



Date of Council Meeting: October 13, 2015

Information memo

**TOWN OF LEESBURG
TOWN COUNCIL WORKSESSION**

Subject: 2016 Legislative Agenda and Position Statements

Staff Contact: Keith Markel, Deputy Town Manager
Barbara Notar, Town Attorney
Tom Mason, Assistant Town Manager
Betsy Fields, Research and Communications Manager

Council Action Requested: None at this time. Information only.

Staff Recommendation: To review the draft documents in preparation for discussion at the October 26, 2015 Work Session.

Commission Recommendation: Not Applicable.

Fiscal Impact: Undetermined at this time.

Work Plan Impact: This activity is built into the Town Manager's Office existing work plan.

Executive Summary: The 2016 Virginia General Assembly Session will convene on Wednesday, January 13, 2016. The Town's annual pre-session legislative dinner is tentatively scheduled for Monday, November 9, 2015 at 6:00pm at Town Hall. It is preferred that the Council approve its 2016 Legislative Agenda prior to the dinner in order to make specific requests for legislative actions from the Leesburg and Loudoun delegation members.

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.

The draft Agenda and Positions Statement are attached. Proposed new items for the 2016 session are underlined and items recommended for removal have strike-through lines.

**Legislative Agenda
October 13, 2015**

At the Town Council work session on October 26, 2015, the Council and staff can discuss the draft documents and make additions and deletions. The Town's annual Legislative Dinner with the Town's elected state representatives is scheduled for November 9, 2015 at 6:00pm at Town Hall. This will provide a chance to inform the Town's representatives on areas of Town interested and request our Senators and Delegates to introduce legislation on the Town's behalf.

Attachments:

1. Draft 2016 Legislative Agenda
2. Draft 2016 Legislative Position Statement



DRAFT: Town of Leesburg 2016 Legislative Agenda

1 *(Items are not arranged in priority order)*

2
3 **A. Restoration of HB 599 Law Enforcement Assistance Funding**

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

6 **B. Revision of the Local Fines & Fees Distribution**

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

10 **C. Private Unmanned Aircraft – Drones**

11 To support the privacy and safety of Town residents, the Town Council supports legislation that
12 would allow for local regulation over of the use of private drones.

13 **D. Construction of Grade-Separated Interchanges**

14 The Town Council requests dedicated funding for the construction of grade-separated
15 interchanges to replace the current at-grade signalized intersections in the following locations:

- 16 i. Edwards Ferry Road at the Route 15 Bypass, incorporating the intersection of Fort Evans
17 Road and the Route 15 Bypass, as well as facilities that will allow safe pedestrian passage
18 across the Bypass
- 19 ii. Battlefield Parkway at Route 7 (East Market Street)
- 20 iii. Battlefield Parkway at the Route 15 Bypass

21 **E. Water Quality Funding**

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

26 **F. Tree Save Efforts**

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

31 **G. Bills of Financial Impact to the Town**

32 Reinstated the requirement that bills resulting in a net expenditure and/or net decrease in revenue
33 for local governments be filed on or before the first day the legislature convenes

34 **H. Bicyclist Safety (“Dooring”)**

35 The Town supports legislation that would require drivers and passengers of vehicles to look for
36 oncoming cyclists before opening vehicle doors and supports treating a violation of this
37 requirement as a traffic infraction.
38

39 **I. Dam Safety Funding and Regulations**

40 (Text to be developed by Public Works and Capital Projects)
41

42 **J. Chesapeake Bay TMDL and State Water Quality Management Planning Regulation**
43

44 The Town Council supports VAMWA’s position to not allow revision of existing nutrient
45 allocation of dischargers (local governments, authorities and industrial facilities) for the purpose
46 of transferring allocation to new facilities. Serious adverse consequences could include:
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- 48 a. Disruption of major recent local wastewater treatment investments made to comply with the
49 Chesapeake Bay TMDL over the past 5-10 years;
- 50 b. Stranding of existing constructed treatment capacity and associated loss of capacity for local
51 growth and economic development;
- 52 c. New, extremely stringent and costly treatment over and above EPA Chesapeake Bay TMDL
53 levels;
- 54 d. Disruption of existing or planning nutrient trades between or among wastewater facilities and
55 or municipal separate storm sewer systems;
- 56 e. A precedent for potentially taking away water supply (withdrawal capacity) from existing
57 water suppliers to transfer to new facilities where the source is already fully allocated.
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Town of Leesburg 2016 Legislative Positions Statement

1 GENERAL POSITIONS

2 *(Issues are not arranged in priority order)*

3 **A. Oppose any reduction of local taxing authority.**

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

8 **B. Business, Professional and Occupational License (BPOL) Taxes** *(Moved over from Legislative* 9 *Agenda)*

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

15 **C. Oppose any reduction of local land use authority.**

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

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

23 **D. Oppose any unfunded mandates.**

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

27 **E. Support revenue sharing with state.**

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

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34 **POSITIONS ON SPECIFIC ISSUES**

35 *(Issues are not arranged in priority order)*

36 **E. Transportation Funding**

- 37 i The Town Council supports state policy changes to reduce state oversight of locally
38 administered transportation projects. Such oversight is duplicative, cumbersome, and
39 inefficient, resulting in unnecessary delays and costs. Periodic state audits of locally
40 administered projects would be more efficient and better policy than constant, day to day
41 oversight.
- 42 ii The Town Council supports state policy changes to mandate further refinement of VDOT
43 cost estimates for transportation projects in an effort to improve accuracy and thus reduce
44 time lost due to the accumulation of unnecessary excess funds. In those circumstances when
45 excess funds are unavoidable, allow those funds to be allocated to other projects more
46 efficiently.
- 47 iii Construction of Grade-Separated Interchanges *(Moved over from Legislative Agenda)*
48 (1) The Town Council requests dedicated funding for the construction of grade-separated
49 interchanges to replace the current at-grade signalized intersections in the following
50 locations:
51 (a) Edwards Ferry Road at the Route 15 Bypass, incorporating the intersection of Fort
52 Evans Road and the Route 15 Bypass, as well as facilities that will allow safe
53 pedestrian passage across the Bypass
54 (b) Battlefield Parkway at Route 7 (East Market Street)
55 (c) Battlefield Parkway at the Route 15 Bypass

56 **F. Transient Occupancy Tax**

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

59 **G. Civil Zoning Fines**

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

62 **H. Conditional Zoning (Cash and In-Kind Proffers)**

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

66 **I. Local Authority to Prohibit Firearms on Public Property**

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

69 **J. Prohibit Predatory Lending Practices** *(Council Resolution, July 13, 2010)*

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

- 72 i. Impose an interest rate cap of eighteen percent (18%) above the prime lending rate,
73 calculated as an effective annual percentage rate including all fees or charges of any kind, for
74 any consumer credit extended in the Commonwealth of Virginia;
- 75 ~~ii. Prohibit a creditor's use of a personal check or other device as a means, directly or indirectly,~~
76 ~~to gain access to a consumer's bank account;~~
- 77 iii. Incorporate into the Virginia Code the protections regarding consumer credit to military
78 personnel as reflected in the Military Lending Act, 10 United States Code, Section 987.

79 **K. Utility Rates & Connection Fees**

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

83 **L. Higher Education Presence in Leesburg**

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

86 **M. Independent Consumer Advocate for Transmission Line Issues**

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

90 **N. Enforcement of Recycling Regulations**

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

93 **O. Line of Duty Act**

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

96 **P. Legal Notice Publication**

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

99 **Q. State Funding for School Resource Officers**

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

102 ~~**R. Virginia Public Procurement Act**~~

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

105 **S. Non-partisan Redistricting**

106 The Town Council recognizes that while redistricting is a political process, the process should be
107 conducted with the end goals of ensuring a strong and responsive representative form of
108 government that enables citizens with communities of like interest to influence election
109 outcomes through participation in the political process.

110 ~~**T. Eminent Domain Appraisal Process**~~

111 ~~—The Town Council supports an amendment to State Code Title 25.1 that would require parties in~~
112 ~~condemnation proceedings to agree upon a single independent appraiser to determine the fair~~
113 ~~market value of the property in question.~~

114 **U. Water Quality Funding (moved over from Legislative Agenda)**

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

119 **V. Chesapeake Bay TMDL and State Water Quality Management Planning Regulation**

120 The Town Council supports VAMWA’s position to not allow revision of existing nutrient
121 allocation of dischargers (local governments, authorities and industrial facilities) for the purpose
122 of transferring allocation to new facilities.