

REQUEST FOR BOARD ACTION
HENDERSON COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: 15 July 2009

SUBJECT: Reimbursement Resolution for Construction Financing

ATTACHMENT(S): Draft resolutions

SUMMARY OF REQUEST:

Attached are proposed reimbursement resolutions for your consideration. These allow construction project costs incurred prior to financing to be reimbursed from the financing proceeds.

NOTE: The “not to exceed” figures in the two resolutions are *not* intended to accurately state the amounts of the respective project costs, but rather to act as a safe harbor number for the purpose of these resolutions only.

County staff will present further information on this matter.

BOARD ACTION REQUESTED:

Adoption of the resolutions.

If the Board is so inclined, the following motion is suggested:

I move that the Board approve the two reimbursement resolutions attached to this agenda item.

RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE EXPENSES

WHEREAS, at the request of the Henderson County Board of Public Education (“the School Board”), Henderson County (“the County”), a political subdivision operating under the laws of North Carolina, has considered expanding, renovating, equipping and maintaining, and intends to expand, renovate, equip and maintain a new or expanded middle school and high school for the North Henderson/Apple Valley area (“the North Henderson/Apple Valley Project”) by securing financing to pay for all or a portion of the estimated cost of the North Henderson/Apple Valley Project; and

WHEREAS, at the request of the Henderson County Board of Public Education (“the School Board”), Henderson County (“the County”), a political subdivision operating under the laws of North Carolina, has considered expanding, renovating, equipping and maintaining, and intends to expand, renovate, equip and maintain several of the public schools operated by the School Board (“Long-Term Repairs and Renovations Project”) by securing financing to pay for all or a portion of the estimated cost of the Long-Term Repairs and Renovations Project; and

WHEREAS, at the request of the Board of Trustees of Blue Ridge Community College (“the Trustees”), Henderson County (“the County”), a political subdivision operating under the laws of North Carolina, has considered expanding, renovating, equipping and maintaining, and intends to expand, renovate, equip and maintain the buildings on the Flat Rock, North Carolina, campus of Blue Ridge Community College (“the BRCC Project”) by securing financing to pay for all or a portion of the estimated cost of the BRCC Project; and

WHEREAS, Henderson County (“the County”), a political subdivision operating under the laws of North Carolina, has considered expanding, renovating, equipping and maintaining, and intends to expand, renovate, equip and maintain the former Public Health Department building located at 1347 Spartanburg Highway in Hendersonville, North Carolina (“the Health building project”) by securing financing to pay for all or a portion of the estimated cost of the Health building project; and

WHEREAS, the County proposes to finance the Project(s), but has incurred and will continue to incur expenses on such project(s) prior to the financing thereof; and,

WHEREAS, the County desires to reimburse itself from the proceeds of a borrowing for expenditures the County has made or will continue to make in connection with the Project(s) prior to the financing thereof;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Henderson County as follows:

1. The Henderson County Board of Commissioners, which is authorized to declare the official intent of the County of Henderson, North Carolina with respect to matters contained herein, hereby makes the following declaration that is intended to constitute a Declaration of Official Intent to Reimburse from Financing Proceeds Expenditures Made by the County with respect to the Project(s) detailed above:

(a) Expenditures to be Incurred. The County has incurred expenses and expects to incur expenditures (“the Expenditures”) related to the Project(s) detailed above.

(b) Plan of Finance. The County intends to finance the costs of the foregoing acquisition, construction and equipping with proceeds of a financing in an amount deemed advisable by the County, but not to exceed \$15 million (“the Borrowing”).

(c) Declaration of Official Intent to Reimburse. The County hereby declares and reaffirms its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures for the Project(s) detailed above paid by it prior to the incurrence of the Borrowing.

2. This resolution shall take effect immediately upon its passage.

ADOPTED THIS the _____ day of _____, 2009.

HENDERSON COUNTY BOARD OF COMMISSIONERS

By: _____
WILLIAM MOYER, Chairman

[OFFICIAL SEAL]

ATTESTED BY:

Teresa L. Wilson, Clerk to the Board

RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE EXPENSES

WHEREAS, Henderson County (“the County”), a political subdivision operating under the laws of North Carolina, has considered constructing, equipping and maintaining, and intends to construct, equip and maintain a new law enforcement center in Henderson County, North Carolina (“the Law Enforcement Center project”) by securing financing to pay for all or a portion of the estimated cost of the Health building project; and

WHEREAS, the County proposes to finance the Project, but has incurred and will continue to incur expenses on such project(s) prior to the financing thereof; and,

WHEREAS, the County desires to reimburse itself from the proceeds of a borrowing for expenditures the County has made or will continue to make in connection with the Project prior to the financing thereof;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Henderson County as follows:

1. The Henderson County Board of Commissioners, which is authorized to declare the official intent of the County of Henderson, North Carolina with respect to matters contained herein, hereby makes the following declaration that is intended to constitute a Declaration of Official Intent to Reimburse from Financing Proceeds Expenditures Made by the County with respect to the Project detailed above:

(a) Expenditures to be Incurred. The County has incurred expenses and expects to incur expenditures (“the Expenditures”) related to the Project(s) detailed above.

(b) Plan of Finance. The County intends to finance the costs of the foregoing acquisition, construction and equipping with proceeds of a financing in an amount deemed advisable by the County, but not to exceed \$7 million (“the Borrowing”).

(c) Declaration of Official Intent to Reimburse. The County hereby declares and reaffirms its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures for the Project(s) detailed above paid by it prior to the incurrence of the Borrowing.

2. This resolution shall take effect immediately upon its passage.

ADOPTED THIS the _____ day of _____, 2009.

HENDERSON COUNTY BOARD OF COMMISSIONERS

By: _____
WILLIAM MOYER, Chairman

[OFFICIAL SEAL]

ATTESTED BY:

Teresa L. Wilson, Clerk to the Board