

2023 Finance Policy Statement

1
2 More than ~~a two~~ years ~~into~~ after the onset of a global pandemic, local governments must
3 reexamine the array of critical services provided to our citizens and the means we have at our
4 disposal to pay for them. State laws, local ordinances, tax structures, licenses and regulations will
5 have to be re-evaluated and re-tooled without sacrificing the overall quality of basic government
6 services, including education, public health, and public safety.

7
8 As the nation progresses on its path forward from COVID-19, there are important economic
9 trends to recognize.

10
11 At the same time, the federal government ~~is providing~~ significant one-time financial support to
12 states and localities ~~at historic levels~~, presenting officials with an opportunity to make service
13 and infrastructure improvements that better reflect the needs of a twenty-first century society.

14
15 The American economy is dynamic, continually transforming from agrarian to industrial, from
16 industrial to services-driven, and from largely brick-and-mortar to increasingly internet-based
17 businesses harnessing the power of the Digital Age. The growth in online-enabled platforms that
18 connect customers with companies and private individuals offering services and property for sale
19 or lease has fundamentally restructured the business landscape.

20
21 To that end, these principles are essential:

- 22
- 23 • Local government representatives should be included on any “blue ribbon” commission
24 or other body established by the state that has as its purpose changes to state and local
25 revenue authority or governance.
 - 26 • State-imposed changes on local tax structures should be simple to administer and, at a
27 minimum, be revenue neutral to the locality.
 - 28 • State-mandated tax relief programs should not use local revenues. State-adopted tax relief
29 programs should rely only on state revenues.
 - 30 —The State should not create real estate tax relief programs unless it is willing to pay for
31 the cost of the programs.
 - 32 • Local revenue sources should be balanced and diversified over three broad bases – assets
33 (property), consumption (sales), and income.
 - 34 • The local tax system should be logical and professionally administered. Taxpayers should
35 be treated fairly, and compliance costs should be minimized.
 - 36 • The burden of taxation, as well as the benefits of services, should be shared and enjoyed
37 by all whether they are residents or local businesses.
 - 38 • Tax policy should recognize the different economic, demographic, and service demands
39 among localities, and should foster local control to develop tax policies best suited for
40 their communities.
 - 41 • Tax policy should recognize and be responsive to the competitive nature of the free
42 market, should refrain from enacting policies that are too generous for one group, and
43 should not place undue burdens on particular groups, including business and
44 manufacturers.
 - 45 ~~• State-imposed changes on local tax structures should be simple to administer and, at a~~
46 ~~minimum, be revenue neutral to the locality.~~

- ~~• 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, recordation fees, and revenues tied to the Communications Sales and Use Tax.
- Any legislation with local fiscal impact should be introduced no later than the first week of a General Assembly session. Such legislation should be pre-filed prior to the convening of a regular session.
- ~~• Local government representatives should be included on any “blue ribbon” commission or other body established by the state that has as its purpose changes to state and local revenue authority or governance.~~

Fiscal Challenges Confronting Local Governments

The existing local tax structure is overly dependent upon general property taxes, specifically real estate taxes, which are regressive to many tax payers.

Unfunded and inadequately funded state mandates and commitments strain local government budgets and place additional pressures on the real estate tax. State-initiated services and programs should be supported by state funds, not rely on local funds to supplant state dollars. Line of Duty benefits for First Responders is one such example.

Demands for public services continue to increase. These services include education, mental health, other human services programs, juvenile programs, environmental initiatives, economic development, recreation, and public safety. These services have both operating and capital costs and must be funded.

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

Strengthening the Local Tax Base

Depending on the particulars of any given proposal, possible options to broaden local tax bases include reserving a portion of the state income tax for locally-delivered programs, authorizing a local option “piggy-back” income tax for both general and special purposes, increasing the local option sales tax rate, reducing the number of sales tax exemptions, expanding the sales tax base, and reducing the number of exemptions from the business license tax.

The state can also take actions to prevent the further erosion of local revenues by not restricting local tax authority, imposing new spending requirements, or expanding existing ones on services delivered by local governments, shifting state funding responsibilities onto local governments, expanding retirement and other healthcare benefits, and placing administrative burdens on local governments for state or joint programs.

1 **Specific Tax Issues**

2 VML opposes the repeal or restriction of BPOL, machinery and tools, or excise taxes unless, at a
3 minimum, suitable revenue-neutral replacement sources are provided.

4
5 VML opposes the exemption of groceries and hygiene products from the local option sales tax
6 unless the General Assembly can establish a viable revenue replacement to local governments.

7
8 VML supports permissive local authority to levy an excise tax on vaping products.

9
10 VML supports permissive local authority to levy an excise tax on cannabis products.

11
12 The state and federal government should make payments-in-lieu-of-taxes for tax-exempt
13 properties in amounts equal to the cost of the local services provided as well as related
14 infrastructure improvements.

15
16 State-imposed changes to the real estate tax must be a “local option.” The state should not
17 impose changes to processes governing assessments and appeals for real estate taxes that further
18 degrade this revenue source.

19
20 VML supports current state statutory requirements governing the setting of real estate tax rates
21 and the integration of this process with the budget development process. Changes to these
22 processes cannot be addressed separately without placing undue hardship and increased costs on
23 local taxpayers. Any future state legislative change should be simple to administer and not
24 contradict, impede, or hinder the others.

25
26 The Virginia Communication Sales and Use Tax was enacted to establish a statewide tax rate
27 and to preempt local taxes on communication sales and services. As such, the revenues from this
28 tax must be distributed exclusively to eligible local governments. VML supports setting the tax
29 rate on par with the state sales tax rate and broadening the coverage of the tax to include audio
30 and video streaming services and prepaid calling services.

31
32 In taking state action to regulate private enterprises employing a business model that emphasizes
33 the use of the internet to either provide retail or facilities or ride-sharing services, local
34 government interests should be acknowledged, and localities should be included in the decision-
35 making.

36
37 As general principles, VML believes state and local policies should 1) encourage a level playing
38 field for competing services in the market place; 2) not provide a tax preference or tax policy
39 advantage for one group at the expense of another group in the competitive field; 3) seek to
40 preserve state and local revenue; 4) ensure safety, reliability, and access for consumers,
41 providers, and the public; and 5) protect local government’s ability to regulate businesses
42 whether they are traditional, electronic, Internet-based, virtual or otherwise.

43
44 VML also believes that the state should not prohibit the sharing of financial information between
45 the Commonwealth and appropriate local authorities that is normally treated as part of the public
46 domain. VML further believes that the state should not prohibit a locality from exercising its

1 authority to enter into voluntary collection agreements provided that such agreements include
2 provisions to protect the public’s interest.

3
4 Article X of the Virginia Constitution mandates that all real and personal property be assessed at
5 fair market value and that all property not constitutionally exempt be taxed.

6
7 Taxpayers have the right to contest property assessments through administrative and legal
8 means. Taxpayers pay no local fees to challenge real property and personal property
9 assessments. If taxpayers are displeased with the determinations made by their local
10 commissioner of the revenue or other local assessing official, additional real property appeals
11 can be submitted to the local Boards of Equalization. Taxpayers can also appeal real and
12 personal property assessments in the Circuit Courts and, if still aggrieved, may appeal to the
13 Virginia Supreme Court.

14
15 Reforms enacted in the 2011 Session of the General Assembly lowered the level of proof
16 required by the taxpayer (from “clear preponderance” to “preponderance”) to prove property is
17 valued at more than fair market value or that the assessment is not uniform in its application and
18 that it was not developed in accordance with generally accepted appraisal practices and
19 applicable Virginia law relating to property valuation.

20
21 In 2017, there were more than 3.1 million taxable parcels and 20,777 appeals of which 10,472
22 were administratively resolved. Another 2,341 appeals were granted by local Boards of
23 Equalization. Taxpayers filed 18 appeals in circuit courts of which seven were granted.

24
25 VML does not believe the assessment appeals process is flawed or in need of major policy
26 changes and opposes statutory changes that would upend a process that protects taxpayers and
27 the public.

28
29 **Specific Budget Issues**

30 In 1979, Virginia made sweeping changes in local governmental boundary change and transition
31 issues, including a moratorium on city annexations that remains in place. In recognition of the
32 lost revenue growth for cities, the General Assembly approved some changes in state funding
33 commitments for selective programs and created a program of state assistance to local police
34 departments (HB 599). Almost 70 percent of Virginians now live in communities served by
35 police departments.

36
37 The state has increasingly de-emphasized its statutory commitment to the “HB 599” program but
38 has never compromised on the annexation moratorium. VML calls on the state to honor its
39 commitment to public safety by funding the program in amounts intended in the enabling
40 legislation and restoring the “funding floor.”

41
42 The state must be a reliable funding partner in accordance with the Virginia Constitution and
43 state statutes. The Standards of Quality should recognize the resources, including positions and
44 capital needs, required for a high-quality public education system. The SOQ should reflect
45 prevailing practices across the state, and the actual costs to educate Virginia’s children. This
46 includes the cost to educate at-risk students, students in jeopardy of failing the state’s Standards

1 of Learning tests, students with special needs, and school construction, renovation, and
2 maintenance.

3
4 The state should fully recognize and fund the costs of rebenchmarking of the various educational
5 programs, including the Standards of Quality, incentive, categorical, and school facilities
6 programs as well as support services. Changing the process of rebenchmarking to artificially
7 lower recognized costs like inflation does not change what it actually costs to provide education.
8 Instead, it simply transfers additional costs to local governments and the real estate tax base.

9
10 The Commonwealth should:

- 11
12 • Study the Standards of Accreditation and Standards of Learning to determine which
13 standards impose costs on local governments that are not recognized in state funding
14 formulas. In particular, changes adopted since 2009 to SOAs and SOLs should be
15 examined, as state funding on a per-pupil basis and accounting for inflation and
16 enrollment growth remains below 2009 appropriated levels.
- 17 • Re-examine those Standards of Quality that the Board of Education has recommended,
18 but that the General Assembly has not funded. These standards reflect prevailing
19 practices necessary to improve children’s academic performance. Student academic
20 performance is required for schools to meet the accountability standards under the SOL
21 and SOA. If funding is not available to pay for prevailing practices, the accountability
22 standards should be adjusted so that local governments are not in the position of having
23 to bear the entire burden of meeting these unfunded mandates.
- 24 • Conduct a study that examines how other states fund education and whether the
25 Commonwealth should use a funding strategy that establishes a more realistic base
26 foundation amount per pupil – plus add-on funding to reflect higher costs for educating
27 at-risk, disabled, ESL, and gifted students, etc. as well as funding for capital costs.

28
29 The state should provide sufficient funding for highway construction and maintenance, public
30 transportation infrastructure and maintenance, ports, airports, and freight and passenger rail to
31 promote economic development and public safety.

32
33 The state should continue to base its funding of retirement plans based on the contribution rates
34 certified by the Virginia Retirement System.

35
36 VML supports increased state funding for the statewide network of planning district
37 commissions/regional councils (PDCs). PDCs carry out efforts supported by state and local
38 policy makers to advance and sustain regional coordination, cooperation, and technical
39 assistance for the benefit of regions across the Commonwealth.

40
41 VML supports transparency in budgeting at both the state and local level. To that effect, the state
42 should not disguise its budget reductions by using unidentified or non-specific reductions for aid
43 to localities.

44
45 As a matter of fiscal reform, the state should develop financial priorities that account for both
46 spending and revenue actions. The debate on such priorities should be public and should be

1 transparent to the public in the Governor’s Budget Bill and the General Assembly’s
2 Appropriation Act. For example, should education funding be afforded less priority than certain
3 tax preferences?
4

5 **Governmental Accounting Standards Board (GASB)**

6 The Governmental Accounting Standards Board (GASB) has put in place standards regarding the
7 reporting of unfunded liabilities of cost-sharing plans. A cost-sharing plan is one in which
8 participating government employers pool their assets and their obligations for a defined benefit
9 pension, such as Virginia’s teacher retirement plan. While the costs are shared, the state sets the
10 rules regarding what benefits are required and what the state contribution will be.
11

12 GASB requires that the unfunded liability be apportioned among the participating employers that
13 pay the retirement contributions to the pension plan. Teachers are employees of the school
14 boards, which send retirement contributions to VRS.

15 Because of this the unfunded liability falls solely on the school boards, even though the
16 retirement contributions are funded, in part, by the state and the school board. This means that
17 the liability will be shown on the city, county, or town financial statement.
18

19 The intent of GASB rules is to encourage transparency in pinpointing liabilities and the current
20 method of assigning those teacher pension liabilities only to school divisions contravenes the
21 goal of transparency.
22

23 Because there was not a process for apportioning the liabilities for these cost sharing plans, they
24 previously had not been reported at the local level.
25

26 The unfunded liability should be shared by the state and localities based on the state’s Standards
27 of Quality and local composite index and reflected as such in reporting.
28

29 VML supports state policy changes that would provide for the Virginia Department of Education
30 to pay the Commonwealth’s share of retirement costs directly to the Virginia Retirement System
31 to facilitate the sharing of these liabilities.
32

33 **Government Reform**

34 VML supports a comprehensive review of the services provided by state and local governments.
35 The purpose of the review is to ascertain which services are truly essential to support a
36 productive economy and healthy society; determine the performance level of public services now
37 in place; evaluate the policies and practices used by the state to assign responsibility and
38 accountability between the state and local governments for providing public services; and
39 determine the most effective, efficient, and equitable ways to fund essential public services. Such
40 a review must start with a dialog including state and local officials, business interests, academia,
41 and other interested parties.
42

43 **Tax and Spending Reform**

44 Any state initiative aimed at tax reform should first include a focus on state tax reform and the
45 financing of state services including revenue sources. If the state paid an appropriate share of its
46 obligations for locally administered state mandated or priority services, the reliance on local

- 1 taxes would be reduced. Local officials should be included in any discussion that focuses on
- 2 local taxing authority.