



MEMORANDUM

To: Members of the Rappahannock-Rapidan Regional Commission
From: Patrick L. Mauney, Executive Director
Date: December 1, 2021
Subject: Regional Legislative Platform

As you may recall from previous years, Mr. Eldon James has provided a draft legislative platform for the region ahead of the 2021 General Assembly session. In past years, this platform has identified priorities for the Rappahannock-Rapidan region and the areas within Planning District 16 (Fredericksburg area). This year's platform is specific to the RRRC area.

The Commission is asked to consider endorsement of the legislative priorities or identify additional items for inclusion.

REQUESTED ACTION: Consider endorsement of the Regional Legislative Platform

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PRIORITY ISSUES

Children's Services Act

Since its foundation in 1992, the Virginia Children's Services Act has led the nation by consolidating funding sources and carefully coordinating treatment services for children with severe and significant needs. This care coordination has proven successful in both meeting needs for individual children, and in proving that state and local responsibility and cost sharing can and does work. Several important changes were made during the 2021 session. The **Region Supports** the current study underway in response to SB1313/HB2117 and encourages the implementation of local or regional pilots that demonstrate how local school systems can successfully meet the educational requirements for special needs students. Additionally, the **Region Supports** additional state resources to assist in local administration of CSA programs as currently local funds pay a disproportionately higher percentage of these costs.

The **Region further Supports** options for local school divisions to serve children with disabilities using CSA funds and that are tailored to the individual child's needs. We support state assistance to localities with contracting for CSA services to improve localities' ability to negotiate with providers of these services, such as private day placements.

Broadband

A large portion of the residents of the Region have no or very limited access to broadband. There are residents in every jurisdiction who lack adequate access. Broadband access strengthens k-12 education, essential healthcare delivery including telemedicine, economic development and lessens stress on the transportation network. The federal funding allocated in the 2021 special session coupled with increased Virginia Telecommunications Initiative (VATI) funding will have a major positive impact in addressing the need, but more will be needed in the next biennium. **The Region strongly supports continued enhanced state funding for expanded broadband capacity as well as strengthened local authority to deploy broadband directly or through public-private partnerships.**

Education Funding and the Pandemic

The Region continues to be concerned by the trend of declining state financial support for K-12. The Region encourages the Commonwealth to reverse this trend including among other things important school safety efforts such as the funding of School Resource Officers in all schools. The Region also supports the protection of local governing body authority to evaluate and approve any reallocation of year-end fund balances.

In response to the pandemic, the General Assembly provided no-loss funding to hold localities harmless from the negative impact on state ADM payments due to reduced enrollment. **The Region strongly encourages the Assembly to support extension of this "hold-harmless" in the next biennial budget.**

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OTHER ISSUES

Transportation

The Region applauds the efforts made over the past several years to adequately fund our growing transportation needs. 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. **The Region supports efforts to enhance transportation funding, including support for the secondary road system.** Growing transportation needs and the deterioration of critical transportation infrastructure, e.g., roads and bridges, is creating detrimental impacts to economic vitality and safety across the region. State law should be amended to allow State of Good Repair funds to be used for preventative bridge repair or reconstruction.

The Region strongly encourages VDOT to fully utilize its funding authorization for the Revenue Sharing Program.

In 2020, as part of a larger emergency response to the pandemic, the Commonwealth Transportation Board (CTB) took several actions to address revenue shortfalls in the state's transportation budget. Some of these actions affected the revenue sharing program. Now that the temporary reduction in revenues due to the COVID-19 pandemic appears to have passed, the extended five-to-six-year window between grant application and award no longer appears necessary. The CTB is requested to change the revenue sharing program policy to make grant awards available in the second biennium after grant applications are submitted. And, the General Assembly should appropriate additional funds to the revenue sharing program for FY23-24, contingent on a surplus or projected increase in transportation funds.

We recognize that the General Assembly and the Administration will continue to review the structure of our transportation system and may consider the potential for devolution of certain functions that have been the responsibility for the Commonwealth for almost a century, such as the secondary road network. **The Region is opposed to devolution of state transportation responsibilities to counties** and we urge the Administration and the General Assembly to work collaboratively with local governments during such reviews.

The Region supports efforts to improve rail service along the Route 29 corridor. As part of this effort the Region encourages the Commonwealth to work cooperatively with the Region's localities to identify potential alternatives and to consider the potential impacts such efforts can have on property owners in or near the corridor.

The Region supports efforts to maintain safe and reliable transit services and encourages the Commonwealth to take steps to address the pending decrease in funding to the State Transit Capital Program. The Department of Rail and Public Transportation currently projects a \$226 million gap in state capital assistance to transit agencies over the next five years, even though the state substantially increased transit capital funding in 2020. This gap could be substantially reduced if state transportation revenues continue to recover from the pandemic and exceed the most recent revenue projections, as well as with the passage of the federal Infrastructure Bill.

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The region supports efforts to identify a steady, reliable transit capital program revenue stream in support of safe and efficient transit operation.

Tax Reform and Local Revenues Generally

Although repeal of the remaining portion of the Food for Home Consumption Tax (Grocery Tax) was popular during the recent campaign, the repeal of the 2.5% tax primarily impacts local government budgets. Those revenues fund K-12 education directly (1%), local services including mainly education and public safety (1%) and transportation (.5%). We recognize the importance of acting on campaign issues, but strongly urge that if the state is going to cut local revenue for K-12 and public safety that an alternate source of funds is provided to prevent service cuts or increases in other local taxes.

Local taxes such as the Business Professional and Occupational License tax (BPOL) and the Machinery and Tools tax (M&T) are frequently mentioned as taxes the General Assembly should consider for elimination. We recognize the need to promote business growth and support efforts to do so but those that can result in reducing local services that support economic development or raising other taxes will undermine the intended purpose. **Before further tax system changes are enacted the Region supports thorough study of the entire system and the consequences, both intended and unintended, associated with potential changes.**

Exemption from Local Real Estate Tax

The definition of total and permanent disability for purposes of granting Totally Disabled veterans an exemption for local real estate taxes should be the Total Disability Individual Unemployability (TDIU) rating given by the U.S. Department of Veterans Affairs rather than the Schedule Rating per 38 CFR Part 4.

Chesapeake Bay Restoration and Stormwater Management

The proposed Chesapeake Bay TMDL and Virginia's Watershed Implementation Plan (WIP) requires 2-year milestones for the Commonwealth and its MS-4 localities. Without aggressive state investment in meeting these milestones Virginia localities will be under the threat of limited economic growth, including non-MS-4 localities. The Region urges the Governor and the General Assembly to continue active involvement in identifying and resourcing proven traditional as well as innovative solutions. **The Region supports enhanced state financial support for implementing WIP III requirements including increased funding for the Stormwater Local Assistance Fund (SLAF) and continued efforts to improve administrative efficiencies of the state-local relationship.** As experience is gained, we believe needed enhancements will be identified and following the principles of adaptive management we can respond with appropriate legislative or regulatory revisions.

Alternative On-Site Septic Systems (AOSS)

AOSS are an important means of safely treating wastewater in areas where traditional septic treatment systems will not work. With regulation of these systems vested largely with the Virginia Department of Health localities have limited ability to respond when an AOSS unit does not meet treatment

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standards. **The Region encourages the General Assembly to provide adequate authority for VDH or localities to respond to AOSS failures** to protect the public health and water quality especially in circumstances where an AOSS owner refuses to properly care for the system or when the owner cannot afford to make needed repairs or improvements.

Water Supply

The Region is concerned about safe, adequate, and affordable water supply for human consumption and economic development. The Region supports policies and financial investments by the Commonwealth that promotes long-term solutions to the needs of our communities for a safe and reliable water supply. Consistent with HB542 (2020), coming changes to the water supply planning regulations will mandate regional plans and planning areas as defined by the State Water Control Board. The Region encourages the defining of regional planning areas to recognize existing/established inter-jurisdictional arrangements.

State Funding for Local and Regional Jails

The Region supports a requirement for the Department of Corrections to accept state-responsible inmates into the state correctional system unless a local or regional jail agrees to continue holding such inmates at the applicable per diem rate. This issue is layered on to the per diem issue. In 2010, the General Assembly reduced the amount paid to local jails for local inmates from \$8 per day to \$4 per day and reduced the amount for state responsible inmates from \$14 per day to \$12 per day. This saved the state over \$19 million annually by transferring the cost to local taxpayers.

The Region urges the General Assembly to return to paying \$14 per day for all state responsible inmates for whom they are now paying \$12 per day, the additional cost to the state would be approximately \$6 million annually.

State Funding for Local Police Departments – The General Assembly is requested to honor its commitment to local governments and public safety by funding the HB 599, Aid to Localities with Police Department program according to statute.

Economic and Workforce Development

The Region supports continued efforts by the Commonwealth to enhance a broader-based economy and increase private sector employment opportunities. The Region further supports enhanced funding of workforce training programs to support credential attainment by workers who support businesses and industries essential to the new Virginia economy.

Local Land Use Authority and Affordable Housing

The Region strongly supports the maintenance of all existing authority of local government for planning, zoning and related activities. While efforts to enhance a broader-based economy rightly include examination of local rules and regulations that can impact private investment decisions, such examination must balance the economic goals with the goals of protecting existing communities and property rights. Decisions impacting our neighborhoods and communities are most appropriately

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made at the neighborhood and community level. Enhanced local authority to promote affordable housing is important to facilitating workforce housing, a key element of local economic development.

Public Meetings of Regional Bodies

The pandemic revealed challenges and opportunities to improve the conduct of meetings of public bodies. While the need to have quorums physically present for elected and appointed local government bodies is important for the transparent conduct of public business this can present unnecessary challenges for regional appointed bodies. The General Assembly is encouraged to reexamine the rules governing the allowance for remote participation of such bodies

Mental Health Services

The Region strongly supports a sustained focus by the state on Virginia's mental health services system to ensure, through evaluation and investment, that appropriate and effective outpatient and in-patient services are available across the Commonwealth. The Region encourages reforms that provide alternative placement of local jail inmates with serious mental health issues.

Substance Abuse

According to the American Public Health Association (APHA), every 19 minutes, someone in the United States dies from and unintentional prescription drug Overdose. This epidemic is having devastating impacts on families and communities. The Region supports legislative and educational efforts to emphasize prevention and address misuse. The APHA recommends legislation to address physical and mental status examination, doctor shopping, tamper-resistant prescription form requirements, regulation of pain management clinics, prescription drug monitoring, prescription drug overdose emergency response immunity and access to naloxone. Emergency community-based support systems need strengthening to enable local agencies to respond to the needs of impacted families.

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