


**ACTION ITEM  
BOARD OF SUPERVISORS**

**DATE.** December 16, 2008

**TO:** Board of Supervisors

**FROM:** Tim Baroody   
Director of Economic Development and Legislative Affairs

**ISSUE:** Consider Endorsing Legislative Initiatives Proposed by VACo Region 7 – North Central Virginia Localities

**STAFF RECOMMENDATION:** Approval

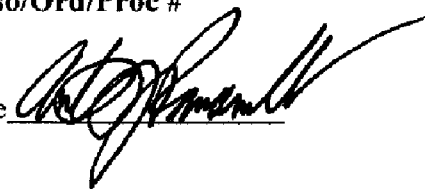
**BUDGET IMPACT:** N/A

**ATTACHMENTS:** (3)

[1] Background Report [3] Reso/Ord/Proc # R08-563

[2] Legislative Issues [ ] Reso/Ord/Proc #

[ ] [ ] Reso/Ord/Proc #

**REVIEW:** [X] County Administrator's Office 

[ ] Legal \_\_\_\_\_

[ ] \_\_\_\_\_

- [X] Consent Agenda [ ] Other Business [ ] Public Hearing
- [ ] Discussion Item [ ] Presentation [ ] Unfinished Business
- [ ] New Business

**PRESENTATION BY:** N/A

**ELECTION DISTRICT:** N/A

**BACKGROUND REPORT**

Stafford County participates in the joint legislative efforts of the VACo Region 7 – North Central Virginia localities. Representatives from the localities met during the annual Virginia Association of Counties conference last month to finalize legislative initiatives for the 2009 General Assembly (Attachment 2). Each governing body has been requested to endorse the attached legislative initiatives prior to the General Assembly Session.

Proposed Resolution R08-563 endorses the legislative initiatives adopted by the VACo Region 7 – North Central Virginia Localities, dated December 8, 2008. Staff recommends adoption of proposed Resolution R08-563.



# VACo Region 7 – North Central Virginia 2009 Legislative Issues

December 8, 2008 FINAL DRAFT



## PRIORITY ISSUES

### STATE FUNDING FOR SHARED/LOCALLY ADMINISTERED PROGRAMS

The Region calls upon the General Assembly and the Governor to maintain state funding that supports the shared state-local services that are administered locally but whose funding is a shared responsibility. These services range from K-12 education to social services, from public safety to public health. Even in periods of public revenue downturns, the state cannot back away from its funding responsibilities for the programs it requires, unless it reduces expectations regarding the level of service to be available to the public.

As the budget reduction discussions take place over the coming months restructuring of services will certainly be a consideration. The Region will generally be supportive of reforms if they are based on a full understanding of the long-term impacts of such decisions. These decisions must be made only after assessing the fiscal and tax impacts at all levels of government. To enact a change that lessens the tax impact for the state while forcing localities to shoulder a greater burden merely shifts who is sending the bill to taxpayers.

### WATER QUALITY AND NUTRIENT LOADING CAPS

The Commonwealth requires that the maximum nutrient loading of the discharge from public wastewater treatment plants to be capped at the treatment plant's limits on December 31, 2010. Although the goal of this limit is laudable, we must recognize that this deadline is arbitrary. The strict rules associated with the cap have forced localities to make large funding decisions (treatment plant expansion/upgrades) that are timed based on a deadline and not based on the current need for additional capacity. This is not the appropriate driver of good financial decision-making especially in economic times such as we are now experiencing. The deadline also creates a policy conflict with the implementation of Urban Development Areas (UDAs) as required by HB3202 (2007). UDAs will necessitate adequate wastewater treatment to support the 4 unit per acre average density requirement.

The Region calls for a delay of the effective date of DEQ's Maximum Waste Load Allocation regulations (9VAC720-50 C) for wastewater treatment plants with "special circumstances". The DEQ regulations require that two things occur by the December 31, 2010. The first is that all wastewater treatment plants be upgraded to meet the current DEQ nutrient discharge requirements (water quality issue) and second that if the plant is to be expanded to the maximum waste load allocation for nutrients that plant expansion must be constructed and a certificate of operation issued by the December 31, 2010. The "special circumstances" that the region suggests would enable the delay of the December 31, 2010 deadline are that the plant serves an Urban Development Area as defined in Section 15.2-2223.1 of the Code of Virginia or that the plant expansion/upgrade be under construction by December 31, 2010. In either case an extension shall be for no more than five years."



# VACo Region 7 – North Central Virginia 2009 Legislative Issues

December 8, 2008 FINAL DRAFT



## COMPREHENSIVE SERVICES ACT

Fifteen years ago the General Assembly passed the Comprehensive Services Act (CSA) That reform effort was intended to address the high costs of residential treatment for troubled or high-risk youth. The CSA created a cross-discipline approach to coordinating services in order to improve care and reduce costs. Although there have been notable successes associated with the program the escalating costs are still problematic. State budget difficulties have negatively impacted the shared-funding relationship between the state and localities. State match rates were changed in 2008 and now provide different reimbursement levels depending of the type of service. The change favors community-based services over residential but the definition of community-based services is so narrow as to punish small localities who must work regionally to access these specialized services.

The Region asks that the definition of community-based services be broadened to recognize regional programs in areas where single-jurisdiction programs are financially impractical due to scale.

## TRANSPORTATION

The Region recognizes that the current economic situation makes it very difficult to continue to make progress on addressing our severe transportation needs. It is however, essential that efforts continue. Providing more transportation choices for all Virginians including those who drive, use mass transit, walk or bicycle must remain a high priority. Transportation planning and decision-making must promote the principles of travel safety, livable communities, economic vitality, environmental stewardship and efficient use of public resources. Sound decision-making must continue to recognize the linkage between land-use and transportation decisions to achieve cost-effectiveness and to retain quality of life.

### Specific areas of concern

- A Road Funding
  - 1 Address the annual shortfall of road maintenance funding. Until this situation is rectified the capital funding for secondary roads and urban streets will be negatively impacted.
  - 2 Adjustments to the formula for distribution of road construction funds statewide to reflect the disproportionate burden on fast growing areas of the state.
  - 3 Adequate funding for the Revenue Sharing program.
  - 4 Adjustment to the annual road maintenance allocation so that funding to localities in this fast-growing region is comparable with localities in the Northern Virginia Construction District.
- B Transit Funding - Continued support for past improvements in the state share of transit funding.
- C Additional financial support for transportation planning, especially rural planning which only receives state and local/regional funding. In this part of the Commonwealth these localities will cross the urbanized threshold with the next or following census and growth pressures will



# VACo Region 7 – North Central Virginia 2009 Legislative Issues

December 8, 2008 FINAL DRAFT



cause them to be far “behind the curve” in addressing transportation planning issues once they gain access to MPO-associated resources

- D Continue to promote the “transportation-land use” relationship that was a key element of the Transportation Act of 2007 through greater authority for localities to develop multi-modal consistent development and the concepts of livable and walkable communities

## THE MANAGEMENT OF GROWTH AND THE COSTS

The Region supports the efforts of the Athey/Vogel Study Committee to identify improvements to the land-use changes enacted as part of the Transportation Act of 2007 (HB3202). The current discussions include consideration of appropriate authority to allow the coordinated provision of public facilities with minimum impact on taxpayers for by-right zoning so that the supply of public infrastructure can match the demand created by new development. Coordination of residential and commercial development with availability of transportation, schools, water, sewer and other services is critical to livable and affordable communities. While all parties are engaged in these discussions, efforts to legislate local land-use authority changes that will “short-circuit” this deliberative process should be resisted.

## OTHER ISSUES

### EDUCATION FUNDING

The Region seeks help in addressing the escalating cost of school construction over the past 20 years and identification of strategies to effectively control costs while meeting the educational demands of the 21<sup>st</sup> Century.

The Region supports fair share funding for public education by the Commonwealth that at least includes

- 1 The full funding of the Standards of Quality
- 2 Recognition by the Commonwealth that the current policy of not acknowledging localities that employ land use value taxation in the calculation of the Composite Index (versus the current practice of using full assessed value) is inconsistent with its land preservation goals and policies,
- 3 Establishment of an appeals process for local governments to challenge the computation of their composite index,
- 4 Full funding for the literary loan fund,
- 5 Continued and expanded state funding to assist localities with school related capital costs including construction, renovation, and major capital purchases
- 6 Continued implementation of Cost-of-Competing funding for the localities of the region

### UNFUNDED MANDATES

The Region strongly urges the General Assembly to continue to require that the enactment of any new mandate or the expansion of any existing mandate must include a fiscal impact analysis. Additionally, appropriations by the Commonwealth based on that analysis which fully cover the cost associated with the



# VACo Region 7 – North Central Virginia 2009 Legislative Issues

December 8, 2008 FINAL DRAFT



fulfillment of that mandate and that the level of government required to carry out the mandate be involved in the development of the implementation process

## **SPECIFIC AREAS OF CONCERN**

- 1 Full funding of the State's share of the true cost of the Standards of Quality
- 2 Teacher salary mandates
- 3 Increases in the local share for road construction
- 4 State and federal environmental priorities
- 5 Full funding for judges' secretaries
- 6 Fringe benefits funding for constitutional officers and their staff

## **ANNEXATION AGREEMENTS**

The Region supports legislation which would eliminate the requirement that the Commission on Local Government participate in the annexation process when a negotiated settlement has been reached

## **INDOOR PLUMBING**

The Region strongly urges the General Assembly to continue to support cost effective ways to provide indoor plumbing to the dwellings in Virginia that lack these most basic sanitary facilities

## **HB599 FUNDING**

The Region considers that full funding of the HB599 program for localities with police departments to be an essential public safety policy

## **RAPPAHANNOCK RIVER & THE CHESAPEAKE BAY**

The Region strongly supports the work of the Rappahannock River Basin Commission and continuation of the state portion of the shared state-local funding program. The Region also strongly urges the General Assembly to assure adequate funding for the Water Quality Improvement Fund in order to successfully implement the Rappahannock Tributary Strategy. The Region also strongly supports efforts by the Commonwealth to work with the basin's localities to plan for the future water supply needs for the basin.

The Region also expresses concern that as the use of alternative on-site wastewater disposal systems increases there are inadequate resources for the Virginia Department of Health to appropriately monitor their safe operation as the systems age. If this situation is not addressed the pollution caused by improperly operating systems will undo other efforts to improve water quality thereby wasting limited water quality improvement funds.

The Regional Legislative Program Point of Contact is Eldon James, Legislative Liaison, 540-775-5422,  
fax 540-775-0179, [Eldon@EldonJamesAssociates.com](mailto:Eldon@EldonJamesAssociates.com) P O Box 470, King George, VA 22485

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 16th day of December, 2008

MEMBERS

VOTE

George H Schwartz, Chairman  
M S "Joe" Brito, Vice Chairman  
Harry E Crisp II  
Mark Dudenhefer  
Paul V Milde III  
Cord A Sterling  
Robert "Bob" Woodson

On motion of , seconded by , which carried by a vote of , the following was adopted

**A RESOLUTION TO ENDORSE THE LEGISLATIVE INITIATIVES OF  
THE VACo REGION 7 – NORTH CENTRAL LOCALITIES FOR THE 2009  
GENERAL ASSEMBLY**

WHEREAS, the Virginia Association of Counties (VACo) Region 7 and North Central Virginia localities have jointly proposed legislative initiatives for the 2009 General Assembly, and

WHEREAS, the priority initiatives address transportation and the management of growth and its costs, two issues critical to our region, and

WHEREAS, the Board desires to express its support for these initiatives,

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of December, 2008, that the Board be and it hereby does express its support for the legislative initiatives dated December 8, 2008 proposed by VACo Region 7 – North Central Virginia localities

AJR TJBjmf