

November 9, 2022

TO: Members, Albemarle County Board of Supervisors  
Albemarle County Executive

FROM: David C. Blount, Director of Legislative Services

RE: 2023 TJPDC Legislative Program Approval

Attached for your review and consideration is the draft 2023 TJPDC Legislative Program. It will be on the agenda for approval at your November 16 meeting. The draft program lists three top legislative priorities for 2023 as follows:

- 1) Public Education Funding
- 2) Budgets and Funding
- 3) Broadband

The accompanying “Legislative Positions” section focuses on the most critical recommendations and positions in other areas of current interest and concern in the region. Items in this section that have been substantively amended are noted following this memo.

A summary of the priority positions will be produced and distributed later for you to use in continuing to communicate with your legislators.

Thank you for your consideration.

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**Recommended Action:** Approve the draft 2023 TJPDC Legislative Program.

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## **Substantive Changes to Legislative Positions Section**

**Education** (p. 4; first bullet): Added support for new school construction assistance programs.

**General Government** (p. 5):

>Added specific items for which state funding for elections is sought, to include voting equipment, registrar costs, early voting requirements and election security standards (fifth bullet).

>Added language to support funding for localities for cybersecurity to protect critical systems and sensitive data (eighth bullet).

**Housing** (p. 6; first bullet): Added language to place additional emphasis on incentives and local authority to promote housing that is affordable.

**Land Use and Growth Management** (p. 7; fifth bullet): Added language concerning compliance with regulations by event spaces.

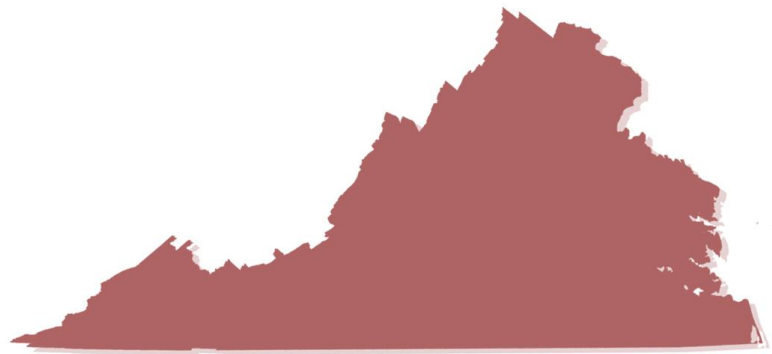
**Public Safety** (p. 7):

>Added four new bullets as follows:

- 1) to encourage state support for paid and volunteer fire/EMS/first responders;
- 2) to urge state assistance to localities in recruiting and retaining law enforcement personnel;
- 3) to support legislation to help law enforcement combat the act of making a hoax call (swatting);

and

4) to support indexing jail per diem costs as a fixed percentage of the actual statewide daily expense average.



# **Thomas Jefferson Planning District**

## **2023 LEGISLATIVE PROGRAM**

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

**DRAFT**  
**October 2022**

**Ned Gallaway**, Chair  
**Christine Jacobs**, Executive Director  
**David Blount**, Director of Legislative Services

# TOP LEGISLATIVE PRIORITIES

## Public Education Funding

**PRIORITY: The Planning District localities urge the State to fully fund its share of the realistic costs of the Standards of Quality (SOQ) without making policy changes that reduce funding or shift funding responsibility to localities.**

The State will spend billions of dollars on direct aid to public education in the current biennium. While we appreciate additional state teacher salary and other one-time and ongoing education dollars approved during the current biennium, we continue to believe that the State should increase its commitment to K-12 education in a manner that reflects the true costs of K-12 education. Local governments consistently go “above and beyond” to close this funding gap by appropriating twice as much K-12 funding as required by the state.

We believe localities need an adequately-defined SOQ so that state funding better aligns with what school divisions are actually providing in their schools. This could include recognizing additional instructional positions and increasing state-funded staffing ratios for various non-instructional positions in the education funding formula. Localities and school divisions also should have flexibility in the use of state funds provided for school employee compensation.

Further, we urge state efforts to support 1) adequate pipeline programs for teachers, especially in critical shortage areas; and 2) funding and policies that assist localities in addressing challenges with hiring school bus drivers and mental health professionals.

## Budgets and Funding

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

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

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

We believe a changed business landscape will necessitate a review of revenue sources to localities, along with new ideas and actions to broaden and diversify local revenue streams. Any tax reform efforts also should examine the financing and delivering of state services at the local level and how revenue is generated relevant to our economic competitiveness. Accordingly, we support the legislature 1) making additional revenue options available to localities in order to

diversify the local revenue stream; and 2) further strengthening for counties, those revenue authorities that were enhanced during the 2020 legislative session. The State should not eliminate or restrict local revenue sources or confiscate or redirect local general fund dollars to the state treasury. This includes Communications Sales and Use Tax Trust Fund dollars, the local share of recordation taxes, and any state-mandated exemptions to the local option sales tax, unless a viable revenue-replacement to local governments is established.

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## Broadband

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

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

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

- While we appreciate federal and state actions that have substantially increased funding for the Virginia Telecommunication Initiative (VATI), we encourage continued efforts to offset further funding needs and to address concerns such as easement usage associated with deployment.
- Provisions and incentives that would provide a sales tax exemption for materials used to construct broadband infrastructure.
- Support for linking broadband efforts for education and public safety to private sector efforts to serve businesses and residences.
- Maintaining local land use, permitting, fee and other local authorities.



## LEGISLATIVE POSITIONS

### Children's Services Act

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

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

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### Economic and Workforce Development

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

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

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### Education

The Planning District's member localities believe that, in addition to funding the Standards of Quality (as previously noted), the State should be a reliable funding partner with localities by recognizing other resources necessary for a high-quality public education system. Accordingly, we take the following positions:

- Concerning school facilities, we appreciate and support the school construction assistance programs enacted in 2022 and request that they be consistently funded. We also support allowing all localities the option of levying a one-cent sales tax to be used for construction or renovation of school facilities. The State also should discontinue seizing dollars from the Literary Fund to help pay for teacher retirement.
- We believe that unfunded liability associated with the teacher retirement plan should be a shared responsibility of state and local government.
- We support legislation that 1) establishes a mechanism for local appeal to the State of the calculated Local Composite Index (LCI); and 2) amends the LCI formula to recognize the land use taxation value, rather than the true value, of real property.

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## Environmental and Water Quality

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

- We oppose legislation mandating expansion of the Chesapeake Bay Preservation Act's coverage area. Instead, we urge the State to provide legal, financial and technical support to localities that wish to improve water quality and use other strategies that address point and non-point source pollution. We also support aggressive state investment in meeting required milestones for reducing Chesapeake Bay pollution to acceptable levels.
- We support state investment targeted to permitted dischargers to upgrade treatment plants, to aid farmers with best management practices, and to retrofit developed areas.
- We support continued investment in the Stormwater Local Assistance Fund to assist localities with much-needed stormwater projects and in response to any new regulatory requirements. Any such requirements should be balanced, flexible and not require waiver of stormwater charges, and training should be available for local governments to meet ongoing costs associated with local stormwater programs.
- We support the option for localities, as a part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality.
- We support legislative and regulatory action to ensure effective operation and maintenance of alternative on-site sewage systems and to increase options for localities to secure owner abatement or correction of system deficiencies.
- We support dam safety regulations that do not impose unreasonable costs on dam owners whose structures meet current safety standards.
- The State should be a partner with localities in water supply development and should work with and assist localities in addressing water supply issues, to include investing in regional projects.
- The State should not impose a fee, tax or surcharge on water, sewer, solid waste or other local services to pay for state environmental programs.
- We support local authority to address choices and impacts associated with utility-scale installation of clean energy resources. As the move to non-carbon sources of energy continues, we support the creation of stronger markets for distributed solar and authority for local governments to install small solar facilities on government-owned property and use the electricity for schools or other government-owned buildings located nearby.

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## General Government

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

- State policies should protect local governments' ability to regulate businesses, to include collection and auditing of taxes, licensing and regulation, whether they are traditional, electronic, internet-based, virtual or otherwise, while encouraging a level playing field for competing services in the marketplace.
- We oppose intrusive legislation involving purchasing procedures; local government authority to establish hours of work, salaries and working conditions for local employees; matters that can be adopted by resolution or ordinance; procedures for adopting ordinances; and procedures for conducting public meetings.
- The state should maintain the principles of sovereign immunity for local governments and their employees, to include regional jail officers.
- Localities should have maximum flexibility in providing compensation increases for state-supported local employees (including school personnel), as local governments provide significant local dollars and additional personnel beyond those funded by the State. We also support use of a notarized waiver to allow volunteer workers to state they are willing to provide volunteer services and waive any associated compensation.
- We urge state funding to address shortfalls in elections administration dollars, as administration has become more complex and federal and state financial support for elections has been decreasing. Specifically, we request that the State adequately fund costs associated with voting equipment, registrar costs, early voting requirements and election security standards.
- We support expanding the allowable use of electronic meetings for all local public bodies, with flexibility for public bodies to determine how to accommodate public comment and participation. Any changes to FOIA should preserve 1) a local governing body's ability to meet in closed session; 2) the list of records currently exempt from disclosure; and 3) provisions concerning creation of customized records.
- We support the use of alternatives to newspapers for publishing various legal advertisements and public notices.
- We support federal and state funding for localities to acquire and maintain advanced cybersecurity to protect critical systems and sensitive data.
- We support enhanced state funding for local and regional libraries.
- We support expanding local authority to regulate smoking in public places.

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## Health and Human Services

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



- We support full state funding for any local costs associated with Medicaid expansion, including local eligibility workers and case managers, but oppose any shifting of Medicaid matching requirements from the State to localities.
- The State should provide sufficient funding to allow Community Services Boards to meet the challenges of providing a community-based system of care that helps divert people from needing a state hospital level of care, as well as having services such as outpatient and permanent supportive housing available. We also support measures to address census pressures at state hospitals that will enable them to receive admissions of individuals subject to temporary detention orders without delays.
- We support the provision of sufficient state funding to match federal dollars for the administration of mandated services within the Department of Social Services, and to meet the staffing standards for local departments to provide services as stipulated in state law.
- We support continued operation and enhancement of early intervention and prevention programs, including the Virginia Preschool Initiative and Part C of the Individuals with Disabilities Education Act (infants and toddlers).

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## Housing

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

- We support the following: 1) local authority and flexibility in the operation of housing affordability programs and establishment of affordable dwelling unit ordinances; 2) increased federal and state funding, as well as appropriate authority and incentives, to assist localities in fostering housing that is affordable; 3) grants and loans to low- or moderate-income persons to aid in purchasing dwellings; and 4) measures to prevent homelessness and to assist the chronic homeless.
- We support incentives that encourage rehabilitation and preservation of historic structures.

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## Land Use and Growth Management

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

- We support the State providing additional tools to plan and manage growth, as current land use authority often is inadequate to allow local governments to provide for balanced growth in ways that protect and improve quality of life.
- We support broader impact fee authority for facilities other than roads, authority that should provide for calculating the cost of all public infrastructure, including local transportation and school construction needs caused by growth.
- We support changes to provisions of the current proffer law that limit the scope of impacts that may be addressed by proffers.
- We oppose legislation that would 1) restrict local oversight of the placement of various telecommunications infrastructure; 2) single out specific land uses for special treatment without

regard to the impact of such uses in particular locations; and 3) exempt additional facilities serving as event spaces from building and fire code regulations.

- We request state funding and incentives for localities, at their option, to acquire, preserve and maintain open space, and support greater flexibility for all localities in the preservation and management of trees.

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## Public Safety

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

- The Compensation Board should fully fund local positions that fall under its purview, to include supporting realistic levels of staffing to enable constitutional offices to meet their responsibilities and limit the need for localities to provide additional locally-funded positions. The Compensation Board should not increase the local share of funding for Constitutional offices or divert money away from them, and localities should be afforded flexibility in the state use of state funds for compensation for these offices.
- We encourage state support for paid and volunteer fire/EMS/first responders, given the ever-increasing importance they play in local communities.
- We support state efforts to assist localities in recruiting and retaining law enforcement personnel.
- We urge state funding of the HB 599 law enforcement program in accordance with *Code of Virginia* provisions.
- We support adequate and necessary funding for mental health and substance abuse services at juvenile and adult detention facilities and jails.
- We support legislation to help law enforcement combat the act of making a hoax call that reports an immediate threat to human life, with the intent of triggering a significant and urgent emergency response, usually involving a SWAT team (known as "swatting").
- We encourage needed funding for successful implementation of policies and programs that 1) supplement law enforcement responses to help individuals in crisis to get evaluation services and treatment; 2) provide alternative transportation options for such individuals; and 3) reduce the amount of time police officers must spend handling mental health detention orders.
- In an effort to offset future surprises and to fairly share future cost increases, we support indexing jail per diem costs as a fixed percentage of the actual, statewide daily expense average, as set forth in the annual Jail Cost Report. Further, local and regional jails should have a choice as to whether they will keep state-responsible inmates in their facility after the 60-days from the date of the final sentencing order.
- We support the ability of local governments to adopt policies regarding law enforcement body worn cameras that account for local needs and fiscal realities. The State should provide financial support for localities using such camera systems.

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## Transportation

The Planning District's member localities recognize that revenues for expanding and maintaining all modes of infrastructure are critical for meeting Virginia's well-documented transportation challenges; for attracting and retaining businesses, residents, and tourism; and for

keeping pace with growing public needs and expectations. We encourage the State to prioritize funding for local and regional transportation needs. Accordingly, we take the following positions:

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