

**FORSYTH COUNTY
BOARD OF COMMISSIONERS**

**BRIEFING
DRAFT**

MEETING DATE: APRIL 11, 2019

AGENDA ITEM NUMBER: 5

**SUBJECT: RESOLUTION REQUESTING THE NORTH CAROLINA LEGISLATURE
TO REVISE N.C.G.S. 105-537 TO ALLOW COUNTIES TO SPECIFY A PURPOSE
FOR THE PROCEEDS OF THE ARTICLE 46 ONE-QUARTER CENT COUNTY SALES
AND USE TAX**

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:

SUMMARY OF INFORMATION:

ATTACHMENTS: YES NO

SIGNATURE: _____

COUNTY MANAGER

DATE: _____

**RESOLUTION REQUESTING THE NORTH CAROLINA LEGISLATURE
TO REVISE N.C.G.S. 105-537 TO ALLOW COUNTIES TO SPECIFY A PURPOSE FOR
THE PROCEEDS OF THE ARTICLE 46
ONE-QUARTER CENT COUNTY SALES AND USE TAX**

WHEREAS Article 46 of Chapter 105 of the North Carolina General Statutes allows counties to levy a one-quarter cent sales and use tax, if such is approved by voters in an advisory referendum;

WHEREAS, on the ballot for such referendum, N.C.G.S. 105-537 prohibits counties from specifying the purpose for which the proceeds of such local sales and use tax shall be used; and

WHEREAS the Forsyth County Board of Commissioners believes that it should promote transparency in elections and desires to include on the ballot the purpose of such sales and use tax, so that voters can determine whether to support the tax;

NOW, THEREFORE, BE IT RESOLVED, that the Forsyth County Board of Commissioners hereby requests the North Carolina Legislature to revise N.C.G.S. 105-537, in a form substantially similar to the revised statute attached hereto, in order to allow counties to state the purpose for which they intend to use the proceeds of an Article 46 one-quarter cent county sales and use tax.

Adopted this 11th day of April 2019.

A BILL TO BE ENTITLED
AN ACT TO ALLOW COUNTIES TO SPECIFY A PURPOSE FOR THE ONE-QUARTER
CENT (1/4¢) COUNTY SALES AND USE TAX

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-537 reads as rewritten:

§105-537. Levy.

(a) Authority. – If the majority of those voting in a referendum held pursuant to this Article vote for the levy of the tax, the board of county commissioners may, by resolution and after 10 days' public notice, levy a local sales and use tax at a rate of one-quarter percent (0.25%).

(b) Vote. – The board of county commissioners may direct the county board of elections to conduct an advisory referendum on the question of whether to levy a local sales and use tax in the county as provided in this Article, and the board of county commissioners may specify the purpose for which the net proceeds of the tax shall be used. The election shall be held in accordance with the procedures of G.S. 163A-1592.

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

“ FOR AGAINST

Local sales and use tax at the rate of one-quarter percent (0.25%) in addition to all other State and local sales and use taxes.” If the board of county commissioners has specified a purpose for the net proceeds of the tax, the question to be presented on the ballot shall briefly state the purpose.

(d) Repealed by Session Laws 2014-3, s. 14.22, effective May 29, 2014.

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