

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

**MINUTES**

**June 4, 2024**

The meeting was called to order by Chairman Dale R. Folwell at 1:30 p.m., on the above date. The meeting was conducted in person and by use of simultaneous communication by GoToWebinar™. Members present in person: Chair Folwell, State Auditor Jessica Holmes, Secretary of State Elaine Marshall, Secretary of Revenue Ronald Penny, Paul Butler, and Nancy Hoffmann. Members present virtually: Vida Harvey and Mike Philbeck.

Members absent: John Burns. Secretary Marshall left the meeting at 4:50 p.m. Vida Harvey and Mike Philbeck left the meeting at 5:00 p.m.

A quorum was present for the entire meeting.

Other DST participants present in person: Debbie Tomasko, Jennifer Wimmer, Kendra Boyle, Frank Bowen, and Cindy Aiken.

Others attending in person: DST staff: MJ Vieweg, Linde Skinner, April Parker, Tony Blalock, Rita Baker, Frank Lester, Ted Brinn, Sam Watts, and State Health Plan Intern Chandler Cates.

Chair Folwell asked those members present if they had any actual, potential, or the appearance of a conflict of interest regarding the matters on the agenda. Secretary Penny stated he would abstain from any votes on Late Audit Appeals by units of local government. His statement of abstention is incorporated into these meeting minutes pursuant to the requirements of the State Government Ethics Act. No other conflicts were reported.

Ms. Hoffmann made a motion to approve the minutes of the May 7, 2024 meeting. Auditor Holmes seconded the motion, and the minutes were approved by unanimous vote of 8 – 0 (Absent: Burns).

Chair Folwell called the members’ attention to the OPEB & Pension Liabilities report attached to these minutes and is labelled “**EXHIBIT 1**”.

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**TOWN OF STAR**

Mr. Butler made a motion to adopt the following resolutions:

**“RESOLUTION OF LOCAL GOVERNMENT COMMISSION  
APPROVING THE APPLICATION OF THE TOWN OF STAR, NORTH  
CAROLINA FOR THE ISSUANCE OF A WATER AND SEWER  
REVENUE BOND TO BE SOLD TO UNITED STATES DEPARTMENT  
OF AGRICULTURE AT PRIVATE SALE**

WHEREAS, the Town of Star, 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 its \$465,000 Water and Sewer Revenue Bond, Series 2024 (the "Bond") for the purpose of providing funds, together with other available funds, to pay the costs of acquiring, constructing and equipping certain improvements to the Town's water system, specifically the rehabilitation of a water tower and replacement of mechanical water meters with AMI meters (the "Project") and certain other costs associated with the issuance and sale of the Bond; and

WHEREAS, the United States Department of Agriculture (the "USDA") has offered to purchase the Bond in accordance with and upon the terms and conditions set forth in a written proposal submitted by the USDA including a repayment term of 40 years with such Bond to bear interest at the rate of 2.00% per annum (the "Letter of Conditions"), the Bond Order for authorizing the issuance of revenue bonds adopted by the Town Council on December 11, 2023 (the "Original Bond Order") as amended by a Resolution and Supplemental Bond Order to be adopted by the Town Council of the Town (the "Supplemental Bond Order" and, together with the Original Bond Order, the "Bond Order"); and

WHEREAS, the Town 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 the Commission desires to approve such request and accept the offer of the USDA to purchase the Bond upon the terms and conditions set forth in the Letter of Conditions and the Bond Order.

WHEREAS, the Town has furnished to the Commission forms of the Original Bond Order and the Supplemental Bond Order; and following documents:

WHEREAS, the Town has selected and retained the firm of Sands Anderson PC as bond counsel in connection with issuance of the Bond; 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 such proposed Bond is necessary or expedient;
- (ii) that the proposed amount of such proposed Bond is adequate, when added to other monies available to the Town, and not excessive for the proposed purposes thereof;
- (iii) that the proposed financing is feasible;
- (iv) that the Town's debt management procedures and policies are good; and
- (v) that the 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 of Star, North Carolina for approval of the proposed Bond in an amount not to exceed \$465,000 for the purposes set forth herein, and the Town's selection of bond counsel, is hereby approved pursuant to The State and Local Government Revenue Bond Act, as amended.

BE IT FURTHER RESOLVED:

Section 1. The sale of the Bond to the USDA at private sale without advertisement pursuant to the Bond Order is approved, such sale being subject to the approval of the Town and satisfaction of the conditions set forth below.

Section 2. The aggregate principal amount of the Bond shall not exceed \$465,000.

Section 3. The Bond shall bear interest at an annual interest rate not to exceed 2.00% or such lower rate as allowed by the USDA.

Section 4. The Bond shall mature not later than 40 years from the date of its issuance.

Section 5. 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 Town, provided that such sale shall be 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 details of the Bond, as shall be satisfactory to him or her, to approve the forms of other documents relating to the Bond, to execute and deliver documents on behalf of the Commission and to provide for the execution and delivery of the Bond in accordance with the order of the Town and the resolutions relating to the issuance of the Bond.

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

Ms. Hoffmann seconded the motion and the foregoing resolutions were adopted by unanimous vote of 7 – 0 (Abstain: Penny, Absent: Burns,).

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**CONSENT AGENDA**

**CITY OF ASHEVILLE**

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

**“RESOLUTION APPROVING THE FINANCING REQUEST OF THE  
CITY OF ASHEVILLE, NORTH CAROLINA FOR ITS LEAD LINE  
INVENTORY PROJECT.**

WHEREAS, the City of Asheville, North Carolina (the “City”) has determined that the Project is necessary or expedient to inspect water service lines and build a water line inventory to comply with Lead and Copper Rule Revision requirements; and

WHEREAS, the City filed an application with the Commission for approval of a Drinking Water State Revolving Loan in the amount not to exceed \$598,650 with the term of twenty (20) years at a zero (0%) interest rate; and

WHEREAS, the Commission, upon the information and evidence it received, finds, and determines as follows:

(1) That the proposed loan is necessary or expedient;

(2) That the amount proposed is adequate and not excessive for the proposed purpose of the loan;

(3) That the unit's debt management procedures and policies are good, or that reasonable assurances have been given that its debt will henceforth be managed in strict compliance with law;

(4) That the increase in taxes, if any, necessary to service the proposed debt will not be excessive; and

(5) That the interest rate for the proposed loan will be a reasonable rate.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the Commission hereby approves the award of the State Drinking Water Revolving Loan to the City and approves the loan amount and approves the loan terms.”

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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**ASHEVILLE HOUSING AUTHORITY – MERIBEL**

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

**RESOLUTION APPROVING HOUSING AUTHORITY OF THE CITY OF ASHEVILLE MULTIFAMILY NOTE IN AN AMOUNT UP TO \$28,000,000 (THE "MULTIFAMILY NOTE") FOR MERIBEL AND THE FINANCING TEAM THEREFOR**

WHEREAS, the Housing Authority of the City of Asheville (the “Authority”) has decided to issue its Multifamily Note (the “Multifamily Note”) to finance the acquisition, construction and equipping by Meribel LP, a North Carolina limited partnership (the

“Borrower”), of a low and moderate-income multifamily residential rental development to be known as Meribel, consisting of approximately 156 units in the Town of Weaverville, North Carolina (the “Development”); and

WHEREAS, in order to finance the Development, the Authority proposes to issue the Multifamily Note in an aggregate principal amount not to exceed \$28,000,000, pursuant to the Housing Authorities Law, Article 1 of Chapter 157 of the North Carolina General Statutes, as amended (the “Act”); and

WHEREAS, the Multifamily Note must 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 May 22, 2024, it is hereby determined and found by the Commission:

- (a) that such proposed note issue is necessary or expedient;
- (b) that the proposed amount of such note 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 Multifamily Note 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) that the proposed date and manner of sale of the Multifamily Note 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 Multifamily Note:

Bond Counsel:	McGuireWoods LLP
Borrower:	Meribel, LP
Borrower’s Counsel:	Adams Law Group Hunter, Maclean, Exley, & Dunn, P.C.
Fiscal Agent:	BOKF, NA
Fiscal Agent’s Counsel:	Naman, Howell, Smith & Lee, PLLC
Funding Lender:	Community Insurance Company
Servicer:	R4 Servicer LLC
Funding Lender/Servicer’s Counsel:	Kutak Rock LLP
Tax Credit Investor:	PNC Bank, National Association, or an affiliate
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 Multifamily Note will be privately placed with Community Insurance Company or an affiliate thereof (the "Funding Lender"); 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 Multifamily Note:

(a) Funding Loan Agreement, by and among the Authority, the Funding Lender, and BOKF, NA, as fiscal agent (the "Fiscal Agent"), providing for the issuance of the Multifamily Note, together with the form of the Multifamily Note;

(b) Borrower Loan Agreement, by and between the Authority and the Borrower, providing for the financing of the Development by the Authority, together with the form of the promissory note of the Borrower in favor of the Authority, which will be endorsed by the Authority to the Fiscal Agent; and

(c) Regulatory Agreement and Declaration of Restrictive Covenants, from the Borrower for the benefit of the Authority and the Fiscal Agent;

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

Section 1. The sale of the Multifamily Note 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 Multifamily Note shall be issued in an aggregate principal amount not to exceed \$28,000,000, 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, 2068.

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 Multifamily Note, as shall be satisfactory to him or her, and to approve the forms of other documents relating to the Multifamily Note.

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

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

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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**CITY OF BREVARD**

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 INSTALLING A NEW WATER STORAGE TANK AND DEMOLISHING THE EXISTING WATER STORAGE TANK.**

WHEREAS, the City of Brevard, North Carolina (the “City”) has determined that the Project is necessary or expedient to demolish the City’s existing 70-year old 1 million gallon water storage tank, which has extensive degradation, and to install a new 1 million gallon water storage tank; and

WHEREAS, the North Carolina Local Government Commission (the Commission) previously approved a Drinking Water State Revolving Loan on June 1, 2021 for the City in the amount of \$714,512; and

WHEREAS, the Department of Environmental Quality (“DEQ”) has approved additional funding for the City in the amount of \$233,085 in order to complete the project; and

WHEREAS, the City filed an application with the Commission for approval of a revised Drinking Water State Revolving Loan in the increased total amount not to exceed \$947,597, with the term of twenty (20) years at the rate, as established under this program for the respective loan, State or Federal, not to exceed 4.0%; and

WHEREAS, the Commission, upon the information and evidence it received, finds, and determines as follows:

- (1) That the proposed loan is necessary or expedient;
- (2) That the amount proposed is adequate and not excessive for the proposed purpose of the loan;
- (3) That the unit's debt management procedures and policies are good, or that reasonable assurances have been given that its debt will henceforth be managed in strict compliance with law;
- (4) That the increase in taxes, if any, necessary to service the proposed debt will not be excessive; and
- (5) That the interest rate for the proposed loan will be a reasonable rate.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the Commission hereby approves the award of the State Drinking Water Revolving Loan to the City and approves the increased loan amount and approves the loan terms.”

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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**TOWN OF CHAPEL HILL**

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

“RESOLUTION APPROVING THE FINANCING TEAM FOR TOWN OF CHAPEL HILL  
INSTALLMENT FINANCING

WHEREAS, The Town of Chapel Hill (the “Town”) has requested that the North Carolina Local Government Commission (the “Commission”) approve its selection of the following financing team members for its upcoming installment financing:

- Special Counsel: Sanford Holshouser LLP
- Lenders: Truist Bank  
Truist Commercial Equity, Inc.
- Lender’s Counsel: Hawkins Delafield & Wood LLP
- Financial Advisor: Davenport & Company LLC
- Trustee: The Bank of New York Mellon Trust Company, N.A.

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

NOW, THEREFORE, BE IT RESOLVED that the above financing team is hereby approved for the financing.”

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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

“RESOLUTION APPROVING THE APPLICATION OF THE TOWN OF CHAPEL HILL TO  
FINANCE VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS AND TO PAY  
FINANCING COSTS THROUGH AN INSTALLMENT FINANCING AGREEMENT  
PURSUANT TO G.S. 160A-20

WHEREAS, The Town of Chapel Hill (the “Town”) has determined that it is necessary and expedient for the Town to finance the acquisition, construction and equipping of various public improvements and to pay financing costs; and

WHEREAS, pursuant to Section 160A-20 of the General Statutes of North Carolina, the Town intends to finance the project through a supplemental trust agreement to be dated on or about June 18, 2024 (the “Contract”), between the Town and a trustee, through which Truist Bank and Truist Commercial Equity, Inc. (the “Lenders”) will advance moneys to the Town for the purpose of carrying out the project and the Town, subject to its right of nonappropriation and the provisions of Section 160A-20, will repay the advance in installments, with interest; and

WHEREAS, the Contract will provide for two different advances of funds from the Lenders, with a total amount financed not to exceed \$16,500,000; and

WHEREAS, for the first advance, the maturity of the installment payments will not extend beyond December 31, 2044, with an interest rate not to exceed 4.98% (in the absence of default); and

WHEREAS, for the second advance, the maturity of the installment payments will not extend beyond December 31, 2034, with an interest rate not to exceed 4.44% (in the absence of default, or a change in tax status); and

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

- (i) that the Contract is necessary or expedient for the Town;
- (ii) that the Contract, under the circumstances, is preferable to a bond issue for the same purposes;
- (iii) that the sums to fall due under the Contract are adequate and not excessive for its proposed purposes;
- (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 Commission that the Town’s application for approval of the Contract and financing are approved under the provisions of G.S. §160A-20 and relevant resolutions of the Commission.”

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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**CITY OF CHARLOTTE – REVENUE BONDS**

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

**“RESOLUTION APPROVING THE FINANCING TEAM FOR THE CITY OF CHARLOTTE, NORTH CAROLINA WATER AND SEWER SYSTEM REVENUE BONDS**

WHEREAS, the City of Charlotte, North Carolina (the “City”) has requested that the Local Government Commission of North Carolina (the “Commission”) approve its selection of the following financing team members for the upcoming Water and Sewer System Revenue Bonds issue:

Underwriters:	BofA Securities, LLC PNC Capital Markets LLC Ramirez & Co., Inc.
Bond Counsel:	Parker Poe Adams & Bernstein LLP
Underwriters’ Counsel:	McGuireWoods LLP
Financial Advisor	DEC Associates, Inc.
Financial Consultant	First Tryon Advisors
Trustee/Registrar:	U.S. Bank Trust Company, National Association (DTC)
Trustee’s Counsel:	Moore & Van Allen PLLC

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

NOW, THEREFORE, BE IT RESOLVED by Commission that the above-referenced financing team is hereby approved for the City’s upcoming Water and Sewer System Revenue Bonds issue.

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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

**“RESOLUTION APPROVING THE APPLICATION OF THE CITY OF CHARLOTTE, NORTH CAROLINA FOR THE ISSUANCE OF NOT TO EXCEED \$610,000,000 WATER AND SEWER SYSTEM REVENUE BONDS**

WHEREAS, the City of Charlotte, North Carolina (the “*City*”) has applied to the Local Government Commission of North Carolina (the “*Commission*”), pursuant to the State and Local Government Revenue Bond Act, as amended, for approval of the issuance of its Water and Sewer System Revenue Bonds, Series 2024 (the “*2024 Bonds*”) in an aggregate principal amount not to exceed \$610,000,000, for the following purposes:

(1) to prepay in full the City’s Water and Sewer System Revenue Bond Anticipation Note, Series 2022 (the “*Bond Anticipation Note*”), the proceeds of which were used to finance the costs of extensions, additions and capital improvements to, or the renewal and replacement of capital assets of, or purchasing and installing new equipment for the City’s water and sewer system;

(2) to finance the costs of extensions, additions and capital improvements to, or the acquisition, renewal or replacement of capital assets of, or purchasing and installing new equipment for the City’s water and sewer system (the “*2024 Projects*”); and

(3) to pay the costs of issuing the 2024 Bonds;

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

(1) (a) a bond order adopted by the City Council of the City (the “*City Council*”) on May 13, 2024 and (b) a bond resolution adopted by the City Council on May 13, 2024 authorizing the issuance of the 2024 Bonds in an amount not to exceed \$610,000,000 to provide funds for the purposes described above;

(2) a Series Indenture, Number 24 dated as of June 1, 2024 (the “*Series Indenture*”) between the City and U.S. Bank Trust Company, National Association, as trustee (the “*Trustee*”);

(3) a Preliminary Official Statement with respect to the 2024 Bonds;  
and

(4) a Bond Purchase Agreement (the “*Purchase Agreement*”) among the Commission, the City and BofA Securities, LLC, on its behalf and on behalf of, PNC Capital Markets LLC, and Ramirez & Co., Inc. (collectively, the “*Underwriters*”), pursuant to which the City and the Commission will sell the 2024 Bonds to the Underwriters in accordance with the terms and conditions set forth therein.

WHEREAS, based upon the information and evidence received in connection with such application, the Commission hereby determines and finds as follows:

- (1) the proposed revenue bond issue is necessary or expedient;
- (2) the proposed amount of such revenue bond issue is adequate and not excessive, when added to other funds available to the City, for the proposed purpose thereof;
- (3) the proposed prepayment of the Bond Anticipation Note and financing of the 2024 Projects are feasible;
- (4) the City's debt management procedures and policies are good;  
and
- (5) the proposed revenue bonds can be marketed as a reasonable interest cost to the City.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the application of the City for approval of the proposed 2024 Bonds in an amount not to exceed \$610,000,000 for the purposes set forth is hereby approved pursuant to the State and Local Government Revenue Bond Act, as amended."

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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

**“RESOLUTION CONCERNING THE PRIVATE SALE OF THE CITY OF CHARLOTTE, NORTH CAROLINA WATER AND SEWER SYSTEM REVENUE BONDS**

WHEREAS, Article 7 of Chapter 159 of the General Statutes of North Carolina, as amended, authorizes the Local Government Commission of North Carolina (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, the City of Charlotte, North Carolina (the “*City*”) has applied to the Commission, pursuant to the State and Local Government Revenue Bond Act, as amended, for approval of the issuance of its Water and Sewer System Revenue Bonds, Series 2024 (the “*2024 Bonds*”) in an aggregate principal amount not to exceed \$610,000,000, for the following purposes:

- (1) to prepay in full the City's Water and Sewer System Revenue Bond Anticipation Note, Series 2022 (the “*Bond Anticipation Note*”), the proceeds of which were used to finance the costs of extensions, additions and capital improvements to, or the renewal and replacement of capital assets of,

or purchasing and installing new equipment for the City's water and sewer system;

(2) to finance the costs of extensions, additions and capital improvements to, or the acquisition, renewal or replacement of capital assets of, or purchasing and installing new equipment for the City's water and sewer system (the "2024 Projects"); and

(3) to pay the costs of issuing the 2024 Bonds;

WHEREAS, BofA Securities, LLC, on its behalf and on behalf of, PNC Capital Markets LLC, and Ramirez & Co., Inc. (collectively, the "Underwriters"), has offered to purchase the 2024 Bonds from the Commission on the terms and conditions set forth below and in the form of the Bond Purchase Agreement to be dated as the date of delivery thereof (the "Purchase Agreement") among the Commission, the City and the Underwriters;

WHEREAS, the Commission has received a copy of a Preliminary Official Statement to be dated May 23, 2024 with respect to the 2024 Bonds (the "Official Statement");

WHEREAS, the City has requested the Commission to sell the 2024 Bonds at private sale without advertisement in accordance with Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina;

WHEREAS, the Commission desires to approve the request of the City that it sell the 2024 Bonds at private sale without advertisement; and

WHEREAS, the Commission desires to accept the offer of the Underwriters to purchase the 2024 Bonds substantially in the form of the Purchase Agreement and upon the terms and conditions set forth below;

NOW, THEREFORE, BE IT RESOLVED by the Commission:

Section 1. The sale of the 2024 Bonds to the Underwriters at private sale without advertisement pursuant to the executed Purchase Agreement and Series Indenture, Number 24 dated as of June 1, 2024 (the "Series Indenture") between the City and U.S. Bank Trust Company, National Association, as trustee, substantially in the form furnished to the Commission, is hereby approved, such sale being subject to the approval of the Designated Assistant (as defined below) and satisfaction of the conditions set forth below.

Section 2. The aggregate principal amount of the 2024 Bonds will not exceed an aggregate principal amount of \$610,000,000. The purchase price for the 2024 Bonds will be approved by the Designated Assistant on the date of the sale of the 2024 Bonds and set forth in the Purchase Agreement.

Section 3. The 2024 Bonds will bear interest at a true cost not to exceed 5.50%.

Section 4. No maturity of the 2024 Bonds will exceed July 1, 2054.

Section 5. The Commission hereby determines that the sale of the 2024 Bonds in the manner and for the price as provided in this resolution is in the best interest of the City, provided that such sale is approved by the City.

Section 6. The Secretary of the Commission, or any Deputy Secretary is hereby appointed the “Designated Assistant” 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 Purchase Agreement, including details of the 2024 Bonds, as shall be satisfactory to him or her, to approve the forms of other documents relating to the 2024 Bonds, to execute and deliver the Purchase Agreement and such other documents on behalf of the Commission and to provide for the execution and delivery of the 2024 Bonds in accordance with the Bond Order, the Series Indenture and the Purchase Agreement.

Section 7. The Official Statement relating to the 2024 Bonds, substantially in 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 2024 Bonds, are hereby approved and authorized. The Designated Assistant is hereby authorized and directed to deliver on behalf of the Commission the final Official Statement in such form.

Section 8. This Resolution is effective immediately on its passage.”

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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**CITY OF CHARLOTTE – WATER & SEWER SYSTEM BAN**

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

**“RESOLUTION APPROVING THE FINANCING TEAM FOR THE CITY OF CHARLOTTE, NORTH CAROLINA WATER AND SEWER SYSTEM REVENUE BOND ANTICIPATION NOTE**

WHEREAS, the City of Charlotte, North Carolina (the “City”) has requested that the Local Government Commission of North Carolina (the “Commission”) approve their selection of the following financing team members for the upcoming water and sewer system revenue bond anticipation note issue:

Purchaser:	Bank of America, N.A.
Bond Counsel:	Parker Poe Adams & Bernstein LLP
Purchaser’s Counsel:	McGuireWoods LLP
Financial Advisor	DEC Associates, Inc.
Trustee/Bond Registrar:	U.S. Bank Trust Company, National Association
Trustee’s Counsel:	Moore & Van Allen PLLC
Financial Consultant:	First Tryon Advisors

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

NOW, THEREFORE, BE IT RESOLVED by the Commission that the above financing team is hereby approved for the City's upcoming Water and Sewer System Revenue Bond Anticipation Note, Series 2024.

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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

**“RESOLUTION APPROVING THE APPLICATION OF THE CITY OF CHARLOTTE, NORTH CAROLINA FOR THE ISSUANCE OF NOT TO EXCEED \$500,000,000 WATER AND SEWER SYSTEM REVENUE BOND ANTICIPATION NOTE**

WHEREAS, the City of Charlotte, North Carolina (the “City”) has applied to the Local Government Commission of North Carolina (the “Commission”), pursuant to the State and Local Government Revenue Bond Act, as amended, for approval of the issuance of not to exceed \$500,000,000 aggregate principal amount of its Water and Sewer System Revenue Bond Anticipation Note, Series 2024 (the “Note”) for the purpose of providing funds to (1) finance the capital costs of extensions, additions and capital improvements to, or the acquisition, renewal or replacement of capital assets of, or purchasing and installing new equipment for the City's Water and Sewer System (the “Projects”) and (2) pay the costs of issuing the Note;

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

(a) Bond Order adopted by the City Council of the City (the “City Council”) on May 13, 2024 authorizing the issuance of the Note in an amount not to exceed \$500,000,000 to provide funds to finance the costs of the Projects and to pay the costs of issuing the Note;

(b) Bond Anticipation Note Resolution adopted by the City Council on May 13, 2024 approving the issuance and form of the Note and approving the form and the terms of each of the documents set forth below;

(c) Series Indenture, Number 25 to be dated as of June 1, 2024 (the “Series Indenture”) between the City and U.S. Bank Trust Company, National Association, as trustee (the “Trustee”); and

(d) Note Purchase and Advance Agreement (the “Purchase Agreement”) among the Commission, the City and Bank of America, N.A. (the “Purchaser”), pursuant to which the Commission will sell the Note to the Purchaser on behalf of the City in accordance with the terms and conditions set forth therein;

WHEREAS, based on the information and evidence received in connection with such application, the Commission finds and determines as follows:

(i) that such proposed Note issue is necessary or expedient;

(ii) that the amount proposed is adequate and not excessive for the proposed

purpose of the Note issue;

- (iii) that the proposed Projects are feasible;
- (iv) that the City's debt management procedures and policies are good; and
- (v) that the proposed Note can be marketed at reasonable interest cost to the City.

*NOW, THEREFORE, BE IT RESOLVED* by the Commission that the application of the City for approval of the proposed Note in an amount not to exceed \$500,000,000 for the purposes set forth above is hereby approved pursuant to the State and Local Government Revenue Bond Act, as amended.”

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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

**“RESOLUTION CONCERNING THE PRIVATE SALE OF THE CITY OF CHARLOTTE, NORTH CAROLINA WATER AND SEWER REVENUE BOND ANTICIPATION NOTE**

WHEREAS, the City of Charlotte, North Carolina (the “City”) has applied to the Local Government Commission of North Carolina (the “Commission”), pursuant to the State and Local Government Revenue Bond Act, as amended, for approval of the issuance of not to exceed \$500,000,000 aggregate principal amount of its Water and Sewer System Revenue Bond Anticipation Note, Series 2024 (the “Note”) for the purpose of providing funds to (1) finance the capital costs of extensions, additions and capital improvements to, or the acquisition, renewal or replacement of capital assets of, or purchasing and installing new equipment for the City's Water and Sewer System (the “Projects”) and (2) pay the costs of issuing the Note;

WHEREAS, Bank of America, N.A. (the “Purchaser”), has offered to purchase the Note from the Commission on the terms and conditions set forth below and in the form of a Note Purchase and Advance Agreement (the “Purchase Agreement”) among the Commission, the City and the Purchaser;

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

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

WHEREAS, the Commission desires to accept the offer of the Purchaser to purchase the Note substantially in the form of the Purchase Agreement and on the terms and conditions set forth below; and

NOW, THEREFORE, BE IT RESOLVED by the Commission:

Section 1. The sale of the Note to the Purchaser at private sale without advertisement pursuant to the Purchase Agreement and Series Indenture, Number 25 dated as of June 1, 2024 (the “Series Indenture”) between the City and U.S. Bank Trust Company, National Association, as trustee, substantially in the form furnished to the Commission 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 Note will not exceed an aggregate principal amount of \$500,000,000. The initial purchase price for the Note will be approved by the Designated Assistant on the date of the sale of the Note.

Section 3. The Note will initially bear interest at a variable rate equal to the sum of: (a) 79% multiplied by Daily SOFR as of such date plus (b) the 48 basis points, and will have a maximum interest rate not to exceed 20%.

Section 4. The Note will have an initial draw period not to exceed three years from the date of the Note and a final maturity of six years from the date of the Note, taking into account the three-year term out provision as provided in the Purchase Agreement.

Section 5. 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 City, provided that such sale is approved by the City.

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. The Designated Assistant is hereby authorized and directed, within the terms and conditions of this resolution, to approve such changes to the Purchase Agreement, including details of the Note, as satisfactory to him or her, to approve the forms of other documents relating to the Note, to execute and deliver the Purchase Agreement and such other documents on behalf of the Commission and to provide for the execution and delivery of the Note in accordance with the Bond Order and the Series Indenture.

Section 7. This Resolution is effective immediately on its passage.”

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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**TOWN OF CLAYTON**

Mr. Philbeck made a motion that the following resolution be adopted:

**RESOLUTION APPROVING THE FINANCING TEAM FOR  
THE TOWN OF CLAYTON, NORTH CAROLINA ELECTRIC  
SYSTEM REVENUE BOND, SERIES 2024**

WHEREAS, the Town of Clayton, 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 electric system revenue bond issue:

Purchaser:	Webster Bank, National Association
Purchaser’s Counsel:	Gilmore Bell
Bond Counsel	McGuireWoods LLP
Bond Registrar/Paying Agent:	Town Finance Director
Financial Advisor:	Davenport & Company, LLC

WHEREAS, based upon information and evidence received by the Commission, it has determined to approve the Town’s request;

NOW, THEREFORE, BE IT RESOLVED by the Commission that the above financing team for the Town’s upcoming Electric System Revenue Bond, Series 2024 is hereby authorized and approved.

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

\* \* \* \* \*

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

RESOLUTION APPROVING THE APPLICATION OF THE TOWN OF CLAYTON, NORTH CAROLINA FOR THE ISSUANCE OF NOT TO EXCEED \$6,000,000 ELECTRIC SYSTEM REVENUE BOND, SERIES 2024

WHEREAS, the Town of Clayton, 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 of not to exceed \$6,000,000 Electric System Revenue Bond, Series 2024 of the Town of Clayton, North Carolina (the “Bond”) for the purpose of providing funds for the construction of electric lines to expand the Town’s electric system to service new growth areas (the “Project”); and

WHEREAS, the Town has furnished to the Commission:

(a) Bond Order adopted by the Town Council of the Town (the “Town Council”) on June 16, 2008, as amended by a First Supplemental Bond Order adopted by the Town Council on June 1, 2015 (as amended, the “Bond Order”); and

(b) Series Resolution adopted by the Town Council on May 20, 2024, authorizing the issuance of the Bond in an amount to exceed \$6,000,000 to finance costs of the Project and setting forth the terms 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:

- (a) that the proposed revenue bond issue is necessary or expedient;
- (b) that the proposed amount of the revenue bond issue is adequate and not excessive, when added to other monies available to the Town, for the proposed purpose thereof;
- (c) that the proposed Project is feasible;
- (d) that the Town’s debt management procedures and policies are good; and
- (e) that the proposed revenue bond can be sold 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 Bond in an amount not to exceed \$6,000,000 for the purposes set forth therein is hereby approved pursuant to the State and Local Government Revenue Bond Act, as amended.

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

\* \* \* \* \*

Mr. Philbeck made a motion to approve the following resolution (the “Resolution”):

**RESOLUTION CONCERNING THE PRIVATE SALE OF THE  
TOWN OF CLAYTON, NORTH CAROLINA ELECTRIC  
SYSTEM REVENUE BOND, SERIES 2024**

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, Webster Bank, National Bank (“Webster Bank”) has offered to purchase the \$6,000,000 Electric System Revenue Bond, Series 2024 (the “Bond”) of the Town of Clayton, North Carolina (the “Town”), from the Commission upon the terms and conditions set forth below and in the form of the Series Resolution adopted by the Town on May 20, 2024, and the form of the Bond attached thereto; and

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

WHEREAS, the Commission desires to accept the offer of Webster Bank to purchase the 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 Bond to Webster Bank at private sale without advertisement pursuant to the Bond Order and the Series Resolution 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”).

**Section 2.** The aggregate principal amount of the Bond shall not exceed \$6,000,000 and the purchase price for the Bond shall be approved by the Designated Assistant on the date of the sale.

**Section 3.** The Bonds shall bear interest at an interest rate not to exceed 4.51%, and will mature no later than 2034.

**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 Town, provided that such sale shall be approved by the Town.

**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, including details of the Bond, as shall be satisfactory to him or her, to approve the forms of other documents on behalf of the Commission and to provide for the execution and delivery of the Bond in accordance with the Bond Order.

**Section 6.** This Resolution shall be effective immediately upon its passage.

Ms. Hoffmann seconded the motion and the foregoing Resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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**CITY OF CONCORD**

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

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

WHEREAS, under Section 160A-20 of the General Statutes of North Carolina (the “*General Statutes*”), the City of Concord, North Carolina (the “*City*”) previously entered into (A) an Installment Financing Contract dated as of December 1, 2014 (the “*2014 Contract*”) with First Concord Corporation (the “*Corporation*”), to finance the construction of City Hall and refinance the construction of the Police Headquarters and the acquisition, construction and improvement of other City facilities and equipment; and (B) to secure its obligations under the 2014 Contract, as amended, a Deed of Trust, Security Agreement and Fixture Filing dated as of December 1, 2014 (the “*2014 Deed of Trust*”), granting a security interest

in the site of the City Hall and the real estate improvements thereon and appurtenances thereto; and

WHEREAS, the City has determined that, in connection with the execution and delivery by the Corporation of Limited Obligation Bonds (City of Concord, North Carolina), Series 2024 (the “2024 Bonds”), it is in the best interest of the City to enter into Amendment Number One to the 2014 Contract (the “*First Amendment*” and together with the 2014 Contract, the “*Contract*”) and use the advance by the Corporation related to the 2024 Bonds to finance the costs of constructing, equipping and furnishing a fire station and police substation to be located at the City’s airport; and

WHEREAS, the 2024 Bonds are to be underwritten by J.P. Morgan Securities LLC (the “*Underwriter*”), and the proceeds from the sale of the 2024 Bonds will be remitted by the Underwriter to the Corporation to fund the advance by the Corporation to the City under the Contract; and

WHEREAS, the aggregate principal amount of the 2024 Bonds, shall not exceed \$12,500,000; and

WHEREAS, the maturity of the installment payments relating to the 2024 Bonds shall not extend beyond June 1, 2044; and

WHEREAS, the true interest cost of the 2024 Bonds shall not exceed 5.00%; and

WHEREAS, pursuant to Article 8 of Chapter 159 of the General Statutes, the City has made proper application to the Local Government Commission (the “*Commission*”) for approval of the proposed financing; 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 First Amendment is necessary or expedient for the City;
- ii) the First Amendment, under the circumstances, is preferable to a bond issue by the City for the same purposes;
- iii) the sums to fall due under the First Amendment are adequate and not excessive for the 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 First Amendment 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 First Amendment, the 2024 Bonds and

the planned financing is hereby approved under the provisions of Section 160A-20, Article 8 of Chapter 159 of the General Statutes and relevant resolutions of the Commission.”

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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

**“RESOLUTION APPROVING THE FINANCING TEAM FOR THE CITY OF CONCORD LIMITED OBLIGATION BONDS FINANCING**

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

Bond Counsel:	Parker Poe Adams & Bernstein LLP
Underwriter:	J.P. Morgan Securities LLC
Underwriter’s Counsel:	McGuireWoods, LLP
Financial Advisor:	First Tryon Advisors, LLC
Trustee:	U.S. Bank Trust Company, National Association
Trustee’s Counsel:	Moore & Van Allen, PLLC

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

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

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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**DURHAM HOUSING AUTHORITY – SANKOFA LANDING**

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

**RESOLUTION APPROVING HOUSING AUTHORITY OF THE CITY OF DURHAM MULTIFAMILY NOTES IN AN AMOUNT UP TO \$28,000,000 (THE "MULTIFAMILY NOTES") FOR SANKOFA LANDING AND THE FINANCING TEAM THEREFOR**

WHEREAS, the Housing Authority of the City of Durham (the “Authority”) has decided to issue its Multifamily Notes (the “Multifamily Notes”) to finance the acquisition, construction and equipping by Dearborn Family, LP, a North Carolina limited partnership (the “Borrower”), of a low and moderate-income multifamily residential rental development

to be known as Sankofa Landing, consisting of approximately 156 units in the City of Durham, North Carolina (the “Development”); and

WHEREAS, in order to finance the Development, the Authority proposes to issue the Multifamily Notes in an aggregate principal amount not to exceed \$28,000,000, pursuant to the Housing Authorities Law, Article 1 of Chapter 157 of the North Carolina General Statutes, as amended (the “Act”); and

WHEREAS, the Multifamily Notes must 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 May 22, 2024, it is hereby determined and found by the Commission:

- (a) that such proposed note issue is necessary or expedient;
- (b) that the proposed amount of such note 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 Multifamily Notes 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) that the proposed date and manner of sale of the Multifamily Notes 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 Multifamily Notes:

Bond Counsel:	McGuireWoods LLP
Authority’s Counsel:	The Banks Law Firm, P.A.
Borrower:	Dearborn Family, LP
Borrower’s Counsel:	Adams Law Group Hunter, Maclean, Exley, & Dunn, P.C.
Fiscal Agent:	BOKF, NA
Fiscal Agent’s Counsel:	Naman, Howell, Smith & Lee, PLLC
Funding Lender:	Community Housing Investment Partners II, LP
Servicer:	R4 Servicer LLC
Funding Lender/Servicer’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 Multifamily Notes will be privately placed with Community Housing Investment Partners II, LP or an affiliate thereof (the “Funding Lender”); 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 Multifamily Notes:

(a) Funding Loan Agreement, by and among the Authority, the Funding Lender, and BOKF, NA, as fiscal agent (the “Fiscal Agent”), providing for the issuance of the Multifamily Notes, together with the forms of the Multifamily Notes;

(b) Borrower Loan Agreement, by and between the Authority and the Borrower, providing for the financing of the Development by the Authority, together with the form of the promissory notes of the Borrower in favor of the Authority, which will be endorsed by the Authority to the Fiscal Agent; and

(c) Regulatory Agreement and Declaration of Restrictive Covenants, from the Borrower for the benefit of the Authority and the Fiscal Agent;

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

Section 1. The sale of the Multifamily Notes 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 Multifamily Notes shall be issued in an aggregate principal amount not to exceed \$28,000,000, 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, 2068.

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 Multifamily Notes, as shall be satisfactory to him or her, and to approve the forms of other documents relating to the Multifamily Notes.

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

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

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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**CITY OF JACKSONVILLE**

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

**“RESOLUTION APPROVING THE FINANCING TEAM FOR THE CITY OF JACKSONVILLE, NORTH CAROLINA ENTERPRISE SYSTEMS REVENUE BOND**

*WHEREAS*, the City of Jacksonville, North Carolina (the “City”) has requested that the Local Government Commission of North Carolina (the “Commission”) approve their selection of the following financing team members for the issuance of the City’s Enterprise Systems Revenue Bond, Series 2024:

Purchaser:	Webster Bank, National Association
Purchaser’s Counsel:	Gilmore & Bell, P.C.
Bond Counsel:	Parker Poe Adams & Bernstein LLP
Trustee/Paying Agent/Bond Registrar:	U.S. Bank Trust Company, National Association
Financial Advisor:	First Tryon Advisors

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

*NOW, THEREFORE, BE IT RESOLVED* by the Commission that the above financing team is hereby approved for City’s upcoming Enterprise Systems Revenue Bond issue.

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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

**“RESOLUTION APPROVING THE APPLICATION OF THE CITY OF JACKSONVILLE, NORTH CAROLINA FOR THE ISSUANCE OF AN ENTERPRISE SYSTEMS REVENUE BOND**

*WHEREAS*, the City of Jacksonville, North Carolina (the “City”) has applied to the Local Government Commission of North Carolina (the “Commission”), pursuant to the State and Local Government Revenue Bond Act, as amended, for approval of the issuance of an Enterprise Systems Revenue Bond, Series 2024 (the “2024 Bond”) of the City to (1) finance the capital costs of extensions, additions, and capital improvements to, or the acquisition, renewal or replacement of capital assets of, or purchasing and installing new equipment for, the City’s water and wastewater system, including, but not limited to, the expansion project known as the Parkwood Regional Sewer Project (collectively, the “2024 Projects”) and (2) pay the costs of issuing the 2024 Bond;

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

- (a) Bond Order adopted by the City Council of the City (the “City Council”) on May 21, 2024 authorizing the issuance of the 2024 Bond to finance the 2024 Projects and the other costs associated therewith as set forth above;

(b) General Trust Indenture dated as of September 1, 2009 between the City and Regions Bank, the successor to which is U.S. Bank Trust Company, National Association, as trustee (the “Trustee”); and

(c) Series Indenture, Number 6 dated as of June 1, 2024 between the City and the Trustee;

*WHEREAS*, based upon the information and evidence received in connection with such application, the Commission hereby determines and finds that:

- (i) such proposed 2024 Bond issue is necessary or expedient for the City;
- (ii) the proposed amount of the 2024 Bond is adequate and not excessive, when added to other money available to the City, for the proposed purpose thereof;
- (iii) the proposed 2024 Projects are feasible;
- (iv) the City’s debt management procedures and policies are good; and
- (v) the proposed 2024 Bond can be marketed at a reasonable interest cost to the City.

*NOW, THEREFORE, BE IT RESOLVED* by the Commission that the application of the City for approval of the proposed 2024 Bond in an aggregate principal amount not to exceed \$4,100,000 is hereby approved pursuant to the State and Local Government Revenue Bond Act, as amended.”

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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

**“RESOLUTION CONCERNING THE PRIVATE SALE OF THE CITY OF JACKSONVILLE, NORTH CAROLINA ENTERPRISE SYSTEMS REVENUE BOND**

*WHEREAS*, Article 7 of Chapter 159 of the General Statutes of North Carolina, as amended, authorizes the Local Government Commission of North Carolina (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*, the City of Jacksonville, North Carolina (the “City”) has applied to the Commission, pursuant to the State and Local Government Revenue Bond Act, as amended, for approval of the issuance of an Enterprise Systems Revenue Bond, Series 2024 (the “2024 Bond”) of the City to (1) finance the capital costs of extensions, additions, and capital improvements to, or the acquisition, renewal or replacement of capital assets of, or purchasing and installing new equipment for, the City’s water and wastewater system,

including, but not limited to, the expansion project known as the Parkwood Regional Sewer Project (collectively, the “2024 Projects”) and (2) pay the costs of issuing the 2024 Bond;

*WHEREAS*, Webster Bank, National Association (the “Purchaser”) has offered to purchase the 2024 Bond from the Commission on the terms and conditions set forth below;

*WHEREAS*, the City has requested the approval and private sale without advertisement of the 2024 Bond by the Commission in accordance with Article 7 of Chapter 159 of the General Statutes of North Carolina, as amended;

*WHEREAS*, the Commission desires to approve the request of the City that it sell the 2024 Bond at private sale without advertisement; and

*WHEREAS*, the Commission desires to accept the offer of the Purchaser to purchase the 2024 Bond on the terms and conditions set forth below;

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

*Section 1.* The sale of the 2024 Bond to the Purchaser at private sale without advertisement pursuant to a General Trust Indenture dated as of September 1, 2009 (the “General Indenture”) between the City and Regions Bank, the successor to which is U.S. Bank Trust Company, National Association, as trustee (the “Trustee”), and a Series Indenture, Number 6 dated as of June 1, 2024 (the “Series Indenture”) between the City and the Trustee, substantially in the forms furnished to the Commission, 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 2024 Bond will not exceed an aggregate principal amount of \$4,100,000. The purchase price for the 2024 Bond will be 100% of the principal amount thereof.

*Section 3.* The 2024 Bond will bear interest at an interest rate not to exceed 4.29%.

*Section 4.* No maturity of the 2024 Bond will exceed 2034.

*Section 5.* The Commission hereby determines that the sale of the 2024 Bond in the manner and for the price as provided in this resolution is in the best interest of the City.

*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 2024 Bond, including details of the 2024 Bond, as shall be satisfactory to him or her, to approve the forms of other documents relating to the 2024 Bond, to execute and deliver such other documents on behalf of the Commission and to provide for the execution and delivery of the 2024 Bond in accordance with the Bond Order, the General Indenture, the Series Indenture and such other documents to be delivered in connection therewith.

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

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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**CITY OF NEW BERN**

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

**RESOLUTION APPROVING THE APPLICATION OF THE CITY OF NEW BERN, NORTH CAROLINA FOR THE FINANCING OF THE ACQUISITION OF AN EXISTING BUILDING FOR USE AS THE ELECTRIC OPERATIONS BUILDING AND IMPROVEMENTS THERETO FOR SAID CITY THROUGH AN INSTALLMENT FINANCING AGREEMENT PURSUANT TO N.C.G.S. §160A-20**

WHEREAS, the City of New Bern, North Carolina (the “City”) has determined that it is necessary and expedient to pay the cost of acquiring, constructing, renovating and equipping an existing building for use by the City as the Electric Operations Building to provide administrative, office, operational and warehouse space for the City’s Electric Utility (the “Project”); and

WHEREAS, pursuant to Section 160A-20 of the General Statutes of North Carolina, the City intends to finance the Project pursuant to an Installment Financing Agreement (the “Agreement”) between the City and JPMorgan Chase Bank, N.A. (the “Lender”), whereby the Lender shall advance moneys to the City, and the City, 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 \$2,200,000 with annual principal and semi-annual interest payments with a term of approximately fifteen (15) years (final maturity not to exceed March 1, 2039) at a rate of 4.21% per annum, subject to adjustment as provided in the Agreement; and

WHEREAS, pursuant to Article 8, 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 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 or expedient for the City;

(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 City’s debt management procedures and policies are good;

(v) that the City 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.

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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**ORANGE COUNTY**

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

**“RESOLUTION APPROVING THE FINANCING TEAM FOR ORANGE COUNTY LIMITED OBLIGATION BONDS”**

WHEREAS, Orange County (the “County”) has requested that the North Carolina Local Government Commission (the “Commission”) approve its selection of the following financing team members for the upcoming delivery of its Limited Obligation Bonds, Series 2024 (the “Bonds”):

- Bond Counsel: Sanford Holshouser LLP
- Underwriters: Robert W. Baird & Co. Incorporated (senior manager)  
FHN Financial Capital Markets (co-manager)
- Underwriters’ Counsel: McGuireWoods LLP
- Financial Advisor: Davenport & Company LLC
- Trustee: Bank of New York Mellon Trust Company, N.A.

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

NOW, THEREFORE, BE IT RESOLVED by the Commission that the above financing

team is hereby approved for the Bonds.”

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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

“RESOLUTION APPROVING THE APPLICATION OF ORANGE COUNTY TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF VARIOUS PUBLIC IMPROVEMENTS AND TO PAY FINANCING COSTS THROUGH AN INSTALLMENT FINANCING AGREEMENT PURSUANT TO G.S. 160A-20.

WHEREAS, Orange County (the “County”) has determined that it is necessary and expedient for the County to finance the acquisition, construction and equipping of various public improvements and to pay financing costs; and

WHEREAS, pursuant to Section 160A-20 of the General Statutes, the County intends to enter into a Trust Agreement dated on or about June 1, 2024, with Bank of New York Mellon Trust Company, N.A., as trustee (the “Trustee”), pursuant to which the County will issue limited obligation bonds (the “Bonds”), the Trustee will advance moneys to the County for the purpose of carrying out the projects, and the County, subject to its right of nonappropriation, will repay the advance in installments, with interest; and

WHEREAS, each of the Bonds will constitute an installment contract within the meaning of Section 160A-20; and

WHEREAS, Robert W. Baird & Co. Incorporated, as senior manager, and FHN Capital Markets, as co-manager (the “Underwriters”), will underwrite the public sale of the Bonds, and the Underwriters will advance the proceeds of the sale of the Bonds to the County to accomplish the financing; and

WHEREAS, the principal amount of the amount financed will not exceed \$13,000,000;

WHEREAS, the maturity of the installment payments to be made by the County will not extend beyond December 31, 2044;

WHEREAS, the true interest cost of the County’s obligations will not exceed 5.00% for taxable bonds and 6.50% for tax-exempt bonds;

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

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

- (i) that the County’s execution and delivery of the installment contracts represented by the Bonds (the “Contracts”) is necessary or expedient for the County;
- (ii) that the Contracts, under the circumstances, are preferable to a general obligation bond issue for the same purposes;
- (iii) that the sums to fall due under the Contracts are adequate and not excessive for the proposed purposes;
- (iv) that the County’s debt management procedures and policies are good;
- (v) that the County 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 Contracts will not be excessive;

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission, (1) that the application for approval of the Contracts and financing are approved under the provisions of G.S. §160A-20 and relevant resolutions of the Commission, and (2) that the Secretary of the Commission, or any Designated Assistant, is authorized to execute and deliver appropriate documents to evidence the Commission’s approval and otherwise to carry out the financing contemplated by this approval.”

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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**ORANGE WATER AND SEWER AUTHORITY**

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

**“RESOLUTION APPROVING THE FINANCING TEAM FOR THE ORANGE WATER AND SEWER AUTHORITY WATER AND SEWER SYSTEM REVENUE AND REVENUE REFUNDING BONDS, SERIES 2024**

WHEREAS, the Orange Water and Sewer Authority (the “*Authority*”) has requested that the Local Government Commission of North Carolina (the “*Commission*”) approve its selection of the following financing team members for the upcoming Water and Sewer System Revenue and Revenue Refunding Bond issue:

Underwriter: Wells Fargo Bank, National Association  
Bond Counsel: Parker Poe Adams & Bernstein LLP  
Underwriter's Counsel: Womble Bond Dickinson (US) LLP  
Issuer's Counsel: Epting and Hackney  
Financial Advisor: First Tryon Advisors  
Feasibility Consultant: Stantec Consulting Services Inc.  
Trustee: The Bank of New York Mellon Trust Company, N.A.

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

NOW, THEREFORE, BE IT RESOLVED by the Commission that the above-referenced financing team is hereby approved for the Authority's upcoming Water and Sewer System Revenue and Revenue Refunding Bonds, Series 2024."

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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

**“RESOLUTION APPROVING THE APPLICATION OF THE ORANGE WATER AND SEWER AUTHORITY FOR THE ISSUANCE OF NOT TO EXCEED \$23,500,000 WATER AND SEWER SYSTEM REVENUE AND REVENUE REFUNDING BONDS**

WHEREAS, the Orange Water and Sewer Authority (the “*Authority*”) has applied to the Local Government Commission of North Carolina (the “*Commission*”), pursuant to the State and Local Government Revenue Bond Act, as amended, for approval of the issuance of not to exceed \$23,500,000 aggregate principal amount of Water and Sewer System Revenue and Revenue Refunding Bonds, Series 2024 (the “*Bonds*”) of the Orange Water and Sewer Authority to (1) finance the capital costs of extensions, additions, and capital improvements to, or the acquisition, renewal or replacement of capital assets of, or purchasing and installing new equipment for, the Authority's water and sewer system, including reimbursement of prior expenditures related thereto (collectively, the “*Projects*”), (2) refund all or a portion of the Authority's Water and Sewer System Revenue Refunding Bonds, Series 2014, and (3) pay the costs of issuing the Bonds;

WHEREAS, the Authority has furnished to the Commission the forms of the following:

- (1) an Amended and Restated Bond Order adopted on September 13, 2001, as amended by a Supplemental Order adopted on October 28, 2010;
- (2) a Series Resolution adopted on May 9, 2024 authorizing the issuance of the Bonds in an amount not to exceed \$23,500,000 to provide funds for the purposes described above;
- (3) a Preliminary Official Statement with respect to the Bonds; and

(4) a Bond Purchase Agreement (the “*Purchase Agreement*”) among the Commission, the Authority and Wells Fargo Bank, National Association (the “*Underwriter*”), pursuant to which the Commission will sell the Bonds on behalf of the Authority to the Underwriter in accordance with the terms and conditions set forth therein.

WHEREAS, based upon the information and evidence received in connection with such application, the Commission hereby determines and finds as follows:

- (i) the proposed revenue bond issue is necessary or expedient for the Authority;
- (ii) the amount proposed is adequate and not excessive for the proposed purpose of the issue;
- (iii) the proposed Projects are feasible;
- (iv) the Authority’s debt management procedures and policies are good; and
- (v) the proposed revenue bonds can be marketed at reasonable interest cost to the Authority.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the application of the Authority for approval of the proposed Bonds in an amount not to exceed \$23,500,000 for the purposes set forth is hereby approved pursuant to the State and Local Government Revenue Bond Act, as amended.”

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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

**“RESOLUTION CONCERNING THE PRIVATE SALE OF THE ORANGE WATER AND SEWER AUTHORITY WATER AND SEWER SYSTEM REVENUE AND REVENUE REFUNDING BONDS**

WHEREAS, Article 7 of Chapter 159 of the General Statutes of North Carolina, as amended, authorizes the Local Government Commission of North Carolina (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;

WHEREAS, the Orange Water and Sewer Authority (the “*Authority*”) has applied to the Commission, pursuant to the State and Local Government Revenue Bond Act, as amended, for approval of the issuance of not to exceed \$23,500,000 aggregate principal amount of Water and Sewer System Revenue and Revenue Refunding Bonds, Series 2024 (the “*Bonds*”) of the Orange Water and Sewer Authority, to (1) finance the capital costs of extensions, additions, and capital improvements to, or the acquisition, renewal or

replacement of capital assets of, or purchasing and installing new equipment for, the Authority's water and sewer system, including reimbursement of prior expenditures related thereto (collectively, the "*Projects*"), (2) refund all or a portion of the Authority's Water and Sewer System Revenue Refunding Bonds, Series 2014, and (3) pay the costs of issuing the Bonds;

WHEREAS, Wells Fargo Bank, National Association (the "*Underwriter*"), has offered to purchase the Bonds from the Commission on the terms and conditions set forth below and in the form of the Bond Purchase Agreement to be dated on or about June 10, 2024 (the "*Purchase Agreement*") among the Commission, the Authority and the Underwriter;

WHEREAS, the Commission has received a copy of a Preliminary Official Statement with respect to the Bonds (the "*Official Statement*");

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

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

WHEREAS, the Commission desires to accept the offer of the Underwriter to purchase the Bonds substantially in the form of the Purchase Agreement and upon the terms and conditions set forth below;

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

Section 1. The sale of the Bonds to the Underwriter at private sale without advertisement pursuant to the executed Purchase Agreement and a Series Resolution adopted by the Authority on May 9, 2024 authorizing the issuance of the Bonds (the "*Series Resolution*") is hereby approved, such sale being subject to the approval of the Designated Assistant (as defined below) and satisfaction of the conditions set forth below.

Section 2. The aggregate principal amount of the Bonds will not exceed \$23,500,000. The purchase price for the Bonds will be approved by the Designated Assistant on the date of the sale of the Bonds and set forth in the Purchase Agreement.

Section 3. The Bonds will bear interest at an effective interest cost not to exceed 4.78%, as determined by the Commission.

Section 4. No maturity of the Bonds will exceed June 1, 2049.

Section 5. The Commission hereby determines that the sale of the Bonds in the manner and for the price as provided in this resolution is in the best interest of the Authority, provided that such sale is approved by the Authority.

Section 6. The Secretary of the Commission, or any Deputy Secretary is hereby appointed the "*Designated Assistant*" 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 Purchase Agreement, including details of the

Bonds, as shall be satisfactory to him or her, to approve the forms of other documents relating to the Bonds, to execute and deliver the Purchase Agreement and such other documents on behalf of the Commission and to provide for the execution and delivery of the Bonds in accordance with the Bond Order, the Series Resolution and the Purchase Agreement.

Section 7. The Official Statement relating to the Bonds, substantially in 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 Bonds, is hereby approved and authorized. The Designated Assistant is hereby authorized and directed to deliver on behalf of the Commission the final Official Statement in such form.

Section 8. This Resolution is effective immediately on its passage.”

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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**PITT COUNTY**

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

**RESOLUTION APPROVING THE FINANCING TEAM FOR THE COUNTY OF PITT, NORTH CAROLINA LIMITED OBLIGATION BONDS, SERIES 2024**

WHEREAS, the County of Pitt, North Carolina (the “County”) has requested that the North Carolina Local Government Commission (the “Commission”) approve its selection of the following financing team members in connection with the issuance by the County of its Limited Obligation Bonds, Series 2024:

Bond Counsel:	Womble Bond Dickinson (US) LLP
Underwriter:	Wells Fargo Bank, National Association
Underwriter’s Counsel:	Parker Poe Adams & Bernstein LLP
Financial Advisor:	First Tryon Advisors
Trustee:	U.S. Bank Trust Company, National Association
Trustee’s Counsel:	Moore & Van Allen, PLLC

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

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

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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

**RESOLUTION APPROVING THE APPLICATION OF THE COUNTY OF PITT, NORTH CAROLINA FOR THE FINANCING OF COMMUNITY COLLEGE FACILITIES FOR SAID COUNTY PURSUANT TO AN INSTALLMENT FINANCING BY SAID COUNTY THROUGH THE ISSUANCE OF LIMITED OBLIGATION BONDS AND THE EXECUTION AND DELIVERY OF A MASTER TRUST AGREEMENT, A FIRST SUPPLEMENTAL TRUST AGREEMENT AND OTHER RELATED DOCUMENTS IN CONNECTION THEREWITH**

WHEREAS, the County of Pitt, North Carolina (the “County”) has determined that a need exists in the County to finance the costs of acquiring, constructing and equipping a new welding building for Pitt Community College and making related improvements thereto (the “Project”);

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

WHEREAS, the County proposes to finance the Project through the issuance by the County of its Limited Obligation Bonds, Series 2024 (the “Bonds”) in accordance with Section 160A-20, as amended, of the General Statutes of North Carolina (the “Act”);

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

(a) Master Trust Agreement, to be dated as of June 1, 2024 (the “Master Trust Agreement”), between the County and U.S. Bank Trust Company, National Association, as trustee (the “Trustee”);

(b) First Supplemental Trust Agreement, to be dated as of June 1, 2024 (the “First Supplemental Trust Agreement”), between the County and the Trustee, including the form of the Bonds set forth in Exhibit B thereto;

(c) Deed of Trust, to be dated as of June 1, 2024 (the “Deed of Trust”), from the County to the deed of trust trustee named therein for the benefit of the Trustee and its successors and assigns;

(d) Construction and Acquisition Agreement, to be dated as of June 1, 2024, between the County and The Trustees of Pitt Community College (the “Board of Trustees”);

(e) Lease Agreement, to be dated as of June 1, 2024, between the County and the Board of Trustees, which Lease Agreement will be subordinate to the lien created by the Deed of Trust;

(f) Bond Purchase Agreement, to be dated the date of delivery thereof (the “Bond Purchase Agreement), between the County and Wells Fargo Bank, National Association (the “Underwriter”); and

(g) Preliminary Official Statement, to be dated the date of delivery thereof (the “Preliminary Official Statement”), relating to the offering and sale of the Bonds;

WHEREAS, in order to secure its obligations with respect to the Bonds under the Master Trust Agreement and the First Supplemental Trust Agreement, the County will execute and deliver the Deed of Trust granting a first lien of record on the site of the Project, together with all improvements and fixtures located or to be located thereon;

WHEREAS, the Bonds, together with corresponding obligations under the Master Trust Agreement, the First Supplemental 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 County for the purpose of financing of the Project;

WHEREAS, the County proposes to sell the Bonds to the Underwriter pursuant to the Bond Purchase Agreement;

WHEREAS, the 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 Bonds;

WHEREAS, the principal amount of the Bonds shall not exceed \$17,000,000;

WHEREAS, the Bonds shall have a final maturity not to exceed April 1, 2039;

WHEREAS, the all-in true interest cost of the Bonds shall not exceed 5.00% per annum; and

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 Bonds are necessary or expedient for the County;
- (b) the financing of the Project through the issuance of the Bonds, under the circumstances, is preferable to a general obligation bond issue for the same purpose;
- (c) the sums to fall due on the Bonds are adequate and not excessive for the proposed purposes thereof;
- (d) the County’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 will not be excessive; and
- (f) the County is not in default in any of its debt service obligations;

NOW, THEREFORE, BE IT RESOLVED by the Commission that the application of the County for approval of the Master Trust Agreement, the First Supplemental Trust Agreement and the proposed issuance of the Bonds pursuant thereto is hereby approved under the provisions of the Act, subject to the conditions set forth in this resolution. The

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.

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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**TOWN OF SHELBY**

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

**RESOLUTION APPROVING CITY OF SHELBY, NORTH CAROLINA MULTIFAMILY HOUSING REVENUE BONDS IN AN AMOUNT UP TO \$10,000,000 (THE “BONDS”) FOR LAUREL HILL APARTMENTS AND THE FINANCING TEAM THEREFOR**

WHEREAS, the City of Shelby, North Carolina (the “City”) has decided to issue its Multifamily Tax-Exempt Bonds (Fannie Mae MBS-Secured) (Laurel Hill Apartments), Series 2024 (the “Bonds”) to finance the acquisition, rehabilitation and equipping by Standard Laurel Venture LP, a North Carolina limited partnership (the “Borrower”), of a 100-unit low and moderate income multifamily residential rental facility known as Laurel Hill Apartments and located in the City of Shelby, Cleveland County, North Carolina (the “Development”); and

WHEREAS, in order to finance the Development, the City proposes to issue the Bonds in an aggregate principal amount not to exceed \$10,000,000, pursuant to Section 160D-1311(b) and Article 1 of Chapter 157 of the North Carolina General Statutes, as amended; and

WHEREAS, the Bonds must 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 City 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 City Council of the City on May 20, 2024, 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 such 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 City’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 City 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
Borrower:	Standard Laurel Venture LP
Borrower's Counsel:	Rutan & Tucker, LLP and Parker Poe Adams & Bernstein LLP
Trustee:	Regions Bank
Mortgage Lender:	Regions Bank
Mortgage Lender's Counsel:	Troutman Pepper Hamilton Sanders, LLP
Fannie Mae's Counsel:	Arent Fox Schiff, LLP
Underwriter:	Stifel, Nicolaus & Company, Incorporated
Underwriter's Counsel	Tiber Hudson, LLC
Tax Credit Investor:	Regions Affordable Housing, LLC
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 City 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 City and Regions Bank, as trustee (the "Trustee"), authorizing the issuance of the Bonds and providing for the terms and details thereof and the security therefor, together with the form of the Bonds attached thereto;

(b) Financing Agreement among the City, the Borrower and the Trustee, providing for the terms and conditions pursuant to which the loan of the proceeds of the Bonds will be made by the City to the Borrower; and

(c) Regulatory Agreement and Declaration of Restrictive Covenants by the Borrower for the benefit of the City and the Trustee, pursuant to which the Borrower will agree to comply with the requirements of the Internal Revenue Code of 1986, as amended, relating to low and moderate income housing.

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 City and the Borrower that the Bonds shall be issued in an aggregate principal amount not to exceed \$10,000,000,

shall initially bear interest at fixed rate not to exceed 12.0% per annum, and shall have a final maturity not later than December 31, 2043.

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.

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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#### TOWN OF WALLACE

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

**“RESOLUTION APPROVING THE FINANCING REQUEST OF THE TOWN OF WALLACE, NORTH CAROLINA: THIS PROJECT CONSISTS OF INSPECTION AND REPAIR OF SEWER LINES AND MANHOLES.**

WHEREAS, the Town of Wallace, North Carolina (the “Town”) has determined that the Project is necessary or expedient to reduce excessive wear on the collection and treatment system components caused by sediment infiltration, and reduce the frequency of required cleaning of the lines and downstream facilities; and

WHEREAS, the Town filed an application with the Commission for approval of a revised Wastewater State Revolving Loan in the amount not to exceed \$574,614, with the term of twenty (20) years at the rate, as established under this program for the respective loan, State or Federal, not to exceed 4.0%; and

WHEREAS, the Commission, upon the information and evidence it received, finds, and determines as follows:

- (1) That the proposed loan is necessary or expedient;
- (2) That the amount proposed is adequate and not excessive for the proposed purpose of the loan;
- (3) That the unit's debt management procedures and policies are good, or that reasonable assurances have been given that its debt will henceforth be managed in strict compliance with law;
- (4) That the increase in taxes, if any, necessary to service the proposed debt will not be excessive; and

(5) That the interest rate for the proposed loan will be a reasonable rate.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the Commission hereby approves the award of the State Wastewater Revolving Loan to the Town and approves the loan amount and approves the loan terms.”

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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### TOWN OF WINTERVILLE

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

**“RESOLUTION APPROVING THE FINANCING REQUEST OF THE TOWN OF WINTERVILLE, NORTH CAROLINA: THIS PROJECT CONSISTS OF INSTALLING A NEW WATER STORAGE TANK AND DEMOLISHING THE EXISTING WATER STORAGE TANK.**

WHEREAS, the Town of Winterville, North Carolina (the “Town”) has determined that the Project is necessary or expedient to demolish the Town’s existing 70-year old 1 million gallon water storage tank, which has extensive degradation, and to install a new 1 million gallon water storage tank; and

WHEREAS, the Town filed an application with the Commission for approval of a revised Wastewater State Revolving Loan in the amount not to exceed \$7,267,700, with the term of twenty (20) years at the rate, as established under this program for the respective loan, State or Federal, not to exceed 4.0%; and

WHEREAS, the Commission, upon the information and evidence it received, finds, and determines as follows:

- (1) That the proposed loan is necessary or expedient;
- (2) That the amount proposed is adequate and not excessive for the proposed purpose of the loan;
- (3) That the unit's debt management procedures and policies are good, or that reasonable assurances have been given that its debt will henceforth be managed in strict compliance with law;
- (4) That the increase in taxes, if any, necessary to service the proposed debt will not be excessive; and
- (5) That the interest rate for the proposed loan will be a reasonable rate.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the Commission hereby approves the award of the State Wastewater Revolving Loan to the Town and approves the loan amount and approves the loan terms.”

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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**MISCELLANEOUS ACTION ITEMS**

**BRUNSWICK COUNTY**

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

“WHEREAS, under an interlocal agreement between Brunswick County and the Town of Southport, Brunswick County will take possession of water and sewer assets of the Town of Southport and assume responsibility for operations, customer service, and financial liabilities related to the Town’s water and sewer system. The merger will become effective June 30, 2024; and

WHEREAS, Brunswick County wishes to assume the Town’s outstanding water and sewer debt, a State Revolving Loan balance of \$382,388.45 as of May 29, 2024.

WHEREAS, the Commission, upon the information and evidence it received, finds, and determines as follows based on the applicable findings pursuant to G.S. 159-153(f):

1. The amount of the indebtedness to be incurred by the County is not excessive for the purpose contemplated; and
2. The County, which will operate the facilities financed by the indebtedness and is obligating itself under the indebtedness, has demonstrated the financial responsibility and capability to fulfill its obligations with respect to the indebtedness.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the Commission hereby approves Brunswick County’s assumption of the Town’s State Revolving Fund Loan balance.”

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

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**CITY OF SANFORD**

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

WHEREAS, under an interlocal agreement between the City of Sanford and the Town of Pittsboro, Sanford will take possession of water and sewer assets of the Town and assume responsibility for operations, customer service, and financial liabilities related to the Town’s water and sewer system. The merger will become effective July 1, 2024; and

WHEREAS, the City of Sanford wishes to assume the Town’s outstanding water and sewer debt, a State Revolving Loan balance of \$905,250.50 as of May 29, 2024.

WHEREAS, the Commission, upon the information and evidence it received, finds, and determines as follows based on the applicable findings pursuant to G.S. 159-153(f):

1. The amount of the indebtedness to be incurred by the City of Sanford is not excessive for the purpose contemplated; and
2. The City of Sanford, which will operate the facilities financed by the indebtedness and is obligating itself under the indebtedness, has demonstrated the financial responsibility and capability to fulfill its obligations with respect to the indebtedness.

NOW, THEREFORE, BE IT RESOLVED by the North Carolina Local Government Commission that the Commission hereby approves the City of Sanford’s assumption of the Town’s State Revolving Fund Loan balance.”

Ms. Hoffmann seconded the motion and the foregoing resolution was adopted by unanimous vote of 8 – 0 (Absent: Burns).

**END OF CONSENT AGENDA**

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**UNIT APPEALS TO NOTICES OF NONCOMPLIANCE – LATE AUDITS  
(began at 2:12 p.m.)**

LGC Secretary Debbie Tomasko gave an overview of the recently enacted modifications to G.S. 159-34: the LGC must send notice to local governments that have not submitted audits by April 1, the provision that the Commission may direct the withholding of a portion of those local governments’ sales taxes if audits are not received by July 1, the requirement that the Commission establish guidelines for successful appeal, and the opportunity for local governments to request that sales taxes not be withheld (an “appeal”). The members discussed the importance of establishing an efficient, fair, and just process in keeping with the spirit and intent of the statute. Secretary Penny stated that he would abstain from votes on the unit appeals.

The Commission was provided written documentation (Agenda Attachment E) setting forth appeals for “good cause” from these municipalities: Bailey, Belhaven, Micro, Morven, Newport, and Pikeville. Representatives from those municipalities appeared in person before

the Commission to explain their appeals and answer questions (with the exception of Pikeville representatives who were unable to attend due to a prior scheduled training session). The oral presentations began at approximately 2:30 p.m. The consensus of the members was to defer action on these appeals until additional units presented appeals, and to give LGC staff time to propose additional “good cause” factors that should be considered by the Commission. The full content of the discussion and unit presentations can be heard in the recording of the meeting (access the link [here](#)).

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Chair Folwell announced a recess at 3:38 p.m. The meeting resumed at 3:45 p.m.

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**CITY OF ROCKY MOUNT DISCUSSION  
(3:48 p.m. – 4:50 p.m.)**

As was decided at the LGC May meeting, the City’s plans for financing the replacement of Fire Station #2 were on the agenda as a discussion-only item. Rocky Mount Fire Chief Darvin Moore, Assistant Chief of Administration and Planning Michael Roupp, and Interim Assistant Chief of Operations Jamey Cooke attended the meeting in person and answered members’ questions.

After a lengthy discussion about the financing application and the City’s recently incurred short-term debt to acquire real property for economic development, Secretary Marshall made the following motion: to place the fire station financing application on the July 9, 2024 agenda for full consideration, including the possibility of modifying the existing installment financing contract for the City’s acquisition of real property for economic development purposes (approved by the City Council in January 2024), and requiring the presence of the City Mayor, City Manager, City Finance Director, and a representative of the City’s financial advisor to answer any questions. Auditor Holmes seconded the motion which passed by unanimous vote of 8 – 0 (Absent: Burns).

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**PRESENTATION – DEPT. OF TRANSPORTATION FINANCIAL UPDATE  
(4:50 p.m.)**

DST staff member Frank Bowen, Transportation Financial Analyst, made a presentation on the Department of Transportation’s financial status, discussing the recent history and current status of the DOT open commitments, cash balance, and the Highway Trust Fund balance. DST staff member Sam Watts, Legislative Liaison, also answered questions.

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Secretary Marshall left the meeting at 4:50 p.m. Ms. Harvey and Mr. Philbeck left the meeting at 5:00 p.m.

Auditor Holmes made a motion to adopt the following items:

**See EXHIBIT 2:** Amendment to Grant Project Ordinance for **the Town of Kingstown;**

**See EXHIBIT 3:** Budget Ordinance Amendment # 3 for the **Town of Kingstown;**

**See EXHIBIT 4:** Budget Ordinance Amendment # 4 for the **Town of Kingstown;**  
and

**See EXHIBIT 5:** Budget Ordinance Amendment # 24-17 for the **Town of Spring Lake.**

Ms. Hoffmann seconded the motion and the foregoing were adopted by unanimous vote of 5 – 0 (Absent: Burns, Marshall, Harvey, Philbeck).

Chair Folwell made a motion to adopt the following resolution:

**See EXHIBIT 6:** Resolution Providing Notice to Rutherford County regarding Cliffside Sanitary District.

Secretary Penny seconded the motion and the foregoing was adopted by a vote of 5 – 0 (Absent: Burns, Marshall, Harvey, Philbeck).

Chair Folwell made a motion to adopt the following resolution:

**See EXHIBIT 7:** Resolution Modifying the Safe Harbor Policy Related to Reasonableness of Estimated Interest Assumptions.

Ms. Hoffmann seconded the motion and the foregoing was adopted by unanimous vote of 5 – 0 (Absent: Burns, Marshall, Harvey, Philbeck).

Auditor Holmes made a motion to adopt the following resolution:

**See EXHIBIT 8:** Resolution to Return Financial Control to the **Town of Kingstown.**

Ms. Hoffmann seconded the motion and the foregoing was adopted by unanimous vote of 5 – 0 (Absent: Burns, Marshall, Harvey, Philbeck).

\*\*\*\*\*

Mr. Butler made a motion to adjourn. Secretary Penny seconded the motion which passed by unanimous vote. The meeting adjourned at 5:22 p.m.

The next regularly scheduled meeting of the North Carolina Local Government Commission will be held on July 9, 2024, at 1:30 p.m.

\*\*\*\*\*

I, Jennifer Wimmer, Deputy Secretary of the North Carolina Local Government Commission, CERTIFY that the foregoing is a true and correct account of actions taken at a meeting of the North Carolina Local Government Commission duly called and held on June 4, 2024.

WITNESS my hand at Raleigh, NC, this 4th day of June 2024.

*Jennifer Wimmer*

---

Jennifer Wimmer, Deputy Secretary of the  
Local Government Commission of North Carolina

EXHIBIT 1

Local Governments Requesting Debt Approval by LGC  
 Meeting Date **06/04/24**

		As Reported in 2023 Fiscal Year End Audits							
Name of Unit	County	Total OPEB Liability Ending	Plan Fiduciary Net Position	Net OPEB Liability	Total LEOSSA Pension Liability Ending	Plan Fiduciary Net Position	Net LEOSSA Pension Liability	Total Net Liability for OPEB and LEOSSA	LGERS/TSERS Net Pension Liability (1)
Asheville	Buncombe	38,358,831	20,554,515	17,804,316	7,886,818	0	7,886,818	25,691,134	57,453,431
Asheville Housing Authority (2)	Buncombe	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Brevard	Transylvania	315,912	280,419	35,493	628,997	0	628,997	664,490	3,391,065
Brunswick County	Brunswick	146,332,721	0	146,332,721	7,821,779	0	7,821,779	154,154,500	50,172,601
Chapel Hill	Orange	38,513,351	7,754,651	30,758,700	6,398,481	0	6,398,481	37,157,181	30,160,767
Charlotte	Mecklenburg	362,261,000	147,982,000	214,279,000	157,177,000	0	157,177,000	371,456,000	364,760,000
Clayton	Johnston	1,252,223	0	1,252,223	2,716,781	0	2,716,781	3,969,004	11,336,450
Concord	Cabarrus	49,455,920	15,755,264	33,700,656	9,279,973	0	9,279,973	42,980,629	48,791,582
Durham Housing Authority (3)	Durham	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Jacksonville	Onslow	1,980,859	0	1,980,859	4,389,407	0	4,389,407	6,370,266	20,749,172
New Bern	Craven	37,125,645	0	37,125,645	3,203,161	0	3,203,161	40,328,806	18,435,623
Orange County	Orange	120,922,922	381,735	120,541,187	6,143,097	0	6,143,097	126,684,284	39,085,506
Orange Water and Sewer Authority	Orange	12,348,033	0	12,348,033	N/A	0	N/A	12,348,033	6,896,084
Pitt County	Pitt	86,501,398	0	86,501,398	7,019,856	0	7,019,856	93,521,254	39,547,539
Sanford	Lee	45,594,045	4,318,296	41,275,749	4,943,788	0	4,943,788	46,219,537	13,343,106
Shelby	Cleveland	19,467,520	0	19,467,520	3,553,959	0	3,553,959	23,021,479	11,967,161
Star (4)	Montgomery	N/A	N/A	N/A	45,365	0	45,365	45,365	31,132
Wallace	Duplin	N/A	N/A	N/A	229,173	0	229,173	229,173	2,146,563
Winterville	Pitt	2,638,502	0	2,638,502	477,176	0	477,176	3,115,678	3,532,097

LGERS - Local Government Employees' Retirement System      OPEB - Other Post Employment Benefits (e.g. retiree healthcare)  
 TSERS - Teachers' and State Employees' Retirement System      NA - Not applicable

(1) LGERS/TSERS liabilities are satisfied by monthly employer contributions to the plans. The contribution rates are reviewed annually and adjusted as needed. See detailed explanation on cover page.  
 (2) Financials as of 12/31/2022  
 (3) Financials as of 12/31/2019  
 (4) Financials as of 06/30/2022



STATE AND LOCAL GOVERNMENT FINANCE DIVISION  
AND THE LOCAL GOVERNMENT COMMISSION

**Town of Kingstown, North Carolina**  
**Amendment to ARP/CSLFRF Grant Projects Ordinance**

**BE IT ORDAINED BY THE** North Carolina Local Government Commission acting in place of the Town Council of Kingstown, North Carolina pursuant to General Statute 159-181(c), that the September 14, 2021, ARP/CSLFRF grant project ordinance is hereby amended as follows:

**Section 2:** The following amounts are appropriated for the project(s) and authorized for expenditure:

Internal Project Code	Project Description	Expenditure Category (EC)	Appropriation of ARP/CSLFRF Funds	General Fund	Sewer Fund
001	Reimbursement of Wastewater System Expenses from July 1, 2022, thru March 31, 2024	6.1	\$215,759	00.00	\$215,759
<b>TOTAL</b>			<b>\$215,759</b>	<b>00.00</b>	<b>\$215,759</b>

A transfer of \$215,759 in ARP/CSLFRF to FY 2024 Annual Budget Ordinance is authorized.

**Section 3:** Decrease total ARP/CSLFRF estimated revenues to \$0.

**Section 8:** The Town has elected to take the standard allowance, as authorized by 31 CFR Part 35.6(d)(1), and expend all its ARP/CSLFRF funds for the provision of government services.

I, Debbie Tomasko, Secretary of the North Carolina Local Government Commission, DO HEREBY CERTIFY that the foregoing is a true and correct copy of the amended grant project ordinance adopted by the North Carolina Local Government Commission at its meeting held on June 4, 2024.

WITNESS my hand this 4th day of June 2024.

Debbie Tomasko, Secretary  
North Carolina Local Government Commission



**NORTH CAROLINA**  
DEPARTMENT OF STATE TREASURER

STATE TREASURER OF NORTH CAROLINA  
DALE R. FOLWELL, CPA

STATE AND LOCAL GOVERNMENT FINANCE DIVISION  
AND THE LOCAL GOVERNMENT COMMISSION

**Town of Kingstown, North Carolina**  
**BUDGET AMENDMENT #3**  
**FISCAL YEAR ENDING June 30, 2024**  
**PRESENTED FOR ADOPTION ON June 4, 2024**

**BE IT ORDAINED BY THE** North Carolina Local Government Commission acting in place of the Town Council of Kingstown, North Carolina pursuant to General Statute 159-181(c), that the following amendments to the budget ordinance for the fiscal year ending June 30, 2024, is hereby adopted as stated:

The budget for the Sewer Fund is amended to include the following changes:

	Increase	Increase
Utility Expenses	215,759	
ARPA Funds Reimbursement		215,759

I, Debbie Tomasko, 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 June 4, 2024.

WITNESS my hand this 4th day of June 2024.

\_\_\_\_\_  
Debbie Tomasko, Secretary  
North Carolina Local Government Commission



**NORTH CAROLINA**  
DEPARTMENT OF STATE TREASURER

STATE TREASURER OF NORTH CAROLINA  
DALE R. FOLWELL, CPA

STATE AND LOCAL GOVERNMENT FINANCE DIVISION  
AND THE LOCAL GOVERNMENT COMMISSION

**Kingstown  
BUDGET AMENDMENT #4  
FISCAL YEAR ENDING June 30, 2024  
PRESENTED FOR ADOPTION ON June 4, 2024**

**BE IT ORDAINED BY THE** North Carolina Local Government Commission acting in place of the Town Council of Kingstown, North Carolina pursuant to General Statute 159-181(c), that the following amendments to the budget ordinance for the fiscal year ending June 30, 2024, is hereby adopted as stated:

The budget for the General Fund is amended to include the following changes:

	<u>Increase</u>	<u>Increase</u>
Parks & Recreation	\$ 8,000	
Appropriated Fund Balance – Parks & Recreation		\$8,000

To increase Parks & Recreation expenditures for Park improvements and special events.

I, Debbie Tomasko, 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 June 4, 2024.

WITNESS my hand this 4th day of June 2024.

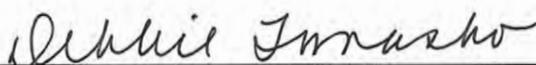
  
\_\_\_\_\_  
Debbie Tomasko, Secretary  
North Carolina Local Government Commission

EXHIBIT 5

ORDINANCE NO. 24-17

THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION ON BEHALF OF THE TOWN OF SPRING LAKE, NORTH CAROLINA DOES ORDAIN:

Section I: Estimated Revenues and Appropriations. General Fund is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	2023-24 Adopted Budget	Increase (Decrease)		2023-24 Amended Budget
<b>ESTIMATED REVENUES</b>				
Appropriated Fund Balance	414,036	260,889	(1)	674,925
<b>Total Revenues</b>	<b>8,687,239</b>	<b>260,889</b>		<b>8,948,128</b>
<b>APPROPRIATIONS</b>				
Debt Service	471,934	260,889	(1)	732,823
<b>Total Appropriations</b>	<b>8,687,239</b>	<b>260,889</b>		<b>8,948,128</b>

- 1) In 2020 Cumberland County began providing a \$75,000 annual grant for debt service payments for the Manchester Fire Station. The final annual debt service payments which began in 2023 are less than the grant. This amendment allows the restricted fund balance to be appropriated and paid on the outstanding Manchester debt. The additional debt payment of \$260,888.88 will reduce the outstanding principal balance on 06/30/24 from \$888,888.88 to \$628,000.

I, Debbie Tomasko, 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 June 4, 2024.

WITNESS my hand at Raleigh, this 4th day of June 2024

  
 \_\_\_\_\_  
 Secretary of the Local Government Commission of North Carolina



NORTH CAROLINA  
DEPARTMENT OF STATE TREASURER

STATE TREASURER OF NORTH CAROLINA  
DALE R. FOLWELL, CPA

Handwritten signature of Dale R. Folwell, CPA.

STATE AND LOCAL GOVERNMENT FINANCE DIVISION  
AND THE LOCAL GOVERNMENT COMMISSION

RESOLUTION PROVIDING NOTICE TO RUTHERFORD COUNTY OF  
COMMISSION STAFF'S INTENT TO RECOMMEND RETURN OF FINANCIAL  
CONTROL TO THE CLIFFSIDE SANITARY DISTRICT

WHEREAS, the Local Government Commission (the "Commission") assumed control of the financial affairs of the Cliffside Sanitary District (the "District") pursuant to its authority under N.C.G.S. 159-181(c); and

WHEREAS, Commission staff has worked diligently to address and correct the deficiencies which led to the Commission's assumption of financial control; and

WHEREAS, upon submission and acceptance of the District's fiscal year 2023 audit pursuant to the requirements of G.S. 159-34(a), the deficiencies which led to the Commission's assumption of control will have been addressed and corrected and Commission staff will recommend that the Commission return financial control to the District; and

WHEREAS, the District currently appears to have no active governing board; and

WHEREAS, G.S. 130A-54 requires that the Rutherford County Commissioners fill District board vacancies until the next election; and

WHEREAS, the Commission adopted a resolution at its September 10, 2019 meeting calling on the Rutherford County Commissioners to fill the two vacancies on the Cliffside Sanitary District board at that time; and

WHEREAS, the District was created as a sanitary district by resolutions of the (then) North Carolina State Board of Health ("Board of Health") dated December 2, 1965 and by the Rutherford County Board of Commissioners ("County Board") dated February 7, 1966 pursuant to the governing statutes at that time (G.S. Chapter 130, Article 12, now repealed) to wit:

- A petition containing the names of over fifty-one percent (51%) of the resident freeholders requesting the creation of a sanitary district was filed with the County Board and duly approved by said Board;
- The Board of Health was duly notified of the petition;
- After a joint public hearing held by the County and State Boards in November 1965 at which no

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EXHIBIT 6 Page 2 of 2

Resolution Providing Notice to Rutherford County  
June 4, 2024  
Page 2

public opposition was presented, the two Boards agreed to the creation of the Cliffside Sanitary District;

- The County Board adopted a resolution and requested that the Board of Health create the sanitary district which it did at its meeting on December 2, 1965;
- The County Board completed the formation of the District by appointing the initial members of the District Board by resolution dated February 7, 1966; and

WHEREAS, the current statutes governing sanitary districts are codified in G.S. Chapter 130A, Article 2, Part 2, and the authority and powers of the Board of Health are now vested in the Commission for Public Health, a state-level public body governed by G.S. Chapter 130A, Article 1A and staffed by the Department of Health and Human Services, Division of Public Health); and

NOW THEREFORE, BE IT RESOLVED, that the Commission:

- Provides notice to the Rutherford County Commissioners and the Commission for Public Health that upon submission and acceptance of the District's fiscal year 2023 audit, Commission staff will recommend that the Commission return financial control to the District; and
- Directs Commission staff to deliver this resolution to the Rutherford County Commissioners and the Commission for Public Health.

I, Debbie Tomasko, 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 June 4, 2024.

WITNESS my hand this 4<sup>th</sup> day of June, 2024.



Debbie Tomasko, Secretary  
North Carolina Local Government Commission



A handwritten signature in blue ink that reads "Dale R. Folwell, CPA".

STATE AND LOCAL GOVERNMENT FINANCE DIVISION  
AND THE LOCAL GOVERNMENT COMMISSION

RESOLUTION MODIFYING THE SAFE HARBOR POLICY RELATED TO  
REASONABLENESS OF ESTIMATED INTEREST ASSUMPTIONS

WHEREAS, the North Carolina General Assembly enacted Session Law 2022-53, entitled in part "AN ACT TO INCREASE THE TRANSPARENCY OF BOND REFERENDA..." (the "Act"); and

WHEREAS, Section 2.(c) of the Act amended Part 2 (Procedure for Issuing Bonds) of Article 4 (the Local Government Bond Act) of Chapter 159 of the General Statutes to add a new section §159-55.1 which requires a finance officer to file a statement of disclosures necessary for bond authorization; and

- pursuant to G.S. 159-55.1(a)(1), the statement of disclosure must include "an estimate of the total amount of interest that will be paid on the bonds over the expected term of the bonds, if issued, and a summary of the assumptions upon which the estimate is based..."; and
- Section 1 of the Act amended G.S. 159-52(b) by adding a finding for Commission approval of an application for general obligation bonds issuance: "That the assumptions used by the finance officer of the unit in preparing the statement of interest filed with the clerk pursuant to G.S. 159-55.1(a) are reasonable"; and
- the Commission, at its November 2022 meeting, adopted a safe harbor policy related to this finding to provide a definition of "reasonable assumptions"; and

WHEREAS, Section 36.3.(a) of Session Law 2023-134 (HB 259) amended G.S. 159-61(d), which sets forth the form of the ballot question to be used for local government general obligation bond referenda including a requirement that a unit include "The estimated cumulative cost over the life of the bond, using the highest interest rate charged for similar debt over the last (maximum bond issuance term)"; and

- Commission staff published Guidelines for Compliance with General Obligation Bond Ballot Question Requirements to provide guidance to local government units in complying with the modified requirements in G.S. 159-61(d); and
- The estimated amount of interest used to comply with the requirements of this ballot question provision may be different than the "estimate of the total amount of interest that will be paid on the bonds over the expected term of the bonds" included in the statement of disclosures

EXHIBIT 7 Page 2 of 2

RESOLUTION MODIFYING SAFE HARBOR RELATED TO ESTIMATED INTEREST ASSUMPTIONS  
June 4, 2024  
Page 2

required by G.S. 159-55.1 (which often utilizes a reasonably expected interest rate based on current market conditions rather than the highest interest rate over the past 20 years); and

WHEREAS, the Commission wishes to update the safe harbor policy related to the finding required pursuant to G.S. 159-52(b) to align the policy with the new provisions of G.S. 159-61(d as amended by Session Law 2023-134 (HB 259);

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

1) The Commission will find the assumptions used in the estimate of total interest included in the statement of disclosures necessary for bond authorization required by G.S. §159-55.1(a)(1) to be reasonable if the estimate is based on the following assumptions:

a) The principal on the bonds to be authorized will be paid in 20 annual equal principal installments measured from the date of issue of each separate series of bonds; and

b) The interest rate on the bonds will be equal to either:

1. the highest interest rate charged for similar debt over the maximum bond issuance term; or
2. the Bond Buyer 20 Index (BB20) rate published within 25 days prior to the introduction of the bond order plus 200 basis points (2%) or higher.

2) A finance officer may use alternate assumptions to estimate the total amount of interest to be paid on the bonds over the expected term of the bonds; these alternate assumptions will be considered by the Commission at the same time it considers the application for approval of the bond issue and makes its findings required pursuant to N.C.G.S. 159-52 (b).

WITNESS my hand this 4<sup>th</sup> day of June 2024.



Debbie Tomasko, Secretary  
North Carolina Local Government Commission



NORTH CAROLINA  
DEPARTMENT OF STATE TREASURER

STATE TREASURER OF NORTH CAROLINA  
DALE R. FOLWELL, CPA

Handwritten signature of Dale R. Folwell, CPA.

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STATE AND LOCAL GOVERNMENT FINANCE DIVISION  
AND THE LOCAL GOVERNMENT COMMISSION

RESOLUTION TO RETURN FINANCIAL CONTROL  
TO THE TOWN OF KINGSTOWN

WHEREAS, the Local Government Commission (the "Commission") assumed control of the financial affairs of the Town of Kingstown (the "Town") pursuant to its authority under N.C.G.S. 159-181(c); and

WHEREAS, the Town's staff and elected officials have worked diligently and collaboratively with Commission staff to address and correct the deficiencies which led to the Commission's assumption of financial control; and

WHEREAS, Town officials, Town staff, and Commission staff will complete the activities listed on Page 2 to facilitate return of financial control to the Town; and

WHEREAS, Commission staff will continue to monitor the Town's compliance with the Local Government Budget and Fiscal Control Act (North Carolina General Statutes Chapter 159, Article 3);

NOW THEREFORE, BE IT RESOLVED, that the Commission returns full control of all financial affairs of the Town of Kingstown to its elected board and its properly designated fiscal officers effective July 1, 2024.

I, Debbie Tomasko, 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 June 4, 2024.

WITNESS my hand this 4<sup>th</sup> day of June, 2024.

Handwritten signature of Debbie Tomasko.

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Debbie Tomasko, Secretary  
North Carolina Local Government Commission

TOWN OF KINGSTOWN RETURN OF FINANCIAL CONTROL  
REQUIRED FINANCIAL AND OPERATIONAL ACTIVITIES

The following actions must be taken to complete the transition of financial control from the Local Government Commission to the Town.

LGC Staff

1. Return any check stock to the Town.
2. Provide copies to the Town of all resolutions adopted by the LGC acting in its role as governing board for financial matters for the Town.
3. Provide to the Town all materials created by or in the possession of LGC staff related to work performed by LGC staff for applications for and receipt of loans and grants or for any other matters related to the financial operations or management of the Town.
4. Return to the Town any other files, documents, materials, supplies, or other Town property.
5. Remove Ann Moore and Becky Dzingeleski as account signatories from the Town's official depository account.

Town of Kingstown Governing Board

1. Appoint a Finance Officer, as required pursuant to G.S. 159-24.
2. Secure appropriate faithful performance bond for the finance officer as required pursuant to G.S. 159-29 and terminate the bond for Ann Moore (see for [Session Law 2022-53](#) for modified requirements for finance officer faithful performance bonds).
3. Identify and reassign any financial duties assigned to Ann Moore.
4. Change passwords to any accounts or software that may have been used by LGC staff.
5. Commit to continued monitoring by LGC staff.