

2006
Thomas Jefferson Planning
District Legislative
Program

Representing the Local Governments of:

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

November 2005

Grant Tate, Chairman
Harrison B. Rue, Executive Director
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ACTION ITEMS

TRANSPORTATION

*Legislative Position of TJPDC, Charlottesville,
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

The Planning District's member localities urge the state to establish stable and consistent state revenues for Virginia's transportation infrastructure without heavy reliance on the general fund or debt. The state should address funding shortfalls in transportation construction while continuing to provide secondary road and street maintenance funding on top of construction dollars.

Transportation will be a primary focus of the 2006 legislative session. Despite continued documentation of the need to fund a declining transportation infrastructure, no reliable and long-term transportation funding solutions have been approved. Absent a major infusion of a sustained investment in transportation, Virginia faces a congestion and mobility crisis that will stifle economic growth and negatively affect the quality of life of our residents.

The state should direct its funding efforts at all transportation modes. Specifically, it should account for urban area needs where public transportation is very important, the traffic demands placed on fast-growing localities and the ongoing improvements necessary on rural, secondary roads. These improvements are vital to our region's ability to respond to local and regional congestion and economic development issues.

We support the ongoing state and local efforts to coordinate transportation and land use planning, and state incentives for localities that implement such planning practices. Unfortunately, since the early 1990's, the General Assembly has enacted legislation that erodes local land use authority, while local government requests for adequate public facilities ordinances and impact fees for transportation improvements and school buildings have been handily defeated. VDOT should be mindful of local comprehensive, land use and trail/bicycle plans, as well as regional transportation plans, when planning transportation systems within a locality.

We request that the state recognize that creation of any local transportation district serve as a mechanism to enhance accompanying public and private dollars for projects in accordance with local priorities, rather than to replace that funding. We also request that the state provide funding for improvements along rural sections of the Rt. 29 corridor, such as acceleration/deceleration lanes, crossovers and pedestrian walkways. In addition, the state should allow the use of Rural Rustic Road funds to pave rural addition roads.

We support funding for the TransDominion Express with stops at Oak Ridge and Charlottesville. We endorse the use of modern roundabouts in lieu of conventional intersection design and allowance of signal replacement funding for construction of roundabouts.

LOCAL REVENUE AUTHORITY

*Legislative Position of TJPDC, Charlottesville,
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

The Planning District's member localities urge the governor and legislature to preserve the adequacy of local revenues so that local government leaders can take appropriate measure to raise sufficient revenues to sustain and improve services to the public.

We believe that changes to Virginia's tax code should not reduce local government revenues or restrict local taxing authority. The legislature should broaden the revenue sources available to local governments, rather than capping, removing or restricting those sources, taxing authority or user fees. It also should equalize the revenue-raising authority of counties with that of cities and consider sharing a portion of state income tax revenues with localities.

Real Property: Candidates for statewide office have made various proposals for residential property tax relief, by restricting assessment authority or tax rates, exempting portions of value increases, or other property tax limitations. These approaches of limiting residential tax increases could force local governments to reduce services or impose other tax or fee increases.

Personal Property: The General Assembly must meet its obligation to localities and fully fund car tax relief. Funding to cover the six months' shortfall in FY06 must be appropriated in the budget and the state should promptly reimburse localities. State car tax relief policy should not cause local cash flow problems or cause localities to lose investment income because of a delay in reimbursement.

Telecommunications: Any changes to the telecommunications tax structure should preserve local government revenues, on a locality-by-locality basis and including those for E911 services, and guarantee that localities receive growing tax revenues from emerging and advancing industries and services. The state should not divert any such new revenue to address future budget shortfalls.

Mandates: We oppose unfunded state and federal mandates and the cost shifting that occurs when the state fails to fund mandates or reduces or eliminates funding for state-supported programs. This cost shifting reduces the ability, especially in our rural localities, to meet local needs and forces our citizens to bear local tax and fee increases (which our localities have implemented) to pay for such programs and services. State funding reductions for state-required services/programs should be accompanied by relaxation of the state requirement.

Finally, we believe the state should consider paying all costs for fully funding certain state programs carried out at the local level, such as constitutional officers. We also request that the state undertake long term planning in establishing VRS rates so that localities are not burdened with significant year-to-year rate changes.

PUBLIC EDUCATION FUNDING

*Legislative Position of TJPDC, Charlottesville,
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

The Planning District's member localities believe the state should fund its share of the realistic costs of meeting the Standards of Quality (SOQ) and enhance teacher salaries to help recruit and retain high-quality instructional personnel.

It is essential that the state fully meet its responsibilities to fund its share of public education costs. In 2004, the state acknowledged that localities have greatly exceed their mandated responsibilities for education funding, by providing dollars for initiatives already being paid for by local governments, such as resource and technology personnel and planning time for teachers. State funds required during the next biennium associated with increased costs for the SOQ are expected to reach nearly \$1 billion.

Though the recent state investments in public education were appreciated, we continue to believe that additional state revenues are necessary for the Commonwealth to meet its responsibility for funding education, specifically as enumerated by the 2001 JLARC recommendations and the 2003 Board of Education (BOE) initiatives. The BOE's unaddressed changes to the SOQ include enhanced principal and assistant principal staffing, reading specialists and lower speech language pathology caseloads.

Regarding teacher salaries, the state budgeted salary figure (on which it bases its share of teacher costs) falls well below both the statewide and national averages. For FY04, the state budget amount was only about 85% of the statewide average salary and 80% of the national average. About three-quarters of the state's school divisions pay more to their teachers than the state budgeted salary amount.

Concerning apportionment of education funding, the state should consider the effects on localities of such factors as land use taxation, revenue sharing and poverty. Regarding school capital needs, we continue to urge state financial assistance with school construction and renovation needs. We also remain concerned about the continued raiding of the Literary Fund, historically used to provide low interest loans for school construction, to pay for teacher retirement.

Finally, as our school divisions make progress toward meeting the Standards of Accreditation (SOA) accountability goals for both schools and students, and face increased costs for complying with accountability provisions of the federal No Child Left Behind (NCLB) Act, any reductions in state education funding would hinder the efforts being made.

COMPREHENSIVE SERVICES ACT

*Legislative Position of TJPDC, Charlottesville,
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

The Planning District's member localities support full funding of the state pool for the Comprehensive Services Act (CSA), with allocations based on realistic anticipated levels of need, and a cap on local expenditures for serving a child through CSA.

Since the inception of the Comprehensive Services Act over a decade ago, 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. During this time, state and local costs of residential and non-residential mandated services continued to increase. Initial state appropriations for CSA typically fall short each year, challenging the state to find its share of funding and forcing localities to request supplemental state appropriations.

Many localities across the state exhaust their annual base allocation before the end of the year. We believe the distinction between base and supplemental budgets should be eliminated. We also support a state cap on local expenditures to combat higher local costs for serving mandated children, costs which in many instances are driven by unanticipated placements in a locality. We support enhanced state funding for CSA administrative costs and services for non-mandated children. We believe that the categories of populations mandated for services should not be expanded unless the state pays all the costs.

We urge the state to establish state contracts with CSA providers to provide for a uniform contract management process, improve vendor accountability and control costs. We also encourage the state to be proactive in making service providers available, especially in rural areas, and to support local and regional efforts to address areas of cost sharing among localities by procuring services through group negotiation.

PUBLIC SAFETY

*Legislative Position of TJPDC, Charlottesville,
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

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

We encourage the state to make Compensation Board funding a top priority. The Compensation Board should fully fund local positions that fall under its purview. It should not increase the local share of funding constitutional offices or divert funding away from local offices, but increase money needed for their operation. Local

governments continue to provide much supplemental funding for constitutional officer budgets, which were shortchanged in recent years.

The state should not adopt language that would disallow exemptions from the federal prisoner offset and should maintain the per diem payment to localities for housing state-responsible prisoners. We encourage shared funding by the state of the costs to construct and operate regional jails; however, we do not believe the state should operate local and regional jails.

In addition, we support the following:

- Continued state funding of the HB 599 law enforcement program.
- State support of local governments in the delivery of emergency services by ensuring that telecommunication systems provide optimal information to adequately address emergency situations.
- Changes to state laws governing mopeds and similar vehicles that will assist local law enforcement toward ensuring community safety.
- Continued state funding of drug courts, which have proven to save dollars and lower rates of recidivism.
- Continued state funding for services under the Pre-Release and Post-Incarceration Services (PAPIS), Community Corrections and Pretrial Services Acts.
- Local participation in planning processes for homeland security measures.
- State funding for the Volunteer Firefighters' and Rescue Squad Workers' Service Award Program.
- Legislation that will prevent convicted domestic abusers from being allowed to possess a gun, as exists in federal law.

LAND USE AND GROWTH MANAGEMENT

*Legislative Position of TJPDC, Charlottesville,
and the Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

The Planning District's member localities oppose any preemption or circumvention of existing local authority to regulate land use and encourage the state to provide local governments with additional tools to manage growth.

Current land use authority often is inadequate to allow local governments to provide for balanced, sustainable growth in a manner that protects and improves quality of life. This has posed particular challenges for fast-growing localities, which often need additional powers to shape and manage growth. Unfortunately, in recent years, the state has limited local governments in their efforts to manage growth by enacting provisions that reduced local authority to implement the comprehensive plan or to regulate land use. The state should resist any further restrictions on these local powers.

To enhance the ability of local governments to pay for infrastructure costs and to support services associated with new developments, we support legislation allowing localities to adopt ordinances that include provisions for determining whether public

facilities are adequate (“adequate public facility,” or APF ordinances). Such ordinances require that proposals for new residential projects provide payment for or be timed to coordinate with construction or upgrade of public facilities necessitated by the new development.

In addition, we have the following recommendations:

- We support enabling legislation that would provide local governments with various additional tools, such as impact fees, flexibility for proffers, and transfer and purchase of development rights, to manage growth.
- The General Assembly should not unduly restrict the ability of local governments to acquire property necessary to carry out their governmental functions, including schools, transportation facilities and redevelopment projects carried out by a governmental entity to avoid and abate blight. However, we do not endorse the use of eminent domain for purely economic development purposes.
- We support 1) dedicated state funding to acquire, preserve and maintain open space and recreation lands, including directing available federal funds to localities, and 2) the full authority to generate local dollars for such efforts.
- We endorse legislation to enable localities to enact scenic protection and tourist enhancement districts.
- We support an examination of various state laws and regulations for conflicts in provisions addressing local land use.

AREAS OF CONTINUING CONCERN

ECONOMIC 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 that closely link the goals of economic development and workforce development and that result in an increased standard of living for all residents.

- We support an Economic Development Strategic Plan for the Commonwealth that more clearly defines responsibilities of state and local governments and includes new tools for local governments to use in attracting economic development opportunities.
- We support restored funding for the Regional Competitiveness Act to continue meaningful opportunities for regional projects. We also support restored state funding for the Industrial Site Development Fund, the Governor’s Opportunity Fund and tourism initiatives that help promote economic development in localities and regions.
- The state should recognize the disparity in rewards of economic development between the state and localities, as well as between host locality and surrounding areas.
- We encourage the state and local governments to work with other entities to identify and promote local, regional and state agricultural products.

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 and land use policies. We are committed to the 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.

We believe the following:

- 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. To do so would set a disturbing precedent whereby the state could levy surcharges on local user fees to fund state priorities.
- The state should be a partner and advocate for localities in water supply development, and should work with and assist localities in addressing water supply issues, including investing in regional projects. Specifically, the state should provide funds from the Department of Environmental Quality (DEQ) to promote regional solutions to improving water supply. Also, the state's water supply planning efforts should continue to involve local governments.
- The state should reduce permit application fees associated with storm water management and stream mitigation projects, as recent fee increases have adversely impacted local abilities to adopt regional storm water management programs and to undertake projects needed for stream protection. Fees should be used only to cover costs of administering the program.
- The state should 1) ensure landfill closure schedules permit facilities posing no threat to property or the public to continue to operate through their allowable life, and 2) provide adequate funding for landfill closure and post-closure costs.
- The legislature should provide funding for wastewater treatment and other necessary assistance to localities as it works to clean up the state's impaired waterways, while ensuring that system design standards remain compatible with any new state requirements. The state also should explore alternative means of preventing and remediating water pollution.
- The state should not enact legislation mandating expansion of the area covered by the Chesapeake Bay Preservation Act. Instead, the state should provide legal, financial and technical support to localities that wish to comply with any of the Act's provisions, allow localities to use other practices to improve water quality and provide funding for other strategies that address point and non-point pollution.
- The state should allow material reuse to be counted when it defines how the mandatory minimum 25% recycling rate is to be calculated.
- We support increased local government representation on the Biosolids Use Regulation Advisory Committee (BURAC).

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. Reductions to community agencies are especially troublesome, as their activities often end up preventing more costly services later. The delivery of health and human services must be a collaborative effort from federal, state and local agencies. We urge the General Assembly to ensure funding is available to continue such valuable preventive services.

- We oppose any changes in state funding or policies that result in an increase of the local share of costs for human services, including changes that would require additional local contributions for indigent care.
- ~~There~~ state should be no further reductions increase funding to the Virginia Juvenile Community Crime Control Act (VJCCCA) program, which has produced a statewide 25% drop in Department of Juvenile Justice commitments since 1998. Further, the state should maintain a formula-driven allocation process for VJCCCA funding.
- The state should fund local Offices on Youth and provide sufficient funding to allow Community Services Boards to meet the challenges of providing a community-based system of care, including maximizing the use of Medicaid funding. We support state action to increase 1) investment in the MR waiver program for adults and young people, ~~and~~ 2) Medicaid reimbursement for children's dental services, ~~and funds for the~~ determination of eligibility and administrative impact of the Medicare Part D prescription drug program. We also oppose any shifting of Medicaid matching requirements from the state to localities.
- We support efforts to fund mental health and substance abuse services at juvenile detention centers ~~and to examine adult and juvenile group homes.~~
- We oppose new state or federal entitlement programs that require additional local funding.
- We support sufficient state funding for local social services facilities and for local departments to maintain adequate office space to deliver services. We also request that the state provide funds for staffing local social services departments to 1) determine eligibility for residents seeking social services such as Medicaid, food stamps and Temporary Assistance to Needy Families (TANF), and 2) meet federal child and family services review goals. We also support state assistance for providing pre-admission screening services for nursing homes and for prompt investigation and services in cases involving abuse, neglect or exploitation of the elderly or disabled.
- We support continued state funding for local Disability Services Boards, as well as restored state dollars for the Rehabilitative Services Incentive Fund.
- We support sufficient state funding assistance for older residents, to include companion and in home services, home delivered meals and transportation.
- We support the continued operation and enhancement of early intervention and prevention programs, including school-based prevention programs which can make a difference in children's lives. This would include the state's program for at-risk four-year-olds, the Child Health Partnership and Healthy Families programs. The state should

not use ~~Temporary Assistance to Needy Families~~ (TANF) monies to fund such programs, as localities cannot use federal TANF funds as match for other federally funded prevention programs. To do so only serves to shift costs to localities seeking to leverage federal dollars for services and administration.

- We support Virginia's welfare reform program and encourage efforts to promote family preservation and work requirements. We support initiatives and funding to help former VIEW participants maintain continuity in childcare and oppose any initiatives to shift traditional federal and state childcare administrative responsibility and costs to local governments. We support state efforts to expand access to education and training needed by welfare recipients to become employed and self-supporting. We believe the current funding and program responsibility for TANF employment services should remain within the social services realm. We also support a TANF plan that takes into account and fully funds state and local implementation and support services costs. The state should take advantage of TANF reauthorization to streamline eligibility requirements and provide maximum flexibility to localities.

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 local governments should work toward expanding and preserving the supply and improving the quality of affordable housing for the elderly, the disabled and low- and moderate-income households. Regional housing solutions and planning should be implemented whenever possible.

- We support changes to the Code to allow local flexibility in the operation of affordable housing programs, ~~and~~ establishment of affordable dwelling unit ordinances and the award of grants and loans to low or moderate-income persons to aid in purchasing dwellings.
- We support measures to prevent homelessness and to assist the chronic homeless.
- We support incentives that encourage rehabilitation and preservation of historic structures.
- In addressing the lack of input that local governments have concerning housing issues, we support local government notice provisions for all proposed low and moderate-income housing projects seeking federal tax credits, including VHDA.
- We support VHDA criteria for funding which encourages rehabilitation of existing housing and discourages new construction in close proximity to existing subsidized housing.
- We support retaining local discretion to regulate the allowance of manufactured homes in zoning districts that permit single-family dwellings.
- We encourage and support the use of environmentally friendly (green) building materials and techniques, which can contribute to the long-term health, vitality, and sustainability of the region.

LOCAL GOVERNMENT STRUCTURE AND LAWS

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 and tools to carry out their responsibilities.

- We support legislation to enhance the ability of local governments to provide services required by citizens and to meet their responsibilities in state/local partnerships. Accordingly, we support a requirement for state agencies to notify localities of planned construction projects that may affect the locality's comprehensive plan.

- 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; and procedures for adopting ordinances. We do, however, encourage the state to authorize localities to utilize an administrative hearing officer in lieu of the three-member panel in all grievance cases, similar to the method established for state employees.

- We request that any changes to the Virginia Freedom of Information Act (FOIA) preserve a local governing body's ability to meet in closed session, as well as the list of records currently exempt from disclosure under FOIA and provisions concerning creation of customized computer records.

- We support local requests to the state for enabling legislation to increase the income and financial worth limitations for real property tax exemption or deferral programs.

- We encourage clarification of Code provisions that stipulate law enforcement responsibilities when transporting persons for whom a temporary detention order has been issued for emergency medical treatment or evaluation.

- The state should amend the Code to require litigants in civil cases to pay for the costs associated with compensating jury members.

- We support state funding for regional planning districts.

- The state must ensure that the continued implementation of electric utility restructuring is revenue neutral to localities and that any necessary stopgap appropriations to adversely affected localities are fully funded.

- We support legislation to increase permissible fees for courthouse maintenance.

- The state should ensure that local connectivity and compatibility are considered in any centralizing of state computer functions.

- We oppose any changes to state law that further weaken a locality's ability to regulate noise.

- We support changes to dangerous and vicious dog provisions that provide added authority and flexibility for localities regulating such animals kept by residents.

- ~~• We request that the state grant all counties the same authorization as cities have to regulate panhandlers.~~

- ~~• We support funding for a full-time Commonwealth's Attorney in Greene County.~~

DRAFT 2006 TJPD LEGISLATIVE PROGRAM CHANGES as of 11/23/05

- Local Government Structure and Laws—On p. 11, add a new bullet at the end of the page to read, “We support provisions that restore voting rights for persons who have completed prison sentences on felony convictions.” (**Charlottesville request**)

- Transportation—In the position statement, the word “state” was added to clarify the phrase “establish stable and consistent STATE revenues...” (**ALBEMARLE request**)

In the 3rd paragraph, a clause was added to the first sentence, to now read “We support the ongoing state and local efforts to coordinate transportation and land use planning, and state incentives for localities that implement such planning practices.” (**ALBEMARLE request**)

- Public Education Funding—In the second sentence of the 1st paragraph, re-write the sentence to read, “ In 2004, the state acknowledged that localities have greatly exceeded their mandated responsibilities for education funding, by providing dollars for initiatives...” (**ALBEMARLE request**)

- Land Use and Growth Management—In the 2nd bullet, add the following underlined language: “...including schools, transportation facilities and redevelopment projects carried out by a governmental entity to avoid and abate blight.” (**FLUVANNA request**)

- Public Safety—On p.6, add a new bullet as follows, “State funding for the Volunteer Firefighters and Rescue Squad Workers Service Award Program (VOLSAP).” (**LOUISA request**)

- Local Government Structure and Laws—On p. 11, delete the new bullet at the end of the page, which reads, “We support provisions that restore voting rights for persons who have completed prison sentences on felony convictions.” (**NELSON request**)

- Environmental Quality—On p. 8, insert a new bullet at the end of the page, to read, “We support increased local government representation on the Biosolids Use Regulation Advisory Committee (BURAC).” (**TJPD Commission**)

- Local Revenue Authority—At the end of the first sentence under the “Personal Property” subheading, delete “in FY06.” In the second sentence, add “in FY06” after the word “shortfall.” (**GREENE request**)

