


City of Alexandria, Virginia

MEMORANDUM

DATE: NOVEMBER 23, 2009

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: ADOPTION OF CITY LEGISLATIVE PACKAGE FOR THE 2010 GENERAL ASSEMBLY SESSION

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

RECOMMENDATION: That City Council adopt items A.1 and A.2; B.1 through B.11; C.1 through C.9; and D.1 and D.2 as positions in the City's Legislative Package for the 2009 General Assembly Session.

A. Issues of Greatest Concern to the City

1. Alexandria Jail Federal Prisoner Per Diems. 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 Session.

2. Reductions in State aid to localities (Regional and VML position). The City of Alexandria is asking that the Governor and General Assembly minimize any reductions in payments to localities for programs for which the State and the local governments share responsibility. Furthermore, in line with positions adopted by the Virginia Municipal League, the City asks the Governor and General Assembly not to:

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

B. Legislation to introduce

1. Amendments to the City Charter--Charter changes regarding the Board of Equalization. The City of Alexandria requests several Charter changes with regard to the board of review of real estate assessments, also known as the Board of Equalization:

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

2. **Amendments to the City Charter-- the Board of Zoning Appeals.** The 2009 General Assembly passed legislation (HB 2326) that makes it considerably easier for a board of zoning appeals to grant a variance to a property owner. Prior to the enactment of this legislation, a variance could be granted only to “alleviate a clearly demonstrable hardship [to a property owner] approaching confiscation.” The purpose of HB 2326 was to remove the words “approaching confiscation.” The City recommends that the same change be made to City Charter language that otherwise parallels State general law.

3. **Photo Red Safety.** The City of Alexandria recommends legislation to amend the provisions of the red light camera statute so that (1) VDOT is not required to approve all intersections, and (2) a locality’s red light vendor can, where necessary, access DMV records.

4. **Virginia Human Rights Act—Discrimination in Employment.** The City recommends amendments to the Virginia Human Rights Act to make it unlawful for a Virginia employer to discriminate in the hiring or treatment of an employee (the Virginia Human Rights Act currently protects individuals only from discriminatory discharge).

5. **Plastic Bags--authority for Alexandria to regulate.** The City supports legislation that will be introduced by Delegate Ebbin to place a tax on non-reusable plastic or paper bags that are used by retail merchants.

6. **Statutory Protection against Employment Discrimination for Public Employees.** The City recommends the introduction of legislation, similar to HB 2385 (Delegate Ebbin, 2009) to prohibit discrimination against public employees.

7. **Increasing the Northern Virginia Sales Tax on Motor Fuels.** The City of Alexandria requests legislation to increase the regional sales tax on motor fuels by up to 2.1 percent (it is now 2.1 per cent). This will help pay for the increasing cost of transit, and allow non-residents (not just property owners) to help pay for regional transportation costs.

8. **HOT Lanes NEPA Studies.** The City of Alexandria requests legislation to require VDOT to undertake NEPA studies for the proposed I-95/395 HOT lanes prior to any construction.

9. **LEOS (VRS).** The City of Alexandria requests legislation to allow the extension of certain LEOS early retirement benefits to Alexandria deputy sheriffs, EMTs, and fire marshals (allow retirement at age 50 with 25 years of service).

10. **RUBS—billing tenants for unmetered utilities.** The City requests its delegation to ask the Virginia Housing Commission to consider legislation that would give the State Corporation Commission or another entity authority to ensure that landlords comply with the statutory requirements for use of a Ratio Utility Billing System for the allocation of utility charges (i.e., the allocation of actual utility charges for un-metered utilities).

C. Legislation to support

1. **Pedestrian Safety.** The City requests its delegation to support legislation to require drivers to stop (not just yield) for pedestrians in crosswalks again in the 2010 Session.

2. **Prohibiting Housing Discrimination Based on Source of Income.** 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.

3. **NVAN (Northern Virginia Aging Network) platform.** The City supports the NVAN platform, with the inclusion of any funding proposals as long-term goals.

4. **Restoration of Civil Rights for Felons.** The City supports a constitutional amendment that would allow 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.

5. **Early Voting.** The City of Alexandria supports legislation to allow unrestricted early voting.

6. **Environmental Protection.** The City supports the passage of bills similar to the following 2009 legislation, which sought to protect the environment:

- a. SB 233, to require that any Statewide Transportation Plan include quantifiable measures and achievable goals for carbon dioxide gas emissions.
- b. SB 1145, 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.
- c. SB 1345, to require State agencies to implement efforts to attain a goal of reducing the annual cost of nonrenewable energy purchases by at least 20 percent by FY 2012; to require most new State buildings or renovations to conform to LEED silver or Green Globes two globe standards; and to require such buildings to achieve energy and water use savings.

d. HB 2387 (Ebbin), to require most new State or local buildings or renovations to conform to LEED silver or Green Globes two globe standards (exemptions could be granted by the local governing body or school board for local projects).

7. **Assaults on transit operators.** The City supports legislation which WMATA plans to have introduced to strengthen penalties for those who assault transit operators (such assaults would be elevated from a Class 1 misdemeanor to a Class 6 felony).

8. **Northern Virginia Regional Position on Transportation Funding.** The Region supports new transportation funding to meet State and Northern Virginia needs.

9. **Northern Virginia Regional Position on K-12 Education Funding.** The Region supports full funding for the biennial rebenchmarking of the Standards of Quality (SOQ), and strongly opposes formula changes which further weaken the partnership between the State and localities. Any State funding cuts contemplated for the 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.

10. **Northern Virginia Regional Positions on Land Use Issues.** The Region opposes legislative efforts to weaken or transfer land use authority away from local governing bodies.

D. Legislation to oppose

1. **Restrictions on Services to Immigrants and Related Issues.** The City opposes further State restrictions on the way local governments deal with undocumented persons.

2. **Undocumented Higher Education Students.** The City opposes legislation that would further restrict access to higher education by undocumented persons, unless it includes safeguards such as those proposed as amendments by Governor Warner for 2003 legislation (e.g., residency in Virginia during high school and at least 5 years prior to graduation; graduation from a Virginia high school; ongoing pursuit of permanent residency in the United States; and family payment of Virginia income taxes for at least three years prior to college enrollment).

DISCUSSION: On October 27, staff presented to Council the City's 2008 Legislative Package proposals. A public hearing on the Package was held on November 21. No additional items were requested for the Package at the public hearing. Although Council considered several changes to the electoral process for Council (Charter amendments), it decided not to pursue any of these.

STAFF:

Bernard Caton, Legislative Director