



ORANGE COUNTY BOARD OF COMMISSIONERS
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February 25, 2013

Senator Ellie Kinnaird
Representative Verla Insko
Representative Valerie Foushee

Dear Senator Kinnaird and Representatives Insko and Foushee:

I write on behalf of the Board of Commissioners first to express Orange County's gratitude for your support and assistance with legislative initiatives of importance to the Orange County Board of Commissioners. We appreciate the effort and time you invest on our behalf and trust that the 2013 legislative session will afford opportunities to further that support.

Please find enclosed materials outlining Orange County's legislative agenda package for the 2013 General Assembly session. These documents, which were approved following the Board's February 19, 2013 public hearing on legislative issues, address the Board's positions on issues of importance to the Board and County residents. The package includes:

- 1) A "Topics for Priority Discussion" document for our March 11, 2013 Legislative Breakfast;
- 2) One Resolution and a related exhibit addressing Statewide Issues;
- 3) One Resolution supporting funding for the Clean Water Management Trust Fund; and
- 4) For reference purposes, the North Carolina Association of County Commissioners (NCACC) 2013-2014 Legislative Goals document.

We appreciate the opportunity to share this package with you and look forward to your support of these items. Please contact me or other Board members directly for any additional information. We can also be reached through Donna Baker, the Clerk to the Board, at her office in Hillsborough at (919) 245-2130.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry Jacobs", is written over a large, stylized signature graphic that resembles a large "B" or a similar symbol.

Barry Jacobs, Chair
Orange County Board of Commissioners

Enclosures

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projects to county governments. However, if the responsibility or the sharing of responsibility for secondary road improvements and/or the maintenance of roads is required of county governments, then Orange County requests that counties also be given the authority to levy fees, tolls, and other charges as may be necessary to provide funding to address this new responsibility. A new responsibility should include new revenue opportunities to accomplish the identified needs;

- 3) *** Bio-solids Disposal** - Support legislation which provides county governments some opportunity to regulate and/or have input into, but not prohibit, bio-solids application activities, including the acceptable "classes" of bio-solids for application and the prohibition of bio-solids application in certain environmentally sensitive areas such as critical watersheds. The appropriate application of bio-solids for agricultural use should be allowed with counties playing a role in the process;

- 4) **Energy Efficiency Standards in Local Building Codes** - Support changes in State law to allow local governments to include standards for energy efficiency in local

building codes that are higher than those contained in the State Building Code;

- 5) **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;

- 6) *** Sales Tax Exemption** - Support legislation to exempt counties, cities, school boards, community colleges, and the Orange Water & Sewer Authority from payment of state and local sales taxes on purchases within North Carolina. The legislation should contain a provision permitting the state to repay the last refund over a multi-year period to minimize state budget impacts. Alternatively, Orange County supports legislation to fully restore public schools' access to sales tax refunds;

jails and increasing the reimbursement rate for state inmates awaiting post-trial prison transfer. The County appreciates past efforts, in particular the establishment of a Statewide Misdemeanor Confinement Program to provide housing for misdemeanants serving periods of confinement of more than 90 days and up to 180 days. Orange County does not participate in the program due to limited space in the County Jail. The Program which houses misdemeanants serving periods of confinement of more than 90 days and up to 180 days is working, with Orange County inmates routinely transferred out of Orange County to other facilities;

- 9) **Agriculture/Solar Energy** - Orange County supports renewable energy initiatives such as House Bill 495/Senate Bill 473 (2011) and Senate Bill 694 (2011) 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. The lack of continued effective solar energy incentives is a lost opportunity for all North Carolinians, but this is especially true for the

agricultural sector. Farmers use a lot of electrical power and are uniquely positioned to become energy producers. Every south-facing barn roof is a candidate for a photo-voltaic (PV) array, and farms usually have open acreage that can support a stand-alone PV array;

- 10) Authority to Amend the Orange County Civil Rights Ordinance - Orange County seeks legislative action to provide the County the authority to include sexual orientation and sexual 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. The Orange County Human Relations Commission formally acted in October 2011 requesting that the Board of Commissioners take the appropriate steps to amend the Orange County Civil Rights Ordinance to include sexual orientation and sexual identity as protected classes. Approximately 89% of Fortune 500 companies prohibit discrimination based on sexual orientation, including Bank of America, Lowe's, Duke Energy, Branch Banking and Trust (BB&T), and Reynolds

- 13) Land, Water and Agricultural Preservation Funding - Orange County supports 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. (See also RES-2013-015 regarding funding for the Clean Water Management Trust Fund);
- 14) * Agriculture - Support Conservation of Working Lands and Farmland Preservation - Orange County supports a conservation option under the Use Value Program and a revision to the revenue and acreage requirements of the Use Value Program to address operations that meet the revenue requirements, but do not meet the minimum ten acres threshold for agricultural operations;
- 15) Sustainable Communities - Orange County appreciates efforts during the 2010 General Assembly Session to establish the North Carolina Sustainable Communities Task Force and associated Grant Fund and supports future efforts to move these initiatives forward;

hearing within 10 days of the filing of objections" to a potentially dangerous dog declaration. The 10-day timetable to convene a hearing presents a significant challenge. Members of appeals bodies are community residents with many obligations and it is often a struggle to schedule meetings within the mandated 10-day timeframe. It would be a significant improvement to amend the statute to state "within 14 days of the filing of objections";

- 18) *** Solid Waste Management Plan Requirements** - Orange County supports the streamlining of provisions requiring units of local government to prepare 10-year solid waste management plans in order to simplify the process, reduce State and local government costs, and produce results more relevant for local governments and State government. Currently a plan and any changes to it, including three year mandated updates, must often be approved unnecessarily by multiple units of government, even those that may not utilize local waste disposal facilities. Additionally, a primary reason for requiring 10-year plans was to measure remaining landfill space to ensure the future space availability. Other State rules require an annual survey of all landfill facilities to calculate remaining space, and

with modern Geographical Information Systems, there is no need for the 10 year plan to duplicate this effort;

- 19) Machinery Act - Orange County believes that local governments need 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;

- 20) 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

judicial facilities as well as the on-going annual facility operation and maintenance;

22) Open Burning/Burning Permits - Orange County believes the statutes related to open burning (Chapter 106 Article 78) should be amended to grant authority to local governments to regulate and prohibit open burning during periods of hazardous forest fire conditions, drought periods, or periods of excessive air pollution. Local fire authorities are best suited to assess local conditions and determine whether those conditions pose a threat to the public health, safety, and general welfare;

23) Herbicide Use Limitations for Right of Way Maintenance - Orange County supports legislation that would further regulate or prohibit the use of herbicides for the clearing and maintenance of easements and rights of way by utilities. North Carolina and specifically Orange County benefit substantially from organic agriculture. The use of herbicides has a significant negative impact on organic agriculture;

24) Bond Referendum for Education - Orange County supports a statewide bond referendum to provide State assistance

- 28) * River Basin Protection - Orange County supports legislation to enhance State monitoring for all river basins in North Carolina and to review the rule-making process to enhance regional cooperation and consistency statewide;
- 29) Local Government Regulation of Development - Support legislation nullifying the effect on local governments of the recent Supreme Court decision in *Lanvale Properties, LLC and Cabarrus County Building Industry Association v. County of Cabarrus and City of Locust*, 731 S.E. 2d 800 (2012) ("Lanvale"). The decision of the Supreme Court in Lanvale significantly impedes the authority of local governments to regulate activities associated with development. Counties in particular must ensure there is adequate school capacity to support new residential development. The Lanvale ruling prohibits counties from enacting ordinances to delay development to allow a reasonable time during which a lack of adequate school facilities may be addressed. Providing for this limited authorization to delay development to address capacity issues would help ensure newly arrived resident children have adequate