sdm14747

RESOLUTION NO. 12970-16

A RESOLUTION OF THE COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA, APPROVING AND ADOPTING THE CITY OF NEWPORT NEWS' LEGISLATIVE PROGRAM FOR THE 2017 VIRGINIA GENERAL ASSEMBLY.

WHEREAS, the Newport News City Council analyzes and adopts both specific legislative proposals and general policy positions as a part of its legislative program during its deliberations concerning positions to be presented for use by the Virginia General Assembly; and

WHEREAS, the legislative proposals are specific initiatives which the Newport News City Council believes should be acted upon as a part of the work of the 2017 Virginia General Assembly legislative session; and

WHEREAS, the Newport News City Council requests that the Virginia General Assembly consider and act upon the legislative proposals identified in the Newport News 2017 Legislative Program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newport News, Virginia, that it hereby approves and adopts the Newport News 2017 Legislative Program, a copy of which is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that it is the City Council's express desire that the legislative proposals approved and adopted hereby be considered and acted upon during the legislative session of the 2017 Virginia General Assembly.

BE IT FURTHER RESOLVED that the City Manager is directed to provide a copy of the 2017 Legislative Program to each member of the City's Virginia General Assembly delegation.

BE IT FURTHER RESOLVED that the City Manager, the City Attorney and/or their designee(s) is/are hereby authorized and directed to provide necessary input and clarification during the 2017 Virginia General Assembly session and to carry out other activities as needed to assist in attaining the goals and objectives contained in the City's 2017 Legislative Program.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON OCTOBER 25, 2016

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

City Clerk

Newport News
Where Great Things Are Happening

State Legislative Priorities

2017 Session
Virginia General Assembly

NEWPORT NEWS VIRGINIA

SENATE OF VIRGINIA

1st Senate District
To Be Determined

Mamie E. Locke, Ph.D. (D)
2nd Senate District
P.O. Box 9048
Hampton, VA 23670
757.825.5880
district02@senate.virginia.gov
In Session: 804.698.7502
General Assembly Building Room 427
Committee Assignments:

- Education and Health
- General Laws and Technology
- Local Government
- Rehabilitation and Social Services

VIRGINIA HOUSE OF DELEGATES

Monty Mason (D)
93rd District
P.O. Box 232
Williamsburg, VA 23187
757.229.9310
delmmason@house.virginia.gov
In session: 804.698.1093
General Assembly Building Room 806
Committee Assignments:

- Counties Cities and Towns
- Courts of Justice

David Yancey (R)
94th District
P.O. Box 1163
Newport News, VA 23601
757-897-3953
DelDYancey@house.virginia.gov
In Session: 804.698.1094
General Assembly Building Room 717
Committee Assignments:

- Education
- General Laws
- Transportation

Marcia Price, (D)
95th District
P.O. Box 196
Newport News, VA 2360
District: 757.266.5935
DelMPrice@house.virginia.gov
In Session: 804.698.1095
Committee Assignments:

- Health, Welfare & Institutions
- Privileges and Elections

City Council

McKinley L. Price, DDS
Mayor, At Large

Tina L. Vick
Vice-Mayor, South District

Herbert H. Bateman, Jr.
Central District

Saundra Cherry, D. Min.
South District

Marcellus L. Harris, III
North District

Sharon P. Scott
North District

Dr. Pat Woodbury
Central District

Contact City Council
council@nnva.gov
757.926.8634

City Manager

James M. Bourey

City Information
757.933.2311
www.nnva.gov

www.facebook.com/
CityofNewportNews

www.twitter.com/CityofNN

Newport News City Hall
2400 Washington Avenue
Newport News, VA 23607

City Center Offices
700 Town Center Drive
Newport News, VA 23606

A Message from the Newport News City Council

In assembling our list of legislative priorities for the 2017 General Assembly session there were quite a few items that, although the specific subjects varied, seemed to fall into one of two categories: issues that pertain to local government authority and/or issues tied to revenue. In lieu of discussing each topic in extensive detail, only to repeat the same tenets for each entry, the Council would like to summarize our long-standing positions on the overarching issues so that as you consider legislation in this upcoming session, it will be easy for you to know where your City stands on many of the proposals being offered.

Local Government Authority ~ Although Virginia adheres to the Dillon Rule which gives localities only those powers expressly granted by the Commonwealth, it is a generally accepted principle that "what works" in one City or area of Virginia may not work in others. The great diversity of our natural resources, communities, and needs often dictates governance that varies from place to place. However, there is an alarming trend in recent legislation to remove or restrict local government authority, particularly in the realm of zoning and land use decisions. Such bills are typically drawn to favor a specific interest without regard for the local impact or unintended consequences that can occur to the health, welfare, and safety of the community. In some cases, compromises have been reached to balance the interests of all concerned. In other cases, the outcry of multiple stakeholders has been insufficient to prevent the blanket application of one-size-fits-all legislation. So, to the point, whether the issue concerns ride-sharing, home-sharing, wireless infrastructure, fireworks, or any number of other things, the General Assembly should not pass legislation that supersedes the existing authority of localities to determine the regulatory framework that best serves their community.

Continued on Page 4

A Message from the Newport News City Council

Continued from Page 3

Revenue ~ Despite the anticipated State budget shortfall, the General Assembly should make every effort to preserve funding for core government services, particularly K-12 education, transportation, and public safety. To that end, the General Assembly should refrain from making reductions in Aid to Localities as those reductions directly impact core services. It is also important that investments in economic development tools such as the Commonwealth Opportunity Fund, the Enterprise Zone Program, and GO Virginia be protected as they are critical for cultivating a Virginia economy that is financially robust. In addition, the General Assembly should not pass legislation that constitutes an unfunded mandate to localities. Legislation that includes State mandated exemptions for local taxes and fees (such as property taxes or stormwater fees) does not incrementally reduce the costs for City services; it simply creates a larger financial burden for those that are not exempt. Finally, because City services benefit equally our businesses and residents, we urge the General Assembly to reject legislation that will negatively impact local government revenue streams and/or cause the tax burden to be shifted to the citizens.

In these two brief paragraphs lay the foundation for the legislative priorities of the City of Newport News. We hope that you will keep these guidelines in mind as you consider legislation and that they will be helpful to you as you serve the Commonwealth and the citizens of Newport News.

2017 Legislative Requests

1. Law Enforcement Authority for Municipal Park Rangers
2. Underage Possession of Handguns and Assault Weapons in the Home or on the Property
3. Liens for Nonpayment of Waste and Recycling Fees
4. Court Discretion to Reinstate Discontinued Civil Cases

2017 Position Statements

- Expand Medicaid in Virginia
- Fund Public Transportation
- Authorize Magistrates to order testing in cases of exposure to infection with human immunodeficiency virus or hepatitis B or C viruses
- Remove Restoration Restriction on Emergency Psychiatric Treatment
- Study Port of Virginia Economic Impact to Host Cities
- Fund Local Youth Employment Programs
- Restrict Predatory Lending
- Fund Stormwater Local Assistance Fund
- Legalize Medical Marijuana for Treatment of Neuropathy

1. Law Enforcement Authority for Municipal Park Rangers

Request:

The City of Newport News asks that the General Assembly amend §§ 15.2-1706, 18.2-250, 18.2-250.1, 18.2-460, 18.2-461, 18.2-479, 5 19.2-71, 19.2-72, 19.2-389, 46.2-817, 46.2-920, and 46.2-1022 of the Code of Virginia to include municipal park rangers in the list of officers authorized for the purposes of enforcement powers.

Justification:

Newport News municipal park rangers enforce the laws of the Commonwealth and the Ordinances of the City. Current orders from Circuit Court validate this as their responsibility. They work in multiple jurisdictions, protect large geographic areas, and protect over 3.8 million park visitors per year. Rangers are responsible for protecting the water supply, natural and historical resources, and other municipal properties. They also work during natural disasters and during incidents that activate the City's Emergency Operation Plan. The City's Emergency Operation Plan tasks rangers with duties that include assisting other public safety entities during a hurricane, and should the need arise, providing law enforcement presence at mass medication dispensing at school sites.

Several sections of the Code of Virginia do not include municipal park rangers in the list of officials authorized to act. This omission creates barriers for rangers in performing their duties as there are many code sections that grant enforcement powers only to law enforcement officers as defined in §9.1-101. The requested changes will resolve issues with: DCJS oversight and recordkeeping, seizing and possession of controlled substances when performing official duties, obtaining criminal history information, issuing warrants, and the authority to operate an emergency vehicle/use flashing blue lights. The changes will also include rangers for the purposes of enforcing violations for obstruction of justice, giving a false statement or false identity, and resisting arrest/fleeing.

This request will require a Budget Amendment of $50,000 as the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation cannot be determined. In such cases, Chapter 665 of the 2015 Acts of Assembly requires that a minimum impact of $50,000 be assigned to the bill.

2. Underage Possession of Handguns and Assault Weapons in the Home or on the Property

Request:

The City of Newport News asks that the General Assembly clarify the language in section 18.2-308.7 of the Code of Virginia such that it is clear that a person under 18 who resides with a parent, grandparent, or legal guardian, must have their permission to possess a handgun or assault firearm while in the home or on the property.

Justification:

In several recent instances in Newport News, persons under the age of 18 were found to have handguns in their home without the knowledge or consent of the parent with which they reside. Even at the request of the adult, the juveniles were not charged with unlawful possession because language in the Code of Virginia § 18.2-308.7 states that possession of certain firearms by persons under the age of 18 is to be allowed, "(i) while in his home or on his property; (ii) while in the home or on the property of his parent, grandparent, or legal guardian; or (iii) while on the property of another who has provided prior permission, and with the prior permission of his parent or legal guardian if the person has the landowner's written permission on his person while on such property…" Although (i) could be interpreted to require some ownership interest, that is unclear. Section (ii) makes no mention of consent by the parent, grandparent, or legal guardian and section (iii) seems drawn to apply to the property of another landowner with which the minor does not reside.

The City of Newport News asks that the General Assembly clarify the language in section 18.2-308.7 such that it clearly requires persons under the age of 18 who reside with a parent, grandparent, or legal guardian to have the express permission of such adult in order to possess a handgun or assault firearm in the home.

3. Liens for Nonpayment of Waste and Recycling Fees

Request:

The City of Newport News asks that the General Assembly amend section 15.9-925 of the Code of Virginia to allow municipalities the option of placing liens against properties for nonpayment of waste and recycling collection fees and charges consistent with the authority granted in VA Code 15.2-2119 E for water and sewer services.

Justification:

The City of Newport News, Department of Public Works, Solid Waste Division provides a wide variety of waste collection and recycling services to approximately 41,000 households in Newport News. This program is financed by a revolving fund dedicated to the continual operation of these services. Collection of fees is administered by the Department of Public Utilities. In recent years, projected revenues have fallen short, due to nonpayment of fees.

Revenue shortfall by fiscal year:

FY2015	FY2014	FY2013	FY2012	FY2011	FY2010
-$286,649.26	-$270,755.32	-$586,904.06	-$298,476.49	-$429,620.62	-$1,656,178.00

Although disruption of services can be implemented for nonpayment, the City feels that it is more important to protect the overall health of the general population and the regional waterways by properly disposing of waste products and pollutants thereby providing residential solid waste collection services. The Code of Virginia § 15.2-2119 addresses nonpayment of fees and charges for water and sewer services by allowing municipalities the option of placing liens against properties for nonpayment of said fees and charges, as well as ensuring fair and reasonable rate structure. The City of Newport News requests that the Code of Virginia be amended so that waste and recycling collection services can be afforded the same collection avenue for delinquent fees.

4. Court Discretion to Reinstate Discontinued Civil Cases

Request:

The City of Newport News asks that the General Assembly amend Code of Virginia section 8.01-335 by adding language to affirm a court's authority to choose whether or not to reinstate a discontinued civil case.

Justification:

For many years, Code of Virginia section 8.01-335 provided a means for courts to dismiss civil cases when parties fail to take any action on them for several years. The statute provides that on motion of a party within 12 months of discontinuance, a circuit court "may" reinstate the case. However, in a recent decision the Virginia Supreme Court ruled that courts have no discretion, but must reinstate. Although the word "may" is used repeatedly throughout the Code section the recent ruling conflicts with the law as written.

The City of Newport News asks that the General Assembly amend section 8.01-335 by adding language beyond "may" to include "in the court's discretion" in several places for the purposes of affirming the court's authority to act in these cases.

2017 Position Statements

Expand Medicaid in Virginia

The City Council of Newport News urges the Virginia General Assembly to act expeditiously to implement Medicaid expansion as provided by the Affordable Care Act. Expanding Medicaid or creating a state solution to use federal dollars would be good for Virginia's economy, bringing an estimated $6.2 million per day to the Commonwealth, resulting in billions of dollars to support the health care industry, supportive health care industries, and employment.

Virginia has forfeited billions of dollars in Federal funds since the availability of funding for Medicaid expansion in 2014. Expanding Medicaid as of July 1, 2017 would have the net effect of saving the Commonwealth $71 million in general fund dollars for the 2017-2018 biennium. The Virginia Department of Medical Assistance Services estimates that Virginia would see a net savings of $265 million through fiscal year 2022. The State match would be more than offset by savings in health care for indigent care, community mental health, prisoners, and other state funded health care services.

The Virginia Medicaid program's current eligibility criterial excludes approximately 400,000 low income Virginians from receiving affordable health insurance coverage. In Newport News there are an estimated 7,100 people without health insurance coverage who would be eligible if Virginia accepted expansion of the Medicaid program.

Fund Public Transportation

The General Assembly should identify a dedicated revenue source independent of local general funds to sustain and improve regional transit services and should allow Hampton Roads to use regional transportation funds for public transportation purposes. Funding for public transportation is a priority policy issue because a robust regional transit system will support regional economic competitiveness and mobility. The existing funding structure for public transportation in Hampton Roads hinders the planning and delivery of the region's transit system and jeopardizes its ability to continue to provide service at current levels, much less make anticipated expansions.

The City of Newport News is served by Hampton Roads Transit. Local revenue provides more than 40% of HRT funding. The cost to the City of Newport News for public transit increased from $5,887,924 in FY 2015 to $6,529,867 in FY 2016. In the current fiscal year (2017), the City has budgeted $7,536,222. Most of the 2017 increase covers increased operating costs and capital contributions required to maintain the same level of service as FY 2015. Relying on local general fund revenue puts public transit in competition with education and public safety for limited local dollars. Therefore, a dedicated revenue source independent of local general funds is necessary to sustain and improve regional transit services.

HB2313, the landmark Transportation bill passed by the General Assembly in 2013 allows 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. For this reason, the City supports amendments needed to allow Hampton Roads regional transportation funds to be used for public transportation purposes.

Authorize Magistrates to order testing in cases of exposure to infection with human immunodeficiency virus or hepatitis B or C viruses

Under current law when health care providers, public safety personnel, school board employees, or patients expose or are exposed to the bodily fluids of another, the person whose bodily fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the person who was exposed (Code of Virginia § 32.1-45.1). If the person refuses to provide a specimen or be tested, a General District Court judge may order them to provide a specimen or to submit to testing and to disclose the results. This may take time and can be further complicated when such person is not in custody. A simpler and less time consuming approach would be to allow local magistrates to order testing. Magistrates already issue Temporary Detention Orders and Emergency Commitment Orders, and they are authorized to issue warrants for blood testing in criminal matters. This change greatly simplifies the process and eliminates conflicting language in § 32.1-45.1 which includes law enforcement officers and § 32.1-45.2 that specifically addresses public safety employees.

Remove Restoration Restriction on Emergency Psychiatric Treatment

The City supports legislation that would expedite emergency psychiatric treatment for an inmate of a local correctional facility so they may be hospitalized if necessary. Amending the Code of Virginia section 19.2-169.6 is necessary because 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 the Code 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.

Study Port of Virginia Economic Impact to Host Cities

The General Assembly should update the 1999 JLARC study of the Port of Virginia. Although there have been numerous studies of the Port of Virginia since the 1999 JLARC report, all of the subsequent studies have focused on the Port's economic impact to the State. The 1999 JLARC study is the only report to date that provided a detailed and in-depth economic analysis of the Port's impact on its host cities. The 1999 study concluded that the host cities "suffer a substantial economic loss" as a result of lost revenues and infrastructure costs. Based on this study, legislation was passed by the 2000 General Assembly to calculate payments in lieu of taxes based on the assessed value of VPA property in the host communities and the amount of commercial shipping tonnage moving through these communities. Funding was to have come from the State General Fund and the new calculations would have provided a substantial increase in the PILOT fees paid to the host cities. The increased payments would have reduced fiscal stress experienced by host cities for services provided along with loss of real property taxes. However, sixteen years later, this formula has not been funded.

Numerous subsequent studies have shown that the majority of the economic benefits of the Port, such as employment and tax revenue, go to non-host cities. So, although the Port continues to be a major economic engine for the Commonwealth, its host cities remain somewhat disenfranchised from this success. Repeated requests for increased funding in

the existing PILOT have been unsuccessful. The City of Newport News respectfully requests that the General Assembly update the 1999 JLARC study focusing on the financial relationship between the Port and its host cities.

Fund Local Youth Employment Programs

The City of Newport News 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. Programs such as Newport News Summer Training and Enrichment Program can have a significant positive impact on at-risk youth and help to disrupt the school-to-prison pipeline. If programs like STEP were available throughout our region, our combined efforts would greatly improve public safety and opportunities for youth across Hampton Roads.

Restrict Predatory Lending

The General Assembly should restrict predatory lending practices. Predatory lending practices pose a threat to the well-being of the community. Many payday lenders charge excessive fees, fail to verify a borrower's ability to repay, and target high-cost loans to the elderly, low-income, and minority families. High rates and hidden fees can combine to make a payday loan difficult to repay. Borrowers often become caught in a cycle of short-term, high-interest debt which can undermine any attempt to save money and build good credit.

Legislation should impose an interest rate cap of thirty-six percent, calculated as an effective annual percentage rate including all fees or charges of any kind, for any consumer credit extended in the Commonwealth of Virginia; prohibit a creditor's use of a personal

check or other device as a means, directly or indirectly, to gain access to a consumer's bank account; incorporate into the Code of Virginia the protections regarding consumer credit to military person, as reflected in the Military Lending Act of 2007, 10 United States Code Section 987, to all Virginia residents; and allow localities to limit the number of such businesses that may operate within a specified geographic area.

Fund Stormwater Local Assistance Fund

The General Assembly should 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. This 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.

Legalize Medical Marijuana for the Treatment of Neuropathy

Neuropathy refers to numbness, weakness, and pain resulting from nerve damage. There are more than 3 million cases of neuropathy diagnosed in the U.S. each year, the majority of those occurring in adults aged 40 and over. Neuropathy can be caused by conditions such as diabetes, autoimmune diseases, tumors, bone marrow disorders, and many other illnesses. Current treatments for neuropathy vary widely and include anti-seizure medications, antidepressants, and pain relievers. In some cases, the side effects of the

treatments can be as impactful as the condition and can lead to reduced quality of life for many sufferers.

A National Institutes of Health review of studies that examined chronic neuropathic pain found that cannabinoids have demonstrated the ability to significantly lower pain levels in patients suffering from neuropathy that had previously proven difficult to treat. As demonstrated by 2016 session legislation, marijuana oil can be effective for the treatment of seizure disorders such as epilepsy. Therefore, the City of Newport News supports legislation to also legalize the use of medical marijuana for the treatment of neuropathy.