

Haywood County “Toeprints”

October 6, 2011

Vol. #2 Issue #28 (Subject: * **SPECIAL EDITION** * Transcript of David Francis, Mark Swanger.)

www.haywoodtp.net

What’s Happening?

The purpose of this newsletter is to inform Haywood County Taxpayers of what transpires at the bi-monthly County Commission Meetings. This newsletter will be written from the perspective of a casual observer, myself. Any opinions expressed will be mine.

My Public Comments at the October 3rd County Commission Meeting.

The following are the second portion of my public comments during the public comment session at the October 3rd county commission meeting. [**Editors Note: Swanger** activated the 3 minute timer light system when I began].

“Now, addressing your comments at the last commission meeting.

During the period of time after the public comment session at the county commission meeting on September 19, 2011, you said, referring to me: “... I also heard you say that others are hurt sometimes in your quest that is considered collateral damage. ...”

I never said any such thing - I have the DVD recording of the last meeting.

To paraphrase Clarence Dickson in his September 14th letter to me, I insist that you issue a public retraction for this inaccurate and erroneous information.

Frankly, I resent the Chairman of the Board of County Commissioners, using his public position, to attempt to slander me by putting words into my mouth that I never said.

Rebecca, I would appreciate if you make a note if Chairman **Swanger** makes a public apology and retraction, and if he does, please make note in the minutes for this meeting.”

[**Editors Note:** I held up the DVD of the previous meeting for the video camera’s].

Transcripts for Francis and Swanger’s comments.

The following are audio transcripts [re: my recorder] for

- **David Francis**
- **Mark Swanger**

[**Editors Note:** Same caveats apply as always about recorder pick up from the back of the room. Areas of uncertainty are indicated with [unintelligible] Always defer to the video when released and posted by David Teague.]

[Begin transcript]

Francis:

[**Editors Note: Swanger** failed to start the 3 minute timer for **David Francis**. He could have spoken for as long as he wished].

[Some noise] Mr. Miller, I thought we would address a letter that you received last week from Ms. Sharon Edmundson, CPA, for the Director of Fiscal Management of the State and Local Government Financial Division, and she said on the meeting up here on September 6 of the complaint, there was a complaint against me and the five commissioners through a broad spectrum of state agencies concerning the revaluation.

This is, uh, Mr. Miller, “The complaint was submitted to a wide spectrum of agencies, including the Governor, and to my astonishment, the “package” was hand carried by one of those agencies to the desk of a director of an agency that I would have never guessed would be involved. They are currently evaluating it to determine their best course of action.”

Ms. Edmundson’s letter dated September 20th to Mr. Miller - uh, Mr. Miller has this, uh, posted on his website [unintelligible], so you are all want to read this letter if you want to, you can do that.

I’ll just highlight a couple of parts, “Neither the State and Local Government Finance Division nor the Local Government Commission has any jurisdiction over property valuations”.

Another paragraph, “Haywood County’s values continued to increase each year since the last revaluation, although by increasingly smaller amounts, until the 2011 revaluation. This increase is consistent with other counties and with Haywood’s past revaluations.” Final paragraph, “Also, in response to your questions, I traced what figures I could to the annual audits that are on file in our offices. The valuation figures for the years 2006-2010 match the total valuation figures in the annual audit for those years. I reviewed the County’s calculations and found no errors in its methodology. Please let me know if we can be of further assistance to you.”

I just want to make sure this clarification as I mentioned earlier, that there was a follow up from the state about this [unintelligible].

And just another area, back to the Santek, Mr. Miller asked that **Stephen King** not respond to those questions. He said exclude **Stephen King** from responding. I was the chosen one to respond, as being served on the Solid Waste Committee since its inception, [unintelligible], that’s why I was chosen to respond.

The County Manager, Marty Stamey asked me to do that.

I don’t think there should be any question, any doubt, why [unintelligible]. okay.

[Editors Note: At that point, **Swanger** jumped into the public comment session to bolster Francis’s remarks, as he would do later when **Stephen King** was going through his agenda item].

[Editors Note: After the public comment session concluded, **Swanger** had some remarks for my request...]

Swanger:

In response to your request, for a, uh, an apology, whatever, [unintelligible] there will be none forthcoming. I heard you say that - others heard you say that. That’s the end of that.

[End of partial transcript.]

Translation, Swanger’s Comments.

Immediately after the public comment session at the previous September 19th county commission meeting (I was the only person making a public comment), **Swanger** said, in part:

“This is an incorrect statement I think you have acknowledged that. **I also heard you say that others are hurt sometimes in your quest that is considered collateral damage.** Frankly, I resent using a taxpayer funded public forum to irresponsibly attack well known and well respected local business for your own agenda.”

Swanger’s comments above, highlighted in **bold** are comments that I never made. [re: Haywood County video of the September 19th meeting, on www.haywoodnc.net].

I requested and received a DVD of that meeting which I held up during my public comment at the October 3rd meeting.

I sent a letter to **Swanger** demanding an apology, now posted on www.haywoodtp.net, for which I never received a reply.

As I indicated in my public comments on October 3rd, I resent the Chairman of the Board of County Commissioners, using his public position, to attempt to slander me by putting words into my mouth that I never said.

It seems apparent that **Swanger**, an ex-FBI guy, is unable to come to terms with offering an apology. The closest he was able to come to this was “In response to your request, for a, uh, an apology, whatever, [unintelligible] there will be none forthcoming. I heard you say that - others heard you say that. That’s the end of that.”

So at this point, I have two questions:

- Who were the others that heard I said that? When **Swanger** blurted out “**I also heard you say that others are hurt sometimes in your quest that is considered collateral damage**” at the September 19th meeting, I did not see him leave the room and confer with any other people during the meeting. The two people sitting beside him were **Ensley** and **Kirkpatrick**. Were they the “others” that also heard me say that? The official minutes don’t reflect that I made that statement. Of course, that would have conflicted with the video.
- Second question, and this is for county employees. How does it make you feel when you work under the top level “county leader” in Haywood County who sticks to his guns and says to a Haywood County Taxpayer, “In response to your request, for a, uh, an apology, whatever, [unintelligible] there will be none forthcoming. I heard you say that - others heard you say that. That’s the end of that”?

Translation, Francis' Comments.

This is the second time **Francis**, the Elected Tax Collector, has chosen to take the podium during a public comment session. There are two (2) subjects here, and each will be addressed:

- Sharon Edmundson's letter, and
- **Stephen King**.

But first, as you might recall, [re: from the June 6th county commission meeting, and Toeprints, Vol 2, Issue 20], the following is reprinted from Toeprints, Vol 2, Issue 20, the first time **Francis** took to the public comment podium:

Transcript, June 6, 2011, County Commission Meeting.

[**Editors Note:** This was transcribed from my recorder at the meeting. Audio from the County Video System should be better, and you should listen to that when it becomes available.]

[**Editors Note:** While you are reading this transcript, **try to locate where my assertion is ever answered**, i.e. **I contend that David Francis' numbers are wrong**. My assertion had nothing to do with revaluation issues discussed at this public comment by two other citizens (Edwards and Cabe), rather, my assertion was with his spreadsheet analysis.]

Francis

"Excuse me, I just want to clarify a couple of things. Is Mr. Miller here? Mr. Miller has insinuated that I have artificially propped up the numbers, on behalf of the county. That is asinine, insidious, and blatantly ignorant! I would never do anything like that. I don't appreciate that, I take my job with a lot of integrity, I work very hard at the job, and I would never do anything to undermine the taxpayers of Haywood County. I don't appreciate that, and as you can well tell, I am pretty well ticked off about that. At this kind of language, this is what starts stuff, this is what makes people upset. When we have baseless accusations like this, that have no bearing, and that are completely false. Enough. Thank you."

[**Editors Note:** I would have expected **Francis** to say something like "My spreadsheet numbers are right, and here is why".]

End reprint.

Nothing on June 6th, except righteous indignation.

The second time **Francis** took to the public comment podium on October 3rd, **Francis** quoted extensively from Sharon Edmundson's September 20th letter to me.

Please refer to www.haywoodtp.net where I posted an open letter to Sharon Edmundson in reply to her September 20th letter to me. [re: [Open Letter - Response to Sharon Edmundson, LGC, who responded to my Informal Complaint \(Long download\). 9/25/2011...](#)]. My Informal Complaint is appended to both letters, the first time this had been posted on www.haywoodtp.net.

Francis pretty much cherry-picked comments from Sharon Edmundson's letter, much as he did when he reported to the county commissioners that his revaluation was "spot on" [re: Informal Complaint, www.haywoodtp.net].

Let's go through the comments **Francis** quoted from Sharon Edmundson.

- "Neither the State and Local Government Finance Division nor the Local Government Commission has any jurisdiction over property valuations".

It took Ms. Edmundson a month (33 days) to tell me that she did not have jurisdiction over property valuations. "Who does?", I asked, and have never received a reply.

- "Haywood County's values continued to increase each year since the last revaluation, although by increasingly smaller amounts, until the 2011 revaluation. This increase is consistent with other counties and with Haywood's past revaluations."

It would have been nice if Sharon Edmundson shared which counties Haywood County's increased values were consistent with. She did not.

Were they Jackson or Macon County's? According to an article in The Smoky Mountain News, **Housing market prompts revaluation scrutiny**, by Quintin Ellison on September 28, 2011, Ellison stated in the first paragraph that "Macon County might postpone revaluating property — again — from 2013 to 2015, a remarkably different response to the crushingly bad housing market than Jackson County is taking." **Crushingly bad housing market?** Nope, it does not appear to be either Jackson or Macon County.

Finally,

- “Also, in response to your questions, I traced what figures I could to the annual audits that are on file in our offices. The valuation figures for the years 2006-2010 match the total valuation figures in the annual audit for those years. I reviewed the County’s calculations and found no errors in its methodology. Please let me know if we can be of further assistance to you.”

Evidently, there is confusion between Sharon Edmundson and myself regarding the “methodology” of **Francis’** numbers.

I never questioned that the values used to perform the actual calculation of the revenue neutral tax rate calculation were not the values Julie Davis should have used. I, in fact, reduplicated the revenue neutral tax rate calculation in the Informal Complaint using CAFR values. Julie Davis used the numbers that were in the CAFR’s, and basically, Sharon Edmundson was verifying that the CAFR values, Julie Davis’ values, and the values reported to the Department of the Treasurer (and presumably also to the Department of Revenue) were all the same. I had never questioned Julie Davis’ calculation. I questioned the “methodology” that **Francis** used in his spreadsheet that he ultimately sent to Julie Davis in the first place [re: Informal Complaint] as total property values for Haywood County. I contend, as restated in the Informal Complaint, that **Francis’**(spreadsheet) numbers are wrong. Unfortunately, either Sharon Edmundson didn’t read that part of the Informal Complaint, or she chose to ask and answer a different question.

So, given that this was the second time **Francis** chose to take to the public comment podium on this issue, he failed to respond to the Informal Complaint, choosing instead to quote selected portions of Sharon Edmundson’s letter to respond to me.

The second area of **Francis’** comments dealt with **Stephen King**.

In an e-mail to Marty Stamey on 9/14/2011, I sent:

Marty, I passed a copy of the Sanitary Landfill Operation Agreement to a friend, and he passed it onto someone who I believe is credible in being able to review this contract and come up with questions and comments that should and must be answered by the county commissioners. There are eighteen (18) questions / comments. My question to you is: What do you think the best way would be for the commissioners to address answering these questions during the public hearing next Monday? Can this be placed on the agenda, or can they respond during the public hearing? Now anyone could respond to these questions / comments. Either you, David Francis, Chip or Leon Killian, the commissioners, or maybe a combination of all (excluding Steven King). Please let me know.

To which he responded on 9/15/2011:

Monroe, The questions will be answered during the public hearing to the best of our ability. You can email me the questions for us to answer ahead of time. The format of this meeting will probably be more of a Q&A instead of a normal public hearing where we only receive input. It is the intent of the Chairman to answer questions during the meeting. Thanks, Marty

From this response, I was under the impression that I would ask these questions (from Bobby Cogdill) at the public hearing. I felt these questions were important enough to be addressed by someone who could respond on-the-fly during the public hearing. In all my attendance at county commission meetings, I cannot recall a time that **Stephen King** was able to make any type of significant presentation regarding solid waste without having backup assistance, in most cases, **David Francis**, the elected Tax Collector. Evidently, Marty Stamey agreed, and chose **Francis** to respond to Bobby Cogdill’s questions, rather than have **Stephen King** respond. As an aside, you can review **Stephen King’s** presentation during the last meeting where **Swanger** leads him through the tough questions, and **Stephen King** had only to answer with basically a yes or no.

As it turns out, **Swanger** indicated to me, as I was walking up to the podium at the public hearing, that persons would only get 3 minutes, which is his prerogative. The format had changed from what Marty had indicated, to that of **Francis** now asking and answering Bobby Cogdill’s questions. Unfortunately, there was a little loss in the translation from Bobby Cogdill’s questions, and the questions **Francis** chose to present.

Fortunately, I posted all of the questions verbatim on www.haywoodtp.net. Please see [Questions regarding SanteK Contract posed during the Public Hearing on 9/19/2011, 9/21/2011...](#). You can follow along with **Francis** on the video while reading Bobby Cogdill’s actual questions.

Legend: If any name is in **bold**, it can’t be a good thing.

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