

City of Hampton, Virginia

Legislative Agenda 2019

HAMPTON CITY COUNCIL

Donnie R. Tuck, Mayor
 Jimmy Gray, Vice Mayor
 Eleanor W. Brown
 Steven L. Brown
 Linda Curtis
 W. H. "Billy" Hobbs, Jr.
 Chris Osby Snead

City Manager – Mary B. Bunting
 City Attorney – Cheran C. Ivery

HAMPTON STATE LEGISLATIVE DELEGATION

<p align="center">T. Montgomery "Monty" Mason 1st Senate District P.O. Box 232 Williamsburg, VA 23187 757.229.9310 District01@senate.virginia.gov Session: 804.698.7501 Pocahontas Building Room No: E515</p>	<p align="center">Gordon Helsel 91st House District 2A Victoria Boulevard Poquoson, VA 23662 757.969.9036 DelGHelsel@house.virginia.gov Session: 804.698.1091 Pocahontas Building Room No: E214</p>
<p align="center">Mamie E. Locke, Ph.D 2nd Senate District P.O. Box 9048 Hampton, VA 23670 757.825.5880 district02@senate.virginia.gov Session: 804.698.7502 Pocahontas Building Room No: E510</p>	<p align="center">Jeion Antonia Ward 92nd House District 2017 Cunningham Drive, Suite 209 Hampton, VA 23666 757.827.5921 DelJWard@house.virginia.gov Session: 804.698.1092 Pocahontas Building Room No: E316</p>
<p align="center">Thomas K. Norment, Jr. 3rd Senate District P.O. Box 6205 Williamsburg, VA 23188 757.259.7810 district03@senate.virginia.gov Session: 804.698.7503 Pocahontas Building Room No: E603</p>	<p align="center">Marcia S. "Cia" Price 95th House District P.O. Box 196 Newport News, Virginia 23607 757.266.5935 DelMPrice@house.virginia.gov Session: 804.698.1095 Pocahontas Building Room No: E317</p>

Legislative Requests

- Create an Annual Fund to Address Needs of Virginia's Military and Federal Facilities
- Expedite Testing in Certain Instances of Possible HIV, Hepatitis B, or Hepatitis C Exposure
- Support the Fort Monroe Authority's Legislative Requests
- Clarify Language Regarding the Parking of Overweight Vehicles
- Clarify Language Regarding the Removal of Vehicles in Emergency Situations
- Add Funding for Hampton's Historical African American Cemeteries
- Provide for Local Ability to Maintain Appearance of Certain Properties (Overgrown Shrubs and Trees)

Hampton's Priority Policy Positions

- Continue Supporting and Funding Education Initiatives
- Support Legislative Efforts to Address the Opioid Epidemic (Fentanyl)
- Continue Supporting Transportation Initiatives
- Continue Supporting and Enhancing Localities Resiliency Efforts
- Expand Communications Sales and Use Tax
- Refrain from Passing Unfunded Mandates/Constitutional Inequity

LEGISLATIVE REQUESTS

Create an Annual Fund to Address Needs of Virginia's Military and Federal Facilities

A 2015 DOD study quantified Defense spending in Virginia at \$53 billion dollars; we have the largest defense spending as a share of state GDP at 11.8 percent. Military spending accounts for 44 percent of federal spending in Virginia. However, the economic benefits created by military installations are susceptible to changes to the Federal budget and to potential future rounds of Base Realignment and Closure (BRAC). In an effort to support the long-term sustainability of military facilities in the Commonwealth, many communities have participated in a Joint Land Use Study.

A Joint Land Use Study (JLUS) is a cooperative planning effort conducted as a joint venture between an active military installation, surrounding jurisdictions, state and federal agencies, and other affected stakeholders, to address compatibility around military installations. The goal of a JLUS is to reduce potential conflicts between military installations and surrounding areas while accommodating new growth and economic development, sustaining economic vitality, protecting public health and safety, and protecting the operational missions of the installation.

After participating in a JLUS and through a combination of federal, state, and municipal funding, the City of Hampton has been able to successfully acquire almost 200 acres of privately held land as part of an effort to combat encroachment that would limit or restrict military training, testing, and operations at Joint Base Langley-Eustis. Although this program has been very successful for Hampton in mitigating our encroachment issues, the current fund cannot be used for force protection or readiness issues, and the amount of funding that has been allocated is insufficient to address emerging needs.

The success of the encroachment program can and should be a model to provide resources to support other local infrastructure projects deemed to have a positive impact on the military value of installations within the Commonwealth, which benefit both the local community and the military installations. As such, and with our coalition of local partners, we would respectfully request the General Assembly create a fund of a minimum of \$5 million dollars annually for the purpose of addressing or mitigating needs other than encroachment that are identified by host localities of Virginia's military and federal facilities. The fund would be administered through the Virginia Office of Veterans and Defense Affairs and any allocations made to localities for eligible projects would be subject to a local match; however, the Secretary's office would have discretion to waive the match requirement for communities without the means to provide a match.

Expedite Testing in Certain Instances of Possible HIV, Hepatitis B, or Hepatitis C Exposure

Under current law, when health care providers, public safety personnel, school board employees, or patients expose someone to or are exposed to someone'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. With the opioid epidemic, the prevalence of HIV and hepatitis C is on the rise, and because of that, we see a continued and increased risk to our public safety officials. In 2017, the Virginia Department of Health recorded 2,141 new cases of hepatitis C and 894 new cases of HIV. Expediting the testing of bodily fluids is critical to the safety and well-being of our employees.

Support the Fort Monroe Authority's Requests

Fort Monroe has been a vital partner to the City of Hampton and has transformed the lands acquired from the federal government for the better. The changes on Fort Monroe have been exciting and reinvigorating for the local economy. As Fort Monroe continues to develop and lease properties, we envision many more exciting opportunities for the City of Hampton to collaborate with Fort Monroe. As such and in partnership with the Fort Monroe Authority, we would respectfully ask the General Assembly to support the following requests:

- Clarify the definition of Fort Monroe Authority's Area of Operation as described in Virginia Code § 2.2-2337;
- Add Fort Monroe Authority to existing list of non-profit organizations in Virginia Code § 2.2-3711 A(10) that are granted the authority to enter into a closed session to discuss donations and grants from private sources;
- Increase the current cap for the Payment in Lieu of Taxes Fee ("PILoT") to the City of Hampton from \$\$983,960 to \$1,199,350.32; and
- Create a mechanism to pass-through tax assessments to certain lessees.
 - ◆ The City of Hampton supports the request by the Fort Monroe Authority to increase the existing cap of the PILoT fee to account for the Army land transfer with the ultimate goal of having certain lessees pay the fees instead of the Commonwealth.

Clarify Language Regarding the Parking of Overweight Vehicles

Under current law, localities are granted the authority to limit to no more than two (2) hours the length of time that vehicles with gross weights in excess of 12,000 pounds or lengths of thirty (30) feet or more may park on streets adjacent to "commercial business areas." In addition, current law includes an exemption for any vehicles that are actively engaged in loading or unloading operations or waiting to be loaded or unloaded or are engaged in or preparing to engage in utility or similar service work. Because the term "commercial business areas" is undefined in the Code, and "waiting to be loaded or unloaded" is ambiguous, Hampton has

experienced an abundance of large trucks parking in narrow, crowded residential areas for extended periods of time. To solve this problem in Hampton, we would respectfully ask the General Assembly to make clarifying changes to § 46.2-1222.2.

Clarify Language Regarding the Removal of Vehicles in Emergency Situations

Under current law, local law enforcement agencies or other local public safety agencies are granted the authority to remove and dispose of vehicles involved in accidents under Virginia Code § 46.2-1212. The subsequent section, § 46.2-1212.1., includes a hold harmless clause for “failure to exercise any authority granted under this section provided they are acting in good faith;” however, there is no hold harmless clause in exercising the existing authority in good faith. The City of Hampton would respectfully ask the General Assembly to add language to clarify that officers acting in good faith be held harmless.

Add Funding for Hampton’s Historical African American Cemeteries

The City of Hampton is home to a rich and diverse history, including many historical African American cemeteries. In fact, the first recorded Africans to enter the colonies arrived in 1619 at Point Comfort, which is now part of Fort Monroe in Hampton. Many of these historical cemeteries in Hampton, such as Tucker Family and Elmerton are the final resting place to some of Virginia’s most famous citizens and include both formerly enslaved Africans as well as “freedom’s first generation.” One of Hampton’s most notable residents, Mary S. Peake, who is credited with educating enslaved children during the Civil War, is buried in Elmerton Cemetery. Unfortunately, many of these cemeteries have not been properly cared for over the years, leading to disrepair. Although many volunteers have banded together to restore and maintain these cemeteries, much work and funding is still needed. Recognizing the importance of our African American history in Hampton, we would respectfully ask the General Assembly to include Hampton’s historical African American cemeteries in § 10.1-2211.2 of the Code of Virginia and to add funds to the budget to provide and care for these important landmarks.

Provide for Local Ability to Maintain Appearance of Certain Properties (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 the Hampton Clean City Commission, properties that are unkempt with overgrown grass, weeds, shrubs, trees, litter, and debris have a definite impact on property values, and can also act as a breeding ground for rodents, insects, and snakes. This has been a problem for some Hampton neighborhoods and neighbors who are trying to present well-maintained, attractive properties. This is the fourth year that citizens and neighborhoods have asked City Council to 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 and trees that have overtaken

certain properties. Therefore, The City of Hampton respectfully requests that the General Assembly amend the statute regarding removal of trash and cutting of grass and weeds, to include express authority to cut back and/or remove overgrown shrubs and trees located on certain properties.

HAMPTON'S PRIORITY POLICY POSITIONS

Support and Fund Education Initiatives

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. Future BRAC deliberations will consider the relative health of a military installation's surrounding school divisions as a measure of installation retention or growth. Throughout challenging economic times, the City of Hampton has maintained its commitment to Hampton City Schools.

We are pleased to report that Hampton City Schools perform better than other urban school districts across all measures. Hampton schools continue 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. Hampton City Schools has been 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. The City continues to support pay equity for teachers and support staff and we ask our legislative delegation to please keep teachers and support staff in the forefront of their minds when it comes to the difficult budgeting decisions that must be made. The City of Hampton also supports continued state funding for At-Risk Education Funding, Transformational High Schools, and the Virginia Preschool Initiative.

In order to continue the positive forward momentum in our public schools, the state must be a reliable funding partner in accordance with the Virginia Constitution and state statutes. The Standards of Quality should recognize the resources, including positions, required for a high-quality public education system. We oppose any changes in methodology or changes in the division of financial responsibility that would result in a shift of funding responsibility from the state to localities.

Further, we oppose policies that lower state contributions but do nothing to address the cost of meeting the requirements of the Standards of Accreditation and Standards of Learning. Any approach to improving low-performing schools must include adequate state financial support.

Support Legislative Efforts to Address the Opioid Epidemic (Fentanyl)

Virginia is facing an opioid epidemic with more deaths from drug overdoses than shootings or car crashes. One such opioid, fentanyl, continues to be one of the deadliest drugs in the state. We are concerned with its impact specifically on the youth of our community. In addition, Hampton's emergency service personnel face new and challenging problems when responding to calls, including being exposed to airborne synthetic drugs. The City of Hampton supports legislative efforts that address the ongoing, multifaceted opioid epidemic.

Continue Supporting Transportation Initiatives

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 House Bill 2313 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.

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. The time is now for dedicated transit funding in Hampton Roads.

Continue to Support and Enhance Localities Resiliency Efforts

The City of Hampton continues to face challenges dealing with sea level rise and coastal adaptation that require innovative solutions. In order to support localities taking a comprehensive approach we would respectfully ask the General Assembly to continue to look at a dedicated source of funding for the Virginia Shoreline Resiliency Fund, to continue adding monies to the Stormwater Local Assistance Fund and to allow localities more flexibility when it comes to addressing these challenges.

Expand Communications Sales and Use Tax

The City of Hampton supports amending the Communications Sales and Use Tax (CSUT) to allow taxation of streaming and post-paid calling services. The City also supports increasing the CSUT to the prevailing State tax rate of 5.3% percent. The CSUT was implemented in 2007 and replaced most of the previous state and local taxes and fees on communications services. The 5% tax is generally collected from consumers by their service providers and remitted each month to the Virginia Department of Taxation, who then distributes it to localities. The City of Hampton receives approximately \$8 million annually from the CSUT. Since its implementation, revenue each year has generally remained stagnant, when it should have increased with increased use of technology. The stagnation may be attributed to the growing popularity of streaming services, which are not subject to the tax and the exemption for pre-paid calling

services. Eliminating these exemptions would not only increase the revenue generated by the tax, but also level the playing field for cable and cell phone service providers.

Refrain from Passing Unfunded Mandates/Constitutional Inequity

The City of Hampton requests that the Governor and the General Assembly refrain from using local governments as a fiscal balance wheel in order to overcome 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.

In addition, the City recommends that state constitutional amendments with local government fiscal impacts require the cost burden to be allocated among all citizens of the Commonwealth so that the citizens of one or only a few localities are not unduly and inequitably burdened. For instance, 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, health care facilities, and other quality of life factors. However, state mandated tax relief programs for veterans also create a unique challenge for the City, as such programs have a more dramatic impact on the City of Hampton's budget than any other locality. The City experiences a disproportionate impact due to the number of veterans residing in our City, leading to a financial strain.

As such the burden of taxation, as well as the benefits of services, should be shared and enjoyed by all. To the extent that the Commonwealth mandates relief for certain groups, the General Assembly should simultaneously enact measures that equalize the impact among jurisdictions, 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. Further, 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 for the long term.

Coalition and Community Partners Legislative Programs

The City of Hampton has a long-standing commitment to support and encourage our partnerships with local commissions, boards, organizations, coalitions and institutes of higher learning. As such, unless specifically stated, we generally support the legislative agendas of the following:

- **Hampton Roads Planning District Commission**
- **Hampton Roads Transportation Planning Organization**
- **Hampton Roads Transportation Accountability Commission**
- **Virginia Municipal League**
- **Virginia First Cities**
- **Hampton University**
- **Hampton-Newport News Community Services Board**