

ATTACHMENT A

**A RESOLUTION GIVING DIRECTION
TO ALDERMAN ZAFFRON REGARDING
LEGISLATIVE ISSUES
Resolution No. 104/2002-03**

**BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE
TOWN OF CARRBORO:**

**Section 1. The Mayor and Board of Aldermen have discussed legislative issues and give
Alderman Alex Zaffron the following directions:**

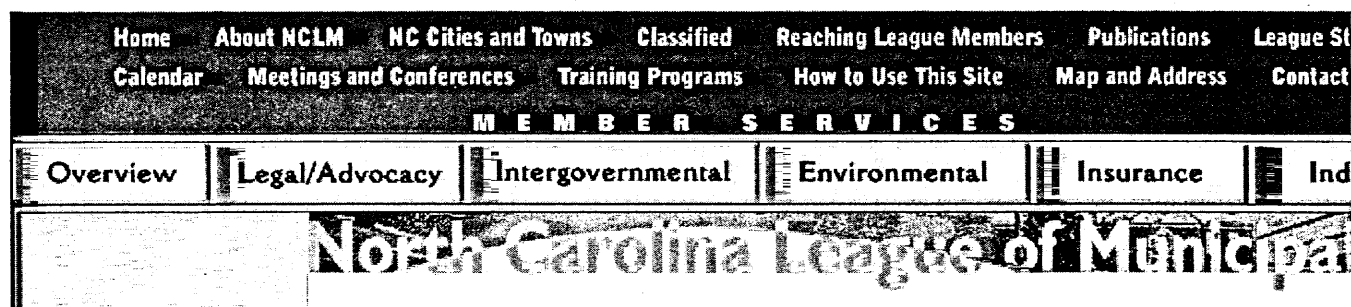
Section 2. This resolution shall become effective upon adoption.

MUNICIPAL LEGISLATIVE ISSUES FOR 2003

1. Sales tax/reimbursement hold harmless funds (effective July 1, 2003)
2. Sunset on current state half-cent sales tax (set to expire June 30, 2003)
3. State budget outlook for FY 2003-2004
4. Playing defense to protect municipalities from loss of authority (annexation, zoning authority, etc.) and protecting against imposition of unfunded/unfounded mandates (most often environmental requirements and additional retirement benefits for some classes of municipal employees)
5. Recommendations of the Governor's Commission to Modernize State Finances – such as broadening sales tax base to include services (see copy of report)
6. Cost of Medicaid to county governments and indirect effects on municipalities (county property tax rate increase because of the Medicaid burden results in decreased municipal sales tax revenues in counties where the distribution is based on proportional property tax levies)
7. Project Development Financing (tax increment financing) and other economic development measures
8. Local Governmental Employees Retirement System issues—much more actuarial gains available in local system for potential benefit enhancements than in State system

9. 2003 League Goals and Policies (*selected legislation to seek*):

- a. Earlier date for counties to select change in sales tax distribution method, and possible third alternative basis of distribution;
- b. Exemption of municipalities and counties from state sales tax (to replace refund) – cost to state will be an impediment – Revenue Laws Study Commission has had some discussion and has included in the discussion exemptions for state agencies rather than have them pay the local sales tax and seek a refund;
- c. Increase local government representation on TSERS Board of Trustees;
- d. Further flexibility in local purchasing laws;
- e. Legislation to enhance economic development efforts (TIF, multi-jurisdictional tax sharing, sound but creative debt financing of tourism-related public facilities, etc.);
- f. Legislation to enhance municipal ability to regulate inappropriate location of licensed ABC establishments;
- g. Increased access for municipalities to National Crime Information Center Database, for personnel administration and related reasons;
- h. Increased revenues for transportation and public transportation; and
- i. Potential Local Government Tort Claims Act.



2003 Municipal Legislative Goals and Policies

Finance, Administration and Intergovernmental Relations (FAIR)
Community and Economic Development (CED)
Energy, Environment and Natural Resources (EENR)
Transportation, Communications and Public Safety (TCPS)

Finance, Administration and Intergovernmental Relations

MUNICIPAL REVENUES

1.1. As its first priority, the League strongly **supports** preservation of the current local government tax structure, since it provides stable revenues in a balanced manner. The League will **support** modifications which enhance the ability of municipalities to meet the needs of their citizens, but will **oppose** modifications that do not observe basic tax equity principles or that erode local revenues.

1.2. The property tax is the only major revenue source subject to the control of elected municipal officials, and thus is the foundation of municipal finance. The League will oppose proposals to abolish the property tax or erosion of the property tax through additional exemptions and preferential classifications in the property tax base unless otherwise provided by League policy.

1.3. If revenue sources are repealed, lost revenues must be replaced under a hold harmless formula that will replace revenue to all municipalities on a dollar-for-dollar basis with an adequate growth factor. The League will seek new revenue sources to replace repealed and/or reimbursed revenue sources.

1.4. The League supports the current distribution methods for existing local revenue sources, but will oppose legislation that would distort the distribution of existing revenues and have some municipalities gain revenues at the expense of others.

1.5. Municipalities are in need of independent, secure revenue sources to meet ongoing demands of their citizens for services, to address infrastructure needs, to provide some level of local autonomy and to balance the revenues derived from the property

tax. The League will support local option revenue sources that shall be available to all municipalities, the proceeds of which may be used for any public purpose. In addition the League will support municipalities that seek additional local option revenue sources. The League will oppose legislation to convert any of these local option taxes into state revenue sources, or to interfere unduly with prior local acts.

1.6. The League will oppose consolidation of the state and local sales taxes.

1.7. The League will oppose legislation to limit cities' authority to impose fees reasonably related to the cost of local regulatory programs.

1.8. The League will support a reasonable increase in the interest rate on delinquent property taxes. The League will support a change to an earlier date of the time when property taxes become delinquent, and authority for governing boards to use prepayment discounts until the delinquent date.

1.9. The League will support legislation to apply local sales or use tax to automobiles, boats and airplanes.

1-10. The League will support legislation providing for more frequent distribution of state collected local sales tax revenues, or payment of interest to local governments for the period during which funds are held by the state.

1-11. The League will support legislation to expand the current property tax incentives for historic preservation and will oppose legislation to delete it.

1-12. The League will support a study of the current property tax exemptions and exclusions for those individuals or entities engaged in non-profit activities.

1-13. The League will seek legislation to exempt municipalities from payment of state and local sales taxes as well as state motor fuels taxes.

1.14. The League will not oppose revisions to portions of the state utility franchise tax, so long as we receive assurance, after adequate fiscal analysis, that utility franchise tax revenues to member municipalities will not be adversely affected, including future growth revenues.

1.15. The League will not oppose legislation to require state agencies and local governments that require mitigation land in enterprise tier one and tier two counties to make payments in lieu

of taxes to the county where the land is located provided such legislation also provides for the same payments in lieu of taxes to be paid to cities under similar circumstances.

1.16. The League will seek legislation to require an earlier date than the month of April for counties to select the method of sales tax distribution within a county.

1.17. The league will oppose legislation to give property tax reductions for property owners of low-income rental housing.

MUNICIPAL FINANCE

1.18 The League will support legislation allowing more flexibility in local government borrowing, such as special obligation bond financing.

1.19 The League will oppose legislation to restrict the current authority of municipalities to secure lease/purchase or installment financing.

1.20 The League will support legislation to create a grant program for local governments for new construction and expansion or renovation of qualified travel and tourism projects to be funded by a rebate of a specific portion of the state sales and entertainment taxes collected by or within the project.

1.21 The League will support legislation and a constitutional amendment, if necessary, to authorize development bond financing.

PERSONNEL

1.22 The League supports the right of municipal employers to make basic employment decisions, and will oppose any law or regulation which, either directly or indirectly, affects municipal employees' salaries, benefits or conditions of work, or which adversely affects the prerogative of each elected municipal governing body to make independent policy and budgetary decisions regarding municipal employees.

1.23 The League will oppose efforts to modify the law that prohibits a municipality from recognizing or entering into contracts with labor unions or other employee organizations. The League will oppose legislation that tends to strengthen the influence of public employee labor unions, because that is not in the public interest.

1.24 The League will oppose legislation to increase local government financed death benefits of law enforcement officers

and firefighters.

RETIREMENT

1.25 The League will oppose legislation to provide full retirement benefits for some classes of employees with a minimum length of service less than that required of other employees, or other preferential treatment. The League will oppose legislation to reduce the minimum length of service required for retirement with full benefits.

1.26 The League will support legislation to provide reasonable cost of living increases for retirees and enhanced levels of benefits if they can be funded from actuarial gains in the local retirement system. The League will oppose cost-of-living and benefit level increases that cannot be funded from available actuarial gains unless specifically authorized by a vote of the membership.

1.27 The League will support legislation to coordinate the various retirement benefits of law enforcement officers in a rational and equitable manner. The benefits are excessive, inequitable to other employees, and unduly burdensome to local taxpayers who must pay the costs. The League will support state administration of law enforcement officer retirement benefits, provided it is at the option of a municipality.

1.28 The League will seek legislation to provide that equal representation be established with the TSERS Board of Trustees by increasing the LGERS membership on the LGERS Board of Trustees to equal the membership of the TSERS Board of Trustees. The legislation shall provide that the TSERS Board of Trustees should vote on TSERS retirement issues, the LGERS Board of Trustees should vote on LGERS retirement issues and the combined boards should vote on all other issues.

1.29 The League will oppose legislation to allow other classes of employees to be eligible for disability retirement with less than five years of service.

1.30 The League will **oppose** legislation to exempt some law enforcement officers from the general rules on reduction of disability retirement payments based on later earnings.

OPEN MEETINGS

1.31 The League **supports** the principle of openness in government and specifically endorses the concept that meetings of governmental bodies should generally be open to the public. The League also **supports** reasonable provisions for closed sessions when such limitations are in the public interest. The League will

oppose legislation imposing additional statutory requirements on municipal governing bodies. The same provisions should apply to all elected state, county and municipal legislative bodies.

PUBLIC RECORDS

1.32 The League supports the principle that public records should be available to the public, but the League also supports reasonable confidentiality provisions that are in the public interest. The League will not oppose legislation that makes public records available to the general public at reasonable cost but the League will oppose legislation to diminish the proprietary value of records collected in the public interest. Special consideration should be given to proprietary rights in commercially valuable information, such as geographic information system records.

MUNICIPAL UTILITIES

1.33 The League will **oppose** legislation that would restrict the authority of municipalities to set fiscal operation policies and determine the appropriate rates, fees and service areas for municipal enterprises.

1.34 The League will oppose the imposition of state taxes or fees on municipal public enterprise operations to fund state agency operations.

1.35 The League will not oppose legislation that will require local governments to be a member of a one-call underground utilities notification center if it provides options for mandatory membership.

ELECTRIC DEREGULATION

1.36 Discussion of the proposed deregulation of the electric industry in North Carolina has been delayed because of problems with deregulation in other states and concerns about how power marketers have conducted business. Nevertheless, this issue could come to the forefront again, and any legislation could affect the entire membership of the League, positively or negatively. Accordingly the League urges the General Assembly and all affected parties to place consumer benefits foremost in any discussion of deregulation and to not move forward until assured that all consumers will benefit. If the General Assembly determines that all consumers will benefit, the League urges the incorporation of the following principles:

Fair and reasonable provisions must be included to assure repayment of outstanding public debt related to generation facilities without significant risk or possibility of default, provided that transition period rates should not be higher for any class of

service than current rates. Any credible speculation about potential default on public debt of this magnitude would do serious harm to the future ability of the State and local governments to borrow money for capital needs at reasonable interest rates.

Traditional municipal revenue sources must not be impaired, and individual municipalities must not lose revenues. If necessary, substitute revenue sources must be provided, with provisions to hold municipalities harmless against significant loss of revenue.

Municipalities must have authority to aggregate demand for electricity with other units to secure attractive rates for their citizens and taxpayers.

Reliable and universal service must be assured.

⇒ Provisions to give residential and small commercial customers access to cost savings must be included, such as phasing in the ability of different classes of customers to choose their electricity provider.

⇒ The NC Utilities Commission must retain adequate authority to prevent abuses of market power and to safeguard consumers as necessary, but electric distribution services and utility operations of municipalities must remain exempt from rate regulation by the Commission.

MUNICIPAL LIABILITY

1.37 The League will oppose efforts to abolish or restrict further the governmental immunity of municipalities from tort liability. The League will seek legislation to codify the public duty doctrine as a defense in tort actions brought against municipalities.

1.38 The League will seek legislation to create a Local Government Tort Claims Act similar to the State Tort Claims Act.

1.39 The League will support legislation prohibiting punitive damages against local governments.

1.40 The League will oppose legislation to replace the current contributory negligence doctrine with a comparative fault system.

GENERAL GOVERNMENT

1.41 The League will oppose legislation imposing upon municipalities statewide initiative and referendum procedures for municipal ordinances, and recall of municipal officials.

1.42 The League will seek legislation making appropriate technical amendments to statutes affecting municipalities.

1.43 The League will oppose legislation that would make enforcement of local ordinances more difficult.

1.44 The League will oppose a constitutional amendment or legislation that imposes term limits on local elected officials.

1.45 The League supports our existing system of representative democracy and will oppose efforts to change that system by letting the electorate propose and enact laws without action by their duly elected representatives.

1.46 The League will seek legislation to provide for representatives of municipal government on boards and commissions that oversee essential local government activities.

1.47 The League does not oppose voluntary privatization of municipal services but will oppose mandates requiring municipalities to contract with private companies for public services.

1.48 The League will oppose legislation that permits the court to award attorneys fees in condemnation actions to condemnees/or creates additional causes of action under the eminent domain statutes.

1.49 The League will seek legislation to clarify and enhance the North Carolina local government purchasing laws and authorize the use of electronic purchase and sale procedures.

1.50 The League will support legislation to revise and clarify the current conflict of interest criminal statutes.

1.51 The League will oppose legislation that preempts municipal authority unless otherwise provided by League policy.

1.52 The League will support legislation authorizing a referendum on a constitutional amendment to set a limit on the length of legislative sessions.

1.53 The League will seek legislation to allow city owned property in a redevelopment area to be conveyed to entities carrying out a public purpose in the same manner as other property.

1.54 The League will seek legislation to expand the authority of municipalities to enact by ordinance alternate modes of election of the governing board similar to the authority currently granted to counties.

ETHICS

1.55 The League **supports** ethics and good government in the State of North Carolina but will **oppose** proposals that are unduly

burdensome or restrictive, and proposals that do not include all elected officials.

MANDATES

1.56 The League will oppose legislation imposing unduly burdensome or expensive mandated requirements on municipalities unless full funding or adequate new revenue sources are provided for implementation.

1.57 The League will seek state grants for local functions or activities which have been mandated by the state, or which have been requested by state agencies and reviewed and approved by the League Board of Directors.

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Community and Economic Development

ECONOMIC DEVELOPMENT

2.1 The League will seek legislation to enhance the effectiveness of economic development efforts and broaden the authority of municipalities to participate.

2.2 The League will support continued funding of the Industrial Development Fund grant program to make it useful to more communities in creating jobs.

2.3 The League will support legislation that will promote tourism in North Carolina and in North Carolina's municipalities.

2.4 The League will support continued state appropriations to lead regional organizations (councils of governments) at current levels for economic development technical assistance to municipalities and counties, provided such funding is at the option of local government members. The League also will support a reasonable increase to restore previous funding cuts and to account for inflation.

2.5 The League will seek development of a comprehensive and integrated statewide strategy and policy for economic development that includes the appropriate role and responsibility for local governments. Local governments shall be provided an opportunity to fully participate in the development of such policy.

2.6 The League will support legislation to establish a program to provide both matching and non-matching grants based on ability to pay to municipalities for capital improvements planning to facilitate local economic growth.

2.7 The League will support legislation that will promote the

continued development of the film making industry in North Carolina and in North Carolina's municipalities.

2.8 The League will support legislation to establish standby state programs to help stimulate locally stressed economies.

2.9 The League will support legislation and administrative actions to increase exporting by North Carolina firms.

2.10 The League will support continuation of the current state income tax credit for job creation and supports expansion to increase its effectiveness for smaller businesses.

2.11 The League will seek legislation to require the North Carolina Department of Administration and other state agencies to consult with the host municipality before any decision to relocate a state office is made.

2.12 The League will support legislation that will enhance the effectiveness of downtown revitalization, provided any measures involving local incentives be offered at the discretion of local governments.

2.13 The League will seek legislation to clarify and enhance the authority of municipalities to enact and enforce commercial property minimum maintenance and appearance codes.

2.14 The League will seek amendments to enhance the effectiveness of the junked motor vehicle statutes.

2.15 The League will support the enhancement of State incentives and funding for State Development Zones and the enhancement of local economic and community development authority within those areas.

2.16 The League will support legislation implementing measures designed to revise the standards applicable to the rehabilitation and reuse of existing buildings in communities throughout the State, provided that the revisions do not compromise the safety and quality of those structures.

LAND USE PLANNING

2.17 The League acknowledges the constitutional obligations of government officials to respect private property rights and urges municipal officials to be mindful of those concerns. The League will oppose legislation that unreasonably restricts modification of current zoning or requires municipalities to pay monetary damages in connection with valid rezoning actions.

2.18 The League will support legislation to clarify and enhance the authority of municipalities to regulate outdoor advertising signs, but will oppose legislation to restrict further the authority of local officials to regulate outdoor advertising and require removal of

nonconforming signs by amortization.

2.19 The League will oppose additional legislation concerning local zoning treatment of manufactured housing since these decisions are most appropriately made at the local level. In addition, the League urges its membership in the strongest possible terms to reexamine land use practices to assure compliance with applicable statutes and case law, and consider allocating more residential land area for manufactured homes based upon local housing needs.

2.20 The League will seek legislation to enhance municipalities' ability to regulate inappropriate location of licensed alcohol establishments.

2.21 The League will support statewide legislation to authorize levy of development impact or facilities fees.

2.22 The League will oppose legislation or administrative actions that would alter the current allocation of federal Community Development Block Grant funds between housing-related purposes (approximately 80%) and economic development (20%). The League will support the enhancement of local discretion in the utilization of CDBG funds.

2.23 The League will support legislation providing authority to municipalities to require installation of private and public utility company lines inside the extraterritorial planning jurisdiction up to municipal standards.

2.24 The League will support legislation to encourage preservation of farmland and natural and scenic areas, but will oppose legislation that unreasonably infringes on the authority of local officials to make appropriate land use decisions.

2.25 The League will support legislation that will enhance the effectiveness of local historic preservation provided it does not unduly erode the local property tax base.

2.26 The League supports coordinated land use planning and efforts toward state/local cooperation.

2.27 The League will seek a technical amendment to the subdivision statutes to allow the governing body to delegate to subordinate bodies the authority to accept dedications.

2.28 The League will support legislation to require the filing of special assessment resolutions adopted pursuant to G.S. 160A-225 in the register of deeds office.

2.29 The League will support legislation to clarify and provide flexibility in the zoning notice requirements.

ANNEXATION

2.30 The League supports the existing state legislative policy that sound urban development is essential for the continued economic development of North Carolina and supports the existing legislative framework for extending municipal boundaries, which allows areas that are urban in character to be municipal and which guarantees provision of essential services to citizens in annexed areas. Municipalities are encouraged to develop annexation policy as part of the planning process and to use the authority to annex in a fair and reasonable manner. The League will continue to oppose changes in the law, either statewide or local, which would weaken the present annexation procedures or restrict annexation authority. The League will oppose new incorporations which are primarily for the purpose of preventing annexation by an existing municipality.

2.31 The League will seek legislation or rules changes to require review and recommendation by the Joint Legislative Commission on Municipal Incorporations before municipal incorporation proposals are considered by the General Assembly. It is in the interest of the State and its citizens that urban and urbanizing areas receive urban services from existing general purpose governments where possible rather than create new special districts or new municipalities to provide them.

2.32 The League will support legislation to provide that the Joint Legislative Commission on Municipal Incorporations may not make a positive recommendation for the incorporation of a proposed municipality if the proposed municipality is located within one mile of a municipality of 9,999 or less in population.

HOUSING

2.33 The League will support legislation which will facilitate access to safe, decent, and affordable housing for all North Carolina citizens, including appropriations for the Housing Trust Fund and other housing programs and transitional housing for homeless and disabled persons, and legislation to authorize incentives to developers for providing low and moderate income housing.

2.34 The League will seek statewide legislation to require improvement or demolition of buildings and structures closed on order of a building inspector, instead of boarding up and abandoning.

2.35 The League will seek legislation authorizing the exercise of the power of eminent domain to acquire property that fails to meet minimum housing code standards for the purpose of providing housing for low and moderate income persons.

2.36 The League will support legislation that provides more flexibility in conveying property to non-profit corporations for public use.

2.37 The League will support statewide legislation to authorize

municipalities to require installation and maintenance of smoke detectors.

2.38 The League will support legislation to facilitate the collection and dissemination of information that will be useful to local government officials and others in evaluating the local investment performance of financial institutions.

2.39 The League will seek amendment to G.S. 160A-443(5a) to allow housing authorities and commissions, or the governing body's designee, to exercise the authority to order further action.

2.40 The League will seek legislation allowing a municipality to serve minimum housing code orders in any manner allowed for court pleadings under the NC Rules of Civil Procedure.

2.41 The League will seek legislation to permit municipalities to demolish property at the request of a property owner and assess the cost of demolition over a period of time.

2.42 The League will support local governing body discretion as to the term of office of housing authority commissioners.

TECHNICAL ASSISTANCE

2.43 The League will support enlarged state appropriations for technical assistance to local governments in community and economic development activities, water quality efforts, land use planning, capital improvements planning and mass transit planning.

MUNICIPAL ELECTIONS

2.44 The League will oppose legislation that authorizes non-municipal residents to vote in municipal elections.

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Energy, Environment and Natural Resources

AIR QUALITY

3.1 The League will oppose legislation to allow the construction or expansion of the components of a facility that are not related to the air contamination source prior to obtaining an air quality permit.

WATER QUALITY

3.2 The League will support legislation and administrative rules establishing management strategies for water quality and resource matters, provided that any such management plan (1) fully recognizes the costs of implementation to local government and

includes fair and adequate funding, (2) is science-based and technologically feasible, (3) allows flexibility in attaining reduction goals using the most cost-effective means, and (4) applies any mandatory controls in a balanced and equitable manner, to all responsible parties in proportion to their relative contributions to the problem, and with recognition of previous reduction efforts by municipalities.

3.3 The League will support legislation and administrative rules that more effectively regulate non-municipal, particularly non-point, sources of water pollution.

3.4 Recognizing that existing safeguards and design criteria are sufficient to protect against power failure in all but the rarest of circumstances, and that it is neither feasible nor cost-effective to design for the most extreme of natural disasters, the League will oppose legislation to impose unnecessary requirements for on-site generators for wastewater treatment systems. The League will support state appropriations to provide incentives for local governments to install back-up generators.

3.5 The League will support reasonable legislation and regulations to define and establish effective riparian buffers and to protect wetlands.

3.6 Recognizing that local governments have long been partners in the enforcement of coastal regulations, the League will support legislation to prohibit the implementation of coastal shoreline regulations affecting local governments unless local officials have had sufficient involvement in the development of the proposals. Any regulations must recognize the costs of implementation to local governments, be science-based and technologically feasible, allow flexibility in attaining water quality goals using the most cost-effective means, and apply any mandatory controls in a balanced and equitable manner. The League will support the establishment of an advisory committee to the Coastal Resources Commission, composed of representatives of coastal counties and municipalities, to develop guidelines for the revision of the established areas of environmental concern and regulations governing activities within those areas.

3.7 The League will oppose legislation that has the effect of limiting municipal authority to set standards, enforce requirements, perform inspections, and impose fees for the pretreatment of wastewater, including oil and grease removal programs.

3.8 The League will support legislation making reasonable increases to state fees for sedimentation review, provided local governments to which sedimentation programs have been delegated retain the authority to set their own fees, and expanding local government jurisdiction to regulate land-disturbing public projects.

STORMWATER

3.9 The League will support legislation directing the state to focus its resources on the implementation of Phase II federal stormwater regulations before attempting to develop a more expansive regulatory program. While the consolidation and coordination of existing and future stormwater regulations is desirable, priority must be placed upon establishing criteria for Phase II. To achieve water quality goals, stormwater regulations should address all major sources of stormwater pollution, including contributions from non-urban sources and unincorporated areas of counties.

3.10 The League will support legislation to clarify municipal authority to inspect private property for illicit connections to the stormwater system.

WATERSHED PROTECTION AND WATER SUPPLY

3.11 The League will support a legislative study of public water supply issues, including watershed protection, groundwater, viability, and the transfer of water between river basins, including the impacts of both intake and discharge.

WATER AND WASTEWATER FUNDING

3.12 The League will seek increased adequate funding from state appropriations, bond issues and other revenues, to assist with critical municipal water and wastewater capital facilities, through the Clean Water Loan and Grant Fund, and to assist with water supply funding, through the Drinking Water Revolving Fund. The 20% state match to draw down the available federal funds is the minimum that must be provided.

3.13 The League will oppose efforts to divert local government funds to subsidize the state share of water and wastewater funding.

3.14 The League will not oppose reasonable, equitable and justifiable adjustments in water quality permitting and compliance fees, if the adjustments are fairly applied to all regulated point and non-point sources. The League will support additional funding from state appropriations to support water quality regulatory programs.

NATURAL RESOURCES

3.15 The League will support legislation that provides support to local governments dealing with declining natural resources and establishes dedicated funding sources for grants to preserve and restore natural resources.

ENVIRONMENTAL REGULATION

3.16 The League will seek legislation to consolidate all water and wastewater programs in the Department responsible for environmental protection.

3.17 The League will seek appropriations to provide technical assistance in the area of environmental protection.

3.18 The League recognizes that local governments are partners with the state in the protection of the environment and will seek to continue to be included in the initial development of environmental legislation and regulation and will further seek full funding or adequate revenue sources for implementation.

3.19 The League will seek legislation to provide for representation of municipal government on state environmental boards and commissions.

3.20 The League will support legislation to require that, before implementation or enforcement, operating policies developed by administrative agencies will be subject to a review process comparable to that used for adoption of administrative rules, including full opportunity for public hearing and comment.

3.21 The League will not oppose legislation authorizing "environmental excellence" agreements with regulated entities, so long as the enforcement of municipal environmental regulations that are stricter than state regulations will not be impaired by such agreements.

3.22 The League will support legislation authorizing the state to delegate selected environmental permitting and enforcement programs, provided that acceptance of such delegation is voluntary and sufficient funding resources or incentives are offered for participation.

3.23 The League will support a legislative study of the Administrative Procedures Act, particularly issues related to limiting the use of temporary rules. Such a study should address concerns regarding the lack of public input and fiscal analysis in the temporary rule process.

SOLID WASTE MANAGEMENT

3.24 Because the responsibility for managing solid waste from discarded products and packaging should be shared by the manufacturers of those products, the League will support legislation that places source reduction initiatives as its first priority. The League will support advance disposal fees or deposits on specified products, provided the revenues are earmarked for recycling and reuse of the products, the economic impacts on local governments are adequately addressed, and municipalities that operate recycling programs for such products are eligible for any state funding that may be established.

3.25 The League will support a legislative study on solid waste management issues, including incentives to encourage recycling, provided the committee includes municipal representation. The League will support beverage container deposit legislation, provided that the economic impact on local governments is adequately addressed.

3.26 The League will oppose laws and regulations (including statewide mandatory solid waste bans) that directly or indirectly affect local governments' flexibility to manage solid waste under the hierarchy set by state law, unless there is a demonstrated direct relationship to public health and safety, or unless there is adequate state funding and infrastructure resources to support such bans.

3.27 The League will oppose legislation and regulations that undercut the ability and authority of municipalities to meet established goals in the area of solid waste management and their ability to finance facilities and programs for the effective management of solid waste. The League will oppose a state tipping fee, unless equity issues are addressed and the revenues are earmarked for assisting local governments in waste stream reduction. The League will oppose legislation targeting municipalities for mandated "pay as you throw" programs.

3.28 The League will oppose legislation or regulations limiting local government flexibility in the development of their solid waste management plans.

3.29 The League will support continued funding of a revolving loan and grant program for solid waste disposal facilities.

3.30 The League will seek legislation reassigning the solid waste management administrative rulemaking authority to the Environmental Management Commission, due to the changing technical and environmental protection requirements of solid waste management.

Transportation, Communications and Public Safety

ALCOHOLIC BEVERAGES

4.1 The League will support legislation to permit inspections of ABC licensed premises by local law enforcement officers.

DRUGS

4.2 The League will support legislation to establish and fund a comprehensive statewide response to our drug problem, with emphasis on drug prevention education and rehabilitation as well as enforcement.

4.3 The League acknowledges the obligation of government officials to respect the constitutional rights of public job applicants and employees. At the same time, municipal officials recognize their responsibility to maintain public confidence in government by assuring alcohol and drug-free public work places and delivery of services in a safe manner. The League will oppose legislation which restricts, beyond the significant safeguards of the state and federal constitutions, the ability of municipal employers to administer drug and alcohol tests to applicants and employees and take appropriate personnel actions where warranted.

LAW ENFORCEMENT

4.4 The League will oppose legislation providing state courts exclusive jurisdiction over criminal forfeitures or otherwise interfering with the right of municipalities to retain a share of the proceeds.

4.5 The League will support legislation or the creation of a legislative study commission on the issue of restitution to local governments by convicted criminals for the costs of law enforcement incident to their arrest and prosecution and for the costs of providing assistance to crime victims.

4.6 The League will support reasonable proposals to strengthen the laws regulating the possession of handguns. The League will oppose legislation relaxing training standards and other requirements as provided under the concealed weapons law. The League will support legislation clarifying restrictions on the possession of concealed weapons and preserving the rights of municipalities, entities and other persons to prohibit weapons on properties owned or occupied by them.

4.7 The League will support legislation to enhance the enforceability of statutes that ban or regulate the sale and possession of automatic weapons.

4.8 The League will support creation of a legislative study committee on law enforcement officer jurisdiction, including consideration of liability issues.

4.9 The League will support legislation to repeal the 1993 statutory exemptions that made certain types of fireworks legal in North Carolina.

4.10 The League will support legislation and administrative policies which provide that direct exposure of certified law enforcement personnel, or those in training for certification, to pepper spray during training and in law enforcement operations shall not constitute a violation of the general duty clause as found in General Statute § 95-129(1).

4.11 The League will support legislation to improve the recovery of stolen property by requiring pawnbrokers and other cash

conversion operations to provide their records to law enforcement officers in an electronic format or to hold pawned or converted items for longer periods before resale.

4.12 The League will seek legislation that authorizes municipalities to access the criminal records of the National Crime Information Center database operated by the Federal Bureau of Investigation or other similar records compiled and maintained by the federal government for the purpose of performing criminal history checks on final applicants for municipal employment.

4.13 The League will support statewide legislation authorizing municipalities to use cameras to detect traffic offenses.

4.14 The League will support a legislative study to consider revising and updating the statutes affecting municipal authority to regulate taxicabs and other vehicles for hire.

TELECOMMUNICATIONS

4.15 The League will oppose legislation which is more restrictive on municipalities than the Federal Telecommunications Act of 1996.

EMERGENCY RESPONSE

4.16 The League will support a legislative study to consider issues regarding expenditure of emergency telephone system (911) funds.

PUBLIC TRANSPORTATION

4.17 The League will seek to cultivate a partnership among federal, state and local governments to promote public transportation and paratransit systems in both rural and urban areas of the state in order to provide citizens with links to employment opportunities and human services programs and to further the attainment of air quality standards.

4.18 The League will support the continuation of a state program to assist public transit and human services transportation systems with operating costs, to be financed by a dedicated revenue source, such as a fuel tax, collected statewide and distributed to both urban and rural transit systems on a formula basis. In addition, the League will support the dedication of additional funds to highway maintenance.

4.19 The League will support legislation to authorize municipalities to impose additional local option taxes dedicated to transit, such as rental vehicle gross receipts taxes, vehicle registration surcharges, parking taxes, and local option sales taxes.

4.20 The League will support a comprehensive public

transportation needs assessment and study process to build consensus on the level of need, identify revenue sources and undertake long-range planning.

4.21 The League will seek an increase in the amount of the Powell Bill funds allocated to municipalities each year.

4.22 The League will continue to oppose mandated use of Powell Bill funds for public transportation purposes.

4.23 The League will support legislation which implements the objectives set forth by the Transit 2001 Commission.

4.24 The League will support legislation which provides for the enhancement of pedestrian space and amenities, the development of bikeways, and the promotion of bicycle-friendly facilities.

4.25 The League will seek legislation which generates dedicated sources of revenue for transportation, including but not limited to mass transit, roads, bikeways and sidewalks, and authorizes municipalities to implement local option alternative techniques for the creation of revenue for transportation as described above.

4.26 The League will seek legislation that authorizes municipalities receiving state funding for public transportation systems to accumulate and hold such funds up to an amount not greater than the sum of the applicable municipality's past ten allocations.

STREETS AND HIGHWAYS

4.27 The League will support legislation to require municipal approval of withdrawals of platted streets prior to filing of a declaration of withdrawal in the register of deeds office.

4.28 The League will support legislation requiring the Department of Transportation to provide for enhanced coordination of local transportation improvements by participating in advanced planning with municipal officials concerning facility design and development, supplying technical assistance, and considering methods for protecting future rights-of-way and pedestrian space and amenities.

4.29 The League will seek legislation which adjusts the 3.5 cent "floor"/minimum rate that applies to the variable wholesale component of the motor fuel excise tax to restore and stabilize the rate charged to the levels projected at the time of its enactment and to offset revenue losses caused by the fluctuation of motor fuel prices.

4.30 The League will seek legislation which requires the Department of Transportation to pay the nonbetterment cost for the relocation of utilities that are owned by a municipality, located within the existing State highway right-of-way, that are necessary to be relocated for a State highway improvement project.

4.31 The League will oppose legislation which authorizes the operation of personal assistive mobility devices on public highways, streets, sidewalks and bicycle paths.

4.32 The League will support legislation which provides the Department of Transportation with more flexibility in the use of the Highway Trust Fund on transportation projects, provided that such flexibility does not impair currently funded projects in the Transportation Improvement Program.

4.33 The League will support legislation which creates a Toll Road and Bridge Authority, so long as such legislation provides for standard planning procedures and collaboration with units of local government and other transportation planning organizations.

RAILROADS

4.34 The League will support legislation to allow municipalities to determine the level of maintenance for railroad tracks within corporate boundaries and to require that railroads bear the total cost of constructing and improving streets in areas covered by railroad crossties.

4.35 The League will oppose legislation to remove the existing municipal authority to require the elimination of railroad grade crossings.

AIRPORTS

4.36 The League will support establishment of minimum standards regulating height of structures surrounding public airports, provided that existing airport ordinances are grandfathered and local zoning adoption and enforcement is not mandated.

4.37 The League will support state appropriations for capital and operating assistance to municipal and other public airports.

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