

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

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HOUSE BILL 501

Short Title: Buncombe Cty/Community College Projects. (Local)

Sponsors: Representatives Ramsey and Moffitt (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Education, if favorable, Finance.

April 3, 2013

A BILL TO BE ENTITLED

1 AN ACT PROVIDING THAT BUNCOMBE COUNTY IS AUTHORIZED TO CONSTRUCT
2 COMMUNITY COLLEGE BUILDINGS ON THE CAMPUSES OF
3 ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE WITHIN THE
4 COUNTY.
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Notwithstanding G.S. 115D-9, 115D-15.1(c), and 143-341(3) or any
8 other provisions of law, Buncombe County (County) is hereby authorized to construct
9 community college buildings, as that term is defined in G.S. 143-336, on the campuses of
10 Asheville-Buncombe Technical Community College (College) located within Buncombe
11 County by issuing limited obligation bonds that will be paid with revenue from a one-quarter
12 cent (1/4¢) local sales tax approved by the voters of the County in a referendum held on
13 November 8, 2011. In constructing the buildings, the County does not have to comply with the
14 provisions of G.S. 115D-9 or Part 1 of Article 36 of Chapter 143 of the General Statutes.
15 However, the County shall comply with the provisions of Article 3D of Chapter 143 of the
16 General Statutes (Procurement of Architectural, Engineering, and Surveying Services) and
17 Article 8 of Chapter 143 of the General Statutes (Public Contracts). The County shall consult
18 with the Board of Trustees of the College about programming requirements for the buildings
19 and shall keep the Board informed as to the construction process and progress. Upon the
20 completion of the construction of the buildings, the County shall lease the buildings to the
21 College under the terms and conditions agreed to by both the County and College.

22 **SECTION 2.** To allow for the issuance of limited obligation bonds, the Board of
23 Trustees of the College shall transfer title to the following properties to the County for the life
24 of the debt: (i) Tract 1 as shown on a survey recorded in Plat Book 78, Page 23, and as
25 described in Deed Book 2360, Page 507, recorded in the Buncombe County Registry of Deeds;
26 (ii) a 7.9 acre tract as described in Deed Book 2870, Page 607, as recorded in the Buncombe
27 County Registry of Deeds; and (iii) a 12.87 acre parcel of land as described in Deed Book
28 1492, Page 339, as recorded in the Buncombe County Registry of Deeds. Upon the satisfaction
29 of the debt, the County shall transfer title to the property back to the Board of Trustees of the
30 College.

31 **SECTION 3.** The memorandum of understanding by and between the County and
32 the Board of Trustees of the College executed on March 20, 2012, is null and void. Any
33 provision of any other interlocal or other agreement between the County and College that is
34 inconsistent with the provisions of this act is null and void. However, notwithstanding the
35 provisions of this act, the County and Board of Trustees of the College may enter into another



1 memorandum of understanding to allow for the construction of community college buildings by
2 the County on the campuses of the College located within the County if deemed appropriate by
3 the County and College and if the terms of the memorandum will allow for the construction to
4 be completed in a timely fashion and cost-efficient manner.

5 **SECTION 4.** This act is effective when it becomes law.