

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: August 18, 2010

SUBJECT: 2010 NCACC Legislative Goals

ATTACHMENTS: Yes
1. NCACC Legislative Goals Process Memo
2. 2011 – 2012 Legislative Goals Proposal Form
3. 2009 – 2010 Legislative Goals Update

SUMMARY OF REQUEST:

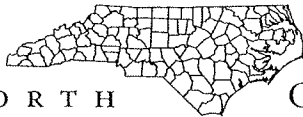
The NCACC has announced the legislative goals development process for 2011-2012, and has invited counties to submit legislative proposals to the Association. The submission deadline for proposals is September 15, 2010. A list of the Legislative Goals for 2009-2010, and an update on their status is attached for reference.

BOARD ACTION REQUESTED:

The Board is requested to discuss the legislative goals to be submitted to the NCACC by Henderson County, and to direct Staff accordingly.

Suggested Motion:

No motion suggested.



N O R T H C A R O L I N A
A S S O C I A T I O N O F C O U N T Y C O M M I S S I O N E R S

TO: Commissioners, county managers, clerks and affiliate organization presidents

FROM: David F. Thompson, Executive Director

DATE: August 4, 2010

RE: NCACC Legislative Goals Process

The time is here for us to begin our legislative goals development process for the 2011-12 biennium. We are inviting counties to submit their legislative proposals to the Association. Our goals development process is open, inclusive and deliberative. It is designed to give all 100 counties a voice in developing our legislative agenda.

This Association is the only organization in the state that truly represents all the citizens of North Carolina. For each biennial session of the General Assembly, counties submit their proposals, and commissioners from all across the state review and recommend them to our members. Legislators know and appreciate that all 100 counties have the opportunity to be involved in our process.

Receipt of your proposals is instrumental to our process. Attached is a form for submittal of 2011-12 legislative goals proposals and a list of the 2009-10 legislative goals indicating those that were successful. Due to your efforts, many of our goals were achieved. Reviewing these issues may be helpful in contemplating new goals or revisiting ones that need further action.

When submitting your goals, please keep in mind the following:

- Complete the accompanying goal proposal form.
- Goals may be submitted in any of the following formats: a resolution approved by the Board of Commissioners, a letter from the Chairman of the Board on behalf of the entire board, or by letter from an affiliate organization.
- Proposed goals received on or before September 15 will be referred to the appropriate steering committee for review and consideration.
- Proposed goals received after September 15 will be sent directly to the Legislative Goals Committee for review.

Prior to the September 2010 steering committee meetings, you will receive additional information about rules, procedures and guidelines for the legislative goals adoption process. Please note the following schedule for your planning purposes.

Legislative goals development timeline

- Sept. 15, 2010 Goals submission deadline
- Sept. 16-Oct. 1 Steering committees review goals
- Nov. 4-5, Nov. 18-19 Legislative Goals Committee meets
- December Board of Directors reviews and finalizes recommendations
- Jan. 20-21, 2011 Legislative Goals Conference, membership approval of goals

If you have any questions, please do not hesitate to contact me or Kevin Leonard, Director of Government Relations.



2011-12 biennium

LEGISLATIVE GOALS PROPOSAL FORM

All proposals due to NCACC by close of Friday, Sept. 15, 2010

Mail to NCACC, Attn.: Kevin Leonard, 215. N. Dawson St., Raleigh, NC 27603;
e-mail to ncacc@ncacc.org; or fax to (919) 733-1065

Attach one or more of the following to this form:

- An adopted resolution by the Board of Commissioners;
- A letter from the Board Chairman on behalf of the Board; and/or
- A letter from the president of an affiliate organization.
- Any other documentation or materials that support the proposed goal.

If you have questions, contact Kevin Leonard at (919) 715-4369 or kevin.leonard@ncacc.org.

Date:

Name of county/affiliate organization:

Name and title of person submitting goal:

Phone:

E-mail:

Goal title:

Goal description (what is the problem being addressed?):

County staff contact if other than submitter:

Legislative Goals Timeline

Sept. 15: Deadline for submission of proposals

Sept. 16 – Oct. 1: Steering committees review goals

Nov. 4-5, 18-19: Legislative Goals Committee reviews steering committee recommendations, approves package of goals for Board of Directors

December: Board of Directors finalizes package to be presented to full membership

Jan. 20-21, 2011: Membership adopts goals at Legislative Goals Conference

Select Steering Committee(s)

You may choose more than one

Agriculture

Environment

Human Services

Intergovernmental Relations

Justice and Public Safety

Public Education

Tax and Finance



Goal Accomplished



Goal Partially Accomplished



Goal Not Met

Priority Goal

- **Revenue Options and Protection** – Seek legislation to allow all counties to enact by resolution or, at the option of the Board of Commissioners, by voter referendum any or all revenue options from among those that have been authorized for any other county, including local option sales taxes, prepared food taxes, impact fees and real estate transfer taxes; and to preserve the existing local revenue base.

Taxation and Finance

1. **Motor Vehicle Property Taxes** – Support continued appropriations from the Combined Motor Vehicle and Registration Account to ensure that the previously ratified motor vehicle taxation legislation is implemented according to the existing timetable and without any additional delay.
2. **Impact Analysis** – Support efforts to analyze the fiscal impacts of tax relief programs and exemptions enacted by the General Assembly to provide transparency on a county-by-county basis with respect to the local effects of such tax breaks.
3. **Definition of Charity** – Support legislation to clarify the definition of "charity" for hospitals, including facilities financed through bonds issued by the Medical Care Commission, and continuing care facilities, and require that any property valuation exclusion formula provide for a higher test of "charity," to include a calculation of the cost of non-reimbursed care delivered.
4. **Manufactured Home Taxes** – Support legislation to require all taxes levied on a manufactured home to be paid before the home may be moved, repossessed or sold on-site.
5. **Central Listing and Assessing of Cellular and Cable Companies** – Support legislation to centrally list and assess cellular companies and cable companies as public service companies.
6. **Reimbursement, In Rem Foreclosures** – Support an increase in the reimbursement rate for local government collection efforts related to in rem foreclosures.



Justice and Public Safety

1. **E-911 Funds** – Support legislation to preserve county revenue from E-911 charges and allow counties greater flexibility in the use of the funds; and restructure the 911 Board created by G.S. 62A-41 to add additional local government representation.
2. **Reimbursement, state inmates in county jails** – Seek legislation to increase the daily reimbursement rate for housing state inmates in county jails.
3. **Gang Prevention** – Support additional funds for gang prevention, intervention and suppression activities.
4. **Methamphetamine Labs** – Support legislation and appropriations to mitigate the prevalence of methamphetamine production and use through the state.
5. **Court Facilities Fee** – Support legislation to allow counties to collect additional facilities fees to help fund capital, operational and other needs associated with ever-increasing judicial activities.
6. **Criminal Justice Information** – Support legislation which requires sharing of information by the juvenile justice system with the adult criminal system during the conduct of any felony-level criminal investigation.








Environment

1. **Water and Sewer Infrastructure** – (a) Support legislation providing the necessary capital for the maintenance, upgrade, installation and expansion of public water, sewer and stormwater infrastructure, with encouragement for water reclamation facilities; and (b) seek legislation to create a study of the rules and procedures for evaluating the available capacity of pump stations.
2. **Funds for Regional Water Resource Management** – Support funding for regional councils to develop and implement multi-jurisdictional water resource management planning and programs in every region through the cooperation of local governments, water users, and other stakeholders.
3. **Private Well Testing** – Seek legislation limiting state mandated contaminant testing of private wells to naturally occurring chemicals, and authorizing local control over well testing for named petroleum-based pollutants.
4. **Water Capacity/Reservoirs** – Seek legislation to streamline the permitting of local water supply reservoirs without sacrificing the scientific rigor of Environmental Impact Assessment and the opportunity for public comment.








5.  **Yard Waste Facilities** – Seek legislation clarifying that runoff from yard waste staging areas at county landfills does not require wastewater treatment.
6.  **Watershed Pollution Rules** – Seek legislation eliminating required retrofitting by counties of existing development under rules impacting nutrient levels in existing watersheds.

Human Services




1.  **Mental Health Funding** – Seek legislation to ensure that state-funded mental health, developmental disability, and substance abuse services are available, accessible and affordable to all citizens and that sufficient state resources fund service provision costs inclusive of sufficient crisis beds.
2.  **Health and Social Services Funding** – Support state funding to provide adequate health and social services, specifically:
 - assist each school system in reaching the school health nurse:student ratio of 1:750 and incorporate into the allocation formula a criterion that recognizes the level of county effort in funding school nurses. The Legislature should examine the appropriateness of the target ratio for small school districts and consider whether a target of nurse hours per day per school is a better measure of nurse availability;
 - restore the financial incentives for counties that opt to be "Electing Counties";
 - restore funding of the Division of Emergency Preparedness and Regulatory Compliance within the county health departments to previous levels;
 - support additional funding for child-care subsidies and increase the administrative limit from 4 percent to 5 percent to enhance program integrity and eligibility review;
 - increase the "general aid to county" funding for local health departments to build necessary infrastructure and support the capacity to provide essential public health services; and,
 - support funding for the NC FAST automation initiative in social services.
3.  **Local Discretion, Inspection Fees** – Support legislation that would provide greater discretion at the county level to establish fees for the inspection of food and lodging facilities.
4.  **Records Sharing, Communicable Diseases** – Support legislation which provides immunity from civil or criminal liability to persons required to provide information and records to health officials conducting communicable disease investigations when such information is not otherwise covered by the Health Insurance Portability and Accountability Act or other federal or state law.
5.  **Allocation Formulas, Health and Human Services** – Support a study with representative stakeholder participation to examine the county allocation formulas applied by the Department of Health and Human Services to determine the sufficiency, equity and efficiency of each formula, assuring that formulas fairly respond to the needs of all counties.
6.  **Smoking Regulations** – Support legislation to allow Boards of Public Health, upon request of Boards of County Commissioners, to adopt a rule or regulation regulating smoking in places of public accommodation.
7.  **Back-Up Generators for New Adult Care Homes** – Support legislation to require all newly constructed adult care homes to have back-up generators. *(Adopted by the Board of Directors at its Feb. 18, 2009, meeting.)*

Intergovernmental Relations



1.  **Transportation Funding** – Oppose legislation shifting the state's existing responsibility for funding transportation construction and maintenance projects to county governments.
2.  **Modernize Annexation Laws** – Support legislation modernizing the annexation laws as follows:
 - Requiring the development of joint utility service plans for urbanizing areas;
 - Requiring cities to reimburse counties for the loss of sales tax due to an annexation
 - Increasing the degree of urbanization required to annex property;
 - Requiring a referendum on proposed involuntary annexations in areas where public services – water and sewer and solid waste – are already in place; and
 - Requiring the direct provision of municipal water and sewer services to customers within three years of an annexation.
 - Providing that counties have the option of continuing to provide utilities to annexed areas.
 - Setting the effective date for involuntary annexations to be June 30 following the date of adoption or final resolution of an appeal.
3.  **Collective Bargaining for Public Employees** – Oppose legislation authorizing local governments to enter into collective bargaining agreements with public employees, or mandating dues check-off programs.
4.  **Workers' Compensation Reform** – Support legislation to reform North Carolina's Workers' Compensation system to reduce disability findings and open-ended streams of payment, to address the trend in favor of long-term disability findings, to diminish control over these findings on the part of claimants and their legal representatives, and to curtail adoption of rules that limit return-to-work efforts.
5.  **Rural Transportation Planning Organizations** – Support legislation providing continued funding of rural transportation planning organizations (RPOs), enabling increased participation in transportation planning for the state's non-urban areas by local governments.








Long-range transportation plans drafted by RPOs or MPOs should be submitted to member boards of county commissioners for review and comment prior to being submitted to the North Carolina Department of Transportation.

6.  **Second Primary** – Seek legislation to eliminate second primary elections.
7.  **Transfer of Development Rights** – Support legislation to allow a county to implement TDRs as another tool to promote good land-use policy.
8.  **Retired County Commissioner Health Benefits** – Support legislation to provide that former county commissioners are eligible to participate in health care benefits provided by county government.

Agriculture

1.  **Fund Agricultural Research and Extension Services** – Support legislation to increase funding for Agricultural research and Extension services offered through North Carolina State University and North Carolina A&T State University and to assure that existing research stations are maintained at the current level of service.
2.  **Support Conservation of Working Lands and Farmland Preservation** – Support efforts to promote and conserve working lands, including 1) legislation that includes horticulture, forestry and farmland as part of the state recreation and tourism plan, with emphasis on the protection and support of private working lands; 2) legislation that retains the present use value tax break for working agricultural, horticultural and forestry lands but does not further dilute its status by expanding the tax break to non-agricultural, non-working lands including non-working conservation properties; and 3) legislation to expand funding of the Agricultural Development and Farm Land Preservation Trust Fund and to create a dedicated revenue source to assure continued and stable fund maintenance.

Public Education

1.  **Public School Construction and Community College Funding** – Support legislation 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 through a statewide referendum on a bond issue and/or through authority for counties to raise additional revenues to meet facility needs, and to fund expansion budget requests of the community college system to meet demands resulting from increased enrollment and to train and retrain workers responding to a changing economy.
2.  **Education Current Expense Funding** – Support legislation to assure that the state define and support an adequate basic education in all local school systems and appropriate adequate operating funds to fully fund its education initiatives with revenue that is earmarked to pay the costs of those initiatives. The state should fund programs that continue to engage young people, provide individualized options that eliminate arbitrary barriers and provide students a range of opportunities through which they can gain the credentials, skills and education they need to function in the modern economy of the 21st century. Specifically, the state should:
 - continue to fully fund the Low Wealth School Fund; and
 - appropriate funds for school resource officers on the basis of one position allotment for each middle school and high school building for all school systems across the state;
 - appropriate funds for career technical (vocational) education in high schools.
3.  **Public School Capital Building Fund** – Support legislation to assure that the Public School Capital Building Fund remains intact and to direct the State Treasurer to report on longterm commitments that are dependent on this fund. Counties and schools should not be deprived of these resources as they were deprived of state support for school utility costs in 1991-92.
4.  **Community College Governance** – Support legislation to review the process through which members of the various boards of trustees of the several community colleges are appointed to determine whether the system provides for adequate representation from counties responsible for supporting multi-county campuses.
5.  **Sales Tax Refunds** – Support legislation to allow public schools systems to regain access to sales tax refunds.