

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2008-101
HOUSE BILL 2488**

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO
ALLOW ADJUSTMENT OF THE GEOGRAPHIC SCOPE OF THE CITY'S
SMALL BUSINESS ENTERPRISE PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. Section 8.88 of the Charter of the City of Charlotte, being S.L. 2000-26, as amended by S.L. 2002-91, reads as rewritten:

"Section 8.88. **Small Business Enterprise Program.**

(a) The City may establish a race and gender neutral small business enterprise program to promote the development of small businesses ~~in the Charlotte Metropolitan Statistical Area~~ within the Charlotte Regional Area, and to enhance opportunities for small businesses to participate in City contracts. The City may define the term 'small business enterprise' as appropriate and consistent with the City's contracting practices. The City may establish bid and proposal specifications that include subcontracting goals and good faith efforts requirements to enhance participation by small business enterprises in City contracts. Notwithstanding G.S. 143-129 and G.S. 143-131, the City may consider a bidder's efforts to comply with small business enterprise program requirements in its award of City contracts, and if a bidder is determined to have failed to comply with said requirements, the City may within its discretion, refuse to award a contract to such bidder. As used in this section, "Charlotte Regional Area" means: (i) the Metropolitan Statistical Area that includes Charlotte, North Carolina, as defined by the United States Office of Management and Budget from time to time; and (ii) such additional counties that the City may designate from time to time for inclusion within the small business enterprise program, based on the City's periodic assessment of where small business development initiatives will promote economic development within the City.

(b) The small business enterprise program authorized by this section is intended to supplement and not replace the requirements of G.S. 143-128.2, 143-131, or 143-135.5. Any goals or efforts established to achieve minority and women business participation consistent with said provisions of law shall take precedence over goals for small business enterprise participation established under the program authorized by this section. A small business enterprise program established pursuant to this section shall be deemed consistent with the public policy of the State of North Carolina to promote and utilize small and underutilized business enterprises as set forth in G.S. 143-128.2, 143-128.3, and 143-135.5."

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

In the General Assembly read three times and ratified this the 15th day of July, 2008.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives