CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: January 13, 2015 **CUT OFF DATE:** __

RESOLUTION _X__ **ORDINANCE** ___ **PUBLIC HEARING** __

ITEM TITLE: Resolution Adopting the 2015 Legislative Agenda

STAFF RECOMMENDATION: Approval

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION: N/A

FUNDING DATA: Significant. The City could be faced with several large and unforeseen expenditures should the State decide to shift additional funding authority of transportation and education initiatives as well as continue their adoption of unfunded local government mandates. Foreseeing these potential impacts on the City's general fund is difficult, but it can be assumed that they will have a significant negative impact in a worst case scenario.

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

DEPARTMENT	INITIALS FOR APPROVAL	INITIALS FOR DISAPPROVAL	DATE
1.			
2.			
3.			
4.			
5. City Attorney			20150108
6. City Manager			7 Jan 15
7. Clerk of Council			

Initiating Department Director's Signature: _____ 7 Jan 2015
Date

City Manager

APPROVED AS TO FORM:

CITY ATTORNEY

Revised: September 28, 2009

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council

From: Eden Freeman, City Manager

Date: January 13, 2015

Re: 2015 Legislative Agenda

THE ISSUE: Does the City Council wish to create a 2015 Legislative Agenda?

RELATIONSHIP TO STRATEGIC PLAN: Goal 2 – Create a More Livable City for All

BACKGROUND: Traditionally, the City Council has shared key City priorities with members of our State delegation. Last year, City Staff presented a 2014 legislative agenda to Council which was adopted and passed onto our state representatives.

For 2015, the City's legislative delegation includes Senator Vogel and Delegate Berg. If approved by City Council, it has been suggested that a legislative briefing be conducted with the delegation prior to the General Assembly reconvening on January 15, 2015.

To aid the City Council in identifying items for possible consideration, staff discussed items that have placed or may place unneeded difficulties on citizens and City departments. In addition, please find attached the legislative agendas from the Virginia Municipal League (VML), Virginia First Cities (VFC) and Virginia Association of Counties (VACo).

City Staff has gathered specific City of Winchester issues and concerns that have not been stated by any of the aforementioned organizations' legislative agendas:

1. **Delays Caused by the Virginia Department of Transportation (VDOT) –** The City has received Transportation Partnership Opportunity Funding (TPOF) approval to provide Rubbermaid Commercial Products (RCP) with a new entrance/exit into their local facility. The original scope of the project was dismissed due to expected property acquisition difficulties which forced us to relocate the proposed entrance and modify our TPOF proposal. VDOT was informally briefed and heavily consulted regarding our revised proposal during the spring of 2014 and received our formal TPOF modification proposal on October 21st. City staff did not receive feedback on its request until December 22nd. The City understands that adequate time is needed to process our request, but staff does not understand the need for an additional two-month review period after helping us craft our formal application. Furthermore, VDOT's request for additional information places an extended delay on our project.

   In summary, the City requests that the Commonwealth's General Assembly review VDOT's communication protocols and implement actions that will improve their responsiveness to local governments.

2. **Delays caused by the Virginia Department of Historic Resources (DHR) –** The City of Winchester appreciates the wisdom, guidance and technical expertise that DHR provides and the overall importance of historic preservation. However, City Staff has encountered numerous delays during the implementation and completion of City projects due to the preservation of what DHR has labeled as our "potential" north end historic district. Although we do not dispute the historic value of this neighborhood, the City must be able to improve its infrastructure to benefit the entire community, in particular public safety concerns, despite the presence of potentially historic structures. The City has agreed to promote the historic aspect of the region in order to expedite the completion of our projects and resolve DHR's concerns, but is requesting that the Commonwealth's General Assembly review DHR's decision-making timeliness and responsiveness to local governments.

3. **HB 1744 regarding local employee grievance procedure –** Staff does not support the passage of this bill as it would change the final step of an employee grievance procedure to be selected the by aggrieved employee. At present, the selection of this final step requires the agreement of both the locality and the aggrieved employee. Adoption of this legislation has the potential to place the City at a disadvantage when conducting grievance proceedings. Although determining the validity of the aggrieved employee's issues and claims is important, allowing an individual with potential malicious intent to control final grievance proceedings would place a substantial liability on the City of Winchester. Current law promotes compromise and reduces the City's risk as the final step in a grievance procedure requires concurrence between both parties. Providing this additional authority to an aggrieved employee could impose lengthy delays and large expenditures on the City as there would be virtually no limitations on what the employee could propose as a conclusion to the proceedings.

4. **House Bill 1010 regarding Emergency Medical Services (EMS) certification –** Staff does not support the passage of this bill as it would reduce the number of hours required to obtain EMS certification and therefore reduce the knowledge base of EMS providers and lower their level of care.

5. **Support to combat illicit drug usage –** Our community has made great strides in fighting the drug epidemic through the creation of the Addiction Action Committee (AAC). This group is a coalition of law enforcement, health care, substance abuse treatment, youth advocacy organizations and families impacted by the increase in heroin overdose and death in the Winchester region. However, ongoing support, as listed below, and developed by the AAC, is needed from the State to continue our impactful efforts.
    a. Require the review of community needs to determine the allocation of state funds to Community Service Boards in order to support addiction treatment.
    b. Working collaboratively, establish longitudinal outcome metrics to be used to qualify treatment programs for reimbursement from public funds (measures of success over time).
    c. Encourage legislative change to 18.2-30 of the Code of Virginia to allow for persons providing drugs in overdose deaths to be prosecuted under the crime of homicide.
    d. Require mandatory reporting to law enforcement for physicians and hospitals treating someone presenting with symptoms of an opioid-based overdose.

e. Require the Virginia Department of Forensic Services to establish protocols to determine and report if a specific opioid based substance was the cause of death in victims and samples presented to them.
f. Mandate the use of the Prescription Monitoring Program by retail pharmacies whenever controlled substances are prescribed and to report potential abuse to the prescribing physician/extender and law enforcement.
g. Require mandatory notification of prescribing physician/extender whenever a prescription medication overdose or arrest occurs.
h. Require mandatory opening of an active case by local departments of social services when there is evidence of prenatal substance abuse and provide the necessary funding.
i. Establish reciprocity with neighboring states' Departments of Social Services as a bridge to national reciprocity. Prevent flight from local jurisdiction oversight.
j. Provide appropriate state funding for Accountability (Drug) Courts.

6. **Personal Property Tax Relief (PPTR) –** While the City is not supportive of reductions to PPTR, should reductions in PPTR be approved by the General Assembly, it must be implemented gradually.

Staff supports both VML and VFC's priorities and feels that the following issues deserved advocacy and attention given their potential impact on the City.

1. **Education funding –** VML opposes changes in methodology and in the division of financial responsibility that result in a shift of funding accountability from the State to localities. Further, VML opposes policies that lower State contributions but do nothing to address the cost of meeting the requirements of the Standards of Accreditation and Standards of Learning.

2. **Transportation funding –** VML is requesting more dedicated revenue for transit operations and capital to keep pace with growing public needs and expectations. Local governments must retain their local revenue authority while halting the State's effort to shift traditional state funding responsibilities, excessive fee levying and large administrative and financial burdens onto local governments.

3. **Enterprise zones funding –** VFC is requesting that the State provide additional funding to the Virginia Department of Housing and Community Development's enterprise zone program. As a recent designee, Winchester has yet to fully capitalize on its enterprise zones, and the State's desire to continually underfund this program drastically reduces its beneficial impact on Virginia localities.

Staff reviewed the VACo's legislative priorities and felt that the following items were also worthy of inclusion:

1. **Unfunded mandates –** VACo opposes unfunded mandates and shifting of fiscal responsibilities from the State to local governments for existing programs by the Commonwealth. These unforeseen expenditures place unjust hardships on local governments and force us to remove funding from existing programs to cover these State budget shortfalls.

2. **Broadband availability –** VACo urges the Commonwealth and the Federal Government to assist communities in their efforts to deploy universal affordable access to broadband for all areas.

3. **Local-State Transportation Funding and Cooperation –** VACo remains concerned about the lack of secondary and urban construction funding and the possibility that several regions in the state will not receive an adequate share of construction funds.

4. **Fully fund the cost of housing post-adjudication inmates** – VACo requests the state reimburse local and regional jails for the actual costs of state responsible inmates.

BUDGET IMPACT:

Significant. The City could be faced with several large and unforeseen expenditures should the State decide to shift additional funding authority of transportation and education initiatives as well as continue their adoption of unfunded local government mandates. Foreseeing these potential impacts on the City's general fund is difficult, but it can be assumed that they will have a significant negative impact in a worst case scenario.

OPTIONS:

1. Approve the enclosed resolution
2. Modify the enclosed resolution
3. Provide additional direction to staff, and/or take no action at this time.

RECOMMENDATIONS: Staff recommends approval of the enclosed resolution.

A RESOLUTION ADOPTING THE 2015 STATE LEGISLATIVE AGENDA

WHEREAS, the City of Winchester has a comprehensive Strategic Plan that has the stated goal to "Create a More Livable City for All," and

WHEREAS, the state government is a vital partner in advancing this goal, through setting policy and funding priorities in parallel with the City Council, and;

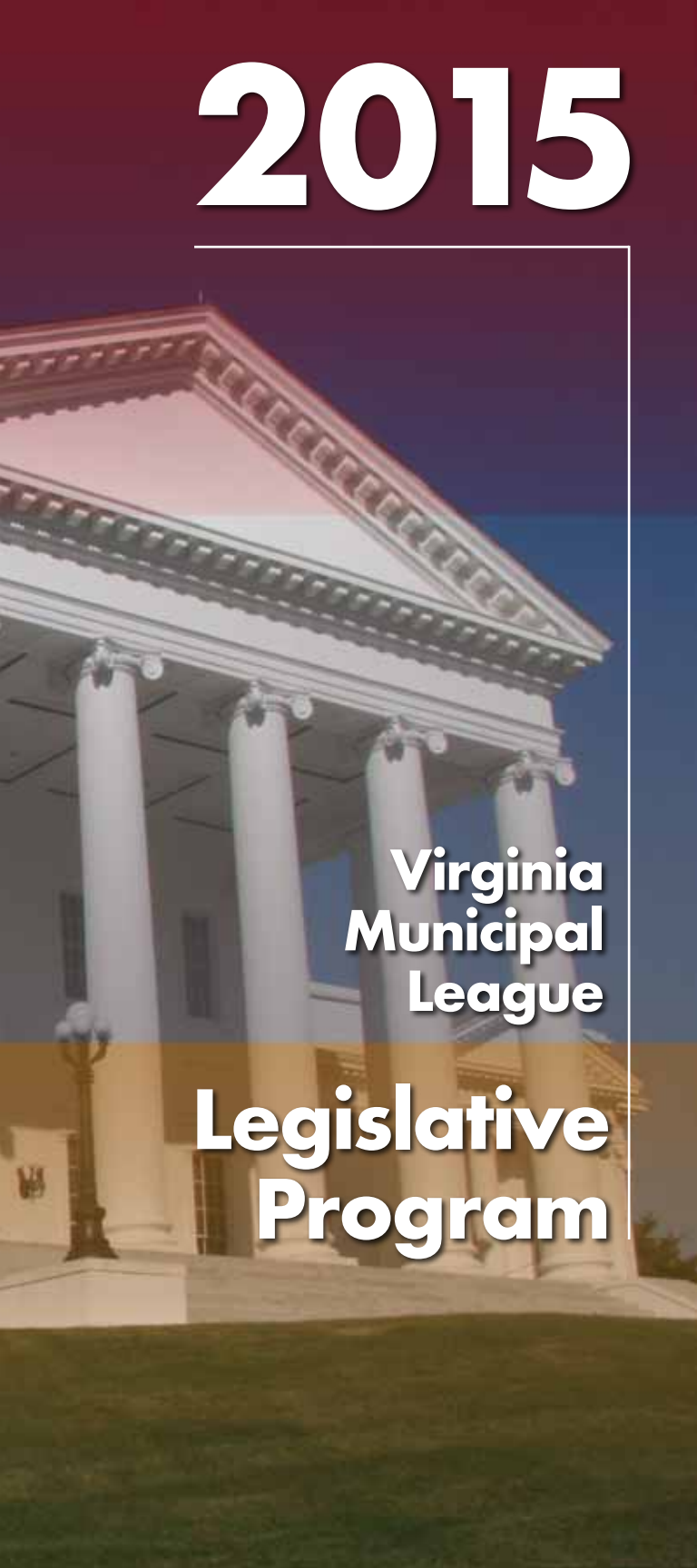
WHEREAS, the City is a member of both the Virginia Municipal League and Virginia First Cities, both of whom advocate on Winchester's behalf through the creation and adoption of the attached 2015 Legislative Priorities, and;

NOW THEREFORE BE IT RESOLVED, that the Winchester City Council also supports the legislative priorities identified by staff that seek to:

1. Improve communication between the Virginia Department of Transportation and local governments;
2. Improve communication between the Virginia Department of Historic Resources and local governments;
3. Refrain from supporting House Bill 1744 regarding local employee grievance procedures;
4. Refrain from supporting House Bill 1010 regarding emergency medical services certification;
5. Provide support to combat illicit drug use in the region;
6. Incremental implementation of the reduction of personal property tax relief to localities;
7. Protect education funding;
8. Protect transportation funding;
9. Increase enterprise zones funding;
10. Support the desire to abolish unfunded mandates;
11. Support efforts to deploy universal broadband accessibility;
12. Support efforts to encourage continued state funding for road construction and maintenance projects; and
13. Support efforts to encourage the full funding of reimbursement costs to house post-adjudication state responsible inmates.

City Council also authorizes the creation of a 2015 Legislative Agenda to share with our local delegation of the Virginia General Assembly. This Agenda shall express to legislators the priorities of City Council in advancing goals to "Create a More Livable City for All." The Agenda shall support proposals which advance goals in the Strategic Plan and oppose proposals in conflict with them, and it shall respect the current fiscal condition of state and local governments.

2015



Virginia Municipal League

Legislative Program

Parks
Animal control
Police
Elementary schools
Building code enforcement
Recreation leagues
Libraries
Water and sewer systems
Public transportation
High schools
Fire services
Health clinics
Garbage collection
Storm water utilities
Behavioral health services
Traffic control
After-school programs
Landfills
Economic development
Street lights
Jails
Building inspections
Emergency medical services
Housing authorities
Services for at-risk youth
Community centers
Middle schools
Parking enforcement
Hazardous materials response
Bookmobiles
Historic preservation
Building permits
Community festivals
Medicaid eligibility
E-911

Dear legislators,

The members of the Virginia Municipal League recognize that the underpinnings of Virginia's economy are stressed. Sacrifices will need to be made at all levels of government – and by citizens – to ensure a prosperous, sustainable future. Local governments stand ready to work with the General Assembly and the administration to craft solutions to the fiscal challenges ahead. The millions of Virginians who we represent as elected officials deserve no less.

There is no shortage of legislative issues crucial to helping local governments build vibrant communities where businesses thrive, and where the citizens we serve live, work and play. Local governments depend on a fair, reliable partnership with state government to carry out their numerous responsibilities, many of which are mandated by the General Assembly.

To improve the effectiveness of this state-local partnership, VML's 2015 Legislative Program clarifies the obligations and responsibilities owed by each on issues affecting transportation and education funding, as well as taxing authority. The specifics are spelled out in this booklet.

As always, we stand ready to work with you in meeting our mutual goals to promote the long-term prosperity of Virginia. Please call on us as you seek solutions to the many issues that you will confront during the upcoming legislative session.

Sincerely,

Kimberly A. Winn
VML Executive Director

VML 2015 Legislative Program

VML's membership approved the legislative program set out in this pamphlet at the annual conference held in Roanoke in October. The first five items in this program were identified as the top priorities for local governments in 2015.

Education Funding

A strong public school system is essential to economic development and prosperity. The state must be a reliable funding partner in accordance with the Virginia Constitution and state statutes. The Standards of Quality should recognize the resources, including positions, required for a high-quality public education system. VML opposes changes in methodology and changes in the division of financial responsibility that result in a shift of funding responsibility from the state to localities. As an example, VML opposes the elimination or decrease of state funding for state-mandated benefits for school employees.

Further, VML opposes policies that lower state contributions but do nothing to address the cost of meeting the requirements of the Standards of Accreditation and Standards of Learning. The State Board of Education should identify areas within the Standards of Quality and other educational requirements, such as mandates for expenditures in the area of student health services that can be modified or eliminated in order to provide localities with greater flexibility in their use of scarce education funds.

VML supports a study by the Joint Legislative Audit and Review Commission to determine how the SOQ may be revised and adequately funded to meet the requirements contained in the Standards of Learning and Standards of Accreditation. VML also supports implementation of JLARC recommendations to promote 3rd grade reading performance.

State Assistance to Local Law Enforcement (HB 599)

Law enforcement is a basic service of government. Funding for this service should be a shared responsibility of state and local government as it has long been for sheriffs' departments. The state's commitment to HB 599 has increasingly lagged in the past decade, and will be sorely tested again by the recent alarms about state revenues. The committee may consider asking the Finance Policy Committee to look at this issue and consider ways in which local governments can better prove and advocate the need for consistent funding for this program.

Transportation Funding

VML appreciates the actions taken by the General Assembly in the 2013 legislative session to boost transportation funding for new road construction, road maintenance, transit operating and capital, and rail passenger service. In order for Virginia to prosper a strong infrastructure is essential to meet the needs of commerce, commuters, and families.

VML understands that the landmark legislation from 2013 is a "down payment" or first step to comprehensively address transportation needs. More dedicated revenue for transit operations and capital as well as passenger and freight rail is needed to keep pace with growing public needs and expectations. It is also critical to find additional resources for urban and secondary road construction in light of actions taken by the state to halt allocations for these projects in the Six-Year Transportation Improvement Program.

State and Local Government Fiscal Relationship

Governance at the local level becomes ever more challenging as the Commonwealth and the federal government add new programs, or modify existing program guidelines, and promulgate complex regulations and higher standards for local governments to implement. It is not uncommon for the state and federal governments to either underfund their share of the costs or to ignore them altogether.

To that end, the Virginia Municipal League holds as essential these principles on local taxing and budget authority.

1. Specific local revenue authority and sources cannot be further restricted without first granting and providing alternative revenue authority with reliable, sustainable revenue sources. This includes, without limitation, the BPOL and M&T taxes.
2. Local general fund revenue and special funds cannot be confiscated or re-directed to the state treasury.
3. Local governments cannot be expected to bear the expenses related to the imposition of new funding requirements or the expansion of existing ones on services delivered at the local level without a com-

mensurate increase of state financial assistance or new local taxing authority.

4. Shifting traditional state funding responsibilities onto local governments, for such services including public education, law enforcement and public safety activities, is bad fiscal policy, resulting in the stress of local finances without reductions in overall program costs.
5. Piggybacking state fees, taxes or surcharges on local government services frustrates transparency at both the state and local level.
6. Placing additional administrative burdens on local governments without sufficient resources or administrative flexibility jeopardizes the quality of services delivered at the local level.
7. State budget cuts to state mandated and other high priority programs should specify the programs to be affected by the cuts.

The Commonwealth should:

1. Enter into a dialogue with local governments to examine state requirements and service expansions that can be suspended or modified to alleviate to the degree possible the financial burden on state and local taxpayers.

   Specifically, the Commonwealth should:

   - Critique the Standards of Accreditation and Standards of Learning to determine which standards impose costs on local governments that are not recognized in state funding formulas. In particular, changes adopted since 2009 to SOAs and SOLs should be examined as state funding on a per-pupil basis is now below 2009 levels.
   - Re-examine those Standards of Quality that the Board of Education has adopted, but that the General Assembly has not funded. These standards reflect prevailing practices necessary to improve children's academic performance. Their academic performance is crucial to students and schools meeting the accountability standards under the SOL and SOA. If funding is not available to pay for prevailing practices, the accountability standards should be adjusted so that local governments are not in the position of having to bear the entire burden of meeting these unfunded mandates.
2. Develop spending and revenue priorities that support economic development, public safety, education and other public goals. State tax credits, tax deductions and tax relief policies must receive the same scrutiny as spending programs as part of the prioritization process.
3. In times of revenue crises, review ways to increase revenues to meet constitutional and statutory obligations to Virginia citizens after all other actions have been taken including eliminating unnecessary programs, achieving greater program efficiencies, and streamlining service delivery.
4. Include local government representatives on any "blue ribbon" commission or other body established by the state that has as its purpose changes to local revenue authority or governance."

Low Performing Schools

State Takeover of Persistently Low Performing Schools

VML supports repeal of the legislation establishing the Opportunity Educational Institution.

Improving Low-Performing Schools

Any approach to improving low-performing schools must include adequate state financial support. VML supports increased state funding for the Virginia Preschool Initiative, the K-3 reduced class size program and Early Reading Intervention program. VML also supports increased state stipends for highly effective teachers in high-poverty schools, and other innovative programs.

The state has consistently underfunded the state Standards of Quality and other state accountability programs. In the absence of increased state funding, VML opposes any efforts that would transfer to the state additional local funding that localities choose to provide to school divisions. Such local funds exceed the amounts the state requires for SOQ and other state-local match programs.

Other legislative positions

First Day Introduction for Bills with Local Fiscal Impact

VML supports reinserting the requirement for first day introduction of bills with a local fiscal impact in the procedural resolution that governs the conduct of the General Assembly session. This recommendation was supported in the last session by the Governor's Task Force for Local Government Mandate Review and the Task Force for Fiscal Impact Review. The intent is to provide local governments more time to assess the fiscal impact of proposed legislation, During the 2014 session, delegates and senators had ten days after the start of the session to introduce legislation, leaving local governments with roughly three weeks to review bills, notify the Commission on Local Government about potential fiscal impacts and to lobby.

Fines and Costs Collections by Treasurers

VML seeks the repeal of language in the 2014 Appropriation Act that effectively bars local Treasurers from collecting delinquent fines and costs. Commonwealth's Attorneys should have the option to choose the most efficient and effective collection agent regardless of whether the agent is a public or private entity. VML does not support efforts to monopolize collection services.

Local Fines and Fees

VML supports a budget amendment to end state confiscation of local fines, fees and forfeitures. At the very least, the General Assembly should reform the policies and procedures associated with the Commonwealth's claims on these local dollars based on ideas introduced in the 2014 legislative session that adjusted court procedures to promote efficiencies, that narrowed the number of affected localities and that reduced the dollar amounts taken by the state.

Water Quality Funding

Virginia's local governments face mounting costs for water quality improvements for sewage treatment plants, urban stormwater, combined sewer overflows (CSOs), and sanitary sewer overflows (SSOs). In response to federal and state legislation, regulation and policies, VML urges the federal government and the Commonwealth to provide adequate funding for these water quality improvements.

Taxing, Licensing and Regulating Internet-based Businesses & Services

If the Commonwealth should take action to regulate private enterprises employing a business model that emphasizes the use of the Internet to either provide retail or facilitate lodging or ride-sharing services, then local government interests should be acknowledged and localities should be included in the decision-making. As general principles, VML believes state and local policies should (1) encourage a level playing field for competing services in the market place; (2) seek to preserve and/or replace local and state tax revenues; and (3) ensure safety and reliability for consumers.

Workers Compensation – Medical Costs

Virginia should adopt Medicare-based fee schedules for setting medical provider fees in workers' compensation cases, instead of the prevailing community rate standard now used. This will make providing workers' compensation coverage more affordable and will adequately protect the financial interests of the medical providers of Virginia.

Transportation Networking Companies

VML supports the continued option of the regulation of taxi companies at the local level. VML supports state regulation of ride-sharing companies as needed to ensure proper safety, liability, cleanliness, insurance coverage, local revenue, consideration of ADA access, and equitable service in communities.

Municipal Net Metering

To facilitate the deployment of onsite renewable for municipal facilities VML supports (1) allowing local governments to aggregate the electric load of their governmental buildings, facilities, and any other governmental operations for the purpose of net energy metering; and (2) raising the net-metering limit from 500 kilowatts to 2,000 kilowatts for non-residential customers.

Hydraulic fracturing petroleum extraction

The process of hydraulic fracturing raises concerns about the potential pollution of groundwater, the depletion of water supplies and an increase in seismic activity in previously benign or inactive zones. The consequences potentially are costly and irreversible to local communities. VML supports a state regulatory program that addresses these concerns while protecting the authority of local governments to regulate this type of mining activity through its land use ordinances.

VML Executive Committee

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Vice President – Mayor Robert K. Coiner, Gordonsville
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VML Legislative Committee

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Mayor James Hudson III, West Point

Street maintenance
Public health
Neighborhood preservation
Recycling
Animal shelters
Cable television franchises
Sidewalks
Voter registration
Child protective services
Courts
Zoning enforcement
Farmers' markets
Engineering
Consumer protection
Green Government
Street sweeping
Social services
Industrial development
Paratransit
Fire marshal
Electric utilities
Comprehensive planning
Senior citizen programs
Community development
Main Streets
Kindergarten
Elections administration
Adult protective services
Welfare administration
Juvenile detention
County fairs
Natural gas utilities
Airports
Citizen boards and commissions

About VML

The Virginia Municipal League is a statewide, nonprofit, nonpartisan association of city, town and county governments established in 1905 to improve and assist local governments through legislative advocacy, research, education and other services. The membership includes all 38 cities in the state, 160 towns and 8 counties.

VIRGINIA MUNICIPAL LEAGUE

P.O. Box 12164
Richmond, VA 23241

804/649-8471
e-mail@vml.org
www.vml.org

2015 LEGISLATIVE AGENDA

RESTORE THE STATE-LOCAL PARTNERSHIP FOR STATE MANDATED SERVICES

VFC supports added funding for the Priority Programs that disproportionately benefit core cities:

At-Risk Education Incentive Programs
Comprehensive Services Act (CSA)
Juvenile Justice Assistance
Enterprise Zone Programs
Street Maintenance Payments
State Aid to Local Police Depts. (HB 599)
Local Jails and Per Diems
Community Service Boards (CSB's)
Brownfields
Public Transit

TRANSPORTATION/ LAND USE/ URBAN INFRASTRUCTURE

Focus resources on existing infrastructure and support land use policy initiatives that use existing infrastructure, augment city redevelopment, and discourage dispersed development patterns.

Street Maintenance/Primary and Urban Funds

Virginia First Cities spent $76M more than state street maintenance payments provided in FY11. City and town streets are a vital part of the regional transportation network. They are more costly to maintain due to heavy use, age, and the need to accommodate pedestrian, bus, auto and truck service and complex adjacent utilities.

- **Adequately fund city and town street maintenance by increasing lane mileage rates.** The General Assembly increased these rates for Henrico in 2012, but city and town rates have not changed for many years.
- **Make all lane miles eligible for street maintenance payments** to be consistent with state policies for Henrico and Arlington County streets.

Water Infrastructure

- **$50 million in FY 2015 for the Stormwater Local Assistance Fund**, to continue improvements for the installation of effective storm-water controls on urban lands to reduce the flow of excess nutrients and sediment to local streams, rivers and the Chesapeake Bay.
- **Protect the Water Supply.** VFC opposes lifting the ban on uranium mining. Further, the state should develop regulations to ensure safe horizontal hydraulic fracturing.

K-12 INITIATIVES TO ELIMINATE THE EDCUATION ACHIEVMENT GAP

Provide Additional Funding for Extended Year and Extended School Day Programs. JLARC found that year round schools with additional instruction during intercessions can improve student performance, especially among minority students. The FY14 budget provided planning funds for schools interested in exploring this option. The additional costs will be known. Requests for state extended school year planning grants and start-up funding have been greater than expected. VFC requested funding last session and $3.4 million was appropriated over 2014-16 for planning grants and start-up funding. The current year appropriation of $1.164 million was fully subscribed. Grant requests for the current year exceeded $2.4 million, leading to a proration of implementation grants based on prioritizing school systems demonstrating the greatest need. All planning grant requests (up to $50,000) were fully funded. The Department of Education anticipates that additional resources will be needed for FY16 to fully fund requests without proration.

Give Schools Making Substantial Progress Special Designation and Extra Time to Achieve Full Accreditation
VFC proposes requesting that schools making substantial progress toward accreditation receive a special designation and extra time to accomplish the task of meeting these state achievement standards. VFC believes this would benefit students, teachers, parents, schools, localities and the business sector alike as full school accreditation is pursued. As struggling schools work to reach full accreditation, they face myriad challenges. Schools not fully accredited have three years to reach full accreditation or risk certain consequences. Localities with schools not fully accredited can have a wide ranging impact on all stakeholders: students, teachers, parents, school systems, neighborhoods, localities, citizens, the business community and the state. **Substantial progress toward achieving accreditation should be rewarded with encouragement toward further progress.** The esteem of a community is bolstered and businesses are better able to attract investment and jobs when they see progress being made in the struggling schools.

Quality Teacher Training for Hard to Staff Schools
VFC encourages expansion of the VCU - Richmond Teacher Residency Program model to other universities and localities. The VCU program is in its fifth year of training teachers to specifically work in some of Richmond's toughest schools. Based on the medical school model, it gives prospective teachers an entire year of teaching side-by-side with an established teacher. It then offers three more years of professional support to make sure the residents stay prepared, engaged and employed - which often doesn't happen with new teachers in urban settings. VFC wants to encourage expansion of this model for teacher training to other universities and target more schools in localities that have difficulty hiring well qualified teachers. VFC proposes working with Secretary of Education Ann Holton to determine what is necessary to expand this training program.

K-12 EDUCATION INITIATIVES TO CLOSE THE ACHIEVEMENT GAP – Increase and target funds to student programs and hard to staff schools to improve achievement among at- risk students, improve Standards of Learning (SOL) and NCLB scores, graduation rates, strengthen Virginia's workforce and long-term economy. Add investment to these proven effective strategies:

- **School Rebenchmarking – Remove the cap and restore school support positions to pre-recession levels.**
- **Virginia Preschool Initiative** - **Index funding for inflation like other education programs**. The per-pupil amount has remained at $6,000 per enrolled child since 2008. Cost is approximately $2M annually.
- **Virginia Pre-School Funding Hold Harmless -** VFC supports full hold harmless funding in the FY 2014-16 biennial budget for VPI that ensures that no school system receives fewer pre-K slots than they had in the previous year. In FY 2015, VFC was able to get about one-third of the necessary funding for a hold harmless with FY 2014 slots. The FY 2016 VPI budget is currently funded for close to 100 percent of FY 2014 slots.
- VFC also supports reallocating any balances available from FY15 for a state match to obtain and leverage the new four-year federal "Preschool Development Grant" program (deadline for the state application is October 15, 2014). This federal grant program (up to $17.5 million per year) will target certain school districts (possibly Richmond, Norfolk, Petersburg and Winchester) for expansion of their pre-k programs through a parallel program to the Virginia Pre-school Initiative that enhances teacher quality, reduces class size, provides quality before and after care for children, etc. This could serve as a best practices model for improving the quality of pre-school programs statewide.
- **Continue to improve fund for Reading and Math Specialists.** VFC urges first priority be given to schools with a majority of at-risk students.
- **The State should fully fund its constitutional responsibility for public education prior to funding private education programs.**
- **Support policies to improve the Local Composite Index (LCI).** JLARC proposed a population density adjustment which recognizes higher service costs and demands in urban localities.
- **Amend the mandate of SJR 328 (2013),** ***the JLARC study of the efficiency and effectiveness of elementary and secondary school funding in Virginia*** **to include a review of the impact of the local composite index on school effectiveness.**
- **VFC opposes A-F grading of schools.**

TAXATION

- **BPOL /Machinery and Tools Tax**: Oppose efforts to eliminate these important revenue sources due to the impact their loss would have on local revenue.

HEALTH

- **Increase funding for the "Smart Beginnings" and "Healthy Families**"; these are effective programs that enhance school achievement and prevent poverty.
- **Expand Medicaid to include adults up to 138% of Federal Poverty Level (FPL) under the Affordable Care Act.**

PUBLIC SAFETY - Creating Safer Communities

- **Full funding for State Aid to Local Police Departments (599) to maintain low crime rates in Virginia's urban areas.**
- **Restore funds to the Virginia Juvenile Community Crime Control Act (VJCCCA)** which provides court-approved individualized services to delinquent juveniles to avoid intake placement.
- **Provide additional drug court funding.**
- **Increase substance abuse and mental health rehabilitation funding for juvenile detention, jail, and DOC units.** Expand existing mental health pilot programs.
- **Support prisoner reentry programs and alternatives to incarceration** that reduce overcrowding and mitigate future growth in prisoner populations. This reduces recidivism and creates safer communities.
- **Regional Jail Funding - Restore $10.7 million for already budgeted jail per diems.** VFC supports amending Item 69 of the biennial budget to increase jail per diems to the amount estimated to fully fund the program in FY 15. The state pays $4 per day to local and regional jails for local inmates, and $12 per day for state responsible inmates. The per diem payments had been $8 per day for local inmates and $14 per day for state responsible inmates for many years, but in 2010 those amounts were reduced to the current levels, resulting in a substantial reduction in the amount of per diems paid to local jails. The budget approved by the General Assembly includes $10.7 million less for jail per diems than the Compensation Board indicated will be necessary to fully fund the program in each year of the biennium

EMPLOYMENT , ECONOMIC DEVELOPMENT AND HOUSING

Community Empowerment and Wealth Building Fund

VFC requests state funding for a pilot state-local match program intended to increase employment and wealth in high poverty areas. Several localities, such as Richmond, Norfolk, and Charlottesville, have developed comprehensive poverty reduction strategies that tie together multiple, complementary initiatives in workforce development, economic development, education, housing and transportation. Such strategies aim to harness local resources (public, private, and nonprofit) into effective, high-impact plans to extend opportunities and reduce social and economic isolation. The Community Empowerment and Wealth Building Fund would provide an incentive to Virginia localities to leverage state and private sector dollars to develop comprehensive plans aimed at reducing poverty and extending more and higher quality opportunities to residents of high-poverty communities.

Give priority for training and economic development programs to urban and rural localities with high unemployment. VFC localities had 19% of the state's unemployed. As of July 2013, Virginia First Cities had a 7.5% unemployment rate versus the statewide rate of 5.5%. This is comparable to Southwest and Southside rates.

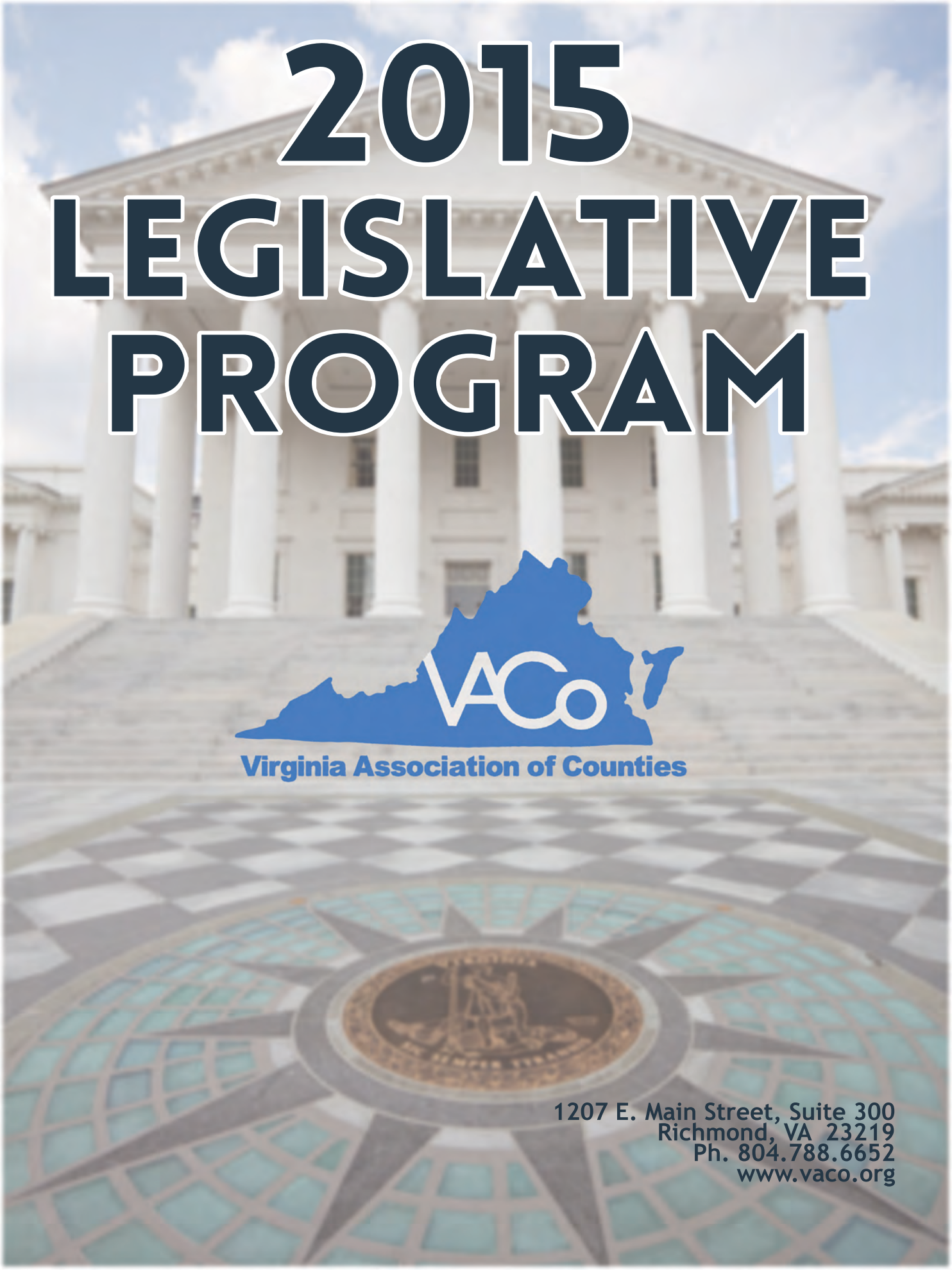
- **Job Training and Creation**: A comprehensive approach should include priority funds for the education of at-risk students and expanded funding for workforce training at community colleges.

- **Increase Regional Transit Access to Jobs**: Encourage financial participation by all urban/suburban localities in a region.
- **Support increasing the state minimum wage and indexing to inflation.**
- **Industrial Site Redevelopment**: Continue funding the Derelict Structures Fund to rehabilitate industrial sites for reuse.
- **Restore Brownfields Funding:** The state fund is depleted. It has been used with local and federal funds to restore land parcels and buildings with environmental problems so they can be marketed to new economic development prospects.
  VFC requests $1 million to restore Brownfields Assessment Grants. VFC was successful in 2011 in obtaining $1 million GF for the Brownfields Restoration Fund to encourage economic development of properties out of use due to perceived contamination or other environmental problems. Due to high demand in a number of localities, the state fund is depleted. The previous appropriation was leveraged with private, local and federal funds to assess and encourage the restoration of land, parcels and buildings to usefulness. This work primes the properties for marketing to new economic development prospects.
- **Study and Fully Fund the Enterprise Zone Program:** This is a successful public-private program that stimulates investment and job creation in economically distressed urban and rural localities.
  Due to the state budget shortfall, $2.5 million was cut from this successful business development program targeting distressed communities. The Department of Housing and Community Development's (DHCD) latest report for grant year 2013 showed that approximately 10% proration was required for businesses participating in the program – *and this was before the $2.5 million reduction*. This means businesses counting on a return on their investment were shorted 10% of what they were promised. As we have heard before, this reduces the incentive power of the program. Distressed communities rely on Enterprise Zones as a tool for business attraction and redevelopment in their locales. VFC requests restoration of these important economic development grant dollars and supports funding for a **full study** of the program.
- **Neighborhood Preservation: Support incentives and policies that maintain vibrant neighborhoods and eliminate blight by:**
  1) Increasing the economic feasibility of reusing vacant, abandoned, and derelict structures
  2) Encouraging private investment to rehabilitate buildings in older neighborhoods and commercial districts such as Historic tax credits
  3) Support Housing Trust Fund Funding
  4) Oppose policies that discriminate in housing based on Source of Income
- **Direct the Department of Agriculture and Consumer Services to examine the issue of food deserts in the state and strategies for their elimination, including establishing incentives for:** 1) Production, distribution and procurement of foods from local farms, 2) Public-private partnerships to open and sustain full-service grocery stores in communities without access to healthy food (food deserts), 3) Encouraging food retailers to locate and increase food and beverage choices in underserved areas.

OTHER POSITIONS

- **Curtail Predatory Lending**: Pass legislation to prohibit and deter predatory, usurious lending practices.
- **Gubernatorial Succession**: Support legislation allowing Virginia's governor to serve a maximum of two successive terms.
- **Regional Strategies:** The state should incentivize regional cooperation and service delivery to promote efficiency, mitigate inequities, and overcome barriers that result from Virginia's unique local government structure and moratorium on annexation.
- **Enact recommendations of the Governor's Task Force for Local Government Mandates:**
  - **Restore the requirement that bills with a local fiscal impact must be introduced on the first day of a General Assembly Session** to allow time to assess fiscal impact prior to committee action.
- **Remove Barriers to Lawful Voting** by providing adequate funding for local registrars, allowing no excuse early voting, and restoring voting rights for felons who have served their time.

2015 LEGISLATIVE PROGRAM



Virginia Association of Counties

1207 E. Main Street, Suite 300
Richmond, VA 23219
Ph. 804.788.6652
www.vaco.org

2015 Post Conference Legislative Program
Virginia Association of Counties

ECONOMIC DEVELOPMENT AND PLANNING

Priorities

Land Use/Growth Management Tools
VACo supports maintaining local authority to plan and regulate land use and opposes any legislation that weakens these key local responsibilities. VACo supports legislation that grants localities additional tools to adequately meet increasing needs for public services driven by new development without burdening current residents with the cost of new growth through increased real estate taxes. Such additional tools may include broad impact fee authority for all counties, adequate public facilities provisions in subdivision ordinances, state funds for the purchase of development rights, and real estate transfer charges.

Workforce Development
Unemployment and underemployment are common challenges facing counties. County officials are also concerned about the inability of current and potential employers to find workers with the skills needed for current and future job openings. Counties support flexibility for workforce programs to meet the specific workforce challenges identified by the public and private sector at the local and regional level and continued funding for Virginia's workforce system. VACo supports state efforts to fund, encourage and facilitate local and regional efforts to convene and facilitate cooperation between the business community and other numerous stakeholders involved in Virginia's workforce investment system. VACo supports applying credit recognition and state incentives for both certification, training or qualified credentialing and credit course hours.

Positions

Affordable and Workforce Housing
VACo supports maintaining federal and state funding and appropriate incentives to assist localities in fostering affordable housing, as well as workforce housing for employees such as teachers and first responders.

Agriculture and Forestry Industries Development Fund (AFID)
VACo supports continued state funding for the Agriculture and Forestry Industries Development Fund (AFID).

Defense Funding
VACo supports maintaining federal Defense spending. Further cuts to military spending will impact our nation's security and negatively impact economic growth in counties throughout the Commonwealth of Virginia.

Economic Development
VACo supports continued federal and state funding and technical assistance for infrastructure investments and economic development programs as effective means for enhancing business development in the Commonwealth. VACo supports economic development policies that bolster local and regional development efforts.

Impacts of Federal and Military Facilities (Federal)
VACo supports maintaining federal and state funding and technical assistance to mitigate the impacts on counties affected by federal budget cuts and to sustain current and future federal facilities in Virginia. VACo supports state and local partnerships to work to prevent encroachment and non-compatible land uses next to military instillations. VACo also supports workforce training and retraining for programs that support Defense activities in Virginia.

Maintain Public Sector Role in Onsite Sewer Program
VACo supports an onsite sewage program at the Virginia Department of Health that protects public health and the environment in all regions of the Commonwealth. The state's program should allow localities to develop and implement policies that support the state's program. VACo supports the private sector providing onsite sewage system design, installation and repair services, as long as the services can be provided at affordable rates and in a timely manner, and as long as VDH continues to provide these direct services as well.

Natural Gas Pipelines
VACo supports federal and state efforts to ensure that counties are partners in the route selection process.

Regional Cooperation
VACo supports maintaining state funding and additional grants of authority to promote regional initiatives. VACo also supports state funding for Virginia's planning district commissions, which play a key role in addressing regional challenges.

Siting of Utilities
VACo supports requiring utilities to seek input from localities and property owners before any actions to construct, modify or enlarge their facilities.

EDUCATION

Priority

Education Funding

VACo urges the General Assembly to provide full state funding for public education including the Standards of Quality (SOQ) as recommended by the Board of Education, targeted incentive programs, capital and maintenance support and teacher salaries. Full state funding should be achieved without reduction to other parts of state public education budgets or to the other core services. The state must recognize that in FY 2013 local school divisions spent $3.55 billion above required local effort.

VACo supports the current practice whereby all year-end funds appropriated to the school divisions by the locality revert to the locality, retaining discretion with the governing body to evaluate and approve the reallocation of year-end fund balances.

Positions

Composite Index Appeal process

VACo supports legislation that would establish an appeals process for local governments to challenge computation of the Local Composite Index.

Composite Index, Use Value

VACo supports legislation to adjust the calculation of the local Composite Index for public school funding by directing the Department of Education to adjust its funding calculations for the local ability to pay by using the use-value assessment of real property, instead of the true value, in localities that have adopted use-value taxation.

Funding Support Personnel

In addition to meeting its obligations to fully fund instructional staff, the Commonwealth should meet its obligation to fully fund the support side of K-12. Since 2009, Virginia has implemented sizable structural budget cuts to K-12, particularly in the area of support, costing localities more than $1.7 billion per biennium statewide. VACo supports full restoration of these cuts, including: elimination of the funding cap on support positions; restoring the inflation factor for non-personal support costs; and full reinstatement of the Cost of Competing (COCA) for support staff. Adequate state funding for support staff and operations is critically important for the operation of any school system.

Library system

VACo supports maintaining the level of funding of financial aid to the library system at levels budgeted for FY 15 and FY 16.

ENVIRONMENT AND AGRICULTURE

Priority

Water Quality Improvement Funding
VACo supports effective partnerships among and across all levels of government to improve water quality.

VACo urges state and federal agencies to consider impacts on local governments of any initiatives intended to reduce loadings of pollutants into state waters from both point and non-point sources. In order for comprehensive, watershed-wide water quality improvement strategies to be effective, major and reliable forms of financial and technical assistance from federal and state governments will be necessary. VACo supports the goal of improved water quality, but will oppose provisions of any strategy that penalizes local governments by withdrawing current forms of financial assistance or imposing monitoring, management or similar requirements on localities without providing sufficient resources to accomplish those processes. VACo opposes the imposition of a state fee, tax or surcharge on water, sewer, solid waste or any service provided by a local government or authority.

Positions

Agriculture Production
VACo supports increased availability of local food for purchase. To accomplish this, VACo supports the establishment of farmers' markets and the supplemental nutritional assistance program (SNAP) for purchases at farmers' markets, policies to increase direct delivery of food from growers to consumers and funding for the design and construction of regional processing facilities to facilitate delivery of locally-produced food.

Aquifer protection
VACo supports initiatives by the state to assure adoption of actions to reduce high chloride concentrations and loss of artesian head pressure in Virginia's aquifers. VACo also requests that the Commonwealth conduct a review of regulations, and promote education to promote reclamation of water on a local level for industrial and irrigation uses to offset future demands on all ground and surface water used for human consumption in the Commonwealth.

Biosolids

VACo contends that the land application of biosolids, when conducted properly, provides important benefits to the public and Virginia's agricultural sector. To reduce risks that might occur because of improper land application, VACo supports an effective statewide program and regulations governing land application of biosolids that protect the environment, public health and safety. VACo also supports the ability of local governments to monitor compliance with such regulations. To address concerns of neighboring property owners, VACo supports the ability of local governments to suggest amendments to biosolids permits as they are being considered by the Department of Environmental Quality.

Dam safety

VACo supports dam safety regulations that do not impose unreasonable costs on dam owners whose structures meet current safety standards. VACo encourages DCR to institute reasonable calculations of probable maximum precipitation rainfall amounts that accurately identify at-risk structures and facilitate the most efficient targeting of scarce resources to the most needy structure. VACo supports programs that keep downstream owners and developers aware of potential inundation zones.

Energy Efficiency

VACo endorses initiatives among all levels of government to reduce dependence upon foreign sources of energy, to reduce emissions of greenhouse gases and to improve energy efficiency. VACo also supports production of renewable energy in Virginia through the implementation of Renewable Portfolio Standards while continuing to support energy policies that take advantage of our abundant coal deposits and natural gas reserves while protecting the welfare and safety of agriculture and our water supplies.

Humane Investigators

VACo opposes legislation requiring local governments to accept court appointed humane investigators. Humane investigators should only be appointed when specifically requested by a local governing body. Local governments should have the option of terminating a humane investigator program.

Hydraulic fracturing

Advances in technology for the extraction of natural gas known as "hydraulic fracturing" has the potential to tap vast reserves in what are known as the Marcellus shale and Taylorsville Basin deposits. Concerns about how the process of hydraulic fracturing could impact both public and private groundwater supplies have been raised both regionally and nationally. VACo supports a state regulatory program that addresses these concerns while protecting the authority of local governments to regulate this type of mining activity through their land use ordinances. Specifically, VACo supports a regulatory program with the following components:

- A requirement for permit applicants to provide certification to the Department of Mines, Minerals and Energy that the activity and associated activities are consistent with applicable local ordinances;
- Authority for local governments to require documentation that all state requirements are met as a condition for local approval;
- Requirements for operators of hydraulic fracturing operations to demonstrate adequate financial assurance to ensure the availability of adequate resources to correct any damages that could result from drilling operations;
- Through a portion of permit fee revenues, establish a state fund to defray local costs that would be associated with the training of first responders as preparation for emergencies stemming from fracturing activities; and
- To assure continuity in protection of health and natural resources, that provisions in the Memorandum of Agreement between DMME And DEQ of August 12, 2014 be strengthened and perpetually institutionalized by statute or regulation.

Industrial Hemp

VACo supports legislation allowing for the cultivation of hemp as an industrial and agricultural commodity that will open markets for farmers, manufacturers, businesses and entrepreneurs in the emerging and growing hemp industry.

Invasive Species

VACo supports adequate funding to implement the Virginia Invasive Species Management Plan. The Plan identifies strategies to prevent and control damage caused by invasive species.

Land Conservation

VACo supports targeted initiatives to facilitate the protection of land for conservation purposes. VACo also supports a Purchase of Development Rights program that includes state funding for the Virginia Land Conservation Foundation, and that provides incentives for landowners at all income levels to participate in the program. Such programs preserve prime soils for food production and protect important forestal land and environmentally sensitive areas in the Commonwealth.

Local Regulation of Timbering

VACo supports legislation to clarify that~~,~~ once a subdivision plan is submitted for local approval at the request of the property owner for a development project, any timbering on the property is subject to such local requirements as erosion and sediment control ordinances, stormwater management controls and other regulations pertaining to development.

Non-point Source Pollution

VACo supports a well-financed state program to address the problem of non-point source runoff from agricultural operations. The program should effectively encourage implementation of priority best management practices such as nutrient management

planning, use of cover crops, continuous no-till farming and development of forested riparian buffers and livestock stream exclusion.

Onsite Wastewater Systems
VACo supports legislation ensuring that potential buyers of real property are told about the type, size and maintenance requirements and associated costs of the wastewater systems on the property prior to the signing of the initial sales contract and the recordation of engineered systems plat and deed at the time of sale.

Recycling
VACo supports the development of more aggressive strategies by the state to develop markets for recycled materials.

Southern Rivers Watershed
VACo supports continued funding for the Southern Rivers Watershed Enhancement Program to improve water quality in non-Chesapeake Bay watersheds.

Stormwater programs
VACo supports adequate funding to enable local governments to meet ongoing costs associated with local stormwater management programs that became effective on July 1, 2014. VACo believes it will be critical to evaluate the effectiveness of the fee structure in the Virginia Stormwater Management Permit regulations as the chief source of revenue for funding local stormwater management programs.

VACo also supports legislation to:

- Amend Section 62.1-44.15:48 of the Code of Virginia to remove the requirement that proceeds from penalties must be used only for purposes only for the purposes mandated under that section of the Code.

- Remove the requirement from the Construction General Permit that permittees must comply with Virginia's post construction standards for water quality.

- Amend Section 62.1-44.15:28 of the Code of Virginia to give localities the ability to waive the state's portion of the VSMP fees if a locality waiver policy has been implemented by a locality and approved by the Board. VACo also requests a new locality/state workload analysis to justify the state's portion from the stormwater permit fee. The new analysis should address long-term responsibilities placed on localities that previous studies ignored.

- Amend Virginia's Stormwater Management Law that would distribute a maximum of 10 percent of statewide stormwater fees revenue to the Virginia Stormwater Management Fund with the remaining 90 percent remaining with local governments.

- Amend Section 62.1-44.15:33 of the Code of Virginia to mandate that the State Water Control Board consider long-term maintenance costs of a Best Management practice when approving a local stormwater program.

Uranium Mining
VACo supports continuation of a moratorium on uranium mining and milling within the Commonwealth of Virginia.

Virginia Cooperative Extension
VACo supports sufficient funding for the Virginia Cooperative Extension Service.

Virginia Outdoors Foundation
VACo supports legislation that would increase funding for the Virginia Outdoors Foundation through transfer fees and other dedicated sources of revenue.

Waste Management
VACo supports broad authority for local governments to adopt flow control ordinances. VACo supports funding for infrastructure to increase energy harvest from the waste system.

Water Supply Planning
VACo supports adequate funding by the state for the ongoing development and implementation of state-mandated water supply plans.

FINANCE

Priority

Local Finances
VACo supports the authority of county governments to levy and collect revenue from local business taxes. VACo requests county government representation on all study or legislative commissions that impact local government revenues or services. VACo opposes mandated new or expanded funding requirements on counties.

Positions

County Authority Including Equal Taxation
VACo supports granting counties equal taxing authority enjoyed by cities and towns to enact local excise taxes without referendum.

Fiscal Impact Statements

In furtherance of the objectives to evaluate the local fiscal impact of proposed legislation, VACo recommends the reinstatement of the first day introduction requirement for bills with local fiscal impact.

Funding for State Mandated Positions and Jails

VACo urges the Commonwealth to meet its full funding obligations for constitutional officers and our state mandated positions. VACo further requests that the state budget be amended to increase jail per diems in the FY 2015 budget that will fully fund local and regional jails. Additionally, VACo requests the state to reimburse local and regional jails for the actual costs of state responsible inmates as determined by the Annual Jail Cost Report, published by the Compensation Board.

Line of Duty

VACo calls on the General Assembly to fully fund the Line of Duty Act (LODA) obligations and return LODA to a state program. LODA benefit eligibility determinations should be the responsibility of the Virginia Workers' Compensation Commission and not the State Comptroller's Office.

Local Ordinance Violations

VACo requests the repeal of budget language enacted by the 2012 General Assembly that required the deposit of local ordinance violation collections from General District Courts, Juvenile and Domestic Relations Courts, Combined District Courts and the Magistrate System to the State Treasury. This legislative action removed a source of local revenue for many localities.

Short-Term Disability

VACo urges the state to remove the short-term disability mandate from the new Hybrid Retirement Plan. Localities have already addressed short term disability issues through their leave and benefit policies.

Unfunded Teacher Pension Liability

Local governments and the state share responsibility for paying the cost of teacher pensions, but under GASB 68, Virginia local governments will have to begin accounting for both the state and local unfunded liabilities for teacher retirement plans on their FY 2015 financial statements. VACo urges the state to account for its proportional share of the liability by paying its current share of teacher pension contributions directly to VRS.

GENERAL GOVERNMENT

Priority

Broadband

VACo urges the Commonwealth and the Federal Government to assist communities in their efforts to deploy universal affordable access to broadband for all areas, particularly in underserved and rural areas while preserving local land use, permitting, fees and other local authority. Widespread deployment of broadband should be a top priority for the Commonwealth to ensure competitive economic advantages, improve public safety, provide quality educational opportunities and facilitate telemedicine and other modern health care initiatives. Assistance should include economic incentives as well as budgetary and statutory policies that facilitate broadband deployment and adoption. VACo also urges state support of local and regional authorities created under the Virginia Wireless Service Authorities Act, the preservation of the powers granted under the Act, support for Virginia Resources Authority and other favorable financing mechanisms for broadband projects and improvement of the quality and accuracy of the state's broadband availability map.

Ethics Reform

The Virginia Association of Counties supports common sense efforts to strengthen Virginia's public ethics and conflicts of interest laws. VACo also supports efforts to make sure current and future changes to these laws are applicable and practical at the local level.

Positions

Aid to Localities

VACo requests that the Commonwealth use the most current population statistics available for the purposes of determining state aid to those localities that have experienced population growth in the 10-year period between the decennial enumerations. During that period, population statistics from the Weldon Cooper Center for Public Service, the American Community Survey and from other established entities should be used by the Commonwealth. The General Assembly should consider the many fixed costs of services in determining aid to those localities that have remained stable or lost population.

Annexation Moratorium

VACo supports full funding of the Commonwealth's HB 599 commitments. VACo also supports the continuation of the current moratorium on city annexations regardless of whether those commitments have been met. The moratorium has promoted more intergovernmental cooperation between cities and counties, allowed counties to plan for

future growth and economic development within their borders and has allowed counties to be able to protect their tax base in order to provide needed services to citizens.

Collective Bargaining for Public Employees
VACo opposes any effort to mandate collective bargaining for public employees.

Dillon Rule/Local Authority
VACo supports relaxation of the Dillon Rule by granting and maintaining local authority and autonomy including land use matters, revenue measures, procurement and other issues of local concern. The General Assembly should extend powers currently granted to some local governments to all other local governments.

Election Costs and Districts
VACo supports legislation that would decrease the costs of elections to localities. These costs include primaries, voting equipment, personnel and voting places. Cost reduction solutions include requiring parties to pay for primary elections, having one date for primary elections, using paper ballots, establishing countywide voting places and other similar measures. The state should provide adequate funding to localities for optical scan and other voting equipment and registrar costs. VACo also supports legislation to minimize or eliminate Split Voting Precincts.

Freedom of Information Act (FOIA)
VACo opposes changes to the Virginia Freedom of Information Act that would impose additional burdens on localities.

Grievance Hearings
VACo supports legislation authorizing localities to utilize an administrative hearing officer instead of a three-member panel. VACo also supports providing immunity to local government employees, officers, volunteers, administrative hearing officers and panel members for claims arising out of participation in personnel grievance procedures.

Immigration Reform
VACo maintains a strong commitment to ensuring the security and safety of our communities. Legislative reforms must recognize the contributions of immigrants to a complex economy, as well as the costs associated with welcoming immigrants into our communities. The U.S. Congress must enact comprehensive immigration reform that provides a funding stream sufficient to address the fiscal impact on state and local governments for any guest worker program and earned legalization program. The state and local governments require a national immigration system that is fully funded at the federal level, recognizes the realities of the marketplace, eases the fiscal stress on states and localities and properly secures our borders. It is important that the federal government establish a clear and understandable path to citizenship for those who are eligible.

Interoperability
VACo supports the state's goal that by 2015 agencies and their representatives at the local, regional, state and federal levels will be able to communicate using compatible systems to respond more effectively during day-to-day operations and major emergencies. Local governments require dedicated federal and state funding sources to achieve this goal.

Pay Day Lending
VACo supports legislation to set a total cap of 25 percent for all interest, fees and other charges for payday lending and other similar businesses such as car title loans.

Public Notice, Public Hearing and Public Procurement
VACo supports legislation to reduce required advertising for public notices, public hearings and public procurement including legislation to give localities the option to use electronic or other forms of notification as an alternative to newspaper advertising.

Sovereign Immunity
VACo opposes any substantive change in local governments' present defense of sovereign immunity. VACo opposes bringing counties under the Virginia Tort Claims Act.

State Assistance for Police Departments
VACo supports increasing state assistance for police departments through "599" Aid to Localities. This funding is designed to equalize state funding between counties in which the sheriff department provides law enforcement and those cities, counties and towns with a police department.

Unfunded Mandates
VACo opposes unfunded mandates and shifting of fiscal responsibility from the state to localities for existing programs by the Commonwealth. When funding for a mandated program is altered, the mandate should be suspended until full funding is restored. When legislation with a cost to localities is passed by the General Assembly, the cost should be borne by the Commonwealth, and the legislation should contain a sunset clause providing that the mandate is not binding on localities until funding by the Commonwealth is provided.

Workers' Compensation Medical Costs
VACo supports the adoption of Medicare-based fee schedules for setting medical provider fees in worker's compensation cases in Virginia, instead of the prevailing community rate standard now used.

HEALTH AND HUMAN RESOURCES

Priority

Health and Human Resources Funding
VACo supports transparent state policies and funding to ensure the Commonwealth's at-risk families have access to high quality and appropriate services. The Commonwealth should fully fund localities for state mandated human services and provide the necessary program flexibility to enable localities to provide comprehensive and case-tailored services.

Positions

Aging/Long-Term Care
VACo supports efforts that allow the elderly to remain at home in a safe and secure environment. VACo urges the General Assembly to provide sufficient funding for companion services, in-home services and home delivered meals.

Behavioral Health Care
VACo supports continued funding by the Commonwealth sufficient to allow community services boards to meet adequately the charge of providing services through a community-based system of care.

Comprehensive Services Act
VACo supports a requirement that the State Executive Council and Comprehensive Services Act follow the Administrative Process Act in promulgating, amending, or repealing regulations. Furthermore, VACo supports state CSA policies that prevent the shift of costs of services for at-risk children fully to local government CPMT-approved services.

VACo supports reasonable efforts by the state to give localities an opportunity to improve practice following audit findings, and that denial of funds be implemented in a rational, progressive fashion similar to that proposed by IV-E funding and other state and federal funding sources.

Early Intervention
VACo supports sustainable funding for Part C Early Intervention, which is an entitlement program that provides services for Virginia's infants and toddlers. VACo also requests the General Assembly address funding concerns by increasing state general funding. Underfunding this entitlement program puts pressure on local revenues to fill funding gaps for this mandated service.

Group Homes
VACo supports the ability of a locality to hold a public meeting when a group home is established in the locality's jurisdiction. Further, VACo encourages the state to enforce appropriate regulation of group homes.

Healthcare
VACo supports continued state funding for offered dental care, school nurses and preventive services and maternal and child health programs through local health departments and local school systems. VACo encourages the state to prepare for emergency health services access to care and develop and fund incentives that would alleviate the nursing shortages felt in many communities.

Local EMS Involvement
VACo supports increased local involvement in state EMS planning to ensure statewide needs are met.

Prevention Services
VACo supports increased state general funding for startup costs associated with community-based service programs. VACo recognizes that programs, such as Healthy Families, Comprehensive Health Investment Project (CHIP) of Virginia, Smart Beginnings, and the Resource Mother, as important models and requests the General Assembly provide additional funding for these home-based activities. Reductions in prevention programs will put numerous youth at risk of high-end CSA placements.

Telehealth
VACo supports the use of electronic information and telecommunications technologies to support long-distance clinical health care, patient and professional health-related education, public health and health administration.

TRANSPORTATION

Priorities

Devolution of Secondary Roads
VACo opposes legislative or administrative initiatives that would transfer to counties the responsibility for the construction, maintenance or operation of new and existing roads.

Local-State Transportation Funding and Cooperation
VACo remains concerned about the lack of secondary and urban construction funding. Due to legislative changes in 2012, the Commonwealth Transportation Board (CTB) has

the authority to allocate up to $500 million to priority projects before funds are provided to the construction fund. It is imperative that each region receive its share of this funding. Secondary and urban road programs are not expected to receive new funds until FY 2017. This delay is concerning, as localities have not received funds for this program since FY 2010.

Additionally, VACo is concerned that the 2012 transportation bill provides VDOT and the CTB the ability to decide whether a local transportation plan is consistent with the Commonwealth's priorities. While efforts to better coordinate local and state transportation planning are appreciated, we want to ensure that land use planning remains a local responsibility.

Positions

Billboards
VACo supports a requirement that proposed billboards in the Virginia Department of Transportation's (VDOT) right of way conform to local zoning and other applicable ordinances and local approval processes.

Corridors of Statewide Significance
VACo opposes the reduction of local control that is associated with the Commonwealth Transportation Board's process of designating Corridors of Statewide Significance.

Highway Tolls
VACo opposes the installation of toll facilities on Virginia's interstate highways until the Commonwealth Transportation Board has thoroughly reviewed and assessed the components of a long-term capital improvement program, has identified and compared all available funding alternatives and has adopted a proposal that matches capital improvements with realistically available funding sources. Further, VACo supports legislation to require that prior approval of the General Assembly shall be obtained prior to the imposition and collection of tolls on any interstate highway in Virginia.

Inter-Directional Signage Program
VACo supports a requirement that any signs installed under VDOT's Inter-directional Sign Program, including the Tourist Oriented Directional Signs Program, conform to local ordinances, including any local approval processes.

Local Public Hearings
VACo supports the local ability and option to request a second public hearing when new federal funds are allocated to the Virginia Department of Transportation for projects in a locality's jurisdiction.

Maintenance Priorities
VACo supports a requirement imposed upon VDOT to implement a notification plan with the local governing body to establish maintenance priorities.

Parking
VACo supports general authority for counties to adopt ordinances regulating, including prohibiting, the parking of boats, RVs, utility trailers, campers, etc. on subdivision streets.

Rail Enhancement Fund
VACo supports authority for counties to approve Rail Enhancement Fund projects funded by the state and constructed within their jurisdictions.

Rest Stops
VACo supports federal legislation to allow commercialization of rest stops on the interstate highway system in Virginia.

Road Construction and Maintenance
VACo supports legislation that would prohibit VDOT from requiring localities to administer any transportation project without the consent of the local governing body. In addition, VACo supports amendments to legislation that would require VDOT to administer all projects financed by VDOT, unless otherwise agreed to by the county. If VDOT cannot administer the projects due to limited resources, then VDOT's consultant services shall be utilized or the locality shall have the option to use VDOT's consultant services on locally administered projects financed by VDOT.

Securities for Subdivision Streets
VACo supports authority for a local governing body to determine requirements for developer securities for the construction of subdivision streets.

Separation of Federal Funds
VACo supports granting authority to counties, working with VDOT, to determine the percentage of federal funds applied to all secondary road projects within their jurisdiction. In addition, for any locally administered road projects, the county should be allowed to use all state funds, as long as they can obligate their federal funds on other projects.

Service Contracts
VACo supports administrative changes allowing all localities to use professional service contracts similar to other agencies of the Commonwealth (i.e., Virginia Department of General Services).

Transportation Network Companies
VACo supports state regulation of transportation network companies as needed to ensure proper safety, liability, cleanliness, insurance coverage, local revenue, consideration of

access for disabled riders, and equitable service in communities. VACo also supports the option of continued regulation of taxi companies at the local level.

Truck Size and Weight (Federal)

VACo strongly opposes any legislation that seeks to increase truck size or weight beyond the current federal standards, thereby stressing the capacity of the Commonwealth's road systems and putting highways, roads and bridges at risk of increased damage or deterioration.

Use of Transportation Tax Revenue

VACo opposes taking any HB2313 transportation tax revenues for the use of non-transportation purposes.

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