



Date of Council Meeting: November 10, 2015

**TOWN OF LEESBURG
TOWN COUNCIL WORKSESSION**

Subject: 2016 Legislative Agenda

Staff Contact: Keith Markel, Deputy Town Manager
Barbara Notar, Town Attorney
Tom Mason, Assistant Town Manager
Betsy Arnett, Public Information Officer

Council Action Requested: Provide direction to staff on modifications to draft documents in order to finalize the Council's Legislative Agenda and Position Statements for the 2016 General Assembly Session.

Staff Recommendation: To adopt the draft Legislative Agenda and Positions Statement for the 2016 General Assembly Legislative 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 scheduled for Monday, November 16, 2015 at 6:00pm. 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 General Assembly delegation members.

Background: The annual legislative packet is divided into two documents. The first document is the Legislative Agenda which covers specific items for which the Town is requesting action from the General Assembly. The second document is the Legislative Positions Statement which includes the Council's position on items that are likely to be addressed by introduced legislation. Taking a position on issues in advance enables staff to respond in a more 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. Based on the Town Council discussion that took place on October 26, 2016, and input from other Towns during the Towns Association of Northern Virginia meeting that was recently hosted by Leesburg, staff has added several new items to the draft document. These additions include the following:

1. ***Procurement:*** Requests the General Assembly to restore language that allows localities to participate in cooperative purchasing for construction contracts under \$200,000.

**Legislative Agenda
November 10, 2015**

2. ***Newspaper Advertisement's***: Requests that towns located in Fairfax, Prince William, and Loudoun Counties be allowed to advertise legal notices on the locality's website instead of the public notice section of the newspaper.
3. ***City Status***: Requests that the General Assembly amend the State Code to terminate restrictions on the granting of city charters to towns with populations of more than 40,000.
4. ***Green House Gas Initiatives***: Requests the General Assembly address greenhouse gas emissions targets through the creation of a regional greenhouse gas inventory that would regulate carbon emissions through taxes or credit auctions.

The Town's annual Legislative Dinner with the Town's elected state representatives is scheduled for November 16, 2015 at 6:00pm. 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.

The Virginia Municipal League's "Day at the Capitol" will be on Wednesday, January 27, 2015 from 3:00p.m. to 7:00p.m. This will be an opportunity to be updated on the progress of the 2016 General Assembly Session and to meet with our legislators to discuss our legislative priorities.

Attachments:

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



DRAFT: Town of Leesburg 2016 Legislative Agenda

1 (Items are not arranged in priority order)

2
3 **~~A.~~ Northern Virginia Transportation Authority**

4 ~~i. **Voting Representation:** The Town Council requests amendment of State Code Section 33.2-~~
5 ~~2502 to provide towns located within counties embraced by the Northern Virginia~~
6 ~~Transportation Authority voting representation on the Authority.~~

7 ~~ii. **Revenue Distribution:** The Town Council requests amendment of State Code Section 33.2-~~
8 ~~2510 to clarify that the distribution of the 30 percent of NVTAs revenues to the localities~~
9 ~~includes distribution to towns and shall be based on point of sale.~~

10 **~~B.~~ Transit Funding**

11 ~~—The Town Council requests the process for awarding state funding to localities through the~~
12 ~~Department of Rail and Public Transportation for the operation of public transit systems be~~
13 ~~streamlined into a single annual appropriation based on both cost and system performance~~
14 ~~factors, providing a minimum of 25 percent reimbursement of total operating costs.~~

15 **~~C.A.~~ Restoration of HB 599 Law Enforcement Assistance Funding**

16 The Town Council requests the General Assembly fully restore HB 599 Law Enforcement
17 Assistance Funding to funding levels per the established formulas. The Town has lost
18 approximately \$171,000 each year since 2009 in reduced funding from the state.

19 **~~D.B.~~ Revision of the Local Fines & Fees Distribution**

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

23 **~~E.C.~~ City Status**

24 The Town Council requests amendment of State Code Section 15.2-3201 and Section 15.2-3800
25 to terminate restrictions on the granting of city charters to towns with populations more than
26 40,000.

27 **~~F.D.~~ Private Unmanned Aircraft – Drones**

28 The Town Council requests the expansion of the criminal trespassing statutes to prohibit the
29 unauthorized entry of private drones upon the property of another.
30 ~~—To support the privacy and safety of Town residents, the Town Council supports legislation that~~
31 ~~would allow for local regulation over of the use of private drone.~~

32 **~~G.E.~~ Business, Professional and Occupational License (BPOL) Taxes**

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

38 **~~H.~~ Construction of Grade Separated Interchanges**

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39 ~~— The Town Council requests dedicated funding for the construction of grade separated~~
40 ~~interchanges to replace the current at grade signalized intersections in the following locations:~~

41 ~~i. Edwards Ferry Road at the Route 15 Bypass, incorporating the intersection of Fort Evans~~
42 ~~Road and the Route 15 Bypass, as well as facilities that will allow safe pedestrian passage~~
43 ~~across the Bypass~~

44 ~~ii. Battlefield Parkway at Route 7 (East Market Street)~~

45 ~~iii. Battlefield Parkway at the Route 15 Bypass~~

46 **I.F. Water Quality Funding**

47 The Town Council ~~adopts the Virginia Municipal League's position on water quality funding,~~
48 ~~urging~~ the federal government and the Commonwealth of Virginia to provide adequate funding
49 for capital improvements to sewage treatment plants, Total Maximum Daily Loads (TMDLs),
50 MS-4 Permits, and other stormwater systems, ~~sanitary sewer overflow systems and combined~~
51 ~~storm and sanitary sewer overflow systems.~~

52 **J. Repeal HB 1307 – Temporary Family Health Care Structures (Code Section 15.2-2292.1)**

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

55 **K.G. Tree Save Efforts**

56 ~~i. The Town Council requests amendments to State Code Section 15.2-961.1 that would~~
57 ~~strengthen localities' ability to require private new construction projects to save existing~~
58 ~~trees. The Town Council requests amendments to State Code Section 15.2-961 that would~~
59 ~~grant localities the authority to require private new construction projects to save existing~~
60 ~~trees.~~

61 ~~ii. The Town Council supports changes in VDOT road standards that would allow greater~~
62 ~~flexibility to save mature trees during road construction, especially in highway medians.~~

63 **L.H. Bills of Financial Impact to the Town**

64 Reinstating the requirement that bills resulting in a net expenditure and/or net decrease in revenue
65 for local governments be filed on or before the first day the legislature convenes.

66 **I. Procurement**

67 Supports the Virginia Association of Government Purchasing's position to re-establish
68 authority for cooperative purchasing for construction contracts under \$200,000.

69 **J. Advertisement of legal notices on web sites.**

70 The Town supports legislation that would allow towns located in Fairfax, Loudoun, and Prince
71 William Counties to advertise legal notices on the locality's website instead of the public notice
72 section of the newspaper.

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Recommended Text:

§ 15.2-107.1. In addition to any requirements that a locality advertise legal notices in a newspaper having a general circulation in the locality, such notices may also be published on the locality's World Wide Web site-website. However notwithstanding any other provision of law, general or special, in any town within the counties of Fairfax, Loudoun and Prince William legal notices may be published on the locality's website instead of in a newspaper having general circulation in the locality.

M.K. Bicyclist Safety("Dooring")

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

L. Dam Safety Funding and Regulations

The Town Council urges the federal government and the Commonwealth of Virginia to provide adequate funding for high hazard dam inspection, maintenance, and reconstruction.

N.M. Chesapeake Bay TMDL and State Water Quality Management Planning Regulation

The Town Council supports the Virginia Municipal Wastewater Association's position to not allow revision of existing nutrient allocation of dischargers (local governments, authorities and industrial facilities) for the purpose of transferring allocation to new facilities.

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Draft: Town of Leesburg 2016 Legislative Positions Statement

GENERAL POSITIONS

(Issues are not arranged in priority order)

A. 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.

B. 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.

C. 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.

D. 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.

POSITIONS ON SPECIFIC ISSUES

(Issues are not arranged in priority order)

E. Transportation Funding

- i 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.
- ii 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

37 excess funds are unavoidable, allow those funds to be allocated to other projects more
38 efficiently.

39 iii Construction of Grade-Separated Interchanges *(Moved over from Legislative Agenda)*

40 (1) The Town Council requests dedicated funding for the construction of grade-separated
41 interchanges to replace the current at-grade signalized intersections in the following
42 locations:

43 (a) Edwards Ferry Road at the Route 15 Bypass, incorporating the intersection of Fort
44 Evans Road and the Route 15 Bypass, as well as facilities that will allow safe
45 pedestrian passage across the Bypass

46 Status: Interchange Justification Report (IJR) underway. This VDOT managed project
47 has \$2 million in NVTA funds allocated for study and design work.

48 (b) Battlefield Parkway at Route 7 (East Market Street)

49 Status: NVTA and VDOT agreement complete. \$13 million in NVTA funds secured.
50 County and Town have requested \$37 million in 2017 NVTA Funds

51 (c) Battlefield Parkway at the Route 15 Bypass

52 Status: Town has applied for \$50 million in HB-2 funding from VDOT. IJR has not be
53 funded

54 **F. Transient Occupancy Tax**

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

57 **G. Civil Zoning Fines**

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

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

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

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

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

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

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

- 70 i. Impose an interest rate cap of eighteen percent (18%) above the prime lending rate,
71 calculated as an effective annual percentage rate including all fees or charges of any kind, for
72 any consumer credit extended in the Commonwealth of Virginia;

73 ~~ii. Prohibit a creditor's use of a personal check or other device as a means, directly or indirectly,~~
74 ~~to gain access to a consumer's bank account;~~

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

77 | **K. Utility Rates & Connection Fees**

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

81 | **L. Higher Education Presence in Leesburg**

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

84 | **M. Independent Consumer Advocate for Transmission Line Issues**

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

88 | **N. Enforcement of Recycling Regulations**

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

91 | **O. Line of Duty Act**

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

94 | **P. Legal Notice Publication**

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

97 | **Q. State Funding for School Resource Officers**

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

100 | **R. Virginia Public Procurement Act**

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

103 | **S. Non-partisan Redistricting that Preserves Jurisdictional Boundaries**

104 | The Town Council recognizes that while redistricting is a political process, the process should be
105 | conducted with the end goals of ensuring a strong and responsive representative form of
106 | government that enables citizens with communities of like interest to influence election
107 | outcomes through participation in the political process. The Town Supports redistricting reform,
108 | including the use of a non-partisan independent commission to draw state legislative and
109 | Congressional lines based on specified and consistent criteria, including insofar as possible
110 | preservation of the integrity of existing city, town, county, and precinct lines.

111

112

113 ~~T. Eminent Domain Appraisal Process~~

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

117 ~~U. Water Quality Funding (moved over from Legislative Agenda)~~

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

122 ~~V.T. Regional Greenhouse Gas Initiative and Commonwealth Resilience Fund~~

123 ~~The Town Council supports VML in urging the General Assembly to address greenhouse gas~~
124 ~~emissions targets through a Regional Greenhouse Gas Inventory (RGGI) carbon credit auction,~~
125 ~~and/or a carbon emissions tax. All proceeds derived from the auction of credits should be used~~
126 ~~to establish the “Commonwealth Resilience Fund”, a special state dedicated fund to assist~~
127 ~~localities in addressing flooding, energy efficiency improvements, and economic development.~~

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128 ~~W.U. Chesapeake Bay TMDL and State Water Quality Management Planning Regulation~~

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129 ~~The Town Council supports the Virginia Municipal Wastewater Association’s position to not~~
130 ~~allow revision of existing nutrient allocation of dischargers (local governments, authorities and~~
131 ~~industrial facilities) for the purpose of transferring allocation to new facilities.~~

PRESENTED NOVEMBER 10, 2015

RESOLUTION NO. 2015-

ADOPTED _____

A RESOLUTION: ADOPTION OF THE LEGISLATIVE AGENDA AND POSITIONS STATEMENT FOR THE 2016 VIRGINIA GENERAL ASSEMBLY LEGISLATIVE SESSION

WHEREAS, the Virginia General Assembly will convene on January 13, 2016 for the 2016 Legislative Session; and

WHEREAS, the Town of Leesburg has specific legislative initiatives that it would like to see addressed during the General Assembly session; and

WHEREAS, the Town of Leesburg has developed a Legislative Agenda to request specific legislative actions; and

WHEREAS, the Town of Leesburg has developed a Legislative Positions Statement to provide general guidance on various topics for Town staff and state legislators; and

WHEREAS, the Mayor and Town Council of Leesburg have invited state legislators to an informational legislative dinner on November 16 to present the Town's 2016 Legislative Agenda and Positions Statement and to discuss legislative, regulatory, and policy issues that impact the Town.

THEREFORE, RESOLVED by the Council of the Town of Leesburg in Virginia that the Town's 2016 Legislative Agenda and Positions Statement are adopted as presented.

PASSED this _____ day of _____, 2015.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council