



**CONCURRING RESOLUTION  
OF THE  
RUTHERFORD COUNTY BOARD OF COMMISSIONERS  
CONFIRMING MEMBERSHIP WITH MCDOWELL COUNTY IN  
THE FOOTHILLS HEALTH DISTRICT Effective Immediately After Midnight of June 30, 2019 and  
Provisions Regarding The Governance And Membership of the Foothills District Board Of Health and  
the Continuation of Public Health Rules, Policies and other matters**

**WHEREAS**, Rutherford, Polk, and McDowell Counties have worked together since the 1970s as part of the Rutherford-Polk-McDowell Health District as authorized in by concurring resolutions of the Boards of Commissioners for these three counties under N.C.G.S. 130A-36; and

**WHEREAS**, the County Managers for Rutherford and McDowell Counties have been advised that the Board of Commissioners for Polk County voted in April of 2019 to withdraw Polk County from Rutherford-Polk-McDowell Health District pursuant to N.C.G.S. 130A-38(a) with withdrawal effective at midnight on June 30, 2019; and

**WHEREAS**, the Boards of Commissioners for Rutherford and McDowell Counties recognize that a unified purpose and direction of the public health systems is necessary to ensure that all citizens in their jurisdictional areas have equal access to essential health services; and

**WHEREAS**, after due and diligent consideration, the Boards of Commissioners for both Rutherford and McDowell Counties concur and jointly resolve pursuant to N.C.G.S. 130A-36 that it is in the best interest of their counties to continue to work together as a district health department to be comprised of Rutherford and McDowell Counties effective immediately after midnight on June 30, 2019; and

**WHEREAS**, the Boards of Commissioners for Rutherford and McDowell Counties concur and jointly resolve to name the district health department that will be comprised of Rutherford and McDowell Counties as the "Foothills Health District" with this name to be effective immediately after midnight on June 30, 2019; and

**WHEREAS**, the Boards of Commissioners for Rutherford and McDowell Counties declare that the mission of the Foothills Health District is to promote and contribute to the highest level of health possible for the people that they serve; and

**WHEREAS**, pursuant to N.C.G.S. 130A-36, N.C.G.S. 130A-37(a), and N.C.G.S. 130A-37(b), the Boards of Commissioners for Rutherford and McDowell Counties concur and jointly resolve to name the

*County Commissioners*

**Bryan A. King**, *Chairman*  
**Alan Toney**, *Vice Chairman*  
**Michael Benfield**

**Eddie Holland**  
**Greg Lovelace**

**Steve Garrison**, *County Manager*  
**Hazel S. Haynes**, *Clerk to the Board*  
**Richard Williams**, *County Attorney*

governing body of the “Foothills Health District” as the “Foothills District Board of Health”; and

**WHEREAS**, pursuant to N.C.G.S. 130A-37(a) and N.C.G.S. 130A-37(b), the Boards of Commissioners for Rutherford and McDowell Counties concur and jointly resolve to set the membership of the Foothills District Board of Health at fifteen [15] board members and that nine board members shall reside in Rutherford County and six board members shall reside in McDowell County; and

**WHEREAS**, the Boards of Commissioners for Rutherford and McDowell Counties concur and jointly resolve that Foothills District Board of Health members shall be appointed with the qualifications and by the process and for the terms set forth in N.C.G.S. 130A-37 so that initial board appointments shall be effective immediately after midnight on June 30, 2019; and

**WHEREAS**, the Boards of Commissioners for Rutherford and McDowell Counties want to provide for the orderly transition from the Rutherford-Polk-McDowell [RPM] Health District to the Foothills Health District;

**WHEREAS**, pursuant to to N.C.G.S. 130A-37 and N.C.G.S. 130A-38, the Boards of Commissioners for Rutherford and McDowell Counties concur and jointly resolve that all rules, regulations, policies, procedures, fee schedules, application forms, pay scales, vendor numbers, contracts, DUNS numbers, SAM registration, Medicare provider numbers, Medicaid provider numbers, \_\_\_\_\_ of the RPM Health District that are in effect in McDowell and Rutherford counties prior to midnight on June 30, 2019 shall stay in place and continue to be in effect after midnight on June 30, 2019 unless or until replaced, amended or revised by the Foothills District Board of Health or other appropriate bodies.

**NOW, THEREFORE, BE IT RESOLVED** in a session duly convened that the Rutherford County Board of Commissioners concur and jointly resolve pursuant to N.C.G.S. 130A-36, N.C.G.S. 130A-37 and N.C.G.S. 130A-38 that:

1. effective immediately after midnight on June 30, 2019, Rutherford and McDowell Counties shall continue to work together as a district health department comprised of Rutherford and McDowell Counties, which shall be named the “Foothills Health District” and whose mission is to promote and contribute to the highest level of health possible for the people that they serve; and
2. effective immediately after midnight on June 30, 2019, “Foothills Health District” and shall be governed by a policy-making board N.C.G.S. 130A-37 to be named the “Foothills District Board of Health”; and
3. the “Foothills District Board of Health shall be comprised of fifteen [15] board members with nine [9] board members residing in Rutherford County and six [6] board members residing in McDowell County;
4. the Foothills District Board of Health members shall be appointed with the qualifications and by the process set forth in N.C.G.S. 130A-37(b) and with terms as set forth in N.C.G.S. 130A-37(c) with initial appointments effective immediately after midnight on June 30, 2019; and
5. that any and all existing local health ordinances or rules of the RPM Health District, including but not limited to any ordinance, rules, regulations, policies, procedures, fee schedules, application forms, pay scales, vendor numbers, contracts, DUNS numbers, SAM registration, Medicare provider numbers, Medicaid provider numbers, or \_\_\_\_\_ that are in effect in McDowell and Rutherford counties prior to midnight on June 30, 2019 shall stay in place and continue to be in effect after midnight on June 30, 2019 unless or until replaced, amended or revised by the Foothills District Board of Health or other appropriate bodies.
6. The Foothills District Board of Health agrees to adopt and assume responsibility for the enforcement of any and all existing local health ordinances or rules the RPM Health District that are in effect in McDowell and Rutherford counties prior to midnight on June 30, 2019 after midnight on June 30, 2019 unless or until replaced, amended or revised by the Foothills District Board of Health or other appropriate bodies.

This Resolution shall become effective once adopted by both the McDowell County Board of Commissioners and the Rutherford County Board of Commissioners and then on the date and time as provided herein.

**ADOPTED** at a duly called and noticed meeting of the Rutherford County Board of Commissioners on this 6<sup>th</sup> day of May, 2019.

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Chairman, Board of Commissioners

ATTEST:

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Clerk, Board of Commissioners