

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: August 7, 2023

SUBJECT: Reimbursement Resolution for Solid Waste Third Bay

PRESENTER: Charles Russell Burrell
Samantha Reynolds

ATTACHMENT(S): Yes
1. Draft Resolution

SUMMARY OF REQUEST:

Attached is a proposed reimbursement resolution from bond counsel for your consideration. The purpose of a reimbursement resolution is to allow construction project and planning costs incurred prior to the closing of the financing to be reimbursed from the financing proceeds.

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

BOARD ACTION REQUESTED:

The Board is requested to approve the reimbursement resolution attached to this agenda item for the Solid Waste third transfer station bay.

SUGGESTED MOTION:

I move that the Board approve the reimbursement resolution for the Solid Waste third transfer station bay.

Extract of Minutes of a regular meeting of the Board of Commissioners of the County of Henderson, North Carolina, was duly held on August 7, 2023, at 5:30 p.m., in the Board of Commissioners' Meeting Room, Henderson County Historic Courthouse, 1 Historic Courthouse Square, Hendersonville, North Carolina. Board Chair Rebecca McCall presided.

* * *

The following members were present:

The following members were absent:

Also present: County Manager John Mitchell, Assistant County Manager Amy Brantley, Finance Director Samantha Reynolds, Budget Manager Sonya Flynn, Clerk to the Board of Commissioners Denisa Lauffer, and County Attorney Charles Russell Burrell.

* * *

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

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 SOLID WASTE THIRD TRANSFER STATION BAY FROM THE PROCEEDS OF CERTAIN INSTALLMENT FINANCING TO BE EXECUTED AND DELIVERED IN CALENDAR YEAR 2024

WHEREAS, the Board of Commissioners of the County of Henderson, North Carolina ("*County*") has determined that it is in the best interests of County to finance the, construction and equipping of a Solid Waste Third Transfer Station Bay (the "*Project*");

WHEREAS, the County presently intends, at one time or from time to time, to finance all or a portion of the costs of the Project with installment financing obligations and reasonably expects to execute and deliver its installment financing obligation (the "*Obligations*") to finance, or to reimburse itself for, all or a portion of the costs of the Project; and

WHEREAS, the County desires to proceed with the Project and will incur and pay certain expenditures in connection with the Project prior to the date of execution and delivery of the Obligations (the "*Original Expenditures*"), such Original Expenditures to be paid for originally from a source other than the proceeds of the Obligations, and the County intends, and reasonably expects, to be reimbursed for such Original Expenditures from a portion of the proceeds of the Obligations to be executed and delivered at a date occurring after the dates of such Original Expenditures;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Henderson, North Carolina as follows:

Section 1. **Official Declaration of Intent.** The County presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the County on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the

Obligations. The County reasonably expects to execute and deliver the Obligations to finance all or a portion of the costs of the Project and the principal amount of Obligations currently expected to be executed and delivered by County to pay for the costs of the Project is \$10,000,000.

Section 2. ***Compliance with Regulations.*** The County adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the County’s intent to reimburse itself for the Original Expenditures from proceeds of the Obligations.

Section 3. ***Itemization of Capital Expenditures.*** The Finance Officer of the County, with advice from special counsel, is hereby authorized, directed and designated to act on behalf of the County in determining and itemizing all of the Original Expenditures incurred and paid by the County in connection with the Project during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligations.

Section 4. ***Effective Date.*** This Resolution is effective immediately on the date of its adoption.

On motion of Commissioner _____, the foregoing resolution entitled **“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 SOLID WASTE THIRD TRANSFER STATION BAY FROM THE PROCEEDS OF INSTALLMENT FINANCING OBLIGATIONS TO BE EXECUTED AND DELIVERED IN CALENDAR YEAR 2024”** 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 **“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 NEW BUILDING PROJECT FOR A SOLID WASTE THIRD TRANSFER STATION BAY FROM THE PROCEEDS OF INSTALLMENT FINANCING OBLIGATIONS TO BE EXECUTED AND DELIVERED IN CALENDAR YEAR 2024”** adopted by the Board of Commissioners of the County of Henderson, North Carolina, at a meeting held on the 7th day of August, 2023.

WITNESS my hand and the corporate seal of the County of Henderson, North Carolina, this the ___ day of August, 2023.

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