

CITY OF WINSTON-SALEM

NORTH CAROLINA



**CITY COUNCIL
LOCAL LEGISLATIVE ISSUES**

**2019 SESSION OF THE
NORTH CAROLINA GENERAL ASSEMBLY**

CITY OF WINSTON-SALEM

2019 LEGISLATIVE PRIORITIES

- Tab 1:** A Bill to Be Entitled An Act Allowing the City of Winston-Salem to Sell Real Property for the Purpose of Increasing the Supply of Affordable Housing for Low and Moderate Income Persons upon such terms and conditions it deems wise.
- Tab 2:** A Bill to Be Entitled An Act to Ban Electronic Machines or Devices for Sweepstakes.
- Tab 3:** A Bill to Be Entitled An Act to Limit Electronic Machines or Devices Not Prohibited by Article 37 to No More than Four Machines Per Location.
- Tab 4:** A Bill to Be Entitled An Act to Clarify How Business Bodies in Winston-Salem May Conduct Business During Meetings Involving Simultaneous Communications.
- Tab 5:** A Bill to Be Entitled An Act to Modify the Process for Filling Vacancies on the City Council of the City of Winston-Salem.
- Tab 6:** A Bill to Be Entitled An Act to Establish a Petition Process for Vacancies Filled by the City Council in 2018 or 2019.
- Tab 7:** A Bill to Be Entitled an Act Amending the Winston-Salem City Charter Regarding Time of Election.
- Tab 8:** A Bill to Be Entitled An Act to Amend §132-1.4A Law Enforcement Agency Recordings and §143-318.11(A) Closed Sessions.
- Tab 9:** A Bill to Be Entitled An Act to Authorize the Municipalities to Levy An Additional One-Quarter Percent Sales and Use Tax.
- Tab 10:** A Resolution of the Winston-Salem City Council Requesting a Legislative Study Committee to Examine the Need for Backup Generators for Medical Offices.
- Tab 11:** A Resolution of the Winston-Salem City Council Requesting Additional Revenue Options.

City Council – Action Request Form

Date: December 3, 2018

To: The City Manager

From: Angela I. Carmon, City Attorney

Council Action Requested:

City of Winston-Salem 2019 Legislative Priorities

Strategic Focus Area: Economic Vitality and Diversity

Strategic Objective: No

Strategic Plan Action Item: No

Key Work Item: No



Summary of Information: The North Carolina General Assembly will formally convene on January 23, 2019. The attached bills and resolutions are recommended for inclusion in the City's 2019 Legislative Priorities package. The bills are as follows:

1. A Bill to Be Entitled An Act Allowing the City of Winston-Salem to sell Real Property for the Purpose of Increasing the Supply of Affordable Housing for Low and Moderate income persons upon such terms and conditions it deems wise. This bill, if enacted, will provide City Council with greater flexibility in disposing of city owned property for affordable housing purposes.
2. A Bill to Be Entitled An Act to Ban Electronic Machines or Devices for Sweepstakes. This bill, if enacted, eliminates the argument that skill and dexterity based machines and devices are allowed by state law. Of course, my office disagrees with said argument.
3. A Bill to Be Entitled An Act to Limit Electronic Machines or Devices Not Prohibited by Article 37 to No More than Four Machines Per Location. This bill, if enacted, will limit the number of machines and devices, deemed to be lawful, to no more than 4 devices or machines per location.

Committee Action:

Committee

Action

For

Against

Remarks:

Winston-Salem City Council
APPROVED
January 7, 2019

4. A Bill to Be Entitled An Act to Clarify How Business Bodies in Winston-Salem May Conduct Business During Meetings Involving Simultaneous Communications. This bill, if enacted, will allow City Council to conduct meetings remotely using today's technology.
5. A Bill to Be Entitled An Act to Modify the Process for Filling Vacancies on the City Council of the City of Winston-Salem (Primary and General Election). This bill, if enacted, will allow the City Council to fill a vacancy of 12 months or longer with a special election that provides for a primary and general election.
6. A Bill to Be Entitled An Act to Establish a Petition Process for Vacancies Filled by the City Council in 2018 or 2019. This bill, if enacted, allows citizens to petition for a special election for any vacancy filled by City Council in 2018 or 2019 using the appointment process.
7. A Bill to Be Entitled an Act Amending the Winston-Salem City Charter Regarding Time of Election. This bill, if enacted, will extend the term of the Mayor and members of the City Council by one year to place the election cycle for the aforementioned seats back on an odd year cycle.
8. A Bill to Be Entitled An Act to Amend § 132-1.4A Law Enforcement Agency Recordings and §143-318.11(A) Closed Sessions. This bill, if enacted, will provide access to law enforcement recordings to the City Manager and City Council as well as a citizen police review board in closed session.
9. A Bill to Be Entitled An Act to Authorize the Municipalities to Levy An Additional One-Quarter Percent Sales and Use Tax. This bill, if enacted, will allow for a referendum for a local one-quarter percent (1/4%) sales and use tax option. If the bill is enacted and the sales tax referendum passes, it should generate several million dollars for the City.

The package also continues two resolutions. They are as follows:

1. A Resolution of the Winston-Salem City Council Requesting a Legislative Study Committee to Examine the Need for Back-up Generators for Medical Offices. During the recent hurricanes, some citizens were unable to access their doctors' offices because they were closed due to a lack of power caused by the weather related events. There are a number of medical facilities, such as hospitals, that are required to have back-up generators. This resolution encourages the North Carolina General Assembly to create a legislative study committee to determine if medical offices should be required to have back-up generators as well and to explore the possibility of providing incentives to encourage offices of this nature to install back-up generators.
2. A Resolution of the Winston-Salem City Council Requesting Additional Revenue Options. This resolution is included in the package to encourage the exploration of additional revenue options for cities. The City's recovery from the \$1 million loss in hold harmless payments, the \$1.6 million loss in custom software tax, and the \$3 million loss in privilege license taxes has been marginal. Like many other cities, the City of Winston-Salem has not realized replacement revenues for the losses sustained. Cities need local revenue options beyond ad valorem property taxes.

**RESOLUTION ADOPTING THE CITY OF WINSTON-SALEM'S
LEGISLATIVE PRIORITIES FOR THE 2019 LEGISLATIVE SESSION**

WHEREAS, the 2019 Session of the North Carolina General Assembly will formally convene on January 23, 2019; and

WHEREAS, the Winston-Salem City Council has identified the need for the enactment of the following bills included in **Exhibit A** and has approved submission of the same to the Forsyth County Legislative Delegation for introduction, support and ratification by the General Assembly during its 2019 Session:

1. A Bill to Be Entitled An Act Allowing the City of Winston-Salem to Sell Real Property for the Purpose of Increasing the Supply of Affordable Housing for Low and Moderate Income Persons upon such terms and conditions it deems wise; and
2. A Bill to Be Entitled An Act to Ban Electronic Machines or Devices for Sweepstakes; and
3. A Bill to Be Entitled An Act to Limit Electronic Machines or Devices Not Prohibited by Article 37 to No More than Four Machines Per Location; and
4. A Bill to Be Entitled An Act to Clarify How Business Bodies in Winston-Salem May Conduct Business During Meetings Involving Simultaneous Communications; and
5. A Bill to Be Entitled An Act to Modify the Process for Filling Vacancies on the City Council of the City of Winston-Salem; and
6. A Bill to Be Entitled An Act to Establish a Petition Process for Vacancies Filled by the City Council in 2018 or 2019; and
7. A Bill to Be Entitled an Act Amending the Winston-Salem City Charter Regarding Time of Election; and
8. A Bill to Be Entitled An Act to Amend §132-1.4A Law Enforcement Agency Recordings and §143-318.11(A) Closed Sessions; and
9. A Bill to Be Entitled An Act to Authorize the Municipalities to Levy An Additional One-Quarter Percent Sales and Use Tax.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Winston-Salem City Council hereby approve the submission of the bills attached hereto and incorporated herein as **Exhibit A**; and

BE IT FURTHER RESOLVED that the Mayor and Winston-Salem City Council hereby urge, pursuant to the resolutions attached as **Exhibit B**, the North Carolina General Assembly to: (i) create a Legislative Study Committee to examine the need for back-up generators for medical offices; and (ii) create additional revenue options for municipalities.

BE IT FURTHER RESOLVED that the Mayor and Winston-Salem City Council hereby authorizes city staff to work cooperatively with the North Carolina Metropolitan Mayors' Coalition and the North Carolina League of Municipalities on their duly adopted advocacy agendas, to the extent that the issues and goals identified therein are consistent with the interests of the City.

This Resolution shall become effective upon adoption.

TAB 1

Bill Title:

A Bill to Be Entitled An Act Allowing the City of Winston-Salem to Sell Real Property for the Purpose of Increasing the Supply of Affordable Housing for Low and Moderate Income Persons upon such terms and conditions it deems wise.

Bill Summary:

- Based upon a recent study, the City has determined that it has a shortage of affordable low and moderate-income housing which shortage is anticipated to increase significantly by 2027.
- It is anticipated that there will be a shortage of 8,433 affordable rental housing units by 2027.
- This bill will allow the Winston-Salem City Council to sell city owned property, upon terms and conditions it deems wise, for the purpose of increasing the supply of affordable housing for low and moderate income persons thereby enabling the city to address the current and anticipated shortage in affordable housing.
- This bill will allow the City to assist developers, interested in providing housing for moderate and low-income persons, with managing and addressing land costs, which can be as much as 15% of the overall costs

A BILL TO BE ENTITLED
AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO CONVEY CITY-
OWNED REAL PROPERTY FOR THE PURPOSE OF INCREASING THE SUPPLY OF
AFFORDABLE HOUSING FOR LOW- AND MODERATE-INCOME PERSONS

The General Assembly of North Carolina enacts:

SECTION 1. The governing body of a municipality may, with or without consideration and upon such terms as it deems wise, convey city-owned real property for the purpose of increasing the supply of affordable housing for low- and moderate-income persons; provided no property acquired by the exercise of eminent domain may be conveyed under this section. The deed conveying the city-owned property may contain a restriction that provides the city-owned property shall revert to the municipality if it ceases to be used for increasing the supply of affordable housing for low- and moderate-income persons prior to the expiration of any time period for such use required by the governing body. Any conveyance of city-owned property under this section may be made only pursuant to a resolution adopted by the governing body at a regular or special meeting authorizing the appropriate municipal official to make the conveyance for the purpose of increasing the supply of affordable housing for low- and moderate-income persons. The resolution shall be posted on the municipality's Web site at least 10 calendar days prior to the date the conveyance is executed by the appropriate municipal official.

SECTION 2. This act applies to the City of Winston-Salem only.

SECTION 3. This act is effective when it becomes law.

TAB 2

Bill Title:

A Bill to Be Entitled An Act to Ban Electronic Machines or Devices for Sweepstakes.

Bill Summary:

- To the extent it was unclear, this bill makes it clear that skilled and dexterity based sweepstakes devices and machines are prohibited.

A BILL TO BE ENTITLED
AN ACT TO BAN ELECTRONIC MACHINES OR DEVICES FOR SWEEPSTAKES

The General Assembly of North Carolina enacts:

SECTION 1. Part 1 of Article 37, Section 14-306.4 of the General Statutes is hereby amended to read:

§ 14-306.4. Electronic machines and devices for sweepstakes prohibited.

- (a) Definitions. - For the purposes of this section, the following definitions apply:
- (1) "Electronic machine or device" means a mechanically, electrically or electronically operated machine or device, that is owned, leased or otherwise possessed by a sweepstakes sponsor or promoter, or any of the sweepstakes sponsor's or promoter's partners, affiliates, subsidiaries or contractors, that is intended to be used by a sweepstakes entrant, that uses energy, and that is capable of displaying information on a screen or other mechanism. This section is applicable to an electronic machine or device whether or not:
- a. It is server-based.
 - b. It uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.
 - c. It utilizes software such that the simulated game influences or determines the winning or value of the prize.
 - d. It selects prizes from a predetermined finite pool of entries.
 - e. It utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.
 - f. It predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.
 - g. It utilizes software to create a game result.
 - h. It requires deposit of any money, coin, or token, or the use of any credit card, debit card, prepaid card, or any other method of payment to activate the electronic machine or device.
 - i. It requires direct payment into the electronic machine or device, or remote activation of the electronic machine or device.
 - j. It requires purchase of a related product.
 - k. The related product, if any, has legitimate value.
 - l. It reveals the prize incrementally, even though it may not influence if a prize is awarded or the value of any prize awarded.
 - m. It determines and associates the prize with an entry or entries at the time the sweepstakes is entered.
 - n. It is a slot machine or other form of electrical, mechanical, or computer game.
 - o. It is based upon chance or the use of skill or dexterity.

- (2) "Enter" or "entry" means the act or process by which a person becomes eligible to receive any prize offered in a sweepstakes.
- (3) "Entertaining display" means visual information, capable of being seen by a sweepstakes entrant that takes the form of actual game play, or simulated game play, such as, by way of illustration and not exclusion:
 - a. A video poker game or any other kind of video playing card game.
 - b. A video bingo game.
 - c. A video craps game.
 - d. A video keno game.
 - e. A video lotto game.
 - f. Eight liner.
 - g. Pot-of-gold.
 - h. A video game based on or involving the ~~random or chance~~ matching of different pictures, words, numbers, or symbols ~~not dependent on the skill or dexterity of the player~~ based upon chance or the use of skill or dexterity.
 - i. Any other video game ~~not dependent on~~ based upon chance or the use of skill or dexterity that is played while revealing a prize as the result of an entry into a sweepstakes.
- (4) "Prize" means any gift, award, gratuity, good, service, credit, or anything else of value, which may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.
- (5) "Sweepstakes" means any game, advertising scheme or plan, or other promotion, which, with or without payment of any consideration, a person may enter to win or become eligible to receive any prize, the determination of which is based upon chance or the use of skill or dexterity.
- (b) Notwithstanding any other provision of this Part, it shall be unlawful for any person to operate, or place into operation, an electronic machine or device to do either of the following:
 - (1) Conduct a sweepstakes through the use of an entertaining display, including the entry process or the reveal of a prize.
 - (2) Promote a sweepstakes that is conducted through the use of an entertaining display, including the entry process or the reveal of a prize.
- (c) It is the intent of this section to prohibit any mechanism that seeks to avoid application of this section through the use of any subterfuge or pretense whatsoever.

- (d) Nothing in this section shall be construed to make illegal any activity which is lawfully conducted on Indian lands pursuant to, and in accordance with, an approved Tribal-State Gaming Compact applicable to that Tribe as provided in G.S. 147-12(14) and G.S. 71A-8.
- (e) Each violation of this section shall be considered a separate offense.
- (f) Any person who violates this section is guilty of a Class 1 misdemeanor for the first offense and is guilty of a Class H felony for a second offense and a Class G felony for a third or subsequent offense.

SECTION 2. This act is effective when it becomes law, and applies to offenses committed on or after that date.

TAB 3

Bill Title:

A Bill to Be Entitled An Act to Limit Electronic Machines or Devices Not Prohibited by Article 37 to No More than Four Machines Per Location.

Bill Summary:

- This bill limits the number of lawful electronic machines or devices to no more than 4 per location provided all of the following conditions are met:
 - The person otherwise complies with all of the provisions of Article 37.
 - The person complies with all applicable land-use laws.
 - The person has not been convicted of any violations of Article 37 or of any federal or state gaming laws.
 - The electronic machines or devices are not located within 100 feet of any other electronic machines or devices possessed and operated under § 14-306.5.

**A BILL TO BE ENTITLED
AN ACT TO LIMIT ELECTRONIC MACHINES OR DEVICES NOT PROHIBITED BY
ARTICLE 37 TO NO MORE THAN FOUR MACHINES PER LOCATION**

The General Assembly of North Carolina enacts:

SECTION 1. Part 1 of Article 37 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-306.5. Limitations on electronic machines or devices.

- (a) A person may possess and place into operation up to four electronic machines or devices not prohibited by this Article within any building area as defined in Section 502.1 of the N.C. Building Code, provided all of the following conditions are met:
 - (1) The person otherwise complies with all of the provisions of this Article.
 - (2) The person complies with all applicable land-use laws.
 - (3) The person has not been convicted of any violations of this Article or of any federal or State gaming laws.
 - (4) The electronic machines or devices are not located within 100 feet of any other electronic machines or devices possessed and operated under this section.
- (b) Use of an electronic machine or device possessed and operated in compliance with this section shall not constitute a violation of this Part by a user.
- (c) Any alcohol law enforcement agent and any other law enforcement officer shall have the authority and right to inspect any and all premises and electronic machines or devices for compliance with this section.
- (d) For purposes of this section, "electronic machine or device" shall have the same meaning as in G.S. 14-306.4, except that all references to "sweepstakes" therein shall mean any game, advertising scheme or plan, or other promotion, which, with or without payment of any consideration, a person may enter to win or become eligible to receive any prize, the determination of which is based upon the use of skill or dexterity."

SECTION 2. This act is effective when it becomes law, and applies to offenses committed on or after that date.

TAB 4

Bill Title:

A Bill to Be Entitled An Act to Clarify How Public Bodies In Winston-Salem May Conduct Business During Meetings Involving Simultaneous Communication.

Bill Summary:

- The current statutory provision regarding electronic meetings reads as follows:

§ 143-318.13. Electronic meetings; written ballots; acting by reference.

(a) Electronic Meetings. – If a public body holds an official meeting by use of conference telephone or other electronic means, it shall provide a location and means whereby members of the public may listen to the meeting and the notice of the meeting required by this Article shall specify that location. A fee of up to twenty-five dollars (\$25.00) may be charged each such listener to defray in part the cost of providing the necessary location and equipment.

- There are concerns that this statute may not provide sufficient authority or guidance for conducting electronic meetings. Additionally, matters such quorum and voting are not addressed and perhaps should be addressed more clearly in the enabling legislation. The attached bill addresses the aforementioned concerns. Per the bill, a member participating electronically/remotely shall be counted as present for quorum purposes. All votes shall be counted as if the member was physically present.
- The purpose of the bill is to provide City Council with clear authority to adopt rules of procedure regarding remote participation/electronic meetings and to address questions regarding quorum and voting.
- This bill is similar to the Hyde County bill enacted in 2008.

**A BILL TO BE ENTITLED
AN ACT TO CLARIFY HOW PUBLIC BODIES IN WINSTON-SALEM MAY CONDUCT
BUSINESS DURING MEETINGS INVOLVING SIMULTANEOUS COMMUNICATION**

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-318.13 reads as rewritten:

"§143-318.13. Electronic meetings; written ballots; acting by reference.

(a) Electronic Meetings. - If a public body holds an official meeting by use of conference telephone or other electronic means, it shall provide a location and means whereby members of public may listen to the meeting and the notice of the meeting required by this Article shall specify that location. A fee of up to twenty five dollars (\$25.00) may be charged each such listener to defray in part the cost of providing the necessary location and equipment. A public body may conduct official meetings, in whole or in part, with simultaneous communication. Prior to conducting an official meeting with simultaneous communication, the public body shall adopt rules of procedure governing the conduct of such meetings that address at least all of the following:

- (1) The verification of the identity of the member or members of the public body who are participating by simultaneous communication.
- (2) The process of orderly deliberation by the public body.
- (3) The process of voting by the public body.
- (4) The procedure for recording any votes taken in the minutes of the public body.
- (5) The means by which members of the public can listen or watch the official meeting. This requirement shall not apply in emergency meetings.

(a1) Quorum and Voting by Members of the Public Body During Electronic Meetings. - A member or members of the public body participating from a remote location by simultaneous communication shall be counted as present for quorum purposes, and all votes of members of a public body made during an official meeting with simultaneous communication shall be counted as if the member or members were physically present in the place of the official meeting provided all of the following apply to the official meeting:

- (1) The official meeting was properly noticed under G.S. 143-318.12 and under any other requirement for notice applicable to the public body.
- (2) This subdivision shall not apply if the official meeting is an emergency meeting as defined in G.S. 143-318.12(b)(3).

- (3) The member or members of the public body participating from a remote location by simultaneous communication can hear what is said by the other members of the public body and by any individual addressing the public body.
- (4) The member or members of the public body participating from a remote location by simultaneous communication can be heard by the other members of the public body and any other individuals in attendance at the official meeting, or watching the meeting.
- (5) The vote of the member or members of the public body participating from a remote location by simultaneous communication is not by electronic mail.
- (6) If the chair or presiding officer of the public body is participating from a remote location by simultaneous communication, the vice chair or mayor pro tempore or some other member of the public body who is physically present shall preside at the official meeting. The chair, mayor pro tempore, or presiding officer of the public body participating from a remote location by simultaneous communication shall retain the same voting rights he or she has when presiding.
- (7) The official meeting, or part of an official meeting with a member or members of the public body participating from a remote location by simultaneous communication shall not include any of the following:
 - a. A closed session, unless the closed session is held during an emergency meeting.
 - b. A quasi-judicial proceeding.
- (8) No written ballots may be taken at the official meeting with a member or members of the public body participating from a remote location by simultaneous communication.
- (9) If the official meeting involves a member of the public body participating from a remote location by simultaneous communication by which the member cannot be physically seen by the public body, that member must comply with all of the following:
 - a. The member identifies himself or herself when the roll is taken or the meeting is commenced.
 - b. The member identifies himself or herself prior to participating in the deliberations during the official meeting.
 - c. The member identifies himself or herself prior to voting.

- (10) The member or members participating from a remote location by simultaneous communication shall be provided copies or access to copies of documents to be considered during the official meeting.

(a2) Participation of Public During Electronic Meetings. - If a public body holds an official meeting by use of simultaneous communication, it shall provide a location and means whereby members of the public may listen to the official meeting and the notice of the official meeting required by this Article shall specify that location.

(b) Written Ballots. - Except as provided in this subsection or by joint resolution of the General Assembly, a public body may not vote by secret or written ballot. If a public body decides to vote by written ballot, each member of the body so voting shall sign his or her ballot; and the minutes of the public body shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the clerk or secretary to the public body immediately following the meeting at which the vote took place and until the minutes of that official meeting are approved, at which time the ballots may be destroyed.

(c) Acting by Reference. - The members of a public body shall not deliberate, vote, or otherwise take action upon any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a an official meeting of the public body to understand what is being deliberated, voted, or acted upon. However, this subsection does not prohibit a public body from deliberating, voting, or otherwise taking action by reference to an agenda, if copies of the agenda, sufficiently worded to enable the public to understand what is being deliberated, voted, or acted upon, are available for public inspection at the official meeting."

SECTION 2. G.S. 143-318.10(d) reads as rewritten:

"(d) "Official meeting" means a meeting, assembly, or gathering together at any time or place or the simultaneous communication ~~by conference telephone or other electronic means~~ of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body. However, a social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of this Article."

SECTION 3. G.S. 143-318.10 is amended by adding a new subsection to read:

"(d1) "Simultaneous communication" means any communication by conference telephone or other electronic means."

SECTION 3.1. This act applies only to the City of Winston-Salem.

SECTION 3.2. Nothing in this act shall be construed to affect the validity of actions related to electronic meetings of any other public body.

SECTION 4. This act is effective June 1, 2019, and any vote taken by a public body that included a member voting by simultaneous communication by conference telephone or other electronic means before that date is ratified.

TAB 5

Bill Title:

A Bill to Be Entitled An Act to Modify the Process for Filling Vacancies on the City Council of Winston-Salem (Special Election-Primary and General Election)

Bill Summary:

- This bill establishes the process by which the City Council can fill a vacancy on city council thorough a special election process with a primary and general election if the unexpired term is 12 months or longer.
- City Council must adopt a resolution calling for a special election (primary and general election) to fill a vacancy that has 12 months or longer on the term and provide the same to the Forsyth County Board of Elections.
- The Forsyth County Board of Elections will set, within the parameters set forth in the bill, the date and time for candidates to file notices of their candidacy.
- The Forsyth County Board of Elections will hold the primary and general elections within the timeframes specified in the bill (60 days after close of the filing period and 60 days after the primary, respectively).
- This bill is necessary due to the out of date vacancy provision in the city charter.
- This bill, coupled with the bill behind Tab 6, is equivalent to House Bill 1119 filed on December 4, 2018.

**A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROCESS FOR FILLING
VACANCIES ON THE CITY COUNCIL OF THE CITY OF WINSTON-SALEM
(SPECIAL ELECTION-PRIMARY AND GENERAL ELECTION)**

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 1 of Chapter 1248 of the Session Laws of 1971 reads as rewritten:

"Section 1. Should a vacancy exist on the ~~Board of Aldermen~~ City Council of the City of Winston-Salem by death, resignation, or otherwise than by expiration of term, and should the unexpired term at the time the vacancy occurs be for twelve months or more, then the ~~Forsyth County Executive Committee~~ of each political party shall ~~immediately designate a candidate for said vacaney and the Board of Aldermen~~ city council shall adopt a resolution calling for a special primary and election, cause to be held, in the Ward which the vacating ~~Alderman~~ member represented, ~~an election to fill said vacaney~~ vacancy for the unexpired term. With respect to a resignation, a vacancy is deemed to exist once the city council accepts a resignation of a member, even if the effective date of the resignation is a future date. The candidate elected shall be installed at the next regular or special meeting of the city council, or if the resigning member is still seated, the next regular or special meeting following the effective date of the resignation. The effective date of the resignation and installation of the elected candidate can occur at the same meeting, provided the resignation occurs before the installation. ~~The candidate receiving a majority of the votes cast shall assume office forthwith. The election shall be held no later than 60 days after the vacaney occurs. Insofar as possible, the~~ The primary and election shall be called and conducted in accordance with G.S. 163A-1592 and the remainder of the laws governing other municipal elections in the City of Winston-Salem. ~~Winston-Salem, as modified by the following provisions:~~

(1) The special primary and election shall be conducted and the results of the election determined in accordance with the partisan primary and election method set out in G.S. 163A-1615.

(2) The Forsyth County Board of Elections shall set the date and time candidates seeking party nomination may file notices of candidacy, provided that the filing period opens within fourteen business days after the adoption of the resolution and is open for fourteen business days. Each candidate shall be a resident of the ward in which the vacating member represented.

(3) The Forsyth County Board of Elections shall hold the primary election no later than 60 calendar days after the close of the filing period, or as soon thereafter as practicable, and shall allow for absentee ballots to be applied for and cast.

(4) The Forsyth County Board of Elections shall hold the general election no later than 60 calendar days after the primary, or as soon thereafter as practicable, and shall allow for absentee ballots to be applied for and cast. A space for write-in candidates shall be printed on the ballot.

(5) The city council shall reimburse the Forsyth County Board of Elections for the actual cost involved in the administration of the primary and election."

SECTION 1.(b) Section 2 of Chapter 1248 of the Session Laws of 1971 reads as rewritten:

"**Sec. 2.** Should a vacancy exist on said ~~Board~~ the city council for any of the reasons stated above, and should the unexpired term at the time the vacancy occurs be for less than twelve months, then the Mayor of the City of Winston-Salem shall immediately appoint for the unexpired part of the term the person recommended by the Forsyth County Executive Committee of the political party with which the former member was affiliated when elected."

SECTION 1.(c) This section is effective when it becomes law, and applies to vacancies existing on or after that date.

TAB 6

Bill Title:

A Bill to Be Entitled An Act to Establish a Petition Process for Filling Vacancies on the City Council of the City of Winston-Salem.

Bill Summary:

- For any vacancy filled in 2018 or 2019 using the statutory appointment process, the citizens of the ward impacted by the appointment may file a petition signed by at least 1% of the total number of registered voters in the ward calling for a special election provided the unexpired term of the office is 12 months or longer.
- This bill only applies to vacancies filled using the appointment process in 2018 and 2019.
- This bill, coupled with the bill behind Tab 5, is equivalent to House Bill 1119 filed on December 4, 2018.

**A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PETITION PROCESS FOR
VACANCIES FILLED BY CITY COUNCIL IN 2018 OR 2019
(PETITION PROCESS)**

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 1 of Chapter 1248 of the Session Laws of 1971 reads as rewritten:

SECTION 1. Any seat that meets all of the following shall be subject to a special primary and election, to be conducted using the process described in Section 1 of Chapter 1248 of the Session Laws of 1971, as amended by a prior act:

(1) A vacancy for that seat occurs in 2018 or 2019.

(2) The vacancy was filled by the city council using the appointment process set forth in G.S. 160A-63.

(3) The Forsyth County Board of Elections receives a petition calling for a special primary and election signed by at least one percent (1%) of the total number of registered voters in the ward in which the seat represents, as reflected by the voter registration records of the Bipartisan State Board of Elections and Ethics Enforcement as of January 1 of the year in which the petition is received. The chair or director of the Forsyth County Board of Elections shall verify signatures on the petition no later than 15 business days after receipt of the petition as provided in G.S. 163A-1005(a)(1)b.

(4) The unexpired term of office for the seat is twelve months or more, as of the date the petition signed by at least 1% of the residents of the ward is received by the Forsyth County Board of Elections.

SECTION 1.(b) The City Council of the City of Winston-Salem shall reimburse the Forsyth County Board of Elections for the actual cost involved in the administration of any special primary and election conducted under this section.

SECTION 1.(c) This section is effective when it becomes law and applies to any seat that was vacated in 2018 or 2019.

SECTION 2. This act is effective when it becomes law.

TAB 7

Bill Title:

A Bill to Be Entitled An Act Amending the Winston-Salem City Charter Regarding Time of Elections.

Bill Summary:

- This bill extends that current election cycle for the Mayor and City Council by one year until the organizational meeting after the 2021 regular municipal election.
- This bill places the Mayor and Winston-Salem City Council back on an odd year election cycle with the vast majority of municipalities.

**A BILL TO BE ENTITLED AN ACT AMENDING THE WINSTON-SALEM CITY
CHARTER REGARDING TIME OF ELECTION**

The General Assembly of North Carolina enacts:

SECTION 1: Section 12J of Chapter 232 of the Private Laws of 1927, as amended by Chapter 53, Session Laws of 1965, as amended by the Ordinance of January 6, 2003 adopted under Part 4 of Article 5 of Chapter 160A of the General Statutes, and as amended by Session Law 2011-141 reads as rewritten:

“Sec. 12J. - Time of election; terms.

(a) In 2013, the primary and election for mayor and council members shall be held on the dates provided in G.S. 163-279(a)(2).

(b) The terms of the mayor and council members of the City of Winston-Salem elected in ~~2013- 2016~~ shall be extended by one year and shall expire at the organizational meeting after the ~~2016~~ 2021 regular municipal election.

(c) Notwithstanding G.S. 163-279, in ~~2016~~ 2021, the term of mayor and council members shall be for four years and expire at the organizational meeting after the 2021 regular municipal election for said seats and quadrennially thereafter, primaries and elections for mayor and city council shall be held in odd numbered years ~~at the same time as for county officers as provided in G.S. 163-1.~~”

SECTION 2: This act shall be applicable to the City of Winston-Salem only and shall become effective when it becomes law.

TAB 8

Bill Title:

A Bill to Be Entitled An Act to Amend § 132-1.4A. Law Enforcement Agency Recordings and §143-318.11(A) Closed Sessions.

Bill Summary:

- This bill provides access to body worn camera footage to City Council and City Manager in closed session following the execution of confidentiality statements.
- This bill provides access to body worn camera footage to law enforcement agency partners for internal investigations, administrative decisions and training purposes.
- Release to the public still requires a court order.

**A BILL TO BE ENTITLED AN ACT TO AMEND § 132-1.4A. LAW ENFORCEMENT
AGENCY RECORDINGS AND §143-318.11(A) CLOSED SESSIONS**

The General Assembly of North Carolina amends:

SECTION 1. Chapter 132 of the General Statutes reads as rewritten:

§ 132-1.4A. Law enforcement agency recordings.

- (a) Definitions. – The following definitions apply in this section:
- (1) Body-worn camera. – An operational video or digital camera or other electronic device, including a microphone or other mechanism for allowing audio capture, affixed to the uniform or person of law enforcement agency personnel and positioned in a way that allows the camera or device to capture interactions the law enforcement agency personnel has with others.
 - (2) Custodial law enforcement agency. – The law enforcement agency that owns or leases or whose personnel operates the equipment that created the recording at the time the recording was made.
 - (3) Dashboard camera. – A device or system installed or used in a law enforcement agency vehicle that electronically records images or audio depicting interaction with others by law enforcement agency personnel. This term does not include body-worn cameras.
 - (4) Disclose or disclosure. – To make a recording available for viewing or listening to by the person requesting disclosure, at a time and location chosen by the custodial law enforcement agency. This term does not include the release of a recording.
 - (5) Personal representative. – A parent, court-appointed guardian, spouse, or attorney of a person whose image or voice is in the recording. If a person whose image or voice is in the recording is deceased, the term also means the personal representative of the estate of the deceased person; the deceased person's surviving spouse, parent, or adult child; the deceased person's attorney; or the parent or guardian of a surviving minor child of the deceased. Deceased person is defined as a person, whose image or voice is captured in a recording, and was living at the time the recording began and died during or subsequent to the event captured on the recording.
 - (6) Recording. – A visual, audio, or visual and audio recording captured by a body-worn camera, a dashboard camera, or any other video or audio recording device operated by or on behalf of a law enforcement agency or law enforcement agency personnel when carrying out law enforcement responsibilities. This term does not include any video or audio recordings of interviews regarding agency internal investigations or interviews or interrogations of suspects or witnesses.
 - (7) Release. – To provide a copy of a recording.
 - (8) Citizen Review Board. – A board or Commission, by whatever name, legally designed by a city council to review police matters or complaints against a police agency and individual officers.

(b) Public Record and Personnel Record Classification. – Recordings are not public records as defined by G.S. 132-1. Recordings are not personnel records as defined in Part 7 of Chapter 126 of the General Statutes, G.S. 160A-168, or G.S. 153A-98.

(c) Disclosure; General. – Recordings in the custody of a law enforcement agency shall be disclosed only as provided by this section. A person requesting disclosure of a recording must make a written request to the head of the custodial law enforcement agency that states the date and approximate time of the activity captured in the recording or otherwise identifies the activity with reasonable particularity sufficient to identify the recording to which the request refers.

The head of the custodial law enforcement agency may only disclose a recording to the following:

- (1) A person whose image or voice is in the recording.
- (2) A personal representative of an adult person whose image or voice is in the recording, if the adult person has consented to the disclosure.
- (3) A personal representative of a minor or of an adult person under lawful guardianship whose image or voice is in the recording.
- (4) A personal representative of a deceased person whose image or voice is in the recording.
- (5) A personal representative of an adult person who is incapacitated and unable to provide consent to disclosure.

When disclosing the recording, the law enforcement agency shall disclose only those portions of the recording that are relevant to the person's request. A person who receives disclosure pursuant to this subsection shall not record or copy the recording.

(d) Disclosure; Factors for Consideration. – Upon receipt of the written request for disclosure, as promptly as possible, the custodial law enforcement agency must either disclose the portion of the recording relevant to the person's request or notify the requestor of the custodial law enforcement agency's decision not to disclose the recording to the requestor.

The custodial law enforcement agency may consider any of the following factors in determining if a recording is disclosed:

- (1) If the person requesting disclosure of the recording is a person authorized to receive disclosure pursuant to subsection (c) of this section.
- (2) If the recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law.
- (3) If disclosure would reveal information regarding a person that is of a highly sensitive personal nature.
- (4) If disclosure may harm the reputation or jeopardize the safety of a person.
- (5) If disclosure would create a serious threat to the fair, impartial, and orderly administration of justice.
- (6) If confidentiality is necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation.

(e) **Appeal of Disclosure Denial.** – If a law enforcement agency denies disclosure pursuant to subsection (d) of this section, or has failed to provide disclosure more than ~~three business~~ five business days after the request for disclosure, the person seeking disclosure may apply to the superior court in any county where any portion of the recording was made for a review of the denial of disclosure. The court may conduct an in-camera review of the recording. The court may order the disclosure of the recording only if the court finds that the law enforcement agency abused its discretion in denying the request for disclosure. The court may only order disclosure of those portions of the recording that are relevant to the person's request. A person who receives disclosure pursuant to this subsection shall not record or copy the recording. An order issued pursuant to this subsection may not order the release of the recording.

In any proceeding pursuant to this subsection, the following persons shall be notified and those persons, or their designated representative, shall be given an opportunity to be heard at any proceeding: (i) the head of the custodial law enforcement agency, (ii) any law enforcement agency personnel whose image or voice is in the recording and the head of that person's employing law enforcement agency, and (iii) the District Attorney. Actions brought pursuant to this subsection shall be set down for hearing as soon as practicable, and subsequent proceedings in such actions shall be accorded priority by the trial and appellate courts.

(f) **Release of Recordings to Certain Persons; Expedited Process.** – Notwithstanding the provisions of subsection (g) of this section, a person authorized to receive disclosure pursuant to subsection (c) of this section, or the custodial law enforcement agency, may petition the superior court in any county where any portion of the recording was made for an order releasing the recording to a person authorized to receive disclosure. There shall be no fee for filing the petition which shall be filed on a form approved by the Administrative Office of the Courts and shall state the date and approximate time of the activity captured in the recording, or otherwise identify the activity with reasonable particularity sufficient to identify the recording. If the petitioner is a person authorized to receive disclosure, notice and an opportunity to be heard shall be given to the head of the custodial law enforcement agency. Petitions filed pursuant to this subsection shall be set down for hearing as soon as practicable and shall be accorded priority by the court.

The court shall first determine if the person to whom release of the recording is requested is a person authorized to receive disclosure pursuant to subsection (c) of this section. In making this determination, the court may conduct an in-camera review of the recording and may, in its discretion, allow the petitioner to be present to assist in identifying the image or voice in the recording that authorizes disclosure to the person to whom release is requested. If the court determines that the person is not authorized to receive disclosure pursuant to subsection (c) of this section, there shall be no right of appeal and the petitioner may file an action for release pursuant to subsection (g) of this section.

If the court determines that the person to whom release of the recording is requested is a person authorized to receive disclosure pursuant to subsection (c) of this section, the court shall consider the standards set out in subsection (g) of this section and any other standards the court deems relevant in determining whether to order the release of all or a portion of the recording. The court may conduct an in-camera review of the recording. The court shall release only those portions of the recording that are relevant to the person's request and may place any conditions or restrictions

on the release of the recording that the court, in its discretion, deems appropriate.

(g) Release of Recordings; General; Court Order Required. – Recordings in the custody of a law enforcement agency shall only be released pursuant to court order. Any custodial law enforcement agency or any person requesting release of a recording may file an action in the superior court in any county where any portion of the recording was made for an order releasing the recording. The request for release must state the date and approximate time of the activity captured in the recording, or otherwise identify the activity with reasonable particularity sufficient to identify the recording to which the action refers. The court may conduct an in-camera review of the recording. In determining whether to order the release of all or a portion of the recording, in addition to any other standards the court deems relevant, the court shall consider the applicability of all of the following standards:

- (1) Release is necessary to advance a compelling public interest.
- (2) The recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law.
- (3) The person requesting release is seeking to obtain evidence to determine legal issues in a current or potential court proceeding.
- (4) Release would reveal information regarding a person that is of a highly sensitive personal nature.
- (5) Release may harm the reputation or jeopardize the safety of a person.
- (6) Release would create a serious threat to the fair, impartial, and orderly administration of justice.
- (7) Confidentiality is necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation.
- (8) There is good cause shown to release all portions of a recording.

The court shall release only those portions of the recording that are relevant to the person's request, and may place any conditions or restrictions on the release of the recording that the court, in its discretion, deems appropriate.

In any proceeding pursuant to this subsection, the following persons shall be notified and those persons, or their designated representative, shall be given an opportunity to be heard at any proceeding: (i) the head of the custodial law enforcement agency, (ii) any law enforcement agency personnel whose image or voice is in the recording and the head of that person's employing law enforcement agency, and (iii) the District Attorney. Actions brought pursuant to this subsection shall be set down for hearing as soon as practicable, and subsequent proceedings in such actions shall be accorded priority by the trial and appellate courts.

(h) Release of Recordings; Law Enforcement Purposes. – Notwithstanding the requirements of subsections (c), (f), and (g) of this section, a custodial law enforcement agency shall disclose or release a recording to a district attorney (i) for review of potential criminal charges, (ii) in order to comply with discovery requirements in a criminal prosecution, (iii) for use in criminal proceedings in district court, or (iv) any other law enforcement purpose, and may disclose or release a recording for any of the following purposes:

- (1) For law enforcement training purposes.
- (2) Within the custodial law enforcement agency for any administrative, training, or law enforcement purpose.
- (3) To another law enforcement agency for law enforcement purposes.
- (4) To non law enforcement agency partners including but not limited to municipal and county firefighters, emergency medical services, emergency dispatchers and operators for any internal investigation, administration decision or training purpose.
- (5) For School Resources Officers to disclose the recordings to a juvenile whose image or voice is in the recording, parents or the legal guardians of the juvenile whose image or voice is in the recording, principals and other administrators of the school system in which the juvenile is enrolled.
- (6) For disclosure to citizen review boards for review of complaints, provided members shall execute a confidentiality statement agreeing to maintain the confidentiality of the recording prior to viewing the recording. Recording images may be released publicly only upon court order.
- (7) Disclose or release a single or limited number of randomly selected still images extracted from a recording as deemed necessary to identify or locate a potential criminal suspect. The image(s) shall depict only the face or other identifying characteristics of the criminal suspect.
- (8) Disclose a recording to the city manager or county manager, upon the manager's request, for management and administrative purposes including police operational review if the custodial law enforcement agency is a municipal police agency or a combined city-and-county police agency headed by a chief officer other than a county sheriff. Prior to viewing the recording, the manager shall execute a confidentiality statement agreeing to maintain the confidentiality of the recording prior to viewing the recording. Recording images may be released publicly only upon court order.
- (9) Disclose a recording, in a closed session, to the city or town council upon recommendation of the city or town manager and majority vote of the city or town council, provided members of the city or town council shall execute a confidentiality statement agreeing to maintain the confidentiality of the recording prior to viewing the recording. Members of the city or town council shall be allowed to make statements to restore the public confidence in law enforcement without said statements constituting a breach of the confidentiality agreement or violation of this statute. Recording images may be released publicly only upon court order.

Retention of Recordings. – Any recording subject to the provisions of this section shall be retained for at least the period of time required by the applicable records retention and disposition schedule developed by the Department of Natural and Cultural Resources, Division of Archives and Records.

- (i) Agency Policy Required. – Each law enforcement agency that uses body-worn cameras or dashboard cameras shall adopt a policy applicable to the use of those cameras.
- (j) No civil liability shall arise from compliance with the provisions of this section, provided that the acts or omissions are made in good faith and do not constitute gross negligence, willful

or wanton misconduct, or intentional wrongdoing. Any person who shall knowingly and willfully discloses or releases a recording contrary to the provisions herein shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court but not in excess of five hundred dollars (\$500.00).

(k) Fee for Copies. – A law enforcement agency may charge a fee to offset the cost incurred by it to make a copy of a recording for release. The fee shall not exceed the actual cost of making the copy.

(l) Attorneys' Fees. – The court may not award attorneys' fees to any party in any action brought pursuant to this section. (2016-88, s. 1.)

SECTION 2. G.S. 143-318.11(a) reads as rewritten:

"(a) Permitted Purposes. – It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

...

(10) To view a recording ~~released~~ regulated – pursuant to G.S. 132-1.4A."

SECTION 3. This act is effective when it becomes law.

TAB 9

Bill Title:

A Bill to Be Entitled An Act to Authorize the Municipalities to Levy An Additional One-Quarter Percent Sales and Use Tax.

Bill Summary:

- This bill allows cities to submit to the voters the question of one-quarter cent sales and use tax for affordable housing, economic development, police, fire, and rescue services support; traffic signals, and street lighting purposes.
- It is anticipated that a quarter-cent sales and use tax would generate \$4.7 million.

**A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE MUNICIPALITIES TO
LEVY AN ADDITIONAL ONE-QUARTER PERCENT SALES AND USE TAX**

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 105 of the General Statutes is amended by adding a new Subchapter XI to read as follows:

"§105-605. Local Option Sales tax.

(a) Tax. – If the majority of those voting in a referendum held pursuant to this section vote for the levy of the tax, the governing body of a municipality may, by resolution and after 10 days' public notice, levy a local sales and use tax at a rate of one-quarter percent (1/4%).

(b) Vote. – The governing body of a municipality may direct the county board of elections to conduct an advisory referendum on the question of whether to levy a local sales and use tax in the corporate limits of the city as provided in this section. The election shall be held in accordance with the procedures of G.S. 163-287.

(c) Ballot Question. – The form of the question to be presented on a ballot for a special election concerning the levy of the tax authorized by this section shall be:

"[] FOR [] AGAINST

Local sales and use tax at the rate of one-quarter percent (1/4%) in addition to the current local sales and use taxes to be used only beach nourishment; construction and improvement of public infrastructure and facilities; affordable housing; economic development; traffic signals; street lighting; street and directional signage; police; fire; and rescue services support."

(d) Administration. – Except as provided in this section, the adoption, levy, collection, administration, and repeal of the additional taxes authorized by this section shall be in accordance with Article 39 of this Chapter. References to "county," "counties," or "board of county commissioners" within Article 39 of this Chapter shall be interpreted as referring to "municipality," "municipalities," or "governing body of the municipality," respectively, for purposes of the tax authorized by this Article. G.S. 105-468.1 is an administrative provision that applies to this section. A tax levied under this section does not apply to the sales price of food that is exempt from tax pursuant to G.S. 105-164.13B or to the sales price of a bundled transaction taxable pursuant to G.S. 105-467(a)(5a).

(e) Distribution. – The Secretary shall, on a monthly basis, distribute to each taxing municipality for which the Secretary collects the tax the net proceeds of the tax collected in that municipality under this section. If the Secretary collects local sales or use taxes in a month and the taxes cannot be identified as being attributable to a particular taxing municipality, the Secretary shall allocate the taxes among the taxing municipalities in proportion to the amount of taxes collected in each municipality under this section during that month and shall include them in the

monthly distribution. Amounts collected by electronic funds transfer payments are included in the distribution for the month in which the return that applies to the payment is received.

(f) Use. – A municipality may use the net proceeds of a tax levied under this section for beach nourishment; construction and improvement of public infrastructure and facilities; affordable housing; economic development; traffic signals; street lighting; street and directional signage; police; fire; and rescue services support."

SECTION 2. This act is effective when it becomes law.

TAB 10

Resolution:

A Resolution of the Winston-Salem City Council Requesting a Legislative Study Committee to Examine the Need for Back Up Generators for Medical Offices.

Resolution Summary:

- This resolution encourages the North Carolina General Assembly to create a legislative study committee to determine the benefits of imposing a requirement that doctors' offices have backup generators to address power outages that typically occur during severe weather.
- This resolution also encourages the North Carolina General Assembly to look at ways to incentivize such offices to install backup generators.

**RESOLUTION OF THE WINSTON-SALEM CITY COUNCIL
REQUESTING A LEGISLATIVE STUDY COMMITTEE TO EXAMINE
THE NEED FOR BACK UP GENERATORS FOR MEDICAL OFFICES**

WHEREAS, the City of Winston-Salem issued a Declaration of a State of Emergency twice in 2018 due to Hurricane Florence and Hurricane Michael; and

WHEREAS, some residential and commercial buildings sustained power outages due to the hurricanes; and

WHEREAS, it is clear that the law requires hospitals, clinical laboratories and certain other health care facilities where extremely critical medical procedures may take place to have back-up power generators in the event of severe weather and other natural events as well as man-made emergencies that may cause a power outage; and

WHEREAS, doctor offices during such severe weather and natural events play a vital role in helping citizens address and maintain their physical and mental health; and

WHEREAS, the disruption of medical services and appointments for patients, in particular elderly patients when such offices close due to such weather and natural disasters, have a tremendous impact; and

WHEREAS, a back-up power generator in doctors' offices would certainly minimize such disruptions caused by such long nuisance outages and the impact of the same.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Winston-Salem City Council Carolina that it hereby encourages the North Carolina General Assembly to create a legislative committee to engage in a study to determine the benefits of imposing a requirement that doctors' offices have back-up power generators to avoid power outages that typically occur with severe weather and natural events as well as man-made emergencies.

BE, IT FURTHER RESOLVED by the Mayor and Winston-Salem City Council that it hereby encourages the North Carolina General Assembly to look at possible incentives or tax credits that can be provided to doctor offices that install back-up power generators to avoid such power outages.

This Resolution shall become effective upon adoption.

TAB 11

Resolution:

A Resolution of the Winston-Salem City Council Requesting Additional Revenue Options.

Resolution Summary:

- Winston-Salem has sustained revenue losses due to: (i) the elimination of the hold harmless provision (\$1.0 million); (ii) the custom software tax (\$1.6 million); and (iii) the privilege license tax (\$3 million).
- This resolution also encourages the North Carolina General Assembly to work with cities to identify potential revenue options to replace revenues losses over the past 5 years.

**RESOLUTION OF THE WINSTON-SALEM CITY COUNCIL REQUESTING
ADDITIONAL REVENUE OPTIONS**

WHEREAS, the local privilege license tax authority was repealed effective July 1, 2015;
and

WHEREAS, the repeal resulted in a revenue gap of \$3 million dollars for the City of
Winston-Salem; and

WHEREAS, this revenue loss was in addition to the revenue loss sustained by the City
due to the elimination of the hold harmless payments (\$1.0 million) and the custom software tax
(\$1.6 million); and

WHEREAS, the City, over the course of a number of years, streamlined its operations and
tightened budgets in an effort to address these revenue losses along with others; and

WHEREAS, the Council also raised property taxes by one cent in FY 14-15 to offset the
loss from the exclusion of custom software from the property tax base; and

WHEREAS, for many municipalities like the City of Winston-Salem the only option
available for generating additional revenues is to increase the ad valorem tax rate; however, said
option is not a long term sustainable solution for addressing the constant gap in revenues the city
continues to experience; and

WHEREAS, there have been commitments made by members of the North Carolina
General Assembly to work with cities in finding additional revenue options to replace the
aforementioned revenue losses; however, the replacement options have not fully addressed the
problem.

NOW, THEREFORE BE IT RESOLVED that the Mayor and the Winston-Salem City
Council hereby encourage the North Carolina General Assembly to work with cities to identify
potential revenue options, including but not limited to a local option sales and use tax and enact

Winston-Salem City Council
APPROVED
January 7, 2019

legislation that provides options for replacing the revenues losses sustained by municipalities over the past five years.

This Resolution shall be effective upon adoption.