

REQUEST FOR BOARD ACTION
HENDERSON COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: 1 February 2016
SUBJECT: Resolution pursuant to N.C. Gen. Stat. §158-7.1(a)
PRESENTER: Charles Russell Burrell
ATTACHMENTS: Proposed Resolution

SUMMARY OF REQUEST:

Pursuant to N.C. Gen. Stat. §158-7.1(a), appropriations for economic development “must be determined . . . to increase the population, taxable property, agricultural industries, employment, industrial output or business prospects” of the County. All incentives agreements entered into by the County, or contemplated to be entered into by the County, have included express language of such “determination”, and have complied with the statute. However, a recent modification of this statute by the legislature has created uncertainty as to how to demonstrate the Board’s “determination”.

The purposes of this agenda item are:

1. To clarify for the record that in every case in which the Board has held a public hearing on the issue of economic development incentives and voted to award such incentives it has in fact made the determination required in §158-7.1(a); and,
2. To note that in the absence of express language in the Board’s motion to the contrary, in any award by this Board of economic development incentives in the future, this Board shall be presumed to have made such a “determination” even in the absence of its specific mention.

County staff will be present and prepared if requested to give further information on this matter.

BOARD ACTION REQUESTED:

Adoption of the proposed resolution.

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

I move that the Board adopt the proposed Resolution accompanying this agenda item.

**Before the
Board of Commissioners
Of Henderson County**

**A RESOLUTION REGARDING
ECONOMIC INCENTIVES "DETERMINATIONS"**

WHEREAS, in every case in which the Board of Commissioners has held a public hearing regarding the award of economic development incentives and determined to award the same, it has made a determination that such an award, if accepted by the proposed recipient on the terms and conditions offered by the County, would increase the population, taxable property, agricultural industries, employment, industrial output or business prospects of the County; and,

WHEREAS, in every case where a contract for award of economic development incentives has been entered by the County, it has expressly made a determination such as that noted, above; and,

WHEREAS, the General Assembly's recent modification of N.C. Gen. Stat. §158-7.1 has created uncertainty as to how to demonstrate the Board's "determination"; and,

WHEREAS, the Board adopts this resolution in clarification of its determinations, both in previous awards of economic development incentives, and in the future.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. In every case in which the Board has held a public hearing on the issue of economic development incentives and voted to award such incentives, it has in fact made the determination required in §158-7.1(a) as noted above, and this is to expressly confirm the same.

2. In the absence of express language to the contrary in any motion approved by the Board awarding economic development incentives, this Board shall be presumed to have made the determination required in §158-7.1(a) (as noted above) by the Board's approving vote.

This the 1st day of February, 2016.

HENDERSON COUNTY BOARD OF COMMISSIONERS

By: _____
THOMAS H. THOMPSON, Chairman

Attest:

TERESA WILSON, Clerk to the Board

