

CITY OF LYNCHBURG

2009 LEGISLATIVE AGENDA

[Adopted by Lynchburg City Council on December 9, 2008]

The City of Lynchburg is a member of both the Virginia Municipal League and the Virginia First Cities Coalition and supports the legislative agendas of both organizations. The City of Lynchburg 2009 Legislative Agenda is meant to highlight those issues of particular importance to the City.

The Lynchburg City Council understands the fiscal challenges facing the Commonwealth as the 2009 session of the Virginia General Assembly convenes. Those challenges make it even more important that the legislators keep the following principles in mind as they evaluate and vote on legislation and the budget for the upcoming biennium.

PRINCIPLES

- Local governments are instruments of the State, created in large measure to deliver state responsible services in a more efficient and effective manner. This state/local partnership requires an equitable allocation of costs between the two levels of government and across the various jurisdictions of the Commonwealth.
- The State must continue to meet constitutional and statutory responsibilities to adequately fund the State share of state/local services. The shortfall in State revenues should be addressed by reducing existing state tax relief programs or increasing state revenues prior to additional cuts in core programs and state aid to localities.
- The General Assembly should work to adequately fund the State share of state/local services, especially in education, human services, and public safety. Any shortfall in State revenues should not be shifted to local governments.
- Rather than shifting responsibilities for programs that the State is unwilling to fund down to the localities, the State should consider eliminating those programs.
- The State should explore ways to increase the efficiency and effectiveness of the delivery of state services at the local level including the regionalization of service delivery (e.g. Social Services) and the elimination of inefficient structures such as the Compensation Board.

- The General Assembly should defeat proposed legislation that would erode local taxing authority, cap or reduce local revenue sources or that would impose unfunded mandates on localities.
- The General Assembly should support legislation that provides greater authority to localities in implementing sustainability initiatives especially with regard to land use and transportation planning.
- The General Assembly should preserve local zoning and land use authority, allowing flexibility to meet the needs of individual communities.

2009 LEGISLATIVE PRIORITIES

Accelerate Funds for Combined Sewer Overflow (CSO) Construction: To significantly improve water quality along the James River and provide an economic stimulus in central Virginia the General Assembly should authorize \$40 million in state bonds for Combined Sewer Overflow projects in Lynchburg and Richmond. Each city would receive and match \$20 million over a four year period. This would significantly speed up construction of EPA required CSO projects.

Arts and Cultural District: Amend section 15.2-1129.1 of the Code of Virginia to give Lynchburg, or all localities, the authority to create an Arts and Cultural District.

Comprehensive Services Act (CSA): New CSA policy changes and guidelines are being implemented which duplicate the mission of the existing community services board system (to provide mental health services for children). This results in an expansion of mandated services to include a vaguely defined population that does not fit under the traditional foster care or special education definitions. In light of the current budget situation the new policies and guidelines should be reconsidered or their costs borne solely by the State and not shifted to localities.

Graffiti Removal: Amend Section 15.2-908 of the Code of Virginia to allow localities to charge for graffiti clean up on private property if the owner is not responsive to notice. The State Code currently allow localities to clean up graffiti on private property but does not allow the locality to charge the owner if he fails to act.

Local Law Enforcement Funding: The Commonwealth should be equitable in its support for local law enforcement funding both to those localities with police departments (HB 599 funding) and to those in which Sheriff's Departments provide law enforcement (through the Compensation Board). Cities should not bear a disproportionate burden for law enforcement funding through continued reductions in funds provided by HB 599.

Transportation: The General Assembly should work to ensure that adequate dedicated, non-general fund revenues are available to maintain the current transportation infrastructure, especially bridges and key arterial and collector roadways and adequately support non-automobile transportation modes such as public transportation, pedestrian and bikeways airports, and intercity rail, specifically, the TransDominion Express.

Utility Marking: The General Assembly should support efforts to exempt local governments from State Corporation Commission (SCC) requirements to mark private water and sewer lines. This imposes additional costs and liability exposure on localities.

OTHER LEGISLATIVE POSITIONS

Binding Arbitration: Oppose legislation that mandates binding arbitration, meet and confer requirements, and imposed grievance procedures for local employees.

Blighted Properties: Support legislation to make it more efficient and cost effective for local governments and citizens to eliminate blighted properties.

Dam Safety: Support legislation that reasonably regulates development within dam inundation zones. Support reasonable requirements for dam upgrades.

Economic Development: Fund the Virginia Brownfield Redevelopment Assistance Fund to facilitate the redevelopment of brownfield sites.

Educational Funding: Fully fund rebenchmarking of the Standards of Quality (SOQ) and categorical incentive funds for At-Risk students. The State should fully recognize and fund the costs of rebenchmarking of the various educational programs including the Standards of Quality, incentive, categorical, and school facilities programs. Changing the process of rebenchmarking to artificially lower recognized costs does not change what it actually costs to provide education. Instead, it simply transfers additional costs to local governments, and ultimately to the local real estate tax base.

Election Law: Support legislation to clarify the requirements for and responsibilities of transients (students, migrant workers, etc), whose legal residency is unclear, registering to vote in a locality in which they have temporary domicile.

Eminent Domain: Oppose a constitutional amendment to restrict the local use of eminent domain.

Employee Retirement and Benefits: Support the local option of participating in the Virginia Sickness and Disability Program.

Exemption of Religious Organizations from Local Ordinances: Oppose any legislation that would exempt churches and other religious organizations from neutral, generally applicable local ordinances, and in particular, local health, safety and zoning ordinances.

Incentives for Energy Efficient Buildings: Support legislation to allow localities to provide incentives for the construction of buildings that meet accepted standards for greater energy efficiency.

Mental Health/Mental Retardation Services: Community Service Boards (CSB's) should be required to provide mental health services to children as mandated by State law.

Prevention: Maintain State funds for prevention services.

Region 2000: Support funding for the Center for Advanced Engineering and Research (CAER)

Social Security Numbers in Local Documents: If legislation is passed to prohibit obtaining Social Security Numbers, localities and agencies should be given adequate time to remediate their systems or processes.

Social Services: Maintain funding for workforce re-training through appropriate agencies, retaining VIEW staff and funding in Social Services. This program has successfully helped TANF recipients secure and maintain jobs.

State Aid to Public Libraries: Retain State Aid for libraries. State aid to public libraries has been cut dramatically since full-funding was last achieved in FY 2001. In the current fiscal year (2008-2009) state aid is only funded at 67% of the level mandated by the Code of Virginia which has produced a shortfall in state aid to public libraries of nearly \$7 million per year. Additional cuts in state aid to public libraries represent a serious threat to the viability of local libraries.

State Taxes on Local Services: Oppose the imposition of a State fee, tax or surcharge on water, sewer, and solid waste or on any other local government funds or services

Stormwater Management: Support State and federal financial and technical support for Total Maximum Daily Load (TMDL) implementation and stormwater permit compliance, as well as reasonable implementation schedules.

Telecommunications: Maintain local authority over zoning, land use, rights-of-way and taxation. Limit new State regulation preempting local authority regarding the use and compensation of local rights of way for telecommunications.

Virginia Revolving Loan (VRL) Program: The General Assembly should continue to increase funding to the Virginia Revolving Loan (VRL) program and to earmark these

funds for CSO abatement in order to qualify Lynchburg and Richmond for zero interest rates.

Water Quality: Continue to support the mechanisms authorized to facilitate nutrient trading and oppose efforts to implement further point source reductions of nutrient discharges beyond that of the Chesapeake Bay General Permit.