

## Attachment 1

### ALEXANDRIA'S PROPOSED 2018 LEGISLATIVE PACKAGE

#### A—FISCAL ISSUES

1. CSO Funding—One of the two most important items for the 2018 City Package is funding for the City's CSO work. The total cost of the work is estimated to be \$385 million, and we have asked the State to fund \$77 million or 20% of the project. Lynchburg and Richmond have received significant State financial aid to assist with their CSO projects. We ask the delegation to strongly support this request.
2. Funding for WMATA—The other major item in this Package is funding for WMATA. The Metro system needs \$500 million annually from the region in dedicated funding. Virginia's share using the existing WMATA formula would be 28% or about \$140 million annually. The WMATA members have not yet agreed on a new source (e.g., tax) for this funding, but the City agrees that new dedicated funding is needed, and the legislation necessary to provide this should be passed in 2018.
3. Regional Motor Fuel Sales Taxes—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.

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. If we had a floor like the State tax, Northern Virginia would have collected nearly \$17 million more than it did in FY 2017. The City recommends the introduction of and support for legislation to create a floor for the Northern Virginia and Hampton Roads regional motor fuels sales taxes.

4. Transit Fiscal Cliff— In recent years, the Commonwealth has provided funds to local transit to help pay for their capital needs. The remainder of capital funding has come from local governments and, in some cases, federal agencies. For the last ten years, State transit capital funding has come in large part from State revenue bonds—but the proceeds from these bonds will be gone in the next biennium. It is crucial that the General Assembly find a replacement for this revenue during the next biennium.

5. Funding for VRE (the Virginia Railway Express)—The VRE has developed a 2040 System Plan, and an accompanying Financial Plan that identifies capital and operating requirements needed to implement the plan. A key finding in the Financial Plan is the clear need for increased funding. The local jurisdictions that are members of VRE cannot increase their VRE financial support to the level needed to continue VRE services at their current level. VRE will be seeking additional State funding; the City supports VRE in this regard.
6. K-12 Funding—The City asks its delegation to support fully funding the State’s portion of K-12 education costs, including the Cost of Competing.
7. Appropriations for the Virginia Housing Trust Fund—The Virginia Housing Trust Fund is used to provide grants and loans for affordable housing. While no Alexandria projects received funding in the initial application round last year, the Carpenter’s Shelter redevelopment project (97 affordable units above a new shelter facility) has an application for state Housing Trust Funds currently pending. The City believes that this source will potentially help many future City-supported affordable housing projects that are critically needed by low income households, and recommends that the State provide new and increased funding this biennium to continue capitalizing the Virginia Housing Trust Fund.
8. Body Camera Funding—Many people now believe that the use of body cameras by police helps to enhance the transparency and accountability of police for their actions. Body camera systems are expensive to purchase and maintain (data storage is especially costly). The City believes that more communities would use them if the State would help pay for their costs, and recommends that the General Assembly undertake such an initiative. Prior to this occurring, though, the General Assembly should clarify the law on access to and retention of body camera film footage.
9. Competitive Salaries Local State Employees—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.
10. Assessment of Court Costs to Support 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 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 Library.
11. Funding to Combat Opioids—The City recommends that the State provide additional funding to combat the misuse of and addiction to opioids.

12. At-Risk Add-On Funding— This is a key state funding source for supporting educational needs of low-income students. However, the percentage spent on education for low-income students is still not enough to adequately fund localities with heavy low-income populations. Currently, Virginia’s low-income school funding is approximately half of the average of other states. The State can and should lead in providing equal opportunities for all students.

The At-Risk Add-on provides school divisions between 1% to 13% more in State funding for every low-income student in their schools, based on the concentration of poverty. Legislation needs to be passed to increase the range of support for this program to no less than 1% to 25% per applicable student to bring funding levels up to a meaningful standard.

The Alexandria City Public Schools have requested that Council support this funding initiative.

13. Funding for Virginia Pre-School Initiative (VPI)—Pre-school education is a priority to many school divisions and localities statewide. However, due to match requirements and other factors some of the State appropriated VPI funds are not spent and lapse back into the State’s General Fund at the end of the fiscal year. It is proposed that these unspent VPI funds be allowed to carryover from one fiscal year to the next so they can remain available for Pre-K funding.

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14. 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.

## B—PROVIDING HELP TO THE LESS FORTUNATE

1. Minimum Wage—The City continues to support legislative efforts 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.
2. Taxing Basic Necessities—In the 2016 session, Delegate Keam introduced legislation to exempt tampons and sanitary napkins from the retail sales and use tax. This bill was left in the House Finance Committee. Several other states do not tax these products. Further attempts to eliminate the sales tax on these items have failed. The City would support legislation to waive the sales tax on another group of basic necessities—diapers, formula, and baby food.
3. Caps on Interest Paid on Payday and Auto Title Loans—For many years now, efforts have been made in the General Assembly to cap the interest rate on pay day

and car title loans at 36 percent annually, inclusive of all fees. The City continues to support these efforts, and asks its legislative delegation to vote in favor of such legislation.

## C—PUBLIC HEALTH ISSUES

1. Affordable Care Act & Medicaid Expansion—The City continues its support for Medicaid expansion under the Affordable Care Act 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 primarily by the federal government. In his August 21 address to the General Assembly money committees, Governor McAuliffe indicated that he will include Medicaid expansion in the budget he proposes in December. The City recommends that its delegation members continue to support the Governor in this regard. The City realizes that efforts may continue in Congress to repeal and replace the Affordable Care Act. The City does not support these efforts, and will carefully monitor any effects they may have at the State level.
2. Curbing the Consumption of Sugary Drinks—The City supports efforts to authorize the state or local taxation of sugary drinks. According to a World Health Organization report, “Taxing sugary drinks can lower consumption and reduce obesity, type 2 diabetes, and tooth decay.” Obesity, diabetes, and poor oral health are especially acute in low-income communities and communities of color. Some cities and counties, including localities such as Albany and Philadelphia have enacted taxes on sugary drinks in recent years.
3. Prohibiting tobacco sales 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. In 2013, the Institute of Medicine convened a panel of experts to study the effects of raising the minimum age to purchase tobacco products. In 2015 this panel released a report that said 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). The City asks its General Assembly delegation to introduce or support legislation to increase the tobacco-purchase age in Virginia to 21. Five states (Maine, Hawaii, California, New Jersey, and Oregon) and 226 localities in 13 other states have already enacted such a law.
4. Raising the Virginia Tax for a Pack of Cigarettes—Raising the price of cigarettes is considered one of the best ways to curb smoking among youth, according to the Campaign for Tobacco-Free Kids. The Campaign says that every 10 percent increase in cigarette prices reduces youth smoking by about seven percent, and total cigarette consumption by about four percent. Virginia’s cigarette tax (30 cents/pack) is the second lowest state tax (Missouri is lower). The average state cigarette tax is about \$1.71/pack. If the State tax were raised, the additional revenue

could be used for tobacco prevention and cessation programs that could be offered by our community health centers and local health departments. The beneficiaries of a tobacco tax increase would actually be the smokers who would pay it, since they could then participate in programs to help them stop smoking—and ultimately stop paying the tax. The Tobacco Free Alliance of Virginia supports a tobacco tax increase. The City recommends that the state tobacco tax be increased, preferably to the national average of about \$1.71/pack. The City would also support the taxation of e-cigarettes, for many of the same reasons.

## D—ISSUES RELATING TO HUMAN RIGHTS

1. Human Rights & Non-Discrimination—The City asks that its delegation members oppose any legislation that would restrict—and support any legislation that would expand—human rights for residents of, or visitors to, the Commonwealth or the City of Alexandria to the extent the Alexandria City Code or State or federal law now protects such rights.
2. Ban the Box—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 to support any legislation that would incorporate this policy into the Virginia Code, so that this policy does not have to be continued every four years by Executive Order.
3. Immigration/Higher Education—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) program<sup>1</sup> 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 continues to support Attorney General Mark Herring’s interpretation of the law, should any legislation pertaining to this issue be introduced in 2018. The City is also concerned that opponents of DACA could introduce other legislation that could harm the program and asks the delegation to oppose any such bills.
4. Immigration/Law Enforcement—The City recommends that its delegation 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

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<sup>1</sup> DACA 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.

status of those in custody at the City Detention Center. Alexandria is not a Sanctuary City.

5. Prohibiting Housing Discrimination Based on Source of Income—Support any legislation that would make it illegal to discriminate in housing based on source of income.

#### E—ISSUES RELATING TO VOTING

1. Early & Absentee Voting—As in past years, the City asks that its delegation support unrestricted early and absentee voting, and oppose any legislation that would create additional obstacles or barriers to voting.
2. Photo Identification for Voting—The City also asks its delegation to support any legislation that allows voters to use a photo ID that was validly issued but has expired.
3. Restoration of Voting Rights for Felons—Under Virginia law, any person convicted of a felony forfeits certain civil rights for life, including the right to vote. The Virginia Constitution reserves to the Governor the power to restore these rights. Although recent Governors have used a streamlined process instituted by executive order, this process relies totally on the good will of each individual governor. Virginia's process for restoring rights has traditionally been one of the most restrictive in the nation. Governor McAuliffe and other recent Governors have restored voting rights to many ex-felons. The City recommends that its delegation 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.
4. Redistricting Reform—In recent years, there have been a number of proposals to reform the redistricting process in Virginia, so that the process is less partisan. Bills that have been introduced were defeated. The City continues to support such legislative proposals. The City also recommends that any such legislation include provisions that would seek to prevent gerrymandering in future redistricting.

#### F—OTHER ISSUES

1. Threshold for Felonies—The felony threshold for theft, issuing bad checks, causing damage, etc., has remained at \$200 for approximately 40 years. Meanwhile, inflation has increased to the extent that it would now cost about \$830 to purchase what \$200 purchased in 1977. In 2017, legislation was introduced, but failed, to raise the \$200 threshold to \$500. The City asks its delegation to introduce or support similar legislation in 2018.
2. Drivers Licenses for Undocumented Immigrants—The City continues to support legislation that would enable an undocumented person to obtain a driver's license, which would be distinguished by color and design, and would serve as proof of

identity, not citizenship. It would be the interest of public safety and the economy, enabling these individuals to get to work safely.

3. Expanded Tree Preservation Authority—Section 15.2-961 of the Code of Virginia to allows localities to require developers to restore tree canopies, where they have been destroyed due to development, so that the canopy cover is regrown within 20 years. The City of Williamsburg can require developers to regrow the canopy within 10 years. Alexandria would like to amend the Code so that it can require canopy replacement within 10 years, like Williamsburg.
4. HB 1587 Clarification—In 2017, HB 1587 was passed with no controversy and only two negative votes. The legislation says that single-family home engineering and construction plans and drawings that are submitted to a locality to comply with the Statewide Building and Fire Prevention Codes, are to be considered confidential and not subject to FOIA. The rationale behind the bill, staff understands, was to protect home security, and to prevent an individual from copying an architect's work without paying for it. Unfortunately, this change also means that citizens with a legitimate interest in the construction (e.g., a neighbor who wants to see what is being proposed as a new home next door) cannot see evidence that the proposal complies with zoning and other ordinances. It would also prevent the City from using plans and drawings to defend a citizen appeal to the Board of Zoning Appeals. For these reasons, the City recommends that the statute amended by HB 1587 (§ 36-105.3) be further amended to allow citizens to see the portions of plans and drawings that depict only the exterior of the structure, and that plans can be viewed as part of an appeal to the Board of Zoning Appeals or any other administrative appeal board.
5. Condominium Conversion Assignment—In 2007, with the City's strong support, 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.
6. Local Option for Setting the Opening Day of School—Current Virginia law prohibits school divisions from beginning the school year before Labor Day (although exceptions are allowed for school systems that experience a significant number of closures due to bad weather). Many school systems believe they would improve student performance, especially on standardized tests, if they could begin the school year sooner. The three largest school systems in Northern Virginia received waivers to open early in 2017. In addition, Kings Dominion,

which lobbied to have this statute passed, closed part of the week prior to Labor Day in 2017, making some people question the continued need for this law. The City recommends that each school board be allowed to set the beginning of the school year on whatever day it deems appropriate.

7. The “Appomattox” Statue—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 United Daughters of the Confederacy now owns the statue which is located in City-owned right-of-way.

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.”

The City of Alexandria believes that the placement of statues and memorials on City property should be a City decision, and recommends that the 1890 statute and the Code provision be repealed.

8. Distracted Driving Penalty—The City supports cutting down on traffic injuries and fatalities by increasing penalties for the use of handheld devices by drivers. The City recommends that its delegation support legislation expanding prohibitions on the use of handheld devices to include any typing or reading that does not involve the use of a GPS for the purpose of navigation. Virginia’s penalty for distracted driving is among the lowest nationwide, and the City asks that the penalty be raised to \$200 to be more consistent with the national average.
9. Proposed Changes to ABC Annual Permit for Museums—Currently, the Office of Historic Alexandria (and others like them across the State) is required to obtain individual event permits (about 50 per year) in order to serve mixed beverages at its many fundraising events. The State ABC organization has an annual permit program for special events but, museums are not listed as eligible entities for this single annual permit.
10. Pedestrian Safety— 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/she has right-of-way (in the crosswalk).



## G—PROPOSALS FROM THE COMMISSION ON AGING

The Commission on Aging traditionally seeks authorization to support the legislative platform of the Northern Virginia Aging Network (NVAN), assuming it contains no proposals detrimental to the City (staff cannot recall this ever being the case). The NVAN platform usually contains a number of proposals—far too many for the City to promote and track. By getting the City’s endorsement, however, Commission members can themselves lobby for the NVAN Platform and note that the City supports it. Staff proposes a continuation of this practice, and expects the following items to be in the NVAN Platform:

- a. Designate the third week of September annually as “Fall Prevention Awareness Week”;
- b. Expand access for the use of medical marijuana;
- c. Appropriate additional funds for the state’s Long-Term Care Ombudsman Program;
- d. Appropriate additional funds for Adult Protective Services and Adult Services programs;
- e. Mandate minimum nursing home staffing requirements, adjusted for resident acuity, in all licensed nursing homes, and increase the Medicaid nursing home reimbursement rate to account for the mandate.

## H—PROPOSALS FROM THE COMMISSION ON PERSONS WITH DISABILITIES

The Commission on Persons with Disabilities would like to follow the practice of the Commission on Aging by getting the City’s endorsement of the following proposals that will not necessarily be promoted and tracked by the City. Commission members would, however, be able to lobby for these proposals:

- a. The expansion of services that enable people across the lifespan with all disability diagnoses to remain in their own homes and communities. Services to support are the inclusion of the Community First Choice Option in the 2018 Medicaid state plan; and the implementation of plans to complete the planned closure of two training centers.
- b. Preservation of the CCC+ (Commonwealth Coordinated Care) Medicaid Waiver (or its renamed replacement waiver) and elimination of the 56-hour cap on in-home direct support professionals;
- c. Continued and increased support for the Department of Aging and Rehabilitative Services, including funding provided by the Department to Virginia’s Area Agencies on Aging.
- d. Additional support for people with brain injuries, to improve independence and quality of life.
- e. The funding of additional Medicaid Waiver slots;
- f. An increase to the Medicaid Early Intervention Targeted Case Management rate.
- g. Improved access to high quality personal care and community-based direct supports.