



Date of Council Meeting: August 12, 2013

**TOWN OF LEESBURG
TOWN COUNCIL WORK SESSION**

Subject: 2014 Legislative Agenda

Staff Contact: Betsy Fields, Research & Communications Manager

Recommendation: Staff recommends that the Council adopt the attached 2014 Legislative Agenda and Positions Statement.

Issue: The 2014 Virginia General Assembly Session will convene on Wednesday, January 8, 2014. The pre-filing of legislation begins on Monday, November 8, 2013 and the pre-filing deadline is Friday, December 6, 2013. Prior to those dates, the Town Council should make specific legislation requests and provide Leesburg delegation members with information on the Council's positions on the various issues that might affect the Town.

Fiscal Analysis: The Town's annual 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 annual legislative packet is divided into two documents. The first document, the Legislative Agenda, covers specific items for which the Town is requesting action from the General Assembly. The second document, the Legislative Positions Statement, includes the Council's position on items that are likely to be addressed by introduced legislation. Taking a position on issues before they are introduced enables staff to respond in a timely fashion to bills as they are introduced.

2014 Legislative Agenda

1. Staff recommends removing the following items that were on the 2013 Legislative Agenda:
 - a. Thomas Balch Library Endowment Fund
 - b. Add Real Estate Property Tax as Incentive Offered by Arts & Cultural Districts
 - c. Eminent Domain "Clean Up" Legislation
 - d. Double Taxation for Duplicate Services
 - e. Stable, Dedicated Funding for Intermodal Transportation Facilities

2. Council discussed adding the following new items at the July 22nd work session (italicized in the attached document):
 - a. Northern Virginia Transportation Authority – revenue distribution and voting membership
 - b. Overlapping Town and County Powers

- c. Business, Professional and Occupational License (BPOL) Taxes
 - d. Eminent Domain Appraisal Process
3. Council indicated at the July 22nd work session an interest in including a prioritized list of transportation projects for which funding is sought. Staff recommends amending the “Construction of Grade-Separated Interchanges” item (highlighted in red in the attached document) appropriately.

2014 Legislative Positions Statement

Staff recommends removing the following two items from the 2013 Legislative Positions Statement, as these items were addressed in the 2013 General Assembly Session:

1. Transportation Funding – Funding for Northern Virginia Projects
2. Transportation Funding – New Statewide Dedicated Revenue Sources

The Legislative Agenda and Positions Statement are currently scheduled for adoption at the August 13, 2013 Council Meeting.

- Attachments:**
1. 2014 Legislative Agenda (draft)
 2. 2014 Legislative Positions Statement (draft)



Town of Leesburg

2014 Legislative Agenda (draft)

- **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.

- **Northern Virginia Transportation Authority**

- **Revenue Distribution:** *The Town Council requests amendment of State Code Section 15.2-4838.1 to clarify that the distribution of the 30 percent of NVTAs revenues to the localities includes distribution to towns and shall be based on point of sale.*

- **Voting Representation:** *The Town Council requests amendment of State Code Section 15.2-4832 to provide towns located within counties embraced by the Northern Virginia Transportation Authority voting representation on the Authority.*

- **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.

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

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.

- **Overlapping Town and County Powers**

The Town Council supports amendments to State Code Title 15.2 that clarifies powers and authorities of towns and counties with respect to overlapping functions.

- **Business, Professional and Occupational License (BPOL) Taxes**

The Town Council opposes legislation that would eliminate the BPOL tax, unless current revenue from the BPOL tax is replaced with new local revenue that is distributed directly to each locality based on point of sale. Further, the Town Council requests that if the BPOL tax is eliminated localities be granted the authority to issue an annual license to businesses physically located within the locality for a nominal fee.

- **Precious Metals Dealers**

The Town Council requests amendments to State Code Section 54.1-4100 to exempt retail merchants with a permanent place of business for whom purchases of precious metals account for less than 5% of the merchant's total business from regulations regarding precious metals dealers.

- ***Eminent Domain Appraisal Process***

The Town Council requests amendments to State Code Title 25.1 that would require parties in condemnation proceedings to agree upon a single independent appraiser to determine the fair market value of the property in question.

- **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.

- **Tree Save Efforts**

- The Town Council requests amendments to State Code Section 15.2-961 that would grant localities the authority to require private new construction projects to save existing trees.
- The Town Council supports changes in VDOT road standards that would allow greater flexibility to save mature trees during road construction, especially in highway medians.

-



Town of Leesburg 2014 Legislative Positions Statement

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 2013 Legislative Program and Policy Statements.

Positions on Specific Issues

- **Transportation Funding**

- 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 eighteen percent (18%) above the prime lending rate, 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 responsibility for the Line of Duty program should be returned to 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.

- **Local Authority to Prohibit Firearms on Public Property**

The Town Council supports legislation that authorizes localities to adopt ordinances that prohibit firearms and ammunition on property owned or leased by the locality.

- **Legal Notice Publication**

The Town Council supports legislation that would give localities the authority to post legal notices on websites as a substitute for publishing legal notices in newspapers.

- **State Funding for School Resource Officers**

The Town Council supports legislation that would provide state funding for school resource officers at all public elementary, middle and high schools.

- **Virginia Public Procurement Act**

The Town Council supports the positions of the Virginia Association of Governmental Purchasing on legislation regarding the Virginia Public Procurement Act.

