

February 10, 2009

**S 97. CRITICAL INFRASTRUCTURE ASSM'T PARKS & REC.** Filed 2/10/09. *TO ALLOW PARKS AND RECREATION AS AUTHORIZED PURPOSES FOR SPECIAL ASSESSMENTS FOR CRITICAL INFRASTRUCTURE NEEDS.*

Amends GS 153A-210.2(a) (county assessments) and GS 160A-239.2(a) (city and town assessments) to add parks and recreation facilities to the list of projects for which a board of commissioners of a county or a city council may make special assessments against benefited property in order to finance the capital costs of projects for which bonds may be issued.

**Intro. by Hartsell.**

GS 153A, 160A

May 4, 2009

**S 97. CRITICAL INFRASTRUCTURE ASSM'T CHANGES (NEW).** Filed 2/10/09. Senate committee substitute makes the following changes to 1st edition. Replaces enumerated lists of the purposes for which counties and cities may make special assessments with a cross-reference to the purposes for which project development financing debt instruments may be issued under GS 159-103 in GS 153A-210.2(a) and GS 160A-239.2(a). Amends GS 153A-210.4 and GS 160A-239.4 to add project development financing debt instruments to the list of financing sources available to counties and cities to fund projects. Provides in either case that special assessments may be pledged to secure revenue bonds or as additional security for a project financing debt instrument under GS 159-111, so long as the county or city covenants to enforce the payment of the assessment. Adds new sections GS 153A-210.7 and GS 160A-239.7 to clarify that counties and cities may act directly or by contract with public or private agencies to implement projects financed by special assessments. Makes a conforming change to the title.

July 7, 2009

**S 97. CRITICAL INFRASTRUCTURE ASSM'T CHANGES.** Filed 2/10/09. House committee substitute makes the following changes to 2nd edition.

Amends GS 153A-210.2(a) (applying to counties) and GS 160A-239.2(a) (applying to cities) to provide that counties or municipalities may make special assessments against benefited property within the county or city, respectively, for the purpose of financing the addition of renewable energy sources or energy efficient improvements that are permanently fixed to residential, commercial, industrial, or other real property.

Amends proposed GS 153A-210.7 (counties) and proposed GS 160A-239.7 (cities) to exempt private entities that implement certain infrastructure projects financed through special assessments from the competitive bidding requirements of GS Chapter 143, Article 8, if no more than 25% of the estimated cost of the project will be funded by general obligation bonds or general revenue. However, if the project is developed on property that is owned in whole or in part by a public agency, both of the following must also apply: (1) the contracts must require performance bonds and payment bonds and (2) the private developer must provide an irrevocable letter of credit for the benefit of contractors that is no less than 5% of the total cost of the improvements.

Amends GS 159-111 to provide cities and counties with the authority to provide additional security in the preparation of their budgets for any fiscal year, with regards to any reserve fund, and the appropriation of any surplus relating to an issue of project development financing debt instruments. Also provides that cities and counties entering into an increment agreement for the purposes describe in GS 159-107(d)(2) (incremental valuation of the district with regards to property tax) may (1) include in the yearly fiscal budget, an appropriation of the amount due on the debt instrument during the next budget year, (2) include in the yearly fiscal budget an appropriation to restore the reserve fund to its required level in the next budget year if a reserve fund relating to the debt instrument is running low, and (3) consider appropriation the surplus for a purpose in (1) or (2) if there is a budget surplus.

Makes conforming changes to the title.

July 30, 2009

**S 97. CRITICAL INFRASTRUCTURE ASSM'T CHANGES.** Filed 2/10/09. House amendment makes the following changes to 3rd edition. Amends proposed GS 153A-210.7 (counties) and GS 160A-239.7 (cities) by deleting provisions related to requiring bonds or a security for faithful performance and a private developer's irrevocable letter of credit for a project developed on property owned by a public agency. Instead, adds to both statutes that, in the event any contract relating to construction where a substantial portion of which is to be performed on publicly owned property is excluded from the provisions of Article 8 of GS Chapter 143, the city or county or any trustee or fiduciary responsible for disbursing funds must obtain certification acceptable to the city or county in the amount due for work done or materials supplied for which payment will be paid from such disbursement. Also provides that, if notice of a claim is received from any person entitled to a mechanic's or materialman's lien but for the fact the claim relates to work performed on or supplies provided to publicly owned property, then either (1) no disbursement of funds may be made until satisfactory proof of resolution of the claim or (2) funds in the amount of the claim must be set aside for payment thereof upon resolution of the claim.

September 1, 2009

**SL 2009-525 (S 97). CRITICAL INFRASTRUCTURE ASSESSMENT CHANGES.** *AN ACT TO ALIGN THE AUTHORIZED PURPOSES FOR SPECIAL ASSESSMENTS FOR CRITICAL INFRASTRUCTURE NEEDS WITH THE PURPOSES OF PROJECT DEVELOPMENT FINANCING; TO ADD RENEWABLE ENERGY SOURCES AND ENERGY EFFICIENCY IMPROVEMENTS AS PURPOSES; TO CLARIFY THE LAW CONCERNING FINANCING A PROJECT FOR WHICH ASSESSMENTS MAY BE PLEDGED, TO EXEMPT PRIVATE ENTITIES THAT IMPLEMENT CERTAIN PROJECTS FOR WHICH ASSESSMENTS MAY BE PLEDGED FROM THE COMPETITIVE BIDDING REQUIREMENTS OF LOCAL GOVERNMENTS; AND TO PROVIDE GUIDANCE FOR LOCAL GOVERNMENTS WHEN ISSUING CERTAIN DEBT INSTRUMENTS AND ENTERING INTO CERTAIN AGREEMENTS.* Summarized in *Daily Bulletin* 2/10/09, 5/4/09, 7/7/09, and 7/30/09. Enacted August 26, 2009. Effective August 26, 2009.