

**JAMES CITY COUNTY**  
**2009 DRAFT LEGISLATIVE PROGRAM**

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

1-1.    AMEND THE JAMES CITY COUNTY CHARTER TO AUTHORIZE THE IMPOSITION OF A TAX ON CIGARETTES

Amend the James City County Charter, Section 2.2. Additional Powers, to add the authority to impose a tax on cigarettes in accordance with Article 7, Cigarette Tax, of Chapter 38, Miscellaneous Taxes, of Title 58.1, Taxation, of the Code of Virginia.

1-2.    AMEND VA. CODE SECTION 15.2-5139 REQUIREMENT FOR WATER AND SEWER LIENS TO ACCOUNT FOR QUARTERLY BILLING CYCLES

Change the requirement that water and sewer liens may be filed for “three or fewer delinquent billing periods not exceeding thirty days each” to “three or fewer months.” This will accommodate water and sewer authorities that bill their customers on a quarterly basis.

1-3.    AMEND VA. CODE SECTION 51.1-603 TO ALLOW AUTOMATIC ENROLLMENT OF LOCAL GOVERNMENT EMPLOYEES IN A DEFERRED COMPENSATION PLAN

Similar to the authority in Virginia Code Section 51.1-601.1 which allows for automatic enrollment of State employees in a deferred compensation plan unless the employee decides to opt out, Virginia Code Section 51.1-603 should be amended to authorize a locality or political subdivision to provide for automatic enrollment in a deferred compensation plan unless its employee decides to opt out.

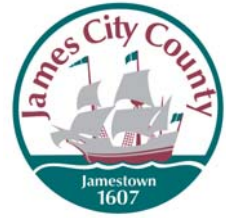
1-4.    AMEND VA. CODE SECTION 18.2-308.1 TO PROHIBIT THE POSSESSION OF PNEUMATIC WEAPONS ON SCHOOL PROPERTY

Add pneumatic weapons to the list of weapons in Virginia Code Section 18.2-308.1.A which may not be possessed on school property. Possession of a pneumatic weapon would constitute a Class 1 misdemeanor subject up to a \$2,500 fine and up to 1 year in prison.

1-5.    AMEND VA. CODE SECTION 18.2-271.1(B) TO INCREASE THE MAXIMUM FEE CHARGED TO PERSONS ENTERING VASAP FROM \$300 TO \$360

The supervision fee of no less than \$250 or more than \$300 which is imposed by courts for participants in VASAP hasn't been increased since 1985. Local VASAPs rely on this fee to provide services. The maximum supervision fee that a court can charge should be increased to \$360. In addition, this fee should be increased each biennium beginning in 2012 by a percentage equal to the increase in the Consumer Price Index calculated from the time the fee was last set or adjusted.

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

2-1. 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.

2-2. AUTHORITY TO IMPOSE IMPACT FEES

Amend Title 15.2, Chapter 22, to authorize localities to impose impact fees in order to fairly fund public infrastructure costs caused by new residential development.

2-3. RESTORING VDOT’S REVENUE SHARING PROGRAM

James City County supports restoring VDOT’s Revenue Sharing program to the structure which existed prior to the 2006 General Assembly session with robust funding, elimination of the statutory cap, and matching up to \$1 million per locality without any restriction on local in-kind and monetary matches.

2-4. BEHAVIORAL HEALTH AND COMPREHENSIVE SERVICES ACT (“CSA”) FUNDING

James City County urges the General Assembly to: 1) adequately fund the Medicaid waiver program to reduce the waiting list of individuals and families now eligible for services; 2) provide services to children with serious emotional disorders; 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.

2-5. SUBSTANCE ABUSE AND MENTAL HEALTH TREATMENT

James City County supports maintaining State funding for 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.

2-6. CONTINUE SERVICE LEVELS AT EASTERN STATE HOSPITAL (“ESH”)

James City County urges the General Assembly to delay the downsizing of ESH by retaining existing buildings and staff until State Department of Mental Health, Mental Retardation and Substance Abuse Services has a plan in place, including funding, for alternative community services for the patients that are currently at ESH in State custody.

2-7. AMEND THE CERTIFICATE OF PUBLIC NEED (“COPN”) CRITERIA FOR MEDICAL CARE FACILITIES TO FOCUS ON COMMUNITY AND HEALTH CARE NEEDS

James City County supports amending the current criteria for medical care facilities in obtaining a Certificate of Public Need. The criteria for a COPN should be based on citizen accessibility to medical care, community support, impacts on service costs, benefits and detriments of increased competition, the promotion of cost effective health care and the ability to provide health care service to indigent people.

2-8. STATE FUNDING FOR PUBLIC EDUCATION, PRE-K, K-12 AND HIGHER EDUCATION

The County supports maintaining the gains made in recent years for pre-K and K-12 funding. In addition, the County supports restoring the cuts made to higher education which could cripple some of the most prestigious higher education institutions in the world, including the College of William & Mary.

2-9. ADEQUATE FUNDING FOR PUBLIC LIBRARIES

James City County supports the State maintaining funding to public libraries to make sure that State and localities maintain their proportionate share of funding.

2-10. FOIA EXCLUSION FOR IDENTITY OF BUILDING CODE AND ENVIRONMENTAL COMPLAINANTS

James City County supports expanding the FOIA exclusion provided in Virginia Code Section 2.2-3705.3(10) to include complainants who report violations of the building code and environmental laws.

2-11. 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.

2-12. OPPOSE PUBLICLY FINANCED MARKING OF PRIVATE UTILITY LINES

James City County opposes requiring public water and sewer providers to mark privately owned and maintained water, sewer and storm water lines on private property.

2-13. 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.

2-14. LEGISLATIVE PROGRAMS OF THE VIRGINIA MUNICIPAL LEAGUE AND THE VIRGINIA ASSOCIATION OF COUNTIES

James City County supports the legislative programs of the Virginia Municipal League and the Virginia Association of Counties.