



Crucial Questions

*A Checklist for City Council
Candidates and Citizens*

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City council members throughout North Carolina hold the reins of the first level of government that affects most North Carolinians. With a proper perspective on the uses and limits of government, these leaders can foster prosperity in their communities through free individuals pursuing their own dreams without fear of the city arbitrarily curtailing their activities or usurping their property or wealth.

Such a community will also be blessed with enterprising citizens who are readily able to produce solutions to civic problems. In contrast, the political process is slow, full of bickering and compromises, and all too often geared as much toward addressing a problem as it is toward pacifying special interests with a piece of the action. A community with a greater respect for its citizens' rights is also a much more flexible community to respond to problems and crises.

The John Locke Foundation Research Staff offers the following checklist of ways city council candidates can evaluate their city governments through the lens of limited government. Each question on the checklist is followed by links to resources from the Locke Foundation that help explain the basis and rationale for the question and give more information about its application to city government.

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PRINCIPLES OF LIMITED GOVERNMENT

This council candidates' checklist provides an easy method for examining city government services. We believe that city activities should be based on the same philosophy of limited government and respect for individual rights that animated the American Founders. The Founders believed that by keeping government constrained, individuals could pursue their hopes and dreams and the country would prosper. That principle is no less true for city government than the federal government.

STICK TO THE CORE MISSION

Responsible city leaders ensure that the cities' essential services, such as fire and police protection, transportation, water, sewer and solid waste, are delivered in the most cost effective ways. Outside of public safety, that includes keeping costs low and service levels high by using competitive bidding and contracts with the private sector. City leaders should also work to keep their cities from getting far afield of their core mission and into expensive private-sector activities such as providing or subsidizing golf courses, restaurants, convention centers, etc.

LIMIT TAXES

A low tax burden is a hallmark of limited government. Governments that stay within their bounds don't burden their citizens with excessive taxation. In North Carolina, cities face no limitations on the amount of property tax revenues they can raise. Those constraints must be provided by city leaders who choose not to grow city budgets beyond their core missions nor allow inefficiencies to fester. Such leaders respect the importance of allowing individuals the freedom to follow their dreams, understand the awesome power of taxation, and are mindful not to abuse it.

RESPECT THE RULE OF LAW

Responsible city leaders are also mindful of the unseen costs imposed by arbitrary zoning and land-use regulations and how they confound economic progress. A key element of limited government is the rule of law rather than rule by unpredictable, capricious whim. The Declaration of Independence charged King George III with 27 acts of arbitrary rule.

City zoning and land-use regulations can be equally arbitrary and capricious. They can treat individuals with similar property very differently, depending on how the land is zoned or based on the arbitrary recommendations of an unelected planning board or city planners.

PROTECT CITIZENS' RIGHTS TO THE FRUITS OF THEIR LABOR

In their Declaration, the Founders recognized that citizens have certain God-given unalienable rights “that among these are Life, Liberty, and the Pursuit of Happiness.” The authors of the North Carolina Constitution went further and added that individuals have the unalienable right to “the enjoyment of the fruits of their own labor.” Individuals form governments to protect these rights.

Owning a home or business is a primary exercise of those foundational rights, but it is imperiled by the governmental power of eminent domain. The Fifth Amendment protects property owners by stipulating that private property cannot “be taken for public use without just compensation.” Traditionally, that has meant that if a city needs to take private property for a public use such as a fire station, it would have to compensate the owner. Recently, however, cities have broadened “public use” to justify many different kinds of takings, again sliding into arbitrary rule depending upon officials’ inclinations of the day. City leaders who are respectful of individual rights adhere to the traditional use of eminent domain.

KEEP THE CHARGE

Keeping city government within narrow bounds is difficult. Numerous special interests lobby city council members to expand or adopt their pet projects. Federal and state money is offered to start or expand programs, each supported by special interests at those levels. City council members are under constant pressure from these powerful special interests and city bureaucrats who have vested interests in maintaining and expanding the activities under their purview.

Responsible city leaders recognize and resist these pressures. Council members must constantly rededicate themselves to serving the public interest by limiting government activities and respecting individual rights.

City Finances

City Budget Process

- Yes No 1. Does the annual budget proposal show or graph local revenue adjusted for growth in population and inflation over the past 10 years?
-

RESOURCE:

"City and County Budget Crises: When in a hole, first stop digging"

www.johnlocke.org/policy_reports/display_story.html?id=195

New Taxes

- Yes No 2. Are supporters of new taxes or tax increases required to prove that they are needed?
-

RESOURCES

City and County Issue Guide 2008, pp. 2-3

www.johnlocke.org/site-docs/CLI/2009issueguide/transferandsalestaxes.html

By The Numbers: What Government Costs in North Carolina Cities and Counties FY 2007

www.johnlocke.org/policy_reports/display_story.html?id=194

Impact Fees and Adequate Public Facilities Ordinances (APFO)

- Yes No 3. Are impact fees and APFOs based on research that calculates both public costs and increased tax revenues produced by growth?
-

RESOURCES

"Raleigh's Flawed Impact Fee: Incomplete Research Means Proposal Is Broken from the Start"

www.johnlocke.org/spotlights/display_story.html?id=131

"APFOs Research Fatally Flawed: One-sided analysis is used to determine 'voluntary mitigation' fees"

www.johnlocke.org/spotlights/display_story.html?id=180

Financial Transparency

- Yes No 4. Are financial data, including city checkbook register entries, available to the public through an online, searchable, structured computer database?
-

RESOURCES

"Fiscal Transparency in N.C.: Surveying state and local governments"

www.johnlocke.org/spotlights/display_story.html?id=199

NC Transparency web site

www.nctransparency.com

Retiree Health Benefits

- Yes No 5. Has the city adopted a consumer-driven health plan, such as one tied to a Health Savings Account?
-
- Yes No 6. Has the city set aside enough money to adequately fund the liability for current and future city employee retiree health costs?
-

RESOURCE

City and County Issue Guide 2009, pp. 4-5

www.johnlocke.org/site-docs/CLI/2009issueguide/retireehealthbenefits.html

Economic Development Policy

- Yes No 7. Does the city report the full costs and consequences of economic development incentives through tax-increment financing (TIFs)?
-

RESOURCES

City and County Issue Guide 2009, pp. 6-7

www.johnlocke.org/site-docs/CLI/2009issueguide/taxincrementfinancing.html

"Common-Sense TIF Reforms: Ways to Avoid Randy Parton Theatre-Like Debacles and Other Disasters"

www.johnlocke.org/spotlights/display_story.html?id=200

- Yes No 8. Does the city welcome economic growth and business activity with low property taxes, sales taxes, and business regulations and fees?
-

RESOURCE

City and County Issue Guide 2009, pp. 8-9

www.johnlocke.org/site-docs/CLI/2009issueguide/economicdevelopmentpolicy.html

- Yes No 9. Does the city reject the use of targeted incentives and eminent domain to attract business?
-

- Yes No 10. Does the city focus on providing essential government services and flexible land use policies?
-

RESOURCE

"The Anaheim Solution: How N.C. cities can redevelop without using incentives or eminent domain"

www.johnlocke.org/spotlights/display_story.html?id=191

Competitive Sourcing

- Yes No 11. Does the city have private provision of water?
- Yes No 12. Does the city have private provision of electricity?
- Yes No 13. Does the city have private provision of natural gas or fuel oil?
- Yes No 14. Does the city have private provision of solid waste disposal?
- Yes No 15. Does the city have private provision of janitorial services?
- Yes No 16. Does the city have private provision of road maintenance?
- Yes No 17. Does the city regularly review and rebid city services and activities?

RESOURCE

City and County Issue Guide 2009, pp. 10-11

www.johnlocke.org/site-docs/CLI/2009issueguide/competitivesourcing.html

Fresh Water and Waste Services

- Yes No 18. Does the city contract its fresh water and waste services to private firms or convert them into privately owned, government-regulated services?
- Yes No 19. If not, does the city set higher prices for water during droughts instead of mandating behavior changes?

RESOURCE

City and County Issue Guide 2009, pp. 14-15

www.johnlocke.org/site-docs/CLI/2009issueguide/freshwater.html

City Services

Parks and Recreation

- Yes No 20. Does the parks and recreation department provide only services that serve most residents and are not offered by the private sector?
-

RESOURCES

City and County Issue Guide 2009, pp. 16-17

www.johnlocke.org/site-docs/CLI/2009issueguide/parksandrecreation.html

Economic analyses of several N.C. municipalities' golf courses are available at www.johnlocke.org/lockerroom/lockerroom.html?id=20848

Land Use and Zoning

- Yes No 21. Do land-use and zoning regulations minimize detailed regulatory control and maximize market trends?
-

RESOURCE

City and County Issue Guide 2009, pp. 18-19

www.johnlocke.org/site-docs/CLI/2009issueguide/landuseandzoning.html

- Yes No 22. Do city planners use “Flex Growth” tools such as marginal-cost pricing, voluntary open-space protection, and more flexible zoning codes that allow mixed-use developments?
-

- Yes No 23. Have city planners rejected or repealed so-called “Smart Growth” policies that force citizens to conform to politically determined lifestyles?
-

RESOURCES

City and County Issue Guide 2009, pp. 20-21

www.johnlocke.org/site-docs/CLI/2009issueguide/smartgrowth.html

“Chatham County’s Land Grab: A selfish elite is trying to take over 23,000 acres for their personal benefit”

www.johnlocke.org/policy_reports/display_story.html?id=190

Affordable Housing

Yes No 24. Has the city adopted less stringent land-use management ordinances to lower construction costs and increase housing stock?

Yes No 25. Has the city rejected and repealed burdensome and counterproductive “affordable housing” and inclusionary zoning policies?

RESOURCES

City and County Issue Guide 2009, pp. 22-23

www.johnlocke.org/site-docs/CLI/2009issueguide/affordablehousing.html

“Un-Affordable Housing: Cities keep low- and middle-income families from home ownership”

www.johnlocke.org/policy_reports/display_story.html?id=168

Air Service

Yes No 26. Has the city stopped expending resources in questionable attempts to attract or keep air service?

RESOURCE

City and County Issue Guide 2009, pp. 24-25

www.johnlocke.org/site-docs/CLI/2009issueguide/airservice.html

Public Transit

Yes No 27. Do transit planners offer plans that conform to the needs of the majority of citizens?

RESOURCES

City and County Issue Guide 2009, pp. 26-27

www.johnlocke.org/site-docs/CLI/2009issueguide/publictransit.html

“Charlotte’s LYNX Line: A Preliminary Assessment”

www.johnlocke.org/policy_reports/display_story.html?id=177

Traffic Congestion in North Carolina: Status, Prospects, & Solutions

www.johnlocke.org/policy_reports/display_story.html?id=82

Conquering Traffic Congestion in the Capital City: More Effective Solutions Than Light Rail

www.johnlocke.org/policy_reports/display_story.html?id=74

Convention Centers, Stadiums, Water Parks, and Restaurants

- Yes No 28. Does the city leave convention centers to the private sector?
- Yes No 29. Does the city leave civic centers to the private sector?
- Yes No 30. Does the city leave sports stadiums to the private sector?
- Yes No 31. Does the city leave water parks to the private sector?
- Yes No 32. Does the city leave restaurants to the private sector?
- Yes No 33. Does the city leave performing arts venues to the private sector?

RESOURCES

City and County Issue Guide 2009, pp. 28-29

www.johnlocke.org/site-docs/CLI/2009issueguide/conventioncenters.html

The New Raleigh Convention Center: A taxpayer-funded money pit

www.johnlocke.org/policy_reports/display_story.html?id=174

North Carolina Convention Centers: Important Lessons for Asheville and Wilmington

www.johnlocke.org/policy_reports/display_story.html?id=73

Property Rights

Eminent Domain

Yes No 34. Does the city take private property only for a
 clearly defined “public use?”

Yes No 35. Does the city provide just compensation to
 property owners whose land is taken through eminent domain?

RESOURCE

City and County Issue Guide 2009, pp. 30-31

www.johnlocke.org/site-docs/CLI/2009issueguide/eminentdomain.html

Forced Annexation

Yes No 36. Does the city require a vote of the residents in any
 area the city intends to annex?

Yes No 37. Does the city deliver meaningful services in a
 reasonable time, and does it report the length of time online?

RESOURCES

City and County Issue Guide 2009, pp. 32-33

www.johnlocke.org/site-docs/CLI/2009issueguide/forcedannexation.html

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ABOUT THE JOHN LOCKE FOUNDATION

The John Locke Foundation is a nonprofit, nonpartisan policy institute based in Raleigh. Its mission is to develop and promote solutions to the state's most critical challenges. The Locke Foundation seeks to transform state and local government through the principles of competition, innovation, personal freedom, and personal responsibility in order to strike a better balance between the public sector and private institutions of family, faith, community, and enterprise.

To pursue these goals, the Locke Foundation operates a number of programs and services to provide information and observations to legislators, policymakers, business executives, citizen activists, civic and community leaders, and the news media. These services and programs include the foundation's monthly newspaper, *Carolina Journal*; its daily news service, *CarolinaJournal.com*; its weekly e-newsletter, *Carolina Journal Weekly Report*; its quarterly newsletter, *The Locke Letter*; and regular events, conferences, and research reports on important topics facing state and local governments.

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“To prejudge other men’s notions
before we have looked into them
is not to show their darkness
but to put out our own eyes.”

JOHN LOCKE (1632–1704)

Author, *Two Treatises of Government* and
Fundamental Constitutions of Carolina



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