

ATTACHMENT A

**A RESOLUTION DECLARING THE LEGISLATIVE PRIORITIES OF THE CARRBORO
BOARD OF ALDERMEN FOR THE GENERAL ASSEMBLY
SHORT SESSION STARTING IN MAY 2008
Resolution No. 128/2007-08**

WHEREAS the General Assembly of the State of North Carolina will begin its 2008 short session in May of 2008, and

WHEREAS the Carrboro Board of Aldermen wish to express their legislative priorities for this session to the individuals and groups which represent their legislative interests, and

WHEREAS, those individuals include Carrboro's delegation to the General Assembly as well as the NC League of Municipalities and the Triangle J Council of Governments,

NOW THEREFORE BE IT RESOLVED, that the Carrboro Board of Aldermen's legislative priorities for this session, include (not in order of importance):

- 1.
 - 2.
 - 3.
- Etc.



NCLM Advocacy Agenda 2007–2008

The North Carolina League of Municipalities is a nonpartisan association of more than 530 cities, towns, and villages, established in 1908, to serve municipal officials and promote the common interests of member municipalities. The League represents nearly 100 percent of the state's municipal population.

The Advocacy Agenda addresses the key initiatives for municipalities for the 2007-2008 biennium in priority order. It was developed by our members serving on legislative action committees and our board of directors. The full membership approved the advocacy agenda in late 2006.

INFRASTRUCTURE FINANCING

The League will seek legislation to provide additional funds for municipal infrastructure, including both short term funding in the form of bonds and a long-term permanent source of revenue.

The League will seek adequate permanent and dedicated sources of revenue for infrastructure needs.

The League will seek legislation to create additional local option revenue sources for municipalities, which may be dedicated to infrastructure needs including those required for transportation, water, and sewer services.

The League will seek legislation authorizing a state bond package that includes significant funding for clean water projects and urban transportation needs.

TRANSPORTATION

Transportation funding shortfalls and the increasing cost associated with building and maintaining new roads need to be addressed at the state and local level.

The League will seek a legislative study of transportation issues, to include an evaluation of the DOT equity formula, a comparison of the total motor fuel tax collected in each county to highway trust fund expenditures, and realignment of DOT operational divisions to match regional planning needs and transportation functionality.

The League will seek legislation to prohibit transfer of Highway Trust Fund monies to the General Fund so that these funds can be directed to vital transportation needs.

PUBLIC DUTY DOCTRINE

In April 2000, two appellate court decisions removed the well-established public duty doctrine as a defense for local governments in negligence actions arising from situations where local governments have sought to provide various services in furtherance of the public health, safety, and welfare.

The League will seek legislation to codify the public duty doctrine as a defense in tort actions brought against municipalities.

PLANNING AND LAND USE **Although municipalities have statutory options for addressing substandard dwellings, they need additional authority to remedy non-residential buildings.**

The League will seek legislation to provide municipalities with additional authority to regulate non-residential dilapidated structures.

ALCOHOL BEVERAGE CONTROL (ABC) PERMITTING **Significant secondary effects can arise from the inappropriate location of alcohol establishments, yet under the current statutory framework and case law, there are substantial limitations on municipal authority to regulate such locations.**

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

ENVIRONMENT **There are ongoing conflicts between municipalities and state agencies about the state's responsibility to pay municipal stormwater utility fees for state property.**

The League will seek legislation to clarify governmental agency responsibility with regard to local government stormwater utility fees.

The state should seek a bond referendum to create a substantial source of funding to address the depletion of natural resources due to growth and development.

The League will seek legislation authorizing a statewide bond referendum for the acquisition of land for the preservation of natural resources.

PUBLIC SAFETY **Gang violence and associated activity has increased exponentially in many areas throughout the state and local governments need additional means to combat the negative impacts of this activity.**

The League will seek legislation to provide new tools and funding for gang prevention.

HOUSING **Municipalities seek to provide a wide range of housing options for their citizens to provide a high quality of life. The League supports state efforts to increase the supply of affordable housing to complement the existing efforts of local governments.**

The League will seek additional dedicated funding for affordable housing.

Ellis Hankins
Executive Director

Andrew L Romanet Jr.
General Counsel



NCLM Core Municipal Principles

The North Carolina League of Municipalities is a nonpartisan association of more than 530 cities, towns, and villages, established in 1908, to serve municipal officials and promote the common interests of member municipalities. The League represents nearly 100 percent of the state's municipal population.

The core municipal principles are the foundational beliefs and position of our member cities. They were developed by the League's legislative action committees comprised of municipal representatives and our board of directors. The full membership approved these principles in late 2006.

MUNICIPAL REVENUES

Sound municipal government requires preservation and enhancement of the existing tax and revenue structure.

The property tax, state-collected local taxes and revenues, and various local option revenue sources are all integral components of a stable, reliable and balanced revenue stream for municipalities. State-collected revenues should be distributed reasonably and equitably, providing local elected officials autonomy to best determine their use. New revenues, including those that may be obtained through local option revenue sources, are essential to meet the future needs of municipal citizens, to provide the infrastructure necessary for vital public services, and to fairly apportion the costs of growth. It is also imperative that any lost or repealed revenues be replaced, retroactively if necessary.

MUNICIPAL EXPENDITURES

Fiscal integrity and sound financial management require flexibility to borrow, invest and expend funds for public purposes.

Cities are challenged to use the funds entrusted to them in the most efficient and responsible manner possible. Flexibility in financing options and expansion of municipal investment authority provide basic tools to help meet that challenge. The capacity to determine the nature and amount of an expenditure, based upon the totality of factors involved within the unique context of each city, is essential to economic efficiency and management. Cities need discretion to fund investments in infrastructure and local improvements such as affordable housing, redevelopment projects, and business and economic incentives.

MANDATES

The state and federal governments should not enact burdensome and expensive mandates without adequate local authority, flexibility and additional financial resources for implementation and continuation.

Mandates to perform functions or activities placed upon cities by the state or federal governments, either directly or through agency or administrative action, should be accompanied by funds for their implementation and continuation. Cities should not be required to appropriate funds for particular programs or functions, or to contract with private companies for public services. Management decisions must remain in the sound discretion of the municipal governing body.

PREEMPTION

Municipalities need a broad grant of authority and flexibility to allow elected officials to make decisions that effectively and efficiently meet the ever-expanding needs of their citizens.

Voters elect municipal officials to decide significant issues in the public interest, which varies

within the unique context of each municipality. Accordingly, the League stands opposed to legislation preempting municipal authority and to measures designed to otherwise erode local control of significant municipal issues. Municipal grants of authority should be broadly construed to include supplemental powers reasonably necessary to carry out the functions.

OPEN GOVERNMENT AND ETHICAL CONDUCT

All levels of government should adhere to principles of responsible open government and ethical conduct.

The League supports the principle of openness in government and endorses the concept that meetings of governmental bodies should be open to the public. There are reasonable exceptions that should permit closed sessions when such limitations are in the public interest. Public records should also be available to the public with reasonable exceptions for protection of confidentiality that are in the public interest. Elected and appointed officials should adhere to standards of conduct that promote public confidence in our system of governance. Requirements regarding openness, access to records, conflict of interest and ethical conduct should apply across all levels of government to include state, county, and municipal bodies.

MUNICIPAL LIABILITY

Fundamental rules pertaining to the liability of governmental entities should apply across all levels of government.

Municipalities continually seek to provide a wide range of services to meet the needs of their citizens in furtherance of the public health, safety, and welfare. Accordingly, the League stands opposed to proposals placing burdensome liability upon municipalities, including measures that seek to erode well-established principles of immunity or other defenses, and to proposals unfairly imposing cost-shifting upon municipal taxpayers.

MUNICIPAL GROWTH

Healthy municipal centers are essential to the economic viability of the state. Municipalities must maintain the ability to expand and provide the higher level of services demanded by the citizens.

Cities and towns are the economic engines of the state and must be permitted to grow in an orderly and reasonable manner that supports the continued economic development of the state. New growth in and around existing municipalities should utilize existing infrastructure for the most efficient use of public revenue. Annexation ensures that all those who benefit from a municipality through use of the infrastructure, municipal amenities, proximity to jobs, commerce, and cultural resources, bear a fair share of the cost of providing those services. The legislature should not permit a new incorporation whose primary purpose is to prevent a proposed annexation without evidence of its ability to provide the necessary services. Municipalities are encouraged to enter into agreements to foster interlocal cooperation and long-range planning.

MUNICIPAL SERVICES

Municipalities require adequate authority and flexibility to finance, operate and manage essential services to protect public safety, promote sanitation, health and welfare, and improve the quality of life.

In order to serve growing urban populations with water, sewer, transportation, police protection, fire protection, solid waste, stormwater, electricity, parks and recreation, public housing, and other services, municipalities need the autonomy to make appropriate management, financial, and operational decisions. With regard to enterprise services, municipalities must be

free to determine appropriate rates and service areas, and free to determine when it is appropriate to enter into regional or multi-jurisdictional arrangements. State taxes or fees should not be imposed on municipal enterprise services. Furthermore, the power of eminent domain must be preserved as a means of acquiring property to provide municipal infrastructure, facilities, and services for the public benefit.

PLANNING AND LAND USE **Municipal planning authority must be maintained for sound growth, long-range planning and growth management.**

Long range municipal planning is an essential aspect of municipal health and economic viability. Vibrant, well-planned cities are the economic engines of the state, attracting new businesses and industries, while providing the quality of life expected by residents in and around municipalities. Public participation and private property rights are key elements of growth management. For this reason, the government closest to the people is the best venue for making land use decisions. Municipal authority must be maintained and enhanced to allow for more flexibility and options. Necessary tools for planning include the ability to zone, to review and approve buildings and new development, exercise extraterritorial jurisdiction, urban redevelopment, and economic development strategies. Municipalities must have the capability to protect and plan for infrastructure, as well as ensure that the public health, safety and welfare of the citizens are preserved.

ENVIRONMENTAL PROTECTION **For municipalities to be successful partners in environmental protection, environmental laws and regulations must be science-based, feasible, and equitable, with flexibility to comply in the most cost-effective manner.**

Local governments are partners with state and federal agencies in protecting the environment and quality of life for our citizens, serving as both regulators and members of the regulated community. As regulators, municipalities need adequate authority to set standards, enforce requirements, and perform inspections. The discretion to impose more stringent requirements than the state when necessary to protect public health or the environment must not be impaired, and delegation of any state regulatory programs must be voluntary. The state should continue to provide technical assistance to local governments as well as its share of financial resources for the implementation of environmental programs. In supporting environmental programs, local governments as well as the state should maintain the ability to make reasonable, equitable, and justifiable adjustments in permitting and compliance fees to help recover the costs of regulatory programs.

As members of the regulated community, municipalities must be allowed full participation in the development of new environmental laws and regulations. Environmental laws and regulations should be based on sound science, be technologically and economically feasible, apply equitably to all contributors of pollution, allow the flexibility to attain standards using those practices best suited to the topographical, hydrological, atmospheric, and other characteristics of the jurisdiction and provide incentives that recognize existing environmental programs. The state and federal governments should fully analyze costs associated with environmental requirements before adopting them.

Ellis Hankins
Executive Director

Andrew L Romanet Jr.
General Counsel

2008 Regional Legislative Agenda

Triangle J Council of Governments

In the North Carolina General Assembly
Priority Legislative Issues for the Triangle J Council of Governments

Each year the Triangle J Council of Governments revises and updates its Regional Legislative Agenda setting forth the priority legislative issues of its member local governments from across the seven-county area of Region J. This agenda has been compiled for the purpose of conveying vitally important information to the General Assembly for its review, consideration, and use as the legislature conducts its legislative session. After taking into consideration the various challenges that will be confronting the State of North Carolina during its 2008 Session, it is the intent of Triangle J that this Regional Legislative Agenda serve as an aid to the legislative delegations serving Lee, Chatham, Orange, Durham, Wake, Johnston and Moore Counties in assisting our cities, towns and counties with their legislative needs. The following information has been set forth in priority form for this purpose:

VERY HIGH PRIORITIES

Provide Revenue Options for Local Government: Triangle J seeks legislation that authorizes a variety of revenue options for local governments to fund municipal and county services that confront the significant growth issues of Region J. An overarching principle is that any local government revenue source that is presently available to one or more local governments in the state should be available to all local governments uniformly throughout the state. Triangle J seeks authority for local government, on a reasonable basis, to levy local option sales taxes, use a prepared food tax, apply impact fees and/or taxes, utilize land transfer fees, allow a tax exemption method to recover municipal and county sales tax expenditures rather than a system of reimbursements, etc.

Transportation Planning and Funding: Triangle J seeks legislation and funding of the myriad transportation needs within the region that are now in crisis. The region seeks the funding of planning and infrastructure needs associated with the Transportation Improvements Plan (TIP), Metropolitan Planning Organizations (MPO's), Rural Planning Organizations (RPO's), Powell Bill Funds, local transit authorities, and the Triangle Transit Authority. The region also supports legislation to revisit and update the state's Equity Formula to recognize growth, congestion and other factors bearing on the distribution of transportation dollars. Triangle J also supports legislation to provide for the funding of regional multi-modal planning of Region J's transportation needs, while further supporting adequate appropriations for road and bridge maintenance to maintain existing infrastructure. The region opposes the transfer of funds from the Highway Trust Fund to the General Fund and supports recovery of funds that were previously transferred. Any grant of additional or expanded authority to fund or maintain transportation programs by local governments must be accompanied by equivalent revenue authority from the State.

Mental Health: Triangle J supports Mental Health Reform and seeks legislation that assures local capacity to serve the needs of these citizens. The state must support local government, both financially and statutorily, to equip itself with adequate tools for crisis intervention and appropriate housing for the mentally ill to allow their integration into local communities.

Water Quality/Supply and Infrastructure: Triangle J supports legislation for the following water resource initiatives:

- Legislation directed at resolving the drought should encompass a regional approach, provide incentives for regional cooperation, and seek long-term solutions for water resource planning
- Provide incentives and/or tax relief for low income households and small businesses that install water conservation devices and fixtures
- Provide for dedicated funding of long-term water quality/supply planning and wastewater treatment needs for the region's cities, towns and counties to improve infrastructure and enable local governments to meet increasingly stringent water quality and stormwater requirements
- Continued funding for the Clean Water Management Trust Fund
- Passage of the one billion dollar state water bond with a prerequisite that conservation be a requirement of grant recipients
- Regional councils to develop and implement multi-jurisdictional water resource management planning and programs in every region of the state through the cooperation of local governments, water users, and other stakeholders. (Regional Councils will seek an appropriation of \$1.4 million in 2008 and will work with DENR and other agencies to secure this funding and will support other legislation that fosters regional planning for water infrastructure.)

HIGH PRIORITIES

School Funding Needs: Triangle J supports legislation that establishes adequate and reliable funding of public schools in North Carolina that matches needs, resources, and mandates, along with efforts to restore the ability of school districts to receive state sales tax refunds or exemptions. The region will support legislation that reverses the existing and continuing trend of insufficient operational and capital funding for public schools, and will oppose the substitution of lottery funds for the School Capital Construction Fund (ADM). Triangle J will further seek legislation to establish a Legislative Study Commission on a phased increase in the mandatory school age limit from 16 to 18.

Growth Management Strategy: Triangle J supports legislation that expands local land use tools, protects local land use authority and encourages state/regional/local cooperation to achieve sound growth rather than state mandates. The region will support the addition of local government appointees to the Legislative Oversight Committee established as a follow up to the state's Legislative Study Commission on Smart Growth, and will support the use of pilot projects as a means to demonstrate the effectiveness of incentive based planning. The local land use tools supported under such legislation would include inducements such as transfer of development rights, inclusionary zoning and housing programs, and expanded local revenue sources for community and regional infrastructure. State funding would be supported for mixed income housing, environmental programs, open space/farm land, rural economic development, downtown/main street development, and other economic development incentives.

Air Quality: Triangle J supports legislation to promote financial strategies for efforts that will reduce greenhouse gases, promotes clean air, and assist state and local government to meet attainment of EPA standards. The region supports linkage of air quality to growth management, transportation, and public health strategies to promote the use of alternative fuels and technology, avoid the adverse economic effects of pollution, and secure energy independence. Triangle J supports legislation that implements the "Air Quality Policy" recommended by the N.C. Joint Regional Forum, and the establishment of an Air Quality Trust Fund.

Homeland Security and Regional Emergency Preparedness: Triangle J supports legislation for the following Homeland Security and Regional Emergency Preparedness initiatives:

- Provide planning services for homeland security on a regional basis, and the funding of city and county needs for regional emergency preparedness
- Leadership and affirmative action from the Governor's Office, the N.C. Division of Emergency Management, and the Department of Crime Control and Public Safety for the resources necessary to assure adequate "threat assessment", sufficient communications capabilities, evacuation planning, the necessary training associated with Homeland Security, and implementation of the Criminal Justice Information Network (CJIN)
- Stronger regulatory control requiring disclosure of hazardous and toxic waste at all sites, both temporary and permanent

Indigent and Uninsured Health Care Delivery Costs: Triangle J seeks legislation to establish a legislative study commission to develop recommendations on the state's health care delivery system and the needs of the uninsured population.

Immigration: Triangle J supports legislation to establish a legislative study commission to develop recommendation on the effects of documented and undocumented immigration upon municipal and county services and how to address the many challenges these demands on local government services create.

OTHER PRIORITIES

Aging and Long Term Care Needs for the Older Population: Triangle J supports efforts to recognize the right of every North Carolina resident to have access to health care, and the restoration of Area Agency on Aging funding to the level available in 2001. Triangle J further supports legislation that:

- Provides support to address workforce shortages of direct care workers trained and paid to assist those in need of long term care
- Allow consumers to make informed decisions about nursing home placement
- Provides for improved access of older adults to dental care services, including support for the special care dental delivery model using mobile care units to serve long-term care facilities and senior centers

Mixed Income Housing: Mixed Income housing, as an element of land use planning and growth management, is key to quality of life in the region. Triangle J supports legislation that appropriates recurring funds for the North Carolina Housing Trust Fund to provide new home ownership opportunities, along with affordable rental homes for the disadvantaged.

Economic Development: Triangle J supports legislation providing for state cooperation with the region's Foreign Trade Zone activities as a link to the global trade market to assure continued economic vitality. Triangle J also supports regional transit as an important part of the region's economic development strategy.

Open Space: Triangle J supports funding of the state's One North Carolina Naturally Initiative, along with other open space and green space concerns, inclusive of increased funding for farm land preservation and other similar economic development activities. Triangle J supports the Land for Tomorrow Initiative and its proposal for a state conservation bond.

State LRO Funding: Triangle J supports legislation to increase annual funding for North Carolina's seventeen regional councils from @ \$50,000 per region to \$100,000 per region to carry out regional planning and economic development activities for local government.

Public Duty Doctrine: Triangle J supports legislation to restore application of the “Public Duty Doctrine” to local governments.

Defensive Goals and Priorities

Franchising Authority: Triangle J opposes legislation to further weaken or eliminate the ability of local government to exercise franchise authority and/or interfere with the ability of local government to protect its public rights-of-way and property.

Tax Assessment Authority: Triangle J supports current statutory authority allowing local governments to assess property for purposes of ad valorem taxation at full market value, therefore, negating any need for legislation that would exempt builders “inventory”.

Solid Waste: Triangle J opposes any legislation to further weaken the authority and/or ability of local government to operate and administer Solid Waste services.

Aging: Triangle J opposes legislation to consolidate Area Agencies on Aging as proposed by the federal government.

Transportation: Triangle J opposes the mandate of new Transportation Authority for local government without the necessary revenue sources to support these new responsibilities.

A BILL TO BE ENTITLED
AN ACT TO AMEND THE CARRBORO TOWN CHARTER TO ADD SEXUAL
ORIENTATION, GENDER IDENTIFICATION, AND GENDER EXPRESSION TO THE LIST
OF BASES UPON WHICH THE BOARD OF ALDERMEN MAY BY ORDINANCE
PROHIBIT HOUSING DISCRIMINATION

The General Assembly of North Carolina enacts:

SECTION 1. Section 10-1 of the Charter of the Town of Carrboro, being Chapter 476 of the 1987 Session Laws, is amended as follows:

Section 10-1. Housing Discrimination. The board of aldermen may adopt ordinances designed to ensure that all housing opportunities in the Town of Carrboro shall be equally available to all persons without regard to race, color, religion, sex, national origin, sexual orientation, gender identification, or gender expression. Such ordinances may regulate or prohibit any act, practice, activity or procedure related directly or indirectly to the sale or rental of public or private housing that affects or may tend to affect the availability or desirability of housing on an equal basis to all persons, without regard to race, color, religion, sex or national origin. However, ordinances adopted pursuant to the authority contained in this act shall not apply to the rental of rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence. Any ordinance passed pursuant to this authorization may be enforced by any method authorized for enforcement of ordinances generally in G.S. 160A-175. In addition, any ordinance adopted pursuant to this authorization may provide that any person aggrieved by any act, practice, activity or procedure prohibited by such ordinance may seek equitable relief in the appropriate division of the General Court of Justice.

SECTION 2. This act is effective when it becomes law.