



Town of Dumfries
Council Meeting

Meeting Date: November 26, 2013

Agenda Item# VII - H

AGENDA ITEM FORM

TYPE OF AGENDA ITEM:

- CONSENT AGENDA
- PRESENTATION
- ACTION ITEM
- TOWN MANAGER & STAFF COMMENTS
- PUBLIC HEARING
 - Duly Advertised

PURPOSE OF ITEM:

- INFORMATION ONLY
- DISCUSSION ONLY
- DISCUSSION AND/OR DECISION
 - Introduction Resolution
 - Ordinance Grant/MOU
 - By Motion Bylaws
 - Certificate

PRESENTER: Dan Taber

PRESENTER TITLE: Town Manager

AGENDA ITEM:

Town of Dumfries 2014 Legislative Agenda

BACKGROUND / SUMMARY:

The Town should vote on a legislative agenda for the 2014 legislative session

ATTACHMENTS:

Prince William County 2014 Legislative Agenda
 Virginia Municipal League (Community/Economic Development, Environmental Quality,
 Finance, General Laws, Human Development, and Transportation)
 Northern Virginia Regional Commission
 Northern Virginia Transportation Authority

REQUESTED ACTION:

Discussion by Council for consensus on the Town's legislative package for the 2014 session

FOR MORE INFORMATION, CONTACT:

Name:

Phone#:

E-mail:

FOR USE DURING MEETING

VOTE:

PASSED

NOT PASSED

Y	N		Y	N	Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Brewer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Forrester
<input type="checkbox"/>	<input type="checkbox"/>	Reynolds	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Washington
<input type="checkbox"/>	<input type="checkbox"/>	Wood					

PRINCE WILLIAM COUNTY
DRAFT 2014 LEGISLATIVE AGENDA

November 19, 2013

Board of County Supervisors
Corey A. Stewart
Chairman

W.S. Wally Covington, III, Vice Chairman
Brentsville Magisterial District

Maureen S. Caddigan
Potomac Magisterial District

John D. Jenkins
Neabsco Magisterial District

Martin E. Nohe
Coles Magisterial District

Pete Candland
Gainesville Magisterial District

Michael C. May
Occoquan Magisterial District

Frank J. Principi
Woodbridge Magisterial District

TRANSPORTATION

In Prince William County and throughout the Commonwealth, a well-functioning multimodal transportation system is critical to maintaining an environment where businesses want to locate and families want to live.

Prince William County looks forward to continuing to work with state and regional partners to implement the transportation funding approved by the General Assembly in the 2013 session. Cooperation among local jurisdictions, regional transportation entities and the Commonwealth is imperative to ensure transportation and transit improvements are planned as elements of an overall transportation system, and to ensure that transportation infrastructure investments represent the most effective and efficient use of taxpayer dollars.

Prince William County requests stronger collaboration between VDOT, local governments and regional transportation entities, particularly with respect to the HB 599 (2012) congestion mitigation rating process that is currently underway. Prince William County and Northern Virginia Transportation Authority projects depend upon these ratings and should, therefore, have a voice in project selection for the ratings.

Over the past 20 years, Prince William County has spent over \$315 million in locally approved and funded road bonds to advance the secondary road network within the County. Prince William County appreciates and values the partnership with the Commonwealth that has allowed significant progress on these 25 projects.

Prince William County strongly supports the current system of VDOT maintenance of secondary highways. The County strongly opposes any effort to change the system to require local governments to maintain secondary highways. Devolution of this responsibility would necessitate a significant tax increase on homeowners to fund the state's disinvestment in transportation infrastructure. If localities across the Commonwealth were responsible for road maintenance, a disparity of road conditions would create a patchwork effect across the state. Consistency of road quality has a direct connection with economic development potential. Local governments are not equipped to own or maintain secondary roads, and economies of scale for statewide maintenance are superior to differing levels of investment in maintenance by localities across the state. Further, Prince William County opposes any legislative or regulatory moratorium on the transfer of newly constructed secondary roads to VDOT for the purposes of ongoing maintenance.

Prince William County is concerned that even with the passage of transportation funding during the last session, secondary and urban road programs are not expected to receive new funds until FY 17. As these programs have not been funded since 2010, Prince William County supports VDOT allocations to localities for secondary and urban roads before FY 17.

Given the influx of transportation funding and the corresponding workload that is anticipated for planning and construction, Prince William County supports state provision of adequate resources for VDOT to review and approve projects. Without adequate resources, review and approval through VDOT could become a major bottleneck in delivering the infrastructure improvements expected by Virginians.

Prince William County has concerns with the ability of VDOT and the Commonwealth Transportation Board to decide whether a local transportation plan is consistent with the Commonwealth's priorities. Better coordination of local and state transportation planning is desirable, but land use planning is and should remain a local responsibility.

As the Commonwealth's street maintenance payments to localities that maintain their own roads continue to increase, Prince William County opposes transferring statewide maintenance funds from other localities to meet street maintenance payment obligations.

Prince William County supports establishing a statewide transportation priority standard, to guarantee return on investment for transportation projects. Under this standard, transportation projects would be assessed on three factors: congestion relief, safety and economic development. This standard would be used in long-term planning in order to ensure a high return on investment. Prince William County also supports an emphasis on harnessing technology and innovation in improving transportation in the Commonwealth, and creating a consumer-focused transportation network by exploring new solutions.

Recognizing the multi-faceted nature of any true traffic congestion mitigation, Prince William County supports creative efforts to reduce congestion, to include measures to encourage telecommuting and funding for additional bicycle and pedestrian routes. Non-motorized trails, greenways and safe routes to schools are an important alternative to single vehicle trips.

Priority transportation projects in Prince William County include:

- I-66 widening (Route 29 to Route 15)
- I-66/Route 29/Linton Hall Road (Gainesville) Interchange
- I-66/Route 15 Interchange
- Route 1 (Marys Way to Featherstone Road)
- Route 1 (Dumfries Road to Bradys Hill Road)
- Route 1/123 Interchange (Phase II)
- Route 1/123 Interchange auxiliary roads (Annapolis/Homer Road)
- Route 15 (Route 29 to Route 55, including railroad overpass near Route 55)
- Route 28 (Linton Hall Road to Fitzwater Drive)
- Route 28 (Centreville Road) safety and congestion enhancements
- Route 215 improvements (Kettle Run Road to Sudley Manor Drive)
- Interchanges on Route 234 Bypass at Balls Ford Road, Sudley Manor Drive, University Boulevard, and Brentsville Road
- Potomac Town Center (Potomac Nationals) Garage

Transit

Funding formulas for the Commonwealth's transit providers should be predictable and reliable. Legislation passed in recent sessions has addressed issues regarding distribution of operating and capital funding for transit in the Commonwealth. Prince William County supports the operating distribution formula recently adopted by the Commonwealth Transportation Board (CTB) and recommended to the CTB by the Transit Service Delivery Advisory Committee (TSDAC). With regard to the methodology for calculating the state capital participation rate, Prince William County

supports continued examination for optimal distribution. If legislation is necessary to reconsider the state capital participation rate sooner than will be required, Prince William County is supportive.

Prince William County supports the extension of a third track for VRE from Arkendale to Powell's Creek. The planned VRE station at Potomac Shores on the Cherry Hill peninsula is critical to the County's continued economic growth and the revitalization of the corridor of Potomac Communities in eastern Prince William.

Prince William County supports maximizing federal and state assistance for track lease payments for the Virginia Railway Express (VRE). Absent this support, VRE would have to employ some combination of the following dramatic measures: significant increases in fares, substantial increases in member local government subsidies, elimination of services, or elimination of pending capital projects.

Prince William County supports existing governance practices for VRE and the Potomac Rappahannock Transportation Commission (PRTC). Current quorum requirements and voting procedures are anticipated to change in July of 2014 as a result of legislation from the 2013 session. Prince William County opposes any governance changes by legislative mandate that are not sought by affected member governments.

EDUCATION

K-12 Education

The Prince William Board of County Supervisors supports the Prince William County School Board in its efforts to secure necessary state funding for operations and capital needs of the School Division. The Prince William Board of County Supervisors particularly supports continued full funding of the Cost-of-Competing Adjustment for teachers and support staff, which allows localities in higher cost-of-living areas to attract and maintain personnel. Full funding of the Cost of Competing Adjustment for support staff is \$32.8 million. Only \$9.4 million was restored in FY 14, leaving local school divisions that receive the funding \$23.4 million short. Prince William County alone lost \$10 million in funding for cost of competing for support staff in FY 14.

The Prince William County School Board's legislative priorities are as follows:

1. That the state restore full-funding for the Cost-Of-Competing Adjustment (COCA) for Region 4 school divisions (for both teachers and support staff) and provide increased funding for annual teacher salary increases to raise them at or above the national average.
2. That the state provide increased funding to offset past reductions to the Standards of Quality (SOQ) and accurately reflect the true cost for rebenchmarking for the 2014-16 biennium to comply with the SOQ; and/or suspend SOQ mandates to allow school divisions to save money.
3. That the state provide continued, annual funding to PWCS to coordinate the statewide implementation of the Virginia Student Training and Refurbishment program (VA STAR), which provides free, refurbished computers to students, schools, and civic organizations in need of technology.
4. That the state eliminate the "A-F Grading" of Virginia schools.
5. That the state provide annual funding for PWCS to coordinate training for the "Partners for Safe Teen Driving" program statewide, in collaboration with the Virginia Departments of Education and Motor Vehicles, to reduce teen-driver crashes and improve safety on Virginia highways.

ECONOMIC DEVELOPMENT

Economic Development

Prince William County consistently ranks among the top communities for job growth in the nation. Prince William County ranked #8 nationwide among counties for job growth from 2000-2012, and experienced a job growth rate of over 11% between 2010 and 2012. Prince William County's economic development efforts are strong countywide, tailoring efforts to match businesses with sites in the County that match their specific needs.

The most mature submarket area in Prince William County, the Potomac Communities continues to be an economic development engine for the County. Bookended by Marine Corps Base Quantico to the South and the Army's Ft. Belvoir to the North, the Potomac Communities has been a historically competitive location option for companies serving the defense market.

Prince William County's Innovation Technology Park, a 1,600-acre corporate park, is a public-private cooperative venture focusing on opportunities for collaborative research, data centers, bio-manufacturing and corporate/governmental campus locations. Innovation is anchored by George Mason University's Prince William campus, which hosts specialized programs including applied information technology, biodefense, bioinformatics, criminology, forensic nursing and molecular biology. The Prince William campus is also home to the "George Squared" program, an innovative biomedical sciences curriculum delivered via a partnership between George Mason University and Georgetown University.

Prince William County appreciates the significant support the General Assembly has provided the George Mason University campus in Prince William County. The Commonwealth's support of the University has contributed greatly to the success of the campus and economic development at Innovation. Prince William County is grateful for the construction of a 75,000 square foot research building at the Prince William campus, which dovetails with recent County actions. The Prince William Board of County Supervisors has reiterated its commitment to its university-based economic development strategy at Innovation, providing significant resources to develop the areas surrounding the campus, most recently in the establishment of a bioscience accelerator facility for young companies in need of wet lab space.

In 2013, the General Assembly provided \$250,000 to George Mason University to support the Simulation & Games Institute (SGI). This program at the Prince William campus leverages the existing Computer Game Design program, and will serve as a major catalyst for business opportunities in simulation and modeling. The business development created by SGI will be a boon for the County and the Commonwealth. Prince William County thanks the General Assembly for their support of George Mason University and SGI, and recently approved additional local funds in support of the program as well.

State and federal funds, such as the Governor's Opportunity Fund and other incentives are vital to developing a strong business climate and its associated economic benefits to the Commonwealth of Virginia and Prince William County. The County maintains a County Opportunity Fund that is used at the Board's discretion to incentivize corporate location and expansion. This fund is most often used to

match the Governor's Opportunity Fund, creating synergy and a critical mass of incentives to attract business to the Commonwealth.

Prince William County appreciates the General Assembly's funding of the Northern Virginia Community College Workforce Development Center at the Woodbridge campus. The Northern Virginia Community College is a vital component of the County's economic development efforts, providing workforce development and a high level of educational attainment within the County, which attracts businesses in search of quality employees.

We recognize the importance of Dulles International Airport to the long term economic vitality of Prince William County. Therefore, the Prince William Board of County Supervisors supports superior access to Dulles International Airport.

Tourism

Prince William County requests state funding for a museum at the Rippon Lodge historic site. Built circa 1747, Rippon Lodge is one of the oldest known homes in Prince William County. Its present location in the heavily traveled I-95 corridor echoes Rippon Lodge's historic prominence due to its proximity to the port town of Dumfries. I-95 in Prince William County is becoming an historic tourism corridor, with sites including the National Museum of the Marine Corps, the Americans in Wartime Museum and many other historic destinations. The County requests state funding of \$450,000 for engineering and design for a museum that will introduce Prince William's rich heritage to local, regional and national visitors, continuing the site's long legacy of contributing to the regional and statewide economy. The Prince William Museum at Rippon Lodge will add to the abundance of historic tourism and educational opportunities at the County's historic sites, and will serve to encourage visitors to other historic sites in the County.

PUBLIC SAFETY

Criminal Justice Services

Prince William County supports legislation and funding that will maintain effective and efficient use of Local Community Corrections and Pretrial Services Agencies. The Prince William County Office of Criminal Justice Services (OCJS) uses evidence based practices to determine the most appropriate services for clients based on risk and responsible use of public funds. These practices greatly enhance the efficient use of funds, preventing the need for more costly services at the Prince William-Manassas Regional Adult Detention Center (ADC). OCJS assists the ADC in managing the local jail population and provides critical services to the courts system.

Lyme Disease

Prince William County supports state initiatives to curb or eliminate the threat of Lyme disease. Lyme disease is affecting an increasing number of Virginians every year, impacting their health and quality of life.

DRAFT

LAND USE

Land Use

Prince William County opposes any diminution of local land use authority. Prince William County opposes further limiting the scope of local regulatory authority or creating new and more elaborate land use regulatory structures particularly requirements for greater density. Most disputes over land use authority are local in character and should be solved at the local level. Prince William County requests that the development community and regional entities discuss any concerns or problems with the County before seeking legislative solutions. Prince William County supports:

- Extending authority to adopt adequate public facilities ordinances to local governments;
- Existing local authority to accept cash and in-kind proffers from developers to assist localities in financing the capital facilities and infrastructure needed to serve new development, and oppose legislation to eliminate or restrict that authority. Also, the County opposes any proposal for replacing such proffer payments with development impact fees that would diminish the amount of such capital assistance received by localities.

Proffer Collection

Prince William County requests revisions to § 15.2-2303.1:1, VA Code Ann., which delays collection of cash proffers until final inspection. One of the most significant concerns for the residents of Prince William County is ensuring that infrastructure and new development are better coordinated. Preventing local governments from collecting cash proffer payments at either the site plan stage for transportation improvements, or the building permit stage for other types of improvements delays the needed infrastructure improvements until after the residents have moved in. It is preferable to begin these infrastructure improvements concurrent with the development that necessitates the infrastructure. Given the voluntary nature of proffers, it is illogical to prevent collection of cash proffers before final inspection, even in the event that the developer desires to make such payment prior to that inspection. Revising the Code to allow for voluntary proffer payments prior to final inspection ultimately benefits the citizens living and commuting throughout the Commonwealth, and as it does not change the voluntary character of proffers, does no harm to the development industry.

Prince William County thanks the General Assembly for enacting legislation in the 2013 session that extended the window for cash proffer expenditure. Extending the expenditure window mirrors the delay in cash proffer collection.

STATE-LOCAL PARTNERSHIP

Aid to Localities

In FY 10, the Commonwealth began reducing aid to localities funding to balance the state budget through the recession. During the 2013 session, the Governor and General Assembly made strides toward better funding state aid to localities. Prince William County appreciates this partial reinstatement of funds. Returning aid to localities funding to FY 09 levels would fill a current funding gap in the County of \$4.2 million in FY 14. Prince William County calls on the General Assembly to meet its budgetary obligations to local governments by fully funding State aid to localities. There can be no “state budget surplus” while the state underfunds its commitments to local governments.

Unfunded Mandates

The Commission on Local Government produces an annual report on state and federal mandates on local governments. In 2013, the Commission identified 649 mandates; an increase over 632 mandates in 2012.

Prince William County supports efforts to eliminate or suspend unnecessary mandates on local government.

Prince William County opposes any new state mandates that are not fully funded by the Commonwealth. Prince William County opposes "maintenance of effort" clauses for education, HB 599 or other locally funded services. Prince William County opposes any new service responsibilities from the Commonwealth, such as the funding of the Line of Duty Act benefits, which cost Prince William County \$364,000 in the first year and \$699,000 in FY 14. Prince William County opposes any effort to preempt local authority to raise revenues through abolition of the authority to raise revenues, limitations on growth rates or any other method intended to reduce revenues.

Prince William County calls upon the General Assembly to refrain from reducing state funding that supports public services administered locally and regionally on behalf of the state in a manner that disproportionately impacts Northern Virginia jurisdictions. Social Services, Community Services, At-Risk Youth and Family Services, Court Services, Health Districts and law enforcement functions are all examples of public services that are provided in partnership with the State. Even in recessionary periods when tax revenue contracts, the state cannot retreat from its funding responsibilities for the public programs that are prioritized by way of code or regulatory requirement, unless and until it simultaneously reduces expectations regarding the level and quality of service to be available to the public.

Prince William County supports legislation requiring bills with local fiscal impacts to be filed on or before the first day of a legislative session. While difficult to prepare within the compressed timeframe of session, fiscal impact statements are an important factor in the decision-making process of the General Assembly. A deadline of the first day of session would allow the Commission on Local Government to begin the process of estimating fiscal impacts sooner and then sharing their findings prior to legislative committees voting on bills that may or may not include unfunded mandates

Employment Benefits Including VRS and Line of Duty

Prince William County supports the full funding of state mandated retirement and employment benefits, including the Virginia Retirement System (VRS) and Line of Duty costs. In particular, Prince William County opposes the state using funds intended for VRS to support other purposes, such as delaying and thereby increasing local VRS costs such as the 2010 action reducing teacher and state employee payments in order to create a state savings. Prince William County urges the Commonwealth to continue on the path of full payment of the Commonwealth's Annual Required Contribution, and repayment of the delayed contributions. Prince William County also supports state funding for schools and teachers, reflecting the true partnership that exists between the Commonwealth and local governments in k-12 education. In particular, Prince William County supports sharing teacher pension liability with the Commonwealth in a way proportionate to the shared funding of teacher salaries. These decisions, made by the Commonwealth, have direct impacts on local governments in terms of teacher pensions and bond ratings.

The Line of Duty Act was enacted by the General Assembly and was always contemplated to be funded by the Commonwealth. The decision to pass the funding of the Line of Duty Act on to local governments is an egregious example of an unfunded mandate on localities. Prince William County requests that the General Assembly fulfill the obligations it created and fund the Line of Duty Act.

Taxation

Prince William County opposes any legislation that will reduce a locality's ability to raise revenue without replacing the lost funding through another funding stream. Prince William County also opposes the transference of local revenues to state administered revenue, particularly when those revenues are distributed disproportionately among localities or not remitted to localities at all.

Localities rely heavily on real estate tax revenues, which will make up 65% of Prince William County's local taxes in FY 14. Other local taxes produce less revenue, but the diversification of taxation is fundamentally important for responsible financial management. In past years, the General Assembly has considered reducing or eliminating the Business, Professional, Occupational License (BPOL) tax or the Machinery and Tools (M&T) tax. If BPOL were eliminated, Prince William County would lose \$25 million in revenue. If M&T were eliminated, Prince William County revenues would decrease by over \$200,000. It would take an additional 5.5 cents on the real estate tax rate to compensate for these lost revenues. Any reduction in Prince William County's taxation authority or revenues collected through these sources increases the burden on homeowners and business property owners in the County.

Any proposals for changing the tax structure local governments rely upon should be discussed with local governments to avoid unintended consequences to the financial health of the Commonwealth's communities. Should the General Assembly consider creating exemptions for local taxes, the state should compensate localities for those lost revenues. The proportion each local tax represents within the County's overall local tax sources is provided below, illustrating the total impact of the number of smaller magnitude local tax sources.

FY 14 (Adopted Estimate) Local Revenue Sources

Revenue Category	Percent	Dollars
Real Estate	65.6%	\$538.62 million
Personal Property	17.9%	\$146.81 million
Sales Tax	7.0%	\$57.86 million
Consumer Utility	1.7%	\$13.57 million
Communications Sales and Use Tax	2.3%	\$19.04 million
Business, Professional, Occupational License	3.0%	\$24.79 million
Other General Property (interest earned on all taxes)	0.2%	\$1.33 million
Vehicle Tags	1.0%	\$8.06 million
Recordation Tax	0.8%	\$6.87 million
All Other Local (including Transient Occupancy Tax)	0.5%	\$3.85 million

Communications Sales and Use Tax Redistribution Among Localities

Prince William County supports returning to a system where communications sales and use taxes are collected and remain in the locality. If the General Assembly does not return the communications sales and use tax to a local tax, Prince William County supports the restructuring of allocation formulas for the communications sales and use tax to reflect actual usage rates per locality, rather than the current tax payment distribution model which is based on usage rates in 2006. Growing communities, such as Prince William County, are losing revenue with this stagnant formula.

Real Estate Tax Exemptions for Religious Institutions

Prince William County supports General Assembly expansion of religious uses that qualify property for exemption from local real property taxation.

FEDERAL- LOCAL PARTNERSHIP

The nation continues to face the “triple threat” of the federal government shutdown, the pending debt ceiling limit and sequestration. Prince William County calls on Congress to return to regular order, rather than governing from crisis to crisis, and urges Congress to adopt an appropriations system that provides certainty in federal taxation and expenditures.

The conflation of these issues, each one potentially detrimental to the national and regional economies, presents extraordinary difficulty to local governments, particularly in the Washington, D.C. Metropolitan Area. Recent events have placed unnecessary hardships on Prince William County families and businesses.

Though Prince William County has a diverse economy that is clearly emerging from recent economic difficulties, cuts in federal procurement, the federal workforce and other items of direct federal spending will affect Virginia’s economy more profoundly than any other state. The Commonwealth is home to many federal contractors, federal employees and retirees. Draconian cuts in these areas could have a negative effect on our local economy.

The Prince William Board of County Supervisors urges Congress to reconsider this current course and work to limit the devastating impact to the nation, the Commonwealth, and Prince William County.

Unfunded Mandates

The Board opposes unfunded mandates passed on to local government by the federal government. When funding for a mandated program is altered, the mandate should be suspended until full funding is restored. When legislation or regulations are passed by Congress or Agencies, the cost should be borne by the federal government and the legislation or regulation should contain a sunset provision providing that the mandate is not binding on localities until funding by the federal government is provided. The Board opposes the shifting of fiscal responsibility from the federal government to localities for existing programs. Any unfunded mandate or shifting of responsibility should be accompanied by a full fiscal and program analysis to determine the relative costs to the jurisdiction and to assure the federal government is meeting its full funding responsibility before taking effect.

Location of Federal Facilities

Prince William County encourages federal agencies to locate facilities within the County. The County has positive working relationships with federal agencies currently present in Prince William, and welcomes the opportunity to identify potential sites for conducting federal business. Prince William County’s greatest resource is its citizenry, who are highly educated and experienced with the federal government. A variety of available transportation nodes along with available sites appropriate to current federal security guidelines makes the County an attractive option. At this point in time, there is an active discussion between the General Services Administration (GSA), the Federal Bureau of Investigation (FBI) and Congress on the replacement and relocation of the FBI’s current headquarters. Prince William County offers a logical home for a new FBI headquarters and continues to promote the corporate campus of Potomac Shores to accommodate their substantial needs. The debate, discussion and ultimate relocation of the FBI headquarters may take years to resolve as there are many factors involved in such a move, but Prince William County remains well-positioned to accommodate their needs.

GSA Hotel PerDiem Rates

The current General Services Administration (GSA) per-diem travel reimbursement rate for Prince William County is \$88 for lodging and \$56 for meals. Per Diem rates for neighboring jurisdictions including Alexandria, Arlington, Fairfax and Falls Church are a seasonal maximum of \$224 for lodging and \$71 for meals. That is more than twice the combined rate of Prince William's reimbursement rate. Prince William County is included in GSA's own designation of the National Capitol Region, as well as the Standard Metropolitan Statistical Area as defined by the U.S. Office of Management and Budget. For Prince William County to remain competitive, the Board supports GSA increasing the per-diem rates to be comparable to our neighboring jurisdictions, and calls on our federal delegation to work with the County to help secure these per diem rate increases.

Postal Codes and Communities of Interest

Given recent efforts to revitalize the Potomac Communities in eastern Prince William and the redistricting actions taken in 2011, Prince William County requests that the United States Postal Service (USPS) approve the 22026 Zip Code area of the Potomac Magisterial District as eligible for the "alternative last line" of "Potomac, Virginia." This approval would enhance the Potomac Magisterial District as an existing community of interest. There remains keen interest from the George Mason University community and Innovation Business Owners as well to establish an alternative last line designation for the "Innovation" area. Pending the resolution of the "Potomac" alternative last line designation, the "Innovation" designation may well be pursued.

Payment in Lieu of Taxes

Payments in lieu of taxes (PILT) are federal payments to local governments that help offset losses in property taxes due to nontaxable federal lands (i.e. Manassas National Battlefield Park, Quantico Marine Corps Base) within their boundaries. The Department of Interior administers the program and is responsible for making payment calculations according to the formula established by law. Prince William County currently receives \$90,000 in payments in lieu of taxes, an amount that is not consistent year-to-year due to federal funding variations. Prince William County supports continued PILT funding to offset the costs incurred by the County for services provided to federal employees, their families and users of the federally-owned lands.

Local Past-Due Tax Debts

Prince William County supports creation of a program wherein a state, on behalf of a local government, submits to the Secretary of the Treasury notice of a "past-due, legally enforceable local tax obligation." This would allow local governments to request that the IRS withhold federal income tax refunds to taxpayers who owe local taxes and direct those funds to those jurisdictions. The states already have this authority. Congressman Moran has introduced H.R. 2716, which would create this program for local governments.

Tax-Exempt Municipal Bonds

Prince William County supports maintaining tax-exempt status for municipal bonds. While Congress is maintaining an "everything is on the table" posture as it considers tax reform, eliminating the tax-exemption for municipal bonds would have a devastating effect on local government's ability to debt finance capital projects. Municipal bonds finance a wide range of locally selected infrastructure projects and have a long history of low default rates. Investors are willing to buy municipal bonds that

pay less interest relative to other securities because of the federal tax exemption. In 2012 alone, the debt service burden for counties would have risen by \$9 billion if municipal bonds were taxable over the last 15 years.

The Marketplace Fairness Act

Congress may consider the Marketplace Fairness Act, a bill that would allow states to enforce existing sales tax laws for online sales. Estimates of lost revenue for the Commonwealth of Virginia approach \$250 million on an annual basis. Virginia's transportation funding legislation enacted in 2013 allocates online sales tax revenues to transportation purposes in the event that the Marketplace Fairness Act is passed. Prince William County supports enforcement of the existing sales tax as it would be applied to online sales.

Illegal Immigration Enforcement and Reform

Since 2007, Prince William County has worked in partnership with the United States Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE) on local implementation of the federal 287(g) program to screen and investigate whether those committing crimes within the County are legally residing in the community. Named for the relevant section of the Immigration and Nationality Act, the 287(g) program is a partnership between ICE and local law enforcement where select personnel from the Adult Detention Center, Police Department and Sheriff's Office are specially trained by ICE to screen and investigate legal presence. The 287(g) program is a key element to the County's illegal immigration enforcement policy, which has been recognized as a model program to identify and report criminal illegal immigrants without engaging in racial profiling.

Block Granting Medicaid to Virginia

Currently, there are hundreds of thousands of pages of federal regulations and instructions on how states should run their Medicaid programs. "Block grants" limit the amount of federal dollars states get to one lump sum, but have considerably fewer rules on how it must be spent. By block-granting Medicaid funds, the Commonwealth of Virginia would have considerably more flexibility to develop its own solution to best provide health care for its unique population and demographics. The Board supports giving the Governor and the Commonwealth this flexibility.

ENVIRONMENT

Prince William County is proud of its award-winning efforts to protect its natural resources and the environment. The County has invested millions of dollars towards reducing point and non-point sources of pollution through the implementation of innovative stormwater best management practices (BMPs), wetland and stream restoration, low impact development, and illicit discharge monitoring and follow-up as well as other sensible and effective environmental tools.

The County supports efforts to restore the health of the Potomac River and the Chesapeake Bay in a fiscally responsible manner. Concern must be expressed; however, that the federal government, and Environmental Protection Agency (EPA) in particular, avoid adopting a multitude of unfunded mandates and policies upon the Commonwealth that are then passed down to localities. One example is the EPA's Chesapeake Bay Total Maximum Daily Load (TMDL) program. This unprecedented-in-scale federal policy upon the Six (6) States and the District of Columbia in the Chesapeake Bay Watershed has foisted much of the financial and legal burden for Chesapeake Bay compliance onto localities and their taxpayers. For more information on the status of Virginia's compliance efforts, the Virginia Department of Conservation and Recreation's Bay TMDL FAQ website can be found here.¹

Prince William County has fully participated in all efforts to restore the health of the Chesapeake Bay. However, it is important to state unequivocally that we are rapidly approaching - if not already at - a point where the cost of compliance will require the expenditure of huge sums of money. The most current estimates on cost of compliance with the Bay TMDL come from the Virginia Senate Finance Committee report of November 18, 2011. This report projects a total cost of \$9.4 - 11.5 Billion for Virginia statewide. Fairfax County alone has a price tag of \$651 million to \$845 million for compliance from the same report. No estimates were done for Prince William, but numbers are expected to be similar.

Simply put, our federal and state government partners have a duty to fund their programs and policies.

Prince William County requests that its congressional delegation and its delegation to the Virginia General Assembly take all steps necessary to fully fund their environmental mandates or relax these environmental mandates until they can.

Renewable Energy

Prince William County is a leader in local government efforts to develop renewable energy at solid waste facilities. As such, Prince William County requests that the General Assembly pass legislation to allow local governments to generate power at a locally-owned site and use any credits for excess energy generated to offset consumption at another locally-owned site. Prince William County would provide power to County and school facilities in the vicinity of the sanitary landfill. This would provide a savings to local governments while also harnessing an environmentally-friendly power source that would otherwise go unused.

¹ <http://www.dcr.virginia.gov/vabaytmdl/baytmdlvaFAQ.shtml>

HUMAN SERVICES

At-Risk Youth and Family Services

Funding for services for at-risk youth was changed from one match rate into three based on the type of services provided to a child. Local governments receive different levels of reimbursement from the state depending upon the type of care provided to an individual. This variation in reimbursements is difficult to predict at the local level, particularly as over time a child typically requires services at unpredictable amounts of time across different funding match rates. This varied system of reimbursements created adverse fiscal consequences in the Commonwealth's system of care for localities to determine services in the best interest of the child. Effective and efficient service planning requires frequent reviews and adjustments so the appropriate types of services are provided at the right times in order for a family to become independent as soon as possible. These necessary adjustments have made management of state revenue unpredictable. Prince William County supports changes to the reimbursement system to allow for better predictability in funding.

Northern Virginia Training Center (Regional Position)

All individuals currently residing at the Northern Virginia Training Center will need to transition to the community by June 30, 2015, due to the Commonwealth of Virginia's settlement agreement with the U.S. Department of Justice. Prince William County supports adequate state and federal funding for successful transitions to the community for each individual discharged from the Northern Virginia Training Center. Prior to the discharge process, state funding for case management services is necessary to ensure appropriate enrollment in community facilities. Additional state funding for these individuals would provide adaptive equipment and other items necessary for transitioning to the community.

Intellectual Disability Services (Regional Position)

Prince William County supports state funding for an additional 175 waiver slots statewide in addition to the required waiver slots associated with the Department of Justice settlement agreement. These additional waiver slots would provide services to individuals currently on the waiting list. In Prince William County alone, there are approximately 70 individuals on the urgent waiting list for these services. Prince William County also supports additional state funding to serve non-waiver eligible individuals in the community. With this state funding Community Services agencies would provide services based on the existing application process to include: respite and companion services for individuals and their family, individual supported employment and environmental modifications or assistive technology.

Serious Mental Illness (Regional Position)

Prince William County supports state funding to expand sustainable housing options for persons with serious mental illness. Access to housing is limited due to the current housing market and lack of resources available to this population. Improving access to housing and supportive services will help prevent other, more costly alternatives including homelessness, emergency room visits, involvement with law enforcement, incarceration, or hospitalization.

Public Guardianship and Conservator Program for At-Risk Incapacitated Adults (Regional Position)

The Virginia Public Guardian and Conservator Program provides protection and surrogate decision-making for at-risk incapacitated individuals as a last resort, when no one else is available and

appropriate to serve. Local public guardian and conservator programs do not have the capacity to ensure the safety and care of all the vulnerable adults in the Commonwealth. The program that serves Prince William County has 36 slots to cover individuals from Northern Virginia, Central Virginia, Northwestern Virginia and the Middle Peninsula and the Northern Neck. This diverts agency staff and resources in Social Services, Aging, Community Services and County/City Attorney offices to find appropriate guardians outside of the program, which is difficult and time-consuming. Prince William County supports additional state funding to enhance the current capacity of this program.

DRAFT

ADMINISTRATION OF GOVERNMENT

Public Notice Advertisements

Prince William County and its residents spend tens of thousands of dollars annually to publish legal notice advertisements in newspapers, as required by various State laws for various types of notices. These laws were written in a time when local newspapers were the only way citizens could learn about activities in their local government. The County supports legislation that would permit alternatives for legal ads to be published on a locality's website in order to reduce costs to the County and its residents.

Examples of these requirements in the Code of Virginia include:

- Section 15.2-2204.A. Notice of all zoning text amendments and rezonings must be advertised twice before they are considered by the planning commission, then twice again before being considered by the governing body.
- Section 15.2-2606.A. Two ads must be published for all public hearings on bond issues.
- Section 15.2-3107. Two ads must be published before localities can agree on voluntary boundary line adjustments.
- Section 15.2-107. Two ads must be published before zoning or subdivision fees, or sewer and water fees, can be imposed or raised.

The County also supports legislative proposals to allow a local option for procurements made by Virginia localities to be advertised on the Commonwealth's internet procurement portal, known as "e-va".² Placing local and state procurements on the same website is both pro-business and pro-taxpayer, and is in keeping with Virginia's policy of open government. Localities should continue to be allowed to publish and archive procurements on their own websites as well.

Ethics Reform and Conflicts of Interest

Prince William County encourages the General Assembly to provide additional clarity in the Commonwealth's conflict of interest and ethics laws. To this end, the County supports applying common conflict of interest and ethics standards across the Commonwealth's state and local officials.

² www.eva.virginia.gov

COMMUNITY MAINTENANCE

Community Maintenance

Prince William County opposes any diminution of local land use and community maintenance authority including: any loss of authority to regulate telecommunication facilities; any limitations on local land use authority through the statewide building code; or weakening of inoperative motor vehicles; residential overcrowding; weed and grass; spot blight; noise and sign statutes.

Popsicle Sign Violations

Prince William County supports raising the civil penalty for “popsicle sign” violations. While outreach efforts have seen some success in abating and preventing illegal signs in the County, increased fines would improve enforcement by deterring this illegal behavior. In 2006, Zoning Ordinance civil penalties for the first and subsequent violations were raised, leading to an increase in compliance of 12% in the next year. That represents a significant savings in County time spent pursuing compliance as well as relief for the court system.

Non-Subscription Newspaper Delivery

Several small print publications in Prince William County are delivered on a free, non-subscription basis to residences within the community. In many cases, residents wish to discontinue receiving these publications, and are unsuccessful in “unsubscribing.” There are also instances of the publications being delivered to uninhabited homes, often accumulating in front of the residence and becoming an eyesore. This becomes a public safety concern as piles of unread publications indicate that a home is unwatched, and is a signal of vulnerability to criminals. Additionally, these publications essentially become pollution, washing into storm drains and clogging stormwater facilities. Prince William County would like the General Assembly to explore legislation to address this problem.

ELECTIONS

Precinct Boundaries

It is common for the General Assembly to address technical changes to precinct boundaries in Legislative Sessions following decennial redistricting. In the event that the General Assembly considers such legislation in 2014, Prince William County supports technical changes offered by the Prince William Electoral Board that would eliminate split precincts or other changes that may be required for smooth execution, elimination of voter confusion and cost savings in administering elections. Each split precinct creates additional costs to the County for programming ballot styles, and increases confusion among voters on Election Day. Particularly given the long lines to vote in the 2012 Presidential election, Prince William County requests that the General Assembly address these split precincts, which contribute to voter confusion and difficulty in election administration.

Primary Costs

Prince William County supports the Prince William Electoral Board's request that the Commonwealth fully reimburse local governments for costs incurred in primary elections. Political parties may choose candidates by either convention or primary, and localities are currently required to pay for the cost of administering primary elections (§ 24.2-518, VA Code Ann.). This unfunded mandate cost Prince William County \$105,656 for the June 13, 2013 primary election, for a cost of over \$30 per vote.

Full Reimbursement for Elections

Prince William County supports the Prince William Electoral Board's request that the Commonwealth fully reimburse local governments for compensation and expenses associated with electoral boards and general registrars. § 24.2-108 and § 24.2-111 require the General Assembly to establish compensation and an expense plan and require localities to pay those expenses with annual reimbursement. This reimbursement has been reduced repeatedly, with reimbursement in FY 14 totaling only 62% of actual costs.

1 **2014 COMMUNITY & ECONOMIC DEVELOPMENT POLICY**
2 **STATEMENT**

3
4 Community and economic development are
5 essential to the continued vitality of the
6 Commonwealth of Virginia. VML urges the
7 state to partner with localities to develop and
8 carry out the state economic development
9 strategic plan.

10 Realizing the importance of the sense of
11 community, VML also supports legislation
12 to encourage state and local cooperation
13 efforts that would deter crime, promote
14 maintenance of property in neighborhoods,
15 and improve the livability of Virginia's
16 cities, towns and counties.

17
18 VML encourages local governments to work
19 together in regional efforts to improve the
20 quality of life and economic development
21 opportunities and encourages the state to
22 support such regional efforts in
23 collaboration with local elected officials.

24
25 Incentive programs, such as the Governor's
26 Development Opportunity Fund and the
27 Virginia Enterprise Zone Program are
28 important economic development tools,
29 particularly in a challenging economy. The
30 state should strive to fully fund programs
31 that strengthen local governments'
32 commercial and industrial tax bases to
33 reduce pressure on the residential real estate
34 tax base.

35
36 **HOUSING**

37 VML urges state and local governing bodies
38 to develop and maintain a balanced housing
39 mix, including affordable housing. Local
40 officials are in the best position to determine
41 that mixture. Local governments must be
42 fully involved in the decisions on the
43 placement of affordable housing in their
44 jurisdictions. Procedures involving the
45 granting of tax credits for projects must
46 involve local governing bodies. Any

47 locality that issues a Section 8 housing
48 certificate should have housing available in
49 the jurisdiction for the certificate's holder, to
50 prevent persons who are granted Section 8
51 certificates from having to leave their home
52 jurisdiction in order to find housing.
53 VML supports state funding for affordable
54 housing.

55
56 **BLIGHT AND NEIGHBORHOOD**
57 **PRESERVATION**

58 The General Assembly should broaden the
59 laws on dealing with blight and dealing with
60 building permits issued for repairs or
61 renovation to require timely completion of
62 the work or, failing a legitimate plan by the
63 owner, diligently pursued, to complete the
64 work, authorizing local government action
65 to correct the health and public safety
66 problems created by projects that are not
67 completed and to either seize available
68 assets of the owner and use them to fund
69 corrective action, or recover the locality's
70 costs on a priority basis in the same manner
71 as unpaid taxes. Further, the definition of
72 derelict building should be expanded to
73 include buildings which are never completed
74 to a state that would meet the definition in
75 *Virginia Code* Section 15-2.907.1

76
77 VML supports strengthening the minimum
78 housing maintenance code.

79
80 **ZONING INCENTIVES FOR IN-FILL**
81 **DEVELOPMENT AND**
82 **REDEVELOPMENT**

83 The state code provisions on zoning
84 authority should continue to ensure that
85 local governments have a full range of
86 authority to promote affordable housing,
87 including authority to facilitate in-fill
88 development, redevelopment and mixing of
89 uses in redevelopment projects. Therefore,

1 the code must not be changed to limit local
2 governments' authority to enact land use
3 regulations for the benefits of all citizens of
4 a locality.

5
6 **PLANNING AND LAND USE**

7 The Governor and General Assembly should
8 continually evaluate the limitations on local
9 authority and land use management tools
10 provided in the state code to ensure that the
11 policies of the Commonwealth encourage
12 and support healthy cities and towns. The
13 Commonwealth must end state laws that
14 encourage sprawl. Instead, the policies of
15 the Commonwealth should support
16 sustainable growth in and around urban
17 centers to help local governments create
18 more livable, environmentally responsible
19 communities, thus reducing the
20 environmental impact of growth. In
21 addition, the policies should alleviate
22 transportation funding problems for the
23 Commonwealth and should promote
24 transportation priorities to promote public
25 transportation modes as well as pedestrian
26 and bicycle transportation. VML supports
27 multi-modal transportation options for
28 regions and localities.

29 Further, to make movement into urban
30 centers attractive, the education policies and
31 funding must promote high quality
32 educational facilities, opportunities and
33 services in urban centers. Further the
34 Commonwealth must provide funding to
35 help urban centers attract and retain high
36 quality jobs. (Moved from end of this
37 section, as it is part of the transportation
38 angle of land use.)

39
40 Planning and land use control are two of
41 local government's most important
42 functions. Localities must maintain control
43 of local land use decisions. Neither the state
44 nor federal government should usurp a
45 locality's power to make such decisions. All
46 localities should be guided by their
47 comprehensive plan for future development.

48 The General Assembly should allow local
49 governments to exercise land use authority
50 in the manner that the local government
51 deems appropriate for its circumstances.
52 Coordination of local land use planning and
53 transportation planning improves the ability
54 of all levels of government to deal with and
55 manage growth-related issues the
56 Commonwealth faces in the long-term.

57
58 The General Assembly should enhance local
59 government's ability to implement their
60 comprehensive plans by authorizing a
61 complete spectrum of land use and growth
62 management tools and should allow and
63 provide localities more creative, locally
64 initiated planning and land use mechanisms.
65 However, sufficient fiscal capacity is
66 necessary to take advantage of more robust
67 planning and land use mechanisms. The
68 General Assembly should enact laws to
69 broaden impact fee authority to allow the
70 adequate assessment of the fees for all
71 public infrastructure, including school
72 construction costs, caused by growth. The
73 General Assembly should take all steps
74 needed to assist towns and cities to work
75 with the surrounding counties to promote
76 growth in patterns that help the vitality of
77 the municipalities. Any change must not
78 shift the burden of paying for new
79 infrastructure to existing citizens through
80 increased real estate taxes.

81
82 When a county's transfer of development
83 rights program includes lands adjacent to a
84 city or town, the General Assembly should
85 provide the municipality authority to fully
86 participate in the decisions on transferring
87 such rights when it is determined by the
88 municipality that the land-use change will
89 impact its citizens.

90
91 VML supports the state's exploration of
92 sustainable development, provided that there
93 is not an effort to supplant the authority of
94 local governments to determine their own

1 land use policies, and encourages the
2 consideration of incentives for localities to
3 implement sustainable development
4 approaches.
5
6 State agencies should be required to comply
7 with local comprehensive plans and local
8 land use regulations and policies, subject to
9 override by the governor.
10
11 VML supports enhanced redevelopment
12 opportunities through the adoption of an
13 urban policy for the commonwealth, and
14 implementation of growth management
15 policies that encourage growth and
16 economic development in urban areas.
17 VML supports the position that the vested
18 rights law is prospective only and that local
19 governments have the authority to amend
20 zoning ordinances in the future.
21
22 The law on nonconforming uses and
23 structures must not be diminished. The
24 desires of a single property owner should
25 not outweigh the interests of the neighbors,
26 who benefit from properties coming into
27 conformance with the zoning ordinance over
28 time through the effects of the law on
29 nonconformity.
30
31 The General Assembly should not enact any
32 legislation, under the name of private
33 property protection law, that seeks to
34 weaken local powers to regulate land uses
35 and protect the community's health, safety
36 and welfare, or that requires additional
37 compensation beyond judicial interpretation
38 of the Fifth Amendment of the U.S.
39 Constitution and Article I, section II of the
40 Virginia Constitution.
41
42 VML opposes any additional legislation that
43 would exempt religious organizations from
44 neutral, generally applicable local
45 ordinances, and in particular, local zoning
46 and public safety ordinances.
47

48 **RESPONSIBLE GROWTH**
49 **MANAGEMENT**
50 Current state land use authority is often
51 inadequate to allow local governments to
52 provide for growth in a manner that protects
53 and improves the quality of life in our
54 communities. Therefore as expressed above,
55 the General Assembly should authorize local
56 governments to implement growth
57 management policies including such as
58 impact fees in order to enable localities to
59 facilitate orderly, rational growth in a
60 manner appropriate to their communities.
61 Until a comprehensive impact fee system is
62 authorized, the code should extend to all
63 localities ~~full the same level of~~ authority for
64 conditional zoning to meet the needs of new
65 citizens for public infrastructure. ~~address off~~
66 ~~and on-site transportation issues as is~~
67 ~~granted to Northern Virginia and the Eastern~~
68 ~~Shore.~~ *(This statement is altered to make it*
69 *consistent with the statement, below, on*
70 *impact fees.)*
71
72 The General Assembly should enact laws to
73 broaden impact fee authority to allow the
74 adequate assessment of the fees for all
75 public infrastructure, including school
76 construction costs, caused by growth. The
77 General Assembly should take all steps
78 needed to assist towns and cities to work
79 with the surrounding counties to promote
80 growth in patterns that help the vitality of
81 the municipalities by authorizing impact
82 fees for public infrastructure. Any change
83 must not shift the burden of paying for new
84 infrastructure to existing citizens through
85 increased real estate taxes.
86
87 *(This statement is moved from the legislative*
88 *program to the policy statement, as the issue*
89 *will not likely be addressed in the 2014*
90 *session of the General Assembly, but*
91 *remains vitally important for VML's*
92 *members.)*
93
94

1 **DESIGN FOR ALL CITIZENS.**
2
3 As life expectancy rises and as the number
4 of citizens with significant physical
5 disabilities and limitations increases,
6 Virginia’s local governments recognize that
7 the man-made environment must be made
8 accessible to all citizens, whether ageing,
9 disabled or facing other limitations.
10 Therefore, the state’s laws, regulations and
11 policies must serve to increase accessibility
12 for ageing and disabled populations. Such
13 laws, regulations and policies that do not
14 assist reaching these goals should be
15 amended or repealed. Building codes
16 should be amended to help achieve these
17 goals in new and existing construction.
18 Further, state laws, regulations and policies
19 must be amended, as needed to give local
20 governments full authority to provide
21 accessible private and public infrastructure.
22
23 *(The committee recognizes the need for*
24 *government, both local and state, to promote*
25 *policies to allow citizens to age in place and*
26 *to help disabled citizens fully use the man-*
27 *made environment.)*

28
29 **MANUFACTURED HOUSING BY**
30 **RIGHT**
31 Local governments must retain the authority
32 to plan for the appropriate mix of residential
33 structures in their communities, and must
34 retain full authority to regulate the
35 placement of manufactured homes, without
36 state intervention.
37

38 Localities should retain the right to tax
39 manufactured homes as personal property,
40 and not be forced to classify them as realty.
41

42 **SUBDIVISION STREET STANDARDS**
43 Local governments should have authority to
44 modify standards for street pavement and
45 right-of-way widths, including streets
46 brought into the system that do not meet
47 VDOT standards, that are beneficial to good
48 planning; public safety; and the well-being
49 of the residents, without diminishing state
50 funding for street maintenance payments.

51
52 **PRESERVATION OF RIGHTS-OF-**
53 **WAY**
54 Road projects take many years from the
55 planning stage to construction. Often
56 localities need to reserve miles of right-of-
57 way years in advance of any funding
58 availability for these projects, or risk
59 development in the path of these road
60 projects. Localities need tools to enable
61 them to reserve rights-of-way for longer
62 periods of time. The official map legislation
63 allows reservation but localities are often
64 unable to provide for the upfront funding
65 needed to purchase these rights-of-way in
66 the allotted timeframe.

67 **VARIANCES, SPECIAL EXCEPTIONS**
68 **& CONDITIONAL USE PERMITS**
69 VML maintains that the law on variances
70 should be retained in its current form.
71 Because land use is controlled at the local
72 level, the General Assembly should not
73 require any specific procedures for special
74 exceptions, conditional use permits or
75 similar land use decisions.

DRAFT 2014 ENVIRONMENTAL QUALITY POLICY STATEMENT

1
2

3 Protecting natural resources and sustaining
4 efficient environmental stewardship is an
5 overarching mission of government.
6 Additionally, VML recognizes the
7 importance and challenge of maintaining
8 natural resources and managing
9 environmental services while
10 simultaneously encouraging economic
11 growth and greater human development in
12 our cities, towns and counties.

13
14 To achieve these ends, VML pursues these
15 goals:

- 16
17 1. Promoting environmental quality
18 through a coordinated, comprehensive
19 approach that addresses air and water
20 quality, hazardous and solid waste
21 management, protection of special lands
22 and features including biological
23 diversity, prudent land use policies,
24 noise abatement and energy use.
- 25 2. Attaining an equitable distribution of
26 responsibilities among governments for
27 resource protection and environmental
28 services, and attaining sufficient
29 financial resources from the federal and
30 state governments to implement
31 mandates, without duplicating efforts.
- 32 3. Recognizing the inter-jurisdictional
33 nature of many environmental resources
34 and pursuing dispute resolution for the
35 continued viability of natural, living, and
36 cultural resources and for the
37 sustainability of efficient environmental
38 services.
- 39 4. Pursuing the orderly and planned
40 development of communities and
41 encouraging the revitalization of older
42 communities.
- 43 5. Promoting cooperation and coordination
44 among governments, citizens,
45 institutions, and organizations to achieve
46 these goals.

- 47 6. Advocating legislation and policy
48 initiatives that provide sufficient
49 resources to implement the least costly
50 and most efficient mandates.
- 51 7. Encouraging cost-effective regional
52 approaches to protecting natural
53 resources and providing environmental
54 services.

55 WATER RESOURCES, QUALITY & 56 CONSERVATION

57 Quality

58
59 Point and nonpoint sources of pollution
60 continue to create significant challenges in
61 protecting water quality: wastewater
62 treatment plant upgrades, urban and
63 agricultural storm water runoff,
64 sedimentation, stream channelization,
65 specific agricultural activities, pet wastes
66 and indiscriminate use of agricultural, yard,
67 lawn care and homecare chemicals. Water
68 resource protection is critical throughout all
69 watersheds of Virginia. Local governments,
70 the state government, the federal
71 government and private interests must
72 recognize these threats and implement
73 precautions and protections that reflect the
74 level of responsibility for offensive activity,
75 as well as technical and economic
76 competence to correct problems.

77
78
79 Additionally, the federal and state
80 governments cannot ignore the financial
81 limitations that local governments face in
82 attempting to resolve these threats. Without
83 adequate funding sources and data to assist
84 local governments water quality will not
85 improve. Local governments managing
86 combined sewer overflows (CSOs),
87 including the cities of Lynchburg and
88 Richmond, require adequate federal and
89 state grant resources. Local governments
90 managing sanitary sewer overflows (SSOs)
91 also require financial assistance.

1 VML supports dedicated and adequate state
2 appropriations to the Water Quality
3 Improvement Fund to make full and timely
4 payments under point source upgrade
5 contracts with local governments.
6 Additionally, VML requests the General
7 Assembly to address costs associated with
8 the permit requirements of Municipal
9 Separate Storm Sewer Systems (MS4) and
10 new EPA regulations.

11 **Primacy**

12 The state should work to maintain the State
13 Health Department's primacy role in
14 implementing the federal Safe Drinking
15 Water Act.

16 **Conservation**

17 Overuse and indiscriminate use of water,
18 coupled with recurring drought conditions,
19 require state and local leaders to promote
20 water conservation to help to avoid future
21 water supply problems. Local or regional
22 comprehensive water conservation plans
23 should urge conservation through
24 construction building material choices,
25 native and drought tolerant landscaping,
26 appliances (such as dual flush toilets), rate
27 structure, education and water allocation.

28 **Conservation Easements**

29 Water authorities and similar local agencies
30 should have the power to receive
31 conservation easements under the authority
32 of the Conservation Easement Act.

33 The Virginia Outdoors Foundation's
34 operating costs should be fully funded.
35 State incentives (in-lieu of tax credits) need
36 to be created for local governments seeking
37 to place land designated for watershed
38 protection in conservation easements.

39 **Water Supply**

40 VML believes these principles governing
41 the role of the Commonwealth must guide
42 state water supply planning:

43 1. The availability of a safe, adequate and
44 reliable water supply is essential to the
45 public health and the economic vitality of
46 the Commonwealth and its local
47 governments. The state should participate in
48 providing funding mechanisms for local and
49 regional water supplies.

50 2. As a partner with local government in
51 providing water supplies, the state should
52 invest in regional projects to maximize the
53 use of infrastructure and minimize
54 environmental impacts.

55 3. Maintaining and analyzing a sound
56 surface and ground water database is an
57 essential state responsibility.

58 4. The state must take an advocacy role to
59 support local water supply projects that
60 conform to state regulations. This includes
61 taking the lead in negotiating multi-state
62 issues.

63 5. VML supports adequate state
64 environmental staffing in the areas of
65 research and development, including legal
66 research into issues such as inter-basin
67 transfers, which results in stronger technical
68 assistance to municipal government.

69 6. The State should encourage water
70 conservation measures to promote wise use
71 and prevent and minimize waste through
72 incentives and educational programs.

73 7. The Commonwealth should consider use
74 of reclaimed water to meet nonpotable needs
75 as part of its water resources to reduce the
76 demand on high quality potable water
77 supplies where practicable and
78 environmentally beneficial. State officials
79 should assist local governments and
80 communities in promoting wastewater
81 reclamation and reuse.

1 8. Managing water resources should include
2 protecting water sources by such techniques
3 as open space conservation easements held
4 by state and local land trusts.

5
6 9. Water is essential to a healthy ecosystem.
7 Stream flows to support beneficial in-stream
8 uses should be protected in the process of
9 providing sufficient water to meet public
10 drinking water requirements.

11
12 Local governments must continue to
13 participate in the discussion of any water
14 resource proposals, including the current
15 statewide water supply planning process.

16
17 Water supplies are important to local
18 governments for many reasons and
19 constitute a common resource that should be
20 managed as such.

21
22 **Representation on the State Water**
23 **Control Board**

24 VML supports legislation requiring the
25 Governor to appoint at least one member of
26 the State Water Control Board from each of
27 the Department of Environmental Quality's
28 six geographic regions. The requirement
29 would ensure balance on the statewide
30 board, which is both the permitting and
31 enforcement authority for all Virginia water
32 quality and water-supply programs.

33
34 **ENVIRONMENTAL EMERGENCIES**

35 The state should assist with paying for flood
36 protection where localities take precautions,
37 through land use controls, to limit the cost of
38 flood damage restoration.

39 Localities need increased funding for dam
40 safety updates.

41
42 In the event of an environmental emergency,
43 or an act of God, local government officials
44 need maximum discretion to determine
45 measures to be taken beyond those dictated
46 by the state and federal government, as well
47 as ready access to information and training.

48
49 **SOLID WASTE MANAGEMENT**
50 VML supports the continuation of certifying
51 compliance with local ordinances for waste
52 management facility proposals.

53
54 VML endorses developing local waste-to-
55 energy and co-generation facilities as
56 practical alternatives to landfill facilities.
57 To achieve these goals, VML asks the
58 federal and state agencies, as well as the
59 Virginia General Assembly, to fund research
60 into new technologies and processes leading
61 to the development of alternative solid waste
62 management practices.

63
64 VML supports efforts to ensure that Waste
65 to Energy (WTE) is consistently defined as a
66 renewable energy source in any renewable
67 energy standards relating to the
68 Commonwealth. Currently the Code of
69 Virginia defines "renewable energy" as
70 including energy derived from waste.

71
72 VML supports increased recycling and state
73 efforts to share best recycling practices, to
74 provide seed money for innovative local
75 recycling approaches, and to provide special
76 assistance to smaller communities for
77 recycling by establishing recycling centers.

78
79 **HAZARDOUS WASTE**

80 Advanced technology, waste minimization,
81 and waste exchange should be used, to the
82 extent possible, to eliminate or reduce
83 hazardous waste.

84
85 VML recognizes the need for hazardous
86 waste treatment and disposal facilities to
87 provide adequate capacity for wastes
88 generated within state borders. VML
89 encourages the Commonwealth to establish,
90 and if necessary, to operate, hazardous waste
91 facilities appropriate for improving the
92 treatment, storage, or disposal of hazardous
93 waste generated within Virginia.

1 Adequate state and federal funding should
2 be provided for cleaning up abandoned and
3 hazardous waste sites. Expedient clean-up
4 of sites is essential.

5
6 The Commonwealth should address the
7 collection of household hazardous waste by
8 collecting it or providing liability coverage
9 for local collection programs. Consumer
10 education and discouraging reliance on
11 household chemicals should be encouraged.
12 The state needs to address pharmaceuticals
13 and associated endocrine disruptors,
14 including collection/disposition, and to
15 encourage pharmacies to accept unused
16 pharmaceuticals. State research institutions
17 should examine and provide policy
18 recommendations on the impact of
19 pharmaceuticals and endocrine disruptors to
20 water quality, agricultural products, and
21 human health.

22

23 AIR QUALITY

24 The Commonwealth of Virginia has an on-
25 going responsibility to continue efforts to
26 achieve emission reductions in accordance
27 with Federal Clean Air Act requirements.
28 VML urges the state to recognize the
29 efficiencies of certain low-cost pollution
30 control technologies, such as Stage 2 vapor
31 control devices, and encourages the
32 application of the requirements in areas
33 beyond designated non-attainment areas for
34 improving air quality and meeting air quality
35 standards by the federal deadlines.

36
37 When affected by regional short-range or
38 long-range pollutant sources, the state
39 should give an opportunity to participate in
40 developing a regional plan to reach
41 attainment of air quality standards, rather
42 than be excluded by arbitrary boundary
43 lines, especially in non-attainment areas.
44 The state should enhance and maintain its
45 acid rain monitoring network.

46

**47 PARKS, OPEN SPACE AND
48 CULTURAL RESOURCES**

49 VML supports the renewal of federal
50 funding for parks, historical structure
51 preservation and recreational opportunities.
52 The federal Land and Water Conservation
53 Fund (LWCF) program provides matching
54 grants to States and local governments for
55 the acquisition and development of public
56 outdoor recreation areas and facilities. VML
57 encourages state officials to work with local
58 officials in combining matching dollars for
59 LWCF grants for local and regional
60 facilities. VML also supports additional state
61 funding for local land preservation through
62 Virginia Land Conservation Foundation
63 (VLCF) grants and matching grants to
64 localities for qualifying purchase of
65 development rights (PDR) programs

66

67 NOISE CONTROL

68 State and federal governments must assume
69 the regulatory and financial responsibility of
70 attaining satisfactory noise levels adjacent to
71 major highways and airports.

72

73 ENERGY USE & CLIMATE CHANGE

74 The state should maintain an overall state
75 energy plan that includes provisions for
76 energy emergencies. Regulations and
77 emergency orders should include
78 alternatives that consider the economic
79 impact on political subdivisions that border
80 neighboring states.

81

82 A balanced use of all energy sources should
83 be emphasized. The state should amend its
84 regulations and requirements, such as the
85 Statewide Building Code, to remove barriers
86 to experimenting with alternative forms of
87 energy usage in buildings.

88

89 Both long- and short-range energy usage
90 should be designed to maximize
91 conservation of energy resources.

92

1 Conservation should be the highest priority
2 in formulating state and local energy
3 policies and plans.
4 Virginia should require energy conservation
5 measures for all utilities operating in the
6 state. These measures will help the state to
7 reduce energy costs to consumers and
8 increase the available supply of energy
9 without further degradation of the
10 environment.

11 VML supports the creation of an
12 independent office of the consumer advocate
13 within the state government to actively
14 participate in transmission line issues.

15
16 VML supports state assistance to help local
17 governments, businesses and residents
18 obtain energy audits. VML also supports
19 state tax incentives for (1) energy efficiency;
20 and (2) homeowners using renewable
21 energy, including solar, geothermal, wind
22 and others.

23
24 VML encourages the Commonwealth to
25 develop building code standards that
26 enhance environmental sustainability and
27 energy efficiency and to enact policies that
28 enable local governments to promote
29 environmental sustainability and energy
30 efficiency in construction.

31
32 VML recognizes that the impacts of global
33 climate change, as it relates to relative sea-
34 level rise, habitat destruction and alteration,
35 temperature increase, and variations in
36 seasonal rainfall patterns, has the potential
37 to negatively impact our communities. State
38 officials should provide tools to localities to
39 take inventory of greenhouse emissions
40 output and assist with greenhouse gas
41 emission reduction plans.

42
43 **CHESAPEAKE BAY**
44 The Chesapeake Bay provides vital
45 economic and recreational benefits to all
46 Virginians. The Commonwealth and federal
47 government must assume responsibility for

48 leading the clean up of the Bay and work
49 with its local governments -- in addition to
50 the neighboring states -- to develop
51 interstate as well as intrastate strategies
52 designed to "Save the Bay." The
53 Chesapeake Bay is a national treasure, and
54 the state must work with the federal
55 government to ensure adequate financial
56 resources are available to implement the
57 plan for complying with federal Clean Water
58 Act. At the federal level VML supports the
59 Chesapeake Bay Accountability & Recovery
60 Act of 2013 which seeks to achieve greater
61 cost-effectiveness in meeting pollution
62 reduction targets. This will help localities
63 address the expensive costs associated with
64 the Chesapeake Bay cleanup.

65
66 Living resources such as oysters, crabs and
67 underwater grasses are critical to water
68 quality. Oysters in particular have the
69 capacity to filter sediments and reduce
70 pollutants. While reductions from sewage
71 treatment plants and urban runoff are
72 important to restoring the bay it will become
73 increasingly expensive to reduce a smaller
74 amount of pollutants from these sources
75 resulting in a diminishing return for
76 investment. Increasing those living
77 resources that improve water quality should
78 be considered as an alternative to expensive
79 retrofits of urban areas.

80
81 The Commonwealth must continue to share
82 in the funding of local government water
83 quality improvement projects in Virginia at
84 appropriate levels designed to clean up the
85 Bay. The Commonwealth would defeat the
86 spirit of community partnership if it required
87 local governments to undertake unfunded
88 mandates designed to remove the
89 Chesapeake Bay from the EPA's impaired
90 waters list.

91
92 **HIGHWAY BEAUTIFICATION**
93 VML is discouraged that modification to the
94 Federal Highway Beautification Act has

1 undermined local authority and continues to
2 allow tree-cutting simply for billboard
3 visibility. The General Assembly should
4 enact legislation that restores local
5 government authority to remove billboards
6 along federal highways through
7 amortization; supports local governments'
8 ability to require non-conforming signs
9 along federal highways to comply with size
10 and height requirements without cash
11 payments; allows local governments to
12 require the removal of billboards in
13 inappropriate locations, especially in rurally-
14 designated scenic, historic, and residential
15 areas; and provides local governments with
16 the authority by local ordinance to prohibit
17 the construction or to determine the
18 placement of any new billboards.
19 VML encourages the local identification of
20 roads with special natural, historical, scenic,
21 or cultural values and encourages local
22 enhancement and protection of these scenic
23 byways.

24
25 **TRANSPORTATION AND LOCAL**
26 **LAND USE PLANNING**

27 VML supports the re-initiation of the state's
28 former environmental review procedure for
29 state highway projects. VML recognizes the
30 potential benefits of such a procedure
31 including the benefits to transportation
32 planning and resource management.
33 However, any such procedure and/or review
34 is incomplete if it does not evaluate the
35 proposed impacts against the state-required
36 local comprehensive plans. VML believes
37 that the environmental review process for
38 public roads should incorporate the local
39 comprehensive plan and involve and take
40 into the account the views of local officials.
41 In all permitting, the DEQ should defer to
42 local zoning decisions prior to the issuance
43 of any permits. Moreover, in exercising its
44 permitting authority, DEQ should recognize
45 the possible cumulative impacts of its
46 permitting activities.
47

48 **HAZARDOUS LIQUID PIPELINES**
49 The Commonwealth and local governments
50 should adopt appropriate restrictions on
51 development near liquid pipelines and
52 require liquid pipeline operators to take
53 safeguards to reduce the risk of oil spills,
54 particularly in environmentally sensitive
55 areas.

56
57 **BIOSOLIDS**

58 VML supports and encourages the beneficial
59 recycle/reuse of biosolids on farms and as a
60 crop nutrient and soil amendment in
61 accordance with federal and state handling
62 and disposal regulations, and supports local
63 authority to monitor and reasonably regulate
64 biosolids. VML supports full compliance
65 with all applicable federal, state and local
66 requirements regarding production at the
67 wastewater treatment facility, and
68 management, transportation, storage and use
69 of biosolids away from the facility. This
70 includes good housekeeping practices for
71 biosolids production, processing, transport
72 and storage, and during final use or disposal
73 operations.

74
75 **GREEN BUILDING**

76 VML supports the construction of buildings
77 that are energy efficient, maximize natural
78 light, minimize stormwater runoff, use
79 recycled materials, and use other
80 environmentally responsible practices.
81 Local governments, state agencies and
82 developers can obtain guidance from the
83 U.S. Green Building Council and the LEED
84 (Leadership in Energy and Environmental
85 Design) Green Building Rating System.
86
87 VML applauds the efforts of the Virginia
88 Department of Conservation and Recreation,
89 the Virginia Department of Housing and
90 Community Development, the Department
91 of Environmental Quality and others to
92 implement green building design and
93 construction, and encourages greater use of
94 these environmentally sound and energy

1 efficient techniques. Ideally, all public
2 buildings should be LEED, or the
3 equivalent, certified.

47 regulate this type of mining activity through
48 its land use ordinances.
49

5 **URANIUM MINING**

6 Uranium mining, milling and waste disposal
7 of generated wastes poses health and
8 environmental problems for Virginians.
9 Prior to uranium mining activities being
10 permitted in Virginia, VML supports
11 studies, including those currently underway,
12 that would evaluate the impacts of radiation
13 and other pollutants from mill tailings on (1)
14 downstream water supplies; and (2) the
15 health and safety of uranium miners.

16
17 VML supports the current moratorium on
18 the mining and milling of uranium in the
19 Commonwealth of Virginia until studies
20 demonstrate that it is safe for the
21 environment and health of citizens. Any
22 studies or efforts to develop a regulatory
23 framework should address the concerns,
24 warnings, and conclusions contained in the
25 National Academies of Sciences report to
26 the Commonwealth entitled “Uranium
27 Mining in Virginia” and dated December
28 2011. Furthermore, the state should take no
29 action to preempt, eliminate, or preclude
30 local government jurisdiction with respect to
31 whether uranium mining would be allowed
32 in the respective jurisdiction.

33 34 **HYDRAULIC FRACTURING**

35 Advances in technology for the extraction of
36 natural gas known as “hydraulic fracturing”
37 has the potential to tap a vast reserves in
38 what is are known as the Marcellus shale
39 and Taylorsville Basin deposits. Concerns
40 about how the process of hydraulic
41 fracturing could impact both public and
42 private groundwater supplies have been
43 raised both regionally and nationally. VML
44 supports a state regulatory program that
45 addresses these concerns while protecting
46 the authority of local governments to

2014 DRAFT FINANCE POLICY STATEMENT

1 **Goals and Principles**

2 The state and local tax structures must be
3 able to sustain core government
4 responsibilities, providing resources for
5 mandated and high-priority services in the
6 most efficient and effective ways possible.

7
8 To that end, these principles are essential:

- 9 • Local revenue sources should be
10 balanced and diversified over three
11 broad bases – assets (property),
12 consumption (sales), and income;
- 13 • The local tax system should be logical
14 and professionally administered.
15 Taxpayers should be treated fairly, and
16 compliance costs should be
17 minimized;
- 18 • The burden of taxation, as well as the
19 benefits of services, should be shared
20 and enjoyed by all whether they are
21 residents or local businesses.
- 22 • Tax policy should recognize the
23 different economic, demographic, and
24 service demands among localities, and
25 should foster local control to develop
26 tax policies best suited for their
27 communities;
- 28 • Tax policy should recognize and be
29 responsive to the competitive nature of
30 the free market, should refrain from
31 enacting policies that are too generous
32 for one group, and should not place
33 undue burdens on particular groups,
34 including business and industry;
- 35 • State-imposed changes on local tax
36 structures should be simple to
37 administer and, at a minimum, be
38 revenue neutral; and
- 39 • State-mandated tax relief programs
40 should not use local revenues. State-
41 adopted tax relief programs should rely
42 only on state revenues.

43

- 44 • Local government representatives
45 should be included on any “blue
46 ribbon” commission or other body
47 established by the state that has as its
48 purpose changes to local revenue
49 authority or governance.

51 **Fiscal Challenges Confronting Local** 52 **Governments**

- 53 • The existing local tax structure is
54 overly dependent upon general
55 property taxes, specifically real estate
56 taxes.
- 57 • Unfunded and inadequately funded
58 state mandates and commitments strain
59 local government budgets and place
60 additional pressures on the real estate
61 tax. State-initiated services and
62 programs should be supported by state
63 funds, not rely on local funds to
64 supplant state dollars.
- 65 • Public demands for public services
66 continue to increase. These services
67 include education, mental health, other
68 human services programs, juvenile
69 programs, environmental initiatives,
70 economic development, recreation, and
71 public safety. These services have
72 both operating and capital costs.
- 73 • Local revenue collections and service
74 demands are also influenced by
75 variables outside the control of
76 councils and boards of supervisors.
77 These include changes in federal tax,
78 budget, and fiscal policies; long-term
79 economic trends; the aging of our
80 citizens; and global events.

82 **Strengthening the Local Tax Base**

83 Depending on the particulars of any given
84 proposal, possible options to broaden local
85 tax bases include reserving a portion of the
86 state income tax for locally-delivered

1 programs, authorizing a local option income
2 tax for both general and special purposes,
3 increasing the local option sales tax rate,
4 reducing the number of sales tax
5 exemptions, expanding the sales tax base,
6 and reducing the number of exemptions
7 from the business license tax.
8 The state can also take actions to prevent the
9 further erosion of local revenues **by not**
10 restricting local tax authority, imposing new
11 spending requirements or expanding existing
12 ones on services delivered by local
13 governments, shifting state funding
14 responsibilities onto local governments,
15 expanding retirement benefits, and placing
16 administrative burdens on local governments
17 for state or joint programs.

19 **Specific Tax Issues**

20 VML opposes the repeal or restriction of
21 BPOL, machinery and tools, or excise taxes
22 unless, at a minimum, suitable revenue-
23 neutral replacement sources are provided.

24
25 The state and federal government should
26 make payments-in-lieu-of-taxes for tax-
27 exempt properties in amounts equal to the
28 cost of the local services provided.

29
30 Counties should be granted taxing powers
31 equal to those granted cities and towns,
32 without decreasing, limiting or changing
33 town taxing authority. County excise taxes
34 must not be levied on town residents without
35 the explicit approval by a town's governing
36 body.

37
38 VML supports the constitutional
39 requirement for fair market valuation of
40 property. State-imposed changes to the real
41 estate tax must be "local option."

42
43 VML supports current state statutory
44 requirements governing the setting of real
45 estate tax rates and the integration of this
46 process with the budget development

47 process. Changes to these processes cannot
48 be addressed separately without placing
49 undue hardship and increased costs on local
50 taxpayers. Any future state legislative
51 change should be simple to administer and
52 not contradict, impede or hinder the others.
53 The communication sales and use tax is a
54 local tax and should be treated as such.

55
56 VML supports state legislation to make clear
57 that transient occupancy taxes and sales
58 taxes are applied on the cost of the room
59 paid by the consumer, regardless of the
60 means (such as on-line travel companies)
61 used to reserve a room.

63 **Specific Budget Issues**

64 VML urges full state financial support of the
65 '599' program in accordance with the
66 provisions set out in state law. This
67 program is important to local police
68 departments throughout the Commonwealth.

69
70 The state must be a reliable funding partner
71 in accordance with the Virginia Constitution
72 and state statutes. The Standards of Quality
73 should recognize the resources, including
74 positions, required for a high-quality public
75 education system. The SOQ should reflect
76 prevailing practices across the state, and the
77 actual costs to educate Virginia's children.
78 This includes the cost to educate at-risk
79 students, students in jeopardy of failing the
80 state's Standards of Learning tests, students
81 with special needs, and school
82 construction/renovation/maintenance.

83
84 The state should fully recognize and fund
85 the costs of re-benchmarking of the various
86 educational programs, including the
87 Standards of Quality, incentive, categorical,
88 and school facilities programs as well as
89 support services. Changing the process of
90 re-benchmarking to artificially lower
91 recognized costs like inflation does not
92 change what it actually costs to provide

1 education. Instead, it simply transfers
2 additional costs to local governments and
3 the real estate tax base.
4
5 The state should provide sufficient funding
6 for highway construction and maintenance,
7 public transportation infrastructure and
8 maintenance, ports, airports, and freight and
9 passenger rail to promote economic
10 development and public safety.
11
12 ~~The state should refrain from the practice of~~
13 ~~under funding retirement rates. VML~~
14 ~~supports continued study of the~~
15 ~~sustainability and desirability of the defined~~
16 ~~benefit retirement plan.~~
17
18 The state should base its funding of
19 retirement plans based on the contribution
20 rates certified by the Virginia Retirement
21 System.
22
23 VML supports transparency in budgeting at
24 both the state and local level. To that effect,
25 the state should not disguise its budget
26 reductions by using unidentified or non-
27 specific reductions for aid to localities. ~~The~~
28 ~~current practice of including unspecified,~~
29 ~~across the board cuts in state aid to localities~~
30 ~~forces local governing bodies to assume the~~
31 ~~General Assembly's responsibility for~~
32 ~~cutting the state budget.~~
33
34 As a matter of fiscal reform, the state should
35 develop financial priorities that take into
36 account both spending and revenue actions.
37 The debate on such priorities should be
38 public, and should be transparent to the
39 public in the Governor's Budget Bill and the
40 General Assembly's Appropriation Act. For
41 example, should education funding be
42 afforded less priority than certain tax
43 preferences?

44 **GASB**

46

47 For the first time, GASB creates standards
48 regarding the reporting of unfunded
49 liabilities of cost-sharing plans. A cost-
50 sharing plan is one in which participating
51 government employers pool their assets and
52 their obligations for a defined benefit
53 pension, such as Virginia's teacher
54 retirement plan.

55
56 GASB requires that the unfunded liability be
57 apportioned among the participating
58 employers that pay the retirement
59 contributions to the pension plan. Teachers
60 are employees of the school boards, which
61 send retirement contributions to VRS.
62 Because of this the unfunded liability falls
63 solely on the school boards, even though the
64 retirement contributions are funded by the
65 state and the school board. This means that
66 the liability will be shown on the city,
67 county or town financial statement.

68
69 Because there was not a process for
70 apportioning the liabilities for these cost
71 sharing plans, they previously had not been
72 reported at the local level.

73
74 The unfunded liability should be shared by
75 the state and localities.

76
77 VML supports legislation that would
78 provide for the Virginia Department of
79 Education to pay its share of retirement
80 costs directly to the Virginia Retirement
81 System in order to facilitate the sharing of
82 these liabilities.

83 84 **Government Reform**

85 VML supports a comprehensive review of
86 the services provided by state and local
87 governments. The purpose of the review is
88 to ascertain which services are truly
89 essential to support a productive economy
90 and healthy society; determine the
91 performance level of public services now in
92

1 place; evaluate the policies and practices
2 used by the state to assign responsibility and
3 accountability between the state and local
4 governments for providing public services;
5 and determine the most effective, efficient
11

6 and equitable ways to fund essential public
7 services. Such a review must start with a
8 dialog including state and local officials,
9 business interests, academia, and other
10 interested parties.
12
13

2014 GENERAL LAWS POLICY STATEMENT

The basic purpose of local government is to provide essential services and protection for the community that citizens cannot provide for themselves. Local governments should decide which services and programs are of primary importance to the community. Virginia has hamstrung its cities, counties and towns with 19th-century legislation. The financial ability of municipalities to survive is threatened.

I. EFFECTIVE GOVERNMENT

GOVERNMENT STRUCTURE

The General Assembly should allow significant diversity among municipal charters and not impose uniformity.

The General Assembly should promote the sharing of the economic, social, cultural, fiscal and educational benefits and burdens of urbanization among all local governments involved.

The addition of sub-state and special district governments should be controlled. New districts should not be created unless services cannot be furnished by local governments. In addition, no sub-state districts, including planning district commissions, should be granted real or quasi-legislative authority to undertake other functions except when expressly directed by their member jurisdictions, including those towns not directly represented in the entity.

VML urges a careful review of the statutes concerning consolidation of local governments to ensure (a) that citizen-initiated petitions are signed by a reasonable number of affected citizens who reside in the jurisdiction, and (b) adequate periods of time elapse between consolidation or annexation actions. The Virginia Municipal League supports the General Assembly's provision of financial incentives to promote consolidation of local government services and cooperative agreements among local governments.

INTERGOVERNMENTAL ISSUES

Local governments have a vital role in the Commonwealth. They must have sufficient powers and flexibility to meet this role. The General Assembly should adopt legislation to promote and expand, to the extent necessary, municipal powers, to (a) enhance the ability of local governments to provide services required by their citizens, and (b) allow local governments to meet their responsibilities in state/local partnerships. VML opposes intrusions into the way local governments conduct their business, including burdensome regulations relating to:

1. meetings of governing bodies;
2. purchasing procedures;
3. matters that can be enacted by resolution or ordinance;
4. procedures for adopting ordinances; and
5. procedures for filling vacancies on local governing bodies.

State intervention in local affairs is only warranted in significant matters where regional or statewide issues that are of great importance exist. No changes should be made in the laws affecting local government without substantial local input from affected jurisdictions and participation in developing those changes.

VML opposes legislation that:

- bars courts from awarding attorney's fees to local governments when a frivolous suit is filed;

- 1 • eliminates the notice of claim
2 requirement found in the *Code of*
3 *Virginia*, § 15.2-209. (*Updated*
4 *reference.*)

5
6 Membership on all state and regional
7 commissions or committees dealing with
8 matters affecting local governments must
9 include local officials who represent a
10 demographic and geographic cross-section
11 of counties, cities, and towns.

12
13 VML supports legislation to transfer
14 responsibility from local governments to the
15 state government for the liability,
16 administration and cost of community
17 service options for persons upon whom
18 court costs and fines are levied.

20 TOWNS

21 The General Assembly and the executive
22 branch should recognize towns as essential
23 units of local government, with important
24 roles in providing services to citizens living
25 in a concentrated environment. As such,
26 towns with their centrality and economic
27 efficiency represent the future of the
28 urbanizing areas of the Commonwealth.
29 Towns should have clear and full authority
30 to be formed and to act in a timely manner
31 on matters which protect public health,
32 safety, and welfare.

33
34 The General Assembly should respect and
35 support the sovereignty, utility, and urban
36 powers of towns. No legislation should be
37 enacted that allows counties to usurp or
38 diminish the authorities of towns. Excise
39 taxes that counties are authorized to levy
40 generally must not apply within towns
41 without the explicit approval by the town's
42 governing body.

43
44 The General Assembly should scrutinize
45 bills dealing with laws of general
46 applications to local governments, to avoid
47 enacting any laws that would be sources of

48 possible conflicts between counties and
49 towns. The following list provides
50 examples of conflicts between towns and
51 counties exacerbated by legislative action:

- 52
53 a. taxation of town residents by county
54 governments at the same rate as that
55 applied to those living in the county's
56 unincorporated areas, when comparable
57 benefits and services are not provided;
58 b. county imposition of a merchants'
59 capital tax on businesses located within
60 the town at the same rate as that applied
61 to businesses located in unincorporated
62 areas of the county, when the town
63 levies a business, professional and
64 occupational license tax;
65 c. unequal town zoning and planning
66 authority for land straddling or abutting
67 town corporate boundaries and
68 unincorporated county areas;
69 d. funding of county sheriffs' and deputy
70 sheriffs' salaries by the State
71 Compensation Board and other state-
72 funded amenities not provided to town
73 police departments; and
74 e. unequal statutory authority of towns in
75 relationship to that of cities and counties.
76 f. allowing county excise tax within a town
77 without approval of the town
78 government.

79
80 The General Assembly should recognize the
81 unintended consequences of inadvertently
82 omitting towns or cities or counties from
83 legislation.

84
85 Towns should retain the right to annex lands
86 and otherwise expand their boundaries.
87 Towns over 5,000 population should have
88 the right to become an independent city; and
89 cities should have the right to revert to town
90 status.

92 STATE AND FEDERAL MANDATES

93 The state and federal governments must
94 provide adequate funding for any local

NT

1 programs or responsibilities that are
 2 mandated or expanded by state and federal
 3 laws or regulations.
 4
 5 The federal and state governments should
 6 not use project funding as a means of
 7 forcing local land use decisions in
 8 contravention to local land use plans. These
 9 actions violate the principles of local
 10 authority and weaken the local tax base.
 11
 12 Federal and state mandates must be reduced
 13 when funding is reduced, so that localities
 14 are not required to spend additional local
 15 dollars to comply with the mandates.
 16 Further, funds should be distributed in the
 17 most efficient way possible with the least
 18 regulatory control.
 19
 20 The Governor and General Assembly should
 21 promote state-local partnerships by
 22 requiring:
 23 1. A review of mandates in specific
 24 program areas to (a) establish the full
 25 cost to local governments of
 26 implementing mandates and (b) develop
 27 an appropriate basis for determining
 28 state-local funding responsibilities.
 29 2. Completion of cost estimates for
 30 proposed legislation prior to its first full
 31 review by a legislative committee, with
 32 legislation negatively affecting local
 33 governments' revenue-raising ability
 34 being submitted to the COLG for a fiscal
 35 impact analysis.
 36 3. A performance-based approach to
 37 mandates that (a) focuses on outcomes,
 38 (b) offers incentives for achieving state
 39 objectives, and (c) gives local
 40 governments autonomy to determine the
 41 best way to achieve the desired result.
 42 4. Simplified state reporting requirements
 43 associated with mandates eliminating
 44 nonessential information and
 45 duplication, coordinating state deadlines
 46 for information submittal, and making
 47 better use of reporting technology.

48 The alarming tendency of state and federal
 49 agencies to treat guidelines authorized by
 50 enabling legislation as having the stature of
 51 law itself must cease. In addition, the state
 52 should avoid unessential and arbitrary
 53 implementation of federal regulations.

54 55 **STATE AND LOCAL** 56 **RESPONSIBILITIES**

57 The state requires local governments to
 58 provide certain services, such as education,
 59 corrections, social services, health and
 60 community mental health. The local
 61 government does not have the option of not
 62 being the state's service provider in these
 63 areas. "State aid" to localities is the state's
 64 payment for the implicit contractual
 65 arrangement for this assignment of duties.
 66 In addition, local governments have to
 67 contribute local funding to these services.

68
 69 In addition to the state-mandated services,
 70 localities provide other services that are
 71 either necessary (water and sewer, police
 72 and fire protection, etc.) or desired by local
 73 residents (parks and recreation, cultural
 74 activities, etc.). Local governments need the
 75 flexibility and resources to collect revenues
 76 to meet these local responsibilities.

77
 78 Two fundamental problems in Virginia's
 79 intergovernmental structure are first, the
 80 state does not fund adequately existing
 81 services, particularly education, that it
 82 requires local governments to provide; and
 83 second, local officials have very limited
 84 revenue options, which forces them to rely
 85 heavily on real estate, personal property
 86 taxes and other local revenue sources to pay
 87 for services.

88
 89 Further, to improve the relationship of the
 90 state and local governments, the state
 91 should

92 1. Not restrict the taxing authority and
 93 revenue sources of local governments
 94 without local concurrence.

- 1 2. Strengthen the partnership of the state
2 with local governments by granting local
3 governments full authority to deal
4 effectively with social problems.
- 5 3. Participate as a financial partner with
6 local governments in the costs of
7 education, including school construction
8 and renovation, and, as an active partner,
9 fully fund the state's fair share of the
10 costs of education.
- 11 4. Follow specific procurement procedures
12 before purchasing property, including
13 adequate inquiry into the purchase,
14 public hearings and notice, and notice of
15 intent to settle sent to the locality. In
16 addition, the state should consider
17 remuneration to the locality for the loss
18 of real estate taxes as well as any loss in
19 economic development potential.

20
21 The General Assembly should continue its
22 involvement with and financial support of
23 the Virginia Institute of Government.

24
25 **FREEDOM OF INFORMATION**

26 VML strongly supports the free flow of
27 information to citizens and the media
28 through the conduct of governmental affairs
29 at all levels in the open, in good faith
30 compliance with the Freedom of
31 Information Act. VML also supports efforts
32 to educate local government officials about
33 the Act, and the importance of extensive and
34 accurate reporting of government affairs.

35
36 Citizens have the right to have personal
37 information protected. Government also has
38 to be able to control its work processes so
39 that public business can be conducted. It is
40 in the public's interest to conduct some
41 matters outside public view prior to official
42 action. Accordingly, VML strongly opposes
43 extending limitations on closed meetings
44 and exempt records, which would upset the
45 Act's careful balance among a fully
46 informed public, the protection of
47 individuals' privacy, the ability of

48 government to conduct its work and those
49 matters for which the premature release
50 would not be in the best interest of the
51 locality or its citizens.

52
53 In addition, localities should be able to
54 continue charging reasonable fees for any
55 and all records, including for research time
56 and for computer records that must be
57 provided under the Act to avoid shifting the
58 cost of copying from the requestor to the
59 general taxpayers. The Act should continue
60 to limit rights to documents to citizens of the
61 Commonwealth and news organizations that
62 publish here. *(Added to enforce the idea
63 that FOIA should be limited to Virginia
64 citizens.)*

65
66 VML opposes legislation to limit the use of
67 any legitimate means of communications
68 from one elected official to others, including
69 letters, emails and conversation.

70
71 **GOVERNMENTAL & MUNICIPAL
72 OFFICIAL LIABILITY**

73
74 VML calls upon Virginia's congressional
75 delegation to support legislation to restore
76 suits brought under 42 U.S.C. Section 1983
77 to traditional civil rights actions, and to
78 preclude the award of damages if the court
79 finds that the government or its officials
80 were acting in good faith.

81
82 Expanding liability and eroding immunities
83 at the state level across the nation have had a
84 chilling effect on the actions of local
85 government officials contributing to local
86 government insurance problems, creating
87 immense financial risks (particularly for
88 legal costs), and posing a substantial
89 obstacle to the provision of needed public
90 services.

91
92 The Virginia General Assembly should
93 strengthen and must maintain the principles

NT

1 of sovereign immunity for local
2 governments and their officials.
3
4 VML strongly opposes bringing local
5 governments under the Virginia Tort Claims
6 Act. This action would seriously erode the
7 sovereign immunity now enjoyed by
8 Virginia local governments and lead to a
9 substantial increase in frivolous suits.

10
11 The tort reparations system in the U.S.
12 creates many difficulties in the
13 administration of justice. VML supports
14 efforts at the national and state levels to
15 address tort reform, such as limitations on
16 the tort liability of local governments in
17 areas where local governments do not enjoy
18 sovereign immunity.

19
20 The General Assembly should adopt
21 legislation to codify the proposition that real
22 property of local governments shall be
23 exempt from liens created by statute or
24 otherwise. This proposition has already
25 been recognized by the Virginia Supreme
26 Court for mechanics liens.

27 28 **PERSONNEL**

29 Management has the responsibility to ensure
30 that employment, training, and promotional
31 opportunities are provided without regard to
32 race, creed, sex, national origin, age, or any
33 other factors not related to job performance.

34
35 VML supports:

- 36 • an equitable heart/lung/cancer
37 presumption statute as was the intent of
38 the original legislation. Compensability
39 should be determined by establishing
40 whether work or non work related risk
41 factors are more likely the primary cause
42 of the claimant's condition. Additional
43 employee classes and/or medical
44 conditions should be added only when
45 supported by credible medical evidence.

- 46 • the current injury by accident definition
47 in the Virginia Workers' Compensation
48 Act.
- 49 • the current Workers' Compensation Act
50 provisions for use of an employer
51 selected panel of physicians to treat
52 injured workers.
- 53 • maintenance of the exclusive remedy
54 provisions of the Virginia Workers'
55 Compensation Act.
- 56 • local governments' authority to establish
57 hours of work, salaries and working
58 conditions for local employees.

59
60 VML opposes:

- 61 • any attempt to impose collective
62 bargaining or 'meet and confer'
63 requirements for public employers or
64 employees.
- 65 • any attempt by the federal government to
66 stipulate grievance procedures for state
67 and local employees, such as the police
68 officers bill of rights.

69 70 **TELECOMMUNICATIONS, LOCAL 71 GOVERNMENT PRINCIPLES**

72 VML sets forth the following principles to
73 guide any federal or state legislative action
74 regarding telecommunications issues.

75 76 a. Public Rights-of-Way.

77 Local rights-of-way are public property.
78 The rights-of-way contain numerous utility
79 and other facilities. Proper management and
80 maintenance of rights-of-way are essential
81 to ensure public safety, to protect the
82 integrity of the property, to guarantee the
83 safety of workers and to maintain the
84 efficiency of local streets, utility systems
85 and transportation facilities and networks.
86 Private use of public rights-of-way
87 significantly increases management and
88 maintenance costs.

89 b. Franchise authority.

90 Neither the federal government nor the state
91 should enact any laws to shift the award of
92 franchises to use the public rights of way

1 from the local governing body to any state
2 or federal agency.

3
4 Individuals and businesses in the community
5 help to buy and maintain rights-of-way
6 through their taxes. Rights-of-way should
7 not be used for private purposes without
8 approval by and compensation to the local
9 government for the right to use the space,
10 and local governments must have authority
11 to control the rights-of-way.

12
13 c. Equitable Taxation.

14 Telecommunications providers are valued
15 members of our corporate community. All
16 members of the corporate community must
17 pay taxes on an equitable basis, as
18 appropriately determined by the local
19 government. No legislation should restrict
20 the ability of local governments to impose
21 equitable taxes on telecommunications
22 providers.

23 d. Universal Service and Consumer
24 Access. Important educational and
25 community services are provided via
26 telecommunications. Telecommunications
27 providers must be responsive to citizen
28 needs and concerns and provide appropriate
29 customer services to all segments of our
30 community so that disparities due to income
31 or geographic location affecting citizen
32 access to new technology are minimized.

33 e. Competition. Local governments are
34 interested in healthy competition in the field
35 of telecommunications. To ensure a
36 competitively neutral and non-
37 discriminatory market, all service providers
38 must pay fair compensation for the use of
39 public property. Governments should not be
40 forced to subsidize some participants in this
41 fee-market competition through lower-than-
42 fair-market charges or any other means.

43 f. Local Government as Customers.
44 Local governments are important consumers
45 of telecommunications services. In many
46 communities, the local government is the
47 single largest customers of

48 telecommunications services through its
49 government offices, education facilities and
50 emergency communications. As valuable
51 customers, local governments should be
52 treated equitably.

53 54 **TECHNOLOGY**

55 State law should allow all counties, cities,
56 and towns to make full and appropriate use
57 of modern technology to promote public
58 safety. Localities should have maximum
59 flexibility to contract with the private sector
60 to implement all aspects of such technology.

61
62 State policy must assist local governments to
63 contact and notify their citizens in the most
64 efficient and cost-effective manners possible
65 given the telecommunications infrastructure
66 in the locality. Ads required by the code of
67 Virginia are expensive to run in the
68 newspaper and often are only seen by a
69 small minority of the citizens. In some
70 cases, newspapers that charged reasonable
71 advertising rates closed leaving localities
72 with only expensive newspapers for legal
73 notices. A locality's internet presence,
74 social media, local cable access channels,
75 local radio and TV provide alternative
76 methods to contact the citizens much more
77 broadly and effectively than newspaper ads
78 in many areas of the Commonwealth. In
79 addition, the cost of contacting the citizens
80 through new technology can be much lower
81 than advertising in the newspaper. The state
82 code should be amended to allow local
83 governments electronic and other alternative
84 means of communicating with their citizens
85 when providing required legal notices.

86
87 In addition, small towns should be allowed
88 to use first class mail instead of newspaper
89 advertising to notify the citizens of
90 government actions such as advertising a
91 budget hearing or advertising a land use
92 hearing in order to save the citizens money
93 and to communicate more effectively with
94 the citizens.

NT

1
 2 Pursuant to the 1996 Telecommunication
 3 Act, the cellular phone industry is
 4 developing technology to provide for the
 5 identification of the origin of cellular
 6 emergency calls. Until this technology is
 7 implemented and revenue sources have been
 8 identified to finance it, the state police
 9 should continue to handle the E911 calls
 10 they currently handle.

11 (Moved from public safety section)

12

13 UTILITIES

14 Fundamental policies should be honored by
 15 the state in promoting the delivery of utility
 16 services by local governments and the
 17 authorities they create:

18 a. Each such provider of service must
 19 be free to set its rates without interference
 20 from other local governments or the state.

21 b. Each local government providing
 22 utility services must be able to compete
 23 fairly with any other providers without state
 24 interference.

25 c. Each local government that provides
 26 utility services must be able to manage its
 27 revenues and expenditures related to the
 28 services without state interference.

55

57 II. PUBLIC SAFETY

58 VML supports legislation that preserves law
 59 and order and promotes the safety, quality of
 60 life and administration of justice within our
 61 communities. The Commonwealth should
 62 enhance its efforts to prevent juvenile crime,
 63 minimize violence in the schools, reduce the
 64 formation and operation of gangs by
 65 providing funding for programs that prepare
 66 our youth to be productive, responsible, self-
 67 reliant members of society.

68 The state should continue to provide
 69 leadership and technical assistance to
 70 localities in their efforts to coordinate public
 71 safety activities including emergency
 72 services.

73 VML supports legislation that will clearly
 74 establish the relationships between the

29

30 Virginia's localities and water and sewer
 31 authorities must retain the ability to enforce
 32 liens against landlords' properties for the
 33 unpaid water and sewer bills of their tenants
 34 in order to maintain a dependable income
 35 stream.

36 Municipal electric systems should continue
 37 to have the authority to set their own rates.

38 Any attempt by the State Corporation
 39 Commission to regulate rates for utility
 40 services furnished by local governments
 41 would violate the Virginia Constitution.

42

43 The Virginia Electric Utility Restructuring
 44 Act of 1999, as amended in 2001, requires
 45 that incumbent electric utilities functionally
 46 separate their generation facilities from their
 47 transmission and distribution facilities prior
 48 to implementing retail choice. VML
 49 supports functional separation but is
 50 opposed in principle to an arrangement
 51 whereby a Virginia utility would transfer its
 52 generation facilities to an affiliate
 53 corporation.

54

56

75 Virginia State Police and municipalities to
 76 assure efficient command, control and
 77 communications during local emergencies.

78

79 Additional authority should be granted to
 80 law enforcement agencies to impound the
 81 vehicle owned by a person charged after
 82 having been convicted more than once of
 83 operating the motor vehicle without a
 84 driver's license.

85

86 Greater latitude should be given to localities
 87 in encouraging innovative methods of
 88 combating traffic violations and crime.

89

1 **WEAPONS IN PUBLIC BUILDINGS**

2 VML supports legislation to allow local
3 governments to prohibit or restrict the
4 carrying of weapons in city and town halls,
5 county administration buildings, and any
6 other building where a meeting of a local
7 governing body meets, to the same extent
8 weapons are prohibited in public schools.

9 **COMMUNITY CORRECTIONS**

10 VML requests both increased funding and
11 an equitable distribution formula for
12 services provided under the Comprehensive
13 Community Corrections Act (CCCA) and
14 the Pre-Trial Services Act (PSA). Since the
15 advent of these programs in 1995, caseloads
16 have effectively doubled at the local level,
17 while state resources have remained
18 constant. These resources are allocated to
19 localities on a discretionary grant basis.
20 Given the statewide character of this
21 program, it is now time to allocate these
22 funds through an equitable formula that
23 recognizes regional costs and benefits of
24 these services. The program is cost
25 effective.

27 **COURT FEES**

28 A user of the court system should not force
29 increased costs on the general population.
30 VML supports legislation to increase court
31 fees to pay for courthouse maintenance,
32 renovation and construction and other court-
33 related projects.

35 **DOMESTIC VIOLENCE**

36 Virginia's law defines domestic violence as
37 incidents involving those who are or have
38 been married, those who cohabit or have
39 cohabited within the past 12 months, or
40 couples that have a child in common. As it
41 has been demonstrated that incidents of
42 domestic violence between couples who
43 previously cohabited can occur several years
44 or more after they cease to cohabit, incidents
45 of violence between these individuals should
46 be treated as domestic violence, no matter
47 how much time has passed since the

48 cohabitation ceased. The *Code of Virginia*
49 definition of domestic violence should be
50 changed to reflect this broader scope of
51 cohabitation.

52
53 Currently cases involving statutory-defined
54 domestic violence go to the juvenile and
55 domestic relations district court, while those
56 that do not meet the code definition go to the
57 general district court. Giving the juvenile
58 and domestic relations district court
59 jurisdiction over these cases to the greatest
60 degree practical would allow that court to
61 develop a greater expertise and consistency
62 in dealing with this type of violence. A code
63 change is recommended.

65 **FAMILY COURTS**

66 Any legislation to implement a family court
67 system should include 100 percent state
68 financing of new operating and capital costs
69 of that system.

71 **INTERNAL AFFAIRS**

72 **INVESTIGATIONS**

73 Legislation should be enacted to restrict the
74 use, in civil matters, of information gathered
75 in internal investigations ~~when based on~~
76 ~~compelled disclosure.~~ (*The stricken*
77 *language is too restrictive and should be*
78 *removed.*)

80 **OVERCROWDING/STATE SUPPORT**

81 The state should live up to its commitment
82 to remove state prisoners from local jails.

83
84 The state should fully fund the per diem
85 reimbursement for all state prisoners.

86
87 Jails built by a single large locality should
88 be made eligible for the same state
89 reimbursement rate for construction as a
90 regional jail facility.

NT

1 **TRAINING ACADEMIES**

2 The state should fully fund all mandated
3 criminal justice training provided through
4 certified academies.

5
6 **VIOLENCE**

7 The General Assembly should enable
8 localities to help communities deal with
9 violence issues by:

- 10 a. reducing the accessibility of weapons by
11 criminals through tools such as a ban on
12 assault weapons,
13 b. expanding state and local cooperative
14 efforts in neighborhoods,
15 c. promoting additional prevention and
16 intervention programs to deal with
17 youths who may adopt a violent way of
18 life, and
19 d. granting localities more flexibility to
20 handle problems of abandoned and
21 blighted structures.

22

23 **COURT SECURITY**

24 The General Assembly should adopt
25 legislation making it clear that local judges
26 do not have the authority to order localities
27 to fund more deputy positions for court
28 security than are provided for in the State
29 Code and Appropriations Act.

30

31 **YOUNG DRIVERS**

32 VML urges Virginia's lawmakers and
33 leadership to study a Graduated Drivers
34 License program with intermediate testing
35 and review after 1 year and to study a more
36 extensive and challenging driver's education
37 program to better prepare young drivers.

38

39 **PRIMARY SEAT BELT LAW**

40 VML strongly endorses adoption of a
41 Primary Seat Belt Law in the
42 Commonwealth in an effort to save lives,
43 reduce injuries on our roads, and be eligible
44 to receive \$16.5 million in grant money for
45 law enforcement.

46

47 **NOISE CONTROL**

48 VML supports state and local programs to
49 control unacceptable noise. Local
50 governments should have the authority to
51 determine the appropriate measure for
52 establishing unacceptable levels of nuisance
53 noise and to enact local ordinances to
54 address its curtailment.

55

**2013 2014 DRAFT HUMAN DEVELOPMENT & EDUCATION
POLICY STATEMENT**

1 Federal, state and local governments 47 our communities and the state that
2 share the same citizens and same 48 emphasize:
3 taxpayers. The state and federal 49
4 governments are increasingly shifting 50
5 funding and responsibilities for 51
6 mandated services to local governments. 52
7 Local governments seem to have no 53
8 meaningful role in this partnership 54
9 except to obey federal and state 55
10 mandates. Local governments request a 56
11 restoration of a meaningful 57
12 intergovernmental partnership in human 58
13 services and education. 59
14 60
15 **I. HUMAN DEVELOPMENT** 61
16 The strength of our communities 62
17 determines the strength of our 63
18 democracy. Emotional, social, and 64
19 economic poverty weakens the fabric of 65
20 our society and threatens our democracy. 66
21 Policy leaders must ensure access to 67
22 opportunities and invest the proper 68
23 resources necessary for all children to 69
24 grow up in nurturing surroundings, and 70
25 to reconnect and strengthen the bonds of 71
26 individuals and institutions in 72
27 communities so that they thrive and 73
28 favorably compete in the global 74
29 economy. 75
30 76
31 State budget cuts to local human services 77
32 programs during a time of 78
33 unprecedented need due to the recession 79
34 puts families and communities at greater 80
35 risk; local governments cannot make up 81
36 for these reductions. 82
37 83
38 **A PLATFORM FOR CHILDREN &** 84
39 **FAMILIES** 85
40 VML endorses the National League of 86
41 Cities' Platform for Children and 87
42 Families that recognizes that strong 88
43 communities are built on a foundation of
44 strong families and empowered
45 neighborhoods that support every child.
46 VML supports and encourages efforts by

- **Opportunities to learn and grow** (family literacy programs, quality out-of-school time programs and early childhood programs);
- **Safe neighborhoods to call home** (sufficient state support for local law enforcement, juvenile justice, and prisoner re-entry programs);
- **Healthy lifestyles & environment** (improving access to healthy foods, physical activity and recreation programs, and child nutrition programs); and
- **Financially fit families** (workforce development, clamping down on predatory lenders, getting more families access to low-cost bank accounts and mainstream financial services)

**INTERGOVERNMENTAL ISSUES
& FUNDING**

A working partnership.

- The federal and state governments should allow local governments maximum flexibility in developing public/private partnerships to address human service needs.
- The state should provide tax incentives, and allow local governments to provide them, to promote these public/private partnerships.

- 1 • Local government must be a
- 2 partner with the state and federal
- 3 government in the process of
- 4 developing regulations,
- 5 guidelines and allocation
- 6 methods.
- 7 • The State should require
- 8 interagency review of
- 9 regulations to reconcile existing
- 10 conflicts and to avoid
- 11 duplication or conflict among
- 12 agencies.
- 13 • The State should share data with
- 14 communities and build a
- 15 comprehensive human services
- 16 data base to promote better
- 17 program planning, evaluation,
- 18 and integration of services.
- 19 • VML opposes any efforts by the
- 20 state to dictate the membership
- 21 of local human services policy or
- 22 advisory boards.

23
 24 **Funding commitments.** Human
 25 services funding formulae should reflect
 26 identified needs, should be adequate to
 27 meet those needs, and should not pit
 28 localities against each other. Equity in
 29 funding cannot be achieved by simply
 30 redistributing insufficient existing state
 31 aid among jurisdictions.

32
 33 **Cost shifting and unfunded mandates.**
 34 VML opposes the imposition of new
 35 federal or state requirements without the
 36 funding to pay them. In the case of state
 37 mandates, as the state reduces its
 38 funding and assistance to localities, it
 39 must show enough common sense to
 40 ease or eliminate requirements it is not
 41 willing to support. In the case of federal
 42 mandates, the state must at the very least
 43 maintain its share of responsibility for
 44 program supervision and funding. For
 45 example:

46

- 47 • Do not pass onto local
- 48 governments and local taxpayers
- 49 the responsibility for funding the
- 50 administration of the FAMIS
- 51 eligibility and case management
- 52 without state support.
- 53 *(A state proposal to close its central*
- 54 *processing unit on 12-31-13 will*
- 55 *shift full responsibility for these*
- 56 *cases to local social services*
- 57 *departments.)*
- 58 • Do not pass onto local
- 59 governments and real estate
- 60 taxpayers the cost of federal
- 61 penalties when the state does not
- 62 meet its obligations for human
- 63 services programs, including
- 64 adequate administrative funding,
- 65 technology, training, and
- 66 technical assistance necessary to
- 67 properly do the job.
- 68
- 69 • Do not shift onto local
- 70 governments and real estate
- 71 taxpayers the costs for federally-
- 72 mandated and state-supervised
- 73 programs such as adoption
- 74 assistance, just because a few
- 75 policy makers at the state level
- 76 decide they do not want to pay
- 77 for it any longer.
- 78
- 79 • Restore the state funding ratio for
- 80 local welfare administrative costs, in
- 81 which the state pays 80 percent and
- 82 the localities pay 20 percent,
- 83 beginning in the FY2013 budget.

84
 85 **Medicaid.** Federal actions to limit the
 86 use of Medicaid funding in communities
 87 cost the state and localities more money
 88 for services to Medicaid-eligible
 89 populations. Federal funding must keep
 90 pace with the growth in Medicaid-
 91 funded services in communities.

1
2 **BEHAVIORAL HEALTH**
3 **Planning for the future of the**
4 **community & facility system.**
5 VML supports the restoration of state
6 support for the community-based
7 system, including increased funding of
8 Medicaid waivers to eliminate waiting
9 lists. VML also supports creation of
10 pilot programs that allow communities
11 to focus on ways to better help
12 individuals with behavioral and
13 developmental disabilities to live and
14 thrive in their communities.
15
16 VML supports community services
17 boards (CSBs) as the single point-of-
18 entry into the publicly-funded system of
19 care. CSB direct services should remain
20 as a choice for consumers and their
21 families.
22
23 Any plan for the future of the publicly-
24 funded behavioral health and
25 developmental services system should
26 include adequate state funding for:
27
28 ■ a comprehensive system of
29 community-based care and
30 treatment, including case
31 management, residential and in-
32 home supports, PACT/ICT teams,
33 and other wrap-around services;
34 ■ rapid response to urgent care needs
35 in each community;
36 ■ 100 percent of the costs for the
37 services and supports for persons
38 returning to the community from
39 state facilities, as well as for those
40 persons diverted from state facilities.
41 ■ Children’s mental health services,
42 including the Mental Health
43 Initiative.
44
45 Further, any restructuring plan should
46 assure the following:

- 47 ■ Local flexibility in planning and
- 48 service provision, particularly for
- 49 local-only funds;
- 50 ■ No changes in the local community
- 51 services match that would increase
- 52 the burden on local taxes and
- 53 budgets;
- 54 ■ Extensive consultation with local
- 55 officials and community members,
- 56 particularly those in communities
- 57 with state facilities and those most
- 58 affected in the past by de-
- 59 institutionalization, during any
- 60 discussion of facility downsizing or
- 61 closure;
- 62 ■ Consultation with local officials and
- 63 community services boards
- 64 regarding feasible strategies and
- 65 funding proposals for publicly-
- 66 funded services;
- 67 ■ Sufficient time and opportunity for
- 68 public comment on any proposal that
- 69 is presented to the Governor and
- 70 General Assembly;
- 71 ■ Strategies to overcome past de-
- 72 institutionalization errors, in
- 73 particular the shifting of the burden
- 74 of care to communities;
- 75 ■ Strategies to return consumers to
- 76 their home communities to
- 77 discourage the concentration of
- 78 consumers in facility communities
- 79 and in urban centers;
- 80 ■ State facilities are not so drastically
- 81 reduced in size and scope that the
- 82 potential for inpatient care is
- 83 effectively eliminated; and
- 84 ■ An action plan to address the
- 85 economic impact of facility
- 86 downsizing or closure on facility
- 87 communities.
- 88 ■ Continued funding for additional
- 89 communities to qualify for crisis
- 90 intervention team grants.
- 91 *(The CIT program is an effective public*
- 92 *safety/mental health crisis program that*

1 *has been recently expanded and could*
2 *benefit more communities.)*

3
4 **Part C early intervention.** VML urges
5 the General Assembly to assure full
6 funding for infants and toddlers eligible
7 for therapeutic services under Part C of
8 IDEA to improve their school readiness
9 and quality of life. VML opposes any
10 state actions to further shift the funding
11 of this program to local governments.

12
13 **Medicaid accountability and quality**
14 **of care.** The league encourages
15 adequate state oversight of, and
16 accountability for community-level
17 services funded by Medicaid, whether
18 those services are furnished through
19 private or public providers.

- 20 ■ Virginia should ensure adequate
21 funding and reimbursements for the
22 developmental disability waiver
23 program.
- 24 ■ Virginia should create a provider
25 network to furnish flexible,
26 consumer- and recovery-focused
27 services in communities.
- 28 ■ The Department of Medical
29 Assistance Services (DMAS) should
30 regularly update use and inflation
31 data for all behavioral health
32 services, and annually adjust its
33 rates.
- 34 ■ DMAS should be responsible for
35 seeking funding to meet Virginia’s
36 projected need for Medicaid-covered
37 behavioral health services.
- 38 ■ Virginia should incrementally raise
39 the Medicaid income eligibility
40 requirements to 100 percent of
41 federal poverty guidelines, thereby
42 assuring more needy consumers
43 access to Medicaid-covered services
44 and reducing dependence on state
45 general funds.

- 46 ■ VML urges DMAS to continue and
47 expand Medicaid reimbursement for
48 substance abuse services.

49 VML encourages the state to guarantee
50 adequate funding to allow uninsured
51 people who are not Medicaid-eligible to
52 receive comprehensive mental health
53 and substance abuse services at the
54 community level.

55
56 **Substance abuse and behavioral**
57 **health treatment in jails and juvenile**
58 **detention centers.** The state should fully
59 fund behavioral health services, drug
60 courts, drug education, and treatment in
61 the state, regional, and local correctional
62 system, given the overwhelming
63 percentage of adults and juveniles in the
64 system diagnosed with behavioral health
65 and substance abuse conditions. To be
66 most effective, treatment and support
67 services are needed both within
68 institutions and in the community to
69 decrease recidivism.

70
71 **Availability of Services.** The state must
72 ensure that consumers seeking voluntary
73 treatment receive such services, without
74 regard to their ability to pay.
75 Additionally, funding for a rapid
76 response urgent care access should be
77 available within every community as
78 well as increased capacity to address
79 mandated outpatient commitment.

80
81 **Drug courts and day reporting**
82 **centers.**
83 The state should restore funding of drug
84 courts and day reporting centers, both of
85 which help keep individuals out of the
86 criminal justice system.

87
88 **Needs of military veterans and**
89 **families**
90 An estimated 170,000 returning soldiers
91 from Afghanistan and Iraq require some

1 type of behavioral health care services or
2 treatment. Children of U.S. military
3 troops sought outpatient behavioral
4 health care two million times in 2008,
5 twice the number that sought help at the
6 start of the Iraq war. Given the number
7 of active military, veterans, and military
8 families living in Virginia, it is clear that
9 the behavioral health needs of soldiers
10 and their families must be swiftly and
11 adequately addressed. VML urges the
12 federal government to increase funding
13 and access to behavioral health and
14 addiction treatment services for active
15 members of the military (including
16 National Guard and Reserves), returning
17 veterans, and their family members.

19 AGING

20 **Community programs.** As alternatives
21 to institutionalized care wherever
22 appropriate, the state should develop
23 Medicaid waivers or otherwise fully
24 fund community-based programs like
25 companion services, respite care,
26 homemaker services, adult group homes
27 and adult day care for the elderly.
28 Additionally, communities must have
29 the resources to address the complex
30 medical and behavioral health needs of
31 aging persons with intellectual
32 disabilities, who may, with appropriate
33 services, remain in the communities with
34 their natural support system of families
35 and friends.

37 **Housing.** The state should support
38 policies that increase the affordability
39 and availability of senior housing
40 throughout the commonwealth.

42 COMPREHENSIVE SERVICES 43 ACT

44 In the last 20 years Virginia has
45 implemented just half of the CSA
46 program. When the CSA was developed

47 in the early 1990s, the plan called for
48 comprehensive prevention programs for
49 at risk youth and families. Unless and
50 until the state commits to developing and
51 funding programs that address the roots
52 of issues that bring children and families
53 into CSA, the CSA program will
54 continue as an increasingly expensive
55 “catch-up” approach to addressing the
56 complex needs of children and families.

58 **A realistic partnership.** The
59 Commonwealth should establish a
60 statutory provision for operation of this
61 state-local partnership that appropriately
62 reflects the shared responsibilities, the
63 need for sufficient “rules and tools”, and
64 recognizes the practical reality that
65 correcting policy and procedural errors
66 may take substantial time and resources.

68 **Sum sufficiency.** CSA serves many
69 children who are entitled to sum
70 sufficient services; the state must keep
71 its commitment to fund its share of
72 services costs for this population.

74 **Base-budget funding.** The costs of the
75 Comprehensive Services Act (CSA) for
76 at-risk youth and their families should be
77 fully funded in the state’s base budget.

79 **Administrative funding.** State
80 administrative funding has not increased
81 since 1998. VML supports greater
82 funding from the state to support the
83 program’s substantial administrative
84 requirements carried out at the local
85 level and to improve the program’s
86 functioning.

88 **Administrative Process Act.** CSA
89 should be covered under the Virginia
90 Administrative Process Act. (CSA
91 operates under its own set of rules. It’s
92 not as transparent as the APA, and does

1 *not allow as long a period of public*
2 *input or as much notification as the*
3 *APA.)*

4
5 **Incentive funding.** The CSA funding
6 formula should include an incentive
7 component that rewards those local
8 governments implementing innovative
9 and cost-effective alternatives to
10 residential placement.

11
12 **Behavioral health services for youth.**

- 13 • The General Assembly should
14 build upon its funding and seek
15 federal-state funded waivers to
16 provide behavioral health and
17 prevention services for youth.
- 18 • The state has greatly decreased
19 state facility beds and state-
20 funded services for children,
21 including those with long-term or
22 hard-to-treat conditions. VML
23 urges the state to continue its
24 support of the Commonwealth
25 Center for Children and
26 Adolescents as a part of the array
27 of behavioral health services.
- 28 • Private insurance often does not
29 sufficiently cover behavioral
30 health treatment. The result is
31 more families turning to the CSA
32 program. Local governments
33 support greater state funding to
34 the Mental Health Initiative to
35 serve children with behavioral
36 health needs who do not
37 otherwise require CSA's sum
38 sufficient services.
- 39 • VML opposes any expansion of
40 the CSA mandated population
41 that requires additional local
42 funding, or any movement to turn
43 CSA into a parallel mental health
44 system for children.
- 45 • State efforts to expand the base
46 level of community-based

47 services for children statewide
48 must be accompanied by full
49 state funding of such services.

50
51 **Service capacity.** VML encourages the
52 state to establish a children's behavioral
53 health workforce development initiative
54 to build service capacity throughout the
55 state.

56
57 **Service coordination.** State and local
58 governments should work together to
59 ensure the greatest degree of
60 coordination between Individual
61 Education Plans (IEPs) and CSA service
62 plans.

63
64 **State agency policy coordination.** The
65 State Executive Council must ensure that
66 the administrative and policy
67 requirements of the state agencies
68 involved in the CSA are consistent with
69 one another and consistently applied to
70 local governments.

71
72 **Utilization review.** Local governments
73 must maintain the flexibility to develop
74 utilization management processes that
75 are approved by the State Executive
76 Council.

77
78 **FACILITIES FOR ADULTS AND**
79 **YOUTH**

80 **Auxiliary grant program.** The state
81 should assume full responsibility for the
82 cost of the auxiliary grant program for
83 elderly persons and people with
84 disabilities.

85
86 **Licensure and regulation of group**
87 **homes.** VML urges the state to continue
88 to work with local governments to assure
89 adequate licensure and regulatory
90 requirements are in place to assure
91 community safety and well-being.

1
2 **HOMELESSNESS**
3 VML supports measures to prevent
4 homelessness in Virginia and to assist
5 the chronic homeless, including
6 veterans, in obtaining appropriate
7 rehabilitative and recovery services, job
8 training and support, and affordable and
9 appropriate housing. VML supports
10 measures to remove barriers this
11 population faces in meeting
12 identification and residency
13 requirements for valid state-issued
14 identification cards. VML urges the
15 state to create a housing trust fund and to
16 work with communities to develop and
17 otherwise support housing for this
18 population.

19
20 **JUVENILE JUSTICE PROGRAMS**
21 **Virginia Juvenile Community Crime**
22 **Control Act (VJCCCA).** The Virginia
23 Municipal League urges the General
24 Assembly to restore the 71 percent
25 funding reduction to the Virginia
26 Juvenile Community Crime Control Act
27 (VJCCCA) program and to support an
28 equitable and stable funding allocation
29 process for the program. The VJCCCA
30 directs localities, in cooperation with
31 judges, to implement programs that
32 divert youth from state or local
33 confinement or help ensure the success
34 of those re-entering the community from
35 confinement. Every city and county
36 participates in the program. VJCCCA
37 gives judges the ability to order first-
38 time and less serious offenders to
39 services such as electronic monitoring,
40 intensive counseling, and group homes.
41 Such appropriate services reduce more
42 costly and less suitable placements in
43 local secure detention or state
44 correctional facilities. It also effectively
45 serves youth that are part of the non-

46 mandated population under the
47 Comprehensive Services Act.

48
49 **SOCIAL SERVICES & WELFARE**
50 **REFORM**

51 **Child and family services program**
52 **improvement plan.** The state must
53 fund the technology and systems to
54 improve the quality of all casework
55 activities related to child welfare
56 services (prevention of child
57 abuse/neglect; prevention foster care,
58 foster care and adoption)

59
60 **Foster care: Protections for children.**
61 VML urges the federal and state
62 governments to closely monitor the
63 balance between the rights of parents
64 versus the safety of children entrusted to
65 this system.

66
67 **Phase III of welfare reform.** State and
68 local governments must jointly develop
69 and implement a plan for the next phase
70 of welfare reform. The overarching
71 goals should be to achieve family
72 independence for current TANF
73 recipients and to promote child well-
74 being as a way to prevent future reliance
75 on TANF. More effective strategies
76 must be developed to address the
77 extremely challenging employment
78 barriers among the hard-to-serve and to
79 meet the needs for parent education,
80 child care, and medical and behavioral
81 health care among TANF beneficiaries
82 and the working poor who face the loss
83 of TANF benefits.

84
85 **Child care.** Affordable, high-quality
86 child care is crucial to parents in the
87 TANF program and to low-income
88 parents whose wages simply cannot
89 cover child care costs. The state must
90 help fund child care costs to help these
91 families. The state should consider ways

1 to ensure safe, affordable child care,
2 such as grants for nonprofit or public
3 organizations offering child care, and
4 employer incentives to provide child
5 care centers for their employees.

6
7 **Healthy families.** VML supports
8 expanded use of state general funds for
9 the Healthy Families program, a
10 voluntary program that offers parental
11 education, support, and assistance to
12 help prevent the need for more costly
13 human services and public safety
14 programs in the future.

15
16 **Social Services Block Grant.** Virginia
17 uses Title XX-Social Services Block
18 Grant (SSBG) funding for a variety of
19 non-cash-assistance services, including
20 in-home services for the elderly, child
21 and adult abuse investigators, and
22 domestic abuse and family preservation
23 services. Congress has consistently
24 underfunded the SSBG at the levels
25 authorized in the 1996 federal welfare
26 reform law. VML urges Congress to
27 live up to its commitment to fully fund
28 the SSBG. Until the federal budget fully
29 funds SSBG, VML urges the General
30 Assembly to continue to first use any
31 Temporary Assistance for Needy
32 Families (TANF) balances to replace
33 SSBG funds.

34
35 **HEALTH**

36 **Cooperative health budget.** The
37 General Assembly should provide
38 sufficient funding local health
39 departments.

40
41 **Prevention programs.** Health services
42 should include a focus on educational
43 concerns and prevention programs,
44 including teen pregnancy programs,
45 dental care, well-baby care,

46 immunizations, early childhood services
47 and prenatal care.

48
49 **Local flexibility.** District health offices
50 should be locally controlled to the
51 maximum extent consistent with
52 protecting public health.

53
54 **HEALTH CARE REFORM**

55 Expansion of state Medicaid eligibility
56 would increase the workload and costs
57 for local departments of social services,
58 which perform eligibility determination
59 and redetermination on behalf of the
60 state. Any expansion of the caseload
61 must be accompanied by sufficient state
62 funding for staffing and technology to
63 properly to the job.

64 ~~Depending on the state actions and~~
65 ~~decisions regarding the federal~~
66 ~~Affordable Care Act, local governments~~
67 ~~could face new administrative~~
68 ~~responsibilities and costs. Any new and~~
69 ~~enhanced roles and responsibilities for~~
70 ~~local government must be accompanied~~
71 ~~by sufficient state financial resources.~~
72 *(updated language)*

73
74 **PREDATORY LENDING**
75 **PRACTICES**

76 VML supports legislation to place a 36
77 percent cap on payday, car-title, open-
78 ended and similar loans.

79
80 **SERVICES FOR THE NON-**
81 **ENGLISH SPEAKING**
82 **POPULATION**

83 The 2010 Census confirmed that the
84 number of non-English speaking
85 residents has grown substantially
86 throughout the commonwealth.
87 Services offered through the departments
88 of social services, health, public safety
89 and the public schools are particularly
90 affected by this demographic change.

91

1 VML urges the Secretaries of Education,
2 Health and Human Resources, and
3 Economic Development to institute
4 changes in funding programs and
5 services to non-English-speaking people
6 to ensure that programs can meet the
7 increased need. VML supports
8 budgetary changes to furnish funding for
9 translation services, possibly through
10 block grants based on census data,
11 increase funding for adult and K-12 ESL
12 education, and to use a portion of TANF
13 unspent balances to help fund services
14 for this population. Finally, VML
15 encourages localities to adopt a regional
16 approach and to work with local civic
17 groups, community colleges and other
18 higher education institutions to develop
19 translation banks and other language
20 services.

22 II. EDUCATION

24 The Virginia Municipal League supports
25 the goal of ensuring quality, well funded
26 and effective teaching in every
27 classroom in the Commonwealth.
28 Localities have greatly exceeded their
29 responsibilities for K-12 education
30 funding. It is essential for the state to
31 meet fully its responsibilities to fund
32 education.

34 VISION

35 A strong public education system is the
36 pillar of American society and a passport
37 to the future. Our country cannot be
38 strong without an excellent education
39 system that students leave armed with
40 the critical thinking skills that will
41 enable them to be productive citizens. A
42 solid foundation of learning is essential
43 for our communities, state, and country.

45 A strong educational system requires
46 accountability; parental, community and

47 business involvement and the wise and
48 efficient use of resources. Standards are
49 an essential part of the accountability
50 system, but cannot be measured simply
51 by standardized tests. Students need to
52 learn not only facts and figures, but also
53 those critical learning skills that will
54 enable them to leave high school
55 prepared for either the workplace or
56 higher education.

58 Students, parents, administrators and
59 teachers all have roles in the educational
60 system and have to be part of that
61 accountability system. Parents have to
62 be involved with their children's
63 education, but family support for parents
64 is essential, particularly in dealing with
65 children with mental, physical or
66 substance abuse problems. Not all
67 children should or need to prepare to
68 attend college, but students across the
69 economic spectrum should have
70 equitable opportunities to learn.

72 A sound education system puts resources
73 where they can be most effective,
74 includes collaboration between school
75 boards and local governing bodies, uses
76 technology effectively, embraces
77 innovation and regional opportunities
78 and focuses on early intervention to
79 tackle problems at the earliest time
80 possible.

82 FUNDING

83 The SOQ should be broad enough to
84 include the major components of what is
85 required for a quality educational
86 program. VML supports full funding of
87 the state's share of the actual costs of the
88 SOQ based on prevailing practices, and
89 full funding of the state's share of
90 categorical educational mandates in
91 areas such as special education,
92 alternative education and gifted

1 education. ~~The requirements of the No~~
2 ~~Child Left Behind~~ legislation necessitate
3 ~~the dedication of additional funds to~~
4 ~~ensure that children who are at risk of~~
5 ~~educational failure will have the~~
6 ~~resources available to help them succeed~~
7 ~~in the classroom, and to help school~~
8 ~~divisions meet the standards required~~
9 ~~under NCLB. While Virginia has been~~
10 ~~granted a waiver from the U.S.~~
11 ~~Department of Education for the~~
12 ~~legislative requirements under No Child~~
13 ~~Left Behind, meeting the standards~~
14 ~~required under the waiver will~~
15 ~~necessitate the dedication of additional~~
16 ~~funds to ensure that children who are at~~
17 ~~risk of educational failure will have the~~
18 ~~resources available to help them~~
19 ~~succeed.~~

20
21 The state should fully recognize and
22 fund the costs of rebenchmarking of the
23 various educational programs including
24 the Standards of Quality, incentive,
25 categorical, and school facilities
26 programs. Changing the process of
27 rebenchmarking to artificially lower
28 recognized costs does not change what it
29 actually costs to provide education.
30 Instead, it simply transfers additional
31 costs to local governments, and
32 ultimately to the local real estate tax
33 base.

34 **STANDARDS OF QUALITY**

35 VML supports full implementation of
36 the revisions proposed in 2003 by the
37 State Board of Education to the
38 Standards of Quality. VML supports
39 implementation of the recommendations
40 contained in the 2003 JLARC study of
41 education funding to ensure that the
42 SOQ are conducive to reaching the goal
43 of having a state educational system that
44 is nationally recognized for excellence
45 and adequately reflect prevailing

47 practices among the school divisions.
48 VML also supports revisions to the SOQ
49 to reflect changes made in the Standards
50 of Accreditation and Standards of
51 Learning in order that the cost of
52 meeting the SOQ is more realistic.

53 **SOQ FUNDING**

54 The state must be a reliable funding
55 partner in accordance with the Virginia
56 Constitution and state statutes. The
57 Standards of Quality should recognize
58 resources, including positions, required
59 for a high-quality public education
60 system.
61

62 Funding for the SOQ should include:

- 63 1. Establishment of a predictable
64 and meaningful source of
65 funding for construction,
66 including funding for new
67 construction, renovation,
68 maintenance and land purchase.
69 The Literary Fund and the
70 Virginia Public School Authority
71 are not sufficient means for the
72 state to help localities pay for
73 capital needs.
- 74 2. A predictable and reliable source
75 of funding for technology
76 infrastructure and personnel
77 costs.
- 78 3. Realistic state funding for salary
79 increases for professional and
80 non-professional school
81 employees. Salary increases
82 should be funded for a full year
83 starting July 1, the start of the
84 fiscal year.
- 85 4. Funding to initiate and continue
86 to enable school systems to
87 address school safety issues.
- 88 5. Recognition of adequate support
89 costs based on realistic measures
90 of the importance of support
91 positions to achievement on state
92

1 accountability standards. Current
2 state funding for support
3 positions are not based on
4 prevailing practices or on any
5 scientifically-derived staffing
6 ratios.

7 6. Flexibility where possible in
8 areas such as funding of student
9 health services.

10 7. Support for funding of
11 recommendations made by
12 JLARC to promote reading by
13 grade level by the third grade.

14 8. Development of realistic cost
15 estimates that are based on
16 prevailing practices and not on
17 the availability of state funding.

18 9. Review by JLARC in order that
19 data and information can be
20 provided to the State Board of
21 Education on the cost of meeting
22 the SOQs, SOLs and SOAs.

23 10. Lottery funds that are distributed
24 to localities without a
25 corresponding reduction in direct
26 aid.

27 The state should not require any
28 maintenance of local effort other than
29 that associated with the SOQ. A
30 maintenance of effort requirement that is
31 not connected to the SOQ will punish
32 those localities that voluntarily spent
33 beyond the required minimum in an
34 effort to achieve a high quality system of
35 education. Further, it will simply
36 perpetuate the current mismatch in state-
37 local funding for education.

38

39 The General Assembly should recognize
40 that local governments traditionally have
41 funded their share of costs of meeting
42 the SOQ and, in fact, most have funded
43 education beyond their required share in
44 efforts to provide quality education.
45 These higher funding levels have meant
46 that localities have had to raise local

47 taxes and fees and defer spending on
48 other important local priorities including
49 public safety.

50

51 Because spending increases alone may
52 not produce desired levels of student
53 achievement, the State Board of
54 Education and other responsible bodies
55 are urged to develop measures of results
56 to determine the actual effectiveness of
57 expenditures on education.

58

59 VML believes that the methodology for
60 costing the SOQ does not take into
61 account the differences in costs in the
62 state's various regions, nor does it
63 adequately address unique local
64 conditions such as small, large,
65 declining, or diverse student populations.

66 First, the new methodology artificially
67 lowers the state average salary by using
68 the "L-estimator" instead of average
69 salary figures. Second, the methodology
70 uses an artificially low limit on the
71 number of professionals per 1,000 pupils
72 for which state aid is given. Third, the
73 methodology does not address the
74 differences in providing education to
75 students with special needs or the heavy
76 additional cost of educating English as
77 Second Language students. The add-on
78 funding for at-risk students is a start
79 toward meeting unique local
80 circumstances and should be increased
81 in accordance with the At Risk Student
82 Achievement Program.

83

84 The problems with the funding
85 methodology have been exacerbated by
86 the failure of the state to keep current
87 cost estimates affecting the calculation
88 of the L-estimator, as discussed by the
89 Joint Legislative Audit and Review
90 Commission in its 2003 study of
91 education funding. As a result, the L-
92 estimator currently produces an even

1 lower measure of salary than would be
2 the case were the methodology
3 originally proposed by JLARC to be
4 used.

5
6 The state administration, General
7 Assembly and school boards should
8 intensify their efforts to secure increased
9 federal funding for special education
10 mandates and for meeting the costs
11 incurred under the No Child Left Behind
12 Act, including application for Race to
13 the Top fundng.

14
15 The first priority for the use of a state
16 surplus should be the funding of
17 mandated educational programs.

18
19 Disparity should not be addressed by
20 simply redistributing existing state aid
21 among jurisdictions.

22
23 **LOCAL AUTONOMY**

24 Because public education should be as
25 close as possible to the people, local
26 school decisions cannot and should not
27 be made by the state. Local schools
28 boards should be responsible for the
29 direct supervision and management of
30 local schools.

31
32 The state should not take any actions
33 that limit or reduce authority of local
34 school boards and local governing
35 bodies to finance and manage local
36 schools. Some school boards and
37 localities may prefer to have the
38 operation of their schools that are
39 consistently low-performing taken over
40 by the state. Others, however, are
41 pursuing initiatives to improve
42 educational outcomes for their students.
43 In these cases, pursuant to agreements
44 entered into by the school boards and the
45 Opportunity Educational Institution, the
46 local school board should be given an

47 opportunity to implement these
48 initiatives. If progress is being made,
49 that progress should not be interrupted
50 by a transfer to state control.

51
52 VML supports delay for the
53 implementation of the OEI. The OEI
54 currently is scheduled to take over
55 operation of public schools in the 2014-
56 2015 school year. The JLARC report on
57 options for improving low-performing
58 schools will not be released until June
59 2014. Further, with the upcoming
60 change in administration, there is not
61 adequate time for the OEI to be prepared
62 to operate schools by September 2014.

63
64 **ALTERNATIVE EDUCATION**

65 Traditional approaches to discipline—
66 long-term suspensions and expulsions—
67 transfer the problems of the student from
68 the school division to the general
69 government. There should be school
70 alternatives to the normal school
71 environment for students who do not
72 behave appropriately. The state should
73 develop and fund alternatives for
74 students suspended and expelled from
75 school, such as programs designed to
76 encourage obtainment of GEDs, career
77 education, job skills, self control training
78 and drug and substance prevention.
79 Finally, there is little effective
80 enforcement of truancy laws for students
81 who are over 16 years of age. Some of
82 these students have full time jobs and
83 school divisions have difficulty in
84 locating them. VML encourages the
85 development of initiatives to better
86 enable schools to track these older
87 students.

88
89 **EARLY CHILDHOOD**
90 **DEVELOPMENT & EDUCATION**

91 Research has shown that the early
92 childhood years (from infancy to age

1 five) are critical years for brain
2 development. These early years are also
3 critical for establishing healthy lifestyles
4 – eating nutritious foods, engaging in
5 activities and exercise (i.e., playing), and
6 learning basic health and safety
7 practices.

8
9 Children who are regularly read to and
10 gain basic language skills; who
11 participate in healthy activities and
12 learning experiences; and who learn
13 basic social skills, are more likely to
14 enter kindergarten ready to learn. They
15 are also more likely to read at grade
16 level by the third grade. This early
17 progress can lead to continued success in
18 school and ultimately in the workforce.

19
20 VML supports state and local policies
21 and initiatives that spotlight and
22 encourage greater early learning
23 opportunities for children, along with
24 access to information and resources that
25 will help parents and caregivers give
26 young children the greatest chances to
27 learn and grow in healthy ways. This
28 will ensure a better economic future for
29 families and communities.

30
31 VML supports increased state funding
32 for pre-kindergarten students to ensure
33 that all children entering the public
34 system have the social and intellectual
35 skills necessary to be successful
36 students.

37 **HIGHER EDUCATION**

38 Virginia’s colleges and universities serve
39 as engines of economic growth, cultural
40 enrichment, and intellectual
41 development for communities across the
42 commonwealth. The decline in state
43 support for institutions of higher
44

45 education and the state’s unwillingness
46 to invest in these institutions endangers
47 the economic health of the
48 commonwealth and its cities, towns, and
49 counties.

50
51 In addition to ensuring a stronger and
52 more diversified economic base, a
53 healthy and vibrant higher education
54 sector, which includes two-year as well
55 as four-year institutions, supplies our
56 communities with an educated and well-
57 trained workforce that attracts new
58 businesses and allows existing
59 businesses to compete effectively in an
60 increasingly competitive global
61 economy. Further, beneficiaries of
62 higher education tend to earn higher
63 incomes, thus expanding the revenue
64 stream to the state, and thereby ensuring
65 the continued provision of quality
66 services for its citizens. Finally, the
67 involvement of institutions, their faculty,
68 and their students in communities across
69 the commonwealth and the expanded
70 cultural opportunities these institutions
71 offer communities enhances the quality
72 of life for all Virginians.

73
74 VML supports additional funding for
75 higher education institutions to enable
76 them to meet their educational mandates,
77 thereby meeting the needs of Virginia’s
78 citizens and businesses.

79
80 Currently, community colleges are
81 required to offer reduced tuition for high
82 school students. Local schools,
83 however, are required to make up the
84 difference in tuition. This clearly is an
85 unfunded mandate. The state should find
86 other resources within its higher
87 education budget to pay for the tuition
88 for these students.

2014 TRANSPORTATION POLICY STATEMENT

- 1 Critical investments are needed to maintain 46
2 and improve Virginia’s transportation 47
3 network; the structural imbalance between 48
4 critical needs and available resources 49
5 persists, even with the recent HB2313 50
6 transportation and public transit legislation. 51
7 TransAction2040, published by the Northern 52
8 Virginia Transportation Authority (NVTA) 53
9 shows a need for \$86 billion highway and 54
10 transit expenditures in this region alone over 55
11 the next 25 years just to keep congestion at 56
12 2007 levels, never mind reduce it. Over this 57
13 same period, DRPT’s Management Plan 58
14 Update shows a statewide need for public 59
15 transit investment of \$60 billion for 60
16 operations and \$35 billion for major capital 61
17 projects. 62
18
19 VML acknowledges the contribution of 63
20 HB2313 as an important first step in 64
21 addressing the transportation needs of 65
22 Virginia’s localities. The legislation does 66
23 provide: 67
24
25 A. Sustainable Funding. - A stable and 70
26 predictable plan which is 71
27 comprehensive, which addresses 72
28 investment across the state and 73
29 which does not rely upon general 74
30 fund revenue.. 75
31
32 B. Fiscal responsibility. - Dedicated 76
33 revenues, which are activity-based, 77
34 will strengthen as the economy does. 78
35 Further, revenues will be allocated to 79
36 jurisdictions in proportion to their 80
37 transportation tax contribution, 81
38 preserving a balance of equity 82
39
40 C. Statewide focus. Transportation is a 83
41 state-wide issue, not a regional, 84
42 urban or rural issue. Every area of 85
43 the state is economically hampered 86
44 by insufficient infrastructure 87
45 management. 88
- D. Shared responsibility. Transportation 46
planning and authority are delegated 47
to regional bodies where they exist 48
and to localities. These bodies 49
prioritize and authorize individual 50
projects within their jurisdiction, an 51
essential element of equity which 52
does require coordination among 53
involved localities. 54
- E. Infrastructure modernization. Our 55
transportation efforts must include a 56
comprehensive statewide plan to 57
provide transportation options for 58
rail and transit which minimize the 59
use of petroleum. Such plans must 60
ensure that all Virginians - rural, 61
suburban and urban – are able to 62
contribute to and benefit from 63
statewide economic opportunities. 64
- F. Congestion mitigation. Alleviation of 65
commuter congestion is essential to 66
economic development and to 67
enhance citizens’ quality of life. 68
Corridor-wide solutions which 69
promote alternative modes including 70
highways, transit and non-traditional 71
solutions still need to be developed. 72
- REVENUES** 73
Since the transportation needs of the state 74
are so much greater than the current funding 75
provisions, it remains essential that the 76
General Assembly continue and expand 77
transportation and infrastructure investment 78
which is fiscally sound, well documented 79
and serve local, regional and state-wide 80
needs by: 81
- Raising revenue from those who use the 82
transport systems; 83
 - Increasing dedicated funding for public 84
transportation to meet transit operating 85

- 1 expenses and make Virginia competitive
- 2 for federal transport funds;
- 3 • Providing or extending as a local option
- 4 transportation impact fee authority to all
- 5 localities;
- 6 • Authorizing practical options for using
- 7 long-term financing for major
- 8 transportation projects;
- 9 • Providing full state funding for the
- 10 revenue sharing program as provided for
- 11 in §33.1-23.05;
- 12 • Seeking equity among various road users
- 13 by ensuring that trucks pay their share of
- 14 road costs. VML also advocates for
- 15 increased local influence when the state
- 16 considers mitigating negative impacts
- 17 resulting from excessive truck traffic.

18

19 **PASS-THROUGH OF FEDERAL**

20 **FUNDS**

21 Localities are often successful in receiving

22 federal funds such as special appropriations

23 and enhancement funds. These funds

24 are passed through the State to localities

25 and the transfer of these funds is often

26 delayed. ~~The State needs to~~ The federal

27 government and the state need to streamline

28 the transfer of these funds and allow

29 localities to move forward with these

30 projects. The state needs to anticipate

31 increases in federal funding and prepare to

32 raise and dedicate matching funds.

33

34 **SAFETY**

35 ~~Photo-red Technology~~

36 ~~VML has supported, and continues to~~

37 ~~support, expanding the availability of~~

38 ~~photo-camera traffic enforcement for all~~

39 ~~localities.~~

40

41 **Pedestrian**

42 VML recommends that the Virginia Code be

43 amended to clarify the respective rights and

44 duties of pedestrians and vehicle drivers.

45 Drivers should be required to stop, not just

46 yield, for pedestrians in all marked and

47 unmarked crosswalks. In addition, police

48 need the ability to issue simpler citations

49 than currently allowed under Virginia law to

50 more effectively enforce the laws against jay

51 walking.

52

53 **PRESERVATION OF RIGHTS-OF-**

54 **WAY**

55 ~~Road~~ Transportation projects take many

56 years from the planning stage to

57 construction. Localities need additional

58 authority to reserve miles of right-of-way

59 years in advance of any funding availability

60 for these projects, or risk development in the

61 path of these ~~road~~ transportation projects.

62

63 **TECHNICAL ASSISTANCE**

64 Smaller communities and regions require

65 additional and enhanced transportation

66 planning and technical assistance from

67 VDOT and DRPT. VDOT and DRPT,

68 therefore, have a continuing obligation to

69 assist these areas, including establishing

70 equitable equipment rental rates and

71 administrative costs.

72

73 **TRAFFIC CALMING**

74 VML supports continued improvements to

75 VDOT's traffic calming program to improve

76 safety for users of public streets.

77 Additionally, VML has supported, and

78 continues to support, expanding the

79 availability of photo-camera traffic

80 enforcement for all localities.

81

82 **METROPOLITAN PLANNING**

83 **ORGANIZATIONS (MPOs)**

84 VML opposes broadening MPO voting

85 membership to include private sector

86 representatives. VML believes that

87 representation by public officials makes

88 MPOs accountable to citizens.

89

90 **PUBLIC TRANSIT**

91 Public transit includes all available multiple

92 occupancy vehicle services and technologies

93 designed to transport passengers on local

94 and regional routes.

1
2 VML ~~urges supports~~ 1) increased federal
3 and state funding for public transit, and 2)
4 policies that allow for ~~maximum use the~~
5 equitable distribution of such funding. A
6 ~~larger, dedicated source of federal and state~~
7 ~~funding for transit—including funds for~~
8 ~~existing operating and capital needs,~~
9 ~~including start-ups—remains a critical~~
10 ~~priority.~~

11 **RAIL TRANSPORTATION**

12 VML recommends the expansion of
13 interstate and intra-state passenger and
14 freight rail service corridors, with no
15 requirement for local match to provide
16 transportation alternatives, and to help to
17 stimulate economic development and
18 tourism.

19 State government and railroad executives
20 must work cooperatively with local officials
21 to improve and enhance railroad
22 maintenance, safety, traffic and conflicts
23 (for example at at-grade crossings).

24 The Commonwealth needs to:

- 25 • Work with railroad executives to provide
26 greater access for passenger service (for
27 commuters and tourists).
- 28 • Fund the operating costs for intercity
29 passenger rail along with the federal
30 government.
- 31 • Work with surrounding states to foster
32 greater interstate passenger rail service
33 and to promote the development of the
34 Northeast high-speed rail corridor, the
35 New York to Atlanta corridor and the
36 TransDominion Express.

37 While the state has plans for specific high-
38 speed rail projects, it does not have funds to
39 support the operation of a system of high-
40 speed trains. The federal government is
41 unlikely to provide billions of dollars to
42 construct a system that has no source of
43 operating funds. VML urges the state to

44 develop a source of funds for high-speed rail
45 operations.

46 **AIR TRANSPORTATION**

47 VML wants the state and federal
48 governments to actively work to develop
49 and sustain comprehensive air service
50 throughout the Commonwealth, connecting
51 it to the mid-Atlantic region as well as the
52 entire country. Additionally, VML wants
53 the state and federal government to invest in
54 and deploy new technologies intended to
55 improve air service and safety.

56 The federal government is urged to
57 appropriate federal funds for airport
58 infrastructure improvements at authorized
59 levels and to develop a national airport
60 access strategy intended to stimulate local
61 economic development opportunities.
62 Additionally, the state is urged to
63 complement federal infrastructure
64 investments as well as expand state support
65 for capital improvements.

66 **PORTS AND WATER**

67 **TRANSPORTATION**

68 VML requests the protection and promotion
69 of an effective port and water transportation
70 system by:

- 71 a. developing alternative water
72 transportation mechanisms to
73 alleviate congestion, such as ferries,
74 that will move people, goods and
75 vehicles as an alternative to road
76 travel;
- 77 b. enhancing rail service to move goods
78 in and out of ports;
- 79 c. deepening major water ports and
80 navigable rivers; and
- 81 d. relieving congestion in the ports by
82 enhancing rail and highway access
83 out of ports.

84 Concerning the deepening of channels,
85 VML requests the state to 1) work closely
86 with local governments regarding spoils

1 disposal from channel deepening, and 2)
2 develop policies on the disposal/reuse of
3 shipping containers.

4
5 The revenues derived from Virginia's public
6 ports are dedicated exclusively to the state.
7 Some portion should be shared with
8 localities to account for street and road
9 maintenance and police and fire protection
10 services directly related to the impacts of
11 tax-exempt port properties.
12 VML urges a significant study of the state's
13 water transportation system, including the
14 expanded use of barge traffic for freight
15 transportation.

16
17 **REGIONAL TRANSPORTATION**
18 **AUTHORITIES**

19 VML supports by-right authority for the
20 creation of regional transportation
21 authorities to promote coordination of
22 transportation and related facilities. Also,
23 VML supports town voting membership on
24 regional transportation authorities based on
25 population percentage; with minimum of
26 one town representative on each regional
27 transportation authority per ten percent of
28 population.

29
30 **LIVABILITY**

31 Streets do much more than move cars; they
32 often define community character and serve
33 as important public spaces. Small towns and
34 larger cities alike are using complete streets
35 policies to reclaim public space and solve
36 traffic problems at the same time. Many
37 complete street solutions are low-cost--some
38 are as simple as changing paint-striping on
39 pavement. VML supports securing
40 mainstream transportation funds for non-
41 motorized improvements and policy changes
42 that result in construction of complete streets
43 and improved bicycle and pedestrian
44 infrastructure within the existing right of
45 way.

46

NORTHERN VIRGINIA REGIONAL COMMISSION

2014 Legislative Program

Draft presented to the Commission on October 24, 2013

The following priorities and positions are adopted by the NVRC member Commissioners, individually and collectively, on behalf of the over two million residents of Northern Virginia that they represent.

PART I – NORTHERN VIRGINIA’S REGIONAL PRIORITIES

PLANNING DISTRICT COMMISSIONS

NVRC and the Northern Virginia jurisdictions support legislative and administrative initiatives, intended for improving the means and methods of providing state and local government services, that use and further enhance the existing regional structure established in the Regional Cooperation Act in which the Planning District Commission purpose, structure, duties, and responsibilities are established. (Restates previous position.)

Furthermore, state General Funds must be appropriated to support the work of Planning District Commissions at a rate of at least 35 cents per capita to realistically reflect the costs associated with the partnership between local and state governments undertaken by planning district commissions. (Restates previous position.)

Chapter 42 of Title 15.2 in the Code is the Regional Cooperation Act.

§ 15.2-4201. Purpose of chapter. This chapter is enacted:

1. To improve public health, safety, convenience and welfare, and to provide for the social, economic and physical development of communities and metropolitan areas of the Commonwealth on a sound and orderly basis, within a governmental framework and economic environment which will foster constructive growth and efficient administration.
2. To provide a means of coherent articulation of community needs, problems, and potential for service.
3. To foster planning for such development by encouraging the creation of effective regional planning agencies and providing the financial and professional assistance of the Commonwealth.
4. To provide a forum for state and local government on issues of a regional nature.
5. To encourage regional cooperation and coordination with the goals of improved services to citizens and increased cost-effectiveness of governmental activities.
6. To deter the fragmentation of governmental units and services.

STATE FUNDING OF LOCALLY ADMINISTERED PROGRAMS

NVRC and the Northern Virginia jurisdictions call upon the General Assembly and the Governor to rebalance state resources and responsibilities, so that the state share of funding to support the service partnership with localities for locally administered statewide public services is fully met. (Restates previous position.)

The depth and breadth of state cuts to localities in recent years have strained the state-local funding partnership, and little evidence can be found to show state effort to reverse this trend. Since FY 2008, state aid to localities has shrunk by some \$1 billion. Direct state aide to localities has shrunk from 52% of the General Fund in FY 2009 to only 44% in FY 2014.

Recent state budgets and changes in administrative policies have reduced funding for a number of programs administered by localities on behalf of local governments and the state. Rather than providing a modern, broad-based, tax and revenue structure for the state's General Fund, the state continues to rely more heavily on fees, accounting and administrative maneuvers, debt, and other non-GF revenues to support the state's obligations. Further strains on local government performance result when state agency allocations are insufficient to provide the staff necessary to fully meet the responsibilities of those agencies.

In addition, there have been attempts, on an annual basis, by individual General Assembly members to reduce local revenues from taxes such as Business/Professional/Occupational License (BPOL) and Machinery & Tools, without a corresponding reduction in local responsibilities.

Therefore, NVRC and the Northern Virginia localities oppose any additional unfunded mandates and request the following of the 2013 General Assembly:

- **Fully fund the state portion of programs in which funding responsibility is shared by the state and localities, including K-12 education, the Cost of Competing Adjustments for Northern Virginia school systems, and the Comprehensive Services Act (CSA).**
- **Take no actions that would reduce local revenues, including reduction or elimination of BPOL or Machinery & Tools taxing authorities.**
- **Provide for appropriate staffing at state agencies that are charged with supporting local government functions, such as the Department of Environmental Quality charged with significant stormwater program and solid waste management permitting responsibilities. (Restates and revises previous position.)**

TRANSPORTATION POLICY AND FUNDING

The passage of HB 2313 (2013) was the result of bipartisan cooperation throughout the Commonwealth, as the Governor, General Assembly, localities and the business community worked vigilantly to enact a transportation funding package that provides substantial new resources in addressing statewide transportation needs that had long been underfunded. Of particular interest to Northern Virginia was the inclusion of a regional package generating \$300 million annually in increase revenues dedicated to transportation projects. This funding is a significant step towards addressing

the transportation needs of Northern Virginia, estimated in the TransAction 2040 Long Range Transportation Plan at approximately \$950 million per year in additional funding.

It is critical that Northern Virginia continues to receive its fair share of statewide revenues, as required by HB 2313, and that any potential changes to the HB 2313 statewide revenues remain at least equal to the law as enacted. Furthermore, it is important that no changes are made to the portions of HB 2313 that are specific to Northern Virginia or the Code sections related to the authorities provided the Northern Virginia Transportation Authority (NVTA).

Additionally, ongoing coordination between the Commonwealth and NVTA, other regional agencies, and local governments is essential as work proceeds to implement the regional provisions of HB 2313. This coordination is especially critical as VDOT commences the evaluation required by HB 599/SB 531 (2012) which will directly impact NVTA and its future actions.

Due to legislative changes in 2012, the Commonwealth Transportation Board now has the authority to allocate up to \$500 million to priority projects throughout the state before funds are provided to the construction fund. Due to this provision, the secondary and urban construction programs will receive no new funds until 2017, despite the additional transportation revenues and the fact that construction funds have not been available since FY 2010. Furthermore, this change gives the CTB significant authority in allocating statewide resources, resulting in funds being allocated to a few large projects rather than provided equitably to localities throughout the state through normal funding formula. It is imperative that this region receives its share of the statewide funds. It is recommended that this set aside be eliminated or modified to ensure a distribution of funds to each region that more equitably reflects the requirements and needs of each region.

A modern, efficient, multimodal transportation system is essential to the Commonwealth, and is intrinsically tied to continued economic development and the ability to compete in a global economy. We must work together to maintain and build the multimodal infrastructure that Virginia needs to remain an active and dynamic participant in a 21st century economy.

Specifically, NVRC and the Northern Virginia jurisdictions support:

- **The Commonwealth working with the federal government to ensure that it also provides sufficient resources to meet Virginia's transportation needs, including capital funding to WMATA to meet safety requirements of the NTSB, repairing aging rail track, investing in new rail cars, fixing broken escalators and elevators, rehabilitating decaying rail stations and platforms, modernizing the bus fleet and improving bus facilities.**
- **Including VRE track access funding within the Commonwealth's transportation budget to avoid reductions in service, increases in jurisdiction subsidies, or unreasonably high fare increases.**
- **Revisions to Virginia's existing pedestrian legislation to clarify the responsibilities of drivers, pedestrians, and bicyclists in order to reduce the number of pedestrian injuries and fatalities that occur each year.**
- **Exploring a wide range of multi-modal transportation methodologies, e.g., water taxies, that may uniquely serve to effectively move people or products within and through the Northern Virginia region.**

Furthermore NVRC and the Northern Virginia jurisdictions oppose:

- Any legislation that would require the transfer of secondary road construction and maintenance responsibilities to counties, sometimes called devolution, especially if these efforts are not accompanied with corresponding long term revenue enhancements. While there are insufficient resources to adequately meet the maintenance and improvement needs of secondary roads within the state, the solution to this problem is not to simply transfer these responsibilities to local government that have neither the resources nor the expertise to fulfill them.
- Any legislation or regulatory moratorium on the transfer of newly constructed secondary roads to VDOT for the purpose of ongoing maintenance.
- Changes to maintenance allocation formulas detrimental to localities maintaining their own roads (e.g., Arlington County). Urban Construction Funds are already far below what is needed and localities in this region find other ways to fund new construction initiatives.

LONG-TERM STATE FUNDING FOR K-12 EDUCATION

The state must fully meet its Constitutional responsibilities to fund K-12 education. Critical gaps exist between state SOQ funding and the actual costs of providing a high quality education faced by localities. The Northern Virginia localities more than meet their responsibilities for K-12 education through their large contributions to the state General Fund, strong local effort, and the effect of high local composite indices, which divert state funding away from this region. State funding for K-12 has declined significantly in recent years from over 35% of the state General Fund in FY 2009 to less than 30% in FY 2014. Reductions in Cost of Competing Adjustment (COCA) funding has further exacerbated the stresses on the state-local K-12 partnership, one element in the permanent structural cuts in state funding that localities expressly sought to avoid.

NVRC and the Northern Virginia jurisdictions support full funding for the biennial re-benchmark of the Standards of Quality (SOQ), and strongly oppose formula changes which further weaken the partnership between the state and localities, including but not limited to, any reduction in the current state share of SOQ costs, capping state funding for support costs, and the elimination or reduction of Cost of Competing Adjustment funds to Northern Virginia localities. (Restates and revises previous position.)

COMPREHENSIVE SERVICES ACT

Since established in 1992, Virginia's Comprehensive Services Act (CSA) has led the nation by consolidating funding sources and carefully coordinating treatment services for children with severe and significant needs. This care coordination has proven successful in both meeting needs for individual children, and in proving that state and local responsibility and cost sharing can and does work well.

The CSA implementation should be regularly reviewed to assure quality services that produce improved outcomes for each child. However, the General Assembly should require that any changes in CSA law, policy or implementation guidelines designed to save state funds must also save local governments funds and cannot result in reduced access to CSA-funded services required by the children that qualify for this care. Furthermore, the General Assembly and the state Executive Council must direct the state Office of Comprehensive Services staff to work closely with local governments in a manner that further enhances the

collaborative partnership established in the CSA and improves the outcomes observed in this special population of children.

The region opposes any other change to the CSA program that would shift costs from the state to local governments, and supports the current structure under the CSA law that invests in the local Family Planning and Assessment Team (FAPT) and Community Policy and Management Team (CPMT) the responsibility to ensure that the proper services are selected for each child and provided by properly licensed providers at fair and reasonable costs.

NVRC supports state CSA policies that prevent the shift of costs of services for at-risk children fully to local government CPMT-approved services.

NVRC supports legislation to require that the State Executive Council, charged with setting policies to implement the Comprehensive Services Act, use the Administrative Process Act when promulgating, amending or repealing CSA policies. (Restates and revises previous position.)

COMMUNITY SERVICES BOARDS

NVRC and the Northern Virginia jurisdictions support funding for persons leaving the Northern Virginia Training Center to live within the community, and for an additional 175 Medicaid ID waiver slots above the required waiver slots contained within the DOJ Settlement Agreement for eligible Northern Virginians living in the community.

NVRC and the Northern Virginia jurisdictions support expanding housing options for persons with serious mental illness that would provide for both housing and services (such as psychiatry, medication, case management, mental health supports and counseling) using the Discharge Assistance Program model.

Furthermore, NVRC and the Northern Virginia jurisdictions support General Funding for:

- **The expansion of services for youth, including Systems of Care planning and implementation, Multisystemic Therapy, and intensive in-home services; and**
- **The Peer Model Recovery program for adults with Substance Abuse issues. (New position.)**

PART II – POSITION STATEMENTS

ENERGY POLICIES

NVRC supports legislation and administrative actions that reduce the Commonwealth's reliance on source of energy that reduce our security, pollute our environment, and result in greater energy use than is needed to meet our economy's needs. Legislation and policies often do not reflect the full, long-term value of energy efficiency and clean energy sources to reduce waste, lessen future energy cost increases for energy and energy-related infrastructure.

The General Assembly, Administration, and State Corporation Commission should implement policies to be an "all of the above" strategy that fully recognizes the value of energy efficiency and clean energy resources.

Specifically, NVRC supports legislation in 2014 that would expressly authorize net metering by qualifying local governments and other political subdivisions, with a sufficiently high project cap (4-5 MW) to facilitate cost-effective, local waste, biomass, wind and solar projects. NVRC additionally supports broader allowances of community net metering and revisions to the state's Renewable Portfolio Standard that would encourage development of renewable projects in Virginia in place of purchases of renewable energy credits from out-of-state sources. (Restates and revises previous position.)

DILLON RULE

NVRC supports relaxation of the Dillon Rule to provide counties, cities and towns greater autonomy in areas including land use, local revenue measures and other issues of local concern. Examples include but are not limited to, the authority to set local BPOL taxes, to provide tax relief to certain citizens, or to determine local parking regulation. The General Assembly should extend powers and authorities currently granted to some local governments by existing statute, to all other local governments. (Restates previous position.)

WATER AND NATURAL CONSERVATION

NVRC supports legislation that will improve the state's stewardship of preserving Virginia's natural resources.

NVRC supports the development and implementation of a comprehensive water resource management policy that fosters proactive planning, sustainability, regional cooperation, public education and involvement, and ecological integrity. (Restates previous position.)

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

NVRC supports funding Virginia's membership in the ICPRB in order for the Commonwealth to have a full voice in and receive the full benefits from the Commission's management and protection of the water resources in the Potomac River.

Since 1940, the Commission has been instrumental in protecting and conserving the water of the Potomac and its tributaries, a significant source of drinking water for the region. However, in 2012 the Commonwealth removed the \$151,000 annual dues contribution to ICPRB from the state's budget. The Commission's activities address the basin's major challenges, including water quality impairments, water supply, flooding, groundwater use, and nonpoint source pollution, such as the identification of pathogens and emerging contaminants. Virginia's active participation is critical to the overall effectiveness of the Commission in meeting its mission, and therefore, to the benefits that the Northern Virginia region receives from the Commission's work. (Restates previous position.)

HEALTH AND HUMAN SERVICES

NVRC supports policies that maintain the state's responsibility in partnership with local government to provide community capacity to:

- Protect vulnerable persons of every age;
- Ensure that children thrive and that youth successfully transition to adulthood;

- Promote the health of people and communities through prevention and early intervention;
- Strengthen the capacity of people and communities to achieve self-sufficiency; and
- Build and sustain a high-performing and diverse workforce.

To further support community-based programs, both public and private, NVRC supports Medicaid payment rates for services that are fair and enhance the availability of service choices. Staff-intensive services, such as personal care or home-based care, are strained when reimbursement rates are too low to support the costs of such care. (Restates and revises previous position.)

HEALTH CARE REFORM AND MEDICAID ELIGIBILITY

NVRC and the Northern Virginia jurisdictions support legislation and administrative actions that prepare Virginia for the implementation of the federal Affordable Care Act (ACA), including innovations and reforms to Virginia's Medicaid program, to increase access to treatment and prevention services, especially for Virginians currently uninsured.

In considering the Medicaid policy revisions and any policies related to the implementation of ACA in Virginia, the General Assembly and Administration should:

- Include local governments in a timely manner when designing implementation plans and structures;
- Work with local governments to provide appropriate flexibility and the resources necessary to effectively respond to the provisions of new programs that would be implemented by local government staff, such as Medicaid and FAMIS eligibility determination;
- Avoid actions that would shift costs to localities, especially those actions that weaken the social safety net by restricting access or reducing funds for locally-administered services;
- Seek to implement innovative methods of achieving cost containment without restricting access to services; and
- Implement the use of technologies, such as predictive modeling, to find and reduce Medicaid fraud and abuse. (Restates and revises previous position.)

RECYCLING SERVICES

NVRC supports legislation that improves the opportunities for recycling solid waste materials through the development of recycling markets throughout the state.

NVRC opposes any legislation that will reduce the authority or inhibit the ability of local governments to manage solid waste in accordance with mandated local solid waste management plans, and to implement mandated recycling programs and reporting requirements. (Restates previous position.)

LOCAL GOVERNMENT PLANNING AUTHORITIES

NVRC and the Northern Virginia jurisdictions support existing local authority to regulate land use through zoning and subdivision controls, and oppose legislative efforts to weaken or transfer that authority away from local governing bodies.

Furthermore, while the coordination of local and state transportation planning is important, NVRC is concerned that provisions enacted during the 2012 Session could be interpreted as transferring the

responsibility for land use planning from local governments to the Commonwealth. While the current Code allows that VDOT / CTB could withhold funding for transportation projects within a locality, NVRC strongly urges that VDOT / CTB work first with the locality to resolve the area of disagreement in transportation planning before withholding any funding. (Restates and revises previous position.)

DRAFT

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

MEMORANDUM

DATE: October 16, 2013

FOR: Chairman Martin E. Nohe and Members
Northern Virginia Transportation Authority

FROM: Monica Backmon, Chairman
Jurisdiction and Agency Coordinating Committee

SUBJECT: DRAFT 2014 Legislative Program

- 1. Purpose.** To provide a DRAFT of the 2014 Legislative Program, for informational purposes and input.

- 2. Background.** The Jurisdiction and Agency Coordinating Committee (JACC) has begun discussing recommendations to the Authority for the 2014 Legislative Program. Significant changes to the program are anticipated, due to the actions of General Assembly and Governor during the 2013 Session. As such, is providing a DRAFT of the Proposed Legislative Program, to ensure that the Authority has sufficient time to examine and provide input. Some additional changes may be included prior to the JACC's action on the document, and it is anticipated that the JACC will bring back the item for the Authority's approval at the December 12, 2013, meeting.

- 3. Attachments:**
 - A. DRAFT 2014 Legislative Program

- 4. Coordination:**
 - A. Jurisdiction and Agency Coordinating Committee

**Northern Virginia Transportation Authority
2014 Legislative Program
DRAFT: October 17, 2013**

STATE

TRANSPORTATION FUNDING

The passage of HB 2313 was the result of bipartisan cooperation throughout the Commonwealth, as the Governor, General Assembly, localities and the business community worked vigilantly to enact a transportation funding package that provides substantial new resources in addressing statewide transportation needs that had long been underfunded. Of particular interest to Northern Virginia was the inclusion of a regional package generating \$300 million annually in increased Northern Virginia revenues. This funding is a significant step towards addressing the transportation needs of Northern Virginia, estimated in the TransAction 2040 Long-Range Transportation Plan at approximately \$950 million per year in additional funding. It is critical, that Northern Virginia continues to receive its fair share of statewide revenues, as required by HB 2313, and that any potential changes to the HB 2313 statewide revenues generate funds at least equal to the law as enacted.

NVTA has initiated a bond validation proceeding related to the regional funds to test the validity of the bonds, processes, and authorizing statutes. It is imperative that no changes be made to the Northern Virginia portions of HB 2313 or to the code sections specifically related to NVTA during this process.

Additionally, ongoing coordination between Commonwealth and NVTA, other regional agencies, and local governments is essential as we all work to implement HB 2313's regional provisions. This is especially critical as VDOT commences work on the evaluation required by HB 599/SB 531 (2012), which will directly impact NVTA and its future actions.

Due to legislative changes in 2012, the Commonwealth Transportation Board now has the authority to allocate up to \$500 million to priority projects before funds are provided to the construction fund. Due to this provision, the secondary and urban construction programs will receive no new funds until 2017, despite the additional transportation revenues. This is especially alarming as localities have not received funds for this program since FY 2010. Further, this change gives the CTB significant authority in allocating statewide resources, resulting in funds being allocated to a few large projects, rather than funds being provided equitably to localities throughout the state through the normal funding formula. It is imperative that the region receives its share of the statewide funds. It is recommended that this set aside be eliminated or modified to, at the very least, ensure equitable distribution of funds to each region.

A modern, efficient, multimodal transportation system is essential to the Commonwealth, and is intrinsically tied to continued economic development and the ability to compete in a global economy. We must all work together to maintain and build the multimodal infrastructure that Virginia needs to remain an active and dynamic participant in a 21st Century economy. *(Revises previous transportation funding position.)*

WMATA FUNDING

The Commonwealth must work with the Federal Government to ensure that it, too, provides sufficient resources to address transportation needs. The Commonwealth is a valuable partner in ensuring that WMATA continues to move ahead with important safety and infrastructure capital improvements in its system. As part of the federal Passenger Rail Investment and Improvement Act (PRIIA) of 2008, WMATA received a 10-year, \$1.5B federal authorization to address urgent capital needs. The region matches these federal funds with \$50M each annually from DC, MD, and VA. The capital funding is used to support areas such as: meeting safety requirements of the NTSB, repairing aging rail track, investing in new rail cars, fixing broken escalators and elevators, rehabilitating decaying rail stations and platforms, modernizing the bus fleet, and improving bus facilities. *(Revises and reaffirms previous position).*

VRE TRACK ACCESS FEES

Since its inception, VRE has received money from the Commonwealth through the Equity Bonus Program for the track access fees. MAP-21 eliminated the Equity Bonus Program while keeping the level of program funding the same through the first two years of the law. If VRE is unable to resolve this potential funding shortfall then there will be significant budgetary ramifications which could include reductions in service, 58% jurisdiction increase in subsidies, and/or a 28% fare increase. NVTA supports the inclusion of VRE track access funding within the Commonwealth's transportation budget. If this does not occur then NVTA supports a separate appropriation through eligible federal pass through money for track access fees within its capital program. *(Revises and Reaffirms Previous Position)*

SECONDARY ROAD DEVOLUTION/LOCAL MAINTENANCE PROGRAMS

NVTA opposes any legislation that would require the transfer of secondary road construction and maintenance responsibilities to counties, especially if these efforts are not accompanied with corresponding revenue enhancements. While there are insufficient resources to adequately meet the maintenance and improvement needs of secondary roads within the Commonwealth, the solution to this problem is not to simply transfer these responsibilities to local government that have neither the resources nor the expertise to fulfill them. Further, NVTA also opposes any legislative or regulatory moratorium on the transfer of newly constructed secondary roads to VDOT for the purposes of ongoing maintenance.

Additionally, NVTA is opposed to changes to maintenance allocation formulas

detrimental to localities maintaining their own roads. Urban Construction Funds are already far below what is needed and localities must already find other ways to fund new construction initiatives and changing current formulas or requiring additional counties to maintain their roads could lead to a reduction in Urban Construction and Maintenance Funds, placing a huge extra burden on these localities.

(Reaffirms previous position).

EQUAL TAXING AUTHORITY FOR COUNTIES, CITIES AND TOWNS

NVTA supports granting counties the authority cities and towns currently have to enact local excise taxes, including the cigarette tax, admissions tax, and meals tax. Doing so would allow counties to raise additional revenues for transportation projects. *(Reaffirms previous position)*

BASE REALIGNMENT AND CLOSURE (BRAC) RECOMMENDATIONS

NVTA supports the inclusion of sufficient funding to ensure significant fiscal resources to address the enormous planning and transportation issues associated with the Base Realignment and Closure Commission recommendations. This is particularly critical, because the BRAC relocations have occurred, and Northern Virginia localities are facing significant shortfalls in the capacity of current infrastructure to support the additional military and civilian jobs. *(Reaffirms previous position).*

PEDESTRIAN AND TRANSIT SAFETY

Safe access to transit facilities can be improved through infrastructure improvements and better traffic safety laws. NVTA supports revisions to Virginia's existing pedestrian legislation to clarify the responsibilities of drivers and pedestrians in order to reduce the number of pedestrian injuries and fatalities that occur each year. In particular, support legislation that would require motorists to stop for pedestrians in crosswalks at unsignalized intersections on roads where the speed is 35 mph or less and at unsignalized crosswalks in front of schools. This issue is of special importance for pedestrians with physical or sensory disabilities, who are at particular risk of injury when crossing streets. Further, strong safety records depend on strong safety practices and training and NVTA supports training programs for transit systems, pedestrians and bicyclists. *(Revises and reaffirms previous position.)*

MAXIMIZING USE OF EXISTING FACILITIES

High performance, high capacity transit requires smart usage of existing road facilities. Localities in cooperation with the Commonwealth (DRPT and VDOT) should ensure that urban design standards for transportation system components allow for the efficient movement of vehicles; accommodate safe pedestrian and bicyclist movement; and encourage user-friendly access to transit. More flexibility in the design of transit infrastructure and facilities that enhance safety should be provided. Additionally, localities with cooperation of the Commonwealth, should to identify existing facilities that can be flexed or used by transit vehicles on an as needed or scheduled basis in order to maximize the efficient use of roadways to expand capacity. Examples are:

- The conversion of shoulders for bus use during peak rush hour - with appropriate

safety practices and improved infrastructure - will improve service and expand capacity on important corridors.

- Express Bus, Commuter Bus, and Bus Rapid Transit as well as Light Rail and Streetcar; and
- Expanded use of Buses in HOT lanes.

(New Position)

CHAPTER 729 PLANNING

Land use provisions included in legislation during the 2012 Session changed transportation planning requirements for jurisdictions. Specifically, the Virginia Department of Transportation (VDOT) and the Commonwealth Transportation Board (CTB) can decide whether local transportation plans are consistent with their current priorities. If they decided this is not the case, they are able to withhold funding for transportation projects in counties. While the NVTA is appreciative of efforts to better coordinate local and state transportation planning, the Authority is concerned that these provisions essentially transfer the responsibility for land use planning from local governments to the Commonwealth. Land use and zoning are fundamental local responsibilities and these provisions can override the work done by our local governments and our residents, property owners, and the local business communities on land use and transportation plans. *(Reaffirms previous position)*

TRANSPORTATION COORDINATION AND REGIONAL STUDIES

NVTA believes it is critical for ongoing coordination between the Authority and the Commonwealth. Additionally, it is vital that the Commonwealth involve local and regional officials in any studies or audits related to funding, planning, operations, organizational structure and processes related to agencies in the Transportation Secretariat. This is essential as VDOT commences work on the evaluation created by HB 599, which will directly impact NVTA and its future actions. Further, NVTA recommends that the Code of Virginia be amended to specify that transportation studies related to facilities wholly within one VDOT construction district, should be managed by that construction district rather than the VDOT Central Office. Regional VDOT staff is better equipped to address the concern of the affected citizens and local governments. *(Revises and reaffirms previous position).*

FEDERAL

SURFACE TRANSPORTATION PROGRAM REAUTHORIZATION

In July 2012, Congress passed a two-year transportation reauthorization bill, Moving Ahead for Progress in the 21st Century (MAP-21). This bill provides \$120 billion for federal transportation programs from July 2012 – September 2014. The bill does not direct funding towards specific projects. The U.S. Department of Transportation (USDOT) is currently developing rules for many of the programs, in consultation with

state departments of transportation, Metropolitan Planning Organizations (MPOs) and other stakeholders.

As discussions on the rulemaking and possible future legislation continue, NVTA believes that a number of significant issues should be considered, including:

- The level of Federal investment in the nation's transportation infrastructure, including both maintenance of the existing system and expansion, must increase significantly;
- The distribution of funding within the Federal Surface Transportation Program must be simplified and the number of funding programs streamlined.
- The time required to complete the federal review process of significant new transportation projects must be reduced, and the approval process must be consistent across all modal administrations. In addition, federal implementation regulations should be streamlined;
- To recognize the uniqueness of metropolitan areas, greater decision-making authority for determining how transportation funding is spent should be given to local governments and regional agencies, such as the Northern Virginia Transportation Authority;
- Energy efficiency and environmental protection must be addressed in the development of transportation projects; however environmental reviews should be conducted within specified timeframes, so that a project's environmental impacts can be identified and adequately addressed; and
- Safety and security must continue to be an important focus of transportation projects. *(Revises and reaffirms previous position)*

DEDICATED FUNDING FOR WMATA

WMATA is the only major transit provider in the country without a permanent dedicated revenue source for a significant part of their revenue base. Congress passed legislation that authorizes \$1.5 billion for WMATA over ten years, if the region adopts a dedicated funding source(s) and provides an additional \$1.5 billion to match the federal funds. All three signatory jurisdictions have passed the compact amendments required to receive the federal funding, and the non-Federal matches are in place. This authorization must continue to be accompanied by annual appropriations. *(Revises and reaffirms previous position).*

FUNDING FOR THE VIRGINIA RAILWAY EXPRESS

NVTA supports the Virginia Railway Express efforts to secure federal funding for the following capital projects: high capacity railcars, positive train control; train storage of rail equipment, station parking expansion, platform extensions and additions, and expansion of commuter rail service. *(Updates previous position.)*

LIMITS ON COMMUTER RAIL RELATED LIABILITY

NVTA calls upon Congress to approve legislation to broaden the applicability of existing

statutory language in 49 USC, 28301 related to commuter rail related liability. The language should be amended to reflect the existing liability standard of a \$250M annual aggregate limit while broadening the cap beyond passenger rail related claims for property damage, bodily injury or death so that they apply to all claims brought by third parties. *(Reaffirms previous position)*

FUNDING FOR TRANSPORTATION EMERGENCY PREPAREDNESS

NVTA calls upon Congress to provide increased security funding to local and regional transportation agencies in the metropolitan Washington area. *(Reaffirms previous position.)*

FUNDING FOR THE METROPOLITAN AREA TRANSPORTATION OPERATIONS COORDINATION (MATOC) PROGRAM

NVTA calls upon Congress to provide increased funding to transportation agencies in the metropolitan Washington area to continue funding for MATOC's operations. *(Reaffirms previous position)*

COMMUTER PARITY

NVTA supports legislation that would permanently create parity between the level of tax-free transit benefits employers can provide to employees for transit and for parking benefits, as a way to make transit service more attractive to commuters who currently drive alone. In addition, NVTA supports legislation to permanently extend the current transit benefit to all branches of the federal government. *(Revises and reaffirms previous position.)*