



**Virginia Association of Counties**

# 2008 Legislative Program

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# Overarching Priority

## **State and Local Fiscal Sustainability**

VACo is committed to guaranteeing state and local fiscal stability to ensure that the Commonwealth and its local governments provide cost-effective, quality services with equitable and sufficient tax structures.

VACo is committed to protecting the reliability and sustainability of the Commonwealth's general fund. The general fund supports most of the core government functions including public education (K-12 and higher education), health and human resources, public safety, natural resources and environmental services.

VACo calls on the Commonwealth to buttress the general fund by initiating state tax reform. Significant state tax reforms would help to reduce pressure on local government leaders who continually must consider raising real-estate tax rates to fund K-12 public education. State tax reforms should include a restructuring of the state income and sales and use taxes to increase revenues in order to meet current and foreseeable core service demands. These core services include but are not limited to K-12 public education, the Comprehensive Services Act and Mental Health and Mental Retardation. Separate user fees should be increased to support transportation (although a core government service, the Commonwealth historically has funded transportation with dedicated non-general funds in order to reserve the general fund for the additional core services).

VACo calls on the state to recognize and fully fund the true costs of K-12 public education. The Commonwealth, in accordance with its requirements, must increase the Standards of Quality payments to local governments in 2008 for the 2009-2010 biennial budget. This re-benchmarking is an inflationary adjustment required to compensate local governments for the recognized state costs to provide K-12 public education.

VACo supports expanded local statutory tax and fee authority. Local governments require sufficient revenue streams in addition to the real-estate tax to provide cost-effective and quality services. VACo supports equal taxing authority for cities and counties.

# VACo's Priorities

## **Aid to Localities**

VACo requests the Commonwealth to use the most current population statistics available, such as those developed by the Weldon Cooper Center for Public Service, for the purposes of determining state aid to those localities that have experienced growth since the last census. Those localities that have remained stable or have lost population should be held harmless and funded based on the last U.S. Census results.

## **Annexation Moratorium**

VACo supports full funding of the Commonwealth's HB 599 commitments, as well as the continuation of the current moratorium on city annexations regardless of whether those commitments have been met. The moratorium has promoted more intergovernmental cooperation between cities and counties; has allowed counties to plan for future growth and economic development within their borders; and has allowed counties to be able to protect their tax base in order to provide needed services to citizens.

## **Behavioral Health Care**

VACo supports increased funding in the provision of mental health services for children. Funding streams through the Department of Mental Health, Mental Retardation and Substance Abuse Services must be increased to support services for children at risk of foster care and/or custody relinquishment.

The Commonwealth should maintain, fully fund and continue to operate state facilities that offer services for mental health and mental retardation. These facilities should include inpatient treatment facilities for the long-term care of adults and adolescents. The Commonwealth should provide funding sufficient to allow community services boards to adequately meet the charge of providing a community-based system of care for mental health, mental retardation and substance abuse programs. Any reductions in

state facility beds will put additional pressure on local services and will require state funding.

## **Comprehensive Services Act**

VACo supports additional state funding in the "CSA Pool" as local governments comply with new Comprehensive Services Act (CSA) policy initiatives for children at risk of foster care and/or custody relinquishment. These new initiatives are outlined in proposed guidelines from the Office of Comprehensive Services that seek to clarify expanded eligibility and services. The guidelines will increase the number of children eligible to receive "mandated" services. To ensure the delivery of quality services and adequate follow-up, localities must have the flexibility to use state funding for direct and indirect costs associated with growing case loads of children already eligible for services and for the newly defined categories of children.

VACo supports continued state funding for the Community Development Infrastructure Grant. These grants should be increased over a period of time and should not be child-specific. VACo also supports increased state funding for the costs of local administration of the CSA.

## **Deployment of Broadband Internet Services**

VACo urges the Commonwealth to assist communities throughout Virginia in providing universal access to broadband Internet services. Assistance should include a combination of economic incentives as well as statewide budgetary and statutory policies. Universal access throughout the state will enhance economic growth. Broadband refers to the high-speed transmission of electronic information usually in connection with the Internet.

## **Education Funding and Re-benchmarking the Standards of Quality (SOQ)**

VACo supports full state funding for public education (including the SOQ, targeted incentive programs, capital and maintenance support, and

teacher salaries). Full state funding should be achieved without reduction to other parts of the federal and state public education budgets or to the other core services.

When re-benchmarking the SOQ, VACo calls on the state to recognize and fully fund the true costs of public education. VACo urges the state to determine, prescribe and fund the SOQ on the basis of realistic and actual educational needs, practices and costs. This includes operational, capital and maintenance costs for school facilities and transportation.

### **Health and Human Resources Funding**

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

### **Homeland Security Emergency Preparedness and Volunteer Recruitment & Retention**

The General Assembly should maintain current state funding and make certain that localities, often the first responders, are included in the planning process for homeland security and emergency preparedness measures. Federal funds received for homeland security and emergency preparedness must flow through to local agencies, departments and authorities to pay for eligible costs.

In furtherance of this goal, VACo supports legislation that provides local option for increased incentives for the recruitment and retention of volunteer public safety personnel who are crucial in these situations.

### **Land Use/Growth Management Tools**

Authority to plan and regulate land use should remain with local governing bodies and VACo opposes any legislation to weaken that authority. Furthermore, the General Assembly should grant

localities the tools necessary to adequately meet citizens' increasing transportation, education, public safety and other vital public infrastructure needs that are driven by new development.

Such tools may include broad impact fee authority for all counties, adequate public facilities provisions in subdivision ordinances, state funds for the purchase of development rights, and real estate transfer charges.

### **Sovereign Immunity**

VACo opposes any substantive change in local governments' present defense of sovereign immunity for tort liability.

### **Transportation Funding**

VACo continues to maintain that the General Assembly must substantially increase revenues for transportation. To address well-documented, unmet infrastructure needs that negatively affect the quality of life of all residents, these new revenues must be separate, reliable and permanent.

Although VACo is grateful that the General Assembly passed the transportation funding initiative of 2007, nevertheless it failed to address Virginia's massive long-term needs. According to the state's VTRANS 2025 report, "by 2025, capital and maintenance needs across all modes will exceed \$203 billion. Best estimates of available revenues (prior to 2006) are less than half that figure at \$95 billion. This is an under-investment of over \$108 billion." Additionally, actions by the 2007 General Assembly failed to address the problem of how highway maintenance obligations continue to reduce the availability of funds for vital transportation construction projects. If revenues are lost through repeal or statutory change of abusive driver fees, said revenues should be replaced with a statewide increase in the gasoline tax.

### **Unfunded Mandates**

VACo opposes unfunded mandates by the Commonwealth. When funding for a mandated program is altered, the mandate should be sus-

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

### **Water Quality Improvement Funding**

VACo supports additional state funding and technical assistance to help localities improve water quality in a manner consistent with tributary strategies, implementation of Total Maximum Daily Loading goals, and water quality standards established by the State Water Control Board. VACo strongly opposes the imposition of a state fee, tax or surcharge on water, sewer, solid waste or any other service provided by a local government or authority.

# Positions: Administration of Government

## **Dillon Rule**

The General Assembly should relax the Dillon Rule by enacting legislation giving counties greater local autonomy, particularly concerning land use regulation and local revenue measures.

## **Elected Officials**

VACo seeks to work with the General Assembly in a bipartisan effort to address the issues that arise when an elected official faces criminal prosecution. This includes a process for appointing a temporary replacement to carry out the duties and responsibilities of the office until the legal process is complete.

## **Eminent Domain**

VACo supports the preservation of the necessary powers of local government and governmental agencies to avoid and abate blighted conditions through redevelopment, and the preservation of condemnation authority provided for public purposes such as schools, parks, roads and other purposes as set out in the code.

## **Freedom of Information Act Electronic Meetings**

VACo supports amendments to the Virginia Freedom of Information Act that allow regional authorities, boards, bureaus, districts, political subdivisions, commissions or agencies of local

government to conduct electronic meetings under the same provisions as state public bodies. VACo also supports legislation allowing localities and regional bodies to conduct electronic meetings in the event of an emergency.

## **Grievance Procedures**

VACo supports granting localities the authority to utilize an administrative hearing officer in lieu of the three-member panel. VACo also supports providing immunity to local government's employees, officers, volunteers, administrative hearing officers and panel members for claims arising out of participation in personnel grievance procedures.

## **Sheriffs' Departments Staffing Standards**

VACo supports changes to the Compensation Board's minimum staffing standards to fund at least 10 deputy sheriffs per county. The current standard provides one deputy per 1,500 people, with a minimum state funding level of five deputies per county. In a county with a small population but a large land area, five deputies are simply not adequate to perform 24-hour law enforcement, court security and other legally required duties.

# Community Development & Planning

## **Affordable Housing**

VACo supports increased federal and state funding and appropriate incentives to encourage the provision of affordable housing.

## **BRAC Impacts**

VACo supports increased federal and state funding to mitigate the land use and transportation impacts on counties affected by the most recent recommendations of the Defense Base Closure and Realignment Commission (BRAC).

## **Building Design**

VACo opposes reducing local authority to regulate building design.

## **Civil Penalties for Local Ordinance Violations**

VACo supports general authority for localities to prescribe civil penalties for violations of local ordinances.

## **Cost of Growth**

VACo supports allowing localities to require a future developer to reimburse the initial developer a pro rata sum for offsite improvements provided by the initial developer.

## **Economic and Workforce Development**

VACo supports increased state funding and support for workforce training and economic development programs as effective means for making the necessary investments in infrastructure and human capital.

## **Impact Fees**

VACo supports broad impact fee authority for localities in order to fund the public infrastructure and human capital.

## **Planning Districts**

VACo supports the restoration of funding to the Hampton Roads, Richmond and Northern Virginia planning district commissions and supports the position of the Virginia Association of Planning District Commissions on the overall funding of Virginia's planning district commissions.

## **State Corporation Commission-Public Service Corporations**

VACo supports requiring public utilities to provide written notice to those residing or owning property within the affected areas before they apply to the SCC for a certificate of convenience and necessity to construct or enlarge any facility.

## **State Project Approval**

VACo supports authority for counties to approve any projects that are constructed within their jurisdiction using state funds.

## **Water and Sewer Fees**

VACo supports allowing counties to enact water and sewer availability fees and mandatory water and sewer connection powers.

# Education

## **Early Education Initiatives**

VACo supports voluntary state initiatives intended to expand access to high-quality preschool for Virginia's four-year-olds. VACo supports the Start Strong initiative that builds on the existing network of public and private providers by removing barriers to access such as geography and family income.

## **School Construction and Debt Service**

VACo encourages the state to recognize the burden that school construction and debt service costs place on local budgets. In addition to SOQ funding, the state is urged to provide localities with recurring money for school facility debt service on a per-pupil basis to establish a permanent revenue source and formula for distributing school construction and debt service funding to localities.

## **School Safety**

VACo supports a safe and productive learning environment in all schools. VACo urges the continuation of grants and enhanced funding for school resource and DARE officers and other school safety programs and initiatives.

## **Teacher Shortage**

VACo urges the state to recognize the statewide teacher shortage. The shortage results from tight labor markets, the implementation of the No Child Left Behind Act, and salary and personnel disparities. The state is urged to provide annual funding for teacher pay increases and to provide creative programs and alternate routes to licensure, in order to help attract and retain quality teachers.

## **Transportation and Technology Funding**

VACo urges the state to provide a regular funding source for the provision and maintenance of transportation, technology and infrastructure in public schools.

# Environment & Agriculture

## **Biosolids**

VACo contends that the land application of biosolids, when conducted properly, provides important benefits to the public and Virginia's agricultural sector. To reduce risks that might occur as a result of improper land application, VACo supports an effective statewide program and regulations governing land application of biosolids that protect the environment, public health and safety. VACo also supports the ability of local governments to monitor compliance with such regulations and the ability of local governments to submit recommendations for site-specific conditions into the permitting process.

## **Effects of Plastics on Agriculture**

VACo supports a study to evaluate the effect of improperly disposed plastic materials upon agriculture.

## **Energy Efficiency**

VACo strongly endorses aggressive initiatives among all levels of government to reduce dependence upon foreign sources of energy, to reduce emissions of greenhouse gases, and to improve energy efficiency.

## **Environmental Board Consolidation**

VACo supports re-enactment of legislation passed by the 2007 General Assembly that consolidates the Water Control Board, the Air Pollution Control Board, and the Board of Waste Management into the new Board of Environmental Quality.

## **Invasive Species**

VACo supports adequate funding to implement the Virginia Invasive Species Management Plan.

## **Land Conservation**

VACo supports targeted initiatives to facilitate the protection of 400,000 additional acres of land for conservation purposes by 2010. VACo also supports a Purchase of Development Rights pro-

gram with state funding for the Virginia Land Conservation Foundation, and that provides incentives for landowners of all income levels to participate in the program.

## **Non-point Source Pollution**

VACo supports a well-financed state program to address the problem of non-point source runoff from agricultural operations that would effectively encourage implementation of priority best management practices such as nutrient management planning, use of cover crops, continuous no-till farming, development of forested riparian buffers, and livestock stream exclusion.

## **Onsite Sewage Systems**

VACo supports a legislative study on problems encountered by all localities when enforcing requirements relating to onsite sewage systems, including the five-year pump-out requirement by localities subject to the Chesapeake Bay Preservation Act.

## **Recycling**

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

## **Waste Management Flow Control**

VACo supports broad authority for local governments to adopt flow control ordinances.

## **Water Supply Planning**

VACo supports additional appropriations adequate to ensure full funding by the state for the development of state-mandated water supply plans.

# Finance

## **Constitutional Officers**

VACo calls on the Commonwealth to meet its statutory obligations and fully fund the costs of constitutional officers and their employees. The Compensation Board should seek the approval of local governing bodies prior to authorizing new positions or changing reimbursement of fringe benefits. VACo supports examining alternatives for sufficiently funding constitutional officers and their employees.

## **Employment Benefits**

VACo calls on the state to fully fund state mandated retirement and employment benefits without using funds intended for other purposes (for example, the Literary Fund revenues). Full state funding of mandated benefits includes those required by the Commonwealth for particular classes of employees (including teachers, as well as emergency service, fire and police officials).

## **Equal Taxing Authority**

VACo supports granting counties the authority cities and towns retain to enact local excise taxes including the cigarette tax, admissions tax, transient occupancy tax and meals tax. VACo also supports granting counties the powers of taxation authorized to cities and towns under the Uniform Charter Powers Act.

## **Homestead Provisions**

VACo supports a real estate homestead exemption, on a local option basis, granting local elected officials maximum authority to establish fiscal policies specific to their jurisdictions.

## **Land Preservation Tax Credits (LPTC)**

VACo urges the Commonwealth to assess the long-term fiscal impact of its land preservation tax credit program on the state and its local governments, and to ensure appropriate coordination with affected local governments. This program protects specific lands from future development in exchange for a defined state income tax credit. The Commonwealth's land preservation tax credit is estimated to reduce 2009-2010 state biennial general fund revenues by \$400 million. The program also includes a broad definition of eligible lands in an attempt to protect vital properties. However, the policy affects state and local revenues. Regarding the latter point, lands should not be preserved without consideration of local comprehensive plans. Going forward, the state should ensure that applications for LPTC are consistent with local land use plans.

# Health & Human Resources

## **Aging/Long-Term Care**

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

## **Child Care Funding**

VACo supports adequate funding for the child daycare fee system and Temporary Assistance to Needy Families (TANF) child daycare funding.

## **Healthcare**

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

## **Prevention Services**

VACo supports sufficient state general funding that can be used for startup costs associated with community-based service programs. VACo recognizes that Healthy Families and CHIP of Virginia are model programs that are operated throughout the state and requests the General Assembly provide additional funding for these home-based activities. Reductions in prevention programs will put numerous youth at risk of high-end CSA placements.

# Telecommunications & Utilities

## **Communication Taxation**

VACo is resolved to help ensure that the dollars generated by the new statewide communications sales and use tax reform law, on a locality-by-locality basis, are revenue neutral in the early years and escalate in the out years.

## **Interoperability**

VACo supports the state's goal that by 2015 agencies and their representatives at the local, regional, state and federal levels are able to communicate using compatible systems, in real time, across disciplines and jurisdictions, to respond more effectively during day-to-day operations and major emergency situations. Local governments require new dedicated federal and state funding sources to achieve this goal.

# Transportation

## **Billboards**

VACo supports a requirement that any proposed billboards in VDOT's right of way to be consistent with local zoning and other applicable ordinances.

## **Bridges**

VACo requests that adequate state funding be provided for repair and replacement of substandard bridges throughout the Commonwealth.

## **Inter-Directional Signage Program**

VACo supports a requirement that any signs installed under VDOT's Interdirectional Sign Program to be consistent with local ordinances, including any local approval process.

## **Parking**

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

## **Pedestrians**

VACo supports revisions to Virginia's existing pedestrian laws clarifying the responsibilities of drivers and pedestrians in order to reduce the number of pedestrian injuries and fatalities that occur each year. In addition, VACo supports a requirement that drivers stop for pedestrians in crosswalks when a pedestrian is within the half of the roadway that the vehicle is traveling and the speed limit is 35 miles per hour or less.

## **Rail Enhancement Fund Approval**

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

## **Revenue Sharing**

VACo supports restoration of the Revenue Sharing program to the structure that existed prior to the 2006 session with robust funding, elimination of the statutory cap, and matching up to \$1 million per locality without any restrictions on local in-kind and monetary matches.

## **Road Construction and Maintenance**

VACo supports secondary street standards that protect public safety, minimize future maintenance costs and effectively manage stormwater. VACo opposes any legislation or regulations that would require the transfer of secondary road construction, maintenance or operation responsibilities to counties. As a result of enacted 2007 legislation, VACo continues to participate in VDOT's ongoing secondary street standards regulatory process that will establish new state acceptance standards.

## **Securities for Subdivision Streets**

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

## **Separation of Federal Funds**

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

## **Service Contracts**

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

## **Transportation Allocation Formula**

VACo supports a change in the Commonwealth Transportation Funding formula only if funding for all counties, cities and towns substantially increases and is indexed.

## **VDOT Cooperation**

VACo requests full cooperation and responsiveness from VDOT in addressing local government concerns.