REQUEST FOR BOARD ACTION

ITEM NO. 14.

DATE OF MEETING: June 17, 2013

REQUESTED BY: Michael G. Mack, Utilities Director

SHORT TITLE: Resolution Approving Staff to Proceed with Requesting the Local Government Commission (LGC) to Extend the Time to Issue the General Obligation Bonds Approved by Voter Referendum on November 7, 2006 for an Additional Three Years from the Original Referendum Date for the Central Pender and Moore's Creek Water and Sewer Districts.

BACKGROUND: On November 7, 2006, the voters within the Central Pender and Moore's Creek Water & Sewer Districts approved the Districts to issue General Obligation Bonds for the extension of water distribution lines into each of their respective Districts. The Central Pender District voters approved the issuance of GO Bond in the maximum amount of $27,000,000. The Moore's Creek District voters approved the issuance of GO Bonds in the maximum amount of $45,000,000.

Upon approval of this resolution, staff will submit an application letter asking the LGC for the time extensions. If the LGC approves the extensions, the County will be required to schedule and hold a public meeting for the voters of each District to receive input on whether the time to issue the water bonds should be extended by three years. Once the public meeting is held, the Board will consider adopting the order extending the time to issue the Bonds and publish a notice of the time extension. The published notice triggers a 30-day period for challenges to the time extension. If the County receives no legal challenges to the time extension, the order extending the time will become effective 30 days after the publication of the notice.

SPECIFIC ACTION REQUESTED: Consider a resolution approving that staff proceed with requesting the LGC extend the time to issue the General Obligation Water Bonds approved by voter referendum on November 7, 2006 from November 7, 2013 to November 7, 2016 for the Central Pender and Moore's Creek Water and Sewer Districts.

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.

Initial

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

the attached Resolutions requesting the Local Government Commission extend the time for the Central Pender and Moore's Creek Water and Sewer Districts to issue General Obligation Water Bonds be extended an additional three years to November 7, 2016 are approved.

The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED_____ SECONDED_____

APPROVED_____ DENIED_____UNANIMOUS

YEA VOTES: Brown ___ McCoy ___ Tate ___ Ward ___ Williams ___

_____ 06/17/13
George R. Brown, Chairman Date

_____ 06/17/13
ATTEST Date

Resolution Requesting that the Local Government Commission Extend the Time for Central Pender Water and Sewer District To Issue General Obligation Water Bonds

WHEREAS --

At a referendum held on November 7, 2006, the voters in the Central Pender Water and Sewer District authorized the issuance of general obligation water bonds in the maximum amount of $27,000,000.

The District has not yet issued any of such bonds. The District's authorization to issue these bonds will expire in November, 2013, unless the time is extended as provided by law. The District has determined to ask the North Carolina Local Government Commission (the "LGC") to approve an extension.

The law requires that the District conduct a public hearing on the question of extending the time to issue the bonds.

BE IT THEREFORE RESOLVED by the Board of Commissioners of Pender County, North Carolina, as the governing body of Central Pender Water and Sewer District, as follows:

1. The District requests that the LGC approve an extension of the time to issue the bonds approved at the 2006 referendum to a total of ten years from the referendum date. The District has determined that the purpose for which the bonds were approved cannot be completed within the original seven-year period from the referendum date.

2. The District will hold a public hearing on the question of whether the time to issue the water bonds, as approved at the 2006 referendum, should be extended to November 7, 2016. The Pender County Manager is authorized to schedule the public hearing and to provide for notice of the public hearing to be provided in the manner provided by law.

3. The Pender County Finance Officer and all other County officers and representatives are authorized to take all appropriate action toward carrying out the purposes of this resolution, including communicating the District's request to the LGC and taking such steps in support of the request as they may deem appropriate. All prior actions of County officers and representatives related to the transactions contemplated by this resolution are ratified.

Resolution Requesting that the Local Government Commission Extend the Time for Moore's Creek Water and Sewer District To Issue General Obligation Water Bonds

WHEREAS --

At a referendum held on November 7, 2006, the voters in the Moore's Creek Water and Sewer District authorized the issuance of general obligation water bonds in the maximum amount of $45,000,000.

The District has not yet issued any of such bonds. The District's authorization to issue these bonds will expire in November, 2013, unless the time is extended as provided by law. The District has determined to ask the North Carolina Local Government Commission (the "LGC") to approve an extension.

The law requires that the District conduct a public hearing on the question of extending the time to issue the bonds.

BE IT THEREFORE RESOLVED by the Board of Commissioners of Pender County, North Carolina, as the governing body of Moore's Creek Water and Sewer District, as follows:

1. The District requests that the LGC approve an extension of the time to issue the bonds approved at the 2006 referendum to a total of ten years from the referendum date. The District has determined that the purpose for which the bonds were approved cannot be completed within the original seven-year period from the referendum date.

2. The District will hold a public hearing on the question of whether the time to issue the water bonds, as approved at the 2006 referendum, should be extended to November 7, 2016. The Pender County Manager is authorized to schedule the public hearing and to provide for notice of the public hearing to be provided in the manner provided by law.

3. The Pender County Finance Officer and all other County officers and representatives are authorized to take all appropriate action toward carrying out the purposes of this resolution, including communicating the District's request to the LGC and taking such steps in support of the request as they may deem appropriate. All prior actions of County officers and representatives related to the transactions contemplated by this resolution are ratified.