

Legislative Agenda 2012

Goochland County Board of Supervisors

I. LEGISLATIVE PRIORITIES

The Board of Supervisors specifically seeks the following legislation for the 2012 General Assembly session:

A. Budget

1. **Aid to Local Governments and K-12 Funding.** The Board seeks a repeal of the FY 2011 and FY 2012 Reductions in Aid to Localities. In addition, the Board urges the General Assembly to restore the cuts to state funding and oppose any additional cuts of K-12 public education.

2. **Local Composite Index.** The Board requests legislation that would modify the Commonwealth's composite index of a locality's ability to pay for education costs that meet the Commonwealth's Standards of Quality by reducing the current maximum index amount of 0.80 to 0.75, effective with the fiscal year ending June 30, 2013. In the absence of a major reconsideration of the criteria currently used to perform the biennial calculation of the local composite index, the requested reduction of the index maximum is necessary to obtain a fairer distribution of education funding between the State and localities.

B. Telecommunications

1. **Affordable Access to High-Speed Internet Services.** The Board seeks assistance from the Commonwealth and the Federal Government that will encourage and facilitate the deployment of high-speed Internet Services ("broadband") by private providers to all underserved and rural areas of the Commonwealth while preserving local land use, permitting, and other regulatory authority. Widespread deployment of broadband should be a top priority for the Commonwealth to ensure competitive economic development, provide quality educational opportunities in the state, to facilitate home-based businesses and the use of telemedicine and other modern health care initiatives. Assistance should include the provision of economic incentives and favorable financing mechanisms, as well as the adoption of budgetary and statutory policies that facilitate greater broadband deployment and usage.

C. Taxation

1. **Land Use Taxation Program.** The Board seeks legislation to amend Section 58.1-3237.1 of the Code of Virginia to: (i) add Goochland County to the list of localities authorized to include certain provisions in its local ordinance regulating special assessment for land preservation; and (ii) add "service districts" to the list of districts containing property that can be excluded from participating in a special assessment for land preservation program.

In addition, the Board seeks legislation to amend subsection 2 of Section 58.1-3237.1 to give the listed localities the option of waiving any roll-back taxes on properties that are removed from a special assessment land use program, instead of making the imposition of such taxes mandatory.

D. Community Development, Planning and Economic Development

1. Urban Development Areas. The Board seeks legislation to amend subsection B of Section 15.2-2223.1 of the Code of Virginia to allow localities the option of requiring urban development areas to be a part of its comprehensive plan, rather than making it mandatory for all localities.

E. Service Districts

1. Service Districts. The Board seeks legislation to enable localities to adjust the boundaries of a service district by amending the ordinance that created it, without having to repeal such ordinance. Currently, Section 15.2-2402 of the Code of Virginia only provides for the creation of a service district, with no provisions for making subsequent changes to the district. In a 2003 opinion issued to the City Attorney for the City of Roanoke, the Attorney General of Virginia opined that Va. Code Section 15.2-2402 did not permit the City of Roanoke to expand the boundaries of its downtown service district and exempt residential property owners within the expanded area. Rather, the Attorney General advised that the City could repeal its service district ordinance and adopt a new ordinance to include the expanded area and the properties exempt from taxation.

F. Courts

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

G. Public Infrastructure

1. Tuckahoe Creek Bridge. The Board seeks an appropriation of state funds to allow the construction of a bridge connecting the Tuckahoe Creek Parkway in Goochland County with Ridgefield Parkway in Henrico County. There is only approximately 1,300 feet of road and a 900 foot bridge that separate the two counties. With the imminent completion of the HCA Emergency Center, the connection of western Henrico County and eastern Goochland County becomes increasingly important.

H. Elections

1. Reapportionment of Local Election Districts. The Board seeks legislation to amend Section 24.2-304.1 of the Code of Virginia to allow a locality containing an adult correctional facility within its boundaries the option to exclude the inmate population of such correctional facility for the purposes of complying with the decennial reapportionment. The reapportionment statute currently allows a locality to exclude such

inmate population from the decennial reapportionment **only if** the inmate population exceeds twelve percent (12%) of the locality's total population. Goochland County would like to be able to exclude such inmate population from the decennial reapportionment regardless of its relationship to the County's total population.

I. Constitutional Officers

1. Statutory Duties of the Local Treasurer. The Board seeks legislation to amend Article 2, Chapter 31 of Title 58.1 of the Code of Virginia to require the State Auditor of Public Accounts to establish minimum financial controls for the deposit, withdrawal, disbursements and handling of all local and state revenue collected by the Treasurer, and for local Treasurers to comply with the same.

The Board also seeks specific legislation to amend Section 58.1-3136 of the Code of Virginia to clarify that the governing body has the authority to initiate, at any time, an audit of all of the Treasurer's accounts by the State Auditor of Public Accounts or by an independent certified public accountant paid for by such governing body.

In addition, the Board seeks specific legislation to amend Section 58.1-3162 of the Code of Virginia to authorize a governing body to require a countersignature for the disbursement by wire transfer or other electronic means monies that have been deposited by the local Treasurer.

2. Minimum Qualifications for Local Treasurer and Commissioner of the Revenue. The Board seeks legislation to impose minimum qualifications for the positions of local Treasurer and Commissioner of the Revenue. Currently, there are no minimum educational, training or licensure requirements for such offices. Given the importance of such positions to their localities and the constitutional independence with which they can operate, requiring minimum qualifications of candidates for such positions will facilitate greater competence and accountability in the performance of their respective duties.

II. LEGISLATIVE POLICY POSITIONS

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 legislation that would remove or weaken 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 for public purposes.

B. Community Development, Planning and Economic Development

1. 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 the authority to adopt adequate public facilities ordinances.

C. Environment

1. Watershed Improvement. The Board urges the General Assembly to fund local watershed improvement programs and provide funding to localities to implement Virginia's Watershed Implementation Plan and the Chesapeake Bay Total Maximum Daily Load limits. 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. In addition, the Board OPPOSES a generalized standard for all development that fails to consider the size, location, or type of development.

D. Transportation

1. Transportation Funding. The Board urges the General Assembly to address the transportation needs of the citizens of Goochland County and the Commonwealth by providing adequate funding to improve Virginia's transportation system and by funding improvements and maintaining such improvements. The Board OPPOSES any shifting of transportation responsibilities from the state to localities.

E. 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. Local Government Revenues and State Tax Reform. The Board OPPOSES proposals to eliminate or reduce specific local tax revenues, including local business taxes, such as the Machinery and Tools and the Business Professional Occupational License Taxes. The state should be obligated to replace repealed local revenues with new, offsetting local revenue sources. The elimination of local revenues without providing a replacement will lead to increased local property taxes, including those on homeowners.

F. Budget

- 1. 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.
- 2. Revenue-Neutrality.** The Board OPPOSES any legislation that is not at least revenue-neutral for Goochland County.
- 3. Unfunded Mandates.** 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. 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.
- 4. Line of Duty Act (“LODA”).** The Board urges the General Assembly to delete the local funding requirement for the Line of Duty benefit. In the alternative, the Board requests the state to authorize local governments that have “opted-out” of the state administered Line of Duty fund to be allowed to administer their obligations under LODA.
- 5. Public Infrastructure Investment.** The Board SUPPORTS legislation that would allow rehabilitation expenditures for public school buildings to qualify for the federal rehabilitation tax credit. Current federal law allows for tax credits when a historic school is rehabilitated and used by another entity, but not where the buildings are reused as public schools.

G. Law Enforcement

- 1. Local Fines for Traffic and Criminal Violations.** The Board OPPOSES any legislation that would divert from localities revenue generated from traffic tickets and criminal convictions for violating local ordinances. Currently, when a law enforcement officer writes a traffic ticket or a criminal warrant or summons using the county or city code, the locality collects the monetary fine associated with that violation. Any diversion of such revenue to the state would negatively impact the locality’s local revenue source and reduce the locality’s ability to provide local government services.

Approved by the Board of Supervisors – December 6, 2011