



Albemarle County

Legislation Details (With Text)

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AGENDA DATE: 10/16/2019

TITLE:

Proposed 2020 County Legislative Positions and Policy Statements

SUBJECT/PROPOSAL/REQUEST: Consider and approve the proposed 2020 County Legislative Positions and Policy Statements

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Richardson, Kamptner, Blount

PRESENTER (S): Greg Kamptner

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: Each year the Board considers and approves a slate of legislative positions and policy statements and submits them, together with the Board's legislative priorities to the Thomas Jefferson Planning District Commission (TJPDC), the Virginia Association of Counties (VACo), and the Virginia Municipal League (VML). In prior years, the Board has considered and approved its legislative priorities and its legislative positions and policy statements at the same time. This year, to ensure that the local General Assembly delegation learned of the County's legislative priorities earlier in the legislative cycle, the Board approved its legislative priorities on August 7, 2019 and met with some members of the local General Assembly or their representatives on September 5, 2019.

STRATEGIC PLAN: Mission: To enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds.

DISCUSSION: The proposed 2020 County Legislative Positions and Policy Statements (Attachment A) updates the version approved by the Board for 2019 to support legislation: (1) that would ensure net neutrality; (2) to further amend the current proffer law applicable to residential development (Virginia Code § 15.2-

2303.4); and (3) to give counties, particularly urban counties, the same taxing authority that cities have. **Net neutrality:** The proposed County position is to support legislation that would prohibit internet service providers from slowing down or blocking access to websites, charging companies extra to deliver their services faster, and other acts that adversely affect consumers and discourage competition. At present, nine other states have adopted net neutrality legislation and approximately two dozen have pending legislation. The recent decision by the federal D.C. Circuit Court of Appeals concluded in part that federal law does not preempt states from adopting net neutrality legislation.

The Board may also wish to consider adding this initiative as a legislative priority. **Proffers:** Although the 2019 amendments to Virginia Code § 15.2-2303.4 are a significant improvement to that law, it is still problematic and needs further amendments because it remains unbalanced and impractical. Related to this issue, impact fees continue as a Board legislative priority and County position as a better and more equitable way to address the impacts to public capital facilities arising from new development. **Taxing authority:** The Board elected to defer as a legislative priority County-specific, limited focus enabling authority regarding the transient occupancy tax until the new Charlottesville-Albemarle Convention and Visitors' Bureau's executive director, the new chamber of commerce director, and other new regional interests have an opportunity to consider and provide feedback. However, the Board may want to consider approving a broader position to support legislation granting urban or high-growth counties the same taxing authority as cities.

Cities and counties have different authority to levy excise taxes on cigarettes, admissions, transient room rentals, and meals. Through their general taxing authority or by charter, cities have broad authority to levy these taxes, without caps and without the need to hold a referendum. Counties, to the contrary, cannot levy cigarette and admissions taxes. Counties may levy transient occupancy taxes subject to a restrictive cap and the requirement that the revenue generated be spent only for designated purposes. Many counties, including Albemarle County, are subject to a five percent cap and are required to spend all taxes in excess of two percent on tourism-related purposes. Counties may impose a food and beverage tax which is subject to a cap and, for all but a very limited number of counties, the tax may be established only if it is approved by the voters in a referendum.

The distinction in taxing authority between cities and counties exists due to historical differences in the levels of services provided by cities (urban level) and counties (rural level). Urbanizing counties such as Albemarle County are facing increasing obligations and demands for services traditionally provided by cities. In addition, the state requires counties as well as cities to provide, deliver, and fund services in the areas of education, the environment, human services, and public safety, among others. The counties' ongoing dependency on the real property tax to fund these services and facilities is likely to grow in a way that is commensurate with the needs of the respective counties. A dependency on the real property tax adversely affects those counties with tax-exempt property, those that established real property tax programs such as land use valuation that promote other policies of the state, and those with a high number of "daytime" residents who come into the county to work, shop, or for other reasons but pay no real property taxes in the county to support the burdens they place on county capital facilities and services.

BUDGET IMPACT: There are no specific, identifiable budget impacts.

RECOMMENDATION:

Staff recommends that the Board approve the Proposed 2020 Legislative Positions and Policy Statements.

ATTACHMENTS:

Attachment A - Proposed 2020 County Legislative Positions and Policy Statements