The Honorable Beverly Perdue
Office of the Governor
116 West Jones Street
Raleigh, North Carolina 27603

June 21, 2012

Dear Governor Perdue,

Of the diversity of concerns expressed undergirding support for you to veto SB820, one of special concern to local government leaders is the need for an explicit saving clause in the bill to protect local authority. Without such a clause, the court-generated doctrine of 'implied preemption' can be invoked to preempt a local ordinance when a detailed state regulatory program – which S820 mandates – is in place[i].

Localities should have the power to determine if hydraulic fracturing is appropriate in their communities and, when it is, where it can happen.

Please protect our local authority. Ordinances such as those that allow for effective land use policy are an essential and basic tool we must have if we are to insure the safety, health, attractiveness and economic and social well being of our communities.

Please veto SB820.

Sincerely,

Michel Branch
Council Member, Town of Butner

Diane N. Catotti
Council Member, City of Durham

Mark Chilton
Mayor, Town of Carrboro

Dan Coleman
Alderman, Town of Carrboro

Mike Cross
Commissioner, Chatham County

Thomas G. Crowder
Raleigh City Councilor – District D

Laurin Easthom
Council Member, Town of Chapel Hill

George Erickson
Mayor, Foxfire Village

Michael Fiocco
Commissioner, Town of Pittsboro

Bett Foley
Commissioner, Town of Pittsboro

Jacquelyn Gist
Alderman, Town of Carrboro

Alice Gordon
Commissioner, Orange County

Ed Harrison
Mayor Pro Tem, Town of Chapel Hill

Randee Haven-O'Donnell
Alderman, Town of Carrboro

Barry Jacobs
Commissioner, Orange County

Bill Jensen
Apex Town Council

Michelle Johnson
Alderman, Town of Carrboro

Mark Kleinschmidt
Mayor, Town of Chapel Hill

Sally Kost
Commissioner, Chatham County

Lydia Lavelle
Alderman, Town of Carrboro

Earl McKee
Commissioner, Orange County

Bill McKellar
Council Member, Town of Butner

Darryl D. Moss
Mayor, City of Creedmoor

Cornelia Olive
Mayor, City of Sanford

Ellen Reckhow
Vice Chairman, Durham County Board of Commissioners

Penny Rich
Council Member, Town of Chapel Hill

Larry Robinson
Commissioner, City of Creedmoor

Steve Schewel
Council Member, City of Durham

Sammy Slade
Alderman, Town of Carrboro

John Stallings
Mayor Pro Tem, City of Creedmoor

Lee Storrow
Council Member, Town of Chapel Hill

Beth Turner
Commissioner, Town of Pittsboro

Randy Voller
Mayor, Town of Pittsboro

---

[i] See Craig v. Chatham County case – NC Supreme Court ruled that the existence of a permitting program for hog operations impliedly preempted provisions adopted by local boards of health – even though those ordinances were narrowly tailored to protect groundwater, which the state regulatory program does not address. That case also overruled Chatham County's local zoning ordinance for hog operations, also on the basis of implied preemption.