

**AUGUSTA COUNTY BOARD OF SUPERVISORS**  
**Legislative Issues, Priorities, and Proposals**  
**2012 Virginia General Assembly**

**MAJOR ISSUES**

**Land-Use Decisions:**

Local land use decisions should remain at the local level.

-Legislation on cash proffers or similar: Such legislation should not affect counties that don't use cash proffers nor should it interfere with those that accept on- or off-site, non-cash voluntary proffers.

-Notice to adjacent landowners in rezoning cases needs to be reasonable, especially when such involves a state or national park. Adjacent and nearby landowners may reside miles away from the referenced site within the park, but the current law does not discriminate in such cases. (LEGISLATION BEING DRAFTED FOR SUBMISSION)

**Transportation:**

Subdivision streets should be eligible to be placed easily in the state system if they are built to state specifications and are approved by the local governing body.

The transportation funding formula should remain as it is.

The Board of Supervisors believes that a sustainable, dedicated source(s) of revenue reserved for transportation\_only is the fairest way to fund the increasing transportation needs. We also believe that revenue sources should be found that maximize the payments by all drivers that travel the Virginia transportation system.

**Comprehensive Services Act Costs:**

This "partnership" program has been in existence for a dozen years, during which time County costs have increased over 1000%. State costs for CSA services in Augusta County and for Augusta County youth in the same period have increased even more than County costs. Something must be done. A comprehensive, objective JLARC study needs occur which would include the judiciary and how judges are using the CSA, the costs associated with those actions and potential revenue streams to cover those costs.

**Mandates:**

Mandates from the General Assembly come to local governments in two forms:

-issues that local governments have to perform which they are not currently performing (this item means additional expenditures in local budgets); and

-issues which involve revenue reductions either by cutting state revenue that has historically been shared with local government (example – ABC profits), or the abolition/altering of local revenues (example – car tax BPOL, machinery and tools tax).

The General Assembly needs to direct JLARC to review Code Section 10.1-603, *et. seq.*, and pertinent regulations promulgated by the Department of Conservation and Recreation with respect to storm water management and land disturbance. Such study should examine cost/benefit of recent, pending and proposed actions.

Further, actions resulting from the work of the Governor's Reform and Restructuring Commission must not transfer or impute to local government additional

tasking or reduced local revenues by virtue of the action taken, whether legislative or administrative. Further, local government should be granted access to cost-saving efficiency measures (e.g., rules, regulations, reporting) taken at the state level wherever possible.

**Aid to the Commonwealth:**

The budgetary requirement in the 2009-2011 budget and continued in the 2011-12 budget that localities "find and return" to the Commonwealth \$100 million needs **to end** with no increase prior to that time. If absolutely necessary, this local cost could be phased out over a two-year period.

**Annexation:**

The General Assembly needs to end annexation in all parts of the Commonwealth of Virginia. The General Assembly should guarantee "599" funding increases to all localities with police departments.

**Water Quality:**

ACSA has unfunded commitments from the State under approved grants in excess of \$200,000. The Authority is now carrying these unpaid funds as "Grants Receivable". Middle River WWTP - \$22,500 for ACSA and \$80,600 for Staunton; Stuarts Draft WWTP the Authority has just under \$130,000; and for Fishersville WWTP the Authority has about \$65,000. In all, this translates into about 15% of the grant funds are due to the Authority, but there is no money.

The Authority is looking for support from our Legislators to have the commitments made by the State under the Grant programs to be fully met. The Authority has contracted for and paid for the construction of these plants to meet the new ENR requirements of the State's Chesapeake Bay Initiatives. We would like to see the State reimburse us for these funds.

Under the new DEQ Penalty rules, if we have any type of a notice of Violation for our ENR plants, the monetary penalties are tied to the FULL amount of the grant funding, rather than to the 85% we have been reimbursed.

**Payday Lending:**

This issue has been too long a burden on unwitting consumers and must be simplified with a cap on total interest that is fair and reasonable. The current law has too many deviations from the stated "maximum" rate of interest.

**Legislative Nominating Processes:**

The costs of holding primary elections are not small for local governments. In the most recent primary election in 2009 which was a "large" turnout for statewide races, there were 1,836 total voters, 4.25% of the total registrant count of 43,187. The primary cost to the county was \$25,642.39, or approximately \$13.966 per vote.

The sitting Privileges and Elections committees should study and report on alternative methods for legislative nominating that are less costly while still allowing a maximum voter input in the process. Ideas might include such constructs as all-day mass meeting voting at a limited number of site(s) for each district.

## **OTHER PRIORITIES:**

### **State Funding for Mandated and Shared Programs:**

The state has enacted programs which are administered at the local level and then required the localities to fund increasingly larger shares of the expense of these programs, whether directly or through re-defining terms within the formulas used to compute such funding requirements. The state needs to continue to fund its true share of these programs including:

- education, including:
  - sufficient funding for K-12
  - sufficient funding for the SOLs
  - additional funding for school construction;
- public libraries;
- constitutional officers and their offices;
- area agencies on aging;
- community service boards;
- mental health and intellectual disability programs and facilities;
- the services and programs needed to support the Comprehensive Services Act;
- the mandated replacement of election equipment; and
- law enforcement agencies and staff, including total compensation and benefits

### **State Funding for Any New State Initiatives:**

The Commonwealth should bear 100% of the cost for any Pre-K initiative mandated by the state.

### **Machinery and Tools Tax:**

#### **Business, Professional and Occupational Taxes:**

While neither of these taxes is particularly “popular” with various constituencies, unless and until the Commonwealth enacts replacement revenue sources for local governments, the two above-referenced taxes must stay in place as options for local governments. It is irresponsible to further add to the real property tax burden on constituents by eliminating more diverse revenue sources for local governments.

### **Privatization of ABC:**

While selling of alcoholic beverages may seem to some not to be a core function of state government, this function has become an integral part of the revenue stream to state and local governments. Until there is consensus on the revenue and expenditure portion of privatization, it would seem risky to undertake to fix something that does not appear to be broken.

### **Reform and Restructuring:**

The Reform and Restructuring Commission is in the process of completing their work for the 2012 Session, which preliminarily has numerous potential recommendations, and many may affect local government. It is too early to evaluate the total implications of these ideas, particularly without the details of the conceptual discussions. The General Assembly needs to examine carefully short-term and long-term effects on state government and local governments, particularly with respect to state and local budgets. Many of the ideas that have been forwarded seem to have

merit; however, the methods by which the concepts are proposed to be implemented have to be carefully reviewed for long-term effectiveness and fairness.

The advisory group working on health reform will also put forward legislation to prepare for the state health benefits insurance exchange, currently mandated by the federal government to be functional by 2014. Any and all additional requirements for local departments of social services, health departments, etc., need to be fully and responsibly funded by the state.