



**Loudoun County
Board of Supervisors**

2016

Legislative Program



Loudoun County Board of Supervisors

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PRIORITY STATEMENTS

1. Transportation

The county supports increased state funding for primary and secondary road construction and maintenance, including providing adequate funding to pave higher volume dirt roads and safely maintain rural roads. The continued economic vitality of the region and the quality of life of its citizens require greater state investment in transportation infrastructure, and existing revenue sources are no longer adequate to keep pace with the county's transportation needs. Continued state neglect of our transportation system imposes a tax on our citizens in the form of time wasted sitting in congestion and longer commutes, and it serves as a disincentive for businesses to locate or expand in the area. The Board of Supervisors identified the following transportation priorities in 2012, and most of these projects are moving forward toward construction. The Commonwealth's continued commitment to these priorities, where applicable, is requested.

- State Route 606 (Old Ox Road/Loudoun Co. Parkway) Widening Project Between US Route 50 & Route 28;
- State Route 625 (Waxpool Road) Improvements Project
- State Route 659 (Belmont Ridge Road) Widening Project Between Gloucester
- Parkway and Hay Road and Truro Parish Drive and Croson Lane
- US Route 50/State Route 606 Interchange

The Commonwealth's commitment to these priorities is also requested:

- Loudoun County Parkway (missing link);
- Route 659: Belmont Ridge Road (accelerate funding/joint projects);
- Route 625: Waxpool Road (expand to six (6) lanes to Ashburn Road);
- Route 7/Battlefield Parkway Interchange;
- Route 15 Bypass/Battlefield Parkway Interchange;
- Route 15 Bypass/Edwards Ferry Interchange;
- Route 625: Waxpool/Loudoun County Parkway Intersection;
- Northstar Boulevard/Arcola/Glasscock Area;
- Route 7/Route 690 Interchange;
- Route 9/287 intersection improvements;
- Bi-County Parkway between Loudoun and Prince William counties (Loudoun CTP version); and
- Shellhorn Road Extension to Sterling Boulevard/Route 28.

2. Land Use

The county supports maintaining its existing statutory authority in the area of land use and development. The ability to adequately plan, zone, and enforce land use regulations is necessary to maintain the quality of life in our communities and an environment that encourages business to invest in the county. The county is opposed to legislative measures that erode local land use authority.

3. Taxing Authority

The county supports keeping its existing taxing authority. Loudoun, like most localities, is heavily reliant on the real property tax to fund necessary public operations, from schools and parks to public safety. Reducing or eliminating the few other local revenue streams, such as BPOL or machinery and tools taxes, would only put greater pressure on property owners and the real estate tax.

4. State Funding

The county supports the state living up to its financial commitments in the areas of public education, public safety, and health and human services, and opposes state imposed mandates on the county that are inadequately funded by the state.

PRIORITY INITIATIVES

Education

Cost of Competing – Seek and support the full restoration of the Northern Virginia cost of competing funding for teachers and support staff in the state’s FY ’17-‘18 biennial budget.

New Priority Initiatives:

Agreements to Provide Transportation for Nonpublic School Pupils (NEW)

Seek or support legislation that allows a local school board to provide transportation via public school bus or other means to nonpublic schools for field trips in addition to providing transportation to and from such schools.

County Funded Mental Health Services for Volunteer Fire & Rescue (NEW)

Seek legislation to amend §15.2-1517 of the Code of Virginia to provide localities with the option of funding mental health treatment/counseling services through Employee Assistance Program-type “health insurance programs” for volunteer firefighters/EMTs.

Disclosure of Underlying Zoning to Property Purchasers (NEW)

Seek or support legislation that adds language to §55.519 B.2 that notifies purchasers of residential property to exercise due diligence on the zoning classification or permitted uses of parcels adjacent to the subject parcel.

Local Authority to Promulgate Civil Penalties for all Types of Onsite Sewage Treatment Systems (NEW)

Support and/or seek legislation that allows localities to promulgate a schedule of civil penalties for different types of sewage systems.

Northern Virginia Transportation Commission (NEW)

Request legislation to amend Section 33.2-1904 to expand the representation for Loudoun County on the Northern Virginia Transportation Commission (NVTC), either through weighted voting or by adding a Non-Legislative voting member.

Residential Property Disclosure Statement of Wastewater System (NEW)

Seek or support legislation that adds language related to wastewater system (onsite sewage system) and conducting due diligence on costs to the residential property disclosure statement.

Revisions to Plat Requirements for Boundary Line Adjustments between Localities (NEW)

Seek legislation that would amend the Code of Virginia to allow for Loudoun County to utilize Geographic Information System (GIS) Maps established by the Virginia State Plane Coordinates System for the purposes of boundary line adjustments.

State Corporation Commission Public Hearings (NEW)

Seek changes to the Code of Virginia to require a local public hearing, by request of a local governing body, for State Corporation Commission proceedings that involve projects that significantly impact the County.

POLICY STATEMENTS

Broadband

Broadband Coverage and Availability (NEW)

Support the Virginia Association of Counties (VACo) Broadband Position on expanding broadband accessibility throughout the Commonwealth; and support changes to the FCC Form 477 reporting requirements for Broadband providers in order to allow for more accurate mapping of existing broadband coverage and availability.

Economic Development

Commonwealth Opportunity Fund

Support the on-going replenishment of the Commonwealth Opportunity Fund.

Education

Expansion of Full Day Kindergarten (NEW)

Support the effort of the School Board to seek additional state financial support in order to enable the County to accelerate the full phase-in of full day kindergarten in Loudoun County in a fiscally responsible manner while limiting class size increases.

Teacher pensions

Support legislation to require the State to place its share of teacher pension liabilities on its financial statements.

Out-of-state enrollment in state institutions of higher education - Support legislation requiring the state's institutions of higher education to maintain undergraduate enrollment ratios of no greater than 25% out-of-state students. Further, support legislation to enforce such standard with financial or other disincentives.

Increases to SOQ Funding

Support a significant increase in State education funding so that the State fully funds its share of the actual costs of meeting the Standards of Quality (SOQ).

Relax Mandates

In the event of reductions to State general funding for public education, support relaxing State mandates and increasing local autonomy in order to give local school divisions the flexibility to efficiently target resources where they are most needed.

School Construction Support

Support additional new State revenues to assist localities to fund new school construction, renovation of public school facilities, technology infrastructure and debt service.

Year-End-Funds Appropriated to School Divisions

Support existing state law that all year-end funds appropriated to the School Divisions by local governing bodies revert to the locality, retaining discretion with the governing bodies to evaluate and approve the reallocations of year-end fund balances to address the capital or one-time expenditure requirements of local school districts.

Employment and Benefits

Line of Duty Benefits for Public Safety Personnel

Support efforts to shift responsibility for Line of Duty benefits back to the state which pushed this long time program back to local governments. Should localities continue to be required to pay these benefits, they should at the very least be authorized to establish the level of benefits, instead of the state mandating benefits.

Worker's Compensation

Support the current Virginia Worker's Compensation Act and oppose any expansion of the heart/lung/cancer presumption statute.

Adopt state schedule for Worker's Compensation medical services

Support legislation to implement a schedule for medical services provided under a worker's compensation claim that reduces such costs for the county and provides more uniformity and predictability in the rates.

Expanded Benefits

Oppose any legislation mandating new and/or expanded benefits on local governments that are not fully funded in perpetuity by the State, and oppose new or expanded employment benefits for public employees and/or volunteers unless a local option is provided.

Collective Bargaining

Oppose any attempt by the state or federal government to impose collective bargaining or stipulate grievance procedures for state and local employees.

Elections

Election Districts

Support technical corrections to the state legislative election districts in the County as a part of the omnibus election district "clean-up" legislation. This will avoid unnecessary local costs resulting from election precincts with very small numbers of voters, and will help limit the inconvenience to some voters that resulted from the recent decennial redistricting.

Health and Human Services

Children Services Act (CSA); Support state funding and certain programmatic changes, including but not limited to:

- Support the State maintaining the sum-sufficiency provisions in Code of Virginia, § 2.2-5211 relating to the General Assembly's obligation to fund special education and foster care services and to meet relevant federal mandates for the provision of these services.
- Support adequate State funding to cover both mandated and court-ordered non-mandated placement of children.
- Support an update to the 1996 benchmark currently utilized to determine the amount of administrative funds allocated to cover local costs associated with administering the Children's Services Act.

- Support legislation that allows foster care youth to be eligible for the full array of foster care services under CSA until they turn 21.
- The State should fully fund localities for state mandated human services, including the Children’s Services Act, and should provide program flexibility so that localities can provide comprehensive and case-tailored services.
- Oppose changes to CSA law, regulation or polices that bypass the Family Assistant Planning Team (FAPT) and Community Policy and Management Team (CPMT) role in determining appropriate Residential Treatment Facility placements for which CSA funds will be sought.

Doctor Protections for Long-Term Antibiotic Therapy (NEW)

Support legislation that allows a licensed physician to prescribe, administer, or dispense long-term antibiotic therapy to a patient diagnosed with Lyme disease and also specifies that the Board of Medicine shall not initiate a disciplinary action against a licensed physician solely for prescribing, administering, or dispensing long-term antibiotic therapy to a patient clinically diagnosed with Lyme disease, provided such clinical diagnosis and treatment has been documented in the patient’s medical record by such licensed physician.

Governor’s Task Force on Lyme Disease

Continue to support state administrative, budget or legislative action necessary for implementation of the recommendations of the Governor’s Task Force on Lyme Disease except in areas where they become unfunded mandates on localities.

Note: Item 85 in Chapter 665 of the 2015 Virginia Acts of the Assembly directs the Secretary of Agriculture and Forestry to report to the Chairmen of the House Appropriations and Senate Finance Committees the findings of a task force assembled to address certain discrete issues related to Lyme disease “point of disease” prevention strategies (“Task Force”). The Task Force’s mandate is to conduct the following: 1. Identify areas in Virginia with the highest prevalence of Lyme disease. In the event that a “point of disease” prevention strategy is adopted, the legislation contemplates that these identified areas would serve as implementation sites, 2. Determine estimated costs of implementing a “point of disease” prevention program in the identified areas, and 3. Identify sources of revenue to fund a “point of disease” prevention program. Specifically, the Task Force was directed to review potential federal grants, local funding, private foundations, and state sources.

State Income Tax Credits for Accessible Units

Support increasing the total amount of state income tax credits granted for the Livable Home Tax Credit program in any given fiscal year from \$1 million to \$2 million and increase the total amount of state income tax credits made available through the program allocated for the purchase or construction of new residences from \$500,000 to \$1 million and funds allocated for retrofitting or renovation of existing residences from \$500,000 to \$1 million.

Land Use, Zoning, and Property Maintenance

Phase II Watershed Implementation Plan/State funding for agricultural BMP and other cost-sharing programs

Support efforts to increase state appropriations for cost-sharing programs, including but not limited to the Virginia Natural Resources Commitment Fund (VNRFCF). The VNRFCF supports Virginia Agricultural Cost-Share (Cost-Share) programs including installation of cost-effective best management practices that are necessary to meet Phase II Watershed Implementation Plan local pollution reduction goals.

Alternative Onsite Sewage Systems

Oppose legislation that further restricts local authority in this area.

Conditional Zoning (Cash and In-Kind Proffers)

Support existing local authority to accept cash and in-kind proffers from developers to assist localities in financing the capital facilities and infrastructure needed to serve new development and oppose legislation to eliminate or restrict that authority.

Connection Fees

Support the existing authority of localities or locally created authorities to impose connection fees and rates adequate to support the full cost of water, wastewater and stormwater utility systems, and oppose any legislation that would limit that authority.

Erosion and Sediment Control/Stormwater Management

Oppose legislation that reduces or eliminates local authority in the areas of erosion and sediment control and stormwater management.

Impact Fees

Oppose any proposal for replacing proffers with development impact fees, if such a change would diminish the amount of such capital assistance received by localities.

Local Authority Enhancement

Support, generally, the granting of additional land use, zoning and property maintenance authority to localities, especially in areas experiencing high rates of sustained growth, and as a means to address the fiscal burdens experienced by localities in providing needed public services to local residents.

Payments in Lieu of Facility Contributions

Support any and all legislation to allocate state cash contributions made by developers in lieu of improvements otherwise required by ordinances.

Soil & Site Evaluation Determines Type of Sewage System

Support legislation that would require that a soil and site evaluation determine if a conventional septic system can be designed to serve a proposed use. If so, the conventional septic system shall be proposed but if a conventional septic system cannot be designed for the site, a statement must accompany the soil evaluation, signed by a licensed onsite soil evaluator that states the site restrictions that restrict the site to an alternative onsite septic system.

Undergrounding Electric Distribution, or “Feeder” Lines

Support legislation which increases and/or promotes the number of underground electric distribution, or “feeder” lines in addition to the pilot programs for long-range transmission lines.

Stormwater Management

Reduce state share of permit fee

Support a reduction in the Commonwealth of Virginia’s current 28% portion of the Stormwater Management Programs permit fee, since the County, not the state, is predominantly administering the program locally.

Public Safety

Fire sprinklers in New Residential Construction

Support action by the Board of Housing and Community Development and/or enabling legislation by the Virginia General Assembly to enable local governing bodies the ability to self-determine the appropriate regulations or codified ordinances for residential sprinkler requirements for their localities.

Predatory Lending

Support legislation strictly prohibiting and deterring all predatory, usurious lending practices, including but not limited to provisions that would:

- Impose an interest rate cap of thirty-six percent (36%), 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; and incorporate into the Virginia Code the protections to gain access to a consumer's bank account and incorporate into the Virginia Code the protections regarding consumer credit to military personnel as reflected in the Military Lending Act, 10 United States Code Section 987.

Tax and Revenue

Machinery and Tools / Business and Professional Occupation License Taxes

The state should not eliminate these local revenue sources, unless the General Assembly provides replacement sources of revenue for localities. In Loudoun County alone, BPOL receipts were \$31.1 million and M&T receipts were \$1.18 million in FY 15. Estimates for FY 16 are \$32.6 million (BPOL) and \$1.19 million (M&T). This revenue should not be unilaterally eliminated - especially when the state is reducing its funding commitments to public education, human services, and other state responsible, but locally administered programs. Eliminating these local sources of revenue simply puts even more pressure on property owners through the local real estate tax, especially if counties are never given the ability to diversify their revenue base like municipalities can.

Revenue Sharing with State

Support any State revenue sharing formula to assist local governments with public infrastructure needs so long as the formula includes recognition of the needs in high residential growth localities.

Sunset of Data Center Sales Tax (NEW)

Support legislation that extends or eliminates the sunset date for the Data Center sales tax exemption, currently scheduled to sunset in 2020.

Taxation Study

Support either a General Assembly sponsored, or a Virginia Department of Taxation study to review all local government allocations provided by the Personal Property Tax Relief Act of 2006

Transient occupancy Tax

The Commonwealth should not allow online travel companies to avoid paying the full transient occupancy tax and the Board supports legislation to clarify this in statute.

Transportation

Automated HOV Enforcement (NEW)

Support studies and research by the Virginia Department of Transportation (VDOT) and the Virginia Department of Motor Vehicles (DMV) focuses on automated HOV enforcement.

“Devolution” of Secondary Road Maintenance

Oppose any legislative or regulatory moratorium on the transfer of newly constructed secondary roads to VDOT for the purposes of ongoing maintenance, and oppose any legislation that would require the transfer of secondary road construction and maintenance responsibilities to counties.

Dulles Greenway

Support measures and legislation that address toll rate concerns including but not limited to potential state acquisition of the Dulles Greenway and distance-based and time-based tolling structures to reduce the costs for Greenway users and to reduce toll-induced traffic congestion on alternative routes.

NVTC Involvement in Distribution of I-66 Toll Revenue (NEW)

Support legislation that opposes the NVTC involvement in setting and distribution of I-66 inside the beltway toll revenue.

I-66 Tolls (NEW)

Support legislation that opposes tolling on Interstate 66 Inside the Beltway.

NVTC Oversight of WMATA (NEW)

Support any legislation that broadens NVTC oversight on WMATA issues.

Virtual Weigh Station Study (NEW)

Support a study by the Virginia Department of Transportation and the Virginia Department of Motor Vehicles that researches the use of virtual weigh stations for enforcement of over-sized or over-weight vehicles.

Washington Metropolitan Area Transit Authority (WMATA) (NEW)

Support legislation that initiates review and update of the WMATA Compact, including but not limited to, subjecting WMATA’s financial records to audit by the signatories.

Transportation Funding

General

Support additional state and regional transportation funding for highway, transit, bicycle and pedestrian improvements.

Bi-County Parkway between Prince William County and Loudoun County

Support the bi-county parkway between Prince William and Loudoun Counties as called for in the Loudoun Countywide Transportation Plan. The parkway is needed to foster the region’s economic development, reduce existing traffic congestion and accommodate planned residential growth. In addition, by greatly improving both passenger and commercial cargo access to the Dulles International Airport the bi-county parkway will produce tangible quality of life and economic benefits for the entire Commonwealth.

Revenue Sharing Program (NEW)

Support continued use of this program as an effective way to leverage local/state funds and oppose decreasing the recent funding allocations for this program.

Virginia Department of Transportation Staffing Levels

Support state funding for providing additional staffing of VDOT personnel designated for and preferably located in Loudoun County for the purposes of greater efficiency.

General Government

Unfunded Mandates

New State Mandates & Shifting Responsibility to Localities

Oppose any new state mandates that are not fully funded by the Commonwealth, and oppose the shifting of fiscal responsibility from the state to localities for existing programs.

Governor's Task Force for Local Government Mandate Review Recommendations

Support the recommendations of the Governor's Task Force for Local Government Mandate Review.

Dog and cat license fees

Support legislation amending state law to allow local cat/dog license fees to be set at a "fair and reasonable" level by the locality, instead of current law that limits the fee to no more than \$10.00.

Support amendments to state law to allow local treasurers to use a portion of the dog/cat license fees they collect to go towards the cost of processing and administering those fees.

Coordination of state, county and courts holiday schedules

Support legislation to provide for a uniform approach to holidays in Virginia where there is consistency between the Courts, the Governor and the local governments.

Excess Court Fees

Support legislation that returns the majority of excess court fees formula back to the original 1/3 for the Commonwealth and 2/3 for the locality. Support and/or seek legislation that would make this change only applicable to the 20th Judicial Circuit (in addition to the 31st Judicial Circuit, the only circuit that was exempted formula this state formula change).

Retention of Election Ballots

Support legislation to authorize Circuit Court Clerks to retain digital images of election ballots instead of the actual paper ballots for the required (2 year) time period.

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Loudoun County Facts

Loudoun County was a part of the five million acre Northern Neck of Virginia Proprietary granted by King Charles II of England to seven noblemen in 1649. The Town of Leesburg, named after one of the signers of the Declaration of Independence, has continuously served as the County Seat since 1757. Loudoun County encompasses a 520 square mile area on the rolling Piedmont section of Northern Virginia and is bordered by the Blue Ridge Mountains on the northwest and the Potomac River on the northeast. It is 25 miles northwest of Washington D.C. and is one of the fastest growing counties in the Washington Metropolitan region and the Commonwealth of Virginia. Between 2000 and 2010, Loudoun was the fifth fastest growing county in the nation and is home to several of the nation's leading technology-oriented businesses such as Verizon Business, Raytheon, NeuStar, Digital Realty Trust, Equinix, Orbital Sciences Corporation, M.C. Dean, and the Howard Hughes Medical Institute Research Campus at Janelia Farm.

Population – 2015 estimate	363,524
2010 Census	312,311
2000 Census	169,599
Population growth 2000-2015	114%
Population – 2020 forecast	412,538
Density (persons per square mile) - 2015 estimate	699
Median Age – 2014	35.4 years
Student population estimate - September 2015	76,263
September 2000	33,864
Student population growth 2000 – 2015	125%
Student population forecast – September 2019	81,756
Bond ratings	
Fitch	AAA
Moody's	Aaa
Standard & Poor's	AAA
Total households	104,583 (2010) 121,057 (2015 estimate) 137,062 (2020 forecast)
Household size average – 2010 Census	2.98 (Loudoun) 2.64 (DC MSA) 2.54 (Virginia) 2.58 (U.S.)
Real property tax rate – FY 2016	\$1.135 per \$100 of assessed value
Machinery and tools tax rate – CY 2015	\$2.75 per \$100 of assessed value
Commercial & industrial (% of total base) 2015 estimate	18%
Assessed value of taxable real property – 2015 actual	\$70.3 billion
Personal property tax rate – FY 2015	\$4.20 per \$100 of assessed value
State reimbursement for personal property taxes	\$48.1 million
Assessed value of personal property – 2015 estimate	\$6.4 billion
FY 2016 Adopted School System operating budget	\$992 million
FY 2016 Adopted General Government operating budget	\$454.4 million
School System employees – FY 2016 adopted	10,345
General Government employees – FY 2016 adopted	3,655
Adopted Capital Improvement Program (FY 2015-FY 2020)	\$1.946 billion
% of 6-Yr CIP total expenditures debt financed	58%
FY 2015 Debt service expenditures*	\$165.5 million
FY 2015 Debt per capita*	\$3,160
FY 2015 Debt to estimated value of taxable real property*	1.63%
FY 2015 Debt to per capita income*	4.76%
FY 2015 Debt service to governmental fund expenditures*	7.41%
Schools	84 (2013) 87 (2015)
Voting precincts – August 2015	93
Registered voters – August 2015	214,919
Local electoral districts (includes at-large)	9

*Based on unaudited numbers and subject to change