

Resolution #

RESOLUTION RECOGNIZING AUTHORITY OF THIS BOARD TO REMOVE MEMBERS OF BOARDS OF DIRECTORS OF FIRE DEPARTMENTS PARTICIPATING IN THE LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM

WHEREAS, the State legislature recently passed S.L. 2015-88 which requires, in part, that:

"In order to participate in the Local Governmental Employees' Retirement System after October 1, 2015, the charter or articles of incorporation of fire departments must include a provision that provides that the governing body of the local government entity that holds the contract with the highest dollar value to the fire department for provision of fire services shall have the authority to remove from office up to fifty percent (50%) plus one member of the Board of Trustees or Board of Directors of the fire department;"

WHEREAS, Buncombe County contracts with both the West Buncombe Volunteer Fire Department, Incorporated and the Skyland Fire & Rescue Corporation to provide the respective communities fire protection as well as ambulance and rescue services in the districts as part of the Buncombe County EMS System and which contracts are the highest value to the respective departments for provision of fire services;

WHEREAS, the West Buncombe Volunteer Fire Department, Incorporated and the Skyland Fire & Rescue Corporation are affected by this legislation, and the Boards of both these entities have approved appropriate amendments to their Articles of Incorporation approving the required process of removal of their respective board members and these amendments have been forwarded to the North Carolina Secretary of State's Office for approval and filing, copies of these amendments are attached hereto;

WHEREAS, as required by legislation, this Board understands that before exercising this authority, it shall notify the affected fire department and give the fire department the opportunity to be heard in a public meeting;

WHEREAS, should this Board take actions as necessary and authorized by this section and any fire department board member is removed, the resulting vacancy shall be filled pursuant to the bylaws of the fire department; and, it is understood that the by-laws and articles of these departments have been amended accordingly; and

WHEREAS, this Board is of the opinion that it is in the best interests of the County and the West Buncombe Volunteer Fire Department, Incorporated and the Skyland Fire