

## 2005 Municipal Legislative Goals and Policies

These goals and policies will be published in the League's 2005 Municipal Goals and Policies brochure. Click [here](#) for additional 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

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.
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.
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 If revenue sources are repealed, lost revenues must be replaced under a hold harmless formula that will replace revenue to all municipalities on a dollar-for-dollar basis with an adequate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 The League will **seek** new revenue sources to replace repealed and/or reimbursed revenue sources.
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.
5. Municipalities are in need of independent, secure revenue sources to meet ongoing demands of their citizens for

13

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.

6. The League will **oppose** consolidation of the state and local sales taxes.
7. The League will **oppose** legislation to limit cities' authority to impose fees reasonably related to the cost of local regulatory programs.
8. The League will **support** a study of the current property tax exemptions and exclusions for those individuals or entities engaged in non-profit activities.
9. The League will **seek** legislation to exempt municipalities from payment of state and local sales taxes as well as state motor fuels taxes.
10. 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.
11. 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.

#### ***MUNICIPAL FINANCE***

12. The League will **support** legislation allowing more flexibility in local government borrowing, such as special obligation bond financing.
13. The League will **oppose** legislation to restrict the current authority of municipalities to secure lease/purchase or installment financing.
14. 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.
15. The League will **seek** legislation to expand municipal

investment authority to include investment in asset-backed securities.

16. The League will **support** efforts to enhance compliance with existing sales tax regulations and the accuracy of distributions to local governments. To this end, the League will **support** further study of the administrative efforts of the State Sales Tax Division with particular emphasis on audit processes, impacts of sales tax refunds, and access to increased sales tax records by local governments.

### **PERSONNEL**

17. 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.
18. 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.
19. The League will **oppose** legislation to increase local government financed death benefits of law enforcement officers and firefighters.

### **RETIREMENT**

20. 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.
21. 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.
22. 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.
23. 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.
24. The League will **oppose** legislation authorizing municipal governing bodies to elect individually and pay higher employer contributions for full-unreduced retirement benefits with fewer years of service. The League membership believes that it is in the best interests of all municipalities and the LGERS to continue a uniform statewide system of retirement benefits for all municipal employees.

#### **OPEN MEETINGS**

25. 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.
26. The League will **seek** legislation to clarify that location, purpose and ownership of property is a material term of a contract within the meaning of the closed session provisions of the open meetings law.

#### **PUBLIC RECORDS**

27. 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***

28. 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.
29. The League will **oppose** the imposition of state taxes or fees on municipal public enterprise operations to fund state agency operations.
30. 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 to mandatory membership.

### ***ELECTRIC DEREGULATION***

31. 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***

32. 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.
  
33. The League will **seek** legislation to create a Local Government Tort Claims Act similar to the State Tort Claims Act.

### ***GENERAL GOVERNMENT***

34. The League will **oppose** legislation imposing upon

municipalities' statewide initiative and referendum procedures for municipal ordinances, and recall of municipal officials.

35. The League will **seek** legislation making appropriate technical amendments to statutes affecting municipalities.
36. The League will **oppose** legislation that would make enforcement of local ordinances more difficult.
37. The League will **oppose** a constitutional amendment or legislation that imposes term limits on local elected officials.
38. 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.
39. The League will **seek** legislation to provide for representatives of municipal government on boards and commissions that oversee essential local government activities.
40. The League **does not oppose** voluntary privatization of municipal services but will **oppose** mandates requiring municipalities to contract with private companies for public services.
41. 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.
42. 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.
43. The League will **oppose** legislation that preempts municipal authority unless otherwise provided by League policy.
44. The League will **support** legislation authorizing a referendum on a constitutional amendment to set a limit on the length of legislative sessions.
45. 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.
46. The League will **support** statewide legislation to authorize municipalities to enact ordinances prohibiting discrimination in employment, housing and public accommodations that are substantially equivalent to applicable federal law, including necessary enforcement provisions, and to participate in work-

sharing agreements with the state and federal governments.

47. The League will **support** legislation to authorize regional councils of government to acquire interests in real property as a more cost effective use of public funds for the limited purposes of office space and program responsibilities.

### ***ETHICS***

48. 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***

49. 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.

50. 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.

[\[Back to top\]](#)

## **Community and Economic Development**

### ***ECONOMIC DEVELOPMENT***

1. The League will **seek** legislation to enhance the effectiveness of economic development efforts and broaden the authority of municipalities to participate.
2. The League will **support** continued funding of the Industrial Development Fund grant program to make it useful to more communities in creating jobs.
3. The League will **support** legislation that will promote tourism in North Carolina and in North Carolina's municipalities.
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.



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.
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.
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.
8. The League will **support** legislation to establish standby state programs to help stimulate locally stressed economies.
9. The League will **support** legislation and administrative actions to increase exporting by North Carolina firms.
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.
11. 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.
12. The League will **seek** legislation to clarify and enhance the authority of municipalities to enact and enforce commercial property minimum maintenance and appearance codes.
13. The League will **seek** amendments to enhance the effectiveness of the junked motor vehicle statutes.
14. 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.
15. 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**

16. The League acknowledges the constitutional obligations of

(21)

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.

17. 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.
18. The League will **seek** legislation to enhance municipalities' ability to regulate inappropriate location of licensed alcohol establishments.
19. The League will **support** statewide legislation to authorize levy of development impact or facilities fees.
20. 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.
21. 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.
22. 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.
23. 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.
24. The League **supports** coordinated land use planning and efforts toward state/local cooperation.
25. 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.

22

### **ANNEXATION**

26. 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 that are primarily for the purpose of preventing annexation by an existing municipality.
27. The League will **seek** legislation or rules changes to require review and a positive 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.
28. 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**

29. The League will **support** legislation that 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, legislation to authorize incentives to developers for providing low and moderate income housing, and legislation designed to promote home ownership, including programs and measures enhancing the ability of municipalities to help citizens transition from rental housing to home ownership.
30. 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.

23

31. 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.
32. 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.
33. 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.
34. 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.
35. The League will **support** legislation to authorize redevelopment commissions and city councils acting as redevelopment commissions to use the quick-take procedure for acquisition of property in redevelopment areas for housing purposes.
36. The League will **support** legislation authorizing redevelopment commissions and city councils acting as redevelopment commissions to convey acquired property by private negotiation and sale to a nonprofit corporation for the purpose of providing affordable housing in a redevelopment area.

#### **TECHNICAL ASSISTANCE**

37. 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.

#### **EXTRATERRITORIAL JURISDICTION**

38. The League will **oppose** legislation that authorizes non-municipal residents to vote in municipal elections.
39. The League will **seek** legislation to provide that all municipalities shall be authorized to exercise extraterritorial jurisdiction based on population without requiring agreement of the county, so long as the municipality has adopted and is enforcing a zoning ordinance and subdivision regulations.

[\[Back to top\]](#)

## **Energy, Environment and Natural Resources**

**AIR QUALITY**

1. The League will **support** legislation to create a Clean Air Trust Fund that will provide grants to support local government efforts to improve air quality, including in nonattainment designated areas. The League will **support** legislation to clarify the role of municipalities subject to air quality nonattainment designations and associated regulatory requirements.
2. The League will **support** additional state resources to assist local governments with identification of best management practices to improve and protect air quality and with the implementation of air quality programs. The League will **support** the creation of state infrastructure to increase the availability of alternative fuels.
3. To achieve air quality goals, the League will **support** reasonable regulation of all major sources of air pollution, including contributions from off-road and diesel engine mobile sources.

**WATER QUALITY**

4. 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.
5. The League will **support** legislation and administrative rules that more effectively regulate non-municipal, particularly non-point, sources of water pollution.
6. The League will **oppose** legislation to impose on water and wastewater systems unnecessary requirements designed to respond to the most extreme of natural disasters. The League will **support** state appropriations to provide incentives for local governments that wish to address alternative power supplies and other issues related to natural disaster response.

7. The League will **support** reasonable legislation and regulations to define and establish effective riparian buffers and to protect wetlands.
  
8. 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. As a supplement to the Coastal Resources Advisory Commission, The League will **support** the establishment of an advisory committee to the Coastal Resources Commission, composed solely 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.
  
9. 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.
  
10. The League will **support** legislation making reasonable, equitable and justifiable increases to state fees to reflect administrative costs 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.

#### **WATERSHED PROTECTION AND WATER SUPPLY**

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**

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.

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

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.

15. The League believes that interconnection of municipal water or wastewater systems with other systems, public or private, is a decision best made at the local level by the owners and operators of those systems. The feasibility of interconnection can only be determined on a case-by-case basis, and complex technical, regulatory, contractual and financial issues must be resolved. The League will **support** legislation encouraging voluntary interconnection for drought management and other purposes or offering incentives for voluntary cooperation, but will **oppose** legislation granting state agencies the authority to mandate the interconnection of municipal water or wastewater systems.

### **NATURAL RESOURCES**

16. 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.

17. The League will **support** legislation granting statewide authority to local governments for tree protection ordinances within their land-use jurisdictions.

### **ENVIRONMENTAL REGULATION**

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

19. 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.

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

21. 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.

22. 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.

23. 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.

24. 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***

25. 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.

26. 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.

27. 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.

28. 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.

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

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

31. 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.

[\[Back to top\]](#)

## ***Transportation, Communications and Public Safety***

### ***ALCOHOLIC BEVERAGES***

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

### ***DRUGS***

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.
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. 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.
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.
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.
7. The League will **support** legislation to enhance the enforceability of statutes that ban or regulate the sale and possession of automatic weapons.
8. 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).
9. The League will **support** statewide legislation authorizing municipalities to use cameras to detect traffic offenses.
10. 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.
11. The League will **support** legislation that clarifies municipal authority to regulate solicitation on state roadways within municipal boundaries.
12. The League will **oppose** legislation that preempts municipal authority to regulate personal watercraft.

**TELECOMMUNICATIONS**

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

#### **EMERGENCY RESPONSE**

14. The League will **support** a legislative study to consider issues regarding expenditure of emergency telephone system (911) funds.
15. The League will **support** efforts to ensure an appropriate role for municipalities in the federal and state Homeland Security funding process for first responders.

#### **PUBLIC TRANSPORTATION**

16. 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.
17. The League will **support** legislation that promotes the development of transportation infrastructure that will provide for the safe and efficient movement of people and goods to the State seaports, airports, and other transportation hubs, so as to encourage and maintain economic growth and vitality within the state.
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.
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.
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.
21. 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.

22. 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.

23. 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***

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

25. 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.

26. 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.

27. 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.

28. 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.

29. The League acknowledges the need for comprehensive access management planning in order to preserve the mobility function of new highways and to restore mobility to existing roads already impacted. At the same time, the need to provide efficient, safe and timely travel must be balanced with the need to allow access to the individual destination. Provided that local officials will have a significant role in establishing the proper balance between mobility and accessibility, and will be involved in

32

prioritization and funding decisions, the League will **support** legislation that creates and funds an access management retrofit program to restore mobility and improve access and safety along currently impacted highway corridors, and the League will **support** legislation which makes Highway Trust Fund monies available for alternative access and access management retrofit programs for intrastate highways.

### ***RAILROADS***

30. 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.

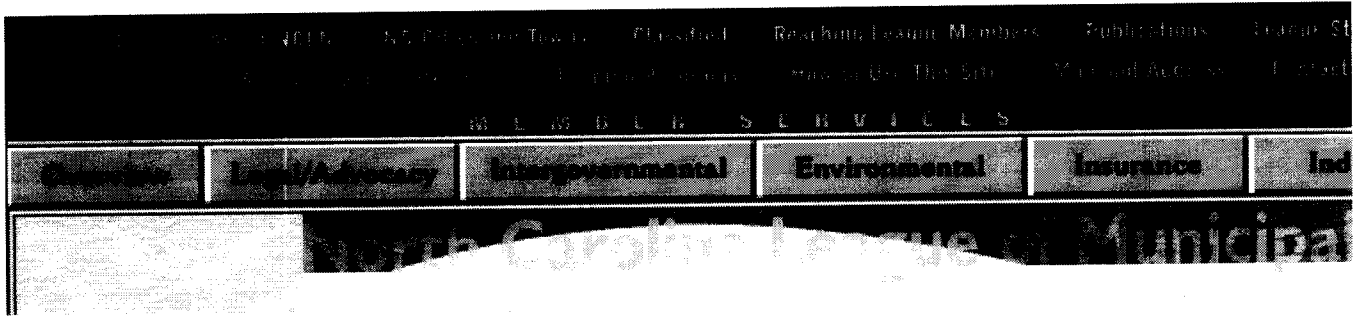
31. The League will **oppose** legislation to remove the existing municipal authority to require the elimination of railroad grade crossings.

### ***AIRPORTS***

32. 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.

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

[\[Back to top\]](#)



## **2005 Additional Municipal Legislative Goals and Policies**

### **Finance, Administration and Intergovernmental Relations**

#### ***MUNICIPAL REVENUES***

1. 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.
2. The League will **support** legislation to apply local sales or use tax to automobiles, boats and airplanes.
3. The League will **support** legislation to expand the current property tax incentives for historic preservation and will oppose legislation to delete it.
4. The league will **oppose** legislation to give property tax reductions for property owners of low-income rental housing.

#### ***PERSONNEL***

5. The League will **oppose** legislation that proposes statewide qualifications for municipal employees unless the League determines there is a compelling State reason for such qualifications.

#### ***RETIREMENT***

6. The League will **oppose** legislation to allow other classes of employees to be eligible for disability retirement with less than five years of service.
7. 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.

### ***MUNICIPAL LIABILITY***

8. The League will **support** legislation prohibiting punitive damages against local governments.
9. The League will **oppose** legislation to replace the current contributory negligence doctrine with a comparative fault system.

### ***GENERAL GOVERNMENT***

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

### ***ETHICS***

11. 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***

12. 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.
13. 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.

[\[Back to top\]](#)

## **Community and Economic Development**

### ***ECONOMIC DEVELOPMENT***

1. 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.

### ***LAND USE PLANNING***

2. 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.
3. The League will **support** legislation to clarify and provide flexibility in the zoning notice requirements.

### **HOUSING**

4. The League will **support** legislation that provides more flexibility in conveying property to non-profit corporations for public use.
5. The League will **support** statewide legislation to authorize municipalities to require installation and maintenance of smoke detectors.
6. 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.
7. The League will **support** local governing body discretion as to the term of office of housing authority commissioners:

[\[Back to top\]](#)

### **Energy, Environment and Natural Resources**

#### **STORMWATER**

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

#### **ENVIRONMENTAL REGULATION**

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

[\[Back to top\]](#)

### **Transportation, Communications and Public Safety**

#### **LAW ENFORCEMENT**

1. The League will **support** creation of a legislative study committee on law enforcement officer jurisdiction, including consideration of liability issues.
2. The League will **support** legislation to repeal the 1993 statutory exemptions that made certain types of fireworks legal in North Carolina.
3. 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



36

officers in an electronic format or to hold pawned or converted items for longer periods before resale.

#### **PUBLIC TRANSPORTATION**

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

#### **STREETS AND HIGHWAYS**

5. The League will **support** 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.

[\[Back to top\]](#)