

Legislative Agenda 2011

Goochland County Board of Supervisors

The Board of Supervisors adopts the following legislative policy positions, and asks its legislators to support and promote the County's positions on bills that come before them consistent with these policies:

A. Administration of Government

1. Sovereign Immunity. The Board OPPOSES any substantive legislation that would weaken or remove the sovereign immunity protection afforded to localities.

The Board strongly SUPPORTS the doctrine of sovereign immunity and views it as a necessary protection for the day-to-day administration of government for the citizens of Goochland County.

2. Eminent Domain Authority. The Board OPPOSES any reduction in its authority to utilize the power of eminent domain, or changes in the laws that make the process longer, more expensive, or more difficult.

B. Community Development, Planning and Economic Development

1. Cash Proffers. The Board SUPPORTS legislation that would amend Section 15.2-2303.1:1 of the Code of Virginia to clarify that the restrictions on the acceptance of cash proffer payments shall only apply to proffer agreements executed after July 1, 2010.

In addition, the Board urges the General Assembly to preserve current cash proffer authority for localities as provided as part of the budget compromise of 2007.

2. Alternative Onsite Sewage Systems. The Board SUPPORTS legislation which requires that final regulations for alternative onsite sewage systems must clearly define responsibility and liability for proper operation; provide a means to finance future repair and replacement costs; and ensure that sufficient and appropriate testing occurs to protect groundwater standards and to alert the government to any potential problems at the earliest possible moment.

In addition, the Board SUPPORTS the authorization of state regulations that allow localities to exempt areas within their jurisdiction from the installation of alternative onsite sewage systems due to environmental conditions or other appropriate concerns.

3. Land Use and Zoning Authority. The Board OPPOSES any reduction in its land use and zoning authority, including its conditional zoning authority.

The Board SUPPORTS additional land use and zoning authority for growth management purposes, including impact fees and authority to adopt adequate public facilities ordinances.

C. Environment

1. Water Quality Regulations. The Board OPPOSES the proposed legislation that the Virginia Department of Conservation and Recreation released for comment in August. The proposed legislation in its present form would create undue burdens and new obstacles for localities, developers, farmers, small businesses, and soil and water conservation districts. Implementation and enforcement of new programs and processes to comply with new mandates and regulations would require significant staff time and training at a time when some localities have undergone a reduction in force due to a substantial reduction in revenues from the state and other sources.

- a. The Board OPPOSES regulations that fail to provide local funding to cover the full costs of implementing, maintaining and enforcing the stormwater program.
- b. The Board SUPPORTS regulations that provide a nutrient reduction goal for individual jurisdictions, but allow local government flexibility in determining the best approach to meet the goal.
- c. The Board OPPOSES a generalized standard for all development that fails to consider the size, location, or type of development.

2. Water Quality Funding. The Board SUPPORTS dedicated and adequate state appropriations to the Water Quality Improvement Fund to provide localities adequate funding for water quality improvements related to sewage treatment plants and stormwater.

D. Health and Human Services

1. Predatory Lending. The Board SUPPORTS legislation that limits the effective interest rate charged by payday lenders, car title lenders and similar businesses to thirty-six percent (36%) per year, including all fees and charges, thereby conforming with the Virginia Small Business Financing Act (Virginia Code §§ 2.2-2279 *et seq.*) and the Military Lending Act, 10 USC 987. Moreover, localities should have full authority to regulate the number and location of such predatory lending businesses within their jurisdiction.

E. Courts

1. Family Treatment Court. The Board SUPPORTS legislation that would allow the establishment of a Family Treatment Court in Goochland County, pursuant to the Drug Treatment Court Act.

F. Telecommunications

1. Broadband. The Board urges the Commonwealth to assist private providers in their efforts to deploy affordable access to high speed Internet services (“broadband”) to

residents and businesses in underserved and rural areas. State assistance should include economic incentives as well as statewide budgetary and statutory policies that facilitate broadband-deployment.

G. Public Utilities

1. SCC Ruling on Water and Sewer Lateral Marking. The Board SUPPORTS the enactment of legislation clarifying the role of localities under the Underground Utility Damage Prevention Act, including legislation clarifying that a locality is not obligated under the Act to mark underground utilities which it neither owns nor operates.

2. Funding to the Department of Corrections (DOC). The Board SUPPORTS an appropriation of state funds to the Department of Corrections to allow DOC to upgrade its water tank located at the entrance to its water treatment plant in Goochland County, and to upgrade its waterline located on state Route 6 between the Department of Corrections' Water Treatment Plant and the Virginia Correctional Center for Women.

H. Transportation

1. Transportation Funding. The Board urges the General Assembly to enact legislation to address the transportation needs of the citizens of Goochland County and the Commonwealth. Specifically, the Board SUPPORTS legislation addressing the following three (3) areas:

- a. The need for adequate funding to improve Virginia's transportation system;
- b. The restoration of the revenue sharing program to the structure that existed prior to 2006 (i.e., repeal the cascading criteria including local management); and
- c. The need to cease any shifting of transportation responsibilities from the state to the counties.

I. Tax/Finance Authority

1. Local Excise Tax Authority. The Board SUPPORTS granting counties the same authority that cities and towns enjoy to enact local excise taxes, including the cigarette tax, admissions tax, transient occupancy tax and meals tax. The Board also SUPPORTS granting counties those specific powers enumerated to cities and towns under the Uniform Charter Powers Act.

2. Land Use Taxation. The Board OPPOSES any proposed legislation that would require localities that have adopted land use value assessment and taxation on three (3) classifications of land to adopt land use value assessment and taxation on all four (4) classifications of land.

3. Tax Assessments. The Board OPPOSES any proposed legislation that would reduce the presumption accorded local government assessments, or expands the right to challenge local government tax assessments.

4. Incentives for Shared Services. On a regional level, the Board SUPPORTS the recommendation set forth by the Intergovernmental Relations Committee of the Governor's Commission on Reform and Restructuring that incentives be identified for localities to work cooperatively and share services.

J. State Budget

1. Aid to Local Government. The Board SUPPORTS a repeal of the \$60m Aid to Local Government Reductions for fiscal years 2011 and 2012.

2. K-12 Funding. The Board OPPOSES any additional cuts to state funding for K-12 public education, and requests the General Assembly to restore the cuts to state funding of K-12 public education that were made during the 2010 session of the General Assembly.

3. Business, Professional and Occupations (BPOL) tax. The Board OPPOSES a repeal of the BPOL tax without first finding additional revenue sources to offset the fiscal impact on local revenues that such a repeal would affect.

4. Machinery and Tools tax. The Board OPPOSES a repeal of the Machinery and Tools tax, as recommended by a subgroup of the Governor's Commission on Economic Development and Job Creation. The Board also OPPOSES the subgroup's secondary set of recommendations that would include an exemption for three (3) years, and a standard rate after ten (10) years.

5. Funding and Staffing of Constitutional Officers and State-Mandated Positions. The Board urges the state to meet its full funding obligation for constitutional officers and other state mandated positions.

6. Revenue-Neutrality. The Board OPPOSES any legislation that is not at least revenue-neutral for Goochland County.

7. Unfunded Mandates.

- a. The Board OPPOSES any mandate from the state or federal governments for localities to conduct programs or incur expenses without the full funding to accompany such a mandate.
- b. The Board SUPPORTS legislation that would require state agencies to justify the continuation of their non-federal mandates using a cost-benefit analysis to determine the impact of the mandate on localities.

Approved by the Board of Supervisors - December 7, 2010.