

1.00 Introduction

Finance, Administration, and Intergovernmental Relations' chapter of NLC policy focuses on the interplay of federal policies and local governments. NLC recognizes that local government is the level of government most closely connected with citizens. Local government has the direct responsibility for providing necessary daily services, solving day-to-day public problems and responding directly to the needs of its citizens. The following chapter highlights important prerogatives of local governments and our concerns about how federal policies impede and restrict the authority and control of local elected officials to provide necessary daily services, solve day-to-day problems, and respond to needs of citizens.

A. Intergovernmental Relations

Each governmental entity has a responsibility to provide services, solve problems, and answer to the needs of its citizens. Local government, through federalism, needs partnership with County, State, and Federal partners. Partnership involves cooperative behavior with give and take and sharing of duties and responsibilities. The Federal Government should avoid using its significant financial powers to the detriment of local government, and it should not use the bureaucracy of complex regulations, policies, and federal departmentalization to stunt, delay, impede, or control local governmental decisions regarding how to provide for the needs of its citizens. Federal overreach through mandates, failure to act on E-Fairness, interference with collection of local taxes, restrictions on local authority under Takings actions, preemption of municipal regulatory authority, and restriction on municipal annexation are all examples of

Federal power influencing and interfering with local government responsibly responding to the needs of its citizens.

Intergovernmental partnership must be strengthened through all levels of government, including Federal Government flexibility in working with local governments when local governments are providing necessary services, solving day-to-day problems, and responding to the needs of citizens. Federalism requires acknowledgment of respective roles, duties, and responsibilities for each level of government. Federalism is promoted when boundaries of authority and responsibility are identified, delineated, and respected by all the partners of government.

B. Finance

There are numerous areas wherein federal policies directly impact the ability, authority, and constitutional autonomy of local elected officials to meet the needs of their citizens. Federally-created mandates create a burden on local officials to meet federal bureaucratic regulations, and lack of appropriate funding or assistance in meeting those requirements exacerbate that burden. As such, the Federal government should not create policies or regulations that impose disproportionate responsibilities on local governments or increased financial liability without recognizing and accounting for the fiscal impact of those policies or regulations. Federal policies and regulations affecting local governments should not mandate new costs for local governments without providing funding to support those new mandates.

Local governments need greater flexibility and control of taxpayer funds for construction, operation, and maintenance of

vital infrastructure. Local governments are directly and immediately linked to citizens and are in a better position to identify opportunities for development while maintaining a sense of community and developing tailored solutions to problems. Open and transparent federal budgetary processes, while allowing local governments the maximum flexibility and control over their funding and financing mechanisms, encourages economic growth both locally and nationally. Federal government's fiscal health directly affects local government's ability to provide necessary daily services and answer the needs of citizens. All federal fiscal policies should be designed to not diminish the ability of local elected officials to respond to economic needs of local government, especially during times of economic downturn.

C. Fiscal Conditions

NLC supports policies that grant administrative control of programs, projects, and use of tax revenues to the lowest and most directly-connected level of government as possible. Local governments are best suited to administer programs and monitor programs for the benefit of local citizens. Activities by the Federal Government that impede the ability of local governments to manage franchising, zoning, permitting, local licensing, and local code development stymie the growth of local economies and cities. Preemption or federalization of programming and other regulator activities diminish citizen input for community development.

Local control protects the health, safety, and welfare of local citizens more nimbly, quickly, and realistically than federally-operated and controlled programs. As such, federal policies and regulations should always identify means, methods, and language that push greater control and flexibility to local levels for greater citizen

interaction, input, participation, and solutions.

1.01 Finance

A. Federal Budgetary Practice and Deficit Reduction

NLC supports and encourages an open and transparent budgetary process that includes analysis of the fiscal impact on municipalities and projections regarding sustainability of long-term programs and obligations.

There should also be demonstrable progress towards a balanced federal budget that does not impugn cities' local control and authority. In working towards the goal of a balanced budget, the taxing authority of local municipalities should not be pre-empted, degraded, or over-ridden in any manner. Deficit reduction should not rely on unfunded mandates imposed on municipalities, nor should the tax exemption on municipal debt interest – particularly as it relates to public buildings, spaces, infrastructure and utilities – be eliminated or in any way curtailed. The progressivity of the current tax system should remain in place, as should deduction for state and local taxes.

Further, NLC and its member cities should be party to the regulatory rulemaking process and any discussions that affect municipalities, with the flexibility and time provided to adequately and appropriately implement any adopted rules.

B. Deductibility of State and Local Taxes

NLC supports the longstanding principle that state and local taxes (SALT) should not be considered federally taxable income and opposes efforts to further reduce the deductibility of SALT on federal income tax returns. In order to achieve parity among communities with different sources of revenues, the SALT deduction should apply

to local income, property and sales taxes. The \$10,000 cap on SALT deductions should be eliminated to avoid the risk of double taxation and remove the downward pressure it places on local tax decisions.

C. Municipal Finance Mechanisms

The ability for local municipalities to retain maximum flexibility and control over their funding and financing mechanisms is of utmost importance. To preserve and promote that condition, the tax exempt status of municipal debt obligations should be preserved and not altered in any fashion particularly as to public buildings, spaces, infrastructure and utilities. Rules relating to issuance, deductibility, refunding, credit enhancements and market advisors should be unambiguous and consistent, offering cities the ability to act in their best financial interest.

Municipal revenue generation capability should be protected, and preference for municipal tax liens in private bankruptcy proceedings should be retained.

All financing options should be available to cities, including sale and leaseback arrangements, equipment leases, and industrial development bonds, to allow for maximum flexibility in funding the various operations in which a city engages.

C. Federal Communications Tax Reform

Federal communications taxes should be modernized while maintaining local autonomy and discretion as well as allowing for the rapid evolution and change taking place in the industry.

Cities' authority to raise revenues should be preserved, and any reforms should allow for a time of transition for implementation. Local tax policy and fees should remain agnostic with respect to technology, delivery method, or service provider. Reforms should

be revenue-neutral at the local level and should simplify the collection, reporting and auditing of local taxes. Tax obligations should not be based on presence in a taxing jurisdiction; instead destination-based sourcing should be implemented.

1.02 Municipal Administration

A. Employee Relations and Benefits

1. Municipal Pension Plans and Social Security

a. **Municipal Pension Plans:** The primary responsibility for regulating municipal pension plans rests with either state or local government. The federal government should not attempt to regulate such plans, either by legislation or by regulation. NLC opposes taxation of municipal pension plans and other employee benefit programs.

b. **Social Security System:** The Federal Government should not expand mandatory Social Security requirements for state and local governments and their employees. Imposition of expanded requirements would create large costs for municipal taxpayers, threaten the solvency of state and local retirement systems and create irreconcilable conflicts among labor agreements, pension plans, contracts, state laws and constitutions.

2. Employee-Employer Relations

The federal government should not undermine municipal autonomy with respect to making fundamental employment decisions by mandating specific working conditions, mandating collective bargaining rights, legalizing strikes, or requiring compulsory binding arbitration. NLC opposes federal legislation which singles out a class of municipal employees to be provided special investigative and disciplinary procedures.

3. Municipal Employee Benefits

The primary responsibility for determining, providing and financing benefits for municipal employees is and should remain the responsibility of local governments. Cities, as employers, are better suited to develop benefit packages which are sensitive to local labor markets, city labor requirements and employer-employee negotiations.

NLC is opposed to federal government taxation of “bona-fide” fringe benefits. “Bona-fide” benefits are those benefits provided by a municipality to its employees pursuant to state or local laws and regulations, contracts or collective bargaining agreements.

4. Drugs and Alcohol

NLC opposes any federal pre-emption of municipal authority over personnel matters related to drugs and alcohol, including treatment and drug-testing policies.

5. Fair Labor Standards Act (FLSA)

NLC supports Federal government efforts to reform the following areas of the Fair Labor Standards Act (FLSA):

- a. The salary exemption test should be amended to provide an appropriately indexed exemption for executive, administrative, and professional employees and to provide that the “duties test” would not be considered for such employees.
- b. The FLSA should be amended to allow state and local governments to deduct for absences of less than one day without losing exempt status for certain employees. Such an amendment will allow cities to discipline and control employees in the manner best suited to their individual situation.
- c. The FLSA should be amended to allow state and local governments to apply

disciplinary sanctions for less than one week without losing the exempt status for such employees.

6. Occupational Safety and Health (OSHA)

NLC opposes any impairment of the ability of state and local governments to indemnify their agents, officers and employees against financial loss arising from the operation of locally adopted safety and insurance statutes.

7. Americans with Disabilities Act

NLC opposes any efforts by the federal government to dismantle or weaken the Americans with Disabilities Act.

B. Municipal Decision Making

1. Civil Rights/Equal Opportunity

Municipal governments support equal employment opportunities and have a vital and continuing interest in the development, maintenance, and extension of vigorous and effective civil rights policies. To achieve this goal, cities are committed to:

- a. Supporting fully the 1964 Civil Rights Act as amended;
- b. Removing artificial barriers in the recruitment, selection, hiring, promotion, transfer or discharge of employees which have no relationship to standards of performance;
- c. Developing and carrying out a written affirmative action program in the recruitment of minority job candidates, women, veterans and the disabled to maximize employment opportunities for these individuals and to foster career development and advancement, including through the use of technological advances to provide workplace accommodations.

d. There shall be an equitable distribution of municipal services or benefits to all city residents.

Federal, state and local governments should all be held equally responsible for achieving diversity in their own personnel practices. Local governments should be granted any exemptions to federal discrimination laws, which the federal government now claims for itself.

2. Municipal Service Provision, Right of Way and Franchising Rights

The federal government should take no action, which abridges the right of a city to franchise, regulate, or control any person or enterprise that provides services within that city. Further, the federal government should not intrude upon the authority of a city to directly operate, contract out, or sell the operation of any service.

The federal government should not restrict the authority of municipalities to engage in activities to protect public investments in the right-of-way, to assure the appropriate placement of service lines, to regulate the placement of service facilities, and to realize the value of this public asset. These activities include the granting of franchises and licenses, the promulgation of construction standards, the levy of taxes, fees and rental charges, and the issuance of permits.

3. Regional Planning and Cooperation

Urban problems frequently cross jurisdictional boundaries and may require area-wide action to achieve measurable relief.

a. Any federal legislation or regulation which mandates area-wide planning should provide necessary resources towards the development of such an organization and state and local elected officials must be included in

decisions regarding the organization's purpose and responsibilities and the distribution of federal funding.

b. Any area wide planning organization should allow for flexible interpretation of federal guidelines to recognize local political, economic, and social conditions and to ensure the equitable distribution of program funds.

4. Municipal Liability

In recent years, cities have experienced unprecedented increases in costs to protect themselves against exposure to public liability. While municipalities must take steps to improve their own internal management programs and policies to identify, reduce, eliminate, and protect against the risk associated with providing public services, the federal government, in conjunction with state governments, can assist in these efforts by doing the following:

- Clearly defining and limiting the scope of public liability and exposure through legislation, including legislation reducing liability exposure under Section 42 U.S.C 1983 and related statutes by preventing the filing of traditional state tort claims in federal courts under the umbrella of civil rights actions;
- Lessening the personal liability risks facing individual officers and employees while performing public duties;
- Encouraging and assisting municipalities in developing flexible, cooperative solutions and alternatives for insurance, reinsurance, pooling, and risk-management; and
- Providing training, technical assistance, and education, which will improve the state of the art and practice of municipal liability, insurance and risk management.

Some specific methods for reducing municipal liability include:

- Providing in federal law that in those states where municipal liability caps exist, such caps should also be applicable to liability arising from federal statutes;
- Providing attorney fee awards to the prevailing party when federal law exposes municipalities to liability;
- Providing for a six-month notice of claim requirement when a municipality is the potential defendant;
- Providing in federal law that the statute of limitations period should be the limitations period for personal injury actions in the state of occurrence; and
- Eliminating “Monell” liability for municipalities by clearly expressing Congressional intent regarding 42 U.S.C § 1983 and clarifying that the definition of “person” under § 1983 does not include municipalities.

The federal government should consider creating alternative dispute resolution procedures, which must be exhausted before recourse to the courts is allowed for claims against municipal governments.

The federal government should implement “settlement before trial guidelines” that would allow municipalities to avoid the payment of a plaintiff’s attorney fees, if an offer of settlement by the municipality made within a specified period of time in advance of trial is greater than the relief finally granted by the court.

In the drafting or revising of federal statutes that expose municipalities or their officials to liability, the following general principles should be respected:

- a. If monetary fines are imposed by the court on a municipal government, include provisions allowing the municipality to apply these fine amounts to cure conditions giving rise to the imposition of the fine;

- b. Place limitations on the extent to which a city, or its municipal officials, may be held vicariously liable for the acts of their employees;

- c. Retain the ability of a municipality to insure or otherwise protect city officials and employees from personal financial loss connected to claims arising from their municipal government affiliation; and

- d. Require that in order to be eligible for the awarding of attorney fees, the plaintiff must substantially obtain the relief sought and any such attorney fees should be reasonable in relation to the judgment.

- e. Municipal government workers, including workers that perform a share of their duties on vessels operating in navigable waters, are protected by workers’ compensation laws, without regard to fault. The federal government should, therefore, amend the federal Jones Act to exempt municipal government employees from the provisions governing the death or injuries to an employee working on a vessel operating in navigable waters.

- f. In those cases where a trade-off of municipal authority and rights in federal legislation exists, thereby providing a legal remedy against cities, NLC believes that there should be specific statutory language declaring that the legal remedy specified is the exclusive remedy.

5. *Municipal Disaster and Terrorism Insurance*

In the wake of recent high-cost natural disasters and terrorist attacks, a number of insurance companies have been unable to properly cover the losses of their policy holders because the industry was overexposed to loss.

Since the September 11, 2001 terrorist attacks, the industry has virtually eliminated terrorism coverage, and if available, it is prohibitively expensive. Although a concentrated effort to prevent reliance on long-term, federally-subsidized disaster relief is necessary, an initial reinsurance system must be made available to bring stability to both industry and government as a safeguard against future acts of terrorism.

NLC urges the federal government to work with state and local governments, the insurance industry, and other stakeholders to:

- Develop insurance and reinsurance programs that will make it possible for private insurers and reinsurers to make affordable disaster insurance available to cover damage and loss caused by catastrophic natural disasters and terrorism;
- Encourage the insurance and reinsurance industries to provide incentives through rate adjustments that reward policy holders who take mitigation actions;
- Work to ensure that insurance companies do not overexpose or underexpose themselves to risk;
- Develop an incentive-based disaster insurance and mitigation system that would encourage property owners to build new homes outside high risk areas, retrofit existing structures to reduce future losses, and enable government and business to obtain the proper coverage necessary for public safety, the delivery of public services, flow of commerce, and economic development.

6. Municipal Purchasing

The federal government should not disqualify cities from the receipt of federal grant funds if cities decide to adopt special purchasing procedures based on objective and otherwise legal criteria. For example: (a) granting

preferred status to some classes of potential suppliers; (b) disqualify other classes of potential suppliers; or (c) grant less preferred status to other classes of potential suppliers.

7. Right of Municipalities to Sue

NLC opposes any federal preemption that would undermine the authority of municipalities to bring suits against other parties.

8. Reducing Barriers to Municipal Contracting with Federal Facilities

The federal government should eliminate legal and procedural barriers and solicit proposals from municipal governments to provide services to federal installations such as public safety services, ground maintenance, and public works.

9. Equal Access to Justice Act

The eligibility limits for units of local government on assets and the number of employees for awards under the federal Equal Access to Justice Act should be eliminated. NLC has no position on the modification of eligibility thresholds for non-local government entities.

10. Federal Consent Decree Fairness Act

Congress should ensure that consent decrees imposed by federal courts are drafted as narrowly as possible, limited in duration, provide for review of continuing need, and respect state and local interests and policies.

1.03 Intergovernmental Relations

A. Mandates

The federal government must not initiate laws, rules and regulations, or take other actions and activities that will mandate action on the part of local governments.

If the federal government does initiate laws, rules and regulations, the federal government

must provide reimbursement funds to compensate local governments for such mandates. Any reimbursement program should deliver funding directly to the unit of government incurring the costs.

Cost-benefit and risk assessments of current federal programs, regulations, and policies (e.g., tax policy) must be conducted to determine their adverse cost, structural, and intergovernmental impacts on local governments.

Cost-benefit and risk assessment statements must be added to all proposed legislation, rules, and regulations. Assessment of proposed rules and regulations must be completed by Congress prior to enactment and/or enforcement. NLC encourages cities to separately display the costs of state and federally mandated programs in their budgeting and reporting.

Local governments should be able to prioritize their resources to achieve the greatest risk reduction for the funds available.

The federal government should incorporate flexibility into federal and state regulatory processes because of variable local conditions. The federal government should avoid “one-size-fits-all” regulatory approaches to municipalities. While enforcement should be objective it should also take into account local conditions through the use of such mechanisms as variance/waiver procedures and locally-developed alternate compliance plans.

Local government should be afforded the opportunity for greater participation in the legislative and regulatory process. In developing and revising regulations, the

federal government shall consider the impact of these regulations on municipal governments and shall reimburse municipal governments whenever these federal mandates impose significant new cost.

Municipal elected officials and governments should participate as partners in the development of federal regulations that have a significant impact on state and local government. Laws restricting entities subject to regulation from participating in consultative processes with federal agencies to make regulations workable should be prohibited. Such exemptions will help ensure that elected state and local officials participate at an early stage in the development of federal regulations.

B. Collection of Local Taxes

NLC opposes federal legislative efforts effecting local taxing authority including the collection of tax from local businesses and the collection of franchise fees.

(See related policy under ITC Section 7.01(E)(3) Franchise Fees.)

C. Sales Tax Policy

NLC supports the autonomy of state and local governments to impose destination-based sales tax collection requirements on retailers that have an economic presence in their community, including on brick-and-mortar stores physically located within the state and remote retailers that solicit and fulfill sales into the state.

Arbitrary restrictions, such as the physical presence test and “single rate per state” rules create market distortions that unfairly disadvantage certain retailers over others.

D. Takings

NLC opposes federal regulations or statutes that place restrictions on state and local government actions regulating private property or requiring additional compensation beyond the continually evolving judicial interpretations of the Fifth Amendment of the U.S. Constitution.

The federal government shall indemnify a municipality for costs, including attorney fees, damages and awards, of litigation asserting inverse condemnation or regulatory takings claims, which arise from municipal actions necessitated by federal requirements.

The federal government should not enter into any international agreement that enables a foreign entity to seek damages predicated on the actions of a U.S. municipality, regarding alleged takings practices, which are legal under U.S. law.

E. International Trade and Local Authority

The federal government should include elected state and local government officials in international trade and all other treaty negotiations, because of their potential impacts on these governments.

F. Davis-Bacon Policy

The Davis-Bacon Act should be repealed.

G. Preemption of Municipal Regulatory Authority

The federal government shall not preempt municipal regulatory powers based on the police power of the state; however, when a clear and compelling need arises, the Congress must clearly express its intent to preempt, and accompany any such proposals with a timely intergovernmental impact analysis, including estimated costs. Local

elected officials cannot manage or guide the financial condition, character and personality, public health and safety, environmental protection or encourage the local self-determination of cities and towns without basic regulatory controls.

NLC opposes federal regulations or statutes that require retroactive compliance by municipal government.

H. Scope of Federal Regulation of Cities

The scope of federal intergovernmental regulations should be reduced and new regulations should be issued only when a clear and convincing case has demonstrated the necessity of federal regulations. In any event, federal regulation of cities should be confined to insuring individual political and civil rights, to providing for national defense, to regulating interstate commerce in resolving interstate disagreements, and to assuring the fiscal and programmatic integrity of federal grants and contracts. In all cases, maximum municipal flexibility and authority should be preserved.

In reviewing existing regulation of cities, the federal government should not use cross-over sanctions – sanctions permitting the use of federal money in one program to influence state and local policy in another as a compliance technique, should consult with states and cities on regulations involving preemption of local authority or joint standard setting, and should simplify and standardize cross-cutting requirements – federal grants used to establish certain conditions that extend to all activities supported by federal funds, regardless of their source.

I. Grant Reform and Administration

Federal grants to local governments should be used to provide fiscal support, initiate new programs or approaches to solving urban problems, increase socio-economic equity, and achieve national objectives. The following administrative and legislative measures would increase the effectiveness of this indispensable form of assistance to local governments.

- The conflicting administrative and eligibility requirements accompanying federal assistance must be simplified and standardized.
- Municipal governments could utilize federal assistance more flexibly and efficiently if some of the narrow categorical programs were consolidated into broader categorical or block grants.
- The municipal role in the federal system should be strengthened by mandating the right of city governments to review and comment on all federal assistance programs which affect their jurisdictions, and by guaranteeing the right of city governments to participate in the agency rule-making process.
- City governments should receive reimbursement for indirect costs associated with grant administration.
- In order to increase the fairness and effectiveness of the distribution of federal funds, the federal government should make uniform use of population, employment, and other data and should improve the accuracy and timeliness of all data.
- Federal legislation should be enacted to provide for the recovery from the federal

government of legal, technical, and operating costs associated with reviewing and commenting on any proposed and/or final federal audit report and/or the costs of appealing adverse grant eligibility determinations arising from such an audit report, which were incurred by a municipality, provided that the municipality substantially prevails against the recommendations of the audit report.

J. Postal Facilities

Postal facilities often serve as an anchor of many central business districts and as a major focal point of urban commercial neighborhoods. The loss of a postal facility can severely impact the health of a central business district or urban commercial neighborhoods and pose a setback to local government community and economic development plans. Under current law USPS must undertake a formal public notification and comment period prior to closing a post office. NLC urges USPS to consider impacts on local government community and economic development plans and impacts on low- and moderate income households, the elderly and the disabled as it studies postal facility closures. NLC supports legislation that would create a formal public notification and comment period prior to the closure of any postal facility and urges USPS to take a comprehensive approach to restructuring that does not rely disproportionately on postal facility closures.

K. Municipal Annexation

Annexation procedures established by state law provide for orderly growth and development of cities and annexation of unincorporated areas. While states have and should continue to have the preeminent role in annexation regulation, actions of the

federal government, through operation of many of its programs, can unintentionally or by design interfere with planned urban growth and annexation proceedings.

Recognition of the authority and ability of cities to deliver utility services is directly related to issues of growth and annexation. Federal policies must take account of this essential role of city government in determining the impact of legislation affecting the provision of such services in rural areas. Increased interest by rural electric cooperatives in competing with cities to deliver utility services in rural areas experiencing residential growth and commercial/industrial development has raised serious concerns for cities. Federal policy should require that proposals to deliver such services in rural areas not duplicate the capacity of cities to serve those locations. Federal laws should not prohibit the option for cities to exercise extraterritorial jurisdiction over development, planning, and delivery of utility services in urban fringe areas adjacent to their corporate boundaries.

L. Federally Owned Property

The federal government should pay to municipalities an annual sum in lieu of payment of real property taxes on federally owned, occupied, or controlled property otherwise exempt from such property taxes. Municipalities should in no way be constrained from collecting taxes of any type that are normal and fair from any individual, business, or corporation conducting activities on or within any federally owned, occupied, or controlled property or installation.

The federal government in its development of federal facilities should: comply with city zoning and land use practices; consult with

local jurisdictions when preparing architectural and construction plans; adhere to nationally recognized building and fire and life safety code standards; maintain its facilities to the standards normally provided for similar public and private facilities; and should participate in paying the infrastructure and environmental impact mitigation costs and service fees related to the federal facility.

The federal government should not assert or cause its contractors to assert partial or full immunity from state or local taxes on a retroactive basis, for federally foreclosed property.

M. Federally Foreclosed Property

When in the course of its regulatory and other functions the federal government comes into possession of property which it does not intend to retain for its own use.

N. Census

The U.S. Census is of highest importance to America's cities and towns. The vital information provided is critical to many municipal activities such as community planning, redistricting, intercensal population estimates and providing data for federal grant formulas. Statistics produced by the Census drive the allocation of federal and state funds. Census numbers are also frequently used to help make decisions about the allocation of resources.

Cities are therefore vitally concerned that the Census produce the most accurate and timely information possible. Furthermore, the Census Bureau shall make every effort to reduce the gap in time between the reference date of statistics and their use in formulas.

In order to enhance the usefulness of the Census, Congress, working with the Administration, should create a Commission on the Census. This Commission should be composed of members of the executive and legislative branches and state and city officials. The Commission shall make recommendations for the most accurate census feasible. Whether or not such a Commission is convened, the federal government should create a separate state and local advisory committee, to advise and comment on a continuing basis regarding the development and administration of census programs.

NLC supports the ongoing engagement and development of partnership and communications efforts aimed at reducing the differential undercount of underserved segments of the Nation's cities and towns.

To overcome the problem of non-response, NLC encourages the use of proven sampling methods and other processes which will instill confidence by the local population. If numbers are produced both: (1) employing sampling methods; and (2) not employing sampling methods, both sets of numbers should be made publicly available on the same time schedule and at the smallest possible geographic level.

O. Tribes and Trust Land

NLC recognizes and appreciates that Native-American tribes are independent governments and should be partners in developing policy.

In order that all lands can be uniformly regulated and taxed under municipal laws, lands acquired by Native-American tribes and individuals shall be given corporate, not

federal trust, property status through negotiation or statutory change. Nothing in this policy should be construed as affecting lands currently in trust.

P. Transparency

The Federal Government must respond to requests by cities for non-classified federal information, under provisions of the Freedom of Information Act. The federal response must occur in ways that foster transparency and open intergovernmental communication, and must not use fees charged for the cost of information production as a practical deterrent to such communication.

Q. Election Administration

Voting is fundamental to democracy in the United States' form of government. Citizen trust in the integrity of this process is essential. Procedures and administration of this process must be completely honest, transparent and impartial. State and local officials are primarily responsible for administering the voting process but all levels of government – federal, state and local should exercise oversight in a balanced and even-handed manner. NLC is opposed to any federal laws that disenfranchise individuals from exercising their most fundamental constitutional right to vote.

NLC does support federal establishment and enforcement of standards for voting for Americans overseas, particularly members of the U.S. military and federal government employees and their dependents. The federal government should annually review state laws for any procedural or statutory inconsistencies with applicable federal laws and promptly inform state governments, the state municipal league and the state

association of counties in each state of any problems and ways to cure them.

R. District of Columbia

NLC recognizes and fully supports the right of the District of Columbia's elected representative to have full voting rights in the U.S. House of Representatives. The District of Columbia should be granted legislative and budget autonomy from the federal government.

NLC RESOLUTION #1**CALLING TO RESOLVE THE CONFLICT BETWEEN STATE AND FEDERAL CANNABIS LAWS**

WHEREAS, state and local governments share with the federal government the responsibility to ensure public health and safety are addressed through competent, thoughtful, and comprehensive legislation and regulation that is reflective of local values and needs; and

WHEREAS, an increasing number of states have passed or are considering voter referenda or legislation to authorize the legal growth and distribution of cannabis for adults' recreational use; and

WHEREAS, nearly all states have passed voter referenda or legislation authorizing the legal growth, distribution, possession and use of cannabis for a variety of medical conditions for patients suffering from serious and chronic diseases; and

WHEREAS, cannabis' status as a Schedule I illicit substance on the Controlled Substances Act (CSA) and the CSA's coupling with the Bank Secrecy Act have created a condition under which the cannabis industry has severely limited access to the federally regulated banking industry; and

WHEREAS, this condition has led to a reliance on "cash only" models that involve the transportation of large sums of paper money through cities, increase the risks of theft crimes and tax evasion, and deny large groups of business owners the capital needed to enter the market; and

WHEREAS, the federal government has rescinded guidance that previously provided a minimal level of confidence for financial institutions looking to provide services to this growing industry.

NOW, THEREFORE, BE IT RESOLVED that, while it takes no stance on state-by-state efforts to legalize or prohibit any form of cannabis, NLC urges the federal government to resolve the conflict between state and federal cannabis laws, and to provide guidance to financial institutions that results in the cannabis market having access to the federally regulated banking system.

NLC RESOLUTION #2**ENABLING ADOPTION OF PENSION BENEFIT ALTERNATIVES THAT REDUCE COSTS TO PUBLIC SECTOR EMPLOYEES**

WHEREAS, many local and state governments are struggling to provide retirement security for employees over the long term, while dealing with structural budget problems, tax base and investment losses from the economic downturn, and other fiscal pressures; and

WHEREAS, in many cases, the rising costs of providing pension and retirement benefits have resulted in significant contribution increases borne by public sector employees and taxpayers; and

WHEREAS, local and state governments are proposing changes to pension plan offerings that can address budget problems, while also reducing the cost of retirement benefits to public sector employees through their voluntary election of alternative plans; and

WHEREAS, underfunding due to lenient rules that, over time, have called into question the viability of meeting their long-term commitments; and

WHEREAS, the perpetual underfunding could jeopardize city services as a growing percentage of budgets are forced to reconcile these shortfalls; and

WHEREAS, U.S. Department of the Treasury guidelines, rulings, and review processes related to determining the tax treatment of retirement plan contributions impact whether local governments can effectively offer those choices to employees; and

WHEREAS, the U.S. Department of the Treasury has been asked by several local and state governments to review such pension plan proposals and issue such guidance as provided prior to 2006.

NOW THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) calls for federal administrative and regulatory action to clarify these tax issues and enable offerings of alternative pension plans that would ensure a more sustainable pension system, reduce costs to employees, and strengthen local and state government financial conditions; and

BE IT FURTHER RESOLVED NLC calls upon the U.S. Department of the Treasury to expeditiously promulgate clarifying guidelines or rules that ensure favorable tax treatment of certain retirement plan contributions picked up by governmental employers when employees are given an option to choose a lower-cost plan.

NLC RESOLUTION #3**PRESERVING THE TAX-EXEMPT STATUS OF MUNICIPAL BONDS**

WHEREAS, the federal tax exemption for municipal bonds has been in place since the federal income tax was instituted in 1913; and

WHEREAS, tax-exempt municipal bonds are the primary funding mechanism for state and local government infrastructure projects with three-quarters of the total United States investment in infrastructure being accomplished with tax-exempt financing from over 50,000 state and local governments and authorities; and

WHEREAS, the tax-exemption for municipal bonds was granted to ensure affordable access to credit for municipal projects that, among other things, provide for public health and well-being, and as a result, local governments have saved taxpayers an average of 20 to 25 percent on interest costs with tax-exempt municipal bonds as compared to taxable bonds; and

WHEREAS, a cap or elimination of the federal tax exemption for municipal bonds would place federal, state, and local governments at cross-purposes because any savings realized by the federal government as a result of tampering with the tax exemption would be more than offset by economic losses at the state and local level due to higher credit costs, canceled infrastructure projects, fewer job opportunities, and a greater burden on local taxpayers; and

WHEREAS, stability in the municipal bond market rests on the tax exemption for municipal bonds, and market stability is essential to local and national economic recovery.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) calls on members of Congress and the President to state their support for maintaining the tax exemption for municipal bonds to promote employment and investment in our nation's cities and towns; and

BE IT FURTHER RESOLVED that NLC opposes any attempt to eliminate or limit the federal tax exemption for municipal bonds as a part of a federal deficit reduction plan, pension reform legislation or as a consequence of efforts to advance comprehensive tax reform; and

BE IT FURTHER RESOLVED that NLC supports maintaining the tax exemption for qualified private activity bonds (PABs) to finance critical infrastructure, affordable housing projects and other local services; and

BE IT FURTHER RESOLVED that NLC supports reinstating the tax exemption on advance refunding bonds that allows cities to respond to market fluctuations, achieve lower interest rates, responsibly save local taxpayer dollars and free up capital to make additional infrastructure improvements; and

BE IT FURTHER RESOLVED that NLC supports efforts to reduce the cost and redundant burdens of issuance and administration by eliminating redundant rules on arbitrage and private use; and

BE IT FURTHER RESOLVED that NLC supports Congress and the Administration providing greater certainty to municipal issuers of tax credit and other federally subsidized bonds by exempting subsidies from sequestration rules.

NLC RESOLUTION #4**IN SUPPORT OF CRITICAL U.S. CENSUS BUREAU SURVEYS AND THE
2020 DECENNIAL CENSUS**

WHEREAS, the U.S. Census Bureau serves as the leading source of quality data about the nation's people and economy; and

WHEREAS, the U.S. Census Bureau is authorized by the U.S. Constitution and Federal law to collect and disseminate data guided by scientific objectivity to provide information about the nation and its people; and

WHEREAS, the U.S. Census Bureau conducts the decennial census to fulfill the constitutionally mandated enumeration of all persons living in the United States once a decade; and

WHEREAS, the U.S. Census Bureau conducts a host of other related surveys to collect and distribute data to policy makers at all levels of government, including but not limited to the American Community Survey (ACS), Economic Census, and Census of Governments; and

WHEREAS, the data collected through the decennial census and related surveys are the basis for defining federal, state and local political districts; determining how more than \$800 billion of federal funding is distributed and allocated across state and local governments; and informing much of our research, planning and decision-making processes; and

WHEREAS, the 2020 decennial census will encourage and prioritize online submission for approximately 80 percent of American households; and

WHEREAS, Title 13 of the United States Code requires the Census Bureau to keep personally identifiable information strictly confidential and ensure only necessary information is being collected.

NOW, THEREFORE BE IT RESOLVED that the National League of Cities (NLC) supports the U.S. Census Bureau's mission to produce complete and accurate data that meets the needs of America's cities; and

BE IT FURTHER RESOLVED that NLC supports the U.S. Census Bureau's use of sound scientific and objective methods to apply statistical samplings, conduct surveys, and collect preliminary and supplemental statistics; and

BE IT FURTHER RESOLVED that NLC supports the U.S. Census Bureau's authority to collect data that provides timely estimates to inform America's local governments in their decision-making; and

BE IT FURTHER RESOLVED that NLC recognizes the importance and necessity of the decennial census, American Community Survey, Economic Census, Census of Governments, Annual Population Estimates, and other related surveys and statistics to local governments across the nation; and

BE IT FURTHER RESOLVED that NLC supports funding for and robust implementation of the decennial census and related surveys; and

BE IT FURTHER RESOLVED that NLC opposes the addition of a citizenship question and other untested questions to the census, which are projected to depress self-reporting rates and lower the quality of data, to the decennial questionnaire; and

BE IT FURTHER RESOLVED that NLC opposes legislation that would make the American Community Survey a voluntary survey, as well as any other bills that would eliminate the American Community Survey, Economic Census, Census of Governments, Annual Population Estimates, and other related surveys and statistics relevant to local governments across the nation; and

BE IT FURTHER RESOLVED that NLC urges Congress, the administration, the U.S. Census Bureau and other federal agencies to ensure that personally identifiable information produced through the decennial census and related surveys will only be handled in compliance with Title 13 statutes; and

BE IT FURTHER RESOLVED that NLC urges the U.S. Census Bureau and Department of Commerce to address the continuing challenges many of our communities face as a result of the digital divide when planning and executing the decennial census and related surveys.

NLC RESOLUTION #5**OPPOSITION TO A “BALANCED BUDGET AMENDMENT” TO THE U.S. CONSTITUTION**

WHEREAS, the National League of Cities (NLC) continues to support legislative efforts to exercise fiscal responsibility and to better balance federal revenues with expenditures; and

WHEREAS, a national effort is underway to pass state resolutions calling for a constitutional convention to include a Balanced Budget Amendment to the U.S. Constitution; and

WHEREAS, such an amendment would constitutionally bar the federal government from deficit spending, even when such action is beneficial or even necessary during times of economic slowdown, war or natural disaster, or other unforeseen circumstances; and

WHEREAS, such an amendment would inhibit the certainty and ability of federal entitlement and insurance programs to spend down trust funds to sustain critical benefits that our residents rely upon; and

WHEREAS, such an amendment would increase the likelihood of the United States defaulting on its debt obligations and risk a downgrade of the federal government’s creditworthiness; and

WHEREAS, such an amendment would greatly impair the role of the federal government in stabilizing economic cycles, and in limiting the duration and frequency of economic downturns; and

WHEREAS, there are numerous less restrictive and consequential ways in which the federal government can maintain a healthy balance of revenues to expenditures.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) opposes the addition of a Balanced Budget Amendment to the U.S. Constitution; and

BE IT FURTHER RESOLVED that NLC supports more economically viable efforts to better balance federal revenues with expenditures; and

BE IT FURTHER RESOLVED that Congress and the Administration should work together to find bipartisan solutions that put the U.S. on a long-term trajectory to safe and sound fiscal conditions and sustained economic vitality.

NLC RESOLUTION #6**CALLING FOR THE RESTORATION OF THE TAX-EXEMPTION ON ADVANCE REFUNDING BONDS**

WHEREAS, prior to January 1, 2018, municipal governments could issue tax exempt securities know as advance refunding bonds; and

WHEREAS, such single use bonds allowed municipalities to refinance outstanding debt and achieve interest rate reductions prior to the original bond's call date; and

WHEREAS, lower borrowing costs allowed issuers to save at least \$12 billion of local tax dollars per year in debt servicing costs and free up capital to invest in additional infrastructure improvements, better balance budgets and lower local tax rates; and

WHEREAS, advance refunding bonds provided municipalities with a tool to better-weather recessions by allowing them to reduce otherwise fixed costs as tax receipts fall; and

WHEREAS, the Tax Cuts and Jobs Act of 2017 eliminated the ability of municipalities to issue single use tax exempt advance refunding bonds.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities supports the full reinstatement of the tax exemption advance refunding bonds or a substantial equivalent; and

BE IT FURTHER RESOLVED that Congress and the Administration should not alter the tax exemption on municipal securities that remains critical to the fiscal health and proper functioning of our communities.

NLC RESOLUTION #7**CALLING FOR THE MODERNIZATION OF THE SMALL BORROWER'S EXEMPTION (BANK QUALIFIED DEBT)**

WHEREAS, small municipalities frequently struggle to access financing opportunities through the traditional bond underwriting process; and

WHEREAS, local and community banks are typically disincentivized from purchasing and holding municipal securities due to their inability to deduct the associated carrying costs from their federal income tax returns; and

WHEREAS, governments issuing \$10 million or less in bonds per calendar year are able to have their bonds designated as bank-qualified; and

WHEREAS, banks are able to deduct most of the carrying costs associated with holding bank-qualified bonds and are therefore incentivized to buy directly from small municipalities; and

WHEREAS, these small municipalities are able to bypass the traditional underwriting process by selling their bank-qualified bonds directly to local banks at a substantial cost savings to local taxpayers; and

WHEREAS, more than three decades of inflation has reduced the utility of the \$10 million threshold since it was set in 1986, leading to fewer small municipalities being able to issue bank-qualified debt; and

WHEREAS, the threshold was temporarily increased to \$30 million from 2009 to 2010, which created a market for thousands of small borrowings for small municipalities during the Great Recession.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) supports the modernization of the small borrower's exemption to allow more small municipalities, struggling to finance critical projects through the traditional bond underwriting process, to issue bank-qualified debt; and

BE IT FURTHER RESOLVED that the small borrower's exemption threshold should be permanently raised to \$30 million and indexed to inflation for all future calendar years;

BE IT FURTHER RESOLVED that the small borrower's exemption should be modified to apply to governmental issuers and the borrowing organizations separately regardless of the issuer and permit 501(c)(3) organizations to provide the designation.

NLC RESOLUTION #8**IN SUPPORT OF FEDERAL ACTION ON THE COVID-19 CRISIS**

WHEREAS, the ongoing COVID-19 pandemic presents an unprecedented threat to the wellbeing of America's cities, towns and villages; and

WHEREAS, the COVID-19 pandemic and resulting economic fallout is overwhelming the social safety net, public safety, health and medical infrastructure, education facilities, public institutions, and businesses of American cities, towns and villages; and

WHEREAS, on March 13, 2020, President Trump proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency; and

WHEREAS, businesses and schools have closed to limit transmission and transitioned to mandatory remote work or online learning, despite the large numbers of residents who lack access to adequate broadband at home or cannot afford a subscription; and

WHEREAS, countless community events have been cancelled and local governments are conducting meetings and business online in order to adhere to social distancing protocols as established by the Administration; and

WHEREAS, local governments are on the frontlines of our nation's public health emergency response and overall public safety efforts and need strong federal, state and local intergovernmental collaboration to address this crisis; and

WHEREAS, the National League of Cities (NLC) undertook the Cities Are Essential campaign aimed at making federal emergency aid available to all 19,000 cities, towns, and villages and continues to fight hard on this front; and

WHEREAS, cities, towns and villages are experiencing unanticipated expenses due to the COVID-19 crisis as well as declining local revenue streams as the economy slows; and

WHEREAS, a survey by the NLC of elected officials and city/town manager from cities, towns and villages from across the country found that local governments are taking a variety of actions to address the public health crisis and keep vulnerable populations safe, such as closing facilities and banning large gatherings, halting utility shutoffs and funding food delivery programs, like school meal replacement; and

WHEREAS, based on results of a similar survey conducted by the International City/County Management Association and the Government Finance Officers Association, it is estimated that 60% of local governments anticipate spending up to \$500,000 in the next six months on COVID-19-related expenses.

NOW, THEREFORE, BE IT RESOLVED that NLC calls on Congress and the Administration to take immediate, direct action to support pandemic response and recovery at the local level; and

BE IT FURTHER RESOLVED that NLC calls on the federal government to develop and coordinate a comprehensive containment strategy that involves commitments of federal funding, supplies, equipment, training, expertise, personnel, countermeasures, and public health measures; and

BE IT FURTHER RESOLVED that NLC urges Congress to enact a stabilization fund for local government operations and services that makes emergency aid available to every unit of local government, including cities, counties and states; and that minimizes any new administrative burdens on state governments by providing uniform suballocation requirements for every state to clearly and efficiently transfer funding to all localities that do not meet requirements for direct federal aid, within 20 days for rapid-response and on-the-ground programming; and

BE IT FURTHER RESOLVED that NLC calls on Congress to provide substantial emergency supplemental appropriations to local governments for the purpose of stabilizing residents, households, and small businesses that have lost income and opportunity as a result of public measures to contain COVID-19, through existing programs including, but not limited to, the Community Development Block Grant (CDBG), the Surface Transportation Block Grant, the Social Services Block Grant, and the Community Services Block Grant; and

BE IT FURTHER RESOLVED that Congress should reduce burdensome reporting requirements and suspend the 15% public services cap on emergency supplemental funding for CDBG, which will allow for maximum flexibility in the use of the funds to assist vulnerable residents with critical social services (i.e., health services, food pantries, senior meals programs) and short-term rental assistance to help stave off evictions and assist people impacted by the massive slowdown occurring in local economies; and

BE IT FURTHER RESOLVED that Congress should support additional policies and programs that will provide local governments assistance, stimulate the economy and provide relief to residents and businesses, including but not limited to:

- funding for homelessness assistance, emergency rent relief, and other housing assistance funds to prevent housing instability and homelessness;
- supporting critical infrastructure services that depend on fares, including transit service and airports, which are essential to economic recovery; expanding access to the lifeline program for low-income residents to subscribe to broadband at home;
- deploying emergency rapid-response funding to schools and libraries to distribute wireless hotspots for residents without in-home broadband;
- providing a mix of grants and loans for economic development assistance;

- restoring tools for efficient use of government resources such as the advanced refunding tax exempt bonds;
- expanding tax supports for individuals and families including the Earned Income Tax Credit and the Child Tax Credit;
- ensuring the Federal Emergency Management Agency has enough resources to provide long-term technical, financial and procurement assistance to local governments to manage response and recovery efforts; and
- supporting local law enforcement, fire and emergency medical services.

BE IT FURTHER RESOLVED that NLC urges Congress to include a provision in law that provides tax credits to local governments for providing mandated paid sick and paid emergency family leave under the Families First Coronavirus Response Act; and

BE IT FURTHER RESOLVED that NLC urges the Congress to adopt the 2020 Census Deadline Extensions Act, a bipartisan, bicameral piece of legislation that would extend the apportionment data from December 31, 2020 to April 30, 2021 and extend the statutory delivery of redistricting data to the states from March 31, 2021 to July 31, 2021; and

BE IT FURTHER RESOLVED that NLC urges the Administration to extend agency comment periods and suspend federal shot clocks for a reasonable period of time to allow state and local leaders to focus on addressing the nation's immediate pandemic response needs and ensure their ability to devote proper consideration of agency regulations; and

BE IT FURTHER RESOLVED that NLC urges the federal government to respect local governance and local democracy during this unprecedented time; and

BE IT FURTHER RESOLVED that NLC urges Congress and the Administration to oppose measures that create new unfunded mandates on local governments, or those that preempt local authority.

NLC RESOLUTION #9**REFORMING AND UPDATING OPPORTUNITY ZONES
TO IMPROVE ACCESS FOR RESIDENTS AND INVESTORS TO TAKE PART**

WHEREAS, Opportunity Zone legislation was part of the Tax Cuts and Jobs Act of 2017 (“TCJA”); and

WHEREAS, Opportunity Zones are designed to provide equity investments in low-income communities nationwide; and

WHEREAS, the underlying incentive for Opportunity Zones is the tax treatment of capital gains; and

WHEREAS, Opportunity Funds invest in Opportunity Zone businesses; and

WHEREAS, residents and investors in Opportunity Zones might not have access to personal capital gains or capital gains from a Fund needed to start a business in an Opportunity Zone community.

NOW, THEREFORE, BE IT RESOLVED that NLC will work with Congress to help those who lack capital gains and those who cannot access capital through an existing Opportunity Zone Fund to use alternative mechanisms to allow businesses to qualify as an Opportunity Zone Business; and

BE IT FURTHER RESOLVED that NLC will work with Congress to eliminate specific high-income census tracts that do not meet the spirit of the incentive and replace them with tracts more deserving of the designation; and

BE IT FURTHER RESOLVED NLC will advocate for providing support to communities for capacity building and technical assistance that enhance a community’s ability to leverage the Opportunity Zones incentive to meet their economic development goals.

NLC RESOLUTION #10**FUNDING FOR VOLUNTEER INCOME
TAX ASSISTANCE AND TAX COUNSELING FOR THE ELDERLY**

WHEREAS, the IRS's Volunteer Income Tax Assistance (VITA) and Tax Counseling for the Elderly (TCE) programs offer free basic tax return preparation to qualified individuals; and

WHEREAS, the VITA program has operated for over 50 years, offering free tax help to people who generally make \$56,000 or less, persons with disabilities and limited English-speaking taxpayers who need assistance in preparing their own tax returns; and

WHEREAS, VITA/TCE services are not only free, they are also a reliable and trusted source for preparing tax returns. All VITA/TCE volunteers who prepare returns must take and pass tax law training that meets or exceeds IRS standards; and

WHEREAS, in 2019, IRS-certified volunteers working at more than 3,700 VITA sites across the country prepared over 1.5 million tax returns, all while achieving a 98% accuracy rate-the highest in the tax preparation industry; and

WHEREAS, these sites generated over \$1.8 billion in refunds to households generally earning less than \$54,000 in annual income.

NOW, THEREFORE, BE IT RESOLVED that NLC will ask Congress to adequately fund both VITA and TCE.

NLC RESOLUTION #11**SUPPORT FOR TAXPAYERS TO TAKE ADVANTAGE OF IRS FREE FILE**

WHEREAS, the economic impact payments (CARES Act stimulus payments) generally require taxpayers to file a tax return for 2018 or 2019 to qualify; and

WHEREAS, VITA/TCE sites might experience shutdowns due to the ongoing COVID-19 pandemic during tax year 2020 filing season; and

WHEREAS, Free File is an easy way for low-income households with internet access to file a return—and become eligible for the payments—without having to leave their homes; and

WHEREAS, the Tax Policy Center estimates about 15 million households did not file returns in 2019, and the Joint Committee on Taxation found as many as 30 million individuals were nonfilers in 2011. Many non-filers otherwise would qualify for the financial support; and

WHEREAS, the average fee for a professional to prepare and submit a Form 1040 and state return with no itemized deductions is \$176. The average fee for an itemized Form 1040 with Schedule A and a state tax return is \$273, according to The National Society of Accountants Reports on Average Tax Return Preparation Fees.

NOW, THEREFORE, BE IT RESOLVED that NLC will advocate for as many individuals and taxpayers to take advantage of Free File and encourage the IRS to reauthorize the program with the Free File Alliance when it expires on October 31, 2020.

NLC RESOLUTION #12**SUPPORT FOR REFORMING THE EARNED INCOME TAX CREDIT FOR CHILDLESS WORKERS**

WHEREAS, the Earned Income Tax Credit (EITC) is a refundable credit to eligible workers. Even if a worker does not owe any federal tax, the worker may benefit from it; and

WHEREAS, the EITC is the nation's largest cash antipoverty program, with a tax year 2016 (returns filed in 2017) total of \$66.7 billion claimed on 27.4 million tax returns. Most of the claimed EITC dollars—\$64.7 billion, or 97% of total EITC dollars—were for taxpayers with children compared to \$2.1 billion in claimed EITC for taxpayers with no qualifying children; and

WHEREAS, the EITC is so small for childless workers, it effectively does not lift them out of poverty because the EITC for this group is much too small (and for some, isn't available at all) to offset the income taxes and employee share of payroll taxes that they must pay; and

WHEREAS, this affects 5 million childless adults aged 21 through 66; and

WHEREAS, the maximum credit in 2018 is \$519 for a childless worker. In contrast, workers with two children can get a maximum credit of \$5,716—more than 10 times as much; and

WHEREAS, the credit starts to phase out for single workers with no children at home once they make \$8,490 (and is fully phased out once they make \$15,270). Single workers with two children start seeing their credit phase out once earnings reach \$18,660 and continue to receive some amount of the credit as long as their income is below \$45,802. Married couples start seeing their credit phase out once they make \$24,350 and remain eligible for at least some EITC until their incomes reach \$51,492; and

WHEREAS, recipients without children must be at least 25 years old – there are no age restrictions for parents.

NOW, THEREFORE, BE IT RESOLVED, that NLC will support Congress making the EITC for childless workers more robust as a way to help reduce poverty in cities.

NLC RESOLUTION #13**EXPAND PENALTY FREE WITHDRAWALS FROM RETIREMENT ACCOUNTS FOR THE LONG-TERM UNEMPLOYED**

WHEREAS, at the height of the pandemic recession 1.5 million state and local government employees lost their jobs; and

WHEREAS, as of the August jobs report, government employment levels remain more than 800,000 jobs below their February numbers; and

WHEREAS, because unemployment compensation is available only for a limited period, some long-term unemployed individuals may have no choice but to take distributions from an IRA or tax qualified retirement plan to pay for basic necessities for themselves and their families; and

Whereas, although the 10-percent additional tax is intended to deter individuals from using retirement savings for purposes other than retirement, imposing the additional tax on distributions to a long-term unemployed individual further erodes the limited resources available to the individual without having a substantial deterrent effect.

NOW, THEREFORE, BE IT RESOLVED that as a way of stabilizing the economy and helping prevent individuals and families from falling further onto the economic margins, this proposal would expand the exception from the 10-percent additional tax to cover more distributions to long-term unemployed individuals from an IRA and to include distributions to long-term unemployed individuals from a section 401(k) or other tax-qualified defined contribution plan; and

BE IT FURTHER RESOLVED that an individual would be eligible for this expanded exception with respect to any distribution from an IRA, section 401(k), or other tax-qualified defined contribution plan if: (1) the individual has been unemployed for more than 26 weeks by reason of a separation from employment and has received unemployment compensation for that period (or, if less, for the maximum period for which unemployment compensation is available under State law applicable to the individual); (2) the distribution is made during the taxable year in which the unemployment compensation is paid or in the succeeding taxable year; and (3) the aggregate of all such distributions does not exceed \$100,000.

NLC RESOLUTION #14**ENCOURAGING CONGRESS TO CONSIDER LOW INCOME TAXPAYERS WHEN DEVELOPING POLICIES**

WHEREAS, to receive economic impact payment from the CARES Act, most taxpayers had to file an income tax return for 2018 or 2019 to qualify; and

WHEREAS, many taxpayers who do not owe federal income taxes benefit from refundable tax credits, creating an incentive to file; and

WHEREAS, many low income taxpayers who do not qualify for refundable credits might skip filing a tax return if they have an income of approximately \$12,200 or less. This number represents 10 million single individuals; and

WHEREAS, since this group of individuals is not used to filing an income tax return, they might not have filed in 2019 and miss out on the economic impact payment.

NOW, THEREFORE, BE IT RESOLVED that NLC will advocate to Congress that when legislation impacting low income individuals is considered, lawmakers need to consider the effects that not needing to file a tax return will have on Americans' access to benefits.

NLC RESOLUTION #15**EXEMPTS FROM TAXATION INCOME FROM LOAN MODIFICATION,
FORGIVENESS OR CANCELLATION FOR SMALL BUSINESSES**

WHEREAS, for this resolution a “small business” or “small businesses” is defined as a business having fewer than 50 full-time employees; and

WHEREAS, the recent economic downturn and lockdown forced many businesses for forgo significant amounts of revenue; and

WHEREAS, prior to the pandemic, struggling small businesses would have been able to refinance debt or extend lending terms on the original agreement; and

WHEREAS, today, many small businesses are fighting for survival, and creditors face a choice of demanding payment under the original terms outlined in the agreement or engage in loan modification, forgiveness or cancellation; and

WHEREAS, the viability of many small businesses in the coming months to stay afloat will rely on loan modifications, forgiveness, or cancellation to stay in business; and

WHEREAS, the modification, forgiveness and cancellation of debt comes with its own burdens; and

WHEREAS, Internal Revenue Code (“IRC”) general rule considers cancellation of debt (“COD”) ordinary income under Sec. 61(a)(12); and

WHEREAS, for example, XYZ business has a loan with a bank with a balance of \$500,000, and modifies the loan to cancel 50 percent of the balance -- \$250,000. The business will receive a 1099-C stating it had income of \$250,000 for that tax year. The business might not have the corresponding cashflow to pay the taxes on the cancelled portion of the loan when the tax bill comes due and may have to close despite altering is loan terms to try to stay afloat.

NOW, THEREFORE, BE IT RESOLVED that NLC will advocate for small businesses as defined herein this resolution to be exempt from taxation income from loan modification, forgiveness or cancellation to help maintain healthy thriving cities.

NLC RESOLUTION #16**CALLING TO PRESERVE AND ENHANCE VOTING BY MAIL**

WHEREAS, voting is a constitutionally protected right; and

WHEREAS, all governments, especially state and local, must ensure an accessible, safe and secure method of voting for all citizens; and

WHEREAS, measures are taken to ensure electoral integrity and prevent fraud when votes are cast by mail; and

WHEREAS, use of the terms “voting by mail” and “absentee voting” varies from state to state, “voting by mail” is assumed to mean any ballot sent through the mail, including by absentee voting; and

WHEREAS, all states allow voting by mail in certain circumstances; and

WHEREAS, in 2016, nearly ¼ of all U.S. votes were cast by mail; and

WHEREAS, opinion polls consistently find that a majority of American support having an option to vote by mail; and

WHEREAS, COVID-19 has pushed states to expand options for voting by mail due to limited election facilities and poll workers, increased sanitation costs, the nature of COVID-19 being spread through person-to-person contact, and the need to ensure all citizens have equal access to exercise their right to vote.

NOW, THEREFORE, BE IT RESOLVED that while it takes no stance on individual state election laws, NLC supports federal efforts that preserve and enhance systems that allow for accessible, safe and secure vote by mail options.

NLC RESOLUTION #17**ENHANCING PROTECTIONS FOR SMALL BUSINESSES THAT UTILIZED PPP LOANS**

WHEREAS, the Paycheck Protection Program (“PPP”) is a loan designed to provide a direct incentive for small businesses to keep their workers on the payroll; and

WHEREAS, the Small Business Administration (“SBA”) will forgive loans if all employee retention criteria are met, and the funds are used for eligible expenses; and

WHEREAS, a force reduction of full time employees (“FTE”) of 50 percent from the test—period February 15 – December 31, 2019 or January 1, 2020 – February 29, 2020—when compared against the period of the loan, would mean the business who applied for the loan would only have 50 percent of their loan forgiven; and

WHEREAS, to illustrate the previous clause, small business XYZ has a loan amount of \$100,000. The loan period is 8 weeks (April 6- June 1, 2020). XYZ had 20 employees during the pre-COVID testing period (February 15 – December 31, 2019). XYZ has 10 employees during the loan period. The reduction in forgiveness computation is as follows: $\$100,000 - (\$100,000 \times (10/20)) = \$50,000$. Thus, the loan forgiveness is \$50,000; and

WHEREAS, the PPP program’s rules state if an employer makes a “good faith” effort to rehire an employee and the employee declines, the employee will not count against the number of employees during the loan period.

NOW, THEREFORE, BE IT RESOLVED that for businesses with 500 employees or less, a “good faith” effort mean as providing documentation of any kind to reflect an offer to return to work was extended to an existing employee prior to local or state mandates; and

BE IT FURTHER RESOLVED that for businesses with 100 employees or less, the threshold for receiving full forgiveness of the loan amount as it relates to maintaining employees should not be 100 percent employee retention, rather the threshold should be set at 75 percent.

NLC RESOLUTION #18**SUPPORT FOR THE JOHN LEWIS VOTING RIGHTS ACT**

WHEREAS, voting is fundamental to democracy in the United States' form of government; and

WHEREAS, the Voting Rights Act of 1965 has provided millions of Black, Latinx, Asian American and Native American citizens who were previously denied suffrage with a more equitable opportunity to cast a ballot; and

WHEREAS, in the 2013 *Shelby County v. Holder* decision, the Supreme Court upheld Section 5 of the Voting Rights Act, requiring jurisdictions with a history of discrimination to submit any proposed changes in voting procedures to the U.S. Department of Justice or a federal district court in Washington, D.C. to ensure the change would not harm minority voters (known as "preclearance"); and

WHEREAS, the Supreme Court of the United States struck down Section 4(b) of the Voting Rights Act of 1965, which contained a coverage formula determining which jurisdictions are covered by Section 5 of the Act; and

WHEREAS, Section 5 of the Voting Rights Act of 1965 is rendered practically inoperable until Congress enacts a new coverage formula; and

WHEREAS, following the 2013 decision, states enacted new voting restrictions that would otherwise be subject to preclearance under Section 5 of the Voting Rights Act of 1965; and

WHEREAS, the House of Representatives of the United States, in a report entitled *Voting Rights and Election Administration in the United States of America* concluded that "without federal protections, new and old barriers to voting have emerged" that "disproportionately impact minority voters"; and

WHEREAS, the John Lewis Voting Right Advancement Act creates a new coverage formula that applies to all states; and

WHEREAS, the John Lewis Voting Right Advancement Act establishes a targeted process for reviewing voting changes in jurisdictions nationwide, focused on measures that have historically been used to discriminate against voters; and

WHEREAS, the National League of Cities is opposed to any federal laws that disenfranchise individuals from exercising their most fundamental constitutional right to vote.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities supports the John Lewis Voting Rights Advancement Act and urges its enactment into law.

NLC RESOLUTION #19

SUPPORT FOR VOTING RIGHTS AND PROCEDURES

WHEREAS, voting is fundamental to democracy in the United States' form of government; and

WHEREAS, NLC is opposed to any federal laws that disenfranchise individuals from exercising their most fundamental constitutional right to vote; and

WHEREAS, voting is a constitutionally protected right.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities calls upon the United States Congress to declare Election Day a national holiday; and

BE IT FURTHER RESOLVED that the National League of Cities shall advocate for the fourth Tuesday of September as National Voter Registration Day; and

BE IT FURTHER RESOLVED that the National League of Cities calls upon the United States Congress to pass legislation establishing a minimum period for early voting in elections for Federal office.