

**CITY COUNCIL WORK SESSION WITH THE
STATE LEGISLATIVE DELEGATION
ALEXANDRIA'S 2016 LEGISLATIVE PACKAGE
November 10, 2015**

2016 GENERAL ASSEMBLY SESSION: PROPOSED CITY PACKAGE ITEMS

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. Fees, Fines and Forfeitures.

Proposal: Eliminate the provision in the State budget that allows the State to take a portion of the revenue from local fines.

Since 2012, the General Assembly approved language in the Appropriations Act that allowed the State to take a portion of local fines from localities when local fines exceed 50 percent of the state and local collections. This action was taken in response to the reported practice of the Hopewell Sheriff's Office ticketing speeders in speed traps on the Interstate highway that runs through the City.

In 2015, the General Assembly approved a budget amendment that expands that number of localities affected from 5 to 33; many of these have little or no State Police traffic enforcement, and thus few State fines. The change significantly increased the amount of fines and forfeitures taken from localities by the state. Alexandria will forfeit approximately \$14,000 of the fines it collects in FY 2016.

3. Virginia Preschool Initiative.

Proposal: Eliminate the funding formula change in the State budget for the Virginia Preschool Initiative which, if allowed to remain, would make many Alexandria VPI families ineligible for the program.

In an effort to align all jurisdictions' VPI eligibility rules, language was included in 2015 budget bill the budget (Item 136#11c) 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 will significantly increase 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 set other income limits for VPI participation; Alexandria's is 250 percent of the FPL.

For Northern Virginia jurisdictions, this change in the poverty level can result in a significant decrease in the number of families we can serve. We ask that the old eligibility rules be retained for the future.

4. Competitive Salaries for the General District and Juvenile & Domestic Relations (JDR) Court Staff .

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

For some years now, the City has supplemented the salaries of many of the State-supported staff (primarily those of constitutional officers) who work in the City. The City recommends that the State allocate enough resources for it to pay competitive salaries to its employees in this region.

B—TRANSPORTATION ISSUES

1. Changes to Transportation Funding Formulas.

Proposal: Oppose any legislative proposals that will lessen State transportation revenues coming to the City.

2. Transit Funding.

Proposal: Support efforts to address the upcoming shortfall in State funding for transit capital needs, as well as any other legislation that would increase transportation funding.

In 2007, the Commonwealth Transportation Board authorized the issuance of \$3 billion in transportation bonds, at least 20 percent of which (or \$60 million annually) were to be used for transit projects. The funds from these bonds will no longer be available after FY 2018. In FY 2015, the City received, through NVTC, \$3.7 million in transit capital funds. HB 1887 provides new transit funding to address less than half this need—but a source of additional funds for transit is still needed. The City supports any legislation which would address this transit funding shortfall, as well as legislation that would increase transportation funding in general.

3. 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 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. As a result, Northern Virginia has collected \$88 million in

revenues from July 1, 2013 to June 30, 2015. If we had a floor like the State tax, we would have collected \$10—12 million more than we did.

4. Flashing Lights on Buses.

Proposal: Support legislation that will authorize the use of flashing lights on publicly owned or operated buses.

WMATA believes that the use of these flashing lights on buses has reduced pedestrian-bus accidents, and would like Virginia law, which does not now allow such lights, to mirror that of Maryland and the District of Columbia. It plans to pursue legislation amending §46.2-1025, making it permissive for bus operators in Virginia to use such lights, and is seeking the support of Alexandria and other Virginia WMATA localities.

5. Implementation of House Bill 2 (2014)—Prioritizing State Transportation Expenditures; Criteria Desired by the City.

Proposal: Support current transportation funding prioritization policies, and oppose any changes that would have a detrimental effect on the City.

House Bill 2 is legislation passed by the 2014 General Assembly to help ensure that limited State funds for transportation are invested in projects that meet Virginia's most critical transportation needs. Policies adopted in recent months by the Commonwealth Transportation Board have included reasonable compromises to address differing opinions on the weighting of criteria that will be used to rank future proposed transportation projects. The City asks its General Assembly delegation to support the policies adopted by the CTB and oppose any legislation in the 2016 Session that would have a detrimental and unfair impact on transit and other Alexandria transportation needs.

6. Pedestrian Safety .

Proposal: Support legislation to require drivers to stop (not just yield) for pedestrians in crosswalks.

7. The Northern Virginia Transportation Authority and Population Estimates.

Proposal: Change projections to estimates in the portion of the NVTa law that calls for 5-year population updates.

When the legislation was enacted creating the Northern Virginia Transportation Authority (NVTa), provisions were included that require voting in part to be based on NVTa's jurisdictions' populations. The population is to be determined by the most recent decennial census. Since populations can change significantly over ten years, a provision was included that was intended to use population estimates that are prepared by the Weldon Cooper Center in the fifth year following each census. Unfortunately, instead of calling for population *estimates*, the legislation that was enacted calls for population *projections*. Population estimates, with a fair amount of accuracy, give the population that actually exists in each locality in the year that falls halfway between each census. Population projections, on the other hand, are much less accurate (they are based in part on population changes that took place in a locality 25 or 30 years before). Furthermore, projections are not made for the fifth year after the census; the most recent ones (produced in 2012) are for 2020, 2030, and 2040. The likelihood that the projections are

flawed for some localities can be demonstrated by the census data, and the Cooper Center’s 2014 estimates, 2020 projections, 2030 projections, and 2040 projections for Alexandria and Arlington:

Locality	2010 census	2014 estimate	2020 projection	2030 projection	2040 projection
Alexandria	139,966	155,230	145,116	147,706	149,195
Arlington	207,627	229,302	206,896	201,699	197,065

Legislation creating the Hampton Roads Transportation Authority had this same provision, but legislation last Session corrected it.

C—ISSUES RELATING TO HUMAN SERVICES

1. Local Regulation of Small Child Day Care Facilities in Northern Virginia.

Proposal: Continue the authority of Northern Virginia localities to regulate small child day care homes.

One of the major issues debated at the 2015 Session was the regulation of child day care facilities and in family day homes when child care is provided in a private home. One of the issues that held up the final approval of these bills till the last day of Session was whether the State should regulate family day homes that serve fewer than 5 children *and* receive government funds for that care. In Northern Virginia, Alexandria, Arlington, Falls Church, Fairfax City, and Fairfax County already regulate any facility that is too small for State regulation, whether or not the provider receives government funds. No other localities regulate these small facilities—in the rest of the State they are unregulated.

These localities believe that their regulatory programs are at least as effective as any State program, and in 2015 they successfully preserved their regulatory authority. These jurisdictions recommend that they continue to have this authority.

2. Funding Needs of the Community Services Board.

Proposal: Provide additional State funding to CSBs for (1) enhanced crisis response (top priority request); (2) local administrative costs related to Medicaid waivers; (3) medical detoxification; (4) reintegration services for high-risk youth and adults; and (5) peer recovery support services.

3. Appropriations for the Virginia Housing Trust Fund.

Proposal: Provide funding to capitalize the Virginia Housing Trust Fund, which is used to provide grants and loans for affordable housing.

4. Affordable Care Act & Medicaid Expansion.

Proposal: Support Medicaid expansion under the Affordable Care Act.

5. Northern Virginia Aging Network (NVAN) Platform.

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

D—PUBLIC SAFETY ISSUES

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

Proposal: Provide sufficient State funding to pay for the processing of PERK (rape evidence) kits.

2. 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 the locality's courts. The Code of Virginia (§42.1-70) allows cities, counties, or towns to charge a fee of up to \$4 for this assessment. This fee (which was set at \$4 about 30 years ago) provides about \$47,000-60,000 annually toward the Library budget. The Library also receives donations of varying amounts from members of the Bar and others. 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 Law Library.

E—ISSUES RELATING TO VOTING

1. Early & Absentee Voting; Barriers to Voting.

Proposal: Support unrestricted early and absentee voting.

2. 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.

F—ENVIRONMENTAL ISSUES

1. Unused Sewage Treatment Plant Capacity.

Proposal: Oppose legislation to take away unused sewage treatment plant capacity.

A legislative proposal is circulating that could effectively take away unused sewage treatment capacity from current permittees. The proposal would require the State Water Control Board to review and periodically revise existing nutrient allocations of all existing facilities. These facilities would be required to re-justify their nutrient allocations to the State Water Control Board; the Board could then take away any allocation not yet used, and transfer it to another sewage treatment plant. In Alexandria, this proposal could have a significant and detrimental effect on our CSO mitigation efforts, as well as our stormwater treatment obligations.

2. Paper and Plastic Bag Fee.

Proposal: Support legislation to reduce the use of plastic grocery bags.

Such legislation could take the form of a tax on plastic bags, a ban on their use, or authorization for localities to limit the use of plastic bags in their jurisdictions.

G—OTHER ISSUES

1. Virginia Economic Development Incentives

Proposal: Support budget or legislative initiatives to increase incentives to encourage businesses to grow in or relocate to Virginia.

The Commonwealth needs to expand incentives it can offer to businesses. In particular, Northern Virginia now faces increased competition from the District of Columbia, which offers large tax incentives to businesses based on the fact that the District collects income taxes and benefits from an expanded business employee/resident tax base.

2. Prohibiting tobacco sales to anyone under 21.

Proposal: Prohibit the sale of tobacco to anyone under 21.

State law (§18.2-371.2) now prohibits the sale of any tobacco product or nicotine vapor product (e-cigarettes) to those under 18. The Food and Drug Administration (FDA) recently convened a panel of experts to study the effects of raising the minimum age to purchase tobacco products. The panel concluded that raising the age to 21 would have a significant effect on the numbers of young adults that begin to use tobacco.

3. Workers' Compensation Medical Costs in Virginia.

Proposal: Require Virginia to adopt Medicare-based fee schedules for setting medical provider fees in workers' compensation cases.

A recent study showed that Virginia medical payments per claim were 25 percent higher than the median cost in 16 other states. The higher prices charged by providers were the main reason for the higher medical payments per claim. Forty-four states have adopted fee schedules to contain the rapid increase in the cost of providing treatment to workers' compensation claimants, and 32 of them use Medicare-based fee schedules.

4. 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.

5. 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 already complies with all requirements under federal law, such as the determining the legal status of those in custody at the City Detention Center. Alexandria is not a Sanctuary City.

6. Ban the Box.

Proposal: Support legislation to incorporate into State law current State 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). The City asks its delegation support any legislation that would incorporate the provisions of the Executive Order into the Code.

7. 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.

8. 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, with the City’s strong support, the General Assembly enacted legislation to allow a disabled or elderly tenant to assign purchase rights to his unit to a government agency, housing authority, or nonprofit housing corporation in the case of a condominium conversion. The agency, authority, or nonprofit corporation then offers 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), or impede the condominium conversion process. The City recommends that the General Assembly enact legislation extending to any tenant the ability to assign purchase rights.

9. Procurement Policies and Local Businesses.

Proposal: Monitor legislation that would give preference to local businesses in procurement decisions.

Earlier this year, an Alexandria businessman approached the City with concerns about Virginia and City procurement policies. Specifically, the businessman noted that the Prince George’s County local preference policy might ultimately harm Virginia businesses by preventing them from winning contracts in Prince George’s County even if they submit a low bid. The City of Alexandria, the Virginia Association of Governmental Purchasing and the National Institute of Governmental Purchasing have

historically opposed legislation relating to local preference policies in procurement. The basis of public procurement is to procure goods and services at the lowest price or best value available on the open market, thereby protecting the public interest for the entire jurisdiction, not just the local business owners. Although the City has not supported a local preference policy of any kind, if the momentum is heading in this direction for the region, it will be important to protect Virginia businesses in the future.

10. Insect Infestation.

Proposal: Ask the Virginia Housing Commission to study issues relating to homeowners not dealing with pest problems (e.g., cockroaches and bed bugs), thus causing their spread to neighboring homes (e.g., row houses, condominiums, and town houses).

An Alexandria resident bought a townhouse in the Lynhaven area of the City about one year ago. Ever since he moved in, he has had a problem with cockroach infestation and, more recently, with bed bugs. Neighbors have told him that they believe the insects are coming from a particular neighboring townhouse. The City's Code Administration and Health Departments have both reviewed this issue and concluded that there is no State law that can force a property owner to control pests such as cockroaches and bed bugs. City staff recommends that the Virginia Housing Commission study this problem and recommend appropriate statutory changes to address it.

11. 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.