



Virginia Municipal League

2009 Legislative Program



Parks
Animal control
Police
Elementary schools
Building code enforcement
Recreation leagues
Libraries
Water and sewer systems
Public transportation
High schools
Fire services
Health clinics
Garbage collection
Storm water utilities
Behavioral health services
Traffic control
After-school programs
Landfills
Economic development
Street lights
Jails
Building inspections
Emergency medical services
Housing authorities
Services for at-risk youth
Community centers
Middle schools
Parking enforcement
Hazardous materials response
Bookmobiles
Historic preservation
Building permits
Community festivals
Medicaid eligibility
E-911

Dear Legislator,

The unprecedented drop-off in revenues brought on by the current economic crisis is unlike any challenge that state and local governments have faced in decades. This fundamental breakdown continues to have implications for all revenue streams and credit instruments, affecting every facet of government and business.

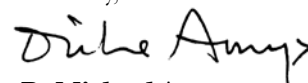
Local governments in Virginia are being battered by plummeting real and personal property assessments, rising foreclosures and increased unemployment. These factors significantly affect the collection of real and personal property taxes, which are the primary sources of revenue for local governments. Other vital sources of revenue, such as sales, meals, recordation and lodging taxes, have been hit hard as well.

Given the critical economic situation, local governments do not have the resources to compensate for cuts in state funding for programs such as public education, public safety and mental health. Local governments cannot increase real estate and personal property tax rates to replace state funding.

For these reasons, we ask that you ensure that state cuts are equitable and are accompanied by meaningful reductions in state mandates. Further, we ask that you resist any efforts to place new legislative or administrative restrictions or requirements on local governments.

VML pledges to work with the members of the General Assembly, as well as with the governor and his cabinet, to find solutions to the problems brought on by the economic crisis. Please call on us for any information or assistance that we can provide for the upcoming 2009 session.

Sincerely,



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2009 Legislative Program

The Virginia Municipal League has adopted four priority issues for 2009. They are:

State budget – Local government principles

The Governor and General Assembly should not:

1. Restrict further local revenue authority or sources.
2. Impose new funding requirements or expand existing ones on services delivered by local governments.
3. Shift state funding responsibilities onto local governments.
4. Impose state fees, taxes or surcharges on local government services.
5. Place additional administrative burdens on local governments.

The Governor and General Assembly should:

1. Immediately examine state requirements and service expansions to determine those that can be suspended or modified to alleviate some of the financial burden on state and local taxpayers.
2. Develop spending and revenue priorities. Both spending programs, as well as tax exemption and tax reduction programs, must be evaluated to address the current fiscal dilemma. Excluding state-mandated tax policy from a discussion of financial and service priorities is a statement that these programs are more important than the education and well-being of our children, the safety of our families and other basic government functions.



* Phone numbers area code 804.

Funding local police departments (599 Program)

VML urges continued state financial support of the 599 program in accordance with the provisions set out in the Code of Virginia.

VML supports provisions set out in the Code of Virginia and the Appropriations Act requiring police departments to meet minimum law enforcement standards promulgated by the Virginia Department of Criminal Justice Services.

Education funding

It is essential for the state to meet fully its responsibilities to fund education. VML supports full funding of state education programs including the Standards of Quality, incentive, categorical, and school facilities programs. VML opposes changes in methodology and changes in the division of financial responsibility that result in a shift of funding responsibility from the state to localities. The state should either fund its mandates, or reduce them.

Transportation maintenance funding

The General Assembly should provide adequate, sustainable and dedicated state funding to meet the state's responsibility to provide an effective network that supports Virginia's economy and also meets the require federal construction match. Under no circumstances should Virginia be in a "donor state" position.



In addition to the four priority issues, VML supports the specific legislative positions that follow.

Community & economic development

Impact fees

Local government must have a meaningful way for new development to participate in paying the costs of public infrastructure necessitated by the development. Current residents should not be expected to carry this

burden through increased real estate taxes. VML applauds the General Assembly for its cautious approach to developers' efforts to end cash proffers and to replace it with a limited and financially inadequate impact fees. We appreciate the insistence of the General Assembly that local governments be a major participant in a two-year study of impact fees.

As the General Assembly considers laws to broaden impact fee authority, it should extend to all public infrastructure, including school construction costs, caused by growth. The General Assembly should take all steps needed to assist towns and cities to work with the surrounding counties to promote growth in patterns that help sustain the vitality of the municipalities and reduce the undesirable consequences of sprawl.

Blight

Local governments must have sufficient authority to deal with blighted, nuisance, vacant and derelict structures and properties, including the authority to take all steps necessary to address such structures and properties and to place those costs on the landowner. The authority must include requiring owners to maintain their lots and or structures, as well as requiring them to comply with applicable building code standards.

Expansion of arts and cultural district authority

The authority to establish arts and cultural districts set out in Va. Code § 15.2-1129.1 should apply to all local governments and should not be limited to the localities listed in the law today.

Environmental quality

Natural resources funding

Article XI of the Constitution of Virginia commits the Commonwealth to protect its air, water and other natural resources. Only conservation and education enjoy this level of constitutional support. VML urges the Commonwealth in its role as a financial and environmental trustee to develop and adequately fund, in consultation with local governments, a comprehensive and statewide natural resources funding strategy. The annual appropriation of state general funds is necessary to meet this constitutional mandate.

Water Quality Improvement Fund

VML supports dedicated and adequate state appropriations to the Water Quality Improvement Fund in accordance with the responsibilities in Article XI of the Constitution of Virginia. Continued investment in water and wastewater infrastructure is critical to a fully functioning and healthy state economy, as well as a healthy environment.

Land conservation

VML recognizes the vital need to preserve special lands including open spaces, parks, natural areas, historic areas, farmlands, forests and recreational areas. VML, therefore, supports the dedication of a stable source of long-term state funding to assist agencies, localities, public bodies and specific and registered (tax-exempt) nonprofit organizations in acquiring, preserving, developing and maintaining such areas. State incentives (i.e. tax credits) need to be created for local governments seeking to place land designated for watershed protection in conservation easements.

Finance

Real estate taxes

- VML supports the current constitutional requirement for fair market valuation of property.
- Any changes to the real estate tax must be “local option” (adopted at the discretion of the local governing body). Local officials must bear the responsibility for providing adequate services; therefore, they should be able to control the revenues to do so.
- VML urges the timely adoption of measures that can help to provide local governments with tax flexibility.



- VML supports legislation allowing for the establishment of residential and non-residential as separate classifications of property, for purposes of taxation.
- The processes for the setting of real estate tax rates and budget development and adoption already include ample opportunity for public participation.
- The processes for the setting of real estate tax rates and the development and approval of budgets currently are integrated. The current processes followed by local governments work, and are effective in involving the public and ensuring efficient tax administration. Changes to these processes cannot be addressed separately without placing undue hardship and increased costs on local governments and, ultimately, on local taxpayers. Changes to any of these processes should be simple to administer and not contradict, impede or hinder the others.

General laws

Eminent domain

It is unnecessary for the Constitution of Virginia to be amended on the issue of eminent domain. The statutory framework of eminent domain law is sufficient to properly regulate the power of eminent domain. A constitutional amendment could unduly limit the ability of future legislatures to modify the eminent domain powers to meet the needs of Virginia residents. Further, the authority to carry out eminent domain does not need further restrictions.

Immigration

VML recognizes the importance of immigration issues to local government and the differences reflected in the state on this issue. We support efforts to provide clear policies and practices at the federal level.

We commend the state government for gathering the data on immigration and analyzing the effect of policies directed toward undocumented aliens. Before new state legislation is adopted, any impact on local government authority and resources should be thoroughly documented.

VML opposes new limitations on local governments to deal with problems associated with undocumented immigration, and opposes any new state mandates on immigration.

The Immigration Task Force, working with city, town and county attorneys, should provide guidance to localities on what, if any, actions they may undertake in this area.

Utility system authority of local governments

Local governments must retain full authority to operate their utility systems, including setting rates for their customers.

Dangerous weapons in government buildings

The Virginia Municipal League supports legislation to allow local governments to prohibit or restrict the carrying of dangerous weapons in city and town halls, county administration buildings, public libraries, public community and recreation centers and public convention/conference centers.



Human development and education

Comprehensive Services Act for At-Risk Youth and Families (CSA)

Foster care. The General Assembly should adopt language to sharply limit the use of foster care for the treatment of truancy, delinquency, or other social problems not related to abuse, neglect, or abandonment of children.

Match rate changes. VML supports legislation to reduce the administrative complexity of CSA. VML further supports greater funding for the state's matching share of actual administrative costs. VML supports legislative action to designate all truly community-based CSA services to the community-based service rate.

Expanding community-based services. VML supports allowing up to five percent of a locality's CSA funding, based upon a three-year rolling average, to be used to establish or expand community-based services at the discretion of the local CPMT. Appropriate state agencies should provide technical assistance to communities. Unused funds in a given year should be allowed to carry forward to the next year for needed program development.

Training. The state has a responsibility to provide continual training on CSA. The state should make available training to CSA coordinators and staff, CPMT and FAPT members, staff of CSA partner agencies and local government officials. Training also should be open to other service providers or vendor staff.

How this program was adopted

A 13-member Executive Committee governs the Virginia Municipal League. A 24-member Legislative Committee developed the 2008 Legislative Program with the help of almost 200 local officials who participated in the policy development process. The program was ratified by the membership at the league's 103rd annual business meeting on Oct. 21, 2008.

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Street maintenance
Public health
Neighborhood preservation
Recycling
Animal shelters
Cable television franchises
Sidewalks
Voter registration
Child protective services
Courts
Zoning enforcement
Farmers' markets
Engineering
Consumer protection
Green Government
Street sweeping
Social services
Industrial development
Paratransit
Fire marshal
Electric utilities
Comprehensive planning
Senior citizen programs
Community development
Main Streets
Kindergarten
Elections administration
Adult protective services
Welfare administration
Juvenile detention
County fairs
Natural gas utilities
Airports
Citizen boards and commissions

About VML

The Virginia Municipal League is a statewide, nonprofit, nonpartisan association of city, town and county governments established in 1905 to improve and assist local governments through legislative advocacy, research, education and other services. The membership includes all 39 cities in the state, 156 towns and 12 mostly urban counties.



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