ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of December 12, 2009

DATE: November 23, 2009

SUBJECT: Proposed Arlington County Board 2010 Legislative Package

C. M. RECOMMENDATION: Finalize and adopt the Arlington County Board 2010 Legislative Package at the December 12, 2009 meeting.

ISSUES: Input for this Legislative Program has been solicited from Board Members, County staff, and Boards and Commissions. Regional legislative priorities are incorporated with the Arlington Legislative Policy Priorities. All issues raised through November 17 have been included in the package.

SUMMARY: Attached is a draft of Arlington's 2010 Legislative Program, including the addition of the November 17, 2009 Supplemental item, After the November public hearing, the public hearing and public comment period was left open until the December 12 meeting. The County Board will conclude the public hearing and adopt the final package at its December meeting.

BACKGROUND: The 2010 General Assembly session begins January 13, 2010 and is scheduled to end on March 13, 2010. It is the Assembly's "long session."

The County Board held a work session with Arlington's legislators on November 5, 2009.

DISCUSSION: The major issue for the 2010 General Assembly session will be balancing the State budget.

FISCAL IMPACT: Due to the complexities of the General Assembly process, it is impossible to quantify the fiscal impact at this time.

County Manager: BMO/MJS

County Attorney: SAM

Staff: Patricia B. Carroll, CMO

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ARLINGTON COUNTY, VIRGINIA

2010 GENERAL ASSEMBLY LEGISLATIVE PRIORITIES

Arlington County and the Commonwealth are facing one of the most challenging economic crises in our history. Arlington County is committed to working toward protecting the reliability and sustainability of the Commonwealth's general fund as it provides a base that allows Arlington to provide to all of our residents cost-effective, quality services built on equitable and sufficient tax structures. **Our collective goal must be preparing the Commonwealth for economic stability that recognizes the state's role in assuring appropriate funding for core government functions including public education (K-12 and higher education), health and human resources, public safety, natural resources and environmental services.** In addition, during an economic downturn, the Commonwealth must work with localities to ensure a well-funded safety net for the Commonwealth's most vulnerable citizens. Absent the commitment of the State to honor its responsibilities to provide certain services to the residents of the Commonwealth, the Arlington County government will be faced with pressures to use local revenues to provide them.

We call on the General Assembly to take no actions that further exacerbate the looming budget gaps in local budgets across the Commonwealth. We look forward to working with the General Assembly members to determine how best to solve the budget dilemma without extensive, permanent harm to both the state and localities. One solution would be for the General Assembly to permit local governments, at their option, to implement a one-half percent increase in the sales tax as a way to minimize the potential burden passed on to homeowners through increased real property taxes.

Separate user fees should be increased to support transportation. Although a core government service, the Commonwealth historically has funded transportation with dedicated, non-general funds in order to preserve the general fund for the other core services. Since those funds were comprised of car sales taxes and car insurance tax payments, among other items, they have been dwindling at an alarming rate. **Adequately funding transportation is critical to sustaining the economy in Arlington and the Northern Virginia region.**

Arlington County supports equal taxing authority for cities and counties. The County Board also calls upon the state to recognize and fully fund the true costs of K-12 public education. Full state funding should reflect actual educational services, not just artificially recognized costs.

I. Arlington Legislative Agenda

- Increase Number of Members on the Board of Equalization: In order to process the two fold increase in assessment appeals, increase the number of members of the Arlington County Board of Equalization up to 11 members and permit the members to meet in panels.
- On-Line Travel Companies/Modifying State Sales and Use and local Transient Occupancy Taxes: Support legislation to modify Virginia's sales and use tax laws and local Transient Occupancy Taxes to ensure taxes are collected on the room charges

actually paid by the customer/user, not just on the payment by an internet broker to the hotel. *(Formerly titled Hotel.com)*

- Decouple Utility Profits From Electric Utility Sales: Promote decoupling of electric utility profits from electric utility sales in order to more fully tap cost-effective efficiency resources and meet clean energy goals.
- Increase the motor fuels tax: Raise the Northern Virginia motor fuels sales tax to the level needed to recover the inflationary rate since 1987 and index it to keep up with future inflation.

II. Arlington Legislative Policy Priorities

A. Finance

- Local Government Investment Pool: Continue to support LGIP as currently constituted to provide a short-term investment alternative to the County that will ensure retention of the County's Triple Aaa bond rating.
- Excess Court Fees: Restore to the affected localities the excess Circuit Court fees that were transferred to the state budget in FY 2010. This could amount to $350,000 annually for Arlington County.
- Streamlined Sales and Use Tax Program: Support the Commonwealth's joining 22 other states in the multi-state Streamlined Sales and Use Tax program to collect state and local sales taxes on interstate mail order and internet sales to Virginia customers. Joining the multi-state effort to streamline and simplify the current 7,500 different state and local sales and use taxes would enable the Commonwealth to receive sales and use taxes from over 1,000 corporations that have agreed to voluntarily participate in the program.
- Virginia Retirement System Rates: Support efforts to create a long-term plan to minimize the large fluctuations in the rates that school systems and other participants experience from year to year under the present procedures and all other efforts to retain the soundness of the system.

B. Workforce Competitiveness

Highly Educated and Trained Employees: Ensure equal access by our immigrant population to higher education in order to produce the highest caliber employees for all employers within Arlington County and the Commonwealth. Promote the integration, assimilation and increased civic engagement of our immigrant population so that they are work-ready and able to fill the demanding jobs of our vibrant economy. Encourage services for our immigrant population that prepare them for the workforce and include adequate first language support services for all interactions with state and local governments.

- Employee Benefits/Health Care: Increase Arlington County's and other public employers' competitive edge by permitting benefit coverage for household members as currently permitted for private employers in Virginia. This would allow localities that self-fund a health insurance program for their employees to extend coverage under such

programs to any other classes of persons as may be mutually agreeable to the locality and the policyholder.

C. Housing

- Tax Credits and Other Incentives: Support creation of state tax credits and other incentives for preservation and creation of affordable housing.
- Housing Trust Fund: Create a State Housing Trust Fund with a dedicated source of revenue that would provide statewide funding for affordable housing, including the construction of new housing, and the purchase and renovation of existing housing to make it livable, accessible, and affordable. The fund could also become a receptacle for new federal monies.
- Visitability and Accessibility Options: Enact measures that permit changes in building codes regarding home lay-out to make them more accessible, include tax incentives and require provision of information to home buyers.

D. Civil Rights Initiative

- Expand State Hate Crimes Statute: Add sexual orientation, gender identity and homelessness to the state hate crime statute, §18.2-57A, that currently applies to race, religious conviction, color and national origin.

E. Public Safety/Emergencies

- Domestic Violence: Strengthen laws to protect victims of domestic violence.
- Gang Prevention: Provide additional funds for prevention-based efforts focused on services and opportunities for youth before there is a problem, instead of focusing on problems after the fact.
- Pedestrian Safety: Support requiring drivers to stop, not just yield, at all marked crosswalks statewide when a pedestrian is present including enhanced penalties for failure to stop for pedestrians and promoting the use of marked crosswalks. Include a public awareness campaign in multiple languages to educate the public on pedestrian safety.
- Jail Diversion Efforts: Support jail diversion efforts for mental health and substance abusing individuals who become involved with the criminal justice system.

F. Energy and the Environment

- System Benefit Fund: Establish a fund by adding a fraction of a cent per kilowatt-hour charge to utility bills to raise millions of dollars for statewide education programs, to stimulate energy efficiency, renewable energy development, and for low-income housing energy upgrades.

- Chesapeake Bay Cleanup and Land Preservation: Maintain funding for Chesapeake Bay cleanup costs and other water quality needs, including the Water Quality Improvement Fund. Retain land preservation tax credit.
- Solar Energy Tax Credits: Permit an income tax credit for solar energy (or renewable energy source) expenditures.
- Energy Consumption Information for Home Buyers: For the purchaser, provide the option to conduct a home energy audit prior to the purchase of residential property. The purchaser should also be provided with copies of the electric, gas and home heating oil bills, or a summary of such, for the previous 12 months unless the property was not occupied during that time.
- Banning Plastic Bags: Authorize local governments to ban or charge a fee for the use of light-weight plastic bags by retail outlets.

G. Human Services

- Comprehensive Services Act:
    - Advocate sharply limiting the use of foster care for treatment of truancy, delinquency or social problems not related to abuse, neglect or abandonment of children;
    - Reduce administrative complexity of CSA system and seek state funding for its matching share of actual administrative costs;
    - Designate all truly community-based CSA services to lower community-based service match rate; and
    - Permit localities to use up to 5% of locality's CSA funding (of rolling 3-year average) for new community-based services at discretion of local Community Policy and Management Teams, with state agencies providing technical assistance and unused funds carried over to next year.
- Northern Virginia Aging Network: Help older Virginians avoid institutional placement and increase the capacity of proven, cost-effective, in-home and community-based services.
- Intellectually/Developmentally Disabled: Support increase in Mental Retardation slots and Medicaid waiver rates.
- Aging Services Blueprint: Integrate the Commonwealth's Blueprint for Aging Services with Virginia Department for the Aging's revamped 4-year state plan and implement the recommendations.
- Regional Older Adult Mental Health Facility Team (RAFT): Support RAFT to address cost-effective, specialized geriatric mental health care.
- Nurse Practitioners in Free Clinics: Permit free clinics to use nurse practitioners more effectively when there is a shortage of supervising physicians.
- Aging in our Communities: Fund cost-effective services that keep seniors in their homes and communities, build a quality long-term care workforce by increasing Medicaid reimbursement rates for Medicaid personal care services, reduce Medicaid eligibility criteria for long-term care for seniors who cannot live independently.

- Childcare Inspections: Encourage the Governor to maintain funding for state-mandated childcare inspections at the current level.

H. Technology

- Internet Option for Public Notices: Permit local governments to substitute an Internet notice in place of statutorily required public notices in newspapers, if they also post the notice in all local public libraries. Legislation is needed to permit localities to publish public notices on the Internet where they would be more accessible, instead of newspapers many of which are experiencing rapidly declining readership.

I. Transportation Funding

- Transportation Funding: Raise new revenues for a dedicated source of statewide funding for all transportation modes. The funding revenue should be from one or more stable, reliable, and permanent non-general fund sources; include a minimum of $50 million annually as a dedicated source of funding for the Washington Metropolitan Area Transit Authority (WMATA); and fully fund the Commonwealth's statutory 95% share of transit operating and capital costs.
- Dedicate at least 25% of Specific New Funding for Transit: Any new spending measures seeking to conserve energy, enhance clean air, mitigate climate change, provide access to jobs, stimulate the economy, and respond to emergencies and disasters should include at least 25% for transit.
- Prioritize Transit Funding to Receive "Off the Top" Treatment: Treat funding for transit operations in the same manner as funding for highway maintenance. As is the case with highway maintenance allocations, funding for transit operating costs should come "off the top" of available transportation funds in order to protect past investments and maintain current levels of service.

J. Public Health & Environment

- Sewer Lateral Markings: Ensure that any legislation regarding sewer laterals does not put a financial burden on the county.

III. General Guidelines:

- Oppose unfunded mandates.
- Support granting local governments the flexibility to implement state reductions in funding according to each locality's needs.
- Support sufficient withdrawals from the state's Revenue Stabilization Fund ("Rainy Day Fund") to help offset state budget reductions.
- Support initiatives that ensure that the immigrant community is treated fairly and that highlight the positive contributions of immigrants.
- Support state salary increases for public defenders to create less staff turnover and more stability in the services they provide.
- Support efforts to provide a living wage to direct care providers.

- Support expansion of community outreach efforts for geriatric mental health services.
- Support requiring Virginia to take actions that provide access to quality health care for all Virginians, including but not limited to participating in a federal public option plan, should one be created, and expanding limits on Medicaid eligibility and increasing provider reimbursement levels.
- Support efforts to further strengthen smoking restrictions, including protection from second-hand smoke.
- Support authority for optional impact fee ordinances that permit a full range of fees to offset all impacts of development.
- Support retaining the Land Preservation tax Credit.
- Support stronger regulation of predatory lending practices.
- Oppose efforts to further restrict local revenue authority or sources.
- Oppose efforts to restrict local zoning authority or the zoning process.
- Oppose restrictions and ceilings on real estate tax assessments or rates.
- Oppose restrictions of local eminent domain authority.
- Oppose shifting state funding responsibilities onto local governments, including law enforcement and public safety activities.
- Oppose the imposition of state fees, taxes or surcharges on local government services.
- Oppose additional administrative burdens on local governments.

Monday, November 23, 2009