

**NORTH CAROLINA DEPARTMENT OF STATE TREASURER  
LOCAL GOVERNMENT COMMISSION  
MINUTES**

**OCTOBER 5, 2021**

The meeting was called to order at 1:32 p.m. by Chair Dale R. Folwell on the above date. The meeting was conducted in person and by use of simultaneous communication by GoToWebinar™ due to the COVID 19 pandemic. Members present in person were: Chair Folwell; State Auditor Beth Wood (Auditor Wood arrived at 1:37 p.m.); Secretary of State Elaine Marshall; and Paul Butler. Members present virtually were: Secretary of Revenue Ronald Penny; Viola Harris; Joshua Bass (Mr. Bass arrived at 1:59 p.m.); Scott Padgett; and Mike Philbeck.

Members Absent: None after Mr. Bass arrived at 1:59 p.m.

A quorum was present for the entire meeting.

Other participants present in person: Sharon Edmundson, Tim Romocki, Susan McCullen, Debbie Tomasko, and Cindy Aiken.

Other DST staff present virtually: Lewis Andrews.

Others attending in person: Bill Toole; DST staff: Ted Brinn, Robert Jansen, Biff McGilvray, and Sam Watts.

Chair Folwell asked those present if they had any actual, potential, or the appearance of a conflict of interest regarding the matters on the agenda. There were no conflicts reported.

Chair Folwell stated that he and the LGC staff expect that the December 7, 2021 LGC meeting agenda will be almost entirely devoted to the applications submitted by the Bald Head Island Transportation Authority and the Village of Bald Head Island regarding the purchase of the Bald Head Island ferry system.

Secretary Marshall made a motion to approve the minutes of the September 14, 2021 meeting Mr. Padgett seconded the motion, and the minutes were approved by unanimous vote of 8 - 0 (Absent: Bass.)

Mr. Philbeck made a motion to adopt the following resolution:

**“RESOLUTION APPROVING THE FINANCING REQUEST OF THE CITY OF BREVARD, NORTH CAROLINA. THIS PROJECT CONSISTS OF REPLACEMENT OF 1500 LINEAR FT. OF 8-INCH CLAY GRAVITY SEWER WITH NEW 8-INCH PVC (POLYVINYL CHLORIDE) GRAVITY SEWER, REPLACEMENT OF 7500 LINEAR FT. OF 12-INCH CLAY GRAVITY SEWER WITH NEW 12-INCH PVC GRAVITY SEWER, INSTALLATION OF 400 LINEAR FEET OF 8-INCH CURED IN-PLACE -PIPE (CIPP); INSTALLATION OF 45 NEW MANHOLES, 115 SEWER SERVICE CONNECTIONS, AND ASSOCIATED PAVEMENT REPAIRS.**

WHEREAS, the City of Brevard, North Carolina (the “City”) has determined that it is necessary and expedient to replace and rehabilitate outdated infrastructure and remove/ reduce the

inflow and infiltration entering the collection system leading to sewer overflow events at the Gallimore Road Pump Station.; and

WHEREAS, the City of Brevard filed an application with the North Carolina Government Commission (the Commission) for approval of a revolving Loan in the amount not exceed \$1,583,000 with the term of twenty (20) years at the rate established under this program for respective loan, State or Federal, is not to exceed 4%; and

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the application for the approval of a sewer revolving loan for the City is hereby approved.”

Ms. Harris seconded the motion, and the foregoing was adopted by unanimous vote of 8 - 0. (Absent: Bass.) Jim Fatland, City Manager and Finance Director attended virtually to answer members’ questions.

Mr. Padgett made a motion that the following resolution:

**“RESOLUTION APPROVING THE FINANCING REQUEST OF THE TOWN OF TRYON, NORTH CAROLINA. THIS PROJECT WHICH PROPOSES TO REHABILITATE EXISTING SEWER INFRASTRUCTURE IN THE BRAEWICK ROAD AREA OF TOWN. THE PROJECT INCLUDES THE INSTALLATION OF APPROXIMATELY 9,300 LINEAR FT. OF 8-INCH SEWER LINES, 30 MANHOLES AND OTHER RELATED APPURTENANCES.**

WHEREAS, the Town of Tryon, North Carolina (the “Town”) has determined that it is necessary and expedient as it replaces aged and deteriorating infrastructure causing issues with inflow and infiltration (I/I) in the collection system and resulting in Sanitary Sewer Overflows (SSOs), Notices of Violation (NOVs), and civil penalties.; and

WHEREAS, the Town of Tryon filed an application with the North Carolina Government Commission (the Commission) for approval of a Sewer Revolving Loan in the amount not exceed \$1,189,950 with the term of twenty (20) years at the rate established under this program for respective loan, State or Federal, is not to exceed 4%; and

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the application for the approval of a sewer revolving loan for the Town is hereby approved.”

Secretary Penny seconded the motion, and the foregoing was adopted by unanimous vote of 9 - 0. Mayor J. Alan Peoples and Town Manager Zach Ollis attended virtually to answer members’ questions.

Secretary Marshall made a motion to adopt the following resolution:

**“RESOLUTION APPROVING THE FINANCING REQUEST OF THE CITY OF WASHINGTON, NORTH CAROLINA. THIS PROJECT PROVIDES A SECOND STAND-BY GENERATOR FOR THE CITY OF WASHINGTON’S WATER TREATMENT PLANT. THE 550-KW GENERATOR WILL COMPLEMENT THE EXISISTING 28-YEAR -OLD, 900-KW BACK-UP POWER SOURCE TO OPERATE THE ENTIRE WATER TREATMENT PLANT.**

WHEREAS, the City of Washington, North Carolina (the “City”) has determined that it is necessary and expedient as it provides supplemental power sufficient to operate the entire water treatment plant during a loss of the main power source.; and

WHEREAS, the City of Washington filed an application with the North Carolina Government Commission (the Commission) for approval of a revolving Loan in the amount not exceed \$360,870 with the term of twenty (20) years at the rate established under this program for respective loan, State or Federal, is not to exceed 4%; and

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the application for the approval of a water revolving loan for the City is hereby approved.”

Mr. Padgett seconded the motion, and the foregoing was adopted by unanimous vote of 9 -0. Jonathan Russell, City Manager and Matt Rauschenbach, CFO and Assistant City Manager attended virtually to answer members’ questions.

Auditor Wood made a motion to adopt the following resolution:

**RESOLUTION APPROVING THE APPLICATION OF THE TOWN OF APEX, NORTH CAROLINA FOR THE FINANCING OF VARIOUS CAPITAL IMPROVEMENTS FOR SAID TOWN THROUGH AN INSTALLMENT FINANCING AGREEMENT PURSUANT TO G.S. §160A-20**

WHEREAS, the Town of Apex, North Carolina (the “Town”) has determined that it is necessary and expedient to pay the costs of (a) acquiring, constructing and equipping a new Public Safety Facility and (b) acquiring, constructing and equipping a new office building for use by the Town’s Inspections Department (collectively, the “Project”); and

WHEREAS, pursuant to Section 160A-20 of the General Statutes of North Carolina, the Town intends to finance the Project pursuant to an Installment Financing Agreement (the “Agreement”) between the Town and Pinnacle Bank (the “Lender”), whereby the Lender shall advance moneys to the Town, and the Town, subject to its right of nonappropriation, shall repay the advancement with interest in installments; and

WHEREAS, the aggregate principal amount of the Agreement shall not exceed \$8,700,000 with annual principal and semi-annual interest payments with a term of approximately fifteen (15) years (final maturity not to exceed September 1, 2036) at a rate of 1.50% per annum, subject to adjustment as provided in the Agreement.

WHEREAS, pursuant to Article 8, Chapter 159 of the General Statutes of North Carolina, the Town has made proper application to the North Carolina Local Government Commission (the “Commission”) for approval of the proposed financing; and

WHEREAS, the Secretary of the Commission has determined that the unit has complied with Section 159-149 of the General Statutes of North Carolina; and

WHEREAS, the Commission, pursuant to Section 159-151 of the General Statutes of North Carolina, upon information and evidence received, finds and determines as follows:

- (i) that the Agreement is necessary and expedient for the Town;

(ii) that the Agreement, under the circumstances, is preferable to a bond issue for the same purpose;

(iii) that the sums to fall due under the Agreement are adequate and not excessive for its proposed purpose;

(iv) that the Town's debt management procedures and policies are good;

(v) that the Town is not in default in any of its debt service obligations;

(vi) that the increase in taxes, if any, necessary to meet the sums to fall due under the Agreement will not be excessive.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the application for approval of the Agreement and the financing contemplated thereby is hereby approved under the provisions of Section 160A-20 of the General Statutes of North Carolina and relevant resolutions of the Commission.

Secretary Marshall seconded the motion and the foregoing was adopted by unanimous vote of 9 - 0.

Auditor Wood made a motion to adopt the following resolution:

**RESOLUTION APPROVING THE APPLICATION OF THE CARTERET COUNTY-BEAUFORT AIRPORT AUTHORITY TO FINANCE THE CONSTRUCTION OF 28 NEW AIRPORT HANGARS TO REPLACE EXISTING ONES. THE AIRPORT AUTHORITY RECEIVED A \$3,287,800 U.S. DEPARTMENT OF COMMERCE EDA GRANT WITH A LOCAL MATCH REQUIREMENT THAT WILL BE DISBURSED IN PROJECT COMPLETION INTERVALS. THE COUNTY LOAN WILL BE PAID UPON FINAL COMPLETION OF THE PROJECT THROUGH AN INSTALLMENT FINANCING AGREEMENT PURSUANT TO G.S. 160A-20**

WHEREAS, the Carteret County-Beaufort Airport Authority (the "Authority") has determined that it is necessary and expedient to replace hangers severely damaged during a Hurricane Florence; and

WHEREAS, pursuant to Section 160A-20 of the General Statutes of North Carolina, the Authority intends to finance the Project pursuant to an Installment Financing Agreement (the "Agreement") between the Authority and Carteret County (the "Lender"), whereby the Lender shall advance moneys to the Authority, and the Authority, subject to its right of nonappropriation, shall repay the advancement with interest in installments; and

WHEREAS, the aggregate principal amount of the Agreement shall not exceed \$2,000,000 with annual payments with a term of upon project completion at a rate of 0.00% per annum; and

WHEREAS, pursuant to Article 8, Chapter 159 of the General Statutes of North Carolina, the Authority has made proper application to the North Carolina Local Government Commission (the "Commission") for approval of the proposed financing; and

WHEREAS, the Secretary of the Commission has determined that the unit has complied with

G.S. 159-149; and

WHEREAS, the Commission, pursuant to G.S. 159-151, upon information and evidence received, finds and determines as follows:

- (i) that the Agreement is necessary and expedient for the Authority;
- (ii) that the Agreement, under the circumstances, is preferable to a bond issue for the same purpose;
- (iii) that the sums to fall due under the Agreement are adequate and not excessive for its proposed purpose;
- (iv) that the Authority's debt management procedures and policies are good;
- (v) that the Authority is not in default in any of its debt service obligations;
- (vi) that the increase in taxes, if any, necessary to meet the sums to fall due under the Agreement will not be excessive.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the application for approval of the Agreement and the financing contemplated thereby is hereby approved under the provisions of G.S. 160A-20 and relevant resolutions of the Commission.

Secretary Marshall seconded the motion and the foregoing was adopted by unanimous vote of 9 - 0.

Auditor Wood made a motion to adopt the following resolution:

**RESOLUTION APPROVING THE FINANCING TEAM FOR THE CITY OF GREENVILLE, NORTH CAROLINA LIMITED OBLIGATION BONDS, SERIES 2021**

WHEREAS, the City of Greenville, North Carolina (the "City") has requested that the North Carolina Local Government Commission (the "Commission") approve their selection of the following financing team members in connection with the issuance by the City of its Limited Obligation Bonds, Series 2021:

Bond Counsel:	Womble Bond Dickinson (US) LLP
Underwriter:	Robert W. Baird & Co. Incorporated
Underwriter's Counsel:	Parker Poe Adams & Bernstein LLP
Financial Advisor:	Hilltop Securities
Trustee:	U.S. Bank National Association

WHEREAS, based upon the information and evidence received by the Commission, the Commission is of the opinion that the request by the City should be approved.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the above financing team is hereby approved.

Secretary Marshall seconded the motion and the foregoing resolution was adopted by unanimous vote.

Thereupon, Auditor Wood made a motion to adopt the following resolution:

**RESOLUTION APPROVING THE APPLICATION OF THE CITY OF GREENVILLE, NORTH CAROLINA FOR THE FINANCING OF VARIOUS CAPITAL IMPROVEMENTS FOR SAID CITY PURSUANT TO AN INSTALLMENT FINANCING BY SAID CITY THROUGH THE ISSUANCE OF LIMITED OBLIGATION BONDS AND THE EXECUTION AND DELIVERY OF A TRUST AGREEMENT AND A DEED OF TRUST IN CONNECTION THEREWITH**

WHEREAS, the City of Greenville, North Carolina (the “City”) has determined that a need exists to acquire, construct and equip various capital improvements for the City including a new fire station and the expansion of existing fire stations, community center improvements, a new municipal swimming pool, park improvements and other City improvements (collectively, the “Project”);

WHEREAS, pursuant to Article 8, Chapter 159 of the General Statutes of North Carolina, as amended, the City has made proper application to the North Carolina Local Government Commission (the “Commission”) for approval of the proposed financing;

WHEREAS, the City proposes to finance the Project through the issuance of its City of Greenville, North Carolina Limited Obligation Bonds, Series 2021 (the “Series 2021 Bonds”) in accordance with Section 160A-20, as amended, of the General Statutes of North Carolina (the “Act”);

WHEREAS, the City has filed with the application to the Commission drafts of the following documents relating to the proposed financing:

(a) Trust Agreement, to be dated as of November 1, 2021 (the “Trust Agreement”), between the City and U.S. Bank National Association, as trustee (the “Trustee”), including the form of the Series 2021 Bonds set forth as Exhibit B thereto;

(b) Deed of Trust, to be dated as of November 1, 2021 (the “Deed of Trust”), from the City to the Deed of Trust trustee named therein for the benefit of the Trustee and its successors and assigns;

(c) Bond Purchase Agreement, to be dated the date of delivery thereof (the “Bond Purchase Agreement”), between the City and Robert W. Baird & Co. Incorporated (the “Underwriter”); and

(d) Preliminary Official Statement, to be dated the date of delivery thereof (the “Preliminary Official Statement”), relating to the offering and sale of the Series 2021 Bonds.

WHEREAS, the Series 2021 Bonds, together with corresponding obligations under the Trust Agreement and the Deed of Trust relating thereto, shall constitute installment contracts or contracts within the meaning of the Act entered into by the City for the purpose of financing the Project;

WHEREAS, in order to secure its obligations with respect to the Series 2021 Bonds under the Trust Agreement, the City will execute and deliver the Deed of Trust granting a first lien of record on

all or a portion of sites of the Project, together with all improvements and fixtures located and to be located thereon;

WHEREAS, the City proposes to sell the Series 2021 Bonds to the Underwriter pursuant to the Bond Purchase Agreement;

WHEREAS, the Series 2021 Bonds will be offered and sold to the public pursuant to the Preliminary Official Statement and a final Official Statement relating to the offering and sale of the Series 2021 Bonds;

WHEREAS, the principal amount of the Series 2021 Bonds shall not exceed \$16,800,000;

WHEREAS, the Series 2021 Bonds shall have a final maturity not to exceed December 31, 2042;

WHEREAS, the true interest cost of the Series 2021 Bonds shall not exceed 2.85% per annum;

WHEREAS, based upon the information and evidence received in connection with such application, it is hereby found and determined by the Commission that:

- (a) the proposed Series 2021 Bonds are necessary and expedient for the City;
- (b) the financing of the Project through the issuance of the Series 2021 Bonds, under the circumstances, is preferable to a general obligation bond issue for the same purpose;
- (c) the sums to fall due on the Series 2021 Bonds are adequate and not excessive for the proposed purposes thereof;
- (d) the City's debt management procedures and policies are good;
- (e) the increases in taxes, if any, necessary to meet the sums to fall due with respect to the Series 2021 Bonds will not be excessive; and
- (f) the City is not in default in any of its debt service obligations.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the application of the City for approval of the Trust Agreement, the Deed of Trust and the proposed issuance of the Series 2021 Bonds pursuant thereto is hereby approved under the provisions of the Act subject to the conditions set forth in this resolution. The Series 2021 Bonds may be sold to the Underwriter pursuant to the terms of the Bond Purchase Agreement subject to the conditions set forth in this resolution.

Secretary Marshall seconded the motion and the foregoing resolution was adopted by unanimous vote of 9-0.

Auditor Wood made a motion to adopt the following resolution:

**“RESOLUTION APPROVING THE APPLICATION OF THE CITY OF HENDERSONVILLE FOR THE FINANCING OF CERTAIN GOVERNMENTAL FACILITIES THROUGH AN INSTALLMENT FINANCING CONTRACT PURSUANT TO G.S. § 160A-20**

WHEREAS, the City of Hendersonville, North Carolina (the “City”) has determined that it is in the best interests of the City to enter into an installment financing contract with the Hendersonville Public Facilities Corporation, a North Carolina nonprofit corporation (the “Corporation”), in order to (1) finance the (a) construction, equipping and furnishing of a parking facility and (b) construction of various streetscape improvements in downtown Hendersonville (collectively, the “Projects”), (2) refinance an Installment Financing Contract dated as of October 11, 2018 between Pinnacle Financial Partners and the City, the proceeds of which were used to finance (a) the construction and equipping of a public works maintenance facility, (b) the construction of public restroom facilities and (c) improvements to the Whitmire Building, a recreation center, including parking lot expansion/repaving and the replacement of interior flooring (the “Prior Indebtedness”) and (3) pay the costs related to the execution and delivery of the Contract (as defined below);

WHEREAS, pursuant to Section 160A-20 of the General Statutes of North Carolina (the “General Statutes”), the City intends to finance the Projects and refinance the Prior Indebtedness through an Installment Financing Contract (the “Contract”) between the City and the Corporation, whereby the Corporation will advance moneys to the City for the purpose of financing the Projects and refinancing the Prior Indebtedness and the City, subject to its right of nonappropriation, will repay the advancement with interest in installments; and

WHEREAS, the Corporation will enter into an Indenture of Trust between the Corporation and U.S. Bank National Association, as trustee (the “Trustee”), pursuant to which the Corporation will execute and deliver its Limited Obligation Bonds (City of Hendersonville, North Carolina), Series 2021 (the “Bonds”); and

WHEREAS, the Bonds are to be underwritten by Robert W. Baird & Co. Incorporated (the “Underwriter”), and the proceeds from the sale of the Bonds will be remitted by the Underwriter to the City to fund the advances by the Corporation to the City under the Contract; and

WHEREAS, the aggregate principal amount of the Bonds shall not exceed \$16,800,000; and

WHEREAS, the maturity of the installment payments under the Contract shall not extend beyond December 31, 2041; and

WHEREAS, the effective interest cost with respect to the Bonds shall not exceed 3.00%; and

WHEREAS, pursuant to Article 8 of Chapter 159 of the General Statutes, the City and the Corporation have made proper application to the Local Government Commission (the “Commission”) for approval of the proposed financing and refinancing; and

WHEREAS, pursuant to Section 159-151 of the General Statutes and upon information and evidence received, the Commission finds and determines that:

- (i) the Contract is necessary and expedient for the City;
- (ii) the Contract, under the circumstances, is preferable to a bond issue by the City for the same purposes;
- (iii) the sums to fall due under the Contract are adequate and not excessive for the Contract’s proposed purposes;
- (iv) the City’s debt management procedures and policies are good;

- (v) the increase in taxes, if any, necessary to meet the sums to fall due under the Contract will not be excessive; and
- (vi) the City is not in default in any of its debt service obligations.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the application for approval of the Contract, the Bonds and the planned financing and refinancing are hereby approved under the provisions of Section 160A-20, Article 8 of Chapter 159 of the General Statutes and relevant resolutions of the Commission.”

Secretary Marshall seconded the motion and the foregoing resolution was adopted by unanimous vote.

Auditor Wood made a motion to approve the following resolution:

**“RESOLUTION APPROVING THE FINANCING TEAM FOR THE LIMITED OBLIGATION BONDS (CITY OF HENDERSONVILLE, NORTH CAROLINA), SERIES 2021”**

WHEREAS, the City of Hendersonville, North Carolina (the “City”) has requested that the North Carolina Local Government Commission approve its selection of the following financing team members for the above-referenced bonds:

- Bond Counsel: - Parker Poe Adams & Bernstein LLP
- Underwriter: - Robert W. Baird & Co. Incorporated
- Underwriter’s Counsel: - Womble Bond Dickinson (US) LLP
- Trustee: - The Bank of New York Mellon Trust Company, N.A.
- Financial Advisor: - First Tryon Advisors

WHEREAS, based on the information and evidence received by the Local Government Commission, the Local Government Commission is of the opinion that the request by the City should be approved.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the above-referenced financing team is hereby approved for the execution and delivery of the above-referenced bonds.”

Secretary Marshall seconded the motion and the foregoing was adopted by unanimous vote of 9 - 0.

Auditor Wood made a motion to adopt the following resolution:

**“RESOLUTION APPROVING THE APPLICATION OF THE TOWN OF HOLDEN BEACH FOR THE FINANCING OF IMPROVEMENTS TO A SEWER LIFT STATION THROUGH AN INSTALLMENT FINANCING CONTRACT PURSUANT TO G.S. §160A-20**

WHEREAS, pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended, the Town of Holden Beach, North Carolina (the “Town”) has determined that it is in the best interests of the Town to enter into an installment financing contract (the “Contract”) with Truist Bank

(the “*Bank*”) in order to (1) finance the costs of remodeling and improving a sewer lift station for the Town’s utilities systems (the “*Project*”) and (2) pay certain costs related to the execution and delivery of the Contract;

WHEREAS, the principal amount to be advanced by the Bank to the Town under the Contract will not exceed \$2,569,190, which will be comprised of a tax-exempt advance (the “*Tax-Exempt Advance*”) and a taxable advance (the “*Taxable Advance*” and together with the Tax-Exempt Advance, the “*Advances*”);

WHEREAS, the Town will repay the Advances in semiannual payments of interest and annual payments of principal;

WHEREAS, the interest rate related to the Tax-Exempt Advance shall not to exceed 1.92% per annum;

WHEREAS, the interest rate related to the Taxable Advance shall not to exceed 2.29% per annum;

WHEREAS, the final maturity date of the Contract may not extend beyond 2036;

WHEREAS, pursuant to Article 8, Chapter 159 of the General Statutes of North Carolina, the Town has made proper application to the Local Government Commission of North Carolina (the “*Commission*”) for approval of the proposed financing; and

WHEREAS, the Secretary of the Commission has determined that the unit has complied with Section 159-149 of the General Statutes of North Carolina, as amended; and

WHEREAS, the Commission, pursuant to Section 159-151 of the General Statutes of North Carolina, as amended, upon information and evidence received, finds and determines as follows:

- (1) the Contract is necessary and expedient for the Town;
- (2) the Contract, under the circumstances, is preferable to a bond issue by the Town for the same purposes;
- (3) the sums to fall due under the Contract are adequate and not excessive for its proposed purposes;
- (4) the Town’s debt management procedures and policies are good;
- (5) the increase in taxes, if any, necessary to meet the sums to fall due under the Contract will not be excessive; and
- (6) the Town is not in default in any of its debt service obligations.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the application for approval of the Contract and planned financing of the Project is hereby approved under the provisions of Section 160A-20 of the General Statutes, as amended, Article 8 of Chapter 159 of the General Statutes, as amended, and relevant resolutions of the Commission.”

Secretary Marshall seconded the motion and the foregoing resolution was adopted by unanimous vote of 9-0.

Auditor Wood made a motion to adopt the following resolution:

**“RESOLUTION APPROVING THE FINANCING TEAM FOR THE TOWN OF HOLDEN BEACH, NORTH CAROLINA INSTALLMENT FINANCING CONTRACT PURSUANT TO G.S. §160A-20**

WHEREAS, the Town of Holden Beach, North Carolina (the “*Town*”) has requested that the Local Government Commission of North Carolina (the “*Commission*”) approve its selection of the following financing team members for the above-referenced installment financing contract:

Special Counsel: - Parker Poe Adams & Bernstein LLP  
Bank: - Truist Bank  
Bank’s Counsel: - Pope Flynn, LLC  
Financial Advisor: - DEC Associates Inc.

WHEREAS, based on the information and evidence received by the Commission, the Commission is of the opinion that the Town’s request should be approved.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the above-referenced financing team is hereby approved for the above-referenced installment financing contract.”

Secretary Marshall seconded the motion and the foregoing was adopted by unanimous vote of 9 - 0.

Auditor Wood made a motion to adopt the following resolution:

**“RESOLUTION APPROVING THE APPLICATION OF THE TOWN OF HUNTERSVILLE, NORTH CAROLINA FOR THE REFINANCING OF PRIOR FINANCINGS THROUGH AN INSTALLMENT FINANCING CONTRACT PURSUANT TO G.S. §160A-20**

WHEREAS, pursuant to Section 160A-20 of the General Statutes of North Carolina, the Town of Huntersville, North Carolina (the “*Town*”) has determined that it is in the best interests of the Town to enter into an Installment Financing Contract to be dated on or about October 21, 2021 (the “*Contract*”) with Pinnacle Bank (the “*Lender*”) in order to (1) refinance an Installment Financing Contract dated as of December 1, 2011 between First Community Bank and the Town (the “*2011 Contract*”), the proceeds of which were used to finance the acquisition and construction of the Town’s police station facility (the “*Police Station*”), (2) refund a portion of the Refunding Limited Obligation Bonds (Town of Huntersville, North Carolina), Series 2012 (the “*2012 Bonds*”), the proceeds of which were used to assist the Town in refinancing various projects (the “*Refinanced Projects*” and together with the Police Station, the “*Prior Projects*”) financed by the Town under an Installment Financing Contract dated as of April 1, 2012 between the Huntersville Public Facilities Corporation and the Town and (3) pay certain costs incurred in connection with the execution and delivery of the Contract;

WHEREAS, the principal amount to be advanced by the Lender to the Town under the Contract shall not exceed \$8,100,000;

WHEREAS, the Town will repay the advances in semi-annual payments of interest and annual payments of principal. The tax-exempt advance to refinance the 2011 Contract (the “*Tax-Exempt Advance*”) will be at an interest rate not to exceed 1.250% per annum and the taxable advance to refund a portion of the 2012 Bonds (the “*Taxable Advance*”) will be at an interest rate not to exceed 1.139% per annum;

WHEREAS, the final maturity date of (a) the Tax-Exempt Advance will not extend beyond 2031 and (b) the Taxable Advance will not extend beyond 2028;

WHEREAS, pursuant to Article 8, Chapter 159 of the General Statutes of North Carolina, the Town has made proper application to the Local Government Commission (the “*Commission*”) for approval of the proposed refinancings; and

WHEREAS, the Secretary of the Commission has determined that the unit has complied with Section 159-149 of the General Statutes; and

WHEREAS, the Commission, pursuant to Section 159-151 of the General Statutes, upon information and evidence received, finds and determines as follows:

- (i) the Contract is necessary and expedient for the Town;
- (ii) the Contract, under the circumstances, is preferable to a bond issue by the Town for the same purposes;
- (iii) the sums to fall due under the Contract are adequate and not excessive for its proposed purposes;
- (iv) the Town’s debt management procedures and policies are good;
- (v) the increase in taxes, if any, necessary to meet the sums to fall due under the Contract will not be excessive; and
- (vi) the Town is not in default in any of its debt service obligations.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the application for approval of the Contract and planned refinancing are hereby approved under the provisions of Section 160A-20 of the General Statutes, Article 8 of Chapter 159 of the General Statutes and relevant resolutions of the Commission.”

Secretary Marshall seconded the motion and the foregoing resolution was adopted by unanimous vote.

Auditor Wood made a motion to approve the following resolution:

**“RESOLUTION APPROVING THE FINANCING TEAM FOR THE TOWN OF HUNTERSVILLE, NORTH CAROLINA INSTALLMENT FINANCING CONTRACT PURSUANT TO G.S. §160A-20**

WHEREAS, the Town of Huntersville, North Carolina has requested that the North Carolina Local Government Commission (the “*Commission*”) approve its selection of the following financing team members for the above-referenced installment financing contract:

Special Counsel:	Parker Poe Adams & Bernstein LLP
Lender:	Pinnacle Bank
Lender’s Counsel:	Nexsen Pruet, PLLC
Escrow Agent:	U.S. Bank National Association
Financial Advisor:	Davenport & Company LLC
Verification Agent:	Bingham Arbitrage Rebate Services, Inc.

WHEREAS, based on the information and evidence received by the Commission, the Commission is of the opinion that the Town’s request should be approved.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the above-referenced financing team is hereby approved for the above-referenced installment financing contract.”

Secretary Marshall seconded the motion and the foregoing resolution was adopted by unanimous vote of 9-0.

Auditor Wood made a motion to adopt the following resolution:

**“RESOLUTION APPROVING THE APPLICATION OF THE TOWN OF KNIGHTDALE FOR THE REFINANCING OF CERTAIN CAPITAL IMPROVEMENTS THROUGH AN INSTALLMENT FINANCING CONTRACT PURSUANT TO G.S. §160A-20**

WHEREAS, pursuant to Section 160A-20 of the General Statutes of North Carolina, the Town of Knightdale, North Carolina (the “*Town*”) intends to (a) refinance prior installment financings, the proceeds of which were applied to the acquisition, construction and equipping of a park, minor improvements to the Town Hall, Knightdale Station Park, and a new public works building (collectively, the “*Project*”) and (b) pay certain costs related to the execution and delivery of an Installment Financing Contract dated the date of delivery thereof (the “*Contract*”) between the Town and Sterling National Bank (the “*Bank*”), whereby the Bank will advance moneys to the Town for the purpose of refinancing the Project, and the Town, subject to its right of nonappropriation, will repay the advancement with interest in installments;

WHEREAS, the principal amount to be advanced by the Bank to the Town under the Contract shall not exceed \$5,230,000;

WHEREAS, the Town will repay the advance in semi-annual payments of interest and annual payments of principal at an interest rate not to exceed 1.13% per annum;

WHEREAS, the final maturity of the Contract may not extend beyond eight years;

WHEREAS, pursuant to Article 8, Chapter 159 of the General Statutes of North Carolina, the Town has made proper application to the Local Government Commission (the “*Commission*”) for approval of the proposed financing; and

WHEREAS, the Secretary of the Commission has determined that the unit has complied with Section 159-149 of the General Statutes; and

WHEREAS, the Commission, pursuant to Section 159-151 of the General Statutes, upon information and evidence received, finds and determines as follows:

- (i) the Contract is necessary and expedient for the Town;
- (ii) the Contract, under the circumstances, is preferable to a bond issue by the Town for the same purposes;
- (iii) the sums to fall due under the Contract are adequate and not excessive for its proposed purposes;
- (iv) the Town’s debt management procedures and policies are good;
- (v) the increase in taxes, if any, necessary to meet the sums to fall due under the Contract will not be excessive; and
- (vi) the Town is not in default in any of its debt service obligations.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the application for approval of the Contract and planned financing are hereby approved under the provisions of Section 160A-20 of the General Statutes, Article 8 of Chapter 159 of the General Statutes and relevant resolutions of the Commission.”

Secretary Marshall seconded the motion and the foregoing resolution was adopted by unanimous vote of 9-0.

Auditor Wood made a motion to approve the following resolution:

**“RESOLUTION APPROVING THE FINANCING TEAM FOR THE TOWN OF KNIGHTDALE, NORTH CAROLINA INSTALLMENT FINANCING CONTRACT PURSUANT TO G.S. §160A-20**

WHEREAS, the Town of Knightdale, North Carolina has requested that the North Carolina Local Government Commission (the “*Commission*”) approve its selection of the following financing team members for the above-referenced installment financing contract:

Special Counsel:	Parker Poe Adams & Bernstein LLP
Bank:	Sterling National Bank
Bank Counsel:	Gilmore & Bell, P.C.
Financial Advisor:	First Tryon Advisors

WHEREAS, based on the information and evidence received by the Commission, the Commission is of the opinion that the Town’s request should be approved.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the above-referenced financing team is hereby approved for the above-referenced installment financing contract.”

Secretary Marshall seconded the motion and the foregoing resolution was adopted by unanimous vote of 9-0.

Auditor Wood made the motion to adopt the following resolution:

**“RESOLUTION APPROVING THE FINANCING APPLICATION OF THE CITY OF LAURINBURG, NORTH CAROLINA. THIS PROJECT INCLUDES THE PURCHASE OF AN AIR CURTAIN BURNER FOR THE DISPOSAL OF YARD DEBRIS FOR THE CITY’S RESIDENTIAL YARD WASTE COLLECTION PROGRAM AND PURCHASE OF 5,500 ROLL-OUT CARTS IN THE CITY’S RESIDENTIAL GARBAGE COLLECTION PROGRAM TO BE FINANCED THROUGH AN INSTALLMENT FINANCING CONTRACT PURSUANT TO G.S. 160A-20.**

WHEREAS, the City of Laurinburg (the “City”) has determined that it is necessary and expedient to provide a more efficient and less costly method of managing the disposal of residential yard debris, and provide replacement of all garbage roll-out carts in the City. The cart replacement is needed due to the age of the current carts originally purchased in 2005 that have reached the end of their useful life.; and

WHEREAS, pursuant to Section 160A-20 of the General Statutes of North Carolina, the City intends to finance the cost of the Project through an Installment Financing Contract (the “Contract”) between the City and First Bank (the “Lender”) whereby the Lender shall advance moneys to the City and the City , subject to its right of nonappropriation, shall repay the advance with interest; and

WHEREAS, the aggregate principal amount of the Agreement shall not exceed \$575,000 with annual interest payments with a term of ten (10) years at a rate of 1.61% per annum; and

WHEREAS, pursuant to Article 8 of Chapter 159 of the General Statutes of North Carolina, the City has made proper application to the North Carolina Local Government Commission (the “Commission”) for approval of the proposed financing; and

WHEREAS, the Secretary of the Commission has determined that the unit has complied with G.S. 159-149; and

WHEREAS, the Commission, pursuant to G.S. 159-151, upon information and evidence received, finds and determines as follows:

- (i) that the Contract is necessary and expedient for the City;
- (ii) that the Contract, under the circumstances, is preferable to a bond issue for the same purpose;
- (iii) that the sums to fall due under the Contract are adequate and not excessive for the proposed purpose of the Contract;

- (iv) that the City's debt management procedures and policies are good;
- (v) that the City is not in default in any of its debt service obligations; and
- (vi) that the increase in taxes, if any, necessary to meet the sums to fall due under the Contract will not be excessive;

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the application for approval of the Contract and the planned financing, are hereby approved under the provisions of G.S. 160A-20 and relevant resolutions of the Commission.”

Secretary Marshall seconded the motion and the foregoing was adopted by unanimous vote of 9 - 0.

Auditor Wood made the motion to adopt the following resolution:

**“RESOLUTION APPROVING THE FINANCING APPLICATION OF THE TOWN OF MARSHVILLE, NORTH CAROLINA. THIS PROJECT CONSISTS OF LAND PURCHASE (113 ACRES) AND DEMOLITION OF EXISTING STRUCTURES FOR DEVELOPMENT AS A MUNICIPAL PARK, AND ALSO A SITE FOR A FUTURE GOVERNMENT CENTER TO BE FINANCED THROUGH AN INSTALLMENT FINANCING CONTRACT PURSUANT TO G.S. 160A-20.**

WHEREAS, the Town of Marshville (the “Town”) has determined that it is necessary and expedient because the Town needs to provide additional recreational services for its citizens, and obtain a site for the future provision of municipal services; and

WHEREAS, pursuant to Section 160A-20 of the General Statutes of North Carolina, the Town intends to finance the cost of the Project through an Installment Financing Contract (the “Contract”) between the Town and Truist Bank (the “Lender”) whereby the Lender shall advance moneys to the Town and the Town, subject to its right of nonappropriation, shall repay the advance with interest; and

WHEREAS, the aggregate principal amount of the Agreement shall not exceed \$1,250,000 with annual interest payments with a term of fifteen (15) years at a rate of 2.27% per annum; and

WHEREAS, pursuant to Article 8 of Chapter 159 of the General Statutes of North Carolina, the Town has made proper application to the North Carolina Local Government Commission (the “Commission”) for approval of the proposed financing; and

WHEREAS, the Secretary of the Commission has determined that the unit has complied with G.S. 159-149; and

WHEREAS, the Commission, pursuant to G.S. 159-151, upon information and evidence received, finds and determines as follows:

- (i) that the Contract is necessary and expedient for the Town;

- (ii) that the Contract, under the circumstances, is preferable to a bond issue for the same purpose;
- (iii) that the sums to fall due under the Contract are adequate and not excessive for the proposed purpose of the Contract;
- (iv) that the Town's debt management procedures and policies are good;
  - (v) that the Town is not in default in any of its debt service obligations; and
  - (vi) that the increase in taxes, if any, necessary to meet the sums to fall due under the Contract will not be excessive;

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the application for approval of the Contract and the planned financing, are hereby approved under the provisions of G.S. 160A-20 and relevant resolutions of the Commission.”

Secretary Marshall seconded the motion and the foregoing was adopted by unanimous vote of 9 - 0.

Auditor Wood made the motion to adopt the following resolution:

**“RESOLUTION APPROVING THE APPLICATION OF THE TOWN OF WENDELL, NORTH CAROLINA. THIS FINANCING INCLUDES SEVERAL PROJECTS CONSISTING OF A NEW TOWN HALL WITH THE ADDITION OF A NEW ROAD, LANDING VIEW DR.; PURCHASE OF LAND FOR A NEW POLICE STATION; NEIGHBORHOOD IMPROVEMENT PROJECT; THE PURCHASE OF LAND FOR A NEW POLICE STATION; AND THE DEVELOPMENT OF HOLLYBROOK PARK TO BE FINANCED THROUGH AN INSTALLMENT FINANCING CONTRACT PURSUANT TO G.S. 160A-20.**

WHEREAS, the Town of Wendell (the “Town”) has determined that it is necessary and expedient because the current Town Hall is 50 years and can no longer serve the needs of the staff & citizens. Landing Drive is needed to access the new Town Hall. The police station is over 50 years old and can no longer serve the needs of citizens or staff. Park facilities will enhance quality of life for town residents.; and

WHEREAS, pursuant to Section 160A-20 of the General Statutes of North Carolina, the Town intends to finance the cost of the Project through an Installment Financing Contract (the “Contract”) between the Town and Truist Bank (the “Lender”) whereby the Lender shall advance moneys to the Town and the Town, subject to its right of nonappropriation, shall repay the advance with interest; and

WHEREAS, the aggregate principal amount of the Agreement shall not exceed \$11,300,170 with annual interest payments with a term of fifteen (15) years at a rate of 1.90% per annum; and

WHEREAS, pursuant to Article 8 of Chapter 159 of the General Statutes of North Carolina, the Town has made proper application to the North Carolina Local Government Commission (the “Commission”) for approval of the proposed financing; and

WHEREAS, the Secretary of the Commission has determined that the unit has complied with G.S. 159-149; and

WHEREAS, the Commission, pursuant to G.S. 159-151, upon information and evidence received, finds and determines as follows:

- (i) that the Contract is necessary and expedient for the Town;
- (ii) that the Contract, under the circumstances, is preferable to a bond issue for the same purpose;
- (iii) that the sums to fall due under the Contract are adequate and not excessive for the proposed purpose of the Contract;
- (iv) that the Town’s debt management procedures and policies are good;
- (v) that the Town is not in default in any of its debt service obligations; and
- (vi) that the increase in taxes, if any, necessary to meet the sums to fall due under the Contract will not be excessive;

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the application for approval of the Contract and the planned financing, are hereby approved under the provisions of G.S. 160A-20 and relevant resolutions of the Commission.”

Secretary Marshall seconded the motion and the foregoing was adopted by unanimous vote of 9 - 0.

Auditor Wood made a motion to adopt the following resolution:

**“RESOLUTION APPROVING THE FINANCING TEAM FOR THE TOWN OF HUNTERSVILLE, NORTH CAROLINA GENERAL OBLIGATION REFUNDING BONDS”**

WHEREAS, the Town of Huntersville, North Carolina (the “Town”) has requested that the North Carolina Local Government Commission (the “Commission”) approve their selection of the following financing team members for the upcoming issuance of its General Obligation Refunding Bonds:

Bond Counsel:	Parker Poe Adams & Bernstein LLP
Purchaser:	Pinnacle Bank
Purchaser’s Counsel:	Nexsen Pruet, PLLC
Escrow Agent:	U.S. Bank National Association
Financial Advisor:	Davenport & Company LLC
Verification Agent:	Bingham Arbitrage Rebate Services, Inc.

WHEREAS, based upon the information and evidence received by the Commission, the Commission is of the opinion that the Town's request should be approved;

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the above financing team is hereby approved for the Town's upcoming General Obligation Refunding Bonds issue.

Secretary Marshall seconded the motion and the foregoing resolution was adopted by unanimous vote of 9 - 0.

Thereupon, Auditor Wood made a motion to adopt the following resolution:

**“RESOLUTION APPROVING THE APPLICATION OF THE TOWN OF HUNTERSVILLE, NORTH CAROLINA FOR THE ISSUANCE OF ITS GENERAL OBLIGATION REFUNDING BONDS”**

WHEREAS, the Town of Huntersville, North Carolina (the “Town”) has applied to the North Carolina Local Government Commission (the “Commission”), pursuant to the Local Government Bond Act, as amended, for approval of the issuance by the Town of (a) its Taxable General Obligation Refunding Bond, Series 2021 (the “2021 Bond”) in a principal amount not to exceed \$4,800,000, for the purpose of providing funds to (1) refund the Town's General Obligation Bonds, Series 2013 (the “2013 Bonds”) maturing on and after June 1, 2024 and (2) pay the costs of issuing the 2021 Bond and the Tax-Exempt Bond (as defined below) and (b) a tax-exempt general obligation refunding bond in the principal amount equal to the outstanding principal amount of the 2021 Bond at the time of issuance thereof for the purpose of refunding the 2021 Bond when eligible to do so on a tax-exempt basis (the “Tax-Exempt Bond”); and

WHEREAS, the Town has furnished to the Commission the Bond Resolution adopted by the Board of Commissioners of the Town (the “Board”), authorizing the Town to issue the 2021 Bond and the Bond Resolution adopted by the Board, authorizing the Town to issue the Tax-Exempt Bond to refund the 2021 Bond and forms of a bond purchase agreement pertaining to the sale of the 2021 Bond and a forward bond purchase agreement pertaining to the sale of the Tax-Exempt Bond;

WHEREAS, based upon the information and evidence received in connection with such application, it is hereby determined and found by the Commission:

- (a) the proposed 2021 Bond and subsequent Tax-Exempt Bond are necessary and expedient;
- (b) the amount proposed is adequate and not excessive for the proposed purpose of the issuances;
- (c) the proposed refundings of the 2013 Bonds and the 2021 Bond are feasible;
- (d) the Town's debt management procedures and policies are good;
- (e) the increase in taxes, if any, necessary to service the proposed issuances will not be excessive; and
- (f) the proposed 2021 Bond and Tax-Exempt Bond can be marketed at a reasonable interest cost to the Town.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the application of the Town for approval of the proposed 2021 Bond in a principal amount not to exceed \$4,800,000 and the Tax-Exempt Bond for the purposes set forth are hereby approved pursuant to the Local Government Bond Act, as amended.

Secretary Marshall seconded the motion and the foregoing resolution was adopted by unanimous vote of 9 - 0.

Thereupon, Auditor Wood made a motion to adopt the following resolution:

**“RESOLUTION CONCERNING THE PRIVATE SALE OF THE TOWN OF HUNTERSVILLE, NORTH CAROLINA GENERAL OBLIGATION REFUNDING BONDS”**

WHEREAS, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina authorizes the North Carolina Local Government Commission (the “Commission”) to sell general obligation bonds at private sale without advertisement to any purchasers thereof at such prices as the Commission determines to be in the best interest of the issuing unit, subject to the approval of the governing board of the issuing unit or one or more persons designated by resolution of such governing board to approve such prices; and

WHEREAS, Pinnacle Bank (the “Purchaser”) has offered to (1) purchase the Town of Huntersville, North Carolina (the “Town”) Taxable General Obligation Refunding Bond, Series 2021 (the “2021 Bond”) from the Commission upon the terms and conditions set forth below and (2) purchase a tax-exempt general obligation refunding bond (the “Tax-Exempt Bond”) from the Commission upon the terms and conditions set forth below; and

WHEREAS, the Town has furnished to the Commission the Bond Resolution adopted by the Board of Commissioners of the Town (the “Board”), authorizing the Town to issue the 2021 Bond and the Bond Resolution adopted by the Board, authorizing the Town to issue the Tax-Exempt Bond to refund the 2021 Bond and forms of a bond purchase agreement pertaining to the sale of the 2021 Bond and a forward bond purchase agreement pertaining to the sale of the Tax-Exempt Bond; and

WHEREAS, the Town has requested the Commission to sell the 2021 Bond and the Tax-Exempt Bond at private sale without advertisement in accordance with Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina; and

WHEREAS, the Commission desires to approve the request of the Town that it sell the 2021 Bond and the Tax-Exempt Bond at private sale without advertisement; and

WHEREAS, the Commission desires to accept the offer of the Purchaser to purchase the 2021 Bond and the Tax-Exempt Bond upon the terms and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission:

Section 1. The sale of the 2021 Bond and the Tax-Exempt Bond to the Purchaser at private sale without advertisement, such sale being subject to the approval of the Town and satisfaction of the conditions set forth below.

Section 2. The principal amount of the 2021 Bond shall not exceed \$4,800,000 and the principal amount of the Tax-Exempt Bond shall be in the principal amount equal to the outstanding principal amount of the 2021 Bond at the time of issuance thereof for the purpose of refunding the 2021 Bond when eligible to do so on a tax-exempt basis.

Section 3. The 2021 Bond shall bear interest at a rate of 1.518% per annum. The Tax-Exempt Bond shall bear interest at a rate of 1.20% per annum.

Section 4. No maturity of the 2021 Bond and the Tax-Exempt Bond will exceed June 1, 2033.

Section 5. The Commission hereby determines that the sale of the 2021 Bond and Tax-Exempt Bond in the manner and for the price as provided in this resolution is in the best interest of the Town, provided that such sale shall be approved by the Town including one or more persons designated by resolution of the Board of Commissioners of the Town for such purpose.

Section 6. The Secretary of the Commission, or any Deputy Secretary, is hereby appointed the Designated Assistant of the Commission for the purpose of this resolution, and the Designated Assistant is hereby authorized and directed, within the terms and conditions of this resolution, to approve the forms of documents relating to the 2021 Bond and the Tax-Exempt Bond, to execute and deliver documents on behalf of the Commission and to provide for the execution and delivery of the 2021 Bond and Tax-Exempt Bond in accordance with the bond resolutions adopted by the Board of Commissioners of the Town.

Section 7. This resolution shall be effective immediately upon its passage.

Secretary Marshall seconded the motion and the foregoing resolution was adopted by unanimous vote of 9 - 0.

Auditor Wood made a motion to adopt the following resolution:

**RESOLUTION APPROVING THE APPLICATION OF THE TOWN OF  
CARTHAGE, NORTH CAROLINA FOR THE ISSUANCE OF NOT TO EXCEED  
\$3,448,000 WATER AND SEWER SYSTEM REVENUE BONDS AND TO ISSUE  
ONE OR MORE WATER AND SEWER SYSTEM REVENUE BOND  
ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH  
BONDS**

WHEREAS, the Town of Carthage, North Carolina (the "Town") has applied to the North Carolina Local Government Commission (the "Commission"), pursuant to The State and Local Government Revenue Bond Act, as amended, for approval of the issuance by the Town of not to exceed \$3,448,000 Water and Sewer System Revenue Bonds (the "Additional Bonds") for the purpose of providing funds, together with any other available funds, to (a) pay the cost of various improvements to the Town's sanitary sewer system, including, without limitation, the installation of approximately 34,000 lineal feet of 16-inch sewer force main and the upgrading and replacement of sewer pump stations (collectively, the "Project"), (b) pay all or a portion of the interest on such bonds during the period of construction of the Project, (c) fund any necessary debt service reserve fund and (d) pay the fees and expenses incurred in connection with the sale and issuance of the Additional Bonds and the Note (hereinafter defined); and

WHEREAS, under the plan of finance for the issuance of the Additional Bonds, the United States Department of Agriculture, Rural Development (“USDA”) has issued commitments to purchase the Additional Bonds in an amount not to exceed \$3,448,000, subject to certain terms and conditions, upon substantial completion of the Project, but in order to provide construction funding for the Project, it is necessary for the Town to issue its Water and Sewer System Revenue Bond Anticipation Note (the “Note”) in a principal amount not to exceed \$3,448,000 in anticipation of the issuance of the Additional Bonds; and

WHEREAS, in connection with the long-term plan of finance, the Town may need to issue additional bond anticipation notes (the “Additional Notes”) in anticipation of the issuance of the Additional Bonds, in order to complete the construction of the Project before USDA will purchase the Additional Bonds; and

WHEREAS, the Town has furnished to the Commission forms of the following documents:

- (a) Bond Order adopted by the Board of Commissioner of the Town on November 12, 2013, as supplemented by a supplemental bond order to be adopted by the Board of Commissioners of the Town of October 11, 2021 (collectively, the “Bond Order”), authorizing the sale and issuance of the Additional Bonds, including the sale and issuance of the Note and any Additional Notes in anticipation of the issuance of the Additional Bonds, by the Town, subject to the terms thereof; and
- (b) Resolution to be adopted by the Board of Commissioner of the Town on October 11, 2021 (the “Note Resolution”), authorizing the sale and issuance of the Note by the Town, subject to the terms thereof; and

WHEREAS, based upon the information and evidence received in connection with such application, it is hereby determined and found by the Commission:

- (i) that the proposed issuance of the Additional Bonds, the Note and any Additional Notes, in anticipation of the issuance of the Additional Bonds, by the Town is necessary and expedient;
- (ii) that the proposed amount of the proposed Additional Bonds, the Note and any Additional Notes is adequate, when added to other monies available to the Town, and not excessive for the proposed purposes thereof;
- (iii) that the Project is feasible;
- (iv) the Town’s debt management policies and procedures are good; and
- (v) that the Additional Bonds, the Note and any Additional Notes can be marketed as a reasonable interest cost to the Town.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the application of the Town of Carthage, North Carolina for approval of the proposed Additional Bonds in an amount not to exceed \$3,448,000 for the purposes set forth is hereby approved pursuant to The State and Local Government Revenue Bond Act, as amended. In addition, the issuance of the Note and any Additional Notes in anticipation of the issuance of the Additional Bonds is hereby approved; provided, however, that such Additional Notes shall not be issued and delivered to the

purchasers thereof until the USDA has issued additional commitments, if necessary, in an amount sufficient to pay the maturing principal of the Note and the Additional Notes at the time of completion of the Project.

The Note shall be sold at private sale to PNC Bank, National Association under the terms set forth in the Note Resolution. Renewal notes may be issued as necessary to refinance the maturing Note or Additional Notes (or renewals thereof) if upon such maturity the requirements to issue the Additional Bonds have not been met.

Secretary Marshall seconded the motion and the foregoing resolution was adopted by unanimous vote.

Thereupon, Ms. Wood made a motion to adopt the following resolution:

**RESOLUTION CONCERNING THE PRIVATE SALE OF TOWN OF  
CARTHAGE, NORTH CAROLINA WATER AND SEWER SYSTEM REVENUE  
BOND ANTICIPATION NOTES**

WHEREAS, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina authorizes the North Carolina Local Government Commission (the "Commission") to sell revenue bonds and revenue bond anticipation notes at public sale or at private sale without advertisement to any purchasers thereof at such prices as the Commission determines to be in the best interest of the issuing unit, subject to the approval of the governing board of the issuing unit; and

WHEREAS, the Town of Carthage, North Carolina (the "Town") has requested the Commission to sell its Water and Sewer System Revenue Bond Anticipation Note, Series 2021 approved concurrently herewith (the "Note") in accordance with Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina; and

WHEREAS, the Note is being issued in anticipation of the issuance of additional Water and Sewer System Revenue Bonds by the Town (the "Additional Bonds") to be purchased by the United States Department of Agriculture (the "USDA") pursuant to commitments to purchase the Additional Bonds, subject to certain terms and conditions, upon completion of the project for which the Note is being issued (the "Project"); and

WHEREAS, the Town may need to issue additional notes (the "Additional Notes") in anticipation of the issuance of the Additional Bonds, in connection with completion of the construction of the Project before USDA will purchase the Additional Bonds; and

WHEREAS, the Town has requested that the Commission also approve the future sale of any Additional Notes in connection with the construction of the Project; provided that USDA has issued a commitment to purchase the bonds to be issued at the maturity of any Additional Notes; and

WHEREAS, the Commission desires to approve the request of the Town that it sell the Note and any Additional Notes at private sale without advertisement;

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission:

Section 1. The sale of the Note at private sale without advertisement to PNC Bank, National Association is hereby approved, such sale being subject to the approval of the Town and satisfaction of the conditions set forth below.

Section 2. The sale of any Additional Notes at private sale without advertisement to one or more purchasers determined by the Secretary of the Commission as proposing the best interest rate or rates practicably available to the Town is hereby approved, provided that USDA has given a commitment to purchase the bonds to be issued at the maturity of any such Additional Notes, such sale being subject to the approval of the Town and satisfaction of the conditions set forth below.

Section 3. The aggregate principal amount of the Note shall not exceed \$3,448,000 and the purchase price for the Note shall be equal to the par amount thereof. The aggregate principal amount of any Additional Notes shall not exceed, together with the Note, the aggregate principal amount of all commitments issued by USDA to purchase the Additional Bonds.

Section 4. The interest rate on the Note shall not exceed 5.00% per annum (subject to adjustment as provided in the Note), and the final maturity of the Note shall not exceed April 20, 2023.

Section 5. Renewal notes may be sold to private purchasers to refinance the maturing Note or Additional Notes, or renewals thereof.

Section 6. The Commission hereby determines that the sale of the Note in the manner and for the price as provided in this resolution is in the best interest of the Town, provided that such sale shall be approved by the Town.

Section 7. The Commission hereby approves the engagement of Womble Bond Dickinson (US) LLP as bond counsel to the Town in connection with the issuance of the Additional Bonds, the Note and any Additional Notes. The Commission hereby also approves the Finance Officer of the Town serving as the registrar for the Additional Bonds, the Note and any Additional Notes.

Section 8. This resolution shall be effective immediately upon its adoption.

Secretary Marshall seconded the motion and the foregoing resolution was adopted by unanimous vote of 9-0.

Thereupon, Ms. Wood made a motion to adopt the following resolution:

**RESOLUTION CONCERNING THE PRIVATE SALE OF THE TOWN OF  
CARTHAGE, NORTH CAROLINA WATER AND SEWER SYSTEM REVENUE  
BONDS TO THE UNITED STATES DEPARTMENT OF AGRICULTURE,  
RURAL DEVELOPMENT**

WHEREAS, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina authorizes the North Carolina Local Government Commission (the "Commission") to sell revenue bonds and revenue bond anticipation notes at public sale or at private sale without advertisement to any purchasers thereof at such prices as the Commission determines to be in the best interest of the issuing unit, subject to the approval of the governing board of the issuing unit; and

WHEREAS, the Town of Carthage, North Carolina (the "Town") has requested the Commission to sell its Water and Sewer System Revenue Bonds approved concurrently herewith (the "Additional Bonds") to the United States Department of Agriculture, Rural Development ("USDA") upon the completion of construction of the project to be permanently financed thereby pursuant to commitments previously issued by USDA, all in accordance with Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina; and

WHEREAS, the Commission desires to approve the request of the Town that it sell the Additional Bonds to USDA at private sale without advertisement;

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission:

Section 1. The sale of the Additional Bonds to USDA at private sale without advertisement in accordance with commitments previously made by USDA is hereby approved, such sale being subject to the approval of the Town and satisfaction of the conditions set forth below.

Section 2. The aggregate purchase price for the Additional Bonds shall be the principal amount thereof.

Section 3. No maturity of the Additional Bonds shall be later than forty (40) years from the date of the Additional Bonds, and the interest rate on the Additional Bonds shall not exceed 1.375% per annum.

Section 4. The Commission hereby determines that the sale of the Additional Bonds in the manner and for the price as provided in this resolution is in the best interest of the Town, provided that such sale shall be approved by the Town.

Section 5. This resolution shall be effective immediately upon its adoption.

Secretary Marshall seconded the motion and the foregoing resolution was adopted by unanimous vote of 9-0.

Auditor Wood made a motion to adopt the following resolution:

**RESOLUTION APPROVING THE FINANCING TEAM FOR THE CITY OF SHELBY, NORTH CAROLINA COMBINED ENTERPRISE SYSTEM REVENUE REFUNDING BOND, SERIES 2021**

WHEREAS, the City of Shelby, North Carolina (the “City”) has requested that the North Carolina Local Government Commission (the “Commission”) approve its selection of the following financing team members for the upcoming issuance of its Combined Enterprise System Revenue Refunding Bond, Series 2021 (the “Bond”):

Bond Counsel:	Womble Bond Dickinson (US) LLP
Trustee/Bond Registrar:	U.S. Bank National Association
Purchaser:	Truist Bank
Purchaser’s Counsel:	Pope Flynn Group
Financial Advisor:	First Tryon Advisors

WHEREAS, based upon the information and evidence received by the Commission, the Commission is of the opinion that the request by the City should be approved.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the above financing team is hereby approved for the issuance of the Bond.

Secretary Marshall seconded the motion and the foregoing resolution was adopted by unanimous vote of 9-0.

Thereupon, Auditor Wood made a motion to adopt the following resolution:

**RESOLUTION APPROVING THE APPLICATION OF THE CITY OF SHELBY, NORTH CAROLINA FOR THE ISSUANCE OF ITS COMBINED ENTERPRISE SYSTEM REVENUE REFUNDING BOND, SERIES 2021 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$12,000,000**

WHEREAS, the City of Shelby, North Carolina (the "City") has applied to the North Carolina Local Government Commission (the "Commission"), pursuant to The State and Local Government Revenue Bond Act, as amended, for approval of the issuance by the City of its Combined Enterprise System Revenue Refunding Bond, Series 2021 (the "Bond") for the purpose of providing funds, together with other available funds, to (a) refund all of its outstanding (i) Combined Enterprise System Revenue Bond, Series 2010 (Taxable) (the "Series 2010 Bond"), (ii) Combined Enterprise System Revenue Refunding Bond, Series 2013A (the "Series 2013A Bond"), (iii) Combined Enterprise System Revenue Refunding Bond, Series 2013C (the "Series 2013C Bond") and (iv) Combined Enterprise System Revenue Bond, Series 2015 (the "Series 2015 Bond" and, together with the Series 2010 Bond, the Series 2013A Bond and the Series 2013C Bond, the "Refunded Bonds") and (b) pay certain financing costs associated with the sale and issuance of the Bond; and

WHEREAS, the City has furnished to the Commission forms of the following documents:

(a) Trust Agreement, dated as of October 1, 1995, between the City and First Union National Bank of North Carolina (succeeded by U.S. Bank National Association), as trustee (the "Trustee");

(b) Tenth Supplemental Trust Agreement, to be dated as of November 1, 2021, between the City and the Trustee, including the form of the Bond set forth in Exhibit A thereto; and

(c) Bond Purchase Agreement, to be dated as of the date of delivery thereof, among the Commission, the City and Truist Bank, as the purchaser of the Bond.

WHEREAS, based upon the information and evidence received in connection with such application, it is hereby determined and found by the Commission:

(i) that such proposed Bond is necessary and expedient;

(ii) that the proposed amount of such proposed Bond is adequate, when added to other monies available to the City, and not excessive for the proposed purposes thereof;

(iii) that the proposed refunding of the Refunded Bonds is feasible;

(iv) that the City's debt management procedures and policies are good; and

(v) that the proposed Bond can be marketed at a reasonable interest cost to the City.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the application of the City of Shelby, North Carolina for approval of the proposed

Bond in a principal amount not to exceed \$12,000,000 for the purposes set forth is hereby approved pursuant to The State and Local Government Revenue Bond Act, as amended.

Secretary Marshall seconded the motion and the foregoing resolution was adopted by unanimous vote.

Thereupon, Auditor Wood made a motion to adopt the following resolution:

**RESOLUTION CONCERNING THE PRIVATE SALE OF THE CITY OF SHELBY, NORTH CAROLINA COMBINED ENTERPRISE SYSTEM REVENUE REFUNDING BOND, SERIES 2021**

WHEREAS, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina authorizes the North Carolina Local Government Commission (the "Commission") to sell revenue bonds at private sale without advertisement to any purchasers thereof at such prices as the Commission determines to be in the best interest of the issuing unit, subject to the approval of the governing board of the issuing unit; and

WHEREAS, Truist Bank (the "Purchaser") has offered to purchase from the City of Shelby, North Carolina (the "City") its Combined Enterprise System Revenue Refunding Bond, Series 2021 (the "Bond") upon the terms and conditions set forth below and in the form of the Bond Purchase Agreement relating thereto (the "Bond Purchase Agreement"); and

WHEREAS, the City has requested the Commission to sell the Bond at private sale without advertisement in accordance with Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina; and

WHEREAS, the Commission desires to approve the request of the City that it sell the Bond at private sale without advertisement; and

WHEREAS, the Commission desires to accept the offer of the Purchaser to purchase the Bond pursuant to the terms of the Bond Purchase Agreement and upon the terms and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission:

Section 1. The sale of the Bond to the Purchaser at private sale without advertisement pursuant to the Bond Purchase Agreement is hereby approved, such sale being subject to the approval of the City and satisfaction of the conditions set forth below.

Section 2. The aggregate principal amount of the Bond shall not exceed \$12,000,000.

Section 3. The Bond shall bear interest at an interest rate not to exceed 1.40% per annum (subject to adjustment as provided in the Bond), and the final maturity of the Bond shall not exceed November 1, 2030. The Bond shall be sold to the Purchaser pursuant to terms of the Bond Purchase Agreement at a purchase price equal to the par amount of the Bond, less any fee paid directly by the Purchaser to its counsel as provided in the Bond Purchase Agreement.

Section 4. The Commission hereby determines that the sale of the Bond in the manner and for the price as provided in this resolution is in the best interest of the City, provided that such sale shall be approved by the City.

Section 5. The Secretary of the Commission, or any Deputy Secretary is hereby appointed the Designated Assistant of the Commission for the purpose of this resolution, and the Designated Assistant is hereby authorized and directed, within the terms and conditions of this resolution, to approve such changes to the details of the Bond as shall be satisfactory to him or her, to approve the form of the Bond Purchase Agreement and any other documents relating to the Bond, to execute and deliver any such documents on behalf of the Commission and to provide for the execution and delivery of the Bond in accordance with the order of the City, the Trust Agreement and the Tenth Supplemental Trust Agreement relating to the issuance of Bond.

Section 6. This resolution shall be effective immediately upon its adoption.

Secretary Marshall seconded the motion and the foregoing resolution was adopted by unanimous vote of 9-0.

Auditor Wood made a motion to adopt the following resolution:

**RESOLUTION APPROVING THE FINANCING TEAM FOR THE CITY OF FAYETTEVILLE, NORTH CAROLINA PUBLIC WORKS COMMISSION REVENUE BONDS, SERIES 2021**

WHEREAS, the City of Fayetteville, North Carolina (the “Issuer”) has requested that the North Carolina Local Government Commission (the “Commission”) approve its selection of the following financing team members for the upcoming issuance of its Public Works Commission Revenue Bonds, Series 2021[A] and Public Works Commission Revenue Refunding Bonds, Series [2021B] (2021B if issued in 2021 or such other series designation to be determined to identify the bonds and the year of issuance) (collectively, the “Series 2021 Bonds”):

Bond Counsel:	The Charleston Group
Trustee/Escrow Agent:	The Bank of New York Mellon Trust Company, N.A.
Financial Advisor:	First Tryon Advisors
Verification Agent:	Bingham Arbitrage Rebate Services, Inc.
Agreed-Upon Procedures Consultant:	NewGen Strategies & Solutions, LLC

WHEREAS, based upon the information and evidence received by the Commission, the Commission is of the opinion that the request by the Issuer should be approved;

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the above financing team is hereby approved for the issuance of the Series 2021 Bonds.

Secretary Marshall seconded the motion and the foregoing resolution was adopted by unanimous vote of 9-0.

Thereupon, Auditor Wood made a motion to adopt the following resolution:

**RESOLUTION APPROVING THE APPLICATION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA FOR THE ISSUANCE OF NOT TO EXCEED \$198,000,000 CITY OF FAYETTEVILLE, NORTH CAROLINA PUBLIC WORKS COMMISSION REVENUE BONDS, SERIES 2021**

WHEREAS, the City of Fayetteville, North Carolina (the “Issuer”) has applied to the North Carolina Local Government Commission (the “Commission”) pursuant to The State and Local Government Revenue Bond Act, as amended, for approval of the issuance by the Issuer of (a) not to exceed \$102,000,000 Public Works Commission Revenue Bonds, Series 2021[A] (the “Series 2021[A] Bonds”) for the purpose of providing funds, together with any other available funds, to (i) pay the costs of constructing and equipping various improvements to its electric, water, and sanitary sewer systems, including, without limitation, (1) extension of water and sanitary sewer mains and lines to various annexed areas of the City, (2) extension, rehabilitation and replacement of water and sanitary sewer mains and lines, (3) improvements and upgrades to sanitary sewer collection and treatment facilities, (4) improvements and upgrades to the water distribution and treatment facilities, and (5) construction, extension, and replacement of and improvements and upgrades to the electric system facilities, including capitalized interest with respect thereto (collectively, the “Series 2021 Project”); and (ii) pay the fees and expenses incurred in connection with the sale and issuance of the Series 2021[A] Bonds; and (b) not to exceed \$96,000,000 Public Works Commission Revenue Refunding Bonds, Series [2021B] (2021B if issued in 2021 or such other series designation to be determined to identify the bonds and the year of issuance) (the “Series [2021B] Bonds” and, together with the Series 2021[A] Bonds, the “Series 2021 Bonds”) to (i) refund a portion of its outstanding Public Works Commission Revenue Refunding Bonds, Series 2014 (the “Prior Bonds”); (ii) pay the fees and expenses relating to the sale and issuance of the Series [2021B] Bonds; and

WHEREAS, the Issuer has furnished to the Commission forms of the following documents:

(a) Bond Order, adopted by the City Council of the Issuer on November 5, 1990 (the “Original Bond Order”), as supplemented and amended (the “Master Bond Order”);

(b) Bond Order to be adopted by the City Council of the Issuer on September 27, 2021 (the “Series 2021 Bond Order”), authorizing the sale and issuance of the Series 2021 Bonds, together with the forms of the Series 2021[A] Bonds and Series [2021B] Bonds attached as Exhibit B thereto;

(c) Notices of Sale and Bid Forms relating to the offering and sale of the Series 2021[A] Bonds and Series [2021B] Bonds;

(d) Preliminary Official Statement, to be dated as of the date of delivery thereof, relating to the offering and sale of the Series 2021 Bonds; and

(e) Escrow Deposit Agreement, if required, in substantially the form approved in connection with the Public Works Commission Revenue Bonds, Series 2018, to be dated as of November 1, 2021, between the Issuer and The Bank of New York Mellon Trust Company, N.A., as escrow agent, relating to the refunding of the Prior Bonds; and

WHEREAS, based upon the information and evidence received in connection with such application, it is hereby determined and found by the Commission:

(a) that such proposed Series 2021 Bonds are necessary and expedient;

(b) that the proposed amount of such proposed Series 2021 Bonds is adequate, when added to other funds available to the Issuer, and not excessive for the proposed purposes thereof;

(c) that the Series 2021 Project and the refunding of the Prior Bonds are feasible;

(d) that the Issuer's debt management procedures and policies are good; and

(e) that the proposed Series 2021 Bonds can be marketed at a reasonable interest cost to the Issuer;

NOW, THEREFORE, BE IT RESOLVED by the Commission that the application of the Issuer for approval of the proposed Bonds in an amount not to exceed \$198,000,000 for the purposes set forth above is hereby approved pursuant to The State and Local Government Revenue Bond Act, as amended.

Secretary Marshall seconded the motion and the foregoing resolution was adopted by unanimous vote of 9-0.

Thereupon, Auditor Wood made a motion to adopt the following resolution:

**RESOLUTION CONCERNING THE COMPETITIVE SALE OF THE CITY OF  
FAYETTEVILLE, NORTH CAROLINA PUBLIC WORKS COMMISSION  
REVENUE BONDS, SERIES 2021**

WHEREAS, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina authorizes the North Carolina Local Government Commission (the "Commission") to sell revenue bonds at competitive sale after advertisement and upon sealed bids; and

WHEREAS, the Commission has received copies of the Notices of Sale and Bid Forms (the "Notices of Sale") and a Preliminary Official Statement (the "Preliminary Official Statement") relating to the offering and sale of the Public Works Commission Revenue Bonds, Series 2021[A] (the "Series 2021[A] Bonds") and the Public Works Commission Revenue Refunding Bonds, Series [2021B] (2021B if issued in 2021 or such other series designation to be determined to identify the bonds and the year of issuance) (the "Series [2021B] Bonds" and, together with the Series 2021[A] Bonds, the "Series 2021 Bonds"); and

WHEREAS, the City of Fayetteville, North Carolina (the "Issuer") has requested the Commission to sell the Bonds at competitive sale in accordance with Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina; and

WHEREAS, the Commission desires to approve the request of the Issuer to offer and sell the Series 2021 Bonds at competitive sale pursuant to the Notices of Sale and the Preliminary Official Statement and upon the terms and conditions set forth below;

NOW, THEREFORE, BE IT RESOLVED by the Commission:

Section 1. The sale of the Bonds by competitive sale pursuant to the Notices of Sale and the Preliminary Official Statement in substantially in the forms furnished to the Commission is hereby approved, such sale being subject to the approval of the Issuer and the Public Works Commission of the Issuer and satisfaction of the conditions set forth below.

Section 2. The aggregate principal amount of the Series 2021[A] Bonds shall not exceed \$102,000,000. The aggregate principal amount of the Series [2021B] Bonds shall not exceed \$96,000,000.

Section 3. The Series 2021 Bonds shall bear interest at a true interest cost not to exceed 3.50%, all measures being defined as determined by the Commission.

Section 4. No maturity of the Series 2021 Bonds shall exceed March 1, 2051.

Section 5. The Commission hereby determines that the sale of the Bonds in the manner provided in this resolution is in the best interest of the Issuer, provided that such sale shall be approved by the Issuer and the Public Works Commission of the Issuer.

Section 6. The Secretary of the Commission, or any Deputy Secretary is hereby appointed the Designated Assistant of the Commission for the purpose of this resolution, and the Designated Assistant is hereby authorized and directed, within the terms and conditions of this resolution, to provide for the competitive sale of the Series 2021 Bonds as provided herein pursuant to the Notices of Sale in substantially the forms presented at this meeting.

Section 7. The Preliminary Official Statement, in substantially the form furnished to the Commission, with such insertions and changes therein as may be approved by the Designated Assistant, and the use thereof in connection with the public offering and sale of the Series 2021 Bonds are hereby approved and authorized. The Designated Assistant is hereby authorized and directed to execute and deliver on behalf of the Commission a final Official Statement in substantially such form.

Section 8. This resolution shall become effective immediately upon its adoption.

Secretary Marshall seconded the motion and the foregoing resolution was adopted by unanimous vote of 9-0.

Auditor Wood made a motion to approve the following action:

**RESOLUTION APPROVING HOUSING AUTHORITY OF THE CITY OF RALEIGH, NORTH CAROLINA MULTIFAMILY HOUSING REVENUE BONDS (ROCK QUARRY LANDING), SERIES 2021 IN ONE OR MORE SERIES IN AN AGGREGATE AMOUNT UP TO \$23,500,000 (THE “BONDS”) AND THE FINANCING TEAM THEREFOR**

WHEREAS, the Housing Authority of the City of Raleigh, North Carolina (the “Authority”) has decided to issue its Multifamily Housing Revenue Bonds (Rock Quarry Landing), Series 2021 (the “Bonds”) to finance the acquisition, construction and equipping by Rock Quarry SC Limited Partnership, a North Carolina limited partnership or a related or affiliated entity (the “Borrower”), of a 188-unit multifamily residential rental facility to be known as Rock Quarry Landing and to be located in Raleigh, Wake County, North Carolina (the “Development”); and

WHEREAS, in order to finance the Development, the Authority proposes to issue the Bonds in one or more series in an aggregate principal amount of not to exceed \$23,500,000, pursuant to the Housing Authorities Law, Article 1 of Chapter 157 of the North Carolina General Statutes, as amended (the “Act”); and

WHEREAS, the Bonds have to be approved by the North Carolina Local Government Commission (the “Commission”), for which approval the Commission may consider the criteria set forth in North Carolina General Statutes Section 159-153, and the Authority has applied to the Commission for such approval; and

WHEREAS, based upon the information and evidence received in connection with such application, including resolutions adopted by the Board of Commissioners of the Authority on September 23, 2021, it is hereby determined and found by the Commission:

- (a) that such proposed bond issue is necessary or expedient;
- (b) that the proposed amount of the bond issue is adequate and not excessive for the proposed purposes thereof;
- (c) that the Borrower has demonstrated that it is financially responsible and capable of fulfilling its obligations with respect to the Bonds and the Development;
- (d) that the Authority’s debt management procedures and policies are good and that it is not in material default with respect to any of its debt service obligations; and
- (e) the proposed date and manner of sale of the Bonds will not have an adverse effect upon any scheduled or anticipated sale of any obligations by the State of North Carolina or any political subdivision thereof or any agency of either of them; and

WHEREAS, the Authority has requested that the Commission approve its selection of the following financing team members for the upcoming issuance of the Bonds:

Bond Counsel:	McGuireWoods LLP
Authority’s Counsel:	The Francis Law Firm, PLLC
Borrower:	Rock Quarry SC Limited Partnership
Borrower’s Counsel:	Coleman Tally, LLP
Developers:	South Creek Development and Hill Tide Partners
Trustee:	U.S. Bank National Association
Trustee’s Counsel:	Nexsen Pruet PLLC
Placement Agent:	Stern Brothers & Co.
Purchaser:	Western Alliance Business Trust
Purchaser’s Counsel:	Squire Patton Boggs (US) LLP
Servicer:	Bellwether Enterprise Real Estate Capital, LLC
Servicer’s Counsel:	Kutak Rock LLP
Tax Credit Investor:	First Horizon Community Investment Group

Tax Credit Investor's Counsel: Arnall Golden Gregory LLP

WHEREAS, based upon the information and evidence received by the Commission, it is the opinion of the Commission that the request by the Authority be approved; and

WHEREAS, it is expected that the Bonds will be privately placed with Western Alliance Business Trust, as Purchaser, through Stern Brothers & Co., as Placement Agent; and

WHEREAS, there have been presented to the Commission forms of the following documents (the "Documents") to be used in connection with the issuance of the Bonds:

- (a) Indenture of Trust between the Authority and U.S. Bank National Association, as trustee (the "Trustee"), providing for the issuance of the Bonds, together with the form of the Bonds;
- (b) Loan Agreement between the Authority and the Borrower, pursuant to which the Authority will lend the proceeds of the Bonds to the Borrower (the "Loan");
- (c) Promissory Note given by the Borrower to the Authority to evidence the Loan, which the Authority will assign to the Trustee as security for the Bonds;
- (d) Regulatory Agreement and Declaration of Restrictive Covenants, from the Borrower for the benefit of the Authority and the Trustee;
- (e) Bond Purchase Agreement to be dated the date of sale of the Bonds, among the Authority, the Borrower, and the Placement Agent; and
- (f) Deed of Trust, Assignment of Rents and Leases, Security Agreement and Fixture Filing (With Power of Sale), from the Borrower to the deed of trust trustee named therein for the benefit of the Authority, which shall be assigned to the Trustee.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission:

Section 1. The sale of the Bonds pursuant to the Documents in substantially the forms furnished to the Commission is hereby approved, such sale being subject to the satisfaction of the conditions set forth in the Documents and herein.

Section 2. It is hereby determined, with the approval of the Authority and the Borrower that the Bonds shall be issued in an aggregate principal amount not to exceed \$23,500,000, shall initially bear interest at a fixed rate, such rates not to exceed 12.0% per annum, and shall have a final maturity not later than December 31, 2062.

Section 3. The Secretary of the Commission, or any Deputy Secretary, is hereby appointed the designated representative of the Commission for the purposes of this resolution and such designated representative is hereby authorized and directed, within the terms and conditions of this resolution, to approve such changes to the Documents, including details of the Bonds, as shall be satisfactory to him or her, and to approve the forms of other documents relating to the Bonds.

Section 4. The financing team set forth above is hereby approved.

Section 5. This resolution shall be effective immediately upon its passage.

Secretary Marshall seconded the motion and the foregoing resolution was adopted by unanimous vote of 9-0.

Auditor Wood made a motion to approve the following action:

**RESOLUTION APPROVING HOUSING AUTHORITY OF THE COUNTY OF WAKE MULTIFAMILY HOUSING REVENUE BONDS (CHANDLER RIDGE APARTMENTS), SERIES 2021 IN ONE OR MORE SERIES IN AN AGGREGATE AMOUNT UP TO \$30,800,000 (THE "BONDS") AND THE FINANCING TEAM THEREFOR**

WHEREAS, the Housing Authority of the County of Wake (the "Authority") has decided to issue its Multifamily Housing Revenue Bonds (Chandler Ridge Apartments), Series 2021 (the "Bonds") to finance the acquisition, rehabilitation and equipping by Chandler Ridge Community Partners, LP, a North Carolina limited partnership or a related or affiliated entity (the "Borrower"), of a multifamily residential rental facility known as Chandler Ridge Apartments, consisting of approximately 228 units, located at 4900 Chandler Ridge Circle in Wake County, North Carolina (the "Development"); and

WHEREAS, in order to finance the Development, the Authority proposes to issue the Bonds in one or more series in an aggregate principal amount of not to exceed \$30,800,000, pursuant to the Housing Authorities Law, Article 1 of Chapter 157 of the North Carolina General Statutes, as amended (the "Act"); and

WHEREAS, the Bonds have to be approved by the North Carolina Local Government Commission (the "Commission"), for which approval the Commission may consider the criteria set forth in North Carolina General Statutes Section 159-153, and the Authority has applied to the Commission for such approval; and

WHEREAS, based upon the information and evidence received in connection with such application, including resolutions adopted by the Board of Commissioners of the Authority on September 8, 2021, it is hereby determined and found by the Commission:

- (a) that such proposed bond issue is necessary or expedient;
- (b) that the proposed amount of the bond issue is adequate and not excessive for the proposed purposes thereof;
- (c) that the Borrower has demonstrated that it is financially responsible and capable of fulfilling its obligations with respect to the Bonds and the Development;
- (d) that the Authority's debt management procedures and policies are good and that it is not in material default with respect to any of its debt service obligations; and

(e) the proposed date and manner of sale of the Bonds will not have an adverse effect upon any scheduled or anticipated sale of any obligations by the State of North Carolina or any political subdivision thereof or any agency of either of them; and

WHEREAS, the Authority has requested that the Commission approve its selection of the following financing team members for the upcoming issuance of the Bonds:

Bond Counsel:	McGuireWoods LLP
Authority's Counsel:	The Charleston Group
Borrower:	Chandler Ridge Community Partners, LP
Borrower's Counsel:	Nixon Peabody LLP and Norris, George & Ostrow PLLC
Developers:	Community Preservation Partners and Foundation for Affordable Housing
Trustee:	Wilmington Trust, National Association
Purchaser:	Mizuho Capital Markets, LLC
Placement Agent:	FMSbonds, Inc.
Servicer:	Red Stone Servicer, LLC
Servicer's Counsel:	Greenberg Traurig, LLP
Tax Credit Investor:	PNC Bank, National Association
Tax Credit Investor's Counsel:	Kutak Rock LLP

WHEREAS, based upon the information and evidence received by the Commission, it is the opinion of the Commission that the request by the Authority be approved; and

WHEREAS, it is expected that the Bonds will be privately placed with Mizuho Capital Markets, LLC, as Purchaser, through FMSbonds, Inc., as Placement Agent; and

WHEREAS, there have been presented to the Commission forms of the following documents (the "Documents") to be used in connection with the issuance of the Bonds:

(a) Indenture of Trust between the Authority and Wilmington Trust, National Association, as trustee (the "Trustee"), providing for the issuance of the Bonds, together with the form of the Bonds;

(b) Loan Agreement between the Authority and the Borrower, pursuant to which the Authority will lend the proceeds of the Bonds to the Borrower (the "Loan");

(c) Promissory Note given by the Borrower to the Authority to evidence the Loan, which the Authority will assign to the Trustee as security for the Bonds;

(d) Regulatory Agreement and Declaration of Restrictive Covenants, from the Borrower for the benefit of the Authority and the Trustee; and

(e) Bond Purchase Agreement to be dated the date of sale of the Bonds, among the Authority, the Borrower, and the Placement Agent;

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission:

Section 1. The sale of the Bonds pursuant to the Documents in substantially the forms furnished to the Commission is hereby approved, such sale being subject to the satisfaction of the conditions set forth in the Documents and herein.

Section 2. It is hereby determined, with the approval of the Authority and the Borrower that the Bonds shall be issued in an aggregate principal amount not to exceed \$30,800,000, shall initially bear interest at a fixed rate, such rate not to exceed 12.0% per annum, and shall have a final maturity not later than December 31, 2061.

Section 3. The Secretary of the Commission, or any Deputy Secretary, is hereby appointed the designated representative of the Commission for the purposes of this resolution and such designated representative is hereby authorized and directed, within the terms and conditions of this resolution, to approve such changes to the Documents, including details of the Bonds, as shall be satisfactory to him or her, and to approve the forms of other documents relating to the Bonds.

Section 4. The financing team set forth above is hereby approved.

Section 5. This resolution shall be effective immediately upon its passage.

Secretary Marshall seconded the motion and the foregoing resolution was adopted by unanimous vote of 9-0.

Auditor Wood made a motion to approve the following action:

**RESOLUTION APPROVING HOUSING AUTHORITY OF THE CITY OF DURHAM MULTIFAMILY HOUSING REVENUE BONDS (TRAILS AT TWIN LAKES APARTMENT HOMES PROJECT), SERIES 2021A AND SERIES 2021B IN AN AGGREGATE PRINCIPAL AMOUNT UP TO \$27,900,000 (THE "BONDS") AND THE FINANCING TEAM THEREFOR**

WHEREAS, the Housing Authority of the City of Durham (the "Authority") has decided to issue its First Lien Multifamily Housing Revenue Bonds (Trails at Twin Lakes Apartment Homes Project), Series 2021A (the "2021A Bonds") and its Second Lien Multifamily Housing Revenue Bonds (Trails at Twin Lakes Apartment Homes Project), Series 2021B (the "2021B Bonds" and, together with the 2021A Bonds, the "Bonds") to finance the acquisition, construction and equipping by Village Capital Corporation, an Indiana corporation, or a related or affiliated entity (the "Borrower"), of a low income multifamily residential rental facility to be known as Trails at Twin Lakes Apartment Homes, consisting of 168 units, in the City of Durham, North Carolina (the "Development"); and

WHEREAS, in order to finance the Development, the Authority proposes to issue the Bonds in an aggregate principal amount of not to exceed \$27,900,000, pursuant to the Housing Authorities Law, Article 1 of Chapter 157 of the North Carolina General Statutes, as amended (the “Act”); and

WHEREAS, the Bonds have to be approved by the North Carolina Local Government Commission (the “Commission”), for which approval the Commission may consider the criteria set forth in North Carolina General Statutes Section 159-153, and the Authority has applied to the Commission for such approval; and

WHEREAS, based upon the information and evidence received in connection with such application, including resolutions adopted by the Board of Commissioners of the Authority on September 23, 2021, it is hereby determined and found by the Commission:

- (a) that such proposed bond issue is necessary or expedient;
- (b) that the proposed amount of the bond issue is adequate and not excessive for the proposed purposes thereof;
- (c) that the Borrower has demonstrated that it is financially responsible and capable of fulfilling its obligations with respect to the Bonds and the Development;
- (d) that the Authority’s debt management procedures and policies are good and that it is not in material default with respect to any of its debt service obligations; and
- (e) the proposed date and manner of sale of the Bonds will not have an adverse effect upon any scheduled or anticipated sale of any obligations by the State of North Carolina or any political subdivision thereof or any agency of either of them; and

WHEREAS, the Authority has requested that the Commission approve its selection of the following financing team members for the upcoming issuance of the Bonds:

Bond Counsel:	McGuireWoods LLP
Issuer’s Counsel:	The Banks Law Firm, P.A.
Borrower:	Village Capital Corporation
Borrower’s Counsel:	Jason Schnellenberger, Esq., The Banks Law Firm, P.A., Ice Miller LLP
Trustee:	BOKF, NA
Trustee’s Counsel:	Naman, Howell, Smith & Lee, PLLC
Letter of Credit Bank:	United Fidelity Bank, fsb
Bank’s Counsel:	Christin Connor, Esq.
Confirming Letter of Credit Bank:	Federal Home Loan Bank of Indianapolis
Confirming Bank’s Counsel:	Ice Miller LLP

Underwriter: Citigroup Global Markets Inc.  
Underwriter's Counsel: Norris George & Ostrow PLLC

WHEREAS, based upon the information and evidence received by the Commission, it is the opinion of the Commission that the request by the Authority be approved; and

WHEREAS, there have been presented to the Commission forms of the following documents (the "Documents") to be used in connection with the issuance of the Bonds:

- (a) Indenture of Trust between the Authority and BOKF, NA, as trustee (the "Trustee"), providing for the issuance of the Bonds, together with the form of the Bonds attached thereto;
- (b) Loan Agreement between the Authority and the Borrower, providing for the terms and conditions pursuant to which the loan of the proceeds of the Bonds will be made by the Authority to the Borrower;
- (c) Regulatory Agreement and Declaration of Restrictive Covenants, from the Borrower for the benefit of the Authority and the Trustee; and
- (d) Bond Purchase Agreement among the Authority, the Borrower and Citigroup Global Markets Inc., as the Underwriter for the Bonds.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission:

Section 1. The sale of the Bonds pursuant to the Documents in substantially the forms furnished to the Commission is hereby approved, such sale being subject to the satisfaction of the conditions set forth in the Documents and herein.

Section 2. It is hereby determined, with the approval of the Authority and the Borrower that the Bonds shall be issued in an aggregate principal amount not to exceed \$27,900,000, shall initially bear interest at variable rates, such rates not to exceed 12.0% per annum, and shall have a final maturity not later than December 31, 2061.

Section 3. The Secretary of the Commission, or any Deputy Secretary, is hereby appointed the designated representative of the Commission for the purposes of this resolution and such designated representative is hereby authorized and directed, within the terms and conditions of this resolution, to approve such changes to the Documents, including details of the Bonds, as shall be satisfactory to him or her, and to approve the forms of other documents relating to the Bonds.

Section 4. The financing team set forth above is hereby approved.

Section 5. This resolution shall be effective immediately upon its passage.

Secretary Marshall seconded the motion and the foregoing resolution was adopted by unanimous vote of 9-0.

Auditor Wood made a motion to adopt the following resolution:

**“RESOLUTION APPROVING THE FINANCING REQUEST OF THE CITY OF RANDLEMAN, NORTH CAROLINA. THIS PROJECT INCLUDES REPAIRS AND UPGRADES TO THE CITY’S WASTEWATER TREATMENT PLANT INCLUDING AN EXPANSION TO THE LABORATORY BUILDING, REPLACEMENT OF TERTIARY FILTRATION UNIT, AND REPAIR OF THE BLOWER BUILDING.**

WHEREAS, the City of Randleman, North Carolina (the “City”) has determined that it is necessary and expedient as it replaces aged water treatment plant components in repair for efficient operation of the plant; and

WHEREAS, the City of Randleman filed an application with the North Carolina Government Commission (the Commission) for approval of a revolving Loan in the amount not exceed \$1,625,000 with the term of twenty (20) years at the rate established under this program for respective loan, State or Federal, is not to exceed 4%; and

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the application for the approval of a sewer revolving loan for the City is hereby approved.”

Secretary Marshall seconded the motion, and the foregoing was adopted by unanimous vote of 9-0.

Auditor Wood made a motion to adopt the following resolution:

**“RESOLUTION APPROVING THE FINANCING REQUEST OF THE SOUTHEAST REGIONAL AIRPORT AUTHORITY, NORTH CAROLINA. THE PROPOSED PROJECT IS A FIND IT FIX IT (FIFI) REHABILITATION OF SEWER COLLECTION SYSTEM INFRASTRUCTURE IN THE EXISTING SOUTHEAST REGIONAL AIRPORT AUTHORITY (SRAA) SYSTEM, FORMERLY KNOWN AS THE LAURINBURG-MAXTON COMMISSION .**

WHEREAS, the SouthEast Regional Airport Authority, North Carolina (the “Authority”) has determined that it is necessary and expedient to repair portions of the collection system to maintain the required level of service; reduce the risk of sanitary sewer pipe and manhole failures that impact both the environment and system operations; and reduce inflow and infiltration from abandoned building service lines and from defects in the sewer mains; and

WHEREAS, the Authority filed an application with the North Carolina Government Commission (the Commission) for approval of a revolving Loan in the amount not exceed \$579,858 with the term of twenty (20) years at the rate established under this program for respective loan, State or Federal, is not to exceed 4%; and

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the application for the approval of a sewer revolving loan for the Authority is hereby approved.”

Secretary Marshall seconded the motion, and the foregoing was adopted by unanimous vote of 9-0.

Auditor Wood made a motion that the following resolution:

**“RESOLUTION APPROVING THE FINANCING REQUEST OF THE TOWN OF SURF CITY, NORTH CAROLINA. THIS PROJECT CONSISTS OF THE REPLACEMENT OF THE EXISTING BAR SCREEN AND SOLIDS COMPACTOR AND ASSOCIATED GRATING REPAIR AND CHANNEL MODIFICATION, AND INSTALLATION OF THIRD DISC FILTER AND ASSOCIATED APPURTENANCES.**

WHEREAS, the Town of Surf City, North Carolina (the “Town”) has determined that it is necessary and expedient to increase the Town’s Wastewater Treatment Facility resilience and provide needed redundancy during storm event.; and

WHEREAS, the Town of Surf City filed an application with the North Carolina Government Commission (the Commission) for approval of a Water Revolving Loan in the amount not exceed \$2,370,553 with the term of twenty (20) years at the rate established under this program for respective loan, State or Federal, is not to exceed 4%; and

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the application for the approval of a water revolving loan for the Town is hereby approved.”

Secretary Marshall seconded the motion, and the foregoing was adopted by unanimous vote of 9-0.

Auditor Wood made a motion that the following resolution:

**“RESOLUTION APPROVING THE FINANCING REQUEST OF THE TOWN OF WHITE LAKE, NORTH CAROLINA. THIS PROJECT CONSISTS OF THE REPLACEMENT OF 7,205 LINEAR FEET OF 6”,8”, AND 10” VC GRAVITY SEWER, REHABILITATION OF 6,780 LINEAR FEET OF 8”,10”, AND 12” VC GRAVITY SEWER, PIPE BURSTING OF 80 LINEAR FEET OF 6” VC GRAVITY SEWER, INSTALLATION OF 2,050 LF OF 6”AND 8” FORCE MAIN, 90 VF OF MANHOLE REHAB, AND INSTALLATION OF 54 MANHOLES AND 182 4” DIAMETER SEWER SERVICES. IN ADDITION, 4,200 LINEAR FEET OF WATER MAIN AND 146 WATER SERVICES WILL BE RELOCATED TO REMOVE CONFLICTS WITH EXISTING SEWER LINES.**

WHEREAS, the Town of White Lake, North Carolina (the “Town”) has determined that it is necessary and expedient to eliminate entry points and reduce I/I (Inflow & Infiltration) within the collection system.; and

WHEREAS, the Town of White Lake filed an application with the North Carolina Government Commission (the Commission) for approval of a Sewer Revolving Loan in the amount not exceed \$2,998,667 with the term of twenty (20) years at the rate established under this program for respective loan, State or Federal, is not to exceed 4%; and

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the application for the approval of a sewer revolving loan for the Town is hereby approved.”

Secretary Marshall seconded the motion, and the foregoing was adopted by unanimous vote of 9-0.

Auditor Wood made a motion that the following resolution:

**“RESOLUTION APPROVING THE FINANCING REQUEST OF THE YADKIN VALLEY SEWER AUTHORITY, NORTH CAROLINA. THIS PROJECT CONSISTS OF 60 LINEAR FEET OF 4-INCH GRAVITY SEWER, 160 LINEAR FEET OF 4-INCH GRAVITY SEWER, 160 LINEAR FEET PF 10-INCH GRAVITY SEWER, 18-INCH GRAVITY SEWER AERIAL CROSSING, AND ONE MANHOLE; REHABILITATION OF 335 LINEAR FEET OF 8-INCH GRAVITY SEWER AND FIFTY MANHOLES, AND TEN SPOT REPAIRS OF GRAVITY PIPE AND DROP CONNECTIONS.**

WHEREAS, the Yadkin Valley Sewer Authority, North Carolina (the “Authority”) has determined that it is necessary and expedient to address damages due to hurricanes and other extreme weather events, as well as address defective infrastructure.; and

WHEREAS, the Yadkin Valley Sewer Authority filed an application with the North Carolina Government Commission (the Commission) for approval of a Sewer Revolving Loan in the amount not to exceed \$167,500 with the term of twenty (20) years at the rate established under this program for respective loan, State or Federal, is not to exceed 4%; and

WHEREAS, the Yadkin Valley Sewer Authority filed an application with the North Carolina Government Commission (the Commission) for approval of a Sewer Revolving Loan in the amount not to exceed \$167,500 with the term of twenty (20) years at the rate established under this program for respective loan, State or Federal, is not to exceed 4%; and

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the application for the approval of a sewer revolving loan for the Town is hereby approved.”

Secretary Marshall seconded the motion, and the foregoing was adopted by unanimous vote of 9-0.

Auditor Wood made a motion to approve the following resolution:

**“RESOLUTION APPROVING THE FINANCING TEAM FOR THE TOWN OF OAK ISLAND, NORTH CAROLINA NOT TO EXCEED \$10,061,294 VARIABLE RATE SPECIAL OBLIGATION BOND (FEMA GRANT PROJECT), SERIES 2021B**

WHEREAS, the Town of Oak Island, North Carolina (the “Town”) has requested that the Local Government Commission of North Carolina (the “Commission”) approve the Town’s selection of the following financing team members for the upcoming issuance of its Variable Rate Special Obligation Bond (FEMA Grant Project), Series 2021B (the “2021B Bond”):

Bond Counsel:	Parker Poe Adams & Bernstein LLP
Purchaser:	PNC Bank, National Association
Lender’s Counsel:	McGuireWoods LLP
Financial Advisor:	DEC Associates Inc.

WHEREAS, based on the information and evidence received by the Commission, the Commission is of the opinion that the Town’s request should be approved;

*NOW, THEREFORE, BE IT RESOLVED* by the Commission that the above financing team is hereby approved for the issuance of the 2021B Bond.

Secretary Marshall seconded the motion and the foregoing resolution was adopted by unanimous vote of 9-0.

Auditor Wood made a motion to approve the following:

**“RESOLUTION APPROVING THE APPLICATION OF THE TOWN OF OAK ISLAND, NORTH CAROLINA NOT TO EXCEED \$10,061,294 VARIABLE RATE SPECIAL OBLIGATION BOND (FEMA GRANT PROJECT), SERIES 2021B**

*WHEREAS*, the Town of Oak Island, North Carolina (the “*Town*”) has applied to the Local Government Commission of North Carolina (the “*Commission*”), pursuant to Article 7A of Chapter 159 of the General Statutes of North Carolina (the “*Act*”), for approval of the issuance by the Town of its Variable Rate Special Obligation Bond (FEMA Grant Project), Series 2021B (the “*2021B Bond*”) in an aggregate principal amount not to exceed \$10,061,294 to pay the costs of constructing certain beach erosion control and flood and hurricane protection works in the Town (the “*FEMA Grant Project*”) and issuing the 2021B Bond; and

*WHEREAS*, the Town has furnished to the Commission the forms of the Bond Order and the Issuance Resolution, each to be adopted by the Board of Commissioners of the Town on October 12, 2021, authorizing the issuance of the 2021B Bond in an amount not to exceed \$10,062,000 to finance the FEMA Grant Project;

*WHEREAS*, based upon the information and evidence received in connection with such application, it is hereby determined and found by the Commission:

- (a) that such proposed 2021B Bond is necessary and expedient;
- (b) that the proposed amount of such proposed 2021B Bond is adequate and not excessive for the proposed purposes thereof;
- (c) that the proposed FEMA Grant Project is feasible;
- (d) that the Town’s debt management procedures and policies are good;
- (e) that the increase in taxes, if any, necessary to service the proposed 2021B Bond will not be excessive; and
- (f) that the proposed 2021B Bond can be marketed at a reasonable interest cost to the Town.

*NOW, THEREFORE, BE IT RESOLVED* by the Commission that the Town’s application for approval of the proposed 2021B Bond in an aggregate principal amount not to exceed \$10,061,294 for the purposes set forth above is hereby approved pursuant to the Act.

Secretary Marshall seconded the motion and the foregoing resolution was adopted by unanimous vote of 9-0.

Auditor Wood made a motion to approve the following:

**“RESOLUTION CONCERNING THE PRIVATE SALE OF THE TOWN OF OAK ISLAND, NORTH CAROLINA \$10,061,294 VARIABLE RATE SPECIAL OBLIGATION BOND (FEMA GRANT PROJECT), SERIES 2021B**

*WHEREAS*, Article 7A of Chapter 159 of the General Statutes of North Carolina (the “*Act*”) authorizes the Local Government Commission of North Carolina (the “*Commission*”) to sell special obligation bonds at private sale without advertisement to any purchasers thereof at such prices as the Commission determines to be in the best interest of the issuing unit, subject to the approval of the governing board of the issuing unit or one or more persons designated by resolution of such governing board to approve such prices; and

*WHEREAS*, the Town of Oak Island, North Carolina (the “*Town*”) has applied to the Local Government Commission of North Carolina (the “*Commission*”), pursuant to the Act, for approval of the issuance by the Town of its Variable Rate Special Obligation Bond (FEMA Grant Project), Series 2021B (the “*2021B Bond*”) in an aggregate principal amount not to exceed \$10,061,294 to pay the costs of constructing certain beach erosion control and flood and hurricane protection works in the Town (the “*FEMA Grant Project*”) and issuing the 2021B Bond; and

*WHEREAS*, PNC Bank, National Association (the “*Purchaser*”) has offered to purchase the 2021B Bond from the Commission on the terms and conditions set forth below and the terms of a Bond Purchase Agreement, to be dated on or about October 15, 2021 (the “*BPA*”), between the Commission and the Purchaser and approved by the Town;

*WHEREAS*, the Town has requested the Commission to sell the 2021B Bond at private sale without advertisement in accordance with the Act;

*WHEREAS*, the Commission desires to approve the request of the Town that it sell the 2021B Bond at private sale without advertisement; and

*WHEREAS*, the Commission desires to accept the offer of the Purchaser to purchase the 2021B Bond on the terms and conditions set forth below and the BPA.

*NOW, THEREFORE, BE IT RESOLVED* by the Commission:

*Section 1.* The sale of the 2021B Bond to the Purchaser at private sale without advertisement pursuant to the Bond Order and Issuance Resolution, each to be adopted by the Board of Commissioners of the Town on October 12, 2021, is hereby approved, such sale being subject to the approval of the Secretary of the Commission or a designated assistant of the Commission (the “*Designated Assistant*”) and satisfaction of the conditions set forth below.

*Section 2.* The aggregate principal amount of the 2021B Bond may not exceed \$10,061,294. The purchase price for the 2021B Bond shall be 100% of the principal amount thereof.

*Section 3.* The 2021B Bond will initially bear interest at a rate of 1.66% per annum and, if the option to renew the 2021B Bond is exercised, will reset on the renewal date, at an interest rate not to exceed 12%.

*Section 4.* The maturity of the 2021B Bond may not exceed December 31, 2024.

*Section 5.* The Commission hereby determines that the sale of the 2021B Bond in the manner and for the price as provided in this resolution is in the best interest of the Town, provided that such sale is approved by the Town.

*Section 6.* The Secretary of the Commission, or any Deputy Secretary is hereby appointed the Designated Assistant of the Commission for the purpose of this resolution, and the Designated Assistant is hereby authorized and directed, within the terms and conditions of this resolution, to approve such changes to the 2021B Bond, as shall be satisfactory to him or her, to approve the forms of other documents relating to the 2021B Bond, to execute and deliver such other documents on behalf of the Commission and to provide for the execution and delivery of the 2021B Bond in accordance with the Bond Order, the Issuance Resolution and such other documents to be delivered in connection therewith.

*Section 7.* This Resolution shall be effective immediately upon its passage.”

Secretary Marshall seconded the motion and the foregoing was adopted by unanimous vote of 9 - 0.

Auditor Wood made a motion to adopt the following resolution:

**MISCELLANEOUS – (ACTION ITEMS):**

**The City of Kings Mountain and the following fire departments have requested approval of an annexation payment schedule developed in accordance with G.S. 160A-58.2A**

Whereby the city will make a lump sum payment for the city’s proportionate share of outstanding debt as follows:

Volunteer Fire Department	Effective Annexation Date	Payment Period for Land / Real Estate	Reimbursement for Land/ Real Estate	Land/ Real Estate Payment Period	Reimbursement for Equipment
Bethlehem VFD	9/29/2020	2020-2041	\$632.31	2020-2025	\$12.70
Bethlehem VFD	5/26/2020	2020-2041	\$983.64	2020-2025	\$19.75
Bethlehem VFD	9/29/2020	2020-2041	\$1,311.66	2020-2025	\$26.40
Bethlehem VFD	5/26/2020	2020-2041	\$1,007.16	2020-2025	\$20.25
Crowders Mountain VFD	3/9/2021	Various	\$321.38	Various	\$112.04

Secretary Marshall seconded the motion and the foregoing was adopted by unanimous vote of 9 - 0.

Auditor Wood made a motion to adopt the following resolution:

**“RESOLUTION APPROVING CERTAIN EVENTS WITH RESPECT TO THE NORTH CAROLINA CAPITAL FACILITIES FINANCE AGENCY STUDENT HOUSING REVENUE BOND (THE NCA&T UNIVERSITY FOUNDATION LLC PROJECT), SERIES 2004B**

WHEREAS, the North Carolina Capital Facilities Finance Agency (the “Agency”) has previously issued bonds on behalf of The NCA&T University Foundation LLC (the “Foundation”), namely the North Carolina Capital Facilities Finance Agency Student Housing Revenue Bond (The NCA&T University Foundation LLC Project), Series 2004B (the “2004B Bond”);

WHEREAS, the payment of principal of, and interest on, the 2004B Bond is currently supported by a letter of credit (the “Letter of Credit”) issued by PNC Bank, National Association (the “Bank”);

WHEREAS, the Foundation and the Bank have previously agreed under a swap agreement to hedge the interest rate risk with respect to the 2004B Bonds, which swap agreement will terminate on December 1, 2021;

WHEREAS, the Foundation expects to enter an amendment to the underlying reimbursement agreement with respect to the Letter of Credit to extend the current expiration date of the Letter of Credit to December 1, 2025 and extend the current termination date of the swap agreement pursuant to an amended trade confirmation to be executed by the Bank and the Foundation;

WHEREAS, in conjunction with the extension of the swap agreement the Foundation has engaged KPM Financial, LLC as its swap advisor and on the advice of the swap advisor, the Foundation has requested that the swap be identified by the Agency;

WHEREAS, the Foundation has requested that the Agency approve the transaction as described herein and execute and materials deemed necessary by the Foundation to identify the swap agreement;

WHEREAS, the Foundation has requested that the Commission approve the transaction as described herein;

WHEREAS, based on the information and evidence received by the Commission, it is the opinion of the Commission that the University’s requests should be approved;

NOW, THEREFORE, BE IT RESOLVED by the Local Government Commission of North Carolina that the above-described transactions are hereby approved.”

Secretary Marshall seconded the motion and the foregoing was adopted by unanimous vote of 9 - 0.

WHEREAS, the North Carolina Capital Facilities Finance Agency (the “Agency”) has previously issued bonds on behalf of The NCA&T University Foundation LLC (the “Foundation”), namely the North Carolina Capital Facilities Finance Agency Student Housing Revenue Bond (The NCA&T University Foundation LLC Project), Series 2004B (the “2004B Bond”);

WHEREAS, the payment of principal of, and interest on, the 2004B Bond is currently

supported by a letter of credit (the “Letter of Credit”) issued by PNC Bank, National Association (the “Bank”);

WHEREAS, the Foundation and the Bank have previously agreed under a swap agreement to hedge the interest rate risk with respect to the 2004B Bonds, which swap agreement will terminate on December 1, 2021;

WHEREAS, the Foundation expects to enter an amendment to the underlying reimbursement agreement with respect to the Letter of Credit to extend the current expiration date of the Letter of Credit to December 1, 2025 and extend the current termination date of the swap agreement pursuant to an amended trade confirmation to be executed by the Bank and the Foundation;

WHEREAS, in conjunction with the extension of the swap agreement the Foundation has engaged KPM Financial, LLC as its swap advisor and on the advice of the swap advisor, the Foundation has requested that the swap be identified by the Agency;

WHEREAS, the Foundation has requested that the Agency approve the transaction as described herein and execute and materials deemed necessary by the Foundation to identify the swap agreement;

WHEREAS, the Foundation has requested that the Commission approve the transaction as described herein;

WHEREAS, based on the information and evidence received by the Commission, it is the opinion of the Commission that the University’s requests should be approved;

NOW, THEREFORE, BE IT RESOLVED by the Local Government Commission of North Carolina that the above-described transactions are hereby approved.”

Secretary Marshall seconded the motion and the foregoing was adopted by unanimous vote of 9 - 0.

Auditor Wood made a motion to adopt the following five (5) resolutions:

- 1) a resolution to adopt a budget amendment for the Cliffside Sanitary District, **(SEE EXHIBIT 1: CLIFFSIDE SANITARY DISTRICT BUDGET ORDINANCE AMENDMENT)**;
- 2) a resolution to adopt a budget amendment for the Town of Robersonville, **(SEE EXHIBIT 2: ROBERSONVILLE BUDGET ORDINANCE AMENDMENT)**;
- 3) a resolution to adopt a budget amendment for the Town of Pikeville **(SEE EXHIBIT 3: PIKEVILLE BUDGET ORDINANCE AMENDMENT)**;
- 4) a resolution to adopt a budget amendment for the Town of Kingstown, **(SEE EXHIBIT 4: KINGSTOWN BUDGET ORDINANCE AMENDMENT)**;
- 5) a resolution to appoint a deputy finance officer for the Town of Kingstown, **(SEE EXHIBIT 5: KINGSTOWN DEPUTY FINANCE OFFICER RESOLUTION)**.

Mr. Padgett seconded the motion and the foregoing were adopted by unanimous vote of 9 -0.

Auditor Wood made a motion to adopt the following resolutions regarding the Town of Spring

Lake:

**SEE EXHIBIT 6: TWO (2) SPRING LAKE RESOLUTIONS**

Secretary Penny seconded the motion and the foregoing were adopted by unanimous vote of 9 – 0. Alderwoman Sona’ Cooper attended virtually and made comments to the LGC members. Others attending virtually were: Mayor Larry Dobbins, Interim Manager and Finance Officer Samantha Wullenwaber, Debra Mack of Greg Isley CPA firm, Nancy Medlin of Triangle J Council of Government, and Town Attorney Jonathan Charleston.

Ms. Harris made a motion to adopt the following resolution regarding the City of Goldsboro:

**SEE EXHIBIT 7: GOLDSBORO RESOLUTION**

Secretary Marshall seconded the motion and the foregoing were adopted by unanimous vote of 9 – 0.

Mr. Butler asked that staff address a conflicts of interest question, namely whether an attorney representing a government unit could also represent individual elected members of the unit’s governing board. The members raised additional questions concerning fees charged by attorneys, potential conflicts of interest of bond counsel attorneys, and the nuances arising when an attorney is a member of a larger law firm. Legal counsel Cindy Aiken will provide answers to the members, with assistance from the UNC School of Government if necessary.

Chair Folwell asked that the meeting be adjourned in memory and in honor of the late N.C. State Representative Dana Bumgardner. Auditor Wood made a motion to adjourn the meeting. Secretary Marshall seconded the motion which passed by unanimous vote. The meeting adjourned at 3:17 p.m.

The next regularly scheduled meeting of the North Carolina Local Government Commission will be held on November 2, 2021 at 1:30 p.m.

\* \* \* \* \*

I, Sharon Edmundson, Secretary of the North Carolina Local Government Commission, CERTIFY that the foregoing is a true and correct extract from minutes of a meeting of the North Carolina Local Government Commission duly called and held on October 5, 2021 and sets forth so much of said minutes as in any way relates to the introduction, consideration and passage of the resolutions herein set forth.

WITNESS my hand at Raleigh, this 5th day of October 2021.

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Sharon Edmundson, Secretary of the  
Local Government Commission of North Carolina



**RESOLUTION TO AMEND THE BUDGET ORDINANCE  
OF THE CLIFFSIDE SANITARY DISTRICT**

WHEREAS, the Local Government Commission (the Commission) impounded the books and assumed full control of all financial affairs of the Cliffside Sanitary District (the “District”) pursuant to Section 159-181(c) of the North Carolina General Statutes (N.C.G.S.); and,

WHEREAS, acting pursuant to N.C.G.S. 159-13, the Commission adopted a Fiscal Year 2021-2022 Budget Ordinance on behalf of the District on June 22, 2021; and

WHEREAS, acting pursuant to N.C.G.S. 159-15, the Commission desires to amend the Budget Ordinance for the District by adopting a new Section 6;

NOW, THEREFORE, be it resolved that the Commission adopt a new Section 6 to amend the District FY 2021-2022 Budget Ordinance as follows:

**Section 6:** The Town Finance Officer or a designee is hereby authorized to transfer appropriations as contained herein:

- a. Transfers between line item expenditures within a department without limitations and without a report to Board being required. Changes to salaries and benefits are not allowed.

All other Sections of the Budget Ordinance remain in full force and effect.

Adopted this 5th day of October 2021.

I, Sharon G. Edmundson, Secretary of the North Carolina Local Government Commission, do hereby certify that the foregoing is a true and correct copy of the Amendment to the Ordinance adopted by the North Carolina Local Government Commission at its meeting held on October 5, 2021.

\_\_\_\_\_  
Witness my hand this 5<sup>th</sup> day of October 2021.



**STATE AND LOCAL GOVERNMENT FINANCE DIVISION  
AND THE LOCAL GOVERNMENT COMMISSION**

SHARON EDMUNDSON  
DEPUTY TREASURER

**RESOLUTION TO AMEND THE BUDGET ORDINANCE  
OF THE TOWN OF ROBERSONVILLE**

WHEREAS, the Local Government Commission (the Commission) impounded the books and assumed full control of all financial affairs of the Town of Robersonville (the "Town") pursuant to Section 159-181(c) of the North Carolina General Statutes (N.C.G.S.); and,

WHEREAS, acting pursuant to N.C.G.S. 159-13, the Commission adopted a Fiscal Year 2021-2022 Budget Ordinance on behalf of the Town on June 22, 2021; and

WHEREAS, acting pursuant to N.C.G.S. 159-15, the Commission desires to amend the Budget Ordinance for the District by amending Section 11;

NOW, THEREFORE, be it resolved that the Commission amend Section 11 of the Town's FY 2021-2022 Budget Ordinance to read as follows:

**Section 11:** The Town Finance Officer or a designee is hereby authorized to transfer appropriations as contained herein:

- a. Transfers between line item expenditures within a department without limitations and without a report to Board being required. Changes to salaries and benefits are not allowed.
- b. Transfers of up to \$5,000 between departments or functions, within the same fund. The finance officer must make an official report on such transfers at the next regular meeting of the Governing Board.
- c. All transfers between funds require prior approval by the Governing Board in an amendment to the Budget Ordinance.

All other Sections of the Budget Ordinance remain in full force and effect.

Adopted this 5th day of October 2021.

I, Sharon G. Edmundson, Secretary of the North Carolina Local Government Commission, do hereby certify that the foregoing is a true and correct copy of the Amendment to the Ordinance adopted by the North Carolina Local Government Commission at its meeting held on October 5, 2021.

Witness my hand this 5<sup>th</sup> day of October 2021.



**RESOLUTION TO AMEND THE BUDGET ORDINANCE  
OF THE TOWN OF PIKEVILLE**

WHEREAS, the Local Government Commission (the Commission) impounded the books and assumed full control of all financial affairs of the Town of Pikeville (the "Town") pursuant to Section 159-181(c) of the North Carolina General Statutes (N.C.G.S.); and,

WHEREAS, acting pursuant to N.C.G.S. 159-13, the Commission adopted a Fiscal Year 2021-2022 Budget Ordinance on behalf of the Town on June 22, 2021; and

WHEREAS, acting pursuant to N.C.G.S. 159-15, the Commission desires to amend the Budget Ordinance for the District by adopting new Sections 6 and 7;

NOW, THEREFORE, be it resolved that the Commission adopt new Sections 6 and 7 to amend the Town's FY 2021-2022 Budget Ordinance as follows:

**Section 6:** The Town Finance Officer or a designee is hereby authorized to transfer appropriations as contained herein:

- a. Transfers between line item expenditures within a department without limitations and without a report to Board being required. Changes to salaries and benefits are not allowed.
- b. Transfers of up to \$5,000 between departments or functions, within the same fund. The finance officer must make an official report on such transfers at the next regular meeting of the Governing Board.
- c. All transfers between funds require prior approval by the Governing Board in an amendment to the Budget Ordinance.

**Section 7:** The Town Finance Officer or a designee may make cash advances between funds for periods not to exceed 60 days without reporting to the Governing Board. Any advances that extend beyond 60 days must be approved by the Board. All advances that will be outstanding at the end of the fiscal year must be approved by the Board.

All other Sections of the Budget Ordinance remain in full force and effect.

Adopted this 5th day of October 2021.

I, Sharon G. Edmundson, Secretary of the North Carolina Local Government Commission, do hereby certify that the foregoing is a true and correct copy of the Amendment to the Ordinance adopted by the North Carolina Local Government Commission at its meeting held on October 5, 2021.

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Witness my hand this 5<sup>th</sup> day of October 2021.



*Dale R. Folwell, CPA*

**STATE AND LOCAL GOVERNMENT FINANCE DIVISION  
AND THE LOCAL GOVERNMENT COMMISSION**

SHARON EDMUNDSON  
DEPUTY TREASURER

**RESOLUTION TO AMEND THE BUDGET ORDINANCE  
OF THE TOWN OF KINGSTOWN**

WHEREAS, the Local Government Commission (the Commission) impounded the books and assumed full control of all financial affairs of the Town of Kingstown (the "Town") pursuant to Section 159-181(c) of the North Carolina General Statutes (N.C.G.S.); and,

WHEREAS, acting pursuant to N.C.G.S. 159-13, the Commission adopted a Fiscal Year 2021-2022 Budget Ordinance on behalf of the Town on June 22, 2021; and

WHEREAS, acting pursuant to N.C.G.S. 159-15, the Commission desires to amend the Budget Ordinance for the District by amending Section 6;

NOW, THEREFORE, be it resolved that the Commission amend Section 6 of the Town's FY 2021-2022 Budget Ordinance to read as follows:

**Section 6:** The Town Finance Officer or a designee is hereby authorized to transfer appropriations as contained herein:

- a. Transfers between line item expenditures within a department without limitations and without a report to Board being required. Changes to salaries and benefits are not allowed.
- b. Transfers of up to \$5,000 between departments or functions, within the same fund. The finance officer must make an official report on such transfers at the next regular meeting of the Governing Board.
- c. All transfers between funds require prior approval by the Governing Board in an amendment to the Budget Ordinance.

All other Sections of the Budget Ordinance remain in full force and effect.

Adopted this 5th day of October 2021.

I, Sharon G. Edmundson, Secretary of the North Carolina Local Government Commission, do hereby certify that the foregoing is a true and correct copy of the Amendment to the Ordinance adopted by the North Carolina Local Government Commission at its meeting held on October 5, 2021.

Witness my hand this 5<sup>th</sup> day of October 2021.



**NORTH CAROLINA**  
DEPARTMENT OF STATE TREASURER

STATE TREASURER OF NORTH CAROLINA  
DALE R. FOLWELL, CPA

*Dale R. Folwell, CPA*

STATE AND LOCAL GOVERNMENT FINANCE DIVISION  
AND THE LOCAL GOVERNMENT COMMISSION

SHARON EDMUNDSON  
DEPUTY TREASURER

RESOLUTION TO APPOINT A DEPUTY FINANCE OFFICER  
AND ACCOUNT SIGNATORY AND  
REINSTATING DUAL SIGNATURE REQUIREMENT  
FOR THE TOWN OF KINGSTOWN

WHEREAS, the Local Government Commission (the Commission) impounded the books and assumed full control of all financial affairs of the Town of Kingstown (the "Town") pursuant to Section 159-181(c) of the North Carolina General Statutes (N.C.G.S.) and,

WHEREAS, the Commission desires to discharge Thadd Hodges from his duties as Deputy Finance Officer and Account Signatory, to appoint and designate a replacement deputy finance officer and account signatory for the Town and to reinstate the dual signature requirement on disbursements;

NOW THEREFORE, the Commission,

- 1) acting pursuant to N.C.G.S. 159-24, appoints Janet Gerald as a Deputy Finance Officer solely for the purposes of signing checks only for those disbursements that have been preapproved and pre-audited by the Finance Officer; and
- 2) appoints Janet Gerald as Account Signatory with the authority to execute signature cards for the existing Town bank accounts and countersign disbursements; and
- 3) discharges Thadd Hodge from his duties as Deputy Finance Officer and terminates his appointment as an Account Signatory; and
- 4) hereby rescinds the waiver of the dual signature requirement approved by a resolution of the Commission on December 1, 2020 and reinstates the requirement that all disbursements must have dual signatures pursuant to N.C.G.S. 159-25(b); and
- 5) retains Ann Cutler as Finance Officer and Account Signatory and David Erwin as Deputy Finance Officer and Account Signatory.

I, Sharon G. Edmundson, Secretary of the North Carolina Local Government Commission, DO HEREBY CERTIFY that the foregoing is a true and correct copy of the resolution adopted by the North Carolina Local Government Commission at its meeting held on October 5, 2021.

WITNESS my hand this 5th day of October 2021.

\_\_\_\_\_  
Sharon G. Edmundson, Secretary  
North Carolina Local Government Commission

3200 Atlantic Avenue • Raleigh, North Carolina 27604

Courier #56-20-45

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*Dale R. Folwell, CPA*

**RESOLUTION TO IMPOUND THE BOOKS AND ASSUME CONTROL OF  
THE FINANCIAL AFFAIRS OF THE TOWN OF SPRING LAKE,  
PURSUANT TO N.C. Gen. Stat. § 159-181(c)**

WHEREAS, the staff of the Local Government Commission (the "Commission") has advised officials and the Board of Aldermen (the "Board") of the Town of Spring Lake (the "Town") of their responsibilities for improving the financial operations and position of the Town, and for compliance with the budget and fiscal control practices as required by the Local Government Budget and Fiscal Control Act (Chapter 159, Article 3, of the General Statutes of North Carolina) (N.C.G.S.); and

WHEREAS, the Town has failed to comply with the provisions of N.C.G.S. § 159-8 in prior fiscal years by permitting the expenditure of moneys not included in the adopted General Fund budget ordinance; and

WHEREAS, the staff of the Commission has advised officials and the Board of the Town that the Town has allowed its General Fund to fall into a deficit position; and

WHEREAS, the staff of the Commission has advised and warned officials and the Board of the Town of circumstances for which the Commission may intervene with regard to a municipality that fails or refuses to improve the financial operations of the Town, fails to comply with budget and fiscal control laws, or is in danger of defaulting on future debt service payments; and

WHEREAS, under N.C.G.S. § 159-181(c) after notice and warning to the Town, the Commission may assume full control of all financial affairs of any unit of government that willfully or negligently fails or refuses to comply with the provisions of N.C.G.S. Chapter 159, or in the opinion of the Commission, will default on a future debt service payment if its financial policies and practices are not improved; and

WHEREAS, the Town has failed to comply with N.C.G.S. 159-148 by failing to secure Commission approval of a \$1,000,000 loan with the South River Electric Membership Corporation entered into on October 28, 2020; and

WHEREAS, the Town has \$221,385.21 in principal and interest requirements in November 2021 as follows:

<u>Principal and Interest</u>	<u>Description</u>	<u>Due</u>	<u>Due To</u>
\$160,845.00	Streets	11/7/2021	Branch Banking & Trust
\$49,676.20	Wastewater	11/12/2021	Branch Banking & Trust
\$10,864.01	Fire Trucks	11/15/2021	First Bank

WHEREAS, in the opinion of the Commission, the Town will default on a future debt service payment if its financial policies and practices are not improved; and

WHEREAS, the staff of the Commission recommends that the Commission exercise its authority under N.C.G.S. Section 159-181(c) to impound the books and records and assume control of the financial affairs of the Town; and

WHEREAS, the Commission does not take this authority lightly, has no desire to take control of the Town's finances and operations, and only does so as a measure of last resort following a long course of notice and warning to the Town to take the necessary corrective action;

NOW THEREFORE, BE IT RESOLVED, that the Commission rescinds the authority granted in its Resolution adopted on July 26, 2021 allowing the Secretary of the Commission to invoke N.C.G.S 159-181(c) pursuant to her judgment that specific criteria are met, and pursuant to the authority recited herein, that the Commission assumes full control of all financial affairs of the Town and directs its Secretary to take the following actions as deemed necessary:

1. To impound the books and records of the Town, assume control of the finances of the Town and oversee and direct all its financial affairs as set out in N.C.G.S. Chapter 159 and the rules of the Commission; and
2. To deliver to the Town, its officers, and Board of Aldermen this resolution from the Commission pursuant to the provisions of N.C.G.S. Chapter 159; and
3. To report to the Commission on the matters listed above and on the Town's readiness to comply with the requirements of N.C.G.S. Chapter 159 in order to provide a recommendation and time schedule for restoring the Town to fiscal health and returning to the Town control of its financial affairs.

I, Sharon G. Edmundson, Secretary of the North Carolina Local Government Commission, DO HEREBY CERTIFY that the foregoing is a true and correct copy of the Resolution adopted by the North Carolina Local Government Commission at its meeting held on October 5, 2021.

WITNESS my hand this 5th day of October 2021.

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Sharon G. Edmundson, Secretary  
North Carolina Local Government Commission

**RESOLUTION REGARDING FINANCE OFFICER, DEPUTY FINANCE OFFICER,  
ACCOUNT SIGNATORIES AND OFFICIAL DEPOSITORY  
FOR THE TOWN OF SPRING LAKE**

WHEREAS, the Local Government Commission (the Commission) impounded the books and assumed full control of all financial affairs of the Town of Spring Lake (the “Town”) pursuant to Section 159-181(c) of the North Carolina General Statutes (N.C.G.S.) and,

WHEREAS, the Commission desires to retain the appointed finance officer and official depository for the Town, and to appoint and/or designate a deputy finance officer and account signatory,

NOW THEREFORE, the Commission,

- 1) accepts and continues the Town’s appointment of Samantha Wullenwaber as Finance Officer;
- 2) appoints David Erwin as Deputy Finance Officer for receiving and depositing funds, approving purchase orders and contracts, maintaining accounting records, pre-auditing obligations and disbursing funds;
- 3) appoints David Erwin as Account Signatory with the authority to execute signature cards for the existing Town bank accounts and sign disbursements in the absence of the finance officer; and
- 4) retains Mayor Larry Dobbins and Mayor Pro Tem Taimoor Aziz as Account Signatories; and
- 5) retains the designation of Truist Bank as the Town's official depository.

I, Sharon G. Edmundson, Secretary of the North Carolina Local Government Commission, DO HEREBY CERTIFY that the foregoing is a true and correct copy of the resolution adopted by the North Carolina Local Government Commission at its meeting held on October 5, 2021.

WITNESS my hand this 5<sup>th</sup> day of October, 2021.

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Sharon G. Edmundson, Secretary  
North Carolina Local Government Commission  
Local Government Commission



*Dale R. Folwell, CPA*

STATE AND LOCAL GOVERNMENT FINANCE DIVISION  
AND THE LOCAL GOVERNMENT COMMISSION

SHARON EDMUNDSON  
DEPUTY TREASURER

RESOLUTION DESIGNATING THE CITY OF GOLDSBORO AS A DISTRESSED UNIT  
AND APPROVING THE CITY'S VIABILITY UTILITY RESERVE GRANT APPLICATION

WHEREAS, the North Carolina General Assembly enacted Session Law 2020-79, entitled in part "AN ACT TO IMPROVE THE VIABILITY OF THE WATER AND WASTEWATER SYSTEMS OF CERTAIN UNITS OF LOCAL GOVERNMENT . . . ; TO CREATE AND PROVIDE FUNDING FOR THE VIABLE UTILITY RESERVE TO PROVIDE GRANT MONEY FOR LOCAL GOVERNMENT UNITS, . . ." (the "Act"); and

WHEREAS, Section 1.(k) of the Act amended Article 2 of Chapter 159G of the General Statutes ("G.S.") by adding a new Section 159G-45 requiring that the State Water Infrastructure Authority (the "Authority") and the Local Government Commission (the "Commission"):

- (a) develop criteria to assess and review local government units and
- (b) utilize the assessment and review process to identify distressed units; and

WHEREAS, the Commission and the Authority have developed and adopted criteria for assessing and reviewing local government units, the "Viable Utility Reserve Assessment Criteria" (the "Assessment Criteria"); and

WHEREAS, the Commission and the Authority have developed and adopted criteria for identifying distressed units (the "Identification Criteria"); and

WHEREAS, the City of Goldsboro (the "City") requested that its original VUR assessment score be re-evaluated based on the City's FY2019 financial audit data; and

WHEREAS, after a re-evaluation of the City's VUR assessment score and using the Assessment and Identification Criteria, the staffs of the Commission and the Authority proposed that the City of Goldsboro be identified as a Distressed Unit; and

WHEREAS, the City has submitted an application for VUR study grant funds and has adopted a resolution indicating its commitment to completing the viable utility (VU) program requirements: studies; education/training; short- and long-term planning for maintenance, repair, and replacement; and long-term financial management, and that the City is working with the other potential regional partners, including units currently under the Commission's fiscal control, and that they will provide adequate access to staff, documents, equipment, and other resources pertinent to complete the studies; and

WHEREAS, the staffs of the Commission and the Authority recommend that the Commission and the Authority approve an allocation of Viable Utility Reserve funds to the City for the following purposes:

- a. Water System Asset Inventory and Assessment Study – \$150,000
- b. Wastewater System Asset Inventory and Assessment Study – \$150,000
- c. Updated Water and Wastewater Rate Study – \$100,000
- d. Merger/Regionalization Feasibility Evaluation – \$100,000; and

WHEREAS, the City of Goldsboro has resolved to work with other units of government including the Town of Fremont, Town of Eureka, Town of Pikeville, Town of Mt. Olive, and Wayne County in conducting the asset assessment, regionalization feasibility, and rate studies; and

WHEREAS, the Authority designated the City as a Distressed Unit and approved the allocation of VUR funds to the City by resolution dated September 16, 2021;

NOW THEREFORE, BE IT RESOLVED by the Commission, pursuant to its authority recited herein, that:

1. The Commission identifies and designates the City of Goldsboro as a Distressed Unit.
2. The Commission approves allocation to the City of Goldsboro of VUR funds up to the following maximum funding amounts:
  - a. Water System Asset Inventory and Assessment Study – \$150,000
  - b. Wastewater System Asset Inventory and Assessment Study – \$150,000
  - c. Updated Water and Wastewater Rate Study – \$100,000
  - d. Merger/Regionalization Feasibility Evaluation – \$100,000.
3. The Commission authorizes the Commission staff to take all necessary and appropriate steps to carry out the actions authorized by this Resolution.
4. Whenever possible, each provision of this Resolution shall be interpreted in such manner as to be effective and valid under applicable law. However, if any provision of this Resolution is found to be invalid, illegal, or unenforceable, such invalidity, illegality or unenforceability shall not affect the remaining portions of this Resolution, or any part hereof, and this Resolution shall be construed as if such invalid, illegal or unenforceable provision had not been inserted.
5. This Resolution shall become effective upon adoption by the Commission.

I, Sharon G. Edmundson, Secretary of the North Carolina Local Government Commission, DO HEREBY CERTIFY that the foregoing is a true and correct copy of the resolution adopted by the North Carolina Local Government Commission at its meeting held on October 5, 2021.

WITNESS my hand this 5th day of October 2021.

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Sharon G. Edmundson, Secretary  
North Carolina Local Government Commission