

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

Meeting Date: March 3, 2015

Action Agenda  
Item No. 5-d

**SUBJECT:** Orange County's Proposed 2015 Legislative Agenda

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**DEPARTMENT:** County Commissioners

**PUBLIC HEARING:** (Y/N)

Yes

**ATTACHMENT(S):**

1) Public Hearing Notice

UNDER SEPARATE COVER

- 2) *Proposed Orange County 2015  
Legislative Matters Resolution on  
Statewide Issues with Exhibits*
- 3) *NCACC 2015-16 Adopted Legislative  
Goals*

**INFORMATION CONTACT:**

Commissioner Bernadette Pelissier, 245-2130

Commissioner Renee Price, 245-2130  
Greg Wilder, County Manager's Office,  
919-245-2300

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**PURPOSE:** To:

- 1) Conduct a public hearing on Orange County's potential legislative items for the 2015 North Carolina General Assembly Session;
- 2) Close the public hearing and review and discuss the Legislative Issues Work Group's (LIWG) proposed 2015 legislative package and any other potential items for inclusion in Orange County's legislative agenda package for the 2015 North Carolina General Assembly Session;
- 3) Consider approval of one proposed legislative matters resolution on Statewide Issues; and
- 4) Consider identifying three to five specific items from the entire package to highlight for priority discussion at the March 23, 2015 meeting with Orange County's legislative delegation.

**BACKGROUND:** The North Carolina General Assembly convened on Wednesday, January 14, 2015. In past years the Board of Commissioners has appointed two Commissioners to serve on a Legislative Issues Work Group (LIWG) to work with staff to develop a proposed legislative package for the County. Based on the work of the LIWG, the BOCC has then reviewed and approved packages of legislative items to pursue for the respective North Carolina General Assembly sessions. Commissioners Bernadette Pelissier and Renee Price are serving on the 2015 LIWG and have worked with staff on the proposed 2015 legislative package which is attached.

At its February 17, 2015 regular meeting, the Board had been scheduled to approve an item on the Consent agenda noting tonight's (March 3<sup>rd</sup>) public hearing on Orange County's proposed 2015 legislative agenda. With the cancellation of the February 17<sup>th</sup> meeting, staff alternatively published a Press Release alerting the public regarding tonight's public hearing. Staff also subsequently published the public hearing notice in three different local newspapers detailing tonight's public hearing. The notice of the public hearing was also posted on the County's website and on Facebook and Twitter.

After closing the public hearing, the Board will likely want to review and discuss the LIWG's proposed 2015 legislative package items and any other items as may be addressed during the public hearing. The Board will then need to consider the legislative matters resolution based on the public hearing and Board discussion.

The proposed legislative matters resolution (Attachment 2) for Board consideration addresses a broad range of statewide issues.

Following consideration of the resolution, and in preparation for its March 23, 2015 meeting with Orange County's legislative delegation, the Board may want to consider identifying three to five specific items from the entire package to highlight for priority discussion.

The work of the Legislative Issues Work Group to this point is based on the current information available for the 2015 General Assembly Session. The issues addressed by the Group may evolve and change over the session and require additional attention by the Group and Board of Commissioners. New issues may also arise necessitating additional review.

For reference purposes only, staff has provided the North Carolina Association of County Commissioners (NCACC) 2015-16 Adopted Legislative Goals (Attachment 3) which were adopted by NCACC in late January 2015. Some of the items in the legislative matters resolution regarding statewide issues (Attachment 2) generally coincide with NCACC's goals and those items are noted in the resolution accordingly.

**FINANCIAL IMPACT:** There is no financial impact associated with holding a public hearing other than the newspaper advertisement costs which were included in the approved FY 2014-15 budget.

**RECOMMENDATION(S):** The Manager recommends the Board:

- 1) Conduct a public hearing on Orange County's potential legislative items for the 2015 North Carolina General Assembly Session;
- 2) Close the public hearing and review and discuss the Legislative Issues Work Group's (LIWG) proposed 2015 legislative package and any other potential items for inclusion in Orange County's legislative agenda package for the 2015 North Carolina General Assembly Session;
- 3) Approve the proposed legislative matters resolution on Statewide Issues; and
- 4) Consider identifying three to five specific items from the entire package to highlight for priority discussion at the March 23, 2015 meeting with Orange County's legislative delegation.

## Attachment 1

**ORANGE COUNTY BOARD OF COMMISSIONERS  
PUBLIC HEARING NOTICE  
FOR  
Tuesday, March 3, 2015 at 7:00 p.m.**

A public hearing will be held on Orange County's potential legislative agenda for the 2015 North Carolina General Assembly Session. The issue areas to be addressed include:

- Revenue and Taxation
- Smart Start and NC Pre-K
- Jail/Inmate Reimbursement
- Agriculture/Solar Energy
- Classification of Flavored Alcoholic Beverages
- County Civil Rights Ordinance – Additional Authority
- Mental Health
- Broadband
- E-911 Funds
- Use Value Program
- Solid Waste Programs/Recycling Authority
- Transportation Responsibility
- Bond Referendum for Education
- Preservation Trust Fund Support
- Concealed Weapons in Parks
- Sales Tax Distribution

The Board of Commissioners welcomes all comments on all items as may be introduced or addressed at the public hearing. The meeting is open to the public and will be held on Tuesday, March 3, 2015 at the Whitted Meeting Facility at 300 West Tryon Street in Hillsborough beginning at 7:00 p.m. If you need additional information or would like to provide written comments, please contact Greg Wilder at 919-245-2300 or [ocbocc@orangecountync.gov](mailto:ocbocc@orangecountync.gov).

## DRAFT

## Attachment 2

RES - 2015 - 010

NORTH CAROLINA

ORANGE COUNTY

RESOLUTION REGARDING  
LEGISLATIVE MATTERS

BE IT RESOLVED by the Board of County Commissioners of Orange County that the Board hereby requests the Senator and Representatives representing Orange County take the following positions on legislation regarding the following Statewide matters:

- 1) \* Revenue Options for Local Government - Support legislation that authorizes any local government to enact any revenue source that is presently available to one or more local governments in the state. Local governments have experienced significant budget cuts in recent years. Providing flexibility regarding revenue options to fund local government services will allow local governments to tailor their respective funding plans based on individual needs and goals;
  
- 2) \* Oppose any shift of state transportation responsibilities to counties - Oppose legislation to shift the state's responsibility for funding transportation construction and maintenance projects to counties. Counties cannot afford to assume costs for

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An item denoted with a "\*" generally coincides with a similar North Carolina Association of County Commissioners (NCACC) 2015-16 Legislative Goal.

maintaining secondary roads and/or funding expansion projects. Unlike counties in other states, whose traditional funding responsibilities are secondary roads, North Carolina counties are responsible for the administration of local human services programs, and fund educational operating and capital expenses;

- 3) **\* Broadband** - Support legislation, funding, and other efforts to expand broadband capability to the un-served and under-served areas of the State to enhance quality of life as well as expand opportunities for jobs creation, small business development, and growth in farm enterprises. Orange County opposes legislation limiting local governments' efforts to provide broadband and supports legislation and regulations that would preserve local option and authority where needed to deploy community broadband systems and ensure community access to critical broadband services;
  
- 4) **Smart Start and NC Pre-K** - Support legislation to increase and ensure secure and stable funding, enhanced quality early care and education, and family access and benefits in settings public and private. The County advocates sustaining teacher quality, evidence-based learning objectives, healthy life styles, and community engagement. Quality early childhood education has

proven to help alleviate the achievement gap, curb the need for costly services (including special education), and reduce societal cost by increasing graduation rates. Recent studies have shown a significant return on investment for dollars supporting early childhood programs and services. Orange County Schools and Chapel Hill-Carrboro City Schools are ardent allies in ensuring that actions at the state level support local implementation. Orange County remains strongly supportive of the Orange County Partnership for Young Children in the effective administration and evaluation of services reaching all children throughout the County;

- 5) **County Jail System/Housing State Inmates Reimbursement**  
- Support legislation to protect the fiscal viability of the county jail system by reinstating reimbursement for state inmates housed in county jails sentenced to 90 days or less and increase the reimbursement rate for state inmates awaiting post-trial prison transfer;
  
- 6) **Agriculture/Solar Energy** - Support renewable energy initiatives to create a market for agricultural-sourced energy credits. Both provide incentives for farmers to produce renewable energy, which will become increasingly important to preserving and strengthening

the agricultural economy and rural infrastructure as well as maintaining Orange County's rural heritage and culture;

- 7) **Authority to Amend the Orange County Civil Rights Ordinance** - Seek legislative action to provide the County the authority to include sexual orientation and gender identity as protected classes. The Board of Commissioners adopted the Orange County Civil Rights Ordinance in 1994 with the purpose and policy to promote the equal treatment of all individuals. In subsequent years, the County has requested, to no avail, additional legislative authority to amend the Ordinance to include additional protected classes;
  
- 8) **\* E-911 Funds** - Support permanently extending the authorization to use E911 funds for all public safety disciplines. Orange County has appreciated past efforts and supports future initiatives to expand the uses for these funds within the public safety disciplines related to emergency communications and Emergency Medical Services;
  
- 9) **\* Mental Health** - Support the current model of public mental health administration, opposes any further consolidation, and seeks legislation to ensure that

adequate State-funded mental health, developmental disability, and substance abuse services and facilities are available at the local level, accessible and affordable to all residents and that sufficient state resources fund service provision costs inclusive of sufficient crisis beds, and to structure appropriate county participation in governance.;

- 10) **\* Child Care** - Seek legislation to reverse changes made to the childcare subsidy program available to working families, including the eligibility change of 200% of the federal poverty level to 133%, which harms many working parents who are trying to become more financial self-sufficient, and the provision change that requires nonparent relatives living with the child to have their income counted for child care eligibility;
  
- 11) **Land, Water and Agricultural Preservation Funding** - Support Park, Agricultural Preservation, Clean Water and other existing trust funds established for the protection of the State's land, water, biological resources, agriculture, and special places before they are irreversibly lost, and requests that these funds receive additional funding;

- 12) Agriculture - Support Conservation of Working Lands and Farmland Preservation - Support a revision to the revenue and acreage requirements of the Use Value Program to reduce acreage requirements and increase the income threshold;
- 13) Machinery Act - Support local governments' need for more flexibility to remedy measurement and/or condition property appraisal errors related to local property tax functions. North Carolina property tax law substantially limits the ability of local governments to address property tax discrepancies, such as prohibiting the refund of prior years' taxes paid after a measurement and/or condition property appraisal error is discovered. Just as local governments can recoup prior years' property taxes from owners for "discoveries", local governments should likewise be authorized to refund prior years' taxes paid when situations such as measurement and/or condition property appraisal errors are discovered;
- 14) Homestead Exemption - Support revisions to the Homestead Exemption provisions of the Machinery Act to
- a) provide greater opportunities for low-income seniors to remain in their homes and not be displaced due to property tax burdens by

approving a one-time ten percent (10%) increase in the income qualification standard; and maintaining the current provisions which increase the income qualification standard each year based on any cost-of-living adjustment made to the benefits under Titles II and XVI of the Social Security Act for the preceding calendar year;

b) diminish the discriminatory features of the current exemption provisions relating to married couples by establishing graduated income qualification standards for single individuals versus married couples; and

c) address the ineffectiveness of the exemption provisions in communities where property values increase at substantial rates over short periods of time by capping the increase in additional taxes to be paid to the increase in the Consumer Price Index (CPI) for the preceding year;

- 15) **Bond Referendum for Education** - Support a statewide bond referendum to provide State assistance to meet public school and community college construction needs caused by increased enrollment, mandated reduction in class size and other factors;

- 16) Concealed Weapons in Parks - Seek legislation re-authorizing counties to fully regulate the carrying of concealed weapons on county-owned playgrounds and in county-owned parklands;
- 17) \* Participation in Solid Waste Programs for Recycling - Authorize counties to require county residents to impose a fee for the solid waste collection services in a manner similar to the authority granted to municipalities. The fee may not exceed the costs of collection;
- 18) Sales Tax Distribution Formula - Support legislation directing that all sales tax be distributed on a per capita basis; and
- 19) Classification of Flavored Alcoholic Beverages (Alcopops) - Support legislation to properly classify flavored alcoholic beverages (alcopops) as distilled spirits rather than malt beverages.

# 100 Counties



# One State

# 2015



## Legislative Session

North Carolina Association  
of County Commissioners

Guiding Principles and Legislative Goals

## Priority Goals

- 1** **HH-1:** Support continued state funding of Medicaid and support efforts by the state to provide healthcare access for all citizens.
  
- 2** **PE-1:** Seek legislation to restore the statutory requirement that 40% of the net lottery proceeds be allocated to counties for school capital needs and increase the annual appropriation of lottery funds until the 40% allocation is restored.
  
- 3** **PE-4:** Seek legislation to repeal the statutory authority under N.C. G.S. 115C-431(c) that allows local school boards to file suit against a county board of commissioners over county appropriations for education.
  
- 4** **GG-1:** Oppose any shift of state transportation responsibilities to counties.
  
- 5** **TF-1:** Oppose unfunded mandates and shifts of state responsibilities to counties.

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## Agriculture Goals & Guiding Principles

### Guiding Principles

- The Association supports local control over land-use decision-making and its impact on the agricultural community.
- The Association supports state policies providing local options and tools for the preservation of farmland, if they serve the best interest of all counties.
- The Association supports research, education and outreach with various public and private partnerships that result in agricultural development opportunities, sustainable initiatives producing low-cost food and energy that will, in turn, create healthy local economies.
- Agricultural issues related to the environment transcend governmental boundaries and require close coordination of policy and action by federal, state and local governments.
- Powers delegated to the counties for the protection of the public health are important for protecting the land and water resources that are vital for agricultural endeavors.
- The General Assembly should provide funds for any increased county responsibility related to animal control operations and/or facilities.

### Goals

**AG-1: Support state funding and staffing for agricultural research, Cooperative Extension services and other agriculture-related efforts to support the largest economic driver in North Carolina.**

**AG-2: Support legislation to authorize farmers to grow industrial hemp as a cash crop.**

- Demand has grown for hemp for a variety of uses, such as fibers for upholstery and clothing, paper-type products, twine, and oil for lip balm.
- Hemp products are not illegal in North Carolina, but growing hemp is.
- Allowing hemp to be grown in North Carolina provides an additional crop for farmers and supports agriculture in our state.

## Environment Goals & Guiding Principles

**ENV-2: Seek legislation to establish a mechanism for local governments to recover costs associated with providing services or reversing negative effects on the community related to the natural gas and oil exploration industry and coal ash storage.**

- The Energy Modernization Act from 2014 prohibits local governments from assessing any tax (aside from property tax) on an individual or business engaged in energy mineral activities, and it provides no mechanism for local governments to access revenue from state taxes on the industry.
- The costs to local governments are difficult to determine with such a new industry in North Carolina, but counties need a means to recover potential costs such as employee time for deed and tax assessment changes, employee training, and emergency management activities.

**ENV-3: Seek legislation to clarify that counties have the authority to establish by ordinance a program for the collection of residential recyclable materials and to charge fees to recover the costs.**

- While some counties are running residential recycling programs, a resident has challenged the program in one county, and statutory authority is unclear. A clarification to the statute would remove any doubt as to such authority.