

**CITY COUNCIL WORK SESSION WITH THE
STATE LEGISLATIVE DELEGATION
ALEXANDRIA'S 2017 LEGISLATIVE PACKAGE
November 29, 2016**

A—FISCAL ISSUES

1. K-12 Funding.

Proposal: Fully fund the State's portion of K-12 education costs, including the Cost of Competing.

2. Regional Motor Fuel Sales Taxes.

Proposal: Create a floor for the percentage based Northern Virginia regional motor fuels sales tax.

The 2013 General Assembly changed the state gas tax from a specific amount per gallon (17.5¢ for gasoline) to a percentage sales tax (3.5 percent for gasoline). The General Assembly also set a floor price (the statewide average wholesale price of a gallon of unleaded regular gasoline on February 20, 2013) by which the state taxes on motor fuels are calculated. Based on the fuel prices that day, the effective minimum tax rates on a gallon of gasoline and diesel are 16.2¢ and 22.2¢, respectively, throughout Virginia.

Unfortunately, neither the Northern Virginia nor the Hampton Roads regional sales taxes were provided a floor. If we had a floor like the State tax, Northern Virginia would have collected nearly \$12 million more than it did in FY 2016.

3. Competitive Salaries for State Employees in Alexandria.

Proposal: Allocate sufficient State funds to pay competitive salaries to State employees in Northern Virginia.

The City supplements the salaries of many of the State-supported staff who work in the City. The State needs to pay competitive salaries to its employees in this region.

4. Virginia Preschool Initiative.

Proposal: Retain the current eligibility standards for the Virginia Preschool Initiative.

In an effort to align all jurisdictions' VPI eligibility rules, language was included in the 2015 state budget to establish a state-wide eligibility level of 200 percent of the federal poverty level (FPL) for families whose children participate in the VPI program. The budget language includes several other factors which make families eligible for VPI, such as children whose parents were dropouts, but we do not believe these would have significantly increased the Alexandria eligibility pool.

Because of the high cost of living in Northern Virginia (25 to 35 percent higher than the rest of the Commonwealth), Alexandria and neighboring localities have used other income limits for VPI participation; Alexandria's is 250 percent of the FPL. The current state budget allows each locality to set eligibility standards for up to 15% of the localities' families that are participating in VPI. This provision addresses the City's concerns, and the City asks that this language be retained in future budgets.

5. Affordable Care Act & Medicaid Expansion.

Proposal: Support Medicaid expansion under the Affordable Care Act if it is proposed.

6. Assessment of Court Costs to Support Law Libraries.

Proposal: Increase court cost assessments on civil cases; use the funds to pay for local law libraries.

Part of the funding for the City's Law Library comes from an assessment made, as part of court costs, on each civil case filed in Alexandria courts. The Code of Virginia (§42.1-70) allows localities to charge a fee of up to \$4 for this assessment. This fee (which was set at \$4 about 30 years ago) provides about \$47,000 to \$60,000 annually toward the Library budget. The City requests an increase in the existing assessment on civil cases. Each increase of \$1 would result in \$12,000 to \$15,000 in annual revenue for the Library.

7. Funds to Process Physical Evidence Recovery (Rape) Kits.

Proposal: Continue to provide sufficient State funds to pay for the processing of PERK kits.

PERKs (Physical Evidence Recovery Kits) are used to collect physical evidence from victims of sexual assault. Once the evidence is collected, public safety officials must determine whether to submit a kit to the State crime lab for DNA analysis. In many cases, the kits were not submitted for analysis because they were not relevant to an ongoing investigation or necessary for prosecution. In others, the victim declined to press charges. A 2015 State audit found that there were over 2300 untested kits in Virginia. Funding to address the backlog was provided last Session. The City asks its delegation to continue sufficient funding to ensure that no future processing backlogs occur.

B—ISSUES RELATED TO VOTING

1. Redistricting Reform.

Proposal: Support legislation to reform the redistricting process in Virginia, so that the process is less partisan.

2. Early & Absentee Voting; Barriers to Voting.

Proposal: Support unrestricted early and absentee voting.

3. Photo Identification for Voting.

Proposal: Support legislation which allows voters to use any photo ID that was validly issued, and oppose legislation that prohibits the use of expired photo IDs.

C--HUMAN RIGHTS ISSUES

1. Human Rights & Non-Discrimination.

Proposal: Oppose any legislation that would restrict—and support any legislation that would expand—human rights for residents of or visitors to the Commonwealth.

2. Immigration/Law Enforcement.

Proposal: Oppose legislation that would require local law enforcement officials to enforce federal immigration laws (unless federal law requires such enforcement).

The City asks its delegation to oppose legislation that would require local law enforcement officials to enforce federal immigration laws, unless federal law requires such enforcement. The City already complies with all requirements of federal law, such as determining the legal status of those in custody at the City Detention Center. Alexandria is not a Sanctuary City.

3. Ban the Box.

Proposal: Support the incorporation into State law of current Ban the Box policies.

In April, 2015, Governor McAuliffe issued an Executive Order which prohibits state agencies from asking on employment applications whether the applicant has ever been charged with or convicted of any crime, unless the position was a “sensitive” one (as defined in Virginia Code §2.2-1201.1). This policy should be put into the Virginia Code, so that it does not have to be continued every four years by Executive Order.

4. Drivers Licenses for Undocumented Immigrants.

Proposal: Support, as a matter of public safety, legislation to enable an undocumented person to obtain a driver’s license, which could be distinguished by color and design, and would serve as proof of identity, not citizenship.

5. Immigration/Higher Education.

Proposal: Support Attorney General Mark Herring’s legal advice that students who are not American citizens but had been approved under the federal Deferred Action for Childhood Arrivals program may be eligible for in-state tuition if legislation seeks to overturn this policy.

In April 2014, Attorney General Mark Herring advised the presidents of Virginia’s public colleges and universities that those students who are not American citizens could establish domicile (maintaining a home in Virginia for at least a year, with the intent to remain here indefinitely) and thereby become eligible for in-state tuition if they had been approved under the federal Deferred Action for Childhood Arrivals program.

6. Restoration of Voting Rights for Felons.

Proposal: Support legislation that would enable individuals to have their voting rights restored or that institutionalizes a streamlined process for restoration; and oppose legislation that would make restoration of voting rights more difficult, whether by statute or by constitutional amendment.

D—OTHER ISSUES

1. Alexandria’s Combined Sewer Overflows.

Proposal: Support Alexandria’s plan to address combined sewer overflows, and oppose legislation that requires the City to alter this plan. Support the City’s future efforts to acquire State funding to pay for some of its CSO work.

2. Airbnb.

Support the inclusion in any Airbnb legislation of provisions that: (1) require all Airbnb or similar facilities to be registered so that the City knows their location; (2) require Airbnb facilities to pay all appropriate taxes; and (3) require Airbnb facilities to abide by appropriate zoning regulations.

3. Condo Conversion Assignment.

Proposal: Introduce or support legislation to allow any tenant (not only the elderly and disabled) to assign their purchase rights in a condominium conversion to a government agency, housing authority, or nonprofit housing corporation.

In 2007, legislation was enacted to allow a disabled or elderly tenant to assign any purchase rights to his unit to a nonprofit, government agency, or housing authority in the case of a condominium conversion. The agency, authority, or nonprofit can then offer the tenant a lease of the unit at an affordable rent. The number of units that can be acquired this way cannot exceed five percent of the total number of units (or one unit, if five percent equals less than a full unit).

The City supports legislation extending the ability to assign purchase rights to any tenant. If a less broad, incremental step is needed, the City suggests allowing families with minor children living at home to assign their purchase rights. The City also recommends that disabled or elderly tenants be given a higher priority than others if the number of tenants seeking to avail themselves of the program exceeds the five percent limit.

4. Local Option for Setting the Opening Day of School.

Support legislation that allows each school board to set the beginning of the school year on whatever day it deems appropriate.

5. Rate increases and the State Corporation Commission.

Proposal: Introduce legislation to prohibit private companies providing water from receiving rate increases without specific authorization from the SCC.

Residents of the City of Alexandria receive their water from the Virginia American Water Company. The Company has asked the State Corporation Commission (SCC) twice in recent years for the ability to raise some of its rates without having to go before the SCC. The City believes the SCC should have the authority to accept or reject all proposed rate increases by this company.

6. The “Appomattox” statue.

Proposal: Support legislation to allow Alexandria to move the Appomattox statue to the lawn of the Lyceum.

In 1888, Alexandria City Council approved the placement of a statue of a Confederate soldier (*Appomattox*) at the intersection of Prince and South Washington Streets. The statue, which honors Alexandria’s Confederate dead, was provided by the local chapter of the United Confederate Veterans, and was dedicated in 1889. The statue is now owned by the United Daughters of the Confederacy.

Legislation passed in the 1890 General Assembly Session requires the statue to remain in its current location permanently. In addition, §15.2-1812 of the Code of Virginia prohibits the removal of memorials or monuments related to any war involving the

United States, including the “War Between the States.” At its September 17 meeting, City Council voted to seek permission from the General Assembly to move the Appomattox statue.

7. Juvenile Justice Transformation.

Proposal: Support the funding needed to implement the Department of Juvenile Justice’s “transformation plan.”

The State Department of Juvenile Justice has recently examined its policy and practices and found them to be out of step with what current research and evidence shows are the most effective practices for reducing recidivism with juvenile offenders. The Department has developed a transformation plan to provide more effective and efficient services for these juveniles. Among other things, this plan seeks to reduce the number of juveniles who are sent to state facilities by offering alternative placements and services in the community. The City of Alexandria recommends that its General Assembly delegation provide the funding necessary to implement this plan, and especially funding for any additional local programs.

8. Human Trafficking.

Proposal: Support legislation to require the Virginia Department of Criminal Justice Services to adopt training standards for law-enforcement officers to ensure that they are aware of, and able to identify, human trafficking offenses.

9. Taxing Basic Necessities.

Proposal: Support legislation to exempt from the sales tax products which are basic necessities.

In the 2016 session, Delegate Mark Keam introduced legislation to exempt tampons and sanitary napkins from the sales tax. This bill did not pass. Several other states do not tax these products. Alexandria recommends that its delegation support legislation to eliminate the sales tax on basic necessities, such as feminine hygiene products, diapers and products related to incontinence, as well as baby food and baby formula.

10. Minimum Wage.

Proposal: Support legislation to set a State minimum wage higher than the current federal one (\$7.25/hour), or give localities the authority to set such a rate for jobs within their jurisdictions.

11. Northern Virginia Aging Network (NVAN) Platform.

Proposal: Support the legislative priorities of the Northern Virginia Aging Network.

These include provisions to improve health care for older adults; requests for more ombudsmen and increased Medicaid provider reimbursement rates; and more State resources for (a) older adults suffering from mental illness; (b) dental care for the elderly; and (c) home and community-based services.

12. Flood Insurance.

Proposal: Support the creation of a State grant program to match local funding for efforts designed to lower rating classes for flood insurance.

Alexandria believes that it would be helpful for the State to partner with localities to assist them in lowering their rating class in the Community Rating System for FEMA’s

National Flood Insurance Program. Lowering the class provides residents with additional discounts in this program. The City recommends that the State create a grant program to match local funding for efforts designed to lower rating classes.

13. Body Cameras.

Proposal: Avoid introducing bills regulating body cameras. Staff will review any such bills and make recommendations to support, amend, or oppose them.

14. Caps on Interest Paid on Payday and Auto Title Loans.

Proposal: Cap the interest rate on pay day and car title loans at 36 percent annually, inclusive of all fees.

Virginia allows both payday loans (short-term loans pledged against a future paycheck or government benefit check) and auto title loans (which are secured by a car's title). A 2009 Virginia law restricted payday loans to 36 percent annual interest, but permitted additional fees that increase the actual interest rate above this level. In 2012, according to the State Corporation Commission, the average annual interest rate for car title loans was 224 percent; for payday loans it was 305 percent.

15. Compliance with the Virginia Conflict of Interests Statute.

Proposal: Allow the Virginia Conflict of Interests and Ethics Advisory Council to audit authority for locally filed Statements of Economic Interests.

The Virginia Conflict of Interests statutes authorize the Virginia Conflict of Interests and Ethics Advisory Council to audit statements of economic interest that are submitted by state employees and General Assembly members. No such authority is given to the Council for local elected officials' statements. The City of Alexandria believes that the Virginia Conflict of Interests and Ethics Advisory Council has the same auditing authority for locally filed Statements of Economic Interests that it currently has for those filed by state legislators and employees.

16. Virginia Housing Trust Fund.

Proposal: Oppose any efforts to reduce funding for the Virginia Housing Trust Fund, which is used to provide grants and loans for affordable housing.

The Virginia Housing Trust Fund is used to provide grants and loans throughout the Commonwealth for those who want to construct or preserve affordable housing. The current State Budget includes appropriations of \$5.5 million in each year of the biennium (FY 2017 and 2018).