

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 464
Committee Substitute Favorable 4/9/09
Senate State and Local Government Committee Substitute Adopted 6/10/09

Short Title: Raleigh Energy Efficiency.

(Local)

Sponsors:

Referred to:

March 9, 2009

A BILL TO BE ENTITLED

1 AN ACT TO MAKE PERMANENT AN ACT EXEMPTING THE CITY OF RALEIGH
2 FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS
3 FOR USE AS PART OF ANY PILOT PROGRAM AUTHORIZED BY THE CITY
4 COUNCIL TO TEST THE EFFICIENCY AND EFFECTIVENESS OF
5 LIGHT-EMITTING DIODE TECHNOLOGIES, TO EXPAND THE ACT TO ALL
6 RALEIGH PILOT PROGRAMS AIMED AT INCREASING ENERGY EFFICIENCY,
7 AND TO AUTHORIZE THE CITIES OF RALEIGH AND WINSTON-SALEM TO
8 ENTER INTO A LEASE FOR THE SITING AND OPERATION OF A RENEWABLE
9 ENERGY FACILITY FOR TWENTY YEARS WITHOUT TREATING IT AS A SALE
10 AND WITHOUT GIVING NOTICE BY PUBLICATION.
11

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.** Section 1 of S.L. 2007-333 reads as rewritten:

14 "**SECTION 1.** The City of Raleigh may contract for apparatus, supplies, materials, or
15 equipment that will be used as part of any pilot program authorized by the City Council ~~to test~~
16 ~~the efficiency and effectiveness of light emitting diode technology for~~ aimed at increasing
17 energy conservation efficiency without being subject to the requirements of G.S. 143-129,
18 143-131, and 143-132. Notwithstanding any provision of law, the City may award a contract
19 under this section in its sole discretion. ~~The authority granted herein shall expire on July 1,~~
20 ~~2009."~~

21 **SECTION 2.** G.S. 160A-272 reads as rewritten:

22 "**§ 160A-272. Lease or rental of property.**

23 Any property owned by a city may be leased or rented for such terms and upon such
24 conditions as the council may determine, but not for longer than 10 years (except as otherwise
25 provided herein) and only if the council determines that the property will not be needed by the
26 city for the term of the lease. In determining the term of a proposed lease, periods that may be
27 added to the original term by options to renew or extend shall be included. Property may be
28 rented or leased only pursuant to a resolution of the council authorizing the execution of the
29 lease or rental agreement adopted at a regular council meeting upon 10 days' public notice.
30 Notice shall be given by publication describing the property to be leased or rented, stating the
31 annual rental or lease payments, and announcing the council's intent to authorize the lease or
32 rental at its next regular meeting.

33 No public notice need be given for resolutions authorizing leases or rentals for terms of one
34 year or less, and the council may delegate to the city manager or some other city administrative
35 officer authority to lease or rent city property for terms of one year or less. Leases for terms of
36 more than 10 years shall be treated as a sale of property and may be executed by following any



1 of the procedures authorized for sale of real property. The council may approve a lease for the
2 siting and operation of a renewable energy facility, as that term is defined in
3 G.S. 62-133.8(a)(7), for a term up to 20 years without treating the lease as a sale of property
4 and without giving notice by publication of the intended lease."

5 **SECTION 3.** Section 2 of this act applies to the City of Raleigh and the City of
6 Winston-Salem only.

7 **SECTION 4.** This act is effective when it becomes law.