

2004
Thomas Jefferson Planning
District Legislative
Program

Representing the Local Governments of:

Albemarle County
City of Charlottesville
Fluvanna County
Louisa County
Nelson County

December 2003

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THOMAS JEFFERSON PLANNING DISTRICT 2004 LEGISLATIVE PROGRAM

*Positions of TJPDC, Charlottesville City
and the Counties of Albemarle, Fluvanna, Louisa and Nelson*

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ALBEMARLE FACTS

Area: 723 square miles
Population: 86,700 (2002 provisional estimate)
County Seat: Charlottesville
Incorporated Town: Scottsville
Median Adjusted Gross Income: \$66,175 (2000)
Real Estate Tax Rate: \$.76 per \$100 assessed value
Personal Property Tax Rate: \$4.28 per \$100 assessed value

CHARLOTTESVILLE FACTS

Area: 10.8 square miles
Population: 39,800 (2002 provisional estimate)
Median Adjusted Gross Income: \$50,560 (2000)
Real Estate Tax Rate: \$1.09 per \$100 assessed value
Personal Property Tax Rate: \$4.20 per \$100 assessed value

FLUVANNA FACTS

Area: 287 square miles
Population: 22,300 (2002 provisional estimate)
County Seat: Palmyra
Incorporated Town: Columbia
Median Adjusted Gross Income: \$48,280 (2000)
Real Estate Tax Rate: \$.64 per \$100 assessed value
Personal Property Tax Rate: \$3.70 per \$100 assessed value

LOUISA FACTS

Area: 497 square miles
Population: 26,900 (2002 provisional estimate)
County Seat: Louisa
Incorporated Towns: Louisa, Mineral
Median Adjusted Gross Income: \$46,917 (2000)
Real Estate Tax Rate: \$.67 per \$100 assessed value
Personal Property Tax Rate: \$1.70 per \$100 assessed value

NELSON FACTS

Area: 472 square miles
Population: 14,700 (2002 provisional estimate)
County Seat: Lovingston
Median Adjusted Gross Income: \$41,858 (2000)
Real Estate Tax Rate: \$.72 per \$100 assessed value
Personal Property Tax Rate: \$2.95 per \$100 assessed value

ACTION ITEMS

STANDARDS OF QUALITY FUNDING

*Legislative Position of TJPDC, Charlottesville,
and the Counties of Albemarle, Fluvanna, 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 that existing education programs should not be eliminated to fund SOQ requirements.

During the state's fiscal crunch the past several years, funding for the state share of the SOQ has not been reduced. However, in order to maintain SOQ funding, the budget transferred money from other educational programs outside the SOQ, shifted costs to localities (such as \$36 million in costs for the retired teacher health insurance program) and depleted more than a quarter billion dollars from the Literary Fund, historically used to provide low interest loans for school construction, to pay for teacher retirement.

Increased state funding exceeding \$500 million is needed just to continue the current SOQ, without any program changes, in the 2004-2006 biennium. This includes instructional and support costs associated with an expected 32,000 additional students and teacher salary cost updates. In addition, the Board of Education (BOE) has proposed initiatives that would add an additional 12,000 positions at a state cost of \$324 million annually. Local government costs for these initiatives would be just under \$260 million, much of which localities already are funding. This proposal would add positions for principals, assistant principals, elementary resource teachers in music, art and physical education, speech language pathologists, reading specialists, technology personnel and additional staffing to reduce secondary school class sizes.

As our school divisions continue to work toward the Standards of Accreditation (SOA) accountability goals for both schools and students, and face increased costs for complying with the federally-mandated No Child Left Behind (NCLB) Act, reductions in state education funding would hinder the progress being made.

COMPREHENSIVE SERVICES ACT

*Legislative Position of TJPDC, Charlottesville,
and the Counties of Albemarle, Fluvanna, 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 have steadily increased. Initial state appropriations for CSA fall short each year, challenging the state to find its share of funding and forcing localities to request supplemental state appropriations. In fact, many localities exhaust their annual base allocation in only a few months. We believe this distinction between base and supplemental budgets should be eliminated and that caps be placed on local expenditures to combat higher local costs for serving mandated children.

We also encourage the state to be proactive in making service providers available, especially in rural areas, and in giving localities more flexibility to serve children when state CSA funding is reduced.

⇒ *Nelson* expended its FY04 base allocation of \$140,000 in just three months.

⇒ *Louisa*'s local CSA expenditures increased 18% from FY02 to FY03.

⇒ *Fluvanna*'s local costs are nearly \$600,000/year, up from \$126,000 in FY98.

⇒ *Charlottesville*'s local CSA costs are over \$1.5 million per year.

⇒ *Albemarle*'s local CSA costs doubled over the past five years, and exceeded \$2.7 million in FY03.

ENVIRONMENTAL QUALITY

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

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. This commitment recognizes 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 interjurisdictional nature of many environmental resources and adequate state funding to support local and regional efforts.

We recognize that the state faces high-cost commitments associated with, among others, the 2000 Chesapeake Bay Agreement, Total Maximum Daily Load (TMDL) requirements, tributary strategies and various natural resources programs. However, we do not believe the state should impose a fee, tax or surcharge on water, sewer, solid waste or other local government services to pay these costs. To do so would set a disturbing precedent whereby the state could levy surcharges on local user fees to fund state priorities.

We also believe:

- 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. 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 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 and allow localities to use other practices to improve water quality.
- We support state action to clarify that a locality has full authority to regulate the land application of sewage sludge.

PUBLIC SAFETY

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

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

We encourage the state to make Compensation Board funding a top funding priority. State budget cuts the past several years have resulted in local governments, in many cases, funding all or part of the shortfall of constitutional officer budgets. Louisa provided over \$95,000 to offset state reductions, while Nelson has provided salary supplements in both FY03 and FY04. Albemarle's state funding dropped over \$140,000 from FY02 to FY03.

We support continued state funding of drug courts (the state provided the 25% local match for Byrne grant funds in FY04). Local funding has aided this court-supervised alternative to jail or probation that has proven it saves dollars (cost is \$3,000-\$5,000/year compared with \$19,000/year for adult incarceration) and lowers recidivism (single digit rates since inception of the local drug court).

In addition, we support the following:

- Shared funding by the state of the costs to construct and operate regional jails. However, 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.

- Continued state funding of the HB 599 law enforcement program.
- Continued state funding for services under the Pre-Release and Post-Incarceration Services (PAPIS), Community Corrections and Pretrial Services Acts.
- Legislation that will enable additional localities to install and operate traffic light signal photo-monitoring systems and to provide that motorists yield to transit buses that are reentering a highway travel lane.

We oppose the following:

- Legislation that further reduces or removes local government authority to limit the carrying of weapons in public buildings and other public facilities.
- State operation of local and regional jails.

TAX STRUCTURE AND REFORM

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

The Planning District’s member localities believe that any changes to Virginia’s tax code should not reduce local government revenues or restrict local taxing authority. The state should broaden the revenue sources available to local governments, rather than capping, removing or restricting those sources, taxing authority or user fees.

We recognize that financing government projects and programs should be a partnership between the state and localities. However, with our limited ability to raise funds and our sometimes-stagnant revenue streams, we strain to meet services demanded by residents and those mandated by the state and federal governments. Accordingly, we oppose unfunded state and federal mandates and the cost shifting that has occurred when the state fails to fund mandates or reduces or eliminates funding for state-supported programs. This cost shifting reduces our ability to meet local needs and forces our citizens to bear 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 corresponding relaxation of the state requirement.

Any changes resulting from the work of the State Tax Code Commission should enable the state to meet the financial obligations it has made to localities as a result of its own policy decisions. The state should not reduce local government revenues or restrict local taxing authority; rather, it should equalize the revenue-raising authority of counties with that of cities. Any changes to the telecommunications tax structure also should preserve local government revenues and should not place undue restrictions on determining local rates.

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, jails, juvenile detention centers, social services, health departments and the Comprehensive Services Act. We also support Virginia’s participation in the national uniform sales tax initiative.

LAND USE AND GROWTH MANAGEMENT

*Legislative Position of TJPDC, Charlottesville,
and the Counties of Albemarle, Fluvanna, 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 the quality of life. In recent years, the state has limited local governments in their efforts to manage growth by enacting provisions that reduced local authority to enforce the comprehensive plan or to regulate land use.

Further, infrastructure costs associated with new developments are borne by all taxpayers, rather than by those bringing about the need for the expenditure, thus straining our ability to pay for these costs of growth in a time of declining revenues. Accordingly, we support legislation to allow localities to adopt ordinances that include provisions for determining whether public facilities are adequate (APF ordinances) to support services required by a proposed development.

Specific Recommendations:

- The General Assembly should preserve existing authority for localities to regulate land use.
- We support enabling legislation that would provide local governments with various additional tools, such as impact fees, flexibility for proffers, adequate public facilities ordinances and transfer and purchase of development rights, to manage growth.
- 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 oppose changes (e.g. required mandatory setbacks) to the Uniform Statewide Building Code that hinder the implementation of local ordinances.

TRANSPORTATION

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

The Planning District's member localities urge the state to address documented and future construction funding shortfalls and to provide secondary road and street maintenance funding on top of construction dollars.

The amount of construction funding being used to support maintenance and operations activities continues to grow. As a result, about \$62 million per year in transfers from the construction fund to the maintenance fund is expected through FY09. Maintenance and other operational activities are expected to exceed construction expenditures in FY05. Prior to last year, excess maintenance dollars were transferred to the construction fund.

We appreciate the Commonwealth Transportation Board's efforts to bring the six-year transportation plan in line with realistic revenue projections, to eliminate deficit-financing practices (more than \$670 million will be dedicated over the next six years to eliminate most project deficits) and to better coordinate transportation and land use planning.

We believe the state should direct its funding efforts at all modes of transportation and should fully fund existing transportation obligations, programs and plans, without creating competition for dollars among different modes and without incurring increased or unjustifiable debt. Our local governments continue to invest more in transportation (including in public transportation, which continues to be very important in our area) in an attempt to react to local and regional congestion and economic development issues and due to continued failure by the state to meet transportation demands.

We also support the following:

- 1) the use of modern roundabouts in lieu of conventional intersection design and allowance of signal replacement funding for construction of roundabouts;
- 2) funding of the TransDominion Express with stops at Oak Ridge and Charlottesville; and
- 3) measures that would clarify *Code* language relating to bicycle operation and safety of bicyclists on public roadways.

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.

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 should be no further reductions 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 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. Local DSS offices should not be forced to consolidate if not in the best interest of the localities.
- We support continued state funding for local Disability Services Boards.
- We support the continued operation and enhancement of early intervention and prevention programs, including school-based prevention programs, that 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. The state also should take appropriate action to address a projected shortfall in TANF reserves.
- 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.

<i>HOUSING</i>

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.
- 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.

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 allow local governments 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 encourage the state to work with local governments to clarify language adopted in 2003 that transfers tax exemption authority to local governments.
- 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.
- We support creation of a new Secretariat of Agriculture to assist in achieving prosperous and innovative agriculture as a key ingredient to rural economic health.
- 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.
- The state should ensure that local connectivity and compatibility are considered in any centralizing of state computer functions.

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