

RESOLUTION CONFIRMING THAT ALL BUNCOMBE  
COUNTY DEPARTMENTS ARE AUTHORIZED TO  
PARTICIPATE IN THE NORTH CAROLINA LOCAL  
GOVERNMENT DEBT SETOFF PROGRAM

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- Whereas, North Carolina General Statutes Chapter 105A known as the “Setoff Debt Collection Act” authorizes the North Carolina Department of Revenue to cooperate in identifying debtors who owe money to local governments and who qualify for refunds from the Department of Revenue; and
- Whereas, the law authorizes the setting off of certain debts owed to local governments against tax refunds and lottery winnings due to persons indebted to said local governments; and
- Whereas, the North Carolina Association of County Commissioners and the North Carolina League of Municipalities have jointly established a clearinghouse to submit debts on behalf of Buncombe County as provided by law; and
- Whereas, the Buncombe County Legal Department has advised this Board that it would be in the best interest of the County to for this Board to authorize all County departments to participate in this program.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. That, by and with the consent of County Management and consistent with instruction from the County Legal Department, Buncombe County, including its various Departments and affiliate agencies, are hereby authorized to participate in the NC Local Government debt setoff program to the fullest extent allowed by law, for any lawful purpose, including, but not limited to, the collection of debt owed to the County or to any entity on behalf of which the County may legally collect a debt through said program.
2. That the County Manager, or the Manager’s designee or designees, may hold hearings, conduct necessary proceedings, and communicate with the North Carolina Local Government Debt Setoff Clearinghouse on behalf of the County.
3. That the Chair, Vice-Chair, and the County Manager or the Manager’s Designee, or any one of them, are hereby authorized to execute such documents as may be required to effect the purposes and intents of this Resolution.
4. That, by and with the consent of the County Legal Department, County staff is hereby authorized to proceed with this undertaking and all acts and doings of officers, employees and agents of the County, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in the

furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.

5. That any prior resolutions or parts thereof of the Board in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.
6. That this resolution be effective upon its adoption.

ADOPTED this the \_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

BOARD OF COMMISSIONERS  
FOR THE COUNTY OF BUNCOMBE

\_\_\_\_\_  
Lamar Joyner  
Clerk to the Board

BY: \_\_\_\_\_  
Brownie Newman  
Board Chair

APPROVED AS TO FORM:

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Heather N. Hockaday  
County Attorney