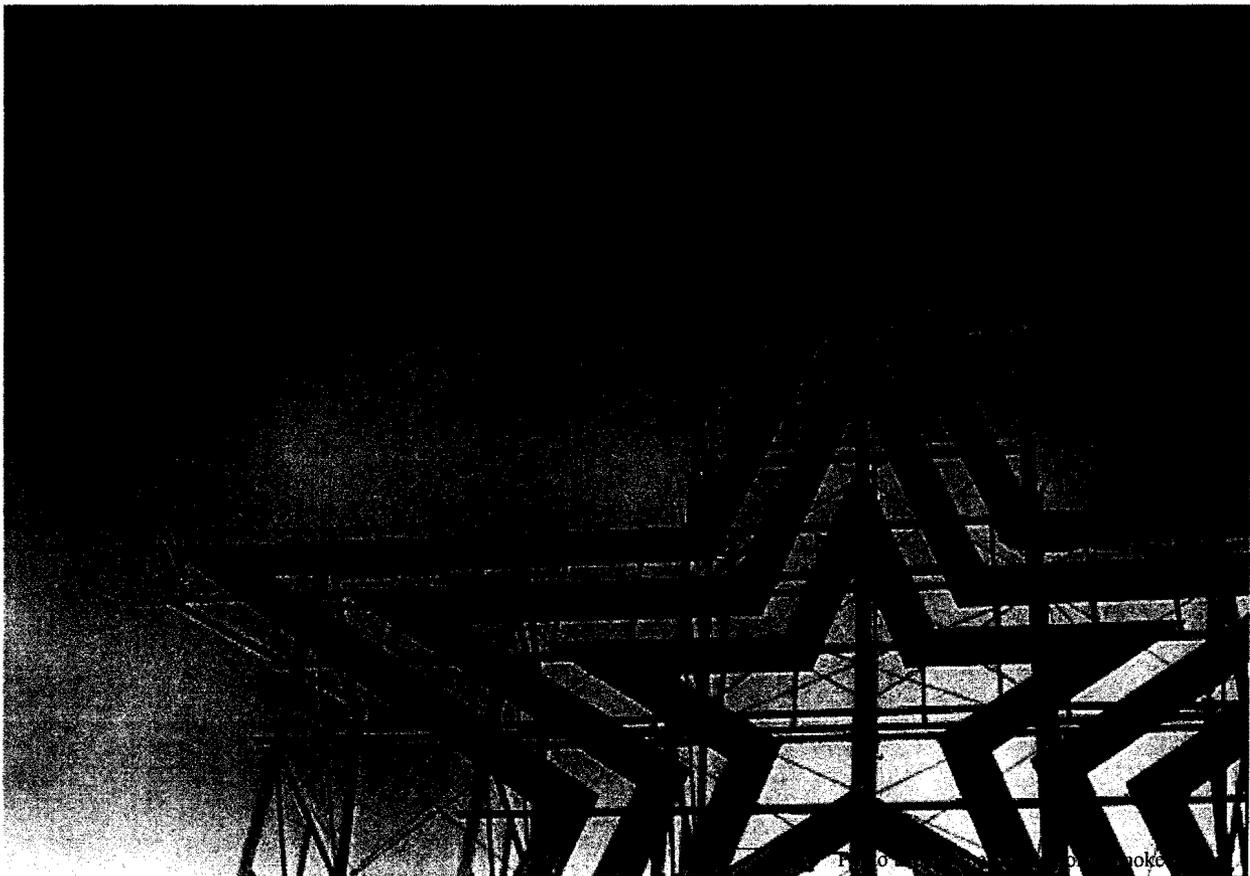


# City of Roanoke

## 2016 Legislative Program



**CITY COUNCIL**

David A. Bowers, Mayor

Dr. David B. Trinkle, Vice-Mayor

William D. Bestpitch

Raphael E. Ferris

Sherman P. Lea

Anita J. Price

Court G. Rosen

**SCHOOL BOARD**

Suzanne P. Moore, Chair

Lori E. Vaught Vice-Chair

Mark K. Cathey

William B. Hopkins, Jr.

Annette Lewis

Laura D. Rottenborn

Dick Willis

**CITY MANAGER**

Christopher P. Morrill

**SUPERINTENDENT**

Dr. Rita D. Bishop

Daniel J. Callaghan  
City Attorney  
464 Noel C. Taylor Municipal Building  
Roanoke, VA 24011  
540-853-2431

Robert J. Catron  
Legislative Liaison  
Alcalde & Fay  
211 Wilson Boulevard, 8<sup>th</sup> Floor  
Arlington, VA 22201

## INTRODUCTION

The City Council is pleased to commend this Legislative Program for consideration by the 2016 Session of the General Assembly. The City Council, representing all the people of our Six-Time All-America City, is uniquely qualified to understand the legislative needs of City government and our people. We are of the opinion that this Program is responsive to those needs. As a policy matter, we continue to believe that local governments are the best vehicles for the delivery of many services to the public because local governments are closest to the people and the most responsive. We continue to be concerned about the cumulative effect of Federal and State legislative and regulatory mandates, many of which are unfunded, the continued erosion of local revenue sources, and the State's fiscal woes.

This Program is a combined Program for City Council and the School Board. You will note that we have made a conscientious effort to pare our Program down to the issues that we believe are most important to the citizens of this City. The City Council portion was prepared by the City Attorney, Daniel Callaghan, with the assistance of comments, input, and suggestions from Council members, City administrators, the City's Legislative Liaison, and citizens. The School Board portion was prepared with the assistance of advice and comments from Members of the School Board and administrators. The entire Program has been carefully reviewed by City Council's Legislative Committee, which consists of all the members of Council, and Annette Lewis and Dick Willis of the School Board. Upon the recommendation of the Legislative Committee, the Program was adopted and endorsed by City Council on November 16, 2015. See Resolution No. 40388 -111615 a copy of which is attached.

If during the course of the Session our legislators have questions concerning the position of the City or School Board on legislative matters, they are encouraged to contact us. I also know that representatives of the City and School Board will be in contact with our legislators on many occasions during the 2016 Session, and their consideration of these communications is deeply appreciated. With the support of our legislators, and this City is fortunate to have legislators who are most supportive and responsive to the needs of our City and its citizens, I know that our City government and School Division will be improved and that the quality of life for our citizens will be advanced.

David A. Bowers, Mayor

# Roanoke City Council

## 2016 Legislative Program

In addition to the local and regional issues discussed below, the Roanoke City Council incorporates the 2016 Legislative Program and policy statements of the Virginia Municipal League into the City Council's 2016 Legislative Program. The 2016 VML Legislative Program and policy statement can be found at <http://www.vml.org/Legact.html>

### **I. BUDGET, LOCAL AID, AND LOCAL REVENUES**

#### **A. Budget and Unfunded Mandates**

The City of Roanoke strongly urges the General Assembly to maintain its commitment to localities by avoiding reductions in local aid. Budget challenges should not be used to shift state service or financial responsibilities from the Commonwealth to localities. Moreover, the General Assembly should oppose any new mandates on localities 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. Roanoke specifically requests the General Assembly to fund the obligations of the Commonwealth set forth in the Line of Duty Act (Sections 9.1-400 through 9.1-408, Code of Virginia (1050) as amended).

#### **B. Local Law Enforcement Funding**

Roanoke formally requests that the General Assembly increase HB 599 funding. Local law enforcement agencies confront significant increases in expenses as communities demand improvements in law enforcement practices. As one example, police departments around the Commonwealth are acquiring new equipment and technology to provide body worn cameras for their officers. This recent development comes with significant costs that will increase as technologies improve. The General Assembly should consider these costs and help localities fund these costs. At a minimum, the General Assembly should not limit or eliminate the ability of police departments to use funds from existing forfeiture of property programs involving criminal enterprises.

#### **C. Enhance Local Revenue Collections**

##### **1, Flexibility in waiving accrued interest, fees, and penalties**

Current state law allows localities to impose and collect interest, fees, and penalties for late payment of certain taxes. State code limits the ability of localities to waive interest, penalties, and fees that occur to two (2) narrow circumstances. Roanoke believes that localities should have the authority to compromise the amount of interest, penalties, and fees that occur on unpaid taxes. Localities, exercising their prudent judgment, should have the power to negotiate with taxpayers in the payment of these accounts. Roanoke believes that this broader power will enhance the collection efforts of this City by encouraging taxpayers to negotiate meaningful and

timely payment of their delinquent obligations. Roanoke proposes amendments to Section 58.1-3916 to allow localities to adopt ordinances to permit the waiver, in whole or in part of the amount of interest, penalties and fees that accrue on delinquent taxes, based upon the prudent judgment of the locality's director of finance and treasurer. Roanoke suggests that Section 58.1-3916 be expanded to permit a locality to adopt an ordinance to allow the appropriate official (director of finance or treasurer) to waive, defer, or forgive, in whole or in part, accrued interest, penalties, or fees, when in the discretion of the appropriate official, such action is just and proper under the circumstances presented.

**2. Payment of Interest by Localities for Refunds Attributable to Taxpayer Error**

The City also recommends amendments to Section 58.1-3916 to eliminate the requirement that localities pay interest on refunds at the same rate that localities charge for delinquent taxes in circumstances where the erroneous assessment is attributable solely to filings made by the taxpayer. A locality should be required to pay interest on such refunds at the lesser of (i) the rate charged for delinquent taxes; or (ii) the average rate earned by the locality during the period in which the amount of the refund were held by the locality. As an example, a taxpayer could overpay its business tax and apply for a refund based upon a deduction not originally taken by the taxpayer. Under current state code, the locality is required to pay the amount of the refund, together with interest at 10% per annum. This rate of return greatly exceeds current market rates. Taxpayers should not enjoy a windfall return at the expense of the locality for mistakes made by the tax payer.

**D. Tax reform**

The City welcomes a discussion, review, and reformation of the current tax structure in the Commonwealth. Meaningful tax reform can only be achieved through a comprehensive effort; piecemeal attempts will not address this critical economic issue. An essential component of any debate on meaningful tax reform must begin with a serious study of the current tax preferences provided to a myriad of interests. These tax preferences cost the Commonwealth billions in revenues annually. Additionally, tax reform must be a balanced approach that allows localities some flexibility in establishing a local tax structure that supports the local and regional economy. An example of a balanced approach is the availability of rehabilitation tax credits to allow the restoration and reuse of buildings in communities like Roanoke. These programs allow a locality to improve its tax base, enhance its economic core, and improve the quality of life within the community.

The City urges the General Assembly to refrain from creating further exemptions that are applicable to local revenue sources. The expansion of exemptions with respect to local taxes by the General Assemble limits the ability of localities to allocate the necessary costs of local government across all members of the community. Continued expansion of these exemptions is, in effect, an unfunded mandate imposed on localities.

**II. TRANSPORTATION**

Transportation infrastructure is essential to economic development, community strength, and quality of life. Transportation infrastructure also contributes to improvements in environmental

quality and energy conservation. Roanoke applauds the continued efforts of the Governor and the General Assembly in developing, promoting, and funding a comprehensive and diverse transportation plan for the Commonwealth, and the Roanoke region. The Commonwealth and Roanoke are active partners in the return of passenger rail to the Star City within the next two years. Roanoke appreciates and applauds this commitment from the Commonwealth. Roanoke supports further expansion of passenger rail service throughout Southwest Virginia.

**A. Highway Infrastructure**

The City urges Congress, the Federal Highway Administration, Governor, General Assembly, and the Virginia Department of Transportation to take all steps necessary to pursue all available funding for improvements to expand and improve the reliability of Interstate 81 and commence construction of Interstate 73 from Interstate 81 to the North Carolina border, including improvements to Interstate 581 and re-designation 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 and to improve the safety and reliability of corridors throughout our region. These projects are Roanoke's highest transportation and economic development priorities.

**B. Public Transit Funding**

Roanoke strongly encourages the General Assembly to maintain support for local public transit programs such as the Valley Metro bus service in Roanoke. Local bus service is a critical component of the overall transportation system in our community and is an important component of our community's quality of life. For many Roanoke residents, bus service is an essential service. A quality bus service will reduce traffic congestion and energy consumption. Roanoke opposes any changes in funding formulas that will drastically reduce current funding for Valley Metro bus system.

**III. DOMESTIC VIOLENCE**

The City applauds the efforts of the Commonwealth in adopting rules under which organizations like Total Action for Progress (TAP) can apply for funding for programs like Sabrina's Place, the only comprehensive program in the Commonwealth that provides domestic violence focused supervised parental visits and child exchanges. The City urges the General Assembly to continue support 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.

**IV. LAW ENFORCEMENT**

The City encourages the General Assembly to develop comprehensive legislation to allow local law enforcement to continue utilization of technologies, such license plate readers, to perform their duties and protect the public. Legislation should also provide local law enforcement with flexibility in using developing technologies. Comprehensive legislation should recognize the value of these tools and balance the legitimate privacy concerns of individuals.

## **V. INDEPENDENT LIVING SERVICES AND FOSTER CARE SERVICES**

During the 2015 General Assembly, the Virginia Department of Social Services worked with the General Assembly to introduce changes to the Virginia Code and secure state funding which would have permitted the implementation of the federal Fostering Connections program in Virginia, thus ensuring the continuation of a full range of supportive services for both foster and adoptive youth to age 21. The legislation did not pass. Prior to the 2015 General Assembly, children in foster care between the ages of 0-21 were guaranteed to receive “foster care services.” These foster care services include a very broad range of services to meet the unique needs of children in foster care. Under the umbrella of “foster care services” is a much narrower category of “independent living services.” By failing to enact the Fostering Connections program in Virginia, children in foster care between the ages of 18-21 are now only entitled (with limited exceptions) to receive the limited category of independent living services.

The City supports extending foster care and adoption services to age 21 which includes providing financial and educational support to help these youth and young adults transition into adulthood.

## **VI. ADMINISTRATIVE MATTERS**

### **A. Collaboration of Public Recreation and Private Industry**

Localities throughout the Commonwealth acknowledge the importance of the need for industries to develop, nurture, and expand a diverse economy. A critical component in a strong, diverse 21<sup>st</sup> Century economy is public recreational facilities such as greenways. These recreational offerings contribute to the fabric of a community and the quality of life. The General Assembly should explore opportunities to ensure that state regulations do not inhibit opportunities for local manufactures and public recreation facilities to exist together in a community.

Roanoke is a city built on industries such as the railroad and manufacturing. The Star City is also recognized as a place where opportunities for outside activities are boundless. As the City expands and seeks to complete its public greenway for the benefit of the community, concerns have been raised that the proximity of the greenway to an existing manufacturing business could create regulatory challenges for this business. These challenges include the possibility that the business would need to upgrade its facility or face unwarranted litigation based solely on the fact that the business is near a stretch of the greenway. The City urges the General Assembly to create two protections for these businesses. First, the General Assembly should provide that the operating permits issued by the Department of Environmental Quality shall not be subject to review or change solely due to the location of a greenway on property of the business that is proximate to the property on which the business maintains its physical plant. Second, the City urges the General Assembly to provide such businesses with immunity from lawsuits challenging the right of the business to continue its operations, provided the business is operating in accordance with its existing operating permits and licenses. These legislative initiatives recognize the importance of industry and the environment collaborating to create a diverse, healthy, and sustainable community.

**B. Advertising City Procurements**

The City supports changing the procurement notification Code section to allow localities, at local option, to, post public notice of Requests for Proposals on the Department of General Services central electronic procurement website known as “e-Va” at [www.eva.virginia.gov](http://www.eva.virginia.gov). or on the localities central electronic procurement website. Publishing the procurement on e-Va and on the localities website would negate any requirement to publish a procurement in the local newspaper. Publishing procurements in the local newspaper does not represent the same reach into the government vendor community as publishing on State and local electronic procurement websites, and the requirement to publish procurement opportunities in the newspaper is not an efficient use of taxpayer dollars.

**C. Judicial Appointments**

**1. Fund Circuit Court Judge Position**

In late October 2015, the Honorable Clifford R. Weckstein announced his retirement as a judge of the Circuit Court of the City of Roanoke, Virginia. Judge Weckstein had a long and distinguished career in public service. In order to continue his commitment to serving the needs of the 23d Judicial Circuit, the General Assembly must ensure that this judicial position is funded and filled with all deliberate speed. The administration of justice for citizens and businesses in the 23d Circuit require this action.

**2. Additional General District Court Judge**

Roanoke wants to be responsive to its citizens, especially in circumstances where property owners are not in compliance with city code requirements. Presently, city code enforcement actions before the General District Court are limited to one (1) hearing day each calendar month. This limitation causes delays for the City planning and code enforcement staff. In addition, citizens generally, including landlords and tenants, and citizens dealing with traffic enforcement issues, experience significant inconvenience and delays with the lack of an additional General District Court judge. The General Assembly can provide relief from these delays by funding and appointing another judge for the General District Court. One General District Court judge retired in October, 2013 and that position has remained unfilled. As a result, judges from Roanoke County hold sessions in Roanoke City on certain days during each month. Prior to the retirement of one of the three General District Court judges in 2013, code enforcement cases were scheduled on two (2) days each calendar month. Roanoke urges the General Assembly to take action to provide Roanoke with a third General District Court judge.

**D. 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, often in the form of plastic bags discarded by customers of retail stores. 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 of The South.

**E. Minimum Wage**

In 2015, bills were introduced, but were not enacted, in the House of Delegates and the Senate to increase the minimum wage. The City strongly encourages the General Assembly to first evaluate whether the minimum wage, currently at \$7.25 per hour, should be increased to provide a living wage to Virginia families. Such evaluation should consider the benefits of an increase on working families; the ramifications of an increase on local, regional, and statewide economies; the impacts on the ability of localities within the Commonwealth to recruit, attract, and maintain businesses; the advisability of indexing future increases in the minimum wage; and the experiences of other jurisdictions where increases in the minimum wage have been adopted. A comprehensive study is essential in making an informed decision on this very important issue.

**F. Smoking in Public Parks**

Current state code allows localities to regulate smoking in certain public facilities. Public facilities are limited to indoor facilities. Localities should be given the authority to regulate smoking in outdoor facilities such as public parks. The legislation would enable localities to adopt measures; the legislation should not mandate action by localities.

**G. Parks and Recreation**

The City endorses the 2016 Legislative Priorities of the Virginia Recreation and Park Society. These priorities can be found at [www.vrps.com](http://www.vrps.com).

**H. Miscellaneous code changes**

The City recommends the following technical changes to state code:

Amend Section 15.2-901 (B) to provide that nuisance liens have the same priority and duration as unpaid local real estate tax liens. Currently, state code provides that nuisance liens have the same priority as “unpaid local taxes.”

Amend Section 8.01-417 to require affiants who submit affidavits to establish damages to reside or have a place of business within the Commonwealth of Virginia. Affiants who are outside the Commonwealth are not subject to the subpoena power of the courts.

Amend Section 15.2-2311 (A) to allow localities the option of mailing a notice of violation by regular mail rather than certified or registered mail, provided that the locality includes a postage-prepaid return card with the notice. This change could allow localities to save several thousands of dollars in postage costs.

# **City of Roanoke Public Schools**

## **2016 Legislative Program**

### **I. 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 (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.

### **II. FUNDING FOR EDUCATION**

The State has a constitutional duty to meet its education funding obligations. The City and the Schools encourage you to do everything possible to significantly increase spending on public education. 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 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. The challenges confronting local schools are compounded because the actual costs incurred by local school divisions in meeting mandates are often much greater than estimated by the Commonwealth. Additionally, the increase in classroom rigor as a result of changes in student performance requirements should be supported by an increase in teacher instructional knowledge and skills. Funds should be allocated to support continuing education for teachers.

Funding for education includes an emphasis on access to enhanced technology to assist all students for the challenges presented by technology based SOL tests. Roanoke City Public Schools has initiated a program to provide eighth graders with lap top computers to address this challenge. As a part of its effort to fulfill its constitutional obligation to education funding, the Commonwealth must include funding for technology that enhance learning as well as the staff development needed for teachers.

*Halladay*

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA  
The 16th day of November, 2015.

No. 40388-111615.

A RESOLUTION adopting and endorsing a Legislative Program for the City to be presented to the City's delegation to the 2016 Session of the General Assembly.

WHEREAS, the members of City Council are in a unique position to be aware of the legislative needs of this City and its people;

WHEREAS, previous Legislative Programs of the City have been responsible for improving the efficiency of local government and the quality of life for citizens of this City;

WHEREAS, Council is desirous of again adopting and endorsing a Legislative Program to be advocated by the Council and its representatives at the General Assembly; and

WHEREAS, the Legislative Committee of City Council has by report, dated November 16, 2015, recommended to Council a Legislative Program to be presented at the 2016 Session of the General Assembly.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that the

1. The Legislative Program transmitted by report of the Legislative Committee, dated November 16, 2015, is hereby adopted and endorsed by the Council as the City's official Legislative Program for the 2016 Session of the General Assembly.

2. A joint meeting of the School Board and City Council will be held on Monday, December 7, 2015, at 11:00 a.m., to present the 2016 Legislative Program to the Senators and Delegates.

ATTEST:

*Stephanie M. Moon Reynolds*  
City Clerk.