

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013**

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**SENATE BILL 75**

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

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Sponsors: Senator Brown (Primary Sponsor).

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Referred to: State and Local Government.

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February 11, 2013

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE COUNTY OF ONSLOW TO ENTER INTO  
PUBLIC-PRIVATE PARTNERSHIPS.

The General Assembly of North Carolina enacts:

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

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

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

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

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

**SECTION 1.(d)** Property Disposition. The County may lease or convey its interest in public-private projects, real or personal property, or other real or personal property owned by it, including air rights over public facilities, through any of the methods authorized in G.S. 153A-176 and G.S. 160A-266, including private negotiation and sale, notwithstanding the



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

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

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

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

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

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

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