



CITY COUNCIL AGENDA
Monday, November 19, 2018

5:30 p.m. **Closed session as provided by Section 2.2-3712 of the Virginia Code**
Second Floor Conference Room (Boards & Commissions; Legal Consultation)

6:30 p.m. **Regular Meeting - CALL TO ORDER**
Council Chambers

PLEDGE OF ALLEGIANCE
ROLL CALL
ANNOUNCEMENTS
PROCLAMATIONS

2018 VML GO Green Challenge

1. CONSENT AGENDA (Items removed from consent agenda will be considered at the end of the regular agenda)
Galvin/Signer; 5-0

- a. Minutes – November 5, 2018 Council Meeting and November 14, 2018 Work Session
- b. **APPROPRIATION:** VDOT Funding for Multi-Modal Improvements - \$413,217 (2nd of 2 readings)
- c. **APPROPRIATION:** West Main Streetscape Improvements Revenue Sharing - \$3,112,413 (2nd of 2 readings)
- d. **APPROPRIATION:** Urban Construction Initiative Annual Meeting – \$2,064.02 (1st of 2 readings)
- e. **APPROPRIATION:** Special Nutrition Program Food Grant - \$32,000 (1st of 2 readings)
- f. **APPROPRIATION:** Community Forest Grant for Land Acquisition at Ragged Mountain - \$600,000 (1st of 2 readings)
- g. **APPROPRIATION:** City Schools Check and Connect Student Engagement Grant - \$62,691 (1st of 2 readings)
- h. **APPROPRIATION:** Drug Treatment Court Administration Grant - \$293,745 (1st of 2 readings)
- i. **APPROPRIATION:** Runaway Emergency Shelter Program Grant - \$209,444 (1st of 2 readings)
- j. **APPROPRIATION:** Charlottesville Affordable Housing Fund repayment of Substantial Rehab loan - \$28,282 (1st of 2 readings)
- k. **APPROPRIATION:** Charlottesville Affordable Housing Fund repayment of Substantial Rehab loan - \$23,478.94 (1st of 2 readings)
- l. **ORDINANCE:** Quitclaim Gas Easement in North Berkshire Road to VDOT (1st of 2 readings)
- m. **ORDINANCE:** Quitclaim Gas Easement in Dunlora Subdivision to VDOT (1st of 2 readings)
- n. **ORDINANCE:** Quitclaim Gas Easement in Hollymead Towncenter Subdivision to VDOT (1st of 2 readings)

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

COMMUNITY MATTERS Public comment is provided for up to 16 speakers at the beginning of the meeting (limit 3 minutes per speaker.) Pre-registration is available for up to 8 spaces, and pre-registered speakers are announced by noon the day of the meeting. The number of speakers is unlimited at the end of the meeting.

2. RESOLUTION*: 2019 Legislative Programs – City and Thomas Jefferson Planning District Commission (1st of 1 reading) Action 1: TJPDC-Galvin/ Hill; 5-0; Action 2. City- Galvin/ Hill 5-0; Action 3. Bellamy Proposal-Bellamy/ Walker- 2/3 (Galvin, Signer and Hill against); Action 4. Walker Proposal- Galvin/ Hill- Amended and approved 4-1 (Signer against).

3. APPROPRIATION*: Water Street Parking Garage Supplemental Appropriation - \$977,155 (1st of 2 readings)

4. REPORT: Downtown Business Association of Charlottesville (DBAC) Marketing Update

5. REPORT: Progress Update on the City's Commitment to the Global Compact of Mayors

6. REPORT: Lighting Study Follow Up

7. REPORT: West Main Infrastructure Update (Bike/Pedestrian and ADA)

OTHER BUSINESS
MATTERS BY THE PUBLIC

APPROPRIATION

FY 2019 Revenue Sharing Program - Multi-Modal Improvements

\$413,217

WHEREAS, a total of \$413,217 in state funds for the Revenue Sharing Program requires appropriation;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following is hereby appropriated in the following manner:

Revenues

\$ 413,217 Fund: 426 WBS: P-01004 G/L Account: 430080

Expenditures

\$ 413,217 Fund: 426 WBS: P-01004 G/L Account: 599999

APPROPRIATION

FY 2019 Revenue Sharing Program – West Main Streetscape Improvements Phase 1

WHEREAS, a total of \$3,112,413 in state funds for the Revenue Sharing Program requires appropriation;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following is hereby appropriated in the following manner:

Revenues

\$ 3,112,413 Fund: 426 WBS: P-00336 G/L Account: 430080

Expenditures

\$ 3,112,413 Fund: 426 WBS: P-00336 G/L Account: 599999

**CHARLOTTESVILLE CITY COUNCIL
LEGISLATIVE POSITION STATEMENTS
FOR THE 2019 GENERAL ASSEMBLY SESSION**

Endorsement of TJPD and VML Priority Statements

As a member of the TJPD, Virginia First Cities and of the Virginia Municipal League, we are supportive of the 2019 Legislative Positions presented by those organizations. On a few issues, the City's interests may differ, and those issues are included within the following position statements.

Children's Education, Services and Programs

We appreciate state funding currently being provided to support implementation by local school divisions of extended school day/ extended school year programs, and encourage continuation of these dollars. Also, the State should increase funding to the Virginia Juvenile Community Crime Control Act (VJCCCA) program, which has demonstrated effectiveness in substantially reducing the number of juvenile justice commitments over the past decade.

Affordable Housing

We strongly advocate that the State should consider enactment of legislation authorizing inclusionary zoning ordinances. In localities where there is an affordable housing crisis, market forces are not delivering new affordable units, and the over-complexity of the density bonus provisions within Virginia Code § 15.2-2305 (the provisions of which do not appear to have been reviewed since 2008 for economic feasibility) make that statute difficult to interpret and apply. We encourage the General Assembly to establish a comprehensive state Affordable Housing Program that delegates authority to all Virginia municipalities consistent with the more general authorization within Virginia Code § 15.2-2304. Finally, we support any and all legislative action that would allow localities greater flexibility in (i) the range of methods that may be applied to implement local affordable housing programs, and (ii) in the use of public funding for the promotion and establishment of affordable housing.

We ask legislators to provide and expand state funding and incentives to support localities acquisition and remediation of gray-field and brown-field sites for the purposes of developing affordable mixed income and mixed use developments in economically isolated census tracts.

We request our legislators to support a study to examine establishing a real property tax circuit breaker program that provides tax relief to a homeowner as a credit or a refund of the homeowner's state income tax if the homeowner's real property tax exceeds a certain percentage of their gross income. These programs are found in many forms in numerous states including New York, Arizona, and Minnesota.

Public Service Corporations' Use of Public Rights of Way

We oppose any legislative action that would further expand the ability of telecommunications companies or other entities to install new above-ground poles or other support structures in City rights-of-way, on terms or conditions mandated by state law.

We encourage legislators to support doubling the scope of Dominion Virginia Power's Pilot Program for Undergrounding Utility lines, either by legislation or by approval of state funding. We encourage legislators to authorize Dominion Virginia Power to spend up to 10% of their revenue on undergrounding lines and to include

an “open ditch” policy allowing the burial of power lines either within or adjacent to a public Right of Way ROW. Dominion should be allowed to impose a surcharge on affected customers, if undergrounding is requested by a locality to coincide with local projects removing and replacing natural gas, water and sewer lines within a public ROW.

Local Authority to Regulate the Use and Development of Land

We oppose any legislative action that would limit our local authority to regulate the nature and intensity of specific uses of land, in relation to their location(s) within our city; we oppose any legislation that would single out specific land uses for special treatment throughout the Commonwealth without regard to the impact of such land uses in particular locations.

We appreciate the state’s willingness to work with localities to coordinate land use and transportation planning, including multi-modal transportation planning. We ask legislators to provide state funding and incentives to support localities’ acquisition, preservation and maintenance of open space.

Stormwater Management; Water Quality

The state should substantially increase funding for the **Stormwater Local Assistance Fund (SLAF)**, the program that provides matching grants to localities for stormwater management projects. The SLAF provides critical matching funds to localities for best management practices. funding in FY19 was provided in the amount of \$20 million, and we believe that more than twice that amount is necessary to adequately fund measures that ultimately benefit all residents of the Commonwealth.

The state should also provide reliable state funding for Agriculture Best Management Practices Cost-Share programs. The current FY20 allocation of \$10 million is substantially less than the \$100 million identified by the Virginia Department of Conservation and Recreation as being necessary. We ask your support for the provision of adequate funding and training as well as an expansion of allowable stormwater management “best practices”. We encourage our legislators to oppose any legislation that would result in new or expanded mandates or requirements.

Finally, The City of Charlottesville asks legislators to oppose any legislation which would require a locality to waive stormwater utility fees, or to exempt railroad companies or other entities from the requirement to pay local Stormwater utility fees--all landowners should be required to share in the cost of stormwater utility programs.

Chesapeake Bay Preservation Act

The City of Charlottesville does not oppose expansion of the CBPA beyond its current tidal river boundaries. In this regard, our position differs from TJPD’s.

Clean Energy Initiatives

The City of Charlottesville is committed to reducing its community-wide greenhouse emissions associated with energy use. Increasing the availability of financial resources available to a broader range of community members is one key to our success. We encourage our representatives to endorse legislation, funding, and data sharing proposals that support energy efficiency and renewable energy use. We also encourage our legislators to endorse state level funding and technical assistance for localities to adopt and maintain clean alternative fuel for public transit such as electric and hydrogen fuel cell busses.

We support the forthcoming DEQ rule to regulate CO2 emissions from the electric power sector in Virginia through a market-based emission mechanism, such as participation in the existing Regional Greenhouse Gas Initiative (RGGI) with proceeds incentivizing energy efficiency improvements and renewable energy

investments as well as addressing public health, integrity of property, and economic and infrastructure resilience amid climate change.

We request the enactment of a mandatory renewable portfolio standard (RPS) to provide a market incentive for renewable power in Virginia to keep Virginia competitive with neighboring states.

We support legislation for ratepayer subscriptions (e.g., community solar) for electricity from solar-produced power for all rate payers, including community net metering. Community solar must not be limited to utility-sponsored programs.

We support net metering legislation that enhances localities' options to take full advantage of net metering's opportunities, including to get credit for, or be compensated for, excess renewable energy generated at a location owned, leased or operated by a locality, including locations that are non-contiguous. We furthermore request legislators to support action that would remove the net-metering limit that currently stands as a one percent cap on the total amount of solar that can be net metered in a utility territory.

We encourage the replacement of current pilot programs for third-party renewable energy power purchase agreements with a permanent provision that allows PPAs to all customer classes without limits on system size or program capacity.

The City of Charlottesville supports continued investment in the Stormwater Local Assistance Fund to assist localities with critical stormwater projects to meet federal and state clean-water requirements.

Transportation Funding and Devolution

We urge legislators to increase state funding for the expansion and maintenance of all modes of our transportation infrastructure, to keep pace with growing public needs and expectations. As the State continues to implement the Smart Scale project prioritization process, adequate funding is critical for important local and regional projects, including those that promote walking and cycling as viable modes of transportation for commuting (not just recreation). We also encourage legislators to support the establishment of a "Smart Scale-type" prioritization for rail and transit projects. We ask our legislators to advocate for an increase in the lane-mileage rates for funding of local street maintenance (primary/urban funds).

Easing Restrictions on Obtaining Restricted Driver's Licenses

We encourage legislation that would allow restricted driver licenses to be issued for as long as a court deems appropriate, and to allow courts to issue restricted licenses when necessary to facilitate the employment, or continued employment of an individual who is otherwise subject to revocation of his or her driver license.

We support legislation that creates a restricted driver's license for undocumented residents in Virginia that permits driving to day-to-day activities such as the individual's place of employment or transporting their families to school.

Public Safety

Firearms--we encourage our legislators to contact the legislators representing the City of Roanoke, and co-sponsor legislation that would allow municipalities to prohibit firearms in places where public meetings are being conducted. Further, we again urge our legislators to sponsor, or to co-sponsor legislation that would enable reasonable local firearms regulations in densely populated localities, including expanding the list of urban localities in which the state prohibits individuals from carrying certain loaded semi-automatic rifles and pistols, and certain shotguns, in public places. In densely populated areas, such as Charlottesville and the other localities already listed in this existing state statute, the carrying of such firearms presents special risks and

hazards—and the General Assembly has already acknowledged this within Virginia Code Section 18.2-287.4. We also encourage legislation allowing urban localities enhanced authority to regulate the discharge of firearms within their corporate limits.

Cell Phone Use While Driving--according to the Morbidity and Mortality Weekly Report, and a 2013 study by the Virginia Tech Transportation Institute, distracted driving accounts for 10% of all fatal motor vehicle accidents. Reaching for a phone, checking contacts, and dialing makes an accident three times more likely. Given practical limitations of enforcing Virginia's "no-texting-while-driving" law we ask legislators to consider enacting a flat ban on drivers using handheld phones (exempting only the use of a GPS device which can be monitored by police).

Procurement

We oppose any legislative action that would restrict our ability to make local procurement decisions that are best for the citizens we serve. Any erosion of local authority to implement the policies of the Virginia Public Procurement Act, through means tailored at the local level to assure acquisition of the best goods and services at the most competitive rates, is contrary to fiscal responsibility objectives.

We ask legislators to continue to support any legislation that would authorize use of preferences by public bodies for goods, services, and construction produced in the locality in which the public body is located, and that would authorize preferences for award of contracts to persons, firms, or corporations having principal places of business in the locality in which the procuring public body is located. We also ask you to support any legislation that would allow localities the ability to procure goods and services by competitive negotiation, in situations where job creation and tax base expansion would be part of a "best value" analysis of competitive proposals.

State Budget and Local Revenues, Generally

We encourage legislators to improve the process for evaluating local fiscal impacts of proposed legislation. Actions that would impose additional administrative burdens on local governments without sufficient financial resources or administrative flexibility will jeopardize the quality of services delivered at the local level, and will ultimately jeopardize the potential success of state programs and initiatives. We oppose any shift of the cost(s) of state programs to localities, and we oppose any legislative or budgetary action that would remove or reduce any existing sources of local funding (e.g., HB599 funding for law enforcement; diversion of fines, fees and forfeitures relating to violations of local ordinances; etc.). We oppose across-the-board state cuts to education funding.

Likewise, we request our legislators to change the manner in which transportation funding is provided to localities; localities should have flexibility to apply transportation funding in a manner that they deem most beneficial to their own communities. Localities should have the right to determine whether allocations of state funding should be spent for maintenance of existing streets or for new construction.

Taxing, Licensing and Regulating Internet-Based Businesses and Services

We oppose any state legislation that would single out any internet-based businesses and services for special treatment for purposes of local taxation, licensing and regulation. We request our legislators to protect our local ability to regulate businesses on a level playing field, whether they are traditional, electronic, internet-based, virtual, or otherwise. Creating a level playing field for competition among businesses offering goods and services is the best way to ensure safety, reliability, and fair access to goods and services for consumers. The state should not carve out exceptions to business licensing, or local taxes, for special interest groups; in doing so, state legislators would harm traditional local businesses and deprive local governments of stable and reliable sources of revenue.

Home Rule

We request our legislators to support home rule for municipalities. Dillon's Rule is a rule of judicial construction imposed by the Supreme Court of Virginia's 1896 ruling in *City of Winchester v. Redmond*. We request that our legislators support legislation which explicitly abrogates Dillon's Rule and permits municipalities to exercise all governmental powers unless specifically restricted by the Commonwealth. The Commonwealth contains a diversity of localities ranging from suburban entities with over one million residents to bucolic locales with populations of less than ten thousand residents. The diversity found within the Commonwealth's localities should not be subject to the "one size fits all" approach encompassed within Dillon's Rule. Instead, each municipality should be empowered to exercise its powers to best meet the needs of its citizenry.

Immigration

We oppose any legislative efforts to restrict a locality's ability to adopt any ordinance, policy, or procedure that concerns the enforcement of federal immigration laws. We value all of Charlottesville's residents, regardless of their federal immigration status, and ask for the maximum flexibility to adopt ordinances, policies, and procedures that best serve our residents.

Non-Discrimination

We request our legislators to support legislation that promotes equal housing and employment opportunities without regard to sexual orientation, transgender status, or gender identity. Additionally, we request our legislators to support legislation that incorporates sexual orientation, transgender status, and gender identity as categories included in Virginia Code §52-8.5's definition of hate crimes.

Restoration of Rights

We request our legislators to support legislation that provides for the automatic restoration of rights to individuals seeking to reclaim their civil rights. Individuals convicted of a felony should not have their exercise of the franchise and other civil rights depend on the discretion of the Governor.

Equal Rights Amendment

All Americans deserve to be treated equally under the law. We request our legislators to support ratification of the Equal Rights Amendment to the United States Constitution. The Commonwealth of Virginia should become the thirty-eighth, and deciding, state to ratify the Equal Rights Amendment to guarantee the equality of rights for all individuals regardless of their sex.

Disposable Plastic Bags

We request our legislators to allow local option authority to develop incentives or regulations to decrease or otherwise regulate the distribution, sale, or offer of disposable plastic bags. Regulating plastic bags can mitigate harmful impacts to oceans, rivers, lakes, forests and the wildlife that inhabit them. Reducing bag use can also relieve pressure on landfills and waste management.

Requests to Legislators for Specific Bills

(1) Safety of Public Parks, Public Buildings and other Public Spaces.

Authority to Control the Safety of Public Spaces and Buildings. We ask our legislators to sponsor a bill that would **create an exception to the restrictions set forth within Virginia Code § 15.2-915** specifically: to authorize municipalities and other local governments to prohibit the possession of firearms (including concealed firearms carried with a permit) and weapons by any individual who is at a meeting conducted by, or on property owned, operated, managed or under the control of the local government. This authority would apply to the grounds of a public park or other similar public place, during times at which entry to that public place is controlled at entrances where law enforcement or security officers are present, and metal detection devices are employed. Notice of any such prohibition would need to be posted on the property during times when the prohibition would be in effect. **The state of Tennessee adopted such legislation, which took effect July 1, 2017, see TN ST § 39-17-1359.** The availability of this legislatively-delegated authority contributed significantly to the successful management of a rally conducted in Shelbyville, Tennessee in October 2017.

Prohibition of certain firearms in Charlottesville. We ask our legislators to sponsor a bill that would **add the City of Charlottesville to the list of other urban jurisdictions in which, pursuant to Virginia Code § 18.2-287.4,** it is unlawful for any individual to carry a loaded: (a) semi-automatic center-fire rifle or pistol that expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine that will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock or (b) shotgun with a magazine that will hold more than seven rounds of the longest ammunition for which it is chambered, on or about his person, on any public street, road, alley, sidewalk, public right-of-way, or in any public park or any other place of whatever nature that is open to the public.

Prohibition of burning torches in public places, with intent to intimidate. We ask our legislators to sponsor a bill that would make it a crime for an individual to carry a burning torch on any highway or other public place, with the intent of intimidating any person or group of persons. This legislation could be **added to Title 18.2 of the Virginia Code, where there already exist similar provisions prohibiting the burning of a cross or other object on public property,** and prohibiting the display of a noose on a highway or other public place in a manner having a direct tendency to place another person in reasonable fear or apprehension of death or bodily injury.

(2) Authority for Charlottesville to make local decisions on Confederate monuments: We ask our legislators to sponsor a bill that would exempt Charlottesville from the restrictions and requirements of Virginia Code §§ 15.2-1812, for any monuments or memorials erected in such municipality prior to July 1, 1997. Further, we ask the legislators to introduce bills (i) to grant Charlottesville immunity from suit under the provisions of 15.2-1812.1 as to any such monuments or memorials, and (ii) to clarify that Charlottesville is immune from prosecution for a violation of Virginia Code § 18.2-137 with respect to any monument or memorial owned by such locality.

(3) Speed Cameras: We ask our legislators to sponsor a bill that would enable certain local governments to adopt policies regarding the deployment of automated speed cameras in school zones and residential neighborhoods at no cost to the Commonwealth of Virginia. We have several residential neighborhoods, and school zones, experiencing significant traffic safety hazards due to motorists traveling at speeds well above posted limits—at levels which enhanced enforcement and enhanced penalties have not deterred the traffic violations.

(4) Inclusionary Zoning: We ask our legislators to sponsor a bill that enables Charlottesville to exercise the same affordable housing dwelling unit program authority contained in Virginia Code §15.2-2304

Adopted by the Charlottesville City Council

Date: November 19, 2018

November 9, 2018

TO: Members, Charlottesville City Council
Charlottesville Interim City Manager

FROM: David C. Blount, Legislative Liaison

RE: 2019 TJPDC Legislative Program Approval

Attached for your review and consideration are the draft 2019 TJPDC Legislative Program, as well as a list highlighting proposed revisions to the program. I will be seeking approval of it at your November 19 meeting. Again this year, the draft program lists three top legislative priorities and three additional priority positions. The priority positions are contained in the draft program as follows:

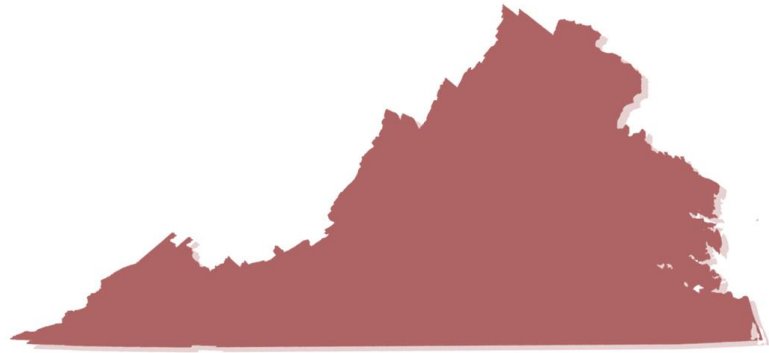
- 1) State Budget and Funding Obligations
- 2) Public Education Funding
- 3) Broadband
- 4) Local Revenue Authority
- 5) Children's Services Act
- 6) Land Use and Growth Management

An accompanying "Legislative Positions" section contains recommendations and positions in other areas of interest and concern to the region or to our individual localities.

A summary of the six priority positions will be produced and distributed later for you to use in communicating with your legislators.

I look forward to discussing the draft program at your November 19 meeting. Thank you.

Recommended Action: Approve the draft TJPDC Legislative Program.



Thomas Jefferson Planning District
2019 LEGISLATIVE PROGRAM

Albemarle County | City of Charlottesville
Fluvanna County | Greene County
Louisa County | Nelson County

DRAFT

November 2018

Rick Randolph, Chair
Chip Boyles, Executive Director
David Blount, Legislative Liaison

TOP LEGISLATIVE PRIORITIES

State Budget and Funding Obligations

PRIORITY: The Planning District localities urge the governor and legislature to enhance state aid to localities, and to not impose mandates on or shift costs for state programs to localities.

While state general fund revenues are expected to continue to increase in the current fiscal year, crafting amendments to the enacted biennial budget will pose a tall order for the governor and election-conscious State legislators. They will have to address tax policy changes related to the new federal budget act, requests for additional funding in human services and transportation, and adding dollars for broadband and school safety/school facilities, as well as for various state agency projects.

As State policymakers weigh these issues, we encourage them to develop revenue and spending priorities that support K-12 education, economic development, public safety, and other public goals. Localities continue to be the state's go-to service provider and we believe state investment in local service delivery must be enhanced, as many mandated programs have been level funded since 2009. State funding for others, such as for jail per diems and HB 599, are less than the 2009 amounts.

We take the following positions:

→We oppose unfunded state and federal mandates and the cost shifting that occurs when the State or the federal government fails to fund requirements or reduces or eliminates funding for programs. Doing so strains local ability to craft effective and efficient budgets to deliver services mandated by the State or federal government or demanded by residents.

→We urge the State to resist placing additional administrative burdens on local governments without sufficient resources or flexibility; otherwise, the quality of services delivered at the local level is jeopardized.

→We urge policymakers to preserve existing funding formulas rather than altering them in order to save the State money and/or to shift costs to localities.

→The State should not confiscate or redirect local general fund dollars to the state treasury.

Public Education Funding

PRIORITY: The Planning District localities urge the State to fully fund its share of the realistic costs of the Standards of Quality (SOQ) without making policy changes that reduce funding or shift funding responsibility to localities.

The State will spend just over \$6.2 billion on direct aid to public education in FY19. While we appreciate additional state teacher salary and other education dollars approved for the FY19-20 biennium, we continue to believe that the State should significantly increase its commitment to K-12 education. While overall state funding has increased above FY09's low levels, per pupil funding amounts have not kept pace and state dollars do not reflect the true costs

of K-12 education. Local governments consistently go “above and beyond” to close this funding gap by appropriating twice as much K-12 funding as required by the state.

We believe localities need an adequately defined SOQ so that state funding better aligns with what school divisions are actually providing in their schools. This could include recognizing additional instructional positions and, as recommended by the Board of Education, increasing state-funded staffing ratios for various, non-instructional positions. This would be a welcome change of course, as state policies that have been revised since the Great Recession have reduced the state’s funding obligations to public education.

Broadband

PRIORITY: The Planning District localities encourage and support state and federal efforts and financial incentives that assist localities and their communities in deploying universal, affordable access to broadband technology in unserved areas.

Access to broadband, or high-speed internet, is a critical necessity in the 21st century. It has become basic, not optional, infrastructure, just like roads and electricity, that is essential for economic growth, equity in access to public education, community growth, and consumer communications and information. Many communities, particularly those in unserved rural areas, need thoughtful, longer-term strategies to bridge the broadband gap. This may be an approach that utilizes both fiber and wireless technologies, private/public partnerships and regulated markets that provide a choice of service providers and competitive prices.

Accordingly, we believe state and federal support should include the following:

→Additional state general fund dollars for localities/private sector providers to help extend service to areas presently unserved by any broadband provider. We appreciate action that increased funding for the Virginia Telecommunication Initiative (VaTI) in the current State budget from \$1 million to \$4 million per year, but believe additional, significant increases in investment are still critical.

→Development of a statewide comprehensive plan for broadband and state support for local governments that are developing or implementing local or regional broadband plans;

→Provisions and incentives that would provide 1) for the use of existing electrical and road right-of-way easements for broadband infrastructure, and 2) a sales tax exemption for materials used to construct such infrastructure.

→Support for linking broadband efforts for education and public safety to private sector efforts to serve businesses and residences;

→Maintaining local land use, permitting, fee and other local authorities; and

→Consideration of proposals that would subject broadband to stricter and more developed regulation as a public utility.

OTHER PRIORITY ITEMS

Local Revenue Authority

PRIORITY: The Planning District localities urge the governor and legislature to diversify the revenue options available to localities, to include equalizing the revenue-raising authority of counties with that of cities, and to not restrict local revenue-raising authority.

We support the legislature making additional revenue options available to diversify the local revenue stream, which could reduce dependency on real property taxes, rather than removing or restricting local revenue authorities. One way to do this is to eliminate the differences between city and county taxing authority, which exist due to now less-prevalent distinctions in the services provided. This would mean removing the restrictions that currently apply to county authority to levy the meals, lodging, cigarette and amusement taxes. Equalizing revenue authority for counties with that of cities also should be included as part of a needed modernization of the state's tax system to comport with the realities of a global, information-driven economy, which will rely less on governmental spending and more on new, private sector business models. We also believe any tax reform efforts should examine the financing and delivering of state services at the local level.

We take the following positions:

→The State should refrain from establishing local tax policy at the state level and allow local governments to determine the equity of local taxation policy.

→The State should not expect local governments to pay for new funding requirements or the expansion of existing ones on locally-delivered services, without a commensurate increase in state financial assistance or new local taxing authority (see above).

→In light of the Supreme Court decision eliminating the requirement for physical presence for sales and use tax collection, any statutory changes must provide for local option sales taxes to be collected from remote sellers.

→The State should not alter or eliminate the BPOL and Machinery and Tools taxes.

→The State should refrain from diverting Communications Sales and Use Tax Trust Fund dollars for general fund purposes. Revenues coming back to localities from the Fund already are 20% less than 10 years ago, primarily because the tax does not reflect modern technology patterns of consumption. We also support updating the tax to reflect these new patterns.

Children's Services Act

PRIORITY: The Planning District localities urge the State to be partners in containing costs of the Children's Services Act (CSA) and to better balance CSA responsibilities between the State and local governments. The State should resist attempts to shift costs of serving children through CSA to localities and schools.

Since the inception of CSA in the early 1990's, there has been pressure to hold down costs, to cap state costs for serving mandated children, to increase local match levels and to make the program more uniform by attempting to control how localities run their programs.

This past session, the General Assembly continued its recent practice of appropriating additional dollars to address increasing caseloads and costs in CSA, an increase largely attributable to private special education day placement costs. Also, legislative review continues of options for these placements and how their cost and quality could be better managed. Localities are concerned about proposals that would move some CSA funding to the Department of Education, with any resulting shortfalls in funding for services becoming the responsibility of localities (rather than the current process where localities request supplemental state funding). Such a scenario could limit services and funding that are necessary for students who may need more intensive services at any time.

Accordingly, we support 1) local ability to use state funds to pay for mandated services provided directly by the locality, specifically for private day placements, where the same services could be offered in schools; and 2) maintaining cost shares on a sum sufficient basis by both the State and local governments. Changing the funding mechanism to a per-pupil basis of state funding would shift the sum sufficient portion fully to localities, which we would oppose.

We also support the following:

- Enhanced state funding for local CSA administrative costs;
- A cap on local expenditures (with the State making up any gaps) in order to combat higher costs for serving mandated children; and
- The State being proactive in making residential facilities, services and service providers available, especially in rural areas, and in supporting locality efforts to provide facilities and services on a regional level.

Land Use and Growth Management

PRIORITY: The Planning District localities encourage the State to resist preempting or circumventing existing land use authorities, and to provide additional tools to plan and manage growth, including broader impact fee authority.

Over the years, the General Assembly has enacted both mandated and optional land use provisions. Some have been helpful, while others have prescribed one-size-fits-all rules that hamper different local approaches to land use planning. Accordingly, we support local authority to plan and regulate land use, and we oppose legislation that weakens these key local responsibilities; this would include recent efforts to 1) restrict local oversight of the placement of various telecommunications infrastructure, and 2) single out specific land uses for special treatment without regard to the impact of such uses in particular locations.

We also believe the General Assembly should provide localities with necessary tools to meet important infrastructure needs, as current land use authority often is inadequate to allow local governments to provide for balanced growth in ways that protect and improve quality of life. This would include more workable impact fee authority for facilities other than roads, authority that should provide for calculating the cost of all public infrastructure, including local transportation and school construction needs caused by growth.

Proffer legislation approved in 2016 limits the scope of impacts that may be addressed by proffers, and establishes specific criteria for when a proffer is deemed to be unreasonable. We support changes to the law to provide more balanced and practical standards for determining

whether a proffer is reasonable and to restore a climate where localities and applicants can openly discuss rezoning applications.

Further, we support ongoing state and local efforts to coordinate land use and transportation planning, and urge state and local officials to be mindful of various local and regional plans when conducting corridor or transportation planning within a locality or region.

Finally, concerning land preservation, we request state funding and incentives for localities, at their option, to acquire, preserve and maintain open space.

LEGISLATIVE POSITIONS

Economic and Workforce Development

The Planning District's member localities recognize economic development and workforce training as essential to the continued viability of the Commonwealth. We support policies and additional state funding that closely link the goals of economic and workforce development and the state's efforts to streamline and integrate workforce activities and revenue sources. We encourage enhanced coordination with the K-12 education community to equip the workforce with in-demand skill sets, so as to align workforce supply with anticipated employer demands. We also support continuing emphasis on regional cooperation in economic, workforce and tourism development.

Economic Development:

- We support continuation of the *GO Virginia* initiative to grow and diversify the private sector in each region, with ongoing state financial backing, technical support and other incentives to support collaboration by business, governments, educational institutions and communities that spur economic development, job creation and career readiness.

Workforce Development:

- We support state job investment and small business grants being targeted to businesses that pay higher wages.

Planning District Commissions:

- We support increased state funding for regional planning district commissions.
- We encourage opportunities for planning districts to collaborate with state officials and state agencies on regional programs and projects.

Agricultural Products and Enterprises:

We encourage state and local governments to work together and with other entities to identify, to provide incentives for, and to promote local, regional and state agricultural products and rural enterprises, and to encourage opportunities for such products and enterprises through a balanced approach.

Education

The Planning District's member localities believe that the state should be a reliable funding partner with localities by recognizing the operational, personnel, and capital resources necessary for a high-quality public education system (see priority position on *Public Education Funding*).

School Division Finances:

- We believe that unfunded liability associated with the teacher retirement plan should be a shared responsibility of state and local government, with the Virginia Department of Education paying its share of retirement costs directly to the Virginia Retirement System in order to facilitate such sharing.
- The State should not eliminate or decrease funding for school employee benefits.
- We support legislation that 1) establishes a mechanism for local appeal to the State of the calculated Local Composite Index (LCI); and 2) amends the LCI formula to recognize the land use taxation value, rather than the true value, of real property.

Literary Fund:

- The State should discontinue seizing dollars from the Literary Fund to help pay for teacher retirement.
- We urge state financial assistance with school construction and renovation needs.

Safety and Security at Schools:

- We support funding (both capital and operational) to improve security at local schools, to include incentive funding or reimbursement for localities and school divisions hiring school resource or security officers.

Environmental Quality

The Planning District's member localities believe that environmental quality should be funded and promoted through a comprehensive approach, and address air and water quality, solid waste management, land conservation, climate change and land use policies. We support protection and enhancement of the environment and recognize the need to achieve a proper balance between environmental regulation and the socio-economic health of our communities within the constraints of available revenues. Such an approach requires regional cooperation due to the inter-jurisdictional nature of many environmental resources, and adequate state funding to support local and regional efforts.

Chesapeake Bay Preservation Act:

- We oppose legislation mandating expansion of the Chesapeake Bay Preservation Act's coverage area. Instead, we urge the State to 1) provide legal, financial and technical support to localities that wish to comply with any of the Act's provisions; 2) allow localities to use other practices to improve water quality; and 3) provide funding for other strategies that address point and non-point source pollution.

Biosolids:

- We support the option for localities, as a part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality, based on criteria designed to further protect the public safety and welfare of citizens.

Alternate On-Site Sewage Systems:

- We support legislative and regulatory action to 1) ensure operation and maintenance of alternative on-site sewage systems in ways that protect public health and the environment, and 2) increase options for localities to secure owner abatement or correction of system deficiencies.

Dam Safety:

- We support dam safety regulations that do not impose unreasonable costs on dam owners whose structures meet current safety standards.

Water Supply:

- The State should be a partner with localities in water supply development and should work with and assist localities in addressing water supply issues, to include investing in regional projects.

Program Administration:

- The State should not impose a fee, tax or surcharge on water, sewer, solid waste or other local services to pay for state environmental programs.

Solar:

- We support the creation of stronger markets for distributed solar.

Disposable Plastic Bags:

- We support local authority to develop incentives to decrease the distribution, sale or offer of disposable plastic bags.

General Government

The Planning District's member localities believe that since so many governmental actions take place at the local level, a strong local government system is essential. Local governments must have the freedom, flexibility and tools to carry out their responsibilities.

Internet-based Businesses and Services:

- We oppose legislation that would single out internet-based businesses and services for special treatment or exceptions. Rather, the State should support local authority concerning collection and auditing of taxes, licensing and regulation. There should be a level playing field for competition among businesses offering goods and services to ensure safety, reliability and fair access to such offerings by consumers and the general public.

Local Government Operations:

- We oppose intrusive legislation involving purchasing procedures; local government authority to establish hours of work, salaries and working conditions for local employees; matters that can be adopted by resolution or ordinance; procedures for adopting ordinances; and procedures for conducting public meetings.
- We support allowing localities to use alternatives to newspapers for publishing various legal advertisements and public notices.
- We oppose attempts to reduce sovereign immunity protections for localities and their employees, to include regional jail officers.

State-Supported Positions:

- Localities should have maximum flexibility in providing compensation increases for state-supported local employees (including school personnel), as local governments provide significant local dollars and additional personnel beyond those funded by the State.

Elections:

- We urge funding to address shortfalls in elections administration dollars, as elections administration has become more complex and federal and state financial support for elections has been decreasing.
- We support legislation that allows localities to address concerns and discrepancies regarding voting district boundary lines.

Libraries: We support enhanced state funding for local and regional libraries.

Freedom of Information Act (FOIA):

- We request that any changes to FOIA preserve 1) a local governing body's ability to meet in closed session; 2) the list of records currently exempt from disclosure; and 3) provisions concerning creation of customized records.
- We support changes to allow local and regional public bodies to conduct electronic meetings as now permitted for state public bodies.

Quality of Life Issues:

- We oppose changes to state law that further weaken a locality's ability to regulate noise or the discharge of firearms.
- We support expanding local authority to regulate smoking in public places.

Health and Human Services

The Planning District's member localities recognize that special attention must be given to developing circumstances under which people, especially the disabled, the poor, the young and the elderly, can achieve their full potential. Transparent state policies and funding for at-risk individuals and families to access appropriate services are critical. The delivery of such services must be a collaborative effort by federal, state and local agencies.

Funding:

- We support full state funding for the local costs associated with Medicaid expansion, including local eligibility workers and case managers. We oppose changes in state funding or policies that increase the local share of costs for human services. We also oppose any shifting of Medicaid matching requirements from the State to localities.
- The State should provide sufficient funding to allow Community Services Boards (CSBs) to meet the challenges of providing a community-based system of care. This includes restoration of FY19 funding reduced when health care was expanded through Medicaid. While these reductions may eventually be made up due to expansion, the timing of implementation leaves CSBs with six months to make up for a year's worth of reductions in the current fiscal year, and puts them at risk of service and staffing disruptions.
- We support increased investment in the ID waiver program for adults and young people and Medicaid reimbursement for children's dental services.
- We support sufficient state funding assistance for older residents, to include companion and in-home services, home-delivered meals and transportation.

Social Services:

- We support the provision of sufficient state funding to match federal dollars for the administration of mandated services within the Department of Social Services, and to meet the staffing standards for local departments to provide services as stipulated in state law.
- We support changes to the Code to provide that a judicial finding be controlling of administrative findings in alleged child abuse and neglect cases.

Prevention:

- We support continued operation and enhancement of early intervention and prevention programs. This includes the Virginia Preschool Initiative and Part C of the Individuals with Disabilities Education Act (infants and toddlers).

Housing

The Planning District's member localities believe that every citizen should have an opportunity to afford decent, safe and sanitary housing. The State and localities should work to expand and preserve the supply and improve the quality of affordable housing for the elderly, disabled, and low- and moderate-income households. Regional planning and solutions should be implemented whenever possible.

Affordable Housing:

- We support the following: 1) local flexibility in the operation of affordable housing programs and establishment of affordable dwelling unit ordinances; 2) creation of a state housing trust fund; 3) grants and loans to low- or moderate-income persons to aid in purchasing dwellings; and 4) the provision of other funding to encourage affordable housing initiatives.

Homelessness:

- We support measures to prevent homelessness and to assist the chronic homeless.

Historic Structures:

- We support incentives that encourage rehabilitation and preservation of historic structures.
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Public Safety

The Planning District's member localities encourage state financial support, cooperation and assistance for local law enforcement (and state police), emergency medical care, criminal justice activities and fire services responsibilities carried out locally.

Funding:

- We urge the State to make Compensation Board funding a top priority, fully funding local positions that fall under its purview. It should not increase the local share of funding Constitutional offices or divert money away from them, but increase dollars needed for their operation.
- We support returning funding responsibility for the Line of Duty Act (LODA) to the State. In the absence of that, there should be no new or enhanced benefits that increase locality costs.
- We urge state funding of the HB 599 law enforcement program in accordance with *Code of Virginia* provisions.
- The State should increase funding to the Virginia Juvenile Community Crime Control Act program, which has greatly reduced the number of juvenile justice commitments over the past decade.
- We support funding for mental health and substance abuse services at juvenile detention centers.

Jails:

- As the state prisoner reimbursement rate is insufficient to cover actual costs, jail per diem funding should be increased to levels that better represent the costs of housing inmates, and be regularly adjusted for inflation. The State should fund four quarters of payments per year in the budget, and pay for the medical costs and any necessary mental health assessments costs for inmates.
- The State should not shift costs to localities by altering the definition of state-responsible prisoner.
- The State should continue to allow exemptions from the federal prisoner offset.

Offender Programs and Services:

- We support continued state funding of the drug court program and the Offender Reentry and Transition Services (ORTS), Community Corrections and Pretrial Services Acts.
- We support continued state endorsement of the role and authority of pretrial services offices.
- We support authorization for the court to issue restricted driver's licenses to persons denied them because of having outstanding court costs or fees.

Body Cameras:

- We support the ability of local governments to adopt policies regarding law enforcement body worn cameras that account for local needs and fiscal realities.

Transportation Funding and Devolution

The Planning District's member localities recognize that revenues for expanding and maintaining all modes of infrastructure are critical for meeting Virginia's well-documented transportation challenges and for keeping pace with growing public needs and expectations. We believe the state should continue to enhance funding for local and regional transportation needs, including the Revenue Sharing Program with localities. We also remain opposed to attempts to transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.

Transit Capital Funding:

- Capital Project Revenue bonds, authorized to provide \$600 million over 10 years for transit capital, are expiring. Failure by the State to provide replacement funding will jeopardize safe and reliable transit service and will result in the loss of federal funds if they are unable to be matched, which would mean a double hit for transit agencies funded primarily at the local/regional level. Therefore, it is critical that the State identify new funding sources for transit capital investments.

Smart Scale:

- As the State continues to implement the prioritization process established by HB 2 (2014), known as "Smart Scale," and the distribution formula for highway construction projects established by HB 1887 (2015), there should be adequate funding, and local authority to generate transportation dollars, for important local and regional projects.

Devolution:

- We believe that efficient and effective transportation infrastructure, including the secondary road system, is critical to a healthy economy, job creation, a cleaner environment and public safety. Accordingly, we oppose shifting the responsibility for secondary roads to local entities, which could result in vast differences among existing road systems in different localities, potentially placing the state at a competitive economic disadvantage with other states when considering business and job recruitment, and movement of goods.

Local and Regional Authority:

- We support additional authority to establish mechanisms for funding transit in our region.
- We support VDOT utilizing Metropolitan Planning Organizations and regional rural transportation staff to carry out local transportation studies.

Water Quality

The Planning District's member localities support the goal of improved water quality, but as we face ongoing costs for remedies, including stormwater management and to address revised

water quality criteria, we believe major and reliable forms of financial and technical assistance from the federal and state governments is necessary if comprehensive improvement strategies are to be effective.

Funding:

- We urge aggressive state investment in meeting required milestones for reducing Chesapeake Bay pollution to acceptable levels.
- We believe these investments include authority, funding and other resources to achieve success, and must ensure that cost/benefit analyses are conducted of solutions that generate the greatest pollution reductions per dollar spent.
- We support dollars being targeted to stormwater management, for permitted dischargers to upgrade treatment plants and for any retrofitting of developed areas, and to aid farmers with best management practices through the cost share program.

Stormwater Management:

- We request that any stormwater requirements be balanced and flexible, and that adequate funding and training be available for the State and local governments to meet ongoing costs associated with local stormwater programs.
- We support increased and ongoing investment in the Stormwater Local Assistance Fund to assist localities with much-needed stormwater projects and in response to any new regulatory requirements.
- We will oppose proposals that would result in new or expanded mandates or requirements, including elimination of current “opt-out” provisions, or financial burdens on local governments.
- We oppose further amendments to the regulation of stormwater which would require a locality to waive stormwater charges.

Nutrient Allocations:

- We oppose efforts that would require re-justification of nutrient allocations for existing wastewater treatment facilities in our region or that would reduce or eliminate nutrient allocation or related treatment capacity serving the region.

TJPD Legislative Program

Highlights of proposed changes (for 2019)

TOP PRIORITIES:

State Budget—updated with timely topics to be addressed in budget

Public Education Funding—updated numbers

Broadband—elevated to top priority status; added stronger language supporting increased state funding for broadband; added language supporting incentives for broadband expansion by utilities

OTHER PRIORITY ITEMS:

Local Revenue Authority (previous third top priority item)—added a position supporting continued collection of local option sales taxes from remote sellers when addressing the Supreme Court's Wayfair decision; removed CSUT tax funneling to broadband provisions

Children's Services Act—added language supporting locality efforts to provide facilities and services on a regional level

Land Use/Growth Management—added stronger language in support of impact fee authority

LEGISLATIVE POSITIONS:

--ECONOMIC and WORKFORCE DEVELOPMENT: Added a NEW POSITION on workforce development to support targeting job investment/small business grants to businesses paying higher wages.

--EDUCATION: Added a NEW POSITION on safety and security at schools to support capital/operating costs and specifically including incentive funding or reimbursement for school resource or security officers.

--ENVIRONMENTAL QUALITY: Added NEW POSITIONS 1) on solar to support stronger markets for distributed solar; and 2) on disposable plastic bags to support local authority to develop incentives to decrease them.

--GENERAL GOVERNMENT: Added NEW STATEMENT under Elections to support allowing localities to address discrepancies regarding voting district boundary lines; and 2) a NEW POSITION to support increased state funding for public libraries.

--HEALTH and HUMAN SERVICES: Added NEW STATEMENTS under Funding to support state funding for local costs related to Medicaid expansion, and for restoring current fiscal year funding for CSBs that was reduced in anticipation of recovery through expansion.

--PUBLIC SAFETY: Revised language under Funding to request jail per diem funding that is more realistic and more timely.

--WATER QUALITY: Revised language to reflect support for increased and ongoing investment in the Stormwater Local Assistance Fund.