



2014 Legislative Program

Roanoke City Council

2014 Legislative Program

In addition to the local issues discussed below, we incorporate the 2014 Legislative Program and policy statements of the Virginia Municipal League. The 2014 VML Legislative Program and policy statement can be found at <http://www.vml.org/Legact.html>

Passenger Rail Service

The City of Roanoke applauds the Governor and the General Assembly for the historic enactment of the 2013 Transportation legislation which made possible the extension of passenger rail service to Roanoke. Roanoke City Council will continue its collaborative efforts with the Virginia Department of Rail and Public Transportation, Norfolk Southern Railway Corporation, and AMTRAK to develop, finance, and construct the essential infrastructure improvements to make passenger rail service operational in Roanoke as soon as practical. The City of Roanoke strongly supports further extensions of passenger rail service to localities south and west of Roanoke.

Improvements to Interstate Highway Infrastructure

The City urges the Governor, the General Assembly, and the Virginia Department of Transportation to take all steps necessary to pursue all available funding for improvements to expand and improve Interstate 81 and commence construction of Interstate 73 from Interstate 81 to the North Carolina border, including improvements to Interstate 581 and redesignation of Interstate 581 to Interstate 73. These projects are critical components in the improvement of transportation infrastructure in the Roanoke Valley and Southwest Virginia. Improvements in transportation infrastructure and facilities are essential to the maintenance and expansion of economic development throughout our region.

Expand opportunities for public private on street parking agreements.

State Code imposes restrictions on localities which limit the ability of localities to create innovative relationships with private parties to implement, operate, and enforce comprehensive on-street parking facilities. As one example, current provisions of State Code allow cities with populations in excess of 100,000 people to enter agreements with private parking management companies. This limitation forces Roanoke to maintain a myriad of parking regulations based solely on its current population. Roanoke recommends three (3) changes to State code to address parking issues:

Issuance and Collection of Parking Violations -

Amend Section 46.2-1220 to allow any city with a population of at least 90,000 persons to enter into management contracts that will authorize employees of the private management company to issue parking tickets for violations.

Amend all applicable subsections of Section 46.2-1225 to allow personnel employed by a management company under contract with a locality to collect unpaid parking tickets and citations.

Enforcement Actions (immobilization or towing) –

Amend Section 46.2-1246 to allow private management companies, under contract with localities, to immobilize or remove vehicles with more than three (3) outstanding parking violations at on-street parking facilities.

Enforcement Actions (confiscation of windshield placards used in violation of law –

Current State Code authorizes a law enforcement officer or private security guard to confiscate windshield placards used in violation of law. Amendments to Section 46.2-1255 are needed to allow employees of a private parking management company under agreement with a locality similar authority.

These suggested amendments will provide Roanoke and other localities with more options in the development of efficient, comprehensive, and coordinated parking regulations for parking within the locality, whether such parking is at a municipal off-street parking facility or on-street parking facilities.

Plastic Bags

The City supports legislation that will enable the City to charge and collect a fee for the use of plastic shopping bags provided by retailers to its customer. The goal of such legislation is to provide the City with a revenue source to fund clean-up actions associated with persistent littering. These clean-up activities will assist the City in meeting its mandated MS4 stormwater permit requirements and enhance the livability and attractiveness of The Star City.

Streamlined Eviction Process

Current State Code includes no provisions that establish an expedited eviction process available to landlords in circumstances in which a tenants whose behavior breaches the peace and laws of a civil society. Presently, local police must respond to such activities and landlords have few options to address this problem.

The City recommends the enactment of an Exigent Eviction Process for such situations. The Exigent Eviction Process would require the submission of a written statement, made under oath, of the circumstances that warrant such an eviction. A magistrate would determine whether the circumstances establish, by a preponderance of the evidence, that the eviction process should be initiated. If such a process is warranted, a law enforcement officer will serve the tenant with notice of the proceeding and the opportunity to appear at a hearing. The burden of proof to warrant the eviction is upon the landlord.

The proposed legislation should include safeguards for the tenant to avoid an untruthful, discriminatory or malicious landlord.

Methamphetamine laboratories

Localities confront significant costs associated with the illegal activity of the operation of methamphetamine labs within their jurisdictions. In addition to the social costs incurred from illegal drug manufacture, sale, distribution, and use, localities face real economic cost for cleaning up properties contaminated by the operation of methamphetamine laboratories. The City recommends two pieces of legislation to assist localities in the recovery of these expenses:

Clean-up fee-

Enact enabling legislation that will allow localities to impose a \$2.00 fee on all traffic and criminal convictions. This fee will be placed in a non-reverting account dedicated solely to clean-up of methamphetamine labs. The City estimates that this fee would produce approximately \$30,000 annually. In FY2015, the City's direct costs for clean-up exceeded \$16,800.

Methamphetamine byproduct as pollutant –

Courts have held that the byproducts of a methamphetamine laboratory do not constitute a pollutant under current environmental pollution codes and regulations. Inclusion of such byproducts as a pollutant will allow local law enforcement to seek relief against property owners that allow others to use the property for this illegal activity.

Unfunded Mandates

The City opposes any new state mandates that are not fully funded by the Commonwealth. The City also opposes the continuation of state mandates for which the Commonwealth proposes to shift the fiscal responsibility for such programs to localities.

Protect local revenue sources

For several years, localities have confronted the threat that the General Assembly will repeal local revenue sources, including Business Professional and Occupational Tax (BPOL) and/or Machinery and Tool Tax (M&T). Repeal of such revenue sources will create havoc in local budgets. For example, repeal of BPOL and M&T will eliminate \$15M in annual revenue to Roanoke City. This reduction will penalize Roanoke City Schools by eliminating \$6M in annual revenue unless the General Assembly provides another stable and assured revenue source, Roanoke City would need to raise real estate taxes by \$0.20 per \$100 valuation. The General Assembly cannot eliminate these local revenue sources under the guise of tax reform unless the General Assembly enacts another revenue source that is secure from further legislative threats.

Proponents for the elimination of BPOL and M&T argue the loss of these revenues will be replaced by revenues generated through economic expansion. In Roanoke City, the growth of the remaining local, performance-based taxes would need to exceed 20% annual growth to simply replace the \$15M lost by the repeal of BPOL and M&T. Proponents also fail to acknowledge the benefit of allowing localities to repeal these taxes on a local basis. In recent years, some localities eliminated some local taxes based on the particular local economics. Allowing localities to manage their budgets through prudent application of appropriate local revenue sources creates efficient, effective, and equitable local government.

Enabling legislation to authorize tax amnesty program

Current state law permits appropriate localities, to accept compromises for the payment of local taxes, as well as interest and penalties assessed for such taxes. See Section 58.1-3994, Code of Virginia, (1950) as amended. This authority appears limited to individual cases. Localities should have the authority to develop tax amnesty programs that are tailored to the unique circumstances confronting localities. These programs will provide localities with the opportunity to create programs to encourage prompt collection of overdue taxes and provide incentives that ensure participation of taxpayers. Local tax amnesty programs will enhance local central and local autonomy in establishing programs that are workable, effective, and sensitive to local objections.

Public Service Centers to be located where citizens can access them by Public Transportation

The City requests that the Commonwealth and Federal governments to locate service centers that serve the citizens of the City of Roanoke, such as social security offices and probation offices in areas that are accessible to citizens in need of public transportation.

Advertising City Procurements

The City supports legislative proposals to allow procurements made by the City and other Virginia localities to be advertised on the Commonwealth's Internet procurement portal, known as "e-va". The website address is www.eva.virginia.gov. This legislation should be local option. Having local and state procurements on the same website is both pro-business and pro-taxpayer and is in keeping with Virginia's policy of open government in the sunshine. Localities should continue to be allowed to publish and archive procurements on their own websites as well.

Uranium Mining

The City supports continuation of the moratorium on uranium mining and milling in the Commonwealth for public safety and public health. Further, the City opposes state funding being used to develop regulations for the mining or milling of uranium and the City encourages the General Assembly to include such provision in the State Budget.

Domestic Violence

The City urges the General Assembly to fund supervised visitation programs for families confronting domestic violence. Presently, Total Action for Progress (TAP) operates Sabrina's Place which is the only comprehensive program in the Commonwealth that provides domestic violence focused supervised parental visits and child exchanges. TAP provides this service to Roanoke and the Roanoke Valley region. Currently, the federal Department of Justice provides funding for Sabrina's Place. However, the federal funding will be merged into other court related programs and the designated funding for supervised visitation will be eliminated. The City urges the General Assembly to establish funding of supervised parental visitation and child exchange programs such as Sabrina's Place because such programs are a critical component of efforts to curb domestic violence.

City of Roanoke Public Schools

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Finalize Revisions to State Mandated Accountability Tests Prior to School Year of Administration

The City and Roanoke City Schools acknowledge the importance of assessing student performance through the use of standardized tests. However, staff development and student instruction is critical to student preparedness. The implementation of more rigorous items in the same year that the tests are to be administered assume that the students have had more rigorous standards in prior grades, and even with good instruction it is a challenge to adjust and catch up in such a short amount of time. Additionally, the lack of proper notice presents an overwhelming challenge for large groups of students with low parental involvement; lack of availability of computers at home; and/or students in need of individualized, specialized attention. The absence of timely notification regarding longer tests and changes in item format, including technology enhanced items results in significantly longer testing sessions. This creates a stamina issue, especially for elementary students who are unable to sustain hours of attention to testing. Any and all revisions to the SOL or other state mandated accountability test(s), including but not limited to policies, procedures, language and format should be completely implemented by December 31 of the school year prior to the test administration for the succeeding school year.

Allow Roanoke City School Board to select the School Start Date.

The City and the Schools support amendments to Virginia Code Section 22.1-79.1 that would afford the Roanoke City School Board the discretion to select the School Start Date that best suits the needs of its students and those of the school division. The control of the public school calendar by the local school board would provide local flexibility and control over opening dates to allow the Roanoke City School Board to have time to provide for required remediation and teacher training. Additionally, it would allow the Roanoke City School Board to ensure its schedule does not conflict with the articulation agreement with Virginia Western Community College (ref. Virginia Code Section 23-9.2:3.02) which allows dual enrollment opportunities for its students. RCPS would be able to schedule exams for dual enrollment classes based upon the Virginia Western Community College exam schedule. Furthermore, RCPS believes that additional instructional days prior to administering the Standards of Learning (SOL) tests would result in improved student performance on the SOL tests.

Funding for Education.

The State has a constitutional duty to meet its education funding obligations. The Roanoke City Schools is operating with the same level of state funds provided in 2009. The City and Schools support full funding of State education programs including the Standards of Quality, incentive, categorical, and school facilities programs. The City and Schools oppose changes in methodology and changes in the division of financial responsibility that result in a shift of funding responsibility from the State to localities. As an example, the City and Schools oppose the elimination or decrease of State funding for State mandated benefits for school employees. The State should consider alternatives to generate additional funds to fulfill the constitutional commitment to education. Alternatives could include raising the sales tax or decreasing the amount of funding for the personal property tax exemption program.

The City and the Schools oppose policies that lower State contributions to education under the Standards of Quality or other programs, but do nothing to address the cost of meeting the requirements in the Standards of Accreditation and Standards of Learning. The State should not continue to maintain and increase educational requirements while at the same time decreasing State funding.

