



Dale R. Folwell, CPA

STATE AND LOCAL GOVERNMENT FINANCE DIVISION
AND THE LOCAL GOVERNMENT COMMISSION

RESOLUTION PROVIDING NOTICE TO RUTHERFORD COUNTY OF
COMMISSION STAFF'S INTENT TO RECOMMEND RETURN OF FINANCIAL
CONTROL TO THE CLIFFSIDE SANITARY DISTRICT

WHEREAS, the Local Government Commission (the "Commission") assumed control of the financial affairs of the Cliffside Sanitary District (the "District") pursuant to its authority under N.C.G.S. 159-181(c); and

WHEREAS, Commission staff has worked diligently to address and correct the deficiencies which led to the Commission's assumption of financial control; and

WHEREAS, upon submission and acceptance of the District's fiscal year 2023 audit pursuant to the requirements of G.S. 159-34(a), the deficiencies which led to the Commission's assumption of control will have been addressed and corrected and Commission staff will recommend that the Commission return financial control to the District; and

WHEREAS, the District currently appears to have no active governing board; and

WHEREAS, G.S. 130A-54 requires that the Rutherford County Commissioners fill District board vacancies until the next election; and

WHEREAS, the Commission adopted a resolution at its September 10, 2019 meeting calling on the Rutherford County Commissioners to fill the two vacancies on the Cliffside Sanitary District board at that time; and

WHEREAS, the District was created as a sanitary district by resolutions of the (then) North Carolina State Board of Health ("Board of Health") dated December 2, 1965 and by the Rutherford County Board of Commissioners ("County Board") dated February 7, 1966 pursuant to the governing statutes at that time (G.S. Chapter 130, Article 12, now repealed) to wit:

- A petition containing the names of over fifty-one percent (51%) of the resident freeholders requesting the creation of a sanitary district was filed with the County Board and duly approved by said Board;
- The Board of Health was duly notified of the petition;
- After a joint public hearing held by the County and State Boards in November 1965 at which no

public opposition was presented, the two Boards agreed to the creation of the Cliffside Sanitary District;

- The County Board adopted a resolution and requested that the Board of Health create the sanitary district which it did at its meeting on December 2, 1965;
- The County Board completed the formation of the District by appointing the initial members of the District Board by resolution dated February 7, 1966; and


WHEREAS, the current statutes governing sanitary districts are codified in G.S. Chapter 130A, Article 2, Part 2, and the authority and powers of the Board of Health are now vested in the Commission for Public Health, a state-level public body governed by G.S. Chapter 130A, Article 1A and staffed by the Department of Health and Human Services, Division of Public Health); and

NOW THEREFORE, BE IT RESOLVED, that the Commission:

- Provides notice to the Rutherford County Commissioners and the Commission for Public Health that upon submission and acceptance of the District's fiscal year 2023 audit, Commission staff will recommend that the Commission return financial control to the District; and
- Directs Commission staff to deliver this resolution to the Rutherford County Commissioners and the Commission for Public Health.

I, Debbie Tomasko, Secretary of the North Carolina Local Government Commission, DO HEREBY CERTIFY that the foregoing is a true and correct copy of the resolution adopted by the North Carolina Local Government Commission at its meeting held on June 4, 2024.

WITNESS my hand this 4th day of June, 2024.



Debbie Tomasko, Secretary

North Carolina Local Government Commission