

RESOLUTION ESTABLISHING THE CITY OF STAUNTON'S 202~~32~~ LEGISLATIVE PROGRAM

The Mayor and City Council of the City of Staunton, Virginia, governing from a position closest to the City's citizens and desiring to make City government more responsive to them, believe it is important to advise the City's representatives in the Virginia General Assembly of the City's legislative positions for the General Assembly's 2023 Session.

THEREFORE, BE IT RESOLVED that City Council respectfully requests that the General Assembly **support** legislation regarding the following issues:

A. Education

1. The General Assembly should fully fund public education—funding all mandated programs and services of education on the basis of realistic costs; increasing Standards of Quality funding, coming from general fund revenues, appropriated to elementary and secondary education; providing for flexibility in the use of those funds to meet unique local needs; and supporting specialized training, professional development and extended contracts for staff in challenged schools.
2. While City Council appreciates that the General Assembly dedicated CARES Act and American Rescue Plan Act funds to the Virginia Preschool Initiative, the General Assembly should fully fund the initiative on an ongoing and permanent basis.
3. The General Assembly should continue to support the revisions of the system of accountability to encompass balanced assessments and expand the implementation of problem-based assessments for greater validity and more cost-effective sampling techniques, and continue the implementation of expedited test retakes to more accurately reflect student achievement, sense of inquiry, and love of learning.
4. The General Assembly should enact legislation to double the sales and use tax revenue distribution statewide to provide funding for capital for new or renovated school building projects, using the same formula for sales and use tax distribution as is used currently for distribution for Standards of Quality funding.
5. City Council appreciates that the General Assembly established the School Construction Fund. The Council requests that the General Assembly provide adequate funding to the School Construction Fund~~dedicated CARES Act funds for school HVAC renovations; however, the General Assembly should provide new and continuing avenues for funding public school construction and renovation costs;~~

Commented [cs1]: The General Assembly established the School Construction Fund in 2022.

~~including the creation of a pilot program of competitive grants using funds from the Virginia Public Building Authority to offset new construction costs for publicly owned and operated K-12 schools.~~

~~6. The General Assembly should reinstate the requirement that school principals alert law enforcement of the following misdemeanor offenses when they occur on school property: alleged sexual battery, stalking, violation of protective order and violent threats.—~~

Commented [cs2]: The General Assembly enacted this legislation at its last session.

B. Pediatric Cancer Research

City Council is appalled by the lack of cancer research coordination, the glacially slow Food and Drug Administration (FDA) new treatment approval process, and the inadequate level of federal funding for pediatric cancer research. Less than 4% of all cancer research spending is for pediatric cancer, and only two treatments are currently approved by the FDA. Council requests that the General Assembly petition the federal government to make pediatric cancer a real priority in order to save the lives of countless children who cannot speak for themselves or vote.

C. Certificates of Public Need

Council supports Virginia's Certificate of Public Need (COPN) program as an important component of the Commonwealth's health care system and encourages the General Assembly to retain COPN in its current form.

D. Chesapeake Bay Water Quality

City Council requests that the Commonwealth increase Stormwater Local Assistance Fund (SLAF) funding to at least \$50 million ~~and Agricultural BMP Cost Share Program funding to at least \$100 million.~~

Commented [cs3]: This is good news. The 2022-2024 budget fully funded the Agricultural BMP Cost Share Program.

E. Transportation

1. City Council supports continued improvements to Interstate 81 to address ongoing traffic and safety concerns, and improvements to railroad infrastructure to increase freight shipment capacity and reduce truck traffic and impacts on Interstate 81.
2. City Council supports a Primary Seatbelt Law.
3. ~~While the \$10 million in funding for multi-use trails provided by the General Assembly in 2021 is a good start,~~ City Council supports additional state and federal funding for non-motorized transportation, including trails, pathways and green corridors, for health, energy conservation and fiscal reasons for all Virginians.

4. City Council supports increased federal and state funding for public transit; policies that allow for the equitable distribution of such funding; and dedicated sources for such funding. ~~City Council is also interested in seeing the results and outcomes of a transit equity modernization study that was initiated during the 2021 General Assembly session, with the interim report expected by late 2021 and the final report by mid-2022.~~

F. Libraries

~~Though the General Assembly restored \$1 million in library aid for FY 2022, State Aid to Public Libraries still requires additional funding further attention and action~~ by the General Assembly. City Council supports efforts to maintain and increase such aid as mandated by the Code of Virginia to strengthen funding for public library materials and programs that target childhood literacy and STEAM instruction. City Council supports an increase in funding to local libraries by increasing the funding formula found in Virginia Code Section 42.1-48.

Commented [cs4]: This funding stream now calls it STEAM instead of STEM. The A stands for "the Arts."

Commented [cs5]: This is the code mechanism through which the state can increase aid to local libraries.

G. Virginia State Parks

~~While City Council supports the \$800,000 provided for state park acquisition and the \$25 million in ARPA funds allocated to park maintenance and construction,~~ City Council encourages the Governor and General Assembly to continue to support and increase funding for additional land acquisition for state parks, outdoor recreation and natural areas.

H. Broadband Expansion

The General Assembly allocated significant funds to start to address the issue of broadband expansion across all areas of the state, including new grants to localities. City Council supports ongoing General Assembly funding for the expansion of broadband infrastructure to all areas of the Commonwealth to ensure all Virginia residents have equitable access to this vital service.

I. Solar Tax Incentives

City Council supports state tax incentives for private homeowners, businesses and the solar energy industry to incentivize an increase in the use of clean solar energy systems, to reduce dependence on extractive fossil fuels and emissions, and to increase energy independence.

J. Opioids

City Council appreciates the General Assembly's establishment of the Opioid Abatement Authority in 2021. City Council supports any efforts to curb opioid use and abuse including the use and abuse of synthetic opioids

such as fentanyl, including additional state programs that partner with local governments to deal with the effects of this continuing epidemic.

Commented [cs6]: Wanted to add this sentence to emphasize fentanyl.

K. Fair Elections

Like many of our citizens, members of City Council regard with concern the reports received from other states and regions of apparent attempts on the part of government officials to suppress voter turnout. Reductions in voting locations, malfunctioning voting machines, preemptory removal of citizens' names from voting rolls, and other such strategies for unfairly influencing the outcome of an election reflect an abandonment of the democratic principles upon which our nation and Commonwealth were founded.

Council urges our representatives in the General Assembly to make every effort to ensure that Virginia elections are fair, secure, accurate, accessible, and transparent. Further, Council urges the General Assembly to explore and implement additional strategies for encouraging increased voter participation, including automatic registration.

Commented [cs7]: Virginia now has "same day voting registration" which permits voters to register to vote and cast a provisional ballot on the day of an election.

L. Public Notice, Public Hearing and Public Procurement

The General Assembly should adopt legislation to reduce required, expensive newspaper advertising for public notices, public hearings and public procurement including legislation to give localities the option to use electronic or other forms of notification as an alternative to newspaper advertising.

M. Behavioral Health and Development Disability

Commented [cs8]: The amendments in Section M are made at the request of Valley CSB.

1. The General Assembly should provide funding to address the workforce crisis community services boards (CSBs) are experiencing. CSBs requested \$164 million during the General Assembly's 2022 session to implement a four-pronged approach to workforce development in the CSB system; no allocation was included in the final budget. This should be the top priority for the General Assembly regarding behavioral health and developmental disability services.
2. The General Assembly should increase its funding for the outpatient services step of System Transformation Excellence and Performance (STEP-VA) initiative of the Virginia Department of Behavioral Health & Developmental Services to account for circumstances in which billing of new members under Medicaid expansion does not make up for the permanent reduction in general fund dollars incurred by CSBs as part of Medicaid expansion. The final three steps of STEP-VA have been introduced, but they are underfunded. The General Assembly should also fully fund the case management and care coordination steps of STEP-VA.

- ~~3. The General Assembly should provide the funds to decrease the priority one wait list by approximately 1,350 individuals. Roughly 13,800 people with developmental disabilities (DD) are on the wait list for community-based services. Receiving a slot enables an individual who needs DD services and supports to live a life that is fully integrated in the community.~~
- ~~3. The General Assembly should provide funding to decrease the Priority One wait list which currently lists approximately 3700 individuals across Virginia. There are 41 Priority One individuals and 209 individuals waiting for waiver services within the Valley Community Services Board area. Over 14,000 people with developmental disabilities (DD) are on the wait list for community-based services. Receiving a slot enables an individual who needs DD services and supports to live a life that is fully integrated in the community. While the General Assembly has allocated 6000 new waiver slots for Fiscal Year 2024, that only addresses approximately 16% of the needed Priority One slots and zero Priority Two or Three slots.~~
- ~~4. The General Assembly should increase its funding for Permanent Supportive Housing (PSH) to help keep more individuals stable in the community, rather than cycling back into the hospital system. Increased funding for PSH will reduce the hospital census pressures by facilitating the discharge of individuals from the hospital as soon as they are clinically ready. The Governor's Housing Trust Fund should become a consistent funding stream for these individuals. 87% of individuals served in PSH remained stably housed for at least one year, according to Department of Behavioral Health and Developmental Services data, which saved \$12.2 million in state psychiatric bed day costs during the one-year period.~~
- ~~4.~~
5. The Valley Community Services Board has proposed a community crisis center that will offer both detoxification and crisis intervention services as well as a 23-hour crisis receiving center to lessen the burden on local emergency departments and hospitals. And while the needs of our citizens are great, the closest community center is 29 miles away in Harrisonburg with only seven beds. For instance, the suicide rate in our area is higher than both the Virginia and national averages and local drug induced deaths are 14.816.6 per 100,000 as compared to 10.6 statewide. The General Assembly should provide the necessary funding and support for this new center that will better serve our City and region.

Formatted: Numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

N. State Aid to Localities for Law Enforcement - HB599

The City of Staunton requests the General Assembly fully fund HB599 for law enforcement as mandated by the Code of Virginia.

O. Criminal Justice Reform

City Council requests that the General Assembly place greater emphasis on the overall reduction of our incarcerated population through criminal justice reform. This will reduce overcrowding and the need to expand our jails. Criminal justice reform should address the need to equalize compensation for public defenders, a requirement that an attorney be present for defendants at every judicial hearing, eliminate the incentives for commonwealth’s attorneys to “upcharge,” and eliminate carceral penalties for non-violent crimes, such as drug possession and sale, failure to appear, and non-payment of fines and fees.

~~P. Middle River Regional Jail Staffing and Transfer of Inmates to the Virginia Department of Corrections~~

~~1. The City of Staunton requests the General Assembly fully fund required staffing positions for the Middle River Regional Jail (MRRJ). In 2018, the Virginia Department of Corrections published a staffing analysis for MRRJ based on an average daily population (ADP) for 2017 of 775 member jurisdiction inmates. This resulted in a recommendation for an additional 76 jail officer positions and 17 support positions. As shown in the table below, MRRJ has been routinely operating at two times its rated capacity for several years. The City of Staunton appreciates the additional emergency jail officer positions that were added in FY2021; however, as noted in the referenced staffing analysis, additional fully funded jail officer positions (guaranteed each year) are needed to appropriately supervise inmates.~~

Fiscal Year	MRRJ Rated Capacity	Average Daily Population	Percentage of Rated Capacity
FY 2017	396	830	210%
FY 2018	396	878	222%
FY 2019	396	923	233%
*FY 2020	396	862	218%
*FY 2021	396	820	207%
*FY 2022	396	769	194%

~~2. § 53.1-20 of the Code of Virginia requires the Director of the Virginia Department of Corrections to receive eligible inmates within 60 days of the date on which the inmate’s final sentencing order is transmitted to the Director. MRRJ, which is rated to house 396 inmates, routinely houses up to 200% of its rated capacity. This housing challenge is~~

Commented [cs9]: I consulted with Colonel Young, and he said that both of these issues are being worked on at the state level and he requested that we remove this language for our 2023 Legislative Agenda.

~~exacerbated by the failure of the Director to accept eligible inmates in a timely manner, unduly and inappropriately burdening the City of Staunton and other member jurisdictions of the Middle River Regional Jail Authority with the impacts of an inmate population that the General Assembly has by law directed the Virginia Department of Corrections to house. The City requests that the General Assembly enact legislation which more strongly requires the Director to timely accept state-responsible inmates and requires that the Department of Corrections reimburse regional jails for the actual costs incurred to house eligible inmates.~~

Q.P. First Responders

1. In 2018, the Code of Virginia was amended to require mental health awareness programs for fire and emergency medical services personnel, prescribing specific actions and training that must occur, including managing stress, self-care techniques and resiliency, in addition to the provision of peer support. Trauma and post-traumatic stress disorder are realities in the lives of all first responders, yet vital funding to implement the required programs did not follow the mandates. City Council requests that the General Assembly add funding that can be accessed by localities in order to better offer vital services, including access to providers who specialize in the needs of first responders and much needed training.
2. City Council asks the General Assembly to support the following legislative initiatives as prioritized by the Virginia Fire Chiefs Association:
 - a. ~~Virginia Retirement System enhanced benefits for 9-1-1 dispatchers with local option~~ Expanding the cancers covered in the Workers' Compensation Cancer Presumption to include those such as thyroid and Hodgkin's lymphoma;
 - b. ~~Expansion of the Workers' Compensation Cancer Presumption (beyond five years)~~ Including Virginia Department of Fire Programs division chiefs, fire marshals, and fire marshal offices in the definition of law enforcement officer;
 - c. ~~Return the funding stream of Line of Duty Act back to the Commonwealth of Virginia~~ Creation of a workgroup to fund a comprehensive needs assessment and identify gaps in the fire service system with the goal of securing a dedicated funding stream for fire services; ~~and~~
 - d. ~~Dedicated emergency manager for each locality provided there is a dedicated funding stream from the Commonwealth of Virginia~~ Increasing the Four-for-Life fee; and
 - e. Defining Emergency Medical Services professionals as "essential workers."

Commented [cs10]: The amendments to Section P are made at the request of Chief Garber.

Formatted: Font: 11 pt

R.Q. Economic Development

1. Because site readiness, characterization and development are key to Virginia's and the City of Staunton's economic development efforts, City Council supports increased funding for the Virginia Business Ready Sites Program.

2. City Council supports maintenance of funding for GO Virginia that will encourage collaboration among Virginia's localities in order to spur economic growth, diversification and higher paying jobs.
3. The 2020 General Assembly-approved amendments to § 2.2-3115 of the State and Local Government Conflict of Interests Act may have created a major deterrent to continued participation by citizen volunteers on local industrial development authorities and economic development authorities. The City of Staunton supports the need for transparency but also wishes to ensure further disclosure requirements are not placed on volunteers who wish to serve on industrial development or economic development authorities.

S.R. Plastics Recycling Facility

The current stressed recycling market and limited processing capacity is very undesirable for the environment, our citizens and our economy. Therefore, City Council requests that the General Assembly provide funding or offer incentives so a plastic recycling facility can be located in the Shenandoah Valley.

T.S. Freedom of Information Act (FOIA)

The City of Staunton supports the position that any proposed changes to the Virginia Freedom of Information Act legislation be sent to the FOIA Advisory Council for analysis and recommendations prior to General Assembly consideration or enactment.

U.T. Planning District Commissions

The City of Staunton supports increased state funding for the statewide network of planning district commissions/regional councils (PDCs). PDCs carry out efforts supported by state and local policymakers to advance and sustain regional coordination, cooperation and technical assistance for the benefit of regions across the Commonwealth.

V.U. Sovereign Immunity

Expanding liability and eroding immunities at the state level across the nation have had a chilling effect on the actions of local government officials contributing to local government insurance problems, creating immense financial risks (particularly for legal costs), and posing a substantial obstacle to the provision of needed public services. The General Assembly should strengthen and must maintain the principles of sovereign immunity for local governments and their officials.

W.V. Sales Tax on Food for Home Consumption

~~City Council asks the General Assembly to reduce or eliminate the sales tax on food for home consumption (grocery items and prepared foods for home consumption) to assist in dealing with food insecurity in our community. However, if there is a reduction or elimination of the sales tax on food for home consumption (grocery tax), then there must be a replacement of lost revenues to localities.~~

Commented [cs11]: The General Assembly eliminated the state portion of the sales tax on food for home consumption. Councilor Darby requested this item in 2021. Based upon the action of the Assembly, she has asked that it be removed.

X.W. Water Quality

1. City Council, in agreement with the Virginia Association of Municipal Wastewater Agencies, supports adequate funding of the state Water Quality Improvement Fund grants to localities for wastewater nutrient removal consistent with the Chesapeake Bay total maximum daily load (TMDL) standard.

~~2. To make certification of the existing pollution control equipment sales tax exemption more efficient and effective for localities and for the Department of Environmental Quality, City Council supports the amendment of Virginia Code § 58.1-3660 to enable political subdivisions to self-certify equipment for the political subdivision's own facilities.~~

- ~~3.2.~~ In agreement with the Virginia Municipal Drinking Water Association, City Council supports the amendment of Virginia Code § 32.1-169 to require that the development of any drinking water maximum contaminant levels for PFAS set by the Virginia Department of Health comply with the scientific and technical requirements applicable to the development of such levels by the U.S. Environmental Protection Agency, in accordance with the Safe Drinking Water Act and be at least as protective.

Commented [cs12]: The 2022 Session of the General Assembly enacted this code amendment.

Y.X. Cannabis Legislation Implementation

1. City Council supports the implementation of legislation to allow sales of cannabis to adults age 21 and older through the existing medical cannabis dispensaries in order to reduce illicit market transactions and provide safe, regulated access to Virginians.
2. City Council also supports the equitable implementation of legislation to expedite licensing by the Virginia Cannabis Control Authority of new businesses for the cultivation, manufacturing, and sale of cannabis to adults age 21 and older and urges the Cannabis Control Authority to begin its work as soon as possible to fill the regulatory vacuum. This work must include participation by local governments to clarify state and local roles and responsibilities pertaining to cannabis rules and regulations, including but not limited to, establishing enforcement guidance and training standards, guidance for cannabis equivalents, and eliminating ambiguity from local authority.
3. City Council further requests dedicated and near-term financial state support to assist communities with the upfront, pre-implementation administrative, health, and public safety costs incurred prior to the start of legal sales in localities. This includes training for local law

enforcement and other applicable local government personnel (tax, code enforcement, zoning, etc.) on the new law and regulations.

Notwithstanding the foregoing, a majority of members of City Council do not support legalization of marijuana for recreational use.

Z. Unclaimed Remains Funeral Expenses

City Council requests that the General Assembly enact legislation permitting law enforcement agencies to recover burial/cremation expenses for unclaimed remains from transferrable on death assets. Local governments should have the ability to recovers expenses from transferrable on death assets in the same manner as from assets that become part of a decedent's estate.

Commented [cs13]: This new initiative is suggested to allow the city to recoup funeral expense for unclaimed remains. This would extinguish the difference between those with an estate and those without. The City did have a case like this in 2022.

Formatted: Font: (Default) Arial

Formatted: Normal, Left, Indent: Left: 0"

BE IT ALSO RESOLVED that City Council respectfully requests that the General Assembly **oppose** the following legislation and mandated regulations:

A. Eminent Domain by Private Utilities for Surveying

City Council opposes the eminent domain rights extended to Dominion Energy and other private utilities to enter onto private property without the consent of the landowner for the purpose of surveying for proposed projects before agreements have been reached with such property owners.

B. Stormwater Utility Exemptions

City Council opposes legislation which would exempt any property owner from the payment of local stormwater utility fees.

C. Land Use Control

Localities must maintain control of local land use decisions. Neither the state government nor the federal government should usurp or preempt a locality's authority to make such decisions; nor should they impose requirements that weaken planning and land use functions. This includes the authority to promote affordable and mixed income housing as well as the required infrastructure to facilitate in-fill development, redevelopment and mixing of uses. City Council opposes legislation which would affect the City's authority in these areas.

D. Juvenile Detention Center

City Council opposes any efforts to defund or consolidate the Shenandoah Valley Juvenile Center with another juvenile facility.

Commented [cs14]: This is included at the request of the SVJC.

Formatted: Font: (Default) Arial

Formatted: Normal, Left, Indent: Left: 0"

The Clerk of Council shall mail or deliver a copy of this Resolution to the Governor, the City's representatives in the General Assembly, other selected members of the General Assembly and area local governments; to the Virginia Municipal League, Virginia Association of Counties and Virginia First Cities; and to other interested persons, as appropriate.

Adopted this ____ day of _____, 20224.

Andrea W. Oakes, Mayor

ATTEST: _____
~~Kiley A. Kesecker~~ ~~Morgan C. Smith,~~
~~interim~~ Clerk of Council