Legislative Agenda 2010
Goochland County Board of Supervisors

I. Specific Legislative Initiatives Sought by the Board

The Board specifically seeks the following legislation, including budget proposals for the 2010 General Assembly session:

Community Development and Planning

Urban Development Areas. The Board SUPPORTS the amendment of Virginia Code Section 15.2-2223.1 to broaden the scope of Urban Development Areas to include lower residential densities than the current residential density of at least four (4) units per acre by also including *"a density of at least three times greater than the area outside the Urban Development Area."* Many counties are similar to Goochland with rural comprehensive plans and limited water and sewer capacities which cannot appropriately handle residential densities of four (4) units per acre.

Cash Proffers. The Board urges the General Assembly to preserve its current cash proffer authority, provided as part of the budget compromise of 2007. Given shortfalls in state funding, Goochland citizens expect that new development will have to support more of the resulting infrastructure costs in the future.

Alternative Onsite Sewage Systems. 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.

Environment

Stormwater Regulations. The Board SUPPORTS a delayed implementation of the Commonwealth's stormwater regulations to allow state and local policy-makers to consider and analyze the program's funding mechanisms, economic impacts, and unintended consequences.

The Board OPPOSES regulations that fail to provide local funding to cover the full costs of implementing and maintaining the stormwater program.

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.

The Board OPPOSES a generalized standard for all development that fails to consider the size, location, or type of development.

The Board OPPOSES stormwater regulations that disincentivize redevelopment or infill development opportunities.

Water Quality Funding. The Board SUPPORTS dedicated and adequate state appropriations to the Water Quality Improvement Fund to make full and timely payments under point source upgrade contracts with localities and to provide localities adequate funding for water quality improvements related to sewage treatment plants and stormwater.

Public Safety

Homeland Security Emergency Preparedness. The Board urges the General Assembly to maintain current state funding for Homeland Security emergency preparedness and to make certain that localities are included in the planning process for homeland security and emergency preparedness measures.

Volunteer Recruitment & Retention of Public Safety Personnel. The Board SUPPORTS legislation that provides local option for increased incentives for the recruitment and retention of volunteer public safety personnel who are crucial in emergency situations.

Telecommunications and Utilities

Rural Broadband Infrastructure and Network Initiatives. Four related items:

a. The Board SUPPORTS grant funding for rural localities which would be available for broadband infrastructure needs.

b. The Board SUPPORTS treating broadband communications as an essential utility for rural localities needed for our 21st century infrastructure.

c. The Board SUPPORTS the work of the Office of Telework Promotion and Broadband Assistance which helps localities and providers address the lack of adequate high speed broadband networks in significant rural areas of the Commonwealth.

d. Lastly, the Board SUPPORTS relevant changes to the State Code of Virginia to allow localities to provide broadband network services to residents and businesses where there is not an adequate or practical high speed broadband service provider currently operating.

Cable Franchise Ordinance. The Board SUPPORTS amending Virginia Code § 15.2-2108.21 to allow localities to initiate a cable franchise ordinance. Local governments should jointly share the ability to initiate a cable franchise ordinance with cable providers in order to create a more even negotiating position for traditional cable franchises.

SCC Ruling on Water & Sewer Lateral Marking. The Board SUPPORTS the enactment of clarifying legislation of its roles 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.

Tax/Finance

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

Transportation

Widening of U.S. Route 250 (Broad Street Road) to four lanes, from State Route 623 to past State Route 621. The Board SUPPORTS the Commonwealth's completion of the widening of U.S. Route 250 (Broad Street Road) from State Route 623 to past State Route 621. The completion of this critical local & regional transportation priority is vital to the economic development of Goochland County.

Transportation Funding. The Board SUPPORTS no additional cuts to state funding for local transportation improvements including funds for primary and secondary roads in Goochland County. The General Assembly should address the transportation needs of the citizens of Goochland County and the Commonwealth.

II. Legislative Policies

The Board of Supervisors adopts these legislative policies, and asks its legislators to adopt and promote positions on bills that come before them consistent with these policies:

Administration of Government

Sovereign Immunity. The Board OPPOSES any substantive legislation that would weaken and/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 in the day-to-day operation of doing business for the citizens of Goochland County.

The Virginia Supreme Court has recognized the important public purposes of sovereign immunity, only one of which is protecting the citizen's interest in preservation of public revenues, including tax dollars. Other purposes include the orderly administration of government; avoiding burdensome interference with the performance of government functions; assuring citizens will be willing to hold and act in public positions; and

preventing citizens from improperly influencing the conduct of governmental affairs through the threat or use of vexatious litigation.

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. The County is facing demands from its growth that require the use of the power of eminent domain from time to time.

Dillon Rule. The Board SUPPORTS a relaxation of the Dillon Rule by giving counties grater local autonomy, particularly concerning land use regulation and local revenue measures.

Community Development and Planning

Land Use and Zoning Authority. The Board OPPOSES any reduction in its land use and zoning authority, including without limitation its conditional zoning authority.

The Board SUPPORTS additional land use and zoning authority for growth management purposes, including without limitation impact fees and authority to adopt adequate public facilities ordinances.

Tax/Finance

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.

Local Taxes for State Programs. The Board OPPOSES funding mechanisms that may result in Goochland County's citizens' local tax dollars being paid to the state for statewide programs or obligations. Such programs or obligations should be paid from state tax dollars.

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.

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.

Taxing and Revenue Authority. The Board OPPOSES any legislation that would reduce its ability to raise revenue to pay for needed services for the citizens of Goochland County. Given the Commonwealth's cuts in transportation, education and other government services, now is not the time to reduce local government's ability to raise money to fund its budget from local sources.

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

State Budget. The Board OPPOSES the Commonwealth reducing its fair share of programs, including education, CSA, human services and transportation, and OPPOSES requiring local government to pay an increasing proportionate share of government programs and costs.

The Board puts forth the following principles on state budget issues:

The Board OPPOSES the Governor and General Assembly imposing new funding requirements or expanding existing ones on services delivered by local government.
The Board OPPOSES the Governor and General Assembly shifting state funding responsibilities onto local governments, including law enforcement and public safety activities.

The Board OPPOSES the Governor and General Assembly imposing state fees, taxes, or surcharges on local government services.

The Board OPPOSES the Governor and General Assembly placing additional administrative burdens on local governments.

The Governor and General Assembly should continue to examine state requirements and service expansions to determine those that can be suspended or modified to alleviate some of the financial burden on state and local taxpayers.

The County Attorney and the County Administrator or their designees are authorized to represent Goochland County and its Board of Supervisors for the purposes of communicating these legislative policies and to assert positions on bills consistent with these policies on their behalf.

Approved by Board of Supervisors, December 1, 2009.