



MEMORANDUM

To: Members of the Rappahannock-Rapidan Regional Commission
From: Patrick L. Mauney, Executive Director
Date: December 6, 2022
Subject: Regional Legislative Platform

As you may recall from previous years, Mr. Eldon James has provided a draft legislative platform for the region ahead of the 2023 General Assembly session under his current contract with Fauquier County that includes a task for regional legislative services. The draft platform does include revisions from last year's platform and was reviewed by County Administrators and Town Managers previously:

- Elevated Mental Health Services, with TDO references, to Priority Issue -- This issue appears to be a priority for several regions/localities for 2023 and may have some traction with the General Assembly.
- Moved Children's Services Act from Priority Issues to Other Issues
- Revised Broadband issue to reference locality investments and desire for state to look at options for reconciling those investments
- Revised Transportation section to remove sections no longer relevant
- Added 'Regulation of Event Spaces' under other issues
- Strengthened language within the 'Local Land Use Authority and Affordable Housing' section under other issues
- Removed Public Meetings of Regional Bodies section under other issues (resolved)

The Commission is asked to consider endorsement of the legislative priorities or identify additional items for inclusion.

REQUESTED ACTION: Consider endorsement of the Regional Legislative Platform

Rappahannock-Rapidan Region 2023 Legislative Issues

DRAFT 11/8/22

PRIORITY ISSUES

Broadband

- The Region strongly supports continued enhanced state funding for expanded broadband capacity as well as strengthened local authority to deploy broadband directly or through public-private partnerships. While great strides have been made in expanding access and delivery of broadband services in the region, in many cases this was due to our “all hands on deck” approach to delivering the broadband access our citizens needed. Our counties expended millions of dollars on our own before COVID-19 pandemic relief started flowing in the form of CARES Act and ARPA monies. The addition of thousands of county broadband customers during the pandemic would not have been possible but for local funding. The Region requests that the state reconcile pre-and-start-of-pandemic local funding for the expansion of broadband access with current state (VATI) and federal broadband dollars. As is the case in virtually all of our counties, serving the last twenty percent of customers is the most expensive segment.

Education Funding and the Pandemic

- The Region continues to be concerned by the trend of declining state financial support for K-12 education. The Region encourages the Commonwealth to reverse this trend, including among other things, funding the Standards of Quality to include **School Resource Officers (SROs) in all schools**. As with several pandemic-related funding pots, our counties expended massive amounts of local dollars pre-pandemic to have SROs in our schools. Recognition of this local effort should be taken into account in the current and future allocation of state funds.
- In response to the pandemic, the General Assembly provided no-loss funding to hold localities harmless from the negative impact on state ADM payments due to reduced enrollment. **The Region strongly encourages the Assembly to support extension of this “hold-harmless” in FY24.**

Mental Health Services

- The Region strongly supports a sustained focus on Virginia’s mental health services system to ensure, through evaluation and investment, that appropriate and effective outpatient and in-patient services are available across the Commonwealth. Near-term funding measures to enable state hospitals to receive admission of individuals subject to temporary detention orders without delay will alleviate one current crisis of human resource/workforce development issues in the public safety sector.

OTHER ISSUES

Transportation

- **The Region supports efforts to enhance transportation funding, including support for the secondary road system.** The Region encourages the State to ensure adequate state funding for Smart Scale and Revenue Sharing programs, and to ensure that Federal transportation funding is targeted to transportation needs across the Commonwealth, including critical transportation infrastructure in rural regions. Growing transportation needs and the deterioration of critical

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transportation infrastructure, e.g., roads and bridges, is creating detrimental impacts to economic vitality and safety across the region. State law should be amended to allow State of Good Repair funds to be used for preventative bridge repair or reconstruction.

- The Region applauds the efforts made over the past several years to adequately fund our growing transportation needs. Sound decision-making must continue to recognize the linkage between land-use and transportation decisions to achieve cost-effectiveness and to retain quality of life.
- We recognize that the General Assembly and the Administration will continue to review the structure of our transportation system and may consider the potential for devolution of certain functions that have been the responsibility for the Commonwealth for almost a century, such as the secondary road network. **The Region is opposed to devolution of state transportation responsibilities to counties** and we urge the Administration and the General Assembly to work collaboratively with local governments during such reviews.
- **The Region supports efforts to improve rail capacity along the Route 29 corridor.** As part of this effort the Region encourages the Commonwealth to work cooperatively with the Region's localities to identify potential alternatives and to consider the potential impacts such efforts can have on property owners in or near the corridor.
- The region supports efforts to identify a steady, reliable transit capital program revenue stream in support of safe and efficient transit operation, and to support creative solutions to address transportation needs for disadvantaged populations in rural regions where public transit may not be feasible.

Tax Reform and Local Revenues Generally

- The compromise forged in the budget negotiations in the 2022 General Assembly protects local revenues, especially for K-12 education, public safety, and transportation. Any further tax repeal efforts in the 2023 General Assembly must include local revenue replacement for these critical local programs.
- Local taxes such as the Business Professional and Occupational License tax (BPOL) and the Machinery and Tools tax (M&T) are frequently mentioned as taxes the General Assembly should consider for elimination. We recognize the need to promote business growth and support efforts to do so but those that can result in reducing local services that support economic development or raising other taxes will undermine the intended purpose.

Local Real Estate Tax

- Regarding state mandated Virginia constitution-required local real estate tax relief, the Commonwealth is requested to subsidize local real estate tax relief for disabled veterans and surviving spouses of members of the United States Armed Forces killed in action when more than one percent of a locality's real estate tax base is lost due to such state-mandated tax relief programs. The Commonwealth would subsidize only that portion of tax-exempt real estate that exceeds the one percent threshold. The Governor would include in the Budget Bill an appropriation of the amount of state subsidy to be provided to localities certified as eligible.

Children's Services Act

- Since its foundation in 1992, the Virginia Children's Services Act has led the nation by consolidating funding sources and carefully coordinating treatment services for children with severe and significant needs. This care coordination has proven successful in both meeting needs for individual children, and in proving that state and local responsibility and cost sharing

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can and does work. The Region encourages the implementation of local or regional pilots that demonstrate how local school systems can successfully meet the educational requirements for special needs students.

- The Region supports equitable cost-sharing between the state and localities for the costs involved in the placements of children in residential treatment facilities for non-educational reasons. Further, the state is encouraged to develop and fund services that address the root cause of issues that bring children and families into the CSA, lest the CSA program will continue as an expensive “catch-up” approach to addressing the complex needs of children and families.

Regulation of Event Spaces

- The Region opposes exemption to local review and enforcement of building, fire, and other health and safety regulations for event and assembly spaces.

Chesapeake Bay Restoration and Stormwater Management

- The Region supports efforts to continue to restore and protect the Chesapeake Bay but opposes additional nutrient regulations on wastewater treatment facilities that are scientifically unsound, economically infeasible, or unnecessary for meeting the Commonwealth’s goals. The Region supports enhanced state financial support for implementing WIP III requirements including increased funding for the Stormwater Local Assistance Fund (SLAF) and continued efforts to improve administrative efficiencies of the state-local relationship.

Alternative On-Site Septic Systems (AOSS)

- AOSS are an important means of safely treating wastewater in areas where traditional septic treatment systems will not work. With regulation of these systems vested largely with the Virginia Department of Health localities have limited ability to respond when an AOSS unit does not meet treatment standards. **The Region encourages the General Assembly to provide adequate authority for VDH or localities to respond to AOSS failures** to protect the public health and water quality especially in circumstances where an AOSS owner refuses to properly care for the system or when the owner cannot afford to make needed repairs or improvements.

Water Supply

- The Region is concerned about safe, adequate, and affordable water supply for human consumption and economic development. The Region supports policies and financial investments by the Commonwealth that promotes long-term solutions to the needs of our communities for a safe and reliable water supply.

State Funding for Local and Regional Jails

- We support additional improvements to per diem rates to more adequately reflect the costs of caring for incarcerated individuals, including regularly adjusting the payment for inflation in line with the Consumer Price Index so that per diem payments keep pace with actual costs, such as is done with other areas of the budget (e.g., Standards of Quality)

State Funding for Local Police Departments

- The General Assembly is requested to honor its commitment to local governments and public safety by funding the HB 599, Aid to Localities with Police Department program according to statute.

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Economic and Workforce Development

- Workforce development issues touch on every area of public policy covered in the Region's legislative program. From Pre-K-12 teachers, to mental health/social workers, to workers in the specialized industries, all areas are woefully under-staffed and resourced. A comprehensive strategy to right the ship must be found and executed upon. For these reasons, the Region supports continued efforts by the Commonwealth to enhance a broader-based economy and increase private sector employment opportunities. The Region further supports enhanced funding of workforce training programs to support credential attainment by workers who support businesses and industries essential to the new Virginia economy.

Local Land Use Authority and Affordable Housing

- The Region strongly supports the maintenance of all existing authority of local government for planning, zoning and related activities. While efforts to enhance a broader-based economy rightly include examination of local rules and regulations that can impact private investment decisions, such examination must balance the economic goals with the goals of protecting existing communities and property rights. Decisions impacting our neighborhoods and communities are most appropriately made at the neighborhood and community level. Enhanced local authority to promote affordable housing is important to facilitating workforce housing, a key element of local economic development.

Substance Abuse

- According to the American Public Health Association (APHA), every 19 minutes, someone in the United States dies from an unintentional prescription drug overdose. This epidemic is having devastating impacts on families and communities. The Region supports legislative and educational efforts to emphasize prevention and address misuse. The APHA recommends legislation to address physical and mental status examination, doctor shopping, tamper-resistant prescription form requirements, regulation of pain management clinics, prescription drug monitoring, prescription drug overdose emergency response immunity and access to naloxone. Emergency community-based support systems need strengthening to enable local agencies to respond to the needs of impacted families.

Potential Issue if Thomas Jefferson PDC includes in their legislative program:

Virginia Business Ready Sites Program

The Virginia Business Ready Sites Program is a discretionary program to promote development and characterization of sites to enhance the Commonwealth of Virginia's infrastructure and promote its competitive business environment. The program's goal is to identify and assess the readiness of potential industrial sites of at least 100 contiguous acres. However, there are proposed sites in GO Virginia Region 9 that would be able to benefit if the threshold were lowered from 100 to 50 acres. The Region supports either: 1) changing the minimum acreage eligible for site development grants from 100 acres to 50 acres; or adding GO Virginia Region 9 to the current Regions 1 and 2 as regions in which the lower threshold applies.

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