

ACTIONS
Board of Supervisors Meeting of November 7, 2012

November 8, 2012

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> • Meeting was called to order at 9:04 a.m. by the Chair, Ms. Mallek. All BOS members were present. Also present were Tom Foley, Larry Davis, Ella Jordan and Travis Morris. 	
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> • <u>Duane Snow</u> stated that he had a couple of VDoT-related items to discuss. • <u>Ann Mallek</u> stated that she would like to add a brief discussion on citizen action for through truck closure for Earlysville Road. • ACCEPTED the final agenda. 	
<p>5. Brief Announcements by Board Members. <u>Ann Mallek</u></p> <ul style="list-style-type: none"> • Thanked County staff and citizens who worked on Election Day. 	
<p>6. Recognitions:</p> <p>a. Reaccreditation Certificate – Police Department.</p> <ul style="list-style-type: none"> • Gary M. Dillon, Program Manager, Virginia Law Enforcement Accreditation Program, and Chief Tim Longo, Chairman of the Professional Standards Commission, recognized the Police Department and presented Certificate of Reaccreditation to Colonel Sellers. <p>b. Proclamation recognizing Virginia Cider Week.</p> <ul style="list-style-type: none"> • Chair read proclamation and recognized Potter’s Craft, Castle Hill and Albemarle Cider. 	(Attachment 1)
<p>7. From the Public: Matters Not Listed for Public Hearing on the Agenda. <u>The following individuals spoke about the proposed firearms training facility:</u></p> <ul style="list-style-type: none"> • Sean McGowan • Linda Wachtmeister • Bill Dickie • Robert Strin • Sam Huddleston • Paulz Beazley • Bryan Ward • Brie Tunner • D. G. Van Clief • Barry Van Clief • Kim Higgins • Thomas Joyce • Dr. Alan Romanella • David Hilliard • Terry Hawkins • L. F. Wood • Harold Pillar • <u>Charles Battig</u> made a presentation entitled “Planning Away Private Property Rights, Part 1 ‘Rural Areas’”. • <u>Wayne Proffit, Richard Glenn Spradlin and</u> 	

	<p><u>Grant Cosner</u> spoke about the County's leash law and the affect it has on allowing hunting dogs to run.</p> <ul style="list-style-type: none"> • <u>Gary Grant</u> expressed concerns about the County's expenditure of funds to thank individuals for help with Drecho. <p>The following individuals expressed concerns about the Route 29 Bypass and the draft Environmental Assessment:</p> <ul style="list-style-type: none"> • John Cruickshank • Tom Olivier • George Larie • John Martin • Jeff Werner • <u>Laney Kaminier</u> stated that the proposed Route 29 bypass made the Taxpayers for Common Sense list as a wasteful use of taxpayer dollars. 	
8.2	<p>Road Improvement Priorities for Virginia's Working Draft FY 2012-2019 Six Year Improvements Program.</p> <ul style="list-style-type: none"> • DEFERRED to November 14, 2012 meeting. 	<p><u>David Benish</u>: Make changes as discussed and bring back final document on November 14th agenda.</p>
8.3	<p>FY 2013 Budget Amendment and Appropriations.</p> <ul style="list-style-type: none"> • APPROVED appropriations #2013050, #2013051, #2013052 and #2012053. 	<p>Clerk: Notify OMB, Finance and appropriate individuals.</p>
8.4	<p>FY 11/12 ACE Appraisals and Easement Acquisitions.</p> <ul style="list-style-type: none"> • APPROVED the three (3) appraisals by Pape and Company for applications from the year FY 11/12 applicant pool. • APPROVED the purchase of ACE easements on the top three ranked properties from the year FY 11/12 applicant pool, (the Frankfurt, Manning-Smith and Davis properties). • AUTHORIZED staff to invite the three applicants to make written offers to sell conservation easements to the County. 	<p><u>Ches Goodall/David Benish</u>: Proceed as approved.</p>
8.5	<p>Revenue Sharing Resolution.</p> <ul style="list-style-type: none"> • ADOPTED resolution to participate in the FY 2014 VDOT Revenue Sharing Program for up to \$ 1.11 million of revenue sharing funds. 	<p><u>Clerk</u>: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 2) <u>David Benish</u>: Proceed as approved.</p>
8.6	<p>VDOT Revenue Sharing Project Agreement.</p> <ul style="list-style-type: none"> • ADOPTED Resolution to AUTHORIZE the County Executive to execute the Project Administration Agreement for the sidewalk projects identified in the County Sidewalk Construction Program. 	<p><u>Clerk</u>: Forward copy of signed resolution to OFD and County Attorney's office. (Attachment 3) <u>Jack Kelsey/Trevor Henry</u>: Proceed as approved.</p>
8.7	<p>Old Trail Block 13 – Special exception to waive overlot grading plan requirement.</p> <ul style="list-style-type: none"> • APPROVED the special exception subject to three conditions. 	<p><u>Clerk</u>: Set out conditions. (Attachment 4)</p>
8.8	<p>SDP-2012-00058, Charlottesville High School Field Lighting – Zoning Ordinance Waiver.</p> <ul style="list-style-type: none"> • APPROVED the special exception subject to two conditions. 	<p><u>Clerk</u>: Set out conditions. (Attachment 5)</p>
8.9	<p>Authorize County Executive to sign Dominion Power Easement Across County Property at Darden Towe Park.</p> <ul style="list-style-type: none"> • ADOPTED resolution approving the granting of an easement to Dominion Virginia Power, and 	<p><u>Jack Kelsey/Trevor Henry</u>: Proceed as approved. (Attachment 6) <u>County Attorney</u>: Provide Clerk with copy of signed document.</p>

	AUTHORIZED the County Executive to sign, in a form approved by the County Attorney, a Right of Way Agreement on behalf of the County.	
8.10	SUB-2012-00038 Westlake Hills. Special Exception to Authorize Disturbance of Critical Slopes. <ul style="list-style-type: none"> • APPROVED the critical slope waiver request with the following condition: The applicant must provide an overlot grading plan prior to Final Plat approval. 	
9.	<u>Pb. Hrg: Field School of Charlottesville's Lease for part of the Old Crozet School.</u> <ul style="list-style-type: none"> • By a vote of 6:0 ADOPTED resolution approving proposed lease amendment effective November 7, 2012 and AUTHORIZED the County Executive to sign the amended lease. 	<u>Clerk:</u> Forward copy of signed resolution to General Services and County Attorney's office. (Attachment 7) <u>County Attorney:</u> Provide Clerk with copy of signed document.
10	TJPD Legislative Program, David Blount. <ul style="list-style-type: none"> • CONSENSUS to request the State to designate a portion of its surplus into a fund annually to assist localities in meeting TMDL requirements. • CONSENSUS to request VDoT to amend agreement to allow the County to remove all signs/advertisements that are located in the right-of-way. (Note: Mr. Davis suggested delaying this request until after the General Assembly meets to determine whether there needs to be two changes to the agreement or one change.) 	<u>David Blount:</u> Update Program and provide final copy to Board. (Attachment 8) <u>County Attorney's office:</u> Proceed as requested at appropriate time.
	Recessed at 10:45 a.m. and Reconvened at 10:55 a.m.	
11.	Update on the Firearms Training Facility. <ul style="list-style-type: none"> • By a vote of 5:1 (Dumler abstained), REAFFIRMED the prior decision to move forward with the police training facility and REQUESTED staff to continue working with the community on noise mitigation. • DIRECTED that no outside organizations have use of the facility without prior approval by the Board. 	<u>Steve Sellers:</u> Proceed as approved.
12.	Fire/Rescue Overtime. <ul style="list-style-type: none"> • Due to time constraints, DEFERRED to December 5, 2012 meeting. 	<u>Clerk:</u> Reschedule on agenda.
13.	Capital Project Contingency. <ul style="list-style-type: none"> • RECEIVED. 	
14.	FY 12 General Fund Year End Financial Report. <ul style="list-style-type: none"> • RECEIVED. 	
15.	CACVB Marketing Plan Update. <ul style="list-style-type: none"> • CONSENSUS to support the CACVB Board of Directors' endorsement of the branding concepts developed by PRA. 	<u>Lee Catlin:</u> Proceed as supported.
16.	Closed Meeting. Personnel and Legal Matters. <ul style="list-style-type: none"> • At 1:26 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under subsection (1) to consider appointments to boards, committees, and commissions; under subsection (3) to discuss the acquisition of real property for public uses because an open meeting 	

	discussion would adversely affect the bargaining position of the County; under subsection (7) to consult with legal counsel and staff regarding specific legal matters requiring legal advice relating to the negotiation of an agreement to terminate a contract; and under subsection (7) to consult with legal counsel and staff regarding specific matters requiring legal advice relating to public records and meetings.	
17.	Certified Closed Meeting. At 2:49 p.m., the Board reconvened into open meeting and certified the closed meeting.	
18.	Boards and Commissions: Appointments. <ul style="list-style-type: none"> • REAPPOINTED John Quale to the Architectural Review Board with said term to expire November 14, 2016. • APPOINTED Amy Durbin to the Historic Preservation Committee with said term to expire June 4, 2015. • APPOINTED Brian Morse to the Natural Heritage Committee with said term to expire September 30, 2015. 	<u>Clerk</u> : Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.
19.	Board-to-Board, <i>Monthly Communications Report from School Board</i> , School Board Chairman. <ul style="list-style-type: none"> • RECEIVED. 	
20.	Rivanna Snapshop, Rivanna River Basin Commission, Leslie Middleton. <ul style="list-style-type: none"> • RECEIVED. 	
21a.	Work Session: Critical Slopes. <ul style="list-style-type: none"> • Asked for cost benefit analysis of the applicant and the County before proceeding to the next step. 	<u>Bill Fritz</u> : Proceed as directed.
21b.	Work Session: Five Year Financial Plan – General Fund. <ul style="list-style-type: none"> • By a vote of 5:1 (Boyd) MOVED \$5.5 million over to the projected Capital Fund for FY 14, so it can be included in the budget that is currently being reviewed by the CIP Oversight Committee. 	<u>OMB</u> : Proceed as approved.
22.	From the Board: Committee Reports and Matters Not Listed on the Agenda. <ul style="list-style-type: none"> • Consent Agenda Item 8.2, DEFERRED to November 14, 2012 meeting. <u>Ann Mallek</u> : <ul style="list-style-type: none"> • Asked for clarification on process of getting a No Truck Thru Zone designated. • Announced that the TJPDC will go forward with the next setup to ensure that there's solid completion of the Joint Livability Project with the City. <u>Duane Snow</u> : <ul style="list-style-type: none"> • Announced that there was a fatal accident at the intersection of Route 250 and Tillman Road and that he had received a number of emails about the safety of the intersection. • By CONSENSUS, the Board agreed to request a traffic study at the intersection of Route 250 and Tillman Road. <u>Dennis Rooker</u> :	<u>Clerk</u> : Schedule on agenda. <u>David Benish</u> : Make changes as directed. <u>Jack Kelsey</u> : Provide information. <u>Jack Kelsey</u> : Proceed as directed.

	<ul style="list-style-type: none"> • Asked if VDOT could look at the alignment of the lanes at the intersection of Hydraulic Road and Route 29 going East to West; the lanes do not line up and it has become a safety issue. 	
23.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • Asked the Board to adjourn on November 8, to November 14, 2012 at 5:00 p.m., for a Closed Meeting. • Announced that the Airport Authority is nearing completion on hiring a new Airport Director. 	<p><u>Clerk:</u> Schedule Closed Meeting on November 14th agenda.</p>
24.	<p>Adjourn to November 8, 2012, 2:30 p.m., Room 241.</p> <ul style="list-style-type: none"> • At 5:44 p.m., the Board adjourned until November 8, 2012, Room 241. 	

ewj/tom

Attachment 1 – Proclamation recognizing Virginia Cider Week

Attachment 2 – Revenue Sharing Resolution

Attachment 3 - VDOT Revenue Sharing Project Agreement

Attachment 4 – Conditions - Old Trail Block 13 – Special exception to waive overlot grading plan requirement

Attachment 5 – Conditions - SDP-2012-00058, Charlottesville High School Field Lighting – Zoning Ordinance Waiver

Attachment 6 – Resolution Authorizing Dominion Power Easement Across County Property at Darden Towe Park

Attachment 7 – Resolution - Field School of Charlottesville's Lease for part of the Old Crozet School

Attachment 8 – TJPD Legislative Program

PROCLAMATION

VIRGINIA CIDER WEEK

WHEREAS, cider was a colonial beverage enjoyed by not only our forefathers such as Thomas Jefferson, John Adams, and George Washington, but the common farmer, lawyer, butcher and soldier; and

WHEREAS, orchards were planted by early settlers and colonials to provide apples to ferment for the production of cider; and

WHEREAS, Virginia is currently the sixth largest apple producing state by acreage in the United States and cider is a value-added product of apples, supporting an existing industry in the state; and

WHEREAS, agriculture in the Commonwealth is the state's largest industry, with an economic impact of \$55 billion annually; and

WHEREAS, agri-tourism is a growing component of Virginia's tourism industry; and

WHEREAS, the cider industry in Virginia has experienced significant growth, with six cideries started since 2006 and three prospective cideries currently being planned; and

WHEREAS, the sales of cider nationwide have increased over twenty percent in the last year; and

WHEREAS, the Virginia House of Delegates and State Senate passed House Joint Resolution 105 in 2012 to designate the full week before Thanksgiving as Virginia Cider Week in Virginia;

NOW, THEREFORE, I, Ann Mallek, Chair of the Board of Supervisors, do hereby designate **November 11-17, 2012** as **VIRGINIA CIDER WEEK** in Albemarle County, and call this observance to the attention of all our citizens.

**RESOLUTION TO PARTICIPATE IN
VIRGINIA DEPARTMENT OF TRANSPORTATION
REVENUE SHARING PROGRAM FOR FISCAL YEAR 2014**

WHEREAS, the County of Albemarle desires to submit an application for up to \$1.11 million of revenue sharing funds through the Virginia Department of Transportation Fiscal Year 2014 Revenue Sharing Program; and

WHEREAS, the County is willing to commit \$1.11.million in local funds in order to compete for a Revenue Sharing Program award; and

WHEREAS, these funds are requested to fund the County's Sidewalk Construction Program to install new sidewalks along roadways in the following locations:

1. Old Lynchburg Road, (new construction and replacement/relocation) from Region10 Offices to Fifth Street;
2. Rio Road, from existing sidewalks to the Pen Park Road intersection and on Pen Park Road;
3. Avon Street at two locations: 1) from Peregory Lane to Mill Creek Drive and 2) from Stoney Creek Drive to Arden Drive, and including crosswalks at Cale Elementary School;
4. US 250 West in Crozet, in the Cory Farms and Blue Ridge Shopping Center area; and

WHEREAS, these funds are also requested to fund the deployment of an adaptive traffic control system or other equivalent signal synchronization enhancements to US 29, from the City limits to Hollymead.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby commits to provide up to \$1.11 million of local funds in its application for up to \$1.11 million of revenue sharing funds from the FY 2014 Virginia Department of Transportation Revenue Sharing Program and requests that the Virginia Department of Transportation approve the County's application.

**RESOLUTION APPROVING A
PROJECT ADMINISTRATION AGREEMENT FOR
COUNTY SIDEWALK CONSTRUCTION PROGRAM PROJECTS**

BE IT RESOLVED by the Albemarle County Board of Supervisors that the County Executive is authorized, on behalf of the County, to execute the Standard Project Administration Agreement for the County Sidewalk Construction Program Projects (Project Number 9999-002-R45; UPC 102886).

Conditions - Old Trail Block 13 – Special exception to waive overlot grading plan requirement

1. Garages shall be set back from the edge of pavement of the alley at least seven (7) feet.
2. Driveway grades shall be eight percent (8%) or less. The grade transition on the driveway shall not exceed ten percent (10%).
3. The applicant shall obtain approval of an amended overlot grading plan for each block, phase, or sub-phase within Block 13 before any permits are issued within Block 13.

Conditions - SDP-2012-00058, Charlottesville High School Field Lighting – Zoning Ordinance Waiver

1. The lighting fixtures installed shall be Musco Model LSG 1500 (Light Structure Green).
2. The height of the existing light poles shall not be increased.

**RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE
COUNTY OF ALBEMARLE AND DOMINION VIRGINIA POWER FOR SERVICE
TO THE LEWIS AND CLARK EXPLORATORY CENTER**

WHEREAS, the County of Albemarle and the City of Charlottesville jointly own Darden Towe Park (Parcel 06200-00-00-02300); and

WHEREAS, the County and City have leased a portion of Darden Towe Park for the construction and operation of the Lewis and Clark Exploratory Center; and

WHEREAS, an easement is necessary for Dominion Virginia Power to extend electric service to the Lewis and Clark Exploratory Center.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the granting of an easement to Dominion Virginia Power, and authorizes the County Executive to sign, in a form approved by the County Attorney, a Right of Way Agreement with Dominion Virginia Power for an easement over Parcel 06200-00-00-02300 in order to provide electric service to the Lewis and Clark Exploratory Center at Darden Towe Park.

**RESOLUTION APPROVING THE FOURTH AMENDED
AGREEMENT OF LEASE BETWEEN THE COUNTY OF ALBEMARLE
AND THE FIELD SCHOOL OF CHARLOTTESVILLE**

WHEREAS, the County of Albemarle (“the County”) and the Field School of Charlottesville (the “Field School”) entered into a Lease Agreement dated February 25, 2009 in which the County agreed to lease space in the Old Crozet School to the Field School of Charlottesville; and

WHEREAS, the County and the Field School have entered into Amended Lease Agreements dated February 8, 2010, April 9, 2010 and March 25, 2011; and

WHEREAS, the Field School wishes to lease an additional 1,193 square feet for a total of 12,553 square feet; and

WHEREAS, the attached Fourth Amended Agreement of Lease includes an additional 1,193 square feet of leased space, removes the limitation on the number of renewals, allows additional space to be added to the lease in the future upon written agreement of the parties and incorporates the other terms previously amended.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Executive to sign, in a form approved by the County Attorney, the Fourth Amended Agreement of Lease between the County of Albemarle and the Field School of Charlottesville.

2013

Thomas Jefferson Planning District Legislative Program

Representing the Local Governments of:

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

October 2012

**Joe Chesser, Chairman
Steve Williams, Executive Director
David Blount, Legislative Liaison**

PRIORITY ITEMS

STATE MANDATES & FUNDING OBLIGATIONS

*Legislative Position of Charlottesville City and the
Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

PRIORITY: The Planning District localities urge the governor and legislature to 1) not impose financial or administrative mandates on localities; 2) not shift costs for state programs to localities; and 3) not further restrict local revenue authority.

Rationale: Sluggish local revenue, continued state funding reductions and additional requirements will continue to challenge locality budgets this year. State assistance to localities has declined from pre-recession levels, dropping by seven points as a percentage of the general fund budget since FY09. These reductions have not been accompanied by program changes that could alleviate financial burdens on localities, as state standards prescribe how services are to be delivered and localities have to meet such standards regardless of the costs. While there was some recognition from the 2012 General Assembly that localities cannot bear mandated expenses alone, other enacted policies have long term consequences. The governor and state officials have boasted of state budget “surpluses” the past three years, yet continue to approve unfunded and underfunded state requirements and shift costs to localities, straining local ability to craft effective and efficient budgets that meet services that are mandated by the state or demanded by residents.

Position Statements:

We oppose unfunded state and federal mandates and the cost shifting that occurs when the state fails to fund requirements or reduces or eliminates funding for state-supported programs. Any state funding reductions for state-required services/programs should be accompanied by relaxation or suspension of the state requirement or flexibility for the locality to meet the requirement.

Having realized three consecutive years of a state budget “surplus,” the state should restore across-the-board reductions in aid-to-localities, budgeted to be \$95 million in FY13/FY14. These funds provide financial

assistance for local implementation of required or high-priority state programs. If the state cannot meet this commitment, then program criteria and requirements should be adjusted to reflect the decrease in state resources.

Changes to Virginia's tax code or in state policy should not reduce local government revenue sources or restrict local taxing authority. This includes proposals to alter or eliminate the BPOL and Machinery and Tools taxes, or to divert Communications Sales and Use Tax Fund revenues intended for localities to other uses. Instead, the legislature should broaden the revenue sources available to local governments. The state also should not confiscate or redirect local general fund dollars to the state treasury, as it did this past year when it directed a portion of fines and fees collected at the local level pursuant to the enforcement of local ordinances to the Literary Fund. The state should refrain from establishing local tax policy at the state level and allow local governments to retain authority over decisions that determine the equity of local taxation policy. The state should equalize the revenue-raising authority of counties with that of cities. The state also should ensure the appropriate collection of transient occupancy taxes from online transactions.

TRANSPORTATION FUNDING and DEVOLUTION

*Legislative Position of Charlottesville City and the
Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

PRIORITY: The Planning District localities urge the state to establish separate, dedicated and permanent state revenues to expand and maintain our transportation infrastructure. We urge restoration of formula allocations for secondary/urban construction and for unpaved roads. We oppose any legislation or regulations that would transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.

Rationale: The need for the state to fund a declining transportation infrastructure is dire and state dollars remain inadequate. The *VTrans 2035 Report* notes that "the General Assembly must substantially raise investment in transportation to keep Virginia moving." Absent such an investment, Virginia faces a congestion and mobility crisis that could stifle economic growth and negatively affect the quality of life of our residents. Maintenance of existing roads continues to siphon hundreds of millions of dollars from the construction budget and formula distributions for construction have been eliminated. It is estimated that under current conditions, there will be little, if any, money left in the construction fund by 2017.

Position Statements:

We urge the state to fund transportation needs with stable and recurring revenues that are separate from the general fund and that are sufficient to meet Virginia's well-documented highway, transit and other needs. We urge the state to restore formula allocations for secondary/urban construction and for unpaved roads, and we support stable and increasing dollars for cities and towns to maintain roads within their jurisdictional boundaries. Funding for urban, suburban and secondary road improvements are vital to our region's ability to respond to local and regional congestion and economic development issues.

Concerning secondary road devolution, we believe that efficient and effective transportation infrastructure, including the secondary road system, is critical to a healthy economy, job creation, a cleaner environment and public safety. In the past 20 years, the number of miles travelled on Virginia roadways has steadily increased, while the attention to maintaining the nearly 50,000 mile secondary system has taken a back seat. We oppose shifting the responsibility for secondary roads to local entities, which could result in vast differences among existing road systems in different localities, potentially placing the state at a competitive economic disadvantage with other states when considering business and job recruitment and movement of goods.

We support ongoing state and local efforts to coordinate transportation and land use planning, without eroding local land use authority, and state incentives for localities that do so. We urge VDOT to be mindful of various local and regional plans when conducting corridor or transportation planning within a locality or region. We also take the following positions:

- 1) We support enabling authority to establish mechanisms for funding transit and non-transit projects in the region.
- 2) We oppose recommendations that would reallocate much of existing state transit assistance through a less efficient and less predictable one-size-fits-all formula.

- 3) While we opposed the closing of VDOT's Louisa residency facilities and support its reopening, we also support the option for the locality to purchase the property.

PUBLIC EDUCATION FUNDING

*Legislative Position of Charlottesville City and the
Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

PRIORITY: The Planning District localities urge the legislature to fully fund the state share of the realistic costs of the Standards of Quality without making allocation formula and policy changes that reduce state funding or shift funding responsibility to localities.

Rationale: The state will spend about \$5.3 billion on public education per year in FY13 and FY14, about 30% of its general fund budget. This level of funding remains below the FY09 amount by about \$600 million over the biennium, with state per pupil expenditures standing at \$450 less per pupil than in FY09. Meanwhile, local governments boost education funding by spending over \$3.3 billion more per year than required by the state.

While the 2012 General Assembly did restore some of K-12 reductions that were proposed in the introduced budget, reductions in state public education funding the last few years have been accomplished in large part through a number policy changes that are decreasing the state's funding obligations moving forward. For example, the state "saved" millions of dollars by shifting costs to localities through making some spending ineligible for state reimbursement or lowering the amount of the payback. Three years ago, it imposed a cap on state funding for education support personnel. It has reduced funding for other support costs and supplanted general fund dollars with lottery funds to produce other savings. Policy changes to the Virginia Retirement System this past year (mandatory teacher 5% for 5%) will cost localities money and do nothing to reduce unfunded teacher pension liability. Changes to the Standards of Accreditation and Standards of Learning, such as higher standards in math and science, also drive increased expenditures.

Position Statements:

We urge the state to resist further policy changes that require localities to fund a greater share of costs. State funding should be realistic and recognize actual educational needs, practices and costs; otherwise, more of the education funding burden will fall on local taxpayers. Localities and school divisions should have flexibility to meet requirements and management their budgets when state funding decreases and cost-shifting occur.

We also take the following positions:

- 1) The state should not eliminate or decrease its funding for benefits for school employees.
- 2) Localities in our region should be included in the "Cost of Competing Adjustment" available to various localities primarily in Northern Virginia.
- 3) We support establishment of a mechanism for local appeal of the calculated Local Composite Index to the state.
- 4) We urge state financial assistance with school construction and renovation needs, including funding for the Literary Loan and interest rate subsidy programs. The state should discontinue its seizing of dollars from the Literary Fund to pay state costs for teacher retirement.

CHESAPEAKE BAY TMDL

*Legislative Position of Charlottesville City and the
Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

PRIORITY: The Planning District localities support the goal of improved water quality, but believe it is imperative that we have major and reliable forms of financial and technical assistance from the federal and state governments if comprehensive water quality improvement strategies for local and state waters emptying into the Chesapeake Bay are to be effective. We support fairness in applying requirements for reductions in nutrient and sediment loading across source sectors, along with accompanying authority and incentives for all sectors to meet such requirements. We believe fairness across sectors will require

appropriate regulatory mechanisms at both the state and local government levels. The Planning District localities are in strong agreement that we will oppose actions that impose monitoring, management or similar requirements without providing sufficient resources.

Rationale: As the result of various court settlements concerning the Clean Water Act of 1972, the Environmental Protection Agency is enforcing water quality standards in the Chesapeake Bay watershed by imposing a pollution diet (known as Total Maximum Daily Load, or TMDL) to reduce pollution to acceptable levels. Bay states submitted plans for achieving TMDL goals of reducing nitrogen, phosphorous and sediment flowing into the Bay. The proposed TMDL and Virginia Watershed Implementation Plan require two-year milestones for the state and localities. As local governments will be greatly impacted by initiatives to reduce pollutants into state waters of the Bay watershed, it is imperative that aggressive state investment in meeting such milestones occurs. This investment must take the form of authority, funding and other resources being in place to assure success, and must ensure that cost/benefit analyses are conducted of solutions that generate the greatest pollution reductions per dollar spent.

Local governments particularly are concerned about the various effects on their communities and their economic growth. There will be costs to meet reduced pollutant discharge limitations for localities that own/operate treatment plants. Local governments will be required to develop and implement nutrient management programs for certain large, public properties. Costs for stormwater management regulations will fall on both new development and redevelopment. There will be economic impacts due to increased cost for compliance by agriculture and increased fees charged by the permitted dischargers.

Position Statements:

- 1) We support sufficient state funds for the full cost of implementing TMDL measures that will be required of local governments, including those associated with revised stormwater management regulations and any new requirement for locally-implemented stormwater management programs. The state should consider using state budget surplus dollars to fund such measures.
- 2) We support sufficient federal funds for grants and low-interest loans for capital costs, such as for permitted dischargers to upgrade treatment plants and for any retrofitting of developed areas, while minimizing the economic impact of increased fees.
- 3) We support sufficient state funding for and direction a) to the Cooperative Extension Service and Soil and Water Conservation Districts to aid farmers with best management practices (BMP) in their operations, and b) to the Soil and Water Conservation Board for monitoring resource management plan compliance.
- 4) We believe that any expansion of the Nutrient Exchange Program to allow trading and offsets of nutrients among stormwater, onsite septic, wastewater, agriculture and forestry should be contained within and be relevant to a particular watershed so as to improve the health of local waters.

LAND USE and GROWTH MANAGEMENT

*Legislative Position of Charlottesville City and the
Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

PRIORITY: The Planning District localities encourage the state to provide local governments with additional tools to manage growth, without preempting or circumventing existing authorities.

Rationale: In the past, the General Assembly has enacted both mandated and optional land use provisions applicable to local governments in order to address growth issues. While some have been helpful, others have prescribed one-size-fits-all rules that hamper various localities that may approach their land use planning differently. Preemption or circumvention of existing local authority hinders localities in implementing the comprehensive plan or overseeing land uses. Moreover, current land use authority often is inadequate to allow local governments to provide for balanced growth in a manner that protects and improves quality of life.

Position Statements:

The General Assembly should grant localities additional tools necessary to meet important infrastructure needs that are driven by development. We endorse efforts to have impact fee and proffer systems that are workable and meaningful for various parties, but we oppose attempts to weaken our current proffer authority. Rather, we support the 2007 road impact fee authority being revised to include additional localities and to

provide: 1) a fair allocation of the costs of new growth on public facilities; 2) facility costs that include various transportation modes, schools, public safety, libraries and parks; 3) effective implementation and reasonable administrative requirements; and 4) no caps or limits on locality impact fee updates.

We also take the following positions:

- 1) To enhance our ability to pay for infrastructure costs and to implement services associated with new developments, we support localities being given authority to enact local ordinances for determining whether public facilities are adequate (“adequate public facility,” or APF ordinances).
- 2) We support optional cluster development as a land use tool for local governments.
- 3) Concerning conservation of land, we support a) state funding for localities, at their option, to acquire, preserve and maintain open space; b) authority to generate local dollars for such efforts; c) additional incentives for citizens to create conservation easements; and d) authority for localities, at their option, to enact scenic protection and tourist enhancement districts.

COMPREHENSIVE SERVICES ACT

*Legislative Position of Charlottesville City and the
Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

PRIORITY: The Planning District localities urge the state to be partners in containing costs of the Comprehensive Services Act (CSA) and to better balance CSA responsibilities between state and local government. We also request increased state dollars for local CSA administrative costs.

Rationale: Since the inception of the Comprehensive Services Act in the early 1990’s, there has been pressure to hold down costs, to cap state costs for serving mandated children, to increase local match levels and to make the program more uniform by attempting to control how localities run their programs. After four years of steep increases (ranging from five to 16 percent) in state and local costs of residential and non-residential mandated services, CSA pool expenditures for state and local governments have declined the last several years. Costs remain challenging to forecast because of factors beyond state and local control (number of mandated children in a community, severity of problems, service rates, and availability of alternative funding).

In addition, localities pay the overwhelming majority (80%) of costs to administer this shared program. State dollars for administration have not increased since the late 1990’s. At the same time, administrative costs have jumped due to additional data collection/compilation and reporting requirements.

Position Statements:

We take the following positions:

- 1) The state should either provide additional funding to localities for administrative support or revise its data collection and reporting requirements.
- 2) The state should provide full funding of the state pool for CSA, with allocations based on realistic anticipated levels of need.
- 3) The state should establish a cap on local expenditures in order to combat higher local costs for serving mandated children, costs often driven by unanticipated placements in a locality.
- 4) The categories of populations mandated for services should not be expanded unless the state pays all the costs.
- 5) The state should be proactive in making residential facilities and service providers available, especially in rural areas.
- 6) In a further effort to help contain costs and provide some relief to local governments, we recommend that the state establish contracts with CSA providers to provide for a uniform contract management process, to improve vendor accountability and to control costs.

We encourage the state to consider penalties for individuals who have had children removed from their care due to abuse or neglect. We also support local and regional efforts to address areas of cost sharing among localities by procuring services through group negotiation.

AREAS OF CONTINUING CONCERN

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. We support policies that closely link the goals of economic and workforce development and the state's efforts to streamline and integrate workforce activities and revenue sources. We also support increased state funding for workforce development programs.

- We support the state's Economic and Workforce Development Strategic Plan for the Commonwealth that more clearly defines responsibilities of state and local governments and emphasizes regional cooperation in economic, workforce and tourism development. ~~We also urge re-enactment of a memorandum of understanding that outlines the expected cooperation by state-level agencies in effectively partnering with local Workforce Investment Boards and other entities in the operation of One-Stop delivery systems.~~
- We support enhanced funding for the Regional Competitiveness Act to continue meaningful opportunities for regional projects. We also support increased state funding for the Industrial Site Development Fund, the Governor's Opportunity Fund and tourism initiatives that help promote economic development in localities and regions.
- We encourage the state and local governments to work with other entities to identify, incentivize and promote local, regional and state agricultural products and rural enterprises, and to encourage expansion and opportunities for such products and enterprises.
- We support restructuring of the Virginia Cooperative Extension Service (VCES) that preserves beneficial extension agents and the services they provide, and that increases state funding for VCES.
- We appreciate and encourage continuing state incentives and support for expediting deployment and reducing the cost of broadband technology, particularly in underserved areas.

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. We are committed to protection and enhancement of the environment and recognize the need to achieve a proper balance between environmental regulation and the socio-economic health of our communities within the constraints of available revenues. 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.

We believe the following:

- 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. To do so would set a disturbing precedent whereby the state could levy surcharges on local user fees to fund state priorities.
- The legislature should provide funding for wastewater treatment and other necessary assistance to localities as it works to clean up the state's impaired waterways. The state also should explore alternative means of preventing and remediating water pollution.
- We oppose legislation mandating expansion of the area covered by the Chesapeake Bay Preservation Act. Instead, we urge the state to 1) provide legal, financial and technical support to localities that wish to comply with any of the Act's provisions, 2) allow localities to use other practices to improve water quality, and 3) provide funding for other strategies that address point and non-point source pollution.
- We support legislative and regulatory action to 1) ensure that alternative on-site sewage systems (AOSS) will be operated and maintained in a manner that protects public health and the environment, and 2) increase options for localities to secure owner abatement or correction of system deficiencies.

- The state should be a partner and advocate for localities in water supply development and should work with and assist localities in addressing water supply issues, including investing in regional projects. Also, the state’s water supply planning efforts should continue to involve local governments.
- We support legislation enabling 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, based on criteria designed to further protect the public safety and welfare of citizens. In addition, we support increased local government representation on the Biosolids Use Regulation Advisory Committee (BURAC).

HEALTH and HUMAN SERVICES

The Planning District’s member localities recognize that special attention must be given to developing circumstances under which people, especially the disabled, the poor, the young and the elderly, can achieve their full potential. Funding reductions to community agencies are especially troublesome, as their activities often end up preventing more costly services later. The delivery of health and human services must be a collaborative effort from federal, state and local agencies. We urge the General Assembly to ensure funding is available to continue such valuable preventive services.

- We oppose any changes in state funding or policies that result in an increase of the local share of costs for human services.
- The state should increase funding to the Virginia Juvenile Community Crime Control Act (VJCCCA) program, which has cut in half the number of juvenile justice commitments over the past decade. The state should maintain a formula-driven allocation process for VJCCCA funding.
- The state should provide sufficient funding to allow Community Services Boards (CSBs) to meet the challenges of providing a community-based system of care, including maximizing the use of Medicaid funding. We believe children with mental health needs should be treated in the mental health system, where CSBs are the point of entry. We support state action to increase investment in the MR waiver program for adults and young people and Medicaid reimbursement for children’s dental services. We also oppose any shifting of Medicaid matching requirements from the state to localities-, and request sufficient federal and/or state financial resources associated with new or additional roles and responsibilities for local governments due to any expansion of Medicaid.
- We support funding for mental health and substance abuse services at juvenile detention centers.
- We oppose new state or federal entitlement programs that require additional local funding.
- We support the provision of sufficient state funding to match all available federal dollars for the administration of mandated services within the Department of Social Services (DSS), and to meet the staffing standards for local departments to provide services as stipulated in state law. Additionally, the state should not assess penalties on localities resulting from federal Title IV-E foster care audit findings; rather it should adequately fund, equip and support local DSS offices.
- We support sufficient state funding assistance for older residents, to include companion and in home services, home delivered meals and transportation.
- We support the continued operation and enhancement of early intervention and prevention programs (and renewal of CSA Trust Fund dollars to support them), including school-based prevention programs which can make a difference in children’s lives. This would include the state’s program for at-risk four-year-olds and the Child Health Partnership and Healthy Families programs, as well as Part C of the Individuals with Disabilities Education Act (infants and toddlers).
- The legislature should provide full funding to assist low-income working and TANF (and former TANF) families with childcare costs. These dollars help working-class parents pay for supervised day care facilities and support efforts for families to become self-sufficient. We oppose any initiatives to shift traditional federal and state childcare administrative responsibility and costs to local governments. We believe the current funding and program responsibility for TANF employment services should remain within the social services realm. We also support a TANF plan that takes into account and fully funds state and local implementation and support services costs.

HOUSING

The Planning District's member localities believe that every citizen should have an opportunity to afford decent, safe and sanitary housing. The state 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. Regional housing solutions and planning should be implemented whenever possible.

- We support the following: 1) local flexibility in the operation of affordable housing programs, 2) creation of a state housing trust fund, 3) local flexibility in establishment of affordable dwelling unit ordinances, 4) the award of grants and loans to low- or moderate-income persons to aid in purchasing dwellings, and 5) the provision of other funding to encourage affordable housing initiatives.
- We support enabling legislation that allows property tax relief for community land trusts that hold land for the purpose of providing affordable homeownership.
- We support measures to prevent homelessness and to assist the chronic homeless.
- We support incentives that encourage rehabilitation and preservation of historic structures.
- We support retaining local discretion to regulate the allowance of manufactured homes in zoning districts that permit single-family dwellings.
- We encourage and support the use of, and request state incentives for using environmentally friendly (green) building materials and techniques, which can contribute to the long-term health, vitality and sustainability of the region.

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.

- We urge the state to make Compensation Board funding a top priority, fully funding local positions that fall under its purview. It should not increase the local share of funding constitutional offices or divert funding away from local offices, but increase money needed for their operation. Local governments continue to provide much supplemental funding for constitutional officer budgets when state funding is reduced.
- We urge continued state funding of the HB 599 law enforcement program (in accordance with *Code of Virginia* provisions), the drug court program and the Offender Reentry and Transition Services (ORTS), Community Corrections and Pretrial Services Acts. We also support continued state endorsement of the role and authority of pretrial services offices.
- The state should continue to allow exemptions from the federal prisoner offset and restore the per diem payment to localities for housing state-responsible prisoners to \$14 per day. Also, the state should not shift costs to localities by altering the definition of state-responsible prisoner.
- We support restoration of state funding responsibility for the Line of Duty Act.
- We urge state funding for the Volunteer Firefighters' and Rescue Squad Workers' Service Award Program and other incentives that would help recruit and retain emergency service providers. Further, the state should improve access to and support for training for volunteer and paid providers.
- We encourage shared funding by the state of the costs to construct and operate regional jails; however, we do not believe the state should operate local and regional jails.

LOCAL GOVERNMENT STRUCTURE and LAWS

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 and tools to carry out their responsibilities.

- 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; and procedures for adopting ordinances.
- We request that any changes to the Virginia Freedom of Information Act (FOIA) preserve 1) a local governing body's ability to meet in closed session, 2) the list of records currently exempt from disclosure under FOIA, and 3) provisions concerning creation of customized computer records. We support

changes to allow local and regional public bodies to conduct electronic meetings as now permitted for state public bodies.

- We support allowing localities to use alternatives to newspapers for publishing various legal advertisements and public notices.
- We oppose any changes to state law that further weaken a locality's ability to regulate noise or the discharge of firearms.
- We support expanding local authority to regulate smoking in public places.
- The state should amend the Code to require litigants in civil cases to pay for the costs associated with compensating jury members.
- We support legislation include Albemarle County as a locality enabled to restrict the number of inoperable vehicles which may be kept outside of an enclosed building or structure on residential or commercial property.
- We support legislation to allow localities to give developers the option to install sidewalks or to contribute corresponding funds in connection with new residential development.
- The state should enable localities to retain civil penalties collected from illegal sign removal in the right-of-way.
- We support a pilot program to combine voting precincts into centralized voting centers for primary elections, in order to study their potential efficacy and cost savings.
- We support increased state funding for regional planning districts.
- We support legislation to increase permissible fees for courthouse maintenance.
- The state should ensure that local connectivity and compatibility are considered in any centralizing of state computer functions.
- We oppose attempts to reduce sovereign immunity protections for localities.
- We support enactment of an interest rate cap of 36% on payday loans, fees and other related charges.