexempt financing to non-profit institutions providing elementary and secondary education, private institutions of higher education and various other entities for special purpose projects serving a public interest. The Agency has the authority to issue bonds and notes, award contracts for the construction of any project on behalf of a participating institution, fix and collect fees, loan repayments, rents, and charges for the use of any project.

The Honorable Phil Berger September 26, 2022 Page 2 of 2

Mr. Hicks fills the role of a public member on the Agency. He serves on the John Locke Foundation Board of Directors. He owns Hicks & Associates Wealth Management f/k/a T2 & Associated Companies, LLC. Therefore, Mr. Hicks has the potential for a conflict of interest and should exercise appropriate caution in the performance of his public duties should issues involving any entity in which he or his spouse own a financial interest come before the Agency for official action.

In addition to the conflict standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act. N.C.G.S. § 138A-15(c).

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 138A-14. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,

Mary Roerden, SEI Unit State Ethics Commission

cc: C. Theodore Hicks II
Laura Rowe, Ethics Liaison

Attachment: Ethics Education Flyer



POST OFFICE BOX 27685 RALEIGH, NC 27611 PHONE: 919-814-3600

Via Email

September 22, 2022

The Honorable Roy A. Cooper III Governor of North Carolina 20301 Mail Service Center Raleigh, North Carolina 27699-0301

Re: Evaluation of Statement of Economic Interest Filed by Mr. Marcus Bowen

Member of the North Carolina Capital Facilities Finance Agency

Dear Governor Cooper:

Our office has received **Mr. Marcus Bowen's** 2022 Statement of Economic Interest as a member of the **North Carolina Capital Facilities Finance Agency (the "Agency").** We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the Elections and Ethics Enforcement Act (the "Act").

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

We did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The North Carolina Capital Facilities Finance Agency was established to provide the benefits of taxexempt financing to non-profit institutions providing elementary and secondary education, private institutions of higher education and various other entities for special purpose projects serving a public interest. The Agency has the authority to issue bonds and notes, award contracts for the construction of any project on behalf of a participating institution, fix and collect fees, loan repayments, rents, and charges for the use of any project.

The Honorable Roy A. Cooper III September 22, 2022 Page 2 of 2

Mr. Bowen fills the role of a public member on the Agency. He is the Chief Financial Officer for Self-Help, a state and federally charted credit union network and community development financial institution whose services include, but are not limited to, commercial and real estate development lending, revolving loan funding and loans to public charter schools. Therefore, Mr. Bowen has the potential for a conflict of interest and should exercise appropriate caution in the performance of his public duties should issues involving the business of Self-Help or its affiliates come before the Agency for official action.

In addition to the conflict standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act. N.C.G.S. § 138A-15(c).

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 138A-14. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,

Mary Roerden, SEI Unit State Ethics Commission

cc: Marcus Bowen

Laura Rowe, Ethics Liaison

Gregory S. McLeod, Deputy General Counsel, Office of the Governor

Scarlett Hargis, Office of the Governor

Attachment: Ethics Education Guide



POST OFFICE BOX 27685 RALEIGH, NC 27611 PHONE: 919-814-3600

Via Email

September 22, 2022

The Honorable Dale R. Folwell North Carolina Department of State Treasurer 3200 Atlantic Avenue Raleigh, North Carolina 27604

Re: <u>Evaluation of Statement of Economic Interest by Ms. Sharon G. Edmundson</u>
Member of the North Carolina Capital Facilities Finance Agency

Dear Treasurer Folwell:

Our office has received **Ms. Sharon G. Edmundson's** 2022 Statement of Economic Interest as a member of the **North Carolina Capital Facilities Finance Agency ("the Agency")**. We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act (the "Act").

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

We did not find an actual conflict of interest or the likelihood for a conflict of interest.

The North Carolina Capital Facilities Finance Agency was established to provide the benefits of taxexempt financing to non-profit institutions providing elementary and secondary education, private institutions of higher education and various other entities for special purpose projects serving a public interest. The Agency has the authority to issue bonds and notes, award contracts for the construction of any project on behalf of a participating institution, fix and collect fees, loan repayments, rents, and charges for the use of any project.

The Honorable Dale R. Folwell September 22, 2022 Page 2 of 2

Ms. Edmundson fills the role of your designee to serve on the Agency.

In addition to the conflict standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act. N.C.G.S. § 138A-15(c).

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 138A-14. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,

Mary Roerden, SEI Unit State Ethics Commission

cc: Sharon G. Edmundson Laura Rowe, Ethics Liaison

Mary Koerden

Attachment: Ethics Education Guide