



## ARLINGTON COUNTY, VIRGINIA

<p><b>County Board Agenda Item Meeting of December 9, 2006</b></p>
--

**DATE:** November 27, 2006

**SUBJECT:** Proposed Arlington County Board 2007 Legislative Package.

**C. M. RECOMMENDATION:**

Adopt the Arlington County Board 2007 Legislative Package.

**ISSUES:** None.

**SUMMARY:** Attached is a draft of Arlington's 2007 Legislative Program for Public Hearing, consideration, and adoption at the December, 2006, County Board Meeting. With ongoing work by local, regional, and state groups; adjustments will be incorporated as the public review and comment period proceeds.

**BACKGROUND:** The 2006 General Assembly session begins January 10<sup>th</sup> and ends on February 24. It is the Assembly's "short session."

The County Board work session with Arlington's legislators is scheduled for November 28, 2006, at 9:30 a.m. in the Board Room

Input for this Legislative Program has been solicited from Board Members, County staff, and Boards and Commissions. Regional legislative priorities are set out separately at the end of this Report. Legislative issues concerning Arlington schools are not included in this package

**DISCUSSION:** Major issues at the 2007 General Assembly session will include:

State Budget; Transportation funding; Energy; Environment; and Local authority regarding land use, zoning, real estate assessment, civil rights, affordable housing, and human service issues.

**FISCAL IMPACT:** No significant impact.

County Manager: _____
-----------------------

County Attorney: _____
------------------------

Staff: Frank Shafroth and Pat Carroll
---------------------------------------

I. Budget Amendments:

- A. Funding for Local Public Assistance Cost Allocation Plans (LPACAP funds).
- B. BRAC Funding [Base Closure & Realignment]: Transition funding for BRAC-impacted areas, including funding for economic development, job creation and retraining assistance.
- C. Full funding for non-State mandated services such as youth at risk of out-of-home placement.
- D. Support funding for grants for alternative energy sources such as solar, wind, natural gas recovery, geothermal, and alternative fuels such as biodiesel.
- E. Funding for jail and juvenile detention center diversion programs for those with mental illness and substance abuse problems. Funding would provide intensive community-based care as a diversion program for juveniles.

II. Legislation of Significance to Arlington: Support

A. Affordable Housing

- Provide tax credits and other incentives and mechanisms for preservation of affordable housing. Preserving and creating more affordable housing is such an important goal to the County Board that it supports any and all legislative initiatives that would create tax credits to encourage the preservation of affordable housing. The Board also supports the initiative to create a statewide affordable housing fund, a tax abatement for non-profits that provide affordable housing, and any other initiative, including changes in tax rates, that would assist in ensuring that there is more affordable housing in Arlington and other jurisdictions;
- Provide elderly and disabled tenants who currently are eligible for a three year lease or lease extension during a condo conversion, the right to assign their purchase rights to a government agency or non-profit. Support the two pieces of carry-over legislation from the 2006 session the Virginia Housing Commission is considering to allow non-profits to purchase a unit that had been occupied by an elderly or disabled tenant who cannot afford or does not choose to purchase it, so that the non-profit can then lease the unit back to the tenant. This would allow the non-profit to keep the unit affordable, either for the original tenant, or if that person does not want to continue to live there, another person;
- Support livable home tax credit by amending the code to enable taxpayers who build or purchase a newly constructed residence with accessibility features to apply for a tax credit; and,
- Allow localities discretionary authority to fashion property tax relief tools to provide the most effective tax relief in their communities, including homestead exemptions, where each locality is given the authority to determine the procedures and limits on any such relief.

B. Civil Rights Initiatives

- Permit benefit coverage for domestic partners and dependents by public employers as currently permitted for private employers. This would allow localities that self-fund a health insurance program for their employees to extend coverage under such program to any other class of persons as may be mutually agreeable to the locality and the policyholder;
- Extend state hate crimes statute to include sexual orientation, adding sexual orientation to the state hate crime statute that currently applies to race, religious conviction, color or national origin; and
- Protect the rights of and opportunities for higher education and services of our immigrant population. Oppose any and all legislation that is aimed at restricting a student's ability to obtain a higher education either by denying in-state tuition to undocumented students or other methods. Additionally, oppose all efforts to restrict services to our immigrant population, including restricting locality contributions to day labor centers and other services that protect the welfare of our community.

#### C. Public Safety/Emergencies

- Authorize use of flashing lights while performing escort duties for international, federal or state officials. Current state law does not allow law enforcement officials to use flashing lights while escorting dignitaries. This creates a traffic hazard, as well as making law enforcement officials vulnerable if a traffic incident occurs;
- Strengthen laws to protect victims of domestic violence; and,
- Authorize local governments to convene meetings electronically, e.g., speaker phone and video conference, in instances where a local emergency has been declared. This would include the initial meeting where the governing body declares, or ratifies the declaration of an emergency. The authority would apply throughout the duration of the emergency.

#### D. Energy and the Environment:

- ~~These tax credits would leverage the federal credits included in the recent federal Energy Bill;~~
- Establish a **renewable portfolio standard and** system benefits fund to encourage energy efficient investment. This would involve charging a small fraction of a cent per kilowatt-hour sold in the state, which could raise millions of dollars for statewide education programs, stimulating energy efficiency, renewable energy development, and low-income housing energy upgrades;
- **Support the Governor's initiative to preserve an additional 400,000 acres, including 20 percent of the land in the Chesapeake watershed;** and,
- Enact legislation to reduce greenhouse emissions and provide for environmental protection, including through local land use and zoning. North Carolina, California, and other states in the Northeast have all enacted legislation to provide or assess incentives for the reduction of greenhouse emissions.

#### E. Finance/Development

- Support Commonwealth membership in Streamlined Sales and Use Tax program in order to collect state & local sales taxes on interstate mail order and internet sales to Virginia customers. Joining this multi-state effort to streamline and simplify the current 7,500 different state and local sales and use tax systems would enable the Commonwealth and its local governments to receive sales and use taxes from over 1,000 corporations that have agreed to voluntarily participate in the program;
- Support legislation to both modify Virginia's sales and use tax laws and to authorize local governments to modify their Transient Occupancy Taxes to ensure that the respective levies apply to room charges actually paid by final consumer (not to amount charged by hotel to internet booker). This would provide a means to collect on tens of millions of dollars of state and local taxes, as well as provide greater equity in how these taxes are levied;
- Support legislation to allow localities to create trust fund for post employment benefits, which would permit those funds to be reinvested either in a State controlled/sanctioned set of investments (perhaps managed by VRS) or allow the County to manage the pension investments itself through an investment adviser;
- Recommend a study to update fee/rates permitted locally, e.g. Business License Tax for alcohol retail, parking fines, permits, etc. Many localities have long since reached the maximum rates they can charge for various fees. These rates are set by the state. These allowable fees and charges should be evaluated and recommendations made for changes. Once new ceilings have been set, the state should consider a periodic review, perhaps every 5 years, to determine if the ceiling should be changed and if it is so determined, to raise the ceiling administratively; and,
- Enhance authority to allow additional fees for electronic permitting. These fees would partially offset the cost to the County to upgrade and maintain its electronic permitting software and document imaging capacity.

#### F. Technology

- Permit local governments to substitute an Internet option in place of statutorily required advertisement of public notices in newspapers. Currently localities are required to publish public notices in newspapers. Legislation is needed to permit localities to publish these public notices on the Internet where they would be more accessible.

**G. Public Health & Environment: Authorize local governments to regulate smoking in public places.**

#### H. Transportation:

- Authorize a **non-sunseted** segregated Northern Virginia Transportation Fund to which revenues from local option 4 percent local income taxes are deposited and which is administered by a Northern Virginia regional authority. ~~Currently state statute allows~~

~~Northern Virginia jurisdictions to levy a 1 percent local income tax for 5 years if approved by referendum. The funds raised must be dedicated to transportation. Because of the 5 year limitation the funds could not be used to bond transportation projects. The County Board recommends that the statute be amended to require that any funds raised through an income tax be diverted into a non-reverting Northern Virginia Transportation Fund, and that the 5 year sunset provision be removed;~~

- Provide authority to restrict out-of County commercial vehicles from overnight parking on Arlington residential streets; and
- Enhance local authority to limit development where transportation infrastructure is inadequate.
- ~~Modify the existing statute to substitute a local gross receipts tax in place of the corporate income tax. State statute also allows the collection of a 1 percent corporate income tax. The County Board recommends that the statute be amended to substitute a local gross receipts tax.~~

#### I. Voting:

- Enact legislation to ensure absentee voting is both easier and more accessible. Current state law restricts absentee voting, both the circumstances under which one can apply for an absentee ballot, and how and where one can vote. The County Board supports legislation that would increase when and where one can vote absentee, and the circumstances under which one can request a ballot; and,
- Enact legislation to ensure accountability for votes cast. The County board supports legislation that would require a paper trail for all electronic votes cast.

#### III. Legislation of Significance to Arlington: Monitor or Oppose

- Oppose further limits on Medicaid eligibility which might prevent access to health care;
- Oppose efforts to restrict local zoning authority or zoning process;
- Oppose limitations on local funding of day labor sites;
- Oppose restrictions and ceilings on real estate tax assessments or rates; and
- Oppose reduction of local eminent domain authority.

#### IV. Northern Virginia Regional Legislative Issues (Tentative – *Nothing adopted yet.*)

##### A. Budget

##### 1. Transportation:

- Ensure the provision of stable, reliable, and permanent sources of non-General Fund dollars for all modes of transportation and a minimum of \$50 million annually as a dedicated source of funding for the Washington Metropolitan Area Transit Authority (WMATA).
- Increase transportation funding for all modes from one or more stable, reliable, non-General Fund sources; and,

- Fully fund Commonwealth's statutory 95% share of transit operating and capital costs.

## 2. Human Services. Support

- Funding for Northern Virginia mental health team to keep elderly in community (rather than state hospitalization) and to provide services to non-English speakers. This pilot will focus on keeping the growing number of geriatric consumers in the region from being hospitalized at Eastern State Hospital in Williamsburg and allowing them to remain in Northern Virginia, as well as provide community support for geriatric patients discharged from Eastern State Hospital. The funds will create a regional specialized gero-psych team to help older individuals with mental illness, a specialized nursing home team, community supports, and purchase of private hospital beds;
- **Increase the capacity in Medicaid-funded nursing home care to increase the capacity of cost-effective in-home and community-based services, including increasing local government flexibility to target services responsive to local needs;**
- Funding to purchase blocks of psychiatric beds from private providers and to raise the Northern Virginia daily rate for inpatient beds. Because of the closure of 51 psychiatric beds over the past two years, it is not unusual for CSB staff in the region to contact 25 or more hospitals in search of a vacant and accessible bed. The funds would be used to purchase 7 psychiatric beds from a willing private hospital in Northern Virginia, which would serve 400 adults annually. This would also assist Public Safety personnel who spend an inordinate amount of time off the street as a bed is being located and often have to transport people many miles out of the region to the bed when it is finally secured;
- Funding for supportive employment programs for those with mental and/or substance abuse disorders;
- Funding for expansion of the regional discharge program for adults with mental illness. This service would assist adults who have been discharged from state or private psychiatric facilities but who require specialized services to live successfully in the community. Each service is based on the needs of the individual, and would include residential assistance, medications, and other community supports such as day placement and vocational help. Twenty percent of persons requiring discharge assistance have medically complex needs; and
- A 14 percent increase for mental retardation day support Medicaid waiver reimbursement rates, and an 18 percent differential for Northern Virginia. Vendors in Northern Virginia providing mental retardation day services experience significant difficulty recruiting and retaining qualified staff due to the high cost of living here and the relatively small pool of applicants available. The County Board continues to support a statewide increase in MR waiver reimbursement rates, as well as an additional differential for Northern Virginia.

3. Public Defenders' offices: Provide funds to increase salaries statewide. The Northern Virginia localities support additional state funding to provide higher levels of compensation for public defenders. Low state compensation and the resultant high personnel turnover jeopardize

the consistent provision of vital criminal justice and court-related services, particularly in highly competitive regions such as Northern Virginia. Localities should not have to supplement the funding of state positions in order to ensure the adequate provision of state services and protections to the citizens of the Commonwealth.

4. Public Safety, Gang Prevention: Provide additional funds that are prevention-based to ensure that the efforts are focused on providing services and opportunities to youth before there is a problem, instead of focusing on problems after the fact.

5. Environment: Fully fund cleanup cost for the Chesapeake Bay and other water quality needs. Northern Virginia jurisdictions support the recommendations of the Chesapeake Bay Blue Ribbon Finance Panel's call for an appropriation of \$12 billion for Chesapeake Bay clean-up activities and amending the Water Quality Improvement Act to require an additional dedicated and continuous state general fund appropriation to the Water Quality Improvement Fund to meet the Commonwealth's estimated \$2.3 billion shortfall in funding to clean up the Chesapeake Bay and its Virginia tributaries.

## B. Legislation

1. Civil Rights: Make human trafficking a felony. Northern Virginia jurisdictions support legislation to criminalize "human trafficking," a modern day form of slavery through which victims are coerced or forced into labor or sexual servitude. This would go beyond the federal Victims Protection Act of 2000 to ensure closure of existing legal gaps to combating trafficking.
2. Public Safety: Support Northern Virginia effort to require drivers to stop, not just yield, at all marked crosswalks statewide where a pedestrian is present. provide for enhanced penalties for failure to stop for pedestrians, and improve the safety of pedestrians attempting to cross streets and the use of marked crosswalks.
3. Energy & Environment: Electric Deregulation: Monitor the study, based upon the experiences of other states that have undergone full restructuring, to determine whether to continue proceeding with restructuring.