



CITY OF DURHAM

**City Council Legislative Committee Meeting
Durham City Hall
101 City Hall Plaza
Durham, North Carolina**

**Monday, April 16, 2012
5:30 p.m.**

AGENDA

Call to Order

Committee Members: Mayor Bell, Mayor Pro Tem Cole-McFadden, Councilman Eugene Brown, Councilman Mike Woodard

Presentation of Legislative Proposals

- City Administration Local Bill
An Act to Incorporate Statutory Bases for Making Assessments into City of Durham Charter Section 77 – “*Flexibility with Assessments*” (Public Works)
- City Council Local Bill
An Act to Establish a Minimum Presumptive Pretrial Bond for Firearms Offenses (Mayor Bell)
- City Administration Statewide Bill
An Act to Amend GS 115C-437 – “*Collection of Civil Penalties*” (Finance)
- City Administration Statewide Resolution
- Other
Maintain Municipality’s Flexibility with Debt issuance

Closing Remarks & Adjournment

Good Things are Happening in Durham

**City of Durham
Legislative Committee Meeting
April 16, 2012**

**Proposed Legislative Agenda
for
2012 Short Session**

City Administration Local Bill

- **An Act to Incorporate Statutory Bases for Making Assessments into City of Durham Charter Section 77 – “Flexibility with Assessments” (Public Works)**

Rationale: The City is addressing “failed developments” and Section 77 of the City’s Charter doesn’t allow the City Council flexibility when assessing property owners/developments. Assessments are currently based on per foot frontage.

The City is seeking a charter amendment that will allow the City Council to have greater flexibility in making assessments against parcels and will be able to make future assessments in a manner that is more closely linked to the benefits bestowed on particular properties by the constructed improvements. These assessments are applicable to water, sewer, street, sidewalks, grass plot, lighting and waterfront improvements. (See Attachment 1)

City Council Local Bill

- **An Act to Establish a Minimum Presumptive Pretrial Bond for Firearms Offenses (Mayor Bell)**

Rationale: In an effort to deter the illegal use, possession and discharge of firearms in Durham; Section 15A-533 is recommended for revision. (See Attachment 2)

City Administration Statewide Bill

- **An Act to Amend GS 115C-437 – “Collection of Civil Penalties” (Finance)**

Rationale: N.C. General Statute requires the City of Durham to pay the “clear proceeds” of certain civil penalties, fines, and forfeitures to the local School Board. Under the statute, the City must pass through to the School Board the full amount of fees and fines, minus the actual costs of collection, not to exceed 10% of the amounts collected.

The City is seeking a change that will allow it to have the authority to negotiate an agreement with Durham Public Schools Board of Education to retain an amount that may exceed the current limit of 10%. (See Attachment 3)

City Administration Statewide Resolution

- **Resolution to support an amendment to the N.C. General Statutes to require new or expanding municipal roads to comply with Rules 15A NCAC 02B .0233 and .0242 for compliance with the Falls Water Supply Nutrient Strategy, and to give local governments similar flexibility in compliance as given to the N.C. Department of Transportation (Public Works)**

Rationale: The current requirements for local governments in the Falls Lake Basin are significantly more stringent than they are for N.C.DOT and for all road projects in the Jordan Lake Basin.

The City is requesting a change in nutrient reduction requirements for construction of new and widened roads in the Falls Lake Basin by local governments to parallel the requirements N.C.DOT must meet for state roads in the Falls and Jordan basins. Proposed changes would reduce the time and cost of local road construction that will occur when nutrient reduction requirements in the Falls Basin become effective July 15, 2012. If not changed, the current requirements would make local road projects extremely difficult to construct, thus impacting local economies and jobs. **(See Attachment 4)**

Other

- **Maintain Municipality's Flexibility with Debt issuance (Finance)**

Rationale: Local finance officials have become aware of various initiatives/campaigns to potentially change debt issuance authority for local jurisdictions. The current structure in North Carolina requires approval by the Local Government Commission (LGC) prior to cities being allowed to issue any debt. N.C. already has the most state oversight of debt transactions than anywhere else in the Country and has a higher percentage of AAA rated cities than seen anywhere else. Additional rules, regulations or requirements will add unnecessary restrictions that will further drive up the cost of borrowing for cities and could, in some instances, eliminate the ability for local governments to fund necessary capital projects further slowing economic growth in the State.

The City of Durham is asking the Durham Delegation to **oppose** any proposed legislation that might attempt to limit a City's flexibility and/or ability to issue debt. Any legislation that impacts debt flexibility might limit our ability to move expeditiously when the need arises.