

**REQUEST FOR BOARD ACTION
HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: 10 July 2019

SUBJECT: FY 2018-2019 Tax Collector's Settlement;
Approval of Bond Amounts for Tax Collector/Deputy;
FY 2019-2020 Tax Order For Collection

PRESENTER: Darlene Burgess, Tax Administrator

ATTACHMENT(S): Proposed Order and Resolution

SUMMARY OF REQUEST:

It is time once again for the delivery of the tax receipts to the Henderson County Tax Collector; 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 for 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.** An Order of Collection must be adopted at today's meeting, which will charge the Tax Collector with the collection of FY 2019-2020 taxes, plus all outstanding delinquent taxes.

The tax collector will be available to present further information on this matter.

BOARD ACTION REQUESTED:

Approval of tax collector's settlement for FY 2018-2019 taxes and approval of order of collection and charge for FY 2019-2020 taxes.

If the Board is so inclined, the following motion is suggested:

I move that the Board approve the tax collector's settlement for Fiscal Year 2018-2019 taxes, and further approve the bonds, the order of collection and charge for collection to the tax collector for Fiscal Year 2019-2020 taxes.

Resolution Approving the Settlement with the Tax Collector for the 2018-2019 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 2018-2019 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 2018-2019 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 2018-2019 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 10th day of July, 2019.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
Grady Hawkins, Chairman

Attest: (County Seal)

Teresa L. Wilson, Clerk to the Board

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 2020.
2. The bond amount for the Deputy Tax Collector shall be set at \$250,000 to run through August of 2020.

THIS the 10th day of July, 2019.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
Grady Hawkins, Chairman

Attest: (County Seal)

Teresa L. Wilson, Clerk to the Board

Resolution Adopting the Order of Collection for the 2019-2020 Tax Year

WHEREAS, N.C.G.S. 105-352 requires that before the tax receipts for the 2019-2020 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 2018-2019 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 2019-2020 Tax Year and all delinquent taxes

WHEREAS, prepayments were received for 2019 taxes; and

WHEREAS, the Board of Commissioners has approved the settlement for the taxes charged to the Tax Collector for collection for the 2018-2019 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 10th day of July, 2019.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
Grady Hawkins, Chairman

Attest: (County Seal)

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, Darlene Burgess, 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.

WHEREAS, the County of Henderson includes the following unincorporated districts: Blue Ridge Fire District, Valley Hill Fire District, Edneyville Fire District, Etowah-Horseshoe Fire District, Fletcher Fire District, Green River Fire District, Mountain Home Fire District, Mills River Fire District, Dana Fire District, Gerton Fire District, Raven Rock Fire District, and Bat Cave Fire District. You are hereby ordered to collect on their behalf in accordance with paragraph one of this Order of Collection.

WHEREAS, an Interlocal Agreement for Tax Collection was made effective July 15th, 2015 between the County of Henderson and City of Saluda, you are hereby authorized and empowered to collect on their behalf in accordance with paragraph one of this Order of Collection and the adopted Interlocal Agreement.

WHEREAS, an Interlocal Agreement for Tax Collection was made effective July 1st, 2019 between the County of Henderson and City of Hendersonville, you are hereby authorized and empowered to collect on their behalf in accordance with paragraph one of this Order of Collection and the adopted Interlocal Agreement.

WHEREAS, the City of Hendersonville contains two special districts: Downtown-Main Street and Seventh Avenue, you are hereby authorized and empowered to collect on their behalf in accordance with paragraph one of this Order of Collection and the adopted Interlocal Agreement.

WHEREAS, an Interlocal Agreement for Tax Collection was made effective July 1st, 2019 between the County of Henderson and Town of Laurel Park, you are hereby authorized and empowered to collect on their behalf in accordance with paragraph one of this Order of Collection and the adopted Interlocal Agreement.

WITNESS my hand and official seal, this 10th day of July, 2019.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
Grady Hawkins, Chairman

ATTEST: (OFFICIAL SEAL)

Teresa L. Wilson, Clerk to the Board

HENDERSON COUNTY TAX COLLECTOR

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

PHONE: (828) 697-5595

FAX: (828) 697-4652

*Darlene Burgess
Tax Administrator*

July 10, 2019

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

RE: Tax Collector's Settlement: FY2018-2019

Dear Henderson County Commissioners:

Attached please find the Preliminary Report for FY2018-2019 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.

I am happy to report that as of the close of FY2018-2019, the Henderson County Tax Collector's Office collected 99.01% of the annual tax bills and 99.73% processed through Tax & Tag Together, for an aggregate collection percentage of 99.07%.

I would like to take the opportunity to thank the staff for their hard work and dedication toward these accomplishments. The annual collection percentage, as reported, remains above the FY2017-2018 statewide average of 98.97% for annual tax bills.

Thank you for the opportunity to be of service to you.

Respectfully submitted,



Darlene Burgess
Henderson County Tax Administrator

PRELIMINARY REPORT FOR FISCAL YEAR 2018-2019

TO: Henderson County Board of Commissioners

FROM: Darlene Burgess, Tax Administrator

DATE: 10 July 2019

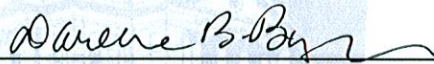
In accordance with N.C.G.S. 105-373(a)(1), I respectfully submit the following Report:

Attached to this Report is (1) a list of the persons owning real property whose taxes for 2018 remain unpaid, along with the principal amount owed by each person; and (2) a list of the persons not owning real property whose personal property taxes for 2018 remain unpaid, along with the principal amount owed by each person.

In compliance with N.C.G.S. 105-373(a)(3), attached hereto is a Report entitled "Settlement for Current Taxes for Fiscal Year 2018-2019" dated 30 June 2019 setting forth my full settlement for all taxes in my hands for collection for the fiscal year 2018-2019.

Further, I hereby certify that I have made diligent efforts to collect the taxes due from the persons listed in such a manner that is reasonably necessary.

Respectfully submitted,



Darlene Burgess, Tax Administrator

SWORN TO AND SUBSCRIBED BEFORE ME, this 1 day of July, 2019.


Notary Public

My Commission expires:

3.9.2024

JENNIFER P SCOTT
Notary Public, North Carolina
Henderson County
My Commission Expires
March 09, 2024

HENDERSON COUNTY TAX COLLECTOR
200 North Grove Street, Suite 66
Hendersonville, NC 28792

Darlene Burgess
Tax Administrator

Phone: 828/697-5595
Fax: 828/698-6153
www.hendersoncountync.gov/tax

July 10, 2019

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

RE: FY 2018-2019 Progress Report regarding Delinquent Property Tax Collections

Dear Henderson County Commissioners:

For the FY2018-2019, we collected \$1,025,291.48 in prior-year taxes, plus all applicable fees and interest. At the close of this fiscal year, we have collected 99.69% of our prior-year (2017) annual tax bills (real property and listed personal property), and 99.83% for all previous years (including 2017 and years beyond our ten-year reach for enforced remedies.)

The responsibilities of the Deputy Tax Collector and staff include the monitoring and administration of statutorily-provided remedies used to collect delinquent tax. We have generated a great amount of revenue this year through the use of these remedies and are pleased to provide the following details on our efforts. While each effort is not always successful, our staff tirelessly explores all remedies for collection of delinquent taxes.


- Payment Arrangements: 261 new arrangements created, potential collection of \$495,789.98.
- Bank Attachments: 425 new actions created, potential collection of \$535,780.83.
- Wage Garnishments: 757 new actions created, potential collection of \$400,023.86.
- Rent Attachments: 6 new action created, potential collection of \$32,116.42.
- Pre-foreclosure: 625 new actions created, potential collection of \$588,958.21.
- Monies: 165 new actions created, potential collection of \$114,451.82.
- NC Debt Setoff: 2947 new actions created, \$1,160,452.43 total taxes submitted for possible setoff.

The progress relating to delinquent tax collections has truly been a team effort based on persistence, commitment, dedication and pride in carrying out our statutory charge. Thank you for the opportunity to be of service to you as the governing body, and to our fellow taxpayers and citizens.

Respectfully submitted,



Luke Small
Deputy Tax Collector



Darlene Burgess
Tax Administrator