

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: February 1, 2016

SUBJECT: Resolution Asking for Removal from State Construction Requirement

PRESENTER: John Mitchell, Business and Community Development Director

ATTACHMENTS: Yes
1.) Resolution
2.) HB 501

SUMMARY OF REQUEST:

The Henderson County Board of Commissioners is requested to adopt the attached Resolution asking the Legislative Delegation to draft and introduce a Local Bill to exempt the Career Academy project at Blue Ridge Community College from State Construction Office review.

A model Local Bill (HB 501) accomplishing a similar exemption in Buncombe County is attached.

BOARD ACTION REQUESTED:

The Board is requested to adopt the attached Resolution as presented.

SUGGESTED MOTION:

I move that the Board adopt the attached Resolution asking Henderson County's Legislative Delegation to exempt the career academy from State Construction Office review.

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite #1
Hendersonville, NC 28792
Phone (828) 697-4808 • Fax (828) 692-9855
www.hendersoncountync.org

THOMAS THOMPSON
Chairman
CHARLIE MESSER
Vice-Chairman

J. MICHAEL EDNEY
GRADY HAWKINS
WILLIAM LAPSLEY

RESOLUTION

ASKING HENDERSON COUNTY'S LEGISLATIVE DELEGATION TO EXEMPT THE CAREER ACADEMY PROJECT FROM STATE CONSTRUCTION OFFICE REVIEW

WHEREAS, the Balfour Education Center is in need of replacement; and

WHEREAS, Henderson County has proposed to build a new Career Academy (Academy) to replace the Balfour Education Center on the campus of Blue Ridge Community College (BRCC); and

WHEREAS, This Academy will consolidate the Early College, Balfour Education Center and career readiness programs in partnership with BRCC; and

WHEREAS, Henderson County has also proposed to build an Emergency Services Headquarters on the current Balfour Education Center site; and

WHEREAS, As a result of the time constraints required to meet school term commencement for the 2017 school year, the project must be expedited; and

WHEREAS, State Construction Office review is currently required, and could take many months to accomplish; and

WHEREAS, Buncombe County successfully exempted projects from State Construction Office review through House Bill 501 in the 2013 Session of the General Assembly;

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners request that a Local Bill be adopted which will exempt the Career Academy project from State Construction Office review.

Adopted this the 1st day of February, 2016.

THOMAS THOMPSON, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:

TERESA L. WILSON, CLERK TO THE BOARD

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

**SESSION LAW 2013-112
HOUSE BILL 501**

AN ACT PROVIDING THAT BUNCOMBE COUNTY IS AUTHORIZED TO CONSTRUCT COMMUNITY COLLEGE BUILDINGS ON THE CAMPUSES OF ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE WITHIN THE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 115D-9, 115D-15.1(c), and 143-341(3) or any other provisions of law, Buncombe County (County) is hereby authorized to construct community college buildings, as that term is defined in G.S. 143-336, on the campuses of Asheville-Buncombe Technical Community College (College) located within Buncombe County. Buncombe County may finance the construction of these buildings in accordance with Article 8 of Chapter 159 and Chapter 160A-20 of the General Statutes. In constructing the buildings, the County does not have to comply with the provisions of G.S. 115D-9 or Part 1 of Article 36 of Chapter 143 of the General Statutes. However, the County shall comply with the provisions of Article 3D of Chapter 143 of the General Statutes (Procurement of Architectural, Engineering, and Surveying Services) and Article 8 of Chapter 143 of the General Statutes (Public Contracts). The County shall consult with the Board of Trustees of the College about programming requirements for the buildings and shall keep the Board informed as to the construction process and progress. Upon the completion of the construction of the buildings, the County shall lease the buildings to the College under the terms and conditions agreed to by both the County and College.

SECTION 2. The Board of Trustees of the College shall transfer title to the following properties to the County for the life of the debt: (i) Tract 1 as shown on a survey recorded in Plat Book 78, Page 23, and as described in Deed Book 2360, Page 507, recorded in the Buncombe County Registry of Deeds; (ii) a 7.9 acre tract as described in Deed Book 2870, Page 607, as recorded in the Buncombe County Registry of Deeds; and (iii) a 12.87 acre parcel of land as described in Deed Book 1492, Page 339, as recorded in the Buncombe County Registry of Deeds. Upon the satisfaction of the debt, the County shall transfer title to the property back to the Board of Trustees of the College.

SECTION 3. The memorandum of understanding by and between the County and the Board of Trustees of the College executed on March 20, 2012, is null and void. Any provision of any other interlocal or other agreement between the County and College that is inconsistent with the provisions of this act is null and void. However, notwithstanding the provisions of this act, the County and Board of Trustees of the College may enter into another memorandum of understanding to allow for the construction of community college buildings by the County on the campuses of the College located within the County if deemed appropriate by the County and College and if the terms of the memorandum will allow for the construction to be completed in a timely fashion and cost-efficient manner.



SECTION 4. This act is effective when it becomes law and applies only to construction projects and renovations funded entirely with county funds and coordinated by the County for College uses and purposes between January 1, 2012, and December 31, 2018.

In the General Assembly read three times and ratified this the 13th day of June, 2013.

s/ Daniel J. Forest
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives