

# City of Hampton 2017 Legislative Agenda

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## HAMPTON CITY COUNCIL

**Donnie R. Tuck, Mayor**  
**Linda Curtis, Vice Mayor**  
**W. H. "Billy" Hobbs, Jr.**  
**Will J. Moffett**  
**Teresa L. V. Schmidt**  
**Chris Osby Snead**  
**Jimmy Gray**

**City Manager – Mary Bunting**  
**City Attorney – Vanessa T. Vallejuli**

## HAMPTON STATE LEGISLATIVE DELEGATION

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# 2017 Legislative Agenda

## **Legislative Requests**

Authorize Magistrates to Order Testing in Certain Instances of HIV, Hepatitis B, or Hepatitis C Exposure

Provide for Full Payment of the Ft. Monroe Payment in Lieu of Taxes

\$9 Million in Funding for the National Institute for Seafood and Aquaculture

Amend Statute to Include Overgrown Trees and Shrubs as Other Foreign Growth

Provide Assistance with FEMA to Allow Hazard Mitigation Funding to be Used for Acceptable, Cost Efficient Retrofits to Provide Recurrent Flood Assistance and Flood Insurance Relief to Homeowners

By Joint Rules Procedural Resolution and Budget Amendment Request that Any Proposed Constitutional Amendments that Mandate Local Tax Relief to a Class of Citizens be Paid by the State and Allow Local Governments to Means Test Said Tax Relief

## **New Policy Positions**

Short Term Lodging/Local Regulation and Tax Collection (Airbnb)

Fund Local Youth Employment Programs

Provide Equitable Street Maintenance Payment Funding for Traffic Lanes Converted to Bicycle Lanes

Remove the Restoration Restriction on Emergency Psychiatric Treatment

Improve Access to Screening, Assessment and Referral to Outpatient Treatment

Reduce the Intellectual/Developmental Disability (I/DD) Waiver Waiting List

## **Long Term Policy Positions**

At-Risk Education Funding/Transformational High Schools Support

Provide Funding for the Stormwater Local Assistance Fund at FY 2017 level

Dedicated Funding for Transit

Unfunded Mandates/Constitutional Inequity

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## LEGISLATIVE REQUESTS

### Authorize Magistrates to Order Testing in Cases of Exposure to Human Immunodeficiency Virus, Hepatitis B or Hepatitis C Viruses

Under current law, when health care providers, public safety personnel, school board employees, or patients expose another to or are exposed to another's bodily fluids, the person whose bodily fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus, hepatitis B, or hepatitis C viruses. Such person shall also be deemed to have consented to the release of such test results to the person who was exposed. If the person refuses to provide a specimen or be tested, a General District Court judge may order him to provide a specimen or to submit to testing and to disclose the results. This may take time, can cause unnecessary medical treatment for the person who was exposed, and can be complicated when such person is not in custody.

Authorizing local magistrates to order testing is a more effective and less time consuming approach. Magistrates already issue Temporary Detention Orders and Emergency Commitment Orders, and are authorized to issue warrants for blood testing in criminal matters. This change greatly simplifies the process and eliminates inconsistent language between § 32.1-45.1(L) and §32.1-45.2 that specifically addresses public safety employees.

#### **Legislative Language:**

§ 32.1-45.1. Deemed consent to testing and release of test results related to infection with human immunodeficiency virus or hepatitis B or C viruses. “ .. ”

L. Except as provided in subsection K, if the person whose blood specimen is sought for testing refuses to provide such specimen, any person potentially exposed to the human immunodeficiency virus or hepatitis B or C viruses, or the employer of such person, may petition the ~~court~~ **magistrate** of the county or city in which the person whose specimen is sought resides or resided, or, in the case of a nonresident, the county or city where the health care provider, law-enforcement agency or school board has its principal office or, in the case of a health care provider rendering emergency care pursuant to subsection D, the county or city where the exposure occurred, for an order requiring the person to provide a blood specimen or to submit to testing and to disclose the test results in accordance with this section. ~~At any hearing before the court, the person whose specimen is sought or his counsel may appear.~~ The ~~court~~ **magistrate** shall be advised by the Commissioner or his designee prior to entering any testing order. If a testing order is issued, both the petitioner and the person from whom the blood specimen is sought shall receive counseling and opportunity for face-to-face disclosure of any test results by a licensed practitioner or trained counselor.

~~§ 32.1-45.2. Public safety employees; testing for blood-borne pathogens; procedure available for certain citizens; definitions.~~

## **Fort Monroe Authority Payment in Lieu of Taxes is \$1,036,566.84**

The City of Hampton requests the amount paid from all sources of funds by the Fort Monroe Authority (“FMA”) to the City of Hampton shall not be less than that amount prescribed by Code of Virginia §2.2-2342.

With the Fort Monroe Authority Act (Code of Virginia §2.2-2336 et. seq.), the General Assembly created the Fort Monroe Authority and recognized the need for municipal services for Fort Monroe's visitors, residents, and businesses. Further, that the Authority would annually pay to the City a fee in lieu of taxes, based on a statutorily prescribed formula set forth with the intent to pay the City an amount comparable to the amount that would have otherwise been paid to the City if certain properties at Fort Monroe had been privately held (the “Payment on Lieu of Taxes” or “PILOT Fee”). The City has imposed Pilot Fees on the FMA consistently for fiscal periods from July 1, 2013 to June 30, 2014 to the present.

The PILOT Fee for the period from July 1, 2016 – June 30, 2017 (“FY 17”) is \$1,036,566.84. The 2016 Appropriations Act requires, and by Deed, the City acknowledges that in the event of conflict between any PILOT Fees and the Appropriations Act, the Appropriations Act shall prevail. Accordingly, the City requests that that the General Assembly, through the Appropriations Act, provide for payment of the full amount of the FY 17 PILOT Fee, whether solely by appropriation, or through a combination of appropriations and other revenue sources available to the FMA.

## **Seek \$9 Million in Funding for the National Institute for Seafood and Aquaculture**

Hampton's Downtown Master Plan is designed to create waterfront connections between the core downtown and the waterfront. Through improved street networks, additional green space, new housing and commercial space, the plan reinforces both the historic and new urban lifestyle characteristics that define a fun and vibrant downtown experience.

As a crown in the Downtown Master Plan, the City of Hampton and its partners envision the establishment of a multidisciplinary education, scientific research, training, and education center with ancillary economic development that all revolve around Hampton's seafood heritage and working downtown waterfront.

The City of Hampton is currently host to the Virginia Tech Seafood Agricultural Research and Extension Center on the downtown, King Street waterfront. A cluster-focused business attraction model of national and regional significance that would link Hampton's working waterfront with national, state, regional and local partners including Virginia Tech, Hampton University, the Virginia Institute of Marine Science, the Virginia Marine Resources Commission, Hampton Roads tourism, Hampton City Schools, the Virginia Air and Space Center, and the Hampton History Museum, among others, would inject a much-needed vibrancy and purpose into the Downtown Hampton experience.

A \$12 million project, Hampton envisions establishing a multidisciplinary education, scientific research, training, and education center with ancillary development that revolves around Hampton's seafood heritage. Therefore, the City seeks the State's assistance with \$9 million of the \$12 million project funding.

## **Overgrown Shrubs and Trees**

The City of Hampton requests that the General Assembly amend the statute regarding removal of trash and cutting of grass and weeds, to include overgrown shrubs and trees.

The City of Hampton is keenly interested in quality of life issues and seeks additional tools to assist neighborhoods, homeowners, and residents with maintaining the appearance and value of homes in the City. According to Debbie Blanton of the Hampton Clean City Commission, vacant properties that are unkempt with overgrown grass, weeds, shrubs, trees, litter, and debris have a definite impact on property values, as well as act as a breeding ground for rodents, insects, and snakes. This has been a problem for some Hampton neighborhoods and neighbors who are trying their utmost to present well-maintained, attractive properties. This is the second year that citizens and neighborhoods have asked City Council to please help them keep up the appearance of their neighborhoods.

Accordingly, City Council finds that the current statute, while helpful in most regards, does not give the City the express authority it needs to deal with shrubs that have overtaken vacant developed properties. Therefore, the City would like express authority to include "overgrown shrubs and trees" in the statute as it pertains vacant developed property.

### **Legislative Language:**

§ 15.2-901. Locality may provide for removal or disposal of trash, cutting of grass and weeds; penalty in certain counties; penalty.

A. Any locality may, by ordinance, provide that:

3. The owners of occupied or vacant developed or undeveloped property therein, including such property upon which buildings or other improvements are located, shall cut the grass, weeds, and other foreign growth on such property or any part thereof at such time or times as the governing body shall prescribe; or may, whenever the governing body deems it necessary, after reasonable notice as determined by the locality, have such grass, weeds, or other foreign growth cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected. *For purposes of this provision as it applies to vacant developed properties, the requirement to cut "other foreign growth" or for the locality to have such "other foreign growth" cut shall include, but not be limited to overgrown shrubs and trees.* For purposes of this provision, one written notice per growing season to the owner of record of the subject property shall be considered reasonable notice. No such ordinance adopted by any county shall have any force and effect within the corporate limits of any town. No such ordinance adopted by any county having a density of population of less than 500 per square mile shall have any force or effect except within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial or industrial use. No such ordinance shall be applicable to land zoned for or in active farming operation.

## **Request FEMA Allow Hazard Mitigation Funding to be Used for Acceptable Retrofits to provide Recurrent Flooding Assistance and Relief from Exorbitant Flood Insurance Rates to Hampton Homeowners**

The City of Hampton, along with other Hampton Roads communities, is experiencing increasing issues with recurrent flooding. As a public body, the City is charged with the long-term health of its community and offering its citizens the opportunity and the access to as many programs and policies that will improve quality of life of the City and the Commonwealth. Through participation in and encouragement of programs like the Dutch Dialogues, the City has embraced the fact that recurrent flooding is our new normal, and we want to offer our citizens solutions that are effective, both in the short and long-term.

The Federal Emergency Management Administration (“FEMA”) does not currently allow local governments to request FEMA Hazard Mitigation Funding to assist facilitating homeowners’ access to proven home flooding/home foundation damage mitigation measures, such as flood vents. The City believes that the Commonwealth can best assist its citizens and local governments dealing with recurrent flooding issues by increasing access to funding that will provide long-term solutions to living with recurrent flooding.

Flood vents protect homes and buildings in flood plains by preventing hydrostatic pressure buildup that can destroy walls and foundations. Also referred to as “wet floodproofing,” flood vents are a passive solution that work without human intervention, are bi-directional, allow debris to pass through and not get clogged in a screen or grill, and allow the automatic entry and exit of floodwater. Flood vents are required on new construction in flood plains. However, in certain circumstances, many existing and flood-prone homes, flood vents can be an effective measure to lessen the effects of recurrent flooding on a structure’s foundation.

While appreciative of ongoing Hazard Mitigation funding that has been and continues to be used to raise several homes in the City prone to frequent flooding, the installation of flood vents on existing and eligible housing stock can be a more holistic, cost efficient approach to ameliorating the recurrent damage and flood claims faced by so many of Hampton’s homeowners. And, it is a more affordable, less obtrusive and labor intensive measure than elevating a home. Unfortunately, evaluation and installation of flood vents are cost prohibitive for many homeowners, despite that fact that this proven technology will ultimately save money on flood insurance and home repair.

Hampton requests that the General Assembly expand the tools available to local governments to assist citizens with flood mitigation measures by petitioning or asking FEMA to allow Disaster Mitigation Funding to be used by local governments to assist homeowners with costs for flood vents, and possibly other less costly, but effective alternatives to full home elevation. The City also asks that the Virginia Subcommittee on Coastal Flooding study this issue and assist flood-prone homeowners with every possible measure to ameliorate the effects of recurrent flooding.



**By Joint Rules Procedural Resolution and Budget Amendment Request that Any Proposed Constitutional Amendments that Mandate Local Tax Relief to a Class of Citizens be Paid by the State and Allow Local Governments to Means Test Said Tax Relief**

From the editorial page of the Wednesday, October 12, 2016 **Smithfield Times**,

*All too often, though, Virginia's legislators, who introduce Constitutional amendments, use that authority to pander to public sentiment and thus increase their re-electability. That was the case in 2014 when Virginia voters were asked to, and dutifully did, amend the Constitution to allow localities to exempt the homes of veterans with a 100-percent disability. It was a nice gesture by the General Assembly, and a cheap one since it didn't cost one dime in state money. Instead, it put the political burden on localities to either exempt the homes of disabled veterans or be politically damned for refusing to do so. Thus, the amendment, like much that comes out of Richmond these days, passed the increasing cost of government on to counties, cities and towns. Thanks, legislators.*

*This fall, Virginians are being asked to expand that exemption to include the homes of fallen police officers and other first responders. The amendment once again puts the burden of making the decision on local government, which, you may rest assured, will be inclined to accept the exemption. Again, there's no cost to the state, but an increase in local costs borne by all whose property is taxed. It's a nice gesture that will be adopted, but once again it makes legislators politically popular at the cost of local government, because no board of supervisors or city council is going to have the nerve not to exempt the homes of the widows or widowers of fallen first responders. It will become just one more case of a feel-good action in Richmond being paid for locally.*

The City of Hampton asks the General Assembly, by Joint Rules Procedural Resolution, to mandate that any proposed state constitutional amendments with local government real or personal property tax relief require the cost burden to be borne by the state and that there be means testing for income and property purposes whenever any tax relief programs are considered.. Additionally, conditional language should be added to the appropriations of the State Board of Elections prohibiting expenditures on any constitutional ballot that does not address this issue.

Consider the following:

The City of Hampton has the highest per capita population of veterans in the Commonwealth of Virginia, and in the United States. The City is proud to host our veterans and know that they have found a well-run, responsive local government and a caring community with an abundance of natural resources and health care facilities. However, state mandated tax relief programs for veterans also create a unique financial challenge for the City as such programs have a more dramatic impact on the City of Hampton's budget than any other locality. Hampton has experienced a financial strain resulting from the state mandated real estate tax exemption for disabled veterans.

Hampton, like the Virginia voters that overwhelmingly supported this exemption when it was presented as a 2010 referendum, agrees that it is absolutely commendable to honor our veterans. However, Hampton is absorbing an unsustainable and significant revenue loss. The veterans

program started in FY 2012 at a cost of \$613,745 to the City of Hampton and has more than doubled to a cost of \$1,477,468 in FY 2017.

<b>City of Hampton</b>	<b>Qualifying Disabled Veterans</b>	<b>Revenue Impact</b>
FY15 at September 20, 2016	555	\$1,256,991
FY16 at September 20, 2016	614	\$1,405,667
FY17 at September 20, 2016	617	\$1,477,468

The burden of taxation, as well as the benefits of services, should be shared and enjoyed equally by all. Further, if the State is convinced that tax relief for particular groups of people is necessary, the State should be responsible for paying for the tax relief. To the extent that the Commonwealth mandates relief for certain groups, the General Assembly should simultaneously enact measures that pay for the tax relief and should refrain from enacting policies and Constitutional amendments without adequately explaining the effects of such tax relief on all citizens or the cost of the tax relief, especially considering other state mandates handed to Virginia local government.

**Budget Language - § 1-31 Department of Elections (Language)**

*The State Board of Elections shall be prohibited from the expenditure of funds on any constitutional ballot dealing with local tax relief programs that 1) do not give local governments the ability to means test tax relief programs; 2) do not explain that other local government expenditures will be affected; and 3) do not have state funding to pay for local tax relief.*

## NEW POLICY POSITIONS

### **Short Term Lodging/Online Platforms should be Regulated at the Local Level and Local Taxes Collected Locally**

Airbnb got its start when co-founder Brian Chesky and some friends decided to turn the house they were renting in San Francisco into a temporary bed-and-breakfast. There was an international design conference going on in that city, and all hotels were sold out. Since they didn't have any beds, Chesky and his friends pulled three airbeds out of a closet, inflated them and called their place the Air Bed & Breakfast. "This was not going to be a business; this was a way to make rent for the month," he was quoted as saying in a 2014 New York Times article. "We, of course, evolved from there, but the name stuck." Today, there are Airbnbs in more than 34,000 cities and 191 countries—and more than 60 million people have used them, according to the company's website. A recent check on Airbnb, for example, shows that the City of Hampton has about 18 current homeowners listing some or all of their homes on the online platform.

Hampton already directly regulates Airbnb-type rentals at the local level. Where the primary use is that of a single family dwelling, homeowners are allowed to rent out rooms to transient residents for less than 30 days as an accessory use. A single family dwelling, where the primary use of the structure is the bed and breakfast rental activity, requires a Special Use Permit. Hampton's Commissioner of Revenue is collecting local taxes from both bed and breakfast and Airbnb-type operators.

The 2016 General Assembly referred the Airbnb/short term lodging issue to the Virginia Housing Commission. A special workgroup, the Short-Term Lodging Workgroup, has been working on this issue, and is expected to produce recommendations by December 1, 2016.

The City of Hampton requests the General Assembly adopt legislation during the 2017 Session that keeps zoning, health, safety, and welfare (including parking) as locally regulated issues and that allows collection and remittance of local taxes directly to the local governments.

## **Provide Funding for Youth Employment/Enrichment Programs**

The City of Hampton supports legislation to establish a state-funding stream to support local youth employment programs. Youth violence is a public safety issue in Hampton Roads. Over the years, Hampton Roads Cities have been successful in reducing youth violence by offering summer training and employment programs. In some cases programs were funded by grants and have floundered as resources have become more limited. In Cities where programs are on-going, although successful, they are constrained by the amount of local dollars available for funding. Research has shown that a lack of employment is one of the biggest predictors of justice system involvement for youth and that access to employment and job training opportunities can help young people to avoid a lifetime of negative justice system-related consequences.

## **Provide Equitable Street Maintenance Payment Funding for Traffic Lanes Converted to Bicycle Lanes**

As the City of Hampton makes our desire for more livable spaces a reality and works toward a transportation network that is more multimodal, including bicycling, there are state policies that are seemingly incongruent to the new reality. In order to implement a road lane conversion/reconfiguration, or a road diet, to either make a corridor safer and more efficient or as part of a larger complete streets initiative, cities lose maintenance funding because these initiatives typically result in loss of moving travel lanes.

Funding for the continued maintenance of any traffic lane converted to a bicycle-only lane is a central concern of local governments. In accordance with of the Code of Virginia, VDOT provides state payments to eligible urban localities to support maintenance on qualifying streets. Those state payments are determined based on the number of moving lane miles available to all traffic in those localities. Accordingly, when a multi-purpose travel lane is converted to a bicycle-only lane, the locality loses a proportionate amount of state funding. As a whole, Virginia localities that maintain their own streets typically spend approximately 32% more on their street maintenance than is provided through state payments. Furthermore, maintenance payments may only be spent on eligible maintenance activities, and each locality must, annually, have those expenditures independently audited and report their findings to the State through the University of Virginia Weldon Cooper Center for Public Service.

Hampton recommends that the State provide continued state maintenance payment for any moving travel lanes converted to bicycle-only use. This will provide the opportunity for the City to continue to implement innovative practices, such as road lane reconfiguration, which can improve corridor safety and improve livability in the City, without the concern of losing state funding. In this manner, the State would not be monetarily penalizing the City for our innovative and effective approach.

## **Assist Those in Need of Emergency Psychiatric Treatment by Removing the Restoration Restriction on Emergency Psychiatric Treatment**

The City supports legislation that would expedite emergency psychiatric treatment for an inmate of a local correctional facility, or others in need of psychiatric treatment, so they may be hospitalized if necessary. Current law prohibits emergency treatment in cases when an inmate has an existing order for restoration of competency. Restoration requires little or no urgency. The treatment provided is designed to bring the defendant to a point of capacity to understand the proceedings against him or to assist his attorney in his own defense. As § 19.2-169.6 is currently written, existing restoration orders preclude a person who is actively suicidal or in urgent need of psychiatric services from being admitted to a hospital. The requested amendment will allow these two very different mental health issues to be treated appropriately

## **Improve Access to Screening, Assessment and Referral to Outpatient Treatment**

The Hampton Newport News Community Services Board and Virginia Association of Community Services Boards, VACSB and its members understand that in order to meet the needs of the individuals that they serve they must offer flexible appointments and promote efficiency across all clinical services. The Same Day Access model is nationally recognized and utilizes concurrent documentation, caseload management and brief interventions to ensure that individuals seeking services are assessed and connected in a timely manner.

## **Reduce the Intellectual/Developmental Disability (I/DD) Waiver Waiting List**

Over 10,000 people with intellectual and developmental disabilities and their families are currently on a waiting list for community-based services. Virginia's I/DD Waivers have been redesigned to provide increased access to community supports. Using the Family and Individual Supports Waiver, Virginia can serve 50% of the individuals on the I/DD Waiver waiting list for a quarter of the cost of existing I/DD waiver programs. Receiving a Waiver slot will enable an individual who needs developmental services and supports to live a life that is fully integrated in the community.

## LONG TERM POLICY POSITIONS

### **Education Funding - At-Risk Education Funding; Transformational High Schools Support Virginia Pre School Initiative**

Throughout the challenging economic times, the City of Hampton has maintained our commitment to Hampton City Schools. The local school funding formula calls for the City and the School System to share residential tax base growth or decline. The City of Hampton's residential property tax base is still continuing to recover from the national housing crisis. However, it rose enough to boost the contribution to Hampton Public Schools by \$359,193.

In FY17, the City's operating budget contribution is \$33.8 million or 90% more than the required local contribution as determined by the state funding formula. Additionally, Hampton's current year's budget maintains the capital commitments to our school division, with nearly \$5.3 million set aside for school maintenance and upgrades as well as \$2 million for the one-to-one technology initiative.

Most welcome news on the education front is that the State (during the 2016 General Assembly) started to take steps to increase education funding. Since the recession, the state has cut about \$24 million from the Hampton school system. The 2016 General Assembly session's approved budget increased Hampton's education funding by nearly \$5 million. This is clearly a step in the right direction and we implore the General Assembly to maintain this funding commitment.

Strong schools are not only essential for the students who attend them, but they also contribute to the City's economic growth as businesses and families consider school quality in their investment decisions. And, as we've recently learned, future BRAC deliberations will consider the relative health of a military installation's surrounding school divisions as a measure of installation retention or growth.

For this and many other reasons, we are pleased to report that Hampton City Schools perform better than other urban school districts across all measures. Hampton schools have continued to make exciting advancements by focusing on career-based academies and becoming the first urban district in Hampton Roads to commit to providing tablet devices to all middle and high school students. Those investments are paying dividends. Earlier in 2016, the Ford Next Generation Learning Institute selected Hampton City Schools as one of its Career Academy Partnerships. And, Hampton City Schools was selected as the most technologically advanced school system in the nation.

None of this would be possible without the excellent teachers in Hampton City Schools. We were prepared and most excited about the prospect of offering the 3% pay increase for teachers and support staff. But, once again, the dictates of the budget situation have not made that possible. We ask our legislative delegation to please keep teachers and support staff in mind when it comes to the difficult budgeting decisions that must be made.

**At-Risk Education Funding** – Maintaining and boosting support for Virginia's At-Risk Add-On funding, which provides school divisions additional money to help instruct low-income students, would put Virginia in line with other states and would bridge the divide observed

between educational opportunities for all children, whether their families are rich or struggling to get by. Economically disadvantaged students face some serious challenges that make success in the classroom and success in life much more difficult. Hampton's child poverty rate hovers around 22%. Maintaining the Virginia General Assembly's commitment shown in 2016 to the At-Risk Add-On will help support those students and help "even the playing field." At-Risk Add-On program funding should be increased by at least a 20 percent to basic aid per concentrated levels of free lunch students in order to fund the wraparound services necessary to meet state SOL, SOA, and graduation requirements.

**Transformational High Schools Support** - Preparing our students for the workforce of today -- The redesign of high school for the 21<sup>st</sup> century, with a greater emphasis on hands-on learning, early college courses and industry credentials, while still maintaining rigorous standards has been embraced by Hampton City Schools. Through the Academies of Hampton, Hampton City Schools is committed to providing students more of the advanced skills needed to be productive, engaged, and successful citizens in college, career, and life. The Academies enable students to learn through the lens of a career or academic theme in a relevant, hands-on learning environment with real-world application and experiences. Each Academy provides a highly personalized, small learning community, where students learn English, science, math, and social studies within the theme of their Academy. Through their Academies experience, students are exposed to a multitude of careers, opportunities, industry skills, and potential employers by way of classroom speakers, site visits, job shadowing, and internships. State funding to support those not-traditional, yet highly effective programs is necessary and vital.

**Virginia Pre-School Initiative** - Hampton City Schools provides a comprehensive early childhood program for children who are four years of age by September 30 who may experience or be exposed to factors that potentially could have a negative impact on their ability to learn. Hampton City Schools operate Pre School from the following HCS sites: Andrews PreK-8, Burbank Elementary, Langley Elementary, Moton Early Childhood Center, Phenix PreK-8, and Smith Elementary. Additionally, Pre School is offered in contracted sites that include: Aberdeen Elementary (Hampton Roads Community Action Program), Mary Peake (Downtown Hampton Child Development Center) and Langley Air Force Base (Child Development Center). Qualified instructional and support staff, and a certified school nurse are onsite at each location. A family service worker also provides family support by connecting home and school activities. Each classroom has a certified early childhood teacher and an instructional assistant. A maximum of 18 students are in each classroom. A developmentally appropriate curriculum is used and aligned with the Virginia Foundation Blocks of Learning: Comprehensive Standards for Four-Year-Olds. Transportation is provided to any Hampton resident. Yellow school buses provide transportation to and from home addresses, childcare providers or day care centers to each pre-kindergarten location. Additionally, any child 2-5 years of age needing services for speech, language, or developmental delays may be screened through Hampton City Schools Special Education. Virginia Pre-school Initiative funding and policies should be flexible enough to ensure success for early childhood education programs. State funding to support those highly effective programs is necessary and vital.

## **Fund Stormwater Local Assistance Fund at FY 2017 Level**

The City of Hampton requests the General Assembly provide funding of \$20 million in the second year of the biennium for the Stormwater Local Assistance Fund (“SLAF”). Stormwater management is one of local government’s most pressing infrastructure challenges. The requested funding is consistent with FY 2017 and is needed to assist localities in developing effective stormwater controls on urban lands to reduce the flow of excess nutrients and sediments to local streams, rivers and the Chesapeake Bay. The SLAF, managed by the Department of Environmental Quality, supports the efforts of local jurisdictions to reduce polluted runoff by providing funding for matching grants. It also provides an effective path forward to improve water quality by maintaining a strong partnership between the Commonwealth and local governments. The SLAF prioritizes cost effective, low- impact practices and projects which are structured, when possible, to attract additional private investments. Continued investment in the SLAF will greatly assist localities in reducing pollution going into our streams and waterways.

Hampton has been the recipient of SLAF monies for the last three years. The history of Hampton’s SLAF experience is:

2014: Hampton was awarded \$481,155 in SLAF for the Coliseum Lake Retrofit Project. Coliseum Lake functions as a stormwater treatment facility for a 362-acre watershed that is largely commercial property. The modifications increase its efficiency by converting a portion of the lake from open water to wetlands, slowing the movement of stormwater, stopping bank erosion, and reducing backflow during weather events that create unusually high tides.

2015: Hampton was awarded \$201,500 for the retrofit of the Paul Burbank Elementary School Stormwater Management Facilities. The retrofit consists of the construction of stormwater infrastructure including a series of inlets and pipes as well as the construction of one wet pond, one wetland, and two rain gardens. These stormwater infrastructures will capture the roof drainage coming from the existing elementary school. The rain gardens will outfall into the wetland that will then discharge offsite.

2016: Hampton was awarded \$389,400 for Lynnhaven Lake retrofit to Level 2 Wet Pond.

Innovative and necessary projects can be undertaken that have material effect on the quality of the Chesapeake Bay watershed. However, local governments need all the financial assistance possible to undertake these projects. Sufficient SLAF funding is crucial.



## **Dedicated Funding for Public Transportation**

The City of Hampton requests the General Assembly take action that will allow public transportation to maintain and expand service levels by including transit in the permitted uses of HB2313 funds.

A robust regional transit system will support regional economic competitiveness and mobility. The existing funding structure for public transportation in Hampton Roads is such that the region's transit system, planning and delivery and its ability to continue to provide service at current levels is severely jeopardized.

Hampton Roads Transit (HRT) is the local transit provider. Hampton and other HRT participating localities provide approximately 35% of HRT funding. With costs increasing every year, there has been no expansion of services. Because it is local general fund revenues that support HRT, public transit is in competition with education, public safety, and other local critical needs --- all competing for limited local dollars. A dedicated revenue source that is independent of local general funds is necessary to not only sustain, but to also provide needed improvements to regional transit services.

The passage of HB2313 in 2013 allowed Northern Virginia to use 70 percent of its regional revenues for regional road and transit projects. This same legislation does not allow Hampton Roads to use regional money for public transportation purposes. This inequity puts our region at a distinct disadvantage.

It is so very important that the Hampton Roads region not lose another year to lack of dedicated funding. Millennials and folks moving to Virginia's Central and Southeastern urban centers fully expect and demand a robust transit system to blur the distinction between where one works and lives. The time is now for dedicated transit funding.

## **Unfunded Mandates**

The City of Hampton requests the Governor and the General Assembly refrain from using local governments as a fiscal balance wheel in order to surmount revenue challenges. Transferring costs to local governments is neither responsible to the Commonwealth's citizenry, nor to the fiscal health of the Commonwealth. We urge the Commonwealth to look for other ways to share the strain local governments must endure as cuts and program costs are passed down. The Governor and the General Assembly should make the difficult decisions to cut state services or raise taxes just as localities have had to do for years. Local government mandates should not be imposed unless supported by state funding. If state funding is not available any such mandate should not be imposed or should be imposed only as a local option.

The City of Hampton spends annually nearly \$170 million supporting state and federal mandates. Approximately \$56 million of the City of Hampton's operating budget (excluding debt service and schools) is associated with supporting State and Federal mandates. These costs support services that range from police and sheriff services to social services and record retention programs. Hampton also provides some 90% more in additional funding beyond what the State provides to Hampton City Schools. While not unique to Hampton, all Virginia localities are shouldering an even higher burden of funding K-12 public education. Over \$20 million of the

City's annual debt service payments are associated with providing and maintaining School (\$18 million) and Court facilities (\$2 million) mandated by the State. Finally, \$23 million in additional locally raised funds are dedicated to meeting Federal and State stormwater and wastewater mandates.

Handing down mandates on local government with little or no flexibility or tools available to local government to pay for these mandates is not tenable in the long term.

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## **Links to Coalition and Community Partners Legislative Programs**

Virginia Municipal League – [2017 Legislative Program](#)

Virginia First Cities Coalition – 2017 Community Wealth Building Legislative Agenda - **Placeholder**

Hampton Roads Planning District Commission [2017 Legislative Priorities](#)

Hampton Roads Transportation District Commission/HRT Legislative Priorities - **Placeholder**

Thomas Nelson Community College - Support Thomas Nelson Community College to build a regional Advanced Integrated Manufacturing (AIM) Center by providing detailed state planning funds.

Support for Hampton University Initiatives - **Placeholder**