

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	<b>December 7, 2020</b>
Action Requested:	Motion to Approve 2021 Legislative Positions
Presenter:	David Blount, Thomas Jefferson Planning District Commission Lisa Robertson, Chief Deputy City Attorney
Staff Contacts:	Lisa Robertson
<b>Title:</b>	<b>Review of 2021 TJPDC and City Council Legislative Positions</b>

**Background:**

Each year, the localities in the Thomas Jefferson Planning District region adopt legislative statements and positions on issues of importance and concern to local governments. These positions form the basis for local advocacy efforts during the General Assembly session each winter. The City Attorney's Office works in conjunction with TJPDC's legislative liaison during the session to provide advocacy on behalf of the City's interests.

Additionally each year, City Council establishes a statement of legislative positions, as a means of communicating to legislators (i) issues of concern and interest to Council, and (ii) requests, if any, for legislative action items.

**Discussion:**

*TJPDC Program*—The TJPDC legislative program has been drafted based on discussions with and input from the six localities in the region. The recommendations, requests and positions in the program cover a range of issues and topics that are anticipated to become the subject of proposed legislation or the state budget during the upcoming session, and that may be of concern to the region or to individual localities in the region.

*City Position Statement*—The City Position Statement has been drafted to reflect ongoing issues of concern and interest specifically to Council. We try not to repeat positions that are repetitive of those advocated within the TJPDC Program, but where City Council has a slightly different position than TJPDC as a whole, it's appropriate to include it within Council's position statements.

The City's Position Statement has been assembled with the opportunity for input from the Council Legislative Committee (Councilors Magill and Snook), giving consideration to information and recommendations received from other organizations of which the City is a member and the City's Public Works, Environmental Division.

**Alignment with City Council's Vision and Strategic Plan:** Yes. We believe that the TJPDC Program as well as the proposed City Position Statements promote all of the Goals of the City Council's Strategic Plan: (1) Inclusive, Self-Sufficient Community; (2) Healthy and Safe City, (3) Beautiful Environment; (4) Strong, Diversified Economy; and (5) Responsive Organization.

**Community Engagement:** N/A

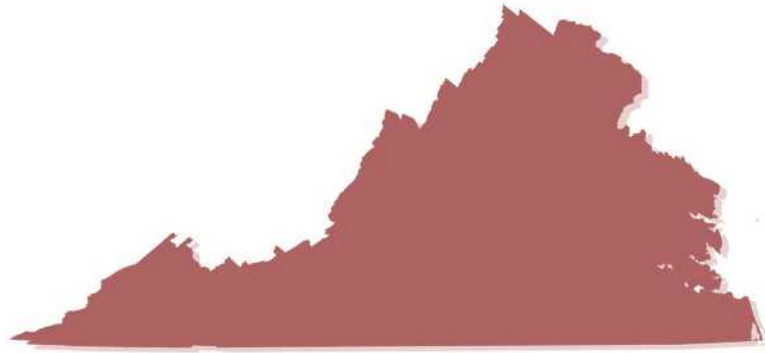
**Budgetary Impact:** N/A

**Recommendation:** We recommend approval of the TJPDC 2021 Program, and approval of the City's 2021 Statement of Legislative Positions

**Alternatives:** N/A

**Attachments:**

- (1) TJPDC 2021 Legislative Program and List of Changes
- (2) Proposed City Statement of Legislative Positions (2021)



**Thomas Jefferson Planning District**  
**2021 LEGISLATIVE PROGRAM**

---

Albemarle County | City of Charlottesville  
Fluvanna County | Greene County  
Louisa County | Nelson County

**DRAFT**  
**October 2020**

**Dale Herring**, Chair  
**Chip Boyles**, Executive Director  
**David Blount**, Director of Legislative Services

## TOP LEGISLATIVE PRIORITIES

---

### Support for Recovering Communities

**PRIORITY: The Planning District’s member localities support action at the federal, state and local levels to protect local communities and to ensure their viability in the face of the COVID-19 health emergency.**

The ongoing public health emergency has Virginia communities facing new challenges to their post-COVID local economies and the ability to restore and strengthen them. Coupled with worries about stalling national and state economies, localities are bracing for revenue collections that may fall millions of dollars short of expectations. Small businesses face a long and difficult recovery. Action, investment and creative solutions are needed, at the federal, state and local levels, to protect these local communities and to ensure their viability.

We believe retention of current businesses is crucial. Small businesses, which have accounted for two-thirds of net new jobs since the Great Recession, need support systems that link them to resources to aid them in the next 18 to 24 months. Local governments also need flexibility to work with local businesses to develop and implement strategies necessary to implement public health standards and combat the coronavirus. Making expenditures now to support local economic development would also deliver a healthier and more stable tax base in the months ahead.

While needs are many and varied, support in the following additional areas should be realized as we continue to navigate the pandemic: 1) Funding for public health emergency needs and functions; 2) tools and supplies necessary to maintain safe and effective education services – in person or virtually; 3) additional dollars for local and regional governments to keep public buildings and facilities both safe and cleanly; and 4) federal legislation that provides financial assistance to local governments and that allows local governing bodies to replace lost local revenues with the additional federal money until the economic recovery takes hold.

---

### Budgets and Funding

**PRIORITY: The Planning District’s member localities urge the governor and legislature to enhance state aid to localities and public schools, to not impose mandates on or shift costs to localities, and to enhance local revenue options.**

As the State develops revenue and spending priorities during the ongoing pandemic, we encourage support for K-12 education, health and safety, economic development and other public goals. Localities continue to be the state’s “go-to” service provider and we believe state investment in local service delivery must be enhanced. Especially in these critical times, the State should not expect local governments to pay for new funding requirements or to expand existing ones on locally-delivered services, without a commensurate increase in state financial assistance.

The State should fully fund its share of the realistic costs of the Standards of Quality (SOQ) without making policy changes that reduce funding or shift funding responsibility to localities. We believe localities need an adequately-defined SOQ so that state funding better aligns with what school divisions are actually providing in their schools. This could include recognizing additional instructional positions and increasing state-funded staffing ratios.

We oppose unfunded state and federal mandates and the cost shifting that occurs when the State or the federal government fails to fund requirements or reduces or eliminates funding for programs. Doing so strains local ability to craft effective and efficient budgets to deliver required services or those demanded by residents.

We believe a changed business landscape will necessitate a review of revenue sources to localities, along with new ideas and actions to broaden and diversify local revenue streams. Any tax reform efforts also should examine the financing and delivering of state services at the local level. Accordingly, we support the legislature 1) making additional revenue options available to localities in order to diversify the local revenue stream; and 2) further strengthening for counties, those revenue authorities that were enhanced during the 2020 legislative session. The State also should not eliminate or restrict local revenue sources or confiscate or redirect local general fund dollars to the state treasury. This includes Communications Sates and Use Tax Trust Fund dollars and the local share of recordation taxes.

---

## Broadband

**PRIORITY: The Planning District localities urge and support state and federal efforts and financial incentives that assist localities and their communities in deploying universal, affordable access to broadband technology in unserved areas.**

Access to broadband, or high-speed internet, is essential in the 21<sup>st</sup> century for economic growth, equity in access to public education and health services, community growth, and remote work. Localities understand the importance of robust broadband for economic viability; the COVID-19 pandemic has further stressed the need for broadband for homes and businesses, and to address K-12 education and telemedicine access without delay. Approaches that utilize both fiber and wireless technologies, public/private partnerships and regulated markets that provide a choice of service providers and competitive prices should be utilized. Accordingly, we support the ability of localities to establish, operate and maintain sustainable broadband authorities to provide essential broadband to communities.

We believe state and federal support for broadband expansion should include the following:

- Additional state general fund dollars for localities/private sector providers to help extend service to areas presently unserved by any broadband provider. We appreciate state actions that have substantially increased funding for the Virginia Telecommunication Initiative (VATI) in recent years, but believe additional, significant increases in investment are critical.
- A statewide comprehensive plan for broadband and state support for local governments that are developing or implementing local or regional broadband plans.
- Provisions and incentives that would provide a sales tax exemption for materials used to construct broadband infrastructure.
- Support for linking broadband efforts for education and public safety to private sector efforts to serve businesses and residences.
- Maintaining local land use, permitting, fee and other local authorities.
- Consideration of proposals that would subject broadband to stricter and more developed regulation as a public utility.

## LEGISLATIVE POSITIONS

---

### Children's Services Act

The Planning District's member localities urge the State to be partners in containing Children's Services Act (CSA) costs and to better balance CSA responsibilities between the State and local governments. Accordingly, we take the following positions:

- We support local ability to use state funds to pay for mandated services provided directly by the locality, specifically for private day placements, where the same services could be offered in schools; additionally, we support rate setting by the state for private day placements.
  - We support the state maintaining cost shares on a sum sufficient basis by both the State and local governments; changing the funding mechanism to a per-pupil basis of state funding would shift the sum sufficient portion fully to localities, which we would oppose.
  - We support enhanced state funding for local CSA administrative costs.
  - We support a cap on local expenditures (with the State making up any gaps) in order to combat higher costs for serving mandated children.
  - We support the State being proactive in making residential facilities, services and service providers available, especially in rural areas, and in supporting locality efforts to provide facilities and services on a regional level.
  - We oppose state efforts to increase local match levels and to make the program more uniform by attempting to control how localities run their programs.
- 

### Economic and Workforce Development

The Planning District's member localities recognize economic development and workforce training as essential to the continued viability of the Commonwealth. Policies and additional state funding that closely link the goals of economic and workforce development and the state's efforts to streamline and integrate workforce activities and revenue sources is crucial. Accordingly, we support the following:

- Enhanced coordination with the K-12 education community to equip the workforce with in-demand skill sets, so as to align workforce supply with anticipated employer demands.
  - Continuing emphasis on regional cooperation in economic, workforce and tourism development.
  - Continuation of the *GO Virginia* initiative to grow and diversify the private sector in each region.
  - State job investment and small business grants being targeted to businesses that pay higher wages.
  - Increased state funding for regional planning district commissions.
- 

### Education

The Planning District's member localities believe that, in addition to funding the Standards of Quality (as previously noted), the State should be a reliable funding partner with

localities by recognizing other resources necessary for a high-quality public education system. Accordingly, we take the following positions:

- We believe that unfunded liability associated with the teacher retirement plan should be a shared responsibility of state and local government.
- We support legislation that 1) establishes a mechanism for local appeal to the State of the calculated Local Composite Index (LCI); and 2) amends the LCI formula to recognize the land use taxation value, rather than the true value, of real property.
- Concerning school facilities, we urge state financial assistance with school construction and renovation needs, and that the State discontinue seizing dollars from the Literary Fund to help pay for teacher retirement.

---

## Environmental Quality

The Planning District's member localities believe that environmental quality should be funded and promoted through a comprehensive approach, and address air and water quality, solid waste management, land conservation, climate change and land use policies. Such an approach requires regional cooperation due to the inter-jurisdictional nature of many environmental resources, and adequate state funding to support local and regional efforts. Accordingly, we take the following positions:

- We oppose legislation mandating expansion of the Chesapeake Bay Preservation Act's coverage area. Instead, we urge the State to provide legal, financial and technical support to localities that wish to improve water quality and use other strategies that address point and non-point source pollution.
- We support the option for localities, as a part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality.
- We support legislative and regulatory action to ensure effective operation and maintenance of alternative on-site sewage systems and to increase options for localities to secure owner abatement or correction of system deficiencies.
- We support dam safety regulations that do not impose unreasonable costs on dam owners whose structures meet current safety standards.
- The State should be a partner with localities in water supply development and should work with and assist localities in addressing water supply issues, to include investing in regional projects.
- The State should not impose a fee, tax or surcharge on water, sewer, solid waste or other local services to pay for state environmental programs.
- As the move to non-carbon sources of energy continues, we support the creation of stronger markets for distributed solar and authority for local governments to install small solar facilities on government-owned property and use the electricity for schools or other government-owned buildings located nearby.

---

## General Government

The Planning District's member localities believe that since so many governmental actions take place at the local level, a strong local government system is essential. Local governments must have the freedom, flexibility and tools to carry out their responsibilities. Accordingly, we take the following positions:

- We oppose legislation that would single out internet-based businesses and services for special treatment or exceptions. Rather, the State should support local authority concerning collection and auditing of taxes, licensing and regulation.
- We oppose intrusive legislation involving purchasing procedures; local government authority to establish hours of work, salaries and working conditions for local employees; matters that can be adopted by resolution or ordinance; procedures for adopting ordinances; and procedures for conducting public meetings.
- The state should maintain the principles of sovereign immunity for local governments and their employees, to include regional jail officers.
- Localities should have maximum flexibility in providing compensation increases for state-supported local employees (including school personnel), as local governments provide significant local dollars and additional personnel beyond those funded by the State.
- We urge state funding to address shortfalls in elections administration dollars, as elections administration has become more complex and federal and state financial support for elections has been decreasing. Specifically, we request that the State adequately fund costs associated with early voting requirements.
- We request that any changes to FOIA preserve 1) a local governing body's ability to meet in closed session; 2) the list of records currently exempt from disclosure; and 3) provisions concerning creation of customized records.
- Local and regional public bodies should be allowed to conduct electronic meetings as now permitted for state public bodies, and to use alternatives to newspapers for publishing various legal advertisements and public notices.
- We support expanding local authority to regulate smoking in public places.
- We support enhanced state funding for local and regional libraries.

---

## Health and Human Services

The Planning District's member localities recognize that special attention must be given to helping the disabled, the poor, the young and the elderly achieve their full potential. Transparent state policies and funding for at-risk individuals and families to access appropriate services are critical. Accordingly, we take the following positions:

- We support full state funding for the local costs associated with Medicaid expansion, including local eligibility workers and case managers, but oppose any shifting of Medicaid matching requirements from the State to localities.
- The State should provide sufficient funding to allow Community Services Boards to meet the challenges of providing a community-based system of care.
- We support the provision of sufficient state funding to match federal dollars for the administration of mandated services within the Department of Social Services, and to meet the staffing standards for local departments to provide services as stipulated in state law.
- We support continued operation and enhancement of early intervention and prevention programs, including the Virginia Preschool Initiative and Part C of the Individuals with Disabilities Education Act (infants and toddlers).



---

## Housing

The Planning District's member localities believe that every citizen should have an opportunity to afford decent, safe and sanitary housing. The State, regions and localities should work to expand and preserve the supply and improve the quality of affordable housing for the elderly, disabled, and low- and moderate-income households. Accordingly, we take the following positions:

- We support the following: 1) local flexibility in the operation of affordable housing programs and establishment of affordable dwelling unit ordinances; 2) grants and loans to low- or moderate-income persons to aid in purchasing dwellings; 3) the provision of other funding to encourage affordable housing initiatives; and 4) measures to prevent homelessness and to assist the chronic homeless.
- We support incentives that encourage rehabilitation and preservation of historic structures.

---

## Land Use and Growth Management

The Planning District's member localities encourage the State to resist preempting or circumventing existing land use authorities, and to support local authority to plan and regulate land use. Accordingly, we take the following positions:

- We support the State providing additional tools to plan and manage growth, as current land use authority often is inadequate to allow local governments to provide for balanced growth in ways that protect and improve quality of life.
- We support broader impact fee authority for facilities other than roads, authority that should provide for calculating the cost of all public infrastructure, including local transportation and school construction needs caused by growth.
- We support changes to provisions of the current proffer law that limit the scope of impacts that may be addressed by proffers.
- We oppose legislation that would 1) restrict local oversight of the placement of various telecommunications infrastructure, and 2) single out specific land uses for special treatment without regard to the impact of such uses in particular locations.
- We request state funding and incentives for localities, at their option, to acquire, preserve and maintain open space and support greater flexibility for localities in the preservation and management of trees.

---

## Public Safety

The Planning District's member localities encourage state financial support, cooperation and assistance for law enforcement, emergency medical care, criminal justice activities and fire services responsibilities carried out locally. Accordingly, we take the following positions:

- The Compensation Board should fully fund local positions that fall under its purview. It should not increase the local share of funding for Constitutional offices or divert money away from them, but increase dollars needed for their operation.

- We urge state funding of the HB 599 law enforcement program in accordance with *Code of Virginia* provisions.
  - We support Virginia’s transition to Next Generation 911 (NG 911) in a way that does not unfairly burden localities.
  - We support funding for mental health and substance abuse services at juvenile and adult detention facilities.
  - We encourage consideration of programs that supplement law enforcement responses to help individuals in crisis to get evaluation services and treatment, and state funding for alternative transportation options for such individuals.
  - Jail per diem funding should be increased to levels that better represent the costs of housing inmates, and be regularly adjusted for inflation. The State should not shift costs to localities by altering the definition of state-responsible prisoner.
  - We support the ability of local governments to adopt policies regarding law enforcement body worn cameras that account for local needs and fiscal realities. The State should provide financial support for localities using such camera systems.
- 

## Transportation

The Planning District’s member localities recognize that revenues for expanding and maintaining all modes of infrastructure are critical for meeting Virginia’s well-documented transportation challenges and for keeping pace with growing public needs and expectations. In the face of revenues failing to meet projections, we encourage the State to prioritize funding for local and regional transportation needs. Accordingly, we take the following positions:

- As the State continues to implement the “Smart Scale” prioritization and the funds distribution process, there should be state adequate funding, and local authority to generate transportation dollars for important local and regional projects across modes.
  - We support additional authority to establish mechanisms for funding transit in our region.
  - We support the Virginia Department of Transportation utilizing Metropolitan Planning Organizations and regional rural transportation staff to carry out local transportation studies.
  - We oppose attempts to transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.
  - We support ongoing state and local efforts to coordinate land use and transportation planning, and urge state and local officials to be mindful of various local and regional plans when conducting corridor or transportation planning within a locality or region.
- 

## Water Quality

The Planning District’s member localities support the goal of improved water quality, but as we face ongoing costs for remedies, we believe major and reliable forms of financial and technical assistance from the federal and state governments is necessary if comprehensive improvement strategies are to be effective. Accordingly, we support the following:

- Aggressive state investment in meeting required milestones for reducing Chesapeake Bay pollution to acceptable levels.
- Dollars being targeted for permitted dischargers to upgrade treatment plants and for any retrofitting of developed areas and to aid farmers with best management practices through the cost share program.

- Increased and ongoing investment in the Stormwater Local Assistance Fund to assist localities with much-needed stormwater projects and in response to any new regulatory requirements.
- We also request that any stormwater requirements be balanced, flexible and not require waiver of stormwater charges, and that adequate funding and training be available for the State and local governments to meet ongoing costs associated with local stormwater programs.

**CHARLOTTESVILLE CITY COUNCIL  
STATEMENT OF LEGISLATIVE POSITIONS  
FOR THE 2021 REGULAR GENERAL ASSEMBLY SESSION**

**Endorsement of TJP, VML Priority Statements**

As a member of the TJP, Virginia First Cities and of the Virginia Municipal League, we are supportive of the 2021 Legislative Positions presented by those organizations. On a few issues, the City's interests may differ, and those issues are included within our position statements following below.

**Children's Education, Services and Programs**

**Positions:**

1. We endorse state funding provided to support implementation by local school divisions of extended school day/ extended school year programs, and encourage continuation of these dollars.
2. We would support changing the education funding formula ("Local Composite Index") to take poverty within each locality's jurisdiction into account.
3. We support the state authorizing local school divisions to construct housing for teachers on school-board-owned, or on local-government-owned property.
4. We support expansion of preschool and after-school programs for children with working parents and provide subsidies for low-income families and state grant money to businesses that institute childcare or other family support programs within the workplace. For 2021 we believe that funding and programs need to take the difficulties of the COVID pandemic into account, in providing support for the most vulnerable households.
5. Except as otherwise stated above, we support the 2021 positions of the Virginia Education Association (VEA).

**Affordable Housing; Regulation of Development;**

**Local Authority over Local Real Estate**

**Positions:**

1. We support moratoriums on evictions for the duration of the COVID Emergency, and encourage the state to provide funding for DHCD's Virginia Rent and Mortgage Relief Program and/or other COVID-related mortgage and rental assistance programs.
2. We encourage the State to consider enactment of legislation authorizing inclusionary zoning ordinances. In localities where there is an affordable housing crisis, market forces are not delivering new affordable units, and the over-complexity of the density bonus provisions within Virginia Code § 15.2-2305 (the provisions of which do not appear to have been reviewed since 2008 for economic feasibility) make that statute difficult to interpret and apply.
3. We encourage the General Assembly to establish a comprehensive state Affordable Housing Program that delegates authority to all Virginia municipalities the more general authorization within Virginia Code § 15.2-2304.
4. We support any legislative action that would allow localities greater flexibility in (i) the range of methods that may be applied to implement local affordable housing programs, and (ii) in the use of public funding for the promotion and establishment of affordable housing.

5. We support establishment of a statewide rental assistance voucher program, calibrated to fit regional housing market, funded through the state Housing Trust Fund and/or Communities of Opportunity Tax Credit and Vibrant Community Initiative administered by VHDA. We also ask you to support legislation that would enhance procedural guarantees and rights of tenants within eviction proceedings.

6. The state should enhance funding for affordable homeownership grants and loans, through the Virginia Housing Development Authority, and for public universities, provide funding for housing assistance for university employees who earn less than 60% AMI.

7. We support state funding and incentives to support localities' acquisition, preservation and maintenance of open space.

8. We oppose any legislative action that would limit our local authority to regulate the nature and intensity of specific uses of land, in relation to their location(s) within our city; we oppose any legislation that would single out specific land uses for special treatment throughout the Commonwealth without regard to the impact of such land uses in particular locations.

**Request:**

*Confederate Monuments*--Sponsor or support legislation that would remove reference to "Civil War (1861-1865)" from Va. Code §15.2-1812.

*Rationale:* These monuments are symbols of social and political divisions that run deep within individual communities, and each locality should have the authority to determine, through its own local political process, whether such monuments or memorials should be removed from local-government-owned property. However, if the reference to the Civil War (1861-1865) is not removed, then the procedural restrictions of Va. Code §15.2-1812 should be repealed, as to Civil War monuments and memorials.

## Environment

**Water Quality/ Stormwater Management Positions:**

1. The state should maintain at least the FY21 \$50M Stormwater Local Assistance Fund (SLAF) appropriation that provides matching grants to localities for stormwater management projects and best management practices.

2. We support adequate state funding and training, as well as an expansion of allowable stormwater management "best practices," that would enable the State and local governments to meet total maximum daily load (TMDL) nutrient and sediment reduction requirements, and ongoing costs associated with local stormwater management programs that became effective in 2014.

3. We continue to oppose any legislation that would require a locality to waive stormwater utility fees, or to exempt railroad companies or other entities from the requirement to pay local Stormwater utility fees--all landowners should be required to share in the cost of stormwater utility programs.

**Chesapeake Bay Preservation Act Positions**

The City of Charlottesville does not oppose expansion of the CBPA beyond its current tidal river boundaries. In this regard, our position differs from TJPD's.

**Clean Energy Positions:**

*Background:* The City of Charlottesville is committed to reducing its community-wide greenhouse gas (GHG) emissions associated with energy use. This has been formalized in the recent adoption of updated GHG

**Commented [A1]:** Quite a number of legislators are concerned about the fact that relaxing the prohibition on removing Confederate statues also would apply to War Memorials (such as WWI and WWII, Vietnam, etc.) Removing "Civil War" from the statute altogether might help with the tension.

(Keep in mind: the General Assembly hasn't entirely left decision making to the locality, it has prescribed some procedural requirements, and has ordered VDHR to prepare regulations that would tell localities how to do "contextualization")

**Commented [A2]:** There is at least one bill pending in the Special Session that would do this.

**Commented [A3]:** K.Riddervold: NOTE: During the 2020 Regular Session this past winter the legislature approved \$50 Million in bonds for the Stormwater Local Assistance Fund (SLAF). The Governor accepted this appropriation and did not reduce it due to COVID-19 impacts, so that \$50 million is intact for VAMSA Member projects.

**Commented [A4]:** From Virginia First Cities call (attributed to Sena M)  
--Support energy efficiency programs and policies that assist low and-moderate income citizens who shoulder a disproportionate utility cost burden. (Charlottesville); incorporated in the EE section  
--Support policies that help municipalities reduce their carbon footprint and promote sustainability. (Charlottesville); incorporated in this background section

reduction goals for 45% reduction by 2035 and carbon neutrality by 2050. Increasing the availability of financial resources, including grant programs and incentives, to a broader range of community members is one key to our success. We oppose any legislation to repeal or weaken any policies that promote carbon-free power generation, including the Clean Energy and Community Flood Preparedness Act and the Virginia Clean Economy Act. We continue to encourage our representatives to endorse policies, legislation, funding, and data sharing proposals that reduce greenhouse gas emissions as well as support energy efficiency, and renewable energy use and job creation. Accordingly, we support the following positions:

**Solar:**

1. Distributed solar support through incentives such as tax credits, rebates, and/or low-interest loans, and financing aimed at a broader population (including those that currently lack access to cost-effective financing tools); and ensure these incentives reach members of low-income communities and people of color
2. Solar-plus-storage support for buildings that can serve as resilience hubs for communities, especially those in low-income areas, during storm events and other widespread grid outages

Commented [A5]: K. Riddervold: this is from VCN

Commented [A6]: K. Riddervold: this is from VCN

**Renewable Power:**

Reenactment of the provisions of HB 868 (2020), along with companion legislation in the Senate, which authorizes individual retail customers of electricity to purchase 100 percent renewable electricity from any licensed competitive supplier of electric energy, regardless of whether the incumbent utility offers a 100 percent renewable electricity tariff

Commented [A7]: K. Riddervold: this is Addressed in the VCEA

Commented [A8]: K. Riddervold: this is Contained in the VCEA

Commented [A9]: K. Riddervold: HB 868 was passed in 2020 but requires reenactment in 2021 to become effective. HB 868 ensured that all customers in Virginia can purchase 100% renewable energy from any company licensed to sell retail electric energy. The bill eliminated a limitation in current law that blocks this kind of competition if the State Corporation Commission has approved an incumbent electric utility's 100% renewable energy tariff (also known as a "green tariff").

Commented [A10]: K. Riddervold: this is Contained in the VCEA

**Energy Efficiency:**

1. Energy efficiency programs and policies that assist low- and moderate-income citizens in order to address disproportionate utility cost burdens
2. Prompt development of a DHCD-administered program to deploy RGGI-related revenue dedicated to support low-income energy efficiency programs and request the consideration of all types of low-income housing stock and strategies to address traditional barriers to delivering energy efficiency in this housing stock

Commented [A11]: K. Riddervold: this is from VCN

Commented [A12]: Some of these could be moved down to the Transportation section

Commented [A13]: K. Riddervold: less costly than retrofitting.

Commented [A14]: K. Riddervold: VA is one of 12 participating states + DC

**Buildings:**

1. Locality authority to require commercial building energy benchmarking
2. An energy data sharing standard to support the development and targeting of energy improvement programs
3. Building codes that meet or exceed the latest national and international standards
4. Locality authority to require greater energy efficiency within their jurisdictions

**Vehicles and Transportation:**

1. A clean car standard under Section 177 of the Federal Clean Air Act
2. Accelerated adoption of electric vehicles through state incentives, enabling tax benefit powers for localities, authorizing localities to incentivize the installation of EV charging facilities at residential and commercial locations, and amending statewide building codes to ensure residential, office, and retail development have "EV ready" wiring
3. State funding to support localities in their efforts to electrify their fleets
4. Participation in the Transportation and Climate Initiative to build on the RGGI program model of establishing a funding source to support emission reduction in the transportation sector

5. Increases in **passenger rail** connecting communities across the Commonwealth, and
6. Proposals for state cost-share funding for public transit and school buses to include a zero emission bus (ZEB) comparison **analysis**.

**Landfill Diversion Positions:**

*Background:* As the City is working to further strategies for reduction, reuse, and recycling in an effort align waste management programs with sustainability related goals and commitments, we support:

1. **Reenactment of** the provisions of **HB 533** (2020) to ban use of expanded polystyrene food containers by vendors of prepared food, and
2. Local authority to prohibit yard waste and brush from municipal solid waste (landfill) collection.

### Transportation

**Positions:**

We urge legislators to increase state funding as follows:

1. For the expansion and maintenance of all modes of our transportation infrastructure
2. For important local and regional Smart Scale projects, including those that promote walking and cycling as viable modes of transportation for commuting (not just recreation) and as a key strategy related to GHG reduction goals. We also support the establishment of a “Smart Scale-type” prioritization for rail and transit projects
3. For lane-mileage rates for funding of local street maintenance (primary/urban funds),
4. For public transit and transit planning, to leverage local investments in public transit, and
5. For infrastructure that accommodates walking, cycling as well as automobile travel.

We request that the manner in which transportation funding is provided allows localities to have flexibility to apply transportation funding in a manner that they deem most beneficial to their own communities. Localities should have the right to determine whether allocations of state funding should be spent for maintenance of existing streets or for new construction. We also support the state applying equal weight to projects that enhance bicycle and pedestrian mobility as well as public transit systems in determining Smart Scale funding priorities.

### Criminal Justice Reform

**Positions:**

1. The State should increase funding to the Virginia Juvenile Community Crime Control Act (VJCCCA) program, which has demonstrated effectiveness in substantially reducing the number of juvenile justice commitments over the past decade.
2. The State should end mandatory minimum sentencing.
3. The State should revisit Virginia’s policies on parole and decriminalize offenses that do not threaten public safety. Additional funding should be provided to support diversion programs (such as rehabilitative and educational programs) as alternatives to prison for first time offenses, especially for women.
4. The State should repeal all laws that automatically exclude individuals with criminal convictions from public benefits, housing, driver’s licenses, civic participation (voting), and educational and employment opportunities.

**Commented [A15]:** K. Riddervold: this is an idea from our office/peers (PW/Environmental Division) and has not yet been discussed with CAT or others

**Commented [A16]:** K. Riddervold: this bill has been passed by the General Assembly and signed by the Governor but must be reenacted in 2021 before it can go into effect.

5. We encourage the state to legalize marijuana safely and responsibly.

6. We encourage legislation that would allow restricted driver licenses to be issued for as long as a court deems appropriate, and to allow courts to issue restricted licenses when necessary to facilitate the employment, or continued employment of an individual who is otherwise subject to revocation of his or her driver license.

## Public Safety and Local Firearms Regulation in Public Places

### Positions:

#### **Civilian Review Board legislation**

We are pleased that, within its 2020 Special Session, the General Assembly enacted HB 5055 and SB 5035 to provide robust authority for police civilian review boards. We encourage legislators to continue to support legislation that will make the work of these review boards efficient, for example: discretionary FOIA exemptions to protect the privacy of complainants and witnesses.

#### **Management of Local Buildings and Land:**

Localities should have full authority to regulate the use of, and to provide adequate security for local-government-owned buildings and property. We ask you to support legislation that would repeal the provisions of Va. Code 15.2-915 that allow local government employees to store, at a local government workplace, possession of firearms and ammunition within a private motor vehicle. Further, we support any legislation that would authorize localities to include restrictions on the possession and carrying of firearms, as conditions within a permit authorizing the temporary use of public property, during the period of such use.

**Reform of State Firearms Regulations:** We support the General Assembly's efforts to ~~undertake~~ undertaking a comprehensive reform of Virginia's gun control legislation. We support implementation of the Report and Policy Recommendations of the Safe Virginia Initiative (2019), including raising the minimum age required to purchase a firearm to 21 and requiring universal background checks and closing known loopholes in the background check process. We ask our legislators to continue to advocate for and to support responsible firearms legislation.

#### **Local policing:**

The state should provide funding for the following: 1) community policing initiatives, including housing assistance payments for local police officers who live within the communities they serve; 2) recruitment of women and minorities into professional policing careers; and 3) police in urban jurisdictions, to support training in uniform, DCJS-approved best practices for crowd management at civil disturbances.

#### **Civil disturbances and riots:**

We encourage the General Assembly to provide funding for a new program within the Department of State Police, to provide 1) monitoring of internet and social media to detect potential threats to public safety; 2) a mechanism for threat assessment; and 3) information sharing and resources to localities faced with events which present a substantial risk of widespread violence.

#### **Photo-speed-monitoring:**

We encourage the General Assembly to authorize local law enforcement agencies within urban areas to utilize photo-speed-monitoring devices on residential streets. Such devices have been in use within DC and Maryland for years, and state police are now authorized to use them. These devices would enhance safety within urban jurisdictions.



## Public Service Corporations

### **Positions:**

1. We oppose any legislative action that would further expand the ability of telecommunications companies or other entities to install new aboveground poles or other support structures in City rights-of-way, on terms or conditions mandated by state law.
2. We support doubling the scope of Dominion Virginia Power's Pilot Program for Undergrounding Utility lines and the utility entering into cost share agreements with local governments for undergrounding lines or "open ditch" policies allowing the burial of power lines either within or adjacent to a public Right of Way (ROW). Dominion also should be allowed to impose a surcharge on affected customers, if undergrounding is requested by a locality, to coincide with local projects removing and replacing natural gas, water and sewer lines within a public ROW.

## Procurement

### **Positions:**

1. We oppose legislative action that would restrict our ability to make local procurement decisions that are best for the citizens we serve. Any erosion of local authority to implement the policies of the Virginia Public Procurement Act, through means tailored at the local level to assure acquisition of the best goods and services at the most competitive rates, is contrary to fiscal responsibility objectives.
2. We support legislation that would authorize use of preferences by public bodies in awarding contracts to persons, firms, or corporations having principal places of business in the locality in which the procuring public body is located ("local preference").
3. We support allowing localities the ability to procure goods and service by competitive negotiation (instead of using the lowest-responsible-bid process), in situations where job creation and tax base expansion would be part of a "best value" analysis of competitive proposals.
4. We believe the state should review the SWAM certification program, to ensure greater participation by businesses within each locality, and to make it easier for localities to hire local, small women- and minority-owned businesses within local procurement processes.

## Budget, Revenues and Taxation

### **Background:**

We believe the process for evaluating local fiscal impacts of proposed legislation should be improved. Actions that would impose additional administrative burdens on local governments without sufficient financial resources or administrative flexibility will jeopardize the quality of services delivered at the local level, and will ultimately jeopardize the potential success of state programs and initiatives.

### **Positions:**

1. We oppose any shift of the cost(s) of state programs to localities.
2. We oppose any legislative or budgetary action that would remove or reduce any existing sources of state and local funding (e.g., HB599 funding for law enforcement; diversion of fines, fees and forfeitures relating to violations of local ordinances; etc.).
3. We oppose across-the-board state cuts to education funding.

4. We support expanded funding for programs such as tuition remission at community colleges, and childcare and transportation assistance that support workers seeking to upgrade their skills or change careers due to layoffs or other job losses.

***Taxation:***

1. The state should direct a study of the effectiveness of state income tax and fee structures in terms of progressivity and capacity to meet growing public needs. The study should include the effectiveness of local real estate taxation, and should give consideration to enabling legislation for localities to enact more progressive local real estate taxes.

2. The state also should expand funding to support programs (such as tuition remission at community colleges, and childcare and transportation assistance) that support workers seeking to upgrade their skills or change careers due to layoffs or other job losses.

3. We oppose any state legislation that would single out any internet-based businesses and services for special treatment for purposes of local taxation, licensing and regulation. We request our legislators to protect our local ability to regulate businesses on a level playing field, whether they are traditional, electronic, internet-based, virtual, or otherwise. Creating a level playing field for completion among businesses offering goods and services is the best way to ensure safety, reliability, and fair access to goods and services for consumers. The state should not carve out exceptions to business licensing, or local taxes, for special interest groups; in doing so, state legislators would harm traditional local businesses and deprive local governments of stable and reliable sources of revenue.

4. We support a study of existing real estate tax enabling legislation, to develop a program that would authorize localities experiencing affordable housing crises the ability to enact progressive tax schemes. We also ask you to support any and all legislation that would enable more robust tax credits or exemptions for affordable housing, as well as authority to exempt land owned by a land trust from local taxation if that land contains a single- or two-family dwelling subject to a recorded lease that requires it to be occupied as affordable housing for a period of 40 years or more.

## Prosperity, Health, and Well-Being

### **Minimum Wage**

We encourage the Commonwealth to raise the minimum wage to \$15 per hour. As part of raising the minimum wage, we encourage the State to provide funding for childcare assistance if federal income-eligibility thresholds are exceeded due to a household member making \$15 per hour.

### **Health Care**

We support budgetary and legislative initiatives that will increase access to health care for all Virginia residents and that will reduce the cost of health care—including reduction of insurance premiums.

### **No Gender Based Discrimination**

The Commonwealth should enact legislation that makes it unlawful for companies, and state and government entities, to maintain pay scale distinctions by outmoded gender roles.

### **Health Food Access**

The State should provide financial incentives for the establishment of grocery stores in “food desert” areas.

## Salaries for Members of Local Governing Bodies

**Request:** Sponsor or support legislation to amend Virginia Code §15.2-1414.6 to remove the limitation on annual salaries for city councils. *Rationale:* City councils in Virginia should be permitted to establish the annual salaries for councilors at the local level; each locality's needs are unique and maximum compensation should be a local decision, based on the will of the electorate and the financial resources of a locality.

**Commented [A17]:** Delegate Hudson is planning to re-introduce this legislation for consideration in the 2021 Regular Session