



Date of Council Meeting: October 9, 2012

**TOWN OF LEESBURG  
TOWN COUNCIL MEETING**

**Subject:** Draft 2013 Legislative Agenda

**Staff Contact:** Betsy Fields, Research & Communications Manager

**Recommendation:** Recommend the Council approve the attached legislative agenda and positions statement for the 2013 Virginia General Assembly Session.

**Issue:** The 2013 Virginia General Assembly Session will convene on Wednesday, January 9, 2013. The prefiling deadline for legislation is Monday, December 3, 2012. Prior to those dates, the Town Council should provide the Leesburg delegation members with information on the Council's positions on the various issues that might affect the Town.

**Fiscal Analysis:** The proposed legislative agenda seeks to protect the Town's authority over local revenue sources as well as increase revenue to the Town from the state.

**Background:** The legislative packet is divided into two documents. The first document, the Legislative Agenda, covers those items for which the Town is requesting action from the General Assembly. The attached draft 2013 Legislative Agenda includes:

1. Items from the 2012 Legislative Agenda that staff recommends retaining (shown in black).
2. Items that the staff recommends adding to the 2013 Legislative Agenda (shown in blue).
3. Items from the 2012 Legislative Agenda on which staff requires Council direction (shown in green).
4. Items from the 2012 Legislative Agenda to be removed because the item was accomplished in 2012 or is no longer valid (shown in red).

Once the Council finalizes the Legislative Agenda, Town staff will prepare bill language, as appropriate, for the agenda items.

The second document, the Legislative Positions Statement, begins with the Town's general positions with regard to potential General Assembly actions, regardless of topic. Following the general positions, the statement lists the Town's positions on specific issues likely to be the subject of General Assembly bills during the 2013 Session. The attached draft 2013 Legislative Positions Statement includes two items that should be removed (shown in red) because they were addressed in 2012.

Also attached is a list of items from Loudoun County's proposed 2013 Legislative Program that impact the Town and/or Leesburg residents, with staff recommendations noted.



# Town of Leesburg

## 2013 Legislative Agenda (Draft)

### *Blue Items Are New for 2013*

- **Thomas Balch Library Endowment Fund**

The Town Council requests amendment of State Code Section 42.1-1 that would allow the Town to establish an endowment fund in support of the Thomas Balch Library.

*Note: Legislative Services is reviewing this item to determine if a Town Charter amendment would be more appropriate.*

- **City Status**

The Town Council requests amendment of State Code Section 15.2-3201 and Section 15.2-3800 to terminate restrictions on the granting of city charters to towns with populations more than 40,000.

- **Restoration of HB 599 Law Enforcement Assistance Funding**

The Town Council requests that the General Assembly fully restore HB 599 Law Enforcement Assistance Funding to funding levels per the established formulas.

- **Revision of the Local Fines & Fees Distribution**

The Town Council supports a revision of the local fines and fees distribution that allows localities to retain all fines and fees resulting from citations issued by local law enforcement officers.

- **Add Real Estate Property Tax to Incentives Offered by Arts & Cultural Districts**

The Town Council requests amendment of State Code Section 15.2-1129.1 that specifically lists real estate property tax rebates and/or reductions as a tax incentive that may be offered in local arts and cultural districts.

- **County Enforcement of Uniform Statewide Building Code in Town**

The Town Council requests amendment of State Code Section 36-105 to clarify that if a Town does not have a building department, no agreement is required between the Town and the County for the County to enforce the Uniform Statewide Building Code within the Town.

- **Eminent Domain “Clean Up” Legislation**

Should the Eminent Domain constitutional amendment referenda be approved in the November general election, the Town Council requests that the General Assembly address certain related issues in the State Code, including:

- Definitions and limitations of lost profits and lost access.

- The ability of municipally-owned utilities to use eminent domain for the extensive of utility lines without falling under the jurisdiction of the State Corporation Commission.

- **Double Taxation for Duplicate Services**

The Town Council supports amendments to State Code Chapter 15.2 that exempts town residents from taxation for county services not provided to town residents because those services are provided by the town.

The Town Council also supports the amendment to State Code Chapter 15.2 proposed by the Town of Herndon regarding overlapping town and county powers. *Note: This amendment will address the utility rate setting issue.*

- **Transportation Funding**

- **Intermodal Transportation Facilities.** The Town Council requests that the General Assembly dedicate additional state and regional transportation funding for highway, transit, bicycle and pedestrian improvements from stable, reliable, proven and permanent sources of revenue.

- **Construction of Grade-Separated Interchanges.** The Town Council requests dedicated funding for the construction of grade-separated interchanges to replace the current at-grade signalized intersections of the Route 15 Bypass & Battlefield Parkway, the Route 15 Bypass & Edwards Ferry Road, and Route 7 & Battlefield Parkway.

- **Water Quality Funding**

The Town Council adopts the Virginia Municipal League's position on water quality funding, urging the federal government and the Commonwealth of Virginia to provide adequate funding for capital improvements to sewage treatment plants, stormwater systems, sanitary sewer overflow systems and combined storm and sanitary sewer overflow systems.

- **Repeal HB 1307 (Temporary Family Health Care Structures)**

The Town Council requests the repeal of HB 1307, which requires that localities allow temporary family health care structures as a by-right use in all residential zoning districts.

## **2012 Legislative Agenda Items – Need Council Determination (Retain, Move to Legislative Positions, or Delete)**

- **Definition of "Unsafe Structure"**

The Town Council requests legislation that expands the definition of "unsafe structure" in the Virginia Property Maintenance Code to include vacant or abandoned structures that are unsecure to the extent that they can harbor vermin or wildlife.

*Note: Town staff is researching the possibility of amending the Zoning Ordinance regarding the*

*abandonment of temporary structures to give the Town the ability to cite property owners for zoning violations.*

- **Tree Save Efforts**

- The Town Council supports legislation that grants localities the authority to enforce compliance with tree save regulations associated with private new construction projects.
- The Town Council supports changes in VDOT road standards that would allow greater flexibility to save mature trees during road construction, especially in medians.

## **2012 Legislative Agenda Items – To Be Removed (Accomplished or No Longer Valid)**

- **Town Charter Amendment (accomplished)**

Should there be a successful referendum changing the date of Town elections from May to November, the Town Council requests a Town Charter amendment to change the date of Town elections and to extend the terms of office for the currently elected Mayor and Council Members as necessary.

- **Utility Line Relocation (accomplished)**

The Town Council requests legislation that grants localities the authority to compel utility companies to relocate utility lines in a timely manner, as needed for capital projects.

- **Water Quality Funding (accomplished)**

The Town Council requests legislation that requires counties that impose a special real estate tax for water quality funding to adequately compensate any towns within their jurisdictions that maintain their own MS4 permits.

- **Eminent Domain**

The Town Council opposes the proposed constitutional amendment that mandates compensation to landowners for any loss of access or for lost profits as the result of property taken or damaged for public use related to the municipal powers of a locality.



# Town of Leesburg 2013 Legislative Positions Statement (Draft)

## General Positions

- **Oppose any reduction of local taxing authority.**

The Town Council opposes any reduction or narrowing in the taxing authority of local governments, including but not limited to business license tax, machinery & tools tax and meals tax. Further, the General Assembly should not take any action to restrict the use of current local revenue sources.

- **Oppose any reduction of local land use authority.**

The Town Council opposes any legislation that weakens local authority to plan and regulate land use, zoning and property maintenance. This authority should remain with local governing bodies.

The Town Council generally supports the granting of additional land use, zoning and property maintenance authority to localities, especially in areas experiencing high rates of sustained growth, and as a means to address the fiscal burdens experienced by localities in providing needed public services to local residents.

- **Oppose any unfunded mandates.**

The Town Council opposes any new state mandates that are not fully funded by the Commonwealth, and opposes the shifting of fiscal responsibility from the state to localities for existing programs.

- **Support revenue sharing with state.**

The Town Council supports any state revenue sharing formula to assist local governments with public infrastructure needs so long as the formula includes recognition of the needs in high growth localities.

- **Support the VML Policy Statement.**

The Town Council supports the positions of the Virginia Municipal League, as stated in their 2011 Legislative Program and Policy Statements.

## **Positions on Specific Issues**

### **• Transportation Funding**

- ***Funding for Northern Virginia Projects.*** The Town Council seeks, with other Northern Virginia jurisdictions, the reinstatement of exclusive Northern Virginia revenues in the range of at least \$300 million annually, as well as Northern Virginia's portion of additional statewide revenues to address transportation needs not originally covered by the HB 3202 funding approved for Northern Virginia.
- ***New Statewide Dedicated Revenue Sources.*** The Town Council requests, with other Northern Virginia jurisdictions, that the General Assembly adopt new statewide transportation revenue sources to bolster existing highway and transit revenue sources which are not generating sufficient funding to meet the Commonwealth's critical transportation needs, or to meet the Commonwealth's statutory 95 percent share of eligible transit operating and capital costs (net of fares and federal assistance). This additional transit funding alone would require approximately \$166 million annually in new funds for the limited transit projects and eligible operating costs included in CTB's six-year program.
- The Town Council supports state policy changes to reduce state oversight of locally administered transportation projects. Such oversight is duplicative, cumbersome, and inefficient resulting in unnecessary delays and costs. Periodic state audits of locally administered projects would be more efficient and better policy than constant, day to day oversight.
- The Town Council supports state policy changes to mandate further refinement of VDOT cost estimates for transportation projects in an effort to improve accuracy and thus reduce time lost due to the accumulation of unnecessary excess funds. In those circumstances when excess funds are unavoidable, allow those funds to be allocated to other projects more efficiently.

### **• Transient Occupancy Tax**

The Commonwealth should not allow online travel companies to avoid paying the full transient occupancy tax and the Town Council supports legislation to clarify this in statute.

### **• Prohibit Predatory Lending Practices (*Council Resolution, July 13, 2010*)**

The Town Council supports legislation that prohibits all predatory, usurious lending practices, including but not limited to provisions that would:

- Impose an interest rate cap of thirty-six percent (36%), calculated as an effective annual percentage rate including all fees or charges of any kind, for any consumer credit extended in the Commonwealth of Virginia;
- Prohibit a creditor's use of a personal check or other device as a means, directly or indirectly, to gain access to a consumer's bank account;

- Incorporate into the Virginia Code the protections regarding consumer credit to military personnel as reflected in the Military Lending Act, 10 United States Code, Section 987.

- **Independent Consumer Advocate for Transmission Line Issues**

The Town Council supports legislation that creates an independent office of the consumer advocate within State government to actively participate in transmission lines issues before the State Corporation Commission.

- **Conditional Zoning (Cash and In-Kind Proffers)**

The Town Council supports existing local authority to accept cash and in-kind proffers from developers to assist localities in financing the capital facilities and infrastructure needed to serve new development and opposes legislation to eliminate or restrict that authority.

- **Utility Rates & Connection Fees**

The Town Council supports the existing authority of localities or locally created authorities to impose utility rates and connection fees adequate to support the full cost of water, wastewater and stormwater utility systems, and opposes any legislation that would limit that authority.

- **Higher Education Presence in Leesburg**

The Town Council requests funding for a state-supported higher education presence in the Town of Leesburg.

- **Enforcement of Recycling Regulations**

The Town Council supports legislation that grants localities the authority to enforce compliance with environmental regulations.

- **Civil Zoning Fines**

The Town Council supports legislation that grants localities the authority to collect unresolved civil zoning fines in the same manner as real estate taxes and levies are collected.

- **Line of Duty Act**

The Town Council supports the Virginia Municipal League's position that funding should responsibility for the Line of Duty program should be returned to the Commonwealth.

- **Lyme Disease Eradication**

The Town Council supports legislation that addresses the control and eradication of deer ticks that carry Lyme disease within the Commonwealth.

- **Distance-Based Tolls on the Dulles Greenway**

The Town Council opposes legislation that would mandate distance-based tolls on the Dulles Greenway toll road.

- **Equalized City and County Taxing Authority**

The Town Council supports legislation that would equalize city and county taxing authority. Such legislation would provide Loudoun County with additional revenue sources that could help reduce the burden on residential real estate taxes which are paid by Town residents.

## **2012 Legislative Positions – To Be Removed**

- **Party Identification on Local Election Ballots**

The Town Council opposes legislation that would require candidates for office in local elections to be identified on the ballot by political party affiliation.

- **Towing of Trailers**

The Town Council supports legislation that grants localities the authority to tow trailers for unpaid parking tickets.

Loudoun County 2013 Legislative Program

Items that Impact the Town of Leesburg and/or Leesburg Residents

1. Dulles Greenway distance pricing study – Staff recommends no position.
2. Abandoned and Vacant Properties within the Town of Leesburg – See draft Legislative Agenda.
3. Proffers for by-right development – Staff recommends no position.
4. Flexing of developer payments in lieu of improvements – Staff recommends supporting.
5. Election district technical corrections – Staff recommends supporting, as long as no Town election districts are split such that residents vote in different locations for town, county, state and/or federal elections.