

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: 12 March 2007

SUBJECT: Reimbursement Resolution for Mills River Elementary and Hillandale Elementary Projects

ATTACHMENT(S): Draft reimbursement resolution

SUMMARY OF REQUEST:

This resolution would allow the expenses authorized and directed by the Board for the planning for the Mills River Elementary School construction/renovation project (including previous expenditures for architect fees for plans no longer contemplated to be built) and the Hillandale Elementary School construction/renovation project to be reimbursed to the County in any subsequent financing of the costs of the projects.

County staff will present further information on this matter.

BOARD ACTION REQUESTED:

Adoption of the draft resolution.

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

I move that the Board adopt the draft reimbursement resolution regarding the Mills River and Hillandale School Projects.

RESOLUTION

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 constructing, renovating, equipping and maintaining, and intends to construct, renovate, equip and maintain a new or expanded elementary school for the Mills River area (“the Mills River Project”) by securing financing to pay for all or a portion of the estimated cost of the Mills River Project; and,

WHEREAS, at the request of the School Board, the County has considered constructing, renovating, equipping and maintaining, and intends to construct, renovate, equip and maintain a new or expanded elementary school for the Hillandale area (“the Hillandale Project”) by securing financing to pay for all or a portion of the estimated cost of the Hillandale Project;

WHEREAS, the County proposes to finance the Mills River Project and the Hillandale Project, but has incurred and will continue to incur expenses on such projects prior to the financing thereof;

WHEREAS, the County continues its desire to reimburse itself from the proceeds of a borrowing for expenditures the County has made or will continue to make in connection with the Mills River Project and the Hillandale 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 Mills River Project and the Hillandale Project:
 - (a) **Expenditures to be Incurred.** The County has incurred expenses and expects to incur expenditures (“the Expenditures”) related to the Mills River Project and the Hillandale Project.
 - (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 \$28.4 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 paid by it prior to the incurrence of the Borrowing.
2. Any previous resolutions regarding the County's intent to reimburse are hereby repealed.
3. This resolution shall take effect immediately upon its passage.

ADOPTED THIS the 12th day of March 2007.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
WILLIAM MOYER, Chairman

[OFFICIAL SEAL]

ATTESTED BY:

Elizabeth W. Corn, Clerk to the Board