

Albemarle County's 2015 Legislative Priorities Report

This report summarizes actions taken regarding Albemarle's 2015 Legislative Priorities. This report will often cite information from the final legislative reports of the Thomas Jefferson Planning District Commission (TJPDC), Virginia Municipal League (VML), and the Virginia Association of Counties (VACo). For complete reports from these organizations that provide a thorough overview of local government impacts beyond Albemarle's priorities, please see the links below.

Legislative Information System: [LIS](#)

TJPDC: [Legislative Liaison](#)

VACo: [Legislation](#)

Virginia Municipal League: [Legislative Report](#)

Growth Management, Land Use and Transportation

Stormwater Utility Waiver - request the General Assembly to amend Virginia Code § 15.2-2114 to provide that a public entity is eligible for a waiver under Virginia Code § 15.2-2114(C) from the imposition of stormwater utility charges where the public entity's real property is covered by a municipal separate storm sewer system permit ("MS4"), even though the public entity is not the MS4 permit holder.

SB 1047 was adopted to provide for a waiver of stormwater utility charges for property owned by the school board of one locality and located in another adjoining locality if the localities have a revenue sharing agreement and the school board property is subject to an MS4 permit.

Transportation Funding - Support legislation to 1) establish a new dedicated funding source for a Charlottesville-Albemarle Regional Transit Authority; 2) establish stable and consistent state revenues for Virginia's long-term transportation infrastructure needs; 3) direct funding efforts to expand transportation choices and engage in multimodal transportation planning; and 4) fund maintenance of rural road systems. The County also strongly opposes any legislation or regulations that would require the transfer of responsibility to counties for construction, maintenance or operation of new and existing secondary roads.

HB 1887 was adopted to amend the VDOT transportation funding formula, reporting requirements, and allocation of certain tax revenue.

No additional revenue is provided for transportation for FY16.

Biosolids - Support legislation enabling localities, as 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 related to the public safety and welfare of its citizens and the environment. In addition, support legislation regarding land application of biosolids that protect the environment, public health and safety.

HJ 506 & SJ 271 provided for a DMME study of the long term impacts of biosolids and industrial waste and a review & evaluation of the impact of biosolids application on human health, respectively. Both resolutions failed to pass.

Local Authority - Support legislation to strengthen localities' authority by enabling them to utilize adequate public facilities ordinances, and encourage the General Assembly to refrain from passing legislation that preempts or circumvents existing local authority to regulate land use.

[HB 1849](#) was adopted to change the standard by which a board of zoning appeals shall grant a variance by eliminating or altering several of the requirements.

Impact Fee Authority - Support impact fee legislation that allows for 1) effective implementation through simple locally-based formulae and reasonable administrative requirements; 2) does not cap or limit localities' impact fee updates; and 3) does not diminish the existing proffer system.

[SB 1257](#) was adopted to remove the July 1, 2017 expiration of a current law that delays the payment of certain per-dwelling-unit cash proffers until after the final inspection of the subject property and prior to the issuance of any certificate of occupancy.

Conservation Easements - Support legislation that augments local efforts in natural resource protection through 1) continued funding of the Virginia Land Conservation Foundation (VLCF) for locally established and funded Purchase of Development Rights programs (e.g. ACE Program in Albemarle County); 2) continued provision of matching funds to localities for their Purchase of Development Rights programs through the Office of Farmland Preservation; 3) retaining provisions in transient occupancy tax legislation so that funds can continue to be used to protect open-space and resources of historical, cultural, ecological and scenic value that attract tourism; and 4) increased incentives for citizens to create conservation easements.

The budget included \$3 million dollars for the Virginia Land Conservation Fund and \$1 million dollars for farm preservation.

Scenic Protection and Tourist Enhancement - Support enabling legislation for Albemarle County to provide for a scenic protection and tourist enhancement overlay district. Such legislation would provide a method to ensure full consideration of visual resources and scenic areas when the County or state make land use decisions in designated areas.

No legislation was introduced in the 2015 General Assembly regarding this matter.

Health and Human Services

Comprehensive Services Act (CSA) - Request that the legislature assist localities' implementation of CSA in a consistent, financially stable manner by: 1) fully funding the state pool for CSA with allocations based on realistic anticipated levels of need and a cap on local expenditures for serving a child through CSA, and 2) encouraging the state to be proactive in making service providers available and to support local and regional efforts to address areas of cost sharing among localities by procuring services through group negotiation.

The budget restores \$7.3 million dollars to the Comprehensive Services Act.

Child Care for Low Income Working Families - Request the legislature provide additional funds to local governments to assist low-income working families with childcare costs. Funding helps working-class parents pay for supervised day care facilities and supports efforts for families to become self-sufficient.

No legislation was introduced in the 2015 General Assembly regarding this matter.

Local Department of Social Services (LDSS) - Request the legislature increase funds for LDSS to match all available federal dollars to assist LDSS staffing needs in order to meet state mandated services and workloads.

The budget included \$2 million dollars in FY16 for hiring of local DSS eligibility workers.

Local Government Administration and Finance

Taxation - Support legislation granting counties taxing powers equal to those granted cities and towns, without decreasing, limiting or changing city and town taxing authority.

Several bills were introduced in both the House and Senate pertaining to local taxation authority.

[SB 759](#) was introduced to authorize all counties to impose a transient occupancy tax of 5% and eliminate the requirement that excess over 2% go to tourism. The bill was amended and adopted to only add the County of Isle of Wight to the list of counties authorized to impose a transient occupancy tax of up to 5%, with any excess over 2% to be designated and spent solely for tourism purposes.

[HB 1994](#) would have permitted all counties the power to levy tax upon the sale of cigarettes. The bill was left in the House Finance Committee.

[HB 2348](#) would have added Montgomery and Pulaski Counties to the list of counties authorized to impose a local cigarette tax and required that the revenue from such tax in those counties be used solely for school maintenance and construction. The bill was left in the House Finance Committee.

[SB 784](#) would have allowed any county to impose a cigarette tax by removing the requirement that they had such authority prior to 1977. The bill was defeated in the House Finance Committee.

[SB 1414](#) would have added Montgomery and Pulaski Counties to the list of counties authorized to impose a local cigarette tax and required that the revenue from such tax in those counties be used solely for school maintenance and construction. The bill was passed by indefinitely in the House Finance Committee.

[SB 774](#) was introduced to authorize all counties to levy an admission tax to any event. The bill failed in the Senate Finance committee.

Personal Property Tax - Support legislation to amend Virginia Code § 58.1-3518 to provide that the commissioner of the revenue or Finance Director may elect not to require the reporting of property with an original cost of less than two hundred fifty dollars (\$250) on a business personal property tax return.

[HB 2098](#) was adopted to enable a locality to establish miscellaneous and incidental property used in a trade or business with an original cost of less than \$250 as a separate classification of tangible personal property for taxation purposes, and that a locality may allow a taxpayer to provide an aggregate estimate of the total cost of all such property owned by the taxpayer that qualifies under the classification in lieu of a specific, itemized list.

Virginia Retirement System - The County supports restoration of funds to the Virginia Retirement System to maintain the long-term solvency of the plan without further devolving the funding responsibility to localities.

The General Assembly included \$193 million in the budget for a one-time payment to reduce the unfunded liability of the VRS teacher retirement fund.

School Bus Video-Monitoring Systems - Request the General Assembly to amend Virginia Code Section § 45.2-844 to allow for service of summonses by mail for violations of passing stopped school buses recorded by school bus video monitoring systems similar to the authority in Virginia Code Section § 15.2-968.1, for the service of summonses for running red lights recorded by a traffic signal enforcement program.

[HB 2116](#) would have allowed a locality to provide service of summonses by mail for violations of passing stopped school buses recorded by school bus video monitoring systems. The bill was left in the House Militia, Police and Public Safety committee.

June Primary Elections – Support legislation to move the annual date for June primary elections in the Commonwealth from the second Tuesday in June to the third Tuesday in June to avoid conflicts between local election administration and local school systems, where schools serve as voting precinct polling places.

[HB 1280](#) would have changed the date of primary elections held in the month of June from the second Tuesday to third Tuesday in June and would have changed candidate filing deadlines to reflect the change of date. The bill was left in the House Privileges & Elections Committee.

Composite Index - Support legislation to amend the Composite Index Funding Formula by re-defining the local true value of real property component of the formula to include the land use taxation value of real property rather than the fair market assessed value for those properties that have qualified and are being taxed under a land use value taxation program

Several bills were introduced in both the House and Senate pertaining to the Composite Index Funding Formula and land use taxation.

[HB 1514](#) would have required “for the purpose of determining the state and local shares of basic aid funding, that the composite index of local ability-to-pay or local composite index (LCI) utilize the use value of all applicable real estate (i) devoted to agricultural use, horticultural use, forest use, and open-space use in each locality that has adopted an ordinance by which it provides for the use valuation and taxation of such real estate” among other things. The bill was defeated in the House Education Committee.

[HB 2394](#) would have established a procedure for the appeal of the computation of the composite index. The bill was left in the House Rules Committee.

[HJ 514](#) would have requested the Department of Education to study the effect of local land use valuation on the Composite Index. The bill was left in the House Rules Committee.

[SB 309](#) would have established a procedure for appealing the computation of the composite index of the local ability to pay. The bill was left in the Senate Education and Health Committee.

[SJ 288](#) would have requested the Department of Education to study the effect of local land use valuation on the Composite Index. The bill was left in the Senate Rules Committee.

Community College Capital Costs - Request the state to fund 100% of public funding required for community college costs. Currently, localities are required to fund a portion of operating and capital costs.

No legislation was introduced in the 2015 General Assembly on this matter.

Public Defender funding - Request the state to adequately fund compensation for public defenders in Commonwealth jurisdictions.

No legislation was introduced in the 2015 General Assembly on this matter.

Full Funding of State Mandates - Request full funding for state mandates in all areas of local government including the Standards of Quality (SOQs) and other mandates imposed on local

school divisions, positions approved by the Compensation Board, costs related to jails and juvenile detention centers and human services positions.

The budget eliminates the \$30 million Aid to Localities reversion in FY16.

Voting Precincts - Eliminate split Virginia Senate precincts to the extent possible. The Virginia Senate redistricting plan has created split precincts in the Jack Jouett, Rio and Rivanna Magisterial Districts. The Jack Jouett precinct is split between the 17th and 25th Senate Districts in two places. The Woodbrook precinct is split between the 17th and the 25th Senate Districts and the Stony Point precinct is split between the 17th and 25th Senate Districts.

[SB 1237](#) introduced by Sen. Reeves, would have changed district assignments of census blocks in Albemarle County between Districts 17 and 25 in order exchange two precincts and to reunite two split precincts. The district population deviations would have remained at less than two percent from the ideal district population. Governor McAuliffe vetoed the bill.

Drug Court Funding - Request full funding for the Drug Court Program, which provides effective treatment and intensive supervision to drug offenders through the Circuit Courts of several Virginia localities.

The final budget approved by the General Assembly retained the \$182,500.00 previously allotted for the Charlottesville-Albemarle Drug Court Program.