

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** July 17, 2024

**SUBJECT:** Amended Reimbursement Resolution for Courthouse portion of Henderson County Judicial Center

**ATTACHMENT(S):** Draft Resolution

**PRESENTER:** Charles Russell Burrell  
Samantha Reynolds

#### **SUMMARY OF REQUEST:**

On February 7, 2022, the Board approved a reimbursement resolution from bond counsel. The purpose of the reimbursement resolution was to allow construction project and planning costs incurred prior to the closing of the (tax-free) financing to be reimbursed from the financing proceeds.

An amendment is now presented for your consideration. This amendment would update the estimated principal cost of the courthouse portion of the project.

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

#### **BOARD ACTION REQUESTED:**

Adoption of the amended resolution.

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

*I move that the Board approve the amended reimbursement resolution attached to this agenda item for the Courthouse portion of Henderson County Judicial Center.*

**EXTRACTS FROM MINUTES OF THE BOARD OF COMMISSIONERS**

A regular meeting of the Board of Commissioners (the “*Board*”) of the County of Henderson, North Carolina, was duly held on July 17, 2024 at 9:30 a.m. in the Commissioners’ Meeting Room, Henderson County Historic Courthouse, 1 Historic Courthouse Square, Hendersonville, North Carolina. Rebecca McCall presiding.

The following members were present:

The following members were absent:

\* \* \* \* \*

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

**AMENDMENT TO 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 CONSTRUCTION AND EQUIPPING OF AN ADDITION TO THE HENDERSON COUNTY COURTHOUSE AS PART OF A HENDERSON COUNTY JUDICIAL CENTER FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS.**

*WHEREAS*, the Board of Commissioners (the “*Board*”) of the County of Henderson, North Carolina (the “*County*”) has previously determined that it is in the best interests of County to finance the construction and equipping of an addition to the Henderson County Courthouse as part of a Henderson County Judicial Center (the “*Project*”);

*WHEREAS*, in furtherance of such plan to finance the Project, the Board previously adopted a resolution at its meeting held on February 7, 2022 titled “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 Construction and Equipping of an Addition to the Henderson County Courthouse as Part of a Henderson County Judicial Center from the Proceeds of Certain Tax-Exempt Obligations” (the “*Original Resolution*”);

*WHEREAS*, in the Original Resolution, the County stated, among other things, its intent to (1) finance all or a portion of the costs of the Project with proceeds of certain tax-exempt obligations (the “*Obligations*”) expected to be executed and delivered in an aggregate principal amount of \$83,500,000; (2) incur and pay certain expenditures in connection with the Project prior to the date of execution and delivery of the Obligations (the “*Original Expenditures*”) from a source other than the proceeds of the Obligations; and (3) reimburse itself for Original Expenditures incurred and paid on or after the date occurring 60 days prior to the date the Original Resolution was adopted from a portion of the proceeds of the Obligations, which Obligations will be executed and delivered after the dates of such Original Expenditures;

*WHEREAS*, since the date of the adoption of the Original Resolution, the estimated construction budget for the Project has increased to approximately \$120,000,000;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA, AS FOLLOWS:

Section 1. **Amendment to Original Resolution.** Section 1 of the Original Resolution is amended to provide that the aggregate principal amount of the Obligations expected to be executed and delivered by County to pay for the costs of the Project is approximately \$120,000,000.

Section 2. **Ratification.** Except as otherwise amended by this Resolution, the Original Resolution is hereby ratified, approved and confirmed in all respects.

Section 3. **Effective Date.** This Resolution is effective immediately on the date of its adoption.

On motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing resolution entitled “**AMENDMENT TO 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 CONSTRUCTION AND EQUIPPING OF AN ADDITION TO THE HENDERSON COUNTY COURTHOUSE AS PART OF A HENDERSON COUNTY JUDICIAL CENTER FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS.**” was duly adopted by the following vote:

AYES:

NAYS:

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

I, *Denisa Lauffer*, 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 “**AMENDMENT TO 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 CONSTRUCTION AND EQUIPPING OF A COURTHOUSE AS A PART OF A HENDERSON COUNTY JUDICIAL CENTER FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS**” adopted by the Board of Commissioners of the County of Henderson, North Carolina, at a meeting held on the 17th day of July, 2024.

*WITNESS* my hand and the corporate seal of the County of Henderson, North Carolina, this the \_\_\_ day of July, 2024

(SEAL)

\_\_\_\_\_  
Denisa Lauffer  
Clerk to the Board of Commissioners  
County of Henderson, North Carolina