

# VACo Preliminary Legislative Program



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1                   **2024 Draft Legislative Program**  
2                   **Virginia Association of Counties**

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4                                   **Table of Contents**

5  
6  
7  
8   **Agriculture and Rural Affairs**                                   **p. 2**  
9  
10  
11   **Community, Economic, and Workforce Development**                   **p. 4**  
12  
13  
14   **Education**   **p. 6**  
15  
16  
17   **Environment, Energy, and Land Use**                                   **p. 9**  
18  
19  
20   **Finance and Elections**   **p. 13**  
21  
22  
23   **General Government**   **p. 17**  
24  
25  
26   **Health and Human Resources**   **p. 20**  
27  
28  
29   **Transportation**   **p. 24**  
30  
31

32   **EDITOR’S NOTE**

33   *The draft steering committee positions in this packet consist solely of*  
34   *language that was previously reviewed and discussed by each steering*  
35   *committee during VACo’s August meetings at the VACo County Officials*  
36   *Summit. Any additional policy statements requested by members of the*  
37   *steering committees or proffered by counties during the VACo Regional*  
38   *Meetings will be presented to the Committees for further review at the*  
39   *November VACo Annual Conference.*  
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# AGRICULTURE AND RURAL AFFAIRS

## Priority

### **Farm and Forestland Preservation**

VACo supports increasing state allocations to the Office of Farmland Preservation (OFF) 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.

VACo supports preserving and enhancing the ability for counties to balance growth and development, as it pertains to farm and forestland, within their jurisdiction.

## Positions

### **Agriculture and Forestry Best Management Practices**

VACo supports voluntary state and federally-funded 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. VACo supports a study to determine the impact of biosolids on agriculture and forest land.

### **Invasive Species and Noxious Weeds**

VACo supports funding for, and the complete implementation of, the Virginia Invasive Species Management Plan. 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 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 and crops against predatory animals. VACo encourages the USDA Wildlife Services Division, the Virginia Department of Wildlife Resources and the Virginia Department of Agriculture and Consumer Services to allow producers access to

89 the predator control tools required for the continuation of effective livestock and  
90 crop production. VACo also supports USDA’s Livestock Indemnity Program and  
91 the financial relief it provides to producers who have lost livestock to the attacks  
92 of federally protected predators. Furthermore, VACo supports the USDA’s  
93 various crop and livestock insurance policies as well as the Noninsured Crop  
94 Disaster Assistance program (NAP) as these programs seek to provide financial  
95 assistance to producers who have undergone crop or livestock loss.

96  
97 **Technical Assistance**

98 VACo supports increased state funding for entities that provide critical resources  
99 and technical assistance to localities in their efforts to comply with  
100 environmental policies and regulations.

101  
102 **Water Usage**

103 VACo supports streamlined permitting and application processes for water usage.  
104 VACo also supports a review of regulations and supports education initiatives  
105 that promote reclamation of water on a local level for industrial and irrigation  
106 uses to offset future demands on all ground and surface water used for human  
107 consumption. VACo supports water use and water rights decisions be made at  
108 the local level.

109  
110 **Solid Waste**

111 VACo supports maintaining local authority to regulate solid waste and opposes  
112 any effort to interfere with local “flow control” ordinances.

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136 **COMMUNITY, ECONOMIC, AND**  
137 **WORKFORCE DEVELOPMENT**

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139 **Priority**

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141 **Broadband**

142 VACo requests that the Commonwealth provide 100 percent funding to counties  
143 to build the necessary telecommunications infrastructure to deploy universal  
144 affordable access to the internet for all areas, particularly in underserved and  
145 rural areas, and streamline the application process for Virginia  
146 Telecommunication Initiative (VATI) grants. Additionally, VACo supports  
147 legislation that provides additional tools for counties to finance, build and  
148 operate open access networks in partnership with commercial internet service  
149 providers. VACo also supports efforts to streamline the permitting of broadband  
150 infrastructure in the VDOT right-of-way, at railroad crossings, and within utility  
151 easements.

152  
153 **Affordable and Workforce Housing**

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

157  
158 **Positions**

159  
160 **Economic Development**

161 VACo supports economic development policies and programs that bolster local  
162 and regional development efforts by maintaining and expanding state funding,  
163 streamlining state and federal processes, and granting additional funding and  
164 authority to promote local and regional initiatives. VACo also supports the  
165 provision of state funding to support the mission of regional economic  
166 development organizations (REDOs) to foster regional cooperation in expanding  
167 business and job opportunities.

168  
169 **Impacts of Federal and Military Facilities**

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

176  
177 **Impacts of State Facilities**

178 VACo recommends that prior to the proposed closure of any state facilities, the  
179 Department of General Services shall provide a detailed plan to the locality

180 regarding removal, demolition, rehabilitation and/or adaptive reuse of buildings.  
181 VACo also recommends that the state provide technical and financial resources to  
182 assist localities in ameliorating the impacts any closure will have on the local  
183 economy.

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

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

193  
194 Additionally, VACo supports legislation ensuring that potential buyers of  
195 real property are told about the type, size and maintenance requirements and  
196 associated costs of the wastewater systems on the property prior to the signing of  
197 the initial sales contract and the recordation of engineered systems plat and deed  
198 at the time of sale.

### 199 **Workforce-Ready Students**

200 VACo supports changes in curriculum and funding that will increase the number  
201 of students leaving the K-14 system with workforce-ready credentials. VACo  
202 supports incorporating career and technical education curriculum at the  
203 elementary and middle school levels. VACo supports high school students  
204 earning academic credit for participating in an internship, apprenticeship,  
205 credential, and other work programs. VACo supports innovative models for  
206 schools to give academic credit for students that earn industry workforce skills  
207 through certifications, or licensure from an approved education or training  
208 provider.

209  
210 VACo supports establishing partnerships to strengthen the school-to-  
211 workforce pipeline in a variety of ways including guaranteed employment  
212 opportunities with local businesses and learning opportunities shared between  
213 local community colleges and high schools. VACo supports opportunities for  
214 students to physically visit and train at actual work sites in cooperation with local  
215 employers and economic development entities.

216 VACo supports the expansion and funding of workforce training programs  
217 such as the Virginia Talent Accelerator Program and the Virginia Jobs  
218 Investment Program to leverage federal grant programs with state funding.

219 VACo supports the mission and activities of local Workforce Development  
220 Boards across the Commonwealth of Virginia to assist businesses in securing a  
221 qualified workforce that meets current and future job demand, including efforts  
222 to coordinate actions across state agencies within Virginia under the  
223 Commonwealth Workforce Innovation and Opportunity Act (WIOA) plan.

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# EDUCATION

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## Priority

### **Education Funding**

VACo supports full state funding for public education, including the Standards of Quality (SOQ) as recommended by the Board of Education and the Joint Legislative Audit & Review Commission (JLARC). As long as 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 state 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.



271 VACo supports the work of and local government representation on the  
272 Commission on Early Childhood Care and Education to provide  
273 recommendations for and tracking progress on the financing of Virginia’s  
274 comprehensive birth-to-five early childhood care and education system.  
275

276 **Critical Thinking Skills**

277 VACo supports changes to educational programs and standards that rely less on  
278 standardized testing and more on critical thinking skills such as performance-  
279 based assessments. VACo opposes efforts to impose additional standardized  
280 testing burdens on students and school staff.  
281

282 **Funding Support Personnel**

283 VACo supports full restoration of budget cuts, including the elimination of the  
284 funding cap on support positions, and full reinstatement of the Cost of  
285 Competing Adjustment “COCA” for support staff. In addition to meeting its  
286 obligations to fully fund instructional staff, the Commonwealth should meet its  
287 obligation to fully fund K-12 support staff.  
288

289 **Library System**

290 VACo supports additional state resources for the funding of the local library  
291 system.  
292

293 **Reversion of Funds**

294 VACo supports the current practice whereby all year-end funds appropriated to  
295 the school divisions by the locality revert to the locality, retaining discretion with  
296 the governing body to evaluate and approve the reallocation of year-end fund  
297 balances.  
298

299 **School Consolidation and Regionalism**

300 VACo supports additional state incentives that allow counties to voluntarily  
301 consolidate or regionalize K-12 services to increase operational efficiencies.  
302

303 **School Safety and Security**

304 VACo supports efforts to improve school safety and preparedness. VACo supports  
305 continued local authority and state funding to implement appropriate security,  
306 preparedness, and health measures. VACo supports dedicated state funding that  
307 may include capital and operational costs.  
308

309 **Special Education Regional Tuition Reimbursement Program**

310 VACo supports enhancing local capacity to serve children with high-level support  
311 needs in the least restrictive environment, including regional special education  
312 programs. VACo supports local flexibility in the structure of such programs.  
313

314 **K-12 Staff Shortage and Retention**

315 VACo urges the General Assembly to approve and fund strategies addressing the  
316 teacher shortage in the Commonwealth. VACo supports a targeted approach to  
317 teacher shortage by prioritizing areas in critical need, as recommended by the



318 Virginia Department of Education. VACo supports using district-level data to  
319 determine how to best fill shortage gaps, especially in hard-to-staff divisions.

320 VACo supports reducing burdens on the teacher workforce in the  
321 Commonwealth. VACo supports programs aimed at reducing student debt for  
322 teaching in public schools. VACo also supports programs that encourage teachers  
323 to stay in the profession including measures that provide mentorship, guidance  
324 and other forms of support for teachers in their first five years in the profession.

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

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PRELIMINARY

# ENVIRONMENT, ENERGY, AND LAND USE

## Priorities

### **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.

### **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 – Environment

### **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.

### **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

409 disclosure of all chemicals and chemical mixes used in the fracking process prior  
410 to their use.

411

### 412 **Southern Rivers Watershed**

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

416

### 417 **Stormwater Programs**

418 VACo supports state funding that enables local governments to fully satisfy the  
419 resource and funding needs associated with local stormwater management  
420 programs. VACo supports legislation that proposes creative and cost-effective  
421 stormwater management practices. VACo supports initiatives that clarify and  
422 modernize stormwater regulations and permitting processes, including measures  
423 that make permitting more efficient, reevaluates the fee structure system, and  
424 allows for consideration of factors such as long-term maintenance costs. VACo  
425 supports legislation that proposes new and innovative solutions to facilitate  
426 compliance with stormwater standards in ways that promote economic  
427 development while achieving water quality goals.

428

### 429 **Tree Conservation and Replacement**

430 VACo supports strengthening and expanding tree replacement and tree  
431 conservation statutes to include all localities in Virginia. VACo supports  
432 providing greater flexibility to all local governments to achieve their specific  
433 goals.

434

### 435 **Uranium Mining**

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

438

### 439 **Technical Assistance**

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

445

### 446 **Water Supply**

447 VACo supports appropriations adequate to ensure full funding by the state for the  
448 ongoing development and implementation of state-mandated water supply plans.  
449 VACo does not support overly burdensome permitting processes or applications  
450 for water usage. VACo supports initiatives by the state to assure adoption of  
451 actions to reduce high chloride concentrations and loss of artesian head pressure  
452 in Virginia's aquifers. VACo also supports a review of regulations and supports

453 education initiatives that promote reclamation of water on a local level for  
454 industrial and irrigation uses to offset future demands on all ground and surface  
455 water used for human consumption.

456

## 457 **Positions – Energy**

458

### 459 **Local Tax Revenue**

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

462

### 463 **Renewable Energy Production and Energy Efficiency**

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

469

### 470 **Utility-Scale Renewable Energy Generation and Energy Storage**

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

474

### 475 **Utility-Scale Energy Generation and Transmission Projects**

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

482

### 483 **Siting of Transmission Lines**

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

486

### 487 **Electric Grid Capacity Planning**

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

492

## 493 **Positions – Land Use**

494

### 495 **Local Authority**

496 VACo supports maintaining and expanding local authority to plan and regulate  
497 land use and opposes any legislation that weakens these key local responsibilities.

498 VACo also supports legislation that grants localities additional tools to adequately  
499 meet increasing needs for public services driven by new development without  
500 burdening current residents with the cost of new growth through increased real  
501 estate taxes. Such additional tools may include broad impact fee authority for all  
502 counties, and adequate public facilities provisions.  
503

504 **Regulation of Event Spaces**

505 VACo opposes exemptions to local review and enforcement of building, fire, and  
506 other health and safety regulations for event and assembly spaces.  
507

508 **Regulation of Home-based Businesses**

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

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## Priority

### **Local Finance**

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

VACo appreciates the starting point that the discussions in the 2022 legislative session took regarding adjustments to sales taxes on food purchased for human consumption and essential personal hygiene products -- that any local revenue losses would be replaced. VACo believes that the compromise forged in the budget negotiations in 2022 protects local K-12 revenue and respectfully requests that no further changes be made that would negatively affect this important local funding source.

## Positions

### **Appeals of Tax Assessments**

VACo supports preservation of the current appeals processes for real or tangible personal property assessments, including the assessor's presumption of correctness and the role of the state Tax Commissioner with respect to valuation of property.

### **Election Administration**

[Note: To be redrafted and discussed at 11/12 Steering Committee meeting]

### **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 providing supplemental funding 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

590 funding levels for compensation increases that more closely reflect the true cost  
591 of providing such increases across the state-supported local workforce, which  
592 encompasses both state-supported and locally-funded positions. For example,  
593 state-funded salary increases typically provide funding only for Compensation  
594 Board-funded positions for employees in Constitutional offices and for  
595 instructional and support positions recognized in the Standards of Quality for  
596 school divisions. In these instances, in addition to any required local matches for  
597 state-recognized positions, localities must provide comparable salary increases  
598 for locally-funded positions purely from local dollars in order to preserve parity  
599 between state-funded and locally-funded positions in the workforce.

600 **Jails:** VACo supports a more robust state-local partnership in funding  
601 local and regional jails. In FY 2021, the Compensation Board reported \$1.04  
602 billion in total expenditures, including capital costs, to house inmates in local and  
603 regional jails – localities contributed \$601.4 million of these costs, and an  
604 additional \$16.4 million to house inmates in other jurisdictions, while the state  
605 contributed \$364.1 million.

606 A key mechanism through which the state assists with operating costs is  
607 per diem payments. Prior to action by the 2022 General Assembly, per diem  
608 rates had not been adjusted since FY 2011, when the payment of \$8 per day for  
609 local-responsible inmates was reduced to \$4 per day, and the state-responsible  
610 rate was adjusted from a bifurcated rate of \$8 per day for the first 60 days and  
611 \$14 per day thereafter to a standard rate of \$12 per day. VACo is grateful for  
612 action taken in 2022 to increase the state-responsible rate by \$3 (from \$12 to  
613 \$15), a step toward more realistic funding levels.<sup>1</sup> VACo supports continued  
614 efforts to increase per diem rates to levels that better represent the costs of  
615 housing inmates and to adjust the rates in the future so that payments keep pace  
616 with rising costs. While the increase in the state-responsible rate is an important  
617 step in the right direction, and the numbers of state-responsible inmates in local  
618 jails have declined significantly, the current rates remain inadequate and require  
619 counties to subsidize care for individuals who should be housed at the  
620 Department of Corrections. The Compensation Board estimated a total average  
621 daily cost of operating local and regional jails at \$107.09 per inmate in FY 2021,  
622 of which \$59.03 was contributed by localities.

623 VACo supports a requirement for the Department of Corrections to accept  
624 state-responsible inmates into the state correctional system unless a local or  
625 regional jail agrees to continue holding such inmates at the applicable per diem  
626 rate. The Department of Corrections is better equipped than local and regional  
627 jails to provide intensive re-entry programming, offering more than 125  
628 academic, job training, and therapeutic programs to offenders who are in prison  
629 and individuals under community supervision. The Department of Corrections  
630 reports that state-responsible inmates who spend their entire sentences in local  
631 or regional jails recidivate at a higher rate than offenders who spend at least part  
632 of their incarceration in a Department of Corrections facility (26.9 percent and 21  
633 percent, respectively).

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<sup>1</sup> Committee to consider updates in November to reflect General Assembly budget action on local-responsible per diem rates in September 2023.



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

636 The state must provide sufficient funding to enable local and regional jails  
637 to meet any new standards for the provision of health care, including behavioral  
638 health care, for individuals incarcerated in these facilities. A report issued in  
639 2021 by the Department of Criminal Justice Service and the Compensation Board  
640 estimating compliance costs for proposed behavioral health standards suggests  
641 that jails will need certain baseline staffing to comply with the standards, to  
642 include 24/7 coverage, either on-site or on-call, by a registered nurse; on-call and  
643 regularly scheduled services from a psychiatric provider; a qualified mental  
644 health professional to provide group and individual therapy services; and  
645 behavioral health case management services, to include discharge planning. The  
646 2022 Appropriation Act included funding for 125 behavioral health case manager  
647 positions and 127 partially-funded medical/treatment positions, to be phased in  
648 over the biennium, representing approximately half of the staffing recommended  
649 by the Compensation Board. This funding is a significant investment in helping  
650 jails to comply with proposed behavioral health standards. VACo supports a  
651 continued state partnership with localities in ensuring that jails are able to meet  
652 state standards in caring for these vulnerable individuals.

#### 653 **Mitigation of the Effects of Tax-Exempt Property on the Local Tax** 654 **Base**

655 VACo supports reinstating state payments (PILT) to counties that mitigate the  
656 impacts of state correctional and behavioral healthcare facilities on county  
657 revenue. VACo supports measures to ameliorate the effects of large amounts of  
658 other tax-exempt property on the local tax base, including state assistance with  
659 the costs of state-mandated property tax exemptions.  
660

#### 661 **Legislation with Local Fiscal Impact**

662 VACo supports legislation or other measures providing additional time for  
663 localities to review legislation that may have an impact on local revenues or  
664 expenditures.  
665

#### 666 **Modernization of Communications Sales and Use Tax Structure**

667 VACo supports updating the Communications Sales and Use Tax (CSUT) to  
668 ensure that it reflects the modern telecommunications landscape, which has  
669 evolved since the CSUT took effect in January 2007.  
670

671 VACo opposes any further diversion of Communications Sales and Use Tax  
672 Trust Fund dollars beyond the uses already specified in statute. These revenues  
673 should be held in trust for localities and not diverted for general state purposes.  
674 Currently, funds from the Communications Sales and Use Tax Trust Fund are  
675 taken “off the top” for the Department of Taxation’s costs to administer the tax,  
676 the telephone relay center operated by the Department for the Deaf and Hard of  
677 Hearing, and any franchise fees owed to localities. Language adopted in the  
678 2018-2020 biennium budget and continued in the 2021 Appropriations Act  
679 provides for an additional diversion of funds to the state General Fund from

680 assumed savings in the telephone relay contract; these funds would otherwise  
681 flow to localities.

682  
683 **Real and Personal Property Tax Exemptions Enacted Prior to 2003**

684 VACo supports providing localities the ability to decide whether to maintain  
685 property tax exemptions granted by the General Assembly prior to passage of the  
686 Constitutional amendment vesting the authority to grant such exemptions with  
687 localities. The Constitutional amendment which was passed by the voters in  
688 2002 and took effect in January 2003 placed decision-making authority about  
689 local tax exemptions with local governing bodies, within certain limits, and this  
690 authority should apply to exemptions granted before 2003 as well.

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PRELIMINARY

# GENERAL GOVERNMENT

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## Priorities

### **Local Authority**

VACo supports relaxation of the Dillon Rule by 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.

### **Emergency Management**

VACo supports efforts to study emergency management needs and associated funding, evaluate the sustainability of present funding models, and assess alternative funding strategies employed in other states.

### **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.

### **First Responder Recruitment, Retention, Training, and Support**

VACo urges the General Assembly to provide additional resources that would assist local governments with the recruitment, retention, training, and support of first responders such as law enforcement, fire and EMS personnel, and 9-1-1 dispatchers.

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

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

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**Grievance Hearings**

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

**Interoperability**

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

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

**Local EMS Involvement**

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

**Pretrial Services**

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

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

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

**Public Safety – Body Worn Cameras**

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

**Sovereign Immunity**

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

**State Assistance for Police Departments**

VACo supports increasing state assistance for police departments through “599” Aid to Localities. This funding is designed to equalize state funding between

820 counties in which the sheriff department provides law enforcement and those  
821 cities, counties, and towns with a police department.

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**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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## Priorities

### **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.

### **Crisis Services and State Hospital Capacity to Accept Individuals Subject to Temporary Detention Orders**

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

## 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)<sup>2</sup> 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

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<sup>2</sup> 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.

908 any additional requirements that may be added. Funding must be sufficient to  
909 ensure adequate staffing in a competitive market.

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

916 Proposed changes to the funding structure, such as the creation of new  
917 funding formulae, should apply only to new funding. As an alternative, hold-  
918 harmless funds must be provided to those CSBs that would stand to lose state  
919 funding under any new funding structure.

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

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

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

936 VACo recognizes the need for specialized services for individuals with  
937 cognitive impairments who may experience behavioral health challenges, and  
938 supports the provision of resources to enable these individuals to remain in the  
939 community, such as continued funding for dementia behavioral specialists and  
940 other supports for caregivers.

941 VACo supports the creation of additional Medicaid waiver slots to serve  
942 individuals with intellectual and developmental disabilities in the community,  
943 approximately 14,528 of whom were on a wait-list as of June 2023.

944 VACo supports efforts to improve efficiency and save staff time for child  
945 abuse or neglect or family abuse cases in juvenile and domestic relations courts  
946 by allowing behavioral health care providers the ability to submit written reports  
947 documenting mental health conditions, similar to the current ability for  
948 documentation of physical conditions or injuries to be submitted in writing by  
949 certain health care providers, provided that all current standards of  
950 confidentiality are preserved.

951

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

953 VACo supports equitable cost-sharing between the state and localities for the  
954 costs involved in the placements of children in residential treatment facilities for



955 non-educational reasons. VACo opposes proposals to limit state participation in  
956 funding services for children and youth who are mandated to be provided with  
957 special education and foster care services.

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

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

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

### 977 978 **Early Intervention**

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

### 985 986 **Foster Care**

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

995 VACo supports state assistance in recruiting appropriate foster families to  
996 care for children who must be removed from their homes. Continued state  
997 assistance with finding placements for youth with high-acuity needs is  
998 particularly important in building on the progress made by the Safe and Sound  
999 Task Force. VACo supports state assistance in recruiting and retaining child  
1000 welfare workers to address high rates of turnover in local departments of social  
1001 services, such as by increasing the number of partnerships with universities in

1002 Virginia, improving training for child welfare workers by implementing an  
1003 academy model, and expanding the Child Welfare Stipend program.

1004

1005 **Healthcare**

1006 VACo supports continued state funding for dental care, school nurses and  
1007 preventive services and maternal and child health programs offered through local  
1008 health departments and local school systems. VACo encourages the state to  
1009 prepare for emergency health services access to care and to develop and fund  
1010 incentives that would alleviate the nursing shortages felt in many communities.

1011 VACo supports efforts to reduce the cost of prescription drugs for  
1012 individual consumers as well as for local governments' health insurance plans for  
1013 county employees, such as through an affordability review process and the  
1014 establishment of Upper Payment Limits for high-cost prescription drugs,  
1015 provided there is an opportunity for local representation in such a process.

1016

1017 **Human Trafficking**

1018 VACo supports treating survivors of human trafficking as victims, not criminals,  
1019 and supports their access to services available to other trauma victims, such as  
1020 job placement services, housing assistance, access to education, legal services,  
1021 and mental health services.

1022

1023 **Implementation of Medicaid Expansion**

1024 VACo supports continued state funding for the local costs associated with  
1025 Medicaid expansion, such as local eligibility workers, as well as state assistance  
1026 with reviewing the Medicaid eligibility of more than 1.2 million cases as required  
1027 after the termination of the federal public health emergency (which has barred  
1028 disenrollment of individuals during the emergency period as a condition of the  
1029 state's receipt of the enhanced federal match rate).

1030

1031 **Prevention Services**

1032 VACo supports increased stable, predictable funding, through state general fund  
1033 appropriations or federal funding streams, for voluntary home visiting programs.  
1034 Investments in programs that ensure a strong start for children can help reduce  
1035 the need for costlier interventions later in life.

1036

1037 **Substance Use Disorder**

1038 Efforts to address substance dependency must be comprehensive and  
1039 coordinated with localities. The state should develop and support evidence-based  
1040 prevention initiatives and should continue to improve access to treatment.

1041

1042 **Telehealth**

1043 VACo supports the use of electronic information and telecommunications  
1044 technologies to support long-distance clinical health care, patient and  
1045 professional health-related education, public health and health administration.  
1046 Flexibility in the delivery of these services is essential in meeting the needs of  
1047 residents.

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# 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.

1095 **Autonomous Vehicles**  
1096 VACo supports continued collaboration with local governments on the  
1097 development, deployment, and restrictions of use for autonomous vehicles, aerial  
1098 systems, and related support infrastructure.

1099  
1100 **Electric Vehicle Charging Stations**  
1101 VACo supports increased state and federal funding that provides for the  
1102 availability and installation of interoperable, electric vehicle charging stations in  
1103 collaboration with localities.

1104  
1105 **Devolution of Secondary Roads**  
1106 VACo opposes legislative or administrative initiatives that would transfer to  
1107 counties the responsibility for the construction, maintenance or operation of new  
1108 and existing roads.

1109  
1110 **Maintenance Priorities**  
1111 VACo supports a requirement imposed upon VDOT to implement a notification  
1112 plan with the local governing body to establish maintenance priorities.

1113  
1114 **Orphaned Drainage Outfalls**  
1115 VACo supports the recommendations of the Evaluation of Drainage Outfalls Final  
1116 Report to mitigate the impacts of drainage outfalls with no assigned maintaining  
1117 entity across the Commonwealth.

1118  
1119 **Parking**  
1120 VACo supports general authority for counties to adopt ordinances regulating,  
1121 including prohibiting, the parking of boats, RVs, utility trailers, campers, etc. on  
1122 subdivision streets. In addition, VACo supports additional authority that would  
1123 allow localities with parking ordinances the ability to enforce such ordinances  
1124 using law enforcement, uniformed local employees, or uniformed personnel  
1125 under contract with the locality.

1126  
1127 **Railways**  
1128 VACo supports efforts by the Commonwealth to expand sustainable passenger  
1129 and commuter rail service, including Transforming Rail in Virginia, to currently  
1130 unserved areas of the Commonwealth as well as areas where demand exceeds  
1131 available service. VACo supports continued collaboration with local governments  
1132 regarding Commonwealth Rail Fund projects funded by the state and constructed  
1133 within their jurisdictions. VACo supports efforts to safely improve mobility issues  
1134 on roads that cross railway lines.

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1136 **Recordation Tax Distribution to Localities**  
1137 VACo supports the restoration of state recordation tax revenues distributed to  
1138 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