

MINUTES

**STATE OF NORTH CAROLINA
COUNTY ON HENDERSON**

**BOARD OF COMMISSIONERS
WEDNESDAY, JULY 18, 2012**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

Those present were: Chairman Tommy Thompson, Vice-Chairman Bill O'Connor, Commissioner Charlie Messer, Commissioner Larry Young, Commissioner Michael Edney, County Manager Steve Wyatt, Interim Assistant County Manager David Whitson, Attorney Russ Burrell, and Clerk to the Board Teresa Wilson.

Also present were: Public Information Officer Christy DeStefano, Research/Budget Analyst Amy Brantley, Planning Director Anthony Starr, Environmental Programs Coordinator Megan Piner, Associate County Attorney Sarah Zambon, Social Work Program Administrator Jerrie McFalls, Assessor/Tax Collector Stan Duncan, HR Director Jan Prichard, Animal Services Director Brad Rayfield, Sheriff Charlie McDonald, Chief Deputy Rodney Raines, Delinquent Tax Collector Lee King, and Engineer Marcus Jones.

CALL TO ORDER/WELCOME

Chairman Thompson called the meeting to order and welcomed all in attendance.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Commissioner Edney.

INFORMAL PUBLIC COMMENT

1. Larry Rostetter – spoke in regard to ETJ (extra-territorial jurisdiction) policies. There is discussion of the Village of Flat Rock requesting an extension of their ETJ. At this time there are no policies in place. He feels this will interfere with the Community Planning Committee for Green River, Tuxedo, and Zirconia.
2. Steve Carlisle – spoke in regard to the Vagabond School of the Drama and occupancy tax (Flat Rock Playhouse). He is a professor of theater at WCU. Mr. Carlisle requested the Board vote against the occupancy tax increase. It is the responsibility of the Board of Trustees of Flat Rock Playhouse to cover fiduciary needs. He feels their business practices have not been handled correctly.
3. Philip Stanley – spoke in regard to occupancy tax. Mr. Stanley does not feel that the suggested 1% increase should only be used for Flat Rock Playhouse as they are not the only tourist attraction. He asked the Board to defer action for further study.
4. Vincent Marini – spoke in regard to occupancy tax. He asked the Board to wait until Flat Rock Playhouse has time to present their plan before going forward. Mr. Marini feels with the right information, a consensus can be reached.
5. Joe Pirog – spoke in regard to people moving here and then trying to change everything.
6. Carol Burke – spoke in regard to Pardee's Relay for Life. So far for 2012 they have raised \$25,000.
7. Kaye Caldwell – spoke in regard to occupancy tax. She owns four vacation rentals in Edneyville and asked that the vote on the occupancy tax increase be delayed until further public comment could be heard. Ms. Caldwell asked the Board to pay close attention when appointing to Travel & Tourism.
8. Bob Horky – spoke in regard to occupancy tax. He suggested an increase in sales tax instead so that everyone pays a part.
9. Mary Cervini – spoke in regard to the contract between Henderson County and CPPI. She feels the income verification is too much for her staff to handle. She requested an affidavit for income purposes be used instead.
10. Theron Maybin – spoke in regard to ETJ extension proposal of the Village of Flat Rock. He asked the Board to deny the extension as it would not be good for the agriculture industry.

APPROVED: August 6, 2012

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Edney suggested item (F) Tourism Development Authority, and item (G) Consideration of Change in Occupancy Tax be moved to the beginning of Discussion items with so many people in attendance regarding these items.

Commissioner Edney made the motion to adopt the Agenda with the change of order as noted above. All voted in favor and the motion carried.

CONSENT AGENDA

Commissioner Young made the motion to adopt the Consent Agenda as presented. All voted in favor and the motion carried.

CONSENT AGENDA consisted of the following:

Minutes

Draft minutes were presented for board review and approval of the following meeting(s):

June 20, 2012 – Regularly Scheduled Meeting

Tax Collector’s Report

Tax Collector Clerk Kathy Johnson had presented the Tax Collector’s Report to the Commissioners dated July 9, 2012 for information only. No action was required.

Pending Releases & Refunds

The pending releases and refunds provided in the agenda were reviewed by the County Assessor, and as a result of that review, it is the opinion of the Assessor that these findings are in order. Supporting documentation is on file in the County Assessor’s Office.

These pending release and refund requests are submitted for the approval by the Henderson County Board of Commissioners.

<u>Type</u>	<u>Revenue Amount:</u>
Refunds	\$ -0-
Releases	\$ 2,104.49

Motion:

I move the Board approves the Combined Release/Refund Report as presented.

Quarterly Construction Project Update

David Berry had provided the Board of Commissioners with updates on Construction projects around Henderson County. The monthly report is a review of the scope and statuses of assigned construction management responsibilities and includes specific updates in regard to County funded construction activities. The report is a continuation of County construction activity statuses.

Capital/Facilities Status Reports

Internal Auditor Darlene Burgess had provided a status report to the Commissioners for activity during the month of April – June, 2012 on Capital and Facilities projects.

Requesting Revision of the By-Laws for the Henderson County Juvenile Crime Prevention Council

The Henderson County Juvenile Crime Prevention Council (JCPC) members have one again reviewed the By-Laws and Grants Review and Allocation Policies and Procedures. The Council would like to request that the By-Laws be modified to better meet the needs of the Juvenile Crime Prevention Council.

Motion:

I move the Board approves the Juvenile Crime Prevention Council Grants Review and Allocation Policies and Procedures, and the By-Laws as submitted.

Surplus Vehicles and Equipment

Provided for the Board’s consideration is a resolution declaring the following list of vehicles and equipment no longer used by the County as surplus property. The resolution also authorizes staff to advertise the surplus vehicles for sale by electronic public auction at www.govdeals.com after the required advertisement of the sale.

Motion:

I move that the Board approves the resolution declaring the list of vehicles and equipment as surplus and authorize staff to sell the surplus vehicles by electronic public auction utilizing GovDeals auction services after the required advertisement.

Surplus List

Vehicles	County#	VIN#	ASSET#	MILEAGE
2007 Dodge Charger	SH271	2B3KA43G87H770296	13115	78,130
2007 Dodge Charger	SH281	2B3KA43G17H709159	12491	103,027
2007 Dodge Charger	SH282	2B3KA43G87H709157	12478	111,079
2006 Chevrolet Impala	SH201	2G1WS551169302746	12086	96,243
2005 Dodge Durango	SH336	1D4HB38N15F578940	11706	87,172
1992 Ford F250	PB003	1FTHF25HXNNA9245	14156	148,752

List of Surplus Equipment: 1) Backhoe Attachment off John Deere 750-Damaged/bad hydraulic valve/poor shape 2) Side Tool boxes for long wheel base truck.

Budget Amendment

The Partnership for Economic Development recently incurred \$42,697.25 in costs associated with the former County Fairgrounds Property. To reimburse the Partnership for those expenses, the Board is requested to consider a budget amendment appropriating fund balance for this reimbursement.

Motion:

I move the Board approves the budget amendment appropriating \$42,698 from fund balance for reimbursement to the Partnership for Economic Development.

Register of Deeds – Request to Use ROD Restricted Funds for Automation, Enhancement and Document Preservation

N.C.G.S. 161-11.3 regulates the retention of 10% of the fees collected by the Register of Deeds office. These funds are to be set aside annually in a non-reverting Automation Enhancement and Preservation Fund and are to be used for computer and imaging technology, and document preservation. The Register of Deeds is requesting that \$65,000.00 be released from the Automation Enhancement and Preservation Fund for the following expenses:

- \$ 15,000 Printing and Binding to purchase book binders
- \$ 50,000 Temporary staff and benefits for ongoing redaction and scanning projects

Provided for the Board’s consideration is a budget amendment to use the Register of Deeds Restricted General Fund Balance to pay for printing and binding needs, and temporary staffing for the ongoing redaction and scanning project.

Motion:

I move the Board of Commissioners approves the budget amendment to use \$65,000 in Register of Deeds Restricted General Fund Balance.

Non-Profit Performance Agreements

Subsequent to the approval of the FY 2012-2013 Budget, staff has distributed the funding agreements to the non-profit agencies receiving County allocations.

1. Arts Council of Henderson County	\$ 9,250
2. Blue Ridge Literacy Council	\$13,225
3. Boys and Girls Club	\$10,500
4. Children and Family Resources Center	\$17,340
5. CFRC -- United Agenda for Children	\$ 2,500
6. Community Development Council	\$ 1,000
7. Environmental and Conservation Organization	\$ 8,325
8. Healing Place	\$ 6,475
9. Henderson County Education History Initiative	\$ 2,000
10. Historic 7 th Avenue District Inc.	\$ 460
11. Housing Assistance Corporation	\$11,750
12. Mediation Center	\$10,000
13. Medical Loan Closet	\$ 4,625
14. Pisgah Legal Services	\$16,833
15. United Way 211 Program	\$ 9,570
16. Vocational Solutions	\$41,625
17. Western Carolina Community Action -- Medical Transport	\$11,100
18. Western Carolina Community Action -- Transportation Grant	\$39,754
19. WNC Communities	\$ 6,000

Motion:

I move the Board authorizes the Chairman to execute the funding agreements and, in doing so, authorize the release of the first of the aforementioned agencies' quarterly allotments.

Designation of Voting Delegate to the NCACC Annual Conference

The North Carolina Association of County Commissioners (NCACC) has requested that the Board of Commissioners designate a Voting Delegate to the Annual Conference being held in Wake County, North Carolina on August 16-19, 2012.

Motion:

I move the Board designate Commissioner Messer as Henderson County's voting delegate to the NCACC Annual Conference, and Chairman Tommy Thompson as the alternate voting delegate.

Petition for addition to State Road system

Staff received a petition to add N. Overlook Terrace and W. Summit Avenue (Overlook Terrace Subdivision) to the state road system. It has been the practice of this Board to accept road petitions and forward them to NC Department of Transportation for their review. It has also been the practice of the Board not to ask NCDOT to change the priority for roads on the paving priority list.

Staff reviewed the petitions and it appears that all affected property owners or developers have signed the required petition.

Motion:

I move that the Board approves the petition and directs staff to forward it to NCDOT

NOMINATIONS

The Chairman informed the Board of the following vacancies and opened to floor for nominations.

Notification of Vacancies

1. Fire and Rescue Advisory Committee – 1 vac.
2. Juvenile Crime Prevention Council – 1 vac.

Nominations

1. Henderson County Board of Health – 2 vac.

There were no nominations at this time so this item was rolled to the next meeting.

2. Historic Resources Commission – 1 vac.

There were no nominations at this time so this item was rolled to the next meeting.

3. Juvenile Crime Prevention Council – 7 vac.

Commissioner O'Connor nominated Steve Teel for reappointment to position #10. *Chairman Thompson made the motion to accept the reappointment of Steve Teel to position #10 by acclamation. All voted in favor and the motion carried.*

4. Mountain Area Workforce Development Board – 3 vac.

Commissioner Messer nominated Phil Webb for reappointment to position #3. *Chairman Thompson made the motion to accept the reappointment of Phil Webb to position #3 by acclamation. All voted in favor and the motion carried.*

5. Mountain Valleys Resource Conservation and Development Program – 1 vac.

There were no nominations at this time so this item was rolled to the next meeting.

6. Nursing/Adult Care Home Community Advisory Committee – 4 vac.

There were no nominations at this time so this item was rolled to the next meeting.

7. Senior Volunteer Services Advisory Council – 2 vac.

There were no nominations at this time so this item was rolled to the next meeting.

8. Smartstart – 1 vac.

There were no nominations at this time so this item was rolled to the next meeting.

9. Travel & Tourism Committee – 1 vac.

By act of the North Carolina General Assembly (North Carolina Session Law 2012-144), Henderson County's Travel and Tourism Committee will be dissolved, effective August 31, 2012. Under this new law, the current operations of the Committee will come under the control of a new Tourism Development Authority.

ABC Board nominations

County Attorney Russ Burrell stated at your last meeting, the Board determined that it wished for each member to name one person as a prospective nominee to the Henderson County Alcoholic Beverage Control Board. The Board further determined that the County Attorney would secure a background check on the prospective nominees named.

Clean background checks (no criminal record history in North Carolina (excepting minor traffic citations), no disqualifying credit or other history) have been received on the individuals named at the meeting.

Commissioner O'Connor made the motion for the Board to appoint Patricia Jones to the district 1, George Erwin to the district 2, Rick Livingston to the district 3, Rick Holbert to the district 4, and Beau Waddell to district 5. The appointment of George Erwin is contingent to receipt of an acceptable background report. All voted in favor and the motion carried.

Mr. George Erwin’s background report arrived to the county attorney, via email, prior to the end of the meeting with an acceptable status.

<u>Commissioner</u>	<u>District</u>	<u>Name of Appointee</u>	<u>Term</u>
Commissioner Mike Edney	District 1	Patricia Jones	1 year
Commissioner Charlie Messer	District 2	George Erwin	2 years
Commissioner Larry Young	District 3	Rick Livingston	1 year
Commissioner Tommy Thompson	District 4	Rick Holbert	2 years
Commissioner Bill O’Connor	District 5	Beau Waddell	3 years

The Board was polled with the following results for election of Chair of the ABC Board:

Commissioner Edney	Commissioner O’Connor	Chairman Thompson	Commissioner Messer	Commissioner Young
1.Erwin	1.Waddell	1.Waddell	1.Ersin	1.Waddell

Beau Waddell was appointed as Chair of the ABC Board with the majority of votes.

Other terms were chosen by drawing. A child in the audience, Eli Whitmire, pulled the names randomly.

TOURISM DEVELOPMENT AUTHORITY

County Attorney Russ Burrell stated the General Assembly as passed what is now Session Law 2012-144 (formerly House Bill 1215). Among the actions taken by this law is to create the Henderson Tourism Development Authority. By not later than September 1, 2012, this Board “shall adopt a resolution establishing the Henderson Tourism Development Authority and make the changes to its membership.”¹ Should the Board fail to do so, no Occupancy Tax may be levied within Henderson County.

A draft resolution was provided. It does not address the issue, also raised by Session Law 2012-144, of the increase of the occupancy tax from the current five percent to six percent.

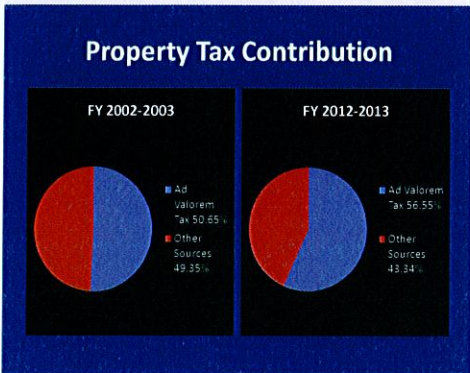
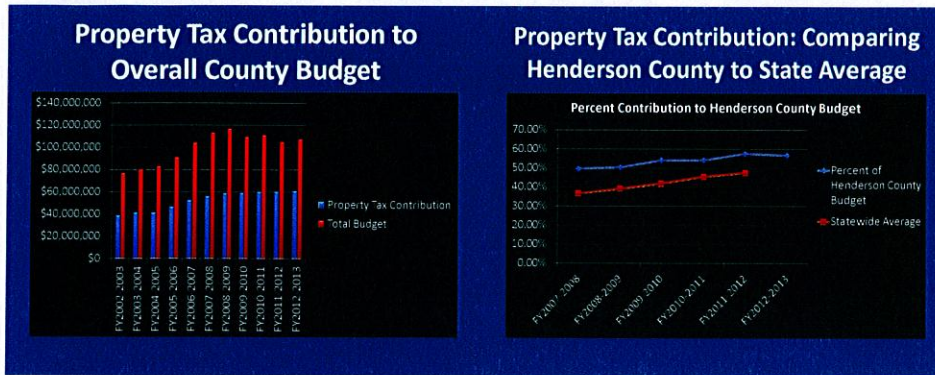
Commissioner O’Connor made the motion that the Board adopts the proposed resolution creating the Henderson Tourism Development Authority effective September 1, 2012. All voted in favor and the motion carried.

FY 2011-2012 TAX COLLECTION SETTLEMENT; FY 2012-2013 TAX ORDER FOR COLLECTION

Tax Assessor Stan Duncan stated it is time once again for the delivery of the tax receipts to the Henderson County Tax Collector (all references to the Tax Collector on this document and all subsequent attachments are to Tax Collector Stan Duncan); however before they can be delivered, the following must occur (pursuant to N.C. G. S. 105-352):

- a) **PREPAYMENTS**
The Tax Collector must deliver any duplicate bills printed for prepayments received by the Tax Collector to the Finance Director and demonstrate to the Finance Director’s satisfaction that all prepayments received have been deposited.
- b) **SETTLEMENT**
The Tax Collector must make settlement with the Board of Commissioners of all taxes placed in his hands for collection for the past year.
- c) **BOND**
The Board of Commissioners must approve the bond to be issued for the Tax Collector and Deputy Tax Collector for Delinquent Taxes.
- d) **ORDER OF COLLECTION**

¹ S.L. 2012-144, Section 2.(b).



N.C.G.S. 105-373. Settlements

Per NCGS 105-373(a)(3)b., The tax collector shall be credited with:

- 1) All sums representing taxes for the year deposited by him to the credit of the taxing unit or received for by a proper official of the unit;
- 2) Releases duly allowed by the governing body;
- 3) The principal amount of taxes constituting liens on real property (\$1,093,091.26);
- 4) The principal amount of taxes included in the insolvent list determined in accordance with subdivision (a)(2) (\$669,706.58), above;
- 5) Discounts allowed by law; (not applicable to Henderson Co.)
- 6) Commissions (if any) lawfully payable to the tax collector as compensation; and (not applicable to Henderson Co.)
- 7) The principal amount of taxes for any assessment appealed to the Property Tax Commission where the appeal has not been finally adjudicated. (\$117,941.72 collected of \$117,941.72 billed)

Budget Ordinance FY2011-2012

Be it ordained by the Henderson County Board of Commissioners, meeting on the 15th day of June 2011:

Ad Valorem Taxes

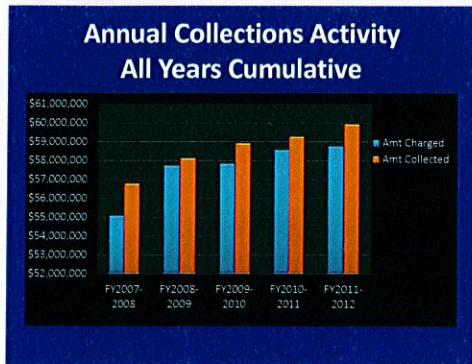
- Current Year Taxes \$58,743.127.00
 - Prior Year Taxes, Interest, and Penalties \$ 1,745,000.00
- TOTAL to be Contributed:** **\$60,488.127.00**

Total Cash Collected

As of June 30, 2012, compared to the original charge as stated in the FY2011-2012 Budget Ordinance, tax collections were:

- \$59,928,817.05 for current year FY2011-12) taxes; \$1,185,690.05 above the original annual levy charge, and

- \$1,970,563.65 for prior years taxes (delinquent taxes) \$225,563.65 above the delinquent charge. On the Annual side (2010 taxes) this graph shows the charge and the amount collected. We have exceeded the charge every year.



First Goal

- 1) Meet the budgetary requirements stated in the Budget Ordinance:
 - For annual (current FY) taxes of \$58,743,127.00.
COLLECTED \$59,928,817.05
 - For delinquent (uncollected taxes from prior years) taxes of \$1,745,000.00.
COLLECTED \$1,970,563.65

Second Goal

Meet the expected percentage of tax to be collected, as stated in the Budget Ordinance, of 97%.

- Under previous guidelines: 97.29% collected.
- Under early adoption of future guidelines: 96.95% collected.

	NET LEVY CHARGED	PERCENT OF TOTAL LEVY	LEVY COLLECTED	PERCENT COLLECTED
Annual	\$ 57,634,609.60	93.24%	\$ 56,253,070.35	97.60%
RMV	\$ 4,179,749.84	6.76%	\$ 3,675,746.70	87.94%
Net Total	\$ 61,814,359.44		\$ 59,928,817.05 *	96.95%

	Annual	DLQ	
Charge	\$ 58,743,127.00	\$ 1,745,000.00	
Have	\$ 59,928,817.05	\$ 1,970,563.65	Annual \$ Goal Met 16 April 2012
Amt Over Goal	\$ 1,185,690.05	\$ 225,563.65	DLQ \$ Goal Met 26 March 2012
% of Goal	102.02%	112.93%	

0 Business Days Remaining in FY

Benchmarks- BOC
98% CURRENT LEVY
\$ 60,578,072.25
97% CURRENT LEVY
\$ 59,959,928.66

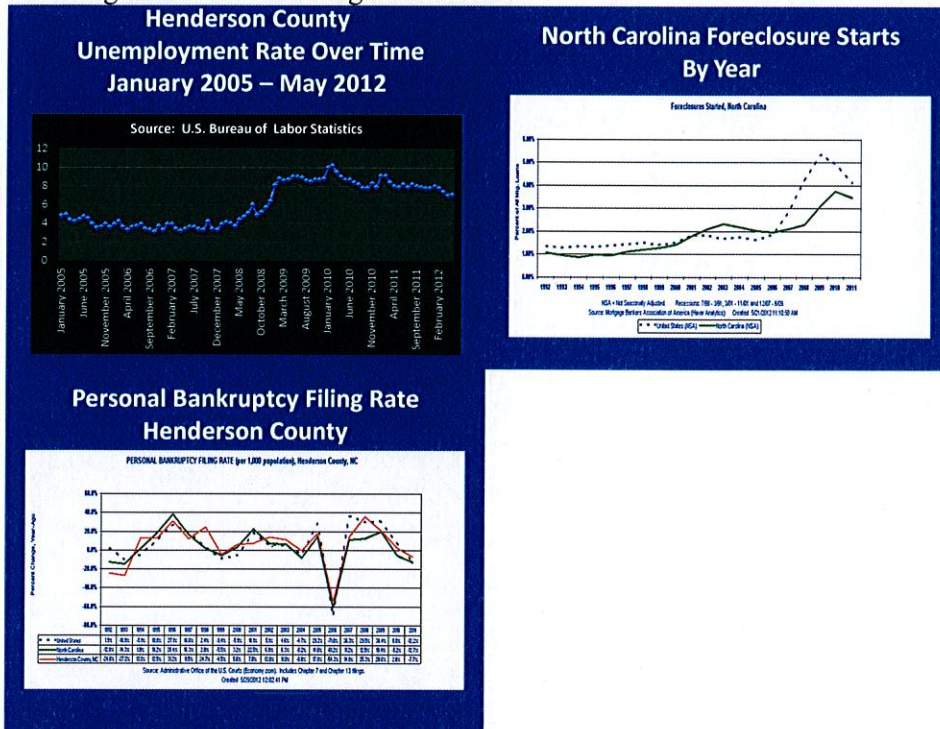
* Billing Year End was on 7 December 2010.
* Annual System Billing occurred 29 July 2011.
* DMV levy will change monthly until May 2012.
* Annual Tax Bills were mailed on 19 August 2011.
** Deferred Bills may come due during the Fiscal Year and cannot be budgeted as part of the Annual Levy.

Why the Recommended Change to the Calculation for Tax Collection Percentage?

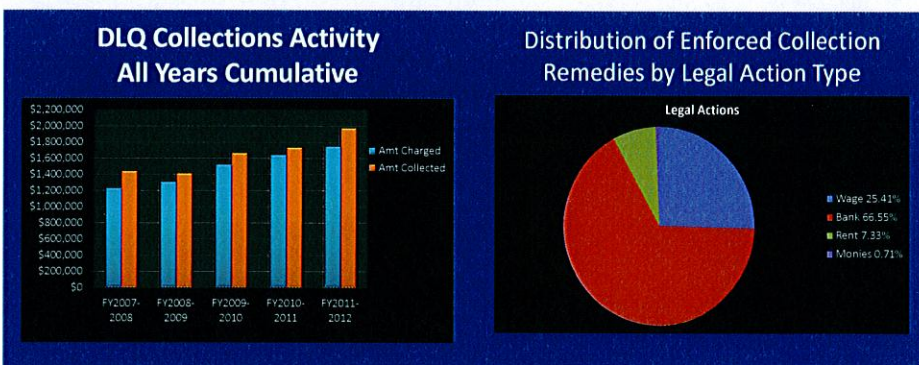
- Greater uniformity among the jurisdictions in reporting to the State.

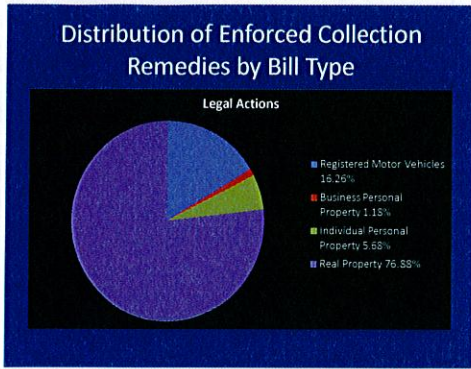
- Improved data for responding to requests from the General Assembly.
- Initiated by the NC Tax Collector’s Association.
- State Treasurer’s Office will be issuing a recommendation along the following lines:
 - Only Discoveries made in calendar year 2011 are incorporated into the FY2011-12 collection percentage.
 - Discoveries made in calendar year 2012 are incorporated into the FY2012-13 collection percentage.
 - Interest, Penalties, & Costs are not incorporated.
 - Refunds & Releases are removed from the original levy charge and any tax collected (in instances of a refund).

Lee King shared the following information:

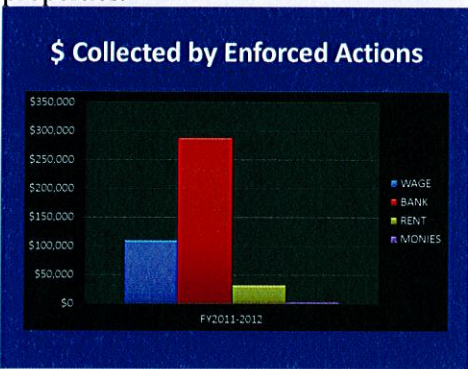


Our office is dedicated to ensuring that delinquent taxes are collected using all means available to us under the law. This chart represents the amounts charged and collected over the last five fiscal years. Each year we have exceeded the charge.





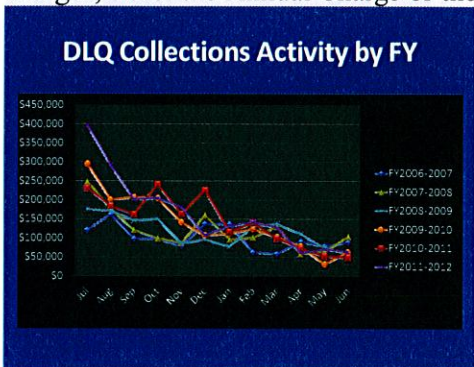
Bank attachments remain the best option for enforced collection. Wage garnishments are limited in the fact that a maximum of 10% of gross wages can be garnished during each pay period. They provide a steady source of income and remain in place until the debt is paid. Bank and Rent attachments have the potential to pay the entire debt with one action. Rent attachments are useful for apartment complexes and commercial properties.



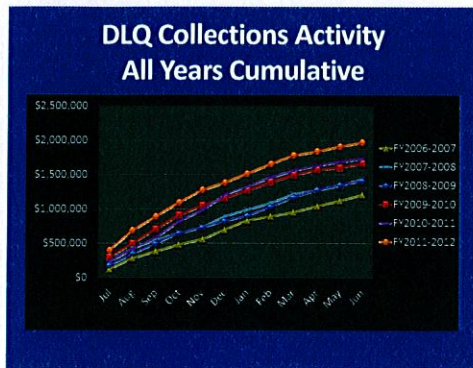
County Tax Foreclosure Statistics

- Parcels in pre-foreclosure FY 2011-2012: 485
- Potential Amount of Taxes to be collected: \$395,473.64
- Date of Last Tax Sale: November 30, 2012
- Number of Parcels Sold: 12
- Amount of Taxes Captured: \$12,792.25

As this chart demonstrates our staff has to be very aggressive before the end of the calendar year in order to meet our charge each fiscal year. Typically, the ability to collect on delinquent accounts is stronger from July to December. After the current year taxes (in this case 2010) become delinquent in January, our office continues pursuit of delinquent taxes; however, the monies received can now be placed in one of two charges, either the Annual Charge or the Delinquent Charge depending on the year of the bill.



This slide represents delinquent tax collection activity over the previous 5 fiscal years. Each year, we have become more aggressive, resulting in more monies being collected towards our delinquent charge which has also risen each year.



An Order of Collection must be adopted at today's meeting, which will charge the Tax Collector with the collection of FY 2012 taxes, plus all outstanding delinquent taxes.

Provided please find the Preliminary Report for FY 2011-2012 along with the Settlement for Current-Year Taxes and Delinquent Taxes. A list of all unpaid tax liens is available for your review in the Office of the Clerk to the Board.

As of the close of FY 2011-2012, the Henderson County Tax Collector's Office collected 97.60% of the annual tax bills and 87.94% of the motor vehicle tax bills.

The actual collection percentages, as reported, remain above the last reported state average of 97.19%.

FY 2011-2012 Progress Report regarding Delinquent Property Tax Collections and Report on Efforts to Collect Delinquent Taxes

Since the inception of the project in October of 1999, we have collected \$18,464,492.02, in delinquent tax, including interest. Of this amount, \$1,970,563.65 was collected during FY 2011-2012. At the close of this fiscal year, we have collected 99.66% of our prior-year annual tax bills (real estate and listed personal property) and 97.95% of our prior-year motor vehicle tax.

The responsibilities of the Delinquent Tax Collections staff include the monitoring and administration of legal remedies used to collect delinquent tax. We have made a great deal of progress this year through the use of these remedies and are pleased to provide detailed information depicting this year's achievements:

In Rem Foreclosures (pursuant to NCGS 105-375). Approximately 85% of Henderson County's tax base is attributable to real estate and improvements thereon. It stands to reason, therefore, that Henderson County act assertively to preserve this revenue, and our foreclosure program serves to achieve this objective. Henderson County is one of few North Carolina counties that administer tax foreclosures from start to finish without the assistance of outside attorneys. We feel that this system increases efficiency and equates to minimal cost passed on to the taxpayers, who may already be financially distressed.

Henderson County held a real estate tax auction on 30 November 2011, in which Henderson County captured \$12,792.25 in delinquent taxes. Prior to instituting a tax foreclosure, the statutes require us to first conduct a title examination of the subject property and send notices via certified mail to all persons having an interest in the property. In addition to the statutory requirements to which we are bound, we attempt to make telephone contact with the taxpayer and in some cases, personally visit the taxpayer and/or the subject property. Additionally, we send pre-foreclosure notices to taxpayers as well as all mortgage holders as disclosed by the title examination. We also post the properties when we docket a judgment against the property. During FY 2011-2012 our office has continued a tracking program for properties that are in pre-foreclosure. Currently, 485 parcels are in this tracking program with a potential collection of \$395,473.64 in

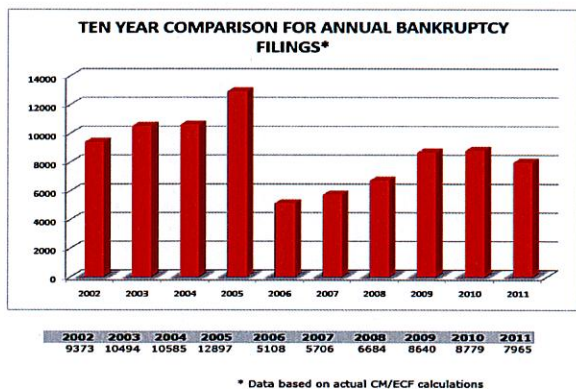
taxes. The diligence of our staff has resulted in more taxes being collected and less property having to be foreclosed upon.

Garnishments and Attachments pursuant to NCGS 105-368. This year (FY 2011-2012) we have issued Enforced Collection Actions totaling \$432,535.64. Of that amount, 66.57% or \$287,954.03 were collected by way of Bank Account Attachment. Wage Attachments accounted for 25.38% or \$109,777.96 and Rent Attachments have accounted for 7.34% or \$31,729.85. Our new software system allows for us to attach funds to a taxpayer from any source other than a bank account, wage, or rent payment. This new category is called a Monies Attachment and accounts for 0.7% or \$3,073.80.

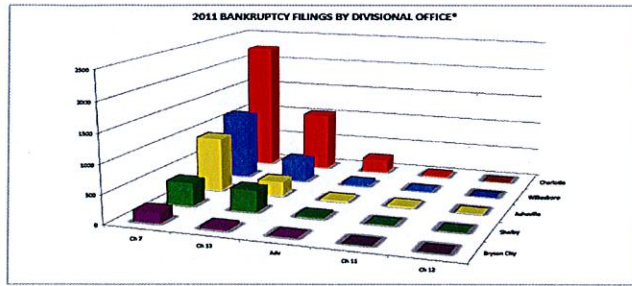
NC Debt Setoff Program (pursuant to NCGS Chapter 105A). The North Carolina Debt Setoff Program allows local government to collect outstanding debts by garnishing North Carolina State income tax refunds. Delinquent Tax Collections administers the Debt Setoff Program for the collection of property tax as well as debts owed to other county agencies. During FY 2011-2012, Henderson County collected \$193,868.71 through the use of Debt Setoff.² This is an increase of almost \$166,000 over last fiscal year. This can be attributed to two factors. (1) More citizens are receiving State Income Tax Refunds and (2) Henderson County has expanded the types of debts that it submits to the program.

Payment Arrangements. We encourage taxpayers to enter into payment agreements prior to taxes becoming delinquent. During FY 2011-2012, Delinquent Tax Collections entered into 58 payment agreements totaling \$87,611.38 in tax revenue.

Bankruptcy. As part of an effective collection program, it is important to keep abreast of the statutes and procedural issues pertaining to bankruptcy. Proofs of Claim must be filed in a timely manner when appropriate and tax bills involved in an active bankruptcy case must be carefully monitored and segregated to avoid violation of the automatic stay imposed by the Bankruptcy Court. Presently, there are 471 tax bills amounting to \$171,500.43 that are involved in active bankruptcy cases. This is a slight increase over the last fiscal year. As depicted in the following chart of North Carolina Bankruptcy filings, during 2006, there was a significant drop in the number of cases filed in North Carolina's Western District Court. Only 5,108 cases were filed in North Carolina Bankruptcy Court's Western District of which Henderson County is a part. This drop can be attributed to the 17 October 2005 enactment of the Bankruptcy Abuse and Protection Act which was designed to limit frivolous bankruptcy filings. This also represents a 10 year low in the number of bankruptcy filings. The number of bankruptcies filed during 2011 was slightly lower than 2010 with 7,965 cases. This marks the first decrease in the number of bankruptcy filings since 2006 which was the first year after the Bankruptcy Abuse and Protection Act became law.



The second chart demonstrated that of the 7,965 bankruptcies filed in the Western District, 1,284 were filed in the Asheville Division. The chart also shows the breakdown of the number of each type of bankruptcy that was filed during 2011.



	Ch 7	Ch 11	Adm	Ch 11	Ch 12	Bryan City
Bryan City	200	413	352	14	7	0
Asheville	820	92	22	32	2	2
Wilkesboro	1147	294	54	16	7	1
Charlotte	2251	1026	253	29	0	0

* Data based on actual CURECF calculations

Our most difficult collections remain in the area of motor vehicle tax. The total prior-year (i.e., 2001-2010) sum of outstanding motor vehicle tax is \$814,874.27, which represents 31.86% of the total outstanding delinquent tax.

Commissioner Young made the motion that the Board approves the tax collector's settlement for Fiscal Year 2012 taxes, and further approves the bonds, the order of collection and charge for collection to the tax collector for Fiscal Year 2013 taxes. All voted in favor and the motion carried.

SOCIAL SERVICES' INFORMATION UPDATE

The DSS Board is providing monthly three-minute informational updates to the Board of Commissioners regarding various Social Services issues. The July 2012 update was provided by DSS Board member Gary Cyphers, and pertained to the issue of foster children.

Children come into foster care because they have been victims of abuse or neglect. Some require help with undisciplined and delinquent behaviors. Many require care for physical or emotional handicaps or disabilities. Once in foster care, a child is on a path that is dictated by federal and state law. There are specified events, guidelines and timelines that must be followed for foster children by everyone who works with the child. Children entering foster care may experience grief and emotion at the separation from parents and challenges adjusting to a new environment.

In FY 2011/12, two hundred (200) children were in foster care, ranging in age from infants to age twenty-one. Of those children, 51% were between the ages of 0-5 and 32% were ages 6-12. Most children were cared for in a relative's home (34%) or a foster parent's home (49%). A small number of children spent time in a group home, therapeutic facility, detention center or jail.

Each foster child has an independent judge-appointed Guardian ad Litem (GAL) working solely for the child's rights. The DSS social worker is mandated to work to protect both the child's and parent's rights. This difficult role of the social worker...wearing two hats...is often a source of emotion and confusion for the foster child, foster parents and others working with the child. Federal law requires the judge must rule a child's court hearing that the DSS social worker has made "reasonable" efforts to return a child to his/her parent(s) and whether going home is contrary to the child's welfare.

Continued Hearings Reported by NC Administrative Office of the Courts:

District/ County	2005-2006			2010-2011		
	Total Hearings	Continued Hearings	% of Continued Hearings	Total Hearings	Continued Hearings	% of Continued Hearings
District 29B Henderson	536	290	54.10%	1168	260	22.26%

Henderson County legal and social work staff, the Board of Social Services and former County Commissioners worked together to put measures in place to reduce court continuances for children in foster care. Every continuance either delays a child returning home or delays a child's adoption. Henderson County attorney Susan Fosmire and Social Services Program Manager Jerrie McFalls are to be commended for this outcome that has made a difference for children.

PRESENTATION OF THE TRIENNIAL UPATE OF THE HENDERSON COUNTY TEN YEAR SOLID WASTE MANAGEMENT PLAN

County Engineer Marcus Jones stated NCGS 130A-309.09A(b) requires that each local government develop a 10-Year comprehensive solid waste management plan. The statute further requires that each plan shall be updated at least every three years.

The current update incorporates the Twenty Year Vision for Solid Waste adopted by the Board of Commissioners' in May of 2008. In FY 2010-2011, Henderson County had a 21% reduction in waste. This meets the goal of 20% set in the 2009 Solid Waste Management Plan for FY 2014. In the previous update the goals of 40% waste reduction may not be met for FY 2019. Further reduction efforts will be explored to try and achieve this goal of 40% by FY 2019 but we have revised our goals in the interim to 25% reduction by FY 17 and 30% by FY 22.

This Three year update, is regulatory driven and must be adopted by the Henderson County, and the five municipalities of Hendersonville, Town of Fletcher and Town of Laurel Park. The Town of Mills River and the village of Flat Rock are exempt since they do not have a solid waste collections program.

Commissioner O'Connor made the motion that the Board sets a public hearing on the Triennial Update of the Henderson County Ten Year Solid Waste Management Plan for August 6, 2012 at 5:30 p.m. All voted in favor and the motion carried.

CPPI/ANIMAL SERVICES AGREEMENT

Animal Services Director Brad Rayfield stated per the direction from the Board of Commissioners at their June 20, 2012 meeting, Henderson County Staff has prepared a contract between Henderson County and Community Partnership for Pets, as well as an income verification form for residents. The income verification form would allow staff of CPPI to sign the verification form attesting that they have seen adequate income verification qualifying the individual as low income.

Commissioner O'Connor made the motion that the Board approves the contract between Henderson County and Community Partnership for Pets, and the form for income verification. The motion failed 1-4 with Commissioners Thompson, Edney, Messer, and Young voting nay.

Commissioner Edney made the motion that the Board approves the contract between Henderson County and Community Partnership for Pets with income verification being approved by a witnessed signature of applicant. The motion passed 4-1 with Commissioner O'Connor voting nay.

ASHEVILLE REGIONAL AIRPORT AUTHORITY BOARD NOMINATION

Attorney Russ Burrell explained that Session Law 2012-121 created the Asheville Regional Airport Authority. This law removed ownership of the Airport and its facilities from the City of Asheville and vested it in the Authority.

Under 2012-121, the Authority is governed by seven members:

- Two members appointed by the City of Asheville, one in 2012, one in 2014
- Two members appointed by Buncombe County, one in 2012, one in 2014
- Two members appointed by Henderson County, one in 2012, one in 2014
- One member elected by the other six members, in 2012

No member of the Authority may be an elected official. Members serve four-year terms, and may serve no more than two consecutive terms.

Under section 1.4.(c) of 2012-121, this Board appoints one member of the Authority in 2012 (and another in 2014). This Board had not previously had the authority to appoint a member of the former Airport Board.

Commissioner Young nominated Bill Moyer. Commissioner O'Connor nominated Andrew Tate. The Board was polled with 1 vote each.

Commissioner Edney	Commissioner O'Connor	Chairman Thompson	Commissioner Messer	Commissioner Young
1.Tate	1.Tate	1.Tate	1.Moyer	1.Moyer

Andrew Tate received the majority of votes and was appointed to the Asheville Regional Airport Authority Board.

Commissioner O'Connor made the motion that the Board considers the vote as unanimous. The motion passed 4-1 with Commissioner Young voting nay.

CONSIDERATION OF CHANGE IN OCCUPANCY TAX

County Attorney Russ Burrell stated North Carolina Session Law 2012-144 (“SL 2012-144”) authorized this Board to add an additional one percent to the Henderson County “room occupancy and tourism development tax”, bringing the total authorized to six percent (6%) of the gross receipts derived from the rental of accommodations. This Board had requested during its budget process the authority to increase the occupancy tax, though with proceeds to be direct by this Board.

Under SL 2012-144, from the initial levy through June 30, 2014, receipts from the levy of the sixth percent are to be used “for the maintenance, operation, renovation, and promotion of The Vagabond School of the Drama, Inc., including the Mainstage and the Playhouse Downtown locations.” Beginning July 1, 2014, receipts from the levy are to be used for the same purposes as the first five percent levied.

Under the terms of SL 2012-144, “The Vagabond School of the Drama, Inc., shall separately identify in its financial statements expenditures of funds that it receives pursuant to this act. The Vagabond School of Drama, Inc., shall report annually by October 1 to the Authority expenditures of the funds received during the Authority’s fiscal year pursuant to this act in such detail as required by the Authority or the Authority’s Finance Officer.

Chairman Thompson felt this agenda item should be discussed during a special called meeting set aside for that purpose only.

Chairman Thompson made the motion that the Board schedules a special called meeting for Wednesday, August 8, 2012 at 1:00 p.m. in order to hold a forum for those involved with the levy of a 1% occupancy tax. All voted in favor and the motion carried.

IMPORTANT DATES

Chairman Thompson made the motion that the Board cancels their August 15, 2012 regularly scheduled meeting. All voted in favor and the motion carried.

CLOSED SESSION

Commissioner Thompson made the motion for the Board to go into closed session as allowed pursuant to NCGS 143-318.11 for the following reasons:

Pursuant to N.C. Gen. Stat. §143-318.11(a), pursuant to N.C. Gen. Stat. §143-318.11(a)(4), to discuss matters relating to the location or expansion of industries or other businesses in Henderson County, including agreement on a tentative list of economic development incentives that may be offered by the Board in negotiations.

All voted in favor and the motion carried.

ADJOURN

Commissioner Edney made the motion to go out of closed session and adjourn at 12:30 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

Thomas H. Thompson, Chairman

HENDERSON COUNTY TAX COLLECTOR

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

PH: (828) 697-5595

FAX: (828) 698-6153

July 9, 2012

Henderson County Board of Commissioners
1 Historic Courthouse Square, Suite 1
Hendersonville, NC 28792

Please find outlined below collections information through July 8th for the 2011 bills mailed out on 19 August 2011, as well as registered motor vehicle bills. As a point of reference, we also have included collections information as of the same date last year.

Annual Bills G01 Only:

2011 Total Charge: \$57,634,609.60
Payments & Releases: 56,305,235.25
Unpaid Taxes: 1,329,374.35
Percentage collected: 97.85%
(through 07/8/2012.)

2010 Total Charge: \$57,524,414.37
Payments & Releases 55,782,779.52
Unpaid Taxes: 1,741,634.85
Percentage Collected: 96.97%
(through 07/8/2011)

Motor Vehicle Bills G01 Only:

2011 Total Charge: \$4,179,751.40
Payments & Releases: 3,793,939.50
Unpaid Taxes: 385,811.90
Percentage collected: 90.53%
(through 07/8/2012)

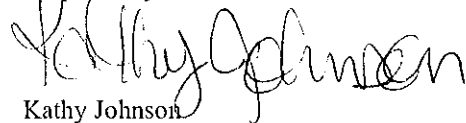
2010 Total Charge: \$3,771,693.77
Payments & Releases: 3,308,930.57
Unpaid Taxes: 462,763.20
Percentage collected: 87.73%
(through 07/8/2011)

Fire Districts All Bills

2011 Total Charge: \$6,854,671.74
Payments & Releases: 6,656,777.40
Unpaid Taxes: 197,894.34
Percentage Collected: 97.10%
(through 07/8/2012)

2010 Total Charge: \$6,705,989.28
Payments & Releases: 6,456,995.32
Unpaid Taxes: 248,993.96
Percentage Collected: 96.42%
(through 07/8/2011)

Respectfully submitted,



Kathy Johnson
Tax Collections Clerk

Stan C. Duncan
Tax Collector

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite 1
Hendersonville, North Carolina 28792
Phone 828-697-4808 • Fax: 828-692-9855

www.hendersoncountync.org

THOMAS H. THOMPSON
Chairman
WILLIAM O'CONNOR
Vice-Chairman

CHARLIE MESSER
LARRY YOUNG
J. MICHAEL EDNEY

July 18, 2012

Mr. Stan Duncan, Tax Assessor
HENDERSON COUNTY ASSESSOR'S OFFICE
200 N. Grove Street, Suite 102
Hendersonville, N. C. 28792

Dear Mr. Duncan:

Attached please find tax release requests in the amount of \$2,104.49 reviewed at the Henderson County Board of Commissioners' Meeting on Wednesday, July 18, 2012. All releases were approved.

Sincerely,



Thomas H. Thompson, Chairman
Henderson County
Board of Commissioners

THT/tlw

enclosures

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: July 18, 2012
SUBJECT: Pending Releases & Refunds
PRESENTER: Assessor
ATTACHMENTS: Pending Release/Refund Combined Report


SUMMARY OF REQUEST:

The attached pending releases and refunds have been reviewed by the County Assessor and as a result of that review, it is the opinion of the Assessor that these findings are in order. Supporting documentation is on file in the County Assessor's Office.

These pending release and refund requests are submitted for the approval by the Henderson County Board of Commissioners.

Type	Revenue Amount:
Refunds	\$ -0-
Releases	\$ 2,104.49

Faithfully Submitted,



Stan C. Duncan

County Assessor

BOARD ACTION REQUEST: Consent Approval Requested

Suggested Motion: "I move the Board approve the Combined Release/Refund Report as presented."

NCPTS Pending Release/Refund Report. Monday, July 09, 2012*

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ NUMBER	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
CYB STAFFING SERVICES LLC	0002795939-2011-2011-0001	BUSINESS CLOSED JUNE 2010. RELEASE 2011 BILL.	(\$10,000)	402	COUNTY	TAX	\$51.36	\$0.00	\$51.36	\$0.00
						LATE LIST FEE	\$5.14	\$0.00	\$5.14	\$0.00
						TOTAL:			\$56.50	\$0.00
	OWNER TOTAL:		(\$10,000)					ABSTRACT TOTAL:	\$56.50	\$0.00
DCO, LLC	0002667141-2009-2009-0000	CORPORATION DISSOLVED 10/19/2008. RELEASE 2009 AND DISCOVERIES 2010 & 2011. DISCOVER UNDER "SANDY BOTTOM TANNING".	(\$49,842)	455	COUNTY	TAX	\$230.27	\$0.00	\$230.27	\$0.00
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL:			\$230.27	\$0.00
	OWNER TOTAL:		(\$49,842)					ABSTRACT TOTAL:	\$230.27	\$0.00
	0002667141-2010-2010-0001	CORPORATION DISSOLVED 10/19/2008. RELEASE 2009 AND DISCOVERIES 2010 & 2011. DISCOVER UNDER "SANDY BOTTOM TANNING".	(\$60,000)	456	COUNTY	TAX	\$277.20	\$0.00	\$277.20	\$0.00
						LATE LIST FEE	\$27.72	\$0.00	\$27.72	\$0.00
						TOTAL:			\$304.92	\$0.00
	OWNER TOTAL:		(\$60,000)					ABSTRACT TOTAL:	\$304.92	\$0.00
	0002667141-2011-2011-0001	CORPORATION DISSOLVED 10/19/2008. RELEASE 2009 AND DISCOVERIES 2010 & 2011. DISCOVER UNDER "SANDY BOTTOM TANNING".	(\$72,000)	457	COUNTY	TAX	\$369.79	\$0.00	\$369.79	\$0.00
						LATE LIST FEE	\$36.98	\$0.00	\$36.98	\$0.00
						TOTAL:			\$406.77	\$0.00
	OWNER TOTAL:		(\$72,000)					ABSTRACT TOTAL:	\$406.77	\$0.00
HYDER, OTTS S	0000626629-1995-1995-0000	THIS ASSESSMENT WAS CREATED IN ERROR IN 1991 RESULTING FROM A PRIOR AMBIGUOUS DEED DESCRIPTION RECORDED IN 1988. IN 2005 THE ASSESSMENT WAS MADE INACTIVE AND THE BILLS WERE CORRECTED. RELEASES FOR BACK YEAR BILLS 1993-1995 WERE NOT COMPLETED AND CONTINUE TO APPEAR ON THE DELINQUENT BILL LIST.	(\$19,949)	405	COUNTY	TAX	\$84.84	\$0.00	\$84.84	\$0.00
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL:			\$84.84	\$0.00
	OWNER TOTAL:		(\$19,949)					ABSTRACT TOTAL:	\$84.84	\$0.00
						TAX	\$10.08	\$0.00	\$10.08	\$0.00
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL:			\$10.08	\$0.00
	OWNER TOTAL:		(\$10,000)					ABSTRACT TOTAL:	\$10.08	\$0.00

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
HYDER, OTIS S	0000626631-1994-1994-0000	THIS ASSESSMENT WAS CREATED IN ERROR IN 1991 RESULTING FROM A PRIOR AMBIGUOUS DEED DESCRIPTION RECORDED IN 1988. IN 2005 THE ASSESSMENT WAS MADE INACTIVE AND THE BILLS WERE CORRECTED. RELEASES FOR BACK YEAR BILLS 1993-1995 WERE NOT COMPLETED AND CONTINUE TO APPEAR ON THE DELINQUENT BILL LIST.	(\$19,500)	404	COUNTY	TAX	\$105.30	\$0.00	\$105.30	\$0.00
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL	\$105.30	\$0.00	\$105.30	\$0.00
					ETOWAH-HORSESHOE FIRE	TAX	\$11.70	\$0.00	\$11.70	\$0.00
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL	\$11.70	\$0.00	\$11.70	\$0.00
						ABSTRACT TOTAL	\$117.00	\$0.00	\$117.00	\$0.00
						TAX	\$105.30	\$0.00	\$105.30	\$0.00
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL	\$105.30	\$0.00	\$105.30	\$0.00
					ETOWAH-HORSESHOE FIRE	TAX	\$11.70	\$0.00	\$11.70	\$0.00
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL	\$11.70	\$0.00	\$11.70	\$0.00
						ABSTRACT TOTAL	\$117.00	\$0.00	\$117.00	\$0.00
						OWNER TOTAL	(\$55,800)		\$328.92	\$0.00
OSTEEN, HARLEY &	0000411515-2003-2003-0000	ASSESSMENT WAS LISTED IN 1970 BY A DEED FROM HENDERSON COUNTY TO HARLEY OSTEEN AND DETERMINED TO BE A DOUBLE ASSESSMENT WHEN THE COUNTY MAPPED IN THE LATE 1980'S. PROPERTY WAS MAPPED AND LISTED TO THE OCCUPANT WILLIAM MCMURRAY BY DEED 401/137 RECORDED 3/16/1962. MR OSTEEN STOPPED PAYING TAXES ON THIS ASSESSMENT IN 1992 AND THE ASSESSMENT WAS RETIRED IN THE SYSTEM IN 2003.	(\$11,000)	393	COUNTY	TAX	\$52.25	\$0.00	\$52.25	\$0.00
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL	\$52.25	\$0.00	\$52.25	\$0.00
					MOUNTAIN HOME FIRE	TAX	\$10.45	\$0.00	\$10.45	\$0.00
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL	\$10.45	\$0.00	\$10.45	\$0.00
						ABSTRACT TOTAL	\$62.70	\$0.00	\$62.70	\$0.00

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
OSTEEN, HARLEY &	0000411520-2002-2002-0000	ASSESSMENT WAS LISTED IN 1970 BY A DEED FROM HENDERSON COUNTY TO HARLEY OSTEEEN, WAS DETERMINED TO BE A DOUBLE ASSESSMENT WHEN THE COUNTY MAPPED IN THE LATE 1980'S. PROPERTY WAS MAPPED AND LISTED TO THE OCCUPANT WILLIAM MCMURRAY BY DEED 401/137 RECORDED 3/16/1962. MR OSTEEEN STOPPED PAYING TAXES ON THIS ASSESSMENT IN 1992 AND THE ASSESSMENT WAS RETIRED IN THE SYSTEM IN 2003.	(\$8,300)	392	COUNTY	TAX	\$41.50	\$0.00	\$41.50	\$0.00
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL	\$41.50		\$41.50	\$0.00
					MOUNTAIN HOME FIRE	TAX	\$7.89	\$0.00	\$7.89	\$0.00
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL	\$7.89		\$7.89	\$0.00
						ABSTRACT TOTAL	\$49.39		\$49.39	\$0.00
						TAX	\$41.50	\$0.00	\$41.50	\$0.00
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL	\$41.50		\$41.50	\$0.00
	0000411525-2001-2001-0000	ASSESSMENT WAS LISTED IN 1970 BY A DEED FROM HENDERSON COUNTY TO HARLEY OSTEE AND DETERMINED TO BE A DOUBLE ASSESSMENT WHEN THE COUNTY MAPPED IN THE LATE 1980'S. PROPERTY WAS MAPPED AND LISTED TO THE OCCUPANT WILLIAM MCMURRAY BY DEED 401/137 RECORDED 3/16/1962. MR OSTEEEN STOPPED PAYING TAXES ON THIS ASSESSMENT IN 1992 AND THE ASSESSMENT WAS RETIRED IN THE SYSTEM IN 2003.	(\$8,300)	391	COUNTY	TAX	\$41.50	\$0.00	\$41.50	\$0.00
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL	\$41.50		\$41.50	\$0.00
					MOUNTAIN HOME FIRE	TAX	\$7.89	\$0.00	\$7.89	\$0.00
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL	\$7.89		\$7.89	\$0.00
						ABSTRACT TOTAL	\$49.39		\$49.39	\$0.00
						TAX	\$41.50	\$0.00	\$41.50	\$0.00
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL	\$41.50		\$41.50	\$0.00
	0000411530-2000-2000-0000	ASSESSMENT WAS LISTED IN 1970 BY A DEED FROM HENDERSON COUNTY TO HARLEY OSTEEEN AND DETERMINED TO BE A DOUBLE ASSESSMENT WHEN THE COUNTY MAPPED IN THE LATE 1980'S. PROPERTY WAS MAPPED AND LISTED TO THE OCCUPANT WILLIAM MCMURRAY BY DEED 401/137 RECORDED 3/16/1962. MR OSTEEEN STOPPED PAYING TAXES ON THIS ASSESSMENT IN 1992 AND THE ASSESSMENT WAS RETIRED IN THE SYSTEM IN 2003.	(\$8,300)	390	COUNTY	TAX	\$41.50	\$0.00	\$41.50	\$0.00
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL	\$41.50		\$41.50	\$0.00
					MOUNTAIN HOME FIRE	TAX	\$7.06	\$0.00	\$7.06	\$0.00
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL	\$7.06		\$7.06	\$0.00
						ABSTRACT TOTAL	\$48.56		\$48.56	\$0.00
						TAX	\$41.50	\$0.00	\$41.50	\$0.00
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL	\$41.50		\$41.50	\$0.00
	0000411535-1999-1999-0000	ASSESSMENT WAS LISTED IN 1970 BY A DEED FROM HENDERSON COUNTY TO HARLEY OSTEEEN AND DETERMINED TO BE A DOUBLE ASSESSMENT WHEN THE COUNTY MAPPED IN THE LATE 1980'S. PROPERTY WAS MAPPED AND LISTED TO THE OCCUPANT WILLIAM MCMURRAY BY DEED 401/137 RECORDED 3/16/1962. MR OSTEEEN STOPPED PAYING TAXES ON THIS ASSESSMENT IN 1992 AND THE ASSESSMENT WAS RETIRED IN THE SYSTEM IN 2003.	(\$8,300)	389	COUNTY	TAX	\$41.50	\$0.00	\$41.50	\$0.00
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL	\$41.50		\$41.50	\$0.00
					MOUNTAIN HOME FIRE	TAX	\$7.06	\$0.00	\$7.06	\$0.00
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL	\$7.06		\$7.06	\$0.00
						ABSTRACT TOTAL	\$48.56		\$48.56	\$0.00
						TAX	\$41.50	\$0.00	\$41.50	\$0.00
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL	\$41.50		\$41.50	\$0.00

*Adjustments submitted for approval on or before 7/18/2012

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ NUMBER	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
OSTEEN, HARLEY &	0000411540-1998-1998-0000	ASSESSMENT WAS LISTED IN 1970 BY A DEED FROM HENDERSON COUNTY TO HARLEY OSTEEEN AND DETERMINED TO BE A DOUBLE ASSESSMENT WHEN THE COUNTY MAPPED IN THE LATE 1980'S. PROPERTY WAS MAPPED AND LISTED TO THE OCCUPANT WILLIAM MCMURRAY BY DEED 401/137 RECORDED 3/16/1962. MR OSTEEEN STOPPED PAYING TAXES ON THIS ASSESSMENT IN 1992 AND THE ASSESSMENT WAS RETIRED IN THE SYSTEM IN 2003.	(\$6,700)	388	COUNTY	TAX	\$39.20	\$0.00	\$39.20	\$0.00
			LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00			
			TOTAL	\$39.20	\$0.00	\$0.00				
			MOUNTAIN HOME TAX	\$6.03	\$0.00	\$6.03	\$0.00			
			LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00			
			TOTAL	\$6.03	\$0.00	\$0.00				
			ABSTRACT TOTAL	\$45.23	\$0.00	\$0.00				
			TAX	\$36.52	\$0.00	\$36.52	\$0.00			
			LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00			
			TOTAL	\$36.52	\$0.00	\$0.00				
	0000411545-1997-1997-0000	ASSESSMENT WAS LISTED IN 1970 BY A DEED FROM HENDERSON COUNTY TO HARLEY OSTEEEN AND DETERMINED TO BE A DOUBLE ASSESSMENT WHEN THE COUNTY MAPPED IN THE LATE 1980'S. PROPERTY WAS MAPPED AND LISTED TO THE OCCUPANT WILLIAM MCMURRAY BY DEED 401/137 RECORDED 3/16/1962. MR OSTEEEN STOPPED PAYING TAXES ON THIS ASSESSMENT IN 1992 AND THE ASSESSMENT WAS RETIRED IN THE SYSTEM IN 2003.	(\$6,700)	387	COUNTY	TAX	\$36.52	\$0.00	\$36.52	\$0.00
			LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00			
			TOTAL	\$36.52	\$0.00	\$0.00				
			MOUNTAIN HOME TAX	\$5.03	\$0.00	\$5.03	\$0.00			
			LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00			
			TOTAL	\$5.03	\$0.00	\$0.00				
			ABSTRACT TOTAL	\$41.55	\$0.00	\$0.00				
			TAX	\$34.51	\$0.00	\$34.51	\$0.00			
			LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00			
			TOTAL	\$34.51	\$0.00	\$0.00				
	0000411549-1996-1996-0000	ASSESSMENT WAS LISTED IN 1970 BY A DEED FROM HENDERSON COUNTY TO HARLEY OSTEEEN AND DETERMINED TO BE A DOUBLE ASSESSMENT WHEN THE COUNTY MAPPED IN THE LATE 1980'S. PROPERTY WAS MAPPED AND LISTED TO THE OCCUPANT WILLIAM MCMURRAY BY DEED 401/137 RECORDED 3/16/1962. MR OSTEEEN STOPPED PAYING TAXES ON THIS ASSESSMENT IN 1992 AND THE ASSESSMENT WAS RETIRED IN THE SYSTEM IN 2003.	(\$6,700)	386	COUNTY	TAX	\$34.51	\$0.00	\$34.51	\$0.00
			LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00			
			TOTAL	\$34.51	\$0.00	\$0.00				
			MOUNTAIN HOME TAX	\$5.03	\$0.00	\$5.03	\$0.00			
			LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00			
			TOTAL	\$5.03	\$0.00	\$0.00				
			ABSTRACT TOTAL	\$39.54	\$0.00	\$0.00				
			TAX	\$33.84	\$0.00	\$33.84	\$0.00			
			LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00			
			TOTAL	\$33.84	\$0.00	\$0.00				
	0000411555-1995-1995-0000	ASSESSMENT WAS LISTED IN 1970 BY A DEED FROM HENDERSON COUNTY TO HARLEY OSTEEEN AND DETERMINED TO BE A DOUBLE ASSESSMENT WHEN THE COUNTY MAPPED IN THE LATE 1980'S. PROPERTY WAS MAPPED AND LISTED TO THE OCCUPANT WILLIAM MCMURRAY BY DEED 401/137 RECORDED 3/16/1962. MR OSTEEEN STOPPED PAYING TAXES ON THIS ASSESSMENT IN 1992 AND THE ASSESSMENT WAS RETIRED IN THE SYSTEM IN 2003.	(\$6,700)	385	COUNTY	TAX	\$33.84	\$0.00	\$33.84	\$0.00
			LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00			
			TOTAL	\$33.84	\$0.00	\$0.00				
			MOUNTAIN HOME TAX	\$4.69	\$0.00	\$4.69	\$0.00			
			LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00			
			TOTAL	\$4.69	\$0.00	\$0.00				
			ABSTRACT TOTAL	\$38.53	\$0.00	\$0.00				
			TAX	\$38.53	\$0.00	\$38.53	\$0.00			
			LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00			
			TOTAL	\$38.53	\$0.00	\$0.00				

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ NUMBER	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND	
OSTEEN, HARLEY &	0000411557-1995-1995-0000	THIS ASSESSMENT WAS LISTED TO HARLEY OSTEEEN BY DEED 472/645 FROM HENDERSON COUNTY 10/19/1970. THE OWNER NOR MAPPING WAS EVER ABLE TO LOCATE THEREFORE THIS HAS NEVER BEEN MAPPED. MR OSTEEEN STOPPED PAYING TAXES IN 1991 AND THE ASSESSMENT WAS RETIRED. EVIDENTLY IT HAD TO BE RETIRED AGAIN IN 1995 AFTER ACCUMULATING A FEW MORE YEARS OF BILLS.	(\$16,500)	397	COUNTY	TAX	\$83.33	\$0.00	\$83.33	\$0.00	
			LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			
			TOTAL					\$83.33	\$0.00	\$83.33	\$0.00
							ABSTRACT TOTAL				
	0000411561-1994-1994-0000	ASSESSMENT WAS LISTED IN 1970 BY A DEED FROM HENDERSON COUNTY TO HARLEY OSTEEEN, WAS DETERMINED TO BE A DOUBLE ASSESSMENT WHEN THE COUNTY MAPPED IN THE LATE 1980'S. PROPERTY WAS MAPPED AND LISTED TO THE OCCUPANT WILLIAM MCMURRAY BY DEED 401/137 RECORDED 3/16/1962. MR OSTEEEN STOPPED PAYING TAXES ON THIS ASSESSMENT IN 1992 AND THE ASSESSMENT WAS RETIRED IN THE SYSTEM IN 2003.	(\$2,600)	384	COUNTY	TAX	\$14.04	\$0.00	\$14.04	\$0.00	
			LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00				
			TOTAL					\$14.04	\$0.00	\$14.04	\$0.00
					MOUNTAIN HOME FIRE	TAX	\$1.82	\$0.00	\$1.82	\$0.00	
	0000411563-1994-1994-0000	THIS ASSESSMENT WAS LISTED TO HARLEY OSTEEEN BY DEED 472/645 FROM HENDERSON COUNTY 10/19/1970. THE OWNER NOR MAPPING WAS EVER ABLE TO LOCATE THEREFORE THIS HAS NEVER BEEN MAPPED. MR OSTEEEN STOPPED PAYING TAXES IN 1991 AND THE ASSESSMENT WAS RETIRED. EVIDENTLY IT HAD TO BE RETIRED AGAIN IN 1995 AFTER ACCUMULATING A FEW MORE YEARS OF BILLS.	(\$6,700)	396	COUNTY	TAX	\$36.18	\$0.00	\$36.18	\$0.00	
			LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00				
			TOTAL					\$36.18	\$0.00	\$36.18	\$0.00
							ABSTRACT TOTAL				
	0000411567-1993-1993-0000	ASSESSMENT WAS LISTED IN 1970 BY A DEED FROM HENDERSON COUNTY TO HARLEY OSTEEEN, WAS DETERMINED TO BE A DOUBLE ASSESSMENT WHEN THE COUNTY MAPPED IN THE LATE 1980'S. PROPERTY WAS MAPPED AND LISTED TO THE OCCUPANT WILLIAM MCMURRAY BY DEED 401/137 RECORDED 3/16/1962. MR OSTEEEN STOPPED PAYING TAXES ON THIS ASSESSMENT IN 1992 AND THE ASSESSMENT WAS RETIRED IN THE SYSTEM IN 2003.	(\$2,600)	380	COUNTY	TAX	\$14.04	\$0.00	\$14.04	\$0.00	
			LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00				
			TOTAL					\$14.04	\$0.00	\$14.04	\$0.00
					MOUNTAIN HOME FIRE	TAX	\$1.82	\$0.00	\$1.82	\$0.00	
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00	
			TOTAL					\$1.82	\$0.00	\$1.82	\$0.00
									ABSTRACT TOTAL		

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
OSTEEN, HARLEY &	0000411569-1993-1993-0000	THIS ASSESSMENT WAS LISTED TO HARLEY OSTEEN BY DEED 472/645 FROM HENDERSON COUNTY 10/19/1970. THE OWNER NOR MAPPING WAS EVER ABLE TO LOCATE THEREFORE THIS HAS NEVER BEEN MAPPED. MR OSTEEN STOPPED PAYING TAXES IN 1991 AND THE ASSESSMENT WAS RETIRED. EVIDENTLY IT HAD TO BE RETIRED AGAIN IN 1995 AFTER ACCUMULATING A FEW MORE YEARS OF BILLS.	(\$6,700)	394	COUNTY	TAX LATE LIST FEE TOTAL	\$36.18 \$0.00 \$36.18	\$0.00 \$0.00	\$36.18 \$0.00	\$0.00 \$0.00
	OWNER TOTAL		(\$6,700)							
WIMER, DWIGHT &	0000066084-2003-2003-0000	THE LISTING RECORD FOR THIS BILL WAS NEVER LOCATED ON THE GROUND BY THE LISTING OWNER OR THE MAPPING DEPARTMENT. THE LISTING OWNER STOPPED PAYING TAXES ON THIS ASSESSMENT IN 1995. IN 2004 THE ASSESSMENT WAS MADE INACTIVE AND IN 2005 A RELEASE WAS SUBMITTED FOR THE BILLS FOR 1996-2003. ALL OF THOSE BILLS WERE RELEASED EXCEPT FOR THIS 2003 BILL.	(\$35,000)	406	COUNTY	TAX LATE LIST FEE TOTAL	\$166.25 \$0.00 \$166.25	\$0.00 \$0.00	\$166.25 \$0.00	\$0.00 \$0.00
	OWNER TOTAL		(\$35,000)							
GRAND TOTALS			(\$388,742)						\$2,104.49	\$0.00

Exhibit A

**RESOLUTION DECLARING PERSONAL PROPERTY AS SURPLUS
AND AUTHORIZING THE SALE OF SURPLUS PROPERTY
BY ELECTRONIC PUBLIC AUCTION**

WHEREAS, Henderson County owns vehicles itemized on the attached Exhibit B, hereinafter referred to as "surplus property", that is either obsolete or no longer needed for any governmental use by the County; and

WHEREAS, the Henderson County Board of Commissioners is desirous of declaring the vehicles as surplus and selling at a public auction as authorized by NCGS 160A-270; and

WHEREAS, it is the intent of the County to sell said surplus vehicles by electronic public auction at www.govdeals.com.

NOW THEREFORE BE IT RESOLVED, by the Henderson County Board of Commissioners as follows:

1. The vehicles itemized on the attached Exhibit B is hereby declared to be surplus property.
2. The Finance Director is hereby authorized to sell by electronic auction at www.govdeals.com the surplus property described above to the highest bidder.
3. All surplus property will be sold "as is", all sales final, cash, certified check or money order only. Henderson County makes no express or implied warranties of merchantability of any surplus property, or part thereof, or its fitness for any particular purpose regardless of any oral statements that may be made concerning the surplus property or any part thereof.
4. A notice summarizing this Resolution and the sale of the surplus property by electronic public auction shall be advertised by the Finance Director on the County's website at www.hendersoncountync.org at least ten (10) days prior to the public auction.

THIS the 18th day of July, 2012.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 
Thomas Thompson, Chairman

ATTEST:


Teresa L. Wilson, Clerk to the Board

[OFFICIAL SEAL]



Exhibit B

List of Surplus

Vehicles	County#	VIN#	ASSET#	MILEAGE
2007 Dodge Charger	SH271	2B3KA43G87H770296	13115	78,130
2007 Dodge Charger	SH281	2B3KA43G17H709159	12491	103,027
2007 Dodge Charger	SH282	2B3KA43G87H709157	12478	111,079
2006 Chevrolet Impala	SH201	2G1WS551169302746	12086	96,243
2005 Dodge Durango	SH336	1D4HB38N15F578940	11706	87,172
1992 Ford F250	PB003	1FTHF25HXNNA92451	4156	148,752

List of Surplus Equipment

Backhoe Attachment off John Deere 750-Damaged/bad hydraulic valve/poor shape

Side Tool boxes for long wheel base truck.

**LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY**



Department: Economic Development

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115498 - 569900</u>	<u>Partnership for Econ Development</u>	<u>\$ 42,698</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

What expense line-item is to be decreased? Or what additional revenue is now expected?

Account	Line-Item Description	Amount
<u>114990 - 401000</u>	<u>Fund Balance Appropriated</u>	<u>\$ 42,698</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Justification: *Please provide a brief justification for this line-item transfer request.*

Fund balance appropriated to reimburse the Partnership for Economic Development for funds expended related to Phase I and II work on the former WNC Fairgrounds property. Approved by the BOC 7/18/12

_____	<u>7/18/12</u>
Authorized by Department Head	Date
_____	_____
Authorized by Budget Office	Date
_____	_____
Authorized by County Manager	Date
_____	_____





LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY

Department: Register of Deeds

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115418 - 512600</u>	<u>Salaries and Wages - Temp/PT</u>	<u>\$ 46,500</u>
<u>115418 - 518000</u>	<u>FICA</u>	<u>\$3,500</u>
<u>115418 - 522600</u>	<u>Printing and Binding</u>	<u>\$15,000</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

What expense line-item is to be decreased? Or what additional revenue is now expected?

Account	Line-Item Description	Amount
<u>114990 - 401002</u>	<u>Fund Balance Approp-ROD Restrict</u>	<u>\$ 65,000</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

Justification: *Please provide a brief justification for this line-item transfer request.*
AEPF funds to pay for redaction project, and printing and binding needs. Approved by the BOC 7/18/12

Register of Deeds
Authorized by Department Head

7/18/12
Date

Authorized by Budget Office

Date

Authorized by County Manager

Date





Designation of Voting Delegates to NCACC Annual Conference

I, Charlie Messer, hereby certify that I am the duly designated voting delegate for HENDERSON County at the 105th Annual Conference of the North Carolina Association of County Commissioners to be held in Wake County, N.C., on August 16-19, 2012.

Signed: Charlie Messer

Title: COMMISSIONER

Alternate

Signed: Thomas D. Thompson

Title: Chairman

Article VI, Section 2 of our Constitution provides:

"On all questions, including the election of officers, each county represented shall be entitled to one vote, which shall be the majority expression of the delegates of that county. The vote of any county in good standing may be cast by any one of its county commissioners who is present at the time the vote is taken; provided, if no commissioner be present, such vote may be cast by another county official, elected or appointed, who holds elective office or an appointed position in the county whose vote is being cast and who is formally designated by the board of county commissioners. These provisions shall likewise govern district meetings of the Association. A county in good standing is defined as one which has paid the current year's dues."

Please return this form to Sheila Sammons by: **Friday, August 10, 2012:**

NCACC
215 N. Dawson St.
Raleigh, NC 27603
Fax: (919) 733-1065
sheila.sammons@ncacc.org

Resolution Setting the Bond Amounts for the Tax Collector and Deputy Tax Collector

WHEREAS, N.C.G.S. 105-352 requires that before the tax receipts are delivered to the Tax Collector for collection, the Board of Commissioners must approve a bond amount for the Tax Collector and Deputy Tax Collector; and

WHEREAS, the Board of Commissioners is desirous of complying with N.C.G.S. 105-352;

NOW THEREFORE IT BE RESOLVED AS FOLLOWS:

1. The Bond amount for the Tax Collector shall be set at \$1,000,000 through August of 2013.
2. The bond amount for the Deputy Tax Collector shall be set at \$250,000 to run through August of 2013.

THIS the 18th day of July, 2012.

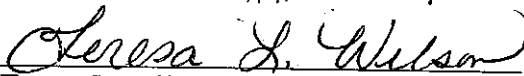
THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 

Thomas H. Thompson, Chairman

Attest:

(County Seal)



Teresa L. Wilson, Clerk to the Board

Resolution Approving the Settlement with the Tax Collector for the 2011-2012 Tax Year

WHEREAS, N.C.G.S. 105-352 requires that settlement be made with the Tax Collector for the taxes charged to the Tax Collector in the previous tax year prior to delivery of the tax receipts to the Tax Collector for the current tax year, said settlement being conducted in accordance with N.C.G.S. 105-373; and

WHEREAS, N.C.G.S. 105-373 requires that settlement be made for both taxes charged to the Tax Collector in the previous tax year, and for all delinquent taxes charged to the Tax Collector, there being a specified format for current tax year settlements, but not delinquent taxes; and

WHEREAS, the Henderson County Board Commissioners has received a proposed settlement for the 2011-2012 tax year taxes, and all delinquent taxes charged to the Tax Collector for prior tax years;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Settlement for the 2011-2012 taxes charged to the Tax Collector is hereby approved. The Board finds:
 - a. All prepayments received by the Tax Collector were properly deposited;
 - b. The settlement is in proper form;
 - c. A diligent effort was made to collect from the person who were legally obligated to pay their taxes for the 2011-2012 fiscal year; and
 - d. Those persons identified in the report of insolvents submitted by the Tax Collector are found to be insolvents. The insolvents list shall be entered into the minutes and credited to the Tax Collector as part of this settlement.

2. The Settlement for the delinquent taxes charged to the tax collector for the previous fiscal years is hereby approved. The Board finds that the settlement for the delinquent taxes is in an appropriate form.

THIS the 18th day of July, 2012.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: Thomas H. Thompson
Thomas H. Thompson, Chairman

Attest: (County Seal)

Teresa L. Wilson
Teresa L. Wilson, Clerk to the Board

Resolution Adopting the Order of Collection for the 2012-2013 Tax Year

WHEREAS, N.C.G.S. 105-352 requires that before the tax receipts for the 2012-2013 Tax Year may be delivered to the Tax Collector for collection the following must occur: (1) the Tax Collector must deliver any duplicate bills printed for prepayments received by the Tax Collector to the Finance Director and demonstrate to the Finance Director's satisfaction that all prepayments received have been deposited; (2) the Tax Collector must make settlement with the Board of Commissioners for all taxes placed in his hands for collection for the 2011-2012 tax year; and (3) the Board of Commissioners must approve the bonds proposed for the Tax Collector (and the Deputy Tax Collector) for collection of all taxes charged for the 2012-2013 Tax Year and all delinquent taxes

WHEREAS, prepayments were received for 2012 taxes; and

WHEREAS, the Board of Commissioners has approved the settlement for the taxes charged to the Tax Collector for collection for the 2011-2012 tax year, including the delinquent taxes; and

WHEREAS, The Board of Commissioners has approved the bonds proposed for the Tax Collector and the Deputy Tax Collector;

NOW THEREFORE BE IT RESOLVED that the order of collection attached hereto is hereby adopted.

THIS the 18th day of July, 2012.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 
Thomas H. Thompson, Chairman

Thomas H. Thompson, Chairman

Attest:

(County Seal)


Teresa L. Wilson, Clerk to the Board

Teresa L. Wilson, Clerk to the Board

STATE OF NORTH CAROLINA

ORDER OF COLLECTION

COUNTY OF HENDERSON

TO THE TAX COLLECTOR OF HENDERSON COUNTY:

You are hereby authorized, empowered, and commanded to collect the taxes, including current, insolvent and delinquent, set forth in the tax records filed in the Office of the Assessor for Henderson County and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Henderson, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

WITNESS my hand and official seal, this 18th day of July, 2012.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 

Thomas H. Thompson

THOMAS H. THOMPSON, Chairman

ATTEST: (OFFICIAL SEAL)

Teresa L. Wilson

Teresa L. Wilson, Clerk to the Board

**RESOLUTION OF THE
BOARD OF COMMISSIONERS
OF HENDERSON COUNTY**

WHEREAS, the North Carolina General Assembly has enacted what is now North Carolina Sessions Law 2012-144, entitled "AN ACT TO AUTHORIZE THE HENDERSON COUNTY BOARD OF COMMISSIONERS TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND MAKE OTHER ADMINISTRATIVE CHANGES" ("SL 2012-144"); and,

WHEREAS, included in SL 2012-144 is a provision which strikes the authority for the current Henderson Travel and Tourism Committee ("the Committee") and replaces it with a new Henderson Tourism Development Authority; and,

WHEREAS, SL 2012-144 further requires certain actions be taken by the Henderson County Board of Commissioners in regard to the Authority; and,

WHEREAS, the actions taken herein are pursuant to the authority of SL 2012-144 and the laws of North Carolina;

**NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF
COMMISSIONERS OF HENDERSON COUNTY** as follows:

1. There is created the Henderson Tourism Development Authority ("the Authority"), a public authority under the North Carolina Local Government Budget and Fiscal Control Act.

2. The Authority shall be governed by shall be governed by an Authority Committee of nine (9) members. The nine members appointment, term of office, and other qualifications, shall be as follows:

Seat 1: The member holding Seat 1 shall be appointed by the Board of Commissioners of Henderson County. The first person appointed to Seat 1 shall serve a term of not more than five (5) years ending 30 June, 2017, and shall not be eligible for appointment (or reappointment) to the Authority Committee after the expiration of such term unless such person shall not be a member of the Authority Committee for a period of one year. Subsequent appointments to Seat 1 shall be for a term of not more than five (5) years, however such term always ending on June 30 of the last year of such appointment. The member holding Seat 1 shall be registered to vote in Henderson County. The member holding Seat 1 shall be affiliated with a business that collects Occupancy Tax (as defined in SL 2012-144) within Henderson County.

Seat 2: The member holding Seat 2 shall be appointed by the Board of Commissioners of Henderson County. The first person appointed to Seat 2 shall serve a term of not

more than four (4) years ending 30 June, 2016, and shall not be eligible for appointment (or reappointment) to the Authority Committee after the expiration of such term unless such person shall not be a member of the Authority Committee for a period of one year. Subsequent appointments to Seat 2 shall be for a term of not more than five (5) years, however such term always ending on June 30 of the last year of such appointment. The member holding Seat 2 shall be registered to vote in Henderson County.

Seat 3: The member holding Seat 3 shall be appointed by the Board of Commissioners of Henderson County. The first person appointed to Seat 3 shall serve a term of not more than three (3) years ending 30 June, 2015, and shall not be eligible for appointment (or reappointment) to the Authority Committee after the expiration of such term unless such person shall not be a member of the Authority Committee for a period of one year. Subsequent appointments to Seat 3 shall be for a term of not more than five (5) years, however such term always ending on June 30 of the last year of such appointment. The member holding Seat 3 shall be registered to vote in Henderson County.

Seat 4: The member holding Seat 4 shall be appointed by the City Council of the City of Hendersonville, North Carolina. The first person appointed to Seat 4 shall serve a term of not more than five (5) years ending 30 June, 2017, and shall not be eligible for appointment (or reappointment) to the Authority Committee after the expiration of such term unless such person shall not be a member of the Authority Committee for a period of one year. Subsequent appointments to Seat 4 shall be for a term of not more than five (5) years, however such term always ending on June 30 of the last year of such appointment. The member holding Seat 4 shall be registered to vote in Henderson County. The member holding Seat 4 shall be affiliated with a business that collects Occupancy Tax (as defined in SL 2012-144) within Henderson County.

Seat 5: The member holding Seat 5 shall be appointed by the City Council of the City of Hendersonville, North Carolina. The first person appointed to Seat 5 shall serve a term of not more than four (4) years ending 30 June, 2016, and shall not be eligible for appointment (or reappointment) to the Authority Committee after the expiration of such term unless such person shall not be a member of the Authority Committee for a period of one year. Subsequent appointments to Seat 5 shall be for a term of not more than five (5) years, however such term always ending on June 30 of the last year of such appointment. The member holding Seat 5 shall be registered to vote in Henderson County.

Seat 6: The member holding Seat 6 shall be appointed by the City Council of the City of Hendersonville, North Carolina. The first person appointed to Seat 6 shall serve a term of not more than three (3) years ending 30 June, 2015, and shall not be eligible for appointment (or reappointment) to the Authority Committee after the expiration of such term unless such person shall not be a member of the Authority Committee for a period of one year. Subsequent appointments to Seat 6 shall be for a term of not more than five (5) years, however such term always

ending on June 30 of the last year of such appointment. The member holding Seat 1 shall be registered to vote in Henderson County.

Seat 7: The member holding Seat 7 shall be appointed by the Town Council of the City of Fletcher, North Carolina. The first person appointed to Seat 7 shall serve a term of not more than five (5) years ending 30 June, 2017, and shall not be eligible for appointment (or reappointment) to the Authority Committee after the expiration of such term unless such person shall not be a member of the Authority Committee for a period of one year. Subsequent appointments to Seat 7 shall be for a term of not more than five (5) years, however such term always ending on June 30 of the last year of such appointment. The member holding Seat 7 shall be registered to vote in Henderson County.

Seat 8: The member holding Seat 8 shall be appointed by the Village Council of the Village of Flat Rock, North Carolina. The first person appointed to Seat 8 shall serve a term of not more than four (4) years ending 30 June, 2016, and shall not be eligible for appointment (or reappointment) to the Authority Committee after the expiration of such term unless such person shall not be a member of the Authority Committee for a period of one year. Subsequent appointments to Seat 8 shall be for a term of not more than five (5) years, however such term always ending on June 30 of the last year of such appointment. The member holding Seat 8 shall be registered to vote in Henderson County.

Seat 9: The member holding Seat 9 shall be appointed by the Board of Commissioners of Henderson County upon a recommendation from the Henderson County Chamber of Commerce. The first person appointed to Seat 9 shall serve a term of not more than three (3) years ending 30 June, 2015, and shall not be eligible for appointment (or reappointment) to the Authority Committee after the expiration of such term unless such person shall not be a member of the Authority Committee for a period of one year. Subsequent appointments to Seat 9 shall be for a term of not more than five (5) years, however such term always ending on June 30 of the last year of such appointment. The member holding Seat 9 shall be currently active in the promotion of travel and tourism in Henderson County.

3. Special provision regarding Seat 1, Seat 2, Seat 3, Seat 4, Seat 5 and Seat 6: The Board of Commissioners of Henderson County and the City Council shall confer for their appointments such that at all times at least three (3) members holding Seat 1, Seat 2, Seat 3, Seat 4, Seat 5 or Seat 6 shall be currently active in the promotion of travel and tourism in Henderson County.

4. Special provisions regarding Seat 7 and Seat 8: The Town Council of the City of Fletcher and the Village Council of the Village of Flat Rock shall confer for their appointments such that at all times at least one member holding Seat 7 or Seat 8 is affiliated with a business that collects Occupancy Tax (as defined in SL 2012-144) within Henderson County, and that at all times at least one member holding Seat 7 or Seat 8 is currently active in the promotion of travel and tourism in Henderson County.

5. The Board of Commissioners of Henderson County shall select the chair of the Authority Committee, whose term shall end each June 30.

6. The Board of Commissioners of Henderson County shall set the compensation, if any, of the Authority Committee, which compensation, if any, shall be included in the administrative expenses of the Authority, and budgeted for by the Authority Committee.

7. Vacancies: Should any Seat on the Authority Committee become vacant by death, resignation or otherwise, prior to the end of a term of appointment, the member to hold such Seat shall be appointed in the same manner as such Seat was originally appointed.

8. Powers and duties of the Authority shall be as set out in SL 2012-144.

Moved by Commissioner Bill O'Connor, and adopted by vote of the Board of Commissioners of Henderson County, this the 18th day of July, 2012.

HENDERSON COUNTY BOARD OF COMMISSIONERS

By:


THOMAS H. THOMPSON, Chairman

Attest:



TERESA L. WILSON, Clerk to the Board

HENDERSON COUNTY

NORTH CAROLINA HENDERSON COUNTY

This Agreement made and entered into the 18 day of July, 2012 by and between Henderson COUNTY, North Carolina, hereinafter referred to as the "COUNTY", and Community Partnership for Pets, hereinafter referred to as the "AGENCY."

WHEREAS, the COUNTY has requested services from the AGENCY to assist with providing spay/neuter services to citizens, especially for low-income citizens, in Henderson County; and

WHEREAS, the Board of COUNTY Commissioners has appropriated the sum of \$50,000 in funding for the fiscal year ending June 30, 2013 to support this purpose; and

WHEREAS, it is desirable and necessary to enter into this Agreement in order to set forth the terms and conditions for receiving said funds from the COUNTY.

NOW, THEREFORE, in consideration of the following the parties hereto do mutually agree as follows:

1. The AGENCY agrees to use the funds appropriated by the COUNTY in a manner and for the purposes specified in their contract.
2. The COUNTY will provide the AGENCY with funds up \$50,000 to provide spay/neuter services to citizens of Henderson County:
 - a. \$25,000 of the allocation is specified for spay/neuter for low-income families. The remaining \$25,000 may be used for spay/neuter services regardless of family income.
 - b. Low-income shall be defined as 150% of the Federal Poverty level based on family size.
 - c. AGENCY staff must have applicants for the low-income allocation sign a statement stating they meet the income threshold. This must be witnessed by staff.
 - d. AGENCY must keep records of who services were provided to, documentation of income eligibility, and use of funds. These records must be available to the COUNTY upon request.
 - e. The Animal Services Director shall administer this program and work with the AGENCY for its implementation.
 - f. The COUNTY and AGENCY may work together periodically on spay/neuter clinics and educational programs to further spay/neuter and animal issues.
 - g. AGENCY will be responsible for ensuring funds are used and accounted for properly. The COUNTY has the right to deny payment or request returned funds for any monies used in violation of this program.
 - h. AGENCY will submit an invoice for services provided at the end of each month and the COUNTY shall reimburse AGENCY for these funds within 2 weeks of receipt of invoice. The invoice should denote funds used for low-income and those used as part of the general services.
3. In consideration for the performance by the AGENCY of the services outlined in its application, the COUNTY agrees to pay the AGENCY up to the amount of money authorized in the Henderson COUNTY budget for the fiscal year.
4. If the AGENCY fails to perform its obligation under this Agreement, or if the AGENCY shall violate any of the provisions of this Agreement, the COUNTY shall have the right to terminate this Agreement by giving written notice to the AGENCY of such termination at least thirty (30) days before the effective date of such termination. In such event, all unexpended funds at the time of such termination shall remain with the COUNTY. The AGENCY may terminate the agreement with the COUNTY with 30 days written notice.
5. The AGENCY shall not assign any interest in this Agreement and shall not transfer any interest in the Agreement without prior written approval of the COUNTY.
6. In connection with the performance of this Agreement, the AGENCY shall not discriminate against any employee, applicant for employment, or program participant because of race, religion, color, sex, age, handicap, or national origin.
7. The AGENCY shall maintain all accounts, books, ledgers, journals, and records in accordance with generally accepted accounting principles, practices and procedures.
8. The AGENCY shall submit to the COUNTY a quarterly progress report and an annual status report of all program activities including a summary of the accomplishment of stated goals and objectives. The quarterly reports should include information about the statistics such as type of animal altered, gender of animal, income of family, and number of services performed.

9. The AGENCY shall provide an accounting of COUNTY funds to the COUNTY to demonstrate that funds allocated to the AGENCY have been used for the purpose(s) specified herein. The accounting report shall be submitted to the COUNTY monthly. Further, the COUNTY shall be entitled to audit the financial records and operations of the AGENCY at the COUNTY's discretion. Any excess funds or funds not used for the expressed purpose(s) stated herein must be returned to the COUNTY within thirty (30) days of the COUNTY's request for said funds.
10. The COUNTY shall be entitled to conduct a evaluation of the AGENCY's programs and activities particularly as it relates to the accomplishments of established goals and objectives and the measurement of services being delivered.
11. All books and records shall be maintained by the AGENCY for a period of at least three years from the date of the final payment under this Agreement and shall be made available for audit or evaluation upon request during regular business hours of the AGENCY.
12. The AGENCY must adopt a Drug-Free Workplace Policy in accordance with the Drug-Free Workplace Policy of 1988 (41 U.S.C. 701).
13. As a condition of receiving funds from Henderson COUNTY, the AGENCY agrees to fully indemnify and hold harmless Henderson COUNTY, its officers, agents, and employees from and against any and all claims, demands, payments, suits, actions, costs, recoveries, and judgments of every kind and description brought out of or occurring in connection with, directly or indirectly, activities funded in part or in whole with funds made available under this Agreement.
14. The COUNTY is in no way responsible for the administration and supervision of the AGENCY's officers, employees, and agents, which persons it is agreed are not officers, employees, or agents of the COUNTY.
15. The Agreement may only be amended by written amendments mutually agreed upon by and between the COUNTY and the AGENCY.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in their name by their duly authorized officers, their seals to be hereto affixed the day and year first above written.

ATTEST:

HENDERSON COUNTY

Aeresa L. Wilson 7/19/2012 *Thomas N. Thompson* 7/19/12
 Clerk to the Board Date BY: Chairman Thompson, Board of Commissioners Date

ATTEST:

Laurie L. Koenig 7/18/2012 *Mary Ceryni* 7-18-12
 Corporate Secretary, Date BY: Mary Ceryni, Executive Director Date

This Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Jana C. McNeal 7/23/12
 County Finance Director Date

Henderson County Spay/Neuter Program for Low-Income Families 2012

Sponsored by Henderson County Animal Shelter and Community Partnership for Pets

I agree that I qualify for this program under the Federal Poverty Level Guidelines as established by checking the appropriate box below, I understand that I must be a resident of Henderson County to receive assistance.

(CHECK) Animal was not adopted from the Henderson County Animal Shelter

PRINT NAME: _____ DATE: _____

ADDRESS: _____

SIGN: _____

GROSS YEARLY INCOME
(Based on 2012 Federal Poverty Levels)

MONTHLY INCOME

<input type="checkbox"/>	Family of 1	\$16,755	\$1396.25
<input type="checkbox"/>	Family of 2	\$22,695	\$1891.25
<input type="checkbox"/>	Family of 3	\$28,635	\$2386.25
<input type="checkbox"/>	Family of 4	\$34,575	\$2881.25
<input type="checkbox"/>	Family of 5	\$40,515	\$3376.25
<input type="checkbox"/>	Family of 6	\$46,455	\$3871.25
<input type="checkbox"/>	Family of 7	\$52,395	\$4366.25
<input type="checkbox"/>	Family of 8	\$58,335	\$4861.25

Don't know yearly or monthly income but have proof of income showing I am eligible for assistance.

For staff use only:

I witnessed the above party sign and complete the form.

Print Name: _____ Sign: _____

Date: _____

Organization: Henderson County Community Partnership for Pets Other: _____