

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: March 6, 2023

SUBJECT: Approval of Greater Asheville Regional Airport Authority Financing Resolution

PRESENTER: Charles Russell Burrell

ATTACHMENT(S): Draft Minute Extract

SUMMARY OF REQUEST:

Under the Internal Revenue Code (the “Code”) provisions affecting the taxability of borrowings of the Greater Asheville Regional Airport Authority, the County (as well as Buncombe County and the City of Asheville) must approve the borrowings, to fulfill the Code’s public approval requirement. The Authority has already held a public hearing regarding this borrowing, and its Board has approved the same.

If approved, Henderson County would not be liable for repayment of the debt.

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

BOARD ACTION REQUESTED:

Approval of the issuance of bonds by the Authority.

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

I move that the Board approve the Resolution approving the financing of improvements to the Asheville Regional Airport with the proceeds of tax-exempt bonds to be issued by the Greater Asheville Regional Airport Authority.

EXTRACTS FROM MINUTES OF THE BOARD OF COMMISSIONERS OF THE
COUNTY OF HENDERSON, NORTH CAROLINA

The Board of Commissioners for the County of Henderson, North Carolina, met in regular session in the Commissioners' Meeting Room of the Historic Courthouse located at 1 Historic Courthouse Square in Hendersonville, North Carolina the regular place of meeting, at 5:30 p.m., on March 6, 2023. The following Commissioners were:

Present: Board Chair Rebecca McCall; Board Vice Chair J. Michael Edney; and Board Members William Lapsley, Daniel Andreotta and David Hill

Absent: None

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Chairman McCall introduced the following resolution the title of which was read and a copy of which had been previously distributed to each Commissioner

**RESOLUTION APPROVING THE FINANCING OF IMPROVEMENTS
TO THE ASHEVILLE REGIONAL AIRPORT WITH THE PROCEEDS
OF TAX-EXEMPT BONDS TO BE ISSUED BY THE GREATER
ASHEVILLE REGIONAL AIRPORT AUTHORITY**

BE IT RESOLVED by the Board of Commissioners (the "Board") for the County of Henderson, North Carolina (the "County") as follows:

WHEREAS, the Greater Asheville Regional Airport Authority (the "Authority") is authorized to issue its revenue bonds to provide moneys for the acquisition, construction, reconstruction, extension, betterment, improvement or payment of the cost of one or more revenue bond projects, including projects for aeronautical facilities; and

WHEREAS, the Authority has determined to issue its revenue bonds in multiple series as part of one plan of finance to finance costs associated with the various capital improvements to the Asheville Regional Airport (the "Airport") including, without limitation, (a) the expansion

and modernization of its existing terminal, (b) expansion and modernization of ticket lobby, TSA screening, baggage claim and concessions areas, (c) improvements to existing supporting infrastructure, (d) construction of a centralized energy plant, (e) renovation of the remaining portion of the existing terminal building, and (f) construction of a new air traffic control tower (the “Project”), and

WHEREAS, the Authority has heretofore issued its Airport System Revenue Bonds (AMT), Series 2022A (the “Series 2022A Bonds”) on June 1, 2022 to finance the costs of the initial phases of the Project; and

WHEREAS, in addition to the previously issued Series 2022A Bonds, the Authority has determined to issue one or more additional series of revenue bonds (the “Bonds”) in an amount not to exceed \$175,000,000 to finance the costs of subsequent phases of the Project; and

WHEREAS, the Authority has requested that the Board approve the financing of the Project and the issuance of the Bonds in an amount not to exceed \$175,000,000 in order to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, the Authority, pursuant to public notice duly given, has held a public hearing as required by the Code on the advisability of the issuance of the Bonds to finance the Project and has submitted an extract of the proceedings of such public hearing to the Board for its consideration; and

WHEREAS, the purpose of the above-described public hearing and the Board’s approval is to satisfy the requirements of Section 147(f) of the Code in order to qualify the interest on the Bonds for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to the applicable provisions of the Code; and

WHEREAS, the Board desires to approve the issuance of the Bonds by the Authority for the purpose of financing the Project;

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

(1) The issuance of the Bonds by the Authority in an aggregate principal amount not exceeding \$175,000,000 to finance the Project and related costs is hereby approved. In no event shall the County be liable for such Bonds, nor shall the Bonds constitute a debt of the County.

(2) The Clerk of the Board is hereby authorized and directed to provide a certified copy of this resolution to the Local Government Commission of North Carolina, the Authority and Womble Bond Dickinson (US) LLP, as bond counsel with respect to the Bonds.

(3) This resolution shall take effect immediately upon its adoption.

Upon motion of Chairman McCall, the foregoing resolution entitled “RESOLUTION APPROVING THE FINANCING OF IMPROVEMENTS TO THE ASHEVILLE REGIONAL AIRPORT WITH THE PROCEEDS OF TAX-EXEMPT BONDS TO BE ISSUED BY THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY” was adopted by the following vote:

AYES: All present

NAYES: None

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I, Denisa A. Lauffer, Clerk to the Board of Commissioners for the County of Henderson, North Carolina DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board of Commissioners for said County at a regular meeting held on March 6, 2023, as it relates in any way to the authorization of the issuance of bonds by the Greater

Asheville Regional Airport Authority, and that said proceedings are to be recorded in the minutes of said Board of Commissioners.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and the official seal of said County this 6th day of March, 2023.

Clerk to the Board of Commissioners

[SEAL]