EXHIBIT NO. 1

City of Alexandria, Virginia

18
11-27-01

MEMORANDUM

DATE: NOVEMBER 20, 2001

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER PS

SUBJECT: ADOPTION OF THE CITY'S LEGISLATIVE PACKAGE FOR THE 2002 GENERAL ASSEMBLY SESSION

ISSUE: Adoption of the City's Legislative Package for the 2002 General Assembly Session.

RECOMMENDATION: That City Council adopt items 1 through 44, below, as the positions in the City's Legislative Package for the 2002 General Assembly Session (note that item 40 was included as an addendum to the original proposed Legislative Package, and items 41 through 44 have been added since the meeting at which the package was introduced).

RECOMMENDED 2002 LEGISLATIVE PACKAGE ITEMS

1. **Transportation Funding** (Support legislation)

Support increased State transportation funding; if legislation is introduced proposing an increase in the sales tax in Northern Virginia, support those proposals which would divide the new revenue between transportation and education.

2. **Education Funding** (Support legislation)

Support (1) a significant increase in State educational funding so that the State fully funds its share of the actual costs of meeting the Standards of Quality (SOQ), based on prevailing practices among local school divisions, which now exceed the SOQ; (2) increased, long-term State funding for school construction, renovation, debt service and technology; and (3) full State funding for the cost of competing.

3. **Local Authority Over Weapons** (Oppose legislation)

Oppose any efforts to weaken the City's authority over weapons.

4. **Living Wage** (Oppose legislation)

Oppose legislation that restricts the authority of localities to implement living wage ordinances.

5. Revenue Sharing (Support legislation)

Support the distribution of a portion of State income tax revenues to localities, using the distribution formula (the "50-40-10 Plan") developed by the Virginia Municipal League and the Virginia Association of Counties.

6. State Earned Income Tax Credit (EITC) (Propose legislation)

Propose legislation to implement a refundable State EITC, equal to 10 percent of the federal EITC.

7. Revisions to the Red Light Camera Law (Oppose legislation)

Oppose legislation that would weaken the State's red light camera law, or make it more burdensome to local governments.

8. State Funding for Services to Persons with Limited English Proficiency (Propose budget amendments)

Support funding for (a) pilot acculturation programs for new, non-English speaking residents; and (b) outreach programs for non-English speaking residents, to give them information about FAMIS (children's health insurance) and enroll their eligible children.

9. State Surcharge on Municipal Solid Waste (Oppose legislation)

Oppose legislation that would impose a surcharge on municipal solid waste disposed of at Waste-to-Energy facilities.

10. Increasing and Preserving Open Space (Propose Charter amendments)

Propose Charter amendments to (a) authorize the City, following a referendum, to increase the local recordation tax to provide funds for the City's open space needs; and (b) allow the City to tax real estate parcels of one-quarter acre or more that are preserved as open space at a lower rate than other real estate.

11. Modifying the Size of the Board of Commissioners of the Alexandria Redevelopment and Housing Authority (Propose Charter amendment)

Propose a Charter amendment to give City Council authority to reduce the Board of the Alexandria Redevelopment and Housing Authority to 7 members.

12. Initial Meeting Date for a New Council (Propose Charter amendment)

Propose a Charter amendment to require a new City Council to have its first meeting on the first business day following July 4 if July 1 falls on a Saturday or Sunday.

13. Criminal Records Background Checks for Adults in Households with a Child under the Protection of the Division of Social Services (Propose legislation)

Propose legislation to authorize local departments of social services to require criminal background checks on all adults living in a household where a child who is in the department's custody is to be placed.

14. Criminal Background Checks for the Emergency Placement of Children (Propose legislation)

Propose legislation authorizing local law enforcement agencies to perform criminal background checks on all adults who provide emergency child care.

15. Reunification of Children with Their Natural Parents (Propose legislation)

Propose legislation to allow State and local departments of social services to proceed with placing a child for adoption or in permanent foster care within 30 days after taking a child under protection, if a juvenile court determines that reunification is inadvisable because seriously harmful acts (e.g., abandonment, torture, chronic abuse, sexual abuse) have occurred.

16. Protective Orders (Support legislation)

Support appropriate changes recommended by the Crime Commission to (a) improve the processes for serving protective orders; and (b) penalize those who habitually violate protective orders.

17. Payment of Costs for Emergency Response to Accidents Involving Individuals Who Were Driving While Intoxicated (Propose legislation)

Propose legislation to require the State Commissioner of Motor Vehicles to suspend, upon the City's request, an individual's license until that person has paid a civil judgment (or made arrangements for a payment plan) ordering reimbursement of the City for local emergency response costs incurred as a result of activity that resulted in a DWI conviction.

18. Use of Urban Funds for Traffic Calming (Propose legislation)

Propose legislation to allow the use of urban system funds for traffic calming.

19. Funding for the Renovation of Lloyd House (Propose budget amendment)

Propose budget amendment seeking an additional $100,000 in State funding for the renovation of Lloyd House.

20. Stabilization of the Fortifications at Fort Ward (Propose budget amendment)

Propose budget amendment seeking $100,000 in State funding to pay for a portion of the stabilization work on the walled fortifications at Fort Ward.

21. Funding for Hydrilla Control (Propose budget amendment)

Propose budget amendment seeking up to $100,000 in State funding to pay for the control of hydrilla along the Alexandria shore of the Potomac River.

22. Clarifying the Authority of Council to Establish Fines for Speeding in Residential Areas (Propose legislation)

Propose legislation to amend § 46.2-878.2 (fines for speeding in residential districts) of the Code of Virginia so that it applies to cities.

23. Hospital Beds for Psychiatric Patients (Support legislative or budget proposals)

Support legislative or budget proposals that will help alleviate the shortage of psychiatric beds for short and long-term hospitalizations of persons with mental illness.

24. Funding for Mental Health, Mental Retardation, and Substance Abuse Services (Support budget proposals)

Support the following funding measures proposed by the Virginia Association of Community Services Boards (VACSB) for the 2002 Session:

- $20 million (Alexandria's share would be approximately $281,000) to expand core service capacity to serve persons with chronic mental illness;
- $25 million (Alexandria's share cannot be estimated) to provide residential placement and day support for 600 persons in need of mental retardation services;
- $12.5 million (Alexandria's share would be approximately $185,000) to serve Virginians in need of substance abuse services; and
- $14 million (Alexandria's share would be approximately $213,000) to expand community capacity to serve children seriously in need of psychiatric and other mental health services.

25. Medicaid Reimbursement Rates for Persons Who Are Mentally Retarded or Developmentally Disabled (Support legislation or budget amendments)

Support General Assembly action to increase mental health and mental retardation Medicaid reimbursement rates.

26. Guardianship of Last Resort (Propose budget amendment)

Propose budget amendment (totaling approximately $4.14 million annually) to fully fund this program statewide.

27. Issues Endorsed by the Alexandria Commission on Aging

Support the following legislative and funding measures that have been proposed by the Northern Virginia Coalition on Aging and the Virginia Coalition for the Aging: (a) request the Secretary of Health & Human Services to convene a state-level task force to address Virginia's responsibilities under the Olmstead decision; (b) increase funding for home and community-based care; (c) implement a pharmaceutical assistance program; (d) support housing assistance, including assisted living, and for additional mental health resources for older persons and their caregivers; (e) initiate new state oversight for long-term care programs; (f) study the state's nursing facility level-of-care requirements; (g) increase funding for the Department of Social Services' Adult Protective Services Program; (h) protect older Virginians from telemarketing scams; and (i) fund a statewide survey of older Virginians.

28. Child Day Care Funding (Support legislative and budget initiatives)

- Support an increase in child day care subsidies to the working poor (i.e., families who have transitioned off financial assistance programs and those working to maintain economic self-sufficiency whose incomes fall below 200 percent of poverty);

- Revise eligibility levels for State subsidized child care so to cover all Northern Virginia families with incomes less than 200 percent of the Federal Poverty Limit ($2,942 a month for a family of four);

- Extend child care subsidies for an additional year to working, low-income families "aging out" of welfare programs; and

- Require the State Department of Social Services to conduct market surveys for establishing reimbursement rates for child care providers, and to use these surveys to determine new rates, on a regular, two year cycle.

29. Funding for Healthy Families (Support budget amendment)

Support additional State funding for the Healthy Families program.

30. Revising Virginia's Hate Crimes Laws (Propose legislation)

Propose legislation to amend hate crimes laws so that they apply to individuals if crimes are directed against them because of their sexual orientation, gender, or physical disabilities.

31. Virginia Housing Development Authority Loan Eligibility (Propose legislation)

Propose legislation to require the Virginia Housing Development Authority to extend loans to all individuals who otherwise qualify, whether or not they are related by blood or marriage.

32. Restoration of Voting Rights for Felons (Support legislation)

Support modifications to the process for restoring voting rights, so that more felons could have their rights restored after they complete their prison sentences.

33. Creation of a State Civil Rights Commission (Support legislation)

Support passage of a statewide Civil Rights Act, if one is introduced in the 2002 Session.

34. Medicaid Waivers for Persons with HIV/AIDS (Propose budget amendment)

Propose budget amendment to seek a study to determine whether Virginia should apply for a Medicaid waiver to allow persons with HIV/AIDS or other chronic diseases to receive Medicaid coverage, even if they exceed current Medicaid income and asset eligibility levels.

35. Community Services Block Grants (Support budget amendment)

Support the request by the Virginia Council Against Poverty, the state community action association, for $4,077,000 in new State Community Services Block Grants funding for community action associations statewide.

36. Study of Treatment Options for Offenders Who Have Mental Illness or Substance Abuse Disorders (Support Study)

Support the continuation of the study of treatment options for jail or prison inmates who have mental illness or substance abuse disorders; this was authorized by Senate Joint Resolution 440, passed in the 2001 Session.

37. Exemptions from the Virginia Landlord Tenant Act (Propose legislation)

Propose legislation to delete the current exemption – for landlords statewide who own 10 or fewer single family dwellings or, in the case of Arlington and Fairfax Counties and all cities, landlords with four or fewer single-family dwellings or condominium units – from the provisions of the Residential Landlord and Tenant Act.

38. Notice of Termination of a Lease (Propose legislation)

Propose legislation to require any project-based housing program to advise any subsidized tenant, prior to his eviction, of any legal services program available to him within his jurisdiction.

39. Increasing the Number of City Appointees to the Alexandria Historical Restoration and Preservation Commission (Propose legislation)

Propose legislation to increase, from 5 to 7, the number of City Council appointees to the Alexandria Historical Restoration and Preservation Commission.

40. School Board Elections (Propose Charter amendments)

Propose Charter amendments to authorize City Council to provide for:

- School Board members to be elected "at large" or "by district," or a combination thereof;
- the at-large election of the School Board Chair (although Council could continue to allow the Board to elect its chair); and
- the specific size of the Alexandria School Board, so long as it consists of between seven and nine members.

41. Funding for the Regional Competitiveness Program (Support funding)

Support continued appropriations, at current levels, for the Regional Competitiveness Program, which provides funding for the Northern Virginia Regional Partnership.

42. Funding for Major Threats to Public Health (Support budget amendments)

Support funding to public health departments to provide an appropriate first response to bioterrorism and other major threats to public health.

43. Amending the Definition of "Restoration Period" for the Alexandria Historical Restoration and Preservation Commission (Propose legislation)

Propose legislation to amend the definition of "Restoration Period" of the Commission's activities, changing it from the period beginning with the founding of the City and ending in 1860, to anything prior to the last 50 years.

44. Use of TANF/MOE (Temporary Assistance to Needy Families/Maintenance of Effort) Funds for Rental Assistance (Support legislation)

Support legislation to earmark $7.5 million in available TANF/MOE funds to provide rental assistance to working poor families statewide.

DISCUSSION: On October 23, staff presented to Council the City's 2002 Legislative Package proposals (Attachment 1). On November 17, Council held a public hearing on this Package. Since the Package was first presented, the following items have been added to the Package:

- Proposed Charter change regarding school board elections (Councilwoman Eberwein) is summarized in Attachment 2 (Docket Item 10, November 17, 2001);
- Continued funding (at current levels) of the Regional Competitiveness Program, which provides funding for the Northern Virginia Regional Partnership;
- Funding for Epidemiological Positions for Public Health Departments in Northern Virginia;
- Amending the definition of "Restoration Period" for the Alexandria Historical Restoration and Preservation Commission; and
- Use of TANF/MOE (Temporary Assistance to Needy Families/Maintenance of Effort) funds for rental assistance.

Funding for the Regional Competitiveness Program (Mayor Donley)

Legislation passed in 1996 created the State Regional Competitiveness Program, which seeks to encourage localities to work together to solve problems on a regional basis. Following passage of this legislation, local governments, college presidents, business leaders, and others in this area joined together to form the Northern Virginia Regional Partnership. This Partnership receives State funds to help train the region's workforce to respond to the needs of Northern Virginia's information technology businesses.

The State budget for the Regional Competitiveness Program includes $11.4 million in the current fiscal year to fund regional competitiveness programs around the State. Mayor Donley has recommended that the City support an equivalent appropriation in each year of the next biennial budget so that the Northern Virginia Regional Partnership, and other regional partnerships, will receive the funding required to continue their workforce training programs at their current levels.

Funding for Major Threats to Public Health

As an integral response to the safety and security of the Commonwealth, Northern Virginia jurisdictions support adequate state resources to ensure appropriate public health responses to

infectious and communicable diseases at the state and local levels. Capacity should be provided for an appropriate first response to bioterrorism and other major threats to public health. This capacity should include surveillance of hospitals and the medical community to determine patterns of disease; development and distribution of protocols; and recommendations to private physicians for the identification of and response to infectious and communicable diseases, epidemiological investigations, and implementation of appropriate disease control measures.

Amending the Definition of "Restoration Period" for the Alexandria Historical Restoration and Preservation Commission

The Alexandria Historical Restoration and Preservation Commission was created by the Virginia General Assembly in 1962 to acquire open space and scenic easements and preservation easements (which focus on the interior and exterior architectural features of historic buildings) in the City's Old and Historic District. The focus of its preservation efforts under its enabling legislation was the period of history beginning with the City's founding and ending in 1860.

State legislation enacted several years ago, and an amendment to the ordinance establishing the Commission's jurisdiction, authorized the Commission to accept easements throughout the City to preserve open space. Some of the easements the Commission would like to accept do not have historical significance dating back to 1860. Therefore, the Commission recommends that the City seek an amendment to the Commission's enabling legislation that would clarify that it may seek to preserve properties or open space as long as they have historical significance that dates back at least 50 years.

Use of TANF/MOE (Temporary Assistance to Needy Families/Maintenance of Effort) Funds for Rental Assistance

The Virginia Coalition for the Homeless has proposed that the State use $7.5 million in available TANF/MOE funds to provide rental assistance to working poor families statewide (Attachment 4). Federal law and regulations allow State TANF/MOE funds to be used to help provide such assistance (TANF funds are federal public assistance funds, and MOE funds are State Maintenance of Effort funds used to provide a required match for the TANF funds). Families receiving this assistance would be required to spend 30 percent of their income for rent, and the TANF/MOE funds would be used to pay the remainder of the cost. The Coalition for the Homeless estimates that over 2,000 families statewide could be assisted by this program. Staff is unable to estimate how many Alexandrians would be assisted by such a program.

Summary of Proposals

Attachment 3 consists of a chart summarizing all the proposals under consideration for the 2002 Legislative Package.

STAFF:

Bernard Caton, Legislative Director
Michele Evans, Assistant City Manager

ATTACHMENTS:

Attachment 1 - 2002 Legislative Package Proposals (Docket Item 18, October 23, 2001)

Attachment 2 - Addendum to 2002 Legislative Package Proposals, regarding School Board elections (Docket Item 10, November 17, 2001)

Attachment 3 - Summary Chart entitled "City of Alexandria 2001 Legislative Package Proposals" (revised November 17, 2001)

Attachment 4 - Statement, in support of Emergency Rental Assistance, by Sue Capers on behalf of the Virginia Coalition for the Homeless

City of Alexandria, Virginia

MEMORANDUM

DATE: OCTOBER 17, 2001

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER PS

SUBJECT: RECEIPT OF PROPOSED CITY LEGISLATIVE PACKAGE FOR THE 2002 GENERAL ASSEMBLY SESSION

ISSUE: Receipt of proposed City legislative package for the 2002 General Assembly Session.

RECOMMENDATION: That City Council: (1) receive the proposals for the City's 2002 legislative package; (2) schedule the legislative package proposals for public hearing on Saturday, November 17; (3) schedule the proposed Charter amendments (items 1.J, 1.K, and 1.L) for public hearing on Saturday, November 17; and (4) schedule adoption of the legislative package for Tuesday, November 27, following Council's work session with the General Assembly delegation.

DISCUSSION: Over the past several months, legislative and funding proposals for the City's 2002 legislative package have been submitted by Council Members, City departments, and Boards and Commissions. Thirty-nine such proposals are described below for your consideration as 2002 legislative package proposals. Section 1 contains City Council's legislative proposals; Section 2 contains legislative proposals supported by City departments; and Section 3 includes proposals from City boards and commissions. All the proposals are also summarized in the chart entitled "City of Alexandria 2002 Legislative Package Proposals" (Attachment 1).

The 2002 General Assembly Session will be a "long" 60-day Session, beginning January 9, and ending March 9. On December 19, 2000, outgoing Governor Jim Gilmore is expected to submit a proposed State budget for the upcoming biennium (FY 2003-2004); he will also have the opportunity at that time to propose amendments to the current biennial budget, which governs State spending through June 30, 2002. The new Governor will take office on January 12.

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 2002 General Assembly Session.

1. COUNCIL PROPOSALS

1.A. Transportation Funding (Mayor Donley)

(Note: Until the Joint Subcommittee Studying the Creation of a Northern Virginia Regional Transportation Authority, on which Mayor Donley serves, completes its work and the region develops updated recommendations on transportation funding, Mayor Donley recommends that the City continue to support the following positions on transportation funding, set out below. **These positions were supported by the City in the 2001 Session.**)

1. General Transportation Funding Issues (Regional Position in 2001)

Northern Virginia localities support a significant increase in State transportation funding through dedicated, stable, and permanent state revenue sources. In addition, Northern Virginia localities support a significant increase in regional transportation funding through dedicated, stable, and permanent regional revenue sources. Northern Virginia localities also support enhanced regional transportation decision-making through a greater decentralization of planning and funding decisions (currently vested with the Commonwealth); and through the establishment of "one-stop shopping" for all State administrative decisions in Northern Virginia by the Virginia Department of Transportation and the Virginia Department of Rail and Public Transportation. Finally, Northern Virginia localities support immediate measures to fully fund current construction projects and service levels.

The Transportation Coordinating Council (TCC), in its Northern Virginia 2020 Transportation Plan, has determined that approximately $30 billion will be needed over the next twenty years to meet the transportation needs of the region. Approximately $16 billion should be available to meet these needs, leaving a twenty-year deficit of approximately $14 billion. The Commonwealth's recent submission of projected transportation revenues in the Washington Region's Constrained Long Range Plan further exacerbated this deficit. In effect, these revenue projections delay to 2025 the completion of the 2010 transportation priorities, as adopted in the Northern Virginia 2020 Transportation Plan, and the remaining plan recommendations get further delayed beyond 2025. A failure to meet these long-term transportation needs will compromise the quality of life in Northern Virginia and cause a substantial, negative impact on the economy of the entire Commonwealth.

The TCC also expressed concern about current travel conditions, with nearly half of the region's major roadways severely congested. Continual investment in new highway, transit, and technology capacity is necessary simply to maintain current levels of mobility throughout the region. With recent and substantial increases in federal transportation assistance, and the issuance of more than $800 million in local transportation bonds, immediate and increased State transportation funding is a logical and immediate priority.

Long-Term Funding. Northern Virginia localities support significant increases in both State and regional transportation funding, through dedicated, stable, and permanent revenue sources. Possible revenue sources include traditional user fees, such as gasoline taxes, motor vehicle fees, or truck registration and overweight fees, or more generalized revenue options such as sales or income taxes. Consideration of one or more of these options will be necessary to address the approximately $14 billion regional transportation shortfall over the next twenty years.

Long-Term Organization. Northern Virginia localities support significant changes in the way transportation planning and funding decisions are made. Greater decentralization of planning and funding decisions and "one-stop shopping" for all state transportation administrative decisions would improve both the process and timeliness of major transportation decisions. In addition, these changes would more closely link transportation and land use decisions, one of the major goals of the Northern Virginia 2020 Transportation Plan. Finally, these changes must be accompanied by adequate resources to achieve these improvements.

Current Projects. Northern Virginia localities request clear, firm time lines and cost estimates for major regional projects. Completion of the following projects on time and within budget is essential to regional mobility, air quality, and related planning and funding decisions:

- Springfield Interchange
- Wilson Bridge (including full funding for the interchanges)
- Dulles Corridor Transit Project
- I-66/I-495 Access Ramps
- I-95/Route 1 Improvements
- All other Six Year Plan and Virginia Transportation Act projects previously authorized by the Commonwealth, such as the Monroe Avenue Bridge.

Transit Operations. Northern Virginia localities support significant increases in State assistance for transit systems and oppose proposed changes to the current method of distributing State transit assistance. While the Virginia Code calls for the Commonwealth to reimburse localities for up to 95 percent of certain transit costs, actual reimbursements have fallen closer to 47 percent. Passenger fares and local revenues are used to make up the difference between these two amounts. In addition, the Virginia Department of Rail and Public Transportation (VDRPT) has proposed revisions to the current reimbursement formula for transit operations (these were included in House Document 52, a report from VDRPT to the 2000 General Assembly that reviewed state funding formulas for financial assistance to mass transit). These revisions would further reduce both the percentage and amounts of transit operating assistance available to Northern Virginia. With over 70 percent of all statewide transit ridership in Northern Virginia, it simply makes no sense to reduce transit operating assistance to the most congested region of the Commonwealth.

Northern Virginia Transportation District Bond Program. Northern Virginia localities support the expansion of the existing Northern Virginia Transportation District Bond program (which has helped pay for Metro capital improvements), using State general funds and other dedicated

revenue sources. Northern Virginia localities also support full utilization of the existing right-of-way user fees (fees that are paid to localities or the State by telecommunication companies for the use of rights-of-way; the telecommunication companies in turn bill their customers for these fees) authorized by the General Assembly to support additional debt authorization and issuance for specific projects in Prince William, Loudoun, and Fairfax Counties.

2. Increases in the Sales Tax to Support Transportation and Education

During the 2001 Session, several bills were introduced (but none passed) to increase the sales tax in Northern Virginia. Some of the proposals sought to use the new sales tax revenue solely for transportation, while others proposed splitting the revenue between transportation and education. The City supported those proposals which would have divided the revenue equally between transportation and education.

1.B. Education Funding (Mayor Donley)

(Note: Until the Joint Legislative and Review Commission completes its work and issues a report and recommendations on education funding [scheduled for mid-November], Mayor Donley recommends that the City continue to support the 2001 regional position on education funding, set out below. **This position was included by City Council in the 2001 Legislative Package.**)

Northern Virginia localities support a significant increase in State educational funding so that the State fully funds its share of the actual costs of meeting the Standards of Quality (SOQ), based on prevailing practices among local school divisions, which now exceed the SOQ. In addition, the State should provide increased, long-term funding for school construction, renovation, debt service and technology. Finally, the State should fully fund the cost-of-competing factor to address the high personnel costs in the competitive Northern Virginia regional job market.

The State Constitution requires the Commonwealth to provide "an educational program of high quality" and directs the State Board of Education and the General Assembly to accomplish this by prescribing a series of standards. The General Assembly is responsible for apportioning the cost of meeting the SOQ between the State and local governments. Northern Virginia localities believe that the General Assembly should recognize that local governments traditionally have funded not only their share of SOQ costs, but also the cost of many of the education programs needed to provide a quality education.

Local governments throughout the Commonwealth currently pay a disproportionate share of the costs for the instructional and support staff necessary to meet the SOQ. The State's share of SOQ funding is inadequate for both the number and type of staff necessary to meet the SOQ; in addition, the State does not recognize the true salary costs for instructional and support personnel essential to the SOQ and to educating students in an increasingly diverse and sophisticated high tech global community.

The disproportionate local funding share for the SOQ is particularly evident for Northern Virginia localities, where the overall local operating expenditures for education in FY 2000 exceeded that required by the State by over $852 million. This does not include capital costs, which are borne primarily by localities (although in recent years the State has provided some assistance in the form of school construction grants and lottery proceeds). The following further illustrates several areas of State funding shortfalls from the Northern Virginia perspective.

Instructional Staffing Costs. Both the methodology used by the State to calculate State salary reimbursement levels and the lack of State recognition of prevailing instructional staffing levels result in insufficient State funding for Northern Virginia school division. The State overlooks current practice by "requiring" in the Standards a number of instructional personnel per 1000 students which already is exceeded by every local school division (in FY 1997 the State funded 67 instructional personnel per 1000 students, while the actual number of positions employed in school divisions averaged 84 instructional personnel per 1000 students).

For example, teacher positions that are funded entirely with local money comprise as much as one-third of the instructional staff in certain Northern Virginia localities, and represent 22 percent of the instructional staff of the region. In FY 1998, Northern Virginia school divisions employed nearly 20,000 individuals as instructional staff, and over 4,300 of these were funded totally by local money.

The Virginia General Assembly's Joint Legislative Audit and Review Commission (JLARC) has begun to review the current State and local funding of the SOQ, as well as funding that exceeds the required local match to fund the SOQ. Northern Virginia localities support the JLARC study, and believe that it will show that the State must provide additional funding for basic instructional positions in school systems throughout the State.

School Construction, School Renovation, and Technology. Northern Virginia localities, like their counterparts throughout the State, have tremendous capital needs for their school systems (school construction, school renovation, debt service, and technology). A 1996 school facility survey conducted by the State Department of Education indicated that Virginia's school divisions faced a $2.2 billion shortfall in funds to meet maintenance and capital improvement needs (the Alexandria Schools staff has estimated that the Schools' capital funding needs through 2010 may be as high as $110 million). Following up with site visits, however, the Department of Education concluded that true capital needs statewide could be much higher than this. This survey did not consider technology needs, which also require significant amounts of new funds. In recent years, the State has earmarked some of the State Lottery proceeds to provide funds for school construction and renovation. While this initiative has been helpful, documented local needs far exceed available funding.

The Cost-of-Competing. A situation unique to Northern Virginia pertains to the higher salaries (considerably more than any other area of the State) that the region must pay for instructional and support staff because of the area's highly competitive regional job market. Because of this, a cost- of-competing factor for Northern Virginia school divisions was established by JLARC in 1988 and adopted by the General Assembly in 1989. This resulted in increased funding to the

region to help it pay competitive salaries; at the same time, the General Assembly equalized all non-SOQ accounts, which reduced education funding, particularly to Northern Virginia. In response to State revenue shortfalls during the early nineties, the State cut funding for the cost-of-competing. While the General Assembly has restored a portion of this funding -- and the region is appreciative of this -- the State does not now fully fund the cost-of-competing factor. Northern Virginia localities request full funding for the cost-of-competing by the 2001 General Assembly.

Special Education Funding. Northern Virginia localities have large numbers of students receiving special education. The proportion of special education students for each Northern Virginia locality ranges from 12.1 to 17.1 percent. These students require much more intensive help than other students to allow them to succeed and prosper -- and more intensive help means more teachers. While the State provides some additional funding for this purpose, it is not sufficient to meet these students' basic needs.

English as a Second Language (ESL). A final situation that increases the local burden for education costs in Northern Virginia is the large number of ESL students in the region's school population. In Arlington, nearly one in four students in the past school year were in the ESL category, and in Alexandria, almost one in seven students were in ESL programs. In Fairfax County, the City of Fairfax, and Falls Church, approximately 7 to 8 percent of the students were ESL, with somewhat lower proportions in the outlying Northern Virginia localities. The number of students for whom English is not their native language continues to grow in Northern Virginia. Similar to students receiving special education, ESL students require much more intensive help than other students to allow them to succeed -- and again, more teachers are necessary to provide this help. We believe that the State should provide additional ESL funding, and we recommend that this issue be considered as part of JLARC's SOQ study.

1.C. Local Authority Over Weapons (Mayor Donley)

Legislation was introduced (H.B. 1969) in the 2001 Session to prohibit any locality from adopting any resolution, motion, or administrative rule or regulation governing the purchase, possession, transfer, ownership, carrying or transporting of firearms. Localities are already prohibited by State law from adopting ordinances for these purposes.

The Alexandria City Manager adopted an administrative regulation in 1995 that prohibits weapons of any kind in any City workplace. The purpose of this regulation is to help ensure the safety of the City's work force, as well as the safety of the general public. Several City residents filed suit against the City in 1998, alleging that the City had no authority to adopt this regulation. The Circuit Court ruled in favor of the City, stating that the City did have the authority to adopt the regulation. This case was appealed to the Virginia Supreme Court, which refused the case and let the Circuit Court ruling stand. Private employers can adopt reasonable policies to protect their workers, and the City believes it should have similar authority for City Hall and other City buildings.

When the concealed weapons laws were amended by the General Assembly several years ago, the intention in large part was to ensure that an individual lawfully carrying a concealed weapon (with

a permit) does not commit a crime simply because he unknowingly enters a building (such as City Hall) with his concealed weapon. If someone enters an Alexandria workplace (e.g., City Hall) with a concealed weapon, he is not automatically charged with a crime. Instead, the City can ask the person to leave and stay off the property as long as he is carrying the weapon. If the person refuses to leave, the City charges him with trespass.

The City believes this procedure is a reasonable way to protect the safety of its work force and the public. More particularly, in light of the recent terrorist attacks in New York and Arlington, the City must be able to take the necessary measures to respond to attacks, or threats of attacks, on its work force or facilities. Indeed, since September 11, rigorous screening procedures have been put in place at the State Capitol and the General Assembly Building in Richmond.

This procedure is also consistent with an opinion from then Attorney General Gilmore, who said in response to a request regarding such authority for Fairfax County:

> It is . . . my opinion that Fairfax County may adopt reasonable regulations governing the public use of, and access to, facilities and police stations. Such regulations may include a prohibition against entering a facility or police station while in possession of any weapon, including [firearms and] . . . concealed handguns . . . . Such a regulation could not be enforceable through a criminal sanction; however, a person who violates the regulation may be ordered by an appropriate authority to leave the facility or police station. If the person remains after having been ordered to leave, he may be charged with trespass.

This describes precisely what is done in Alexandria. If legislation similar to H.B. 1969 passes in 2002, the City will no longer be able to follow this procedure. The City opposed H.B. 1969 in the 2001 Session. Mayor Donley has recommended that the City oppose any efforts to weaken its authority over weapons. **This is the same position adopted by City Council during the 2001 Session.**

1.D. Living Wage (Mayor Donley)

In June 2000, Alexandria adopted a living wage ordinance. This ordinance requires those firms that are awarded certain City service contracts to pay their workers a wage that meets or exceeds the federally established poverty guidelines (currently $17,650 for a family of four). The purpose of this ordinance is to help these private sector employees who furnish services to the City, so that they can better provide for themselves and their families while contributing to society as productive workers.

The living wage ordinance is also helpful in furthering the goals of welfare reform. One of the problems that individuals here face when they enter the work force and leave government subsidies is that their wages are insufficient to pay for the bare necessities–food, shelter, transportation, child care, and medical care. The City's living wage ordinance is an attempt to help workers afford these necessities.

In its 2001 Legislative Package, the City opposed legislation that restricts the authority of localities to implement living wage ordinances. In the 2001 Session, legislation was introduced to repeal the City's authority to adopt a living wage ordinance. After major work by the City and other living wage supporters, this legislation was defeated.

Mayor Donley has recommended that the City continue to oppose legislation detrimental to the living wage in its 2002 Legislative Package.

1.E. Revenue Sharing (Mayor Donley)

In response to concerns voiced by a number of localities about their inability to meet revenue needs within the existing tax structure, the 1999 General Assembly created the Commission on Virginia's State and Local Tax Structure for the 21st Century. Among the issues that were recommended by the Commission, is the distribution of a portion of State income tax revenues to localities.

The Virginia Municipal League (VML) and the Virginia Association of Counties (VACO) have retained a consultant to analyze methods for distributing a portion of the revenues from the State income tax to localities, should the General Assembly approve such a plan. They also asked the consultant to ensure as much as possible that any distribution method is fair and maximizes revenues for the largest number of localities. The consultant has developed a distribution plan and formula (Attachment 2) that takes the total state revenue to be distributed, and awards it to Virginia's localities as follows:

- 50 percent of it is distributed among localities based on the relative share of the total state income tax paid by each locality's residents (i.e., where the taxpayer lives);
- 40 percent of it is distributed among localities based on where the income was earned (i.e., where the taxpayer works); and
- 10 percent of the total revenue is divided up equally among Virginia's 135 cities and counties.

It is unlikely that State funding is available for the General Assembly to implement this plan now, but proponents of State revenue sharing are hopeful that it can be implemented, or phased in, at some future date. Under the proposal, which assumes the distribution of $800 million, Alexandria would receive $22.7 million.

Both VML and VACO support this proposal. Mayor Donley has recommended that the City also continue to support this proposal. **This position was included by City Council in the 2001 Legislative Package.**

1.F. State Earned Income Tax Credit (Mayor Donley and Economic Opportunities Commission)

Nearly every year since at least 1994 (the earliest year for the computerized legislative data base), legislation has been introduced in the General Assembly to create a State Earned Income Tax Credit (EITC). An EITC is a special credit for low-income working persons. A federal EITC already exists. Under the federal program, a taxpayer with more than one child qualifies for the credit if the individual's earned income (e.g., wages and salaries) does not exceed $32,121 a year.[1]

Most of the past EITC proposals sought to give a Virginia tax credit equal to 10 percent of the credit awarded the taxpayer under the federal program. Until 1998, all the proposals were defeated. That year, legislation was passed to create a tax credit equal to the greater of: (1) 75 percent of the taxpayer's federal earned income credit, or (2) $300 per child under 18 living at home. The credit was also limited to the taxpayer's tax liability (under the federal program, recipients of EITC recipients are sent a check for the difference if their EITC credit exceeds their tax liability). Funding for this program was to be provided by the State as a part of Virginia's maintenance of effort required under the federal TANF (Temporary Assistance to Needy Families) program, subject to federal approval of the concept. When the federal government reviewed this legislation, it agreed that TANF funds could be used for this purpose, but only for tax year 1998.[2]

As part of its 2000 and 2001 Legislative Packages, the City proposed State EITC legislation that, like the federal version, would have been refundable (the taxpayer would have received a check from the State if his credit exceed his tax liability). This legislation was defeated by the General Assembly, which instead enacted a bill that gives a State tax credit of up to $300 annually to taxpayers whose family income does not exceed federal poverty limits. This credit is non-refundable (if it exceeds the person's tax liability, the State does not send him a check for the difference).

A 1999 study by the Center on Budget and Policy Priorities (CBPP), a non-profit institute that conducts studies on issues that affect low and middle-income households, found that 12 states at that time offered a State Earned Income Tax Credit.[3] The annual cost of these programs ranged from $12 million in Vermont to $291 million in New York. The CBPP estimated that if Virginia created a refundable State Earned Income Tax Credit giving families a state credit equal to 10 percent of the credit they receive under the federal program, it would cost the State $62 million annually. CBPP provided data to City staff which shows that approximately 11 percent of City

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[1] This is the maximum income eligibility for tax year 2001.

[2] Because the program did not meet all the requirements of an "expenditure" under TANF regulations, the federal government said that it could not permanently certify the program.

[3] Nicholas Johnson, Center on Budget and Policy Priorities (Washington, D.C.), *A Hand Up, How State Earned Income Tax Credits Help Working Families Escape Poverty*, 1999 Edition. The 12 states are Colorado, Indiana, Iowa, Kansas, Maryland, Massachusetts, Minnesota, New York, Oregon, Rhode Island, Wisconsin, and Vermont.

residents who file federal tax returns receive the federal Earned Income Tax Credit, and would thus be eligible under a State program which is based on the federal one.

Mayor Donley has recommended that the City continue to support this proposal. The Economic Opportunities Commission has also endorsed this proposal. **This position was included by City Council in the 2001 Legislative Package.**

1.G. Revisions to the Red Light Camera Law (Councilman Speck)

Alexandria initiated a pilot red light camera enforcement program in 1997 to reduce the number of red light violations. Under this program, a private vendor under contract with the City rotates a camera among three intersections (Patrick and Gibbon, Duke and Walker, and Seminary and Nottingham) and photographs motor vehicles that run the intersections' red lights. The vehicle's owners are then identified, using Virginia Department of Motor Vehicle (DMV) records, and each owner is sent a notice of violation and is required to pay a $50 fine. Under the State law, no points are assessed against a vehicle owner's driving record. This program has been effective in helping to reduce red light violations in the City.

In the 2000 and 2001 Sessions, a number of localities that do not have red light camera authority sought it.[4] At the same time, legislation was introduced that would have made the current program more cumbersome, or otherwise weakened it. None of this legislation passed.

Councilman Speck has asked that the City include in its Legislative Package opposition to any legislation that would weaken the red light camera law, or make the law more burdensome to local governments. The Virginia Municipal League is expected to have a similar position in its 2002 Legislative Program. **The City has consistently opposed efforts to weaken the red light camera program.**

1.H. State Funding for Services to Persons with Limited English Proficiency (Mayor Donley and the Economic Opportunities Commission)

Data recently released from the 2000 Census shows that the proportion of Americans who do not speak English at home has increased dramatically, to 20 percent of the population nationally. Over 10 million residents say they speak little or no English. In Virginia alone, there are nearly 275,000 people with very limited ability to speak English. In addition, nearly 700,000 Virginians speak a language other than English at home. While the majority of these people live in Northern Virginia, increasing numbers of non-English speaking people can be found in counties, cities and towns scattered throughout the State.

Many non-English speaking immigrants want to participate fully in the American way of life but are prevented from doing so by lack of English proficiency and cultural differences. New State

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[4]The following localities are authorized to operate red light camera programs: the cities of Alexandria, Fairfax, Falls Church, Richmond, and Virginia Beach, and the counties of Arlington, Fairfax, and Loudoun.

initiatives could help them overcome these barriers. Mayor Donley has recommended a series of pilot programs to assist these people (also endorsed by the Economic Opportunities Commission):

- **Pilot acculturation programs for new, non-English speaking residents**. The primary services to be offered in such a program are workshops (usually held in the evenings, after usual working hours) to provide English language instruction, as well as information of citizenship, community resources, employment, health, domestic violence, and other appropriate topics. These may be held in public schools, community centers, or other places convenient to the people being served; payments must usually be made for these facilities, although they may be minimal. While much of the work is done by volunteers, paid staff is needed to manage the program and direct the participants to needed emergency counseling, transportation, and other services. In addition, funding is needed to pay for translation of written materials that are used in the program.

    - Budget proposal. Provide $1 million in State money, to provide up to $125,000 each for 8 or more pilot programs. Local match may also be needed to fully cover costs.

- **Outreach for the State children's health insurance program (FAMIS) to non-English speaking families**. The State Department of Social Services has stated that "the lack of health insurance has become a serious threat to the health and well-being of children across America. Children without health insurance are more likely to be sick as newborns, less likely to be immunized and less likely to receive medical treatment for illnesses such as recurrent ear infections and asthma. Without treatment, such illnesses can have life-long repercussions." In response to these concerns, the State has established a federally authorized health insurance program for families that are not eligible for Medicaid, but cannot afford private health insurance. One of the challenges that the State faces in implementing this program is making its availability known and enrolling eligible children. This is especially true for the State's non-English speaking residents who are eligible for the program. To ensure that these residents do take part in the program, special outreach efforts should be funded.

    - Budget proposal. Provide $1 million in State money, to provide up to $100,000 each for 10 or more outreach programs for non-English speaking residents, to give them information about FAMIS and enroll their eligible children.

1.I. State Surcharge on Municipal Solid Waste (Mayor Donley)

The Virginia Recycling Markets Development Council, a State-chartered advisory body, recently recommended to the Virginia Commission on the Environment, a legislative study group, that the State adopt a surcharge on all municipal solid waste (MSW) disposed of in Virginia, including that disposed of at Waste-to-Energy facilities.

The City of Alexandria and Arlington County jointly own and operate the Alexandria/Arlington Waste-to-Energy (WTE) Facility for the disposal of solid waste. This facility has been operated since its opening by a private-public partnership. With the loss of flow control authority following a 1994 Supreme Court decision, the Alexandria/Arlington facility began to lose customers, and it had to lower tipping fees (below the actual facility costs) for private customers so that they would continue using the facility. A second factor that depressed revenues was the deregulation of electricity. While electric deregulation has been beneficial to consumers, it has also substantially reduced the income of the Waste-to-Energy facility, which receives less revenue for the electricity it produces (the facility now receives $3 million less per year in electricity revenues than it did before deregulation). Finally, requirements of the federal Clean Air Act have forced the facility to make expensive capital improvements, which were financed with a $46.1 million bond issue. These combined financial pressures–lower revenues from tipping fees and electricity sales, and higher costs for expensive capital improvements–can ultimately be expected to result in the need for Alexandria and Arlington to provide a $4 million to $5 million annual taxpayer subsidy to the facility. To date, we have avoided such a subsidy by drawing down $4 million in reserves to cover operating losses (these reserves were established in part for capital improvement purposes), and by increasing local solid waste fees charged to our residents.

If a tipping fee is also added, it will quickly increase the potential taxpayer subsidy needed for this facility. For this reason, Mayor Donley has asked that the City oppose any legislation recommending a waste disposal surcharge fee for WTE facilities, or the resulting ash from these facilities. Attachment 2 consists of a copy of a letter sent by the Mayor to the Chair of the Commission on the Environment on this subject.

1.J. Increasing and Preserving Open Space (Mayor Donley)

Alexandria is relatively small, but very densely populated – the eleventh most densely populated city in the country. Residents of the City value park land and other open space. At the City's 1998 Environmental Summit, open space was identified as one of the top three environmental quality-of-life issues.

Real estate in Alexandria is very expensive, and land available to purchase or preserve as open space is scarce. The City would like to enhance its efforts at preserving and providing open space to its residents, but is inhibited from doing this by a shortage of funds for this purpose.

Efforts have been made at recent General Assembly Sessions to provide additional State funding for preservation of open space. In the 2000 and 2001 Sessions, legislation was introduced but defeated which would have authorized localities to increase the local recordation tax (paid when real estate is transferred from one owner to another) and use the new revenues for open space or other purposes (**the 2001 legislation was introduced at the City's request**). The 2000 General Assembly did increase funding for the Virginia Land Conservation Fund, which can be used to acquire land, easements, and development rights so that open space can be preserved. Although local governments can apply for money from this Fund, none of it is earmarked for them.

Mayor Donley has recommended that the City continue to seek authorization to increase the local recordation tax to provide funds for the City's open space needs. In order to ensure that City residents support such an increase in this tax, the Mayor also recommends that a referendum on this issue be required before a tax increase could be implemented.

Mayor Donley has also recommended that the City pursue legislation to preserve existing open space. Current State law authorizes localities to tax real estate devoted to open space use at a lower rate than other real estate. Currently, the minimum size parcel for such an assessment is two acres. To make this program meaningful for Alexandria, which has very few lots of two acres or more, the Mayor has recommended that the City Charter be amended to authorize the open space assessment program in Alexandria for lots of one-quarter acre or more.

Staff recommends that these proposals be submitted to the 2002 General Assembly as amendments to the City Charter.

1. K. Modifying the Size of the Board of Commissioners of the Alexandria Redevelopment and Housing Authority (Councilwoman Woodson)

The Code of Virginia (§36-11) authorizes localities in Virginia to establish public housing authorities and to appoint no fewer than 5, nor more than 9, persons as commissioners of such an authority. The Code also allows localities to increase the number of commissioners after an authority has been established. What the Code does not provide for is the ability to decrease the number of Commissioners.

Prior to 1990, the Alexandria Redevelopment and Housing Authority (ARHA) Board of Commissioners consisted of 7 members. Council expanded the Board's membership to 9 in February, 1990. Mayor Donley and other Council members have recommended that the City be given the authority to return the Board's membership to 7. They feel that having a smaller number of commissioners would allow the Board to function and fulfill its responsibilities more effectively.

Staff recommends that this proposal be submitted to the 2002 General Assembly as an amendment to the City Charter.

1.L. Initial Meeting Date for a New Council (Mayor Donley)

Section 3.07 of the City Charter requires each new City Council to meet on July 1 following the election, or on the first business day following July 1 if July 1 falls on a Saturday or Sunday. In 2000, July 1 fell on a Saturday, so Council was mandated to meet on July 3 under the provisions of the Charter. Since July 4 was a holiday, many Alexandria residents were traveling or out of town on July 3. This made the inaugural meeting of the new Council, which included the swearing in of all its members, inconvenient for many members of the public who wished to attend

the ceremony. As a result, Mayor Donley has suggested that this provision of the Charter be amended, so that Council meets the first business day following July 4 if July 1 falls on a Saturday or Sunday.

2. CITY DEPARTMENT PROPOSALS

2.A. Criminal Records Background Checks for Adults in Households with a Child under the Protection of the Division of Social Services (Department of Human Services and City Attorney)

The Code of Virginia currently requires any adult who serves as a foster parent, or any adult living in a foster parent's household, to undergo a criminal background check to ensure that he does not have a criminal record in the State of Virginia. If the background check uncovers a criminal record, the Department of Social Services can refuse to license the home as a foster home.

Children who are taken into the foster care system, under the supervision of the Department of Human Services, are often reunited with their natural families after a period of time. In these situations, there is no statutory authority for criminal background checks to be performed on adults who are not related to the child but are living with the natural family. Staff of the Department of Human Services and the City Attorney's Office believe that requiring these adults to undergo background checks would offer additional protection to children who are being reunited with their natural families.

RECOMMENDATION: That the Council ask the City's General Assembly delegation to support legislation that will authorize local departments of social services to require criminal background checks on all adults living in a household where a child who is in the department's custody is to be placed.

2.B. Criminal Background Checks for the Emergency Placement of Children (Department of Human Services and City Attorney)

Frequently, the Alexandria Police Department and the Department of Human Services face situations in which they must temporarily place children in the care of persons other that the children's parent (e.g., such a placement might occur if a parent has a sudden medical emergency or is arrested). In these cases, a neighbor or friend known to the children is often the best emergency child care provider. In order to provide some assurance that it is safe to use this child care provider, the Police and Human Services Departments would like the Police to have the authority to do criminal background checks in these cases. State law giving the Police such authority is unclear. The staff recommends that the Code of Virginia be amended to clarify this authority.

RECOMMENDATION: That the Council ask the City's General Assembly delegation to support legislation authorizing local law enforcement agencies to perform criminal background checks on all adults who provide emergency child care.

2.C. Reunification of Children with Their Natural Parents (Department of Human Services and City Attorney)

State and federal law both require the State and local Departments of Social Services (DSS) to make reasonable efforts to reunite children who have been placed under DSS protection with their natural parents, prior to placing the children for adoption or in permanent foster care. Federal law does not require reasonable efforts to reunite if the parent has subjected the child to "aggravated circumstances," including abandonment, torture, chronic abuse, sexual abuse, and similar seriously harmful acts. State law does not include this exception.

City staff recommends amendments to the State Code so that it corresponds with the federal law. If this is done, DSS could proceed with placing a child for adoption or in permanent foster care within 30 days after taking a child under protection, if a juvenile court determines that reunification is inadvisable because abandonment, torture, chronic abuse, sexual abuse, and similar seriously harmful acts have occurred.

RECOMMENDATION: That the Council ask the City's General Assembly delegation to introduce legislation to allow State and local departments of social services to proceed with placing a child for adoption or in permanent foster care within 30 days after taking a child under protection, if a juvenile court determines that reunification is inadvisable because seriously harmful acts (e.g., abandonment, torture, chronic abuse, sexual abuse) have occurred.

2.D. Protective Orders (Police Department and Commission for Women)

Protective Orders are used in cases of domestic violence to limit contact between the parties involved in the abuse, and all are aimed at protecting the health and safety of a person being abused. State law currently allows three types of protective orders to be issued in cases of domestic violence. An emergency protective order is issued by a magistrate or a judge whenever a law enforcement officer or an allegedly abused person asserts under oath that another individual has committed family abuse and is likely to do so again (and the judge or magistrate has reasonable grounds to believe the assertion). An emergency protective order usually expires 72 hours after it is issued.

A preliminary protective order may be issued by a judge, again on assertion of family abuse, in the absence of the party accused of abuse; a preliminary protective order generally replaces an emergency protective order. A court hearing on the order, in the presence of the accused, must be held within 15 days of the issuance of the preliminary order. A continuance may be granted to the respondent only. A final protective order lasting for two years may be issued following the court hearing.

The Alexandria Police Department, which has a comprehensive domestic violence prevention and response program, has identified the following shortcomings in state laws governing the issuance of protective orders:

- A preliminary protective order is valid for only 15 days after issuance and must be personally served on the alleged abuser before it becomes effective. In many cases, the police (or sheriff) are unable to locate the alleged abuser in 15 days (this becomes especially difficult in this area, where a person can move not only between cities and counties, but between states and the District of Columbia). The Police Department would like to extend the period of time for which a preliminary protective order is valid for service to 90 days (personal service would still be required). Once the order is served, it would become effective for 15 days. Making such a change in the law would also necessitate revisions to current court processes with regard to protective orders. Because these changes must be carefully coordinated, staff recommends that the State Crime Commission (a legislative body) study this issue and recommend appropriate legislation to the 2002 Session. City staff would participate in such a study.

- A final protective order, as noted above, is issued following a court hearing. An alleged abuser is given personal notice of this hearing. A final protective order must also be personally served on the alleged abuser. An alleged abuser can avoid service of a final protective order by failing to appear at the hearing. The Police Department would like to be able to serve a final protective order by mail in cases where the alleged abuser has been given personal notice of, but failed to appear for, the final protective order hearing. Staff recommends that this issue be incorporated into the same study.

In addition, the Police Department is concerned about individuals who habitually violate protective orders (e.g. a person makes contact with the person he is accused of abusing after being prohibited from doing so by a protective order). A person who violates the provisions of a protective order is guilty of a Class 1 misdemeanor. Some individuals violate these orders several times or more. The Police Department believes that it would be appropriate to make an individual who is convicted of a third or subsequent violation of a protective order guilty of a Class 6 felony.

The Commission for Women and the Office on Women concur with the Police Department's recommendations on these issues.

These issues were included in the City's 2001 Legislative Package for referral to the State Crime Commission for study. The Crime Commission has begun, but not yet completed, this study. Staff recommends that the City support appropriate changes recommended by the Crime Commission to address these issues.

RECOMMENDATION: That the Council ask the City's General Assembly delegation to support appropriate changes recommended by the State Crime Commission to address: (1) extending the time for which preliminary protective orders are valid; (2) the service of final

protective orders when the respondent (i.e., alleged abuser) fails to appear at the hearing; and (3) strengthening the penalties for the third or subsequent violation of a protective order.

2.E. Payment of Costs for Emergency Response to Accidents Involving Individuals Who Were Driving While Intoxicated (Police Department)

The Code of Virginia allows localities to recover up to $1,000 in emergency response costs from a motorist who has been (i) convicted of driving while intoxicated, and (ii) involved in an accident or incident that required an emergency response (Va. Code §15.2-1716). This is a relatively new statute that the City implemented by ordinance in 1997 (City Code § 10-3-14).

This statute lacks an effective enforcement mechanism. In order to recover its emergency response costs from a convicted DWI motorist who refuses to voluntarily provide reimbursement, the City must file a civil lawsuit against the motorist and obtain a judgment (a court order directing one party–the defendant–to pay the other party–the plaintiff–a sum of money). The City must then employ traditional debt collection practices (such as garnishment of wages or bank accounts) in order to collect the money owed. These practices are time-consuming and labor-intensive. They are not cost-effective, given the small number and relatively low dollar value of these emergency response cost recovery cases.

In other cases involving a civil judgment arising out of a motor vehicle accident, the State Commissioner of Motor Vehicles can suspend the defendant's driver's license until the judgment has been paid (Va. Code § 46.2-417 et seq.). Such administrative suspensions occur only upon the written request of the unpaid litigant (in this case, the City), and in situations where the judgment has remained unpaid for thirty days or longer. The Alexandria Police would like this authority extended to judgments involving local emergency response costs as described above. The City Attorney concurs with this proposal.

RECOMMENDATION: That the Council ask the City's General Assembly delegation to support amendments to §46.2-364 of the Code, to make clear that the State Commissioner of Motor Vehicles must suspend, upon the City's request, an individual's license until that person has paid a civil judgment (or made arrangements for a payment plan) ordering reimbursement of the City for local emergency response costs incurred as a result of activity that resulted in a DWI conviction.

2.F. Use of Urban Funds for Traffic Calming (Transportation and Environmental Services)

The major source of funding for construction improvements to City streets is the State's urban system funds. These are earmarked and distributed as a part of the Virginia Department of Transportation's (VDOT) multi-year planning process. Projects to use these funds must be approved by the Commonwealth Transportation Board or VDOT staff.

For the past year, staff from the City's Department of Transportation and Environmental Services (TES) has been working with VDOT staff, seeking authorization to use urban system funds for traffic calming projects in the City, such as the installation of speed tables. Urban system funds are allocated to cities and towns for road construction projects. TES staff has been informed by VDOT that VDOT does not believe that current State law gives it or the City the authority to use urban system funds for traffic calming. Staff recommends that the City seek legislation clearly stating that the City has such authority.

RECOMMENDATION: That the Council ask the City's General Assembly delegation to support legislation to allow the use of urban system funds for traffic calming.

2.G. Funding for the Renovation of Lloyd House (Office of Historic Alexandria)

Lloyd House, an historic structure built in 1795 at the corner of Washington and Queen Streets, was used in recent years to house the Special Collections of the Alexandria Library. When the new Charles E. Beatley, Jr. Library opened earlier this year, these collections were moved to the Kate Waller Barrett Branch on Queen Street. The City plans to renovate Lloyd House, and has completed the studies that must be done before any renovations can be undertaken. These studies show that a total renovation could cost over $1 million. At this time, the City has identified $540,000 (including $480,000 in City funds, and $60,000 in State funds appropriated by the General Assembly at the request of the City's legislative delegation) to begin the renovations. Among the improvements that will be made with these funds are:

- the addition of a sprinkler and fire alarm;
- other changes so that the building meets Code requirements for such an historic structure, including a new first floor accessible restroom;
- restoration of the first floor's appearance (this includes the demolition of a wall and shelving that was added during the 1970's, when the building was used as a library);
- incorporation of the infrastructure to meet modern telephone and data needs;
- repainting the building's rooms in historically appropriate colors;
- stabilization of the walls, flooring, and stairs;
- additional lighting.

Other improvements, requiring additional funds, are needed. These include repairs to the flooring, fireplace mantels, windows and window sills; brick pointing; and restoration of existing plaster crown molding.

During the 2001 Session, the City's General Assembly delegation sought an additional $50,000 for this project. Since the General Assembly was unable to agree on amendments to the State budget in that Session, the City received no additional funding. The City would like the State to appropriate an additional $100,000 toward Lloyd House's renovations during the 2002 Session.

RECOMMENDATION: That the Council ask the City's General Assembly delegation to introduce budget amendments seeking an additional $100,000 in State funding for the renovation of Lloyd House.

2.H. Stabilization of the Fortifications at Fort Ward (Office on Historic Alexandria)

Fort Ward, located on Braddock Road, is the best preserved of the system of forts and batteries built to protect Washington, D.C., during the Civil War. The fort site, which remains approximately ninety to ninety-five percent intact, is surrounded by a 45-acre park. The fort is interpreted through exhibits, programs and a Civil War research library. Fort Ward is owned and operated by the City of Alexandria. The Museum and historic site are accredited by the American Association of Museums and are listed on the National Register of Historic Places.

In 1961, the City of Alexandria initiated the partial restoration and preservation of Fort Ward as a project to commemorate the Civil War Centennial. An archaeologist and historian were hired to ensure that the project was completed according to professional standards. As part of the project, the extant walls were preserved. Fort Ward has been cited as the best Civil War restoration and preservation project in the mid-Atlantic region.

Even with the restoration, however, erosion continues to plague the fort site, just as it did during the Civil War. The walled fortifications at Fort Ward are cracking, and need stabilization. The estimated cost of this work is approximately $200,000. Because of the importance of this site, the City is seeking $100,000 in State funding to pay half the cost of the stabilization work.

RECOMMENDATION: That the Council ask the City's General Assembly delegation to introduce budget amendments seeking $100,000 in State funding to pay for a portion of the stabilization work on the walled fortifications at Fort Ward.

2.I. Funding for Hydrilla Control (Recreation, Parks & Cultural Activities)

Hydrilla is an underwater weed that grows naturally in parts of the Potomac River system around Washington. It has both positive and negative impacts: it can be beneficial to water quality and wildlife that depend on the river (e.g., largemouth bass and ducks), but it can also cause odor problems, trap debris, and make navigation of boats very difficult.

During the 1980's and much of the 1990's, the Commonwealth of Virginia appropriated funds to assist localities with the control of hydrilla. This money, which was matched with local appropriations, was used to hire a contractor to mow the hydrilla several times during the summer. Controlling it in this way kept the weed under control and enabled boaters to get away from docks and piers, where hydrilla is often present. The State last appropriated funds for this purpose in FY 1998.

In Alexandria, significant hydrilla growth occurred along the shore of the Potomac River this summer. No City funds were available to harvest it. City staff recommends that the City support renewed State appropriations for this purpose. Staff estimates that it will cost approximately $100,000 to harvest (mow) hydrilla along the City's shore two times during the 2002 growing season.

RECOMMENDATION: That the Council ask the City's General Assembly delegation to introduce budget amendments of up to $100,000 in State funding to pay for the control of hydrilla along the Alexandria shore of the Potomac River.

2.J. Clarifying the Authority of Council to Establish Fines for Speeding in Residential Areas (Transportation and Environmental Services and City Attorney)

Section 46.2-878.2 of the Code of Virginia authorizes fines of up to $200 for speeding in residential districts. The City would like to be able to increase the fines it levies for speeding in residential districts, but this Code provision only applies to streets and highways that are maintained by the Virginia Department of Transportation (VDOT). Since Alexandria streets are maintained by the City, the City Attorney believes (and VDOT concurs) that this Code section must be amended to clearly state that it applies to cities in Virginia. State law currently prohibits the City from assessing a fine greater than $3 per mile traveled over the speed limit.

RECOMMENDATION: That the Council ask the City's General Assembly delegation to introduce legislation to amend §46.2-878.2 (fines for speeding in residential districts) of the Code of Virginia so that it applies to cities.

3. PROPOSALS FROM CITY BOARDS AND COMMISSIONS

3.A. Hospital Beds for Psychiatric Patients (Community Services Board)

In recent months, communities throughout Virginia have experienced a critical shortage of psychiatric beds for short and long-term hospitalizations of persons with mental illness. In recent months, several private hospitals have ceased offering psychiatric beds (one hospital in Richmond that had many psychiatric beds closed altogether), and many private hospitals refuse to take difficult psychiatric patients.

This shortage of beds is affecting the ability of community service boards to provide for the treatment needs of their clients. The Virginia Association of Community Service Boards is working with the State and private providers to find ways to address this shortage. The Alexandria Community Services Board has recommended that the city support legislative or budget proposals that will alleviate this shortage.

3.B. Funding for Mental Health, Mental Retardation, and Substance Abuse Services (Community Services Board)

There are many Virginians who need, but do not receive, mental health, mental retardation, and substance abuse services. There are others who receive these services, but not at a level that is adequate to fully meet their needs. While State funding to pay for services has increased in recent years, it has failed to keep pace with growing demands for services and changes in the needs of Virginians.

The Alexandria Community Services Board has asked the City to endorse the following funding measures, totaling $71.5 million, that have been proposed by the Virginia Association of Community Services Boards (VACSB) for the 2002 Session.

- $20 million (Alexandria's share would be approximately $281,000) to expand core service capacity to serve persons with chronic mental illness (services purchased with these funds would include crisis stabilization, case management, private hospital beds for clients in need, medications, psychosocial day programs);

- $25 million (Alexandria's share cannot be estimated) to provide residential placement and day support for 600 persons in need of mental retardation services;

- $12.5 million (Alexandria's share would be approximately $185,000) to serve Virginians in need of substance abuse services, including an increasing number of adolescents coming through the juvenile justice system;

- $14 million (Alexandria's share would be approximately $213,000) to expand community capacity to serve children seriously in need of psychiatric and other mental health services (these services would include traditional medical services, therapeutic day treatment services, case management, specialized residential services, family support, specialized infant and toddler services, preventive services, and acute inpatient services).

3.C. Medicaid Reimbursement Rates for Persons Who Are Mentally Retarded or Developmentally Disabled (Community Services Board)

With one exception (residential counselor rates), Medicaid reimbursement rates for mental health and mental retardation services have not been increased since the program was begun in 1991. Reimbursement rates are below actual provider costs, causing private providers to refuse to offer services. If rates are not raised, community service boards, clients, and families are concerned that existing service shortages will increase.

The Alexandria Community Services Board recommends that the City support General Assembly action to increase mental health and mental retardation Medicaid reimbursement rates.

3.D. Guardianship of Last Resort (Alexandria Commission on Aging)

Some individuals, especially those who are aging, are unable to manage their finances and personal affairs. In most cases, relatives of these individuals are appointed as guardians and act on their behalf. In some instances, there are no relatives, and a public guardian must serve this purpose.

The Virginia Department for the Aging, which oversees the State Guardianship Program, reports that the Statewide cost for each guardian case is approximately $2,300 per year. Recently, the Department estimated that there were between 1,800 and 2,300 individuals statewide in need of public guardians.

The State currently appropriates $500,000 annually for the State Guardianship Program. The Personal Support Network, a Northern Virginia non-profit, received funding from the State last year to cover 20 guardianships throughout Northern Virginia. Senior Services of Alexandria has applied for, but has not been awarded, funds for a City program.

The estimated cost of funding this program statewide is $4.14 million annually. The Alexandria Commission on Aging has asked the City to support full funding of this program statewide. **The City supported this position in its 2001 Legislative Package.**

3.E. Issues Endorsed by the Alexandria Commission on Aging

The Alexandria Commission on Aging has asked Council to endorse a series of legislative and funding measures that have been proposed by the Northern Virginia Coalition on Aging and the Virginia Coalition for the Aging (Attachment 3). The Commission is not asking that these be included as formal City positions in the legislative package, but would like to be able to testify in support of these issues during the 2002 Session of the General Assembly. Council has followed a similar process since 1997 (authorizing the Commission to support the Northern Virginia Aging coalitions' platform). The support items are:

- Request the Secretary of Health & Human Services to convene a state-level task force to address Virginia's responsibilities under the Olmstead decision (a Supreme Court decision which says that handicapped persons must be provided community-based services rather than institutional services);
- Increased funding for home and community-based care;
- Implementation of a pharmaceutical assistance program;
- Support for housing assistance, included assisted living, and for additional mental health resources for older persons and their caregivers;
- New state oversight for long-term care programs;

- A study of the state's nursing facility level-of-care requirements;
- Increased funding for the Department of Social Services' Adult Protective Services Program;
- The protection of older Virginians from telemarketing scams; and
- Funding for a statewide survey of older Virginians.

Staff does not believe that any City funds would be required as match for these programs. Many of the proposals, if implemented, could assist City residents.

3.F. Child Day Care Funding (Early Childhood Commission and the Economic Opportunities Commission)

Human services officials from all Northern Virginia localities have developed the following regional proposal on child care funding issues. The City's Early Childhood Commission and the Economic Opportunities Commission recommend that this proposal be incorporated in the City's 2002 Legislative Package.

I. Endorse budget amendments to use Temporary Assistance to Needy Families (TANF) reserve funds and additional General Funds to support an increase in child day care subsidies to the working poor (reaffirms previous positions)

A) Endorse actions/budget amendments that would ensure that the State draws down and uses all possible federal child care funding to serve more eligible families and develop and implement subsidized child care policies that increase access to child care services for the working poor. The working poor should be defined both as families who have transitioned off financial assistance programs and those working to maintain economic self-sufficiency whose incomes fall below 200 percent of poverty. Local agencies should have the option of choosing an eligibility income limit up to 200 percent of poverty.

When needy families are placed on a waiting list for child care or exceed income guidelines but are not economically independent, they may be forced to leave the work force because they are unable to afford child care. Loss of employment undermines the success of welfare reform and has serious negative implications for the long-term well-being of families.

B) Revise the State's Child Care and Development Fund (CCDF) plan to reflect the high cost of living in Northern Virginia. Eligibility for State subsidized child care in Northern Virginia should be fixed at no less than 200 percent of the Federal Poverty Limit (FPL). TANF reserve funds/general funds should be used to support the additional benefits this would provide.

In compliance with the requirements of the Federal Welfare Reform Act of 1996, financial eligibility for state-subsidized child care was established in Virginia's CCDF Plan in October 1997. The plan capped eligibility at 170 percent of the FPL. In response to recommendations in a 1998 report by the Joint Legislative and Audit Review Commission (JLARC), the1998 Virginia budget directed the Virginia Department of Social Services to revise the eligibility requirements to account for variations in the cost of living around the State, including Northern Virginia. As a result, in October 1998 the Department of Social Services raised the eligibility ceiling for Northern Virginia from 170 percent FPL to 185 percent FPL or $2,721 a month for a family of four.

While this increase was an improvement, eligibility levels remain much too low in the face of the cost of living in Northern Virginia. Prior to the enactment of welfare reform legislation in 1996, Northern Virginia families whose annual incomes did not exceed 75 percent of the State Median Income ($4,022 a month for a family of four) were eligible for State child care subsidies. The current rate, 185 percent of the federal poverty level ($2,721), is roughly equivalent to 51 percent of the State Median Income (SMI) for a family of four, a substantial decrease. Federal CCDF regulations permit states to subsidize families whose incomes do not exceed 85 percent of the SMI ($4,558 for a family of four).

C) Extend child care subsidies for an additional year to working, low-income families "aging out" of welfare programs.

Welfare reform participants currently are eligible for child care subsidies so long as they are eligible for TANF and then for an additional year after "graduating" from TANF. However, research studies of former welfare clients indicate that, although many have successfully obtained and retained employment, their wages are still too low to support self-sufficiency. In September 1999 the Virginia Department of Social Services submitted to the General Assembly a report entitled, "An Assessment of the Quality, Affordability, and Accessibility of the Child Care Market in Virginia." That report indicated that: "Thirty-two percent of Virginia households with children aged 6 and under and income ranging from $15,000 to $24,999 who do not participate in the child care market, report that the cost of child care is prohibitive." The income range cited in this study is typical of the early incomes of welfare reform "graduates."

If welfare reform is to be successful, a more gradual phasing out of supportive services such as Medicaid, child care and transportation is needed until incomes rise sufficiently for families to purchase services such as child care at competitive market rates. Using TANF reserve/general funds to extend eligibility for subsidized child care an additional year to TANF "graduates" would allow them to stay employed, improve their wage rates, and eventually become totally self-supporting.

II. Maximum Reimbursable Rates (formerly Market Rates)

Amend the State's Child Care and Development Fund (CCDF) Plan to reinstate the previous method for reimbursing child care providers who care for low-income children. Conduct market surveys and implement rates in a

regular cycle. Use TANF and General Funds to fund new reimbursement rates that reflect the actual child care market.

The State conducted a survey of the child care market in 1999 but did not establish new rates until 2001. This means that there had not been an increase in the reimbursement rate for child care providers for four years. Federal regulations require that a rate survey be completed and implemented every two years. The State's own Child Care and Development Fund Plan that was submitted to the federal government in the Spring of 2000, said that the new rates were being implemented.

The new 2001 rates were based on the 1999 survey data, which was flawed and outdated. In addition, the new rates were not established using the sound methodology of past years, resulting in substantially lower rates. In prior CCDF Plans, the State established maximum reimbursable rates at the 75th percentile of the current market survey for each type of care in each local jurisdiction. This makes it possible for low-income families to have access to 75 percent of available providers without having to pay additional costs. However, citing budget constraints, the Virginia Department of Social Services announced that the rates that went into affect in July 2001 would reflect only half of the increase that should have gone into effect.

When rates are not set at, or above, the 75th percentile, low-income parents are more frequently required to pay additional costs for child care above their co-pay. Many providers charge parents the difference between their full fee and the maximum reimbursable rates.

Low-income families are also negatively affected by these rates because the supply of child care providers available to them decreases when rates do not reflect actual market conditions. Many family child care providers and centers find that they are unable to serve low income children when they are reimbursed so much less than the market value for care. The delay in implementing new rates meant that the 2001 rates would be the first increase since 1997. The failure to fund the total increase has further exacerbated the situation for providers and parents.

An accurate survey of the child care market needs to be conducted every two years. Maximum reimbursable rates need to be established at the 75th percentile and implemented in a timely manner. This will help ensure that low-income families have access to affordable, quality child care.

3. G. **Funding for Healthy Families** (Early Childhood Commission)

Healthy Families is an intensive home-visiting program that attempts to get first-time parents who are faced with very challenging circumstances (i.e., they have low incomes or other risk factors) off to a positive start with their first child. The Healthy Families Virginia network serves families in 80 communities throughout the Commonwealth, using State, local, and private funding. Healthy Families Alexandria serves over 250 families in the City.

State funding has not increased in proportion to the growth in the statewide Healthy Families program (State funding for the Alexandria program has not increased for the last two years, although City funding has increased).

The Early Childhood Commission recommends that the City seek additional State funding from the 2002 General Assembly for Healthy Families so that this program can continue offering services to at-risk families

3.H. Revising Virginia's Hate Crimes Laws (Human Rights Commission)

Virginia law currently classifies the damaging of another's property as a crime, and increases the severity of the penalty if the action is motivated by religious, racial, or ethnic animosity (Code of Virginia, §18.2-121). In past Sessions of the General Assembly, bills have been introduced to extend the provisions of these statutes to cover crimes that are directed against individuals because of their gender or sexual orientation. The City of Alexandria has supported this legislation, but the General Assembly has refused to pass it.

The Alexandria Human Rights Commission has asked that the City again support legislation in its 2002 Legislative Package to amend hate crimes laws so that they apply to individuals if crimes are directed against them because of their sexual orientation, gender, or physical disabilities.

3.I. Virginia Housing Development Authority Loan Eligibility (Human Rights Commission)

The Virginia Housing Development Authority (VHDA) is a State entity that makes loans for affordable housing to first-time home buyers with low and moderate incomes. VHDA loans are more attractive to home buyers because they generally require a lower down payment, a lower interest rate, or both.

Several years ago, the VHDA Board adopted a new restriction on its loans, limiting them, in the case of two or more individuals who wish to purchase a home, to individuals who are related by blood or marriage. This prevents unrelated couples, including same-sex couples, from receiving VHDA assistance. The City included a proposal to prohibit such a regulation in its 2001 Legislative Package; this legislation was introduced but defeated. The Human Rights Commission has asked the City to have this legislation re-introduced in 2002.

3.J. Restoration of Voting Rights for Felons (Human Rights Commission)

The Virginia Constitution reserves to the Governor the power to restore voting rights to convicted felons. This is one of the most restrictive processes in the country for the restoration of voting rights. In recent years, there have been increased complaints about the difficulties felons in Virginia face if they try to have their voting rights restored. They often have no idea how the process works, and have found it difficult to determine the status of their requests to have their rights restored.

Legislation passed by the 2000 General Assembly sought to address some of these problems. This legislation (HB 1080) required the Virginia Department of Corrections to explain to felons, at the completion of their prison sentence, the State process (revised somewhat by this legislation)

for restoring civil rights. HB 1080 also directed the Secretary of the Commonwealth (who prepares, for the Governor, the paperwork on the restoration of rights) to notify felons once a completed application for the restoration of rights has been received. Finally, the bill required the Secretary of the Commonwealth to notify an applicant of the Governor's decision (whether or not voting rights will be restored) no later than 90 days after the Governor's decision.

Legislation was also introduced in the 2000 Session to amend the Constitution so that the General Assembly could provide by law for the restoration of a felon's civil rights. This legislation was defeated.

Earlier this year, the Chairman of the State Crime Commission (Senator Ken Stolle of Virginia Beach) appointed a Task Force to again examine the restoration of civil rights, including the right to vote, for persons convicted of certain felonies. This Task Force is chaired by Delegate Brian Moran, and is scheduled to complete its work in time to make legislative recommendations to the 2002 Session.

The Alexandria Human Rights Commission believes that it is appropriate to make further modifications to the process for restoring voting rights, so that more felons would have this right restored after they complete their prison sentences. The Commission recommends that the City support any such proposals that are introduced in the 2002 Session.

3.K. Creation of a State Civil Rights Commission (Human Rights Commission)

House Bill 1504, introduced in the 2000 Session, sought to create a Virginia Civil Rights Act, and a State Human Rights Commission with broad powers, including the determination of whether (1) discriminatory housing practices have occurred (a responsibility now assigned to the Virginia Real Estate Board), (2) the rights of the disabled have been abused (this determination is now made by the State Department for Rights of Virginians with Disabilities, which would be transferred to the Commission), and (3) discrimination in employment has occurred. The legislation was not passed by the General Assembly.

The Alexandria Human Rights Commission has asked that the City support passage of the Virginia Civil Rights Act if it is introduced in the 2002 Session.

3.L. Waiver of § 1115 of the federal Medicaid Statute (Human Rights Commission and Commission on HIV/AIDS)

Section 1115 of the Social Security Act gives the United States Secretary of Health and Human Services authority to waive provisions of the federal Medicaid statute. One of the "waivers" that the Secretary can allow enables states to extend Medicaid eligibility to certain low-income persons not otherwise covered by Medicaid.

Virginia's Medicaid program currently does not provide coverage for a number of persons who have HIV/AIDS and other progressive diseases because they are still working and have income levels and assets that prevent them from qualifying for the program. Some of these people do not have access to health insurance, and the only way they are able to qualify for Medicaid is to quit their jobs and spend down their assets. If they had access to good medical care through the

Medicaid program, they could continue working and providing for their non-health related needs. Early medical treatment would also improve these individuals' chances for full or long-term recovery.

The Alexandria Human Rights Commission and the Alexandria Commission on HIV/AIDS recommend that the City propose legislation requesting the State to seek a Medicaid waiver to allow those persons described above to receive Medicaid coverage, even if they exceed current Medicaid income and asset eligibility levels.

3.M. Community Services Block Grants (Economic Opportunities Commission)

The Department of Human Services' Office of Community Services (OCS) provides a wide range of emergency services, crisis intervention, and housing assistance to low-income persons in Alexandria. Much of this is supported financially by federal and state Community Services Block Grants (CSBG). In recent years, increases in state support have allowed OCS to provide additional, financial assistance to low-income families who are facing more expensive fuel and utility costs. Last year's impasse over the State budget, however, led to level funding for the CSBG program for the current fiscal year.

In June, 2001, the Virginia Council Against Poverty (VCAP), the state community action association, voted to request $4,077,000 in new State CSBG funding for community action associations statewide. If this money were appropriated, OCS would receive approximately $50,000 for use in its programs. The Economic Opportunities Commission recommends that the City support the VCAP proposal.

3.N. Study of Treatment Options for Offenders Who Have Mental Illness or Substance Abuse Disorders (Community Criminal Justice Board)

Senate Joint Resolution 440, passed by the 2001 Session, created a legislative study of treatment options for jail or prison inmates who have mental illness or substance abuse disorders. Among the issues being studied are:

- the incidence of mental illness and substance abuse among inmates;
- the current system for delivering mental health and substance abuse services to these people, including assessment, treatment, post-release, and follow-up;
- model treatment programs for offenders;
- the costs and benefits of private versus public treatment services;
- the need for specialized training of local law enforcement and court personnel to identify and handle offenders with mental illness and substance abuse disorders; and
- the level of funding, sources of funding, and legislation required to ensure adequate assessment and treatment services.

The City's Community Criminal Justice Board (CCJB) has become increasingly concerned about the issue of violent offenders with histories of mental health problems, and their release back into the community following the completion of their prison sentences. The CCJB believes that the SJR 440 study may be a means of addressing this issue, and recommends that the City support the continuation of this study.

3.O. Exemptions from the Virginia Landlord Tenant Act (Landlord-Tenant Relations Board)

Virginia's Residential Landlord and Tenant Act was enacted by the General Assembly to establish a single body of law relating to landlord and tenant relations throughout the Commonwealth. Since its enactment, however, large numbers of landlords have been exempted from its provisions. Landlords statewide who own 10 or fewer single family dwellings or, in the case of Arlington and Fairfax Counties and all cities, landlords with four or fewer single-family dwellings or condominium units, are exempt from the Act.

The Landlord-Tenant Relations Board believes that this exemption creates a situation in which all tenants do not have the same rights, nor all landlords the same responsibilities, under the law. The Board recommends that the Act be amended to remove this exemption.

3.P. Notice of Termination of a Lease (Landlord-Tenant Relations Board)

Virginia's Residential Landlord and Tenant Act requires public housing authorities, prior to evicting a tenant, to advise the tenant of any legal services program serving the tenant's jurisdiction. The purpose of this law is to ensure that tenants know where to turn for legal advice in these circumstances.

Many Virginians with federal housing subsidies do not live in housing directly owned by public housing authorities. In Alexandria, for instance, approximately 2,157 units in privately-owned apartment complexes, such as Foxchase, are included in project-based subsidized housing programs (i.e., the subsidy to the tenant is available only at that apartment complex). These project-based programs are subject to regulation by the U.S. Department of Housing and Urban Development, even though they are privately owned.

The Landlord-Tenant Relations Board believes that it would be appropriate to require these project-based programs to give their subsidized tenants the same notice about legal services that public housing authorities must already give. The Board recommends that legislation should be introduced to require any project-based housing program to advise any subsidized tenant, prior to his eviction, of any legal services program available to him in his jurisdiction.

3.Q. Increasing the Number of City Appointees to the Alexandria Historical Restoration and Preservation Commission (Alexandria Historical Restoration and Preservation Commission)

The Alexandria Historical Restoration and Preservation Commission was created by the Virginia General Assembly in 1962 to acquire open space and scenic easements and preservation easements (which focus on the interior and exterior architectural features of historic buildings) in the City's Old and Historic District. In response to recent State legislation, City Council expanded the Commission's authority last year so that it can accept easements from throughout the City. The Commission now holds 15 easements, and is preparing to accept several others.

The Commission currently consists of seven members, five of whom are appointed by City Council, and two by the Governor. Because the Commission's new authority to accept easements from throughout the City has increased its workload (Commission members often work directly

with landowners who are donating easements), the Commission has requested that Council propose legislation increasing its membership from seven to nine. It recommends that the two additional individuals be City Council appointees.

STAFF:

Bernard Caton, Legislative Director
Michele Evans, Assistant City Manager

ATTACHMENTS:

Attachment 1 -	**Summary Chart entitled "City of Alexandria 2002 Legislative Package Proposals"**
Attachment 2 -	**Letter from Mayor Kerry Donley to Senator William T. Bolling, regarding waste surcharge**
Attachment 3 -	**2002 Legislative Platforms of the Virginia Coalition for the Aging and the Northern Virginia Aging Network**

2002 Proposed Items for City of Alexandria Legislative Package

ISSUE	PROPOSED ACTION
1.A. Transportation funding (regional position)	SUPPORT LEGISLATION
1.B. Educational funding (regional position)	SUPPORT LEGISLATION
1.C. Local Authority Over Weapons	OPPOSE LEGISLATION
1.D. Living Wage	OPPOSE LEGISLATION
1.E. Revenue Sharing (VML/VACO)	SUPPORT LEGISLATION
1.F. State Earned Income Tax Credit	PROPOSE LEGISLATION
1.G. Revisions to the Red Light Camera Law	OPPOSE LEGISLATION TO WEAKEN PROGRAM
1.H. State Funding for Services to Persons with Limited English Proficiency	PROPOSE FUNDING
1.I. State Surcharge on Municipal Solid Waste	OPPOSE LEGISLATION
1.J. Increasing and Preserving Open Space	PROPOSE CHARTER AMENDMENTS
1.K. Modifying the Size of the Board of Commissioners of the Alexandria Redevelopment and Housing Authority	PROPOSE CHARTER AMENDMENT
1.L. Initial Meeting Date for a New Council	PROPOSE CHARTER AMENDMENT
2.A. Criminal Records Background Checks for Adults in Households with a Child under the Protection of the Division of Social Services	PROPOSE LEGISLATION
2.B. Criminal Background Checks for the Emergency Placement of Children	PROPOSE LEGISLATION
2.C. Reunification of Children with Their Natural Parents	PROPOSE LEGISLATION
2.D. Protective Orders	SUPPORT CHANGES RECOMMENDED BY THE CRIME COMMISSION
2.E. Payment of Costs for Emergency Response to Accidents Involving Individuals Who Were Convicted of Driving While Intoxicated	PROPOSE LEGISLATION
2.F. Use of Urban Funds for Traffic Calming	PROPOSE LEGISLATION
2.G. Funding for the Renovation of Lloyd House	PROPOSE FUNDING

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2.H. Stabilization of the Fortifications at Ford Ward	PROPOSE FUNDING
2.I. Funding for Hydrilla Control	PROPOSE FUNDING
2.J. Clarifying the Authority of Council to Establish Fines for Speeding in Residential Areas	PROPOSE LEGISLATION
3.A. Hospital Beds for Psychiatric Patients	SUPPORT LEGISLATION
3.B. Funding for Mental Health, Mental Retardation, and Substance Abuse Services	SUPPORT FUNDING
3.C. Medicaid Reimbursement Rates for Persons Who Are Mentally Retarded or Developmentally Disabled	SUPPORT LEGISLATION
3.D. Guardianship of Last Resort	PROPOSE FUNDING
3.E. Issues Endorsed by the Alexandria Commission on Aging	SUPPORT PROPOSALS
3.F. Child Day Care Funding	SUPPORT FUNDING
3.G. Funding for Healthy Families	SUPPORT FUNDING
3.H. Revising Virginia's Hate Crimes Laws	PROPOSE LEGISLATION
3.I. VHDA Loan Eligibility	PROPOSE OR SUPPORT LEGISLATION
3.J. Restoration of Voting Rights for Felons	SUPPORT LEGISLATION
3.K. Creation of a State Civil Rights Commission	SUPPORT LEGISLATION
3.L. Waiver of § 1115 of the federal Medicaid Statute	PROPOSE LEGISLATION
3.M. Community Services Block Grants	SUPPORT FUNDING
3.N. Study of Treatment Options for Offenders Who Have Mental Illness or Substance Abuse Disorders (SJR 440)	SUPPORT STUDY
3.O. Exemptions from the Virginia Landlord Tenant Act	PROPOSE OR SUPPORT LEGISLATION
3.P. Notice of Termination of a Lease	PROPOSE OR SUPPORT LEGISLATION
3.Q. Increasing the Number of city Appointees to the Alexandria Historical Restoration and Preservation Commission	PROPOSE LEGISLATION

Attachment 1, Page 32

City of Alexandria, Virginia
301 King Street, Suite 2300
Alexandria, Virginia 22314

Kerry J. Donley
Mayor

(703) 838-4500
Fax (703) 838-6433

August 29, 2001

The Honorable William T. Bolling
Member, Senate of Virginia
P.O. Box 112
Mechanicsville, Virginia 23111

Dear Senator Bolling:

On behalf of the City of Alexandria, I am writing to you regarding the recent recommendations of the Virginia Recycling Markets Development Council to adopt a surcharge on all municipal solid waste (MSW) disposed of in Virginia. As the Commission considers possible legislation based on the Council's recommendations, we strongly urge you not to apply the proposed waste disposal surcharge to municipal solid waste that is processed for energy recovery at waste-to-energy (WTE) facilities, or to the resulting ash.

The City of Alexandria and Arlington County jointly own and operate the Alexandria/Arlington Waste-to-Energy (WTE) Facility for the disposal of solid waste. The Facility became fully operational in 1988, although plans, finances and commitments for it were formulated several years prior to that, while local governments still had flow control authority. Localities were, in fact, encouraged by the Commonwealth and the federal government to develop waste-to-energy facilities as an environmentally responsible, green-technology approach to solid waste disposal.

The Alexandria/Arlington Facility has been operated since its opening by a private-public partnership. Under the operating contracts that were key to the Facility's ability to be financed, Alexandria and Arlington are required to deliver, or cause to be delivered, at least 225,000 tons of waste to the Facility annually, and to pay a disposal fee on that waste. If fewer than 225,000 tons are delivered, the localities must still pay the disposal fee. This operating agreement was developed when localities had flow control authority and Arlington and Alexandria could direct waste produced within their borders to the WTE facility. Since flow control authority was a legally accepted practice, Alexandria and Arlington felt certain that they could guarantee the delivery of 225,000 tons of waste annually.

As you may know, the United States Supreme Court in 1994 ruled that localities could not exercise flow control authority without federal enabling legislation, which thus far has not been enacted. Consequently, localities such as Alexandria and Arlington can no longer direct a

certain amount of waste to their waste-to-energy facilities. Instead, we must compete for this waste with private landfills and other facilities. We would have no complaints with this competitive system had it been in place when we developed the plans for our Facility. The Supreme Court ruling, however, has effectively placed a new financial burden on Alexandria and Arlington residents and businesses, since financial shortfalls of the Facility now have to be paid for by our two localities.

After the Supreme Court's 1994 decision, the Alexandria/Arlington facility began to lose customers, and it had to lower tipping fees (below the actual facility costs) for private customers so that they would continue using the facility. A second factor that depressed revenues was the deregulation of electricity. While electric deregulation has been beneficial to consumers, it has also substantially reduced the income of the Waste-to-Energy facility, which receives less revenue for the electricity it produces (the facility now receives $3 million less per year in electricity revenues than it did before deregulation). Finally, requirements of the federal Clean Air Act have forced the facility to make expensive capital improvements, which were financed with a $46.1 million bond issue. These combined financial pressures–lower revenues from tipping fees and electricity sales, and higher costs for expensive capital improvements–can ultimately be expected to result in the need for Alexandria and Arlington to provide a $4 million to $5 million annual taxpayer subsidy to the facility. To date, we have avoided such a subsidy by drawing down $4 million in reserves to cover operating losses (these reserves were established in part for capital improvement purposes), and by increasing local solid waste fees charged to our residents.

If a recycling surcharge is also added, as recommended by the Virginia Recycling Markets Development Council, it will increase the potential taxpayer subsidy needed for this facility by as much as $1.5 million per year. For this reason, I ask that any legislation recommending a waste disposal surcharge exclude waste processed at any WTE facility, or the resulting ash from the facility.

Please contact me (703-838-4930) or the City's Legislative Director, Bernard Caton (703-838-3828) if you have any questions about the City's position on this issue.

Sincerely,

Kerry J. Donley

cc: The Honorable Members of City Council
Philip Sunderland, City Manager
Bernard Caton, Legislative Director

THE TIME IS NOW
FOR OUR ONE MILLION
ELDER VIRGINIANS

Virginia Coalition for the Aging

Public Policy Platform 2002-2004

For additional information, contact:

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Virginia Coalition for the Aging

AGING AGENDA FOR 2002 - 2004

The Virginia Coalition for the Aging is comprised of more than 90 organizations and individuals concerned with **AGING ISSUES** and **LONG-TERM CARE** needs of Virginians. Our goal is working together to make a difference for **FAMILIES**. This agenda reflects the **IMMEDIATE** needs of older Virginians for implementation during the next two years.

VIRGINIA COALITION FOR THE AGING

Public Policy Priorities
Executive Summary

Focus I: PROVIDE THE NECESSARY LONG-TERM CARE SERVICES TO ENABLE OLDER VIRGINIANS TO REMAIN IN THEIR HOMES OR COMMUNITIES LONGER AND PREVENT PREMATURE INSTITUTIONALIZATION.

1. The Secretary of Health and Human Resources, in conjunction with the Joint Commission on Health Care, should convene a state-level task force, including consumer representation, to develop a plan to address Virginia's responsibilities under the United States Supreme Court's Olmstead decision. This plan should be implemented during the 2002-2004 biennium.
2. Increase funding to the local area agencies on aging (AAAs) to provide in-home care, meals, transportation, care coordination, and respite services.
3. Increase funding to the local departments of social services for home-based services and restore funding to the Caregivers Grant Program.
4. Increase funding of statewide programs and services for 100,000 Virginia families living with Alzheimer's disease: the Alzheimer's Disease and Related Disorders Research Award Fund (Virginia Commonwealth University), the HelpLine Counseling and Referral Services (DMHMRSAS), the Faith Community Partnership (VDA), the Safe Return Program (DCJS), and the Dementia Training Program for long-term care workers and inspectors (DSS).
5. Increase the Medicaid rate for adult day health care and personal care reimbursement.

Focus II: ENHANCE THE AVAILABILITY AND QUALITY OF CARE IN LONG-TERM CARE FACILITIES.

Create and implement higher standards for nursing homes and assisted living facilities.

Focus III: SECURE FUNDING TO PROMOTE HEALTH AND PREVENT ABUSE, NEGLECT AND EXPLOITATION.

1. Fully fund Adult Protective Services (APS) in local departments of social services.
2. Expand the Guardianship Program statewide and enhance the viability of the program through improved administration and oversight.
3. Fund a statewide survey of older Virginians to provide data to improve the quality of services, service delivery and quality of life.
4. Provide funding to area agencies on aging for the statewide pharmacy assistance program.
5. Increase funding for local long-term care Ombudsmen programs at the 1:2000 ratio recommended by the National Institutes of Medicine.

VIRGINIA COALITION FOR THE AGING
COMPARATIVE COSTS

FY 2002-2004
Virginia General Assembly

The Coalition is keenly aware of the resources directed toward providing necessary services for the elderly. Many of these funds have been provided through amendments to the Appropriation Act. Clearly, Virginia's elected officials recognize the needs of the growing number of Older Virginians and have appropriated funds to close the gap between the available resources and these unmet needs.

The Coalition encourages funds be allocated to allow individuals and families the choice of the most appropriate living arrangement for their situation. Older Virginians wish to live with dignity and remain independent for as long as possible. The most humane, effective and efficient way to invest the tax-payers' dollars is to provide adequate funds to help Older Virginians maintain their independence.

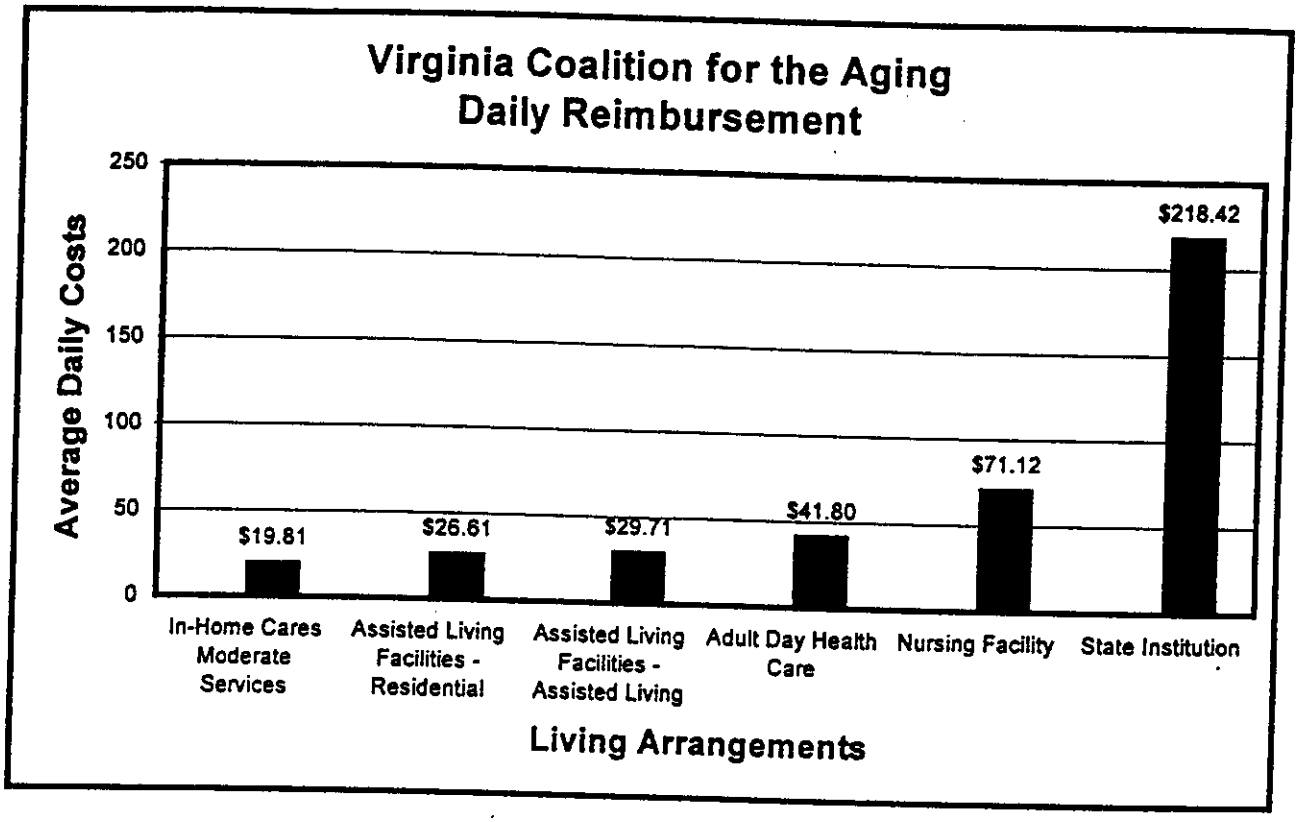
For instance, comparative **1998 daily reimbursements and average annual costs** for various living arrangements, which serve the elderly:

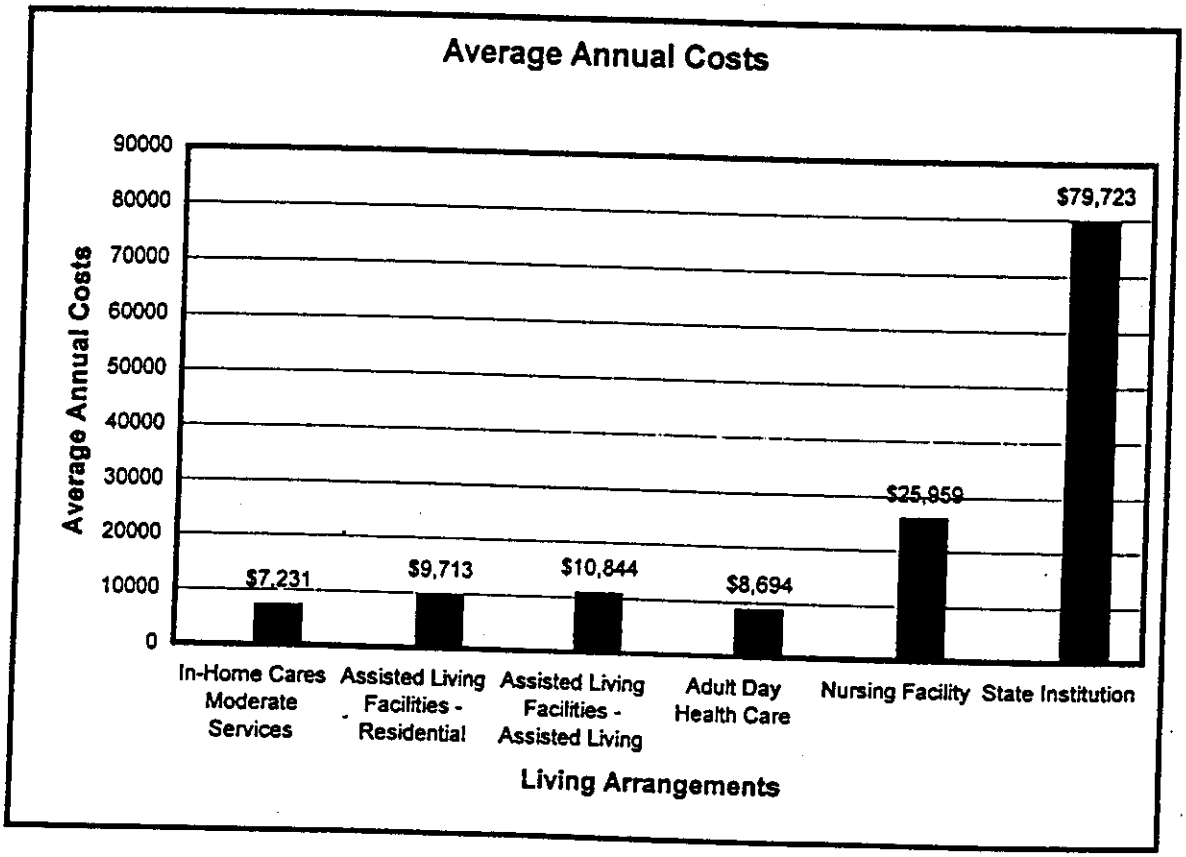
	Per-Diem Costs	Annual Costs
Living at home – receiving moderate services from an area agency on aging *10 Home-delivered meals per week *6 Hours average Homemaker Services per week *3 Hours Personal Care per week *3 Medical/Assistive Transportation trips per week	$19.81	$7,231
Assisted Living Facilities –average daily reimbursement Residential care Regular assisted living care (From Joint Commission on Health Care staff analysis. Funding through the Department of Social Services and the Department of Medical Assistance Services)	$26.61 $29.71	$ 9,713 $10, 844
Adult Day Health Care - daily reimbursement by Department of Medical Assistance for nursing home certified Older Virginians (Users generally average 4 days of services/wk).	$41.80	$ 8,694
Nursing Home Services - average daily reimbursement by Department of Medical Assistance Services 1999 estimate	$71.12	$25,959
Geriatric care in a state mental health institute	$218.42	$79,723

These averages will vary depending on the age and location of a particular older Virginian and the services rendered. Generally, the closer older Virginians remain to a home setting, the more cost effective it is. More important, if it is the individual's or family's choice, it is the RIGHT thing to do.

VIRGINIA COALITION FOR THE AGING

Comparative Costs





FUNDING REQUESTS SUMMARY

FOCUS I

	Program	2002-2003GF
1.	N/A	
2.	**Funding for the 25 Area Agencies on Aging**	
	In Home Care	$12,000,000
	Home Delivered Meals	$ 5,600,000
	Transportation	$ 1,250,000
	Care Coordination	$ 2,500,000
	Adult Day/Respite Care	$ 1,300,000
	Sub-Total	**$22,650,000**
3.	**Companion Services**	**$ 5,266,000**
4.	**Restore Funding to Caregivers Grant Program**	**$ 2,019,000**
5.	**Personal Care Services**	**$ 4,100,000**
6.	**Alzheimer's Programs and Services**	
	VCU Center on Aging Alzheimer's and Related Disorders Research Award Fund	$ 300,000
	Virginia Department of Criminal Justice Services Public Safety Training and Safe Return Program	$ 420,000
	Virginia Department of Social Services Dementia-Specific Training Program	$ 260,000
	Virginia Department of Mental Health, Mental Retardation and SAS Helpline Counseling and Referral Program	$ 500,000
	Virginia Department for the Aging Faith Community Partnership	$ 370,000
	Sub-Total	**$ 1,850,000**
	TOTAL FOCUS I	**$35,885,000**

FOCUS III

1.	**Adult Protective Services**	**$ 3,100,000**
2.	**Guardianship**	**$ 1,300,000**
3.	**Statewide Survey of Older Virginians**	**$ 240,000**
4.	**Pharmacy Assistance – Phase 1 of Statewide Implementation**	**$1,500,000**
5.	**Long Term Care Ombudsman – Funded at NIM Standard**	**$1,500,000**
	TOTAL FOCUS III	**$6,340,000**

VIRGINIA COALITION FOR THE AGING

FOCUS I

PROVIDE THE NECESSARY LONG-TERM CARE SERVICES TO ENABLE OLDER VIRGINIANS TO REMAIN IN THEIR HOMES OR COMMUNITIES LONGER AND PREVENT PREMATURE INSTITUTIONALIZATION.

Department for the Aging: Home-based services help the adult to remain in the least-restrictive setting and function as independently as possible by establishing and/or strengthening appropriate family and social supports. Adequate home-based care decreases the risk of more costly institutional placement, the overall costs for long-term care, and the risk of adult abuse, neglect, and/or exploitation. Home-based services assist adults unable to care for themselves.

FY 2003 New Funds Requested

For the 25 AAA's through the Department for the Aging	Assessed Unmet Needs*	FY 2003 New Funds Requested	Services that new funds will provide for the biennium
Department for the Aging			
In-Home Care	$12,000,000	$12,000,000	900,000 hours
Home Delivered Meals	5,600,000	5,600,000	1,635,444 meals
Transportation	1,250,000**	1,250,000	226,860 trips
Care Coordination	2,500,000	2,500,000	Statewide Services
Adult Day/Respite Care	1,300,000	1,300,000	279,336 hours
Total for AAA Services	**$22,650,000**	**$22,650,000**	

***Calculations based on median cost per service unit and unmet requests-for-services as of April 2000, as provided by VDA for all AAA's.** Assessed need rounded to the nearest $100,000.

**Same as the recommendation of the Commonwealth Council on Aging.

Department of Social Services: VCA recommends funding for the Department of Social Services to eliminate the wait for home-based companion, chore and homemaker services and to restore funding to the Virginia Caregivers Grant Program (CGP). Funding for home-based care would provide over one million hours of care, reduce the risk of institutional placement and decrease the risk of adult abuse, neglect, and/or exploitation. Funding for the CGP includes $521,066 for the backlog of year 2000 applications; $1.3 million for the year 2001 applications; $1.0 million per for 2002 & 2003 applications; and $150,000 for administration in both FY 03 & FY 04.

FY 2003 New Funds Requested

Companion Services for all 120 local Departments of Social Services	$ 5,546,000
Virginia Caregivers Grant Program	$ 4,121,000
Total for VDSS:	**$ 9,667,000**

Department of Medical Assistance Services: VCA recommends increased funding for the Department of Medical Assistance Services to increase the reimbursement rate for personal care services by $1.00 per hour.

FY 2003 New Funds Requested

Personal Care Services	**$ 4,100,000**

Services for Virginians Living with Alzheimer's and Other Memory Disorders: VCA recommends that the Commonwealth expand its funding for programs to find a cure for Alzheimer's disease and other memory disorders, to promote safety for vulnerable Virginians and to support family caregivers. VCA recommends that the Commonwealth increase or appropriate funding for:

- Scientific research into the causes, treatments and cures for dementing disorders such as Alzheimer's
- Training public safety personnel about wandering and expansion of the stateside community partners program to enroll wanderers in the Safe Return Program;
- Dementia-specific training of long-term care workers and state regulatory agency personnel;
- A match of private funds for statewide expansion of the Alzheimer's Association Helpline professional counseling and referral service which helps to avert or resolve caregiving crises and postpone institutionalization;
- A match of private funds for the Alzheimer's Association Faith Community Partnership to educate faith community leaders about dementia and available resources for families and caregivers.

FY 2003 New Funds Requested

VCU Center on Aging Alzheimer's and Related Disorders Research Award Fund	$ 300,000
Virginia Department of Criminal Justice Services Public Safety Training and Safe Return Program	$ 420,000
Virginia Department of Social Services Dementia-Specific Training Program	$ 260,000
Virginia Department of Mental Health, Mental Retardation and SAS Helpline Counseling and Referral Program	$ 500,000
Virginia Department for the Aging Faith Community Partnership	$ 370,000
Total	**$ 1,850,000**

FOCUS II

ENHANCE THE AVAILABILITY AND QUALITY OF LONG-TERM CARE FACILITIES.

Standards for the Oversight of Long-Term Care Facilities: Appropriate sufficient funds to achieve an adequate staffing standard for the number of state surveyors and inspectors to adequately ensure the safety of residents, the optimal number of surveys and inspections and complaint investigations conducted, increase the amount and scope of staff training, and otherwise improve the survey and inspection process for both nursing facilities and assisted living facilities.

FOCUS III

SECURE FUNDING TO PROMOTE HEALTH AND PREVENT ABUSE, NEGLECT AND EXPLOITATION.

Adult Protective Services: Appropriate **$3.1 million** to DSS to fully fund Adult Protective Services (APS) through 122 local departments of social services. Local departments of social services provide

services to older persons and persons with disabilities with substantiated reports of abuse, neglect, or exploitation. Over 10,000 investigations were conducted last year; sixty percent of those required services. This program is currently funded with $1.0 million in state and local funds.

FY 2003 New Funds Requested

Adult Protective Services	**$ 3,100,000**

Guardianship:

FY 2003 New Funds Requested

Statewide Expansion of Guardianship Program	**$ 1,300,000**

Statewide Survey of Older Virginians: To be conducted by a partnership of the Virginia Center on Aging (VCoA) at Virginia Commonwealth University, the Division of Geriatrics at the University of Virginia, the Center for Gerontology at Virginia Polytechnic Institute and State University, the Virginia Department for the Aging, and the Virginia Association of Area Agencies on Aging. The partnership, led by VCoA, would design the research survey and interpret results. The survey would be conducted by the Survey and Evaluation Research Laboratory (SERL) at VCU. Research design, outreach, data collection, data analysis and interpretation of the 1600-2000 telephone surveys of older households, and aggressive distribution of findings to state and other agencies will result in a total project cost of approximately **$240,000.** The most appropriate research design would be to accomplish all aspects of the survey and subsequent research in one fiscal year.

FY 2003 New Funds Requested

Statewide Survey of Older Virginians	**$ 240,000**

Pharmacy Assistance – Phase 1 of Statewide Implementation: A pharmaceutical assistance program similar to the pilot program offered by Mountain Empire Older Citizens, which assists eligible participants by matching them with the discount programs offered by private pharmaceutical companies. This pilot program provides meaningful benefits to eligible Virginians, including low and moderate-income elderly and persons with disabilities.

FY 2003 New Funds Requested

Pharmacy Assistance – Phase 1 of Statewide Implementation	**$ 1,500,000**

Long-Term Care Ombudsman: Appropriate **$1.5 million** to provide adequate resources to operate local ombudsman programs statewide. The current network of local programs, while statewide, operates in many localities on such limited funds that the level of staff to number of persons to be served falls far below the National Institutes' of Medicine recommendations for ombudsman staff level (one ombudsman per 2,000 beds).

FY 2003 New Funds Requested

Ombudsman	**$ 1,500,000**

VIRGINIA COALITION FOR THE AGING

Issues Endorsement

NURSING ASSISTANT INSTITUTE

The Nursing Assistant Institute (NAI) is seeking $100,000 in funding through the General Assembly for a two-year period running from July 2002 through July 2004. The Institute is a unique collaborative effort on the part of seven partners including institutions of higher learning, service agencies and health care providers in Planning District 10. The purpose of NAI is to improve the quantity and quality of health care services in Virginia by helping to provide an appropriately trained and stable workforce of direct care providers. NAI, through public-private partnerships, is focusing on efforts that improve nursing assistant recruitment, retention, training and support. There is currently a severe and widespread shortage of well-trained nursing assistants, which has significantly reduced the quality and availability of long-term health care in the state. NAI will serve as a test site with funding to be utilized to develop programs that may be replicated in other Virginia communities.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Provide funding to the Department of Housing and Community Development for safe housing, home repairs, and environmental modifications and support language to protect the elderly and persons with disabilities from disconnect of heat, electricity, and telephone services.

ASSISTED LIVING LICENSURE

Support legislation to relocate responsibilities for the funding, licensure, and oversight for assisted living facilities from the Division of Licensing Programs within the Department of Social Services to the Adult Services Program within the Department of Social Services.

VIRGINIA COALITION FOR THE AGING

AGING AGENDA 2000-2002

The Virginia Coalition for Aging is comprised of more than 90 organizations and individuals concerned with AGING ISSUES and LONG-TERM CARE needs of Virginians. Our goal is working together to make a difference for FAMILIES. This agenda reflects the IMMEDIATE needs of Older Virginians for implementation during the next two years.

VIRGINIA COALITION FOR THE AGING BOARD OF DIRECTORS

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Northern Virginia Aging Network
2002 State Legislative Platform

The Northern Virginia Aging Network (NVAN) includes the commissions on aging and areas agencies on aging from Alexandria, Arlington, Fairfax, Falls church, Loudoun and Prince William, as well as a number of regional service and advocacy organizations. The theme of the 2002 NVAN State Legislative Platform is "No Place Like Home" - helping older Virginians to remain in homes of their choice, both in the community and in long-term care facilities. The Platform seeks to maximize independence and to promote high quality services in all life settings. NVAN supports the legislative aims of the Virginia Coalition for the Aging.

DEMOGRAPHICS CHART

I. "No Place Like Home" - Home and Community Based Care

A. Olmstead. NVAN urges the General Assembly to direct the Secretary of Health and Human Services, in conjunction with the Joint Commission on Health Care, to convene a state-level task force, including consumers, to develop a plan to address Virginia's responsibilities under the United States Supreme Court's Olmstead decision.

Background. In Olmstead v. L.C., 527 U.S. 581 (1999), the U.S. Supreme Court recognized that unjustified isolation or segregation of individuals with disabilities through institutionalization is a form of disability-based discrimination prohibited by the Americans with Disabilities Act. The Court observed that "confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement and cultural enrichment." The decision is applicable to residents in or at risk of admission into institutions such as nursing homes. Olmstead shifts the question from "should people with disabilities, including older people, live in the community" to "how and when to provide programs and services in the community." The Court urged states to develop a comprehensive, effective working plan to place individuals with disabilities (where appropriate and not opposed by the individuals) into less restrictive settings. The planning process should involve persons from the disability community. According to the U.S. Office of Civil Rights, 39 states are developing Olmstead plans, often through task forces or working groups.

B. Funding for Home and Community Based Care. NVAN urges the General Assembly to appropriate resources to enable older Virginians to remain in homes of their choice and to function effectively for as long as possible.
* Provide $22,650,000 for documented needs for home and

community-based care, including in-home care, home delivered and congregate meals, transportation, care coordination, adult day/respite care.
* Increase funding for companion services; restore funding for Caregivers Grant program; continue funding for Safe Return program; and study foster care.

Background. (1) Every day, older Virginians are denied services for which they are eligible because there is insufficient public funding. Each quarter, Virginia's 25 area agencies on aging report on unmet needs for supportive services based on actual requests for assistance from eligible Virginians. Home-based services help older adults function independently, keep them in the least restrictive setting, foster and build on family support, decrease the risk of inappropriate institutionalization, improve life satisfaction and save money. NVAN joins the Virginia Coalition on Aging in urging the General Assembly to allocate the following amounts for the area agencies on aging, through the Department for the Aging:

Service	New funds requested	
Additional services		
In-home care	$12,000,000	
900,000 hours		
Home-delivered meals	5,600,000	1,635,444
meals		
Transportation	1,250,000	
226,860 trips		
Care Coordination	2,500,000	
Statewide service		
Adult day/respite	1,300,000	
279,336 hours		

(2) NVAN recommends funding for the Department of Social Services to eliminate the wait for home-based companion services, chore and homemakers services. NVAN recommends fully funding the Virginia Caregivers Grant Program, which began operation in FY 2000 to support caregiving to family members with two or more impairments in activities of daily living. NVAN also recommends that the Commonwealth appropriate $420,000 to the Division of Criminal Justice Services to expand the Safe Return Program to continue training for law enforcement personnel and building community awareness in collaboration with the Alzheimer's Association.

(3) Adult foster care is an under-utilized but promising option for many older Virginians. The Commonwealth should study ways both to promote wider use of adult foster care and to expand resources for appropriate government oversight.

C. Pharmaceutical Issues. NVAN supports a pharmaceutical assistance program that provides meaningful benefits to eligible Virginians, including low and moderate income elderly and persons with disabilities.

Background. Effective pharmaceuticals improve the quality of health and life for older Virginians, but many cannot afford to pay for them. Medicare does not cover prescription drugs. According to the National Conference of State Legislatures, as of June 2001, 29 states have some type of prescription drug program enacted or in operation - 26 through legislation and three through executive order. These programs are of two types: (1) creation of a state subsidy (provided by 24 states), either through expansion of Medicaid coverage or development of a state drug assistance program; or (2) creation of a discount or bulk purchasing program. In some areas of the country, several states have worked together in establishing programs. A range of approaches have been undertaken. NVAN urges the General Assembly to appropriate funding for a pharmaceutical program; and will offer comments to the Joint Commission on Prescription Drugs. NVAN recognizes that classification of drugs as prescription vs. non-prescription is an important issue and should be monitored.

D. Housing. NVAN urges:
* Enactment of authorizing language for the Department of Housing and Community Development (DHCD) to target attention to housing for the elderly and persons with disabilities.
* Support for a low-cost home modification program through the Department to allow older Virginians to remain in their own homes.
* Support for the Virginia Housing Partnership Fund to strengthen low and moderate income housing options.

Background. (1) DHCD has a wide range of powers and duties, some of which concern housing with supportive services needed by older Virginians. However, there is no clear statutory mandate for DHCD to focus on the aging and disability communities. NVAN proposes that language be added to Sec.36-137 or Sec.36-139 concerning the expansion of affordable, accessible housing with supportive services for the elderly and persons with disabilities.

(2) NVAN recommends an allocation of $250,000 to DHCD for local public and private agencies' support of low-cost home modification programs. This could provide for special fixtures such as stair handrails, bathtub grab bars and levered faucet handles and doorknobs to make a home safer and more convenient for older Virginians who cannot afford to purchase this equipment. Surveys show that 80% of all individuals prefer to remain in their own homes whenever possible, frequently enjoying a higher quality of life than in an institution and often costing less.

(3) The Virginia Housing Partnership Fund was created by the General Assembly in 1988 as a revolving loan fund for low and moderate income housing needs. The Fund has loaned over $100 million for housing activities, but very little funding has been allocated in recent years. Support for the Fund could significantly strengthen housing opportunities for low and moderate income older Virginians.

E. Mental Health. NVAN supports the allocation of mental health resources for older persons, including adequate services in nursing facilities, assisted living and home and community based settings. NVAN also supports mental health resources for caregivers.

Background. (1)With the growth of the older population, the need for geriatric mental health services is increasing. Twenty percent of those 55 and older experience mental disorders that are not part of normal aging. The National Institute of Mental Health reported in 1999 that two million of the nation's 34 million persons 65+ suffered from depression, alone, and this does not include other mental health diseases. Access to community-based mental health services is problematic for older people because of the growing reliance on managed care, the targeting of mental health services to specialized groups that may exclude the elderly, and the emphasis placed on serving the severely mentally ill. Treating older adults with mental disorders improves the interest and ability of individuals to care for themselves and enhances their overall health.

(2) Family caregiving can be financially, physically and emotionally exhausting. NVAN recommends expansion of the Alzheimer's Association HelpLine professional counseling and referral services to serve 100,000 Virginia families living with dementia - helping to avert or resolve crises, as well as appropriately postponing institutionalization at state expense.

II. "No Place Like Home" - Long-Term Care Facilities

A. Affordable & Accessible Assisted Living. NVAN recommends enactment of a pilot project to supplement operating costs for affordable assisted living, in conjunction with federally subsidized housing facilities.

Background. There is a need for affordable and accessible assisted living throughout the nation and throughout Virginia, but the need is particularly critical in areas such as Northern Virginia, Chesapeake, and Southwest Virginia. The Auxiliary Grant is insufficient to cover assisted living

costs, and even with modest increases will not fill the gap between the cost of operating assisted living facilities for low and moderate income residents and the amount these residents can pay. Innovative projects such as Culpepper Garden in Arlington are beginning to show that federal housing funds such as Section 202 can be used as a base to provide affordable assisted living, but that a gap still exists in operating costs. NVAN proposes a three-area pilot, in conjunction with the Virginia Housing Development Authority, the Department of Housing and Community Development, and the Housing Study Commission, to demonstrate the cost-effective use of operating subsidies for such projects.

B. Recruitment and Retention of Long-Term Care Staff. NVAN recommends:
* Development of a staffing standard, with appropriation of sufficient funds to implement the staffing standard.
* Additional training, compensation and a career ladder for long-term care staff, including support for the Nursing Assistant Institute.

Background. (1) Nursing homes and other long-term care facilities are facing a staffing crisis nationwide. Staffing levels have not kept pace with the increased demand for more and better trained personnel. Studies show a positive relationship between nurse/nursing aide levels and the quality of care residents receive. Inadequate staffing levels results in poor care and dangerous working conditions for long-term care workers. Avoidable incontinence, pressure ulcers and hospitalizations for residents, in addition to injuries and high turnover rates for nursing aides can cost the Commonwealth millions of dollars per year. Many states are adopting legislation to mandate improved staffing-to-resident ratios, and others are looking at a broader array of reforms to help providers recruit and retain a stable, well-trained workforce. (One example is the ratio supported by the National Citizens Coalition for Nursing Home Reform - one full time equivalent minimum direct care staff per five residents during the day; one per 10 for evening; and one per 15 for night.) The General Assembly should consider these and other measures recommended by the Joint Commission on Health Care, with sufficient Medicaid and other funds for implementation.

(2) The Commonwealth also should strengthen training and recognition for long-term care staff, including: (a) expansion of its current effort for dementia-specific training through the Alzheimer's Association; and (b) support for the Nursing Assistant Institute, a collaborative effort of seven partners in Planning District 10 to develop a trained and stable long-term care workforce of direct care providers.

C. Oversight of Long-Term Care Facilities. NVAN supports:
* Full funding for the local Long-Term Care Ombudsman Programs ($1,500,000).

* Additional resources for state licensure staff.
* Development of procedures for relocation of residents in the event of closure.

Background. (1) Virginia's long-term care ombudsman program is funded through combined federal, state and local monies. It is a focal point for the resolution of complaints, using staff and trained volunteers to make personal contacts in nursing homes and assisted living facilities. While local/regional programs now cover the state geographically, many are stretched thin. Often they do not have sufficient funding to meet the Institute of Medicine's recommendation of one full time staff for every 2000 beds. Throughout the Commonwealth, local/regional programs have 9 full time staff, 20 part-time staff, and about 68 volunteers to serve 67,810 beds. Funding of $1.5 million would allow sufficient resources to fully operate the programs statewide. This request is supported by the Commonwealth Council on Aging.

(2) Funds also are required for an adequate number of state surveyors to ensure the safety of residents through regular inspections and complaint investigations, and for additional staff training.
(3) In 2001, the Joint Commission on Health Care completed a study on voluntary long-term care facility closure. NVAN supports coordinated multi-agency planning for the relocation of residents in voluntary or involuntary closure, an adequate notice period, involvement of the long-term care ombudsman and resident/family councils, resident assessment and discharge plans, consideration of community-based alternatives, prohibition on relocation to troubled facilities against which enforcement actions are pending, and a tracking system to maintain data on relocation.

D. Study on Nursing Home Eligibility/Pre-screening. NVAN recommends a study by the Joint Commission on Health Care of the state's nursing facility level-of-care requirements.

Background. Under federal Medicaid regulations, each state establishes criteria for the level of care at which individuals are medically eligible for Medicaid payment for nursing facility care. Virginia has adopted very stringent criteria, much higher than most other states, requiring need for assistance in five activities of daily living (ADLs) plus daily nursing care. This is a double-edged sword. On the one hand, the strict pre-screening test aims to weed out individuals who could better be served in community settings, while at the same time saving state Medicaid dollars. On the other hand, it creates two intractable problems: (1) Very vulnerable individuals with severe needs (4+ ADLs) cannot enter nursing homes and must remain in assisted living, yet many cannot afford to do so, due to the lack of affordable assisted living; and (2) In order to be eligible for Medicaid

waiver services, an individual must meet the nursing home eligibility criteria, and thus the high level adopted in Virginia precludes many needy persons from benefiting from waiver services offering home and community based care. In light of the crisis in affordable assisted living and the Olmstead decision, Virginia's criteria should be re-examined.

III. "No Place Like Home" - Maximize Independence and Promote Protection in All Life Settings

A. Guardianship and Adult Protective Services.
* NVAN urges funding of $3.1 million to the Department of Social Services' Adult Protective Services Program.
* NVAN supports funding to the Department for the Aging for the Public Guardian and Conservator Program to continue the nine existing local programs at $500,000 per year (plus central office administration costs) and to add $200,000 for four new programs each year (at an average cost of $50,000 per program) until the entire state is covered.

Background. (1) Local departments of social services investigate reports of abuse, neglect and exploitation of older adults and persons with disabilities, and provide and/or identify needed services. For the fiscal year ending June 30, 2001, APS conducted over 11,000 investigations statewide.

(2) An estimated 2000 persons in Virginia are incapacitated and impoverished with no suitable person to act as decision-maker and ensure necessary services. Existing public guardianship programs cover only approximately 10% of this crucial need. While local guardianship programs may be able to supplement costs through fund-raising, they will continue to need funds from the Commonwealth. Volunteers also help keep costs down, but they require supervision and must not serve as decision-makers. The Virginia Coalition for the Aging estimates the total cost of statewide expansion at $1,300,000. It is also important to explore avenues for less restrictive alternatives such as bill payer and representative payee programs, and options for medical decision-making.

B. Telemarketing. NVAN recommends that the Commonwealth build on the foundation established in 2001's HB 2427, the Virginia Telephone Privacy Protection Act, to further strengthen protections for all Virginians and particularly for those most vulnerable Virginians who have a serious cognitive deficit; and to consider protections against internet fraud as well.

Background. Older persons disproportionately are the target of telemarketing scams, representing 30% of scam victims (U.S. House Subcommittee on Health

and Long Term Care). The Virginia Code should require:
* Registration of all telemarketing organizations operating in the Commonwealth;
* Bonding of those organizations and their agents;
* Establishment of a registry of individuals who wish to not receive unsolicited telephone calls;
* Prohibition of the use of an automatic telephone system in a home solicitation sale; and
* Treble damages for fraud perpetrated against a person who has a serious cognitive deficit.

C. Statewide Survey of Older Virginians. NVAN recommends that the Commonwealth appropriate $240,000 for a Statewide Survey of Older Virginians to be conducted by the Virginia Center on Aging and other partner organizations.

Background. The survey would be conducted by the Survey and Evaluation Research Laboratory at VCU. The last Statewide Survey of Older Virginians was conducted in 1979-80 by the Virginia Center on Aging, and supplied information so valuable to Virginia's human service agencies that it was consulted routinely for over a decade in service development, planning, and delivery. Since then, the number of Virginians age 60 and above almost has doubled, and the number of Virginians ages 80 and above has almost tripled. Human service agencies need an up-to-date research database to plan and to deliver the most appropriate services to those most in need, while maintaining cost-effectiveness. This research would produce a database statewide and region-specific: Northern, Central, Hampton Roads, Northwest/ Shenandoah Valley, and Southwest.

City of Alexandria, Virginia

MEMORANDUM

DATE: NOVEMBER 12, 2001

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER

SUBJECT: ADDENDUM (SCHOOL BOARD ELECTIONS) TO THE PROPOSED CITY LEGISLATIVE PACKAGE FOR THE 2002 GENERAL ASSEMBLY SESSION (COUNCILWOMAN EBERWEIN)

ISSUE: Addendum (School Board Elections) to the proposed City legislative package for the 2002 General Assembly Session (Councilwoman Eberwein).

RECOMMENDATION: That City Council incorporate this addendum (a proposed Charter amendment) into the City's proposed 2002 legislative package, which is scheduled for public hearing on Saturday, November 17.

DISCUSSION: On October 23, Council received the City's proposed Legislative Package for the 2002 General Assembly Session, and scheduled it for public hearing on November 17. At the October 23 meeting, Councilwoman Eberwein asked staff to incorporate an additional item into the proposed legislative package: possible changes to the City Charter's provisions relating to School Board elections.

Provisions of the current Charter require Council to establish election districts for all School Board members. Councilwoman Eberwein has proposed that the Charter be amended to authorize Council to provide for School Board elections "at large" or "by district," or a combination thereof. She also has proposed that the Charter be amended to authorize the at-large election of the School Board Chair. Finally, Councilwoman Eberwein has proposed that the Charter be amended to authorize Council to change the size of the Alexandria School Board, so long as it consists of between seven and nine members.

If these Charter amendments are approved by the General Assembly, additional action must be taken by City Council before any of them can be implemented.

STAFF:
Bernard Caton, Legislative Director
Ignacio Pessoa, City Attorney

Attachment 2, Page 2

ATTACHMENTS:

Attachment 1- Section 15.10 of the City Charter – School Board and school districts (current language)

Attachment 2- Notice of Public Hearing on Proposed Charter Amendments

Attachment 1

ALEXANDRIA CITY CHARTER

Section 15.10 School board and school districts.

(a) The City of Alexandria shall constitute a single school division.

(b) The supervision of schools in the City of Alexandria shall be vested in a school board consisting of nine members. Members of the school board shall be selected by direct election by the voters, unless and until a referendum is passed in favor of changing the method of selecting board members to appointment by the city council, as provided in § 22.1-57.4 of the Code of Virginia, 1950, as amended. The school board members shall be elected from election districts, and the council shall establish by ordinance the number and boundaries of the election districts. Elections for school board members shall be held to coincide with the elections for members of the city council which, pursuant to § 10.01 of this charter, are held every three years on the first Tuesday of May. The terms of office of school board members shall commence on the July 1 following the members' elections, shall be for three years and shall run concurrently. Elections for school board members shall be held in accordance with the general laws of the Commonwealth relating to general elections; however, where the provisions of such laws are inconsistent with the provisions of this section, the provisions of this section shall apply.

(c) Notwithstanding any contrary provision of law, general or special, a vacancy from whatever cause in the office of school board member filled by direct election by the voters shall be filled as follows:

(1) A vacancy which occurs on or before 180 days prior to the next ensuing regular school board election shall be filled by a special popular election for the unexpired term of the office. In the event of such vacancy, the school board shall by resolution certify that such vacancy exists to the Circuit Court of the City of Alexandria, and the said court shall order a special election to be held not less than 40, nor more than 60 days after the filing of the resolution to fill the vacancy. Candidates shall file their declarations of candidacy and any statements or petitions required by general law not less than 30 days before said election. The election shall be conducted, and the results thereof ascertained, in the manner provided by law for the conduct of elections and by the regular election officials of the city;

(2) A vacancy which occurs within 180 days of the next ensuing regular school board election shall be filled for the unexpired term by appointment by the chief judge of the Circuit Court of the City of Alexandria;

(3) When a vacancy on the school board is created by the departure of the board chairman, the remaining members of the board shall, as soon as practicable and by majority vote, select a new chairman from among the members.

Attachment 2

NOTICE OF PUBLIC HEARING ON
AND CONSIDERATION OF PROPOSED
AMENDMENTS TO THE CHARTER OF
THE CITY OF ALEXANDRIA, VIRGINIA

A public hearing will be held by the Alexandria City Council on Saturday, November 17, 2001, beginning at 9:30 a.m. At the hearing, citizens will have the opportunity to comment on whether the City should request the Virginia General Assembly to amend the Alexandria City Charter to provide:

(1) authority for the City Council to adopt an ordinance to increase the local recordation tax (paid when real estate is transferred from one owner to another), subject to referendum approval by the voters in the City, and provide that the additional revenue be used for the acquisition and preservation of open space in the City;

(2) authority for the City Council to adopt an ordinance to reduce from two acres, to one-quarter of an acre, the minimum size lot which is eligible for a reduction in real estate taxes, as a lot devoted to open space use;

(3) authority for the City Council to adopt an ordinance to reduce the number of members comprising the Alexandria Housing Authority Board of Directors from nine members, to five to seven members, as determined by ordinance;

(4) authority for the City Council to adopt an ordinance providing for the election by the voters of the Alexandria School Board, comprised of between seven and nine members, elected by district or at large, or in some combination thereof, for the at large election of the board chairperson, and for the establishment of election district boundaries, and

(5) authority for a newly elected City Council to conduct its first meeting on July 1st following the election, or on the first business day after July 4th, if July 1st falls on a Saturday or Sunday.

This description of the proposed charter amendments is intended merely as a summary. The exact nature and detail of the amendments, if approved by city council, will be set out in the text of a Bill to be transmitted to the General Assembly. Anyone who has questions with regard to the proposed amendments may call the Legislative Director, Bernard J. Caton, at (703) 838-3828.

2002 Proposed Items for City of Alexandria Legislative Package (Revised 11/17/01)

ISSUE	PROPOSED ACTION
1. Transportation funding (regional position)	SUPPORT LEGISLATION
2. Educational funding (regional position)	SUPPORT LEGISLATION
3. Local Authority Over Weapons	OPPOSE LEGISLATION
4. Living Wage	OPPOSE LEGISLATION
5. Revenue Sharing (VML/VACO)	SUPPORT LEGISLATION
6. State Earned Income Tax Credit	PROPOSE LEGISLATION
7. Revisions to the Red Light Camera Law	OPPOSE LEGISLATION
8. State Funding for Services to Persons with Limited English Proficiency	PROPOSE BUDGET AMENDMENTS
9. State Surcharge on Municipal Solid Waste	OPPOSE LEGISLATION
10. Increasing and Preserving Open Space	PROPOSE CHARTER AMENDMENTS
11. Modifying the Size of the Board of Commissioners of the Alexandria Redevelopment and Housing Authority	PROPOSE CHARTER AMENDMENT
12. Initial Meeting Date for a New Council	PROPOSE CHARTER AMENDMENT
13. Criminal Records Background Checks for Adults in Households with a Child under the Protection of the Division of Social Services	PROPOSE LEGISLATION
14. Criminal Background Checks for the Emergency Placement of Children	PROPOSE LEGISLATION
15. Reunification of Children with Their Natural Parents	PROPOSE LEGISLATION
16. Protective Orders	SUPPORT LEGISLATION
17. Payment of Costs for Emergency Response to Accidents Involving Individuals Who Were Convicted of Driving While Intoxicated	PROPOSE LEGISLATION
18. Use of Urban Funds for Traffic Calming	PROPOSE LEGISLATION
19. Funding for the Renovation of Lloyd House	PROPOSE BUDGET AMENDMENT

20. Stabilization of the Fortifications at Ford Ward	PROPOSE BUDGET AMENDMENT
21. Funding for Hydrilla Control	PROPOSE BUDGET AMENDMENT
22. Clarifying the Authority of Council to Establish Fines for Speeding in Residential Areas	PROPOSE LEGISLATION
23. Hospital Beds for Psychiatric Patients	SUPPORT LEGISLATION OR BUDGET PROPOSALS
24. Funding for Mental Health, Mental Retardation, and Substance Abuse Services	SUPPORT BUDGET PROPOSALS
25. Medicaid Reimbursement Rates for Persons Who Are Mentally Retarded or Developmentally Disabled	SUPPORT LEGISLATION OR BUDGET PROPOSALS
26. Guardianship of Last Resort	PROPOSE BUDGET AMENDMENTS
27. Issues Endorsed by the Alexandria Commission on Aging	SUPPORT PROPOSALS
28. Child Day Care Funding	SUPPORT LEGISLATION AND FUNDING INITIATIVES
29. Funding for Healthy Families	SUPPORT BUDGET AMENDMENTS
30. Revising Virginia's Hate Crimes Laws	PROPOSE LEGISLATION
31. VHDA Loan Eligibility	PROPOSE LEGISLATION
32. Restoration of Voting Rights for Felons	SUPPORT LEGISLATION
33. Creation of a State Civil Rights Commission	SUPPORT LEGISLATION
34. Medicaid Wavers for Persons with HIV/AIDS	PROPOSE BUDGET AMENDMENT
35. Community Services Block Grants	SUPPORT BUDGET AMENDMENTS
36. Study of Treatment Options for Offenders Who Have Mental Illness or Substance Abuse Disorders (SJR 440)	SUPPORT STUDY
37. Exemptions from the Virginia Landlord Tenant Act	PROPOSE LEGISLATION
38. Notice of Termination of a Lease	PROPOSE LEGISLATION
39. Increasing the Number of City Appointees to the Alexandria Historical Restoration and Preservation Commission	PROPOSE LEGISLATION
40. School Board Elections	PROPOSE CHARTER AMENDMENT

41. Funding for the Regional Competitiveness Program	**SUPPORT FUNDING**
42. Funding for Major Threats to Public Health	**SUPPORT BUDGET AMENDMENTS**
43. Amending the Definition of "Restoration Period" for the Alexandria Historical Restoration and Preservation Commission	**PROPOSE LEGISLATION**
44. Use of TANF/MOE (Temporary Assistance to Needy Families/Maintenance of Effort) Funds for Rental Assistance	**SUPPORT BUDGET AMENDMENTS**

VIRGINIA COALITION FOR THE HOMELESS
Emergency Rental Assistance Program

In response to the lack of affordable rental housing in Virginia and the economic conditions which have put many Virginia families at risk of homelessness--the Virginia Coalition for the Homeless urges passage of an emergency rental assistance program. The need for affordable rental housing has worsened dramatically since the economic downturn and the economic impact following the September 11th attack. Immediate passage of a rental assistance program will limit the harm, and will support low income working families in coping with this continuing crisis.

Unemployment was rising before September 11, and many working families who struggle to made ends meet labored under the fear of layoff or reductions in hours and earnings. When Reagan National Airport was temporarily closed, these fears came true for hundreds of airline workers, hotel, shop and restaurant workers, cabdrivers, and others in related businesses. As sharp declines in travel and tourism continue to ripple throughout the commonwealth's economy, more layoffs and cutbacks have occurred.

Those most at risk of losing their jobs or having their hours curtailed are also those least able to cope with a sudden loss of income--those at the bottom of the economic ladder, performing necessary but oft-overlooked services, from stocking shelves to cleaning hotel rooms. Many worked more than one job & still lived paycheck-to-paycheck. Now, with job losses or hours cut they find they can no longer support themselves or their families. These families are being added to those working families already homeless, in shelters --- unable to close the gap between their incomes and housing costs.

Rental Assistance will help move working families from shelters to homes and help insure that workers who recently lost their jobs do not lose their housing. The link between housing, employment and self sufficiency is evident. Housing is the cornerstone of family self-sufficiency and stability. Rental assistance will mitigate the effects of the downturn on low-income households by providing housing security while allowing time and attention to seek employment and establish or increase incomes.

In addition, both sound economics and equity suggest that in a downturn, resources should be focused on households most likely to spend the extra income. Every dollar of rental assistance will make more dollars available to local businesses, as recipients buy groceries, clothes, housing and school supplies, and other necessities.

We urge you to support this amendment at a priority that equals the need.

Thank you for your attention.

Sue M. Capers
(703) 739-9365
sbcapers@ix.netcom.com

11/15/01

VIRGINIA COALITION FOR THE HOMELESS

Rental Housing Assistance Program
Utilizing State TANF/MOE[1] Funds

for more information: Sue Capers
703-739-9365, sbcapers@ix.netcom.com

Proposed: The Virginia Coalition for the Homeless proposes the use of $7.5 million in available TANF/MOE funds for the provision of rental assistance to working poor families. Providing targeted time limited assistance to fill the gap between income and housing costs for working poor families is consistent with TANF/MOE regulations as well as the Commonwealth's goals of assisting families in their reach for independence.

Background: The average rent for a two-bedroom apartment in Virginia is 60% of the income of the typical family moving from welfare to work in Virginia. This is twice the nationally accepted standard housing budget of 30% of total income.

Virginia Independence Program report (July 2001)	
typical earning of a welfare to work family in Virginia	$6.32/hr
monthly full-time wage (6.32 x 2000/12)	$1,053/m
National Standard for Housing Costs	x 30%
monthly housing budget for typical welfare to work family	$315.00
U.S. Department of Housing and Urban Development	
Fair Market Rent (FMR), average Virginia 2-bedroom apartment	$626/m

Many families moving from welfare to work do not initially earn enough income to provide appropriate housing for their families. With high rent burdens, these families are challenged to meet other household needs, including food, clothing, and medical care. Job-related costs such as child care and transportation can make low-wage employment cost more than it pays. Inadequate housing or eviction jeopardizes individuals' abilities to hold a job long enough to advance or to complete training for higher wage employment. These barriers can prevent individuals and families from establishing and maintaining economic self-sufficiency. Forty percent of Virginia shelter residents are working--proof positive that work does not guarantee an income adequate to afford housing.

Program: Up to 12 months of rental assistance, based upon the difference between housing budget (30% of income) and FMR, would be distributed to low-income Virginia families through the Homeless Intervention Program (HIP) administrators.

Example: The Smith family earns $1,053/month. FMR in their area = $626.		
FMR:	$626	Twelve months of assistance =
Smith family share (30% of income) =	$315	$3732--less than half the cost of
Monthly rental assistance	$311	shelter for the same period.

Currently, 27 Homeless Intervention Programs (HIP) sites, directed by Housing & Community Development, serve the Commonwealth; use of this existing structure would prevent the need to create new bureaucracies and assure that the bulk of funds go directly to families in need. The Virginia Coalition for the Homeless estimates that more than 2,000 Virginia families could be assisted through use of $7.5 million in existing TANF/MOE funds. The Coalition proposes TANF/MOE or Social Service Block Grant (SSBG) as the funding priority.

[1] TANF-Temporary Assistance to Needy Families (Federal welfare funds); MOE-Maintenance of Effort (State matching funds required to draw down federal dollars).

9/2001

EXHIBIT NO. 2

18(a)+(b)
11-27-01

City of Alexandria, Virginia

MEMORANDUM

DATE: NOVEMBER 26, 2001

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: PHILIP SUNDERLAND, CITY MANAGER

FROM: BERNARD CATON, LEGISLATIVE DIRECTOR

SUBJECT: STUDY RECOMMENDATIONS: (1) GOVERNOR'S COMMISSION ON TAX REFORM; (2) EDUCATION STANDARDS OF QUALITY (SOQ) FUNDING (JLARC)

Last week, recommendations for two studies of significance to local government were announced: those of the Governor's Commission on Government Finance Reform for the 21st Century (also referred to as the Bliley Commission, or the Governor's Commission on Tax Reform); and the JLARC (Joint Legislative Audit and Review Commission) study of the education Standards of Quality funding. Both studies included recommendations for significant new State aid to local governments. Although it is unlikely that the State will be able to implement many of these studies' recommendations in the short run (due to major State revenue shortfalls), they do provide the framework for significant modifications to the amount of revenue the State provides to local governments, if the incoming Governor and General Assembly choose to accept and implement them. Major recommendations of the two studies are described below.

1. The Governor's Commission on Tax Reform (created several months ago by Governor Gilmore to "study and recommend fundamental reforms to the Virginia Constitution and tax and spending policies with the purpose of modernizing government finances in Virginia to meet the new and unprecedented challenges in the 21st Century") proposed:

- An amendment to the State Constitution to eliminate the personal property tax on privately owned vehicles and replace it with a share of the revenues from the State's individual income tax beginning in 2005 (this is estimated to be about 15 percent of the revenues the State receives from the individual income tax). Localities would continue to be reimbursed for their lost personal property tax revenues on a dollar for dollar basis.

- Additional sharing of State individual income tax revenues with localities, phased in at the rate of one percent each year, until 20 percent of all State income tax revenues (including those used for reimbursement of lost car tax revenues) are given to localities. These additional (non-car tax reimbursement) revenues would be distributed using the VML/VACO

"50/40/10" plan.[1] For each one percent of State individual income tax revenue distributed under the 50/40/10 plan, VML projected (last year) that the City would receive approximately $2.27 million.

- Creation of a study commission to recommend changes to state and local telecommunications tax policy. Among the issues to be considered are "simplification and uniformity" of local telecommunication taxes; reduction of telecommunication tax rates; and "reasonable limits" on the imposition of E-911 taxes, especially as this applies to multiple phone lines to a single residence.

2. The JLARC Study of the Education Standards of Quality Funding was released on November 20. Among the study's findings were the following:

- For the next biennium, an additional $1.06 billion in additional revenue will be required to fully fund the current State-mandated Standards of Quality (SOQ). This is in addition to the is $2.4 billion that the State is spending on SOQ funding in the current biennium. Among the reasons for the large increase is the State's failure to use up-to-date data for salaries, and the need to restore State funding for local administrative costs (these were inadvertently dropped in 1993, and have never been restored).

- The General Assembly should consider (1) providing a portion of the funding for elementary school resource teachers (music, art, and physical education); (2) lowering the pupil-teacher ratio for public schools, and paying a portion of the cost of the salaries for the teachers that would be required to implement this; (3) increasing State payments for pre-school programs serving at-risk four-year-olds.

- The General Assembly may wish to further examine the issue of an appropriate teacher salary goal for the Commonwealth.

If you have questions about any of this information, please call me.

cc: Michele Evans, Assistant City Manager
Mark Jinks, Assistant City Manager
Dan Neckel, Director of Finance
Gene Swearingen, Director, OMB

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[1]Fifty percent of new revenue would be distributed among localities based on the relative share of the total state income tax paid by each locality's residents (i.e., where the taxpayer lives); 40 percent would be distributed based on where the income was earned (i.e., where the taxpayer works); and 10 percent of would be divided equally among Virginia's 135 cities and counties.

#18 11/27/01

ROUGH DRAFT

CITY COUNCIL OF ALEXANDRIA, VIRGINIA
Regular Meeting — November 27, 2001
Partial Verbatim of Docket Item No. 18
City Council Discussion

* * * * *

18.(a) Consideration of the Proposed City Legislative Package for the 2002 General Assembly Session.
(b) Consideration of the City of Alexandria's Proposed 2002 Charter Bill.

Mayor: Okay, we had a work session with the members of our Legislative Delegation, including State Senator Dick Saslaw and Karen Darner who are new to our delegation this year as they represent parts of the city as well as State Senator Patsy Ticer, Delegate Marian Van Landingham, and Delegate Brian Moran. We have completed our public hearing on the legislative package. We have a number of items, did make some changes in the, the legislative package. I'm going to run through them real quick and see if, if we've got consensus. The one change is to item 31 which is VHDA loan eligibility. We have changed that to support legislation and will be writing a letter to the governor requesting changes to some of their regulations regarding loan eligibility. We will change item 37 which exempts, which are exemptions from the Virginia Landlord Tenant Act to, rather than proposed legislation, to support legislation. No. 38, Notice of Termination of a Lease, we will change that to support legislation should any be introduced rather than proposed legislation. On a sort of a divided consensus on item 40, School Board Elections, we, we have, let's say deferred that or it's, or it's not in the package at this time. We have asked staff to tighten that up a little bit and potentially bring something back for further Council consideration. I know that we've got some Charter issues and, you know, we might have to, to you know quickly hold some public hearings or whatever we need to do, but, but at least some of the members who did not support the, the current version have indicated at least a willingness to, to look at something that might be a little bit more, more specific although I'm not really sure what, what we may or may not be able to do in, in that regard. Mr. Caton, I think that covers a lot of the changes, does it not?

Caton: That covers everything.

Mayor: Okay. Any comments from members of Council? Okay. We do need a motion on the two items.

Speck: So move.

Euille: Second.

Mayor: A motion by Mr. Speck, seconded by Mr. Euille to, and I'm just going to take that as a motion on item (a). Is there any further discussion? All those in favor say aye; those opposed, no. It passes unanimously. We would need to make a change, however, to item number (b), 18(b), because those Charter amendments do carry the, the flexibility relative to school board and school district elections. Let me ask you a question, and maybe it should go to the city attorney. Should we go ahead and, and adopt these tonight or could we defer these?

Pessoa: Yeah. You, you can defer this. The Charter bill has to be introduced by the first day of the session so if, if you wanted to defer this and we'll handle it in December we should –

Mayor: Okay.

Eberwein: Move deferral.

Caton: There's, if I could, there is another problem. General Assembly starting last year adopted deadlines for having bills drafted, and in order not to count against the very small number that members can have drafted after the first deadline, they'd have to have all the requests in by December 10.

Euille: So December 7th.

Mayor: No, we don't have a meeting. Our meeting is the eleventh.

Euille: Oh. That's right.

Caton: Now, there's no reason if it's drafted one way it couldn't be amended once it came up for, or, or if it's something that Council felt strongly enough, something that we could ask once of the members to, to use their small number of requests they can put in later.

Speck: No, we don't want to do that. I, I'm, Mr. Mayor, I don't think we want to use up any chits on, on getting this in if there's something else that comes up. I think if, if that's the case, and I forgot about that deadline, it's better to get it in and then modify anything that needs that after the deadline than run the risk of not being able to get it in at all. We, there's, from our work session there were a few things that we needed to be sure we were clear on in, in going forward with this particular Charter bill, but I think we need to, to go forward with some language that gives us the opportunity to make any final changes we want to but to be sure we don't lose that December 10th deadline also. So, what, City Attorney?

Pessoa: Well, Mr. Mayor, I mean, the language as drafted gives the Council the maximum flexibility in terms of the organization of the School Board. You, you get to elect between seven and nine, whether they're from districts and how many districts, whether there's a mix of some districts, some at-large. You know, unless Council is, wants to discard one or more of those items of flexibility in drafting the bill, I am not sure we're in a position at this point or by December to make that decision.

Mayor: Is it my, my understanding that we could submit and then change?

Caton: We could amend it but then the one thing we'd have to be careful of is to meet all the requirements for notice and hearing on any Charter changes. So –

Mayor: Yeah.

Pessoa: That, that we can meet in the, on the December cycle.

Caton: Yeah.

Pessoa: And we could certainly get the amendments in so that the bill, as the patron, I mean, Senator Ticer is, I think going to be the patron of the Charter bill, we could get the amendments to her in time to meet the first day of the session Charter bill deadline, special legislation deadline, after we go through the December cycle, so if she could get the bill drafted as it is and then we could amend it after Council acts in December.

Mayor: So one, one option would be to adopt this, I'm just trying to take care of everybody's concerns here. One option would be to adopt this as we've had a hearing, we've had a public hearing, we've had discussion, adopt this

as, as presented with the, with the understanding, and that's just to get it in on the deadline, but with the understanding that it's going to come back to us potentially with some changes on the eleventh. Is that, does everybody sort of understand?

Woodson: No. I don't.

Pepper: Does that also that it could be totally withdrawn?

Mayor: Sure.

Pessoa: Yeah. I mean if on the eleventh you wanted to strike that portion of the Charter bill that dealt with the School Board, Council could make that decision at that time and then the, the Charter bill as finally submitted on the first day of the session would lack that language.

Mayor: See, the operative things here are, number one, members have to submit their legislation with, by a, by a prescribed deadline. After that time they have but a few chances to submit additional legislation. We're also constrained in that we have to have the Charter bill introduced by the first day of the session so, so and then we need, we have a hearing schedule that we need to meet as well. So one option would be to go ahead and submit this now as presented because you can always amend it later on, and, and, but given the, given the discussion that we had at our work session, the notion would be that we would go ahead and, and pass this, submit it now to sort of get our place in line and then we would consider some changes that could be made after it's submitted.

Caton: And it possibly would be printed as we submit it but the amendments would come once it comes up in committee so I don't want to mislead you. I'm not sure that the changes could be made between the time.

Mayor: Well, but, but what I'm, what I'm trying to assure the members of Council is that, is that we can make changes once it's in. What we can't do is, is miss a deadline or miss the opening day session when it needs to be introduced. We, I mean, that's, and, and that affects more than just the School Board provision, but everything else in here because it has to go in as one bill.

Caton: That's correct.

Mayor: Okay.

Speck : During, during the, Mr. Mayor, during the, the process of, of a bill becoming law, there are numerous opportunities for, for amendment and, and modification. But as you said, I mean, we have to make sure that, that we don't miss the deadlines imposed by the General Assembly simply to have the bill properly in place, so I, I think we should go ahead to get our cycle started and be sure we don't get off schedule, I'm going to move approval.

Woodson: Mr. Mayor.

Mayor: Motion by Mr. Speck, seconded by Ms. Eberwein. Further discussion. Joyce.

Woodson: Yes, yes, Mr. Mayor. This strikes me as a, a foot in the door that, you know, I thought that we had settled in the earlier session, and it seems to me that we're opening this again and finding yet another way to allow it to happen. It, I'm having a really difficult time finding the value that is being presented in this amendment, I guess is what it would be called, to the City Charter. Because the only change, the only change that doesn't affect everything is a change for at-large or not at-large because if you change to seven then you automatically have to go to at-large. At least one person will have to be at-large or you will have to have it by districts according to the number of people perhaps in the district and say, well, one district will have three and the others will have two, which, I've lived here quite awhile. I can't imagine the City of Alexandria, I can't imagine the central or the east district saying, Oh, I'm okay with that. I just don't see that happening so that's a whole nother can of worms that we're opening when we don't have one now. Otherwise you're looking at one person, and I think that's what's more likely to happen, that will run at-large. And, as we've had this conversation, and I will yet broach it again, it is clearly a financial issue. It is an issue that affects pocketbooks. As we talked in that session and as we're, you know, discussing this same issue again, nothing has changed between then and now so I'm very confused. Now, I appreciate the fact that you want to get something in the door by the tenth but I heard the first in there, now I'm hearing the tenth. I'm confused why we're getting it, why we got it at such a late date in the first place. I have not had one citizen comment to me on this but I did go out and talk to people. I went out and talked to a lot of people, so where is the, the energy behind this issue? I

don't see any energy behind this issue. At least I don't see any constituent energy behind this issue.

Mayor: Well, I'm, the, well, let me, let me sort of answer in two ways, and Ms. Eberwein did bring this to the Council about a month ago. It was part of the, the public hearing. It was published as, as part of the public hearing, and it is presented on the docket tonight, so, so the reason why I'm calling for the clarification is because a motion just to approve does not suit the purpose of the discussion that we had in the work session. Now one opportunity that, that you could always exercise would be a motion to amend the motion that's on the floor to strike that provision of the Charter bill. But, but, you know, as a matter of procedure, the, the hearing was held on this draft, these draft amendments to the Charter bill, that's what's on the docket tonight, and so if we wanted to change it, I mean we can do so, and, and you, but, and to meet your, your goal, a motion to amend the current motion on the floor to strike that provision would be, would then be in order.

Woodson: And then I appreciate that, Mr. Mayor, but is that not what we just did? We just discussed it in the work session at which time we had four in favor and, three in favor and three against, and in that circumstance, it's out. But now here it is back again.

Mayor: Now, well, let me, let me make the distinction. You cannot, you can't take a formal vote in the work session –

Woodson: Oh, I know that.

Mayor: The formal vote is here.

Woodson: I understand that. I know that we cannot take a formal vote; however, during the work session we did make decisions on several of the things that you have made changes on this evening on this docket item. You changed several items from, from proposed to support. That was a thumbs up or a thumbs down. So decisions were made, and we made this very decision in there, thumbs down, on this particular piece of this legislative package so I'm at a loss to understand the difference between a thumbs up/thumbs down on the things that we did change and a thumbs up/thumbs down on the thing that you're now telling me we didn't change when in fact we did change it.

Speck: Well.

Woodson: So I'm lost.

Speck: Mr. Mayor.

Mayor: Well, you know, let me, let me again provide a little bit of clarification. The Charter bill require, any amendments to the Charter bill is a separate procedure. The package that we just adopted was just, was just a reflection of the Council's positions on various issues. You know, when we, the Charter bill is a separate item. We have a separate public hearing; we have a separate item before us. Again, you know, to, to achieve what we wanted to do in a work session, you know, the motion could be made to adopt this with the, with the deletions. You know, but the motion that's on the floor is, is to adopt as is. Now, again, you could certainly move to amend that. You know, and again, I, you know, while I understand there may be some confusion, again you, you take formal action out here. What we did in the work session was, was outline the positions. We amended, we amended the item that we just, that we just adopted which is a reflection of our positions. We can amend this as well. Now the motion that's on the floor, and you can talk to the maker of the motion, but, but the motion that's on the floor is to adopt this. We could certainly, as I said a minute ago, amend that motion to delete, but that would require a motion and a second.

Woodson: Well, I think more what that would require would be a full discussion of this item because one member of this Council was not present for the discussion so I don't know that given his lack of information that was discussed, that he'd be able to make a vote that would really be fair to him.

Pepper: Mr. Mayor.

Speck: Mr. Mayor, I think I can –

Mayor: Mr. Speck.

Speck: Mr. Mayor, on this point, there have been several questions about what might or might not happen. One of the things that we, I think we've talked about in, in several instances as it relates to legislative authority that the City wants to have in a, in a commonwealth governed under the Dillon Rule, is to have the flexibility to do certain things when we want to and how we want to, and we know that, that there's a great deal that can only

take place with the authority of the General Assembly. I have absolutely no idea what the result will be if this Charter amendment is, is passed in terms of the actual practicality of, of the way the districts will be organized or how many members or anything else. What appeals to me about it is, number one, it gives us the flexibility in conjunction with the community to be able to draft something that will be adaptable to the changing demographics, size, geographical circumstances of the City, and I like that. I like to be able to have that, that flexibility to be able to apply that when we choose. As a practical matter, we're under some time constraints to be able to do this, and if we don't get it into the legislative cycle then we really miss it for another whole, I guess it would be for the, for the next term of the School Board.

Mayor: Well, you know, well –

Speck: No?

Eberwein: It would be until the next census.

Speck: To the next census?

Mayor: Yeah.

Speck: Okay. Well, I knew it was at least for the next School Board.

Eberwein: Ten years.

Speck: And, and it, that concerns me a lot that, that we don't have the, the time to do that. Now, in terms of the legislative process, there are a whole series of circuit breakers on this. We ourselves can decide to change it at any time prior to it being submitted to the General Assembly. At our very next legislative meeting of Council or for that matter a public hearing, we can bring up on our own motion some modification if we choose to, or not. It can be submitted under the deadline of the General Assembly's rules for when legislation must be first drafted and then presented, and even after that point can be modified or pulled. I mean any bill can be pulled at any time if it's at the request of, of the sponsor of the bill or in this case the City. So, what it seems to me that we're doing, and it took me a little while to kind of get my hands around this because to be perfectly honest I had not looked at it quite as extensively as I think we have tonight is that it's providing for us something that, that I, I certainly have always argued for

and that's giving us the choices to be able to kind of pick the, the kind of dynamics of how we want to structure something like this, and so from, from that standpoint I think we should go forward tonight while we're still working out what issues there may be and then determine whether a majority of Council wants to pursue that. What I sensed in the work session was a desire to, to determine whether there was consensus, and there wasn't one way or another. I mean, the, at least initially, although I had a feeling that even those that, that indicated they weren't ready to go forward at that moment weren't quite clear exactly on what they were for or against. So, I'd like us to, I hope that we'll adopt this tonight, and so that we get it into the loop and then make any decisions on any changes we want to make between now and December 10.

Woodson: Mr. Speck, would you please explain how this cannot be addressed again until the next census? What does this have to do with census?

Speck: Let me ask the City Attorney to speak to that.

Pessoa: Well, the, I mean if this were to go in the, I mean we have to redistrict the School Board before the next School Board election which would be May of 2003. We have a certain lead time to do that because notice has to go out to the voters, we have to get it pre-cleared by the Justice Department, etc. If this were to be part of the 2003 legislative package and it be adopted by the 2003 General Assembly, we would likely not have time after it was adopted to go through the process here in the City of deciding what we were going to do, adopting it and having it part of the, you know, get it in place in time to meet the deadlines for the election. Now that's not to say that –

Speck: Mr. Mayor, Mr. City Attorney. I mean, I think you just spoke to the, the specifics. A 2003 Legislative Session would not mean enactment until July first of '03. You're talking about a municipal election in May of '03.

Mayor: Well.

Pessoa: Well, actually, since it's a Charter bill it is effective on the date it is signed by the governor.

Speck: Right. I'm sorry. I forgot.

Pessoa: But, but even given that –

Mayor: But still you're talking about March at the earliest.

Pessoa: Right, right. It wouldn't work. And that's not to say that we couldn't, you know, in, in time for the 2003 election reapportion the districts within our existing authority to meet the requirements of law and then come, and revisit it at some point in time before, you know, 2010, but practically, that's, that's a problem, no doubt.

Woodson: Mr. Mayor, these are all different issues, however. You know, the, the reapportioning of the school districts versus whether or not we're going to have at-large elections, whether or not we're going to have school boards that are seven or nine seats. I have no problem with the School Board being seven seats. It could be five seats. Where our City is so small, I don't understand why it's nine seats, but I appreciate the fact that it is now equally balanced with three districts. I have a real problem and will continue to have a problem with the at-large issue because I think we are trying to correct something that was broken when we changed from appointed to elected School Boards.

Mayor: And I don't think any –

Woodson: And this isn't going to do it.

Mayor: And I don't think anybody's making an argument for, for at-large elections. I, I think what, what we're trying to do is, is to make an argument for flexibility. I mean in, in my, in my way of thinking, forget School Board for a minute. Just plain forget the School Board or method of election. You know, this quite frankly, boils down, to me, to be a local government issue. We here in the City of Alexandria should decide how we want to elect our School Board. Quite frankly, I would like to retain the authority on, you know, we here in the City of Alexandria should be allowed to, to prohibit weapons in rec centers. You know, and we shouldn't have to traipse down to Richmond every time we want to have to change something, and that is the current law. This changes that law. So, regardless of the merits of the argument, one way or another, and this is not the time nor the place to have that debate, all we're talking about is, is an amendment to the Charter bill that would enable that debate to happen. That's, that is, that is the intent of this legislation, that is the affect of this legislation. It does not prescribe, it does not proscribe, any particular method of election. In my, in my estimation this is nothing more than a local government issue, shouldn't be seen anything more than a local

government issue. You know, we can sit around and debate this version of election versus this method of election. We could have the debate again about whether to have an appointed or an elected system, but quite frankly, we're not going to, we're not going to, going to solve anything by having those debates and we're not going to solve anything by having those debates at this juncture. This, in my estimation, is a local government issue. It's, we're asking for more local government authority, and that's why I support the motion.

Speck: Mr. Mayor, if I may very briefly, I think the, the issue of debating at-large versus district size are all constructive and healthy and positive because they will involve the community talking about the most effective way to have an, an elected School Board. That debate will never take place if we do not pass this Charter amendment. It, it's moot.

Mayor: We have a motion and a second to adopt this.

Pepper: Mr. Mayor.

Mayor: Mrs. Pepper.

Pepper: When I asked if we, I guess I didn't realize how firm the, the deadlines were for whatever goes into our Charter bill. That was not clear to me. Now it is. That really does concern me. One of the things I asked was if we decide that we want, you know, that we want time really to think about this and it's put in tentatively, could the whole, this whole number 40, or whatever number it becomes, be withdrawn if we decided to do that, you shook your head and he frowned. So, I'm reading body language and I want to know did I misunderstand because it sounded to me like what you were saying is if it's in, it's in. You can amend it but you can't take the whole thing out.

Caton: Once the bill is introduced, any amendments can be made, and if, if the City asked the patron, I'm sure that the patron would go ahead if we wanted to strike the entire Charter bill and do that, and that's a courtesy the General Assembly extends.

Pepper: Well, an amendment could be striking number 40.

Caton: Correct.

Pepper: The whole thing.

Speck: We can pull anything.

Caton: And it may be that the General Assembly itself would make that amendment to that or any of the other four items that are under consideration.

Mayor: Okay. Mr. Euille and then I think Mr. Cleveland wants to say something. Oh, you didn't? Okay.

Euille: Again, this triggered some very uneasy discussion in the work session but on, on this whole legislative package, but given the fact that, you know, we've learned some additional time tables that we didn't know, at least weren't, weren't spelled out for us at, during the work session, and we just learned them a few moments ago, it certainly, at least initially changes my perspective in terms of how, you know, what position we should take and how we should proceed. The question I have and I had some brief discussion afterwards prior to coming out into the chamber with the City Attorney and City Manager relative to process. And looking at the memo from the City Manager to the Members of Council dated November 12th, on this particular issue, the last sentence says, If these, or this Charter amendment is approved by the General Assembly, additional action must be taken by the City Council before any, it can be implemented. Can someone speak to the process for implementation because I think this may address some of Mrs. Woodson's concerns.

Pessoa: Mr. Mayor, if this amendment to the Charter were to be adopted by the General Assembly and signed by the governor, then Council would have to adopt an ordinance, go through the process of adopting an ordinance to change to status quo. That would be true both as to the redistricting the current three-district, three-member scenario, that would also be true as to any changes to that scenario that Council would make. So you would have the process that, you know, the, the very minimal process would be the ordinance adoption, introduction and first reading and then public hearing. Typically, for major changes like this, there is a lot of public input that precedes the formal ordinance adoption process.

Pepper: Mr. Mayor.

Mayor: Ms. Pepper.

Pepper: I guess the problem I have with that is that if people are reacting to something the City has already sent to the legislature and ask them to fight for, that makes it sound like that's the direction we're going and that's what we want is some kind of change. And I, and I guess the problem that I have is that the, the lack of any kind of communication from anybody. There's no member of the School Board. There's no advisory body. There's no PTSA, and I'm a member of one at T.C. Williams. No PTA has called me. No constituent has called me. It's deafening out there.

Speck: You know why, in my opinion?

Pepper: Nobody cares?

Speck: No, I think they care but I think they read the ordinance, I think they read the, the language.

Woodson: Not hardly.

Mayor: Well, all right.

Speck: I mean read what, what it – Mr. Mayor, if I just may. Just read what is says. I mean it says the School Board members shall be elected at-large or from election districts or a combination thereof as provided by ordinance. I think people read that and said, Okay. Nothing's going to happen without –

Woodson: Mr. Speck, that's not true. I've talked to many, many people --

Speck: Me. too.

Woodson: And none of them had read it. None of them knew about it. All of them wanted to know where did that come from? What's it about?

Speck: Well, I've certainly talked to some that had a contrary point of view, but that doesn't make any difference. We all talk to different people.

Woodson: Exactly.

Mayor: Ms. Eberwein, and then we're going to vote.

Eberwein: Yeah, I just want to say that I've spoken to the chairman of the School Board, exchanged e-mails with him, and I know they discussed this as a

group. They are aware of it, and they were working with the Mayor and the Vice Mayor through the City/Schools Committee to support the opportunity to sit down with the Council and be briefed by the Board of Electors as to the various options that the Board of Electors looked at. I think part of the problem here is that nobody quite was tracking on the fact that when the City received the census, it required us to redistrict the School Board only. It didn't affect the Council because we're elected at-large. Therefore, many people weren't really tracking on it. So, all this does is gives us flexibility to do nothing or to do something, but it makes no decisions. As the Mayor has already stated, by not passing this tonight because of all the legislative deadlines, it boxes us into not making a change except that that has, that, that not making a change to the three-district system still will create a very large change in the boundaries because of the population shift, and it will cause different things to happen within the City. It will not be the old boundaries that most people are used to. That may indeed be fine, but we have no opportunity to allow the public to give us input as to whether they would prefer that. They will have no options. If they say this is not what we like, we can offer them nothing because we will have eliminated the options by not acting tonight.

Mayor: Yeah, regarding, one, one final comment and then we decide this up or down. Regarding the, the merits of one version or another, I actually think that, that Ms. Woodson's argument about the, the cost and, and running from districts is, is actually a very persuasive argument. I mean, my departure, however, is the fact that I don't think we have to, I don't think should have to go down to Richmond to ask the General Assembly every time we want to hiccup around here, and, and that's why I support the, the flexibility and it's consistent with –

Pepper: Mr. Mayor.

Mayor: Ms. Pepper, you have the –

Pepper: Mr. Mayor, if we did have this opportunity to pull this back, when would that opportunity come?

Mayor: At anytime during the session. Anytime before final adoption you could ask that it be pulled.

Speck: Any bill can be pulled.

Pepper: But I mean, would our Council take this up again? I don't think so.

Mayor: Council can take it up. All, you know, if, if a member of Council wants, wants further consideration and they want to ask that it be docketed, it's a very simple process. You call up and you ask that it be docketed.

Caton: I'll be reporting back on all the bills in the package at each Council meeting during January and February too.

Mayor: Okay. We have a motion –

Woodson: One, one last question.

Mayor: Okay.

Woodson; I, I really have got to get this clear. So now we're just passing this as it is with the assumption that it's just going to go forward. I thought that we had directed staff to sort of revisit this language and come back. So now it's really, none of that's going to happen.

Mayor: Well, no, wait a minute, wait a minute. My, the motion on the floor is to adopt. You know, again, what I tried to get people to do initially was, and I mean this is fine if we, if we want to do this, is, is reflecting the, the discussion at the work session was, was to adopt this tonight so we could keep it on track, get it in and then have staff bring back additional language that we could consider and then potentially submit an amendment later on. Again, this is an amendment to the legislative body in Richmond. You know, and again, you know, that's fine with me. I have no problem with that. I, I know that people have, have concern about the specific language. I mean you're more than happy to, to bring alternative language or a motion to, to amend the current motion that's on the floor to strike this provision is also in order. Okay. Is there any other discussion? We have a motion and a second. All those in favor of the motion say "aye"; those opposed "no." The motion passes six to one. [Councilwoman Woodson voting "no.") I would like staff to, to give some thought to the language and bring potentially some additional, additional–again, I'm not going to give you any direction because I'm not really sure what, what it is we're trying to achieve here other than having a discussion for 30 minutes about sort of this, this nebulous concept, but you know if, if Councilwoman Woodson or Ms. Pepper or for that matter Mr. Speck has, has some language that they want to add, bring it back for our consideration but let's go ahead and keep it on

track. By the same token, if a Member wants to, to submit something and then, or submit a proposal to delete this from the Charter bill, they are free to do so.

Woodson: Mr. Mayor.

Mayor: Ms. Woodson.

Woodson: Yes. Looking at our calendar, I would like for that to come back to us, and I'd like to have it docketed for the first legislative session in January.

Sunderland: Mr. Mayor, I'd be happy to do that. Somebody has to give us some direction. We can –

Woodson: We didn't just do that?

Sunderland: We can revisit it and we can think and we can talk about it, but if you want us to come back with some different concept embodied in the language, somebody has to tell us what the concept is.

Woodson: I'll be glad to do that by the next legislative session. Thank you.

Sunderland: Okay.

Mayor: Okay. Very good.

Euille: Mr. Mayor.

Mayor: That's fine. Mr. Euille.

Euille: Yeah, what I was going to suggest and this is, as this moves forward and we have, we still have time, I honestly believe that citizens did not react to this simply because they did not know that this was even on the docket, public hearing, whatever, legislative first reading, but we still have time. We don't have to have a public hearing or anything, but I would like for staff to make this, this Charter, this particular matter relative to the proposed changes to the School Board as part of the City's Charter amendment known to various organizations, the School Board and PTA's and so forth just to solicit their comments and, yeah, and have it for the record.

Mayor: Okay. Claire, and then. and then we move on.

Eberwein; Yeah. I, I want folks to realize that, and that was actually part of the plan that should this have gone – well, it went through – but the whole idea was to, as you'll notice in our schedule, there was, there is a date in there, two potential dates for the School Board and the City Council to be fully briefed by the Board of Electors, and when I discussed this with both the Mayor and the City Manager and the School Board chair, the idea was to, as soon as a date was set, send out letters along the very lines that, that Councilman Euille is speaking to all the interested community groups and to say we encourage you, we welcome you, we urge you to come to this briefing. Only the Board of Electors is qualified, quite frankly, to give this briefing because they're the ones that know the numbers, know the districts, we've eliminated some voting places in the west end, we've added some new ones. They're the ones that have to give this briefing, and so if we choose tonight to have this briefing put on our schedule, it is my understanding that the City Manager would go ahead and send letters like that to interested groups in the community, of which there are many.

Mayor: Mr. Sunderland.

Sunderland: Let's, let's distinguish between two issues. One is the drawing of the electoral district boundaries. We have three districts today. People have moved within the City. We have a one-person, one-vote requirement, so we're going to have to at some point redraw the lines on the three districts. One might also say, let's have four districts because it's too complicated to draw three, we have four. You could have five. That's what the meeting with the Electoral Board, my understanding, was designed to do. So, it's, it's meeting with the census data, the one-person, one-vote requirement, how do we redraw the line. That's an entirely separate, distinct issue from going, which is the essence in, in part of the Charter bill, going to an at-large. This is giving the authority to move to at-large. That, in my opinion, is not the Electoral Board's call. That's not their area to get into. That's a pure, governing body item. It's not for them to raise, discuss, throw out in public or have a meeting on. So, when we sit down and meet with them, it is not going to be on, should one go at-large on the, on the School Board. It's going to be, if you want three districts, here's where you're going to have to draw the lines. If you want four, one-person, one-vote, here's what you might do. Okay? So, at-large is off the table as far as I'm concerned at that meeting, and it's simply how do we achieve one-person, one-vote with three or more districts.

Woodson; Mr. Mayor, may I ask Mr. Sunderland a question? I, I don't remember if this change happened or it did not happen, but I know the City Attorney brought up the question of it, of changes going before the Justice Department because Virginia is still under the Justice Department's watch for electoral practices. As I recall, there was a, an effort to eliminate that oversight somewhat, or to simplify it somewhat so that it fell more within the Electoral Board, and that if there were problems, then it, it could of course be challenged. But is, is that what happened this year? Because it did not happen this year.

Sunderland: No. That has not happened. That's –

Woodson: Has it, have we passed that point so it is not going to happen, or it simply hasn't gotten to that point yet?

Sunderland: No, I think it's still in, in the Electoral Board to decide whether to bring it forward as a proposal to the Council, and they, they –

Woodson: Because I know they did do some investigations.

Sunderland: They had gone out, they had a report done, they met with a number of groups. My recollection is that they were going to go out with their final report to more groups and then at some point come back to the Council.

Woodson: But that hasn't happened. Okay. Thank you.

Mayor: Yeah. They had adopted a phased approach where they were going to meet, get input, come up with a final plan, go back out and then submit to, actually, you submit to the court to give a court order to get out of the pre-clearance. You know, again, it does not remove you from, from compliance with the Voting Rights Act, it's just the pre-clearance, the pre-clearance provision. Right. Okay. Very good. All right, so we'll probably discuss this yet again. Item 19.

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