

MEMORANDUM

TO: Mayor and Town Council

FROM: Ralph D. Karpinos, Town Attorney

SUBJECT: Continuation of Discussion of 2010 Legislative Issues

DATE: March 8, 2010

PURPOSE

Tonight the Town Council may continue its discussion of potential issues for the 2010 Session of the North Carolina General Assembly and consider whether to schedule a public hearing to receive comment on any potential legislative requests.

BACKGROUND

On February 3, 2010 the Council, as part its initial Budget Forum, began discussion of potential legislative proposals for the 2010 Session of the General Assembly. As noted in the report for that Forum, the General Assembly will convene May 12 for a "Short Session". Items for consideration this year are limited pursuant to the language of Resolution 2009-33 (Attachment 1).

Also attached are the resolutions adopted by the Town Council establishing the Town's Legislative Agenda for the previous two sessions of the General Assembly. (Attachments 2 and 3)

DISCUSSION

On February 3, members of the Town Council noted the following two issues as potential topics for new local legislation:

1. *The tax valuation schedule disparity between Orange and Durham Counties and the impact of that disparity.* This matter was discussed last year as a potential legislative issue. The Council deferred discussing the issue with the Legislative Delegation after receiving a copy of N.C.G.S. Sec. 105-328. (Attachment 4) That statute includes a procedure for making "horizontal adjustments" to "equalize the appraisal and assessment values" in a municipality in two or more counties. G.S. 105-328(a). Last year, there was no further consideration of this provision and the issue was not brought up again for discussion by the Council until last month's Budget Forum.

2. *Modification of the Town's procedure for filling mid-term Council vacancies.* On February 3, members of the Council indicated an interest in having an extended discussion on this issue and considering modification of local application procedures in addition to the possibility of seeking legislative authority for special elections as an alternative method of filling Council vacancies. Depending on what changes are proposed, legislative action may be necessary.

Because the General Assembly's consideration of local legislation is limited this year and because both of these issues may need further discussion, the Council may wish to schedule a time for such a discussion and receive additional information before requesting special legislation on these two matters.

On February 22, during the public forum on the use and possible regulation of the use of cell phones by operators of motor vehicles, Council members indicated an interest in discussing the issue with the Delegation, including asking about the possibility of further state-wide restrictions on use of such devices.

One other issue that has been identified by Town Staff is an interest in being added to Session Law 2009-149. That law, enacted last year, grants to Raleigh and Winston-Salem certain exemptions from bidding and some otherwise applicable procedures for projects associated with energy efficiency and renewable energy. (Attachment 5)

NEXT STEPS

A meeting with the Town's legislative delegation has been scheduled for March 11. Issues of interest to the Council may be brought up at that time. The Council will then have an opportunity to adopt a resolution establishing its legislative agenda for the 2010 Session of the General Assembly. In past years, in addition to requests for local legislation, the Council has often used the meeting and its legislative agenda to express its position on issues of statewide interest under discussion in the General Assembly.

RECOMMENDATION

That the Council identify legislative issues of interest this evening. If there are specific items proposed for local legislation, following the Council's upcoming meeting with the Legislative Delegation, the Council can invite public comment on these issues and then adopt a program to be submitted to the Delegation for its consideration.

ATTACHMENTS

1. General Assembly Resolution 2009-33
http://townhall.townofchapelhill.org/agendas/2010/02/03/1a/1a-4-legislative_agenda-bpf.pdf
2. Council Resolution 2008-05-05 R10
http://townhall.townofchapelhill.org/agendas/2008/05/05/11/2008-05-05_r10_amended.htm
3. Council Resolution 2009-03-09
http://townhall.townofchapelhill.org/agendas/2009/03/09/11/2009-03-09_r13.htm
4. N.C. General Statute Sec. 105-328
http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_105/GS_105-328.html
5. Session Law 2009-149
<http://www.ncga.state.nc.us/Sessions/2009/Bills/House/PDF/H464v5.pdf>