

SECTION .0300 - SALE AND DELIVERY OF BONDS AND NOTES

20 NCAC 03 .0301 PRESALE REQUIREMENTS

(a) The Secretary may fix the date for the sale of any bonds or notes at any date after the Commission has approved the bonds or notes. Before fixing the date, the following may be considered:

- (1) the need of the governmental unit for the proceeds of the bonds or notes;
- (2) the current financial condition of the governmental unit;
- (3) requirements of federal or state agencies financing, in whole or in part, a project to be financed by the bonds or notes;
- (4) requirements or restrictions of the Internal Revenue Service and any regulatory agencies relating to the issuance of bonds or notes;
- (5) competing sales by other governmental units or the State of North Carolina;
- (6) concurrence of the bond attorney for the governmental unit;
- (7) current conditions in the market for local government obligations;
- (8) such other factors that may affect the sale of the bonds or notes.

(b) Before or after the sale date is fixed, the Secretary may suggest to the governmental unit the terms and conditions of the proposed sale of bonds or notes, and obtain from an authorized representative of the governmental unit their oral or written agreement as to the terms and conditions of the sale.

(c) The Secretary shall prepare or cause the unit's bond attorney to prepare a notice of sale for the bonds or notes which shall specify the basis on which the bids are to be accepted, rejected and awarded. Such notice of sale shall be provided to the authorized representative of the governmental unit for publication in accordance with the applicable statutes.

(d) The Secretary shall require the governmental unit to furnish the commission with sufficient information to prepare a prospectus or official statement such that adequate information is disclosed to meet the requirements of the market and regulatory agencies, if any, for a competitive and legal sale.

History Note: *Authority G.S. 159-3(f);*
 Eff. February 1, 1976;
 Readopted Eff. September 23, 1977;
 Amended Eff. April 1, 1985;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,
 2018.