

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS' MEETING ROOM ON MARCH 7, 2011, AT 6:00 P.M.

**PRESENT: CHAIRMAN BILL ECKLER
VICE CHAIRMAN JULIUS OWENS
SUSAN CROWE
EDDIE HOLLAND
ROGER RICHARD**

CALL TO ORDER\ INVOCATION\ PLEDGE OF ALLEGIANCE

Chairman Eckler called the meeting to order. Mr. Mike Dalton gave the invocation, and Vice Chairman Owens led in the Pledge of Allegiance to the Flag.

PUBLIC HEARING\ COMMUNITY TRANSPORTATION PROGRAM APPLICATION

Chairman Eckler opened the public hearing to receive comments on the proposed Fiscal Year 12 Community Transportation Program Application to the North Carolina Department of Transportation.

Mr. Gene Adair outlined the particulars of the application, which supports administration, capital, and operating expenses of the department. The required 15% operations match and the 10% match for capital outlay will be met with funds generated by the Transit.

No one else wished to speak. Chairman Eckler declared the public hearing closed.

Commissioner Crowe made a motion to approve the Transportation Program Application in the amount of \$296,931 for the period July 1, 2011 through June 30, 2012. The motion was unanimously approved.

PUBLIC COMMENTS

Mr. Jim Brewer spoke in favor of action by the Commissioners on three issues which were to appoint themselves to serve on the Board of Equalization and Review, to address safeguards of the public against so-called legal trespass onto private property by state inspectors, and to repeal state fees for permitting, inspection and testing of private wells.

Ms. Patricia Kuess reported on behalf of the SWEEP committee on the tonnage of refuse that the program has diverted from the county's waste stream, resulting in \$5,938 in savings and revenue of \$3,452 on recyclables sold, for a total gain to the county of \$9,400. SWEEP is now working with the post offices and with the senior center. ICC is interested in joining the program. She said that because of the growth of the program, the current part-time position needs to be made full time.

CONSENT AGENDA.

Minutes

Commissioner Holland made a motion to approve the minutes of the meetings of January 27, 2011, and February 7, 2011. The motion was unanimously approved.

APPOINTMENT\TRANSIT ADMINISTRATION

Commissioner Crowe made a motion to approve the appointment of Mr. John Jarrett to the Transit Administration. The motion was unanimously adopted.

APPOINTMENTS\SWEEP

Vice Chairman Owens made a motion to approve Shawn Watson and Scott Hargett to SWEEP, and there was a unanimous vote of approval.

CLIFFSIDE SANITARY DISTRICT/CONE JACQUARD

Chairman Eckler reported that Cone Jacquards has committed \$2,500 toward the county's funding share of the capital needs grant from the Rural Center for improvements at the Cliffside Sanitary District, and Commissioner Crowe reported that on February 22 the county was informed that the Rural Center has approved the grant for \$25,926 for those improvements.

Manager Condrey and Commissioner Holland noted that several people, including representatives of Thomas Jefferson Classical Academy and the county school system, have expressed willingness to serve on a committee to address the needs of the Cliffside Sanitary District.

RESOLUTIONWELL PERMITS

Commissioner Crowe presented a revised text of a resolution supporting the repeal of NC G.S. 87-97, which mandates local health departments to conduct permitting, inspections and testing of rural water supplies at the cost of the property owner. She made a motion to approve the resolution which directed that it be sent to the county's senator and representative in the state legislature.

The motion to approve the resolution passed on a 4-1 vote, with Commissioners Crowe and Richard; Vice Chairman Owens; and Chairman Eckler voting in favor, and Commissioner Holland opposed.

RESOLUTION

WHEREAS, Rutherford County has many residents who live in rural areas away from municipal water supplies, and

WHEREAS, those residents must achieve a water supply at their own expense, and

WHEREAS, North Carolina General Statute 87-97 mandates that the local health department serving each county shall implement a private drinking water well permitting, inspection, and testing program, and

WHEREAS, the cost of that program is paid by residents as an additional expense to achieving their own water supply;

NOW THEREFORE, the Rutherford County Board of Commissioners, on behalf of residents, hereby does resolve to support the repeal of North Carolina General Statute 87-97, and for such repeal to be effective on or before July 1, 2011.

The Rutherford County Board of Commissioners directs the county manager to send promptly a copy of this Resolution to North Carolina General Assembly members Senator Debbie Clary and Representative Mike Hager, and a copy to all other counties in North Carolina.

Adopted this the 7th day of March, 2011.

RESOLUTION\ACCESS TO PRIVATE PROPERTY

Chairman Eckler presented a revised text of a resolution supporting the amendment of NC G.S. 87-90. The amendment would require authorized representatives of NC state government or local governments to provide advance notice of any entry onto private property and to inform the property owner of their rights to demand additional documents authorizing such entry.

Vice Chairman Owens made a motion to approve the resolution and directed that it be sent to the county's senator and representative in the state legislature.

The motion to approve the resolution passed on a 4-1 vote, with Commissioners Crowe and Richard; Vice Chairman Owens; and Chairman Eckler voting in favor, and Commissioner Holland opposed.

RESOLUTION

WHEREAS, North Carolina General Statute 87-90 grants to the state of North Carolina a right of entry upon private property; and

WHEREAS, said statute mandates that no person shall "obstruct, hamper or interfere with any such representative" of the Environmental Management Commission to enter private property, and

WHEREAS, said statute mandates that the authorized representative present only "appropriate credentials", and

WHEREAS, any person who violates any provision of said statute 87-90 is subject to a penalty of up to \$1000.00 per day, as prescribed separately in statute 87-94; now

THEREFORE, the Rutherford County Board of Commissioners, on behalf of residents, hereby does resolve to support the amending of NCGS 87-90 to recognize and preserve private property rights as follows, that:

1. Any private person may require the authorized representative of any portion of North Carolina state government or any local government to provide, in addition to credentials, valid evidence of probable cause plus warrant served by recognized law enforcement personnel. The Environmental Management Commission or Department of Environment and Natural Resources shall be required to give advance written notice to a private property owner of the intention to enter private property, and the Commission or Department shall be required to inform the private property owner of the right to require the above documents.
2. Any private person shall not be subject to any penalty or other sanction by requiring the documents of #1 above or otherwise exercising steps of due process.

The Rutherford County Board of Commissioners directs the county manager to send promptly a copy of this Resolution to North Carolina General Assembly members Senator Debbie Clary and Representative Mike Hager, and a copy to all other counties in North Carolina.

Adopted this the 7th day of March, 2011.

PERSONAL PROPERTY/TAX LISTING

Commissioner Richard made a motion to rescind the previous vote by the Commissioners in 2004 authorizing the tax department to prelist personal property. He further moved that the Tax Assessor be instructed to henceforth leave it to the owner of personal property to list such property on the tax form.

Commissioner Richard cited NC statute 105, which states that it is the duty of the owner to list personal property. He pointed out that this will apply to personal property, not to real property.

Manager Condrey commented that property owners have come to depend on the tax department to itemize the listings and because of this, some taxpayers may have to pay penalties because they may not list as required. He also said the tax department personnel will be hard pressed to follow up on the listings.

The motion was approved on a 4-1 vote, with Commissioner Richard; Commissioner Crowe; Vice Chairman Owens; and Chairman Eckler voting in favor, and Commissioner Holland opposed.

TAX WRITE OFF AMOUNTS/LIENS AND GARNISHMENTS/AUTOMOBILE TAX

Commissioner Richard made a motion to increase the minimum amount due on a tax bill before a tax bill is generated. He proposed that the amount be increased from \$1 to \$5 which would restore the write off amount that was changed by the previous board of commissioners in 2010. He further moved to direct the tax department not to pursue liens and garnishments on auto tax until after the license plate expires.

Commissioners Richard and Crowe expressed concern that people have to pay a \$30 garnishment fee for a small amount of overdue taxes, which they said was unfair.

Tax Administrator Kep Kepley and Manager Condrey estimated the loss to the county resulting from the change from \$1 to \$5 to be between \$29,000 and \$35,000.

The motion was approved on a 4-1 vote, with Commissioner Richard; Commissioner Crowe; Vice Chairman Owens; and Chairman Eckler voting in favor, and Commissioner Holland opposed.

RULES OF PROCEDURE

Commissioner Richard stated that the Rules of Procedure for the Rutherford County Board of Commissioners are not being adhered to, and he pointed out several rules that need to be changed.

Commissioner Crowe made a motion to table action on the Rules of Procedure until the next meeting so that the Commissioners can perform a comprehensive review of the entire document and make needed changes all at once.

TAX REFUNDS AND RELEASES/REPORT

Commissioner Richard made a motion to instruct the tax department to provide more information on tax refunds and releases.

Mr. Kepley said that the current reports are automatically generated by the computer system and that to make changes in the reports will require additional programming of the system.

The motion was approved on a 4-1 vote, with Commissioner Richard; Commissioner Crowe; Vice Chairman Owens; and Chairman Eckler voting in favor, and Commissioner Holland opposed.

NC 457 DEFERRED COMPENSATION PLAN

H.R. Director Toney introduced Lorraine Rodriguez of Prudential Retirement, who outlined the features of a 457 retirement plan that is being made available to state and local government employees in North Carolina. The plan is optional to the employee and is provided at no cost to the county.

Commissioner Richard made a motion to approve Rutherford County's participation in the NC 457 Deferred Compensation Plan. The motion was unanimously adopted.

MEMORANDUM OF UNDERSTANDING/UNC-TV

Manager Condrey asked that this item be removed from the agenda.

TAX REFUNDS AND RELEASES 03/07/11

Commissioner Crowe made a motion to table action on tax refunds and releases until Commissioners can have a better understanding of them.

The motion was approved on a 4-1 vote, with Commissioner Richard; Commissioner Crowe; Vice Chairman Owens; and Chairman Eckler voting in favor, and Commissioner Holland opposed.

APPOINTMENT\TAX ADMINISTRATOR

Commissioner Crowe made a motion not to reappoint the current tax administrator and to leave the position vacant in order to save the monies going toward that position.

Commissioner Holland asked for discussion. Commissioner Crowe withdrew her motion so that the matter could be discussed in closed session.

AIRPORT TRANSPORTATION IMPROVEMENT PLAN

Mr. Alan Guffey and Mr. James Luther presented the Transportation Improvement Program (TIP) for the Airport for 2012-2016 and explained that this is an ongoing planning document that is required to be submitted every year by the NC Department of Aviation. The plan has been updated to reflect projects that have been completed or shifted in priorities. The document does not obligate the county in any way.

Commissioner Crowe asked about land acquisition and was told by Mr. Luther that there are not any active plans for pursuit of land. If some property comes available, it would be considered.

Commissioner Richard made a motion to approve the Airport TIP package. The motion was approved on a 4-1 vote, with Commissioner Richard, Commissioner Holland, Vice Chairman Owens, and Chairman Eckler voting in favor, and Commissioner Crowe opposed.

BUDGET AMENDMENTS

Ms. Julie Scherer of the Finance Department explained the budget amendments. She presented an analysis of unusual salary costs in the Emergency Medical Services Department, part of which was due to unfilled positions being covered by part-time and overtime work. Lt. Tammy Aldridge of the Communications Center discussed the request for a Net Clock-Time Synchronization Device.

Commissioner Crowe made a motion to approve the budget amendments as presented.

Chairman Eckler asked that written reports to the commissioners include a name, date and contact information of the person providing the report.

Vice Chairman Owens requested that local vendors be included when bids are sought for equipment purchases.

The motion was unanimously adopted.

	Expense	Revenue
GENERAL FUND		
Governing Body Maintenance to Equipment	\$ 800	
Insurance Claims Reimbursement *insurance proceeds received		\$800
Sheriff - Equipment Purchased with Seizure Funds	\$2,060	
Sheriff - Drug Seizure Funds *unauthorized substance tax distribution		\$ 2,060
Sheriff - Project Lifesaver	\$ 10	
Sheriff - Project Lifesaver Donations *donations received		\$ 10
Sheriff Dept Vehicle Maintenance	\$ 5,291	
Insurance Reimbursement *insurance proceeds received		\$ 5,291
Detention - Unemployment Compensation	\$ 516	
NCACC Insurance Pool *claims received	\$ (516)	
Detention - Building Maintenance	\$ 4,600	
Detention Medical/Sick Commissary Revenue.		\$ 4,600
Senior Center Congregate Meals	\$ 4,638	
Home and Community Care Block Grant * To appropriate additional Home and Community Care Block Grant funds for congregate meals.		\$ 4,638
EMS Part time Salaries	\$ 39,967	
EMS Equipment Emergency Management Task Force	\$ (4,000)	
EMS Travel	\$ (3,000)	
EMS Telephone	\$ (1,500)	
EMS Postage	\$ (1,500)	
EMS Maintenance to Equipment	\$ (5,000)	
EMS Training Employee Education	\$ (1,000)	
Insurance Claims Reimbursement		\$ 5,967
Fund Balance Appropriated * To appropriate additional funds for EMS part time salaries.		\$ 18,000
911 EMERGENCY TELEPHONE SYSTEM FUND		
Capital Outlay - Net Clock	\$ 10,475	

	Expense	Revenue
Reserve for Future Projects.	\$ (10,475)	
DEBT SERVICE FUNDS		
Fund Balance Appropriated - Schools		\$ (415,091)
Lottery Funds		\$ 412,178
ADM Funds *To draw down lottery and ADM funds for current year debt service payments		\$ 2,913

PERSONNEL/VACANT POSITIONS

Commissioner Richard made a motion to amend the agenda to permit the introduction of a new item by Commissioner Crowe. The motion was unanimously approved.

Commissioner Crowe made a motion to remove the requirement that a vacant position may not be filled for 30 days in EMS, the Sheriff's Department and Communications.

Manager Condrey explained that this is a strategy designed to save the county the costs of benefits and that any vacant position is being covered by other personnel with the result that there is no risk to the citizens of the county.

Richard Pettus of EMS confirmed that when a position is vacant it does not mean that an emergency vehicle is taken out of service, but that it is being staffed by part-time personnel.

The motion was unanimously approved.

CRIMINAL JUSTICE PARTNERSHIP PROGRAM/APPLICATION

District Attorney Bradley K. Greenway, Criminal Justice Partnership Program Advisory Board Chair, presented the Application for Continuation of Implementation Funding, Budget Line Item Justifications, and Budget Summary for Fiscal Year 2012.

Commissioner Richard made a motion to approve the funding application for the Criminal Justice Partnership Program. The motion was unanimously agreed to.

RUTHERFORD COUNTY COMMUNITY CHILD PROTECTION TEAM\CHILD FATALITY PREVENTION TEAM ANNUAL REPORT FOR 2010/APPOINTMENTS

John Carroll, chairman of the Child Protection Team, presented the required annual report to the Commissioners.

Vice Chairman Owens made a motion to approve the report of the Rutherford County Child Protection Team and to approve the list of members for 2011. The motion was unanimously adopted.

WATER AND SEWER REVOLVING LOAN FUND

Mr. Danny Searcy and Mr. Joe Joplin presented four applications to the water and sewer fund for funding of projects that would extend public water service throughout the county.

The Commissioners discussed aspects of the Oscar Justice Road project. Vice Chairman Owens asked whether the line had the potential to serve more customers if it could be located off of Hudlow Road.

Commissioner Richard made a motion to approve water and sewer projects for Big Island Road, Gilbertowne Road, and Mid-Atlantic and Hines Road, and to table action on the Oscar Justice Road project until the next meeting. The motion was unanimously adopted.

MENTAL HEALTH MEDICAID WAIVER/RESOLUTION

Vice Chairman Owens made a motion to approve a substitute resolution in support of Western Highlands Area Authority Medicaid Waiver. The motion was unanimously adopted.

Resolution

Resolution Regarding the Western Highland Area Authority Medicaid 1915(b)/(c) Waiver Project

WHEREAS, the Western Highlands's Area Authority serves as the Local Management Entity (LME) for mental health, developmental disabilities, and substance abuse services in the eight county region consisting of Buncombe, Henderson, Madison, Mitchell, Polk, Rutherford, Transylvania and Yancey counties; and

WHEREAS, North Carolina statute [N.C.G.S. 122C- 115(a)] requires that "a county shall provide mental health, developmental disabilities, and substance abuse services through an area authority"; and

WHEREAS, the federal medical assistance program known as Medicaid permits states to receive permission to waive numerous requirements of Title XIX of the Social Security Act so as to increase consumer access to care, improve quality of care, and demonstrate cost effectiveness; and

WHEREAS, the North Carolina Department of Health and Human Services designated Western Highlands to participate in the ongoing 1915(b)/(c) Medicaid Waiver for mental health, developmental disabilities, and substance abuse services delivered to Medicaid recipients within the region served by Western Highlands Area Authority; and

WHEREAS, the Waiver allows Western Highlands to manage and authorize all Medicaid and State funded mental health, developmental disabilities, and substance abuse services locally with the public policy purpose to deliver "the right services to the right person at the right time in the right amount at the right cost"; and

WHEREAS, the Waiver requires of Western Highlands to pay for all Medicaid and State- funded mental health, developmental disabilities, and substance abuse services from an annual finite, capitated amount of Medicaid and state funds ; and

WHEREAS, the North Carolina Department of Health and Human Services perceives such Waiver as the future model of managing mental health, developmental disabilities, and substance abuse services; and

WHEREAS, the Rutherford County Board of Commissioners is committed to ensuring a sustainable and effective system of mental health, developmental disabilities, and substance abuse services to serve our citizens and their families; and

WHEREAS, North Carolina statute [N.C.G.S. 122C- 115.3(g)] requires that, upon the dissolution of an area authority, any unsatisfied indebtedness of the dissolved area authority shall be satisfied by participating counties on a pro rata basis; and

WHEREAS, the proposal for Western Highlands to assume control of the management and payment of mental health, developmental disabilities, and substance abuse services delivered to Medicaid recipients contains a federally mandated state funded "stop loss" set aside at the level of 2% Administrative cost, however the risk pool level for Western Highlands to set aside prior to authorization and utilization of "1915(b)(3) Waiver services" is \$15,000,000; and

WHEREAS, the Rutherford County Board of Commissioners must balance the potential benefits to our citizens and their families arising from the Waiver's local management, oversight and payment of mental health, developmental disabilities, and substance abuse services with the corresponding potential increased financial liability of the County; and

WHEREAS, Rutherford County has a significant Medicaid population that is disproportionate to its population; and

WHEREAS, the Rutherford County Board of Commissioners would oppose "savings" through reduced access to mental health, developmental disabilities, and substance abuse services; and

NOW, THEREFORE BE IT RESOLVED by the Rutherford County Board of Commissioners, that Rutherford County endorses the Western Highlands Area Authority Network's participation in the proposed Medicaid 1915(b)/(c) Waiver under the following conditions; and failure to adhere to these criteria will result in a review of our continued participation:

- A recognition that the unique Board composition of Western Highlands, which includes (8) County Managers; will be maintained as this provides additional fiscal and management capacity to oversee the Waiver.
- Western Highlands Area Authority completely comply with their IT Plan prior to the start date as this infrastructure is necessary in order to gain the efficiencies needed to generate savings to support service flexibility.
- Western Highlands Area Authority provides detailed monthly reports to Rutherford County specific to service expansion and service denials related to the Waiver.

- Western Highlands Area Authority completes the funding of the risk pool amount of \$15,000,000 prior to authorization and utilization of "1915(b)(3) Waiver services".
- Western Highlands Area Authority present monthly reports to Rutherford County specific to the number and outcome of appeals by consumers and providers.
- Western Highlands Area Authority provides monthly financial and risk pool data analysis to the designated County representative.

- Western Highlands Area Authority defines integrated care as a primary objective; therefore, WHAA partner with the Community Clinic of Rutherford County which provides access to comprehensive medical and behavioral care for the uninsured, low income and indigent population that would otherwise go without health care. (Note: The clinic has applied to become a federally designated site under HRSA. The clinic will begin accepting Medicaid, Medicare and private insurance upon moving to their new site in March.)

- Western Highlands Area Authority will establish a presence here by staffing an office, provided by the county, on at least a part time basis, for the purposes of enrollment of consumers in the network, orientation of new consumers, and processing of appeals and grievances.

- Western Highlands passes all readiness reviews and provides Rutherford County with a written copy of approval to commence waiver activities from Mercer Government Human Services Consulting (Mercer), a part of Mercer Health & Benefits LLC.

- Western Highlands Area Authority commits to work closely with Rutherford Hospital emergency room personnel and the Rutherford County Sheriff's Office to provide timely placement of consumers under an Involuntary Commitment Order and to help develop a crisis intervention team including a 24 hour assessment center.

- Western Highlands Area Authority assists Rutherford County in identifying solutions and providing funds to help address the transportation issues of our consumers.

1. That by supporting this action, Rutherford County assumes no additional financial obligation to the Western Highlands Area Authority other than to maintain its statutorily mandate pursuant to N.C.G.S. 122C- 115(d) Maintenance of Effort funding level and to comply with N.C.G.S. 122C- 115.3(g).

2. That this resolution shall be effective upon its adoption.

Adopted this the 7th day of March, 2011.

ISOTHERMAL COMMUNITY COLLEGE/PROPERTY REQUEST
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Manager Condrey asked that this item be removed from the agenda.

BOARD OF E & R APPOINTMENTS/RESOLUTION

Commissioner Richard made a motion that the current resolution constituting the Board of Equalization and Review be rescinded. The motion was approved on a 4-1 vote, with Commissioners Richard, Commissioner Crowe, Vice Chairman Owens, and Chairman Eckler voting in favor and Commissioner Holland opposed.

Commissioner Richard made a motion that the resolution presented in the supplemental agenda be adopted as amended with two changes in wording suggested by himself and Attorney Miller.

Vice Chairman Owens made a motion to amend the resolution to specify that the compensation shall be \$10 per hour instead of \$15 per hour. The amendment was unanimously approved.

The resolution as amended was unanimously approved.

RESOLUTION

**TO SERVE AS THE SPECIAL BOARD OF
EQUALIZATION AND REVIEW
WITH ALTERNATES TO FILL VACANCIES**

WHEREAS, the Rutherford County Board of Commissioners, pursuant to its authority as authorized by G.S. 105-322 has determined that it is reasonable and desirable to appoint a special Board of Equalization and Review to examine and review the listings and valuation of property located in Rutherford County and make adjustments and necessary changes to insure that valuations meet standards established by state law; and

WHEREAS, the resolution adopted herein shall remain in effect until revised or rescinded by this or some subsequent Board of Commissioners so as to keep the Board of Equalization and Review sitting for the dispatch of its business without the adoption of a resolution each year. This resolution supersedes any previous resolutions adopted by the Board of Commissioners regarding the establishment of a Board of Equalization and Review in Rutherford County; now

THEREFORE BE IT RESOLVED that the Rutherford County Board of Commissioners does hereby establish a Board of Equalization and Review as follows;

- 1) The Board of Equalization and Review shall be composed of five (5) members and 5(five) alternates and the Rutherford County Board of Commissioners shall designate one of the current Board of Commission members so appointed, as chairperson of the Board of Equalization and Review. To be eligible for appointment, the person must be a citizen, resident, and taxpayer of Rutherford County. The length of term of each regular member shall be one (1) year.
- 2) The Board of Equalization and Review members shall be compensated at a rate of \$10 per hour with the chairperson being compensated at the rate of \$10 per hour.

- 3) Each Commissioner shall have the opportunity to nominate one member of the Board of Equalization and Review. Nominations shall be made by submitting names at the March County Commissioners' meeting no later than the first Monday in March. An alternate member can only serve for the Commissioner who appoints them.
- 4) An individual appointed to fill a vacancy shall serve until the end of the unexpired term. Any member appointed by the Board of Commissioners may be removed from the Board of Equalization and Review by the Board of Commissioners with or without cause.
- 5) The Rutherford County Tax Administrator shall act as Clerk to the Board of Equalization and Review, shall be present at all meetings and give to the Board such information as he/she may have or can obtain with respect to valuation of taxable property in the County.
- 6) It shall be the duty of the Board of Equalization and Review to equalize the valuation of all property in the County; to that end such property shall be listed on the tax records at the valuation required by law.
- 7) The Board of Equalization and Review shall hear any and all taxpayers who own or control taxable property assessed for taxation in the County with respect to valuation of such property or the property of others. The decision of the Board shall be by a majority of the members of the Board at a regular open meeting. A regular open meeting shall require the presence of at least three (3) members in attendance to comprise a quorum.
- 8) The Board of Equalization and Review shall cause a record to be kept of the disposition made of such appeal to the Board, such record to be kept by the Clerk to the Board of Equalization and Review.
- 9) The Board of Equalization and Review may continue to meet following adjournment to carry out the following duties:
 - a. To hear and decide all appeals relating to discovered property under G.S. 105-312(d) and (k).
 - b. To hear and decide all appeals relating to the appraisal, situs, and taxability of classified motor vehicles under G.S. 105-330.2(b).
 - c. To hear and decide all appeals relating to audits conducted under G.S. 105-296(j) and relating to audits conducted under 105-296(j) and (l) of property classified at present-use value and property exempted or excluded from taxation.
 - d. To hear and decide all appeals relating to personal property under G.S. 105317.1(c).
- 10) All appeals from the Board of Equalization and Review shall be to the North Carolina Property Tax Commission as provided in the Machinery Act.

ADOPTED this 7th day of March, 2011.

Action on naming appointments to the Board of E&R was deferred to the latter part of the meeting.

REPORT/AD HOC COMMITTEE FOR REVIEW OF POLICIES AND PROCEDURES RELATING TO REAL PROPERTY APPRAISAL IN RUTHEFORD COUNTY

Mr. Omer Causey gave an update of the meetings of the ad hoc committee for review of policies and procedures relating to real property appraisal. They have met with Rhoda Owens of the IT Department and Tax Administrator Kep Kepley. The committee has identified a number of matters about which it will be making more detailed recommendations, but those recommendations have not been finalized as yet, pending completion of the committee's inquiry and deliberations.

TDA LEGISLATION

Michele Whitaker of the TDA discussed the bill draft which would modify the Rutherford County Occupancy Tax. She presented amended language to the draft bill which described the current arrangements between the TDA and the county finance office and explained that the amended legislation would allow for this arrangement to continue. The change to Section 2(d) was:

SECTION 2.(d) Distribution and Use of Tax Revenue. - Rutherford County shall either, on a quarterly basis, remit to the Rutherford Tourism Development Authority the net proceeds of the occupancy tax, or may, at the request and on behalf of the Rutherford Tourism Development Authority, establish a separate fund to account for the management of all receipts and disbursements of the Tourism Development Authority. In addition to the management of this separate fund, the County may also provide services, including but not limited to Finance, Human Resources, Legal and Information Technology. Service fees will be assessed by the county for the indirect costs related to these services

Commissioner Richard made a motion to approve the amendment to the draft legislation that would modify Rutherford County's occupancy tax. The motion was unanimously adopted.

CLOSED SESSION\ ATTORNEY-CLIENT PRIVILEGE\G.S. 143.318.11(a)(3)\ Industrial Location/G.S. 143-318.11(a)(4)\ N.C.G.S. 143-318.11(a)(6)

Commissioner Crowe made a motion to go into closed session for attorney-client privilege under G.S. 143.318.11(a)(3), Industrial Location under G.S. 143-318.11(a)(4), and Personnel under G.S. 143-318.11(a)(6). The motion was unanimously approved.

- 8:10 P.M. - The Board went into Closed Session.
- 9:25 P.M. - The Board returned to regular session.

BOARD OF E & R APPOINTMENTS

Commissioner Crowe made a motion to approve the following appointments to the 2011 Board of E&R:

Vice Chairman Owens— Stephen Burns and Margaret Helton (alternate)
Chairman Eckler — Bill Eckler and David Biggerstaff (alternate)
Commissioner Holland— Rodney Robbins and Tom Helton (alternate)
Commissioner Crowe— Susan Crowe and John Ridley (alternate)
Commissioner Richard— Bo Richard and Mike Dalton (alternate)

The motion was unanimously approved.

APPOINTMENT/TAX ADMINISTRATOR

Commissioner Crowe made a motion not to appoint Kep Kepley as Tax Administrator. The motion was approved on a 4-1 vote, with Commissioner Richard; Commissioner Crowe; Vice Chairman Owens; and Chairman Eckler voting in favor, and Commissioner Holland opposed.

Commissioner Crowe made a motion to appoint Claire Hubbard as interim tax assessor and Rheba Ward as interim tax collector.

Commissioner Holland questioned how tax revaluation can proceed without a permanent tax administrator.

The motion was approved on a 4-1 vote, with Commissioner Richard; Commissioner Crowe; Vice Chairman Owens; and Chairman Eckler voting in favor, and Commissioner Holland opposed.

ADJOURNMENT

Commissioner Crowe made a motion to adjourn. The motion was unanimously approved.

Meeting adjourned at 9:35 P.M.

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

Attest:

Clerk, Board of Commissioners