



## Legislation Text

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File #: 18-4688, Version: 1

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### Title:

**TEFRA Hearing - ACTS Retirement-Life Communities, Inc.**

### Summary

#### ACTION:

(1) Open TEFRA public hearing and receive comments on the proposed financing by ACTS Retirement-Life Communities, Inc.

(2) Close public hearing and adopt resolution entitled:

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF MECKLENBURG, NORTH CAROLINA, APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY OF ITS ACTS RETIREMENT LIFE COMMUNITIES, INC. OBLIGATED GROUP, SERIES 2018 BONDS IN ONE OR MORE SERIES (THE "BONDS"), IN AN AMOUNT NOT TO EXCEED \$97,000,000**

Staff Contact: Tyrone C. Wade, County Attorney

Presentation: NO

#### BACKGROUND/JUSTIFICATION:

As more fully explained in the attached Resolution, ACTS Retirement-Life Communities, Inc. ( "*Borrower*") has requested that the Public Finance Authority, a public authority existing under the laws of the State of Wisconsin (the "*Authority*"), issue its ACTS Retirement Life Communities, Inc. Obligated Group, Series 2018 Bonds, (the "*Bonds*"), in an aggregate principal amount not to exceed \$97,000,000, and loan proceeds of the Bonds to the Borrower for the following purposes:

- (i) to finance the current refunding, refinancing and/or restructuring of all or a portion of a revolving line of credit issued by Bank of America to the Borrower

- (ii) the current refunding, refinancing and/or restructuring of all or a portion of the construction loan made by Branch Banking and Trust Company for certain properties located in North Carolina (collectively, the “*Bonds to be Refunded*”)
- (iii) financing or refinancing (Including reimbursement) the costs of acquisition, construction, equipping and improvement of existing and additional facilities of the Borrower, specifically the existing skilled nursing facility to assisted living units at 733 Plantation Estates Drive, Matthews, NC 28105.

ACTS Retirement-Life Communities, Inc. is using the Wisconsin Public Finance Authority as the issuer of the Bonds because of a desire to have a 30-year maturity on the debt. The North Carolina Capital Facilities Finance Agency, which would be the North Carolina issuer, has a policy which prohibits a bond maturity greater than 20 years.

In order to comply with federal tax law, and the code and Public Finance Authority’s statutory requirements the Borrower has requested that the Mecklenburg County Board of Commissioners hold a public hearing and approve the Resolution. This approval will not make the County responsible in any way for the Bonds or the Project financed with bond proceeds. Hosting the public hearing and approving the issuance of the Bonds are merely ministerial acts that will enable the Borrower to comply with federal tax law requirements in order that interest on the Bonds be exempt from federal income tax.

Representatives of the Borrower are planning to attend the hearing to answer any questions any Board members might have about the bonds or the project.

**PROCUREMENT BACKGROUND:**

N/A

**POLICY IMPACT:**

N/A

**FISCAL IMPACT:**

N/A