

VACo Preliminary Legislative Program



20
23

1 **2023 Draft Legislative Program**
2 **Virginia Association of Counties**

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45 **ECONOMIC DEVELOPMENT AND**
46 **PLANNING**

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48 **Priority**

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50 **Broadband**

51 VACo requests that the Commonwealth provide 100 percent funding to counties
52 to build the necessary telecommunications infrastructure to deploy universal
53 affordable access to the internet for all areas, particularly in underserved and
54 rural areas, and streamline the application process for Virginia
55 Telecommunication Initiative (VATI) grants. Additionally, VACo supports
56 legislation that provides additional tools for counties to finance, build and
57 operate open access networks in partnership with commercial internet service
58 providers. VACo also supports efforts to streamline the permitting of broadband
59 infrastructure in the VDOT right-of-way, at railroad crossings, and within utility
60 easements.

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62 **Affordable and Workforce Housing**

63 VACo supports increasing federal and state funding and appropriate incentives to
64 assist localities in fostering affordable housing, as well as workforce housing for
65 employees such as teachers and first responders.

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67 **Positions**

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69 **Economic Development**

70 VACo supports economic development policies and programs that bolster local
71 and regional development efforts by maintaining and expanding state funding,
72 streamlining state and federal processes, and granting additional funding and
73 authority to promote local and regional initiatives. VACo also supports the
74 provision of state funding to support the mission of regional economic
75 development organizations (REDOs) to foster regional cooperation in expanding
76 business and job opportunities.

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78 **Land Use**

79 VACo supports maintaining and expanding local authority to plan and regulate
80 land use and opposes any legislation that weakens these key local responsibilities.
81 VACo also supports legislation that grants localities additional tools to adequately
82 meet increasing needs for public services driven by new development without
83 burdening current residents with the cost of new growth through increased real
84 estate taxes. Such additional tools may include broad impact fee authority for all
85 counties, and adequate public facilities provisions.

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87 **Regulation of Event Spaces**

88 VACo opposes exemptions to local review and enforcement of building, fire, and other
89 health and safety regulations for event and assembly spaces.

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Regulation of Home-based Businesses

VACo opposes any legislation that limits or restricts local authority to regulate home-based businesses, including short-term rentals regardless of whether services or goods are purchased through an online hosting platform.

Impacts of Federal and Military Facilities

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

Impacts of State Facilities

VACo recommends that prior to the proposed closure of any state facilities, the Department of General Services shall provide a detailed plan to the locality regarding removal, demolition, rehabilitation and/or adaptive reuse of buildings. VACo also recommends that the state provide technical and financial resources to assist localities in ameliorating the impacts any closure will have on the local economy.

Maintain Public Sector Role in Onsite Sewer Program

VACo supports an onsite sewage program at the Virginia Department of Health (VDH) that protects public health and the environment in all regions of the Commonwealth. The Commonwealth should give special focus to addressing the challenge of failing septic systems and allow localities authority to develop and implement policies that support the state’s program. VACo supports the private sector providing onsite sewage system design, installation, and repair services, as long as the services can be provided at affordable rates and in a timely manner, and as long as VDH continues to provide these direct services as well.

Siting of Transmission Lines

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

Electric Grid Capacity Planning

VACo supports legislation and policy that requires electric grid operators to continually share with localities where current and planned infrastructure to transmit and store energy exists that may feasibly accommodate the development of large-scale renewable energy facilities.

EDUCATION

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Priority

Education Funding

VACo urges the General Assembly to provide full state funding for public education, including the Standards of Quality (SOQ) as recommended by the Board of Education, where these recommendations coincide with prevailing local practice, targeted incentive programs, capital, and maintenance support, and teacher salaries. Full state funding should be achieved without reduction to other parts of state public education budgets or to other core services.

VACo supports additional state resources and additional statewide funding options for localities for capital and school construction costs, including expanding dedicated local sales and use tax authority first given to select counties by the General Assembly in 2019 as well as continuing to fund the School Construction Grant Program and School Construction Assistance Program.

VACo supports voluntary incentives that encourage localities to increase teacher salaries to reflect the national average in compensation, as long as this is done without a required minimum local match. The state share of compensation for the base rate of salaries should reflect the actual average salary as determined by prevailing local practice.

Positions

Appointed School Boards

VACo supports local authority to choose the selection process for school board members.

Charter Schools

VACo supports the continuation of local authority to establish charter schools.

Laboratory Schools

VACo supports innovative approaches to K-12 education as long as they do not divert state or local funds away from local public schools.

Childhood Development and School Readiness

VACo supports efforts to increase at-risk children's access to high-quality, enriching learning environments, including more resources and flexibility for localities participating in programs like the Virginia Preschool Initiative and Head Start.

VACo supports additional federal and state funding for programs such as the Child Care and Development Block Grant (CCDBG) to support increased demand for childcare services. VACo supports local flexibility to administer or expand support services for childcare.

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Critical Thinking Skills

VACo supports changes to educational programs and standards that rely less on standardized testing and more on critical thinking skills such as performance-based assessments. VACo opposes efforts to impose additional standardized testing burdens on students and school staff.

Funding Support Personnel

VACo supports full restoration of budget cuts, including the elimination of the funding cap on support positions, and full reinstatement of the Cost of Competing Adjustment “COCA” for support staff. In addition to meeting its obligations to fully fund instructional staff, the Commonwealth should meet its obligation to fully fund K-12 support staff.

Library System

VACo supports additional state resources for the funding of the local library system.

Reversion of Funds

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

School Consolidation and Regionalism

VACo supports additional state resources, flexibility and incentives that allow counties to voluntarily consolidate or regionalize K-12 services to increase operational efficiencies.

School Safety and Security

VACo supports efforts to improve school safety and preparedness. VACo supports continued local authority and state funding to implement appropriate security, preparedness, and health measures. VACo supports dedicated state funding that may include capital and operational costs.

Special Education Regional Tuition Reimbursement Program

VACo supports enhancing local capacity to serve children with high-level support needs in the least restrictive environment, including regional special education programs. VACo supports local flexibility in the structure of such programs.

K-12 Staff Shortage and Retention

VACo urges the General Assembly to approve and fund strategies addressing the teacher shortage in the Commonwealth. VACo supports a targeted approach to teacher shortage by prioritizing areas in critical need, as recommended by the Virginia Department of Education. VACo supports using district-level data to determine how to best fill shortage gaps, especially in hard-to-staff divisions.

VACo supports reducing burdens on the teacher workforce in the Commonwealth. VACo supports programs aimed at reducing student debt for

230 teaching in public schools. VACo also supports programs that encourage teachers
231 to stay in the profession including measures that provide mentorship, guidance
232 and other forms of support for teachers in their first five years in the profession.

233 VACo also supports similar efforts to address the shortage of school bus
234 drivers at both the state and federal level including incentives to recruit and
235 retain drivers and additional flexibility regarding driver requirements.

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237 **Workforce-Ready Students**

238 VACo supports changes in curriculum and funding that will increase the number
239 of students leaving the K-14 system with workforce-ready credentials. VACo
240 supports incorporating career and technical education curriculum at the
241 elementary school level. VACo supports high school students earning academic
242 credit for participating in an internship, apprenticeship, credential, and other
243 work programs. VACo supports innovative models for schools to give academic
244 credit for students that earn industry workforce skills through certifications, or
245 licensure from an approved education or training provider.

246 VACo supports establishing partnerships to strengthen the school-to-
247 workforce pipeline in a variety of ways including guaranteed employment
248 opportunities with local businesses and learning opportunities shared between
249 local community colleges and high schools. VACo supports opportunities for
250 students to physically visit and train at actual work sites in cooperation with local
251 employers and economic development entities.

252 VACo supports the expansion and funding of workforce training programs
253 such as the Virginia Talent Accelerator Program and the Virginia Jobs
254 Investment Program.

255 VACo supports the mission and activities of local Workforce Development Boards
256 across the Commonwealth of Virginia to assist businesses in securing a
257 qualified workforce that meets current and future job demand, including efforts
258 to coordinate actions across state agencies within Virginia under the
259 Commonwealth's Workforce Innovation and Opportunity Act (WIOA) plan.

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ENERGY

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Priority

Energy Policy

VACo supports energy policies and goals that reduce greenhouse gas emissions without compromising reliable and affordable access to electricity, and that address potential environmental impacts and life cycle costs for the manufacture, disposal, re-use, or recycle of material inputs. New sources of potential energy generation should include a range of technologies such as solar, wind, hydroelectric, hydrogen, and small modular nuclear reactors. Such policies should allow for responsible coal and natural gas extraction, processing, and transport while protecting agricultural interests and natural resources.

Positions

Renewable Energy Production and Energy Efficiency

VACo supports legislation allowing counties to implement renewable energy and energy efficiency goals. This includes the allowance of third-party power purchase agreements (PPAs) to serve municipal electric accounts, as well as other creative financing mechanisms that enable the development of renewable energy sources and energy efficiency programs and measures.

Utility-Scale Renewable Energy Generation and Energy Storage

VACo supports maintaining local authority to address all impacts and all choices associated with utility-scale installations of solar power, wind power, and energy storage facilities.

Utility-Scale Energy Generation and Transmission Projects

VACo supports the provision of adequate direction and resources at the state level to improve monitoring and enforcement of erosion and sediment control (ESC) and stormwater (SWM) requirements by entities constructing utility-scale projects for energy generation or transmission (including fuel). The state should have relevant agencies conduct an annual review of the standards, specifications, and construction general permit requirements to determine adequate protection of water quality, water supply, and natural resources.

Local Tax Revenue

VACo opposes any imposition, expansion, or extension of state-mandated exemptions on local property taxes for energy generating and storage equipment.

ENVIRONMENT AND AGRICULTURE

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Priority

Water Quality Funding

VACo supports sufficient and sustained financial and technical assistance to counties to improve water quality and meet all federal and state standards to reduce pollution.

Positions

Agriculture and Forestry Best Management Practices

VACo supports voluntary state and federal conservation programs, including the United States Department of Agriculture’s (USDA) Environmental Quality Incentives Program and the Conservation Stewardship Program, to assist producers with the implementation of best management practices.

Biosolids

VACo supports an effective statewide regulatory program governing land application of biosolids. Such a program should not infringe upon the authority of local governments to monitor compliance. VACo supports the ability of local governments to propose amendments to biosolids permits as they are considered by DEQ.

Chesapeake Bay

VACo supports efforts to continue to restore and protect the Chesapeake Bay but opposes additional nutrient regulations on wastewater treatment facilities that are scientifically unsound, economically infeasible, or unnecessary for meeting the Commonwealth’s goals.

Dam Safety

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

Farm and Forestland Preservation

VACo supports increasing state allocations to the Office of Farmland Preservation (OFP) Purchase of Development Rights (PDR) locality matching funds program. VACo also supports increasing allocations to the newly established Forest Sustainability Fund, created as an incentive for the establishment and maintenance of local forest land use valuation programs. Such programs preserve prime soils for food production and protect important forest land and environmentally sensitive areas in the Commonwealth.

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Flood Preparedness

VACo supports continued funding and resources that assist localities in preventing and reducing the impacts of flooding. VACo supports greater flexibility in these programs and funding sources that will maximize their benefits and best suit local and regional needs.

Hydraulic Fracturing

VACo supports a stringent state regulatory program for hydraulic fracturing (“fracking”) that addresses the potential to tap into natural gas reserves in ways that protect public and private groundwater supplies and preserve local government authority to regulate and/or ban this type of mining activity through their land use ordinances. VACo supports transparency efforts that require the disclosure of all chemicals and chemical mixes used in the fracking process prior to their use.

Invasive Species and Noxious Weeds

VACo supports funding for, and the complete implementation of, the Virginia Invasive Species Management Plan. VACo supports an amendment to the term, “noxious weeds,” enabling additional invasive plants to be considered for regulation. All programs and proposals should be evaluated for their commercial impact, allowing no more than a negligible impact on Virginia’s agricultural industry. Finally, VACo supports requiring better state prevention and mitigation practices, including coordination with the Virginia Department of Transportation (VDOT) to assist counties in species control.

Predator Control

VACo urges state and federal agencies to support the agricultural industry by allowing farmers and producers sufficient flexibility when protecting livestock against predatory animals. VACo encourages the USDA Wildlife Services Division and the Virginia Department of Agriculture and Consumer Services to allow producers access to the predator control tools required for the continuation of effective livestock production. VACo also supports USDA’s Livestock Indemnity Program and the financial relief it provides to producers who have lost livestock to the attacks of federally protected predators.

Southern Rivers Watershed

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

Stormwater Programs

VACo supports state funding that enables local governments to fully satisfy the resource and funding needs associated with local stormwater management programs. VACo supports legislation that proposes creative and cost-effective stormwater management practices. VACo supports initiatives that clarify and modernize stormwater regulations and permitting processes, including measures that make permitting more efficient, reevaluate the fee structure system, and

416 allow for considerations of factors such as long-term maintenance costs. VACo
417 supports legislation that proposes new and innovative solutions to facilitate
418 compliance with stormwater standards in ways that promote economic
419 development while achieving water quality goals.

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421 **Tree Conservation and Replacement**

422 VACo supports strengthening and expanding tree replacement and tree
423 conservation statutes to include all localities in Virginia. VACo supports
424 providing greater flexibility to all local governments to achieve their specific
425 goals.

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427 **Onsite Wastewater Systems**

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

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434 **Uranium Mining**

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

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438 **Technical Assistance**

439 VACo supports robust state funding for entities that provide critical resources
440 and technical assistance to localities in their efforts to comply with
441 environmental policies and regulations. This includes, but is not limited to,
442 organizations such as Soil and Water Conservation Districts, the Virginia
443 Cooperative Extension, and Planning District Commissions (PDCs).

444

445 **Water Supply**

446 VACo supports appropriations adequate to ensure full funding by the state for the
447 ongoing development and implementation of state-mandated water supply plans.
448 VACo does not support overly burdensome permitting processes or applications
449 for water usage. VACo supports initiatives by the state to assure adoption of
450 actions to reduce high chloride concentrations and loss of artesian head pressure
451 in Virginia's aquifers. VACo also supports a review of regulations and supports
452 education initiatives that promote reclamation of water on a local level for
453 industrial and irrigation uses to offset future demands on all ground and surface
454 water used for human consumption.

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FINANCE

Priorities

Local Finance

VACo supports preserving the authority of county governments to collect revenues necessary to provide public services.

Positions

Appeals of Tax Assessments

VACo opposes proposals to make major changes to the current appeals processes for real or tangible personal property assessments, such as changes to the assessor's presumption of correctness or the role of the state Tax Commissioner with respect to valuation of property.

Federal Relief and Infrastructure Funds

VACo encourages coordination with local governments in deployment of American Rescue Plan Act and Infrastructure Investment and Jobs Act funds so that each federal dollar can be maximized for the benefit of the residents of the Commonwealth.

Funding for State Mandated Positions and Jails

The Commonwealth must meet its obligations to fund appropriate staffing, to include competitive salaries, for the state's system of justice, to include clerks, magistrates, Commonwealth's Attorneys, public defenders, district court employees, and probation office employees. In the absence of adequate state support for this critical function of government, localities are frequently placed in the untenable position of supplementing the justice system with local dollars in order to ensure its continued functioning.

VACo urges the Commonwealth to meet its full funding obligations, to include realistic levels of staffing to enable constitutional offices to meet their responsibilities and limit the need for localities to provide additional locally-funded positions.

VACo supports flexibility in the use of state funds for compensation of constitutional officers and state-supported local employees, as well as state funding levels for compensation increases that more closely reflect the true cost of providing such increases across the state-supported local workforce, which encompasses both state-supported and locally-funded positions. For example, state-funded salary increases typically provide funding only for Compensation Board-funded positions for employees in Constitutional offices and for instructional and support positions recognized in the Standards of Quality for school divisions. In these instances, in addition to any required local matches for state-recognized positions, localities must provide comparable salary increases for locally-funded positions purely from local dollars in order to preserve parity between state-funded and locally-funded positions in the workforce.

509 VACo supports a more robust state-local partnership in funding local and
510 regional jails. In FY 2020, the Compensation Board reported \$1.05 billion in
511 total expenditures, including capital costs, to house inmates in local and regional
512 jails – localities contributed \$605.1 million of these costs, and an additional \$15.6
513 million to house inmates in other jurisdictions, while the state contributed
514 \$364.7 million.

515 A key mechanism through which the state assists with operating costs is
516 per diem payments. Prior to action by the 2022 General Assembly, per diem
517 rates had not been adjusted since FY 2011, when the payment of \$8 per day for
518 local-responsible inmates was reduced to \$4 per day, and the state-responsible
519 rate was adjusted from a bifurcated rate of 8 per day for the first 60 days and \$14
520 per day thereafter to a standard rate of \$12 per day. VACo is grateful for action
521 taken in 2022 to increase the state-responsible rate by \$3 (from \$12 to \$15), a
522 step toward more realistic funding levels. VACo supports continued efforts to
523 increase per diem rates to levels that better represent the costs of housing
524 inmates and to adjust the rates in the future so that payments keep pace with
525 rising costs. While the increase in the state-responsible rate is an important step
526 in the right direction, the current rates remain inadequate and represent an
527 underfunded mandate on counties. The Compensation Board estimated a total
528 average daily cost of operating local and regional jails at \$100.32 per inmate in
529 FY 2020, of which \$55.30 was contributed by localities.

530 VACo supports a requirement for the Department of Corrections to accept
531 state-responsible inmates into the state correctional system unless a local or
532 regional jail agrees to continue holding such inmates at the applicable per diem
533 rate. The Department of Corrections is better equipped than local and regional
534 jails to provide intensive re-entry programming, offering more than 125
535 academic, job training, and therapeutic programs to offenders who are in prison
536 and individuals under community supervision. The Department of Corrections
537 reports that state-responsible inmates who spend their entire sentences in local
538 or regional jails recidivate at a higher rate than offenders who spend at least part
539 of their incarceration in a Department of Corrections facility (26.9 percent and 21
540 percent, respectively).

541 VACo supports payment of the medical costs of inmates using a cost-
542 effective program jointly funded at the federal and state levels.

543 The state must provide sufficient funding to enable local and regional jails
544 to meet any new standards for the provision of health care, including behavioral
545 health care, for individuals incarcerated in these facilities. A report issued in
546 2021 by the Department of Criminal Justice Service and the Compensation Board
547 estimating compliance costs for proposed behavioral health standards suggests
548 that jails will need certain baseline staffing to comply with the standards, to
549 include 24/7 coverage, either on-site or on-call, by a registered nurse; on-call and
550 regularly scheduled services from a psychiatric provider; a qualified mental
551 health professional to provide group and individual therapy services; and
552 behavioral health case management services, to include discharge planning. The
553 2022 Appropriation Act included funding for 125 behavioral health case manager
554 positions and 127 partially-funded medical/treatment positions, to be phased in
555 over the biennium, representing approximately half of the staffing recommended

556 by the Compensation Board. This funding is a significant investment in helping
557 jails to comply with proposed behavioral health standards. VACo supports a
558 continued state partnership with localities in ensuring that jails are able to meet
559 state standards in caring for these vulnerable individuals.

560
561 **Mitigation of the Effects of Tax-Exempt Property on the Local Tax**
562 **Base**

563 VACo supports reinstating state payments (PILT) to counties that mitigate the
564 impacts of state correctional and behavioral healthcare facilities on county
565 revenue. VACo supports measures to ameliorate the effects of large amounts of
566 other tax-exempt property on the local tax base, including state assistance with
567 the costs of state-mandated property tax exemptions.

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569 **Legislation with Local Fiscal Impact**

570 VACo supports legislation or other measures providing additional time for
571 localities to review legislation that may have an impact on local revenues or
572 expenditures.

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574 **Modernization of Communications Sales and Use Tax Structure**

575 VACo supports updating the Communications Sales and Use Tax (CSUT) to
576 ensure that it reflects the modern telecommunications landscape, which has
577 evolved since the CSUT took effect in January 2007.

578 VACo opposes any further diversion of Communications Sales and Use Tax
579 Trust Fund dollars beyond the uses already specified in statute. These revenues
580 should be held in trust for localities and not diverted for general state purposes.
581 Currently, funds from the Communications Sales and Use Tax Trust Fund are
582 taken “off the top” for the Department of Taxation’s costs to administer the tax,
583 the telephone relay center operated by the Department for the Deaf and Hard of
584 Hearing, and any franchise fees owed to localities. Language adopted in the
585 2018-2020 biennium budget and continued in the 2021 Appropriations Act
586 provides for an additional diversion of funds to the state General Fund from
587 assumed savings in the telephone relay contract; these funds would otherwise
588 flow to localities.

589
590 **Real and Personal Property Tax Exemptions Enacted Prior to 2003**

591 VACo supports providing localities the ability to decide whether to maintain
592 property tax exemptions granted by the General Assembly prior to passage of the
593 Constitutional amendment vesting the authority to grant such exemptions with
594 localities. The Constitutional amendment which was passed by the voters in
595 2002 and took effect in January 2003 placed decision-making authority about
596 local tax exemptions with local governing bodies, within certain limits, and this
597 authority should apply to exemptions granted before 2003 as well.

GENERAL GOVERNMENT

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Priorities

Local Authority

VACo supports relaxation of the Dillon Rule and supports legislation maintaining and enhancing local authority and autonomy in matters including land use, revenue measures, procurement, and other issues of local concern. VACo supports extending powers currently granted to some local governments to all local governments. VACo opposes legislation that erodes local authority.

Unfunded Mandates

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

Positions

Collective Bargaining for Public Employees

VACo opposes any effort to mandate collective bargaining for public employees.

Election Administration

VACo supports legislation that would decrease the costs of elections to localities and establish a more robust state-local relationship in funding this vital function of government. Cost reduction solutions include requiring parties to pay for primary elections, having one date for primary elections, establishing countywide voting places and other similar measures. The state should provide adequate funding to localities for voting equipment and registrar costs and should assist localities with the resources necessary to implement state requirements, such as meeting election security standards. VACo also supports legislation to minimize or eliminate Split Voting Precincts. Additionally, VACo supports a streamlined process to address situations in which census boundaries do not align with locally drawn or commonly adhered to boundaries. VACo supports additional flexibility for localities in the requirements for drawing precinct and district boundaries.

Ethics Reform

VACo supports common sense efforts to strengthen Virginia's public ethics and conflicts of interest laws that are applicable and practical at the local level.

647 **Freedom of Information Act (FOIA)**

648 VACo opposes changes to the Virginia Freedom of Information Act that would
649 impose additional burdens on localities. VACo supports the option for local and
650 regional bodies to meet electronically. VACo supports protecting the
651 confidentiality of citizen complainants' personal information from disclosure
652 under FOIA.

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654 **Grievance Hearings**

655 VACo supports legislation authorizing localities to use an administrative hearing
656 officer and existing grievance panels and procedures, and opposes the mandate of
657 a three-member panel. VACo also supports providing immunity to local
658 government employees, officers, volunteers, administrative hearing officers and
659 panel members for claims arising out of participation in personnel grievance
660 procedures.

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662 **Interoperability**

663 VACo supports the state's goal that agencies and their representatives at the local,
664 regional, state and federal levels be able to communicate using compatible
665 systems to respond more effectively during day-to-day operations and major
666 emergencies.

667 VACo supports increased interoperability and the Commonwealth's
668 transition to Next Generation 9-1-1 (NG9-1-1) in a way that does not unfairly
669 burden localities, financially or otherwise.

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671 **Pretrial Services**

672 VACo supports increased funding for and expansion of pretrial services. If the
673 Commonwealth adopts a funding formula for pretrial services, it must hold
674 harmless the localities currently participating.

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676 **Public Notice, Public Hearing and Public Procurement**

677 VACo supports legislation to streamline required newspaper advertising for
678 public notices, public hearings and public procurement including legislation to
679 give localities the option to use electronic or other forms of notification as an
680 alternative to newspaper advertising.

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682 **Public Safety – Body Worn Cameras**

683 VACo supports maintaining the ability of local governments to adopt policies and
684 practices regarding body worn cameras that reflect local needs and fiscal realities.

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686 **Sovereign Immunity**

687 VACo opposes any substantive change in local governments' present defense of
688 qualified immunity and sovereign immunity. VACo opposes bringing counties
689 under the Virginia Tort Claims Act.

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State Assistance for Police Departments

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

Workers’ Compensation Presumptions

VACo opposes any effort to expand workers’ compensation presumptive illnesses eligibilities for public employees that is not done in concert with additional state funding assistance to local governments to offset additional insurance liabilities.

Cybersecurity

VACo supports dedicated state and federal funding for local governments to acquire and maintain advanced cybersecurity to protect vital systems and sensitive data. Incident reporting requirements should not impose an undue burden or interfere with local incident response.

PRELIMINARY

HEALTH AND HUMAN RESOURCES

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Priority

Health and Human Resources Funding

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

VACo supports resources necessary for behavioral health and mental health facilities to ensure the protection of residents’ and staff health and safety, such as appropriate staff qualifications, training, compensation, and condition of the facilities.

Positions

Aging/Long-Term Care

VACo supports efforts that allow seniors 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. Due to the increasing number of older adults in Virginia and the rise of Adult Protective Services (APS) cases, VACo supports additional state resources to ensure adequate training for APS workers on topics such as financial exploitation.

Behavioral Healthcare

VACo supports continued funding by the Commonwealth sufficient to allow Community Services Boards (CSBs) (or equivalent county agencies)¹ to meet adequately the charge of providing services through a community-based system of care. State support must adequately enable CSBs to provide the services mandated by the General Assembly as part of the STEP-VA initiative, as well as any additional requirements that may be added. Funding must be sufficient to ensure adequate staffing in a competitive market.

Any changes to CSB funding should involve meaningful consultation with localities as key funding partners in the behavioral health system. In addition to local contributions to CSBs, localities make significant commitments to behavioral health through support for services funded through the Children’s Services Act and local spending on behavioral health care in local and regional jails, among other funding commitments.

Proposed changes to the funding structure, such as the creation of new funding formulae, should apply only to new funding. As an alternative, hold-

¹ The term “Community Services Boards” is used here to encompass the operating or administrative policy Community Services Boards, behavioral health authority, and local government departments with policy-advisory Community Services Boards.

783 harmless funds must be provided to those CSBs that would stand to lose state
784 funding under any new funding structure.

785 VACo supports the ability of the Department of Behavioral Health and
786 Developmental Services to waive local matching requirements for CSB funding
787 for localities experiencing financial hardships.

788 Realignment of the behavioral health funding structure to incentivize
789 community-based treatment rather than use of state hospitals will require
790 additional state dollars and must not rely on local funding to backfill
791 unanticipated costs for hospitalization.

792 VACo supports the provision of additional resources to meet the
793 behavioral health needs of justice-involved individuals, such as mobile crisis
794 services and other diversion programs that may be appropriate substitutes for, or
795 supplements to, law enforcement responses. Such work should be coordinated
796 with existing local and state efforts. A sustained commitment of resources from
797 the state will be necessary to ensure successful implementation of the Marcus
798 Alert system; these resources must be in addition to, and not at the expense of,
799 the funding needed to provide the array of community-based services established
800 under STEP-VA.

801 VACo recognizes the need for specialized services for individuals with
802 cognitive impairments who may experience behavioral health challenges, and
803 supports the provision of resources to enable these individuals to remain in the
804 community, such as continued funding for dementia behavioral specialists and
805 other supports for caregivers.

806 VACo supports efforts to address census pressures at state hospitals
807 through near-term funding measures that will enable all state hospitals to receive
808 admissions of individuals subject to temporary detention orders without delays.
809 VACo supports competitive salaries and training for state hospital direct care
810 staff. In addition, ongoing efforts to support community-based crisis services
811 must continue.

812 VACo supports the creation of additional Medicaid waiver slots to serve
813 individuals with intellectual and developmental disabilities in the community,
814 approximately 13,877 of whom were on a wait-list as of August 2022.

815 VACo supports efforts to improve efficiency and save staff time for child
816 abuse or neglect or family abuse cases in juvenile and domestic relations courts
817 by allowing behavioral health care providers the ability to submit written reports
818 documenting mental health conditions, similar to the current ability for
819 documentation of physical conditions or injuries to be submitted in writing by
820 certain health care providers, provided that all current standards of
821 confidentiality are preserved.

822

823 **Children's Services Act**

824 VACo supports equitable cost-sharing between the state and localities for the
825 costs involved in the placements of children in residential treatment facilities for
826 non-educational reasons. VACo opposes proposals to limit state participation in
827 funding services for children and youth who are mandated to be provided with
828 special education and foster care services.

829 VACo supports enhancing the ability of local school divisions to serve
830 children with disabilities, to include flexibility in use of state pool funds to serve
831 children with high-level needs in local or regional programs tailored to meet
832 those needs, at local option; exploration of enhancements to the Students with
833 Intensive Support Needs Application (SISNA) or a similar funding mechanism
834 within the Department of Education to enable more children to be supported
835 within the public school environment; and additional support for special
836 education wraparound services to help support children in their communities.

837 VACo supports state assistance to localities with contracting for CSA
838 services to improve localities' ability to negotiate with providers of these services,
839 such as private day placements. Rate setting by the state must not limit the
840 state's funding obligation at the expense of localities if a provider refuses to
841 accept the negotiated rate.

842 VACo appreciates the investment of an additional \$500,000 per year in
843 state administrative funds in the 2022 Appropriation Act and supports continued
844 investment of state resources to assist in the local administration of CSA
845 programs. As CSA becomes increasingly complex and the Office of Children's
846 Services is charged with ensuring effective implementation, the state should
847 provide funding and other resources to support local programs.

848

849 **Early Intervention**

850 VACo supports sustainable funding for Part C Early Intervention, which is an
851 entitlement program that provides services for Virginia's infants and toddlers.
852 VACo requests that the General Assembly continue to increase state general
853 funding to address growth in caseloads and fund rates that address the costs of
854 providing the services. Underfunding this entitlement program puts pressure on
855 local revenues to fill funding gaps for this mandated service.

856

857 **Emergency Medical Transportation**

858 VACo supports policies to protect consumers who require air ambulance services.
859 VACo opposes proposals that would add additional legal and administrative
860 burdens on local first responders regarding decisions about methods of
861 transportation in emergency situations.

862

863 **Foster Care**

864 VACo supports continued state efforts to ensure successful implementation of
865 federal legislation governing federal funding for children placed in foster care, to
866 include improving access to the evidence-based prevention services that may be
867 funded by Title IV-E dollars and ensuring that congregate care providers are able
868 to meet new standards required in the law. This legislation will allow federal
869 participation in prevention services that previously have been funded by state
870 and local dollars, but services must meet certain standards in order to qualify for
871 federal funding.

872 VACo supports state assistance in recruiting appropriate foster families to
873 care for children who must be removed from their homes. VACo supports state
874 assistance in recruiting and retaining child welfare workers to address high rates
875 of turnover in local departments of social services, such as by increasing the

876 number of partnerships with universities in Virginia, improving training for child
877 welfare workers by implementing an academy model, and expanding the Child
878 Welfare Stipend program.

879

880 **Healthcare**

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

886

887 **Human Trafficking**

888 VACo supports treating survivors of human trafficking as victims, not criminals,
889 and supports their access to services available to other trauma victims, such as
890 job placement services, housing assistance, access to education, legal services,
891 and mental health services.

892

893 **Implementation of Medicaid Expansion**

894 VACo supports continued state funding for the local costs associated with
895 Medicaid expansion, such as local eligibility workers, as well as state assistance
896 with reviewing the Medicaid eligibility of the more than 2 million individuals
897 currently on the Medicaid rolls as required after the termination of the federal
898 public health emergency (which has barred disenrollment of individuals during
899 the emergency period as a condition of the state's receipt of the enhanced federal
900 match rate).

901

902 **Local EMS Involvement**

903 VACo supports increased local involvement in state EMS planning to ensure
904 statewide needs are met and to avoid imposing unnecessary barriers to
905 volunteerism.

906

907 **Prevention Services**

908 VACo supports increased state general funding for community-based service
909 programs. VACo recognizes programs such as Healthy Families, Comprehensive
910 Health Investment Project (CHIP) of Virginia, Smart Beginnings, and Resource
911 Mothers as important models and requests that the General Assembly provide
912 additional funding for these home- and community-based activities. Investments
913 in programs that ensure a strong start for children can help reduce the need for
914 costlier interventions later in life.

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916 **Substance Abuse**

917 Efforts to address substance dependency must be comprehensive and
918 coordinated with localities. The state should develop and support evidence-based
919 prevention initiatives and should continue to improve access to treatment.

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Telehealth

VACo supports the use of electronic information and telecommunications technologies to support long-distance clinical health care, patient and professional health-related education, public health and health administration. Flexibility in the delivery of these services is essential in meeting the needs of residents.

PRELIMINARY

TRANSPORTATION

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Priority

Transportation Funding

VACo supports continued study and action to address the causes for declining growth in transportation revenues and to develop recommendations to grow revenue over time to meet increasing demands for new construction and maintenance for existing transportation infrastructure. Such action must address the secondary road needs of counties throughout the Commonwealth, including additional funding for the paving of unpaved roads.

VACo supports changes to simplify the Smart Scale process for allocating transportation funds to reduce time and costs to prepare and review applications. VACo supports adequate funding levels to maintain existing transit capital state match rates.

VACo supports continuing efforts to replace the regional funding that was redirected from the Northern Virginia Transportation Authority.

While VACo supports the passage of the 2021 Infrastructure Investment and Jobs Act (IIJA), this funding should not replace the necessary funding the Commonwealth should provide localities regarding their transit and infrastructure needs. VACo supports flexible funding for transportation, transit and infrastructure projects across the Commonwealth.

Local-State Cooperation

VACo is committed to the protection of local government authority to regulate land use. This authority must be recognized by Virginia Department of Transportation (VDOT) and the Commonwealth Transportation Board (CTB) when evaluations are conducted to determine the consistency between local transportation plans and the Commonwealth's transportation priorities. VACo also opposes the reduction of local control that is associated with the CTB's process of designating Corridors of Statewide Significance and the implementation of Arterial Preservation. Additionally, VACo supports additional flexibility within the VDOT project approval process and standards to be responsive to localities' individual needs. VACo supports the expansion of authority and discretion of Resident Administrators of VDOT to approve modifications to design standards where appropriate with local needs, including reduction of speed limits.

Positions

Airports

VACo supports additional state and federal funding for the maintenance and expansion of airports to foster regional economic development.

1015 **Autonomous Vehicles**
1016 VACo supports continued collaboration with local governments on the
1017 development, deployment, and restrictions of use for autonomous vehicles, aerial
1018 systems, and related support infrastructure.

1019
1020 **Electric Vehicle Charging Stations**
1021 VACo supports increased state and federal funding that provides for the
1022 availability and installation of interoperable, electric vehicle charging stations in
1023 collaboration with localities.

1024
1025 **Devolution of Secondary Roads**
1026 VACo opposes legislative or administrative initiatives that would transfer to
1027 counties the responsibility for the construction, maintenance or operation of new
1028 and existing roads.

1029
1030 **Maintenance Priorities**
1031 VACo supports a requirement imposed upon VDOT to implement a notification
1032 plan with the local governing body to establish maintenance priorities.

1033
1034 **Orphaned Drainage Outfalls**
1035 VACo supports the recommendations of the Evaluation of Drainage Outfalls Final
1036 Report to mitigate the impacts of drainage outfalls with no assigned maintaining
1037 entity across the Commonwealth.

1038
1039 **Parking**
1040 VACo supports general authority for counties to adopt ordinances regulating,
1041 including prohibiting, the parking of boats, RVs, utility trailers, campers, etc. on
1042 subdivision streets. In addition, VACo supports additional authority that would
1043 allow localities with parking ordinances the ability to enforce such ordinances
1044 using law enforcement, uniformed local employees, or uniformed personnel
1045 under contract with the locality.

1046
1047 **Railways**
1048 VACo supports efforts by the Commonwealth to expand sustainable passenger
1049 and commuter rail service, including Transforming Rail in Virginia, to currently
1050 unserved areas of the Commonwealth as well as areas where demand exceeds
1051 available service. VACo supports continued collaboration with local governments
1052 regarding Commonwealth Rail Fund projects funded by the state and constructed
1053 within their jurisdictions. VACo supports efforts to safely improve mobility issues
1054 on roads that cross railway lines.

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1056 **Recordation Tax Distribution to Localities**
1057 VACo supports the restoration of state recordation tax revenues distributed to
1058 counties and cities for use of transportation or public education purposes.

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Regional Transportation Funding

VACo opposes any efforts to divert existing dedicated regional transportation revenues to areas and purposes outside of that region unless additional dedicated funding sources are provided to hold such funding harmless.

Truck Size and Weight

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

Transit

State funding for transit should account for the needs of each region and community to foster regional economic development.

PRELIMINARY