

# 2019 Preliminary Policy Statements



Virginia Municipal League  
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## 2019 **DRAFT** COMMUNITY & ECONOMIC DEVELOPMENT POLICY STATEMENT

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Continued community and economic development are essential to the vitality of the Commonwealth of Virginia. VML urges the state to partner with localities to develop and carry out the state economic development strategic plan.

VML realizes the importance of communities and neighborhoods and supports legislation to encourage state and local cooperation efforts that would deter crime, promote maintenance and safety of property in neighborhoods, and improve the livability of Virginia's cities, towns and counties.

VML encourages local governments to work together in regional efforts to improve the quality of life and economic development opportunities and encourages the state to support such regional efforts in collaboration with local elected officials.

Incentive programs, such as GO Virginia, the Commonwealth's Opportunity Fund and the Virginia Enterprise Zone Program are important economic development tools, particularly in a challenging economy. The state should work with local governments to ensure that economic development efforts focus on improving opportunities.

We support the current incentive programs and Virginia Enterprise Zones; they should not be decreased.

VML supports initiatives such as GO Virginia's which encourage collaboration among Virginia's localities to support economic diversification.

Appropriate efforts include grants and state tax incentives and efforts to assist minority and women-owned businesses. The state should strive to fully fund programs that strengthen local governments' commercial and industrial tax bases to reduce pressure on the residential real estate tax base.

### **HOUSING**

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

VML supports state funding for affordable housing.

The state should take the lead and work with local governments to encourage the development of mixed income development and redevelopment, coupled with support for mixed use projects.

The Commonwealth should give high priority to approval and funding of low income housing tax credit projects that incorporate affordable and subsidized units into mixed use/mixed income developments. Such projects should include a substantial share of market rate housing.

### **BLIGHT AND NEIGHBORHOOD PRESERVATION**

The General Assembly should broaden the laws on dealing with blight and dealing with building permits issued for repairs or renovation to require timely completion of the work or, failing a legitimate plan by the owner, diligently pursued, to complete the work, authorizing local government action to correct the health and public safety problems created by projects that are not completed and to either seize available assets of the owner and use them to fund corrective action, or recover the locality's costs on a priority basis in the same manner as unpaid taxes. Further, the definition of derelict building should be expanded to include buildings which are never completed to a condition that would meet the definition in Virginia Code Section 15-2.907.1.

VML supports strengthening the minimum housing maintenance code.

### **ZONING INCENTIVES FOR IN-FILL DEVELOPMENT AND REDEVELOPMENT**

The state code provisions on zoning authority should continue to ensure that local governments have a full range of authority to promote affordable and mixed income housing, including authority to facilitate in-fill development, redevelopment and mixing of uses in redevelopment projects. Therefore, the Code of Virginia must not be changed to limit local governments' authority to enact land use regulations for the benefits of all citizens of a locality.

### **PLANNING AND LAND USE**

The Governor and General Assembly should continually evaluate the limitations on local authority and land use management tools provided in the state code to ensure that the policies of the Commonwealth encourage and support healthy cities and towns. The Commonwealth must repeal state laws that encourage sprawl or that discourage mixed-use, inclusive communities at sustainable densities. Instead, the policies of the Commonwealth should support sustainable growth in and around urban centers to help local governments create more livable, environmentally responsible communities, thus reducing the environmental impact of growth. In addition, the policies should alleviate transportation funding problems for the Commonwealth and should promote transportation priorities to promote public transportation modes as well as pedestrian and bicycle transportation. VML supports multi-modal transportation options for regions and localities.

Further, to make movement cities and towns attractive, the education policies and funding must promote high quality educational facilities, opportunities and services in cities and towns. Further the Commonwealth must provide funding to help cities and towns attract and retain high paying jobs.

Planning and land use control are two of local government's most important functions. Localities must maintain control of local land use decisions. Neither the state nor federal

government should usurp or pre-empt a locality's power to make such decisions or impose processes that weaken planning and land use functions. This includes home businesses and other activities that may put different persons' property rights into conflict with one another. All localities should be guided by their comprehensive plan for future development. The General Assembly should allow local governments to exercise land use authority in the manner that the local government deems appropriate for its circumstances. Coordination of local land use planning and transportation planning improves the ability of all levels of government to deal with and manage growth-related issues the Commonwealth faces in the long-term.

The General Assembly should enhance local government's ability to implement their comprehensive plans by authorizing a complete spectrum of land use and growth management tools and should allow and provide localities more creative, locally initiated planning and land use mechanisms.

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

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

State agencies should be required to comply with local comprehensive plans and local land use regulations and policies.

VML supports enhanced redevelopment opportunities through the adoption of an urban policy for the commonwealth, and implementation of growth management policies that encourage growth and economic development in urban areas.

VML supports the position that the vested rights law is prospective only and that local governments have the authority to amend zoning ordinances in the future.

The law on nonconforming uses and structures must not be diminished. The desires of a single property owner should not outweigh the interests of the neighbors, who benefit from properties coming into conformance with the zoning ordinance over time through the effects of the law on nonconformity.

The General Assembly should not enact any legislation, under the name of private property protection law, that seeks to weaken local powers to regulate land uses and protect the community's health, safety and welfare, or that requires additional compensation beyond judicial interpretation of the Fifth Amendment of the U.S. Constitution and Article I, section II of the Virginia Constitution.

VML opposes any additional legislation that would exempt religious organizations or provide special entitlements to individuals and industries from neutral, generally applicable local ordinances, and in particular, local zoning and public safety ordinances.

### **RESPONSIBLE GROWTH MANAGEMENT**

Current state land use authority is often inadequate to allow local governments to provide the infrastructure and services for growth in a manner that protects and improves the quality of life in our communities. The General Assembly should authorize local governments to implement growth management policies including impact fees in order to enable localities to facilitate orderly, rational growth in a manner appropriate to their communities. The authority to impose impact fees should include calculations for the cost of all public infrastructure, including local transportation, transit, and school construction costs, caused by growth. Until a comprehensive impact fee system is authorized, the state code should extend to all localities full authority for conditional zoning to meet the needs of new citizens for public infrastructure.

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 the vitality of the municipalities. Any change must not shift the burden of paying for new infrastructure to existing citizens through increased real estate taxes.

[VML supports the ability of localities to prepare for the closure of state facilities and supports the state providing ample notice to localities of proposed closures and the loss of jobs.](#)

### **DESIGN FOR ALL CITIZENS.**

As life expectancy rises and as the number of citizens with significant physical disabilities and limitations increases, Virginia's local governments recognize that man-made environments must be made accessible to and inclusive of all citizens, whether aging, disabled or facing other limitations. Therefore, the state's laws, regulations and policies must serve to increase accessibility for the aged and disabled populations. Such laws, regulations and policies that do not assist reaching these goals should be amended or repealed. Building codes should be amended to help achieve these goals in new and existing construction. Further, state laws, regulations and policies must be amended, as needed to give local governments full authority to provide accessible private and public infrastructure.

### **MANUFACTURED HOUSING BY RIGHT**

Local governments must retain the authority to plan for the appropriate mix of residential structures in their communities and must retain full authority to regulate the placement of manufactured homes, without state intervention.

Localities should retain the right to tax manufactured homes as personal property, and not be forced to classify them as realty.

### **TRANSPORTATION**

Localities need to have greater input on how changes to VDOT managed infrastructure affect localities as well as input on priorities for addressing infrastructure issues. VDOT should also allow more effective local input on funding priorities. VML supports program changes to



VDOT's revenue sharing program that will fund a wider distribution of projects and increase the opportunity for a greater number of localities to participate.

### **SUBDIVISION STREET AND SIDEWALK STANDARDS**

Local governments should have authority to modify standards for street pavement and right-of-way widths, including streets brought into the system that do not meet VDOT standards, that are beneficial to good planning; public safety; and the well-being of the residents, without diminishing state funding for street maintenance payments.

Localities should have the ability to work with developers on sidewalk standards and financing to include mutually agreeable arrangements where sidewalks are financed but not built immediately and monies can be used for sidewalk improvements in other parts of the locality.

### **PRESERVATION OF RIGHTS-OF-WAY**

Road projects take many years from the planning stage to construction. Often localities need to reserve miles of right-of-way years in advance of any funding availability for these projects, or risk development in the path of these road projects. Localities need tools to enable them to reserve rights-of-way for longer periods of time. The official map legislation allows reservation but localities are often unable to provide for the upfront funding needed to purchase these right-of-way in the allotted timeframe.

### **VARIANCES, SPECIAL EXCEPTIONS & CONDITIONAL USE PERMITS**

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

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## 2019 DRAFT ENVIRONMENTAL QUALITY POLICY STATEMENT

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1 Protecting natural resources and sustaining  
2 efficient environmental stewardship is an  
3 overarching mission of government.  
4 Additionally, VML recognizes the  
5 importance and challenge of maintaining  
6 natural resources and managing  
7 environmental services while  
8 simultaneously encouraging economic  
9 growth and responsible human development  
10 in our cities, towns and counties.

11  
12 To achieve these ends, VML pursues these  
13 goals:

- 14  
15 1. Promoting environmental quality  
16 through a coordinated, comprehensive  
17 approach that addresses air and water  
18 quality, hazardous and solid waste  
19 management, energy conservation and  
20 use, protection of special lands and  
21 features including biological diversity,  
22 prudent land use policies, and noise  
23 abatement ~~and energy use~~.  
24
- 25 2. Attaining an equitable distribution of  
26 responsibilities among governments for  
27 resource protection and environmental  
28 services and attaining sufficient financial  
29 resources from the federal and state  
30 governments to implement mandates,  
31 without duplicating efforts.  
32
- 33 3. Environmental resources cross  
34 jurisdictional boundaries and positive  
35 dispute resolution of issues should be  
36 supported.  
37
- 38 4. Pursuing the orderly and planned  
39 development of communities and  
40 encouraging the revitalization of older  
41 communities.  
42
- 43 5. Promoting cooperation and coordination  
44 among governments, citizens,  
45 institutions, and organizations to achieve

46 these goals while encouraging  
47 innovative, cost-effective solutions to  
48 environmental problems.

- 49  
50 6. Advocating budget, legislation and  
51 policy initiatives that provide sufficient  
52 resources to implement the least costly  
53 and most efficient regulations ~~mandates~~.

### 54 **WATER RESOURCES, QUALITY &** 55 **CONSERVATION**

#### 56 **Quality**

57 Point (direct) and nonpoint (indirect)  
58 sources of pollution continue to create  
59 significant challenges in protecting water  
60 quality: wastewater treatment plant  
61 upgrades, urban and agricultural storm water  
62 runoff, sedimentation, stream  
63 channelization, specific agricultural  
64 activities, pet wastes and use of agricultural,  
65 yard, lawn care and homecare chemicals.  
66 Water resource protection is critical  
67 throughout all watersheds of Virginia. Local  
68 governments, the state government, the  
69 federal government and private interests  
70 must recognize these threats and implement  
71 precautions and protections that reflect their  
72 level of responsibility for preventing and  
73 mitigating offensive activities, safeguarding  
74 local public and environmental health, as  
75 well as maintaining the technical and  
76 economic competence to respond to and  
77 correct problems.  
78

79  
80 Recent years have seen significant  
81 improvements in water quality throughout  
82 the Commonwealth. However, without  
83 adequate funding sources and data to assist  
84 local governments and public service  
85 authorities, water quality will not continue  
86 to improve. Combined sewer overflows  
87 (CSOs) and sanitary sewer overflows  
88 (SSOs) are significantly expensive  
89 infrastructure undertakings, often costing  
90 hundreds of millions of dollars. Local CSO

1 and SSO improvement projects require  
2 federal and state financial assistance. VML  
3 supports state financial assistance to local  
4 governments and public service authorities  
5 facing legislative mandates related to CSO  
6 or SSO management and remediation.  
7  
8 VML supports dedicated and adequate state  
9 appropriations to the Water Quality  
10 Improvement Fund to make full and timely  
11 payments under point source upgrade  
12 contracts with local governments.  
13 Additionally, VML supports dedicated and  
14 ample state financial assistance to the  
15 Stormwater Local Assistance Fund to  
16 address costs associated with the permit  
17 requirements of Municipal Separate Storm  
18 Sewer Systems (MS4).  
19  
20 Local governments are legally obligated to  
21 ameliorate water pollution and reduce its  
22 harmful effects and they are well-positioned  
23 to develop innovative, and meaningful  
24 community- based solutions. VML supports  
25 the ability of localities to employ credible  
26 and efficacious, low impact water pollution  
27 prevention and control measures without the  
28 additional burden of securing the prior  
29 review and/or permitting of state and federal  
30 agencies.  
31  
32 Municipalities have made extraordinary  
33 investments and progress in reducing  
34 nutrients from wastewater treatment plants.  
35 Permitted waste load allocations to  
36 municipal wastewater treatment plants are  
37 central to localities' ability to comply with  
38 current water quality laws and to  
39 accommodate future growth and economic  
40 development. The Commonwealth should  
41 support regulatory stability as to existing  
42 facilities and their allocations. The Virginia  
43 Nutrient Credit Exchange Program should  
44 continue as the primary vehicle for new  
45 public or private sources to acquire  
46 allocations and/or credits with facilities  
47 owners' consent on agreed terms.

48 In the interest of increasing and improving  
49 the level of water quality data for impaired  
50 watersheds and waterbodies in Virginia, the  
51 State should leverage and actively employ  
52 state university assets (laboratories,  
53 equipment, etc.) and subject matter experts  
54 (scientists, graduate students, etc.) to  
55 collaborate with local governments to gather  
56 and analyze rigorous water quality data.  
57 Such high-quality data can then be used by  
58 state agencies and local governments to  
59 document the effectiveness of locally  
60 specific water quality improvement plans,  
61 which are required of localities with MS4  
62 Permits, and aid the state in its duty to  
63 monitor and track the health of state waters.  
64

65 **Conservation**

66 Overuse and indiscriminate use of water,  
67 coupled with recurring drought conditions,  
68 require state and local leaders to promote  
69 water conservation to help to avoid future  
70 water supply problems. Local or regional  
71 comprehensive water conservation plans  
72 should urge conservation through  
73 construction building material choices, grey  
74 water re-use, rainwater harvesting, native  
75 and drought tolerant landscaping, appliances  
76 (such as dual flush toilets), rate structure,  
77 education and water allocation.  
78

79 **Conservation Easements**

80 Water authorities and similar local agencies  
81 should have the power to receive  
82 conservation easements under the authority  
83 of the Conservation Easement Act.  
84

85 The Virginia Outdoors Foundation's  
86 operating costs should be fully funded.  
87

88 State incentives (in-lieu of tax credits) need  
89 to be created for local governments seeking  
90 to place land designated for watershed  
91 protection in conservation easements.  
92

92 **Primacy**

93 The state should work to maintain the State  
94 Health Department's primacy role in

1 implementing the federal Safe Drinking  
2 Water Act.

### 4 **Water Supply**

5 VML believes these principles governing  
6 the role of the Commonwealth must guide  
7 state water supply planning:

9 1. The availability of a safe, adequate and  
10 reliable water supply is essential to the  
11 public health and the economic vitality of  
12 the Commonwealth and its local  
13 governments. The state should participate in  
14 providing funding mechanisms for local and  
15 regional water supplies.

17 2. As a partner with local government in  
18 providing water supplies, the state should  
19 invest in regional projects to maximize the  
20 use of infrastructure and minimize  
21 environmental impacts.

23 3. Maintaining and analyzing a sound  
24 surface and ground water database is an  
25 essential state responsibility.

27 4. The state must take an advocacy role to  
28 support local water supply projects that  
29 conform to state regulations. This includes  
30 taking the lead in negotiating multi-state  
31 issues.

33 5. VML supports adequate state  
34 environmental staffing in the areas of  
35 research and development, including legal  
36 research into issues such as inter-basin  
37 transfers or groundwater recharge, which  
38 results in stronger technical assistance to  
39 municipal government.

41 6. The State should encourage water  
42 conservation measures to promote wise use  
43 and prevent and minimize waste through  
44 incentives and educational programs.

46 7. The Commonwealth should consider use  
47 of reclaimed water to meet non-potable

48 needs as part of its water resources to reduce  
49 the demand on high quality potable water  
50 supplies where practicable and  
51 environmentally beneficial. State officials  
52 should assist local governments and  
53 communities in promoting wastewater  
54 reclamation and reuse.

56 Beyond conservation measures, VML  
57 supports the deployment of proven, safe,  
58 innovative water reuse technologies to  
59 replenish aquifers statewide.

61 8. Water is essential to a healthy ecosystem.  
62 Stream flows to support beneficial in-stream  
63 uses should be protected in the process of  
64 providing sufficient water to meet public  
65 drinking water requirements.

67 Local governments must continue to  
68 participate in the discussion of any water  
69 resource proposals, including the current  
70 statewide water supply planning process.

### 72 **ENVIRONMENTAL EMERGENCIES**

73 The state should assist with paying for flood  
74 protection where localities take precautions,  
75 through land use controls, to limit the cost of  
76 flood damage restoration.

78 Localities need increased funding for state-  
79 mandated dam safety infrastructure  
80 improvements.

82 In the event of an environmental emergency,  
83 either man made or an act of God, local  
84 government officials need maximum  
85 discretion to determine measures to be taken  
86 beyond those dictated by the state and  
87 federal government, as well as ready access  
88 to information and assistance.

90 VML supports a state requirement that rail  
91 operators serve on federally mandated Local  
92 Emergency Planning Committees.

1 **SOLID WASTE MANAGEMENT**  
2 VML supports the continuation of certifying  
3 compliance with local ordinances for waste  
4 management facility proposals.  
5  
6 VML endorses developing local waste-to-  
7 energy and co-generation facilities as  
8 practical alternatives to landfill facilities. ~~To~~  
9 ~~achieve these goals, VML asks the federal~~  
10 ~~and state agencies, as well as the Virginia~~  
11 ~~General Assembly, to fund research into~~  
12 ~~new technologies and processes leading to~~  
13 ~~the development of alternative solid waste~~  
14 ~~management practices.~~  
15  
16 VML supports efforts to ensure that Waste  
17 to Energy (WTE) is consistently defined as a  
18 renewable energy source in the Virginia  
19 Energy Plan and in any renewable energy  
20 standards relating to the Commonwealth.  
21 Currently the Code of Virginia defines  
22 "renewable energy" as including energy  
23 derived from waste.  
24  
25 VML supports state financial assistance in  
26 developing programs that reduce waste  
27 entering local landfills, thereby increasing  
28 their longevity. Such programs should  
29 emphasize processes that reduce waste,  
30 reuse materials, and recycle refuse.  
31  
32 Plastics serve many appropriate purposes in  
33 our society, yet their use in disposable  
34 products – especially in single-use products  
35 – has become ubiquitous and their polluting  
36 effects have followed. These products cost  
37 localities dearly in time and expense needed  
38 to unclog storm and sanitary drainage  
39 systems, damage to mowing equipment,  
40 ensnarement in trees and other vegetation,  
41 and more. Further, these products  
42 accumulate in area waters and wetlands  
43 where they harm wildlife, impair outdoor  
44 recreation, and degrade into compounds  
45 which are known toxins. VML supports  
46 legislative approval of a local government  
47 option to regulate the distribution, sale or

48 offer of disposable plastic bags (~~see SB1103,~~  
49 ~~2015)~~ and other such single-use products,  
50 such as straws and extruded polystyrene  
51 food and beverage containers. Exceptions  
52 shall be made for such bags and containers  
53 used for garbage, medical waste, and other  
54 refuse containment, and for disposable  
55 plastic wraps designed to ensure the safety  
56 and integrity of medical supplies and other  
57 sensitive products used in public health and  
58 safety, whose purpose and distribution shall  
59 be permissible.  
60  
61 **RECYCLING**  
62 VML supports recycling and reuse wherever  
63 possible to promote better and wiser use of  
64 our resources.  
65  
66 **HAZARDOUS WASTE**  
67 Advanced technology, waste minimization,  
68 and waste exchange should be used, to the  
69 extent possible, to eliminate or reduce  
70 hazardous waste.  
71  
72 VML recognizes the need for hazardous  
73 waste treatment and disposal facilities to  
74 provide adequate capacity for wastes  
75 generated within state borders. VML  
76 encourages the Commonwealth to establish,  
77 and if necessary, to operate, hazardous waste  
78 facilities appropriate for improving the  
79 treatment, storage, or disposal of hazardous  
80 waste generated within Virginia.  
81  
82 Adequate state and federal funding should  
83 be provided for cleaning up abandoned and  
84 hazardous waste sites. Expedient clean-up  
85 of sites is essential.  
86  
87 The Commonwealth should address the  
88 collection of household hazardous waste by  
89 collecting it or providing liability coverage  
90 for local collection programs. Consumer  
91 education and discouraging reliance on  
92 household chemicals should be encouraged.  
93 The state needs to address pharmaceuticals  
94 and associated endocrine disruptors,

1 including collection/disposition, and to  
2 encourage pharmacies to accept unused  
3 pharmaceuticals. State research institutions  
4 should examine and provide policy  
5 recommendations on the impact of  
6 pharmaceuticals and endocrine disruptors to  
7 water quality, agricultural products, and  
8 human health.

9  
10 Electrical and electronic products contain  
11 known toxic and hazardous components  
12 which must be tightly control when such  
13 products are disposed (e-waste). Most such  
14 components can be safely harvested and  
15 recycled or reused, reducing the  
16 environmental impacts of mining and  
17 producing new components from virgin  
18 materials, such as rare earth elements, which  
19 are increasingly scarce and costly to obtain.  
20 VML supports legislative efforts to increase  
21 the reuse and recycling of all electrical and  
22 electronic products, devices and related  
23 materials, as well as economic and business  
24 development models to grow the necessary  
25 skill, capability and infrastructure within  
26 Virginia to improve the ability of localities,  
27 small businesses and citizens to easily,  
28 conveniently and ethically recycle their e-  
29 wastes.

### 31 **PARKS, OPEN SPACE AND** 32 **CULTURAL RESOURCES**

33 VML supports the renewal of federal  
34 funding for parks, historical structure  
35 preservation and recreational opportunities.  
36 The federal Land and Water Conservation  
37 Fund (LWCF) program provides matching  
38 grants to States and local governments for  
39 the acquisition and development of public  
40 outdoor recreation areas and facilities. VML  
41 encourages state officials to work with local  
42 officials in combining matching dollars for  
43 LWCF grants for local and regional  
44 facilities. VML also supports additional state  
45 funding for local land preservation through  
46 Virginia Land Conservation Foundation  
47 (VLCF) grants and matching grants to

48 localities for qualifying purchase of  
49 development rights (PDR) programs

### 50 51 **NOISE CONTROL**

52 State and federal governments must assume  
53 the regulatory and financial responsibility of  
54 attaining satisfactory noise levels adjacent to  
55 major highways, railways and airports

### 56 57 **ENERGY CONSERVATION, GREEN** 58 **BUILDING & CLIMATE CHANGE**

59 The state should maintain an overall state  
60 energy plan that includes provisions for  
61 conventional and renewable energy; support  
62 for research and development into energy  
63 efficiency, conservation and renewable  
64 energy technologies; alternative fuels and  
65 advanced vehicle technologies; energy  
66 infrastructure; and increasing resilience  
67 relative to energy emergencies.

68  
69 VML acknowledges passage of the Grid  
70 Transformation and Security Act of 2018  
71 and its emphases on grid modernization,  
72 solar and wind energy, energy efficiency  
73 and conservation, weatherization programs  
74 and consumer protections. VML further  
75 notes that the State Corporation Commission  
76 (SCC) and utilities will develop stakeholder  
77 groups regarding the Act's mandate that  
78 utilities invest approximately \$1 billion in  
79 energy efficiency by 2028, and VML  
80 encourages the SCC and utilities to include  
81 local government representatives in those  
82 stakeholder groups.

83  
84 Regulations and emergency orders should  
85 include alternatives that consider the  
86 economic impact on political subdivisions  
87 that border neighboring states.

88  
89 Conservation Energy conservation and  
90 efficiency should be a major considerations  
91 in formulating state and local energy  
92 policies and plans, as ~~it is usually~~ they are  
93 often the most ~~efficient~~ cost effective.

1 VML supports state assistance to help local  
2 governments, businesses and residents  
3 obtain energy audits. VML also supports  
4 state tax incentives for (1) energy efficiency;  
5 and (2) homeowners using renewable  
6 energy, including solar, geothermal, wind  
7 and others.  
8  
9 VML supports the construction of buildings  
10 that are energy efficient, maximize natural  
11 light, minimize stormwater runoff, use  
12 recycled materials and use other  
13 environmentally sustainable practices.  
14 Local governments, state agencies, and  
15 developers can obtain green building  
16 practices guidance from organizations such  
17 as the U.S. Green Building Council which  
18 promulgates the LEED (Leadership in  
19 Energy and Environmental Design) Green  
20 Building Certification System.  
21  
22 VML ~~supports~~ applauds the efforts of the  
23 Virginia Department of Conservation and  
24 Recreation, the Virginia Department of  
25 Housing and Community Development, the  
26 Department of Environmental Quality and  
27 others to implement green building design  
28 and construction and encourages greater use  
29 of these environmentally sound and energy  
30 efficient techniques. Ideally, all public  
31 buildings should be LEED, or the  
32 equivalent, certified.  
33  
34 VML encourages the Commonwealth to  
35 institutionalize best practices by developing  
36 building code standards that enhance  
37 environmental sustainability and energy  
38 efficiency and to enact policies that enable  
39 local governments to promote environmental  
40 sustainability and energy efficiency in  
41 construction. The Board of Housing and  
42 Community Development is to be  
43 commended for adopting the latest model  
44 codes for commercial buildings.  
45 Accordingly, VML supports adopting all  
46 provisions of the 2018 ~~2015~~-International

47 Energy Conservation Code for residential  
48 construction.  
49  
50 VML recognizes that the impacts of global  
51 climate change, as it relates to relative sea-  
52 level rise, habitat destruction and alteration,  
53 temperature increase, and variations in  
54 seasonal rainfall patterns, has the potential  
55 to negatively impact our communities. State  
56 officials should provide tools to localities to  
57 take inventory of greenhouse emissions  
58 output and assist with greenhouse gas  
59 emission reduction plans. Additionally, the  
60 Commonwealth should participate in  
61 regional collaborations to reduce greenhouse  
62 gas emissions.  
63  
64 **SOLAR & CLEAN ENERGY USE**  
65 Clean energy sources should be encouraged,  
66 with both long and short-range energy usage  
67 designed to maximize conservation of  
68 energy resources.  
69  
70 Virginia should continue to allow and  
71 expand on renewable energy generation and  
72 the deployment of distributed energy  
73 infrastructure for all residents, businesses,  
74 local governments and utilities operating in  
75 the state. These measures will help to reduce  
76 energy costs to consumers and increase the  
77 available supply of energy without further  
78 degradation of the environment. It is  
79 important that net metering with retail  
80 compensation be retained or improved with  
81 the ability for production above specific site  
82 needs. Any claims of harm to the grid as a  
83 result of distributed solar should be  
84 accompanied by holistic studies which also  
85 consider the benefits of distributed solar.  
86  
87 VML supports efforts to protect current net  
88 metering compensation and to allow for  
89 increased system capacity purchased to  
90 reflect future needs. The current limitations  
91 on non-utility scale photo voltaic generation  
92 system size should be examined for removal  
93 of restrictions. ~~Further, individual plans to~~

1 ~~add electric vehicle recharging cannot be~~  
2 ~~accommodated within the current approach.~~  
3 VML requests provisions for true  
4 community solar to be allowed to gain a  
5 broader set of customers for solar energy,  
6 including third-party owned and financed  
7 community solar.

8  
9 VML supports the creation of an  
10 independent office of the consumer advocate  
11 within the state government to actively  
12 participate in the siting of gas, liquid and  
13 electric transmission lines.

14

15 **CHESAPEAKE BAY**

16 The Chesapeake Bay provides vital  
17 economic and recreational benefits to all  
18 Virginians. The Commonwealth and federal  
19 government must assume responsibility for  
20 leading the clean-up of the Bay and work  
21 with its local governments -- in addition to  
22 the neighboring states -- to develop  
23 interstate as well as intrastate strategies  
24 designed to "Save the Bay." The  
25 Chesapeake Bay is a national treasure, and  
26 the state must work with the federal  
27 government to ensure adequate financial  
28 resources are available to implement the  
29 plan for complying with federal Clean Water  
30 Act. At the federal level VML supports  
31 accountability and oversight which seeks to  
32 achieve greater cost-effectiveness in meeting  
33 pollution reduction targets. This will help  
34 localities address the expensive costs  
35 associated with the Chesapeake Bay  
36 cleanup.

37  
38 Living resources such as oysters, crabs,  
39 mussels and underwater grasses are critical  
40 to water quality. Oysters and mussels in  
41 particular have the capacity to filter  
42 sediments and reduce pollutants. While  
43 reductions from sewage treatment plants and  
44 urban runoff are important to restoring the  
45 bay it will become increasingly expensive to  
46 reduce a smaller amount of pollutants from  
47 these sources resulting in a diminishing

48 return for investment. Increasing those  
49 living resources that improve water quality  
50 should be considered as an alternative to or  
51 work in combination with expensive  
52 retrofits of urban areas in an attempt to  
53 reduce costs and pollutants.

54  
55 The Commonwealth must continue to fully  
56 fund the Water Quality Improvement Fund  
57 and provide financial assistance for ~~share in~~  
58 the funding of local government water  
59 quality improvement projects in Virginia at  
60 appropriate levels designed to clean up the  
61 Bay and its tributaries. The Commonwealth  
62 would defeat the spirit of community  
63 partnership if it required local governments  
64 to undertake unfunded mandates for water  
65 quality improvement projects designed to  
66 remove the Chesapeake Bay from the EPA's  
67 impaired waters list.

68

69 **HIGHWAY BEAUTIFICATION**

70 VML is discouraged that modification to the  
71 Federal Highway Beautification Act has  
72 undermined local authority and continues to  
73 allow tree-cutting simply for billboard  
74 visibility. The General Assembly should  
75 enact legislation that restores local  
76 government authority to remove billboards  
77 along federal highways through  
78 amortization; supports local governments'  
79 ability to require non-conforming signs  
80 along federal highways to comply with size  
81 and height requirements without cash  
82 payments; allows local governments to  
83 require the removal of billboards in  
84 inappropriate locations, especially in rurally-  
85 designated scenic, historic, and residential  
86 areas; and provides local governments with  
87 the authority by local ordinance to prohibit  
88 the construction or to determine the  
89 placement of any new billboards.

90 VML encourages the local identification of  
91 roads with special natural, historical, scenic,  
92 or cultural values and encourages local  
93 enhancement and protection of these scenic  
94 byways.



1 VML encourages assisting in the progress  
2 towards a reduced consumer waste  
3 environment by invoking extended producer  
4 responsibility. We ask that producers and  
5 first importers of plastic products consider  
6 having a strategy for how they will recover  
7 or dispose, without cost to taxpayers, their  
8 products when consumers are done with  
9 them, as a condition of sale in a  
10 municipality. This strategy should include  
11 measurable results, outcomes and timetables  
12 for achievement.

### 14 **TRANSPORTATION AND LOCAL 15 LAND USE PLANNING**

16 VML supports the re-initiation of the state's  
17 former environmental review procedure for  
18 state highway projects. VML recognizes the  
19 potential benefits of such a procedure  
20 including the benefits to transportation  
21 planning and resource management.

23 However, any such procedure and/or review  
24 is incomplete if it does not evaluate the  
25 proposed impacts against the state-required  
26 local comprehensive plans. VML believes  
27 that the environmental review process for  
28 public roads should incorporate the local  
29 comprehensive plan and involve and take  
30 into the account the views of local officials.

32 In all permitting, the DEQ should defer to  
33 local zoning decisions prior to the issuance  
34 of any permits. Moreover, in exercising its  
35 permitting authority, DEQ should recognize  
36 the possible cumulative impacts of its  
37 permitting activities.

### 39 **HAZARDOUS LIQUID AND GAS 40 PIPELINES**

41 The Commonwealth and local governments  
42 should adopt appropriate restrictions on  
43 development near liquid and gas pipelines  
44 and require liquid and gas pipeline operators  
45 to take safeguards to reduce the risk of oil,  
46 gas and other pipeline product spills and

47 leaks, particularly in environmentally  
48 sensitive areas.

### 50 **BIOSOLIDS**

51 VML supports and encourages the beneficial  
52 recycle/reuse of biosolids on farms and as a  
53 crop nutrient and soil amendment in  
54 accordance with federal and state handling  
55 and disposal regulation and supports local  
56 authority to monitor and reasonably regulate  
57 biosolids. VML supports full compliance  
58 with all applicable federal, state and local  
59 requirements regarding production at the  
60 wastewater treatment facility, and  
61 management, transportation, storage and use  
62 of biosolids away from the facility. This  
63 includes good housekeeping practices for  
64 biosolids production, processing, transport  
65 and storage, and during final use or disposal  
66 operations.

### 68 **URANIUM MINING**

69 Uranium mining, milling and waste disposal  
70 of generated wastes poses health and  
71 environmental problems for Virginians.  
72 VML supports studies that evaluate the  
73 impacts of radiation and other pollutants  
74 from mill tailings on (1) downstream water  
75 supplies; and (2) the health and safety of  
76 uranium miners.

78 VML supports the current moratorium on  
79 the mining and milling of uranium in the  
80 Commonwealth of Virginia until studies  
81 demonstrate that it is safe for the  
82 environment and health of citizens. Any  
83 studies or efforts to develop a regulatory  
84 framework should address the concerns,  
85 warnings, and conclusions contained in the  
86 National Academies of Sciences report to  
87 the Commonwealth entitled "Uranium  
88 Mining in Virginia" and dated December  
89 2011. Furthermore, the state should take no  
90 action to preempt, eliminate, or preclude  
91 local government jurisdiction with respect to  
92 whether uranium mining would be allowed  
93 in the respective jurisdiction.

1 **HYDRAULIC FRACTURING**  
2 The process of hydraulic fracturing raises  
3 concerns about the potential pollution of  
4 groundwater, the depletion of water supplies  
5 and an increase in seismic activity in  
6 previously benign or inactive zones. The  
7 consequences potentially are costly,  
8 irreversible and devastating to local  
9 communities. VML supports a state  
10 regulatory program that addresses these  
11 concerns while protecting the authority of  
12 local governments to regulate this type of  
13 mining activity along with ancillary  
14 activities through its land use ordinances.

15  
16 **COAL ASH/NUCLEAR WASTE**  
17 In order to ensure against accidental  
18 contamination of ground and surface waters,  
19 coal and other energy production by-  
20 products should be required to be removed  
21 to a permitted disposal facility meeting  
22 Federal criteria for this class of  
23 waste. Reclamation of such by-product  
24 impoundment sites must be consistent with  
25 Federal mine reclamation standards. These  
26 requirements also apply to impoundment  
27 sites that have been closed by capping in  
28 place or have received approval for closure  
29 by capping in place. VML recognizes  
30 ~~applauds~~ the Dominion Energy initiative to  
31 study all of its coal ash ponds in order to  
32 identify the ones with the highest risk.  
33 VML requests that Dominion provide a  
34 detailed plan to address the highest risk  
35 sites.

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## 2019 DRAFT FINANCE POLICY STATEMENT

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1	<b>Goals and Principles</b>	43	
2	The American economy is dynamic,	44	
3	transforming from agrarian to industrial,	45	
4	from industrial to services-driven, and	46	
5	evolving now to Internet-based	47	
6	businesses harnessing the power of the	48	
7	Digital Age. The growth in online-	49	
8	enabled platforms that connect	50	
9	customers with companies and private	51	
10	individuals offering services and	52	
11	property for sale or lease is	53	
12	fundamentally restructuring the business	54	
13	landscape. As the Internet takes a	55	
14	greater hold in American business and as	56	
15	Virginia weans itself from the economic	57	
16	stimulus of federal defense spending,	58	
17	local governments must reexamine the	59	
18	services provided to citizens and the	60	
19	means to pay for them. State laws, local	61	
20	ordinances, tax structures, licenses and	62	
21	regulations will have to be re-evaluated	63	
22	and re-tooled without sacrificing the	64	
23	overall quality of basic government	65	
24	services, including education, public	66	
25	health, and public safety.	67	
26		68	
27	To that end, these principles are	69	
28	essential:	70	
29	• Local revenue sources should be	71	
30	balanced and diversified over three	72	
31	broad bases – assets (property),	73	
32	consumption (sales), and income;	74	
33	• The local tax system should be	75	
34	logical and professionally	76	
35	administered. Taxpayers should be	77	
36	treated fairly, and compliance costs	78	
37	should be minimized;	79	
38	• The burden of taxation, as well as	80	
39	the benefits of services, should be	81	
40	shared and enjoyed by all whether	82	
41	they are residents or local	83	
42	businesses.	84	
			• Tax policy should recognize the different economic, demographic, and service demands among localities, and should foster local control to develop tax policies best suited for their communities;
			• Tax policy should recognize and be responsive to the competitive nature of the free market, should refrain from enacting policies that are too generous for one group, and should not place undue burdens on particular groups, including business and industry;
			• State-imposed changes on local tax structures should be simple to administer and, at a minimum, be revenue neutral; and
			• State-mandated tax relief programs should not use local revenues. State-adopted tax relief programs should rely only on state revenues.
			• The State should not create real estate tax relief programs unless it is willing to pay for the cost of the programs.
			• Local tax dollars should not be claimed by the state to cover the Commonwealth’s revenue needs. This includes, but is not limited to, local fines and forfeitures <u>and revenues tied to the Communications Sales and Use Tax.</u> (2018 General Assembly approved budget amendment to transfer \$2 million in FY19 and FY20 from the CSUT trust fund to the state general fund. Most of these revenues are dedicated by state law to localities. This is another example of local funds being diverted to the state.)

- 1 • Any legislation with local fiscal  
2 impact should be introduced no  
3 later than the first week of a  
4 General Assembly session. Such  
5 legislation should be pre-filed prior  
6 to the convening of a regular  
7 legislative session.
- 8 • Local government representatives  
9 should be included on any “blue  
10 ribbon” commission or other body  
11 established by the state that has as  
12 its purpose changes to state and  
13 local revenue authority or  
14 governance. (*Asserts local interest*  
15 *in state tax policy changes as well*  
16 *as local tax policy*)

17  
18 **Fiscal Challenges Confronting Local**  
19 **Governments**

- 20 • The existing local tax structure is  
21 overly dependent upon general  
22 property taxes, specifically real  
23 estate taxes.
- 24 • Unfunded and inadequately funded  
25 state mandates and commitments  
26 strain local government budgets  
27 and place additional pressures on  
28 the real estate tax. State-initiated  
29 services and programs should be  
30 supported by state funds, not rely  
31 on local funds to supplant state  
32 dollars. Line of Duty benefits for  
33 First Responders is one such  
34 example. (*Adds example of the*  
35 *state promising and then reneging*  
36 *on a state-established expense*)
- 37 • Public demands for public services  
38 continue to increase. These  
39 services include education, mental  
40 health, other human services  
41 programs, juvenile programs,  
42 environmental initiatives,  
43 economic development, recreation,  
44 and public safety. These services  
45 have both operating and capital  
46 costs and must be funded.

- 47 • Local revenue collections and  
48 service demands are also  
49 influenced by variables outside the  
50 control of councils and boards of  
51 supervisors. These include  
52 changes in federal tax, budget, and  
53 fiscal policies; long-term economic  
54 trends; the aging of our citizens;  
55 and global events.

56  
57 **Strengthening the Local Tax Base**

58 Depending on the particulars of any  
59 given proposal, possible options to  
60 broaden local tax bases include reserving  
61 a portion of the state income tax for  
62 locally-delivered programs, authorizing  
63 a local option income tax for both  
64 general and special purposes, increasing  
65 the local option sales tax rate, reducing  
66 the number of sales tax exemptions,  
67 expanding the sales tax base, and  
68 reducing the number of exemptions from  
69 the business license tax.

70  
71 The state can also take actions to prevent  
72 the further erosion of local revenues **by**  
73 **not** restricting local tax authority,  
74 imposing new spending requirements or  
75 expanding existing ones on services  
76 delivered by local governments, shifting  
77 state funding responsibilities onto local  
78 governments, expanding retirement and  
79 other benefits, and placing  
80 administrative burdens on local  
81 governments for state or joint programs.

82  
83 **Specific Tax Issues**

84 VML opposes the repeal or restriction of  
85 BPOL, machinery and  
86 tools, or excise taxes unless, at a  
87 minimum, suitable revenue-neutral  
88 replacement sources are provided.

89  
90 The state and federal government should  
91 make payments-in-lieu-of-taxes for tax-  
92 exempt properties in amounts equal to

1 the cost of the local services provided as  
2 well as related infrastructure  
3 improvements. (*addresses issue of*  
4 *federal and state property exempted*  
5 *from local property taxes; recognizes*  
6 *local obligation to make infrastructure*  
7 *improvements on lands adjacent to such*  
8 *installations (e.g., locally-owned roads*  
9 *leading to the state ports)*)

10  
11 Counties should be granted taxing  
12 powers equal to those granted cities and  
13 towns, without decreasing, limiting or  
14 changing town taxing authority. County  
15 excise taxes must not be levied on town  
16 residents without the explicit approval  
17 by a town’s governing body.

18  
19 VML supports the constitutional  
20 requirement for fair market valuation of  
21 property. State-imposed changes to the  
22 real estate tax must be “local option.”  
23 The state should not impose changes to  
24 processes governing assessments and  
25 appeals for real estate taxes that further  
26 degrade this revenue source.

27  
28 VML supports current state statutory  
29 requirements governing the setting of  
30 real estate tax rates and the integration of  
31 this process with the budget  
32 development process. Changes to these  
33 processes cannot be addressed separately  
34 without placing undue hardship and  
35 increased costs on local taxpayers. Any  
36 future state legislative change should be  
37 simple to administer and not contradict,  
38 impede or hinder the others.

39  
40 The Virginia Communication Sales and  
41 Use Tax was enacted to establish a  
42 statewide tax rate and to pre-empt local  
43 taxes on communication sales and  
44 services. As such, the revenues from  
45 this tax must be distributed exclusively  
46 to eligible local governments. VML

47 supports setting the tax rate on par with  
48 the state sales tax rate and broadening  
49 the coverage of the tax to include audio  
50 and video streaming services and  
51 prepaid calling services.

52  
53 VML supports state legislation to make  
54 clear that transient occupancy taxes and  
55 sales taxes are applied on the cost of the  
56 room paid by the consumer, regardless  
57 of the means (such as on-line travel  
58 companies) used to reserve a room.

### 59 **Specific Budget Issues**

60  
61 In 1979, Virginia made sweeping  
62 changes in local governmental boundary  
63 change and transition issues, including a  
64 moratorium on city annexations that  
65 remains in place. In recognition of the  
66 lost revenue growth for cities, the  
67 General Assembly approved some  
68 changes in state funding commitments  
69 for selective programs and created a  
70 program of state assistance to local  
71 police departments (HB 599). Almost 70  
72 percent of Virginians now live in  
73 communities served by police  
74 departments. The state has increasingly  
75 de-emphasized its statutory commitment  
76 to the “HB 599” program but has never  
77 compromised on the annexation  
78 moratorium. VML calls on the state to  
79 honor its commitment to public safety by  
80 funding the program in amounts  
81 intended in the enabling legislation.

82  
83 The state must be a reliable funding  
84 partner in accordance with the Virginia  
85 Constitution and state statutes. The  
86 Standards of Quality should recognize  
87 the resources, including positions,  
88 required for a high-quality public  
89 education system. The SOQ should  
90 reflect prevailing practices across the  
91 state, and the actual costs to educate  
92 Virginia’s children. This includes the

1 cost to educate at-risk students, students  
2 in jeopardy of failing the state's  
3 Standards of Learning tests, students  
4 with special needs, and school  
5 construction/renovation/maintenance.  
6  
7 The state should fully recognize and  
8 fund the costs of re-benchmarking of the  
9 various educational programs, including  
10 the Standards of Quality, incentive,  
11 categorical, and school facilities  
12 programs as well as support services.  
13 Changing the process of re-  
14 benchmarking to artificially lower  
15 recognized costs like inflation does not  
16 change what it actually costs to provide  
17 education. Instead, it simply transfers  
18 additional costs to local governments  
19 and the real estate tax base.  
20  
21 The Commonwealth should:  
22 • Study the Standards of  
23 Accreditation and Standards of Learning  
24 to determine which standards impose  
25 costs on local governments that are not  
26 recognized in state funding formulas. In  
27 particular, changes adopted since 2009  
28 to SOAs and SOLs should be examined,  
29 as state funding on a per-pupil basis and  
30 accounting for inflation and enrollment  
31 growth remains below 2009 appropriated  
32 levels. (*change recognizes that state*  
33 *efforts to boost per pupil spending falls*  
34 *short of state support appropriated in*  
35 *FY2009. Accounting for inflation, the*  
36 *nominal dollar increases have yet to*  
37 *equal the per pupil support from*  
38 *FY2009)*  
39 • Re-examine those Standards of  
40 Quality that the Board of Education has  
41 recommended, but that the General  
42 Assembly has not funded. These  
43 standards reflect prevailing practices  
44 necessary to improve children's  
45 academic performance. Student  
46 academic performance is required for

47 schools to meet the accountability  
48 standards under the SOL and SOA. If  
49 funding is not available to pay for  
50 prevailing practices, the accountability  
51 standards should be adjusted so that  
52 local governments are not in the position  
53 of having to bear the entire burden of  
54 meeting these unfunded mandates.  
55 • Conduct a study that examines  
56 how other states fund education and  
57 whether the Commonwealth should use  
58 a funding strategy that establishes a  
59 more realistic base foundation amount  
60 per pupil – plus add-on funding to reflect  
61 higher costs for educating at-risk,  
62 disabled, ESL, and gifted students, etc.  
63 as well as funding for capital costs.  
64  
65 The state should provide sufficient  
66 funding for highway construction and  
67 maintenance, public transportation  
68 infrastructure and maintenance, ports,  
69 airports, and freight and passenger rail to  
70 promote economic development and  
71 public safety. If the General Assembly  
72 chooses a funding approach that  
73 emphasizes regional efforts, then such  
74 opportunities should be made available  
75 across the Commonwealth. (*VML*  
76 *believes the state's transportation*  
77 *challenges require a statewide funding*  
78 *solution. If the General Assembly opts*  
79 *for regional approaches, greater*  
80 *opportunities should be afforded to*  
81 *areas outside of Northern VA and*  
82 *Hampton Roads to form regions eligible*  
83 *for regionally-based revenues.*)  
84  
85 The state should continue to base its  
86 funding of retirement plans based on the  
87 contribution rates certified by the  
88 Virginia Retirement System.  
89  
90 VML supports transparency in budgeting  
91 at both the state and local level. To that  
92 effect, the state should not disguise its

1 budget reductions by using unidentified  
2 or non-specific reductions for aid to  
3 localities.  
4  
5 As a matter of fiscal reform, the state  
6 should develop financial priorities that  
7 account for both spending and revenue  
8 actions. The debate on such priorities  
9 should be public and should be  
10 transparent to the public in the  
11 Governor’s Budget Bill and the General  
12 Assembly’s Appropriation Act. For  
13 example, should education funding be  
14 afforded less priority than certain tax  
15 preferences?  
16  
17 **Governmental Accounting Standards**  
18 **Board (GASB)**  
19 The Governmental Accounting  
20 Standards Board (GASB) has put in  
21 place standards regarding the reporting  
22 of unfunded liabilities of cost-sharing  
23 plans. A cost-sharing plan is one in  
24 which participating government  
25 employers pool their assets and their  
26 obligations for a defined benefit pension,  
27 such as Virginia’s teacher retirement  
28 plan. While the costs are shared, the  
29 state sets the rules regarding what  
30 benefits are required and what the state  
31 contribution will be.  
32 GASB requires that the unfunded  
33 liability be apportioned among the  
34 participating employers that pay the  
35 retirement contributions to the pension  
36 plan. Teachers are employees of the  
37 school boards, which send retirement  
38 contributions to VRS. Because of this  
39 the unfunded liability falls solely on the  
40 school boards, even though the  
41 retirement contributions are funded, in  
42 part, by the state and the school board.  
43 This means that the liability will be  
44 shown on the city, county or town  
45 financial statement. The intent of GASB  
46 rules is to encourage transparency in

47 pinpointing liabilities and the current  
48 method of assigning those teacher  
49 pension liabilities only to school  
50 divisions contravenes the goal of  
51 transparency.  
52  
53 Because there was not a process for  
54 apportioning the liabilities for these cost  
55 sharing plans, they previously had not  
56 been reported at the local level.  
57  
58 The unfunded liability should be shared  
59 by the state and localities based on the  
60 state’s Standards of Quality and local  
61 composite index and reflected as such in  
62 reporting.  
63  
64 VML supports state policy changes that  
65 would provide for the Virginia  
66 Department of Education to pay the  
67 Commonwealth’s share of retirement  
68 costs directly to the Virginia Retirement  
69 System to facilitate the sharing of these  
70 liabilities.  
71  
72 **Government Reform**  
73 VML supports a comprehensive review  
74 of the services provided by state and  
75 local governments. The purpose of the  
76 review is to ascertain which services are  
77 truly essential to support a productive  
78 economy and healthy society; determine  
79 the performance level of public services  
80 now in place; evaluate the policies and  
81 practices used by the state to assign  
82 responsibility and accountability  
83 between the state and local governments  
84 for providing public services; and  
85 determine the most effective, efficient  
86 and equitable ways to fund essential  
87 public services. Such a review must  
88 start with a dialog including state and  
89 local officials, business interests,  
90 academia, and other interested parties.  
91  
92

1 **Tax and Spending Reform**

2 Any state initiative aimed at tax reform  
3 should first include a focus on state tax  
4 reform and the financing of state  
5 services including revenue sources. If  
6 the state paid an appropriate share of its  
7 obligations for locally-administered state  
8 mandated or priority services, the  
9 reliance on local taxes would be  
10 reduced. Local officials should be  
11 included in any discussion that focuses  
12 on local taxing authority.



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## 2019 GENERAL LAWS POLICY STATEMENT

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1 The basic purpose of local government is to  
2 provide essential services and protection for  
3 the community that citizens cannot provide  
4 for themselves. Local governments should  
5 decide which services and programs are of  
6 primary importance to the community.  
7 Virginia's counties, cities and towns need  
8 legislation that provides the maximum  
9 opportunity to foster improved quality of life  
10 and high-quality growth.

### 11 **I. EFFECTIVE GOVERNMENT**

#### 12 **GOVERNMENT STRUCTURE**

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

17  
18 The General Assembly should promote the  
19 sharing of the economic, social, cultural,  
20 fiscal and educational benefits and burdens  
21 of urbanization among all local governments  
22 involved.

23  
24 The addition of sub-state and special district  
25 governments should be controlled. New  
26 districts should not be created by the  
27 General Assembly unless local governments  
28 are unable to furnish services. In addition,  
29 no sub-state districts, including planning  
30 district commissions, should be granted real  
31 or quasi-legislative authority to undertake  
32 other functions except when expressly  
33 directed by their member jurisdictions,  
34 including those towns not directly  
35 represented in the entity.

36  
37 VML urges a careful review of the statutes  
38 concerning consolidation of local  
39 governments to ensure (a) that citizen-  
40 initiated petitions are signed by a reasonable  
41 number of affected citizens who reside in  
42 the jurisdiction, and (b) adequate periods of  
43 time elapse between consolidation or

44 annexation actions. The Virginia Municipal  
45 League supports the General Assembly's  
46 provision of financial incentives to promote  
47 consolidation of local government services  
48 and cooperative agreements among local  
49 governments.

#### 50 51 **INTERGOVERNMENTAL ISSUES**

52 Local governments have a vital role in the  
53 Commonwealth. They must have sufficient  
54 powers and flexibility to meet this role. The  
55 General Assembly should adopt legislation  
56 to promote and expand, to the extent  
57 necessary, municipal powers, to (a) enhance  
58 the ability of local governments to provide  
59 services required by their citizens, and (b)  
60 allow local governments to meet their  
61 responsibilities in state/local partnerships.

62  
63 VML opposes intrusions into the way local  
64 governments conduct their business,  
65 including burdensome regulations relating  
66 to:

- 67 1. meetings of governing bodies;
- 68 2. purchasing procedures;
- 69 3. matters that can be enacted by resolution  
70 or ordinance;
- 71 4. procedures for adopting ordinances; and
- 72 5. procedures for filling vacancies on local  
73 governing bodies.

74  
75 State intervention in local affairs is only  
76 warranted in significant matters where  
77 regional or statewide issues that are of great  
78 importance exist. No changes should be  
79 made in the laws or regulations affecting  
80 local government without substantial local  
81 input from affected jurisdictions and  
82 participation in developing those changes.

83  
84 VML opposes legislation that:

- 85 1. bars courts from awarding attorney's  
86 fees to local governments when a  
87 frivolous suit is filed; and  
88

1 2. eliminates the notice of claim  
2 requirement found in Va. Code,  
3 § 15.2-209.  
4  
5 Membership on all state and regional  
6 commissions or committees dealing with  
7 matters affecting local governments must  
8 include local officials who represent a  
9 demographic and geographic cross-section  
10 of counties, cities, and towns.  
11  
12 VML supports legislation to transfer  
13 responsibility from local governments to the  
14 state government for the liability,  
15 administration and cost of community  
16 service options for persons upon whom  
17 court costs and fines are levied.

## 18 **TOWNS**

20 The General Assembly and the executive  
21 branch should recognize towns as essential  
22 units of local government, with important  
23 roles in providing services to citizens living  
24 in a concentrated environment. As such,  
25 towns with their centrality and economic  
26 efficiency represent the future of the  
27 urbanizing areas of the Commonwealth.  
28 Towns should have clear and full authority  
29 to be formed and to act in a timely manner  
30 on matters which protect public health,  
31 safety, and welfare.

33 The General Assembly should respect and  
34 support the sovereignty, utility, and urban  
35 powers of towns. No legislation should be  
36 enacted that allows counties to usurp or  
37 diminish the authorities of towns. Excise  
38 taxes that counties are authorized to levy  
39 generally must not apply within towns  
40 without the explicit approval by the town's  
41 governing body.

43 The General Assembly should scrutinize  
44 bills dealing with laws of general  
45 applications to local governments, to avoid  
46 enacting any laws that could be sources of

47 possible conflicts between counties and  
48 towns. The following list provides  
49 examples of conflicts between towns and  
50 counties exacerbated by legislative action:

- 51
- 52 1. taxation of town residents by county  
53 governments at the same rate as that  
54 applied to those living in the  
55 county's unincorporated areas, when  
56 comparable benefits and services are  
57 not provided;
- 58 2. county imposition of a merchants'  
59 capital tax on businesses located  
60 within the town at the same rate as  
61 that applied to businesses located in  
62 unincorporated areas of the county,  
63 when the town levies a business,  
64 professional and occupational license  
65 tax;
- 66 3. unequal town zoning and planning  
67 authority for land straddling or  
68 abutting town corporate boundaries  
69 and unincorporated county areas;
- 70 4. funding of county sheriffs' and  
71 deputy sheriffs' salaries by the State  
72 Compensation Board and other state-  
73 funded amenities not provided to  
74 town police departments;
- 75 5. unequal statutory authority of towns  
76 in relationship to that of cities and  
77 counties; and
- 78 6. allowing county excise tax within a  
79 town without approval of the town  
80 government.

82 The General Assembly should recognize the  
83 unintended consequences of inadvertently  
84 omitting towns or cities or counties from  
85 legislation. The state laws on local taxes  
86 must allow towns to determine how tax  
87 dollars collected from residents and  
88 businesses of the town will be used.

90 Towns should retain the right to annex lands  
91 and otherwise expand their boundaries.  
92 Towns over 5,000 population should have

1 the right to become independent cities; and  
2 cities should have the right to revert to town  
3 status.

4

## 5 **ELECTION LAWS**

6 **Redistricting.** VML recognizes that while  
7 redistricting is a political process, the  
8 process should be conducted with the end  
9 goals of ensuring a strong and responsive  
10 representative form of government that  
11 enables citizens with communities of like  
12 interest to influence election outcomes  
13 through participation in the political process.

14

15 VML supports redistricting reform,  
16 including the use of a non-partisan  
17 independent commission to draw state  
18 legislative and Congressional lines based on  
19 specified and consistent criteria, including  
20 insofar as possible preservation of the  
21 integrity of existing city, town, county and  
22 precinct lines.

23

### 24 **Non-partisan local elections.**

25 VML opposes attempts to require that  
26 candidates nominated by political parties for  
27 local elections be identified by party labels  
28 on ballots.

29

30 Non-partisan elections at the municipal level  
31 are an outgrowth of the municipal reform  
32 movement that began developing at the end  
33 of the 19<sup>th</sup> century in reaction to corruption  
34 at the local level. Another outgrowth of the  
35 excesses of local political machines was the  
36 development of the council-manager form of  
37 government and the development of a civil  
38 service personnel system. Nationwide,  
39 about 75 percent of municipalities have non-  
40 partisan elections. Virginia is not unique in  
41 this regard.

42

43 There is not a partisan way of responding to  
44 public safety, street improvements,  
45 enforcing the codes, or taxation required for  
46 the various services that the state requires

47 localities to offer (and to pay for). The  
48 result of requiring party identification will  
49 be increased partisanship at the local level,  
50 which will not improve local governance.  
51 In addition, requiring party identification  
52 will hinder the ability of Federal Employees  
53 including our Military to participate as local  
54 elected officials.

55

56 **Administration of election laws.** Cities  
57 and counties have very little control over the  
58 administration of elections, yet pay the  
59 majority of costs, including office overhead,  
60 voting equipment, equipment storage and  
61 security maintenance, training of staff, and  
62 printing of ballots. Cities and counties also  
63 pay a portion of the costs of the salaries for  
64 registrars and members of electoral boards,  
65 to include salaries for staff other than the  
66 registrar, but have no direct connection to  
67 the appointment of these officials. The state  
68 should provide an adequate level of funding  
69 for local election administration that is  
70 commensurate with the State's extensive  
71 control of the process. The General  
72 Assembly should not increase the cost of  
73 election administration without providing  
74 state funding to pay for the increased  
75 expenditures.

76

77 [Localities often use schools as polling places](#)  
78 [and support the continuation of schools as](#)  
79 [polling places.](#)

80

81 **Timing of municipal elections.** VML  
82 opposes legislative attempts to require that  
83 municipal elections be held in November.  
84 Localities should continue to retain the  
85 ability to determine if their municipal  
86 elections are held in May or November.

87

88 [Primaries should be moved to the third week](#)  
89 [in June so schools can continue to be used as](#)  
90 [polling places.](#)

91

92

93

1 **STATE AND FEDERAL MANDATES**  
2 The state and federal governments must  
3 provide adequate funding for any local  
4 programs or responsibilities that are  
5 mandated or expanded by state and federal  
6 laws or regulations.  
7  
8 The federal and state governments should  
9 not use project funding as a means of  
10 forcing local land use decisions in  
11 contravention to local land use plans. These  
12 actions violate the principles of local  
13 authority and weaken the local tax base.  
14  
15 Federal and state mandates must be reduced  
16 when funding is reduced, so that localities  
17 are not required to spend additional local  
18 dollars to comply with the mandates.  
19 Further, funds should be distributed in the  
20 most efficient way possible with the least  
21 regulatory control.  
22  
23 The Governor and General Assembly should  
24 promote state-local partnerships by  
25 requiring:  
26 1. A review of mandates in specific  
27 program areas to (a) establish the full  
28 cost to local governments of  
29 implementing mandates and (b)  
30 develop an equitable basis for  
31 determining state-local funding  
32 responsibilities.  
33 2. Completion of cost estimates for  
34 proposed legislation prior to its first  
35 full review by a legislative  
36 committee, with legislation  
37 negatively affecting local  
38 governments' revenue-raising ability  
39 being submitted to the Commission  
40 on Local Government "COLG" for a  
41 fiscal impact analysis.  
42 3. Use of a performance-based  
43 approach to mandates that (a)  
44 focuses on outcomes, (b) offers  
45 incentives for achieving state  
46 objectives, and (c) gives local

47 governments autonomy to determine  
48 the best way to achieve the desired  
49 result.  
50 4. Simplification of state reporting  
51 requirements associated with  
52 mandates, greater efficiency and  
53 coordination, and making better use  
54 of reporting technology.  
55

56 The alarming tendency of state and federal  
57 agencies to treat guidelines authorized by  
58 enabling legislation as having the stature of  
59 law itself must cease. In addition, the state  
60 should avoid unessential and arbitrary  
61 implementation of federal regulations.  
62

### 63 **STATE AND LOCAL** 64 **RESPONSIBILITIES**

65 The state requires local governments to  
66 provide certain services, such as education,  
67 corrections, social services, health and  
68 community mental health. The local  
69 government does not have the option of not  
70 being the state's service provider in these  
71 areas. "State aid" to localities is the state's  
72 payment for the implicit contractual  
73 arrangement for this assignment of duties.  
74 In addition, local governments must  
75 contribute local funding to these services.  
76

77 In addition to the state-mandated services,  
78 localities provide other services that are  
79 either necessary (water and sewer, police  
80 and fire protection, etc.) or desired by  
81 residents (parks and recreation, cultural  
82 activities, etc.). Local governments need the  
83 flexibility and resources to collect revenues  
84 to meet all their responsibilities.  
85

86 Two fundamental problems in Virginia's  
87 intergovernmental structure are first, the  
88 state does not fund at adequate levels,  
89 existing services, particularly education, that  
90 it requires local governments to provide; and  
91 second, local officials have very limited  
92 revenue options, which forces them to rely

1 heavily on real estate, personal property  
2 taxes and other local revenue sources to pay  
3 for services.

4  
5 Further, to improve the relationship of the  
6 state and local governments, the state  
7 should:

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

35  
36 The General Assembly should continue its  
37 involvement with and financial support of  
38 the Virginia Institute of Government.

#### 39 **FREEDOM OF INFORMATION**

40 VML strongly supports the free flow of  
41 information to citizens and the media  
42 through the conduct of governmental affairs  
43 at all levels in the open, in good faith  
44 compliance with the Freedom of  
45 Information Act. VML also supports efforts

47 to educate local government officials about  
48 the Act, and the importance of extensive and  
49 accurate reporting of government affairs.

50  
51 Citizens have the right to have personal  
52 information protected. Government also  
53 must be able to control its work processes so  
54 that public business can be conducted. It is  
55 in the public's interest to conduct some  
56 matters outside public view prior to official  
57 action. Accordingly, VML strongly opposes  
58 extending limitations on closed meetings  
59 and exempt records, which would upset the  
60 Act's careful balance among a fully  
61 informed public, the protection of  
62 individuals' privacy, the ability of  
63 government to conduct its work and those  
64 matters for which the premature release  
65 would not be in the best interest of the  
66 locality or its citizens.

67  
68 In addition, localities should be able to  
69 continue charging reasonable fees for any  
70 and all records, including for research time  
71 and for computer records that must be  
72 provided under the Act to avoid shifting the  
73 cost of copying from the requestor to the  
74 general taxpayers. The Act should continue  
75 to limit rights to documents to citizens of the  
76 Commonwealth and news organizations that  
77 publish here.

78  
79 VML opposes legislation that would require  
80 localities to record closed session in any  
81 manner.

82 VML opposes legislation that would control  
83 the time allotted for public comment at  
84 public meetings. While VML supports  
85 public comment, localities should have the  
86 discretion to determine procedures for when  
87 public comment should be taken.

88  
89 VML opposes legislation to limit the use of  
90 any legitimate means of communications  
91 from one elected official to others, including  
92 letters, emails and conversation. The

1 General Assembly should not exempt itself  
2 from anything that it imposes on a locality.  
3  
4 State policy must assist local governments to  
5 contact and notify their citizens in the most  
6 efficient and cost-effective manners  
7 possible. Ads required by the *Code of*  
8 *Virginia* are increasingly more expensive to  
9 run in the newspaper and often are only seen  
10 by a decreasing number of citizens. The  
11 current trend is for local newspapers to  
12 reduce the number of times they are  
13 published weekly and/or going to an online  
14 platform. This has resulted in localities  
15 needing to meet certain advertising  
16 requirements with only expensive  
17 newspapers available for legal notices.  
18

19 A locality's internet presence, social media,  
20 local cable access channels, local radio and  
21 TV provide alternative methods to contact  
22 the citizens much more broadly and  
23 effectively than newspaper ads in many  
24 areas of the Commonwealth. In addition,  
25 the cost of contacting the citizens through  
26 new technology can be much lower than  
27 advertising in the newspaper. The state code  
28 should be amended to allow local  
29 governments electronic and other alternative  
30 means of communicating with their citizens  
31 when providing required legal notices.  
32

33 In addition, small towns should be allowed  
34 to use first class mail instead of newspaper  
35 advertising to notify the citizens of  
36 government actions such as advertising a  
37 budget hearing or advertising a land use  
38 hearing to save the citizens money and to  
39 communicate more effectively with the  
40 citizens.  
41

#### 42 **GOVERNMENTAL & MUNICIPAL** 43 **OFFICIAL LIABILITY**

44 VML calls upon Virginia's congressional  
45 delegation to support legislation to restore  
46 suits brought under 42 U.S.C. Section 1983

47 to traditional civil rights actions, and to  
48 preclude the award of damages if the court  
49 finds that the government or its officials  
50 were acting in good faith.  
51

52 Expanding liability and eroding immunities  
53 at the state level across the nation have had a  
54 chilling effect on the actions of local  
55 government officials contributing to local  
56 government insurance problems, creating  
57 immense financial risks (particularly for  
58 legal costs), and posing a substantial  
59 obstacle to the provision of needed public  
60 services.  
61

62 The Virginia General Assembly should  
63 strengthen and must maintain the principles  
64 of sovereign immunity for local  
65 governments and their officials.  
66

67 VML strongly opposes bringing local  
68 governments under the Virginia Tort Claims  
69 Act. This action would seriously erode the  
70 sovereign immunity now enjoyed by  
71 Virginia local governments and lead to a  
72 substantial increase in frivolous suits.  
73

74 The tort reparations system in the U.S.  
75 creates many difficulties in the  
76 administration of justice. VML supports  
77 efforts at the national and state levels to  
78 address tort reform, such as limitations on  
79 the tort liability of local governments in  
80 areas where local governments do not enjoy  
81 sovereign immunity.  
82

83 The General Assembly should adopt  
84 legislation to codify the proposition that real  
85 property of local governments shall be  
86 exempt from liens created by statute or  
87 otherwise. This proposition has already  
88 been recognized by the Virginia Supreme  
89 Court for mechanics liens.  
90

1 **PERSONNEL**

2 Management has the responsibility to ensure  
3 that employment, training, and promotional  
4 opportunities are provided without regard to  
5 any unlawful discriminatory factor, qualified  
6 persons with disabilities or any other factors  
7 not related to job performance.

8 VML supports:

- 9 1. Compensability for work-related  
10 heart/lung/cancer employee  
11 disability benefits for any class of  
12 employees should be determined by  
13 establishing whether work or non-  
14 work related risk factors are more  
15 likely the primary cause of the  
16 claimant’s condition.
- 17 2. the current injury by accident  
18 definition in the Virginia Workers’  
19 Compensation Act.
- 20 3. the current Workers’ Compensation  
21 Act provisions for use of an  
22 employer selected panel of  
23 physicians to treat injured workers.
- 24 4. maintenance of the exclusive remedy  
25 provisions of the Virginia Workers’  
26 Compensation Act.
- 27 5. [local governments’ authority to](#)  
28 [establish hours of work, salaries and](#)  
29 [working conditions for local](#)  
30 [employees.](#)
- 31 6. [VML continues to support the](#)  
32 [current rules for work-related](#)  
33 [disability benefits and the cancer](#)  
34 [presumption statutes.](#)

35  
36 VML opposes:

- 37 1. Any attempt to impose collective  
38 bargaining or ‘meet and confer’  
39 requirements for public employers or  
40 employees; and
- 41 2. Any attempt by the federal  
42 government to stipulate grievance  
43 procedures for state and local  
44 employees, such as the police  
45 officers bill of rights.

46

47 **Line of Duty Act**

48 The cost of the current Line of Duty Act is  
49 not sustainable for either the state or local  
50 governments.

51

52 VML supports recommendations and  
53 options made by the Joint Legislative Audit  
54 and Review Commission for the Line of  
55 Duty Act program that would ensure the  
56 fiscal sustainability of the program and  
57 ensure that the benefits are available to those  
58 who need and deserve them. Further, VML  
59 supports a new, dedicated funding source to  
60 pay for LODA benefits, but opposes any  
61 funding approach that would rely on or  
62 adversely affect existing local revenue  
63 sources.

64

65 **TELECOMMUNICATIONS, LOCAL**  
66 **GOVERNMENT PRINCIPLES**

67 VML sets forth the following principles to  
68 guide any federal or state legislative action  
69 regarding telecommunications issues.

70

- 71 1. Public Rights-of-Way. Local rights-  
72 of-way are public property. The  
73 rights-of-way contain numerous  
74 utility and other facilities. Proper  
75 management and maintenance of  
76 rights-of-way are essential to ensure  
77 public safety, to protect the integrity  
78 of the property, to guarantee the  
79 safety of workers and to maintain the  
80 efficiency of local streets, utility  
81 systems and transportation facilities  
82 and networks. Private use of public  
83 rights-of-way significantly increases  
84 management responsibilities and  
85 maintenance costs. [Any private use](#)  
86 [of public rights-of-way should be](#)  
87 [valued at fair market value.](#)

88

- 89 2. Franchise authority. Neither the  
90 federal government nor the state  
91 should enact any laws to shift the  
92 award of franchises to use the public

1	rights of way from the local	47	compensation for the use of public
2	governing body to any state or	48	property. Governments should not
3	federal agency. Individuals and	49	be forced to subsidize some
4	businesses in the community help to	50	participants in this free-market
5	buy and maintain rights-of-way	51	competition through lower-than-fair-
6	through their taxes. Rights-of-way	52	market charges or any other means.
7	should not be used for private	53	
8	purposes without approval by and	54	6. Local Government as Customers.
9	compensation to the local	55	Local governments are important
10	government for the right to use the	56	consumers of telecommunications
11	space, and local governments must	57	services. In many communities, the
12	have authority to control the rights-	58	local government is the single largest
13	of-way.	59	customers of telecommunications
14		60	services through its government
15	3. Equitable Taxation.	61	offices, education facilities and
16	Telecommunications providers are	62	emergency communications. As
17	valued members of our corporate	63	valuable customers, local
18	community. All members of the	64	governments should be treated
19	corporate community must pay taxes	65	equitably.
20	on an equitable basis, as	66	
21	appropriately determined by the local	67	7. Private Equipment placed on Public
22	government. No legislation should	68	Facilities. Local governments
23	restrict the ability of local	69	should continue to have the authority
24	governments to impose equitable	70	to approve the location and fees for
25	taxes on telecommunications	71	any attachment or co-location of
26	providers.	72	communications infrastructure on
27		73	local government buildings and
28	4. Universal Service and Consumer	74	facilities.
29	Access. Important educational and	75	
30	community services are provided via	76	<b>TECHNOLOGY</b>
31	telecommunications.	77	State law should allow all counties, cities,
32	Telecommunications providers must	78	and towns to make full and appropriate use
33	be responsive to citizen needs and	79	of modern technology to promote public
34	concerns and provide appropriate	80	safety. Localities should have maximum
35	customer services to all segments of	81	flexibility to contract with the private sector
36	our community so that disparities	82	to implement all aspects of such technology.
37	due to income or geographic location	83	VML supports legislation that promotes and
38	affecting citizen access to new	84	protects the ability of localities to establish,
39	technology are minimized.	85	operate, and maintain sustainable broadband
40		86	authorities to provide essential broadband to
41	5. Competition. Local governments are	87	all communities throughout the
42	interested in healthy competition in	88	Commonwealth of Virginia.
43	the field of telecommunications. To	89	
44	ensure a competitively neutral and	90	Local governments should have authority to
45	non-discriminatory market, all	91	regulate the use of unmanned aerial vehicles
46	service providers must pay fair	92	in their jurisdictions insofar is as consistent



1 with FAA regulations. Especially when such  
2 systems are utilized to support a local  
3 governing body or authority authorized  
4 under title 15.2 for purposes of inspecting  
5 their own facilities, assessing damage  
6 caused by natural or manmade disasters, and  
7 by fire and rescue personnel for purposes of  
8 assessing an emergency to which they are  
9 responding.

10  
11 Pursuant to the 1996 Telecommunication  
12 Act, the cellular phone industry is  
13 developing technology to provide for the  
14 identification of the origin of cellular  
15 emergency calls. Until this technology is  
16 implemented and revenue sources have been  
17 identified to finance it, the state police  
18 should continue to handle the E911 calls  
19 they currently handle. Next Generation 911  
20 is vital to public safety in the  
21 Commonwealth; we support this technology  
22 as a funded mandate.

## 23 24 **UTILITIES**

25 Fundamental policies should be honored by  
26 the state in promoting the delivery of utility  
27 services by local governments and the  
28 authorities they create:

- 29
- 30 1. Each provider of service must be free  
31 to set its rates without interference  
32 from other local governments or the  
33 state.
  - 34 2. Each local government providing  
35 utility services must be able to  
36 compete fairly with any other  
37 providers without state interference.
  - 38 3. Each local government that provides  
39 utility services must be able to  
40 manage its revenues and  
41 expenditures related to the services  
42 without state interference.

43  
44 Virginia's localities and water and sewer  
45 authorities must retain the ability to enforce  
46 liens against landlords' properties for the

47 unpaid water and sewer bills of their tenants  
48 to have the ability to collect monies owed.

49  
50 Municipal utility systems must continue to  
51 have the authority to set their own rates.  
52 Any attempt by the State Corporation  
53 Commission to regulate rates for utility  
54 services furnished by local governments  
55 would violate the Virginia Constitution.  
56 Local governments that provide utility  
57 services must continue to have the authority  
58 to negotiate the rates, terms and conditions  
59 for any attachments to or joint use of  
60 municipally-owned utility infrastructure.  
61 The safe and efficient operation of the  
62 municipal utility requires that final approval  
63 for any joint use or co-location on its  
64 facilities remain with the locality.

65  
66 The State Corporation Commission should  
67 develop a structure to ensure that the  
68 amounts that utilities can charge localities  
69 and other entities for placing electric utility  
70 lines and other facilities underground are  
71 based on the most cost-effective,  
72 competitive, yet safe methods.

## 73 74 **II. PUBLIC SAFETY**

75  
76 VML supports legislation that preserves law  
77 and order and promotes the safety, quality of  
78 life and administration of justice within our  
79 communities. The Commonwealth should  
80 enhance its efforts to prevent juvenile crime,  
81 minimize violence in the schools, reduce the  
82 formation and operation of gangs by  
83 providing funding for programs that prepare  
84 our youth to be productive, responsible, self-  
85 reliant members of society.

86  
87 The state should continue to provide  
88 assistance to localities in their efforts to  
89 coordinate public safety activities including  
90 emergency services.

91

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

6  
7 Greater latitude should be given to localities  
8 in encouraging innovative methods of  
9 combating traffic violations and crime.

10  
11 VML supports legislation that ensures our  
12 children have the ability to carry, obtain and  
13 receive sunscreen at their schools to protect  
14 them from sunburn.

15  
16 VML supports local jurisdictions efforts to  
17 maintain animal shelters in a fiscally  
18 responsible manner and does not support  
19 any state or federal mandate that would  
20 provide a financial burden on local animal  
21 shelters.

### 22 **WEAPONS IN PUBLIC BUILDINGS**

23 VML supports legislation to allow local  
24 governments to restrict carrying weapons in  
25 any building where a local governing body  
26 meets during the meeting, to the same extent  
27 weapons are prohibited in public schools.

### 28 **COMMUNITY CORRECTIONS**

29 VML requests both increased funding and  
30 an equitable distribution formula for  
31 services provided under the Comprehensive  
32 Community Corrections Act (CCCA) and  
33 the Pre-Trial Services Act (PSA). Since the  
34 advent of these programs in 1995, caseloads  
35 have effectively doubled at the local level,  
36 while state resources have failed to meet the  
37 caseload increases. These resources are  
38 allocated to localities on a discretionary  
39 grant basis. Given the statewide character of  
40 this program, it is now time to allocate these  
41 funds through an equitable formula that  
42 recognizes regional costs and benefits of  
43 these services.  
44  
45  
46

### 47 **COURT FEES**

48 A user of the court system should not force  
49 increased costs on the general population.  
50 VML supports legislation to increase court  
51 fees to pay for courthouse maintenance,  
52 security, renovation and construction and  
53 other court-related projects.

### 54 **COURT SECURITY**

55 The General Assembly should adopt  
56 legislation making it clear that local judges  
57 do not have the authority to order localities  
58 to fund more deputy positions for court  
59 security than are provided for in the State  
60 Code and Appropriations Act.  
61

### 62 **INTERNAL AFFAIRS**

#### 63 **INVESTIGATIONS**

64 Legislation should be enacted to restrict the  
65 use, in civil matters, of information gathered  
66 in internal investigations.  
67

### 68 **OVERCROWDING/STATE SUPPORT**

69 The state should live up to its commitment  
70 to remove state prisoners from local jails.  
71 The state should fully fund the per diem  
72 reimbursement for all state prisoners.  
73

74 Jails built by a single large locality should  
75 be made eligible for the same state  
76 reimbursement rate for construction as a  
77 regional jail facility.  
78

79 Local governments should not be forced to  
80 pay for state prisoners. The state  
81 reimbursement rate must be restored to an  
82 amount that is fair to localities reflecting  
83 actual costs.  
84

### 85 **TRAINING ACADEMIES**

86 The state should fully fund all mandated  
87 criminal justice training provided through  
88 certified academies.  
89  
90  
91  
92

1 **VIOLENCE/TERRORISM**  
2 The General Assembly should enable  
3 localities to help communities deal with  
4 violence and terrorism issues by:  
5 1. reducing the accessibility of weapons  
6 by criminals and persons with mental  
7 illness that present a risk of harm to  
8 themselves or others,  
9 2. expanding state and local  
10 cooperative efforts in neighborhoods  
11 and localities,  
12 3. promoting additional prevention and  
13 intervention programs to deal with  
14 4. youths who may adopt a violent way  
15 of life, and  
16 5. granting localities more flexibility to  
17 handle problems of abandoned and  
18 blighted structures.  
19  
20

21 **NOISE CONTROL**  
22 Local government must retain the authority  
23 to determine the appropriate measure for  
24 establishing unacceptable levels of nuisance  
25 noise and to enact local ordinances to  
26 address its curtailment.  
27  
28 ~~TEXTING AND OTHER CELL PHONE~~  
29 ~~USE WHILE FULL TIME AND~~  
30 ~~ATTENTION TO DRIVING~~  
31 The General Assembly should continue to  
32 take steps to prohibit ~~the use of cell phones~~  
33 ~~and other devices for texting, emailing and~~  
34 other activities by a driver while operating a  
35 motor vehicle.  
36  
37 The General Assembly should also confirm  
38 that assist local governments have the ability  
39 to in enforcing full attention and time to  
40 driving ordinances.

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**2019 DRAFT HUMAN DEVELOPMENT & EDUCATION POLICY  
STATEMENT**

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1 **I. HUMAN DEVELOPMENT**  
2 The strength of our communities determines  
3 the strength of our democracy. Emotional,  
4 social, and economic poverty weakens the  
5 fabric of our society and threatens our  
6 democracy. Policy leaders must ensure  
7 access to opportunities and invest the proper  
8 resources necessary for all children to grow  
9 up in nurturing surroundings, and to  
10 reconnect and strengthen the bonds of  
11 individuals and institutions in communities  
12 so that they thrive and favorably compete in  
13 the global economy.

14  
15 **A PLATFORM FOR CHILDREN &  
16 FAMILIES**

17 VML endorses the National League of  
18 Cities' Platform for Children and Families  
19 that recognizes that strong communities are  
20 built on a foundation of strong families and  
21 neighborhoods. VML supports and  
22 encourages efforts by our communities and  
23 the state that emphasize:

- 24 • **Opportunities to learn and grow:**  
25 family literacy programs, quality  
26 out-of-school time programs and  
27 early childhood programs;
- 28 • **Safe neighborhoods to call home:**  
29 sufficient state support for local law  
30 enforcement, juvenile justice, and  
31 prisoner re-entry programs;
- 32 • **Healthy lifestyles & environment:**  
33 improving access to healthy foods,  
34 physical activity and recreation  
35 programs; and
- 36 • **Financially fit families:** workforce  
37 development, curbing predatory  
38 lenders, and increasing access to  
39 low-cost bank accounts and  
40 mainstream financial services.

41  
42 VML supports approaches (such as the  
43 Virginia Grocery Incentive Fund as one  
44 example) to provide financial and technical  
45 support for businesses to help expand and

46 ensure greater access to healthy food for  
47 residents of the state.

48  
49 **INTERGOVERNMENTAL ISSUES &  
50 FUNDING**

51 Federal, state and local governments share  
52 the same citizens and same taxpayers. Local  
53 governments request a restoration of a  
54 meaningful and fiscally-balanced  
55 intergovernmental partnership in human  
56 services and education.

57  
58 **A working partnership.**

- 59 • The federal and state governments  
60 should allow local governments  
61 maximum flexibility in developing  
62 and funding public/private  
63 partnerships to address human  
64 service needs.
- 65 • Local government must be a partner  
66 with the state and federal  
67 government in the process of  
68 developing regulations, policies, and  
69 allocation methods.
- 70 • The State should require interagency  
71 review of regulations to reconcile  
72 existing conflicts and to avoid  
73 duplication or conflict among  
74 agencies.
- 75 • The State should share data with  
76 communities and build a  
77 comprehensive human services data  
78 base to promote greater planning  
79 coordination and evaluation of  
80 services.

81  
82 **Funding commitments.** Human services  
83 funding formulae should reflect identified  
84 needs, adequate resources to meet those  
85 needs, and not pit localities against each  
86 other. Equity in funding cannot be achieved  
87 by simply redistributing insufficient existing  
88 state aid among jurisdictions.

89  
90 **Cost shifting and unfunded mandates.**

91 VML opposes the imposition of new federal

1 or state requirements without the funding to  
2 pay for them. In the case of state mandates,  
3 as the state reduces its funding and  
4 assistance to localities, it must ease or  
5 eliminate requirements it is unwilling to  
6 support. In the case of federal mandates, the  
7 state must at the very least maintain its share  
8 of responsibility for program supervision  
9 and funding. For example:

- 10
- 11 • funding the administration of the
- 12 FAMIS eligibility and case
- 13 management without state support;
- 14 • paying the cost of federal penalties
- 15 when the state does not meet its
- 16 obligations for human services
- 17 programs, including adequate
- 18 administrative funding, technology,
- 19 training, and technical assistance
- 20 necessary to properly do the job;
- 21 • maintaining state funding for the
- 22 costs for federally-mandated and
- 23 state-supervised programs such as
- 24 adoption assistance, and
- 25 • restoring the state funding ratio for
- 26 local welfare administrative costs, in
- 27 which the state pays 80 percent and
- 28 the localities pay 20 percent.
- 29

30 **AGING SERVICES**

31 **Community programs.** As alternatives to  
32 institutionalized care wherever appropriate,  
33 the state should develop Medicaid waivers  
34 or otherwise fully fund community-based  
35 programs like companion services, respite  
36 care, homemaker services, adult group  
37 homes and adult day care for the elderly.

38  
39 **Housing.** The state should support policies  
40 that increase the affordability and  
41 availability of senior housing throughout the  
42 commonwealth.

43  
44 **OPIOIDS, HEROIN, SYNTHETIC**  
45 **DRUGS**

46 VML supports an intergovernmental and  
47 interdisciplinary partnership to address the  
48 epidemic of opioid and heroin overdoses in  
49 Virginia. Further, VML urges the federal  
50 government to actively address the public  
51 health threats posed by any emerging  
52 synthetic drugs that pose a similar  
53 addiction/overdose threat.

54  
55 VML supports the Commonwealth's policy  
56 framework that targets the following:

- 57 1) prevention – reduction in the supply
- 58 of legal opiates, and tracking and
- 59 reduction of the supply of illegal
- 60 opiates such as heroin and synthetic
- 61 substances;
- 62 2) harm reduction – active intervention
- 63 until treatment is available and
- 64 accepted;
- 65 3) treatment – for those who are
- 66 addicted, and support/recovery
- 67 resources for family members of
- 68 people in treatment; and
- 69 4) culture change - discourage
- 70 use/overuse of legal opioids, change
- 71 pain management expectations, and
- 72 remove stigma regarding addiction
- 73 treatment and recovery.
- 74

75 **BEHAVIORAL HEALTH**

76 **Planning for the future of the community**  
77 **& facility system.**

78 Any plan for the future of the publicly-  
79 funded behavioral health and developmental  
80 services system should include adequate  
81 state funding for:

- 82 • A community-based, comprehensive
- 83 system of care;
- 84 • Urgent care needs in each
- 85 community, including crisis
- 86 intervention teams (CIT);
- 87 • Accessibility to inpatient beds and
- 88 crisis services on a regional basis,
- 89 potentially through public-private
- 90 partnerships, to decrease the need for
- 91 long-distance transports to access

1 needed services for critical care;  
2 (language based on committee  
3 discussion)

- 4 • Comprehensive services and  
5 supports for people returning to the  
6 community from any type of state  
7 facilities (public safety as well as  
8 behavioral health), as well as for  
9 people diverted from state facilities.
- 10 • Children’s mental health services,  
11 including community-based early  
12 interventions and the Mental Health  
13 Initiative;
- 14 • Medicaid waivers to eliminate  
15 service waiting lists; and
- 16 • Availability of services for  
17 consumers voluntarily seeking  
18 treatment services, regardless of their  
19 ability to pay.

20  
21 Further, VML supports Community Services  
22 Boards (CSBs) as the single point-of-entry  
23 into the publicly-funded system of care and  
24 as a choice for services to individuals and  
25 families.

26  
27 Further, ~~a~~Any restructuring plan should  
28 assure the following:

- 29 • Local flexibility in planning and service  
30 provision, particularly for local-only  
31 funds;
- 32 • No changes in the local match that  
33 would increase the burden on local taxes  
34 and budgets;
- 35 • Meaningful consultation with local  
36 officials and community services boards  
37 regarding strategies and funding  
38 proposals for publicly-funded services;
- 39 • Sufficient time and opportunity for  
40 public comment on any legislative  
41 proposals;
- 42 • Strategies to overcome past de-  
43 institutionalization errors, particularly  
44 the shifting of the burden of care to  
45 communities;

- 46 • Strategies to discourage the  
47 concentration of consumers in facility  
48 communities and in urban centers; and
- 49 • State facilities are not so drastically  
50 reduced in size and scope that the  
51 potential for inpatient care is effectively  
52 eliminated.

53  
54 **Part C early intervention.** VML urges the  
55 General Assembly to assure full state  
56 funding for infants and toddlers eligible for  
57 therapeutic services under Part C of IDEA to  
58 improve their school readiness and quality  
59 of life.

60  
61 **Behavioral health services for youth**  
62 **funding.** The state should build upon its  
63 funding and seek federal-state funded  
64 waivers to provide behavioral health  
65 services, in particular, prevention services  
66 for youth. VML supports greater state  
67 funding to the Mental Health Initiative and  
68 other community-based initiatives to  
69 diagnose and serve children with behavioral  
70 health needs early, to prevent more complex,  
71 costly, and restrictive interventions from  
72 CSA or the juvenile justice system.

73  
74 **Treatment beds.** The state has greatly  
75 decreased state facility beds and state-  
76 funded services for children, including those  
77 with long-term or hard-to-treat conditions,  
78 and those in the state and local juvenile  
79 detention system. VML urges the state to  
80 continue its support of the Commonwealth  
81 Center for Children and Adolescents as a  
82 part of the array of behavioral health  
83 services, and to fund treatment beds for  
84 those committed to the juvenile justice  
85 system. Further, the state should fund  
86 supportive services for children leaving  
87 treatment and their families to further  
88 stabilize their living situations and allow for  
89 recovery.

1 **Service capacity.** VML encourages the  
2 state to establish a children’s behavioral  
3 health workforce development initiative to  
4 build service capacity throughout the state.  
5  
6 **Medicaid accountability and quality of**  
7 **care.** The league encourages adequate state  
8 oversight of, and accountability for,  
9 community-level services funded by  
10 Medicaid, whether those services are  
11 furnished through private or public  
12 providers.  
13  
14 **Substance abuse and behavioral health**  
15 **needs in the justice system.** VML supports  
16 the creation of state-funded programs and  
17 facilities, and funding of current programs,  
18 such as drug courts and day reporting  
19 centers, to divert individuals with mental  
20 illness from jails and juvenile detention into  
21 more appropriate community-based or in-  
22 patient treatment programs. VML opposes  
23 changes in state funding formulae to turn  
24 local and regional jails into in-patient  
25 behavioral health treatment centers.  
26  
27 **Needs of military veterans and families**  
28 Given the number of active military  
29 members, veterans, and military families  
30 living in Virginia, it is clear that behavioral  
31 health needs of soldiers returning home with  
32 PTSD and their families must be swiftly and  
33 adequately addressed. VML urges the  
34 federal government to increase funding and  
35 access to behavioral health and addiction  
36 treatment services for active members of the  
37 military (including National Guard and  
38 Reserves), returning veterans, and their  
39 family members.  
40  
41 **CHILDREN’S SERVICES ACT**  
42 In the last 20+ years Virginia has  
43 implemented just half of the CSA program.  
44 When the CSA was developed in the early  
45 1990s, the plan called for comprehensive  
46 prevention programs for at risk youth and

47 families. Unless and until the state commits  
48 to developing and funding services that  
49 address the roots of issues that bring  
50 children and families into CSA, the CSA  
51 program will continue as an expensive  
52 “catch-up” approach to addressing the  
53 complex needs of children and families.  
54  
55 **A realistic partnership.** The  
56 Commonwealth should establish a statutory  
57 provision for operation of this state-local  
58 partnership that appropriately reflects the  
59 shared responsibilities, the need for  
60 sufficient “rules and tools,” and recognizes  
61 the practical reality that correcting policy  
62 and procedural errors may take substantial  
63 time and resources.  
64  
65 **Administrative funding.** VML supports  
66 greater funding from the state to support the  
67 program’s substantial administrative  
68 requirements carried out at the local level.  
69  
70 **Base-budget funding.** The costs of CSA  
71 should be fully funded in the state’s base  
72 budget.  
73  
74 **Expansion of the mandated population.**  
75 VML opposes attempts to expand the CSA  
76 mandated population or turn CSA into the  
77 children’s mental health program. VML  
78 also opposes efforts to expand local  
79 responsibility for Medicaid match to new  
80 categories of individuals, or to require  
81 localities to pay the educational costs for  
82 children placed in residential treatment  
83 outside of the local FAPT process.  
84  
85 **Incentive funding.** The CSA funding  
86 formula should include an incentive  
87 component that rewards those local  
88 governments implementing innovative and  
89 cost-effective interventions.  
90  
91 **State agency policy coordination.** The  
92 State Executive Council must ensure that the

1 administrative and policy requirements of  
2 the state agencies involved in the CSA are  
3 consistent with one another and consistently  
4 applied to local governments.

5  
6 **Service coordination.** State and local  
7 governments should work together to ensure  
8 the greatest degree of coordination between  
9 Individual Education Plans (IEPs) and CSA  
10 service plans.

11  
12 **Sum sufficiency.** CSA serves many  
13 children who are entitled to sum sufficient  
14 services; the state must keep its commitment  
15 to fund its share of services costs for this  
16 population.

17  
18 **Utilization review.** Local governments  
19 must maintain the flexibility to develop  
20 utilization management processes that are  
21 approved by the State Executive Council.

## 22 23 **FACILITIES FOR ADULTS AND** 24 **YOUTH**

25 **Auxiliary grant program.** The state should  
26 assume full responsibility for the cost of the  
27 auxiliary grant program for elderly persons  
28 and people with disabilities.

29  
30 **Licensure and regulation of group homes.**  
31 VML urges the state to continue to work  
32 with local governments to assure adequate  
33 licensure and regulatory requirements are in  
34 place to assure community safety and well-  
35 being.

## 36 37 **HOMELESSNESS**

38 VML supports measures to prevent  
39 homelessness in Virginia and to assist the  
40 chronic homeless, including veterans, in  
41 obtaining appropriate rehabilitative and  
42 recovery services, job training and support,  
43 and affordable and appropriate housing.  
44 VML supports measures to remove barriers  
45 this population faces in meeting  
46 identification and residency requirements for

47 valid state-issued identification cards. VML  
48 urges the state to create a housing trust fund  
49 and to work with communities to develop  
50 and otherwise support housing for this  
51 population.

## 52 53 **JUVENILE JUSTICE PROGRAMS**

54 **Virginia Juvenile Community Crime**  
55 **Control Act (VJCCCA).** The Virginia  
56 Municipal League urges the General  
57 Assembly to restore the 71 percent funding  
58 reduction taken in the early 2000s to the  
59 Virginia Juvenile Community Crime Control  
60 Act (VJCCCA) program, and to support an  
61 equitable and stable funding allocation  
62 process for the program.

63  
64 The VJCCCA directs localities, in  
65 cooperation with judges, court-services unit  
66 directors, and Community Policy and  
67 Management Teams under the Children's  
68 Services Act to implement programs that  
69 divert youth from state or local confinement  
70 or help ensure the success of those re-  
71 entering the community from confinement.  
72 Every city and county participate in the  
73 program.

74  
75 VJCCCA gives judges the ability to order  
76 first-time and less serious offenders to  
77 services such as electronic monitoring,  
78 intensive individual or family counseling,  
79 and group homes. Such appropriate services  
80 reduce costlier and less suitable placements  
81 in local secure detention or state correctional  
82 facilities. It also effectively serves non-  
83 mandated youth who are part of the non-  
84 mandated population under the Children's  
85 Services Act.

86  
87 VML opposes any effort to divert existing  
88 VJCCCA funds for other purposes; any new  
89 populations proposed for services under this  
90 program must be accompanied by additional  
91 state funding.



1 *(Proposed language clarifies when cuts*  
2 *were taken, who participates in program*  
3 *planning, and addresses possible proposal*  
4 *to divert or add new groups of youth to the*  
5 *program.)*

7 **System transformation.** VML supports  
8 juvenile justice system transformation that:

- 9 • Gives juvenile detention centers  
10 flexibility, not mandates, to contract  
11 with the state to house lower-risk  
12 offenders from state facilities;
- 13 • Pays juvenile detention facilities the  
14 actual costs for housing and serving  
15 lower-risk offenders from the state;  
16 and
- 17 • Allows the Department to reinvest  
18 savings or otherwise provides  
19 sufficient, stable funding to  
20 implement a treatment continuum  
21 with more service and treatment  
22 options and supports to ensure better  
23 outcomes and lower recidivism.

## 25 **SOCIAL SERVICES**

### 26 **Family First Prevention Services Act.**

27 Approved by Congress in 2018, the FFPS  
28 Act is the first major revision of the title IV-  
29 E foster care program since the early 1980s.  
30 Changes in the program's requirements and  
31 allowable services will require cooperation  
32 between the state, local governments, and  
33 private service providers to ensure  
34 successful implementation. VML supports  
35 this cooperative effort but opposes any  
36 proposal to impose new local match  
37 requirements to this program.

38 *(Proposed language to address the new*  
39 *federal law; the regulations to the program*  
40 *will be released in the fall. State DSS has*  
41 *already convened working groups, including*  
42 *local governments, to address the new*  
43 *requirements.)*

45 **Child and family services program**  
46 **improvement plan.** The state must fund the

47 technology and systems to improve the  
48 quality of all casework activities related to  
49 child welfare services (prevention of child  
50 abuse/neglect; prevention foster care, foster  
51 care and adoption)

53 **Child care.** Affordable, high-quality child  
54 care is crucial to parents in the Temporary  
55 Assistance to Needy Families (TANF)  
56 program and to low-income parents whose  
57 wages simply cannot cover child care costs.  
58 The state must help fund child care costs to  
59 help these families. The state should  
60 consider ways to ensure safe, affordable  
61 child care, such as grants for nonprofit or  
62 public organizations offering child care, and  
63 employer incentives to provide child care  
64 centers or other assistance for their  
65 employees.

67 **Healthy families.** VML supports expanded  
68 use of state general funds for the Healthy  
69 Families program, a voluntary program that  
70 offers parental education, support, and  
71 assistance to help prevent the need for  
72 costlier human services and public safety  
73 programs in the future.

75 **Social Services Block Grant.** Virginia uses  
76 Title XX-Social Services Block Grant  
77 (SSBG) funding for a variety of non-cash-  
78 assistance services, including in-home  
79 services for the elderly, child and adult  
80 abuse investigators, and domestic abuse and  
81 family preservation services. Congress has  
82 consistently underfunded the SSBG at the  
83 levels authorized in the 1996 federal welfare  
84 reform law. VML urges Congress to live up  
85 to its commitment to fully fund the SSBG.  
86 Until the federal budget fully funds SSBG,  
87 VML urges the General Assembly to  
88 continue to first use any Temporary  
89 Assistance for Needy Families (TANF)  
90 balances to replace SSBG funds.

91  
92

1 **PARKS & RECREATION**  
2 **Recreational programs.** Local parks and  
3 recreation departments offer a variety of  
4 affordable activities and programs for  
5 children, teenagers, and adults. These  
6 programs abide by local health, safety, and  
7 risk-management requirements and are  
8 ultimately accountable to the local  
9 governing body of a city, town, or county.  
10 Efforts to categorize these programs as child  
11 care are inappropriate, and such recreation  
12 programs should not be subject to  
13 duplicative state agency regulation and  
14 oversight.

15  
16 **HEALTH**  
17 **Cooperative health budget.** The General  
18 Assembly should provide sufficient funding  
19 to local health departments.  
20  
21 **Local flexibility.** District health offices  
22 should be locally controlled to the maximum  
23 extent consistent with protecting public  
24 health.

25  
26 **MARIJUANA: DECRIMINALIZATION**  
27 ~~**AND MEDICAL USE**~~  
28 VML supports a change to the Code of  
29 Virginia to make anyone convicted of the  
30 simple possession of no more than 0.5 oz. of  
31 marijuana for personal use subject to a civil  
32 rather than criminal penalty. Individuals  
33 under 21 years of age found to be in  
34 possession should still be required to  
35 undergo drug screening and participation in  
36 a treatment or education program as a  
37 condition for the suspension of a conviction  
38 if appropriate.

39  
40 ~~VML supports the expansion of an~~  
41 ~~affirmative defense to prosecution for the~~  
42 ~~possession or distribution of marijuana if a~~  
43 ~~person has a valid written certification~~  
44 ~~issued by a practitioner licensed by the~~  
45 ~~Virginia Board of Medicine to prescribe~~  
46 ~~cannabidiol oil or THC-A oil for the~~

47 ~~treatment of, or to alleviate the symptoms~~  
48 ~~of, cancer, glaucoma, HIV, AIDS, ALS,~~  
49 ~~MS, PTSD, traumatic brain injury and other~~  
50 ~~chronic or terminal conditions.~~  
51 *(This language can be removed; the 2018*  
52 *General Assembly approved legislation to*  
53 *expand the use of cannabidiol oil/THC A oil*  
54 *as directed by a doctor.)*

55  
56 **HEALTH CARE REFORM**  
57 Expansion of state Medicaid eligibility will  
58 ~~would~~ increase the workload and costs for  
59 local departments of social services, which  
60 perform eligibility determination and  
61 redetermination on behalf of the state. Any  
62 expansion of the caseload must be  
63 accompanied by sufficient, sustained state  
64 funding for staffing and technology to  
65 properly do the job.

66  
67 Imposing work requirements on certain  
68 Medicaid recipients will also increase  
69 workload on local social services staff. The  
70 state must provide sufficient state funding  
71 and technical assistance for local social  
72 services staff who will work with this  
73 population. VML supports expansion of  
74 ~~Medicaid through the federal Affordable~~  
75 ~~Care Act.~~  
76 *(Proposed changes reflect the passage of*  
77 *Medicaid expansion and the impact on local*  
78 *DSS offices.)*

79  
80  
81 **II. EDUCATION**  
82 The Virginia Municipal League supports the  
83 goal of ensuring quality, well-funded and  
84 effective teaching in every classroom in the  
85 Commonwealth. Localities have greatly  
86 exceeded their responsibilities for K-12  
87 education funding. It is essential for the state  
88 to meet fully its responsibilities to fund  
89 education.  
90

1 **VISION**  
2 A strong public education system is the  
3 pillar of American society and a passport to  
4 the future. Our country cannot be strong  
5 without an excellent education system that  
6 ~~students leave armed~~ prepares students for  
7 the future with the critical thinking skills  
8 that will enable them to be productive  
9 citizens. A solid foundation of learning is  
10 essential for our communities, state, and  
11 country. A strong public school system is  
12 essential to economic development and  
13 prosperity.

14 *(Edit suggested by committee member)*  
15

16 A strong educational system requires  
17 accountability; parental, community and  
18 business involvement; and the wise and  
19 efficient use of resources. Standards are an  
20 essential part of the accountability system  
21 but cannot be measured simply by  
22 standardized tests. Students need to learn not  
23 only facts and figures, but also those critical  
24 learning skills that will enable them to leave  
25 high school prepared for either the  
26 workplace or higher education.

27  
28 School safety is a critical issue for every  
29 community. VML supports strong  
30 partnerships and communication between  
31 local police departments and school  
32 divisions and encourages sustained financial  
33 assistance from the state and federal  
34 governments to help school divisions with  
35 safety-related infrastructure, technology, and  
36 personnel. Additionally, VML supports the  
37 work of the special statewide committees  
38 studying student and school safety, and  
39 encourages continued examination of the  
40 root causes of violence in schools and best  
41 practices to address those causes.

42 *(Proposed language addressing committee*  
43 *discussion of this issue.)*  
44

45 Students, parents, administrators and  
46 teachers all have roles in the educational

47 system and have to be part of that  
48 accountability system. Parents should be  
49 involved with their children's education, but  
50 family support for parents is essential,  
51 particularly for those whose ~~in dealing with~~  
52 children have with mental behavioral health  
53 issues, physical disabilities, substance abuse  
54 disorders or bullying problems. Not all  
55 children should or need to prepare to attend  
56 college, but students across the economic  
57 spectrum should have equitable  
58 opportunities to learn.

59  
60 A sound education system puts resources  
61 where they can be most effective, includes  
62 collaboration between school boards and  
63 local governing bodies, uses technology  
64 effectively, embraces innovation and  
65 regional opportunities and focuses on early  
66 intervention to tackle problems at the  
67 earliest time possible.

68  
69 **STANDARDS OF QUALITY**

70 The SOQ should be broad enough to include  
71 the major components of what is required  
72 for a quality educational program.

73  
74 The current SOQ do not reflect the cost of a  
75 sound public education system. The SOQ  
76 are not based on prevailing practices, nor do  
77 they reflect the cost of meeting state  
78 accountability standards. Because of this  
79 disconnect between the accountability  
80 standards and the SOQ, the cost that the  
81 state recognizes in its funding formulas is  
82 too low, and too much of the burden of  
83 funding public education falls on local  
84 governments.

85  
86 The state and local governments should  
87 partner to determine the minimum funding  
88 levels necessary to sustain high quality  
89 services for schools and other local  
90 government operations while also  
91 addressing capital and maintenance needs.

92

1 VML supports a JLARC or other state study 47  
 2 that examines the ways other states fund 48  
 3 education and whether the Commonwealth 49  
 4 should use a funding strategy that 50  
 5 establishes a more realistic base foundation 51  
 6 amount per pupil – plus add-on funding to 52  
 7 reflect higher costs for educating at-risk, 53  
 8 disabled, ESL, and gifted students, etc. as 54  
 9 well as funding for capital costs. 55  
 10  
 11 VML supports a study by the Joint 56  
 12 Legislative Audit and Review Commission 57  
 13 to determine how the SOQ may be revised 58  
 14 and adequately funded to meet the 59  
 15 requirements contained in the Standards of 60  
 16 Learning and Standards of Accreditation. 61  
 17 VML also supports implementation of 62  
 18 JLARC recommendations to promote 3rd 63  
 19 grade reading performance. 64  
 20  
 21 **SOQ FUNDING** 65  
 22 VML supports full funding of the state’s 66  
 23 share of the actual costs of the SOQ based 67  
 24 on prevailing practices, and full funding of 68  
 25 the state’s share of categorical educational 69  
 26 mandates in areas such as special education, 70  
 27 alternative education and gifted education. 71  
 28  
 29 The state should fully recognize and fund 72  
 30 the costs of rebenchmarking of the various 73  
 31 educational programs including the 74  
 32 Standards of Quality, incentive, categorical, 75  
 33 and school facilities programs. Changing 76  
 34 the process of rebenchmarking to artificially 77  
 35 lower recognized costs does not change 78  
 36 what it actually costs to provide education. 79  
 37 Instead, it simply transfers additional costs 80  
 38 to local governments, and ultimately to the 81  
 39 local real estate tax base. 82  
 40  
 41 The state must be a reliable funding partner 83  
 42 in accordance with the Virginia Constitution 84  
 43 and state statutes. The Standards of Quality 85  
 44 should recognize resources, including 86  
 45 positions, required for a high-quality public 87  
 46 education system. 88

- 47 Funding for the SOQ should include:
1. Establishment of a new, predictable and meaningful source of funding for construction, including funding for new construction, renovation, maintenance and land purchase. The Literary Fund and the Virginia Public School Authority are not sufficient means for the state to help localities pay for capital needs. Options could include creating a two-year pilot program of competitive grants using funds from the Virginia Public Building Authority to offset new construction or renovation costs for publicly owned and operated K-12 schools.
  2. A predictable and reliable source of funding for technology infrastructure and personnel costs.
  3. Realistic state funding for salary increases for professional and non-professional school employees. Salary increases should be funded for a full year starting July 1, the start of the fiscal year.
  4. State funding to meet the goal of the Commonwealth (VA Code §22.1-289.1) that teacher compensation be competitive; at a minimum, at or above national average teacher compensation, provided that the true costs of meeting the SOQ are funded by the state.
  5. Funding to initiate and continue to enable school systems to address school safety issues.
  6. Recognition of adequate support costs based on realistic measures of the importance of support positions to achievement on state accountability standards. Current state funding for support positions is not based on prevailing practices or

1 on any scientifically-derived staffing  
2 ratios.  
3 7. Flexibility where possible in areas  
4 such as funding of student health  
5 services.  
6 8. Support for funding of  
7 recommendations made by JLARC  
8 to promote reading by grade level by  
9 the third grade.  
10 9. Development of realistic cost  
11 estimates that are based on  
12 prevailing practices and not on the  
13 availability of state funding.  
14 10. Review by JLARC in order that data  
15 and information can be provided to  
16 the State Board of Education on the  
17 cost of meeting the SOQ, SOLs and  
18 SOAs.  
19 11. Lottery funds that are distributed to  
20 localities without a corresponding  
21 reduction in direct aid.  
22  
23 The state should not require any  
24 maintenance of local effort other than that  
25 associated with the SOQ. A maintenance of  
26 effort requirement that is not connected to  
27 the SOQ will punish those localities that  
28 voluntarily spent beyond the required  
29 minimum in an effort to achieve a high-  
30 quality system of education. Further, it will  
31 simply perpetuate the current mismatch in  
32 state-local funding for education.  
33  
34 The General Assembly should recognize  
35 that local governments traditionally have  
36 funded their share of costs of meeting the  
37 SOQ and, in fact, most have funded  
38 education beyond their required share in  
39 efforts to provide quality education. These  
40 higher funding levels have meant that  
41 localities have had to raise local taxes and  
42 fees and defer spending on other important  
43 local priorities including public safety.  
44  
45 The local composite index (LCI) is a crude  
46 and often inaccurate proxy for determining

47 the ability of each locality to pay its share of  
48 K-12 expenses as defined by the SOQ. The  
49 Commonwealth's education funding  
50 formulae (SOQ and LCI) are more sensitive  
51 to the state's revenue situation than the  
52 educational needs of Virginia's students.  
53 VML supports a JLARC or other state study  
54 that examines the ways other states fund  
55 education and whether the Commonwealth  
56 should use a funding strategy that  
57 establishes a more realistic base foundation  
58 amount per pupil – plus add-on funding to  
59 reflect higher costs for educating at-risk,  
60 disabled, ESL, and gifted students, etc.  
61  
62 Because spending increases alone may not  
63 produce desired levels of student  
64 achievement, the State Board of Education  
65 and other responsible bodies are urged to  
66 develop measures of results to determine the  
67 actual effectiveness of expenditures on  
68 education. VML supports the use of school  
69 efficiency reviews to help determine ways to  
70 ensure that public funds are spent as  
71 effectively and efficiently as possible.  
72  
73 VML believes that the methodology for  
74 costing the SOQ does not consider the  
75 differences in costs in the state's various  
76 regions, nor does it adequately address  
77 unique local conditions such as small, large,  
78 declining, or diverse student populations.  
79 First, the methodology artificially lowers the  
80 state average salary by using the "L-  
81 estimator" instead of average salary figures.  
82 Second, the L-estimator is based on dated  
83 information that does not reflect current  
84 salary levels. Third, the methodology uses  
85 an artificially low limit on the number of  
86 professionals per 1,000 pupils for which  
87 state aid is given. Fourth, the methodology  
88 does not address the differences in providing  
89 education to students with special needs or  
90 the heavy additional cost of educating  
91 English as Second Language students. The  
92 add-on funding for at-risk students is a start

1 toward meeting unique local circumstances  
2 and should be increased.  
3  
4 The first priority for the use of a state  
5 surplus should be the funding of mandated  
6 educational programs.  
7  
8 Disparity should not be addressed by simply  
9 redistributing existing state aid among  
10 jurisdictions.

11  
12 **LOCAL AUTONOMY**

13 Because public education should be as close  
14 as possible to the people, local school  
15 decisions cannot and should not be made by  
16 the state. Local school boards should be  
17 responsible for the direct supervision and  
18 management of local schools.

19  
20 The state should not take any actions that  
21 limit or reduce authority of local school  
22 boards and local governing bodies to finance  
23 and manage local schools. Local school  
24 boards should retain the responsibility for  
25 approving applications for charter schools.  
26 Otherwise, decisions that affect the funding  
27 of public schools potentially could be made  
28 by a statewide, appointed body that has no  
29 direct connection to the council or board of  
30 supervisors.

31  
32 **ALTERNATIVE EDUCATION**

33 Traditional approaches to discipline—long-  
34 term suspensions and expulsions—transfer  
35 the problems of the student from the school  
36 division to the general government. There  
37 should continue to be school alternatives to  
38 the normal school environment for students  
39 who do not behave appropriately. The state  
40 should develop and fund alternatives,  
41 including workforce development grants, for  
42 students suspended and expelled from  
43 school, such as programs designed to  
44 encourage obtainment of GEDs, career  
45 education, job skills, self-control training  
46 and drug and substance prevention. Finally,

47 there is little effective enforcement of  
48 truancy laws for students who are over 16  
49 years of age. Some of these students have  
50 full time jobs and school divisions have  
51 difficulty in locating them. VML encourages  
52 the development of initiatives to better  
53 enable schools to track these older students,  
54 or otherwise determine if changes are  
55 needed to truancy laws.

56  
57 **EARLY CHILDHOOD**  
58 **DEVELOPMENT & EDUCATION**

59 Research has shown that the early childhood  
60 years (from infancy to age five) are critical  
61 years for brain development. These early  
62 years are also critical for establishing  
63 healthy lifestyles – eating nutritious foods,  
64 engaging in activities and exercise (i.e.,  
65 playing), and learning basic health and  
66 safety practices.

67  
68 Children who are regularly read to and gain  
69 basic language skills, who participate in  
70 healthy activities and learning experiences,  
71 and who learn basic social skills, are more  
72 likely to enter kindergarten ready to learn.  
73 They are also more likely to read at grade  
74 level by the third grade. This early progress  
75 can lead to continued success in school and  
76 ultimately in the workforce.

77  
78 VML supports state and local policies and  
79 initiatives that spotlight and encourage  
80 greater early learning opportunities for  
81 children, along with access to information  
82 and resources that will help parents and  
83 caregivers give young children the greatest  
84 chances to learn and grow in healthy ways.  
85 This will ensure a better economic future for  
86 families and communities.

87  
88 VML supports increased state funding for  
89 pre-kindergarten students to ensure that all  
90 children entering the public system have the  
91 social and intellectual skills necessary to be  
92 successful students.

1 **HIGHER EDUCATION**  
2 Virginia’s colleges and universities serve as  
3 engines of economic growth, cultural  
4 enrichment, and intellectual development for  
5 communities across the commonwealth.  
6 The decline in state support for institutions  
7 of higher education and the state’s  
8 unwillingness to invest in these institutions  
9 endangers the economic health of the  
10 commonwealth and its cities, towns, and  
11 counties.  
12  
13 In addition to ensuring a stronger and more  
14 diversified economic base, a healthy and  
15 vibrant higher education sector, which  
16 includes two-year as well as four-year  
17 institutions, supplies our communities with  
18 an educated and well-trained workforce that  
19 attracts new businesses and allows existing  
20 businesses to compete effectively in an  
21 increasingly competitive global economy.  
22 Further, beneficiaries of higher education  
23 tend to earn higher incomes, thus expanding  
24 the revenue stream to the state, and thereby  
25 ensuring the continued provision of quality  
26 services for its citizens. Finally, the  
27 involvement of institutions, their faculty,

28 and their students in communities across the  
29 commonwealth and the expanded cultural  
30 opportunities these institutions offer  
31 communities enhance the quality of life for  
32 all Virginians.

33  
34 Currently, community colleges are required  
35 to offer reduced tuition for high school  
36 students. Local schools, however, are  
37 required to make up the difference in tuition.  
38 This clearly is an unfunded mandate. The  
39 state should find other resources within its  
40 higher education budget to pay for the  
41 tuition for these students.

42  
43 **WORKFORCE DEVELOPMENT**  
44 VML supports innovative approaches,  
45 including creation of satellite campuses, to  
46 ensure that training and certification  
47 programs are widely available to high school  
48 students, GED candidates, returning  
49 veterans, and other residents, particularly  
50 those representing underserved and at-risk  
51 populations. Such programs are vital to  
52 prepare Virginians for careers important to  
53 Virginia’s economic prosperity.

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## 2019 DRAFT TRANSPORTATION POLICY STATEMENT

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- 1 Critical investments are needed to maintain 45  
2 and improve Virginia’s transportation 46  
3 network. The structural imbalance between 47  
4 critical needs and available resources 48  
5 persists. Even with past actions taken by the 49  
6 General Assembly to enact a transportation 50  
7 and public transit funding bill, the 51  
8 challenges abound for all transportation 52  
9 modes. ~~Beginning in FY 2018, transit~~ 53  
10 ~~capital funding will permanently decline by~~ 54  
11 ~~62.0 percent without additional resources,~~ 55  
12 ~~according to the Department of Rail and~~ 56  
13 ~~Public Transportation.~~ The federal Highway 57  
14 Trust Fund, which pays for roads and transit, 58  
15 is barely solvent, and Congress has proven 59  
16 unable to develop a long-term solution. 60  
17 *(reflects actions taken by 2018 General* 61  
18 *Assembly)* 62  
19 VML is mindful of and acknowledges the 63  
20 contribution of the legislation enacted in the 64  
21 2013 session (HB2313) and in the 2014 65  
22 session SMART SCALE (HB 2) as 66  
23 important first steps in addressing the 67  
24 transportation needs of Virginia’s localities. 68  
25 Future legislative and administrative 69  
26 initiatives should be based on these 70  
27 principles: 71  
28 72  
29 A. Sustainable Funding. A stable and 73  
30 predictable plan which is 74  
31 comprehensive, which addresses 75  
32 investment across the state and 76  
33 which does not rely upon general 77  
34 fund revenue. 78  
35 B. Fiscal responsibility. Dedicated 79  
36 revenues, which are activity-based, 80  
37 will strengthen as the economy does. 81  
38 ~~Further, revenues will be allocated to~~ 82  
39 ~~jurisdictions in proportion to their~~ 83  
40 ~~transportation tax contribution,~~ 84  
41 ~~preserving a balance of equity.~~ 85  
42 *(Reflects purpose of Smart Growth* 86  
43 *and State of Good Repair policies* 87  
44 *that focus on need and prioritization)* 88  
89
- C. Statewide focus. Transportation is a statewide issue, not a regional, urban or rural issue. Every area of the state is economically hampered by insufficient infrastructure management. However, if the General Assembly chooses a funding approach that emphasizes regional efforts, then such opportunities should be made available across the Commonwealth. *(Challenges the General Assembly to give areas outside of Hampton Roads and Northern Virginia the opportunity to form regional funding authorities.)*
- D. Shared responsibility. Transportation planning and authority are delegated to regional bodies where they exist and to localities. These bodies prioritize and authorize individual projects within their jurisdictions, an essential element of equity which does require coordination among involved localities.
- E. Project prioritization. VML supports the collaborative approach taken by the Commonwealth Transportation Board to seek input from regional and local bodies to develop a statewide prioritization process ~~for~~ to leverage the highest value of scarce resources by measuring targeted projects that expand capacity. ~~Scarce resources should be targeted to projects that~~ address congestion mitigation, economic development, accessibility, safety, and environmental quality. VML recognizes the importance of having an objective, quantifiable, and consistent process that also takes the different needs of regions into consideration and recognizes the significant progress made on this



1 issue through SMART SCALE  
2 implementation.  
3 *(Clarifies that highest priority needs*  
4 *include capacity, congestion*  
5 *mitigation, economic development,*  
6 *safety accessibility, and*  
7 *environmental quality.)*

8 F. Infrastructure modernization. Our  
9 transportation efforts must include a  
10 comprehensive statewide plan to  
11 provide transportation options for  
12 rail passenger and transit systems  
13 which minimize the use of  
14 petroleum. Such plans must ensure  
15 that all Virginians — rural, suburban  
16 and urban – are able to contribute to  
17 and benefit from statewide economic  
18 opportunities.  
19 *(These investments are for more than*  
20 *just fuel efficiencies.)*

21 G. Congestion mitigation. Alleviation of  
22 commuter congestion is essential to  
23 economic development and to  
24 enhance citizens' quality of life.  
25 Corridor-wide solutions which  
26 promote alternative modes including  
27 highways, transit and non-traditional  
28 solutions still need to be developed.

## 30 REVENUES

31 Since the transportation needs of the state  
32 are so much greater than the current funding  
33 provisions, it remains essential that the  
34 General Assembly continue and expand  
35 transportation and infrastructure investment  
36 which is fiscally sound, well documented  
37 and serves local, regional and state-wide  
38 needs by:

- 39
- 40 • Raising revenue from those who use the  
41 transportation and transit systems;
- 42 • Identifying new revenue streams for  
43 state-wide, regional, and local  
44 transportation needs while preserving  
45 existing funding sources;

46 *(Clarifies that funding challenges*  
47 *include raising new revenue and*  
48 *preserving existing funding sources.)*

- 49 • Increasing dedicated funding for public  
50 transportation to meet transit operating  
51 and capital expenses and make Virginia  
52 competitive for federal transport funds;
- 53 • Providing or extending as a local option  
54 transportation impact fee authority to all  
55 localities;
- 56 • Authorizing practical options for using  
57 long-term financing for major  
58 transportation projects;
- 59 • Providing full state funding for the  
60 revenue sharing program as provided for  
61 in § 33.2-357 ~~33.1-23.05~~; and
- 62 • Seeking equity among various road users  
63 by ensuring that trucks pay their share of  
64 road costs. VML also advocates for  
65 increased local influence when the state  
66 considers mitigating negative impacts  
67 resulting from truck traffic.

## 69 PASS-THROUGH OF FEDERAL 70 FUNDS

71 Localities are often successful in receiving  
72 federal funds such as special appropriations  
73 and enhancement funds. These funds  
74 are passed through the State to localities  
75 and the transfer of these funds is often  
76 delayed. The federal government and the  
77 state need to streamline the transfer of these  
78 funds and allow localities to move forward  
79 with these projects. Additionally, localities  
80 with limited experience with federal projects  
81 should be provided training to reduce  
82 administrative risks.

83 *(Specifies that smaller localities may need*  
84 *technical assistance to manage certain*  
85 *federally-funded projects.)*

## 87 SAFETY

### 88 **Vision Zero**

89 Vision Zero approaches road safety through  
90 aggressive casualty reduction goals,  
91 coordinated and interdisciplinary actions,  
92 increased priority and resources allocated

1 towards road safety improvement, and an  
2 overarching policy framework. VML  
3 supports the state’s Vision Zero approach to  
4 transportation safety in state highway safety  
5 plans and encourages VDOT to collaborate  
6 and provide resources where appropriate to  
7 reach the Arrive Alive goal and the intent of  
8 Vision Zero.

9 *(Recognizes state and national efforts to*  
10 *improve transportation safety through*  
11 *Vision Zero program.)*

### 13 **Pedestrian**

14 VML recommends that the Virginia Code be  
15 amended to clarify the respective rights and  
16 duties of pedestrians and vehicle drivers.  
17 Drivers should be required to stop, not just  
18 yield, for pedestrians in all marked and  
19 unmarked crosswalks. In addition, police  
20 need the ability to issue simpler citations  
21 than currently allowed under Virginia law to  
22 more effectively enforce the laws against jay  
23 walking.

### 25 **Bicycling**

26 VML also recommends changes to the Code  
27 of Virginia clarifying the rights and  
28 responsibilities of bicyclists in their use of  
29 public streets in order to ensure the safety of  
30 all road users.

### 32 **PRESERVATION OF RIGHTS-OF- 33 WAY**

34 Transportation projects take many years  
35 from the planning stage to  
36 construction. Localities need additional  
37 authority to reserve miles of right-of-way  
38 years in advance of any funding availability  
39 for these projects, or risk development in the  
40 path of these transportation projects.

### 42 **TECHNICAL ASSISTANCE**

43 Smaller communities and regions require  
44 additional and enhanced transportation  
45 planning and technical assistance from the  
46 state VDOT and DRPT. VDOT and DRPT,  
47 therefore, have a continuing obligation to

48 ~~assist these areas, including~~ This includes  
49 establishing equitable equipment rental rates  
50 and administrative costs.

51 *(Editorial changes; broadening state*  
52 *assistance beyond VDOT & VDRPT)*

### 54 **TRAFFIC CALMING**

55 VML supports continued improvements to  
56 VDOT’s traffic calming program to improve  
57 safety for users of public streets.

58 Additionally, VML has supported, and  
59 continues to support, expanding the  
60 availability of photo-camera traffic  
61 enforcement for all localities in the context  
62 of a defined transportation safety program  
63 that includes engineering, enforcement,  
64 education, and emergency response  
65 elements while respecting civil rights.  
66 *(Reflects context that a traffic safety*  
67 *program should include more elements than*  
68 *just photo-camera enforcement)*

### 70 **METROPOLITAN PLANNING 71 ORGANIZATIONS (MPOs)**

72 VML opposes broadening MPO voting  
73 membership to include private sector  
74 representatives. VML believes that  
75 representation by public officials makes  
76 MPOs accountable to citizens.

### 78 **PUBLIC TRANSIT**

79 Mass transit is critical to the state’s  
80 economy and the quality of life for all  
81 Virginians. Public transit includes all  
82 available multiple occupancy vehicle  
83 services and technologies designed to  
84 transport passengers on local and regional  
85 routes.

86  
87 VML supports:

- 88 1) increased federal and state funding for
- 89 public transit;
- 90 2) policies that allow for the equitable
- 91 distribution of such funding;
- 92 3) a dedicated source of funding to support
- 93 public transit; and

1 4) state legislation to provide localities with  
2 additional taxing authority to adopt  
3 regionally-based or local taxes to address  
4 transit capital needs.

5  
6 VML also appreciates congressional actions  
7 taken to restore and make permanent the  
8 \$260 per month parity between employer-  
9 sponsored benefits for parking and for mass  
10 transit riders. (The federal tax deduction  
11 taken by employers for providing these  
12 benefits ended under the Tax Cuts and Job  
13 Act enacted in December 2017.)  
14 *(Technical change)*

15  
16 ~~Beginning in 2019, transit in Virginia faces~~  
17 ~~a 44 percent decrease in capital funding due~~  
18 ~~to the phasing out of Capital Project~~  
19 ~~Revenue (CPR) bond funds approved in~~  
20 ~~2007. VML supports the provisions of HB~~  
21 ~~1359 (2016 Session) that will issue a report~~  
22 ~~to the General Assembly by mid-2017 that~~  
23 ~~identifies possible sources of replacement~~  
24 ~~revenue and examines methodologies for~~  
25 ~~setting priorities for capital projects.~~  
26 *(Reflects actions taken in 2018 General*  
27 *Assembly session.)*

28  
29 **RAIL TRANSPORTATION**

30 VML recommends the expansion of  
31 interstate and intra-state passenger and  
32 freight rail service corridors, with no  
33 requirement for local match to provide  
34 transportation alternatives, and to help to  
35 stimulate economic development and  
36 tourism.

37  
38 State government and railroad executives  
39 must work cooperatively with local officials  
40 to improve and enhance railroad  
41 maintenance, safety, traffic and conflicts  
42 (for example at at-grade crossings).

43  
44 The Commonwealth needs to:  
45 • Work with railroad executives to provide  
46 greater access for passenger service (for  
47 commuters and tourists).

48 • ~~Strengthen funding~~ ~~Develop a source of~~  
49 ~~funds for cost-effective intercity~~  
50 ~~passenger service and high-speed rail~~  
51 ~~operations to complement federal~~  
52 ~~construction funding. (Reflects past state~~  
53 ~~actions to establish a special fund for~~  
54 ~~passenger rail.)~~

55 • Work with surrounding states to foster  
56 greater interstate passenger rail service  
57 and to promote the development of the  
58 Northeast high-speed rail corridor, the  
59 New York to Atlanta corridor and  
60 services to Western Virginia ~~the~~  
61 ~~TransDominion Express~~, where these  
62 systems provide meaningful reduction of  
63 travel times, higher than historic  
64 reliability and needed coverage to vital  
65 business districts which are in close  
66 proximity to population centers.  
67 *(TransDominion has been on hold since*  
68 *2013.)*

69  
70 VML believes the state needs to work with  
71 rail executives and the commuter rail system  
72 to permit commuter system extension and  
73 expansion throughout the Commonwealth  
74 and to develop a source of funds to  
75 accomplish.

76  
77 **AIR TRANSPORTATION**

78 VML wants the state and federal  
79 governments to actively work to develop  
80 and sustain comprehensive air service  
81 throughout the Commonwealth, connecting  
82 it to the mid-Atlantic region as well as the  
83 entire country. Additionally, VML wants  
84 the state and federal government to invest in  
85 and deploy new technologies intended to  
86 improve air service and safety.

87  
88 The federal government is urged to  
89 appropriate federal funds for airport  
90 infrastructure improvements at authorized  
91 levels and to develop a national airport  
92 access strategy intended to stimulate local  
93 economic development opportunities.  
94 Additionally, the state is urged to

1 complement federal infrastructure  
2 investments as well as expand state support  
3 for capital improvements.

4  
5 **PORTS AND WATER**  
6 **TRANSPORTATION**

7 VML requests the protection and promotion  
8 of an effective port and water transportation  
9 system by:

- 10 a. developing alternative water  
11 transportation mechanisms to  
12 alleviate congestion, such as ferries,  
13 that will move people, goods and  
14 vehicles as an alternative to road  
15 travel;
- 16 b. enhancing rail service to move goods  
17 in and out of ports;
- 18 c. deepening major water ports and  
19 navigable rivers;
- 20 d. relieving congestion in the ports by  
21 enhancing rail and highway access  
22 out of ports; and
- 23 e. developing policies on the  
24 disposal/reuse of shipping  
25 containers.

26  
27 Concerning the deepening of channels,  
28 VML requests the state to work closely with  
29 local governments regarding spoils disposal  
30 from channel deepening.

31  
32 The revenues derived from Virginia’s public  
33 ports are dedicated exclusively to the state.  
34 Some portion should be shared with  
35 localities to account for street and road  
36 maintenance and police and fire protection  
37 services directly related to the impacts of  
38 tax-exempt port properties.

39  
40 VML urges a significant study of the state’s  
41 water transportation system, including the  
42 expanded use of barge traffic for freight  
43 transportation.

44  
45 **REGIONAL TRANSPORTATION**  
46 **AUTHORITIES**

47 **Facilities**

48 VML supports by-right authority for the  
49 creation of regional transportation  
50 authorities to promote coordination of  
51 transportation and related facilities.

52  
53 **Town voting membership**

54 VML supports town voting membership on  
55 regional transportation authorities

56  
57 **Protective floor gas tax**

58 VML thinks the General Assembly for  
59 amending supports an amendment to  
60 Virginia Code § 58.1-2295 which would to  
61 establish a protective floor price for the 2.1  
62 percent regional gas tax, much as was done  
63 for the statewide fuels tax in §58.1-2217.  
64 Such a floor concept is essential to provide a  
65 more stable, dedicated revenue source  
66 needed for long-term financing of regional  
67 projects as well as bus and commuter rail  
68 operations. ~~The need is also highlighted by~~  
69 ~~the drop in fuel prices since FY 2013. (In~~  
70 ~~FY 2016, the absence of a floor price shrunk~~  
71 ~~total gas tax revenues in Northern Virginia~~  
72 ~~by \$35.0 million, requiring localities to find~~  
73 ~~other resources to meet commitments made~~  
74 ~~to WMATA, VRE and PRTC commuter and~~  
75 ~~local bus services. In Hampton Roads,~~  
76 ~~regional gas taxes accounted in FY 2017 for~~  
77 ~~17.0 percent of the Hampton Roads~~  
78 ~~Transportation Fund. Actual collections fell~~  
79 ~~to one-third of the revenue projections,~~  
80 ~~affecting the progress of the region’s~~  
81 ~~transportation projects.) (Changes reflect~~  
82 ~~legislative action to establish a protective~~  
83 ~~floor price for Northern VA and Hampton~~  
84 ~~Roads regional funding authorities.)~~

85  
86 **LIVABILITY**

87 Streets do much more than move cars; they  
88 often define community character and serve  
89 as important public spaces. Small towns and  
90 larger cities alike are using complete streets  
91 policies to reclaim public space and solve  
92 traffic problems at the same time. Many  
93 complete street solutions are low-cost—  
94 some are as simple as changing paint-

1 striping on pavement. VML supports  
2 securing mainstream transportation funds for  
3 non-motorized improvements and policy  
4 changes that result in construction of  
5 complete streets and improved bicycle and  
6 pedestrian infrastructure within the existing  
7 right of way.

8

## 9 **TRANSPORTATION NETWORK**

### 10 **COMPANIES**

11 VML supports state licensing of Internet-  
12 based transportation network companies  
13 (TNCs) as contained in HB 1662 (2015  
14 session) which establishes safety and  
15 insurance standards for vehicles and drivers.  
16 VML acknowledges that state licensing is  
17 preferable to local licensing recognizing the  
18 wide area of operations of TNCs, the need to  
19 avoid conflicting or competitive licensing  
20 among jurisdictions, the need to establish a  
21 functional basis for taxation, the need to  
22 provide consistent driver credentials and the  
23 need to ensure all segments of the  
24 transportation industry are treated fairly.  
25 VML supports open market pricing for  
26 TNCs rather than fixed pricing, somewhat  
27 like variable toll pricing on major highways.  
28 VML also supports development of data-  
29 sharing agreements with TNCs to require the  
30 companies to share general trip information  
31 with DMV and which would be made  
32 available to all jurisdictions.  
33 *(New language supports development of*  
34 *data-sharing agreements with*  
35 *transportation network companies to assist*  
36 *localities in local and regional*  
37 *transportation planning.)*