

**Virtual Post Card Party # 248 September1, 2022**

Here are two important events for you to read about, research further, and act accordingly. Time is short - especially on the County Commissioners’ event.

**Leandro Decision**

For those of you who have not been following the situation, the NC Supreme Court is hopefully going to (re) take-up and rule on the Leandro case in the next few weeks.

The Leandro Case dates back to 1994 (Ohio has a similar dispute which has been litigated for even longer). The central issue is that, since a quality and adequately-funded education is guaranteed in the NC Constitution, do NC courts have the authority to force the Legislature and Governor to spend sufficient money to achieve that level? The NCGA claims that only they, not the courts, can set spending levels.

The following summary is extracted from the August 28th issue of NC Policy Watch (https://ncpolicywatch.com/2022/07/26/the-last-best-hope-for-north-carolinas-public-schools/?eType=EmailBlastContent&eId=c514aab3-2f03-44e7-89b5-51dd970b52bb) :

“And so here we are in 2022 at what feels very much like a moment that is definitive and, quite possibly, the last best hope for public education in our state.

“In the coming weeks, the North Carolina Supreme Court will, one more time, take up the *Leandro*case and, it is hoped here, decide at long last that it can and must order a resistant state legislature to take the action it has so long refused to take – namely, to adequately fund our public schools.

“There is no doubt about what is necessary or possible at this point. Experts have labored long and hard to produce to produce (and the trial court has approved) a comprehensive remedial plan that is designed to move the state into compliance by dramatically enhancing investments in an array of key areas. What’s more, thanks in large part to Biden administration’s economic recovery efforts, the state possesses a giant bank account that could easily cover the initial installment.

“The only question now is whether it will happen or not and who will blink.

“If a majority of the court’s seven justices musters the courage to exercise the tribunal’s equitable power to compel the legislature’s recalcitrant Republican leadership to act, there is a chance to stop the hemorrhaging that has afflicted the public schools in recent decades and, perhaps, begin to restore the health and sustainability of the state’s single most important and unifying public institution.

“If, however, the court falters and decides that it lacks the authority to compel compliance with the *Leandro* mandate, then it seems all but certain that the water will soon be out of the tub. Nearly three decades of litigation and the countless court hearings, studies, and orders to which it gave rise will have been largely for naught.

“Meanwhile, Republican legislative leaders like Senate leader Phil Berger and House Speaker Tim Moore, now freed from any requirement to do other than that which they choose, will likely renew their slow, but steady campaign to privatize, “voucherize” and resegregate education by gradually starving traditional public schools and diverting the proceeds to favored private entities.”

Some additional information is summarized in this article excerpt from The Standard on August 25:

**Greene County Board of Education voice support for Leandro plan,** by Ariyanna Smith

“SNOW HILL —The Greene County Board of Education on Monday approved a resolution urging the state to fulfill its obligation under the Leandro ruling that requires low-wealth schools to receive funding equal to high wealth school systems.

“The school funding case started in 1994 when five counties sued the state arguing their students were not receiving the same educational support as demanded by the state constitution.

“David Lee, a judge overseeing Leandro proceedings ordered the General Assembly to appropriate $1.7 billion as part of plan for schools statewide. The ruling is under appeal and the judge who issued it was removed from the case by Republican Chief Justice Paul Newby.

“A representative from the North Carolina NAACP presented the resolution to the school board. It urges the state to fulfill its constitutional duty to provide every child access to a sound basic education by supporting the implementation of the Leandro Comprehensive Remedial Plan.

“The plan “outlines the actions the State must take to meet its constitutional obligations under the Leandro court rulings of ensuring every student has access to a sound basic education,” the resolution said.

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“The state Supreme Court ruled in 1997 that North Carolina’s Constitution guarantees every child “an opportunity to receive a sound basic education.”

“In Sept. 2021, the Commission on Access to Sound Basic Education adopted a resolution urging state bodies and agencies to implement the Leandro Comprehensive Remedial Plan.

“After the plan was submitted to Judge Lee, he issued an order in June 2021 that the state and state board of education implement the plan fully by 2028.”

**Your action plan?**

1. **Participate** in these events reported in Every Child NC:

https://everychildnc.org/events/?fbclid=IwAR2Z-\_bnBr27eIj9Gn5Q6TJ9sB2BzZ\_L8Q7dOu8XK2r2MfD5iEGBkO1pmrg

2. **Contact** each Justice in the NC Supreme Court and urge them to expeditiously consider and approve the plaintiffs’ stance in Leandro. Justices can be reached at PO Box 1841, Raleigh, NC 27602

Chief Justice Paul Newby

Associate Justices: Robin Hudson Samuel Ervin IV

Michael Morgan Anita Earls

Philip Berger Jr. Tamara Barringer

**September 6th County Commissioners’ Meeting**

**Major County-Wide Zoning Changes Proposed**

Your Commissioners will consider a major weakening of land-use regulations at this meerting, such as allowing an unlimuted number of storage sheds on your neighbors’ property, as close as within 5 feet of your property line. Another major change would be to allow much more commercial and residential development in current (and outdated) 100-year flood plains, in defiance of the County’s own Planning Board recommendation and the logic of climate change.

Rather than my trying to out-write a professional, the following is excerpted from a related article on Mountain True’s web site (mountaintrue,org). The full article can be found at https://mountaintrue.org/oppose-the-weakening-of-land-use-regulations-and-save-the-henderson-county-comprehensive-plan/.

**“Poor Land-Use Decisions Undermine the County’s Future**

“In its July 20 meeting, Henderson County Commissioners went against the recommendations of their own planning board and voted to adopt **extremely lax rules on residential storage units** that would allow property owners to construct an unlimited number of storage units within five feet of neighboring properties.

“More concerning is that **Commissioner Michael Edney** and **Commission Chair Bill Lapsley** have proposed a **dangerous rollback to floodplain regulations**. As reported by the Hendersonville Lightning, Edney has proposed allowing more industrial development in floodplains — an idea rejected in an 8-0 vote by its own appointed Planning Board. And Commission Chair Lapsley has suggested allowing for more residential and commercial development in floodplains as well. Building in floodplains increases the chances of flooding and puts homes, businesses, and people’s lives at risk. As climate change now causes 100-year floods much more frequently, Henderson County should be taking the opposite approach by increasing limits on floodplain construction.”

It would also be worth your time to read the following opinion piece from BlueRidgeNow writer David Weintraub, a local environmental advocate of many years’ standing:

https://www.blueridgenow.com/story/opinion/2022/08/27/comprehensive-plan-tell-commissioners-enough-enough/7884764001/?fbclid=IwAR2nc8S4IaGsGZR1buB5HLddfVqzoRChq1DffOmU2yZEly0SyXifLUJw1ys

**Corporate Incentives**

The Sept. 6 meeting is also expected to include a public hearing regarding two proposed incentive packages for yet-unidentified companies. According to the Hendersonville Lightning (https://www.hendersonvillelightning.com/news/11934-project-chicago-could-bring-54-jobs-paying-58-000-year.html ), the two projects could attract $270 million in investment and create 281 jobs. In return, the County has offered $10 million in incentives to the larget project, and we do not yet know what will be used to attract the smaller company.

Recent history is replete with examples of where local communities have benefitted from small, targeted investment incentives for certain companies. Unfortunately, there are just as many examples of companies using tax funds as feeding troughs with far less community benefit (Amazon’s second HQ in Crystal City, VA and Foxcon’s ill-fated venture in SE Wisconson stand out. Closer to home, take a look at how Meta (formerly Facebook) took Forest City for a ride a decade ago)).

The local proposed ventures may, or may not, work out to benefit the County. It is discomforting that the Commissioners play along and don’t even allow taxpayers to know the companies that will be subsidized. Here are some additional questions we need to be asking:

- What is the MEDIAN (not average) wage expected to be?

- What specific benefits will the companies pay?

- How many of the jobs will be filled locally, as opposed to shipping an exec in from afar?

- Will the equipment be built locally, or build elsewhere and shipped here for installation? This greatly affects the real investment level.

- What penalties are in place to ensure that the companies stay here and pay taxes after the incentive period ends? If the company bolts at the end of that period, there is minimal local benefit.

- What efforts are the companies making to ensure affordable housing for their workforce?

These are YOUR dollars, and YOUR community, in play. Staying silent means you agree with the proposals.

You can view the agenda for the meeting at: https://www.hendersoncountync.gov/meetings?field\_microsite\_tid\_1=111

If you cannot attend the meeting but want to express your opinion, you can either call them (shared phone #828-697-8208) or email them at:

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