

Attachment -- Proposed Positions for the 2016 Alexandria City Package

City Council's Legislative Subcommittee recommends that the City adopt the following as positions for its 2016 Legislative Package:

A—FISCAL ISSUES

1. K-12 Funding (Northern Virginia Regional Position).

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

It has unfortunately been the practice of the Commonwealth to significantly underfund K-12 education, placing increased pressure on local revenues to provide this essential service at the level required to ensure students are prepared to compete in a global economy. According to a 2015 Joint Legislative Audit and Review Commission (JLARC) report, though Virginia is the 10th wealthiest state in the US, state per pupil funding ranks only 41st. During the recent national recession, state funding for K-12 declined significantly and remains below the FY 2009 level – during that time, structural budget cuts to K-12 have cost localities more than \$1.7 billion per biennium statewide. Northern Virginia localities more than meet their responsibilities for K-12 education through large contributions to the state General Fund, strong local effort, and the effect of high local composite indices, which divert state funding away from this region. As a result, it is essential that full funding for the re-benchmarking of K-12 costs be included in the 2016-2018 biennial budget.

Though the Commonwealth has largely avoided additional cuts to K-12 in the most recent budget agreements, funding for Cost of Competing Adjustment (COCA) for K-12 support positions (an additional factor used in the state K-12 funding formula, recognizing the higher salaries required in identified high cost of living and competitive wage market regions to attract and retain the highest quality instructional and support personnel) has been eliminated and must be fully restored. Ultimately, state funding formulas should include an overall recognition of cost of living variations throughout the Commonwealth in order to more accurately determine a locality's true ability to pay, particularly for high cost of living areas. Additionally, Virginia provides inadequate funding to serve children with higher level needs, including special education students, those learning English as a second language, and those living in economically disadvantaged households, factors that should be considered in funding formulas as well. As the Commonwealth seeks to maintain its economic competitiveness, investments in K-12 education are an essential component of preparing the workforce of the future and must be a partnership between the state and localities.

2. Fees, Fines and Forfeitures (Northern Virginia Regional Position).

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. The Appropriations Act requires all local collections to be deposited into the State Treasury; the State Treasurer then writes a check to the locality for any funds not retained by the State.

In a 2013 report, the State Inspector General noted that 2 of the 6 localities penalized under this system (the cities of Fairfax and Falls Church) had little State Police traffic enforcement. As a result, there was no way that these cities could avoid having local fines and fees exceed 50 percent of state and local collections.

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

The City of Alexandria asks its delegation to ensure that this language is not included in the upcoming biennial budget.

3. Virginia Preschool Initiative (Councilman Wilson; Children Youth and Families Collaborative Commission).

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.

For many years, the City of Alexandria has strongly supported the State's efforts to boost school readiness, as evidenced by the steady growth in the number of children participating in the local Virginia Preschool Initiative (VPI) program and the increased investment of local funds. Unfortunately, language in the current biennial budget threatens to negatively impact the Alexandria VPI program.

In an effort to align all jurisdictions' VPI eligibility rules, language was included in 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 believe that approximately 17 percent of

Alexandria families who would normally qualify for VPI will be disqualified. These families will also not qualify for Head Start and will not be able to afford the quality early care and education opportunities needed to prepare their children for school success.

Implementation of these new eligibility standards was suspended for the first year of the biennium. We ask that our delegation seek to amend the General Assembly's poverty level language to allow Northern Virginia, with its higher cost of living, to accept children in the VPI program as long as their income does not exceed 250 percent of poverty.

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

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. These include staff for the Sheriff, the Commonwealth's Attorney, the Court Services Unit, the Circuit Court Clerk, the Public Defender, the Department of Health, and the Office of Voter Registration. Not supplemented prior to FY 2015 was staff in the General District and JDR Courts.

During consideration of the 2015 City budget, a request was made for the City to provide supplemental funding (a 15 percent increase) for the salaries of these court staffers. The annual cost for the City to provide these supplements would be \$134,000 or more. Council included funding for a smaller—7.5 percent—supplement, at an annual cost to the City of \$67,000. These supplemental funds were continued in the FY 2016 City budget. The City believes this is an example of cost shifting by the State, resulting in localities having to bear the burden of underfunding by the State. 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 (Alexandria Transportation Commission).

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

In virtually every General Assembly Session, legislation is introduced that seeks to alter existing transportation funding formulas. Some of these bills would be beneficial to the City, but some of them would reduce funds available for Alexandria's transportation needs. City staff will carefully monitor any transportation funding legislation that is considered by the 2016 Session, and oppose any proposals that will lessen funds coming to Alexandria, or result in the City not receiving its fair share of any transportation revenues.

2. Transit Funding (Alexandria Transportation Commission and Northern Virginia Regional Position).

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.

The City supported the major transportation legislation of 2013 (HB 2313), which provided significant new funding for transit and other forms of transportation. The City also supported HB 1887 in 2015, which addressed some of the still-existing shortfalls in transit 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.

In addition, the 2013 law established an additional 2.1 percent regional sales tax for the local transportation projects in the Hampton Roads area, much like the local 2.1 percent tax already in effect throughout Northern 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. The City recommends the introduction and support of legislation to create a floor for the Northern Virginia and Hampton Roads regional motor fuels sales taxes.

4. Flashing Lights on Buses.

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

At the request of the District of Columbia, Metrobus began a pilot program in 2007 to install flashing amber lights across the front of buses operating on District routes. The lights move back and forth and are intended as a safety feature to help get the attention of pedestrians and

reduce the number of accidents in which pedestrians are struck by buses. Currently, D.C. and Maryland laws allow the use of flashing lights on buses. Virginia law has a list of vehicles that can display flashing lights (§46.2-1025, Code of Virginia), but buses are not included in the list.

When the Metroway BRT line was inaugurated along Route 1, WMATA (which provides buses for the route) began using new buses that had been ordered with flashing lights on them (WMATA staff was not aware that Virginia law does not allow the lights on buses).

Last September, Arlington police stopped a Metroway bus and warned the driver that the flashing lights were illegal. Consequently, WMATA has disconnected the lights on buses used on this route and does not use flashing lights on any of its Virginia buses.

WMATA believes that the use of these flashing lights has reduced pedestrian-bus accidents, and would like Virginia law to mirror that of Maryland and the District of Columbia. This will allow WMATA to have lights installed on any of its buses, including those that are in Virginia. 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 (Alexandria Transportation Commission).

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. It establishes a transparent and quantifiable process for prioritizing proposed State-funded transportation projects. Secretary of Transportation Aubrey Layne’s office has been working to implement this legislation, and has sought local government feedback for his office’s proposed implementation policies. 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 (Alexandria Transportation Commission).

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

Pedestrians, especially in densely populated communities, need assurance that when they use crosswalks to get across the street, oncoming drivers will not hit them. Unfortunately, Virginia law does not provide that assurance. Drivers are required to yield, but not necessarily stop, for pedestrians in crosswalks. This often leaves a pedestrian guessing whether the oncoming traffic actually will stop so that the pedestrian can safely cross where he has right-of-way (in the

crosswalk). For some time now, the City, together with other Northern Virginia localities and others throughout Virginia, has been seeking a change in state law to require drivers to stop (not just yield) for pedestrians in crosswalks. The City ask its legislative delegation to support such legislation if offered in the 2016 Session.

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

The City recommends that a one-word change be made to the Virginia Code: change projections to estimates in the portion of the law that calls for 5-year population updates.

C—ISSUES RELATING TO HUMAN SERVICES

1. Local Regulation of Small Child Day Care Facilities in Northern Virginia (Northern Virginia Regional position; Department of Community and Human Services; Children Youth and Families Collaborative Commission).

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. In 2014, several high profile incidents occurred that resulted in the death of children who had been left at child day care homes or centers—the majority of which were unlicensed. As a result, a number

of legislators made proposals in 2015 that sought to strengthen the Commonwealth's child day care regulatory programs.

On the last day of Session, two bills were approved—HB 1570 and SB 1168, which were identical. The bills include these provisions:

- The threshold was lowered from 5 to 4 for the maximum number of non-family children that can be cared for in a family day home without being regulated by the State (effective July 1, 2016).
- Day care facility operators, employees, and volunteers are required to undergo a national fingerprint background check beginning July 1, 2017.
- Those convicted of sex offenses and other barrier crimes are prohibited from working in a day care facility.

One of the issues that held up the final approval of the bills 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 Northern Virginia localities believe that their regulatory programs are at least as effective as any State regulatory program, and in 2015 they successfully preserved their regulatory authority with respect to family day homes. These jurisdictions recommend that they continue to have this authority. Should legislation be introduced in 2016 to expand the State's authority to regulate facilities that care for fewer than 5 children and receive government funds, the City recommends that such legislation apply only to localities that do not now regulate these small day care facilities.

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.

The Alexandria Community Services Board (CSB) and the Department of Community and Human Services have identified several critical needs of the Department to allow it to deal with the mental health, behavioral health, and substance abuse needs of Alexandrians. These are also the top legislative requests of the other CSBs in the region.

- Enhanced Crisis Response. Following the 2008 Virginia Tech mass shooting and the tragic events which occurred in the family of State Senator Creigh Deeds in 2013, significant changes were made to the way services are provided to those with mental health crises. These changes have led to an increased demand for the City to provide emergency services, resulting in the need for additional personnel and funding. The

State has not provided additional funding for this need. The City, as well as other CSBs throughout the region and the State, recommends that the 2016 General Assembly provide additional State funding for enhanced crisis response. The projected need for the region for enhanced crisis response is approximately \$7 million.

- Funding the Costs of Providing Certain Services Related to Medicaid Waivers. The Virginia Department of Behavioral Health and Developmental Services has finalized a major redesign of the Day Support, Intellectual Disability, and Developmental Disability Medicaid Waivers which will begin to be implemented in FY2017 (pending approval and funding by the General Assembly). The new design will transfer certain responsibilities for eligibility and case management of such waivers from the State to localities. Alexandria and other localities ask that this not become an unfunded mandate, and that the State provide sufficient funding (yet to be determined) to cover these transferred services.
- Expanded Medical Detoxification. Alcohol or drug-dependent persons often need detoxification treatment as the first step to recovery. Detoxification usually involves the use of medication. A medication that is most helpful for heroin and other opioid detoxification is buprenorphine. It not only eliminates the addicted person's craving for opioid drugs; it also prevents the addict's feeling of euphoria if he begins to reuse. Alexandria and other Northern Virginia CSBs would like to expand the use of buprenorphine and other drugs used to address addiction, such as vivitrol (to help with severe chronic alcohol dependence) and naloxone (which is used to reverse heroin overdoses). In order to do so, the CSBs need additional funds to purchase the drugs and pay physicians to examine and monitor patients using them. Also included in this request is funding for physician training. The City requests its delegation to support funding of approximately \$900,000 annually for the region to expand its use of buprenorphine and similar medications.
- Reintegration Services for High-Risk Youth and Adults. Young adults aging out of services provided under the Children's Services Act (formerly the Comprehensive Services Act) and other State and local programs would benefit from easily accessed, wrap-around services to help them develop stability within the community. Similar services could assist persons with mental health disorders who are being diverted or transitioned from the criminal justice system or state psychiatric facilities. Provision of reintegration services would help these individuals become self-sufficient within the community. The Northern Virginia CSBs have recommended the appropriation of \$1 million annually to support 50 such individuals (young adults and adults) in transition annually.
- Peer Recovery Support Services. For the past several years, the State has funded a Peer Model Recovery program for adults with substance abuse issues in Northern Virginia. This program has been very successful in promoting sustained recovery and self-sufficiency among individuals in the region who have alcohol and other substance use disorders. The Northern Virginia CSBs recommend that the State provide \$540,000 to expand the program and broaden the range of services provided.

3. Appropriations for the Virginia Housing Trust Fund (Economic Opportunities Commission).

Proposal: Provide funding to capitalize the Virginia Housing Trust Fund.

From time to time, the General Assembly has appropriated funds to capitalize a Virginia Housing Trust Fund. The Fund can be used for grants and loans to provide affordable housing.

The most recent major appropriation to this fund was \$7 million in FY 2014. These funds came from a one-time source—the National Mortgage Settlement. This was a 2012 court settlement between the nation’s five largest mortgage servicing companies, the federal government, and 49 states. The mortgage servicing companies agreed to pay \$26 billion to homeowners, the states, and the federal government to make up for mortgage servicing, foreclosure, and bankruptcy abuses for which they were responsible.

Unfortunately, no additional revenue has been appropriated to the Fund in the intervening years. While the \$7 million appropriation has been helpful, additional and ongoing funding is needed. The City recommends that the State provide an ongoing appropriation to the Housing Trust Fund.

4. Affordable Care Act & Medicaid Expansion (Public Health Commission, Economic Opportunities Commission).

Proposal: Support Medicaid expansion under the Affordable Care Act.

The Public Health and Economic Opportunity Commissions recommend that the City continue its support for Medicaid expansion. Under the Affordable Care Act (ACA) of 2010, each state has the option of expanding coverage under its Medicaid program to include all individuals with incomes up to and including 133 percent of the federal poverty index (the current federal poverty index for an individual is about \$11,000 a year; it is approximately \$19,000 for a family of three). This expanded coverage will be paid for entirely by the federal government for the first three years of the program; after that, the federal government will cover 90 percent of the cost, with the state responsible for the remainder.

The City supports this option for three reasons:

1. It will provide coverage for many preventive health care services, especially for low-income women and children;
2. By covering individuals slightly above the federal poverty index, it will address many health disparities which are directly associated with poverty and low-income; and
3. It will help avoid the cost-shifting that already occurs, as low-income, uninsured people turn to local governments and nonprofits for their health care.

The City realizes that it will be very difficult to have this expansion approved in a future Session, but recommends that its delegation continue to work toward that goal.

5. Northern Virginia Aging Network (NVAN) Platform (Commission on Aging).

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

The Commission on Aging has asked the City and its delegation to support the following legislative priorities of the Northern Virginia Aging Network:

- Refer suspected financial exploitation of adults to law enforcement when financial losses are suspected to exceed \$50,000 and Adult Protective Services, Virginia Department of Social Services, is reporting the loss or conducting an investigation.
- Require builders and design professionals to offer a “visitable” option (one which better accommodates those with accessibility issues) to prospective customers for new single family homes, as an alternative to conventional design.
- To enhance performance of long-term care and home-care workers, support any legislation or budget amendments that would provide them with additional training and education to enable them to better serve as important observers and reporters of physical and emotional change in people needing care.
- Support a quality, cost-effective, long-term care workforce to improve the quality of life for Virginia's older adults and people with disabilities, by increasing Medicaid reimbursement rates so that these workers will have paid sick days, a living wage, and on-going training.
- Support the appropriation of \$3.25 million to meet the state standard of 1 full time Ombudsman for every 2,000 nursing home and assisted living beds.
- Provide dental care for Medicaid patients.
- Expand the Northern Virginia RAFT program (Regional Older Adult Facilities Mental Health Support Team), which provides community-based care for adults 65 and older who have severe mental illness.
- Increase funding for the Auxiliary Grant program, and make it totally state-funded (eliminating any required local match).
- Increase funds for home and community based care services through Area Agencies on Aging.

D—PUBLIC SAFETY ISSUES

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

Proposal: Provide sufficient State funding to pay for the processing of PERK (rape evidence) 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 to prosecution. In others, the victim declined to press charges. A recent State audit found that there are over 2300 untested kits in Virginia.

Secretary of Public Safety Brian Moran has formed a work group (representatives of law enforcement, Commonwealth's Attorneys, forensic nurses, and others) that is expected to meet sometime this month and make recommendations on what policies should be used to determine what to do with PERK kits—past and future. In addition, Secretary Moran and Attorney General Mark Herring recently announced receipt of a grant that will allow the State crime lab to process over 2,000 untested kits now held by various state and local public safety officials.

The City asks its General Assembly delegation to ensure that the Virginia Department of Forensic Science receives sufficient State funding to (1) process all PERK kits submitted to the Department; and (2) fulfill all its other statutory responsibilities. Furthermore, the City will support any reasonable recommendations developed by the Moran work group.

2. Assessment of Court Costs to Support Law Libraries (Councilman Wilson).

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

During Alexandria City Council's consideration of the FY 2015 and FY 2016 City budgets, one of the proposals to save money was to eliminate City general fund support for the Court House Law Library. While Council ultimately decided not to eliminate all City general fund support of the Library, it did reduce it by half (it reduced General Fund support from approximately \$121,000 annually to \$60,000 in FY 2015; in FY2016, responsibility for the Law Library is being transferred to the Alexandria Library, with a similar amount of funding).

Part of the funding for the 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 (Human Rights Commission & Commission on Aging).

Proposal: Support unrestricted early and absentee voting.

The City asks its delegation to continue its support of unrestricted early voting (i.e., early voting for any reason) and absentee voting; and to oppose any legislation that would create additional obstacles or barriers to voting.

2. Photo Identification for Voting (Human Rights Commission, Economic Opportunities Commission).

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

The 2013 General Assembly passed legislation (SB 1256, effective July 1, 2014) requiring voters to provide a valid photo ID at each election. Questions have arisen as to the meaning of the word “valid.” Some believe it should be interpreted to mean any photo ID that was validly issued, while others say it should exclude any ID that was validly issued but is now past its expiration date.

Those who believe that any validly issued photo ID should be acceptable note that a photo ID issued by a local voter registrar does not have an expiration date; therefore, it makes little sense to make other validly issued IDs that have expired (e.g., a driver’s license) unacceptable. The State Board of Elections recently adopted a policy which allows the use of expired, validly issued photo IDs as long as they have not been expired for more than 12 months.

The City does not believe that this is not a rational policy; it will likely result in people being denied the right to vote. The City supports legislation that will allow the use of any photo ID that was validly issued, and opposes 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.

At the annual meeting of the Virginia Municipal League, attendees were briefed on a legislative proposal 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. While the Alexandria (RENEW) sewage treatment plant has adequate treatment capacity at this time to meet its current needs, any unused capacity will be needed for CSO mitigation and future growth within the City. This growth problem is one that will affect all communities in the State that rely on sewage treatment plants. Localities have paid for the construction of plants to meet their current needs as well as future growth, and this legislation could eliminate the ability to use some of that capacity—in effect causing them to have wasted money on the construction of capacity they cannot use.

The legislation would also disrupt the City’s ability to plan for and seek nutrient trades to meet some of its needs. The City asks its General Assembly delegation to oppose such legislation.

2. Paper and Plastic Bag Fee.

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

For a number of years, General Assembly members have introduced legislation that attempts to reduce the use of plastic grocery bags. These bags cause a number of problems: they are harmful to marine life when they get into waterway and marine animals mistake them for food; they can foul up farm equipment and contaminate crops that are harvested mechanically, such as cotton; and they take up space in landfills, where they take many years (even centuries) to degrade. In the past, some of these problems were partially alleviated by recycling plastic bags. The machinery used by many recycling processors, however, is harmed by plastic bags (although they can still be taken to many grocery stores for recycling). Plastic bags have become an item that local governments are increasingly not wanting in their recycling stream, in part due to the processing issue, and in part due to their negative recycling value.

As it has in the past, the City will ask its delegation to support legislation to reduce the use of plastic grocery bags. Such legislation could take the form of a tax on plastic bags (this has been effective in other states or cities), 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 City asks its delegation to support reasonable budget or legislative initiatives (staff will advise the delegation of specific bills or budget items that would help the City), which would increase the economic development incentives that the Commonwealth of Virginia could offer businesses to grow in or relocate to Virginia. Since much of Virginia's growth over many decades has been largely federal government driven, and since the federal government's role in Northern Virginia and Hampton Roads economies is waning, 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.

The District recently announced, for example, that the Advisory Board will be staying in the District with its thousands of employees, and will receive a performance based tax incentive worth up to \$60 million over a period of 10 years. If the Advisory Board adds 100 new employees who choose to live in the District in each of those years, the Advisory Board will receive a \$6 million tax break each year. The Advisory Board was also considering a location in Virginia in Arlington. The business community believes that Virginia's economic development

incentive options are limited, but to date the Commonwealth has initiated no major new incentive program.

2. Prohibiting tobacco sales to anyone under 21 (Substance Abuse Prevention Coalition of Alexandria).

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

For over 50 years, the United States has seen many efforts to reduce tobacco use. Much of this has been aimed at young people, with the hope that they will never start to smoke cigarettes or otherwise use tobacco. 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. This panel has released a report (Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Product) that summarized the likely effects of raising the minimum age to 19, 21, or 25. The panel concluded that raising the age to 21 (rather than 19) would have a significant effect on the numbers of young adults that begin to use tobacco (raising the age to 25 is not thought to have a significant added effect). Based on this report, the City asks its General Assembly delegation to introduce legislation to increase the tobacco-purchase age in Virginia to 21. The State of Hawaii and at least 80 localities in 8 other states have enacted such a law.

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.

Over the last decade, medical costs under Virginia's Workers' Compensation system have been substantially higher and growing much faster than workers' compensation medical costs in most other states, including all of our neighboring jurisdictions. A recent study (done by the Workers' Compensation Research Institute) 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. Costs per claim in Virginia grew 8 percent per year from 2005 to 2010.

Prices charged for non-hospital services in Virginia were 22 percent higher than was typical in the 16-state study group. For hospital outpatient services, the average payment per service was 27 percent higher than the median study state. Medical costs alone accounted for 72 percent of the growth in the Virginia cost per claim during the years 2004 to 2010. The average medical cost per workers' compensation claim in Virginia was \$17,100 in 1996; by 2010 that number had jumped to \$44,500. This number has only gone down one time in the last 15 years.

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. All states that border Virginia, as well as the District of Columbia, use such a fee schedule.

The Virginia Municipal League, together with many other public and private entities represented by the Virginia Self-Insurers Association on Workers' Comp issues, had legislation introduced in the last several years that would have required Virginia to adopt Medicare-based fee schedules for setting medical provider fees in workers' compensation cases. The City supported this legislation (which was not passed), and continues to do so.

4. Immigration/Higher Education (Human Rights Commission).

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 but had been approved under the federal Deferred Action for Childhood Arrivals (DACA) program¹ could establish domicile (maintaining a home in Virginia for at least a year, with the intent to remain in Virginia indefinitely) and thereby become eligible for in-state tuition. The City asks its delegation to support Attorney General Mark Herring's interpretation of the law, should any legislation pertaining to this issue be introduced in 2016.

5. Immigration/Law Enforcement (Human Rights Commission).

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

The City will continue to oppose State legislation that would require local law enforcement officials to enforce federal immigration laws (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).

6. Ban the Box (Human Rights Commission).

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

¹DACA provides for a deferral of any action to deport any individual 31 and under who (1) was brought to this country prior to age 16 illegally, or has lost lawful status; (2) has resided in the United States from June 15, 2007 to the present; (3) has not been convicted of a felony or a significant misdemeanor [e.g. domestic violence; sexual abuse or exploitation; burglary; unlawful possession or use of a firearm; drug distribution or trafficking; or, driving under the influence]; and (4) has a high school diploma or GED certificate, or has been honorably discharged from the military.

§2.2-1201.1). The City asks its delegation support any legislation that would incorporate the provisions of the Executive Order into the Code of Virginia.

7. Minimum Wage (Economic Opportunities Commission).

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

The minimum wage in Virginia is currently established by federal law at \$7.25/hour. Several bills in recent General Assembly Sessions sought to set a Virginia minimum wage higher than the federal one, but they were all defeated. The City supports a State minimum wage higher than the current federal one, and recommends that such a minimum wage be automatically adjusted for inflation in the future. Should the General Assembly be unwilling to set a State minimum wage, the Commission recommends support for legislation that gives localities the authority to set such a rate for jobs within their jurisdictions.

8. Condo Conversion Assignment (Councilman Wilson).

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. If an incremental step is needed that is not as broad, such legislation should allow families with minor children living at home to assign their purchase rights. Finally, disabled or elderly tenants should be given a higher priority than others if the number of tenants seeking to avail themselves of the program exceeds the five percent limit.

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 (although this local business-friendly policy may actually result in the County paying more for certain goods and services than it would otherwise). Under Virginia law, Alexandria has limited flexibility to

implement local preference policies, which could put Alexandria and Virginia businesses at a competitive disadvantage given that these businesses often do business across state lines. City staff was asked to put this issue on the list of possible items for the 2016 City Package, so that Council's Legislative Subcommittee and its delegation could discuss whether to seek any changes to Virginia law.

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. Local procurement preferences are not easily reconciled with the basic principles of public 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. Over time local preference policies limit competition, which can result in higher costs of business for the locality. In the region there are two jurisdictions (Prince George's and the District of Columbia) with local preference policies that may be impacting the natural economic balance that the region has historically experienced. Unless Council believes that we should seek legislation immediately that allows local preference policies in Virginia, staff has recommended (and Council's Legislative Committee has concurred) that the City monitor closely legislation introduced that may call for such policies. 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.

The local preference policy with the least negative impact is a matching bid policy. In these policies local vendors (which could be defined as any Virginia business) are given the opportunity to match a low bid from a non-local vendor if they are within a small threshold of the winning bid. The threshold is typically 5 percent or less.

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. He has already spent \$1000 for pest control. Neighbors, and the property's previous owner, 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 City's legislative delegation ask the Virginia Housing Commission to study this problem and recommend appropriate statutory changes to address it.

11. Caps on Interest Paid on Payday and Auto Title Loans (Economic Opportunities Commission).

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. Fifteen states (including neighbors Maryland, North Carolina, and West Virginia) and the District of Columbia currently ban high-cost, short-term loans by setting a maximum annual interest rate of 36 percent including fees. Under the federal Military Lending Act, military service members and their families are also protected from these expensive and predatory loans. A 2009 Virginia law restricted payday loans to 36 percent annual interest but permitted two 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.

The City supports legislation to cap the interest rate on short-term loans at 36 percent annual interest inclusive of all fees.