

# CITY OF WINCHESTER, VIRGINIA

## CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: December 8, 2015

RESOLUTION  ORDINANCE  DESCRIPTION/PRESENTATION

ITEM TITLE: A Resolution Adopting the City of Winchester's 2016 State Legislative Agenda

PUBLIC HEARING DATE:

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. The completion of review only addresses the readiness of the issue for Council consideration. This does not address the recommendation for approval or denial of the issue.

Review:

Eden Freeman	Completed	12/08/2015 11:37 AM
Anthony Williams	Completed	12/08/2015 3:33 PM
Eden Freeman	Completed	12/08/2015 3:48 PM

Approved as to form:

  
Eden Freeman, City Manager 12/8/2015

By: 

**Winchester**  
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Eden Freeman, City Manager 12/8/2015

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Tyler Schenck, Program Manager  
**Date:** December 8, 2015  
**Re:** A Resolution Adopting the City of Winchester's 2016 State Legislative Agenda

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## **THE ISSUE:**

Does the Winchester City Council wish to create a 2016 Legislative Agenda?

## **RELATIONSHIP TO STRATEGIC PLAN:**

Adoption of the proposed City of Winchester 2016 Legislative Agenda would directly impact all of the City's 2016-2020 Strategic Plan.

## **BACKGROUND:**

Last year, City Staff presented a 2015 legislative agenda to the Winchester City Council which was adopted and passed onto our state representatives.

For 2016, the City's legislative delegation includes Senator Vogel and Delegate-elect Collins. A legislative breakfast was held December 8 to express ideas and suggestions to our representatives and thank them for their dedicated public service. The items that were discussed with our state delegation are as follows:

1. Increase program funding for the Department of Housing and Community Development's Enterprise Zone program;
2. Promote Career and Technical Education (CTE) opportunities in the Commonwealth;
3. Protect federal and state economic development funding resources;
4. Provide support to combat illicit drug use in the region;
5. Request the Commonwealth to fully fund State Assistance to Local Police Departments (HB 599) in FY16 and onward;
6. Expand funding for accountability (drug) courts;
7. Halt future unfunded mandates and oppose future state policies that push more expenses onto localities;
8. Request the Commonwealth to meet its full funding obligation for constitutional officers, state mandated positions and encourage the state to increase the salaries and staffing of district courts in order to bring them on par with employees of circuit courts and other state agencies;
9. Increase jail funding per diem and pay the medical costs of inmates;

10. Reinstate the definition of state-responsible inmates to felons with sentences of one year or more;
11. Request the state to prohibit state prisoners from being left in local correctional facilities beyond a reasonable amount of time;
12. Restore Aid to Localities funding to pre-recession levels;
13. Support legislation that adds language to the Code of Virginia that notifies purchasers of residential property to exercise due diligence on the zoning classification or permitted use of parcels adjacent to the subject parcel;
14. Urge the Commonwealth and Federal Government to assist communities in their efforts to deploy universal affordable access to broadband for all areas and all income levels;
15. Request that the Commonwealth allow localities to continue to have authority to plan and regulate land use;
16. Urge the Commonwealth to raise the “age out” threshold of youth in foster care from 18 to 21, but only if sufficient state funds are appropriated;
17. Request the Commonwealth to urge the Virginia Department of Environmental Quality (DEQ) to provide localities with an adequate grace period to comply with storm water regulations and for DEQ to effectively communicate the requirements in a timely manner;
18. Protect transportation funding resources by fully funding the Commonwealth’s Revenue Sharing Program;
19. Encourage the state to fully fund I-81 corridor enhancements and make the improvements a priority.

If approved. These items will be included in our legislative agenda and presented to our delegation for their consideration.

### **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, educational and correctional initiatives as well as continue their adoption of unfunded local government mandates. Projecting these potential impacts on the City’s general fund is difficult; however, 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:**

Approve the enclosed resolution.

## **A RESOLUTION ADOPTING THE CITY OF WINCHESTER'S 2016 STATE LEGISLATIVE AGENDA**

**WHEREAS**, the City of Winchester utilizes a robust strategic planning model to guide our priorities and efforts for the duration of the adopted plan, and;

**WHEREAS**, the state government is a vital partner in the pursuance of the City of Winchester's strategic plan goals through setting policy and funding priorities in parallel with the Winchester City Council, and;

**WHEREAS**, the City of Winchester is a member of the Virginia Municipal League, who advocates on Winchester's behalf through the creation and adoption of their 2016 Legislative Priorities, and;

**WHEREAS**, the City of Winchester prepares an annual legislative agenda to share with our local delegation of the Virginia General Assembly.

**NOW THEREFORE BE IT RESOLVED**, that the Winchester City Council supports the legislative priorities that seek to:

1. Increase program funding for the Department of Housing and Community Development's Enterprise Zone program;
2. Promote Career and Technical Education (CTE) opportunities in the Commonwealth;
3. Protect federal and state economic development funding resources;
4. Provide support to combat illicit drug use in the region;
5. Request the Commonwealth to fully fund State Assistance to Local Police Departments (HB 599) in FY16 and onward;
6. Expand funding for accountability (drug) courts;
7. Halt future unfunded mandates and oppose future state policies that push more expenses onto localities;
8. Request the Commonwealth to meet its full funding obligation for constitutional officers, state mandated positions and encourage the state to increase the salaries and staffing of district courts in order to bring them on par with employees of circuit courts and other state agencies;
9. Increase jail funding per diem and pay the medical costs of inmates;
10. Reinstate the definition of state-responsible inmates to felons with sentences of one year or more;
11. Request the state to prohibit state prisoners from being left in local correctional facilities beyond a reasonable amount of time;
12. Restore Aid to Localities funding to pre-recession levels;
13. Support legislation that adds language to the Code of Virginia that notifies purchasers of residential property to exercise due diligence on the zoning classification or permitted use of parcels adjacent to the subject parcel;
14. Urge the Commonwealth and Federal Government to assist communities in their efforts to deploy universal affordable access to broadband for all areas and all income levels;
15. Request that the Commonwealth allow localities to continue to have authority to plan and regulate land use;

16. Urge the Commonwealth to raise the “age out” threshold of youth in foster care from 18 to 21, but only if sufficient state funds are appropriated;
17. Request the Commonwealth to urge the Virginia Department of Environmental Quality (DEQ) to provide localities with an adequate grace period to comply with storm water regulations and for DEQ to effectively communicate the requirements in a timely manner;
18. Protect transportation funding resources by fully funding the Commonwealth’s Revenue Sharing Program;
19. Encourage the state to fully fund I-81 corridor enhancements and make the improvements a priority.

**BE IT FURTHER RESOLVED**, that the Winchester City Council also authorizes the creation of a 2016 Legislative Agenda to share with our local delegation of the Virginia General Assembly. This Agenda shall express to legislators the priorities of the Winchester City Council in advancing our strategic plan’s goals, oppose proposals in conflict with them and respect the current fiscal condition of state and local governments.

# 2016 Legislative Program



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# **2016 Legislative Program Virginia Association of Counties**

## **Table of Contents**

<b>2016 Overarching Legislative Priority Position</b>	p. 2
<b>Economic Development and Planning</b>	p. 3
<b>Education</b>	p. 6
<b>Environment and Agriculture</b>	p. 7
<b>Finance</b>	p. 12
<b>General Government</b>	p. 14
<b>Health and Human Resources</b>	p. 18
<b>Transportation</b>	p. 20

## **VACo's 2016 Overarching Legislative Priority Position**

### **Increase Education Funding**

To assure each child in Virginia a quality education necessary for their success, VACo calls upon the Governor and General Assembly to fully fund the Standards of Quality as recommended by the Board of Education and the Standards of Accreditation.

The provision of a quality education for all Virginia's children is the most important function of state and local government. When adjusted for inflation, state per pupil spending on public education is less than funding levels in FY 2005. With increased educational mandates, increased students and state policy changes that decreased education funding local school divisions have had to eliminate important academic programs, cut instructional and support staff, and increase class sizes, despite strong local efforts to improve efficiencies in public education. VACo looks forward to working with the Governor and General Assembly to address these serious challenges facing public education in our Commonwealth.

# **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.

### **Enhanced Coordination between Workforce System and K12**

VACo supports a statewide effort to bring together localities and the key education, business and workforce development stakeholders to explore opportunities to make systemic changes that will increase the focus on career and technical education in K12 that meets the needs of local and regional economic development efforts. County officials desire to work in partnership with the state, the community college system and the business community to evaluate and implement policy changes that will lead to increased employment opportunities for the Commonwealth's students and an increased pool of talent with the necessary training for our Commonwealth's current and prospective businesses. This statewide effort should create better coordination of funding streams, incentives and cultural changes that will lead to an increase in the number students leaving the K12 system with workforce ready credentials. VACo also supports innovative models for schools to give academic credit for students that earn industry workforce skills through certifications, certificates or licensure from an approved education or training provider.

## **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 full funding for the Agriculture and Forestry Industries Development Fund (AFID), which is a critical tool for attracting and retaining agriculture related businesses in Virginia.

### **Commonwealth Opportunity Fund and VEDP**

VACo supports full funding of the Commonwealth Opportunity Fund, which is a critical tool for attracting and retaining businesses in Virginia. VACo also supports full operational funding for the Virginia Economic Development Partnership (VEDP), which will lead to robust project development, higher wage employment opportunities, a broadened tax base, partnership with local governments and increased governmental revenues.

### **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.

### **Disclosure of Underlying Zoning to Property Purchasers**

VACo supports legislation that adds language to the Code of Virginia that notifies purchasers of residential property to exercise due diligence on the zoning classification or permitted uses of parcels adjacent to the subject parcel.

### **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**

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 installations. VACo also supports workforce training and retraining for programs that support Defense activities in Virginia.

### **Local Authority to Promulgate Civil Penalties for all Types of Onsite Sewage Treatment Systems**

VACo supports legislation that allows localities to promulgate a schedule of civil penalties for different types of sewage treatment systems.

### **Maintain Public Sector Role in Onsite Sewer Program**

VACo supports an onsite sewage program at the Virginia Department of Health (VDH) that protects public health and the environment in all regions of the Commonwealth. The Commonwealth should give special focus to addressing the challenge of failing septic systems. 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.

### **Residential Property Disclosure Statement of Wastewater System**

VACo supports legislation that adds language related to wastewater system (onsite sewage system) and conducting due diligence of costs to the residential property disclosure statement.

### **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.

### **State Corporation Commission Public Hearings**

VACo supports changes to the Code of Virginia to require a local public hearing, by request of a local governing body, for State Corporation Commission proceedings associated with approval of utility applications.

### **Workforce Development**

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.

# 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 2014 local school divisions spent \$3.6 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.

### **Charter Schools**

VACo opposes Senate Joint Resolution 256 that provides authority for the State Board of Education to establish charter schools.

### **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 16 and FY 17.

**School Resources Officers**

VACo supports funding that would serve as an incentive for local school divisions to hire School Resource Officers (SROs) to assure the protection of Virginia's school children.

## **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 structures. VACo supports programs that keep downstream owners and developers aware of potential inundation zones. VACo also supports sufficient state and federal funding for the repair and maintenance of dams.

**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 supports production of renewable energy in Virginia through the implementation of Renewable Portfolio Standards. VACo also supports responsible policies that enable coal and natural gas extraction, processing and transport while protecting agriculture and water resources.

**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 and/or ban 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.

### **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.

### **Large utility projects (pipelines)**

VACo supports the provision of adequate direction and resources for the Department of Environmental Quality (DEQ) to improve monitoring and enforcement of Erosion and Sediment Control and Stormwater requirement by entities constructing large-scale utility projects. DEQ should conduct a review of the annual standards and specifications and construction general permit requirements for those projects to determine if they are providing adequate protection of water quality and natural resources.

### **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.

**Noxious weeds**

VACo supports amendments to the definition of “noxious weeds” to enable a wider number of known invasive plants to be considered for regulation by the Virginia Department of Agriculture and Consumer Services (VDACS), with consideration of any commercial impacts to Virginia growers and retailers, so that sales and transport of designated invasive plants can be prohibited in a manner that helps protect parks and green spaces, with negligible impacts to Virginia’s nursery industry.

**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 additional efforts 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 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 strongly opposes any legislation by the 2016 General Assembly that would amend any or all components of the Stormwater Management Laws that don’t fully satisfy the resource and funding needs of the Department of Environmental Quality (DEQ) to administer, enforce and maintain the Stormwater Management Laws. VACo further opposes any legislation that would be in conflict with HB 1173/SB 423 that passed the 2014 General Assembly and that would impose any additional mandates or financial burdens upon local governments.

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 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.

### **Water Supply Planning**

VACo supports appropriations adequate to ensure full 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.

### **Eliminate the State capture of local fines and forfeitures**

VACo requests the repeal of budget language authorizing the capture of local fines and forfeitures to the state treasury. The money to be seized in FY 2016 is not budgeted for any purpose in the Appropriation Act. This legislative action removed a source of local revenue for many localities.

### **Fiscal Impact Statements**

VACo supports changes to the rules of the House and Senate that would require proposed legislation that may have a fiscal impact on localities to be introduced no later than the first day of session.

### **Funding for State Mandated Positions and Jails**

VACo urges the Commonwealth to meet its full funding obligations for constitutional officers and state mandated positions. VACo further requests that the state budget increase jail per diems in the FY 2015-2018 biennial budget to 2010 levels. Additionally, VACo requests the state reinstate the definition of state-responsible inmates to felons with sentences of one year or more, fully fund its share of per diem payments in the introduced budget, and pay the medical costs of inmates using a cost-effective program jointly funded at the federal and state levels.

### **Line of Duty**

VACo calls on the General Assembly to fully fund the Line of Duty Act (LODA) obligations and adopt the recommendations proposed by JLARC to improve the administration of the act in order to ensure the long-term fiscal stability of the program.

**Reimbursement for Prior “Local Aid to the Commonwealth”**

VACo commends the Governor and General Assembly for eliminating the “Local Aid to the Commonwealth” in the 2015 session of the General Assembly and opposes any reinstatement of this burden on local governments. Since 2009, local governments returned \$190 million in funding for state mandates services through “Local Aid to the Commonwealth”. VACo requests the state consider reimbursement to localities for these past reductions that occurred during difficult budget times for the state and localities.

# 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. VACo calls upon the Commonwealth to develop a comprehensive state wide plan that identifies all the impediments that can be solved through local and state legislation and an estimate of the costs for overcoming these impediments.

VACo supports the following key policies that support local broadband efforts:

- Increased support for planning and implementation grants to localities with priority given to open access networks through initiatives such as the Department of Housing and Community Development's Virginia Telecommunication Planning Initiative.
- State support of local and regional authorities created under the Virginia Wireless Service Authorities Act and the preservation of powers granted under the act.
- Support for the Virginia Resources Authority and other favorable financing mechanisms for broadband projects.
- A reporting requirement for all Internet service providers in Virginia to provide address level broadband access information to CIT bi-annually to correct the accuracy of the statewide broadband map which is currently deficient due to Federal Communications Commission standards which only require providers to report on broadband availability at the census block level resulting in an overstatement of coverage particularly in rural areas.
- Continued state support for the broadband technical assistance support and research provided to localities and providers by the Center for Innovative Technology.
- Support linking broadband efforts for education and public safety to private sector efforts to serve businesses and residences.
- A focus on regulation to allow the provisioning of broadband services on utility poles that were approved by the SCC and the locality.
- A focus on requiring VDOT to provide right-of-way easements for the provisioning of broadband and access to underutilized dark fiber.
- A focus on requiring broadband to be accessible to every household in the state of Virginia through shared easements with utilities with local approval.

## **Positions**

### **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.

### **CyberSecurity**

VACo supports state and federal efforts to mitigate the increasing cyber threats faced by both the private and public sector. VACo urges state and federal policymakers to assist local governments in cooperative, incentive based efforts to share information and best practices to meet these emerging challenges.

### **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.

### **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.

### **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 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.

### **Population Statistics**

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.

### **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.

### **Public Safety – Body Worn Cameras**

VACo supports maintaining the ability for local governments to adopt policies regarding body worn cameras that reflect local needs and fiscal realities. Localities should be able to decide: whether to buy body cameras for law enforcement; on the policies for the use of the cameras; how long to retain video; and the rules for when the public may have access (within the overarching rules of the Freedom of Information Act). The Virginia Department of Criminal Justice Services should work to develop model policies for body worn cameras.

VACo supports legislation to amend the Virginia Freedom of Information act to clarify that local law enforcement agencies have the authority to withhold from mandatory disclosure under FOIA those records, including body worn camera and dashcam video, that contain identifying information of a personal, medical or financial nature where the release of such information could jeopardize the safety or privacy of any person. VACo urges the state to take into account the large amount of data and costs of storage when establishing a retention period for these records.

### **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 & 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.

### **Children's Services Act**

VACo supports the development of policies by the State Executive Council that provide clear guidelines in its process of developing and adopting policy. These guidelines should include specific time frames for various stages in the process, expectations for public notice and public comments, and expectations for consideration of fiscal impact on local government.

### **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 believes it is important to closely monitor the implementation of HB 2 and HB 1887 and determine whether process improvements need to be made. VACo supports the continuation of the state's investment in infrastructure statewide. While HB 1887 provided some additional funding for transit services, VACo supports the full funding of transit systems by the state to meet critical transit needs. VACo is also concerned about the condition of secondary roads throughout the Commonwealth, is appreciative of funding in the Six Year Improvement Plan to meet some of these needs, and supports additional funding for these efforts.

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. VACo wants to ensure that land use planning remains a local responsibility.

### **Revenue Sharing**

VACo is concerned about plans to significantly reduce funding for the Revenue Sharing program over the next six years. Reducing funding for the program will discourage local governments from seeking non-VDOT sources of revenue to meet their transportation needs.

## 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.

### **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.

### **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.

### **Railway Crossings**

VACo supports efforts to safely improve mobility issues on roads that cross railway lines.

### **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.

### **Transportation Network Companies**

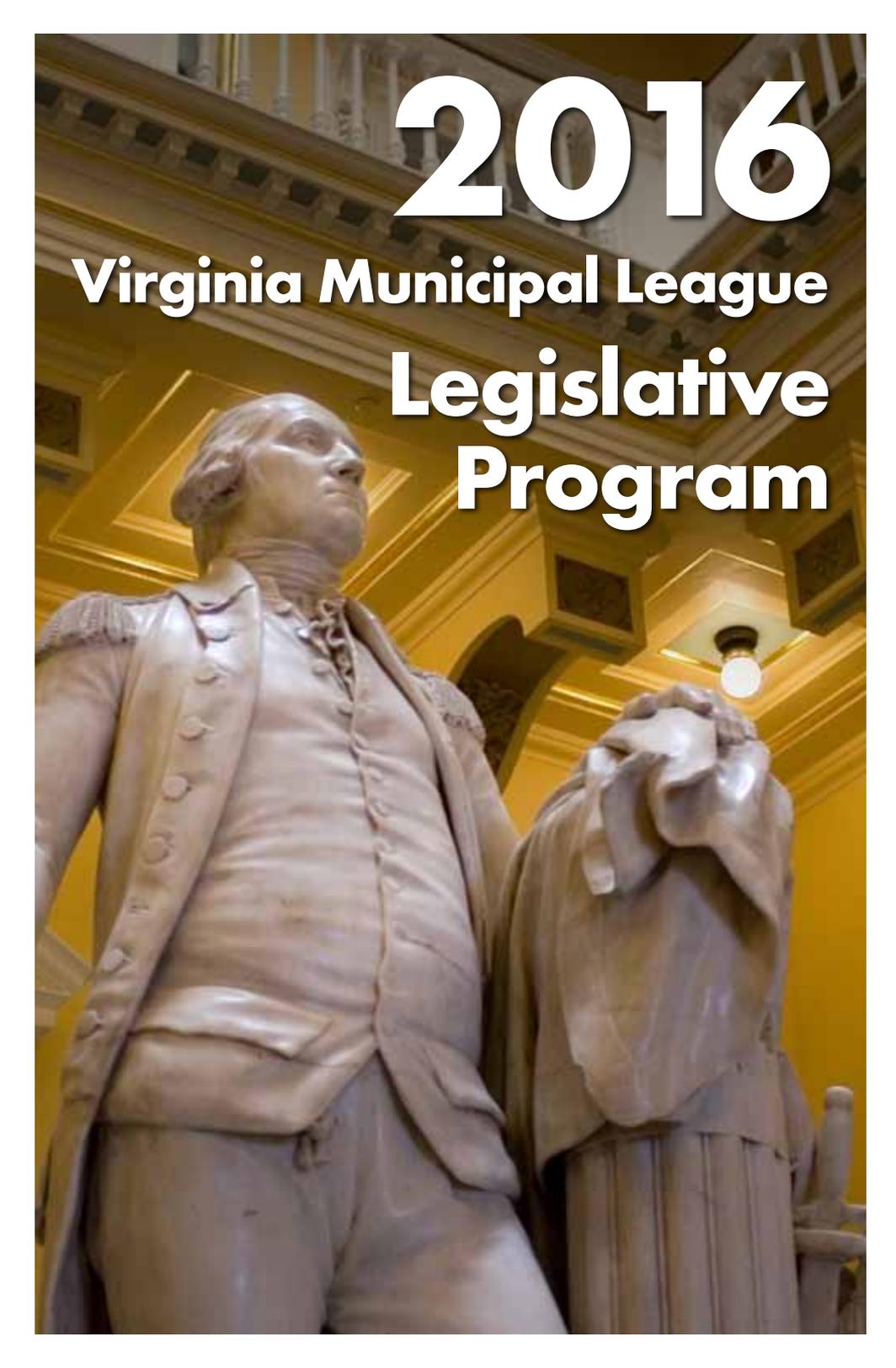
VACo supports state regulation of transportation network companies as needed to ensure proper safety, liability, cleanliness, insurance coverage, local revenue, consideration of access for disabled riders, and equitable service in communities. VACo also supports the option of continued regulation of taxi companies at the local level.

### **Truck Size and Weight**

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.

A low-angle photograph of a large, light-colored marble statue of George Washington. He is depicted in a three-quarter view, looking upwards and to the right. He wears a military-style coat with epaulettes and a high collar. His right hand is tucked into his voluminous, draped coat. The background shows the ornate, vaulted ceiling of a grand hall with recessed lighting and architectural details.

# 2016

## Virginia Municipal League Legislative Program

Dear Senators and Delegates,

There are 324 cities, towns, and counties that make up the unified Commonwealth that we call home. The member localities of the Virginia Municipal League have developed this Legislative Program to identify the key issues of importance to our communities.

First and foremost, local governments need a solid partner in their state government in order to meet the needs of the citizens of the Commonwealth. As you debate each bill that impacts localities during this session, we ask that you consider how mandates for services will be funded.

Educating our students is a top priority for VML and our member localities. We support funding formulae based on realistic costs. We also support the study of how SOQ may be revised and adequately funded.

From the state/local fiscal relationship to transportation to water quality funding, local officials want a strong partner in state government so that we can work together to move the Commonwealth forward.

When it comes to understanding how proposed legislation could potentially help or harm local communities, VML is your source for answers. Please feel free to contact me or any member of our advocacy team. We look forward to working with you on issues of mutual concern.

Sincerely,

A handwritten signature in cursive script that reads "Kimberly Winn".

Kimberly Winn  
Executive Director

# VML 2016 Legislative Program

The Virginia Municipal League adopts the following legislative program for the 2016 session of the General Assembly.

## Top Legislative Priorities

### Education Funding

**VML opposes state policies that push more expenses onto localities while simultaneously increasing accreditation mandates and graduation requirements. We believe state education funding formulae must be based on realistic costs.**

**Why?** 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 JLARC or other state study that examines the ways other states fund education and whether the Commonwealth should use a funding strategy that establishes a more realistic base foundation amount per pupil – plus add-on funding to reflect higher costs for educating at-risk, disabled, ESL, and gifted students, etc. as well as funding for capital costs.

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 3<sup>rd</sup> grade reading performance.

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.

## State Assistance to Local Police Departments (HB 599)

Almost 70 percent of Virginians live in communities served by police departments. The state created a program of financial assistance to local police departments, but has increasingly de-emphasized this funding obligation as a priority. VML calls for the state to honor its commitment to public safety by funding the program in FY16 and onward as stipulated in the Code of Virginia.

## State and Local Government Fiscal Relationship

**VML believes that the Commonwealth and local governments should be partners in providing essential services to their citizens. Therefore, the Commonwealth must fully fund its obligations in this partnership and must not unjustly curtail, redirect or eliminate local tax authority.**

**Why?** 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 commensurate 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. Any efforts at tax reform should begin with a thorough examination of state tax reform and state spending reform.
8. 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.
  - Conduct a study that examines the ways other states fund education and whether the Commonwealth should use a funding strategy that establishes a more realistic base foundation amount per pupil – plus add-on funding to reflect higher costs for educating at-risk, disabled, ESL, and gifted students, etc. as well as funding for capital costs.
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.

## **Transportation Funding**

VML recognizes the importance and critical support provided by the Commonwealth for local and regional transportation and transit capital needs. To that end, VML believes the projected decline in state funding over the upcoming biennia will negatively affect the movement of people and goods, thereby hindering economic development, jeopardizing public safety and degrading the quality of life in our localities.

The state should continue to financially support transportation and transit capital needs, exploring all options including the issuance of Commonwealth bonds.

## **Water Quality Funding**

VML requests the General Assembly to provide sufficient appropriations to the Water Quality Improvement Fund (WQIF) to fulfill point source upgrade contracts with local governments as well as cost-share payments to farm operators for the implementation of agricultural best management practices. Additionally, VML requests the General Assembly to provide sufficient appropriations, including dedicated revenues to the Stormwater Local Assistance Fund (SLAF) to address costs associated with permit requirements tied to federal Municipal Separate Storm Sewer Systems (MS4) and new EPA regulations.

## **Wastewater Discharge/Pollutant Allocation Limits**

VML opposes any legislation that reduces or limits local government’s sewage discharge capacity, including nutrient allocations, as such capacity and allocations are critical to our members’ economic development efforts.

# Other legislative positions

## Local Fines and Fees to Remain Local

VML calls for an end to the state seizure of local fines and forfeitures, which began in 2012 based on a misinterpretation of the Code of Virginia. After separate examinations, neither the State Inspector General nor the State Attorney General found any legal or policy justification for this seizure of local funds. Yet the seizure of funds continues, affecting the ability of affected communities to fund basic services such as public safety.

## 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 and 2015 Appropriation Acts 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.

## Line of Duty Act

The cost of the current Line of Duty Act is not sustainable for either the state or local governments. VML supports recommendations and options made by the Joint Legislative Audit and Review Commission on the Line of Duty Act program that would ensure the fiscal sustainability of the program and ensure that the benefits are available to those who need and deserve them.

## Price Floor for Regional Gas Taxes

VML **supports** an amendment to Virginia Code § 58.1-2295 which would establish a protective floor price for the 2.1 percent regional gas tax, much as was done for the statewide fuels tax in §58.1-2217. Such a floor concept is essential to provide a more stable, dedicated revenue source needed for long-term financing of regional projects.

## Taxing, Licensing and Regulating Internet-based Businesses & Services

**VML believes that public policies affecting public safety, taxation and land use need to adapt to major economic changes but that the state must preserve localities' ability to protect all citizens and to regulate all types of businesses fairly.**

**Why?** 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 and access for consumers, providers and the general public; and (4) protect local government's ability to regulate businesses whether they are traditional, electronic, Internet-based, virtual or otherwise.

## State Corporation Commission Jurisdiction Over Local Utilities

Because the State Corporation Commission lacks jurisdiction over local government utilities under the Virginia constitution, the General Assembly should not enact any legislation that purports to grant the SCC any regulatory powers over local utilities.

## Workers Compensation – Medical Costs on a Scheduled Fee Basis

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.

## **Non-partisan Redistricting that Preserves Jurisdictional Boundaries**

VML **supports** redistricting reform, including the use of a non-partisan independent commission to draw state legislative and Congressional lines based on specified and consistent criteria, including insofar as possible preservation of the integrity of existing city, town, county and precinct lines.

## **Municipal Net Metering**

VML requests the General Assembly grant local governments the right to aggregate the electric load of their buildings, facilities, and any other governmental operations for the purpose of net energy metering. Additionally, VML requests the General Assembly raise the net-metering limit from 1,000 kilowatts to 2,000 kilowatts for non-residential customers.

## **Regional Greenhouse Gas Initiative & Commonwealth Resilience Fund**

VML urges the General Assembly to address greenhouse gas emissions targets through a Regional Greenhouse Gas Inventory (RGGI) carbon credit auction, and/or a carbon emissions tax. All proceeds derived from the auction of credits should be used to establish the “Commonwealth Resilience Fund”, a special state dedicated fund to assist localities in addressing flooding, energy efficiency improvements, and economic development.

## **Synthetic Plastic Microbeads**

VML requests the General Assembly prohibit the manufacture and sale of personal care products and over-the-counter medicines that contain synthetic plastic microbeads. Toxins associated with microbeads, such as PCBs, have the potential to contaminate water supplies so that they exceed safe levels for consumption. Because sewage treatment plants are not equipped to remove microbeads from wastewater and large-scale removal of this pollutant from surface waters would be difficult and costly, the best solution is source reduction.

## **Local Authority to Regulate Plastic Bags**

VML requests the General Assembly grant localities the authority regulate and curtail the use of retail plastic bags. This authority will provide local governments an additional tool to reduce litter and improve local water quality.

# VML Executive Committee



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**Vice President**  
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# 2016 VML Legislative Committee

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# 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, 166 towns and 7 counties.



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# Legislative Breakfast

December 8, 2015



## Agenda

- |                              |   |
|------------------------------|---|
| I. Welcome & Introductions   | John Willingham, Council President                        |
| II. Breakfast                |   |
| III. Strategic Plan Overview | Eden Freeman, City Manager                                |
| IV. City Budget Overview     | Mary Blowe, Chief Financial Officer                       |
| V. Legislative Priorities    | Eden Freeman, City Manager                                |
| VI. Discussion               |   |
| VII. Closing Remarks         | Elizabeth Minor, Mayor and<br>Members of the City Council |

# Overview:

The City of Winchester utilizes legislative breakfasts to strengthen our relationship with representatives, express ideas and suggestions and to thank them for their service. It also provides the opportunity for the City of Winchester, legislators and other attendees to conduct a general discussion on key issues coming before the Virginia General Assembly in the upcoming year that may impact our administration and the community.



## City of Winchester Legislative Priorities:



### Economic Development:

- **State Enterprise Zone Funding** – Fully fund the Department of Housing and Community Development’s Enterprise Zone program. Eligible enterprise zone projects that received state funding were prorated nearly 69% due to the Commonwealth’s inability to fully fund this valuable economic development tool.
- **Promotion of CTE Education Opportunities** – Support statewide effort to bring together localities and the key education business and workforce development stakeholders to explore opportunities to make systemic changes that will increase the focus on career and technical education in K-12 and meets the needs for local and regional economic development efforts.
- **Protect Federal and State Funding Resources** – Support continued federal and state funding and technical assistance for infrastructure investments and economic development programs as an effective means for enhancing business development in the Commonwealth.



### Public Safety:

- **Illicit Drug Use** – Increase efforts in fight against illicit drug use and distribution in the region and provide support to include funding to combat illicit drug use in the region.
- **Public Safety Funding Resources** – Support VML’s request that the Commonwealth fully fund State Assistant to Local Police Departments (HB 599) in FY16 and onward.
- **Expand Funding for Accountability Courts** – Support the expansion of funding for accountability (drug) courts in the Commonwealth to fund the creation or expansion of existing courts. Current appropriations do not fund the creation of new courts and only those courts who have received funding in the past receive appropriations.



## Reduction of Local Government Fiscal Austerity:

- **Unfunded Mandates** – Halt future unfunded mandates which include the Commonwealth's shifting of traditional state funding responsibilities onto local governments and the imposition of new funding requirements or the expansion of existing ones on services delivered at the local level.
- **Unfunded Mandates (Education)** – Oppose state policies that push more expenses onto localities while simultaneously increasing accreditation mandates and graduation requirements in public schools.
- **Constitutional Officer Funding** – Request the Commonwealth to meet its full funding obligation for constitutional officers, state mandated positions and encourage the state to increase the salaries and staffing of district courts in order to bring them on par with employees of circuit courts and other state agencies.
- **Jail Funding** – Increase jail per diems in the FY 15-18 biennial budget to 2010 levels; reinstate the definition of state-responsible inmates to felons with sentences of one year or more (rather than the current practice of three years) and prohibit state prisoners from being left in local correctional facilities beyond a reasonable amount of time. In addition, the state should fully fund its share of per diem payments in the introduced budget and pay the medical costs of inmates. We estimate that it costs the Northwest Regional Adult Detention Center member localities more than \$2,100,000 in additional costs per year to house these inmates. To put that into perspective, that's roughly 11% of the annual jail budget.
- **Aid to Localities Funding** – Restore Aid to Localities funding to pre-recession levels. Aid to Localities distribution to Winchester has decreased 24.9% since 2010.



## General Government Administration:

- **Residential Zoning Disclosure** – Support legislation that adds language to the Code of Virginia that notifies purchasers of residential property to exercise due diligence on the zoning classification or permitted use of parcels adjacent to the subject parcel.
- **High-speed Internet Access** – Urge the state and Federal Government to assist communities in their efforts to deploy universal and truly affordable access to broadband for all areas and all income levels.
- **Local Zoning Authority** – Maintain local authority to plan and regulate land use.
- **Foster Care to 21** – Support raising the “age out” threshold of youth in foster care from 18 to 21, but only if sufficient state funds are appropriated to ensure localities do not unduly bear the burden of providing services.
- **Implementation of Stormwater Management Regulations** – Encourage DEQ to provide localities with an adequate grace period to comply with stormwater regulations and urge DEQ to effectively communicate the requirements in a timely manner.



## Transportation:

- **Protect Commonwealth Transportation Funding Programs** – Fully fund the Commonwealth's Revenue Sharing program.
- **I-81 Improvements** – Encourage the state to fully fund I-81 corridor enhancements and make the improvements a priority.