



2023 VIRGINIA GENERAL ASSEMBLY LEGISLATIVE PROGRAM

TOWN OF LEESBURG, VIRGINIA

Adopted by the
Leesburg Town Council
on
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Town of Leesburg

2023 Legislative Program

1. General Topics:

Legislative Priorities:

1.1 Remote Meetings of Advisory Boards and Commissions:

The Town Council requests amending Section 2.2-3708.2 of the Code of Virginia to allow advisory boards and commissions serving a locality, when not performing any adjudicatory function, to be permitted to conduct public meetings virtually, with no requirements for in-person attendance or quorum determination. All meetings would be required to provide public access and methods for public participation.

1.2 Increase to the Allowable Limits of Remote Participation for Elected Officials:

The Town Council requests amending Section 2.2-3708.2(b) of the Code of Virginia to allow members of legislative bodies, boards, and commissions, regardless of function, to participate through electronic communication means for reasons of unsafe travel conditions or personal health risks upon the approval of a majority of the members in physical attendance.

1.3 Memorandums of Agreement with the County:

The Town Council requests an amendment to the Code of Virginia which mandates that counties that contain incorporated towns must provide services to town residents on equal parity with county residents without the necessity of a written agreement and that, for those services provided, county regulations and standards apply.

1.4 Dockless Mobility Devices (Scooters):

The Town Council requests an amendment to Code of Virginia Section 46.2-1315 to authorize towns, cities, and counties to prohibit dockless mobility devices (scooters) within its corporate limits. Currently localities are only allowed to “regulate”, but not prohibit.

1.5 Plastic Bag Tax:

The Town Council requests an amendment to Code of Virginia Section 58.1-1745 to authorize towns to implement a plastic bag tax, in the same way it authorizes cities and counties, or require counties to distribute collected revenue back to the towns within their jurisdiction using the formula already in place for distribution of sales tax.

Position Statements:

1.6 More Authority for Large Towns:

When crafting legislation that impacts localities, the General Assembly, when practicable, should grant large towns the same authorities that are granted to cities and counties.

1.7 Oppose Any Reduction of Local Taxing Authority:

The Town Council opposes any reduction or narrowing of the taxing authority of local governments, including but not limited to business license tax, machinery & tools tax, sales tax, and meals tax. Further, the General Assembly should take no action to restrict the use of current local revenue sources.

1.8 Oppose Any Unfunded Mandates:

The Town Council opposes any new state mandates that are not fully funded by the Commonwealth and opposes the shifting of fiscal responsibility from the state to localities for existing programs.

1.9 Support Revenue Sharing with State:

The Town Council supports any state revenue sharing formula to assist local governments with public infrastructure needs, so long as the formula includes recognition of the needs in high growth localities.

1.10 Legal Notice Publication:

The Town Council supports legislation that would give localities the authority to post legal notices on websites as a substitute for publishing legal notices in print newspapers.

1.11 Rights to Share Customer Account Information:

The Town Council opposes any legislation that would restrict the sharing of customer contact information, exclusive of consumption data, between governmental bodies for the purpose of tax collection.

1.12 Access to Broadband:

The Town Council supports state efforts to bring broadband access to all communities in Virginia.

Focus Areas:

2. Land Use

Position Statements:

2.1 Oppose any reduction of local land use authority:

The Town Council opposes legislation that weakens local authority to plan and regulate land use, zoning and property maintenance. This authority should remain with local governing bodies. The Town Council generally supports the granting of additional land use, zoning and property maintenance authority to localities, especially in areas experiencing high rates of sustained growth, and as a means to address the fiscal burdens experienced by localities in providing needed public services to local residents. The Town Council supports existing local authority to accept cash and in-kind proffers from developers to assist localities in financing the capital facilities and infrastructure needed to serve new development and opposes legislation to eliminate or restrict that authority.

2.2 Wireless Communication Facility Placement:

The Town Council opposes any legislation that limits the Town's authority to regulate the placement of wireless communication facilities in Town right-of-way and on Town-owned facilities and rental and permit fees related to such equipment.

3. Environment

Legislative Priorities:

3.1 Glass Recycling:

The Town Council requests the state develop a program to incentivize localities and private recycling processors to provide glass recycling and to assist in expanding markets for recycled glass.

3.2 Prohibition on Disposable Plastic Bags:

The Town Council requests legislation that would prohibit the use of disposable plastic bags by retail establishments.

Position Statements:

3.3 Tree Save Efforts:

The Town Council supports efforts that would strengthen localities' ability to require private new construction projects to save existing trees.

3.4 Automobile Emissions Inspections:

The Town Council supports the expansion of biennial motor vehicle emissions inspection requirements for localities with significant Northern Virginia commuting populations.

3.5 Dam Safety Funding and Regulations:

The Town Council urges the federal government and the Commonwealth of Virginia to provide adequate funding for high hazard dam inspection, maintenance, and reconstruction.

3.6 Water Quality Funding:

The Town Council urges the federal government and the Commonwealth of Virginia to provide adequate funding for state and federally mandated capital improvements for sewage treatment plants, Total Maximum Daily Loads (TMDLs) requirements, MS-4 Permits, and other storm water systems.

4. Public Safety

Legislative Priorities:

4.1 Temporary Detention Order Expansion

The Town Council requests an amendment to the Code of Virginia that would allow an extension to a 72-hour Temporary Detention Order. Under the current state code, community services cannot pursue a second Temporary Detention Order (TDO) when a bed is not found within the 72-hour period. Local magistrates are directed, pursuant to an old AG opinion, to not grant successive TDOs. The Town would like to see Va. Code §§ 37.2-808, -809, and -814 amended to allow for a second TDO assuming no change in the person's circumstances while preserving an individual's right to due process.

Position Statements:

4.2 State Funding for Local Emergency Management Coordinators

The Town Council supports the allocation of state funding to localities to ensure that all Virginia communities have an Emergency Management Coordinator position.

5. Utilities

Position Statements:

- 5.1 **Chesapeake Bay TMDL and State Water Quality Management Planning Regulation:**
The Town Council urges the Commonwealth of Virginia to provide adequate funding for state and federally mandated capital improvements for TMDL, water quality and lead abatement (public and private water systems/services).
- 5.2 **Polyfluoroalkyl Substances (PFAS):**
The Town Council urges the Commonwealth of Virginia to not set a maximum containment level (MCL) for Polyfluoroalkyl Substances (PFAS) until sufficient study and research has been conducted and a uniform MCL has been established by the Environmental Protection Agency.
- 5.3 **Lead and Copper Mitigation in Drinking Water:**
As a result of the Environmental Protection Agency's recently revised Lead and Copper Rule, the Town Council urges the Commonwealth of Virginia to provide adequate funding including grants for any possible future lead surveys and abatement projects for water systems. If abatement work is required, the Town asks that the state adopt a realistic timeline for work to be completed. All private property lead abatement should be the responsibility of the property owner and not the water service provider.
- 5.4 **Municipal Utility Force Majeure Exemption**
Exempt municipal utility operations from state fines and penalties when water or wastewater plants experience significant treatment impacts that are outside of the control or authority of the municipality, so long as the locality is fully communicating with state regulatory agencies and working in good faith to rectify the situation.
- 5.5 **Treatment Plant Expansion Funding:**
The Town Council supports the development of a state financing program that would share water and sewer plant expansion costs between the state and localities equally.

6. Transportation

Position Statements:

- 6.1 **State Oversight of Locally Administered Projects:**
The Town Council supports state policy changes to reduce state oversight of locally administered transportation projects. Such oversight is duplicative, cumbersome, and inefficient, and results in unnecessary delays and costs. Periodic state audits of locally

administered projects would be more efficient and better policy than constant, day to day oversight.

6.2 VDOT Cost Estimates:

The Town Council supports state policy changes to mandate further refinement of VDOT cost estimates for transportation projects in an effort to improve accuracy. In those circumstances when there are excess funds on a specific project, allow those funds to be reallocated to other transportation projects more efficiently.

7. Finance

Position Statements:

7.1 Line of Duty Act:

The Commonwealth of Virginia should reassume the funding responsibility for the Line of Duty program instead of passing that financial obligation on to localities.

7.2 HB 599 Law Enforcement Assistance Funding:

The General Assembly should follow the 599 Law Enforcement Assistance Funding formula that was established in the Code of Virginia Section 9.1-165 instead of the annual Appropriations Act passed by the General Assembly that distributes funds based on a standard, across-the-board percentage increase or decrease from the previous fiscal year's allocations.

7.3 State Funding for School Resource Officers:

The Town Council supports legislation that would provide state funding for school resource officers at all public elementary, middle, and high schools.

7.4 Bills of Financial Impact to the Town:

Reinstate the requirement that bills resulting in a net expenditure and/or net decrease in revenue for local governments be filed on or before the first day the legislature convenes.

7.5 Business, Professional and Occupational License (BPOL) Taxes:

The Town Council opposes any legislation that would eliminate the BPOL tax, unless current revenue from the BPOL tax is replaced with new local revenue that is distributed directly to each locality based on point of sale. Further, the Town Council requests that if the BPOL tax is eliminated, localities be granted the authority to issue an annual license to businesses physically located within the locality for a nominal fee to recover administrative costs necessary for the collection of requisite information for other business processes and state mandated reporting.

7.6 Marijuana Sales Tax:

The Town Council supports the Commonwealth of Virginia centrally collecting taxes on marijuana sales and distributing the tax on a monthly basis to each jurisdiction based where the local portion of the tax was assessed and collected.

8. Budget Funding Requests

8.1 State Maintenance Funds for Roadway Paving and Repair:

The Town Council requests that the Virginia Department of Transportation continue to fund road maintenance through the two programs established to help localities with roadway maintenance, the Revenue Sharing maintenance program and the State of Good Repair program. Funding for both programs should only come from state sources, and not commingled with federal funds. Currently, the state includes federal dollars in these programs, thus requiring all local projects receiving these funds to meet all federal regulations. This requires duplication of procurement and significant delays and increased costs for simple projects such as street paving.