

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY

### BOARD OF COMMISSIONERS

**MEETING DATE:** 1 February 2016

**SUBJECT:** Reimbursement Resolution for Career Academy Financing and potential land financing

**ATTACHMENT(S):** Draft resolution

**PRESENTER:** Charles Russell Burrell  
Carey McLelland

#### SUMMARY OF REQUEST:

Attached is a proposed reimbursement resolution from bond counsel for your consideration. The purpose of a reimbursement resolution is to allow construction project and planning costs for the Career Academy and the purchase of land as a part of the incentive package previously approved for G.F. Linamar (if such project is awarded to Henderson County) incurred prior to the closing of the (tax-free) financing to be reimbursed from the financing proceeds.

NOTE: The “not to exceed” figures in the resolution is *not* intended to accurately state the project costs or land costs (if the project should be awarded), but rather to act as a safe harbor number for the purpose of these resolutions only and to allow any project to go forward when needed rather than awaiting the closing of the financing.

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 reimbursement resolution attached to this agenda item for the Career Academy to be constructed on the campus on Blue Ridge Community College.***

Extract of Minutes of a regular meeting of the Board of Commissioners of the County of Henderson, North Carolina, was duly held on February 1, 2016 at 5:30 p.m. in the Commissioners' Meeting Room, Henderson County Historic Courthouse, 1 Historic Courthouse Square, Hendersonville, North Carolina. Chairman Thomas H. Thompson presiding.

\* \* \*

The following members were present:

The following members were absent:

Also present:

\* \* \*

Commissioner \_\_\_\_\_ moved that the following resolution (the "*Resolution*"), a copy of which was available with the Board and which was read by title:

**RESOLUTION OF THE COUNTY OF HENDERSON, NORTH CAROLINA DECLARING THE INTENT OF THE COUNTY OF HENDERSON, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A CAREER ACADEMY ON THE CAMPUS OF BLUE RIDGE COMMUNITY COLLEGE AND IN THE ACQUISITION OF LAND FOR AN ECONOMIC DEVELOPMENT PROJECT (G. F. LINAMAR LLC) FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN FISCAL YEAR 2017**

*WHEREAS*, the Board of Commissioners of the County of Henderson, North Carolina ("*County*") has determined that it is in the best interests of County to finance the acquisition, construction and equipping of a Career Academy on the campus of Blue Ridge Community College ("the Career Academy"); and

*WHEREAS*, the County has approved the offer of economic development incentives to G. F. Linamar LLC, contingent upon their commitment to construct and equip a new plant located in Henderson County (with certain other terms and conditions), pursuant to which offer the County would, if the offer is accepted, provide the purchase cost of the land upon which the plant is to be located as an advance payment of incentives, which award the Board of Commissioners of the County has determined to be in the best interest of the County to finance ("the potential economic development award"); and

*WHEREAS*, it would be in the best interest of the County that the Career Academy and the potential economic development award (together, "the Project") be financed together; and

*WHEREAS*, the County presently intends, at one time or from time to time, to finance all or a portion of the costs of the Project with proceeds of tax-exempt obligations and reasonably expects to execute and deliver its tax-exempt obligations (the "*Obligations*") to finance, or to reimburse itself for, all or a portion of the costs of the Project; and

**WHEREAS**, the County desires to proceed with the Project and will incur and pay certain expenditures in connection with the Project prior to the date of execution and delivery of the Obligations (the "*Original Expenditures*"), such Original Expenditures to be paid for originally from a source other than the proceeds of the Obligations, and the County intends, and reasonably expects, to be reimbursed for such Original Expenditures from a portion of the proceeds of the Obligations to be executed and delivered at a date occurring after the dates of such Original Expenditures;

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

Section 1. ***Official Declaration of Intent.*** The County presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the County on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The County reasonably expects to execute and deliver the Obligations to finance all or a portion of the costs of the Project and the maximum principal amount of Obligations expected to be executed and delivered by County to pay for all or a portion of the costs of the Project is \$20,500,000.

Section 2. ***Compliance with Regulations.*** The County adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the County's intent to reimburse itself for the Original Expenditures from proceeds of the Obligations.

Section 3. ***Itemization of Capital Expenditures.*** The Finance Officer of the County, with advice from special counsel, is hereby authorized, directed and designated to act on behalf of the County in determining and itemizing all of the Original Expenditures incurred and paid by the County in connection with the Project during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligations.

Section 4. ***Effective Date.*** This Resolution is effective immediately on the date of its adoption.

On motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing resolution entitled "**RESOLUTION OF THE COUNTY OF HENDERSON, NORTH CAROLINA DECLARING THE INTENT OF THE COUNTY OF HENDERSON, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A CAREER ACADEMY ON THE CAMPUS OF BLUE RIDGE COMMUNITY COLLEGE FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN FISCAL YEAR 2017**" was duly adopted by the following vote:

AYES:

NAYS:

STATE OF NORTH CAROLINA            )  
  )  
COUNTY OF HENDERSON            )        ss:

I, *Teresa Wilson*, Clerk to the Board of Commissioners of the County of Henderson, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of a resolution entitled **“RESOLUTION OF THE COUNTY OF HENDERSON, NORTH CAROLINA DECLARING THE INTENT OF THE COUNTY OF HENDERSON, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A CAREER ACADEMY ON THE CAMPUS OF BLUE RIDGE COMMUNITY COLLEGE FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN FISCAL YEAR 2017”** adopted by the Board of Commissioners of the County of Henderson, North Carolina, at a meeting held on the 1st day of February, 2016.

***WITNESS*** my hand and the corporate seal of the County of Henderson, North Carolina, this the \_\_\_ day of February, 2016.

\_\_\_\_\_  
Teresa Wilson  
Clerk to the Board  
County of Henderson, North Carolina