

May 28, 2008

**S 2156. INFRASTRUCTURE ASSESSMENTS ACT (=H 2787).** Filed 5/28/08. *TO PROVIDE CABARRUS COUNTY WITH A MECHANISM TO FINANCE LONG-TERM INFRASTRUCTURE NEEDS WITH ASSESSMENTS.*

Identical to H 2787, filed 5/28/08.

**Intro. by Hartsell.**

CABARRUS

July 8, 2008

**S 2156. SPECIAL ASSESSMENTS AUTHORITY (NEW).** Filed 5/28/08. Senate committee substitute completely rewrites the first edition and replaces it with *AN ACT TO ALLOW SPECIAL ASSESSMENTS IN CABARRUS, CUMBERLAND, HENDERSON, AND ROWAN COUNTIES, AND THE CITIES LOCATED IN WHOLE OR PART IN THOSE COUNTIES, TO BE PAID IN MORE THAN TEN ANNUAL INSTALLMENTS AND TO BE PLEDGED TO THE REPAYMENT OF REVENUE BONDS ISSUED FOR CRITICAL INFRASTRUCTURE NEEDS.*

Enacts new Article 9A in GS Chapter 153A to allow special assessments in the counties of Cabarrus, Cumberland, Henderson, and Rowan, and enacts new Article 10A in GS Chapter 160A to also allow special assessments in the cities that are located in whole or in part in those counties.

*Counties (new Article 9A):* Authorizes the County Board of Commissioners (Commissioners) to issue revenue bonds that are to be paid from special assessments imposed on property within the county that benefits from the projects for which the bonds are issued. Provides that the Commissioners may make special assessments against benefited property to finance the capital costs of projects for which bonds may be issued under any of the following:

- (1) GS 159-48(b)(17), sanitary sewer systems;
- (2) GS 159-48(b)(19), storm sewers and flood control facilities;
- (3) GS 159-48(b)(21), water systems;
- (4) GS 159-48(c)(4), school facilities; and
- (5) GS 159-48(d)(5), streets and sidewalks.

Directs the Commissioners to (1) determine a project's total estimated cost and (2) establish an assessment method that will most accurately assess each property based on the benefits conferred on the property by the proposed project. Restricts the Commissioners from imposing a special assessment under new Article 9A unless the commission receives a petition for the proposed project that is signed by at least a majority of the owners of the real property to be assessed. Requires that the real property owners who sign the petition must represent at least 66% of the assessed value of the all the real property to be assessed for the project. Provides details as to (1) what the petition must include, (2) the process for withdrawing a petition, and (3) the guidelines for contesting the validity of an assessment.

Permits the Commissioners to pay for the project for which an assessment is imposed solely with revenue bonds or from a combination of financing sources. Provides that the assessment may be made payable in annual installments, due on the date that property taxes are due. Directs the Commissioners to set the number of annual installments and limits the annual installments to a maximum of 30.

Authorizes Commissioners that impose an assessment to issue revenue bonds under GS Chapter 159, Article 5. Provides that proposed new Article 9A specifically modifies the authority of a county to issue revenue bonds under GS Chapter 159, Article 5, by extending the authority in GS Chapter 159, Article 5, to include a project for which an assessment may be imposed under proposed new GS Chapter 153A, Article 9A. Provides that new Article 9A supplements the authority that counties have in GS Chapter 153A, Article 9, and that the provisions of Article 9 apply to proposed new Article 9A to the extent that Article 9 does not conflict with proposed Article 9A.

*Cities (new Article 10A):* Applies all of the provisions indicated above to a city council in a city located in whole or in part in the counties of Cabarrus, Cumberland, Henderson, and Rowan.

Authorizes a city council to issue revenue bonds under GS Chapter 159, Article 5. Provides that proposed new Article 10A specifically modifies the authority of a city to issue revenue bonds under GS Chapter 159, Article 5, by extending the authority in GS Chapter 159, Article 5, to

include a project for which an assessment may be imposed under proposed new GS Chapter 160A, Article 10A. Provides that new Article 10A supplements the authority that counties have in GS Chapter 160A, Article 10, and that the provisions of Article 10 apply to proposed new Article 10A to the extent that Article 10 does not conflict with proposed Article 10A.

Restricts application of this act to the counties of Cabarrus, Cumberland, Henderson, and Rowan. This act becomes effective when it becomes law and expires July 1, 2013.