

ACTIONS
Board of Supervisors Meeting of November 6, 2013

November 8, 2013

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>PODCAST</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 9:05 a.m., by the Chair, Ms. Mallek. All BOS members were present. Also present were Tom Foley, Larry Davis, Ella Jordan and Travis Morris. 		Listen
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> Added the addition of Item 7.5a to the consent agenda (Resolution of Support for Nelson County's Applications for VDOT Transportation Alternatives Grant Funds for The Blue Ridge Tunnel Project). ACCEPTED the final agenda. 		
<p>5. Brief Announcements by Board Members. <u>Ms. Mallek:</u></p> <ul style="list-style-type: none"> Announced that November 15-24, 2013 is Virginia Cider Week. 		
<p>6. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <u>John Gooch</u>, Executive Director, Community Energy Conservation Program, spoke about their program, which provides weather assistance for low income families. <p><u>The following individuals spoke about additional funding to increase hours at Crozet Library:</u></p> <ul style="list-style-type: none"> Amy Gore Jennie More <p><u>The following individuals spoke in opposition to the proposed Trump Golf Course:</u></p> <ul style="list-style-type: none"> Antoinette Brewster Wendy Brown Kathleen Klumpp Sheryl Longnecker <p><u>The following individuals spoke about the proposed cash proffer policy:</u></p> <ul style="list-style-type: none"> Richard Spurzem Neil Williamson (also thanked Mr. Craddock for his service) Vito Cetta Frank Stoner Valerie Long (also spoke about proposed Economic Development Program) <p><u>The following individuals spoke about the proposed Economic Development Program:</u></p> <ul style="list-style-type: none"> Helen Cauthen John Lowry John Martin Jeff Werner (also spoke about proposed cash proffer policy) <ul style="list-style-type: none"> <u>Mary Dickens</u> spoke about the proposed rezoning of The Lofts at Meadowcreek. <u>Leslie Bowman</u> spoke about the ACSA jurisdictional area request from the Thomas 		Listen

	Jefferson Foundation.		
7.2	Blue Ridge Juvenile Detention Commission Service Agreement Amendment. <ul style="list-style-type: none"> • ADOPTED Resolution to Amend and Readopt Article 1, and Sections 3.7 and 4.1 of the Service Agreement for the Blue Ridge Juvenile Detention Commission. 	<u>Clerk:</u> Forward copy of signed resolution to County Attorney's office. (Attachment 1)	Listen
7.3	FY 13 Budget Amendment and Appropriations. <ul style="list-style-type: none"> • APPROVED Appropriations #2013008 and #2013113 to provide funds for local government and School Division grants and expenditures. 	<u>Clerk:</u> Notify OMB, Finance and appropriate individuals, and sign off on appropriations form.	
7.4	FY 14 Budget Amendment and Appropriations. <ul style="list-style-type: none"> • APPROVED Appropriations #2014050, #2014051, #2014052, #2014053, and #2014054 for various School Division and General Government projects and programs. 	<u>Clerk:</u> Notify OMB, Finance and appropriate individuals, and sign off on appropriations form.	
7.5	Set public hearing on proposed Ordinance to establish an Auxiliary Police Force. <ul style="list-style-type: none"> • SET for a public hearing on December 4, 2013. 	<u>Clerk:</u> Schedule and advertise public hearing for December 4, 2013.	
7.5a	Resolution of Support for Nelson County's Applications for VDOT Transportation Alternatives Grant Funds for The Blue Ridge Tunnel Project. <ul style="list-style-type: none"> • ADOPTED Resolution. 	<u>Clerk:</u> Forward copy of signed resolution to Stephen Carter and County Attorney's office. (Attachment 2)	
8.	Recognitions: <ol style="list-style-type: none"> Digital Government Award. <ul style="list-style-type: none"> • Chairman recognized IT Department and County Web Team. Susan A. King, External Affairs Representative, Dominion Virginia Power. <ul style="list-style-type: none"> • Recognized. Tom LaBelle, Division Chief for Volunteer Services (moved to December 4). Other recognitions: <ul style="list-style-type: none"> • There were none. 		Listen
9.	TJ Regional Legislative Package, David Blount. <ul style="list-style-type: none"> • By a vote of 6:0, APPROVED the 2014 TJPCD Legislative Program. 	<u>Clerk:</u> Forward approval to David Blount. (Attachment 3)	Listen
10.	Thomas Jefferson Foundation, Inc. - Albemarle County Service Authority (ACSA) Jurisdictional Area Request (ACSA-2013-00002). <ul style="list-style-type: none"> • By a vote of 6:0, SET public hearing to consider an amendment to the ACSA jurisdictional area for water and sewer service to the Thomas Jefferson Foundation properties (Tax Map 77, Parcel 31; Tax Map 78, Parcels 22, 23, 24A, 25; and Tax Map 92, Parcel 1) 	<u>Clerk:</u> Schedule and advertise public hearing for December 11, 2013.	Listen
11.	Establishment of Economic Development Program. <ul style="list-style-type: none"> • By a vote of 6:0, the Board supported next steps, as discussed, and requested that staff bring back for discussion, during budget work sessions, creation of an Economic Development office. 	<u>Clerk:</u> Set out in Attachment 4	Listen
12.	Closed Meeting. <ul style="list-style-type: none"> • At 11:09 a.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 in which there are pending vacancies or requests for reappointments; under subsection (1) and subsection (7) to 		Listen

<p>consult with and be briefed by legal counsel and staff regarding specific legal matters requiring the provision of legal advice related to the compensation of specific County employees; under subsection (3) to discuss the acquisition of real property for public park land because an open meeting discussion would adversely affect the bargaining position of the County; and under subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring the provision of legal advice related to the negotiation of a regional public safety agreement.</p>		
<p>13. Certified Closed Meeting.</p> <ul style="list-style-type: none"> At 1:43 p.m. the Board reconvened into open meeting and certified the closed meeting. 		
<p>14. Boards and Commissions: Appointments.</p> <ul style="list-style-type: none"> REAPPOINTED Mr. William Schrader to the Charlottesville-Albemarle Joint Airport Commission, with said term to expire December 1, 2016. REAPPOINTED Mr. David Booth, Mr. Frederick Huckstep and Ms. Diane Allen to the Local Board of Building Code Appeals, with said terms to expire November 21, 2018. REAPPOINTED Mr. David Booth, Mr. Frederick Huckstep and Ms. Diane Allen to the Fire Prevention Code Appeals Board, with said terms to expire November 21, 2018. APPOINTED Ms. Elizabeth Russell to the Historic Preservation Committee to fill the unexpired term of Cynthia Conte, to expire on June 4, 2014. REAPPOINTED Mr. Jay Fennell and Mr. Glen Michael to the Public Recreational Facilities Authority, with said terms to expire December 13, 2016. 	<p><u>Clerk:</u> Prepare appointment letter, update Boards and Commissions book, webpage, and notify appropriate person.</p>	
<p>15. <u>Pb. Hrg: ZMA-2013-00005. Piedmont Environmental Council (Signs #55&56).</u></p> <ul style="list-style-type: none"> By a vote of 6:0, APPROVED ZMA-2013-0005 as recommended. 		<p>Listen</p>
<p>16. Cash Proffer Policy.</p> <ul style="list-style-type: none"> By a vote of 6:0, the Board expressed its intent to amend the Comp Plan to provide credit for by-right development with respect to the cash proffer requirements and requested that staff discuss as part of Comp Plan. 	<p><u>Mark Graham:</u> Proceed as directed.</p>	<p>Listen</p>
<p>17. Board-to-Board, <i>Monthly Communications Report from School Board</i>, School Board Chairman.</p> <ul style="list-style-type: none"> Received. 		<p>Listen</p>
<p>18. FY 13 General Fund Year End Financial Report.</p> <ul style="list-style-type: none"> Received. 		<p>Listen</p>
<p>19. Quarterly Capital Report.</p> <ul style="list-style-type: none"> Received. 		<p>Listen</p>
<p>20. From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> Announced that the adaptive transportation system for Route 29 is scheduled to be 		<p>Listen</p>

<p>installed in June 2014.</p> <p><u>Duane Snow</u></p> <ul style="list-style-type: none"> • Mentioned that the Rockfish Wildlife Sanctuary is interested in partnering with the County on Arrowhead Farm. • DISCUSSED the acquisition of Arrowhead Farm. • DIRECTED staff to explore the possibility of the County acquiring the property and manage the resources with partners in a way that would provide natural use for the property. 	<p><u>Clerk:</u> Schedule on December 4 2013 agenda.</p>	
<p>21. From the County Executive: Report on Matters Not Listed on the Agenda.</p> <p><u>Tom Foley:</u></p> <ul style="list-style-type: none"> • Announced schedule for November Board meetings. 		
<p>22. Adjourn to November 13, 2013, 2:30 p.m., Lane Auditorium.</p> <ul style="list-style-type: none"> • At 4:24 p.m., the Board adjourned until 2:30 p.m., November 13, 2013. 		

ewj/tom

Attachment 1 – Blue Ridge Juvenile Detention Commission Service Agreement Amendment

Attachment 2 - Resolution of Support for Nelson County's Applications for VDOT Transportation Alternatives Grant Funds for The Blue Ridge Tunnel Project

Attachment 3 – 2014 TJ Regional Legislative Package

Attachment 4 – Economic Development Program next steps

**A RESOLUTION TO AMEND AND READOPT
ARTICLE 1, AND SECTIONS 3.7 AND 4.1
OF THE SERVICE AGREEMENT FOR
THE BLUE RIDGE JUVENILE DETENTION COMMISSION**

WHEREAS, the Counties of Albemarle, Culpeper, Fluvanna and Greene and the City of Charlottesville (the “Member Jurisdictions”) have previously created the Blue Ridge Juvenile Detention Commission (the “Commission”) and adopted an agreement dated July 1, 1999, and amended July 2, 2007 (the “Service Agreement”) that established their respective rights and obligations regarding the juvenile detention center financed, constructed and operated by the Commission; and

WHEREAS, the method prescribed by the Service Agreement for allocation of the operating costs of the detention center has required each Member Jurisdiction to prepay a share of those costs at the beginning of each Fiscal Year based on its usage in the preceding year, with that payment then being adjusted at the end of the Fiscal Year to reflect the percentage actually used by each member; and

WHEREAS, each year that method has caused some Member Jurisdictions to have to make supplemental year-end appropriations to cover their obligations to the Commission; and

WHEREAS, declining numbers of juvenile offenders detained at the juvenile detention center have caused the numbers detained from the Member Jurisdictions to fluctuate more from year to year, making budgeting more difficult and increasing the likelihood that some Member Jurisdictions will have to make such supplemental appropriations; and

WHEREAS, viewed over a longer time the relative usage of the Member Jurisdictions tends to be more stable; and

WHEREAS, the Member Jurisdictions wish to amend the Service Agreement to base the Member Jurisdictions’ future relative annual contributions to operating costs on their respective aggregate percentages of usage during the preceding three years, without making subsequent annual year-end adjustments based on actual usage;

NOW, THEREFORE, BE IT RESOLVED, by the Blue Ridge Juvenile Detention Commission, the Boards of Supervisors of Albemarle, Culpeper, Fluvanna and Greene Counties and the Council of the City of Charlottesville that:

1. The Service Agreement is amended by amending existing Sections 3.7 and 4.1, as follows:

Section 3.7 Annual Budget On or before each December 1, the Commission shall provide to each Member Jurisdiction the Commission’s Annual Budget for the next Fiscal Year, including any proposed capital projects. For each Fiscal Year in which the Detention Center will be in operation, or in which Obligations will be outstanding, such Annual Budget shall set forth the Annual Member Operating Charge, for each Member Jurisdiction, which shall be based upon that Member Jurisdiction’s respective percentage of the total usage of the Detention Center by all Member Jurisdictions during the preceding three Fiscal Years. The Commission agrees to set such Annual Member Operating Charges, that are sufficient to generate revenue adequate to pay Net Expenses and to fund any required reserves attributable to the care, maintenance and subsistence of Detainees. The Commission further agrees to revise such Annual Member Operating Charges as necessary to offset any non-payment by a Member Jurisdiction or unanticipated material decrease in revenue from the Commonwealth. The Commission also agrees to set, and to revise immediately as necessary to reflect any failure of a Member Jurisdiction to pay in accordance with the provisions of Section 4.1, Annual Member Debt Service Charges for Culpeper, Fluvanna and Greene, likewise based on their respective shares of all Member Jurisdictions’ total usage of the Detention Center during the three immediately preceding Fiscal Years in amounts sufficient to repay their respective shares of the debt service prepaid by Albemarle and Charlottesville on the Commission’s outstanding Obligations as described in Section 4.1 (a) below.

Within ten days of any revision to the Annual Member Operating or Debt Service Charges the Commission shall notify each Member Jurisdiction of such revision. Any such revision to the Annual Member Operating or Debt Service Charges will be based on factors affecting the Detention Center's revenues or expenditures, including but not limited to changes in assumed or actual occupancy levels, operating expenses, State operating or capital cost reimbursement, and any nonpayment of Annual Member Operating or Debt Service Charges by any Member Jurisdiction or other jurisdiction housing Detainees at the Detention Center. The Commission shall promptly provide copies of any amendments to its Annual Budget to each Member Jurisdiction.

Section 4.1. Payments from Member Jurisdictions.

(a) The objective of this Agreement is to provide the Commission, in each Fiscal Year in which the Detention Center is in operation, with sufficient revenues to fund fully the Commission's Expenses for such year. The Member Jurisdictions have agreed that the operating cost portion of such Expenses will be shared among them in proportion to their respective three prior Fiscal Years' usage of the Detention Center, and to that end have agreed to pay the Annual Member Operating and Debt Service Charges, as described in Sections 3.7 and 4.1(c), for the detainees they commit to the Commission's custody. The Member Jurisdictions have further agreed that the debt service portion of the Commission's expenses will be allocated among the Member Jurisdictions except Albemarle and Charlottesville by billing Culpeper, Fluvanna and Greene the Annual Member Debt Service Charge based on their respective percentages of all Member Jurisdictions' total usage of the Detention Center during the immediately preceding three Fiscal Years. Albemarle and Charlottesville agree, however, that their share of the debt service will be calculated by applying the payments of Culpeper, Fluvanna and Greene as credits against the debt service Albemarle and Charlottesville have prepaid as set forth in the next paragraph below, crediting 50% to Albemarle and 50% to Charlottesville. Notwithstanding the foregoing, no Member Jurisdiction's Annual Member Debt Service Charge shall be less than five percent of total debt service, (the equivalent of usage of 5% of the Detention Center's rated capacity of 40 beds.)

To facilitate issuance of the Commission's obligations at the most favorable interest rate, Albemarle and Charlottesville have further agreed to prepay 100% of each Commission debt service payment (divided equally between them) before it becomes due, and thereafter to receive credits, also applied equally, for the Annual Member Debt Service Charges received from other Member Jurisdictions, all in the manner described in Section 4.1(e) below. The net result shall be that Albemarle and Charlottesville each shall pay 50% of the debt service on the Commission's obligations not paid by the other Member Jurisdictions. This Agreement with respect to debt service allocation shall apply to all obligations issued to fund pre-opening and financing expenses, capitalized interest, required initial reserves for operations and debt service, land acquisition, design, construction and equipment of the Detention Center.

(b) Beginning July 1 2014, the Commission shall establish in its Annual Budget for the Fiscal Year, Annual Member Operating Charges for the care, maintenance, transportation and subsistence of Detainees from Member Jurisdictions equal in the aggregate to the Commission's Projected Net Expenses. Annual Member Operating Charges shall be determined by multiplying Projected Net Expenses (excluding debt service and related payments on Obligations, but including any required deposits to a repair or replacement reserve fund related to such Obligations) for such Fiscal Year by the ratio of each Member Jurisdiction's Detainee Days to the Commission's total Member Jurisdiction Detainee Days during the preceding three Fiscal Years. The Annual Member Debt Service Charges shall be determined as set forth in paragraph 4.1(a) above.

(c) The Annual Member Operating Charges shall be collected in quarterly installments in advance of each quarter of each Fiscal Year. Such amounts shall be invoiced by the Commission to each Member Jurisdiction by the first day of each quarter of each Fiscal Year and shall be payable no later than the last day of the first month of each quarter.

(d) The Annual Member Debt Service Charges shall be collected in advance for each quarter of each Fiscal Year. Such amounts shall be invoiced by the Commission to each Member Jurisdiction by the first day of each quarter of each Fiscal Year and shall be payable no later than the last day of the first month of each quarter. Such advance payments shall be subject to annual adjustments based upon actual usage after the end of each Fiscal Year, as described in Section 4.1(e) below.

(e) Notwithstanding the foregoing paragraph, the prepayments due from Albemarle and Charlottesville in each quarter shall be calculated to total in the aggregate 100% of one quarter of the Commission's annual debt service, allocated 50% to Albemarle and 50% to Charlottesville. The quarterly payments received by the Commission in each quarter from Culpeper, Fluvanna and Greene shall be applied equally against the next quarterly payments due from Albemarle and Charlottesville.

(f) Except for the payment of the Annual Member Operating and Debt Service Charges attributable to the Detainees whom it has actually committed to the Commission, the obligation of each Member Jurisdiction to pay Annual Member Operating and Debt Service Charges shall be subject to and contingent upon appropriations being made for such purposes by the governing body of such Member Jurisdiction. Those governing bodies hereby direct their respective chief executive officers to include in their annual budget and appropriation requests to the governing bodies funds sufficient to pay such Annual Member Operating and Debt Service Charges expected to come due during the Fiscal Year for which such budgets are applicable.

(g) The Commission shall notify all Member Jurisdictions not later than 30 days after any payment due date if a Member Jurisdiction fails to pay any charge when due, and shall pursue with diligence the collection of such past due amount. If not paid when due, the charge shall bear interest at a rate determined by the Commission until paid; however, this provision shall not apply in instances where Applicable Law prescribes some other due date or late payment charge. The notice shall include a statement of the Commission's intention to adjust the remaining payments due during the Fiscal Year (and thereafter if such default is not cured) from all non-defaulting Members and shall state the amount of the adjusted charge. The adjustment shall be based upon a reallocation of Annual Member Operating and Debt Service Charges to all non-defaulting Members. Upon payment in full of the amount in arrears by the defaulting Member Jurisdiction, the Commission shall readjust Annual Member Charges to pre-default levels and credit all non-defaulting Members in the appropriate amount for any excess payments previously made at the default adjusted rate. The Commission shall make other adjustments as may be necessary to the Annual Member Charges during the Fiscal Year to meet Expenses and to comply with any covenants entered into in connection with any Obligations.

2. These amended sections shall be effective for the Fiscal Year beginning July 1, 2014.

**RESOLUTION OF SUPPORT
FOR NELSON COUNTY'S APPLICATIONS
FOR VDOT TRANSPORTATION ALTERNATIVES GRANT FUNDS
FOR THE BLUE RIDGE TUNNEL PROJECT**

WHEREAS, Nelson County has completed the final design for the Blue Ridge Tunnel Project using Transportation Enhancement Program grant funds; and

WHEREAS, earlier this year, Nelson County received a \$749,000 Federal Transportation Enhancement grant (now referred to as "Transportation Alternatives" grants) to begin rehabilitation work on the tunnel's eastern portal; and

WHEREAS, the completion of the Blue Ridge Tunnel Project will provide a unique regional attraction with historic, educational, and economic benefits as well as a safe and level trail for hikers, joggers, and bicyclers; and

WHEREAS, the Blue Ridge Tunnel is in the Greenwood/Afton Rural Historic District and is in close proximity to Albemarle County; and

WHEREAS, in November, Nelson County intends to request an additional \$406,000 through the Transportation Alternatives Program;

NOW, THEREFORE, BE IT RESOLVED, by the Albemarle County Board of Supervisors that said Board supports Nelson County's application to the Virginia Department of Transportation for Transportation Alternatives Program grant funds, for Nelson County's Blue Ridge Tunnel Project.

2014
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 2013

Allen Hale, Chairman
David Blount, Acting Executive Director/Legislative Liaison

PRIORITY ITEMS

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 State to fully fund its share of the realistic costs of the Standards of Quality without making policy changes that reduce funding or shift funding responsibility to localities. Further, we believe that unfunded liability associated with the teacher retirement plan should be a shared responsibility of state and local government.

Rationale: The state will spend about \$5.3 billion on public education in FY14, about 30% of its general fund budget. The level of state funding for FY14 remains below the FY09 amount by more than \$250 million; state per pupil expenditures for FY14 of \$4,880 are still well below the FY09 high of \$5,274 per pupil by almost \$400. Meanwhile, local governments boost education funding by spending over \$3.3 billion more per year than required by the state.

Reductions in state public education dollars the last four to five years have been accomplished mainly through policy changes that are decreasing the state's funding obligations moving forward. For example, the state has "saved" millions of dollars by shifting costs to localities through making some spending ineligible for state reimbursement or lowering the amount of the payback. It previously imposed a cap on state funding for education support personnel and has reduced funding for other support costs.

Policy changes to the Virginia Retirement System (mandatory teacher 5% for 5%) are not a zero sum game for localities and do nothing to reduce a \$15.2 billion unfunded teacher pension liability. A coming GASB rules change will assign liabilities associated with cost-shared pension plans (like the Virginia teacher plan) to the government (in our case, local) that makes the payment, potentially impacting credit ratings. The state sets standards and benefits for teachers; it should take responsibility for part of their pension plan's unfunded liability. Meanwhile, contribution rates are expected to surge again, as the State pays back previously borrowed VRS funds and seeks to make up for past underfunding.

Position Statements:

The State should resist further policy changes that require localities to fund a greater share of costs. State funding should be realistic and recognize actual needs, practices and costs; otherwise, more of the 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 occurs.

We also take the following positions:

- 1) The State should not eliminate or decrease 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 seizing dollars from the Literary Fund to help pay its costs for teacher retirement.

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: Locality budgets continue to be challenged by slowly-recovering local revenue, stagnant state funding and additional requirements. While state general fund appropriations have increased by \$2 billion since FY09, state assistance to local governments for locally-administered programs is \$375 million less for FY14 than in 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. The governor and state officials have boasted of state budget “surpluses” the past four years, yet continue to approve unfunded and underfunded state requirements and shift costs to localities, straining local ability to craft effective and efficient budgets to deliver services 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. We support efforts to improve and enhance the process for determining local fiscal impacts of proposed legislation, including additional state involvement and resources to support such fiscal analyses and reinstatement of the “first day” introduction requirement for bills with local fiscal impact.

Changes to Virginia’s tax code or in state policy should not reduce local government revenue sources or restrict local taxing authority. Any legislative or study committee examining such revenues or authority should include local government representation. 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 was done in 2012 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, and 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 remain focused on providing for sufficient state revenues to expand and maintain our transportation infrastructure. It is imperative that the State restore 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: State leaders took a big step this past year toward addressing transportation infrastructure needs with approval of a transportation funding package that is expected to generate nearly \$800 million per year by 2018, with funding targeted primarily for road maintenance, rail and transit. Under the approved plan, revenues for transportation are being generated from policy changes that 1) eliminated the gas tax and converted it to a wholesale tax (on both gas and diesel); 2) increased the state sales tax from 5% to 5.3%, while also hiking the motor vehicle sales tax and the alternative fuel vehicles annual fee; 3) diverted additional general fund dollars to transportation; and 4) will utilize internet sales tax collections, should federal law be put in place. Previous legislative changes (2012) authorize \$500 million of the top for Commonwealth Transportation Board priorities before funds are provided to the construction fund. Accordingly, construction funding for secondary and urban roads, suspended in 2010, has not been restored and is not due to resume until 2016.

Position Statements:

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 took 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) 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.

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. 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 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. This includes costs associated with revised stormwater management regulations and requirements for locally-implemented stormwater management programs, as fees that have been authorized likely will be inadequate to cover costs associated with the new programs. The state should consider using state budget surplus dollars to fund such measures. We also support allowances for modified stormwater management plans for individual lots.
- 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 a) the Cooperative Extension Service and Soil and Water Conservation Districts to aid farmers with best management practices (BMP) in their operations, and b) the Soil and Water Conservation Board for monitoring resource management plan compliance.
- 4) We believe that implementation of the Nutrient Trading Act to allow exchange of pollution allocations among various point and nonpoint sources should contain such exchanges within 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 revisions to the current road impact fee authority that would include additional localities and 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) We oppose efforts to unnecessarily expand and commercialize the definition of farm operations that would impede local abilities to protect the property values, health, safety and welfare of citizens in the locality.

- 2) 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).
- 3) We support optional cluster development as a land use tool for local governments.
- 4) 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 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 or remained steady the last four years as the number of youth receiving services has dropped. 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 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 in order to improve vendor accountability and to control costs.

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 support meaningful opportunities to boost regional collaboration and projects. Specifically, we endorse enhanced state funding for the Regional Competitiveness Act to initiate and sustain such efforts. 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, to provide incentives for and to promote local, regional and state agricultural products and rural enterprises, and to encourage expansion and opportunities for such products and enterprises.
- We increased state funding for the Virginia Cooperative Extension Service.
- We 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 continue to 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 Chesapeake Bay Preservation Act's coverage area. 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 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.
- We support scenic river designation for a portion of the Tye River in Nelson County.

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 have been 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 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 urge full state funding to offset any increased costs to local governments for additional responsibilities for processing applications for the FAMIS program.
- 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) 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 authorization for the court to issue restricted driver's licenses to persons denied them because of having outstanding court costs or fees.

- We support legislation to allow localities to give developers the option to install sidewalks or to contribute corresponding funds in connection with residential development or redevelopment.
- We support increased state funding for regional planning districts.
- We support legislation to increase permissible fees for courthouse maintenance.
- 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.

Economic Development Program next steps

1. Beginning in early 2014 for a period of three to four months, staff to work with the Board on a variety of efforts to prepare for the transition to an independent Office of Economic Development, including developing a broader understanding of current and emerging realities of economic development and the needs of the County's target industries; gaining working knowledge of what efforts are necessary to achieve robust economic health in a competitive environment; and developing the shared responsibility of economic development among key partners such as the EDA and the Planning Commission to establish the philosophical framework that sets direction for the economic development program, including desired measurements/outcomes. These efforts would include:
 - holding a series of joint work sessions to provide insights and experiences from experts in various areas of economic development.
 - planning site visits or other learning opportunities to observe how economic development initiatives are succeeding in other communities.
2. Consider establishing a new Economic Development Office by July 1, 2014, which would involve:
 - hiring an Economic Development Director and administrative staff
 - transitioning the Economic Development Facilitator from the County Executive's Office to the new office
3. Consider refocusing and transitioning the efforts of the existing Office of Community and Business Partnerships
4. Efforts begun during the Economic Vitality Action Plan to advance the five identified goals to continue during this period with existing staff in their current roles, with particular focus on continued positive business image and climate initiatives, workforce readiness, marketing, existing business retention, target market analysis, and agribusiness support. The \$50,000 in funding for establishing an economic development program provided in the adopted FY 14 budget could be used beginning in January, 2014 to support targeted economic development functions during the transition period with the Board of Supervisors prior to the establishment of the new Economic Development Office in July, 2014.