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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**

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

31  
32  
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.

42  
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.

81  
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.

89  
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  
40 **FREEDOM OF INFORMATION**  
41 VML strongly supports the free flow of  
42 information to citizens and the media  
43 through the conduct of governmental affairs  
44 at all levels in the open, in good faith  
45 compliance with the Freedom of  
46 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  
83 VML opposes legislation that would control  
84 the time allotted for public comment at  
85 public meetings. While VML supports  
86 public comment, localities should have the  
87 discretion to determine procedures for when  
88 public comment should be taken.

89  
90 VML opposes legislation to limit the use of  
91 any legitimate means of communications  
92 from one elected official to others, including

1 letters, emails and conversation. The  
2 General Assembly should not exempt itself  
3 from anything that it imposes on a locality.  
4  
5 State policy must assist local governments to  
6 contact and notify their citizens in the most  
7 efficient and cost-effective manners  
8 possible. Ads required by the *Code of*  
9 *Virginia* are increasingly more expensive to  
10 run in the newspaper and often are only seen  
11 by a decreasing number of citizens. The  
12 current trend is for local newspapers to  
13 reduce the number of times they are  
14 published weekly and/or going to an online  
15 platform. This has resulted in localities  
16 needing to meet certain advertising  
17 requirements with only expensive  
18 newspapers available for legal notices.  
19  
20 A locality's internet presence, social media,  
21 local cable access channels, local radio and  
22 TV provide alternative methods to contact  
23 the citizens much more broadly and  
24 effectively than newspaper ads in many  
25 areas of the Commonwealth. In addition,  
26 the cost of contacting the citizens through  
27 new technology can be much lower than  
28 advertising in the newspaper. The state code  
29 should be amended to allow local  
30 governments electronic and other alternative  
31 means of communicating with their citizens  
32 when providing required legal notices.  
33  
34 In addition, small towns should be allowed  
35 to use first class mail instead of newspaper  
36 advertising to notify the citizens of  
37 government actions such as advertising a  
38 budget hearing or advertising a land use  
39 hearing to save the citizens money and to  
40 communicate more effectively with the  
41 citizens.

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

45 VML calls upon Virginia's congressional  
46 delegation to support legislation to restore

47 suits brought under 42 U.S.C. Section 1983  
48 to traditional civil rights actions, and to  
49 preclude the award of damages if the court  
50 finds that the government or its officials  
51 were acting in good faith.

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

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

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

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

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

91  
92

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	8. Broadband and Local Governments.
31	telecommunications.	77	VML appreciates Governor Ralph
32	Telecommunications providers must	78	Northam's efforts to make
33	be responsive to citizen needs and	79	broadband access available to all
34	concerns and provide appropriate	80	Virginians within a decade. VML
35	customer services to all segments of	81	believes there are several ways to
36	our community so that disparities	82	achieve this goal and no one
37	due to income or geographic location	83	technology or method of delivery
38	affecting citizen access to new	84	should be chosen as the answer for
39	technology are minimized.	85	our geographically-diverse states.
40		86	While public-private partnerships
41	5. Competition. Local governments are	87	between a local government and a
42	interested in healthy competition in	88	broadband provider may be the right
43	the field of telecommunications. To	89	approach for some communities, a
44	ensure a competitively neutral and	90	municipal government broadband
45	non-discriminatory market, all	91	authority owning and operating a
46	service providers must pay fair	92	new project may be better for others.



1 State grants should allow localities,  
2 groups of localities, municipal  
3 broadband authorities and public-  
4 private partnerships to submit  
5 applications for state grants without  
6 prejudice to the applicant.

## 8 **TECHNOLOGY**

9 State law should allow all counties, cities,  
10 and towns to make full and appropriate use  
11 of modern technology to promote public  
12 safety. Localities should have maximum  
13 flexibility to contract with the private sector  
14 to implement all aspects of such technology.  
15 VML supports legislation that promotes and  
16 protects the ability of localities to establish,  
17 operate, and maintain sustainable broadband  
18 authorities to provide essential broadband to  
19 all communities throughout the  
20 Commonwealth of Virginia.

21  
22 Local governments should have authority to  
23 regulate the use of unmanned aerial vehicles  
24 in their jurisdictions insofar as is consistent  
25 with FAA regulations. Especially when such  
26 systems are utilized to support a local  
27 governing body or authority authorized  
28 under title 15.2 for purposes of inspecting  
29 their own facilities, assessing damage  
30 caused by natural or manmade disasters, and  
31 by fire and rescue personnel for purposes of  
32 assessing an emergency to which they are  
33 responding.

34  
35 Pursuant to the 1996 Telecommunication  
36 Act, the cellular phone industry is  
37 developing technology to provide for the  
38 identification of the origin of cellular  
39 emergency calls. Until this technology is  
40 implemented and revenue sources have been  
41 identified to finance it, the state police  
42 should continue to handle the E911 calls  
43 they currently handle. Next Generation 911  
44 is vital to public safety in the  
45 Commonwealth; we support this technology  
46 as a funded mandate.

## 47 **UTILITIES**

48 Fundamental policies should be honored by  
49 the state in promoting the delivery of utility  
50 services by local governments and the  
51 authorities they create:

- 52  
53 1. Each provider of service must be free  
54 to set its rates without interference  
55 from other local governments or the  
56 state.
- 57 2. Each local government providing  
58 utility services must be able to  
59 compete fairly with any other  
60 providers without state interference.
- 61 3. Each local government that provides  
62 utility services must be able to  
63 manage its revenues and  
64 expenditures related to the services  
65 without state interference.

66  
67 Virginia's localities and water and sewer  
68 authorities must retain the ability to enforce  
69 liens against landlords' properties for the  
70 unpaid water and sewer bills of their tenants  
71 to have the ability to collect monies owed.

72  
73 Municipal utility systems must continue to  
74 have the authority to set their own rates.  
75 Any attempt by the State Corporation  
76 Commission to regulate rates for utility  
77 services furnished by local governments  
78 would violate the Virginia Constitution.  
79 Local governments that provide utility  
80 services must continue to have the authority  
81 to negotiate the rates, terms and conditions  
82 for any attachments to or joint use of  
83 municipally-owned utility infrastructure.  
84 The safe and efficient operation of the  
85 municipal utility requires that final approval  
86 for any joint use or co-location on its  
87 facilities remain with the locality.

88  
89 The State Corporation Commission should  
90 develop a structure to ensure that the  
91 amounts that utilities can charge localities  
92 and other entities for placing electric utility

1 lines and other facilities underground are  
2 based on the most cost-effective,  
3 competitive, yet safe methods.

4

## 5 **II. PUBLIC SAFETY**

6

7 VML supports legislation that preserves law  
8 and order and promotes the safety, quality of  
9 life and administration of justice within our  
10 communities. The Commonwealth should  
11 enhance its efforts to prevent juvenile crime,  
12 minimize violence in the schools, reduce the  
13 formation and operation of gangs by  
14 providing funding for programs that prepare  
15 our youth to be productive, responsible, self-  
16 reliant members of society.

17

18 The state should continue to assist localities  
19 in their efforts to coordinate public safety  
20 activities including emergency services.

21

22 VML supports legislation that will clearly  
23 establish the relationships between State and  
24 localities to assure efficient and appropriate  
25 command, control and communications  
26 during local emergencies.

27

28 Greater latitude should be given to localities  
29 in encouraging innovative methods of  
30 combating traffic violations and crime.

31

32 VML supports legislation that ensures our  
33 children have the ability to carry, obtain and  
34 receive sunscreen at their schools to protect  
35 them from sunburn.

36

37 VML supports local jurisdictions efforts to  
38 maintain animal shelters in a fiscally  
39 responsible manner and does not support  
40 any state or federal mandate that would  
41 provide a financial burden on local animal  
42 shelters.

43

### 44 **WEAPONS IN PUBLIC BUILDINGS**

45 VML supports legislation to allow local  
46 governments to restrict carrying weapons in

47 any building where a local governing body  
48 meets during the meeting, to the same extent  
49 weapons are prohibited in public schools.

50

### 51 **COMMUNITY CORRECTIONS**

52 VML requests both increased funding and  
53 an equitable distribution formula for  
54 services provided under the Comprehensive  
55 Community Corrections Act (CCCA) and  
56 the Pre-Trial Services Act (PSA). Since the  
57 advent of these programs in 1995, caseloads  
58 have effectively doubled at the local level,  
59 while state resources have failed to meet the  
60 caseload increases. These resources are  
61 allocated to localities on a discretionary  
62 grant basis. Given the statewide character of  
63 this program, it is now time to allocate these  
64 funds through an equitable formula that  
65 recognizes regional costs and benefits of  
66 these services.

67

### 68 **COURT FEES**

69 A user of the court system should not force  
70 increased costs on the general population.  
71 VML supports legislation to increase court  
72 fees to pay for courthouse maintenance,  
73 security, renovation and construction and  
74 other court-related projects.

75

### 76 **COURT SECURITY**

77 The General Assembly should adopt  
78 legislation making it clear that local judges  
79 do not have the authority to order localities  
80 to fund more deputy positions for court  
81 security than are provided for in the State  
82 Code and Appropriations Act.

83

### 84 **INTERNAL AFFAIRS**

#### 85 **INVESTIGATIONS**

86 Legislation should be enacted to restrict the  
87 use, in civil matters, of information gathered  
88 in internal investigations.

89

#### 90 **OVERCROWDING/STATE SUPPORT**

91 The state should live up to its commitment  
92 to remove state prisoners from local jails.

1 The state should fully fund the per diem  
2 reimbursement for all state prisoners.  
3  
4 Jails built by a single large locality should  
5 be made eligible for the same state  
6 reimbursement rate for construction as a  
7 regional jail facility.  
8  
9 Local governments should not be forced to  
10 pay for state prisoners. The state  
11 reimbursement rate must be restored to an  
12 amount that is fair to localities reflecting  
13 actual costs.

#### 14 **TRAINING ACADEMIES**

15 The state should fully fund all mandated  
16 criminal justice training provided through  
17 certified academies.

#### 18 **VIOLENCE/TERRORISM**

19 The General Assembly should enable  
20 localities to help communities deal with  
21 violence and terrorism issues by:  
22  
23 1. reducing the accessibility of weapons  
24 by criminals and persons with mental  
25 illness that present a risk of harm to  
26 themselves or others,  
27

28 2. expanding state and local  
29 cooperative efforts in neighborhoods  
30 and localities,  
31 3. promoting additional prevention and  
32 intervention programs to deal with  
33 youths who may adopt a violent way  
34 of life, and  
35 5. granting localities more flexibility to  
36 handle problems of abandoned and  
37 blighted structures.  
38

#### 39 **NOISE CONTROL**

40 Local government must retain the authority  
41 to determine the appropriate measure for  
42 establishing unacceptable levels of nuisance  
43 noise and to enact local ordinances to  
44 address its curtailment.

#### 45 **FULL TIME AND ATTENTION TO 46 DRIVING**

47 The General Assembly should continue to  
48 take steps to prohibit other activities by a  
49 driver while operating a motor vehicle.

50 The General Assembly should also confirm  
51 that local governments have the ability to  
52 enforce full attention and time to driving  
53 ordinances.  
54  
55