

REQUEST FOR BOARD ACTION
HENDERSON COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: June 15, 2022

SUBJECT: Amendment to lease (Hospital Corporation)

PRESENTER: Charles Russell Burrell

ATTACHMENT(S): Proposed "First Amendment to Amended and Restated Lease Agreement"

SUMMARY OF REQUEST:

In pursuing the financing approved by the Board at your last meeting, the Hospital Corporation has determined that the best financial terms for them involve a 20-year maturity for the bonds. Since the ending date of the County's lease with the Hospital Corporation, September 30, 2038, is less than 20 years out, an extension of the lease agreement is requested.

The lease agreement is the underlying document controlling the relationship between the Hospital Corporation and its owner, the County.

County staff will be present and prepared if requested to give further information on this matter.

BOARD ACTION REQUESTED:

Approval of the proposed amendment.

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

I move that the Board approve the proposed "First Amendment to the Amended and Restated Lease Agreement"

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

**FIRST AMENDMENT TO
AMENDED AND RESTATED LEASE AGREEMENT**

This FIRST AMENDMENT TO AMENDED AND RESTATED LEASE AGREEMENT (the *Amendment*) is dated as of June 15, 2022, and is entered into by and between the COUNTY OF HENDERSON, a body corporate and politic of the State of North Carolina (the *County*), and the HENDERSON COUNTY HOSPITAL CORPORATION, a nonprofit corporation organized under the provisions of Chapter 55A of the North Carolina General Statutes, as amended (the *Hospital Corporation*);

WITNESSETH:

WHEREAS, the County and the Hospital Corporation have previously entered into an Amended and Restated Lease Agreement, dated as of September 4, 2013 (the *Lease Agreement*); and

WHEREAS, the *Lease Agreement* by its terms terminates not later than September 30, 2038; and

WHEREAS, it has become convenient to the *Hospital Corporation* and the *County* for the *Lease Agreement* to be extended to a date later than September 30, 2038; and

WHEREAS, the *Hospital Corporation* and the *County* wish to amend the *Lease Agreement* by extending the same as stated below.

NOW, THEREFORE, for and in consideration of the mutual promises contained herein and the *Lease Agreement*, the parties hereby agree that paragraph 3.2(b) of the *Lease Agreement* is modified by striking the same, and inserting in lieu thereof the following:

“(b) September 30, 2043; or”

REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHERE, the parties have caused this First Amendment to Amended and Restated Lease Agreement to be executed as a document under seal, by their duly authorized officers, all as of the date first above written.

COUNTY OF HENDERSON

[SEAL]

By: _____
William Lapsley, Chairman
Board of Commissioners

Attest:

Clerk to the Board of Commissioners

HENDERSON COUNTY HOSPITAL CORPORATION

[SEAL]

By: _____

Attest:

Secretary to the Board of Directors