

PROPOSED LEGISLATIVE GOALS FOR SUBMISSION TO 2017-18 NCACC LEGISLATIVE GOALS PROCESS

MCO ACCOUNTABILITY & TRANSPARENCY FOR MENTAL HEALTH SERVICES

Submitted by Debra Henzey, County Manager's Office

GOAL: Require all Managed Care Organizations (MCOs) for mental health services to:

- Provide detailed financial reports to County Managers and Boards of Commissioners, including the balance on account and how much funding went to each county for services versus administration.
- Require MCOs to conduct annual satisfaction surveys of referring agencies and mental health clients in all counties and provide the results to counties and DHHS.
- Develop and implement an action plan for county-level safety net providers performing poorly and at risk of failing, including increasing funding to the provider to make improvements.
- Be subject to an intensive DHHS audit and penalties when there is excessive turnover in a county's safety net provider, defined as having one failure in less than three years and two failures in less than five years.
- Give counties formal authority in selecting and removing safety net providers.

BACKGROUND: Chatham County has had three different safety net providers of mental health services in the past five years, five in the past 10, and the current provider may not be on a sustainable course. Thus far, the MCO has been unable to effectively address the situation and does not seem to have a plan to fix it in the future. County officials have no leverage or voice in the situation due to how the MCO structure was designed by the General Assembly. The MCO has not provided annual financial statements to the county, which state law requires, according to attorneys at the School of Government. The potential for MCOs to accumulate large fund balances while paying the lowest rates possible for providers is very possible under the current structure with no accountability. This is a huge liability for the entire mental health system across the entire state and fails to help thousands of residents in great needs of services.

REMOVE RURAL BROADBAND BARRIERS

Submitted by Darleen Yudell-MIS

GOAL: Remove barriers that prevent Counties from initiating and/or providing assistance for projects and services that would deliver broadband services to citizens. Remove barriers that prevent counties from obtaining funds for broadband projects. Remove restrictions that prevent providers from entering markets that are supposedly covered by other providers to open the market to competitive offerings. Extend state funding, grants and loans to ensure all that inadequately served and unserved rural areas are targeted for broadband service to every residence and business. Allow local governments to be active partners in broadband initiatives, including allowing them, if willing, to be providers of services.

BACKGROUND: The benefits of high speed broadband access to all residents, regardless of location, have been well covered in media, advocacy groups and various sources, including the FCC and the Whitehouse. Broadband is vital to economic development, job training, education, health and safety. Current laws do not allow a competitive environment. They provide definitive areas which specific providers can serve and make it difficult or impossible for other providers to exist in those areas. With territories held hostage by the large telecom providers and laws currently in place, the large telecom companies restrict access to this valuable resource and foster an environment where we are unable to determine who truly is not being served. Large telecoms have routinely installed fiber right by homes and businesses in order to provide service to select areas, but denying those same homes and businesses services.

It is past time to remove these barriers and restrictions and put in place the support that will provide access to high-speed broadband to everyone in a highly competitive state. This means:

- Allowing local governments to be active partners in broadband projects serving the public, including allowing public facilities to serve as broadband hubs and providing at least some level of matching funds.
- Extending and increasing state funding for broadband efforts in rural areas that are unserved or under-served by broadband.
- Remove territorial locks that allow providers to pick who they will and who they will not serve.

REINSTATEMENT OF THE JORDAN LAKE RULES

Submitted by Commissioner Diana Hales

GOAL: Begin immediate implementation and enforcement of the Division of Water Quality's recommended 2009 rules to protect the impaired waters of Jordan Lake.

BACKGROUND: Located in the Cape Fear River Basin, Jordan Lake is the water supply source for many communities, including Chatham County, Harnett County, Durham, the RTP and major sections of western Wake County (Cary, Apex and Apex Morrisville). All of these are experiencing rapid growth. Jordan Lake also is a prime recreation area for more than a million visitors each year. However, Jordan Lake was added to the federal list of "impaired waters" in 2002. This designation under the Clean Water Act requires the state Division of Water Resources (DWR) to prepare a plan to restore the lake's health by reducing pollution from contributing sources. In 2009, the DWR developed the Jordan Lake Rules as a nutrient management plan.

However, the General Assembly has taken action twice to delay the implementation of the rules. Efforts to reduce Jordan Lake's pollution issues with solar bees failed to have any impact. The State of North Carolina is required to take action to address the nutrient problem. While a few local governments, including Chatham County, have voluntarily implemented the Jordan Lake Rules, many upstream from Jordan Lake have not. In addition, a new law prohibits the application of any nutrient management rules to development in the Jordan Lake watershed that occurred or will occur between 2013 and 2020. To preserve this vital water supply, the General Assembly needs to proceed with implementation of the Jordan Lake Rules immediately.

ATTACHMENT A: See the DWR summary of the Jordan Lake Rules.

SALES TAX COUNTY ASSIGNMENT

Submitted by County Manager Renee Paschal

GOAL: Amend state sales tax legislation to require accurate county assignment of sales tax location for delivered goods so that the correct county is identified and receives the revenue it deserves.

BACKGROUND: Chatham County and several other counties continue to lose sales tax revenue due to vendors not properly designating the county location for delivery of goods. Sometimes, a vendor will use only the five-digit zip code, instead of the nine-digit zip code. In Chatham County, this means that very often the wrong county is credited for taxes when, in fact, the destination of the delivery is inside our county. We lose out on revenue and the buyer often pays the higher sales tax rates of surrounding counties. We have worked diligently over the past two years to educate homebuilders and residents about this problem. We are starting to see some improvements, but retailers should be required to correctly assign sales taxes.

ATTACHMENT B: Flyer demonstrating the problem in Chatham County.

SPECIAL ASSESSMENT FOR CHATHAM PARK

Submitted by the County Manager's Office

GOAL: Amend NCGS § 153A-210 to clarify that when counties impose special assessment districts, they have the authority to collect the revenues and reimburse the developer for a portion of the cost of infrastructure. And, that they can do so without incurring debt or obligating county revenue.

BACKGROUND: Chatham Park has requested that Chatham County use NCGS § 153A-210 to impose a special assessment district to help cover a portion of the cost of infrastructure. As currently worded, the statute does not expressly give counties the authority to impose the district without incurring debt. Chatham Park attorneys worked with the General Assembly in the 2016 Short Session to introduce and pass S363. The bill came very close to passage, but last minute changes led to it being re-referred back to the Senate Finance Committee. If passed, the bill would allow the county to set up the district as envisioned by Chatham Park without incurring debt or obligating county revenue. This bill would be helpful to other counties across the state who also might want to help developers cover infrastructure costs.

COAL ASH REMOVAL & DEPOSITORY SAFETY PROTECTIONS

Submitted by Commissioner Diana Hales

GOAL: Require air quality monitoring around all coal ash removal and off-site repository sites while work is being performed and ash is being disturbed, transported, and placed elsewhere. Also, the legislature should define and require health protections of workers on the sites.

BACKGROUND: Legislation related to coal ash cleanup and disposal passed during the 2017 Short Session and rated all but three coal ash pond sites in North Carolina as "low risk." However, the Cape Fear Steam station was rated as "intermediate risk," which means the ash must be moved somewhere by 2028. H630, as ratified, failed to address anything related to the protection of public health, air quality and the protection of workers involved in the process.

SEVERING OF MINERAL RIGHTS AFTER NOTIFICATION

Submitted by Commissioner Diana Hales

GOAL: Enact legislation to provide a process for extinguishing mineral rights, as recommended by the 2015 Study Report on Compulsory Pooling and Dormant Mineral Rights.

BACKGROUND: Chatham County property owners potentially face problems with severed mineral rights, which can affect their ability to finance or sell their property. In 1979, Chatham County sought special legislation to extinguish mineral rights for owners who either weren't using the rights for a period of 10 years or who had not recorded them for ad valorem taxes, as authorized by the legislation. This local legislation was then applied statewide when the General Assembly enacted GS 1-42.9. Since that time, concerns have been raised about the validity of the action because notice requirements may not have been sufficient.

The Study Report on Compulsory Pooling and Dormant Mineral Rights presented by the NC Department of Environmental Quality on November 18, 2015 recommended that the legislature consider enacting a new law to extinguish mineral rights on a similar basis, but strengthen the notice requirements.

Given the potential for hydraulic fracturing in Chatham and other counties, it is important to settle the issue of severed mineral rights as recommended in the Study Report. It is an important issue due to concerns about existing legislation and because mineral rights could have been purchased in the intervening time. The proposal from the report would not invalidate mineral rights registered under the old statutes.

GOALS ADVOCATED BY OTHER STATEWIDE ORGANIZATIONS:

HOME & COMMUNITY CARE BLOCK GRANT:

Submitted by Dennis Streets, Council on Aging

GOAL: Increase the recurring state funding for the Home & Community Care Block Grant by \$7 million, as recommended by the NC Senior Tar Heel Legislature and other advocates for seniors.

BACKGROUND: Funding NC's growing older adult population continues to place increasing pressure on home and community services vital to helping elderly age in place where costs are generally much less than institutional care. The State reports about 9,000 seniors waiting for home-delivered meals, in-home personal care, and other services funded by the Home and Community Care Block Grant. State and federal support for these services has remained essentially static since 2008, while the need for services is greater. The NC Senior Tar Heel Legislature and other advocates are requesting the General Assembly to increase Home and Community Care Block Grant by \$7 million in recurring funds. Increased funding for Home and Community Care Block Grant will help local Council on Aging programs continue to meet the service needs of our county's growing older population.

PILOT PROGRAM FOR ELECTION VOTE CENTERS

Submitted by Dawn Stumpf, Board of Elections

GOAL: Provide state funding to create a pilot program to introduce the concept of Vote Centers for Elections in North Carolina, as recommended by the North Carolina Association of Directors of Elections.

BACKGROUND: Vote Centers would replace Election Day polling places and perhaps early voting sites. Ten other states have moved to pilot this concept. If the pilot is successful, the end result would be a smaller number of polling places, but they would be in operation for voting from the early voting period through Election Day. A county voter could go to any of these centers to vote, regardless of their precinct. The advantages include:

- Greater voter convenience and less confusion due to standardized hours and locations throughout the entire voting period.
- Cost savings due to reduced need for election workers, polling locations and supplies.
- Enhanced efficiency to administer than the current system
- Less costly for counties to comply with the Help America Vote Act and the American with Disabilities Act

ATTACHMENT D: Copy of statewide resolution supporting a pilot program for Vote Centers.

STATE FUNDING FOR ADULT PROTECTIVE SERVICES & GUARDIANSHIP SERVICES

Submitted by Jennie Kristiansen, Social Services

GOAL: Increase state funding for Adult Protective Services and Guardianship Services through the Social Services Block Grant (SSBG) and Home and Community Care Block Grant (HCCBG).

BACKGROUND: Increases in state funding would help mitigate the increased costs the county has faced. As an example, in the current fiscal year, Chatham County Social Services expects to receive just \$19,200 in state dollars to support all adult services programs.

JORDAN LAKE NUTRIENT MANAGEMENT STRATEGY

Key issues for local governments charged with new rule implementation:

The Jordan Lake Nutrient Management Strategy ("Jordan Rules") aims to restore and maintain water quality, protect the lake's classified uses and maintain or enhance protections currently implemented by local governments in existing water supply watersheds. The [rules](#) (15A NCAC 02B.0262-.0273) became effective Aug. 11, 2009. Session Laws [2009-216](#) and [2009-484](#) modified the rules.

Outreach, education and training resources may be found at www.jordanlake.org. Materials include an interactive map, links to legislation, contact information and training events. Additional resources and tools in development include a public outreach brochure to be distributed to local governments and an approved riparian buffer model ordinance to be made available fall 2009. A model stormwater ordinance for new development will be available in September 2010.*



Photo by NC Div. of Parks and Recreation

Stormwater Rules – New Development

- ▶ Local governments are required to develop stormwater programs that:
 - Approve stormwater management plans for new development.
 - Follow specific requirements of water supply watershed rules.
 - Ensure maintenance of best management practices (BMPs).
 - Ensure enforcement and compliance.
- ▶ Timeline for initial stages of new development stormwater implementation:
 - Feb. 2011* – DWQ submits model stormwater program, including model ordinance and accounting tool for nutrient loading.
 - Aug. 2011* – Local governments submit stormwater programs for review.
- ▶ Stormwater management plans are required for Federal and State (non-NCDOT) projects that disturb one-half acre or more of land.
 - Timeline: Feb. 2011* – Federal and State (non-NCDOT) entities must submit stormwater management plans to DWQ for review.

Options for Offsetting Nutrient Loads

- ▶ Provides activities subject to various Jordan Rules (new and existing development, state and federal entities, agriculture and point sources) the option to purchase reduction credit from other sellers.
 - Must meet minimum onsite reduction requirements before purchasing credit.

Stormwater Rules – Existing Development

- ▶ Local governments must develop a Stage One program that includes the following:
 - Public education program.
 - Program to map MS4 system, outfalls, waters of U.S. and sanitary sewers.
 - Program to identify and remove illegal discharges.
 - Program to identify opportunities for retrofitting existing development.
 - Program to ensure maintenance of BMPs.
- ▶ DWQ is required to maintain a monitoring program in each arm of the Jordan Reservoir.
 - If monitoring results show impairment, local governments, state and federal entities must implement a Stage Two adaptive management program.
- ▶ Timeline for initial stages of existing development stormwater implementation:
 - Dec. 31, 2009 – Local governments must submit their Stage One program.
 - March 1, 2014 – If monitoring report shows impairment of Upper New Hope Creek, Stage Two program must be developed and implemented.
 - March 1, 2017 – If monitoring report shows impairment of Lower New Hope Creek or Haw River, Stage Two program must be developed and implemented.



Riparian Buffer Rules

- ▶ 50-foot wide riparian buffers are required on all surface waters, including intermittent and perennial streams, lakes, ponds and reservoirs. These features must be present on one of the following to be subject:
 - Most recent printed version of the soil survey maps prepared by the Natural Resources Conservation Service; or
 - 1:24,000 scale quadrangle topographic maps prepared by U.S. Geologic Survey; or
 - Map approved by the Geographic Information Coordinating Council and the EMC.
- ▶ Local governments must develop and implement buffer programs except where DWQ has jurisdiction. DWQ shall implement buffers for:
 - Local government, state & federal activities.
 - Activities under multiple jurisdictions.
 - Forest harvesting and agricultural activities.
 - Activities conducted in a location where there is no local government implementing one of the following programs at the time of the activity: NPDES stormwater, water supply or voluntary local stormwater or buffer initiative.
- ▶ Diffuse flow is required before stormwater runoff enters the buffer from any new ditch or manmade conveyance. It is required on all buffered streams, regardless of property size or type of land use.
- ▶ Timeline for initial stages of implementation:
 - Aug. 11, 2009 – DWQ begins implementing riparian buffer rules in its jurisdiction.
 - Oct. 2009 – DWQ makes model buffer ordinance available to local governments.
 - March 2010* – Local governments submit local buffer programs for DWQ review.



Photo by USDA NRCS

Wastewater Discharge Rule

- ▶ Applies to existing wastewater treatment facilities that receive nutrient-bearing wastewater and whose discharges are subject to individual NPDES permits.
 - Distributes waste-load allocations of nitrogen and phosphorus among the dischargers within each sub-watershed.
 - Sets limits on nitrogen and phosphorus loads from larger dischargers (permitted flow at or above 0.1 MGD).
 - Larger dischargers must optimize facilities to minimize nitrogen loads while process improvements are completed.
 - Provides for group compliance approach which allows dischargers to work collectively to meet their combined nutrient limits.
- ▶ Timeline for wastewater rule implementation:
 - Feb. 2010* – Submit optimization reports.
 - Aug. 2010* – Implement optimization.
 - 2010 – Compliance for phosphorus limits.
 - 2016 – Compliance for nitrogen limits.

Agriculture Rules

- ▶ Nutrient reduction goals for agricultural operations have been established.
 - Reduction goals must be met at the subwatershed level
- ▶ Watershed Oversight Committee is being established to initially implement rules.
 - Local advisory committees may be established if required.

Fertilizer Management Rules

- ▶ By August 2012, fertilizer application shall be made by an applicator that has completed nutrient management training OR pursuant to a nutrient management plan.
- ▶ Rule does not apply to use of fertilizer by homeowner on residential property.

Note: An online version of this fact sheet that includes direct links to the full text of the Jordan Rules, related documents and associated legislation is available at: www.jordanlake.org.



An Important Sales Tax Issue Affecting Chatham County Residents

***Make sure you are buying in Chatham and paying the correct sales tax
Save money and increase revenues for county services!***

Sales tax should be based on where the goods are **delivered**. Chatham’s sales tax rate of 6.75% is tied for **lowest** in North Carolina, so correct county designation is important and can save you money.

Five of the eight border counties have HIGHER sales tax rates!

Vendors often use the **5-digit** zip code to identify the county, but much of Chatham is covered by zip codes that **cross over** from other counties



■ Areas where zip codes are shared with other counties

Which zip codes overlap into Chatham?

- 27330
- 27349
- 27355
- 27502
- 27514
- 27516
- 27517
- 27519
- 27523
- 27562
- 27713

Why this matters to you:

- Paying correct sales tax may save money
 - 5 of 8 border counties have a higher sales tax rate and two are highest in the state
- Helping Chatham boost sales tax revenues will reduce the need to boost other taxes and fees.
- Bringing in our fair share of sales tax revenues will support:
 - Local schools
 - Law enforcement
 - Parks and recreation
 - Public libraries
 - Economic development

Sales Tax Calculation

	Correct	Incorrect
Price of item purchased	\$100.00	\$100.00
Sales tax	6.75	7.50
Total	\$106.75	\$107.50
Calculation:		
Sales tax/price (not total)	6.75/100	7.5/100
Sales Tax Rate	6.75%	7.50%

What you can do:

- Shop in Chatham County
- Know & use your 9-digit zip code when ordering
- If available, enter your county when ordering
- Make sure vendors are charging the correct sales tax rate of 6.75% and assigning it to Chatham County

If you have any questions or concerns, contact the Chatham County Manager’s Office at 919-542-8258 or email us at sales.tax@chathamnc.org

- ### What purchases can be affected?
- In-store purchases that you take home or have delivered to your home.
 - Even stores located in Chatham can charge wrong sales tax
 - Online purchases delivered to your home

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NORTH CAROLINA ASSOCIATION OF DIRECTORS OF ELECTIONS

RESOLUTION 2014-02

Whereas, the North Carolina Association of Directors of Elections is an association made up of members from counties in North Carolina; and

Whereas, Vote Centers are defined as a polling place where any registered elector in the county holding the election may vote, regardless of the precinct in which the elector resides and allows voting prior to and through election day; and

Whereas, Vote Centers have gained popularity since Larimer County, CO created the first vote center in 2006. In the following years 10 other states have also passed legislation to allow Vote Center Pilot Programs; and

Whereas, all counties in North Carolina are considering purchasing new voting equipment in the next few years and cost savings would be realized by Vote Centers, and

Whereas, the benefits of Vote Centers are the following:

1. Offering voters convenience and less confusion due to standardized hours and locations
2. Cost savings because fewer election workers and supplies are required
3. Administration is more efficient than the polling place model
4. Can provide the counties with a less costly solution to comply with the Help America Vote Act and the American with Disabilities Act
5. Counties would not be required to open all precincts within the county on election day

Therefore, be it

Resolved, We respectfully ask the North Carolina General Assembly to consider passing legislation allowing a pilot program of Vote Centers in North Carolina in an effort to establish the practicality and efficiency of this voting method.

MOTION CARRIED