

**CITY COUNCIL LEGISLATIVE SUBCOMMITTEE**  
**Informal meeting with the**  
**STATE LEGISLATIVE DELEGATION**  
**Thursday, October 1, 2009**  
**4:00 P.M.**

**COUNCIL WORKROOM**

**AGENDA**

1. Call to order and brief introduction of  
Subcommittee and Delegation Legislative Subcommittee
2. Consideration of items for 2010 City Package Bernard Caton, Legislative Director
3. Legislation of interest to the City being considered by Delegation members
4. Future meetings
5. Other business

**Meeting of the City Council Legislative Subcommittee and the General Assembly  
Delegation to Discuss Potential 2010 City Package Items**

**October 1, 2009—4:00 p.m.  
City Council Work Room**

**ANNOTATED AGENDA**

**2009 GENERAL ASSEMBLY SESSION: POTENTIAL CITY PACKAGE ITEMS**

A. Issues of Greatest Concern to the City

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

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

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

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

1. Restrict further local revenue authority or sources.
2. Impose new funding requirements or expand existing ones on services delivered by local governments.

3. Shift state funding responsibilities onto local governments, including law enforcement and public safety activities.
4. Impose state fees, taxes or surcharges on local government services.
5. Place additional administrative burdens on local governments.

B. Legislation to introduce

**1. Amendments to the City Charter--Charter changes regarding Council elections.**

*Councilmen Fannon and Krupicka have proposed several scenarios to changes in City Council election processes.* Last June, Council voted to move City Council (and School Board) elections from May to November. If no further action is taken, the next Council election will take place in November 2012, and every three years thereafter.

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

Councilmen Krupicka and Fannon have proposed Charter changes to avoid this situation. The Chart below compares their various scenarios; Scenario A has been put forth by Councilman Fannon; B, C, D are suggested alternatives to the current electoral process from Councilman Krupicka. Council may also need to address school board election cycles, which under general law follow the same schedule as Council elections.

**Scenarios for Elections Charter Amendments**

<b>Issue</b>	<b>Scenario A</b>	<b>Scenario B</b>	<b>Scenario C</b>	<b>Scenario D</b>
<b>Next Election</b>	November 8, 2011	November 6, 2012; Mayor and 3 members elected for 3-year terms; 3 members elected for 1-year terms	November 8, 2011 for the Mayor and 3 Council members; terms of others extended through 2013	November 8, 2011; Mayor and 3 members elected for 4-year terms; 3 members elected for 2-year terms
<b>Subsequent elections</b>	Every 4 years	Every two years, beginning in 2013 for four year terms	Every two years, beginning in 2011, for four year staggered terms	Every 2 years
<b>Staggered terms</b>	No	Yes—half in each odd year, beginning in 2013	Yes—half in each odd year, beginning in 2011	Yes—half in each odd year, beginning in 2013
<b>How to determine who runs in 2011, or which winners in 2012 serve 4 year terms</b>	Not needed since there are no staggered terms	Possibilities: A-Draw straws B-3 top vote getters serve 4 years C-adopt another procedure	Possibilities: A-Draw straws B-3 top vote getters serve 4 years C-adopt another procedure	Possibilities: A-Draw straws B-3 top vote getters serve 4 years C-adopt another procedure
<b>Next Swearing in</b>	July 1, 2012; and January 1, 2016; then every 4 years thereafter	January 1, 201 <del>2</del> <sup>3</sup>	January 1, 2012 for Mayor and 3 Council members; then January 1 of every even year for 3 or 4 members	January 1, 2012, and January 1 following each subsequent November election
<b>Vice Mayor selection</b>	Not addressed	Suggestion: selected after each election (as is done in Charlottesville)	Suggestion: selected after each election (as is done in Charlottesville)	Suggestion: selected after each election (as is done in Charlottesville)

**2. Amendments to the City Charter--Charter changes regarding the Board of Equalization** *Staff recommends several Charter changes with regard to the Board of Equalization (increase members from 5 to 9, and allow decisions on assessment appeals to be made by 3 member panels of the BOE, assuming the panel decisions are unanimous). As a result of the large number of appeals now being heard by the Board of Equalization (BoE), City staff is recommending a Charter change to address this problem, which is making it difficult for the BoE to complete its work within the time frame established by statute. The change is based on current Fairfax County legal authority, and would include the following:*

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

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

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

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

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

**5. Setting school zone boundaries.** *Councilman Krupicka recommends the introduction of legislation to increase local authority over school zones.* In order to support efforts to promote walking to school, Councilman Krupicka believes it would be helpful to give local governments greater authority to set school zone boundaries, and thus limit speed limits on routes taken by children to get to school. He has asked that the City seek authority to set school zone boundaries up to 2 miles from a school, and be able to assign fees for motor vehicle violations within these zones as long as localities post the fines for such violations.

**6. Tuition-free college for foster children.** *Councilman Krupicka and the Social Services Advisory Board recommend the introduction of legislation to allow foster children to attend state colleges tuition-free.* Councilman Krupicka and the Alexandria Social Services Advisory Board have asked the City to include in its 2010 Package legislation that would allow children in foster care to attend Virginia colleges tuition-free. Improving educational opportunities for children in foster care would improve their career opportunities throughout their adult lives. Free tuition is already available to foster children in a program initiated by the Community College system (Code of Virginia, § 23-7.4:5).

Several states (Maryland, Florida, Maine, and Texas) already have statutes exempting foster care youth from paying college tuition. Although the cost of such a program is difficult to estimate, Maryland did not anticipate large numbers of participants when it initiated its program. The average annual cost of tuition and mandatory fees at Virginia's four-year schools this academic year is approximately \$5,000.

The most likely opposition to this proposal will come from the colleges and universities, since there is no proposed funding source, and the schools will note that they are seeing significant reductions in state funding already. An alternative to the proposal which could be considered is a state income tax check-off for donations, although staff is unable to estimate how much revenue this might yield. There are currently about 30 optional check-offs that receive amounts varying from a few hundred dollars to more than \$164,000 annually (most range from about \$10,000 to \$50,000). A check-off system would probably require staffing to distribute the revenue to foster children.

**7. Procurement Preferences for Local Businesses.** *Councilman Krupicka submitted a recommendation for legislation to allow procurement preferences to local businesses.* Allow a locality to give preference to local businesses when making purchasing decisions provided such businesses are reasonably competitive (bids/cost within 5%).

**8. Procurement Preference for Locally-Grown Food.** *Councilman Krupicka submitted a recommendation for legislation to allow procurement preferences for regionally-grown food.* As a means of reducing pollution from the long distance transport of food, and to allow for the use of fresher products, Councilman Krupicka has recommended a change to procurement law to allow local governments to give preference to regionally grown food when selecting vendors for schools lunches, and other programs.

**9. Voter Registration Deadline.** *The Human Rights Commission has recommended the submission of legislation to allow voter registration up to 10 days prior to an election.* Current

state law sets a deadline of 28 days for a voter to register before a primary or general election. The Human Rights Commission has asked to have this reduced to 10 days to allow for greater civic participation.

Legislation enacted in 2008 will already reduce the deadline from 28 to 21 days, effective next January 1. Therefore, staff recommends that this proposal be deferred until a future year after the 21 day rule has been implemented.

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

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

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

**11. Plastic Bags--authority for Alexandria to regulate.** *Former Councilman Tim Lovain asked (before he left office) that the City consider introducing legislation to authorize the City to regulate the use of plastic bags.* Legislation was introduced in 2008 (HB 1534 and SB 711) to allow any locality to pass an ordinance that would prohibit all retail merchants within its jurisdiction from using disposable plastic carryout bags. This legislation was carried over to the 2009 Session. In 2009, the City also had legislation introduced (by Senator Ticer) that would have banned the use of non-reusable plastic bags in Virginia; the bill was defeated, but the City did receive a state grant to promote the recycling of non-reusable bags, as well as greater use of reusable bags.

**12. Statutory Protection against Employment Discrimination for Public Employees.** *City Council passed a resolution in June in support of the passage of legislation to prohibit discrimination against public employees.* The 2009 General Assembly considered legislation (HB 2385, introduced by Delegate Adam Ebbin) that would have prohibited Virginia's state and local governments from discriminating in public employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status,

disability, sexual orientation, or status as a special disabled veteran or other veteran protected under federal law. The legislation was defeated in the House General Laws Committee.

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

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

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

**14. Hot Lanes NEPA Studies.** *Vice Mayor Donley has recommended that legislation be introduced to require NEPA studies for the proposed I-95/395 Hot Lanes. Vice Mayor Donley has also proposed that the City ask its delegation to propose legislation that would direct VDOT to undertake any NEPA studies relating to the proposed I-95/395 Hot Lanes that would have been required if a categorical exclusion had not been granted.*

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

### C. Legislation to support

**1. Prohibiting Housing Discrimination Based on Source of Income.** *The Human Rights Commission has recommended the support of any legislation that would prohibit housing*

*discrimination based on source of income.* In 1968 the federal government passed the Fair Housing Act, which prohibits housing discrimination based on factors such as race, color, religion, national origin, sex, elderliness, or familial status. Virginia enacted similar legislation in 1972.

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

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

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

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

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

provides for all applicants to receive a decision from the Governor within six months of submitting a completed application.

To ensure the continuation of the streamlined process for the restoration of rights, the Alexandria Human Rights Commission Council asks that the City support a constitutional amendment that allows the General Assembly to provide by law for the restoration of civil rights to persons who have been convicted of nonviolent felonies and who have completed service of their sentences, subject to the conditions, requirements, and definitions set forth in that law. Such an amendment is regularly approved by the State Senate and then defeated in the House of Delegates.

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

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

- a. Legislation to require that any Statewide Transportation Plan include quantifiable measures and achievable goals for carbon dioxide gas emissions. SB233, which would have done this, passed the Senate but was defeated in the House.
- b. Legislation to **require the State Air Pollution Control Board to adopt regulations requiring the reporting of greenhouse gas emissions from stationary sources that consume carbon-emitting feedstocks.** SB 1145 would have required this for all sources other than those producing a very small amount of these emissions. This bill, too, passed the Senate but died in a House committee.
- c. Legislation to **require each state agency to implement efforts to attain a goal of reducing the annual cost of its nonrenewable energy purchases by at least 20 percent by fiscal year 2012,** as sought in SB 1345. This bill would also have required new state buildings greater than 5,000 gross square feet in size, buildings being renovated where the cost of renovation exceeds 50 percent of the value of the building, to conform to LEED silver or Green Globes two globe standards. Finally, the legislation would have required such buildings to be designed, constructed, and operated to achieve energy savings that exceed existing standards by at least 15 percent for new construction and 10

percent for renovations, and water use savings of at least 25 percent. This bill passed the Senate unanimously and was defeated by the House.

d. Legislation (introduced by Delegate Ebbin) to require state and local public bodies constructing a building greater than 5,000 square feet, or renovating a building of that size where the cost of renovation would have exceeded 50 percent of the building's value, **to build to either the Green Globes standard or the LEED standard**. Exemptions may be granted by the Department of General Services for state projects or the local governing body or school board for local projects. HB 2387 was defeated in the House.

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

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

**8. Regional Position on K-12 Education Funding.** *Support the following regional position on K-12 education funding.* It is essential that the state fully meet its Constitutional responsibility to adequately fund K-12 education. Critical gaps continue to exist between state SOQ funding and the actual costs of providing a high quality education faced by localities. Northern Virginia localities more than meet their responsibilities for K-12 education through large contributions to the State General Fund, strong local effort, and the effect of high local composite indices, which diverts State funding away from this region. Northern Virginia localities support full funding for the biennial rebenchmark of the Standards of Quality (SOQ), and strongly oppose formula changes which further weaken the partnership between the state and localities, including but not

limited to, any reduction in the current 55 percent State share of SOQ costs, capping state funding for support costs and the elimination or reduction of cost of competing funding to Northern Virginia localities. Any state funding cuts contemplated for the current of 2010-2012 biennium must be temporary, avoiding changes in methodology and any further erosion of the state's financial responsibility that result in a shift of K-12 funding from the state to the localities.

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

E. Legislation to oppose

1. **Restrictions on Services to Immigrants and Related Issues.** Bills will undoubtedly be introduced in 2009 relating to undocumented aliens. The City asks that its legislative delegation continue to oppose further restrictions on the way local governments deal with undocumented aliens, as well as measures that would require local police to enforce immigration laws. Each local government should be able to determine the best policy to address its needs. Staff will carefully evaluate all legislative proposals that are introduced relating to immigration in 2019, and communicate through Council the City's position on these proposals.

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

F. Presentation of Legislative Issues Affecting the City Being Considered by Members of the Delegation

1. **FOIA and Police Reports** (Delegate Englin)

2. Others

**FORMAL WORK SESSION WITH DELEGATION  
AND CITY COUNCIL: NOVEMBER 10, 5:30 P.M.  
IN COUNCIL WORKROOM**