

**FORSYTH COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE:

DECEMBER 19, 2019

AGENDA ITEM NUMBER:

8A-8C

SUBJECT: A. RESOLUTION REPEALING THE UNISSUED BALANCE OF VARIOUS GENERAL OBLIGATION BOND ORDERS ADOPTED BY THE BOARD OF COMMISSIONERS ON JANUARY 24, 2019

B. RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AND AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION IN CONNECTION WITH THE PROPOSED ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS BY THE COUNTY

C. ORDER AUTHORIZING \$78,000,000 GENERAL OBLIGATION REFUNDING BONDS

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION: See Attached

ATTACHMENTS:

YES

NO

SIGNATURE:

J. Dudley Watts, Jr. AMS
COUNTY MANAGER

DATE:

December 16, 2019

**RESOLUTION REPEALING THE UNISSUED BALANCE OF VARIOUS
GENERAL OBLIGATION BOND ORDERS ADOPTED BY THE
BOARD OF COMMISSIONERS ON JANUARY 24, 2019**

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

Section 1. The Board has determined and does hereby find and declare as follows:

- (a) An order authorizing \$8,500,000 General Obligation School Bonds (the "School Bonds") was adopted by the Board on January 24, 2019, which order has taken effect. Pursuant to said order and a resolution adopted by the Board on February 14, 2019 (the "Resolution"), the County has issued its \$23,000,000 General Obligation Public Improvement Bonds, Series 2019A (the "Series 2019A Bonds"), which included \$7,800,000 of the authorized School Bonds. Following the issuance of the Series 2019A Bonds, there remains an authorized and unissued balance of \$700,000 of the School Bonds authorized by said bond order.
- (b) An order authorizing \$2,300,000 General Obligation Community College Bonds (the "Community College Bonds") was adopted by the Board on January 24, 2019, which order has taken effect. Pursuant to said order and the Resolution, the County has issued the Series 2019A Bonds, which included \$2,110,000 of the authorized Community College Bonds. Following the issuance of the Series 2019A Bonds, there remains an authorized and unissued balance of \$190,000 of the School Bonds authorized by said bond order.
- (c) An order authorizing \$2,000,000 General Obligation Parks and Recreation Bonds (the "Parks and Recreation Bonds") was adopted by the Board on January 24, 2019, which order has taken effect. Pursuant to said order and the Resolution, the County has issued the Series 2019A Bonds, which included \$1,835,000 of the authorized Parks and Recreation Bonds. Following the issuance of the Series 2019A Bonds, there remains an authorized and unissued balance of \$165,000 of the Parks and Recreation Bonds authorized by said bond order.
- (d) An order authorizing \$2,000,000 General Obligation Public Facilities Bonds (the "Public Facilities Bonds") was adopted by the Board on January 24, 2019, which order has taken effect. Pursuant to said order and the Resolution, the County has issued the Series 2019A Bonds, which included \$1,830,000 of the authorized Public Facilities Bonds. Following the issuance of the Series 2019A Bonds, there remains an authorized and unissued balance of \$170,000 of the Public Facilities Bonds authorized by said bond order.
- (e) An order authorizing \$8,500,000 General Obligation Parking Facilities Bonds (the "Parking Facilities Bonds") was adopted by the Board on January 24, 2019, which order has taken effect. Pursuant to said order and the Resolution, the County has issued the Series 2019A Bonds, which included \$7,800,000 of the authorized Parking Facilities Bonds. Following the issuance of the Series 2019A Bonds, there remains an authorized and unissued balance of \$700,000 of the Parking Facilities Bonds authorized by said bond order.

(f) The County desires to repeal said bond orders as it relates to the authorized and unissued balances of the School Bonds, the Community College Bonds, the Parks and Recreation Bonds, the Public Facilities Bonds and the Parking Facilities Bonds.

Section 2. The County hereby repeals each of the bond orders adopted by the Board at its January 24, 2019 meeting as it relates to (a) the \$700,000 authorized and unissued balance of the School Bonds, (b) the \$190,000 authorized and unissued balance of the Community College Bonds, (c) the \$165,000 authorized and unissued balance of the Parks and Recreation Bonds, (d) the \$170,000 authorized and unissued balance of the Public Facilities Bonds and (e) the \$700,000 authorized and unissued balance of the Parking Facilities Bonds, all as authorized by said bond orders.

Section 3. This resolution shall take effect upon its adoption.

Adopted this 19th day of December 2019.

**RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AND
AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL
GOVERNMENT COMMISSION IN CONNECTION WITH THE PROPOSED
ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS BY THE COUNTY**

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

Section 1. The Board of Commissioners does hereby determine that:

(a) Preliminary analysis has been completed to demonstrate the need for refunding all or a portion of the County's outstanding (i) General Obligation Public Improvement Bonds, Series 2010A and (ii) General Obligation Public Improvement Bonds, Series 2010C.

(b) The Board of Commissioners wishes to commence the procedures for the issuance of not to exceed \$78,000,000 General Obligation Refunding Bonds (the "Refunding Bonds") of the County at this time.

(c) The annual audits of the County show the County to be in strict compliance with debt management policies and that the budgetary and fiscal management policies are in compliance with law.

Section 2. The filing of an application of the County with the Local Government Commission for approval of the issuance of the Refunding Bonds of the County is hereby authorized, ratified and approved.

Section 3. The law firm of Womble Bond Dickinson (US) LLP is hereby appointed to serve, but solely at the pleasure of the Board of Commissioners, as bond counsel to the County in connection with the authorization, sale and issuance of the said bonds.

Section 4. DEC Associates Inc. is hereby appointed to serve, but solely at the pleasure of the Board of Commissioners, as financial advisor to the County in connection with the sale and issuance of the said bonds.

Section 5. The County anticipates that the Refunding Bonds will be underwritten by BofA Securities, Inc. and PNC Capital Markets (the "Underwriters"). The Chief Financial Officer of the County is hereby authorized to execute and delivery any necessary documentation in connection with the engagement of the Underwriters for the underwriting of the Refunding Bonds, including the Municipal Securities Rulemaking Board Rule G-17 letter.

Section 6. This resolution shall take effect immediately upon its adoption.

Adopted this 19th day of December 2019.

ORDER AUTHORIZING \$78,000,000 GENERAL OBLIGATION REFUNDING BONDS

BE IT ORDERED by the Board of Commissioners for the County of Forsyth, North Carolina:

1. That pursuant to The Local Government Bond Act, as amended, the County of Forsyth, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said County may now or hereafter have power and authority to contract, and in evidence thereof to issue General Obligation Refunding Bonds in an aggregate principal amount not exceeding \$78,000,000 for the purpose of providing funds, together with any other available funds, to (a) refund all or a portion of the County's outstanding (i) General Obligation Public Improvement Bonds, Series 2010A, dated September 1, 2010, and (ii) General Obligation Public Improvement Bonds, Series 2010C, dated September 2, 2010, and (b) pay certain expenses related thereto.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of debt of said County has been filed with the Clerk to the Board of Commissioners and is open to public inspection.

4. That this order shall take effect upon adoption.

The Board of Commissioners thereupon designated the Chief Financial Officer of the County to make and file with the Clerk to the Board of Commissioners the sworn statement of debt of the County which is required by The Local Government Bond Act, as amended, to be filed after the bond order has been introduced. The Board of Commissioners also designated the Chief Financial Officer to file with the Clerk to the Board of Commissioners the statement of total estimated interest which is required by The Local Government Bond Act, as amended, to be filed with the Clerk to the Board of Commissioners at the time the bond order is introduced and further directed the Clerk to the Board of Commissioners to file a copy of such statement with the Local Government Commission.

Thereupon, the Chief Financial Officer of the County caused to be filed with the Clerk to the Board of Commissioners, in the presence of the Board of Commissioners, the sworn statement of debt and the statement of total estimated interest as so required.

Adopted this 19th day of December 2019.

**COUNTY OF FORSYTH, NORTH CAROLINA
STATEMENT OF TOTAL ESTIMATED INTEREST PURSUANT TO THE
LOCAL GOVERNMENT BOND ACT, AS AMENDED**

I, Paul L. Fulton, Jr., Chief Financial Officer of the County of Forsyth, North Carolina (the "County"), having been designated by the Board of Commissioners for the County (the "Board") to make and file with the Clerk to the Board a statement of total estimated interest pursuant to The Local Government Bond Act, as amended, DO HEREBY CERTIFY as follows:

1. On December 19, 2019, the Board introduced a bonds order authorizing the issuance by the County of \$78,000,000 General Obligation Refunding Bonds (the "Bonds").

2. If the Bonds are duly authorized and issued, I have estimated that the total amount of interest to be paid by the County over the expected term of the Bonds to be \$16,908,650. Such estimate is based on the following assumptions:

(a) The Bonds will be issued on April 1, 2020 in the aggregate principal amount of \$68,790,000.

(b) The Bonds will be sold with original issue premium of \$8,957,604.

(c) The Bonds will mature on April 1, \$4,710,000 2021, \$4,810,000 2022, \$4,885,000 2023, \$4,960,000 2024, \$20,960,000 2028, \$20,850,000 2029 and \$7,615,000 2030.

(d) The Bonds will not be redeemed prior to their stated maturities.

(e) The Bonds will bear interest at various coupon rates resulting in a true interest cost of approximately 1.59%. Such true interest cost is a fair market estimate of interest rate(s) to be borne by the Bonds and used by the County for planning purposes.

The total estimated amount of interest on the Bonds over the expected term of the Bonds is preliminary and for general purposes only. The County makes no assurances that the assumptions upon which such estimate is based will occur, and the occurrence of certain of such assumption is beyond the control of the County. Differences between the actual circumstances at the time the Bonds are issued and the assumptions set forth above could result in significant differences between the total amount of estimated interest and the total amount of actual interest to be paid on the Bonds if and when issued. The validity of the Bonds is not subject to challenge on the grounds that the actual interest to be paid on the Bonds when issued is different than the total amount of estimated interest on the Bonds set forth above.

Signed this ____ day of December, 2019.

Chief Financial Officer

I, Ashleigh M. Sloop, Clerk to the Board of Commissioners for the County of Forsyth, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of a statement of total estimated interest which was filed with me at a meeting of said Board held on December 19, 2019, after the introduction of an order authorizing bonds of said County, and that said statement is open to public inspection in my office.

WITNESS my hand and official seal of said County this 19th day of December, 2019.

Clerk to the Board of Commissioners

[SEAL]

**COUNTY OF FORSYTH, NORTH CAROLINA
SWORN STATEMENT OF DEBT MADE PURSUANT TO THE
LOCAL GOVERNMENT BOND ACT, AS AMENDED**

I, Paul L. Fulton, Jr., Chief Financial Officer of the County of Forsyth, North Carolina, having been designated by the Board of Commissioners for said County to make and file with the Clerk to said Board of Commissioners a statement of the debt of said County pursuant to The Local Government Bond Act, as amended, DO HEREBY CERTIFY that the following is a true statement as shown by the books in my office, not taking into consideration any debt incurred or to be incurred in anticipation of the collection of taxes or other revenues or in anticipation of the sale of bonds other than funding and refunding bonds:

(a) GROSS DEBT																																							
a(1)	<p>Outstanding debt evidenced by bonds:</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 80%;">School Bonds, Series 2004A</td><td style="text-align: right;">\$7,500,000</td></tr> <tr><td>School Bonds, Series 2004B</td><td style="text-align: right;">7,500,000</td></tr> <tr><td>School Bonds, Series 2007B</td><td style="text-align: right;">14,600,000</td></tr> <tr><td>Refunding Bonds, Series 2009</td><td style="text-align: right;">4,075,000</td></tr> <tr><td>Public Improvement Bonds, Series 2010A</td><td style="text-align: right;">2,840,000</td></tr> <tr><td>Public Improvement Bonds, Series 2010C</td><td style="text-align: right;">80,380,000</td></tr> <tr><td>Public Improvement Bonds, Series 2010D</td><td style="text-align: right;">26,405,000</td></tr> <tr><td>Refunding Bonds, Series 2010E</td><td style="text-align: right;">26,310,000</td></tr> <tr><td>Public Improvement Bonds, Series 2013</td><td style="text-align: right;">10,300,000</td></tr> <tr><td>Educational Facilities Bonds, Series 2013</td><td style="text-align: right;">3,650,000</td></tr> <tr><td>Refunding Bonds, Series 2013</td><td style="text-align: right;">23,645,000</td></tr> <tr><td>Library Bonds, Series 2014</td><td style="text-align: right;">29,200,000</td></tr> <tr><td>Public Improvement Bonds, Series 2014</td><td style="text-align: right;">11,550,000</td></tr> <tr><td>Refunding Bonds, Series 2015</td><td style="text-align: right;">65,095,000</td></tr> <tr><td>Public Improvement Bonds, Series 2017A</td><td style="text-align: right;">18,465,000</td></tr> <tr><td>Public Improvement Bonds, Series 2017B</td><td style="text-align: right;">97,070,000</td></tr> <tr><td>Public Improvement Bonds, Series 2019A</td><td style="text-align: right;">21,375,000</td></tr> <tr><td>Public Improvement Bonds, Series 2019B</td><td style="text-align: right;"><u>98,415,000</u></td></tr> <tr><td style="text-align: center;">Total</td><td style="text-align: right;"><u>\$548,375,000</u></td></tr> </table>	School Bonds, Series 2004A	\$7,500,000	School Bonds, Series 2004B	7,500,000	School Bonds, Series 2007B	14,600,000	Refunding Bonds, Series 2009	4,075,000	Public Improvement Bonds, Series 2010A	2,840,000	Public Improvement Bonds, Series 2010C	80,380,000	Public Improvement Bonds, Series 2010D	26,405,000	Refunding Bonds, Series 2010E	26,310,000	Public Improvement Bonds, Series 2013	10,300,000	Educational Facilities Bonds, Series 2013	3,650,000	Refunding Bonds, Series 2013	23,645,000	Library Bonds, Series 2014	29,200,000	Public Improvement Bonds, Series 2014	11,550,000	Refunding Bonds, Series 2015	65,095,000	Public Improvement Bonds, Series 2017A	18,465,000	Public Improvement Bonds, Series 2017B	97,070,000	Public Improvement Bonds, Series 2019A	21,375,000	Public Improvement Bonds, Series 2019B	<u>98,415,000</u>	Total	<u>\$548,375,000</u>
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a(2)	<p>Bonds authorized by orders introduced, but not yet adopted:</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 80%;">Refunding Bonds</td><td style="text-align: right;"><u>\$78,000,000</u></td></tr> </table>	Refunding Bonds	<u>\$78,000,000</u>																																				
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a(3)	<p>Unissued bonds authorized by adopted orders:</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 80%;">School Bonds (2016)</td><td style="text-align: right;">\$186,375,000</td></tr> <tr><td>Community College Bonds (2016)</td><td style="text-align: right;">34,615,000</td></tr> <tr><td>Parks and Recreational Facilities Bonds (2016)</td><td style="text-align: right;"><u>7,985,000</u></td></tr> <tr><td style="text-align: center;">Total</td><td style="text-align: right;"><u>\$228,975,000</u></td></tr> </table>	School Bonds (2016)	\$186,375,000	Community College Bonds (2016)	34,615,000	Parks and Recreational Facilities Bonds (2016)	<u>7,985,000</u>	Total	<u>\$228,975,000</u>																														
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a(4)	<p>Outstanding debt, not evidenced by bonds:</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 80%;"></td><td style="text-align: right;">\$ <u> -0-</u></td></tr> </table>		\$ <u> -0-</u>																																				
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(a)	GROSS DEBT, being the sum of a(1), a(2), a(3) and a(4):	<u>\$855,350,000</u>
(b) DEDUCTIONS		
b(1)	Funding and refunding bonds authorized by orders introduced but not yet adopted:	<u>\$78,000,000</u>
b(2)	Funding and refunding bonds authorized but not yet issued:	\$ <u> -0-</u>
b(3)	The amount of money held in sinking funds or otherwise for the payment of any part of the principal of gross debt other than debt incurred for water, gas, electric light or power purposes or sanitary sewer purposes (to the extent that the bonds are deductible under G.S. 159-55(b)):	\$ <u> -0-</u>
b(4)	Bonded debt included in gross debt and incurred, or to be incurred, for water, gas, electric light or power purposes:	\$ <u> -0-</u>
b(5)	Bonded debt included in gross debt and incurred, or to be incurred, for sanitary sewer system purposes (to the extent that said debt is made deductible by G.S. 159-55(b)):	\$ <u> -0-</u>
b(6)	Uncollected special assessments heretofore levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred to the extent that such assessments will be applied, when collected, to the payment of any part of the gross debt:	\$ <u> -0-</u>
b(7)	The amount, as estimated by the Chief Financial Officer, of special assessments to be levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred, to the extent that the special assessments, when collected, will be applied to the payment of any part of the gross debt:	\$ <u> -0-</u>
(b)	DEDUCTIONS, being the sum of b(1), b(2), b(3), b(4), b(5), b(6) and b(7):	<u>\$78,000,000</u>
(c) NET DEBT		
(c)	NET DEBT, being the difference between the GROSS DEBT (a) and the DEDUCTIONS (b):	<u>\$777,350,000</u>
(d) ASSESSED VALUE		

