
2009 GENERAL LAWS POLICY STATEMENT

1
2
3 The basic purpose of local government is to provide essential services and protection for the
4 community that citizens cannot provide for themselves. Local governments should decide which
5 services and programs are of primary importance to the community. Virginia has hamstrung its
6 cities, counties and towns with 19th-century legislation. The financial ability of municipalities to
7 survive is threatened.
8

I. EFFECTIVE GOVERNMENT

GOVERNMENT STRUCTURE

10
11
12 The General Assembly should allow
13 significant diversity among municipal
14 charters and not impose uniformity.
15

16 The Virginia Municipal League supports the
17 General Assembly's provision of financial
18 incentives to promote consolidation of local
19 government services and cooperative
20 agreements among local governments.
21

22 Towns should retain the right to annex
23 lands. Towns over 5,000 population should
24 have the right to become an independent
25 city; and cities should have the right to
26 revert to town status.
27

28 The Governor and General Assembly must
29 continue to live up to their statutory
30 obligations associated with law enforcement
31 funding, or HB 599 funding. The creation
32 of this funding source was an integral part of
33 the annexation package adopted in 1979.
34

35 VML supports equal taxing power of
36 counties and municipal corporations.
37

38 The General Assembly should devise a
39 means of promoting or facilitating, among
40 all local governments involved, sharing of
41 the economic, social, cultural, fiscal and
42 educational benefits and burdens of
43 urbanization.
44

45 The addition of sub-state and special district
46 governments should be controlled. New

47 districts should not be created unless
48 services cannot be furnished by local
49 governments. In addition, no sub-state
50 districts, including planning district
51 commissions, should be granted real or
52 quasi-legislative authority to undertake other
53 functions except when expressly directed by
54 their member jurisdictions, including those
55 towns not directly represented in the entity.
56

57 VML urges a careful review of the statutes
58 concerning consolidation of local
59 governments to ensure (a) that citizen-
60 initiated petitions are signed by a reasonable
61 number of affected citizens who reside in
62 the jurisdiction, and (b) adequate periods of
63 time elapse between consolidation or
64 annexation actions.
65

INTERGOVERNMENTAL ISSUES

66 Local governments have a vital role in the
67 Commonwealth. They must have sufficient
68 powers and flexibility to meet this role. The
69 General Assembly should adopt legislation
70 to promote and expand, to the extent
71 necessary, municipal powers, to (a) enhance
72 the ability of local governments to provide
73 services required by their citizens, and (b)
74 allow local governments to meet their
75 responsibilities in state/local partnerships.
76 VML opposes intrusions into the way local
77 governments conduct their business,
78 including burdensome regulations relating
79 to:
80

- 81 1. meetings of governing bodies;
- 82 2. purchasing procedures;

- 1 3. those matters that can be adopted by
- 2 resolution or ordinance;
- 3 4. procedures for adopting ordinances; and
- 4 5. procedures for filling vacancies on local
- 5 governing bodies.

6
7 State intervention in local affairs is only
8 warranted in matters of greater than local
9 significance. In addition, no changes should
10 be made in the laws affecting local
11 government without substantial local input
12 from affected jurisdictions and participation
13 in developing those changes.

14
15 VML opposes legislation that:

- 16 • bars courts from awarding attorney's
- 17 fees to local governments when a
- 18 frivolous suit is filed;
- 19 • eliminates the notice of claim
- 20 requirement found in the *Code of*
- 21 *Virginia*, § 8.01-222.

22
23 Membership on all state and regional
24 commissions or committees dealing with
25 matters affecting local governments should
26 include local officials who represent a
27 demographic and geographic cross-section
28 of counties, cities, and towns.

29
30 VML supports legislation to transfer
31 responsibility from local governments to the
32 state government for the liability,
33 administration and cost of community
34 service options for persons upon whom
35 court costs and fines are levied.

36 **TOWNS**

37
38 The General Assembly and the executive
39 branch should recognize towns as essential
40 units of local government, with important
41 roles in providing services to citizens living
42 in a concentrated environment. As such,
43 towns with their centrality and economic
44 efficiency represent the future of the
45 urbanizing areas of the Commonwealth.
46 Towns should have clear and full authority
47 to be formed and to act in a timely manner

48 on matters which protect public health,
49 safety, and welfare.

50
51 The sovereignty, utility, and urban powers
52 of Towns should be respected and supported
53 by the General Assembly and no legislation
54 should be enacted that allows Counties to
55 usurp or diminish the authorities of Towns.
56 Excise taxes that counties are authorized to
57 levy generally must not within Towns
58 without the explicit approval by the Town's
59 governing body.

60
61 The General Assembly should scrutinize
62 bills dealing with laws of general
63 applications to local governments, to avoid
64 enacting any laws that would be sources of
65 possible conflicts between counties and
66 towns. The following list provides
67 examples of conflicts between towns and
68 counties exacerbated by legislative action:

- 69
70 a. taxation of town residents by county
- 71 governments at the same rate as that
- 72 applied to those living in the county's
- 73 unincorporated areas, when comparable
- 74 benefits and services are not provided;
- 75 b. county imposition of a merchants'
- 76 capital tax on businesses located within
- 77 the town at the same rate as that applied
- 78 to businesses located in unincorporated
- 79 areas of the county, when the town
- 80 levies a business, professional and
- 81 occupational license tax;
- 82 c. unequal town zoning and planning
- 83 authority for land straddling or abutting
- 84 town corporate boundaries and
- 85 unincorporated county areas;
- 86 d. funding of county sheriffs' and deputy
- 87 sheriffs' salaries by the State
- 88 Compensation Board and other state-
- 89 funded amenities not provided to town
- 90 police departments; and
- 91 e. unequal statutory authority of towns in
- 92 relationship to that of cities and counties.
- 93 f. allowing county excise tax within a

1 town without approval of the town
2 government.

3
4 The General Assembly should recognize the
5 unintended consequences of inadvertently
6 omitting towns or cities or counties from
7 legislation. To avoid such omissions, all
8 legislation affecting municipal corporations
9 should use the word “municipality” unless
10 there is some specific reason to exclude
11 towns, cities or counties.

12 **STATE AND FEDERAL MANDATES**

13 The state and federal governments must
14 provide adequate funding for any local
15 programs or responsibilities that are
16 mandated or expanded by state and federal
17 laws or regulations.

18
19
20 The federal and state governments should
21 not use project funding as a means of
22 forcing local land use decisions in
23 contravention to local land use plans. These
24 actions violate the principles of local home
25 rule and weaken the local tax base.

26
27 Federal and state mandates must be reduced
28 when funding is reduced, so that localities
29 are not required to spend additional local
30 dollars to comply with the mandates.
31 Further, funds should be distributed in the
32 most efficient way possible with the least
33 regulatory control.

34
35 The Governor and General Assembly should
36 promote state-local partnerships by
37 requiring:

- 38 1. A review of mandates in specific
39 program areas to (a) establish the full
40 cost to local governments of
41 implementing mandates and (b) develop
42 an appropriate basis for determining
43 state-local funding responsibilities.
- 44 2. Completion of cost estimates for
45 proposed legislation prior to its first full
46 review by a legislative committee, with
47 legislation negatively affecting local

48 governments’ revenue-raising ability
49 being submitted to the COLG for a fiscal
50 impact analysis.

- 51 3. A performance-based approach to
52 mandates that (a) focuses on outcomes,
53 (b) offers incentives for achieving state
54 objectives, and (c) gives local
55 governments autonomy to determine the
56 best way to achieve the desired result.
- 57 4. Simplified state reporting requirements
58 associated with mandates eliminating
59 nonessential information and
60 duplication, coordinating state deadlines
61 for information submittal, and making
62 better use of reporting technology.

63
64 The alarming tendency of state and federal
65 agencies to treat guidelines authorized by
66 enabling legislation as having the stature of
67 law itself should cease. In addition, the state
68 should avoid unessential and arbitrary
69 implementation of federal regulations.

70 **STATE AND LOCAL 71 RESPONSIBILITIES**

72 The state requires local governments to
73 provide certain services - education,
74 corrections, social services, health and
75 community mental health. The local
76 government does not have the option of not
77 being the state’s service provider in these
78 areas. “State aid” to localities is the state’s
79 payment for the implicit contractual
80 arrangement for this assignment of duties.
81 In addition, local governments have to
82 contribute local funding to these services.

83
84
85 In addition to the state-mandated services,
86 localities provide other services that are
87 either necessary (water and sewer, police
88 and fire protection, etc.) or desired by local
89 residents (parks and recreation, cultural
90 activities, etc.). Local governments need the
91 flexibility and resources to collect revenues
92 to meet these local responsibilities.

1 Two fundamental problems in Virginia's
2 intergovernmental structure are first, the
3 state does not fund adequately existing
4 services, particularly education, that it
5 requires local governments to provide; and
6 second, local officials have very limited
7 revenue options, which forces them to rely
8 heavily on real estate, personal property
9 taxes and other local revenue sources to pay
10 for services.

11
12 Further, to improve the relationship of the
13 state and local governments, the state
14 should

- 15 1. Not restrict the taxing authority and
16 revenue sources of local governments
17 without local concurrence.
- 18 2. Strengthen the partnership of the state
19 with local governments by granting local
20 governments full authority to deal
21 effectively with social problems.
- 22 3. Participate as a financial partner with
23 local governments in the costs of
24 education, including school construction
25 and renovation, and, as an active partner,
26 fully fund the state's fair share of the
27 costs of education.
- 28 4. Follow specific procurement procedures
29 before purchasing property, including
30 adequate inquiry into the purchase,
31 public hearings and notice, and notice of
32 intent to settle sent to the locality. In
33 addition, the state should consider
34 remuneration to the locality for the loss
35 of real estate taxes as well as any loss in
36 economic development potential.

37
38 The General Assembly should continue its
39 involvement with and financial support of
40 the Virginia Institute of Government.

41 42 **FREEDOM OF INFORMATION**

43 VML strongly supports the free flow of
44 information to citizens and the media
45 through the conduct of governmental affairs
46 at all levels in the open, in good faith
47 compliance with the Freedom of

48 Information Act. VML also supports efforts
49 to educate local government officials about
50 the Act, and the importance of extensive and
51 accurate reporting of government affairs.

52
53 The public has a right to have information
54 about itself protected. Government also has
55 to be able to control its work processes so
56 that public business can be conducted. It is
57 in the public's interest to conduct some
58 matters outside public view prior to official
59 action. Accordingly, VML strongly opposes
60 extending limitations on closed meetings
61 and exempt records, which would upset the
62 Act's careful balance among a fully
63 informed public, the protection of
64 individuals' privacy, the ability of
65 government to conduct its work and those
66 matters for which the premature release
67 would not be in the best interest of the
68 locality or its citizens.

69
70 In addition, localities should be able to
71 continue charging reasonable fees for any
72 and all records, including for research time
73 and for computer records that must be
74 provided under the Act.

75
76 VML opposes legislation to limit the use of
77 any legitimate means of communications
78 from one elected official to others, including
79 letters, emails and conversation.

80 81 **GOVERNMENTAL & MUNICIPAL** 82 **OFFICIAL LIABILITY**

83
84 VML calls upon Virginia's congressional
85 delegation to support legislation to restore
86 suits brought under 42 U.S.C. Section 1983
87 to traditional civil rights actions, and to
88 preclude the award of damages if the court
89 finds that the government or its officials
90 were acting in good faith.

91
92 Expanding liability and eroding immunities
93 at the state level across the nation have had a
94 chilling effect on the actions of local

1 government officials contributing to local
2 government insurance problems, creating
3 immense financial risks (particularly for
4 legal costs), and posing a substantial
5 obstacle to the provision of needed public
6 services.

7
8 The Virginia General Assembly should
9 strengthen the principles of sovereign
10 immunity for local governments and their
11 officials.

12
13 VML strongly opposes bringing local
14 governments under the Virginia Tort Claims
15 Act. This action would seriously erode the
16 sovereign immunity now enjoyed by
17 Virginia local governments and lead to a
18 substantial increase in frivolous suits.

19
20 The tort reparations system in the U.S.
21 creates many difficulties in the
22 administration of justice. VML supports
23 efforts at the national and state levels to
24 address tort reform, such as limitations on
25 the tort liability of local governments in
26 areas where local governments do not enjoy
27 sovereign immunity.

28
29 The General Assembly should adopt
30 legislation to codify the proposition that real
31 property of local governments shall be
32 exempt from liens created by statute or
33 otherwise. This proposition has already
34 been recognized by the Virginia Supreme
35 Court for mechanics liens.

36 **PERSONNEL**

37 Management has the responsibility to ensure
38 that employment, training, and promotional
39 opportunities are provided without regard to
40 race, creed, sex, national origin, age, or any
41 other factors not related to job performance.

42
43
44 VML supports:

- 45 • an equitable heart/lung/cancer
46 presumption statute as was the intent of
47 the original legislation. Compensibility

48 should be determined by establishing
49 whether work or non work related risk
50 factors are more likely the primary cause
51 of the claimant's condition. Additional
52 employee classes and/or medical
53 conditions should be added only when
54 supported by credible medical evidence.
55 • the current injury by accident definition
56 in the Virginia Workers' Compensation
57 Act.
58 • the current Workers' Compensation Act
59 provisions for use of an employer
60 selected panel of physicians to treat
61 injured workers.
62 • maintenance of the exclusive remedy
63 provisions of the Virginia Workers'
64 Compensation Act.
65 • local governments' authority to establish
66 hours of work, salaries and working
67 conditions for local employees.
68 • Legislation to allow the Virginia
69 Retirement System to offer political
70 subdivisions, at their option, the
71 opportunity of participating in the
72 Virginia Sickness and Disability
73 Program. Because of the intensive
74 administrative requirements associated
75 with the transition to the VSDP, the
76 opportunity to participate in the program
77 would have to be phased in over a
78 number of years.

79
80 VML opposes:

- 81 • any attempt to impose collective
82 bargaining or 'meet and confer'
83 requirements for public employers or
84 employees.
85 • any attempt by the federal government to
86 stipulate grievance procedures for state
87 and local employees, such as the police
88 officers bill of rights.

89
90 VML supports the creation of a legislative
91 study commission to undertake a
92 comprehensive examination of issues
93 associated with the Virginia Retirement
94 System. The commission should seek the

1 input of local officials through creation of
2 a local advisory group.

3
4 **TELECOMMUNICATIONS, LOCAL**
5 **GOVERNMENT PRINCIPLES**

6 VML sets forth the following principles to
7 guide any federal or state legislative action
8 regarding telecommunications issues.

9
10 a. Public Rights-of-Way. Local rights-of-
11 way are public property. The rights-of-
12 way contain numerous utility and other
13 facilities. Proper management and
14 maintenance of rights-of-way are
15 essential to ensure public safety, to
16 protect the integrity of the property, to
17 guarantee the safety of workers and to
18 maintain the efficiency of local streets,
19 utility systems and transportation
20 facilities and networks. Private use of
21 public rights-of-way significantly
22 increases management and maintenance
23 costs.

24
25 Neither the federal government nor the state
26 should enact any laws to shift the award of
27 franchises to use the public rights of way
28 from the local governing body to any state
29 or federal agency.

30
31 Individuals and businesses in the community
32 help to buy and maintain rights-of-way
33 through their taxes. Rights-of-way should
34 not be used for private purposes without
35 approval by and compensation to the local
36 government for the right to use the space.

37
38 Local governments and their taxpayers are
39 entitled to a fair return for private business
40 use of public property and for
41 reimbursement for all costs associated with
42 those uses. Local governments must have
43 continued authority to control the rights-of-
44 way and to receive appropriate
45 compensation for their use.

46 b. Equitable Taxation.

47 Telecommunications providers are

48 valued members of our corporate
49 community. All members of the
50 corporate community must pay taxes on
51 an equitable basis, as appropriately
52 determined by the local government. No
53 legislation should restrict the ability of
54 local governments to impose equitable
55 taxes on telecommunications providers.

56 c. Universal Service and Consumer
57 Access. Important educational and
58 community services are provided via
59 telecommunications.

60 Telecommunications providers must be
61 responsive to citizen needs and concerns
62 and provide appropriate customer
63 services to all segments of our
64 community so that disparities due to
65 income or geographic location affecting
66 citizen access to new technology are
67 minimized.

68 d. Competition. Local governments are
69 interested in healthy competition in the
70 field of telecommunications. To ensure
71 a competitively neutral and non-
72 discriminatory market, all service
73 providers must pay fair compensation
74 for the use of public property.

75 Governments should not be forced to
76 subsidize some participants in this fee-
77 market competition through lower-than-
78 fair-market charges or any other means.

79 e. Local Government as Customers. Local
80 governments are important consumers of
81 telecommunications services. In many
82 communities, the local government is the
83 single largest customers of
84 telecommunications services through its
85 government offices, education facilities
86 and emergency communications. As
87 valuable customers, local governments
88 should be treated equitably.

89
90 **UTILITIES**

91 Municipal electric systems should continue
92 to have the authority to set their own rates.
93 These rates are already reviewed and
94 approved by elected governing bodies.

1 The State Corporation Commission should
2 NOT be permitted to further regulate rates
3 for utility services furnished to or by local
4 governments.
5
6 The Virginia Electric Utility Restructuring
7 Act of 1999, as amended in 2001, requires
8 that incumbent electric utilities functionally
9 separate their generation facilities from their

10 transmission and distribution facilities prior
11 to implementing retail choice. VML
12 supports functional separation but is
13 opposed in principle to an arrangement
14 whereby a Virginia utility would transfer its
15 generation facilities to an affiliate
16 corporation.
17

18
19
20
21

II. COMMUNITY AND ECONOMIC DEVELOPMENT

22 Community and economic development are
23 essential to the continued vitality of the
24 Commonwealth of Virginia. VML urges the
25 state to continue to allow localities to
26 participate in the evolution and use of the
27 state economic development strategic plan.
28 Realizing the importance of the sense of
29 community, VML supports legislation that
30 would encourage state and local cooperation
31 efforts that would deter crime and promote
32 maintenance of property in neighborhoods.

HOUSING

34 VML urges state and local governing bodies
35 to develop and maintain a balanced housing
36 mix, including affordable housing. Local
37 officials are in the best position to determine
38 that mixture. Local governments must be
39 fully involved in the decisions on the
40 placement of affordable housing in their
41 jurisdictions. Procedures involving the
42 granting of tax credits for projects must
43 involve local governing bodies. Any
44 locality that issues a Section 8 housing
45 certificate should have housing available in
46 the jurisdiction for the certificate's holder, to
47 prevent persons who are granted Section 8
48 certificates from having to leave their home
49 jurisdiction in order to find housing.

50
51
52 VML supports state funding for affordable
53 housing.
54

ZONING INCENTIVES FOR IN-FILL DEVELOPMENT AND REDEVELOPMENT

55 The state code provisions on zoning
56 authority should continue to ensure that
57 local governments have a full range of
58 authority to promote affordable housing,
59 including enabling legislation to give
60 localities the power to facilitate in-fill
61 development, redevelopment and mixing of
62 uses in redevelopment projects. Therefore,
63 the code must not be changed to limit local
64 governments' authority to enact land use
65 regulations for the benefits of all citizens of
66 a locality.

RENTAL INSPECTIONS PROGRAMS

67 Local governments should retain all current
68 authority to adopt and maintain rental
69 inspection programs to protect the health
70 and safety of the citizens of the
71 Commonwealth.

PLANNING AND LAND USE

72 Planning and land use control are two of
73 local government's most important
74 functions. Localities should maintain
75 control of local land use decisions. Neither
76 the state nor federal government should
77 usurp a locality's power to make such
78 decisions. All localities should be guided by
79 their comprehensive plan for future
80 development. The General Assembly
81 should allow local governments to exercise

1 land use authority in the manner that the
2 local government deems appropriate for its
3 circumstances. Coordination of local land
4 use planning and transportation planning
5 improves the ability of all levels of
6 government to deal with and manage
7 growth-related issues the Commonwealth
8 faces in the long-term.

9
10 The General Assembly should enhance local
11 government's ability to implement their
12 carefully developed comprehensive plans by
13 authorizing a complete spectrum of land use
14 and growth management tools and should
15 allow localities more creative, locally
16 initiated planning and land use mechanisms.
17 Examples of land use and growth
18 management tools that localities should be
19 authorized to use include impact fees,
20 including the authority to finance the cost of
21 growth and offset local infrastructure costs
22 attributable to development; proffers;
23 transferable development rights and
24 adequate public facility ordinances.

25
26 When a county's transfer of development
27 rights program includes lands adjacent to a
28 city or town, the General Assembly should
29 provide the municipality authority to fully
30 participate in the decisions on transferring
31 such rights when it is determined by the
32 municipality that the land-use change will
33 impact its citizens.

34
35 VML supports the state's exploration of
36 sustainable development, provided that there
37 is not an effort to supplant the authority of
38 local governments to determine their own
39 land use policies, and encourages the
40 consideration of incentives for localities to
41 implement sustainable development
42 approaches.

43
44 State agencies should be required to comply
45 with local comprehensive plans and local
46 land use regulations and policies, subject to
47 override by the governor.

48 The General Assembly should give localities
49 the authority to remove abandoned/blighted
50 structures in a more timely manner by
51 reducing the lengthy procedures of
52 identifying and notifying all owners and lien
53 holders of the property. Further, VML
54 supports strengthening the minimum
55 housing maintenance code.

56
57 VML supports enhanced redevelopment
58 opportunities through the adoption of an
59 urban policy for the commonwealth, and
60 implementation of growth management
61 policies that encourage growth and
62 economic development in urban areas.

63
64 VML should seek amendments to *Code of*
65 *Virginia*, § 15.2-2307 to make it clear that
66 the vested rights law is prospective only and
67 further, to ensure that local governments
68 have the authority to amend zoning
69 ordinances in the future.

70
71 The state should not enact any legislation,
72 under the name of private property
73 protection law, that seeks to weaken local
74 powers to regulate land uses and protect the
75 community's health, safety and welfare, or
76 that requires additional compensation
77 beyond the interpretation of the Fifth
78 Amendment of the U.S. Constitution and
79 Article I, section II of the Virginia
80 Constitution.

81 VML opposes any additional legislation that
82 would exempt religious organizations from
83 neutral, generally applicable local
84 ordinances, and in particular, local zoning
85 and public safety ordinances.

86 87 **SHARED COSTS WITH PROPERTY** 88 **OWNERS**

89 The General Assembly should:

- 90 • Grant all local governments the ability to
91 assess impact fees at the time of site
92 development approval to pay for the
93 related costs of new development;

- 1 • Extend to all localities the same level
2 of authority for conditional zoning to
3 address off-and on-site transportation
4 issues as is granted to Northern Virginia
5 and Eastern Shore;
- 6 • Grant localities the authority to require
7 land developers to pay their pro-rata
8 share of the costs of supplying necessary
9 roads adjacent to property they are
10 developing; and
- 11 • Remove the 10-year time limit for use of
12 impact fees received by the locality.

13
14 **RESPONSIBLE GROWTH**
15 **MANAGEMENT**

16 Current state land use authority is often
17 inadequate to allow local governments to
18 provide for growth in a manner that protects
19 and improves the quality of life in our
20 communities. Therefore, the General
21 Assembly should authorize local
22 governments to implement growth
23 management policies such as adequate
24 public facilities ordinances and impact fees
25 in order to enable localities to facilitate
26 orderly, rational growth in a manner
27 appropriate to their communities.

28
29 Local governments must also retain current
30 authority in the state code to use conditional
31 zoning rules to balance the financial impact
32 created by residential and other development
33 in addition to adopting new powers such as
34 adequate public facilities, adequate
35 educational facilities and impact fee
36 legislation.

37
76 **III. PUBLIC SAFETY**

77 VML supports legislation that preserves law
78 and order and promotes the safety, quality of
79 life and administration of justice within our
80 communities. The Commonwealth should
81 enhance its efforts to prevent juvenile crime,
82 minimize violence in the schools, reduce the
83 formation and operation of gangs by
84 providing funding for programs that prepare

38 **MANUFACTURED HOUSING BY**
39 **RIGHT**

40 Local governments should retain the
41 authority to plan for the appropriate mix of
42 residential structures in their communities,
43 and should retain full authority to regulate
44 the placement of manufactured homes,
45 without state intervention.

46
47 **URBAN REDEVELOPMENT**

48 VML supports enhanced redevelopment
49 opportunities through the adoption of an
50 urban policy for the Commonwealth, and
51 implementation of growth management
52 policies that encourage growth and
53 economic development in urban areas.

54
55 **SUBDIVISION STREET STANDARDS**

56 Local governments should have authority to
57 modify standards for subdivision street
58 pavement and right-of-way widths that are
59 beneficial to good planning; public safety;
60 and the well-being of the residents of new
61 subdivisions, without diminishing state
62 funding for street maintenance payments.

63
64 **VARIANCES, SPECIAL EXCEPTIONS**
65 **& CONDITIONAL USE PERMITS**

66 VML maintains that the law on variances
67 should be retained in its current form.
68 Because land use is controlled at the local
69 level, the General Assembly should not
70 require any specific procedures for special
71 exceptions, conditional use permits or
72 similar land use decisions.

73
74
75
85 our youth to be productive, responsible, self-
86 reliant members of society.

87
88 The state should continue to provide
89 leadership and technical assistance to
90 localities in their efforts to coordinate public
91 safety activities including emergency
92 services.

1 VML supports legislation that will clearly
2 establish the relationships between the
3 Virginia State Police and municipalities to
4 assure efficient command, control and
5 communications during local emergencies.

6
7 Additional authority should be granted to
8 law enforcement agencies to impound the
9 vehicle owned by a person charged after
10 having been convicted more than once of
11 operating the motor vehicle without a
12 driver's license.

13
14 Greater latitude should be given to localities
15 in encouraging innovative methods of
16 combating traffic violations and crime.

17 | **COMMUNITY CORRECTIONS**

18 VML requests both increased funding and
19 an equitable distribution formula for
20 services provided under the Comprehensive
21 Community Corrections Act (CCCA) and
22 the Pre-Trial Services Act (PSA). Since the
23 advent of these programs in 1995, caseloads
24 have effectively doubled at the local level,
25 while state resources have remained
26 constant. These resources are allocated to
27 localities on a discretionary grant basis.
28 Given the statewide character of this
29 program, it is now time to allocate these
30 funds through an equitable formula that
31 recognizes regional costs and benefits of
32 these services. The program is cost
33 effective.
34

35 **COURT FEES**

36 A user of the court system should not force
37 increased costs on the general population.
38 VML supports legislation to increase court
39 fees to pay for courthouse maintenance,
40 renovation and construction and other court-
41 related projects.
42

43 **DOMESTIC VIOLENCE**

44 Virginia's law defines domestic violence as
45 incidents involving those who are or have
46 been married, those who cohabit or have
47

48 cohabited within the past 12 months, or
49 couples that have a child in common. As it
50 has been demonstrated that incidents of
51 domestic violence between couples who
52 previously cohabited can occur several years
53 or more after they cease to cohabit, incidents
54 of violence between these individuals should
55 be treated as domestic violence, no matter
56 how much time has passed since the
57 cohabitation ceased. The *Code of Virginia*
58 definition of domestic violence should be
59 changed to reflect this broader scope of
60 cohabitation.

61
62 Currently cases involving statutory-defined
63 domestic violence go to the juvenile and
64 domestic relations district court, while those
65 that do not meet the code definition go to the
66 general district court. Giving the juvenile
67 and domestic relations district court
68 jurisdiction over these cases to the greatest
69 degree practical would allow that court to
70 develop a greater expertise and consistency
71 in dealing with this type of violence. A code
72 change is recommended.

73 **FAMILY COURTS**

74 Any legislation to implement a family court
75 system should include 100 percent state
76 financing of new operating and capital costs
77 of that system.
78

79 **INTERNAL AFFAIRS**

80 **INVESTIGATIONS**

81 Legislation should be enacted to restrict the
82 use, in civil matters, of information gathered
83 in internal investigations when based on
84 compelled disclosure.
85

86 **OVERCROWDING/STATE SUPPORT**

87 The state should live up to its commitment
88 to remove state prisoners from local jails.
89

90
91 The state should fully fund the per diem
92 reimbursement for all state prisoners.
93

1 Jails built by a single large locality should
2 be made eligible for the same state
3 reimbursement rate for construction as a
4 regional jail facility.

5

6 **TRAINING ACADEMIES**

7 The state should fully fund all mandated
8 criminal justice training provided through
9 certified academies.

10

11 **TECHNOLOGY**

12 State law should allow all counties, cities,
13 and towns to make full and appropriate use
14 of modern technology to promote public
15 safety. Localities should have maximum
16 flexibility to contract with the private sector
17 to implement all aspects of such technology.

18

19 Pursuant to the 1996 Telecommunication
20 Act, the cellular phone industry is
21 developing technology to provide for the
22 identification of the origin of cellular
23 emergency calls. Until this technology is
24 implemented and revenue sources have been
25 identified to finance it, the state police

52

53

26 should continue to handle the E911 calls
27 they currently handle.

28

29 **VIOLENCE**

30 The General Assembly should enable
31 localities to help communities deal with
32 violence issues by:

- 33 a. reducing the accessibility of weapons
34 such as a ban on assault weapons,
- 35 b. expanding state and local cooperative
36 efforts in neighborhoods,
- 37 c. promoting additional prevention and
38 intervention programs to deal with
39 youths who may adopt a violent way of
40 life, and
- 41 d. granting localities more flexibility to
42 handle problems of abandoned and
43 blighted structures.

44

45 **COURT SECURITY**

46 The General Assembly should adopt
47 legislation making it clear that local judges
48 do not have the authority to order localities
49 to fund more deputy positions for court
50 security than are provided for in the State
51 Code and Appropriations Act.