

**CITY OF LYNCHBURG**  
**2022 LEGISLATIVE AGENDA**  
**Adopted January 11, 2022**

The City of Lynchburg 2022 Legislative Agenda is meant to highlight those issues of particular importance to the City.

The Lynchburg City Council asks that legislators keep the following principles in mind as they evaluate and vote on legislation and the budget.

**PRINCIPLES**

- Local governments are instruments of the state, created in large measure to deliver state responsible services in a more efficient and effective manner. This state/local partnership requires an equitable allocation of costs between the two levels of government and across the various jurisdictions of the Commonwealth.
- The state must continue to meet constitutional and statutory responsibilities to adequately fund the state share of state/local services, especially in education, human services, and public safety. Any shortfall in state revenues should not be shifted to local governments.
- When the state experiences or anticipates a budget surplus, due to either increased revenues or reduced expenditures, it should relieve localities of funding responsibilities that have been shifted to them for state mandated/locally delivered serves.
- Rather than shifting responsibilities for programs that the state is unwilling to fund down to the localities, the state should consider eliminating those programs.
- The state should explore ways to increase the efficiency and effectiveness of the delivery of state services at the local level including the regionalization of service delivery (e.g. Social Services) and the elimination of inefficient structures such as the Compensation Board.
- The General Assembly should defeat proposed legislation that would erode local taxing authority, cap or reduce local revenue sources or that would impose unfunded mandates on localities.
- The General Assembly should support legislation that provides greater authority to localities in implementing sustainability initiatives especially with regard to land use and transportation planning.
- The General Assembly should preserve local zoning and land use authority, allowing flexibility to meet the needs of individual communities.
- The General Assembly should defeat all efforts to impose unfunded mandates on localities. Unfunded mandates from state government are an abdication of state responsibility and limit localities' ability to perform their own core responsibilities.

## 2022 KEY LEGISLATIVE IMPERATIVES

**Emergency Custody Orders (ECOs) and Temporary Detention Orders (TDOs):** State code currently requires law enforcement officers to sit with patients under an (ECO) and requires law enforcement officers to transport patients issued a (TDO) to mental health hospitals throughout the state. The City of Lynchburg has seen a large increase in mental health issues over the last several years, which has resulted in an increased number of patients under both an ECO and TDO. This requires additional law enforcement officers to stay with these patients at the hospital, taking them away from answering calls for service and engaging with residents. Law enforcement has a role in the mental health process, but that role should be limited to stabilizing the situation and ensuring the safety of all those involved and then returning to their regularly assigned duty. The City of Lynchburg supports an update to state code so it no longer mandates that law enforcement must stay with ECO patients at the hospital and that law enforcement no longer must transport TDO patients.

**Revenue Sharing:** Preserve the Revenue Sharing program administered by the Virginia Department of Transportation and revert to the previous application and funding schedule; a two year application process, award funding the following year(s), maximum of \$10,000,000 per application cycle. The Revenue Sharing program allows localities to leverage funds for needed projects that have no other source of funding. Prior to the present application process, funds were available to be used within a year of application. The process has changed so that localities are required to wait at least five years before funding is awarded. The gap is too large between application process and the funding award. This leaves localities waiting five to six years before they can even begin design and construction of the needed transportation project, delaying and increasing costs.

## 2022 LEGISLATIVE PRIORITIES

**Airports:** The impact of the Coronavirus pandemic on Virginia’s commercial service airports has been unprecedented in the history of the aviation industry. As a result, the City supports:

- Support increased state funding for the “Governor’s New Airline Service Incentive Fund” as passed by the General Assembly during its 2019 session (SB 990). This legislation created a special non-reverting fund to be used at the discretion of the Governor for grants to airlines serving commercial service airports in Virginia. The creation of the fund was intended to provide or assist in the marketing, advertising and promotional activities by airlines in connection with the launch of new airline service, and to provide incentives to airlines as part of such new service.
- Support the extension of the Retail Sales and Use Tax Exemption on Aviation Parts that was created in 2017 by the General Assembly and is set to expire on July 1, 2022. This economic development tool was established to encourage growth of the aviation maintenance, repair, and overhaul industry and unmanned aviation systems in Virginia, and has been well received by aviation businesses and consumers alike. Tax savings from the aircraft repair parts exemption have been estimated to be \$5.4 million in FY19.
- Oppose any amendment(s) to state statutory language that would alter the formula which determines the allocation of state entitlement funds to Virginia air carrier airports that would result in Lynchburg Regional Airport receiving less state entitlement funding annually than received under the current formula.
- Support a Joint Legislative Audit and Review Commission (JLARC) review or similar study to

evaluate Virginia's competitiveness with surrounding states in providing comparable airport infrastructure and dedicated economic development funding to Virginia airports in order to supplement the existing Commonwealth Aviation Fund (CAF).

**Blighted Properties:** The General Assembly should amend the Code of Virginia to allow cities to transfer blighted properties directly to a land bank created by the City or an existing nonprofit in lieu of sale at public auction for unpaid real estate taxes. This ability is provided to several Virginia cities and should be applied to all cities. Additionally, the General Assembly should adjust the qualifying criteria for localities that are authorized to treat blighted properties and derelict structures as a separate property class for local taxation of real property so that all Virginia cities the ability to do so.

**Broadband:** The General Assembly should create a concerted governmental effort to ensure broadband coverage that is both available and affordable to the most in need. Particularly in low income neighborhoods, a lack of broadband coverage and affordability has far-reaching implications for K-12 education and lifelong learning.

**Children's Services Act (CSA):** CSA funding continues to be a serious concern. Actions taken by the General Assembly have increased mandated services and shifted costs to the localities. The General Assembly should refrain from adding additional mandated services and should fund its full share of the CSA program.

**Compensatory Time:** The General Assembly should permanently amend Virginia Overtime Wage Act § 40.1-29.2 so the terms "Wages" and "Pay" also mean overtime compensatory time in lieu of wages for overtime pay by public agencies, as provided by the Fair Labor Standards Act.

**Comprehensive Poverty Reduction:** Support continued funding of the Community Wealth Building state matching fund which partners with local programs that target intractable long-term pockets of poverty through combined education and job training, housing and transportation resources, mentoring and prisoner re-entry, childcare and early education, and workforce training and other programs that break the cycle of poverty. Preparing people for jobs in the new workforce is extremely important to a healthy community continuum. Prioritize the use of "Go Virginia" funding to create jobs for those in poverty.

**Community Wealth Building/Public Housing Redevelopment:** Increase funding by \$4 million in the Brownfields Restoration and Remediation Fund and have specific State budget language that would allow grant application for public housing remediation and infrastructure improvements associated with public housing on or adjacent to former landfill sites.

**Disposal of Property Due to Eviction:** Support legislation to require that evicted tenants' personal property must remain inside the premises for a specified period time after which it becomes that landlord's responsibility to remove and properly dispose of the tenants' property at the landlord's expense. The state code outlines what a landlord must do with an evicted tenant's personal property. Currently the state code says when evicting a tenant the landlord must set the tenant's personal property on the public right-of-way for at least 24 hours so that the evicted person may obtain their belongings. The code also says that tenants shall have 24 hours to remove the property and if the tenant does not remove the personal property within 24 hours, the landlord must remove the property within 48 hours. If the landlord fails to remove the property within 48 hours, the City can remove the

property and bill the landlord for the removal costs. The 24 hour and 48 hour removal periods are required by state law. This places an undue burden on localities to collect and dispose of this debris from the public right-of way and causes unsightly and unsanitary conditions in neighborhoods. Landlords should be treated as businesses.

**Early Childhood Education:** Support legislation that would improve access to and quality of early childhood education. For the Commonwealth to be successful in future generations, it is critical that early childhood educational opportunities meet the needs of working families. This should be accomplished through incentives or other direct support for the development of early educational opportunities.

**State Charter School Initiative** - The City wishes to explore being considered for the State Charter School Initiative Program.

**Economic Development:** Preserve existing incentive and grant funds offered by the Virginia Economic Development Partnership, the Virginia Department of Agriculture and Consumer Services, the Department of Housing and Community Development, the Department of Environmental Quality, Virginia Tourism Corporation, and Virginia Commission for the Arts.

**A Skilled and Available Workforce** – The future of Virginia’s economic development success is talent attraction, retention, and development. For the Commonwealth to be viewed as the top state for a skilled and available workforce, training programs must be in place and well-funded.

- *Innovative Partnerships with Higher Education and the Business Community* – Support enhanced partnerships between Virginia’s colleges and universities and the business community to commercialize research and development; create innovative ideas and new technologies; support Virginia’s entrepreneurial ecosystem; and meet the growing demand for talent in the Commonwealth. Support the continued funding of the Tech Talent Investment Program to build technology-educated talent in the Commonwealth.
- *Credentials for High-Demand Occupations* – Support additional funding to build on the success of the Workforce Credential Grant (Fast Forward), a pay-for-performance initiative that creates and sustains a demand-driven supply of credentialed workers to fill occupations where demand outstrips supply in Virginia. The grant makes attainment of credentials in high-demand fields more affordable to Virginians through the Virginia Community College System.
- *Talent Solutions* – Virginia currently has two critical and complementary programs that provide economic development projects with critical workforce training support.
  - i. Virginia Jobs Investment Pool is the most frequently used economic development program, as it is accessible to companies of all sizes in every corner of the Commonwealth. The program helps offset recruitment and training costs, thus reducing companies’ human resource development expenses and reinvesting these funds in the people of Virginia.
  - ii. Increase funding for the Virginia Talent Accelerator Program to continue the program’s development and growth to the capacity of Virginia’s competitor states. Virginia’s newest workforce training program, the Virginia Talent Accelerator Program, will rapidly re-skill to the exact requirements of a new or expanding employer through training that is fully

customized to an employer's unique processes, equipment and procedures

**Site Development** - Support increased funding for the Virginia Business Ready Sites (VBRS) program and other efforts to develop new sites for those businesses looking to locate or expand in the Commonwealth. Funding for site characterization and development is an investment in the foundation of economic development. Site readiness is important to Virginia's economic development efforts. Currently, Virginia has the lowest number of buildable/certified sites among competing states.

**Transportation** – Support policies to invest in infrastructure to enhance the state's competitiveness and the effective spending of funding. The City has long held that Virginia's transportation network (air, highways, rail, and the port) is an essential component of the state's economic development success. Special attention is needed to rural areas versus more densely populated cities such as Northern Virginia and the Tidewater areas. Providing a connection from Central Virginia to the Capital City.

**Energy** – Support policies that allow for the timely development of needed energy infrastructure investments across the Commonwealth. A sustainable, reliable and cost-effective energy supply is critical to the attraction of new companies and the retention of existing businesses, particularly in the energy-intensive manufacturing and Information Technology (IT) sectors.

**GO Virginia** – Support maintaining the funding for GO Virginia to encourage collaboration among Virginia's localities to support economic growth and diversification and leads to higher-paying jobs. The GO Virginia effort makes strategic investments in regional projects to achieve that goal and should continue in a way that complements the state's broader economic goals.

**Affordable Housing/Workforce Housing** -Affordable housing plays a substantial and reinforcing role in local economic development. Without a sufficient supply of affordable housing, employers—and entire regional economies—can be at a competitive disadvantage given the subsequent difficulty to attract and retain qualified workers. Expanded opportunities for housing a community's workforce are critical to keeping and growing jobs in Virginia. Extending the program to those who with incomes beyond that threshold within Federal Support, will allow the workforce to live within closer access to their jobs and continue to support their independent growth.

**Incentives** – Support transparency and accountability with the use and management of incentives, but such measures should not restrict the state's ability to be responsive and flexible to the needs of business. Among Virginia's most important tools to be competitive are economic development incentives. Virginia must increase funding to the economic development incentives that deliver success for the Commonwealth, with a clear return on investment and mitigated risk for the State.

- *Commonwealth Opportunity Fund (COF)* – Support the COF as it remains Virginia's flagship economic development incentive program and the state's premier deal closing fund. Virginia will only remain competitive to make the short list of site selection projects by maintaining funding for the program.
- *Enterprise Zones* – Support additional funds to serve existing zones and future zones, if the number of zones is expanded. This long-standing program has helped both urban and rural communities revitalize distressed areas. The grants offered through this program are modest, but recent budget cuts have resulted in caps on funding for the program, which means amounts promised to companies making investments in these zones end up being

prorated.

- *Agriculture and Forestry Industries Development Fund (AFID)* - Support continued funding for the program. AFID is a critical tool for localities to support two of Virginia's largest industries: agriculture and forestry. This performance-based grant is available to companies that create jobs and investment, add value to Virginia-grown products, and commit to sourcing Virginia-grown agricultural and forest products – creating additional marketplaces for Virginia's farmers and forestland owners.
- *Data Center and Manufacturing Incentives* – Support the continuation of this program. The availability of data center sales and use tax exemptions is among the top few site-selection considerations for data centers and has been a major contributor to the Commonwealth's success in data center locations.

**Economic Development Marketing & Lead Generation** - Support enhancing the Virginia Economic Development Partnership's (VEDP) marketing budget, while keeping our current economic development tools whole, to effectively differentiate Virginia from its global competitors. Even a great business climate and fully-funded incentives are of limited use if we do not have the resources or the people to tell the Virginia story. This, however, is the area where past budget cuts and/or stagnant funding have hit the hardest. Virginia must reengage business leaders globally to ensure top of mind awareness of the state as a great place to do business.

**Tourism Promotion** – Support continued state tourism promotion by the Virginia Tourism Corporation to attract first time visitors to Virginia and to enhance the leverage marketing program.

**Outdoor Dining** – Support the Commonwealth and its localities allowing outdoor dining in nontraditional spaces on a permanent basis. The Virginia Alcohol Beverage Control Authority should continue expedited approvals of outdoor dining spaces.

**ABC Licenses** - Support making Alcohol To-Go permanent, expedited ABC approval of outdoor dining spaces, and authorizing local governments to establish local entertainment districts.

**Tourism Improvement Districts** - Support legislation that would allow hospitality related businesses and localities to enter into public private partnerships and create Tourism Improvement Districts (TIDs). Proposals should require that localities obtain support and approval of assessments from a majority of hospitality related businesses that are located in the TID, and funds generated by such levies shall be dedicated solely to the promotion and tourism related marketing of the TID. The TID must also be managed by the local Destination Marketing Organization.

**Economic/Industrial Development Authorities (EDAs/IDAs) Structure** – Support the current structure of EDAs/IDAs as an important economic development tool. EDAs/IDAs were authorized by the General Assembly and exist to permit localities to have a flexible tool to support economic development in their communities.

**EDA/IDA Member Disclosures** – Support legislation that would repeal the 2020 amendment to the Conflict of Interest Act requiring members of Economic Development Authorities and Industrial Development Authorities to file financial disclosure forms. Lynchburg and other localities have had members of their EDAs/IDAs resign as a result of these requirements. Members of EDAs/IDAs are volunteers who serve without pay and feel it is an invasion of their privacy to have to file the forms.

**Educational Funding:** Jobs are the key to economic recovery and adequate education is essential for preparing the current and future workforce. The State should fully fund the Standards of Quality (SQQ), including support staff costs and categorical incentive funds for At-Risk students and restore funding from cuts to education over the last biennium. The state has a constitutional duty to meet its education funding obligations and should refrain from changes in methodology and division of financial responsibility that result in a further shift of funding responsibility from the state to localities. These shifts do not change what it actually costs to provide education but simply transfers additional costs to local governments, and ultimately to the local real estate tax base.

**Emergency Management:** Support a dedicated revenue stream for the Virginia Department of Emergency Management's local support functions. Recent budgetary constraints have threatened pass-through funding available to localities from VDEM. Loss of local assistance funding would result in the City of Lynchburg's inability to maintain its Emergency Operations Plan, reduce readiness to open its Emergency Operation Center, and would limit the City's ability to engage in community outreach and disaster management.

**Emergency Medical Technician Training:** The General Assembly should allocate additional funding, or reallocate funding to support Advanced Life Support Training programs at Community Colleges, providing free tuition for Emergency Medical Technician Basic through Paramedic certification. The shortage of Advanced Life Support prehospital care providers is not a new reality, though it has been and continues to be exacerbated by the COVID-19 pandemic. The lack of appropriate funding results in a the lack of qualified paramedics both in the City of Lynchburg and throughout the Commonwealth. Offering these programs creates opportunities for organizations to be more reflective of their communities.

**911 Reclassification:** Support the classification of 911 Public Safety Communications Specialist as public safety first responders within the Virginia Retirement System to ensure that they are eligible for enhance retirement benefits for hazardous duty service. Under current law, localities may provide such benefits to first responders, including firefighters and emergency medical technicians, and certain other hazardous duty positions. This classification limits the ability to recruit and retain qualified public safety communicators at public safety answering points throughout the Commonwealth.

**Filing of Items with Local Fiscal Impact:** Support legislation that requires members of the General Assembly to file bills with local fiscal impacts as early as possible and no later than the first day of the legislative session, so that the appropriate fiscal impact analysis can be completed and reported in a timely manner.

**Historic Rehabilitation Tax Credits:** Support this financing tool which supports the development and redevelopment of historic buildings.

**Local Law Enforcement Funding:** The Commonwealth should be equitable in its support for local law enforcement funding both to those localities with police departments (HB 599 funding) and to those in which Sheriff's Departments provide law enforcement (through the Compensation Board). Cities should not bear a disproportionate burden for law enforcement funding through continued reductions in funds provided by HB 599.

**Proffers:** Request that the General Assembly monitor the impact of recent amendments to Section 15.2-2303.4 of the State Code and consider any amendments that may be needed to further clarify the appropriate use of proffers in conditional residential rezonings.

**Public Safety Funding:**

- **Police Funding:** The General Assembly should consider reconstructing the funding formula for Aid to Localities with Police Departments to create a formula that is responsive to urban police departments facing challenges with workforce recruitment and training.
- **Fire and Emergency Medical Services Funding, generally:** The General Assembly should consider matching funding for Fire Department and Emergency Medical Services agencies in at a level consistent with Police HB 599 funds.
- **Local Assistance for Fire Departments:** The General Assembly should increase entitlement funding for program such as Aid to Localities (ATL) and 4-For-Life to increase available funds for training, technology, medical, and physical fitness. As an Internationally Accredited Fire and Emergency Medical Services the Lynchburg Fire Department embraces the 16 Fire and Life Safety Initiatives and funding from state resources provides critical assistance. This funding supports the programs previously mentioned, that include important multifaceted and multiagency opportunities for training that cannot otherwise be funded. This includes, but is not limited to: Hostile Event (Active Shooter) training, Hazardous Materials, and crisis mitigation – such as natural disasters. In addition to the aforementioned, the following focus areas are at the forefront of the 16 Fire and Life Safety Initiatives and desperately require additional funding support at the state and local level: Cancer Risk Reduction, Mental and Physical Fitness.

**Qualified Immunity:** Oppose legislation that removes qualified immunity protections for local law enforcement officers. Eliminating qualified immunity will dramatically affect the ability of localities to recruit and retain professional law enforcement officers. This step also will negatively affect police response to community requests for services, potentially impacting community safety.

**Sidewalks:** Support the General Assembly granting local governments the authority to enter into agreements with developers to have a payment in-lieu-of option for sidewalk installation. These agreements would be initiated at the request of the developer and include language allowing the locality to install a sidewalk that is required as part of a development project somewhere else that is beneficial to the community.

**Sustainability:** Support policies that help municipalities reduce their carbon footprint and promote sustainability. Additionally, the General Assembly should promote policies that assist localities to be leaders in promoting opportunities for energy efficiency in order to reduce costs for our most vulnerable citizens.

**Taxes- Machinery and Tools:** Oppose legislation that would reduce or eliminate a locality's authority to impose a machinery and tools tax. The loss of \$4,600,000 in revenue from the Machinery and Tools Tax would equate to a 8.6 cent increase in the City's Real Property Tax rate.

**Taxes- Business License:** Oppose legislation that would reduce or eliminate a locality's authority to impose a business license tax. The loss of \$9,668,302 in revenue from the Business License Tax would equate to a 17.2 cent increase in the City's Real Property Tax rate.

**Transportation Initiatives:** Support various transportation initiatives as noted below:

- Support expansion of Amtrak rail service including a second Northeast Regional Train



- anchored in Lynchburg.
- Support efforts to expand air service from Lynchburg Regional Airport to northern destinations, including air service to Dulles International Airport.
  - Support connectivity efforts that attract and retain a skilled and educated workforce.
  - Support access management strategies that preserve and improve corridors of statewide significance.

**Drinking Water, Water Quality, and Environment:** The City continues to face significant financial burdens in our efforts to comply with water quality and drinking water regulations and legislation. Coupled with the effort to renew and replace failing infrastructure this places a significant burden on our citizens through high water, sewer and stormwater rates. The City supports state and federal funding assistance for these programs to minimize the impacts to citizens and businesses. Additionally, the City opposes legislative efforts that place additional requirements and burdens on our utilities that are not scientifically based and place additional burden on our rate payers. Further, the City opposes additional fees and enforcement authority that would further reduce funding and available resources to address the needs of our water programs. As a result the City urges strongly endorses the following positions:

**Polyfluoroalkyl Substances (PFAS) Chemical Regulation**

- The term polyfluoroalkyl substances (PFAS) encompasses many substances that are of concern to drinking water quality, and have become a topic of conversation in environmental regulation
- Any new regulation of PFAS chemicals in Virginia should focus on the actual sources such as military bases, industrial discharges, and consumer products, rather than locality-owned water and wastewater treatment facilities.
- Virginia Code § 32.1-169 (as amended by HB 1257 (2020)) should be enhanced to require that the development of any drinking water maximum contaminant levels for PFAS set by the Virginia Department of Health comply with the same rigorous scientific and technical requirements applicable to the development of such levels by the U.S. EPA in accordance with the Safe Drinking Water Act, and be at least as protective.

**Water/Wastewater Facilities Regulation, generally**

- Support funding for compliance with the federal Lead and Copper Rule, including support for lead service line inventory efforts, lead service line replacement, and additional testing requirements.
- Maintain, and where appropriate streamline, regulatory programs administered by DEQ, DCR, and VDH that affect localities directly, including:
  - No increase in permit fees assessed by regulatory agencies against localities,
  - No increase in enforcement authority and penalties against localities, and
  - No additional administrative or operational constraints on local utility operations

**Stormwater Local Assistance Fund (SLAF)** – Maintain the existing FY 2021 \$50 million appropriation for Chesapeake Bay TMDL and other local stormwater projects.

**Stormwater and Flood Management Regulations Generally** – Considering many years of legislative and regulatory authority expansion that localities continue to implement, the City recommends maintaining and where appropriate streamlining stormwater regulatory programs administered by DEQ and DCR that affect localities directly, including:

- No reduction in locality TMDL credit earned by implementing stormwater improvement projects including septic system connections to sanitary sewer

- No increase in permit fees assessed by DEQ against localities
- No increase in enforcement authority and penalties against localities
- No additional administrative or operational constraints on local stormwater management and flood mitigation efforts.

**Stormwater Utility Legal Authority** – Maintain statutory authority authorizing local utility rates and charges for local stormwater management and environmental compliance purposes.

**Water-Related Grants to Localities** – Continue funding state grants to localities for improvements with regional or statewide benefits including the Water Quality Improvement Fund (wastewater) and the Stormwater Local Assistance Fund.

**Pollution Control Equipment Sales Tax Exemption Certification Streamlining** – To make implementation of the existing sales tax exemption more efficient and effective for localities and for the Department of Environmental Quality, amend Virginia § 58.1-3660 to enable political subdivisions to self-certify equipment, facilities, devices, or other property intended for their own use in conjunction with the operation of their water, wastewater, stormwater, or solid waste management facilities or systems.

**Local Utility Rates and Charges** – Oppose legislation that would restrict current local legislative discretion or mandate preferences or exemptions in local rate structures for allocating various costs of service to local ratepayers for water-related utilities.

## OTHER LEGISLATIVE POSITIONS

**Binding Arbitration:** Oppose legislation that mandates binding arbitration, meet and confer requirements, and imposed grievance procedures for local employees. Oppose any amendment to the 2020 legislation authorizing collective bargaining that allows localities to choose whether or not they wish to engage in collective bargaining. The City opposes any requirements to mandate collective bargaining, require binding arbitration, or repeal Virginia’s right to work law.

**Communications Sales and Use Tax:** The Virginia Communication Sales and Use Tax was enacted to establish a statewide tax rate and to preempt local taxes on communication sales and services. The City supports setting the tax rate at the same level as the state sales tax rate of 5.3 percent and broadening the coverage of the tax to include audio and video streaming services and prepaid calling services.

**Exemptions:** Oppose any legislation that would exempt churches and other religious and non-profit organizations from neutral, generally applicable local ordinances, and in particular local health, safety and zoning ordinances.

**FOIA Exemption on the Release of Information Pertaining to Closed Criminal Justice Case Files:** Oppose legislative action to remove the current FOIA exemption on the release of information pertaining to closed criminal justice case files. While not preventing the disclosure of information from closed criminal case files, the exemption allows law enforcement agencies the option to decline disclosure in situations where such disclosure is deemed likely to compromise ongoing criminal investigations; to identify at-risk witnesses, informants or victims; or to otherwise jeopardize public safety. Beyond the scope of endangering witnesses, informants or victims in certain cases, indiscriminate release of all closed case information would significantly hamper current criminal investigations involving the same suspect, similar modus operandi, etc. A primary reason for keeping

investigative details from public knowledge is to preserve investigators' ability to evaluate the validity of information gathered from various sources.

**Line of Duty Act:** Support initiatives that return program funding responsibility to the state. Should this unfunded mandate continue, support efforts to implement the recommendations of the 2014 Joint Legislative Audit and Review Commission (JLARC) "Line of Duty Act Report".

**Preclearance Requirements:** Oppose legislation that would require preclearance prior to the implementation of changes to voting laws or practices. Preclearance would require that the City seek approval to do such things as change the boundaries of the City's wards and relocate polling places, both of which should be matters of local control.

**Prevention:** Restore state funds for prevention services.

**Reforestation, Preservation and management of urban forests:** The City requests further support to provide localities with greater authority in reforestation, preservation and management of urban forests.

**Reimbursement for Political Party Primaries:** Support the full reimbursement to localities for the costs related to political party primaries.

**Reimbursement for General Registrar and Electoral Board Expenses:** Support the full reimbursement by the State to the localities for the compensation and expenses of the General Registrar and Electoral Board.

**Reimbursement for the Retrieval of Cellular Phone Information:** The General Assembly should amend §19.2-70.3 of the Code of Virginia to provide reimbursement for the costs of retrieving historic cellular tower information through a search warrant. Code of Virginia §19.2-70.2 has language in section G that allows localities to seek reimbursement for costs related to obtaining pen register information authorized through a court order. Such orders are traditionally used for real-time cellular phone information (pen register and trap & trace). Code of Virginia §19.2-70.3 does not currently have language to allow localities to seek reimbursement. This code section requires a search warrant for cellular phone information related to real-time location data (pinging a phone) or historic subscriber and billing information. *United States v. Graham*, decided on August 5, 2015 in the 4th Circuit Court of Appeals, held that a search warrant is necessary for historic cellular tower information. This sort of information shows where a phone was at any relevant point in time. Without the reimbursement language being added to §19.2-70.3, localities will end up spending thousands of dollars a year through investigations involving the need for cellular phone information obtained through search warrants.

**Short-term Rentals:** Oppose any additional short-term rental legislation that would further limit local governments' authority to regulate short-term rental properties.

**Social Services:** Maintain funding for workforce re-training through appropriate agencies, retaining Virginia Initiative for Employment not Welfare (VIEW) staff and funding in Social Services. This program has successfully helped Temporary Assistance for Needy Families (TANF) recipients secure and maintain jobs.

**State Aid to Public Libraries:** Oppose any efforts to reduce state aid to public libraries. Fully fund state aid for public libraries to improve services provided in the community. Citizens rely on their public library to bridge the digital divide, assist their job search, and support early childhood literacy and education initiatives. Full state aid funding will allow the library to improve and

expand access to these services to help improve the community.

**Substance Abuse Treatment:** Restore state funding for substance abuse treatment programs. Such funding could be provided to Community Service Boards, programs such as "The Healing Place" or other pilot programs.

**Tax on Electronic Cigarettes and Vapor:** Support legislation to allow localities to tax electronic cigarettes and vapor in a manner similar to traditional cigarettes.

**Taxes on Local Services:** Oppose the imposition of a state fee, tax or surcharge on water, sewer, and solid waste or on any other local government funds or services.

**Telecommunications and Wireless Infrastructure Regulation:** Maintain local authority over zoning, land use, rights-of-way and taxation. Limit new state regulation preempting local authority regarding the use and compensation of local rights-of-way for telecommunications. Refrain from adopting any additional legislation that preempts local regulation of the placement of wireless infrastructure in the public rights-of- way or on public property.

**Workers Compensation Medical Fees:** Virginia should adopt Medicare-based fee schedules for setting medical provider fees in workers' compensation cases, instead of the prevailing community rate standard now used. This will make providing workers' compensation coverage more affordable and will adequately protect the financial interests of the medical providers of Virginia.

## LETTERS OF SUPPORT



Letter of Support  
for 2022 Legislative ,