



JAMES CITY COUNTY 2006 LEGISLATIVE PROGRAM

Part I. Legislation to be Introduced on Behalf of the County

1-1. FEE CHARGED TO LOCALITIES FOR SERVICES BY COURT AND SHERIFF

Amend Virginia Code Section 17.1-266 to provide that, in addition to the Commonwealth, local governments are exempt from paying fees for services rendered by a clerk, sheriff, or other officer for cases, whether in a court of record or a court not of record, where the local government is a party.

1-2. AUTHORIZATION TO CREATE REGIONAL TRANSPORTATION AUTHORITY

Amend the Virginia Code to allow the Counties of James City and York, the City of Williamsburg, the College of William and Mary and the Colonial Williamsburg Foundation to form a regional transportation authority.

1-3. LOCAL CIGARETTE TAX

Amend Virginia Code Title 58.1, Taxation, Chapter 38, Miscellaneous Taxes, Article 7, Cigarette Tax, to add James City County to the list of counties authorized to impose a tax upon the sale or use of cigarettes.

1-4. LICENSE INSPECTOR

Amend Virginia Code Section 58.1-3735 to add James City County to the localities authorized to create a department of license inspection to enforce license ordinances of the County, review records of the Commissioner of the Revenue, other than income tax returns, and examine and audit books of the taxpayers.

1-5. EXTEND EXPIRATION DATE FOR ADDITIONAL \$2.00 TRANSIENT OCCUPANCY TAX

Amend Virginia Code Section 58.1-3823C to extend the expiration date from January 1, 2008 to July 1, 2010, to authorize the Counties of James City and York to impose an additional \$2.00 transient occupancy tax to promote tourism in the Historic Triangle along with the City of Williamsburg.

1-6. MAKE CONSUMER UTILITY TAX LESS REGRESSIVE

Amend Virginia Code Section 58.1-3812 to change the tax rate from 20% of the first \$15.00 of the gross monthly charge to 2% of the first \$300.00 of the gross monthly charge for local telecommunication service. Also, change the tax rate from 10% of the first \$30.00 of the gross monthly charge to 5% of the first \$100.00 of gross monthly charge for local mobile telecommunications.

1-7. NAMING OF BRIDGES AND HIGHWAYS

James City County requests the General Assembly designate the following names to bridges and highways:

- A) Designate the twin bridges over College Creek on State Route 199 (Humelsine Parkway) as the “Jack L. Massie Bridge.”
- B) Designate the bridge on State Route 631, Little Creek Dam Road, as the “Alma C. White Bridge.”
- C) Designate that portion of State Route 60, Richmond Road, from the intersection with State Route 646, Lightfoot Road, to State Route 611, Kristiansand Drive as the “Jimmy Maloney Memorial Highway.”
- D) Designate that portion of State Route 615, Ironbound Road, from the intersection with State Route 616, Strawberry Plains Road, to the intersection with State Route 5000, Monticello Avenue, as the “James B. Tabb, Sr., Memorial Highway.”

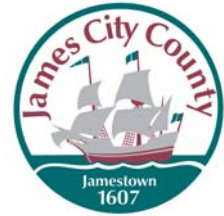
1-8. AUTHORITY FOR COMMISSIONERS OF THE REVENUE TO PROVIDE TAX INFORMATION TO STATE AGENCIES AND OTHERS

Amend Virginia Code Section 58.1-3C to provide that, in addition to the Tax Commissioner, commissioners of the revenue may divulge tax information to certain parties under the restraints specified.

1-9. AUTHORIZE COUNTIES TO ABATE OR REMOVE NUISANCES

Amend Virginia Code Section 15.2-1115 to change any “municipal corporation” to any “locality” may compel or abate the removal of nuisances under the procedures set forth in that Code Section.

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Part II. Position/Legislation to be supported by the County

2-1. FUNDING FOR THE COMMEMORATION OF THE 400TH ANNIVERSARY OF JAMESTOWN

James City County supports continued State funding infrastructure, transportation, planning, and advertising the 2007 quadricentennial commemoration of the founding of Jamestown.

2-2. STATE FUNDING FOR TOURISM

The County urges the General Assembly to increase funding for the Virginia Tourism Corporation ("VTC") to promote tourism in Virginia generally, and the Historic Triangle in particular. This will be the last opportunity for the General Assembly to increase VTC promotions to coincide with the Jamestown 2007 Commemoration.

2-3. AUTHORITY TO FUND TRANSPORTATION NEEDS IN HAMPTON ROADS

James City County supports legislation to authorize localities in Hampton Roads to charge user fees and otherwise collect additional revenue which shall be dedicated to regional transportation improvement that will mitigate congestion.

2-4. TRANSPORTATION FUNDING

James City County calls upon the Governor and the General Assembly to make transportation the primary focus of the 2006 session of the General Assembly. The Commonwealth is experiencing disinvestment in its transportation infrastructure. Absent a major infusion of new and sustained investment in transportation, a congestion and mobility crisis may strangle economic growth and profoundly and negatively affect the quality of life of all our citizens.

2-5. BEHAVIORAL HEALTH AND COMPREHENSIVE SERVICES ACT ("CSA") FUNDING

James City County urges the General Assembly to provide sufficient funding to Community Services Boards to adequately implement mental health, mental retardation and substance abuse treatment programs. Additional State funding is needed to: 1) adequately fund the mental retardation waiver program; 2) provide services to children with serious emotional disorders (yet not eligible for CSA funding); and 3) to cover reasonable administrative costs for CSA programs. Adequate funding and services will help prevent the mentally ill from being released early from treatment, living on the streets, going to jail, or being inappropriately placed in residential facilities or other government programs.

2-6. ADEQUATE LOCAL REIMBURSEMENT UNDER PPTRA

James City County supports increased State funding for local reimbursement under the Personal Property Tax Relief Act (“PPTRA”) program so that the State’s share of the PPTRA reimbursement is fully funded.

2-7. STATE FUNDING FOR STANDARDS OF QUALITY AND SCHOOL CAPITAL PROJECTS

As recommended by the Williamsburg/James City County School Board, the County supports improved State funding to implement the Standards of Quality requirements and to provide additional funding for school capital improvement projects.

2-8. DUI FEES LEGISLATION

James City County supports legislation that amends Virginia Code Sections 16.1-69.48 and 15.2-1716 to provide that the reimbursement of expenses incurred by localities in responding to DUI and other traffic incidents may be collected as a fee in the criminal or traffic infraction proceedings, and that such fee be paid directly into the treasury of the locality.

2-9. PHOTO-MONITORING SYSTEMS

James City County supports legislation to specifically authorize localities to use photo-imaging systems to impose penalties upon drivers who run red lights.

2-10. THE DILLON RULE

James City County supports legislation consistent with that which exists in the majority of states, to provide counties, cities and towns greater local autonomy over matters within the purview of local governments.

2-11. EMINENT DOMAIN

James City County opposes legislation which restricts local authority to avoid and abate blighted conditions through redevelopment or to exercise condemnation authority for proper public purposes such as schools, parks, roads, utilities, stormwater management and other public purposes set out in the Virginia Code.

2-12. SURCHARGES ON LOCAL SERVICES

James City County opposes the imposition of a State fee, tax or surcharge on water, sewer, solid waste or on any other local government services.

2-13. REMOVAL OF MEMBERS APPOINTED TO CERTAIN LOCAL BOARDS, COMMISSIONS, AND AUTHORITIES

James City County supports legislation empowering local government bodies to remove any officer appointed by such bodies prior to the completion of his/her term.

2-14. RESTRICTION ON IMPOSING REAL ESTATE TAXES

James City County opposes any legislation restricting local taxing authority to establish real estate tax rates or place artificial limits on the assessment of real property at its fair market value.

2-15. CONSOLIDATED TELECOMMUNICATION TAXES AND FEES, AND E-911 SERVICES

James City County supports the protection of local revenue streams derived from telecommunication taxes, E-911 taxes, cable television taxes and other similar taxes as the General Assembly considers legislation to replace such taxes with a uniform statewide tax. Dispersements to local governments must be sufficient to offset all revenue losses.

2-16. E-911 SERVICES

James City County supports legislation requiring that personal communication technologies such as Voice Over Internet Protocol be required to use software to identify the origin of any call made to an E-911 system.

2-17. SUBDIVISION STREET STANDARDS

Local governments should have authority to modify standards for subdivision street pavement and right-of-way widths that are beneficial to good planning; public safety; and the well-being of the residents of new subdivisions, without diminishing State funding for street maintenance payments.

2-18. AFFORDABLE HOUSING: ZONING INCENTIVES FOR IN-FILL DEVELOPMENT AND REDEVELOPMENT

The Virginia Code provisions on zoning authority should continue to ensure that local governments have a full range of authority to promote affordable housing, including enabling legislation to give localities the power to facilitate in-fill development, redevelopment and mixing of uses in redevelopment projects. Therefore, the Virginia Code must not be changed to limit local governments' authority to enact land use regulations for the benefits of all citizens of a locality.

2-19. MANUFACTURED HOUSING BY RIGHT

Local governments should retain the authority to plan for the appropriate mix of residential structures in their communities and should retain full authority to regulate the placement of manufactured homes, without State intervention.

2-20. STUDY OF ADULT AND JUVENILE GROUP HOMES

James City County urges the General Assembly to support a State and local study of the status of adult and juvenile group homes, including licensure and regulatory requirements and responsibilities for such homes; how the concentration of such homes in particular neighborhoods and localities affect neighborhood dynamics and service responsibilities of affected localities, and workable regulatory alternatives that could result in greater dispersal of homes and greater integration of consumers into the community as a whole, which is the intention of the State in complying with the *Olmstead* decision.

2-21. SUBSTANCE ABUSE AND MENTAL HEALTH TREATMENT

James City County urges the Commonwealth to provide mental health and substance abuse treatment in jails and juvenile detention facilities given the overwhelming percentage of adults and juveniles in the system diagnosed with mental health and/or substance abuse conditions. In addition, the State must address service access issues that require parents to surrender custody or courts to take youth into the juvenile justice system in order to access mental health and/or substance abuse services. The State requiring these services be provided without allocating funding constitutes an unfunded mandate.