

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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PRINCIPAL CLERK

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SENATE DRS75032-MM-18 (12/14)

Short Title: Onslow Public-Private Partnership. (Local)

Sponsors: Senator Brown (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE COUNTY OF ONSLOW TO ENTER INTO
3 PUBLIC-PRIVATE PARTNERSHIPS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** Definition. For the purpose of this act, a "public-private project" is
6 defined as a capital project which is comprised of one or more buildings or other improvements
7 and includes both public and private facilities. The public-private project may be located
8 anywhere within the geographic boundaries of Onslow County, including within any
9 municipality in Onslow County.

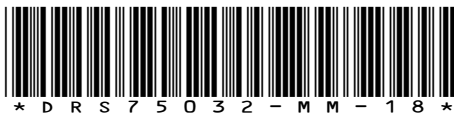
10 **SECTION 1.(b)** Authorization. If the Board of Commissioners of Onslow County
11 determines that the County will benefit from the County's participation in the development of
12 one or more public-private projects, as defined in this act, then the County may acquire,
13 construct, own, and operate or participate in the acquisition, construction, ownership, and
14 operation of a public-private project, or of specific facilities within such a project, including the
15 making of loans and grants from moneys lawfully available therefore. The County may enter
16 into binding contracts with one or more municipalities within the County or one or more
17 private developers, or both, with respect to acquiring, constructing, owning, or operating such a
18 project. The contract shall, among other provisions, specify the following:

- 19 (1) The property interest of the County and all other participants in the
20 development of the project.
21 (2) The responsibilities of the County and all other participants in the
22 development of the project.
23 (3) The responsibilities of the County and all other participants with respect to
24 financing of the project.

25 The contract may be entered into before or after the acquisition of any real property
26 necessary to the project and may apply to a public-private project developed on real property
27 owned by the County prior to the Board's determination that the County will benefit from the
28 County's participation in the public-private project.

29 **SECTION 1.(c)** Property Acquisition. A public-private project may be constructed
30 on property acquired by the developer or developers, on property acquired by the County, on
31 property acquired by any municipality within the County, or on property acquired by the
32 County, municipality, and developers.

33 **SECTION 1.(d)** Property Disposition. The County may lease or convey its interest
34 in public-private projects, real or personal property, or other real or personal property owned by
35 it, including air rights over public facilities, through any of the methods authorized in



1 G.S. 153A-176 and G.S. 160A-266, including private negotiation and sale, notwithstanding the
2 limitations of G.S. 160A-266(b) or any other provision of law as to value of the interest
3 conveyed. Notwithstanding the provisions of G.S. 160A-272, property owned by the County
4 may be leased for a period of 10 years or longer without being treated as a sale of the property.

5 **SECTION 1.(e)** Construction and Other Contracts. The contract between the
6 county and the developer or developers may provide that the developer or developers shall be
7 responsible for (i) construction of the entire public-private project, (ii) reconstruction and/or
8 repair of the public-private project or any part thereof subsequent to construction of said
9 project, (iii) construction of any addition to the public-private project, (iv) renovation of the
10 public-private project or any part thereof, and/or (v) purchase of apparatus, supplies, materials,
11 or equipment for the public-private project (whether during the initial equipping of the said
12 project or subsequent thereto). Additionally, the contract between the County and the developer
13 or developers may provide that the County and the developer or developers shall use the same
14 contractor or contractors in constructing a portion of or the entire public-private project. If so,
15 the contract shall include such provisions as the Board of County Commissioners deems
16 sufficient to assure that the public facility or facilities included in the project or added thereto
17 are constructed, reconstructed, repaired and/or renovated, and the apparatus, supplies, materials
18 and equipment purchased for the public facility or facilities included in the project are
19 purchased at a reasonable price. The provisions of Article 8 of Chapter 143 and Article 3 of
20 Chapter 44A of the General Statutes shall not apply to any contracts related to or in furtherance
21 of the public-private project.

22 **SECTION 1.(f)** Operation. The County may contract for the operation of any
23 public facility or facilities included in a public-private project by any person, firm, or
24 corporation, public or private.

25 **SECTION 1.(g)** Financing. To assist in the financing of its share of a
26 public-private project, the County may apply for, accept, and expend funds from the federal or
27 State government or any other lawful source.

28 **SECTION 1.(h)** Other Authority. The authority granted by this section is in
29 addition to and not in derogation of any other lawful authority granted to the County by law.
30 The County may exercise any authority granted to it by local act or general statute or law in
31 furtherance of a public-private project. By way of illustration but not of limitation, the County
32 may exercise the following authority in furtherance of a public-private project:

- 33 (1) The authority granted in G.S. 153A-176 and Article 12 of Chapter 160A of
34 the General Statutes with respect to the public or private sale, lease, rent,
35 exchange, or other conveyance of property.
- 36 (2) The authority of G.S. 153-13 and G.S. 153A-449 with respect to contracts
37 with, and appropriation of money to, persons, associations, or corporations
38 for the accomplishment of public purposes.

39 **SECTION 2.** This act is effective when it becomes law.