



Bulletin #09-04

Thursday, February 19, 2009

## FOOD FOR THOUGHT

*Governor Beverly Perdue chose former Raleigh City Manager Dempsey Benton to oversee the state office that will help ensure North Carolina gets the full benefits of its estimated \$6 billion share of the federal stimulus package. The Association has provided a detailed analysis of the stimulus package on our Web site at [www.ncacc.org/stimulus.html](http://www.ncacc.org/stimulus.html).*

## ASSOCIATION OFFICERS MEET WITH GOVERNOR, STAFF

NCACC officers met with Governor Beverly Perdue and her principal staff on Feb. 17 to hear personally from her of the state's budget difficulties and her pledge for a constructive partnership with county government. While Governor Perdue noted her appreciation for the federal stimulus package, she cautioned county leaders that federal dollars were not the "silver bullet" many had expected to offset the decline in state revenues. While these dollars are welcome, they won't fix the budget's structural deficit, estimated to be \$3 billion each year of the upcoming biennium. On a more positive note, Governor Perdue did not foresee taking state-collected, local revenues as a measure to cure the state's financial woes.

## WELL-TESTING MANDATE COMING UNDER SCRUTINY

Several bills have been filed that would remove a mandate for county public health departments to conduct expensive tests for all new private wells, which would achieve an Association legislative goal. In 2008, the General Assembly passed a law requiring county public health departments to test for an additional series of substances. Prior to last year, counties were required to test all new wells for "the following parameters: arsenic, barium, cadmium, chromium, copper, fluoride, lead, iron, magnesium, manganese, mercury, nitrates, nitrites, selenium, silver, sodium, zinc, pH, and bacterial indicators." The new law, which is scheduled to take effect Oct. 1, 2009, added "methyl tert-butyl ether, ethylene dibromide, 1,2-dichloroethane, 1,2-dichloropropane, isopropyl ether, benzene, toluene, ethylbenzene, xylenes, trichloroethylene, and tetrachloroethylene" to the list of substances that counties must test for. Several public health officials said that testing for all the additional substances would greatly increase the cost of the well tests. **H163**, sponsored by Rep. Roger West, and its Senate companion **S141**, sponsored by Sen. John Snow, (Limit Well Water Testing for VOC's) and **H169** (Modify Drinking Water Test for Private Wells; sponsored by Rep. Lucy Allen) would remove the mandate and instead leave it up to the discretion of the local health department to decide whether to test for the additional substances. **S126** (Amend Drinking Water Testing/Private Wells, sponsored by Sen. Phil Berger) would modify the mandate and would only require the tests for the additional chemicals if "the well is located within 1,500 feet of a site that produced one or more of the compounds specified in the additional testing parameters, as determined by the local health department." S141 was given a favorable report by the Senate Agriculture and Environment Committee on Feb. 19.

## BILLS TO ALLOW ELECTRONIC PUBLIC NOTICES FILED

Two bills have been filed that would allow local governments to notify the public of special meetings or public hearings via electronic means. **H193** (Electronic Notice of Public Hearings, sponsored by Rep. Paul Stam and Rep. Julia Howard) allows local governments to publish notice of public hearings on their Internet site in lieu of requiring them to post a notice in a newspaper. The bill also requires local governments that operate a cable access channel to post the notice on the channel as well. The towns of Apex, Cary, Garner and Knightdale and Cabarrus County currently have the authority to use electronic notifications. Georgia Evangelist, clerk for the Town of Apex, estimates that the change saves her town more than \$13,000 per year. The bill rewrites the local act and makes it a statewide law. **H81** (Notice of Special/Emergency Meetings, sponsored by Rep. George Cleveland) adds e-mail to the list of ways in which a local

government can notify the media or others who have requested notification regarding the scheduling of an unscheduled meeting or an emergency meeting of a governing body. For unscheduled meetings, it also requires a governing body to post the notification on the door of the building or in an area otherwise accessible to the public in the building where the meeting will be held if that building is typically closed during the 48-hour period prior to the meeting. The bill requires public bodies that have Web sites to post their regular meeting schedule on the Web site, and to post any notices of special meetings on the Web site if it is maintained "by one or more of its employees."

## **DÉJÀ VU ALL OVER AGAIN**

A bill that the Association successfully fought off during the 2007-08 biennium has resurfaced for 2009. **S178** (An Act to Repeal the Prohibition on Contracts Between Governmental Entities and Labor Organizations for the Purpose of Collective Bargaining, sponsored by Sen. Larry Shaw) would end the state's ban on collective bargaining for the state and for local governments. The Association helped turn back several bills related to collective bargaining in 2008, and several other attempts could be made during the session.

## **BILLS OF INTEREST**

The Association has created a section on its Web site to track bills of interest to county officials. Visit [www.ncacc.org/legislation/about.html](http://www.ncacc.org/legislation/about.html) for updates on key legislation, including the bills listed below.

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**Bill: SB82**

**Sponsors:** Jacumin (R44)

**Title:** GRADUATED MATCHING FUNDS BASED ON TIER STATUS

**Status:** 02/10/2009 – Senate Committee On Appropriations/Base Budget

**Comments:** This bill changes the match requirement for local governments requesting funds from the North Carolina Parks and Recreation Trust Fund. Currently, all counties are required to match the funds on a dollar-for-dollar basis. This bill would base the match on each county's designated Tier status. Tier 1 counties would be required to contribute \$1 for each \$3 received from the fund. Tier 2 counties would be required to contribute \$2 for each \$3 received from the fund. Tier 3 counties would remain on the dollar-for-dollar system.

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**Bill: SB163**

**Sponsors:** Snow (D50)

**Title:** CLAY COUNTY LOCAL SALES TAX MODIFICATION

**Status:** 02/16/2009 – Senate Committee On Finance

**Category:** Local bill with statewide interest

**Comments:** This bill would give Clay County the ability to hold a referendum on a 1-cent sales tax for public school capital needs. The county could implement the tax in quarter-cent increments, and it would expand the ballot language to allow the county to indicate the use of the specified funds by adding "to be used only for public school capital outlay purposes" to the ballot question. This 1-cent sales tax option would replace for Clay County the quarter-cent sales tax option that was given to all counties as part of the state budget in 2007.

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**Bill: SB177**

**Sponsors:** Tillman (R29)

**Title:** INCREASE DISABLED VET PROPERTY TAX EXCLUSION

**Status:** 02/17/2009 – Senate Committee On Finance

**Comments:** This bill would increase the Homestead Exemption for honorably discharged disabled veterans, or the surviving spouse of an honorably discharged disabled veteran, from \$45,000 to \$65,000.

**James B. Blackburn, III**, General Counsel  
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