

ATTACHMENT A

**A RESOLUTION DECLARING THE LEGISLATIVE PRIORITIES OF THE
CARRBORO BOARD OF ALDERMEN FOR THE
GENERAL ASSEMBLY SESSION STARTING IN JANUARY 2009
Resolution No. 60/2008-09**

WHEREAS the General Assembly of the State of North Carolina will begin its 2009 session in January of 2009, 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):

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. Support for the Triangle J Council of Governments' 2008 Regional Legislative Agenda, except where noted below.
2. Support for the N.C. League of Municipalities' Legislative Agenda, except where noted below.
3. Support for energy efficiency standards for residential and commercial construction.
4. Support for the Climate Change Commission recommendations.
5. Support for additional taxes to fund regional public transit, including a commuter rail system.
6. Support for increased funding for the N.C. Housing Trust Fund.
7. Support for increased medical benefits for uninsured children.
8. Support for greater state-wide funds for mass transportation including:
 - a) Connections between Durham/Chapel Hill/Raleigh
 - b) Greater funds for buses
 - c) Program that connects and discusses more public transit east to Raleigh/Durham.
9. Opposition to any tax scheme that does not allow cities and counties to tax undeveloped property when it is subdivided.
10. Support for additional funding and legislation to help mentally ill people and support for Freedom House's request for state funding.
11. Continued support of Senator Kinnaird's living wage legislation.
12. Support for a ban on smoking in public facilities in North Carolina.
13. Support for Carrboro's proposed campaign finance bill...
14. Continued support for the various child care subsidy programs and early childhood subsidy programs, including low-wealth schools.
15. Support for a Town Charter amendment 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.
16. Support for the repeal of State Statute 95-98 which prohibits collective bargaining by public employees.
17. Support for the Land for Tomorrow initiative.

18. Opposition to state funding or participation in the Federal 287(g) program, and review of the effectiveness of that program.
19. Request for a comprehensive water resource conservation/efficiency requirements and land use planning requirements.
20. Request for increased energy efficiency and conservation legislation and opposition to additional coal and nuclear power facilities being established.
21. Support for a Town Charter amendment to allow entering private property for illicit discharge inspections.
22. Support for consumer protection legislation and opposition to predatory lending practices, and strengthening of laws dealing with foreclosures.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of April 2008:

Ayes: Mark Chilton, Dan Coleman, Randee Haven-O'Donnell, John Herrera, Jacquelyn Gist, Lydia Lavelle

Noes: None

Absent or Excused: Joal Hall Broun

NCLM Advocacy Agenda 2009–2010

INFRASTRUCTURE FINANCING

Securing a strong foundation for North Carolina's future — roads, bridges, transportation systems, water, sewer and stormwater facilities, and affordable housing — is both a local challenge and a statewide concern. These concerns must be answered with a state/local partnership. Current capital needs for the replacement of deteriorating systems, increasing demands for urban services, and environmental upgrades and system improvements far exceed available resources. Cities need permanent and dedicated sources of revenue.

The League will seek legislation to provide additional funds for municipal infrastructure, including long term permanent sources of dedicated revenue, additional local option revenue sources, and state bond packages for infrastructure needs.

PROTECTION OF PUBLIC INFRASTRUCTURE

Caused in part by the soaring value of recyclable metals, municipalities are experiencing an increase in the theft of materials which comprise public infrastructure. In addition to the economic loss associated with theft, threats to property and personal safety result.

The League will seek legislation to increase the criminal penalties associated with the theft, and subsequent sale and purchase of items of public infrastructure.

ELECTRONIC NOTICES

Notice for public hearings has long been provided through publication in newspapers of general circulation. In the 21st Century, effective means for providing notice are now available that are considerably less expensive to the governments required to provide them.

The League will seek legislation to authorize municipalities to use the option of electronic means to provide public notice for certain public hearings.

ALCOHOLIC BEVERAGE CONTROL

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.

WATER

North Carolina's rapid growth and limited water resources may require policy changes to ensure efficient use and an adequate, sustainable water supply for all uses. A comprehensive understanding of all water uses and water resources is essential to sound public policy. Many large water users are not required to report or obtain a permit for water withdrawals. The state should fund a baseline study, including data collection, to quantify water use for all users and help determine water availability. State policy should support expanded use of existing water resources, such as reclaimed water.

The League will seek legislation or administrative changes to provide for the gathering of data for all water withdrawals sufficient for basinwide modeling and future allocation decisions.

The League will seek legislation or administrative changes to redefine reclaimed treated water as a resource for non-potable purposes.

ENERGY

Local governments increasingly seek to implement “green” and sustainable practices in municipal buildings and operations and to promote the most efficient and affordable use of all sources of energy within their jurisdictions. With the growth of renewable energy facilities, local governments need the appropriate tools to address how these facilities fit into comprehensive land use plans for their communities.

The League will seek legislation to enhance the ability of municipalities to implement energy-efficient practices and programs, and to remove obstacles to doing so, through incentives, funding and research. The League will further seek to clarify local government land use authority as to renewable energy facilities.

SANITARY SEWER OVERFLOWS

Recent administrative changes direct issuance of notices of violation for each sanitary sewer overflow regardless of whether the system is following an effective operation and avoidance plan. No statewide policy exists for ensuring consistent decisions among the regions. Civil penalties drain resources for system improvements and should be issued consistent with appropriate guidelines.

The League will seek legislation or administrative changes to address inequities and inconsistencies in the issuance of notices of violation and civil penalties for sanitary sewer overflows.

STORMWATER FEES

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 codify the obligation of governmental agencies with regard to payment of local government stormwater utility fees for agency facilities.



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



2009 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 2009 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 by resolution 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 for the myriad of multi-modal 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 Crisis: 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 managing water resources 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 dedicated funding and grants for 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 2009 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. Triangle J supports state funding for mixed income housing opportunities, 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. Triangle J supports legislation that creates a state policy for alternative energy job creation and independence through business incentives, and the use of North Carolina's universities and their research capabilities.

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 state conservation of land and water resources.

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

Withholding of Local Funding: Triangle J strongly opposes the withholding of local government funds to balance any shortfalls in the state budget.

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.