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<th>Mon (Mar 2)</th>
<th>Tues (Mar 3)</th>
<th>Wed (Mar 4)</th>
<th>Thurs (Mar 5)</th>
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<td>Retreat Planning Committee, 15th LCR</td>
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<td>Intergovernmental Relations Committee, Room 280</td>
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<td>Council Dinner Briefing, Room CH-14</td>
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<td>Council Business Meeting, Meeting Chamber</td>
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NLC Congressional Cities Conference, Washington DC
CALENDAR DETAILS:

Monday, March 2
2:00 PM Retreat Planning Committee, 15th LCR
AGENDA: Council tours; Focus Area Plans half-day retreat

3:00 PM Intergovernmental Relations Committee, Room 280
AGENDA: Federal update; State update; Trending topics

5:00 PM Council Dinner Briefing, Room CH-14

6:00 PM Council Business Meeting, Meeting Chamber

Thursday, March 5
12:00 PM Economic Development & Global Competitiveness Committee, Room CH-14
AGENDA: April 2 meeting schedule; Business Investment Grant program update; FY16 Focus Area Plan

2:00 PM Budget Committee, Room 280
AGENDA: Review March 17 budget workshop agenda; General revenue overview; Pay-As-You-Go Community Investment Plan; Debt finance & budget principles; Onsite health clinic overview; Employee pay and benefits overview; State budget update

Saturday, March 7 – Wednesday, March 11
National League of Cities Congressional City Conference, Washington DC

March and April calendars are attached.

AGENDA NOTES:

Monday Council Meeting Logistics
Staff Resource: Carol L. Jennings, City Manager’s Office, 704-336-7285, cljennings@charlottenc.gov

Staff is making arrangements to accommodate a large number of speakers and attendees at Monday night’s Council Meeting.

- The Council Dinner Briefing will be in CH14 from 5:15-6:00 p.m.;
- Overflow accommodations will be available in Room 267;
- Speakers will be checked-in in the lobby;
• The List of Speakers will be shown on the overhead screen in the Chamber to accommodate orderly progression;
• Appropriate security will be provided for demonstrations on the CMGC Plaza and in the building.

INFORMATION:

Tech-Focused Multi-City Innovation Campaign
Staff Resource: Jeffrey Stovall, Innovation & Technology, 704-336-4439, jstovall@charlottenc.gov
Twyla McDermott, Innovation & Technology, 704-451-0555, tmcdermott@charlottenc.gov

The City of Charlotte is one of 25 communities participating in the National League of Cities 2015 Multi-City Innovation Campaign. This program is intended to spur quality innovation in Charlotte and other participating communities by providing an opportunity for software developers, innovators and community leaders to build scalable and sustainable technology solutions that change the way cities communicate with citizens.

The City of Charlotte will work with the local Code for Charlotte Brigade, City departments, and other community partners to identify solutions that focus on improving public and community health in broad service areas such as:

• Air quality and transportation
• Water quality
• Energy and sustainability
• Open data

The winning program will be made available to the participating cities for purchase. Multi-City Innovation Campaign applicants will also have the opportunity to compete to be a finalist in the upcoming summer 2015 Jumpstart Foundry cohort, one of the nation's leading startup accelerators.

Participating organizations include:

The Multi-City Innovation Campaign program was started in 2014 by four National League of Cities member organizations—Boston, Nashville, Palo Alto and Raleigh. The program was recognized earlier this month as a "Bright Idea" by The Ash Center for Democratic Governance and Innovation at Harvard University.
Charlotte-Mecklenburg Storm Water Services Fiscal Year 2014 Annual Report  
Staff Resource: Jennifer Smith, E&PM, 704-336-7924, jgsmith@charlottenc.gov

Charlotte’s public storm drainage system is critical to community safety, economic growth and quality of life. Storm Water Services’ annual report, attached below, provides a detailed look at the utility’s overall performance and accomplishments during FY14. Areas of focus include serving Charlotte’s citizens, investing in infrastructure, protecting Charlotte’s waterways, engaging the community, and managing resources.

2015 State Legislative Report #3  
Staff Resource: Dana Fenton, City Manager’s Office, 704-336-2009, dfenton@charlottenc.gov

Attached is the latest State Legislative Report. While the weather did put a damper on activity at the General Assembly for a second straight week, bill introduction is proceeding. House Republicans unveiled their economic development incentives legislation (HB 117). Among other provisions, HB 117 proposes to continue the existing fuel sales tax cap for passenger air carriers by extending the sunset date from the end of 2015 to January 1, 2020. Members of the Mecklenburg Delegation are lining up co-sponsors for the City’s legislative priorities.

ATTACHMENTS:

January 5 Intergovernmental Relations Committee Summary
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**NCLM Town Hall Day**
Raleigh, NC

**NLC Congressional City Conference**
Washington, DC (March 7-11)

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<td>12:00pm Environment Committee Mtg., Room 280</td>
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<td>2:00pm City Manager’s Update Meeting, Room CH-14</td>
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<td>12:00pm Governance &amp; Accountability Committee Mtg., Room 280</td>
<td>5:30pm MTC Meeting, Room 267</td>
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<td>5:00pm Citizens’ Forum/Council Business Meeting, Room 267</td>
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- **April 2015**
- **Good Friday**
- Optional Council trip to Raleigh
Charlotte-Mecklenburg

Storm Water Services

Fiscal Year 2014 Annual Report
Welcome to the Charlotte-Mecklenburg Storm Water Services Fiscal Year 2014 Annual Report. Our public storm drainage system is critical to community safety, economic growth and quality of life. This year’s detailed look at the City’s overall performance and accomplishments showcases our efforts to provide a quality storm drainage system that is safe, clean and cost effective.

Charlotte-Mecklenburg Storm Water Services operates as a stormwater utility. About 60% (101) of employees work for the City of Charlotte Engineering & Property Management Department supporting the following five program areas:

- **Administrative and Technology Program**
  Manages accounting, budgeting, and technology, provides billing support, and conducts drainage system inventory.

- **Construction Management Program**
  Inspects the construction of flood control, water quality enhancement, and repair and maintenance projects.

- **Design Management Program**
  Investigates citizen requests for service and designs and manages repair and maintenance projects.

- **Engineering Program**
  Manages flood control and water quality enhancement projects.

- **Water Quality Program**
  Enforces pollution control regulations, inspects sites for potential pollution, implements watershed plans, and educates the public.

The remaining 40% (70) of employees work for Mecklenburg County Land Use & Environmental Services Agency.

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**FOCUS AREAS**

**SERVING OUR CITIZENS**

**INVESTING IN INFRASTRUCTURE**

**PROTECTING OUR WATERWAYS**

**ENGAGING OUR COMMUNITY**

**MANAGING OUR RESOURCES**
Rainfall amounts vary widely across the City. During storm events, some areas of Charlotte may see inches of rain, while others see next to nothing. A large amount of rainfall in a short period of time may cause flash flooding or make storm drainage problems more visible. Citizens are encouraged to call 311 to report a problem and Storm Water Services is committed to providing outstanding customer service.

- **Addressed 546 citizen requests for service.** Requests are resolved after repairs or infrastructure improvements are constructed to address drainage problems.
- **Received 2,291 citizen requests and 899 qualified for service.** As of June 30, 2014, there are 7,571 outstanding qualifying requests waiting for service. To qualify, the problem must result from stormwater runoff coming from a publicly maintained street and fall within a program classification category.
- **Responded to an additional 355 reports of potential stormwater pollution issues.** Examples of pollution prevented from entering our waterways include sewage, sediment, paint, detergents, oil and yard waste.
- **Collected Geographic Information System (GIS) data on structures, pipes and open drainage systems within a 15-square mile area.** Virtual Charlotte is updated bimonthly with stormwater infrastructure inventory data giving staff and citizens easy access to this data.
- **Partnered with USGS (United States Geological Survey) to maintain 38 rain gauges and 29 stream gauges.** This information is incorporated into the Flood Information & Notification System, an online tool used by emergency responders, meteorologists and citizens that shows rainfall amounts and stream water depths.
Charlotte is among the nation’s fastest-growing big cities according to U.S. Census Bureau data. While growth offers many opportunities, it can strain our aging stormwater drainage infrastructure. The City must replace pipes, storm drains and other structures when they deteriorate or become too small to handle increases in stormwater. Investing in infrastructure protects public safety, guards private property, improves water quality, and enhances quality of life.

- **Fully evaluated** 190 maintenance and repair projects. Typically, after the engineering design is complete, the project is ready to move forward with construction.
- **Constructed 103 maintenance and repair projects** investing approximately $7.4 million in construction. These projects included installation of pipe totaling 13,340 feet and 2,446 feet of pipe repairs.
- **Initiated construction of 8 flood control projects** investing approximately $11.3 million in construction. Projects included installation of 19,238 feet of pipe, 1,073 feet of pipe repairs and 7,481 feet of channel improvements.
- **Managed an additional 41 flood control projects.** Typically, these projects take five to eight years to complete. As of June 30, 2014, these projects are in a planning (13), design (14) or bid/permitting (14) phase.
- **Analyzed and designed 72 miles of storm drainage system for potential improvements.**
- **Completed 45 confined space entries to assess the condition of storm drainage infrastructure.** The Confined Space Entry Team trained 17 employees in safety and procedures.
PROTECTING OUR WATERWAYS

Improving and protecting water quality are essential elements of effective stormwater management. Streams and ponds are natural infrastructure components of the City’s storm drainage system. Rainwater carries pollutants from streets to our streams. Federal and State laws require the City to restore and maintain the quality of our surface waters.

- Initiated construction of 8 water quality enhancement projects, investing approximately $2.9 million in construction. Efforts enhance water quality, stabilize stream banks and improve habitat.
- Constructed more than 1,200 feet of stream restoration, generating mitigation credits, and initiated construction of an additional 10,800 feet. Mitigation credits are used to offset city infrastructure project impacts, allowing projects to proceed while strategically restoring streams and wetlands.
- Managed an additional 13 water quality enhancement projects. As of June 30, 2014, these projects are in a planning (3), design (6), or bid/permitting (4) phase.
- Completed annual inspections of 32 ponds and dams to ensure proper functioning and to identify maintenance needs. Restored ponds provide pollution control benefits, enhancing the quality of our waterways.
- Assisted with Post Construction Stormwater Ordinance compliance on 331 acres of new and redeveloped impervious area. This included installation of 97 stormwater control structures and protection of 81 acres of natural area.
- Trained 891 City employees at 30 facilities on pollution prevention issues. Employees learned how to detect and report pollution problems.

Feet of streams restored

Annual inspections of ponds and dams

City employees trained on stormwater pollution prevention

Water Quality Enhancement Projects

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<td>Planning</td>
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<td>Bid/Permitting</td>
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<tr>
<td>Construction</td>
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*Five were completed in FY2014: Allenbrook Tributary, Bongaard Pond, City View, CMS-Southpark and Shadowlake Pond.
ENGAGING OUR COMMUNITY

Our projects and programs make a difference in the lives of residents across the City. We all benefit when stormwater quickly drains off roads, flood risks to homes are reduced, and we protect or improve the health of our local streams. Success depends on an engaged community that understands the City’s stormwater management challenges, values the services we provide, and participates during planning and project implementation.

- **Sent more than 18,000 project postcards to residents.** These postcards provided status updates, announced public meetings, and included staff contact information.
- **Facilitated public involvement through 15 community meetings.** We engaged citizens in the planning, design and construction of flood control and water quality enhancement projects.
- **Reached more than 2,800 people with stormwater information at 15 community events.** Examples include a Knights Game promotion and Uptown Earth Day.
- **Reached more than 1,400 students at 21 schools in partnership with Mecklenburg County.** A variety of presentations engaged students in hands-on learning activities focused on stormwater pollution prevention and stream water quality.
- **Administered the Adopt-A-Stream Program in partnership with Mecklenburg County.** Almost 2,000 volunteers removed 16 tons of trash.
- **Administered the Storm Drain Stenciling program in partnership with Mecklenburg County.** Almost 90 volunteers marked 956 storm drains with “no dumping” messages.

### OUR MESSAGES

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<tr>
<th>Flood Preparedness, Pollution Prevention, Volunteer</th>
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<td>Reached more than 1 million people via TV, radio and banner advertisements.</td>
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<td>Reached more than 240,000 residents through monthly utility bills.</td>
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<td>Reached about 150,000 citizens through our website.</td>
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MANAGING OUR RESOURCES

Storm Water Services operates as an enterprise fund. The monthly fee is based on the amount of impervious areas (i.e. roofs, paved driveways, etc.) on a property; the more impervious space, the more runoff created. Impervious area is used to determine the fee because hard surfaces cover the ground area where the rain would soak into the soil. Rain that is not absorbed into the ground becomes stormwater runoff. About 61% of single-family residential property owners paid a monthly Storm Water Services Fee of $9.94 or less. For each dollar collected, $0.66 cents went directly to flood control, maintenance and repair, and water quality enhancement projects.

Did you know
The majority of Charlotte residential customers have more than 2,000 square feet of impervious surface and their monthly stormwater utility charge is $7.89 ($9.94 when combined with the Mecklenburg County and fixed fees).

For Each Dollar Storm Water Services Collected in Fiscal Year 2014...

- 6¢ - Capital improvements (flood control projects, maintenance and repairs and water quality enhancement projects)
- 66¢ - Daily Maintenance Activities (such as removing debris from storm drains)
- 1¢ - Technical Expenses (such as GIS and spatial data)
- 3¢ - Storm Water Permit, Public education and collaboration with the County
- 3¢ - Monthly payroll for Storm Water Services employees
- 3¢ - Operations
- 18¢ - Debt service
- $0.66 - Capital improvements (flood control projects, maintenance and repairs and water quality enhancement projects)
- 2.2 billion+ - Square feet of impervious area in Charlotte

Amount spent on projects for each dollar collected

For Each Dollar Storm Water Services Collected in Fiscal Year 2014...
Jennifer Smith
Division Manager

Daryl Hammock
Assistant Division Manager

Stewart Edwards
Design Management Program Manager

Matthew Gustis
Engineering Program Manager

Joe Hecksher
Administrative and Technology Business Manager

Marc Recktenwald
Water Quality Program Manager

Susan Tolan
Construction Management Program Manager
CITY MANAGER’S OFFICE
MEMORANDUM

February 27, 2015

TO: Ron Carlee, City Manager
    Ron Kimble, Deputy City Manager

FROM: Dana Fenton, Intergovernmental Relations Manager

SUBJECT: 2015 State Legislative Report #3

Trending Topics

NC Competes Act (HB 117 – S. Martin, Jeter, Collins and Steinburg) is the House Republican economic development incentives bill that proposes to continue the existing fuel sales tax cap for passenger air carriers by extending the sunset date from the end of 2015 to January 1, 2020, and make modifications to the Job Development Incentives Grant (JDIG), One NC, and Site Infrastructure Fund programs. Crowdfunding, historic preservation tax credits, and economic development issues not included in HB 117 will be addressed in separate legislation.

Other issues being monitored by the City include

Internal Revenue Code Update / Motor Fuels Tax Changes (SB 20 – Rabon, Rucho and Tillman / HB 40 – Howard, Brawley, Setzer and Lewis) would stabilize State transportation revenues by establishing a minimum gas tax rate of 35 cents per gallon, thereby preventing the NC Department of Transportation from reducing expenditures by approximately $400 million. Even with the minimum tax rate set at 35 cents per gallon, the Department will have to reduce current year expenditures by $33 million. Senate passed SB 20 and sent it to the House, where it would have to be considered by both House Finance and House Appropriations prior to floor action.

State General Fund revenues are projected to be $271 million below forecast for the current fiscal year. The Administration is expected to recommend actions in the coming weeks to close the gap when it proposes the next biennial budget.

Zoning/Design and Aesthetic Controls (HB 36 – Dollar, Brawley, Jordan and Glazier / SB 25 – Gunn, Apodaca and Tarte) is identical to legislation from last session that the Senate was set to consider but never actually voted upon (2013 HB 150 Edition 4). HB 36/SB 25 would
specify when local governments could apply design and aesthetic controls to structures subject to regulation under the NC Residential Code for One- and Two-Family Dwellings. The bills also specify six exemptions from the legislation for structures located in local historic districts, or historic districts on the National Register of Historic Places, local, State or national historic landmarks, and requirements to meet life safety codes, manufactured housing regulations, and conditions of participation in the national flood insurance program. HB 36 was referred to House Local Government and SB 25 to Senate Rules.

City Requested Legislation

Charlotte Firefighters’ Retirement System (HB 70 – Bishop, Bradford) amends the City’s firefighters’ retirement system legislation in accordance with the direction provided by the Internal Revenue Service. Referred to House Retirement and Pensions Committee.

Civil Service Board: Rep. Bishop is in the process of collecting co-sponsors for the City’s Civil Service Board legislative request.

Stormwater Management: Rep. Jeter is in the process of collecting co-sponsors for the City’s Stormwater Management bill. The bill would apply to the City and the towns of Mecklenburg County, since all of the municipalities have joined in with Mecklenburg County to form a single stormwater system.

Street Gang Nuisance Abatement: NC Metropolitan Police Chiefs Association is working with potential sponsors of City supported legislation to provide authority for the Courts to extend temporary injunctions for good cause shown against gang activity.

Metropolitan Transit Commission

Special Assessments for Critical Infrastructure Needs Act: Sen. Hartsell of Cabarrus County will be sponsoring legislation supported by the Towns of Apex and Mooresville and Metropolitan Transit Commission to repeal the sunset date of the Special Assessments for Critical Infrastructure Needs Act. The towns are considering using the legislation for projects in their communities.

Bills from Past Reports

Eminent Domain (HB 3 – McGrady / SB 74 – B. Jackson)
Independent Restructuring Commission (HB 49 – Jeter, Howard, Michaux and Tine / SB 28 – J. Jackson)
Justice for Rural Citizens Act (HB 51 – Pittman, Speciale and Ford)
Land Application of Biosolids (HB 61 – Pittman, Ford and Speciale)
Omnibus Economic Development Improvements (HB 89 – Hamilton, R. Moore and Hanes)
Revenue Laws Technical Changes (SB 19 – Rabon, Rucho and Tillman)
COMMITTEE AGENDA TOPICS

I. Subject: Federal Update – Holland & Knight

II. Subject: Debrief: Joint Council – Delegation Meeting

III. Subject: Civil Service Board – Dana Fenton and Stephanie Kelly
   • Alternative option for expansion of Civil Service Board
   • Recommendation requested

IV. Subject: Trending Topics

VI. Subject: Next Meeting
   Action: Monday, March 2 at 3 p.m. in Room 280

COMMITTEE INFORMATION

Present: Council Members Ed Driggs (Chair), Claire Fallon (Vice Chair), LaWana Mayfield, Kenny Smith and David Howard

Other: Rich Gold – Holland & Knight; Stephanie Kelly – City Clerk

Time: 3:00 p.m.

ATTACHMENTS
Charlotte City Council

Intergovernmental Relations Committee

Meeting Summary for January 5, 2015

- Intergovernmental Relations Committee 2015 Schedule
- Civil Service Board Presentation
- 2015-2016 State Legislative Agenda
- 2015 NCGA / Congressional Staffing Calendar
Committee Discussion:

Committee Chair Councilman Ed Driggs called the meeting to order and asked those in attendance to introduce themselves.

I. Federal Update – Holland & Knight

Driggs: First line of business we have Holland and Knight on the phone and we are interested to hear your Federal update.

Gold: We look forward to seeing you in the forward couple of months when you come up in March for NLC. We are prepping for the beginning of the new Congress which as you may know starts tomorrow. The White House is gearing up as the President returns from vacation in Hawaii. Different from a lot of years, this year the Congress is really going to hit the ground running. We expect them to be doing legislative business this week. We will actually be in session every week this month and going strong until President’s Day recess. That all works up for you guys coming up for the NLC.

Fallon: What about the Senators?

Gold: The Senators will be here when you guys are up

Driggs: Will the Senate be taking up a lot of the stuff that passed by the House and had been sitting without action?

Gold: No. It’s a new Congress and all that has to be reintroduced. There’s nothing sitting right now. It’s a brand new day.

Driggs: And what’s the betting on whether the President and Reid will go into full opposition and make them override vetoes every step of the way?

Gold: I think the President has a limited legislative agenda that he’d like to see get done. There’s not a big legislative agenda from the White House’s perspective. The reality is while Republicans control both groups they don’t have majority veto group majorities in the Senate so the reality is that most stuff that comes through the bodies Reid and the President will oppose. I think there will be a bucket of things that they agree to work on in a Bipartisan fashion, a bucket of things that they agree to do for political reasons and then a lot of day to day legislating hopefully will get done relatively in a non-combative fashion.

Fallon: Do you think they are going to do anything or are they going to have another standoff this year?
Gold: No. I think they are going to get some things done, more this year than last year. As you are all aware last year was a historical low in terms of the lack of productivity. I think we will get back to getting a little bit more of some stuff done. That’s kind of the benefit of having the House and Senate in the hands of the same party whereas last year and the year before the friction was palpable and made passing day to day legislation very difficult.

Fallon: Do you think there will be a modification of the Health Law?

Gold: No. I don’t see any major changes legislatively but it doesn’t mean there won’t be any debate or discussion about it.

Driggs: As far as funding for the things that are immediate to us like Blue Line or Street Car, any events taking shape?

Gold: The real question there will be the funding source that gets developed over the next 3-4 months. There’s a little bit of debate given the drop in gas prices whether this will be an OK time to raise the gas tax. It’s pretty difficult to see Republicans comfortable doing that. So the real question is how do you come up with the revenue for the program which right now the gas tax is falling a good 10-12 billion dollars short a year in terms of actually helping fund the program. It would be a lot easier to do transportation reauthorization if we were able to: A) come up with a funding source and B) roll it into the big tax reform bill, because in the context of that bill it doesn’t stand out like a sore thumb. But that depends on Corporate Tax Reform going somewhere and most people up here don’t think that likely to happen. So they are looking at possible funding ideas including bringing back all the overseas cash that companies have accrued but they haven’t brought back domestically because of tax liabilities and providing a waiver for companies to bring that back and that would raise some revenue and a handful of other ideas. But that’s going to be in debate over the next few months. The current transportation extension of authorization expires May 31st so we have a little bit of time here.


DAVID HOWARD ENTERS THE MEETING

II. Debrief: Joint Council – Delegation Meeting

Fenton: Just to make a few remarks Mr. Chair. I want to handout a calendar (attached) that I put together every year. What I have done is taken each work week and indicated where I will be for that week. I think there was a good opportunity here to follow up on the good things that came out of last month’s delegation meeting in terms of maybe trying to get the committee up there (Raleigh) at some time several times during the session.

Driggs: I did have a conversation with Dana and said that one of the things that I would like to encourage is to get a little more focused on this whole issue of interaction between us. So we need to get down the specifics on how it would work, or how we would see them or who would see whom. Otherwise we will talk about it all year and things won’t turn out. So this (calendar)
will be quite useful because we can see when you will be in Raleigh and we can get you to help us arrange meetings. And I guess the question for my colleagues is do we set up a schedule or what’s the best way to actually start to program this?

Smith: I am for it if it’s going to help build a professional rapport. Let’s figure out a few dates and put them on the calendar whether we go as a committee or in small groups. I think it would be a valuable use of time to meet them on their home turf as opposed to setting up meetings here. I think it would go a long way towards relationship building.

Driggs: And I don’t think we would have to do it that often.

Howard: I’m wondering if we can do it a little different and go at it another way. We have been having the same conversation for going on six years I am not sure we are talking about doing things different from how we do them. I think we need to get to know our delegation here while we are here so that they can introduce us to others while we are there. Because what I think I heard in the meeting the other day is that a lot of people in other parts of the state don’t know a lot about us. I’d like to spend the time when we go to Raleigh to get to know the other folks so that we can call them when we need something. My strategy would be a little different like getting to know our folks here and spending time with them here to build team so when we get to Raleigh they will be as useful as Dana when introducing us.

Driggs: That makes a lot of sense to me but I’m actually thinking on logistical terms regarding Council of just getting bodies up to Raleigh and then thinking of how best to use our time once we get there. But I like the idea of also contacting people when they are here and trying to establish some sort of rapport. But the thing is we need to get to the point where we have a signup sheet or a schedule or some dates and we are actually getting more specific programs.

Howard: I’m talking more about strategy but you’re right. I also think we should go sit in on committee meetings if we see something brewing or something relevant let’s get in front of it.

Fallon: The committee meeting that we went to they were very welcoming. I suggested to Dana that we should invite our whole delegation to dinner one night when we go up to Raleigh where we can get together and it’s not just business and you can get to know them.

Driggs: Can we as a result of this meeting maybe start creating a calendar and draft something and put some dates out and suggest some dates and let Council sign up there. Like Howard said let’s leverage that to see if we can get them to help us get to know others. I think everyone would respond better if we just put a couple of dates out there.

Fenton: OK I will do that.

Smith: One thing that I may add is if we coordinate that with our committee meetings here as well. Let’s try to pick a week where we aren’t all loaded so more of us can go. I think they will be receptive to the outreach. I think they will appreciate the pro activeness from Charlotte.
Howard: The other thing too is don’t forget the Executive branch.

Driggs: Alright got that. If we can talk about that some more I will touch base with members of committee with more specifics and let’s try to get something out for our colleagues and the rest of Council.

Fenton: I will try to focus on the first several months of general assembly in February and March. We have some other events going on in the City that we don’t want to trump.

Driggs: Excellent. Are we good on that? OK let’s move to the next agenda item.

III. Civil Service Board – Dana Fenton and Stephanie Kelly

- Alternative option for expansion of Civil Service Board
- Recommendation requested

Driggs: Do you want to brief us on this Dana?

Fenton: I certainly would and I brought up an expert on this. There is a proposal right now to increase the membership of the Charlotte Civil Service Board from seven to nine members and authorize the City Council to increase the membership of the Board from nine to eleven members. We essentially made a staff recommendation to ask the Delegation to increase it from seven to nine members and give the City Council the option to increasing it further to eleven members if needed.

Fallon: Can you have it like a jury where you have alternates?

Fenton: We did have alternates. There were 5 permanent members on the Board and then two alternates. That was phased out.

Fallon: Can it be rephrased in? Would it help if it were rephrased in?

Kelly: It’s not particularly advantageous because the alternate members end up having to do as much as the regular members.

Fallon: Did they also have the absenteeism that they do now?

Kelly: It’s not so much of them being absent; it’s more about not being available because of their work schedules. Attendance at the regular meetings is not particularly an issue. It’s people being available for 2-3 days at a time for the hearings because the length of a hearing is usually 2 days.

Howard: I think you need 5 people to have a hearing

Kelly: To have a disciplinary hearing
Howard: And there are 7 of them so there’s not enough leeway for what Stephanie described those people to get to those 5. But if you add too many then you will start getting inconsistencies in decisions because you have people rotating in and out. So from case to case the tighter you can keep that group the better it is for us to protect us from lawsuits and everything else. I think I want to make sure that we write it in a way that the State doesn’t require us to go to eleven. I would hope we would give more thought to what the ripple effect would be if we ever go to eleven.

Kelly: What our recommendation is that it remain still 5 required for a termination hearing and 3 for a suspension hearing. The majority of our hearings are termination hearings and they require 5.

Driggs: This whole conversation about 11 got started because at the Delegation meeting specifically Representative Jeter said we don’t want you guys coming back. So what if you come to us this time and ask us for the right but not actually implement. And that way if you decide in the future that you want to go to 11 then you have the local authority to do that. And so I thought it was a good idea because it leaves the power to choose when we go to eleven with us.

Smith: A couple of points. I just want to make sure procedurally on our side on the implementations side regarding the eleven that we thought a step down the road and know how we can handle that from a Council’s perspective just so it’s on a radar 2) Is this a historical issue? Are we having more cases now? Are we appointing people that are not aware of the time requirements? I support the increase because I do think that for this type of board seven does seem a little small. But I’m more curious if we are appointing people who aren’t able to meet the requirements and if some of this could be fixed by curtailing some of the appointments. But again I support the increase, I’m more just curious.

Howard: Are the cases increasing?

Kelly: The number of cases on average are about the same in terms of the number of cases they actually hear. There are many more hearings probably scheduled where the officers decide to resign and we never make it to the hearing point. People are made aware of the timing requirements but until you actually are sitting in that chair until you experience it.

Smith: I just want to make sure that when we come to 9 and 11 that we are appointing the right people so we don’t end up with the same problem.

Driggs: You are personally supportive of the idea of the 11 member option is that right?

Kelly: I agree with Council having the option

Fallon: The right to add as we call it

Driggs: And I like the idea of us having the right to determine. It looks like you have thought
about what other things might be needed so we don’t end up going back for another reason if we did exercise the option.

Kelly: Mr. Chairman, from a historical standpoint I would just like to say that Civil Service Board Members when there are problems historically have reached out to Council members. So if it gets to a point that the Civil Service Board Members feel as though 9 members aren’t working as they have in the past I suspect that you as individual Council members will be hearing from board members.

Driggs: And I will just point out too that although I appreciate the observation that having the board get too big and therefore not having the continuity for procedure purposes if you resume the same small group to hear all the cases and the number of cases keeps getting greater than I think it demands replacing that group and getting (inaudible).

Howard: She said the numbers hadn’t gotten greater.

Driggs: Uh, well we’re not processing the number that is the thing and I’m saying we’ve encountered a bottle neck because they can’t keep up and whether it’s they’re ability to attend meetings or if whether there are too many meetings I think we could end up in a situation where relaxing the continuity goal in favor of getting these meetings scheduled more quickly might turn out to be the right thing to do but not today. So I guess my question to the committee is are we OK with this? Do we need a vote on this?

Fenton: Yes we need a recommendation on this.

Smith: Motion

Driggs: OK all in favor?

Fallon: Dana, I can’t vote for it unless you put in that they’re allowed to have somebody accommodate them and not to have it someplace else because I know of a case when somebody was not allowed to accommodate them even though the rules said they were. They were denied. Alright?

Driggs: But this isn’t the place in the legislation where that topic is addressed

Fallon: The place is wherever they are going to have to obey it and not ignore it

Driggs: Alright. So we have a motion and a second. All in favor say ‘Aye”

Driggs, Howard, Mayfield and Smith: “Aye”

Driggs: Opposed?
*Council member Fallon opposed by raising her hand

Fenton: Mr. Chair we will bring this to Council for their proposal

Howard: Just out of respect for Ms. Fallon would somebody get back to her with the question about that being covered already?

Fenton: We will do just that

Howard: And if you would just share it with the whole committee. I think it’s covered Claire and I hear you.

Fallon: It may be covered. But it gave somebody the right to tell somebody no you can’t come in. And that’s all it is, adding that one sentence. What difference does that make?

Howard: Because it hasn’t been vetted through Council I don’t think we can do what you’re saying right now but we should get a report back

Driggs: So you will follow up on that point? OK then we are adjourned.

Action: Next meeting will take place on Monday, March 2, 2015 at 3 p.m.

Meeting Adjourned at 3:55 p.m. ~jcs
Intergovernmental Relations Committee
Monday, January 5, 2015 at 3:00 p.m.
Charlotte-Mecklenburg Government Center
Room 280

Committee Members: Ed Driggs, Chair
Claire Fallon, Vice Chair
David Howard
LaWana Mayfield
Kenny Smith

Staff Resource: Ron Kimble

I. Federal Update – Holland & Knight

II. Debrief: Joint Council – Delegation Meeting

III. Civil Service Board – Dana Fenton and Stephanie Kelly

- Alternative option for expansion of Civil Service Board
- Recommendation requested

IV. Trending Topics

Next Meeting:
- Monday, February 2, 3:00 pm, Room 280

Attachment:
- Legislative Calendar

Distribution: Mayor/City Council
Ron Carlee
City Manager’s Executive Team
Bob Hagemann
Stephanie Kelly
Intergovernmental Relations Committee

2015 Schedule

1st Monday of each month from 3:00 – 4:00 pm
*Meetings will be held at the Charlotte-Mecklenburg Government Center in Room 280, unless otherwise noted

January 5

February 2

March 2

April 6

May 4

June 1

*Meetings will reconvene after the summer months and an updated schedule will be distributed at that time.

NLC Congressional City Conference, Washington, D.C. (March 7-11, 2015)
NCLM Town Hall Day (March 18, 2015)
Civil Service Board

Intergovernmental Relations Committee

January 5, 2015

Civil Service Board

- On December 8, City Council approved State legislative request to increase membership of the Civil Service Board from 7 to 9 members
  - Over the last five years, 14 hearings have been held on average 163 days longer than what is required by the City Charter
  - On average, appeals last 2.2 days or 13.8 hours
  - Availability of Civil Service Board members for such hearings has been cited as one reason for delays in hearing appeals
Delegation Meeting

- On December 15, Representative Jeter suggested an alternative by adding a second part to the request for the Council to increase the Board further in the event nine members is not sufficient:
  - General Assembly would increase the Civil Service Board to nine members
  - Legislation would authorize the City Council to raise the number of Civil Service Board members from nine to a maximum specified level

Staff Recommendation

- Increase the membership of the Charlotte Civil Service Board from seven to nine members and authorize the City Council to increase the membership of the Board from nine to eleven members
Category: Public Safety

Issue: Civil Service Board (Local)

Position: Increase the membership of the Charlotte Civil Service Board from seven to nine members and authorize the City Council to increase the membership of the Board from nine to eleven members

Staff Resources: Stephanie Kelly, City Clerk, 704.336.4515
Catherine Cooper, City Attorney’s Office, 704.432.4761

Background and History: In 1929, the Civil Service Board was established and charged with reviewing and approving appointments, promotions and disciplinary actions, including suspensions, demotions and citations for termination, for sworn police officers and uniformed firefighters in the Charlotte-Mecklenburg Police Department and the Charlotte Fire Department. The Board regularly meets on the first Tuesday of each month to consider appointments and promotions. The Board also convenes hearings, which are held separately from the regular meetings, for sworn police officers and uniformed firefighters to appeal disciplinary actions resulting in suspension, demotion or termination. An appeal hearing typically lasts two to three days and must accommodate the schedule of the participants in the process, including the officer or firefighter, the attorney for the officer or firefighter, the Police or Fire Department attorney, witnesses, court reporter, City staff, and the required number of Board members for the hearing panel. Appeals of suspensions and demotions require three members of the Board to serve on a hearing panel while termination hearings require five members of the Board to serve on the panel. The Board’s charter provision states that an appeal hearing shall be held not less than 15 days nor more than 30 days from the date of the notice of appeal or the termination citation is received by the Board.

Current Need/Problem (including potential allies or detractors): Over the last five years, as a result of accommodating schedules for 14 appeal hearings, the average number of days for the Civil Service Board to hear an appeal is 193 days or 163 days longer than what the City Charter requires. When this issue was first raised in 2010, a revision of the Board’s attendance policy was considered. The Board has a 65% attendance requirement for its regular monthly meetings, but not for hearings. It was felt that extending the attendance requirement to hearings could result in problems such as some Board members failing to achieve attendance goals, the loss of qualified appointees, difficulty recruiting for the body and inconsistencies with attendance requirements for other city advisory boards. After managing this issue for the last several years, it is believed that increasing the number of board members will expedite the disciplinary process much more effectively than revising the attendance requirement.

Impact if Addressed/Adopted: If the Civil Service Board is expanded to nine or eleven members, then it will be easier to select hearing dates which are acceptable to the required number of Civil Service Board members and other participants, with the result that hearings can take place sooner, affording a greater level of certainty to the disciplinary process.
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<th>FILING DATE</th>
<th>CHARTER HEARING DEADLINE</th>
<th>HEARING BEGINNING</th>
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**AVERAGE** 2.2 13.8 163

**NUMBER OF APPEALS HEARD:** 14  
**AVERAGE NUMBER OF DAYS TO HEAR EACH APPEAL:** 2.2  
**AVERAGE NUMBER OF HOURS TO HEAR EACH APPEAL:** 13.8  
**APPEALS HEARD WITHIN HEARING DEADLINE:** NONE  
**APPEALS HEARD 1 TO 90 DAYS LATE:** 2  
**APPEALS HEARD 91 TO 180 DAYS LATE:** 6  
**APPEALS HEARD MORE THAN 180 DAYS LATE:** 6  
**AVERAGE NUMBER OF DAYS TO HEAR APPEAL AFTER 30 DAY PERIOD HAS EXPIRED:** 163
CITY OF CHARLOTTE
CIVIL SERVICE BOARD (LOCAL)

AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE CONCERNING
THE CIVIL SERVICE BOARD

SECTION 1. Section 4.61(a) of Article III of Chapter 4 of the Charter of the City of
Charlotte, being S.L. 2006-124, as amended, reads as rewritten:

"Section 4.61. Civil service board; membership, powers and duties. (a) Establishment.
There is hereby continued a Civil Service Board for the City of Charlotte, to consist of seven
nine members; four six members to be appointed by the Council and three members to be
appointed by the Mayor. Notwithstanding the foregoing, the Council, in its discretion, may
change the number of Board members from nine to eleven, in which case seven members shall
be appointed by Council and four shall be appointed by the Mayor for the eleven-member Board.
Each member shall serve for a term of three years. In case of a vacancy on the Board, the
Council or the Mayor, as the case may be, shall fill such vacancy for the unexpired term of said
member. For the purposes of establishing a quorum of the Board, any combination of Board
members and alternates totaling three five shall constitute a quorum for a nine-member Board
and six shall constitute a quorum for an eleven-member Board. All Board members shall attend
regular meetings for the purposes of meeting attendance policy and familiarity with Board
business and procedures. Attendance at meetings and continued service on the Board shall be
governed by the attendance policies established by the Council. Vacancies resulting from a
member's failure to attend the required number of meetings or hearings shall be filled as
provided herein."

SECTION 2. Section 4.61(j) of Article III of Chapter 4 of the Charter of the City of
Charlotte, being S.L. 2000-26, as amended, reads as rewritten:

"Section 4.61. Civil service board; membership, powers and duties. (j) Appeal
hearings. Upon receipt of a citation for termination from either chief or upon receipt of notice of
appeal for a suspension from any civil service covered police officer or firefighter, the Board
shall hold a hearing not less than 15 days nor more than 30 days from the date the notice of
appeal, or the citation, is received by the Board, and shall promptly notify the officer of the
hearing date. Termination hearings shall be held with a panel of five made up of any
combination of available members or alternates, and suspension hearings shall be held with a
panel of three made up of any combination of available members or alternates. In the event an
officer desires a hearing at a date other than that set by the Board within the period set forth
above, such officer may file a written request for a change of hearing date setting forth the
reasons for such request, and the Chair of the Board is empowered to approve or disapprove such
request; provided that such request must be received by the Board at least seven days prior to the
date set for the hearing. For good cause, the Chair of the Board may set a hearing date other than
within the period set forth above, or may continue the hearing from time to time. In the conduct
of its hearing, each member of the Board shall have the power to subpoena witnesses, administer
oaths, and compel the production of evidence. If a person fails or refuses to obey a subpoena
issued pursuant to this subsection, the Board may apply to the General Court of Justice, Superior
Court Division, for an order requiring that its subpoena be obeyed, and the court shall have
jurisdiction to issue these orders after notice to all parties. If any person, while under oath at a
hearing of the Board, willfully swears falsely, such person shall be guilty of a Class 1
misdemeanor. Both the officer and the police or fire department shall have the right to present relevant evidence to the Board at its hearing. The officer must be furnished with a copy of the charges which have been brought against an officer and which will be heard by the Board. The officer shall be required to answer questions from members of the Board or the Board's counsel; however, the officer may refuse to answer any question where the answer might incriminate the officer with respect to any criminal violation of State or federal laws. The officer may be present at all evidentiary portions of the hearing, may retain counsel to represent the officer at the hearing, and may cross-examine those witnesses who testify against the officer. The officer will be given the right to an open or closed hearing as he may elect. After the evidentiary portion of the hearing is concluded, the Board will consider the evidence in closed session, and the Board will make findings of facts which will be provided to the officer together with a statement of the action taken by the Board on the basis of its findings of fact."

**SECTION 3.** This act is effective when it becomes law.
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<th>Dana Fenton</th>
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<td>RAL</td>
</tr>
<tr>
<td>July 27 – 31</td>
<td></td>
<td>CLT / RAL</td>
<td>RAL</td>
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<tr>
<td>Days in:</td>
<td>CLT / RAL</td>
<td>25</td>
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</tr>
<tr>
<td>DC only</td>
<td></td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>CLT only</td>
<td></td>
<td>42</td>
<td></td>
</tr>
<tr>
<td>RAL only</td>
<td></td>
<td>78</td>
<td></td>
</tr>
<tr>
<td>Total Days in Raleigh (including partial days)</td>
<td></td>
<td>103</td>
<td></td>
</tr>
</tbody>
</table>