

City of Alexandria, Virginia

MEMORANDUM

DATE: OCTOBER 19, 2009

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: PROPOSED CITY LEGISLATIVE PACKAGE FOR THE 2010 GENERAL ASSEMBLY SESSION

ISSUE: Consideration of proposed City Legislative Package for the 2010 General Assembly Session.

RECOMMENDATION: That City Council:

- (1) Receive the proposals for the City's 2010 Legislative Package, as recommended by Council's Legislative Subcommittee and included in Attachment 1;
- (2) Determine what if any Charter amendments Council wishes to include in the proposed Package with respect to City Council elections;
- (3) Schedule the Legislative Package proposals, including proposed Charter amendments, for public hearing on Saturday, November 14; and
- (4) Schedule adoption of the Legislative Package for Tuesday, November 24.

DISCUSSION: Council's Legislative Subcommittee met with the General Assembly delegation on October 1 to discuss the preliminary legislative package. For the past several months, staff has been working with Council members, City departments, and boards and commissions to develop legislative and funding proposals for the City's 2010 Legislative Package. Twenty-five such proposals are described in Attachment 1; all but Item B. 1 (Charter amendments on Council elections, discussed below) have been recommended by Council's Legislative Subcommittee for your consideration. Section 1 contains two legislative proposals that are of greatest concern to the City; Section 2 includes proposals recommended for introduction by our delegation; Section 3 consists of legislative proposals recommended for support by the City; and Section 4 includes those proposals which the Subcommittee recommends that the City oppose. A Work Session with the City's Legislative Delegation will be held beginning at 5:30 p.m. in the Council Work Room on November 10.

The 2010 General Assembly Session will be a “long” 60-day Session, beginning January 13, and ending March 13. On December 18, 2009, Governor Tim Kaine will submit his proposed budget for the FY 2011-2012 biennium. The new governor will be sworn in on January 16. The major issue expected to occupy the Session again this year is the state budget. Some of the reductions announced by Governor Kaine in early September to balance the FY 2010 state budget (e.g., one-time suspension of payments to the Virginia Retirement System for teachers and state employees) will require General Assembly action before they can take effect. Staff will report on the Governor’s December proposals shortly after they are announced.

Legislative Director Bernard Caton will represent the City in Richmond again this year, and we will report to you regularly on the status of legislative and budget issues that arise during the 2010 General Assembly Session.

CHARTER AMENDMENTS ON COUNCIL ELECTIONS. Last June, Council voted to move City Council (and School Board) elections from May to November. If no further action is taken, the next Council election will take place in November 2012, and every three years thereafter. Under this scenario, current Council terms will be extended by six months, through December 31, 2012, and the new Council will take office on January 1, 2013. When Council made this change, it also indicated that it would consider other changes to the election process, such as extending Council terms to four years, initiating staggered terms, and having elections in odd-numbered years to avoid presidential elections.

Councilmen Krupicka and Fannon proposed Charter changes to address one or more of these issues. Council’s Legislative Subcommittee considered the various scenarios that they suggested, and also developed an option that incorporated various features of these scenarios for consideration by Council. Item B.2. (pages 1-3 of Attachment 1) compares these various scenarios. The Legislative Subcommittee did not believe that there was consensus on all aspects of any of the scenarios set out in the table on pages 2-3 of Attachment 1 and recommends that the full Council discuss this issue and determine what, if any, changes to the Council election process it wishes to propose as Charter amendments. In order to meet the General Assembly’s bill-filing deadlines (there are limits on bills that can be introduced in the 2010 Session if they are not requested for drafting by December 7), Council should determine its option at the October 27 Council meeting, so that the Charter amendment can be advertised for public hearing (a public hearing for Charter amendments is required under Virginia law) at the November 21 Council public hearing.

ATTACHMENTS:

Attachment 1 – City of Alexandria 2010 Potential Legislative Package Proposals

Attachment 2—Council Resolution 2361

Attachment 3 – Council Resolution 2353

Attachment 4 – 2010 proposed NVAN (Northern Virginia Aging Network) State Legislative Platform

STAFF: Bernard Caton, Legislative Director

2010 GENERAL ASSEMBLY SESSION: RECOMMENDED CITY PACKAGE ITEMS

A. Issues of Greatest Concern to the City

1. Alexandria Jail Federal Prisoner Per Diems. *The City of Alexandria strongly opposes any efforts to remove the City's exemption from the State's cost recovery requirements for federal jail per diem payments to localities. Several years ago the General Assembly began requiring most localities to remit to the State a portion of the federal payments they receive for housing federal prisoners. The rationale for this initiative is that the State pays a portion of the salaries of deputy sheriffs, and so the State is entitled to a portion of the per diems. The State receives over \$7 million annually from these local federal per diems. Several jails, including the Alexandria jail, were exempted from this requirement because the federal government had paid a larger share of the jails' capital costs than the State had. In Alexandria, not only has the State paid very little of the jail's capital cost, but the City pays far more of the jail's operating costs than either the State or the federal government does.*

The City asks its Legislative Delegation to oppose any efforts to remove the City's exemption from the State's cost recovery requirements for federal jail per diem payments to localities. This is the City's highest priority for the 2010 Session.

2. Reductions in State aid to localities (Regional and VML position). *The City of Alexandria adopts the following position on state aid to localities. The City of Alexandria understands that the State has serious revenue shortfalls, and must make significant cuts in some programs. At the same time, State officials need to keep in mind that local governments are facing revenue shortfalls not only from State reductions to state-local programs (often with no means of reducing local services), but also from their local revenue base.*

Therefore, we are asking that the Governor and General Assembly again in the 2010 Session make no further reductions in payments to localities for programs for which the State and the local governments share responsibility. Furthermore, in line with positions proposed for adoption by the Virginia Municipal League, the City asks that the Governor and General Assembly not to:

1. Restrict further local revenue authority or sources.
2. Impose new funding requirements or expand existing ones on services delivered by local governments.
3. Shift state funding responsibilities onto local governments, including law enforcement and public safety activities.
4. Impose state fees, taxes or surcharges on local government services.
5. Place additional administrative burdens on local governments.

The Alexandria City Council has also passed a resolution on October 13, 2009, that calls on the Governor and the General Assembly to enact a bi-partisan solution to Virginia's transportation challenges that will meet Virginia's transportation needs using sustainable, reliable, proven, and permanent sources of funding. The resolution (Attachment 2) also calls for solutions that will not reduce the capacity of the State General Fund to support education, health, public safety and other core services.

B. Legislation to introduce

1. Amendments to the City Charter--Charter changes regarding Council elections. *Council must determine what if any Charter amendments it wishes to request with respect to City Council elections.* Last June, Council voted to move City Council (and School Board) elections from May to November. If no further action is taken, the next Council election will take place in November 2012, and every three years thereafter.

A number of people on both sides of this issue (those supportive of moving the elections to November, and those opposed to it) do not wish to have Council elections at the same time as Presidential elections, fearing that the Council elections would be overshadowed and residents would pay little attention to local issues. Unless a change is made to the Alexandria election cycle, Council elections will be held at the same time as the Presidential election every 12 years.

Councilmen Krupicka and Fannon proposed Charter changes to avoid this situation. Council's Legislative Subcommittee considered the various scenarios that they suggested, and also developed an option that incorporated features of these scenarios for consideration by Council. The Chart below compares proposals by Councilman Fannon (Scenario A); Councilman Krupicka (Scenario B—although Councilman Krupicka proposed other scenarios, the Legislative Subcommittee believes this scenario includes most of the features of his various options); and the Legislative Subcommittee (Scenario C).

Council needs to determine which of these options it wishes to incorporate into the City's Charter bill for the 2009 Session. It may also develop a new option, or decide to do nothing. In order to meet the General Assembly's bill-filing deadlines (there are limits on bills that can be introduced in the 2010 Session if they are not requested for drafting by December 7), Council should determine its option at the October 27 Council meeting, so that the Charter amendment can be advertised for public hearing (a public hearing for Charter amendments is required under Virginia law) at the November 21 Council public hearing.

If Council does make changes to the election cycle, it should also affirm the election cycle for the School Board, which staff assumes would be to continue with the current three districts of three members each; with four-year terms if Council changes to four-year terms; and the School Board election cycle coinciding with the Council election cycle. Under state general law, school board elections are held at the same time as Council elections.

Scenarios for Elections Charter Amendments

Issue	Scenario A	Scenario B	Scenario C
Next Election	November 8, 2011	November 6, 2012; Mayor and 3 members elected for 3-year terms; 3 members elected for 1-year terms	November 8, 2011; Mayor and Council seats all up for election; Mayor and top 3 finishers elected for 4-year terms; 3 members elected for 2-year terms
Subsequent elections	Every 4 years	Every two years, beginning in 2013 for four year terms	Every 2 years in November of odd years for 3 Council seats (and the Mayor every 4 years starting in 2011)
Staggered terms	No	Yes—half in each odd year, beginning in 2013	Yes—half in each odd year, beginning in 2013
How to initiate staggered terms	Not needed since there are no staggered terms	Possibilities: A-Draw straws B-3 top finishers serve 4 years C-adopt another procedure	Mayor and top 3 finishers in 2011 elected for 4-year terms; 3 remaining members elected for 2-Year terms

Issue	Scenario A	Scenario B	Scenario C
Next Swearing in	July 1, 2012; January 1 in 2016 and every 4 years thereafter	January 1, 2012	July 1, 2012; the first business day after January 1 in 2016 and every 4 years thereafter
Vice Mayor selection	Not addressed	Select after each election (as is done in Charlottesville)	Select after each election

Council may wish to consider the following questions in determining any Charter amendments it wishes to pursue with respect to City Council elections:

1. Should Council change to 4-year terms?
2. If 4-year terms, should elections be held in odd or even years? If even years, beginning in which year?
3. Should Council terms be staggered? If so, how (e.g., 3 slots every other year, and Mayor every other election)?
4. Should the current Council serve out its entire 3-year term?
5. How should Vice Mayor be selected? For how long a term?
6. What date should Council take office?
7. Should the School Board change to four-year terms? If so, in what years should its members be elected?

2. Amendments to the City Charter--Charter changes regarding the Board of Equalization. *The City of Alexandria requests several Charter changes with regard to the Board of Equalization (BoE). As a result of the large number of appeals now being heard by the Board of Equalization (BoE), City staff is recommending Charter changes to address this problem, which is making it difficult for the BoE to complete its work within the time frame established by statute. The changes are based on current Fairfax County legal authority, and include the following:*

- a. The number of BoE members should be increased from 5 to 9; appointments of new members will be made by City Council and the Circuit Court (2 each).
- b. The BoE should be given authority to create panels of 3 members to hear assessment appeals. All three members would have to be present to constitute a quorum for any appeal. If the panel decision is unanimous with regard to an appeal, the panel decision would be final unless the full Board voted to hear the appeal. The full Board would also hear any appeals in which a panel decision was not unanimous.

3. Amendments to the City Charter-- the Board of Zoning Appeals. *The City of Alexandria seeks a Charter amendment to incorporate "variance" standard language that was enacted in general legislation during the 2009 Session. The 2009 General Assembly passed legislation (HB 2326) that makes it considerably easier for a board of zoning appeals to grant a variance to a property owner. Prior to the enactment of this legislation, a variance could be granted only to "alleviate a clearly demonstrable hardship [to a property owner] approaching confiscation." The purpose of HB 2326 was to remove the words "approaching confiscation." Such a variance might be given to a property owner because a specific piece of property might have a characteristic with respect to size, shape, topography, etc., that makes it difficult to develop otherwise. Staff believes that this is good public policy, and recommends that the same change be made to City Charter language that otherwise parallels State general law.*

4. Pedestrian Safety (Councilman Krupicka). *The City continues to support legislation to require drivers to stop for pedestrians in crosswalks.* For several years now, the City, together with other Northern Virginia localities and others throughout Virginia, has been seeking a change in state law to require drivers to stop (not just yield) for pedestrians in crosswalks. The City requests its delegation to introduce or support this legislation again in the 2010 Session.

5. Photo Red Safety (Councilman Krupicka). *The City of Alexandria recommends legislation to amend the provisions of the red light camera statute that (1) require VDOT approval of all intersections, and (2) prohibit a locality's red light vendor from accessing DMV records.* Beginning in the mid-1990's, and continuing for about 10 years, Virginia authorized certain localities, including Alexandria, to operate red light camera programs. The General Assembly allowed this authority to expire for several years, but enacted a law giving all localities this authority in 2007. Since then, the City has been working to reestablish a red light camera program. It has found two features of the law that it believes should be changed.

First, the 2007 law requires approval of any intersections by the Virginia Department of Transportation. The City has not found this approval to add any value to the decision-making process for the selection of intersections. Furthermore, this provision makes no sense in cities and large towns, since they own the roads where the red light cameras are placed. Finally, at a time when VDOT is laying off hundreds of staffers and reducing its responsibilities, this does not seem like a task that is integral to VDOT's mission. The City recommends that VDOT approval be removed from the statute.

The second change recommended by the City involves access to DMV records. The red light camera statute (§15.2-968.1) states that "On behalf of a locality, a private entity may not obtain records regarding the registered owners of vehicles that fail to comply with traffic light signals." The City has tried to implement a program that requires the least amount of involvement by its uniformed officers, who are better used in traditional police activities. The City believes that private entities should be able to access DMV records as long as it is done under police supervision.

6. Virginia Human Rights Act—Discrimination in Employment (Human Rights Commission). *The City recommends amendments to the Virginia Human Rights Act to make it unlawful for a Virginia employer to discriminate in the hiring or treatment of an employee.* The Virginia Human Rights Act currently protects individuals only from discriminatory discharge. It does not prohibit discrimination in hiring or in the terms and conditions of employment. Virginia employers currently may refuse to hire an individual on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status or disability, without violating the Virginia Human Rights Act. Policies affecting small employers under the Virginia Human Rights Act should mirror those that large employers must follow under federal law. Employer policies that allow racial or gender discrimination, for instance, should not be allowed in the Commonwealth; the prohibition against discrimination should apply to all Virginia employers, regardless of size.

The Alexandria Human Rights Commission requests that City ask its delegation to introduce legislation that would amend the Virginia Human Rights Act to make it unlawful for any employer in Virginia with five or more employees, when motivated by a person's color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status or disability:

- (1) To hire, discharge, harass, or otherwise discriminate against anyone with respect to his compensation or terms of employment; or
- (2) To treat an employee or applicant for employment in any way that would likely deprive him of employment opportunities or otherwise hurt his status as an employee.

7. Plastic Bags--authority for Alexandria to regulate. *The City supports legislation that will be introduced by Delegate Ebbin to place a tax on non-reusable plastic or paper bags that are used by retail merchants.* Legislation was introduced in 2008 (HB 1534 and SB 711) to allow any locality to pass an ordinance that would prohibit all retail merchants within its jurisdiction from using disposable plastic carryout bags. This legislation was carried over to the 2009 Session. In 2009, the City also had legislation introduced (by Senator Ticer) that would have banned the use of non-reusable plastic bags in Virginia; the bill was defeated, but the City did receive a State grant to promote the recycling of non-reusable bags, as well as greater use of reusable bags.

8. Statutory Protection against Employment Discrimination for Public Employees (City Council and Human Rights Commission). *The City recommends the introduction of legislation to prohibit discrimination against public employees.* The 2009 General Assembly considered legislation (HB 2385, introduced by Delegate Adam Ebbin) that would have prohibited Virginia's State government and local governments from discriminating in public employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, or status as a special disabled veteran or other veteran protected under federal law. The legislation was defeated in the House General Laws Committee.

Governor Tim Kaine and his predecessor, Governor Mark Warner, both included sexual orientation in the first Executive Orders they signed, declaring it to be "the firm and unwavering policy of the Commonwealth of Virginia to assure equal opportunity in all facets of state government." Executive Orders do not bind future administrations, however, and without a similar statute, there is no way to ensure that discrimination in public employment would be prohibited in future administrations.

Council passed Council Resolution 2353 in June 2009 (Attachment 3), requesting passage of legislation in the 2010 General Assembly Session to ban discrimination in public employment (by the state or any locality) on the basis of sexual orientation. The City requests its delegation to introduce or support such legislation.

9. Increasing the Northern Virginia Sales Tax on Motor Fuels (Vice Mayor Donley). *The City of Alexandria requests legislation to increase the regional sales tax on motor fuels.* Vice Mayor Donley has proposed increasing the sales tax on motor fuels in Northern Virginia by up to 2 percent (it is now 2.1 per cent, levied on the distributor). Although revenues from this tax are somewhat volatile, since they fluctuate with the price of gasoline, each one percent increase would likely result in about \$1.2M annually for the City, and over \$15M for the Northern Virginia WMATA localities. Legislation to increase this tax should specify that revenues from it will not be used to supplant existing revenue sources (e.g., state match for dedicated federal Metro funding).

10. HOT Lanes NEPA Studies (Vice Mayor Donley). *The City of Alexandria requests legislation to require NEPA studies for the proposed I-95/395 HOT Lanes.* Vice Mayor Donley

has also proposed that the City ask its delegation to propose legislation that would direct VDOT to undertake any NEPA studies relating to the proposed I-95/395 HOT Lanes that would have been required if a categorical exclusion had not been granted.

11. **LEOS** (Vice Mayor Donley). *The City of Alexandria requests legislation to allow the extension of certain LEOS retirement benefits to Alexandria deputy sheriffs, EMTs, and fire marshalls.* Vice Mayor Donley has asked that the City include a proposal to create a provision in VRS to allow Alexandria deputy sheriffs, EMTs, and fire marshalls to retire at age 50 with 25 years of service, without losing their City Supplemental pay (they must now serve 30 years under VRS to retire early with an unreduced benefit). Although the proposal would require these individuals to forego the “hazard duty supplement” that their counterparts in other localities receive (staff believes none of these receive a locality supplement), it would cost the City, or the beneficiaries, about \$1.2M annually. No one has identified funding to cover this cost, and staff recommends deferring this proposal (which is likely to be a difficult proposal to get approved) until funding has been mutually agreed to.

12. **RUBS—billing tenants for unmetered utilities** (Landlord Tenant Relations Board). *The City requests its delegation to ask the Virginia Housing Commission to consider legislation that would give the State Corporation Commission authority to ensure that landlords comply with the statutory requirements for use of a Ratio Utility Billing System for the allocation of utility charges.* The Code of Virginia (§55-226.2) allows landlords to bill tenants for un-metered utilities using a mathematical formula, or a Ratio Utility Billing System (RUBS), for allocation of actual utility charges. Landlords must develop written standards for such billing that are based on factors such as square footage or the number of inhabitants in a unit. They must make these written standards available to the tenants along with utility billing information, so that the tenants can determine whether the utility bills they receive appear to be reasonable. The City has received complaints from Alexandria apartment tenants that they are not always able to get this information from the landlords.

When City staff contacted the State Corporation Commission (SCC), which promulgates RUBS regulations, the SCC staff said that the SCC has no authority to require landlords to comply with the statutory requirements for making records available to tenants. SCC staff recommended that tenants pursue any complaints through the court system under the provisions of the Virginia Residential Landlord and Tenant Act. It is unlikely that many tenants would be able to afford the time and expense of filing and pursuing such a lawsuit.

The City’s Landlord Tenant Relations Board has recommended that the Virginia Housing Commission consider this loophole for a legislative remedy, and Council’s Legislative Subcommittee concurs.

C. Legislation to support

1. **Prohibiting Housing Discrimination Based on Source of Income** (Human Rights Commission). *The City of Alexandria supports legislation that would prohibit housing discrimination based on source of income.* In 1968 the federal government passed the Fair Housing Act, which prohibits housing discrimination based on factors such as race, color, religion, national origin, sex, elderliness, or familial status. Virginia enacted similar legislation in 1972.

In recent years a number of states have added source of income to the list of discriminatory factors which are prohibited under their fair housing laws. Source of income is generally defined as any lawful source of income paid directly or indirectly to a renter or purchaser of housing, including wages, pensions, alimony, child support, or government assistance. States have made this change in response to renters especially, who say that landlords will not rent to them because a portion of their income is from government assistance, such as Section 8; or because landlords set higher security deposits or higher minimum incomes for them.

The City asks its delegation to support any legislation introduced in the 2010 Session that would make it illegal to discriminate in housing based on source of income.

2. NVAN platform (Commission on Aging). *The City supports the NVAN platform, with the inclusion of any funding proposals as long-term goals.* The City of Alexandria generally supports the Northern Virginia Aging Network (NVAN) Platform, thus allowing members of the City's Commission on Aging to approach members of the Alexandria delegation to seek their support of its components. Among the requests that NVAN plans to take to the General Assembly in 2010 are the promotion of visitability and accessibility features in new single-family homes; and implementation of the State's Long-Term Plan (Blueprint) for Aging Services. Although NVAN also has a number of items for which it would like to request state funding, it is aware that the State's fiscal situation makes it difficult to fund any new initiatives. Therefore, NVAN asks the City to endorse any funding proposals as long-term goals, with the understanding that NVAN members will not pursue them until state revenues improve considerably. Attachment 4 is a copy of the proposed NVAN platform.

3. Restoration of Civil Rights for Felons (Human Rights Commission). *The City supports legislation to allow for the restoration of civil rights to certain felons.* Under Virginia law, any person convicted of a felony forfeits certain civil rights for life, including the right to vote. The Virginia Constitution reserves to the Governor the power to restore these rights. Virginia's process for restoring rights has traditionally been one of the most restrictive in the country.

Governor Mark Warner made changes to streamline the process by which those convicted of non-violent felonies, other than drug distribution offenses and voting fraud, may regain their civil rights (including the right to vote, to hold public office, to serve on a jury and to serve as a notary public). Governor Tim Kaine has retained these policies. Under them, these offenders may apply for a restoration of rights three years (as opposed to the existing policy of 5 years) after completing their sentence, as well as any suspended sentence, probation, parole or supervised release. The application has been reduced to a single page. The Commonwealth continues to perform a criminal background check on all applicants. Those applicants who have not been convicted of any offense since the conviction which caused them to forfeit their civil rights, and have no pending criminal charges, have their voting rights restored. The policy also provides for all applicants to receive a decision from the Governor within six months of submitting a completed application.

To ensure the continuation of the streamlined process for the restoration of rights, the Alexandria Human Rights Commission Council asks that the City support a constitutional amendment that allows the General Assembly to provide by law for the restoration of civil rights to persons who have been convicted of nonviolent felonies and who have completed service of their sentences,

subject to the conditions, requirements, and definitions set forth in that law. Such an amendment is regularly approved by the State Senate and then defeated in the House of Delegates.

4. Early Voting (Human Rights Commission). *The City of Alexandria supports legislation to allow unrestricted early voting.* In recent years, a number of bills have been introduced to allow early voting in any election without requiring the voter to give a specific reason for doing so. Approximately two-thirds of the states already allow no-excuse pre-Election Day in-person voting—either early voting on a voting machine or in-person absentee voting. While no-excuse voting is not authorized in Virginia (the State Code lists nine reasons why an individual may vote absentee; most of these involve the person’s absence from the locality in which he lives on Election Day), it is clear from the numbers of absentee ballots that many voters practiced no-excuse absentee voting in the recent presidential election. In the past, the City has supported such legislation, but it has been defeated in the House of Delegates. The Human Rights Commission has asked that the City request its delegation to support any legislation that is introduced in 2010 that will allow early voting, including voting in multiple locations in the City.

5. Environmental Protection (Environmental Policy Commission and Councilwoman Pepper). *The City supports the passage of certain 2009 legislation, if reintroduced, which sought to protect the environment.* A number of bills introduced last Session sought to implement new policies or programs to protect the environment. The Environmental Policy Commission asks that the City support the following environmental legislation, if introduced, that was considered but defeated last Session:

a. Legislation to **require that any Statewide Transportation Plan include quantifiable measures and achievable goals for carbon dioxide gas emissions.** SB 233, which would have done this, passed the Senate but was defeated in the House.

b. Legislation to **require the State Air Pollution Control Board to adopt regulations requiring the reporting of greenhouse gas emissions from stationary sources that consume carbon-emitting feedstocks.** SB 1145 would have required this for all sources other than those producing a very small amount of these emissions. This bill, too, passed the Senate but died in a House committee.

c. Legislation to **require each state agency to implement efforts to attain a goal of reducing the annual cost of its nonrenewable energy purchases by at least 20 percent by fiscal year 2012,** as sought in SB 1345. This bill would also have required new state buildings greater than 5,000 gross square feet in size, and buildings being renovated where the cost of renovation exceeds 50 percent of the value of the building, to conform to LEED silver or Green Globes two globe standards. Finally, the legislation would have required such buildings to be designed, constructed, and operated to achieve energy savings that exceed existing standards by at least 15 percent for new construction and 10 percent for renovations, and water use savings of at least 25 percent. This bill passed the Senate unanimously and was defeated by the House.

d. Legislation (introduced by Delegate Ebbin) to require state and local public bodies constructing a building greater than 5,000 square feet, or renovating a building of that size where the cost of renovation would have exceeded 50 percent of the building's value, **to build to either the Green Globes standard or the LEED standard.** Exemptions may

be granted by the Department of General Services for state projects or the local governing body or school board for local projects. HB 2387 was defeated in the House.

6. Assaults on transit operators. *The City supports legislation which WMATA plans to have introduced to strengthen penalties for those who assault transit operators.* WMATA plans to seek legislation to make assaults on transit operators a Class 6 felony (they are now a Class 1 misdemeanor). WMATA believes that these additional penalties will improve safety for operators, passengers and the public at large, since an assault on a bus driver immediately puts into jeopardy the safety of everyone else on that bus, as well as pedestrians and automobiles nearby. The District of Columbia Transit Operator Protection and Enhanced Penalty Amendment Act of 2008 increased penalties for assaults committed in the District against operators of mass transit vehicles and Metrorail station managers. Similar legislation has been enacted in Maryland. Unless the Commonwealth of Virginia adopts a similar law, a transit operator working in multiple jurisdictions will not have the same protection along the entire route.

7. Northern Virginia Regional Position on Transportation Funding. *The City of Alexandria supports the following regional position on transportation funding.* The lack of new transportation investment in the Commonwealth has reached a crisis. Over the past two years, the Commonwealth Transportation Board has cut \$3.7 billion from the Six-Year Program and projections indicate that another cut of at least \$900 million will be necessary to further adjust the Six-Year Program to match current revenue estimates. Revenues from ALL major state transportation funding sources continue to deteriorate. Major new revenue sources for transportation must be enacted during the 2010 General Assembly session. The Northern Virginia jurisdictions seek reinstatement of exclusive Northern Virginia revenues in the range of at least \$300 million annually, as well as Northern Virginia's portion of additional statewide revenues to address transportation needs not originally covered by the HB 3202 funding approved for Northern Virginia. Both the regional and statewide revenues should be provided from stable, reliable, proven and permanent source(s). Northern Virginia jurisdictions do not support diverting existing General Fund revenue streams to transportation. These General Funds are used for other important priorities of the Commonwealth; such as K-12 education, higher education and public safety.

8. Northern Virginia Regional Position on K-12 Education Funding. *The City of Alexandria supports the following regional position on K-12 education funding.* It is essential that the state fully meet its Constitutional responsibility to adequately fund K-12 education. Critical gaps continue to exist between state SOQ funding and the actual costs of providing a high quality education faced by localities. Northern Virginia localities more than meet their responsibilities for K-12 education through large contributions to the State General Fund, strong local effort, and the effect of high local composite indices, which diverts State funding away from this region. Northern Virginia localities support full funding for the biennial rebenchmark of the Standards of Quality (SOQ), and strongly oppose formula changes which further weaken the partnership between the state and localities, including but not limited to, any reduction in the current 55 percent State share of SOQ costs, capping state funding for support costs and the elimination or reduction of cost of competing funding to Northern Virginia localities. Any State funding cuts contemplated for the current of 2010-2012 biennium must be temporary, avoiding changes in methodology and any further erosion of the State's financial responsibility that result in a shift of K-12 funding from the State to the localities.

9. Northern Virginia Regional Positions on Land Use Issues. *The City of Alexandria supports the following regional positions on land use issues.* Support existing local authority to regulate land use through zoning and subdivision controls, and oppose legislative efforts to weaken or transfer that authority away from local governing bodies. Support the existing authority of localities or locally created authorities to impose connection fees and rates adequate to support the full cost of water, wastewater and stormwater utility systems, and oppose any legislation that would limit that authority. Support legislation that gives localities greater authority to require proper maintenance of properties, particularly unoccupied properties that are in foreclosure.

E. Legislation to oppose

1. Restrictions on Services to Immigrants and Related Issues (Human Rights Commission). *The City of Alexandria opposes further restrictions on the way local governments deal with undocumented persons.* Bills will undoubtedly be introduced in 2010 relating to undocumented persons. The City asks that its legislative delegation continue to oppose further restrictions on the way local governments deal with undocumented persons, as well as measures that would require local police to enforce immigration laws. Each local government should be able to determine the best policy to address its needs.

2. Undocumented Higher Education Students (Human Rights Commission). *The City of Alexandria opposes further restrictions on access to higher education by undocumented persons, unless it includes safeguards such as those proposed as amendments by Governor Warner for 2003 legislation.* The City also expects that legislation will be reintroduced to restrict undocumented persons' access to higher education. Once again, we ask the delegation to oppose any legislative proposal that would restrict access to higher education by undocumented persons, unless it includes safeguards such as those proposed as amendments by Governor Warner for 2003 legislation (e.g., residency in Virginia during high school and at least 5 years prior to graduation; graduation from a Virginia high school, ongoing pursuit of permanent residency in the United States; and family payment of Virginia income taxes for at least three years prior to college enrollment).

Attachment 2

RESOLUTION NO. 2361

A Resolution on the Need for Transportation Solutions that Protect Virginia's General Fund for Education, Mental Health, Public Safety and Other Core Services

WHEREAS, transportation dedicated taxes and fees have remained virtually unchanged in the Commonwealth since 1987; and

WHEREAS, quality transportation, high achieving public schools, effective public safety and health services are essential to ensure Virginia can build a long and sustainable economic recovery; and

WHEREAS, the current Recession has presented Alexandria and local governments across the Commonwealth with the largest loss of revenue and the most challenging budgets since the Great Depression and continues to require unprecedented cuts to local services; and

WHEREAS, the economy has forced State budget cuts to health, mental health, social, conservation, public safety and other important programs which have further strained local services; and

WHEREAS, we anticipate additional pressure on local budgets from the predicted drop in commercial property values and from significant and mandatory Virginia Retirement System payments; and

WHEREAS, we applaud Governor Kaine's leadership in protecting the funding for K-12 education, but understand that continued weakness in Virginia's economy puts the continued protection of K-12 funding at risk; and

WHEREAS, the Constitution of Virginia requires the Commonwealth to properly fund quality elementary and secondary education services that ensure every child has the opportunity to succeed in school and life; and

WHEREAS, U.S. Stimulus dollars will not last forever and can't be counted on to prop-up education and other essential funding; and

WHEREAS, the Commonwealth and local governments have long-standing partnerships for the provision of education, health services, social service programs, mental health services, conservation programs and public safety services; and

WHEREAS, continued service cuts reduce our chance at a sustainable economic recovery as weakened crime, drop-out and other preventive programs will cause higher future costs to society through increased crime and a less prepared work-force; and

WHEREAS, essential transportation maintenance as well as system improvements throughout our Commonwealth are essential to a lasting economic recovery, but VDOT has been reduced to essentially a very limited maintenance organization threatening the Commonwealth's ability to sustain an improving economy; and

WHEREAS, city streets, bridges, bike paths, the DASH bus system and the Washington Metropolitan Area Transportation System are critical to our regional economy and the quality of life of our residents; and

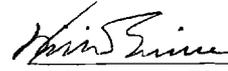
WHEREAS, the lack of a sustainable State transportation funding is causing Alexandria and communities throughout the Commonwealth to struggle to keep up with basic transportation maintenance, let alone improvements; and

WHEREAS, in upcoming years, it will be impossible, using existing resources, to maintain basic City services.

NOW, THEREFORE, BE IT RESOLVED, that the Alexandria City Council ask the Governor and the Virginia General Assembly:

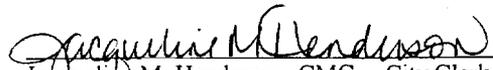
- 1) To work expeditiously to enact a bi-partisan solution to Virginia's transportation challenges that will meet Virginia's transportation needs, using sustainable, reliable, proven, and permanent sources of funding and that will not reduce the capacity of the state General Fund to support education, health, public safety and other core services.
- 2) To ensure a new and dedicated transportation-funding plan that includes a sustainable and reliable funding source for transit services.
- 3) To oppose any transportation-funding plan that would reduce state funding for elementary and secondary education, thus forcing local school boards to cut teacher jobs, increase class sizes or otherwise harm the quality of Virginia public schools.
- 4) To oppose any transportation-funding plan that would force local governments to cut public safety, mental health and other core services that protect their community.
- 5) To ensure that any transportation funding plan honors the longstanding partnership between local government and the Commonwealth to share in the support for the quality of life and economic prosperity of our community.

ADOPTED: October 13, 2009



WILLIAM D. EULLE MAYOR

ATTEST:


Jacqueline M. Henderson, CMC City Clerk

Attachment 3

RESOLUTION NO. 2353

Resolution Calling Upon the Virginia General Assembly to Codify The Basic Right of All Public Employees to be Free from Discrimination

WHEREAS, Alexandria City Council in the past has affirmed the City's acceptance of diversity within this community, where all persons are treated with human dignity and respect; and

WHEREAS, lesbian, gay, bisexual and transgender people are vital members of our community, and serve as police officers, teachers, and doctors; and

WHEREAS, recruiting and retaining the best public employees requires state and local governments to offer employment opportunities that are as attractive as possible; and

WHEREAS, private businesses have already recognized the competitive advantage afforded by offering progressive employment practices regarding lesbian, gay, bisexual, and transgender employees; and leaders in the industry such as IBM have had such policies for more than a decade; and

WHEREAS, 94 percent of Fortune 500 companies have non-discrimination policies protecting employees on the basis of sexual orientation, and 125 of them include gender identity; and

WHEREAS, there is no federal law protecting gay, lesbian, bisexual or transgender persons employed by the Commonwealth of Virginia or its localities from such workplace discrimination; and

WHEREAS, there is currently no state law in Virginia prohibiting discrimination against employees of state or local government based on sexual orientation; and

WHEREAS, all employees of the Commonwealth or its political subdivisions or agencies deserve statutory protection against such employment discrimination; and

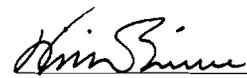
WHEREAS, recent survey research by the Equality Virginia Education Fund shows that more than 90 percent of Virginians support the right of gay, lesbian, bisexual and transgender citizens to work for the government without discrimination; and

WHEREAS, the Gallup Poll reported, based on a May 10-13, 2007, Values and Beliefs Poll, that 89 percent of U.S. citizens believe that gays and lesbians should have workplace discrimination protection;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Alexandria that the City calls upon the Virginia General Assembly to pass legislation in the 2010 Session codifying the basic human right of all public employees to be free from discrimination in the workplace based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, status as a special disabled veteran or other veteran covered by the Vietnam Era Veterans Readjustment Act of 1974, as amended and sexual orientation, including gender identity; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to members of the City's delegation to the General Assembly.

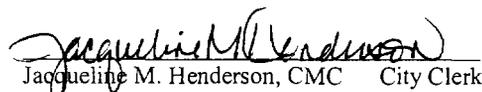
ADOPTED: June 23, 2009



WILLIAM D. EUILLE

MAYOR

ATTEST:



Jacqueline M. Henderson, CMC City Clerk

Attachment 4

Northern Virginia Aging Network
2010 State Legislative Platform

Legislative Priorities

Support Visitability and Accessibility Options for New Single Family Homes:

Enact measures to promote “visitability” and accessibility features such as step-free entrances, wider doors and hallways, and maneuvering space in bathrooms through changes in building codes, required provision of information to homebuyers, and tax incentives.

Implement Long-Term Plan for Blueprint for Aging Services:

To meet the needs of Virginia’s rapidly growing aging population, integrate the Commonwealth’s Blueprint for Aging Services with the revamped four-year state plan of the Virginia Department for the Aging, and move these initiatives from planning to action.

Budget Priorities

Fund Home and Community-Based Services:

Given the high cost of food and fuel, support community-based services facilitated by Area Agencies on Aging – especially nutrition, transportation, and in-home services, which keep people in their homes and communities rather than in more costly, Medicaid-dependent, institutionalized care.

Build a Quality Long-Term Care Workforce:

In order to build a quality, cost-effective workforce that will help Virginia's older adults and people with disabilities remain in their homes and communities, increase Medicaid reimbursement rates for personal care services by 10%, and provide access to health insurance and advanced training programs for Long-Term Care workers.

Reduce Medicaid Eligibility Criteria for Long-Term Care:

Better utilize potential federal Medicaid funds to support cost-effective home and community-based services by modifying the Commonwealth’s criteria for the level of care at which individuals are medically eligible for Medicaid long-term care.

Supplement RAFT (the Regional Older Adult Mental Health Facility Team):

Appropriate additional funds to accommodate increased need and expenses for cost-effective, specialized geriatric mental health care.

Continuing Concerns

Provide Access to Respite for Virginia's Caregivers:

Support the creation of a statewide Provider Registry so that Virginia's caregivers can more easily access back-up respite care.

Improve Voting Access:

Enhance accessibility for older adults and people with disabilities who may need assistance registering and/or casting a ballot.

Promote Pedestrian Safety:

Promote pedestrian safety in our communities by improving sidewalks and street crossings, upgrading pedestrian signals to countdown signals, and ensuring that streets are designed for everyone to use.

Improve Mobility for Older Adults and People with Disabilities:

Increase flexibility and remove restrictions that cause inefficiencies in the use of specialized transportation funds.

Support Long-Term Care Ombudsman Staffing:

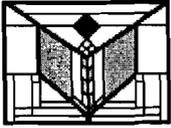
Appropriate funds for adequate local and state Long-Term Care Ombudsman staffing levels, bolstering ombudsmen advocacy for Virginians receiving long-term care services.

Improve Services in Long-Term Care Facilities:

Examine ways to improve the quality and safety of services provided at Long-Term Care facilities in the Commonwealth.

14

10-27-09



Bernard Caton/Alex
10/27/2009 09:31 AM

To jim.hartmann@alexandriava.gov,
michele.evans@alexandriava.gov, Valerie Moore/Alex@Alex,
James Banks/Alex@ALEX, Jackie Henderson/Alex@Alex

cc
bcc

Subject Fw: Pepper Proposal for Council Elections

fyi

----- Forwarded by Bernard Caton/Alex on 10/27/2009 09:29 AM -----



DELPepper@aol.com
10/26/2009 11:31 PM

To william.euille@alexandriava.gov, council@krupicka.com,
Kerry.Donley@alexandriava.gov, frank.fannon@alexandriava.gov,
Alicia.Hughes@alexandriava.gov, PaulCSmedberg@aol.com
cc Bernard.Caton@alexandriava.gov

Subject Pepper Proposal for Council Elections

Dear Colleagues: I have attached a proposal that I plan to offer tomorrow night when we discuss docket item #14, the proposed legislative package, Council Elections. Please call me if you have any questions.



Del Pepper Proposal for Council Elections.doc

I am proposing that all six Council seats be up for election in November, 2012, and the successful candidates be seated in January, 2013.

Council members would serve a three year term, (Jan. 2013 –Jan. 2016), running again in a November, 2015 election and seated in Jan. 2016 for a 4 year term—for all 6 Council members. From then on, Council members would all be elected during an odd year—2019, 2023, etc. and seated the following January, 2020, 2024, etc.

This proposal holds elections in November, offers four year terms, and provides for an easy way for a Vice Mayor to be selected. Because all members are elected at once, the highest vote-getter becomes the Vice Mayor, if the Council so chooses. It allows for the present Council to fill out their full three year terms. It gets the election process on track in an easy, smooth way.