


City of Alexandria, Virginia

MEMORANDUM

DATE: NOVEMBER 19, 2008

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: ADOPTION OF CITY LEGISLATIVE PACKAGE FOR THE 2009 GENERAL ASSEMBLY SESSION

ISSUE: Adoption of City Legislative Package for the 2009 General Assembly Session.

RECOMMENDATION: That City Council:

- (1) Adopt items 1.A and 1.B, 2.A through 2.C, and 3.A through 3.C, 4.A through 4.R, and 5.A through 5.C as positions in the City's Legislative Package for the 2009 General Assembly Session; and
- (2) Determine if it wishes to seek City Charter amendments relating to (a) term limits for boards and commissions, and (b) disclosure provisions relating to land use applications.

1. Issues of Greatest Concern to the City

1.A. Alexandria Jail Federal Prisoner Per Diems. Support or submit a budget amendment to continue the City's exemption from the State's cost recovery requirements for federal jail per diem payments to localities.

1.B. Reductions in State aid to localities. Minimize any further reductions in payments to localities for programs for which the State and the local governments share responsibility. If cuts are necessary, the Governor and General Assembly should identify and make meaningful and realistic reductions in corresponding local responsibilities.

2. Requests for Legislation to Be Proposed

2.A. Prohibit cell phone use while driving. Prohibit drivers from using cell phones unless they are hands-free.

2.B. Election Laws and Poll Watchers. Allow each political party to provide as many poll watchers as there are sections of the poll book (i.e., if the poll book is split into 5 sections, each

party should be allowed to have 5 poll watchers).

2.C. Plastic Bags--authority for localities to regulate. Pursue or support legislation to allow any locality to pass an ordinance that would prohibit all retail merchants within its jurisdiction from using disposable plastic carryout bags.

3. Carryover Legislation

3.A. ABC permits for Certain Museum Events. Continue to support (or re-introduce) legislation to authorize the Alcoholic Beverage Control Board to issue annual mixed beverage special events licenses to a government agency or non-profit whose mission is to preserve historic buildings or sites.

3.B. FOIA Exemption for Museum Gifts and Loans. Support carryover legislation (that had been introduced by Senator Ticer and Delegate Ebbin) to exempt from the disclosure requirements of the Freedom of Information Act records revealing information about individuals who donate or loan resources to publicly funded museums or historic sites.

3.C. Land Preservation Tax Credit. Support carryover legislation (SB 641) to increase existing state tax credits for donations of park land. (This bill will not increase total available tax credits.)

4. Legislation to Support

4.A. Transportation Funding. Continue to support new transportation funding.

4.B. Retrofit of high rise residential buildings with sprinklers. Support legislation, if introduced, that would evaluate the need for further fire protection in high rise buildings on a case-by-case basis; oppose legislation that would require the retrofit of all high rise residential buildings with sprinklers .

4.C. Smoking in Restaurants. Support legislation to prohibit smoking in restaurants.

4.D. Emergency extensions of polling hours. Support legislation to authorize the courts to extend polling hours in emergency situations and situations that interfere with the ability of voters to travel to the polls.

4.E. Housing Discrimination Based on Source of Income. Support any legislation that would make it illegal to discriminate in housing based on source of income.

4.F. Pre-K Childhood Education. Resist any efforts to reduce funding or increase the City match, and support additional funding, if proposed by the Governor, to develop quality pre-K programs, including a quality rating system for child care.

4.G. Marking Water and Sewer Lines on Private Property. Support legislation to clarify that local government entities are not obligated to mark utility lines on private property under the Underground Utility Damage Protection Act.

4.H. Community Service Boards: Protect Current Funding. Seek to protect CSB funding from budget reductions.

4.I. CSBs: Local Inpatient Purchase of Beds (LIPOS). Support additional state funding for the Local Inpatient Purchase of Beds for mental health consumers.

4.J. NVAN platform. Support the Northern Virginia Aging Network (NVAN) Platform, which seeks to increase tax credits that are already given to make homes more accessible; improve training for direct care workers in long term care; and make older adult mental health a CSB priority.

4.K. Comprehensive Services Act. Support the following issues with regard to the Comprehensive Services Act (CSA):

- Limit the use of foster care for the treatment of truancy, delinquency, or other social problems not related to abuse, neglect, or abandonment of children.
- Reduce the administrative complexity of CSA, and increase funding for the state's matching share of actual administrative costs for CSA.
- Allow localities to use additional funds to establish or expand community-based services at the discretion of the locality.
- Support additional state training on the CSA.
- Require the CSA to comply with the requirements of the Administrative Process Act.
- Reimburse all community-based services at the "Community-based Service" rate.
- Allow localities to select the most cost-effective service providers for CSA-funded services.

4.L. Child Day Care Services. Support a reasonable State reimbursement rate increase for child day care services as soon as it is feasible to do so.

4.M. Dangerous Weapons. Support legislation that (1) allows localities to ban weapons in buildings that are owned or leased by the public, or (2) targets illegal guns. Oppose legislation that would make it easier to traffic in illegal weapons.

4.N. Restoration of Civil Rights for Felons. Support an amendment to the Virginia Constitution to authorize the General Assembly to provide by statute for the restoration of a felon's civil rights.

4.O. Healthy Families. Support a budget amendment to increase funding to Healthy Families Alexandria, so that it can significantly increase the number of families it serves.

4.P. Virginia Human Rights Act. Support efforts to strengthen the Virginia Human Rights Act to increase the authority of the Virginia Council on Human Rights and the local agencies that

enforce anti-discrimination laws.

4.Q. Protection Against Employment Discrimination for State Employees. Support legislation to codify the right of all state employees to be free from workplace discrimination based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, status as a special disabled veteran or other veteran covered by the Vietnam Era Veterans Readjustment Act of 1974, and sexual orientation, including gender identity.

4. R. Base Realignment and Closure Commission. Support additional state assistance for infrastructure costs including job retraining, studies needed for redevelopment, new construction, retention of military research in the region, and attraction of new tenants to leased space vacated as a result of BRAC.

5. Legislation to oppose

5.A. Restrictions on Services to Immigrants and Related Issues. Oppose further restrictions on the ways local governments deal with undocumented aliens (each local government should be able to determine the best policy to address its needs).

5.B. Undocumented Students. Oppose any legislative proposals that would restrict access to higher education by undocumented aliens, unless it includes safeguards such as those proposed by Governor Warner for the 2003 legislation (the student: resided with his parents or guardians in Virginia during high school and graduated from a Virginia high school; has resided in Virginia for at least 5 years prior to high school graduation; has filed for and is pursuing permanent residency in the United States; and has paid [or a parent or guardian has paid] Virginia income taxes for at least three years prior to the date of enrollment).

5.C. Reductions to K-12 Funding for Northern Virginia Cost of Competing. Strongly oppose any proposal to reduce or eliminate these payments.

AMENDMENTS TO THE CITY CHARTER: At the October 28, 2008, Council meeting, staff presented the draft Legislative Package. At that time, Council added two items, both Charter amendments, for consideration as part of the Package:

- **Term Limits on Members of Boards and Commissions.** The first of these would add a provision to the City Charter that would make it clear that Council has authority to set limits on the terms of members it appoints to City boards, committees, authorities, councils, task forces, work groups and commissions.
- **Disclosure Requirements.** The second item is actually a set of proposals that seeks to “improve openness and accountability within City Hall” by: (1) requiring applicants for land use or land development approvals before the City Council, Planning Commission, Boards of Architectural Review, and Board of Zoning Appeals to disclose all investors in the proposed land use or land development approval prior to the hearing by the applicable body; (2) requiring

applicants for land use or land development approvals before these same bodies to disclose any current or previous (within the prior 12 months) business or financial relationships involving the applicants, agents, or investors, with any of the individual members of the applicable body. Council also indicated that it would consider Charter language that could place limits on campaign contributions from those who have land use applications before it, but did not endorse this concept at the October 28 meeting.

Council must determine prior to adoption of the Legislative Package which, if any, of these Charter amendments it wishes to pursue.

DISCUSSION: On October 28, staff presented to Council the City's 2008 Legislative Package proposals. At that meeting, Council asked that Charter amendments pertaining to (as described above) be added to the draft Package. A public hearing on the Package was held on November 15. No additional items were requested for the Package at the public hearing.

SUMMARY OF PROPOSALS: The attachment consists of a chart listing all the proposals under consideration for the 2009 Legislative Package.

ATTACHMENT: City of Alexandria 2009 Legislative Package Proposals

STAFF:
Bernard Caton, Legislative Director

ATTACHMENT

CITY OF ALEXANDRIA 2009 LEGISLATIVE PACKAGE PROPOSALS

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2.B. Election Laws and Poll Watchers

2.C. Plastic Bags--authority for localities to regulate

3. Carryover Legislation

3.A. ABC permits for Certain Museum Events

3.B. FOIA Exemption for Museum Gifts and Loans

3.C. Land Preservation Tax Credit

4. Legislation to Support

4.A. Transportation Funding

4.B. High rise sprinklers (support case-by-case review and requirements)

4.C. Prohibiting Smoking in Restaurants

4.D. Emergency extensions of polling hours

4.E. Prohibiting Housing Discrimination Based on Source of Income

4.F. Pre-K Childhood Education

4.G. Marking Water and Sewer Lines on Private Property

- 4.H. CSBs: Protect Current Funding
- 4.I. CSBs: Local Inpatient Purchase of Beds (LIPOS)
- 4.J. NVAN platform
- 4.K. Comprehensive Services Act
- 4.L. Child Day Care Services
- 4.M. Dangerous Weapons
- 4.N. Restoration of Civil Rights for Felons Income
- 4.O. Healthy Families
- 4.P. Virginia Human Rights Act Income
- 4.Q. Statutory Protection Against Employment Discrimination for State Employees
- 4.R. Base Realignment and Closure Commission
- 5. Legislation to oppose**
 - 5.A. Restrictions on Services to Immigrants and Related Issues
 - 5.B. Undocumented Students
 - 5.C. Reductions to K-12 Funding for Northern Virginia Cost of Competing
- 6. Potential Charter Amendments**
 - 6.A. Term limits for members of City boards, commissions, etc.
 - 6.B. Disclosure Provisions for Land Use Applications