

AUGUSTA COUNTY BOARD OF SUPERVISORS
Legislative Issues, Priorities, and Proposals
2016 Session

The Board of Supervisors is seeking \$633,100 to ensure the full (65%) federal funding of federal and state mandated improvements to Hearthstone Lake Dam. This amount is consistent with the formula used for similar dams owned by the Soil & Water Conservation district.

The relationship between the Commonwealth and its local jurisdictions has deteriorated over the last several years with responsibilities and costs being shifted to local governments. The Board of Supervisors commends the Governor and the General Assembly for prior eliminating the “Local Aid to the Commonwealth” and encourages the General Assembly to eliminate any proposed reinstatement of this burden on local governments in SFY2016 as well as unfunded shifting of responsibilities to local governments.

The State should consider reimbursing localities for past “allocations”:

2009	\$50 million
2011	60 million
2013	50 million
2015	30 million

For Augusta County this reimbursement would total \$1.6 million

Additionally, The Board would request that the General Assembly consider an additional \$1.7 million reimbursement to Augusta County for Middle River Regional Jail.

Mandates:

Mandates from the General Assembly come to local governments in two forms:

-Issues that local governments have to perform which they are not currently performing (this item means additional expenditures in local budgets); and

-Issues which involve revenue reductions either by cutting state revenue that has historically been shared with local government (example – ABC profits), or the abolition/altering of local revenues (example – car tax, BPOL, machinery and tools tax).

Workgroups considering local mandates need to be bold in their recommendations for the 2016 Session and include reduction of financial burdens on local governments.

State Funding for Any New State Initiatives:

The Commonwealth should bear 100% of the cost for any service or program mandated by the state.

Public Education

Since 2009, the state has reduced its per pupil contribution to Augusta schools by \$1,010; this represents a 21% decrease. The state needs to fully and realistically fund its responsibility for high quality public education.

School Composite Index Formula

Support legislation to adjust the calculation of the local Composite Index for public school funding by directing the Department of Education to adjust its funding calculations for the local ability to pay by using the use-value assessment of real property, instead of the true value, in localities that have adopted use-value taxation.

State Funding for Mandated and Shared Programs:

The state has enacted programs which are administered at the local level and then required the localities to fund increasingly larger shares of the expense of these programs, whether directly or through re-defining terms within the formulas used to compute such funding requirements. The state needs to continue to fund its true share of these programs including:

- education, including:
 - *sufficient funding for K-12
 - *sufficient funding for the SOLs
 - *additional funding for school construction;
- public libraries;
- constitutional officers and their offices;
- area agencies on aging;
- community service boards;
- mental health and intellectual disability programs and facilities;
- funding for local EMS and Rescue Squad training;
- the mandated replacement of election equipment; and
- law enforcement agencies and staff, including total compensation and benefits

Transportation:

Subdivision streets should be eligible to be placed easily in the state system if they are built to state specifications and are approved by the local governing body.

The transportation funding formula should remain as it is with the exception of lowering the threshold in the SFY 2016-2021 Construction for paving unpaved roads--change from "more than 200 vpd" to "more than 100 vpd."

The Board of Supervisors believes that sustainable, dedicated sources of revenue reserved for transportation only are the fairest ways to fund the increasing transportation needs. We also believe that revenue sources should be found that maximize the payments by out-of-state drivers that travel the Virginia transportation system. Substandard road conditions are a tax in themselves.

Fines and Forfeitures:

Item 3-6.05 in the 2015 budget is a continued complex answer to a simple problem. The implementation of this law is administratively burdensome and costly as written. A simpler solution would be to prohibit the use of local ordinances for law enforcement charging on the interstate highways within the Commonwealth.

Machinery and Tools Tax & Business, Professional and Occupational Taxes:

While neither of these taxes is particularly "popular" with various constituencies, unless and until the Commonwealth enacts replacement revenue sources for local governments, the two above-referenced taxes must stay in place as options for local governments. It is irresponsible to further add to the real property tax burden on constituents by eliminating more diverse revenue sources for local governments. A loophole in the BPOL is growing by virtue of the buying up of doctors' practices by untaxed (not-for-profit) hospitals. Not only do local governments forego real property taxes on these hospitals and their expansions, but now, the impact on BPOL is becoming yet one more burden to be offset by residential real property taxes.

Comprehensive (Children’s) Services Act Costs:

This “partnership” program has been in existence for over a dozen years, during which time County costs have increased over 1000%. Something must be done. A comprehensive, objective JLARC study which would include the judiciary and how judges are using the CSA, including for those charged with felony acts, needs to occur and to include, the local and state costs associated with such judicial actions and potential revenue streams to cover those costs outside of CSA (eg. Juvenile Justice). Further, it is time that the regulatory provisions of this program be treated like regulations of virtually every other office and be subject to the Administrative Process Act or at a minimum, be posted for timely public comment and amended as appropriate based on such commentary from the public.

Land-Use Decisions:

Local land use decisions should remain at the local level without unreasonable or arbitrary state constraints.

Legislation on cash proffers or similar: Such legislation should not affect counties that don't use cash proffers nor should it interfere with those that accept on- or off-site, non-cash voluntary proffers.

Storm Water and Dam Regulations:

The current process to reject a developer’s BMP are extremely burdensome and requires a long review period by the state. Decisions on acceptable BMP's that are intended to be maintained by the locality should rest solely with the locality responsible for the maintenance of the proposed BMP: additionally, to require 28% of the Virginia Storm Water Management Program permit fees to be remitted to the state is unfair, arbitrary and wasteful. To begin, such should be based on collection, not on an arbitrary fee level. If fees remain in place the locality should have the option on projects in which local fees are waived, per the localities fee waiver policy, to waive the state percentage of the fee as well. Further, civil penalties during enforcement should be used by the locality as needed, not within confined uses as is currently required.

TMDL and MS4 requirements along with storm water regulations pose a significant burden on local governments as well as developers. When applied to existing development, these become an unfunded tax burden on residents and businesses. Additional State funding should be provided for retrofits or other projects to provide water quality treatment from existing development.

Local Government Operations:

Annexation:

The General Assembly needs to end annexation in all parts of the Commonwealth of Virginia. The General Assembly should guarantee “599” funding increases to all localities with police departments.

VAC § 9.1-701. Overtime compensation rate:

If expanded, this has the same effect on businesses and local governments as collective bargaining; August County opposes such action.

Legislative Nominating Processes:

The costs of holding primary and special elections are not small for local governments. In the primary election in 2009, which was a “large” turnout for statewide races, there were 1,836 total Augusta voters, 4.25% of the total registrant count of 43,187. The primary cost to the county was \$25,642.39, or \$13.966 per vote. The 2013 June Primary had a turnout of 451 voters out of 45,141 registered for a 1% turnout which cost \$69.31 per vote for our March Special Election. The state must share in the costs of such elections or require those who use the primary election processes for nomination to share or bear costs. The Privileges and Elections committees should also study and report on alternative methods for legislative nominating that are less costly while still allowing a maximum voter input in the process. Ideas might include such constructs as all-day mass meeting voting at a limited number of site(s) for each district.

Elections:

Another issue we may be facing is the enormous push by the Virginia State Board of Elections and legislators for all localities to convert to optical scan voting equipment by January 1, 2016, without any state or federal funding provided. Rough estimates on the cost would be around \$300,000 for Augusta County. And this would not include each election’s coding and testing expenses, the need for optical scan paper ballots for every voter in the locality (over 45,000) each election, and the needed additional storage required by both the county for the equipment and the Clerk of Court for the huge increase in ballots that will be housed there for retention and recount purposes. This has not been mandated yet; however, we have been told it is coming; it should not come without adequate state funding. Such a mandate without funding is fiscally irresponsible.

EMS Personnel Licensure Interstate Compact:

Augusta County Fire-Rescue supports the recognition of EMS Personnel Licensure Interstate Compact.

In order to protect the public through verification of competency and ensure accountability for patient-care-related activities, all states licensed emergency medical services (EMS) personnel, such as emergency medical technicians (EMTs), advanced EMTs, and paramedics. The passage of an interstate compact is intended to facilitate the day-to-day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority and authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state. This compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of EMS personnel and that such state regulation shared among the member states will best protect public health and safety. This compact is designed to achieve the following purposes and objectives:

1. Increase public access to EMS personnel;
2. Enhance the states' ability to protect the public's health and safety, especially patient safety;
3. Encourage the cooperation of member states in the areas of EMS licensure and regulation;
4. Support licensing of military members who are separating from an active duty tour and their spouses;
5. Facilitate the exchange of information between member states regarding EMS personnel licensure adverse action, and significant investigatory information;
6. Promote compliance with the laws governing EMS personnel practice in each member state; and
7. Invest all member states with the authority to hold EMS personnel accountable through the mutual recognition of member state licenses.

Public Notice Requirements:

A thorough review of State Code requirements as they relate to “public notices” needs to be undertaken. A recent ordinance amendment notice cost August County in excess of \$3,400.00 for a single advertisement. Under certain Code requirements, multiple advertisements are required. The cost to the County for the most recent 12-month period was in excess of \$51,000 for such mandated public notices.

OTHER PRIORITIES:

Reform and Restructuring:

The Reform and Restructuring Commission was strong in their recognition of the need to analyze legislation for its local impact, whether financial or otherwise; legislation must not move forward that has not been well analyzed and the state fiscal share appropriated. The General Assembly needs to examine carefully short-term and long-term effects on state government and local governments, particularly with respect to state and local budgets. Many of the ideas that have been forwarded seem to have merit; however, the methods by which the concepts are proposed to be implemented have to be carefully reviewed for long-term effectiveness, efficiency and fairness.

The legislature may also put forward recommendations to prepare for potential health insurance expansion under the federal ACA. Any and all additional requirements for local departments of social services, health departments, etc., need to be fully and responsibly funded by the state and/or federal government and the implications vetted before moving forward.

Nutrient Credits:

Support legislation for localities to retain their Nutrient Credits from “unused” Wastewater Treatment Plant capacities, not allowing usurping of these.

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Large Utility Projects (Pipelines)

Support adequate direction and resources for the Department of Environmental Quality (DEQ) to provide monitoring and enforcement of Erosion and Sediment Control and Stormwater requirement by entities constructing large-scale utility projects. DEQ should conduct a review of the annual standards, specifications and construction general permit requirements for these projects to determine if they are providing adequate protection of water quality and natural resources.

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Stormwater Programs

Support adequate funding to enable local governments to meet ongoing costs associated with local stormwater management programs that became effective on July 1, 2014. We believe it is critical for the state to evaluate the effectiveness of the fee structure as outlined in the Virginia Stormwater Management Permit regulations because these fees are the PRIMARY source of revenue for funding local stormwater management programs.

Any legislation considered by the General Assembly to amend Virginia’s Stormwater Management Law during the 2016 session must be fully consistent with the “opt-in/opt-out” provisions of the legislation (HB 1173, Hodges/SB 423, Hanger) that passed the General Assembly in 2014. We oppose any legislation to amend Virginia’s Stormwater Management

Law that will result in the imposition of any additional mandates or financial burdens upon local governments.

We also support legislation to:

- Amend Section 62.1-44.15:48 of the Code of Virginia to remove the requirement that proceeds from penalties must be used only for purposes mandated under that section of the Code.
- Remove the requirement from the Construction General Permit that permittees must comply with Virginia's post construction standards for water quality.
- Amend Section 62.1-44.15:28 of the Code of Virginia to give localities the ability to waive the state's portion of the VSMP fees if a locality waiver policy has been implemented by a locality and approved by the Board. We also request a new locality/state workload analysis to justify the state's portion from the stormwater permit fee. The new analysis should address long-term responsibilities placed on localities that previous studies ignored.
- Amend Virginia's Stormwater Management Law that would distribute a maximum of 10 percent of statewide stormwater fee revenue to the Virginia Stormwater Management Fund with the remaining 90 percent remaining with local governments.
- Amend Section 62.1-44.15:33 of the Code of Virginia to mandate that the State Water Control Board consider long-term maintenance costs of a Best Management practice when approving a local stormwater program.