

**A RESOLUTION SETTING THE DATE FOR THE
2012 LEGISLATIVE BREAKFAST MEETING
Draft Resolution No. 120/2011-12**

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. The Board hereby requests that the 2012 legislative breakfast meeting be set for

- 1. Monday, May 7th, 2012 at 7:30am**

Section 2. This resolution shall become effective upon adoption.

ATTACHMENT B

**A RESOLUTION DECLARING THE LEGISLATIVE PRIORITIES OF THE CARRBORO BOARD
OF ALDERMEN FOR THE GENERAL ASSEMBLY SESSION STARTING IN MAY 2012**

Draft Resolution No. 122/2011-12

WHEREAS the General Assembly of the State of North Carolina will begin its 2012 session in May of 2012, 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):

DISCUSSION OF THE 2011 LEGISLATIVE PRIORITIES AGENDA

The purpose of this agenda item was to facilitate a discussion of legislative issues to present to our local delegation at the upcoming legislative breakfast scheduled for Monday, February 21 at 7:30 am at Town Hall. The delegation may be able to pursue some of the issues presented during the current session of the NC General Assembly.

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL AND SECONDED BY ALDERMAN GIST TO APPROVE THE TRIANGLE J COUNCIL OF GOVERNMENT DRAFT LEGISLATIVE PRIORITIES. VOTE AFFIRMATIVE SIX, NEGATIVE ONE (COLEMAN).

Alderman Coleman asked that the record show that he did not support item number 10 on the Triangle J Council of Government Draft Legislative Priorities.

The following legislative priorities were discussed by the Board of Aldermen:

1. Revolving Loan Discussion
2. SBI Reform
3. Improved and More Efficient Building Codes (15%/30%), possibility of Carrboro serving as a pilot town.
4. Exploring Credit Unions for Municipal Deposits
5. Re-propose a Town Charter amendment that would add sexual orientation, gender identification and gender expression to the list of bases upon which Board of Aldermen may by ordinance prohibit housing discrimination.
6. Approval of the NCLM Agenda with the distinction that they do not approve of item #25 language reading, "and study the injection of treated water into aquifers."
7. Consider use-value taxation for urban gardens and discuss feasibility of removing the 10 acre requirement.

No votes or actions were taken to approve the above list of legislative priorities.



2011–2012 Municipal Advocacy Goals

Bulld prosperous cities and towns

Seek legislation **reforming annexation** laws that ensures the ability of a city to grow in a reasonable manner, while providing quality municipal services on a timely basis.

Seek legislation to allow municipal creation or extensions of **extra-territorial jurisdictions (ETJ) without county approval**.

Seek legislation enhancing the authority of cities to **own and operate broadband systems** for their citizens, and providing incentives for last mile **public-private partnerships**. Include authority for cities that have currently operating broadband systems to continue.

Seek legislation to allow municipalities to establish **vacant housing receivership** programs for the purpose of rehabilitating structures not meeting minimum housing standards and transferring them to responsible ownership.

Protect citizens and improve our quality of life

Support a system of **liquor sales** that maintains a local referendum about the decision to sell liquor, preserves **local control** over the location and density of liquor outlets, preserves the **local revenue** stream from liquor sales, and increases the authorized local permit fees statewide.

Seek legislation to **protect the privacy of municipal residents** by limiting public access to lists of email addresses submitted by citizens to municipalities.

Seek legislation to strengthen the role of municipalities in the approval, renewal, and revocation of **ABC permits**.

Support legislation permitting a governmental entity to seek an order of abatement where a property may have some legitimate use, but is also the source of regular **criminal nuisance activity**.

Seek legislation to grant more flexible authority for local public safety officers to **enforce ABC-related laws**.

Enhance the fiscal health of municipalities

Support legislation to **expand the sales tax base** to include services.

Seek legislation to allow all municipalities to adopt a **prepared meals and beverage tax**.

Seek legislation to: 1) require that counties conduct a public hearing before approving a resolution choosing the method of **sales tax distribution**; 2) delay the implementation of a change in method until July 1 of the calendar year following the adoption of the change; and 3) phase in the change in method over four years.

Seek legislation to allow all municipalities to adopt **impact fees** to pay for growth-related infrastructure and services.

Seek legislation to **revise the local land transfer tax** so that: 1) it can be adopted without a referendum; and 2) municipalities receive a share of the revenues.

Support legislation to **reform the municipal business privilege license tax** by: 1) eliminating exemptions and caps for specific categories of businesses; 2) specifying the appropriate bases for the tax; 3) requiring municipalities to adopt a rate schedule that applies to all types of businesses within a municipality; 4) limiting the amount of taxes paid by businesses that have business activity within a municipality but no business location within it; and 5) capping the amount of tax that can be imposed on any single business location.

Support legislation providing municipalities with the authority to impose **a fee to recover the costs of vehicle accident and fire response** from at-fault drivers and parties responsible for fires, up to a statutory maximum amount.

Make wise use of natural resources

Seek legislation creating a **state bond program** for upgrades to **water and wastewater treatment systems**, expansion of stormwater programs, and assured water supplies.

Support the **equal application of water quality management rules** that impact cities to N.C. municipalities, counties, state agencies, and private operations, require payment of city storm-water fees by all state agencies, and require maintenance of all stormwater structures by permitted entities.

Support legislation establishing a **water permitting system** that protects existing municipal withdrawals, allows for future growth, includes all withdrawers, and accounts for all downstream users.

Support legislative and regulatory efforts for **efficiencies** in water, wastewater, and stormwater **permitting processes**.

Seek legislation to classify **reclaimed water** as a resource water, and study the injection of treated water into aquifers.

Improve our transportation infrastructure

Seek legislation to allow **Powell Bill** funds to be used for **sidewalks and walking paths** that are adjacent to, but not located within, the right-of-way of state-maintained roads.

Seek legislation ensuring significant municipal decision-making authority and respect for local ordinances in the **design of transportation projects** across all NCDOT Divisions, to lower congestion, enhance quality of life, improve aesthetics, improve public safety, and bolster public health for city residents, regardless of the city's financial participation in a project.

Seek legislation to increase the existing municipal **vehicle fee for public transportation** from \$5 to a maximum of \$20, and allow it to also be used for pedestrian and bicycle projects.

Support legislation to increase funding for the **State Mobility Fund** in order to support regional congestion mitigation projects, interstate maintenance, and a Powell Bill supplement; and to provide additional funding sources for state transportation projects.

NCLM Core Municipal Principles 2011-2012

The following principles provide a foundation for advocacy and strategic planning to ensure excellence in municipal government as our North Carolina cities and towns serve their citizens and promote a "hometown" quality of life unique to North Carolina communities:

Adequate Municipal Authority

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.

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 and human resources decisions must remain in the sound discretion of the municipal governing body.

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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. Additional requirements regarding openness, access to records, conflicts of interest and ethical conduct should not be applied to local governments only.

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 inter-local 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, human resources, 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.

MORE

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, practices 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, practices 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.

This League endorses and supports the current National Municipal Policy and will actively support NLC efforts with respect to federal legislation and issues unless there is a clear conflict with the adopted policies of this League.



2011–2012 Municipal Advocacy Goals Additions

These changes/additions were given to and approved by the NCLM Board of Directors on March 24, 2011 following discussions by the Legislative Action Committees.

- Seek legislation to give municipalities the option to use electronic legal public notices in lieu of publication in a newspaper.
- Seek legislation to ban all internet sweepstakes operations.
- Support legislation maintaining the fiscal integrity of the Local Government Employees' Retirement System and its defined benefit structure, which promotes reasonable pension reforms that are prospective in nature, and tailored to meet the needs of local employees and retirees.
- Seek legislation to mandate that counties share state-collected E911 revenue with municipalities, providing existing E911 dispatch centers functioning as Primary or Secondary Public Safety Answering Point (PSAP) contingent upon all jurisdictions (county or municipal) receiving funding meet levels of service requirements and use highly trained personnel and modern technology.
- Support legislation to maintain funding for Historical Black Colleges/ Universities (HBCUs) and Community Colleges.
- Support legislation to authorize local governments to award contracts to local bidders until specified circumstances.
- Support legislation to promote the reporting of criminal activity to 911 centers by protecting the confidentiality of callers through the use of either transcripts or alteration of voices on recordings to prevent caller recognition, and making appropriate amendments to public records laws.
- Support study of the Economic Development Tier system and how it applies to all municipalities in terms of funding and/or services.