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## 2022 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 and gentrification among all  
22 local governments 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.

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; and
- 75 5. unequal statutory authority of towns  
76 in relationship to that of cities and  
77 counties.

78  
79 The General Assembly should recognize the  
80 unintended consequences of inadvertently  
81 omitting towns or cities or counties from  
82 legislation. The state laws on local taxes  
83 must allow towns to determine how tax  
84 dollars collected from residents and  
85 businesses of the town will be used.

86  
87 Towns should retain the right to annex lands  
88 and otherwise expand their boundaries.  
89 Towns over 5,000 population should have  
90 the right to become independent cities; and  
91 cities should have the right to revert to town  
92 status.

1  
2 **ELECTION LAWS**  
3 **Redistricting.** VML recognizes that while  
4 redistricting is a political process, the  
5 process should be conducted with the end  
6 goals of ensuring a strong and responsive  
7 representative form of government that  
8 enables citizens with communities of like  
9 interest to influence election outcomes  
10 through participation in the political process.  
11

12  
13 **Non-partisan local elections.**  
14 VML opposes attempts to require that  
15 candidates nominated by political parties for  
16 local elections be identified by party labels  
17 on ballots.  
18  
19 Non-partisan elections at the municipal level  
20 are an outgrowth of the municipal reform  
21 movement that began developing at the end  
22 of the 19<sup>th</sup> century in reaction to corruption  
23 at the local level. Another outgrowth of the  
24 excesses of local political machines was the  
25 development of the council-manager form of  
26 government and the development of a civil  
27 service personnel system. Nationwide,  
28 about 75 percent of municipalities have non-  
29 partisan elections. Virginia is not unique in  
30 this regard.  
31

32 There is not a partisan way of responding to  
33 public safety, street improvements,  
34 enforcing the codes, or taxation required for  
35 the various services that the state requires  
36 localities to offer (and to pay for). The  
37 result of requiring party identification will  
38 be increased partisanship at the local level,  
39 which will not improve local governance.  
40

41 In addition, requiring party identification  
42 will further hinder the ability of Federal  
43 Employees including our Military to  
44 participate as local elected officials.  
45

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

67 Localities often use schools as polling places  
68 and support the continuation of schools as  
69 polling places.  
70

## 71 **STATE AND FEDERAL MANDATES**

72 The state and federal governments must  
73 provide adequate funding for any local  
74 programs or responsibilities that are  
75 mandated or expanded by state and federal  
76 laws or regulations.  
77

78  
79 The federal and state governments should  
80 not use project funding as a means of  
81 forcing local land use decisions in  
82 contravention to local land use plans. These  
83 actions violate the principles of local  
84 authority and weaken the local tax base.  
85

86 Federal and state mandates must be reduced  
87 when funding is reduced, so that localities  
88 are not required to spend additional local  
89 dollars to comply with the mandates.  
90 Further, funds should be distributed in the

1 most efficient way possible with the least  
2 regulatory control.

3  
4 The Governor and General Assembly should  
5 promote state-local partnerships by  
6 requiring:

- 7 1. A review of mandates in specific  
8 program areas to (a) establish the full  
9 cost to local governments of  
10 implementing mandates and (b)  
11 develop an equitable basis for  
12 determining state-local funding  
13 responsibilities.
- 14 2. Completion of cost estimates for  
15 proposed legislation prior to its first  
16 full review by a legislative  
17 committee, with legislation  
18 negatively affecting local  
19 governments' revenue-raising ability  
20 being submitted to the Commission  
21 on Local Government "COLG" for a  
22 fiscal impact analysis.
- 23 3. Use of a performance-based  
24 approach to mandates that (a)  
25 focuses on outcomes, (b) offers  
26 incentives for achieving state  
27 objectives, and (c) gives local  
28 governments autonomy to determine  
29 the best way to achieve the desired  
30 result.
- 31 4. Simplification of state reporting  
32 requirements associated with  
33 mandates, greater efficiency and  
34 coordination, and making better use  
35 of reporting technology.

36  
37 The alarming tendency of state and federal  
38 agencies to treat guidelines authorized by  
39 enabling legislation as having the stature of  
40 law itself must cease. In addition, the state  
41 should avoid unessential and arbitrary  
42 implementation of federal regulations.

43  
44 **STATE AND LOCAL**  
45 **RESPONSIBILITIES**

46 The state requires local governments to  
47 provide certain services, such as education,  
48 corrections, social services, health and  
49 community mental health. The local  
50 government does not have the option of not  
51 being the state's service provider in these  
52 areas. "State aid" to localities is the state's  
53 payment for the implicit contractual  
54 arrangement for this assignment of duties.  
55 In addition, local governments must  
56 contribute local funding to these services.

57  
58 In addition to the state-mandated services,  
59 localities provide other services that are  
60 either necessary (water and sewer, police  
61 and fire protection, etc.) or desired by  
62 residents (parks and recreation, cultural  
63 activities, etc.). Local governments need the  
64 flexibility and resources to collect revenues  
65 to meet all their responsibilities.

66  
67 Two fundamental problems in Virginia's  
68 intergovernmental structure are first, the  
69 state does not fund at adequate levels,  
70 existing services, particularly education and  
71 law enforcement, that it requires local  
72 governments to provide; and second, local  
73 officials have very limited revenue options,  
74 which forces them to rely heavily on real  
75 estate, personal property taxes and other  
76 local revenue sources to pay for services.

77  
78 Further, to improve the relationship of the  
79 state and local governments, the state  
80 should:

- 81 1. Not restrict the taxing authority and  
82 revenue sources of local  
83 governments without local  
84 concurrence.
- 85 2. Strengthen the partnership of the  
86 state with local governments by  
87 granting local government full  
88 authority to deal effectively with  
89 issues affecting their own locality.
- 90 3. Participate as a financial partner with  
91 local governments in the costs of

1 education, including school  
2 construction and renovation, and, as  
3 an active partner, fully fund the  
4 state's fair share of the costs of  
5 education.

- 6 4. Follow specific procurement  
7 procedures before purchasing  
8 property, including adequate inquiry  
9 into the purchase, public hearings  
10 and notice, and notice of intent to  
11 settle sent to the locality. In  
12 addition, the state should consider  
13 remuneration to the locality for the  
14 loss of real estate taxes as well as  
15 any loss in economic development  
16 potential.

17  
18 **FREEDOM OF INFORMATION**

19 VML strongly supports the free flow of  
20 information to citizens and the media  
21 through the conduct of governmental affairs  
22 at all levels in the open, in good faith  
23 compliance with the Freedom of  
24 Information Act (FOIA). VML also  
25 supports efforts to educate local government  
26 officials about the Act, and the importance  
27 of extensive and accurate reporting of  
28 government affairs.

29  
30 Any proposed FOIA legislation should be  
31 reviewed by the FOIA Council prior to  
32 being enacted.

33  
34 The use of electronic meetings should be  
35 allowed during a state of emergency when  
36 social distancing is a necessity. VML  
37 supports the option of local and regional  
38 bodies to meet electronically with public  
39 participation without a state of emergency in  
40 place.

41  
42  
43 Citizens have the right to have personal  
44 information protected. Government also  
45 must be able to control its work processes so  
46 that public business can be conducted. It is

47 in the public's interest to conduct some  
48 matters outside public view prior to official  
49 action. Accordingly, VML strongly opposes  
50 extending limitations on closed meetings  
51 and exempt records, which would upset the  
52 Act's careful balance among a fully  
53 informed public, the protection of  
54 individuals' privacy, the ability of  
55 government to conduct its work and those  
56 matters for which the premature release  
57 would not be in the best interest of the  
58 locality or its citizens. VML opposes  
59 legislation that would require localities to  
60 record closed session in any manner.

61  
62  
63 In addition, localities should be able to  
64 continue charging reasonable fees for any  
65 and all records, including for research time  
66 and for computer records that must be  
67 provided under the Act to avoid shifting the  
68 cost of copying from the requestor to the  
69 general taxpayers. The Act should continue  
70 to limit rights to documents to citizens of the  
71 Commonwealth and news organizations that  
72 publish here.

73  
74 VML opposes any further legislation that  
75 would control the time allotted for public  
76 comment at public meetings. While VML  
77 supports public comment, localities should  
78 have the discretion to determine procedures  
79 for when public comment should be taken.

80  
81 VML opposes legislation to limit the use of  
82 any legitimate means of communications  
83 from one elected official to another,  
84 including letters, emails and conversation.  
85 The General Assembly should not exempt  
86 itself from anything that it imposes on a  
87 locality.

88  
89 State policy must assist local governments to  
90 contact and notify their citizens in the most  
91 efficient and cost-effective manners  
92 possible. Ads required by the *Code of*

1 *Virginia* are increasingly more expensive to  
2 run in the newspaper and often are only seen  
3 by a decreasing number of citizens. The  
4 current trend is for local newspapers to  
5 reduce the number of times they are  
6 published weekly and/or going to an online  
7 platform. This has resulted in localities  
8 needing to meet certain advertising  
9 requirements with only expensive  
10 newspapers available for legal notices.

11  
12 A locality's internet presence, social media,  
13 local cable access channels, local radio, and  
14 TV provide alternative methods to contact  
15 the citizens much more broadly and  
16 effectively than newspaper ads in many  
17 areas of the Commonwealth. In addition,  
18 the cost of contacting the citizens through  
19 new technology can be much lower than  
20 advertising in the newspaper. The state code  
21 should be amended to allow local  
22 governments electronic and other alternative  
23 means of communicating with their citizens  
24 when providing required legal notices.  
25 VML supports the statewide expansion of  
26 Virginia Code Section 15.2-2204 language  
27 that applies to planning district 23 dealing  
28 with newspapers who fail to publish a  
29 proper public notice.

30  
31 In addition, small towns should be allowed  
32 to use first class mail instead of newspaper  
33 advertising to notify the citizens of  
34 government actions such as advertising a  
35 budget hearing or advertising a land use  
36 hearing to save the citizens money and to  
37 communicate more effectively with the  
38 citizens.

#### 39 40 **GOVERNMENTAL & MUNICIPAL** 41 **OFFICIAL LIABILITY**

42 VML calls upon Virginia's congressional  
43 delegation to support legislation to restore  
44 suits brought under 42 U.S.C. Section 1983  
45 to traditional civil rights actions, and to  
46 preclude the award of damages if the court

47 finds that the government or its officials  
48 were acting in good faith.

49  
50 Expanding liability and eroding immunities  
51 at the state level across the nation have had a  
52 chilling effect on the actions of local  
53 government officials contributing to local  
54 government insurance problems, creating  
55 immense financial risks (particularly for  
56 legal costs), and posing a substantial  
57 obstacle to the provision of needed public  
58 services.

59  
60 The Virginia General Assembly should  
61 strengthen and must maintain the principles  
62 of sovereign immunity for local  
63 governments and their officials.

64  
65 VML strongly opposes bringing local  
66 governments under the Virginia Tort Claims  
67 Act. This action would seriously erode the  
68 sovereign immunity doctrine and lead to a  
69 substantial increase in frivolous suits.

70  
71 The tort reparations system in the U.S.  
72 creates many difficulties in the  
73 administration of justice. VML supports  
74 efforts at the national and state levels to  
75 address tort reform, such as limitations on  
76 the tort liability of local governments in  
77 areas where local governments do not enjoy  
78 sovereign immunity.

79  
80 The General Assembly should adopt  
81 legislation to codify the proposition that real  
82 property of local governments shall be  
83 exempt from liens created by statute or  
84 otherwise. This proposition has already  
85 been recognized by the Virginia Supreme  
86 Court for mechanics liens.

#### 87 88 **PERSONNEL**

89 Management has the responsibility to ensure  
90 that employment, training, and promotional  
91 opportunities are provided without regard to  
92 any unlawful discriminatory factor, qualified

1 persons with disabilities or any other factors  
2 not related to job performance.

- 3 VML supports:
- 4 1. the current injury by accident  
5 definition in the Virginia Workers'  
6 Compensation Act.
  - 7 2. the current Workers' Compensation  
8 Act provisions for use of an  
9 employer selected panel of  
10 physicians to treat injured workers.
  - 11 3. maintenance of the exclusive remedy  
12 provisions of the Virginia Workers'  
13 Compensation Act.
  - 14 4. local governments' authority to  
15 establish hours of work, salaries, and  
16 working conditions for local  
17 employees.
  - 18 5. VML continues to support the  
19 current rules for work-related  
20 disability benefits.

- 21  
22 VML opposes:
- 23 1. Any attempt to require collective  
24 bargaining or 'meet and confer'  
25 requirements for public employers or  
26 employees; and
  - 27 2. Any attempt by the federal  
28 government to stipulate grievance  
29 procedures for state and local  
30 employees, such as the police  
31 officers bill of rights.

32  
33 **Line of Duty Act**  
34 The cost of the current Line of Duty Act is  
35 not sustainable for either the state or local  
36 governments.

37  
38 VML supports recommendations and  
39 options made by the Joint Legislative Audit  
40 and Review Commission for the Line of  
41 Duty Act program that would ensure the  
42 fiscal sustainability of the program and  
43 ensure that the benefits are available to those  
44 who need and deserve them. Further, VML  
45 supports a new, dedicated funding source to  
46 pay for LODA benefits, but opposes any

47 funding approach that would rely on or  
48 adversely affect existing local revenue  
49 sources.

50  
51 **TELECOMMUNICATIONS AND**  
52 **BROADBAND - LOCAL**  
53 **GOVERNMENT PRINCIPLES**

54 VML sets forth the following principles to  
55 guide any federal or state legislative action  
56 regarding telecommunications issues.

57  
58 VML supports legislation that promotes and  
59 protects the ability of localities to establish,  
60 operate, and maintain sustainable and  
61 affordable broadband authorities to provide  
62 essential broadband to all communities  
63 throughout the Commonwealth of Virginia.

64  
65 1. Public Rights-of-Way. Local rights-  
66 of-way are public property. The  
67 rights-of-way contain numerous  
68 utility and other facilities. Proper  
69 management and maintenance of  
70 rights-of-way are essential to ensure  
71 public safety, to protect the integrity  
72 of the property, to guarantee the  
73 safety of workers and to maintain the  
74 efficiency of local streets, utility  
75 systems, and transportation facilities  
76 and networks. Private use of public  
77 rights-of-way significantly increases  
78 management responsibilities and  
79 maintenance costs. Any private use  
80 of public rights-of-way should be  
81 valued at fair market value.

82  
83 2. Franchise authority. Neither the  
84 federal government nor the state  
85 should enact any laws to shift the  
86 award of franchises to use the public  
87 rights of way from the local  
88 governing body to any state or  
89 federal agency. Individuals and  
90 businesses in the community help to  
91 buy and maintain rights-of-way  
92 through their taxes. Rights-of-way

1	should not be used for private	47	
2	purposes without approval by and	48	
3	compensation to the local	49	
4	government for the right to use the	50	
5	space, and local governments must	51	
6	have authority to control the rights-	52	
7	of-way.	53	
8		54	
9	3. Equitable Taxation.	55	
10	Telecommunications providers are	56	
11	valued members of our corporate	57	
12	community. All members of the	58	
13	corporate community must pay taxes	59	
14	on an equitable basis, as	60	
15	appropriately determined by the local	61	
16	government. No legislation should	62	
17	restrict the ability of local	63	
18	governments to impose equitable	64	
19	taxes on telecommunications	65	
20	providers.	66	
21		67	
22	4. Universal Service and Consumer	68	
23	Access. Important educational and	69	
24	community services are provided via	70	
25	telecommunications.	71	
26	Telecommunications providers must	72	
27	be responsive to citizen needs and	73	
28	concerns and provide appropriate	74	
29	customer services to all segments of	75	
30	our community so that disparities	76	
31	due to income or geographic location	77	
32	affecting citizen access to new	78	
33	technology are minimized.	79	
34		80	
35	5. Competition. Local governments are	81	
36	interested in healthy competition in	82	
37	the field of telecommunications. To	83	
38	ensure a competitively neutral and	84	
39	non-discriminatory market, all	85	
40	service providers must pay fair	86	
41	compensation for the use of public	87	
42	property. Governments should not	88	
43	be forced to subsidize some	89	
44	participants in this free-market	90	
45	competition through lower-than-fair-	91	
46	market charges or any other means.	92	
			6. Local Government as Customers.
			Local governments are important
			consumers of telecommunications
			services. In many communities, the
			local government is the single largest
			customers of telecommunications
			services through its government
			offices, education facilities and
			emergency communications. As
			valuable customers, local
			governments should be treated
			equitably.
			7. Private Equipment placed on Public
			Facilities. Local governments
			should continue to have the authority
			to approve the location and fees for
			any attachment or co-location of
			communications infrastructure on
			local government buildings and
			facilities.
			8. Broadband and Local Governments.
			VML appreciates Governor Ralph
			Northam's efforts to make affordable
			broadband access available to all
			Virginians.. VML believes there are
			several ways to achieve this goal and
			no one technology or method of
			delivery should be chosen as the
			answer for our geographically-
			diverse states. While public-private
			partnerships between a local
			government and a broadband
			provider may be the right approach
			for some communities, a municipal
			government broadband authority
			owning and operating a new project
			may be better for others. State grants
			should allow localities, groups of
			localities, municipal broadband
			authorities and public-private
			partnerships to submit applications
			for state grants without prejudice to
			the applicant.



1  
2 9. 5G. The current 5G statutes have  
3 eroded the authority of localities to  
4 charge fair market value, add  
5 appropriate screening, and control  
6 placement of these facilities along  
7 with added undue burdens in the  
8 form of shot clocks and limited  
9 review of applications. VML  
10 supports the ability of localities to  
11 ensure that their communities retain  
12 their unique character to include  
13 regulating these structures,  
14 particularly in historic areas.

15  
16 **TECHNOLOGY**

17 State law should allow all counties, cities,  
18 and towns to make full and appropriate use  
19 of modern technology to promote public  
20 safety. Localities should have maximum  
21 flexibility to contract with the private sector  
22 to implement all aspects of such technology.  
23 Next Generation 911 is vital to public safety  
24 in the Commonwealth; we support this  
25 technology as a funded mandate.

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

39  
40 **UTILITIES**

41 Fundamental policies should be honored by  
42 the state in promoting the delivery of utility  
43 services by local governments and the  
44 authorities they create:  
45

- 46 1. Each provider of service must be free  
47 to set its rates without interference  
48 from other local governments or the  
49 state.  
50 2. Each local government providing  
51 utility services must be able to  
52 compete fairly with any other  
53 providers without state interference.  
54 3. Each local government that provides  
55 utility services must be able to  
56 manage its revenues and  
57 expenditures related to the services  
58 without state interference.

59 Virginia's localities and water and sewer  
60 authorities must retain the ability to enforce  
61 liens against landlords' properties for the  
62 unpaid water and sewer bills of their tenants  
63 by having the ability to collect monies owed.  
64 No further limits should be placed on this  
65 authority.

66  
67 Municipal utility systems must continue to  
68 have the authority to set their own rates.  
69 Any attempt by the State Corporation  
70 Commission to regulate rates for utility  
71 services furnished by local governments  
72 would violate the Virginia Constitution.  
73 Local governments that provide utility  
74 services must continue to have the authority  
75 to negotiate the rates, terms, and conditions  
76 for any attachments to or joint use of  
77 municipally-owned utility infrastructure.  
78 The safe and efficient operation of the  
79 municipal utility requires that final approval  
80 for any joint use or co-location on its  
81 facilities remain with the utility .

82  
83 The State Corporation Commission should  
84 develop a structure to ensure that the  
85 amounts that utilities can charge localities  
86 and other entities for placing electric utility  
87 lines and other facilities underground are  
88 based on the most cost-effective,  
89 competitive, yet safe methods.

90  
91 **II. PUBLIC SAFETY**

1  
2 VML supports legislation that preserves law  
3 and order and promotes the safety, quality of  
4 life and administration of justice within our  
5 communities. The Commonwealth should  
6 provide funding for programs that prepare  
7 our youth to be productive, responsible, self-  
8 reliant members of society by enhancing its  
9 efforts to prevent juvenile crime, minimize  
10 violence, and reduce the formation and  
11 operation of gangs.

12  
13 The state should continue to assist localities  
14 in their efforts to coordinate public safety  
15 activities including emergency services.

16  
17 VML supports legislation that will clearly  
18 establish the relationships between State and  
19 localities to assure efficient and appropriate  
20 command, control, and communications  
21 during local emergencies.

22  
23 Greater latitude should be given to localities  
24 in encouraging innovative methods of  
25 combating traffic violations and crime.

26  
27 VML supports local jurisdictions efforts to  
28 maintain animal shelters in a fiscally  
29 responsible manner and does not support  
30 any state or federal mandate that would  
31 provide a financial burden on local animal  
32 shelters.

### 33 34 **Marijuana-related Police Training**

35 Virginia Police Chiefs share great concern  
36 that the Commonwealth may experience  
37 sky-rocketing roadside fatalities and  
38 accidents with injury, as evidenced in states  
39 where marijuana became legal prior to 2021.  
40 The ramifications of this sudden change in  
41 the law make it imperative that resources for  
42 marijuana-related police training be  
43 prioritized for the following reasons:

- 44 • There are less than 10 qualified DRE  
45 (Drug Recognition Experts) in the

46 state of Virginia. To be certified for  
47 DRE, officers must attend a  
48 combination of approximately 120  
49 hours of classroom instruction and  
50 apprenticeship in the field.

- 51 • Due to staffing shortages, agencies  
52 lack time to send officers to the  
53 required DRE classes even if funding  
54 and training are available
- 55 • Ambiguous laws on legal traffic stops  
56 and field sobriety will likely result in  
57 prosecutorial challenges due to lack  
58 of training in roadside testing  
59 methods, no per se limit for  
60 presumption of impairment for  
61 drugged driving, and the absence of  
62 an approved instrument to test levels  
63 of drugs in the blood. Additional  
64 training is also needed for  
65 prosecutors to achieve successful  
66 outcomes in court for drugged  
67 driving offenses.

### 68 ***VML supports significant and immediate 69 resources for marijuana-related police 70 training.***

## 71 72 **COMMUNITY CORRECTIONS**

73 VML requests both increased funding and  
74 an equitable distribution formula for  
75 services provided under the Comprehensive  
76 Community Corrections Act (CCCA) and  
77 the Pre-Trial Services Act (PSA). Since the  
78 advent of these programs in 1995, caseloads  
79 have effectively doubled at the local level,  
80 while state resources have failed to meet the  
81 caseload increases. These resources are  
82 allocated to localities on a discretionary  
83 grant basis. Given the statewide character of  
84 this program, it is now time to allocate these  
85 funds through an equitable formula that  
86 recognizes regional costs and benefits of  
87 these services.

## 88 89 **COURT FEES**

1 A user of the court system should not force  
2 increased costs on the general population.  
3 VML supports legislation to increase court  
4 fees to pay for courthouse maintenance,  
5 security, renovation and construction and  
6 other court-related projects.

### 7 8 **COURT SECURITY**

9 The General Assembly should adopt  
10 legislation making it clear that local judges  
11 do not have the authority to order localities  
12 to fund more deputy positions for court  
13 security than are provided for in the State  
14 Code and Appropriations Act.

### 15 16 **INTERNAL AFFAIRS**

#### 17 **INVESTIGATIONS**

18 Legislation should be enacted to restrict the  
19 use, in civil matters, of information gathered  
20 in internal investigations.

#### 21 22 **OVERCROWDING/STATE SUPPORT**

23 The state should honor its commitment to  
24 remove state prisoners from local jails.  
25 The state should fully fund the per diem  
26 reimbursement for all state prisoners.  
27  
28 Jails built by a single large locality should  
29 be made eligible for the same state

30 reimbursement rate for construction as a  
31 regional jail facility.

32

33 Local governments should not be forced to  
34 pay for state prisoners. The state  
35 reimbursement rate must be restored to an  
36 amount that is fair to localities reflecting  
37 actual costs.

38

### 39 **TRAINING ACADEMIES**

40 The state should fully fund all mandated  
41 criminal justice training provided through  
42 certified academies.

43

### 44 **VIOLENCE/TERRORISM**

45 The General Assembly should enable  
46 localities to help communities deal with  
47 criminal issues by:

- 48 1. expanding state and local  
49 cooperative efforts in neighborhoods  
50 and localities,
- 51 2. promoting additional prevention and  
52 intervention programs to deal with  
53 youth who may adopt a violent way  
54 of life, and
- 55 3. granting localities more flexibility to  
56 handle problems of abandoned and  
57 blighted structures.