

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 15TH DAY OF OCTOBER, NINETEEN HUNDRED NINETY, AT 1:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Perry M. DePue, Chairman, Powhatan District  
Stewart U. Taylor, Vice Chairman, Stonehouse District

Judith N. Knudson, Jamestown District  
Jack D. Edwards, Berkeley District  
Thomas K. Norment, Jr., Roberts District  
David B. Norman, County Administrator  
Frank M. Morton, III, County Attorney

B. MINUTES - October 1, 1990

Mr. DePue asked if there were corrections or additions to the minutes.

Mr. Taylor made a motion to approve the minutes as presented.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

C. HIGHWAY MATTERS

Mr. Frank N. Hall, Resident Engineer for the Virginia Department of Transportation, reported that work on Route 60W near Anderson's Corner was almost finished, overlay for Route 60 through Toano planned for completion in November, and Centerville Road project from James River Baptist Church to Longhill Road was nearing completion.

Mr. Taylor stated that Mr. John Leonard had reported that a ditch across from Friendship Drive on Chickahominy Road erodes where water enters the reservoir. Mr. Taylor asked that an investigation be made.

Mr. Norment stated that Mr. Josh Palmer had reported substantial deterioration of Ron Springs Road. Mr. Norment asked that an investigation be made.

Mr. Norment asked the status of the streetlight installation at Routes 143/199 interchange.

Mr. DePue asked about the status of a left-turn lane on Route 60 into Oakland subdivision.

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Mr. Hall responded that such action is dependent on development of Section II of the subdivision.

Mr. DePue asked staff to advise him prior to Section II being on the Planning Commission agenda.

D. CONSENT CALENDAR

Mr. DePue asked if any Board member wished to discuss the item on the Consent Calendar.

Mr. DePue made a motion to approve the Consent Calendar.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

1. Revisions to Personnel Policies and Procedures Manual

R E S O L U T I O N

REVISION OF THE COUNTY

PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, the Board of Supervisors has agreed as part of a settlement with County Fire and Emergency Medical Services personnel to return to the 24-hour shift; and

WHEREAS, this results in a change in the number of annual authorized hours.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached revision to Section 5.2.A. of the Personnel Policies and Procedures Manual of James City County.

Effective Date: August 28, 1990

R E S O L U T I O N

REVISION OF THE COUNTY

PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, an established date by which compensatory time shall be used will be more efficient and effective in ensuring timely use of such leave.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached revision to Section 4.11.F.6 of the Personnel Policy and Procedures Manual of James City County.

Effective Date: October 15, 1990.

E. BOARD CONSIDERATIONS

1. Capital Projects and Budget Planning
2. Proposed Secondary Road Construction Budget

Mr. John E. McDonald, Manager of Financial Management Services, stated staff had provided budget balances for 27 currently approved capital projects that the Board had requested. Mr. McDonald stated that the staff analysis was not a recommendation for reallocation of monies, but a list of project funds that could be postponed until budget deliberations for FY 1992.

After discussion concerning flexibility for activities underway which might require funds for completion, the Board requested that staff provide an item-by-item analysis of items proposed for contingency transfer; the Board individually contacted staff regarding priority; and, staff notify the School Board and Library Board of reexamination of the budget at a work session scheduled for November 19, 1990, Board of Supervisors meeting.

The Board questioned whether postponement of the proposed Secondary Road Construction Budget would create a problem.

Mr. Hall stated the projects on the current priority list were proceeding with some funds being spent for appraisals and acquisition of rights-of-way.

By consensus, the Board postponed Items E-1 and E-2 until the November 19, 1990, Board of Supervisors meeting.

3. Possible Closure of Lake Powell Road

Mr. John T. P. Horne, Manager, Development Management, stated that factors influencing the decision of possible closure of that section of Lake Powell Road which crosses the dam would be the value of the roadway for traffic handling and ability to maintain the dam in a safe condition for vehicular movements. Staff determined there was no imminent danger to the dam with the current level of traffic.

Staff recommended that the road remain open at this time and that the Board approve the resolution.

The Board discussed maintenance responsibility of roadway and dam, use of road causing less deterioration of dam than closing, destination of persons using road, emergency vehicle access, and Conditions 2 and 3 listed in the resolution.

Mr. Norment made a motion to delete Conditions 2 and 3 and approve the amended resolution.

On a roll call, the vote was: AYE: Norment, Edwards, Knudson, DePue (4). NAY: Taylor (1).

R E S O L U T I O N

LAKE POWELL (ROUTE 618) AND LAKE POWELL DAM

WHEREAS, the Board of Supervisors of James City County has become increasingly aware of the severe limits of Lake Powell Dam and its approaches on Lake Powell Road to safely serve existing and future traffic; and

WHEREAS, a complete reconstruction of the dam and approaches to VDOT standards will involve the expenditure of significant amounts of scarce secondary road improvement funds that could be applied to other needed roadway projects; and

WHEREAS, the Board of Supervisors is unwilling to authorize the expenditure of the funds necessary to reconstruct the dam and approaches to VDOT standards.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia;

1. Does not intend to authorize the expenditure of County or Secondary Road Improvement funds to reconstruct Lake Powell Dam and its approaches to VDOT standards.

4. Cars for Clients Program Reauthorization

Mr. Anthony Conyers, Manager, Community Services, stated that the pilot Cars for Clients Program was successful in making two vehicles available to clients who are now independent and have permanent employment.

Staff recommended approval of the resolution for a permanent Cars for Clients Program.

The Board commended staff for a job well done.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

R E S O L U T I O N

CARS FOR CLIENTS PROGRAM

WHEREAS, many County individuals and families lack transportation to and from work; and

WHEREAS, removing that transportation barrier is in the best interest of the individuals and of the County; and

WHEREAS, the County often has vehicles no longer usable as public cars, yet with some service life remaining; and

WHEREAS, the Cars for Clients Program will provide selected clients with transportation to and from work.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to transfer up to six surplus vehicles per year to the Williamsburg-James City County Community Action Agency for use ultimately by eligible County residents.

#### F. PUBLIC COMMENT

1. Mr. W.H. Sparrer, 8952 Richmond Road, asked for an extension on a condition of submission of site plan within six months from date of issuance of Special Use Permit-53-89, approved by the Board of Supervisors on February 5, 1990.

2. Ms. Evangeline Ferguson, sister of Mr. Sparrer, reiterated Mr. Sparrer's request.

Mr. DePue requested staff meet with Mr. Sparrer.

#### G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David Norman, County Administrator, indicated a need for an executive session pursuant to Section 2.1-344(a)(3) of the Code of Virginia to consider the value of publicly held property.

#### H. BOARD REQUESTS AND DIRECTIVES

Ms. Knudson made a motion to publish the Board of Supervisors' agenda in the Virginia Gazette on Saturday prior to Monday's Board of Supervisors' meeting.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

Mr. Edwards asked to include in the executive session Section 2.1-344(1)(7) of the Code of Virginia to consult with the County Attorney on a matter involving probable litigation.

Mr. Norment noted a Reading File memorandum from Anthony Conyers on community substance abuse issues and stated that increased incidences would impact future budget requests.

Mr. Norment mentioned the Reading File memorandum from Allen Murphy, Jr., regarding criteria for granting preliminary subdivision approval extensions and stated that he could envision other unusual delays caused by the current economic situation.

Mr. Horne responded that two amendments to the Subdivision Ordinance would be forthcoming.

Ms. Knudson noted a Reading File memorandum from Sanford B. Wanner regarding placing an advertisement on Cable Television Channel 36 encouraging County citizens to vote yes on two ballot questions dealing with pledged tax revenues for transportation purposes.

By consensus, the Board denied permission to advertise.

Mr. DePue recessed the Board for a meeting of the James City Service Authority Board of Directors at 2:45 p.m.

Mr. DePue declared the Board into open session and recessed for a break at 2:50 p.m.

Mr. DePue reconvened the Board into a work session on Health Issues at 3:00 p.m. An Ad Hoc Committee of concerned citizens reported on community health care issues.

Mr. DePue made a motion to approve establishment of a permanent Health Services Advisory Committee.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

### R E S O L U T I O N

#### CREATION OF A HEALTH SERVICES ADVISORY COMMITTEE

WHEREAS, the James City County Board of Supervisors is concerned about the status of health care in our Community; and

WHEREAS, the views of a citizens' advisory committee concentrating on health care issues, especially for the indigent and working poor, would be of value to the Board and the community; and

WHEREAS, such a committee would help to bring year-round attention to the issue of indigent health care.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby establish the County Health Services Advisory Committee to:

advise the Board on a broad range of health services issues; annually report to the Board on the status and progress of the health care system, especially for the indigent; and

review and make recommendations related to Health Department funding and organizational issues.

Mr. DePue made a motion to request line item budget information on the local Health Department from the State Commissioner of Health.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

## R E S O L U T I O N

### HEALTH DEPARTMENT BUDGET REQUEST

WHEREAS, the James City County Board of Supervisors is desirous of improving the level of health care in the Community; and

WHEREAS, accurate and detailed budget information is necessary to plan cost effective service improvements; and

WHEREAS, funding and staff reductions have required considerable changes in the budget and agreement signed by the State Commissioner of Health and the County Administrator.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does direct the County Administrator to request an amended line item budget from the Commissioner of Health.

BE IT FURTHER RESOLVED that the budget information be used to help staff and the newly created Health Services Advisory Committee develop a plan for improvement of health care in the Community.

Mr. DePue convened the Board into a joint work session with the Comprehensive Plan Steering Committee regarding the status of the Comprehensive Plan update at 4:00 p.m.

Mr. Alexander Kuras gave a brief review of the process to date, the manner of deliberation of major issues, and projection of the work flow and schedule for the remainder of the project. Mr. Kuras also mentioned that the Community Participation Team received the Virginia Citizen Planners Award for its work during the public input phase of the process.

Discussion centered on changes that might occur in the Zoning Ordinance text and map, possibility of substantial density bonuses for projects that offer public benefit, the cluster concept, and affordable housing.

Mr. DePue convened the Board into a work session for the 1991 Legislative Program at 4:45 p.m. Mr. Frank M. Morton, III, County Attorney, presented the proposed program in three parts: Items 1 through 3 were recommended to be introduced on behalf of the County unless the position/goal was clearly set forth in a similar bill that had been introduced. Items 4 through 8, staff recommended approval. Items 9 through 26 are recommended and are Virginia Municipal League proposals.

After discussion, Mr. Edwards made a motion to approve the 1991 Legislative Program.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

R E S O L U T I O N

1991 LEGISLATIVE PROGRAM

WHEREAS, it is appropriate for the Board of Supervisors to consider a legislative program to present to the 1991 session of the General Assembly.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that they hereby endorse the attached 1991 Legislative Program and urge its consideration and passage as appropriate.

Mr. DePue made a motion to go into executive session at 5:15 p.m. Mr. Taylor was absent.

Mr. DePue reconvened the Board into open session at 5:42 p.m.

Mr. DePue made a motion to approve the executive session resolution.

On a roll call, the vote was: AYE: Norment, Edwards, Knudson, DePue (4). NAY: (0). ABSENT: Taylor.

R E S O L U T I O N

MEETING DATE: October 15, 1990

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

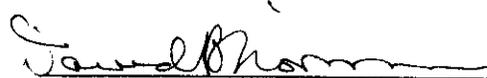
WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge; (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies; and, (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

Mr. DePue made a motion to adjourn.

On a roll call, the vote was: AYE: Norment, Edwards, Knudson, DePue  
(4). NAY: (0). ABSENT: Taylor.

The Board adjourned at 5:43 p.m.

  
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David B. Norman  
Clerk to the Board

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Examples of leave accrual rates are outlined below:

Monthly Annual Leave Accrual Rate in Hours

<u>Category of Employee</u>	<u>Annual Authorized Hours</u>	<u>Years of Service</u>		
		<u>0-5</u>	<u>5-15</u>	<u>Over 15</u>
Professional, Technical, Office	1950	7.5	11.25	15
Maintenance, Trades, Dispatch	2080	8.0	12.0	16
Law Enforcement	2117	8.0	12.0	16
Fire, EMS	2916 (Revised 8-28-90)	12.0	18.0	24

Exceptions to the annual authorized hours for individual positions may be made by the County Administrator.

- B. Maximum Accrual Limited - An employee may accrue up to the amount of leave that can be earned in a two-year period. The employee's leave balance must be within the allowed maximum on July 1st of each year or the excess shall be forfeited.
- C. Purpose of Leave - Annual leave may be used by an employee to provide paid absences for vacation and other personal purposes including sickness, or for absences in excess of hours available from other types of leave.
- D. Minimum Increment of Leave - Annual leave shall be accrued in increments no smaller than 15 minutes, and taken in increments no smaller than 30 minutes.
- E. Availability of Leave - An employee shall accrue annual leave before it is used.
- F. Leave Requests - Employees shall request annual leave in advance on the appropriate forms. While the employee's leave requests shall be given every consideration, all such requests are subject to approval by the department manager. It is the department manager's responsibility to manage the leave schedules within the department.
- G. Absences By Exempt Employees Who Have No Accumulated Leave - To the extent required by the Fair Labor Standards Act and the regulations promulgated pursuant to that Act, salaried employees who are exempt from the overtime provisions of that Act and have no accumulated leave applicable to such an absence, shall not receive deductions from their compensation for periods of less than one day, unless the absence is the result of a disciplinary action. This provision is effective as of April 15, 1986.

2. Non-exempt employees who are authorized to work in excess of their regularly scheduled work hours, and the hours exceed the maximum allowable number of hours as defined in E above, may in lieu of overtime pay be granted compensatory leave in the amount of one and one-half hours of leave for each hour worked during the work period in excess of the maximum allowable hours.
3. The department manager shall determine the most appropriate form of compensation based on available funds and workload. Compensatory leave shall be specifically approved by the department manager in advance of its being earned.
4. Under special circumstances, the department manager may grant compensatory leave for employees other than as specified in (1) above.
5. Employees in sworn public safety positions may accrue up to 480 hours of compensatory leave. All other employees may accrue up to 240 hours of compensatory leave. Employees shall be paid for all hours in excess of the maximum allowed.
6. Compensatory leave earned within the fiscal year shall be used by September 30 of the following fiscal year or the employee shall be paid for it. (Revised 10-15-90)

#### Section 4.12 Holiday Pay

Any employee in a permanent or limited term position who is eligible to earn overtime and is required by the supervisor to work on a holiday which is observed by the County, shall be compensated for that holiday at a rate of twice the regular daily or hourly rate, or at the discretion of the department manager, authorized compensatory leave as outlined in Section 4.11(F) above. See also Chapter 5, Section 5.1(E), Holidays on Non-Scheduled Work Days.

#### Section 4.13 Standby Pay

- A. Eligibility - An employee in a permanent, limited term or on call position who is required to be available by telephone or beeper after regular work hours to respond to emergency calls, and who must respond within a reasonable period of time when called, is eligible for standby pay.
- B. Computation of Pay - Employees who are required to be on standby shall receive fifty cents per hour for each hour on standby. This payment shall be made regardless of whether the employee is actually called out, and shall be in addition to any payment earned for actual hours worked as outlined in Section 4.11, above.

## JAMES CITY COUNTY

## 1991 LEGISLATIVE PROPOSALS

To be introduced on behalf of the County:

1. GRASS, WEEDS, AND FOREIGN GROWTH ON OCCUPIED PROPERTY

Virginia Code Section 15.1-11 permits counties to require owners of vacant developed or undeveloped property to cut overgrown grass, weeds, or other foreign growth. The section does not apply to occupied property. The County requests that Section 15.1-11 be amended to apply to both vacant and occupied property. Similar authority is already given to certain delineated counties. (BOS vote: 4-1)

2. SOLID WASTE FLOW CONTROL

To finance successfully the construction and operation of state-of-the-art waste disposal and recycling facilities, it is essential that localities have the ability to control and direct the flow of municipal solid waste generated within the jurisdiction. Accordingly, the County supports the amendment of Section 15.1-28.1, Code of Virginia, introduced at the 1990 session of the General Assembly as House Bill 628. This legislation would expand the flow control powers granted by Section 15.1-28.01 to some localities to all cities, counties, and towns in Virginia. In the alternative, James City County as a member of the Peninsulas Public Service Authority supports the addition of each of the member jurisdictions of the Authority to these jurisdictions currently covered by Section 15.1-28.01. It is essential that the Authority members have the capability to finance regional solutions to solid waste disposal and recycling mandates. (BOS vote: 4-1)

3. WELL WATER STANDARDS

The County seeks authority to establish by ordinance standards for the construction, grouting and casing of wells for water no less stringent than other state law or regulation.

The County received authority in 1986 to establish "minimum standards for the grouting and casing of wells for water not otherwise regulated by state law or regulation." On September 1, 1990 the State Health Department adopted regulations for private wells less stringent than those proposed by James City County. The James City Service Authority is the largest supplier of water totally dependent on groundwater in Virginia. Additional regulatory authority is required to protect and preserve groundwater sources and the public health. (BOS vote: 4-1)

Legislation to be supported by the County:

4. CONDITIONAL ZONING

James City County urges the General Assembly to extend to all localities the same level of authority of conditional zoning to address off and on-site transportation issues as is enjoyed by Northern Virginia and the Eastern Shore. (BOS vote: 4-1)

5. IMPACT FEES

James City County urges the general Assembly to grant all local governments the ability to assess impact fees on new development. (BOS vote: 3-2)

6. INSUFFICIENT STATE FUNDING FOR MANDATED PROGRAMS

The State has enacted many programs mandating the provision by local governments of services which are either unfunded or underfunded by the Commonwealth. It is unrealistic to expect local governments to assume new mandates, either through laws or regulations, which require expenditure of local funds. James City County therefore opposes any State action which passes unfunded mandates on to localities.

7. LOCAL CONTROL OF LAND USE DECISIONS

Regulations of local land use has been a function traditionally reserved for local governments. The General Assembly has shown a disturbing trend towards adopting State-mandated local land use controls. It is the position of the County that local land use decisions are best made locally, not in Richmond.

Of particular concern to the County during the 1991 Session would be the reintroduction of any propose legislation which would expand the concept of "vested rights", at the expense of the inherent right and power of localities to amend their zoning ordinances and zoning maps, as they deem necessary and appropriate. Of special concern would be the reconsideration of House Bills 1121 and 1122 from the 1990 Session, or similar proposals which, in essence, would "freeze" the zoning of property in many circumstances.

8. LOTTERY REVENUES

The state of Virginia has benefitted substantially from enactment and collection of proceeds under the State Lottery Law, chapter 40, Title 58.1, Code of Virginia, 1950, as amended. James City County is of the opinion that the proceeds from the lottery should be shared with

localities in a fair and equitable manner and therefore urges the General Assembly to amend Section 58.1-4022 of the Code to require the transfer to localities of 10% of the gross receipts from the sale of lottery tickets in each jurisdiction. The effective date of the amendment shall be July 1, 1992.

9. RAIL TRANSPORTATION FUND

The County supports the passage of Senate Bill 421, carried over from last year, which allowed the State to dedicate funding to the purchase of abandoned rail lines for preservation or the promotion of rail passenger or freight service. (BOS vote: 4-1)

10. SHARED COSTS WITH DEVELOPERS

The VML urges the General Assembly to provide localities with the authority to require a developer of land to pay his pro rata share of the cost of providing reasonable and necessary roads adjacent to the property he is developing. (BOS vote: 3-2)

11. USE PERMITS

Section 15.1-491(g) provides that localities may provide in their zoning ordinances that proposed zoning map amendments, having been denied, will not be reconsidered within a specific period, not exceeding one year. Section 15.1-491(c) should be amended to permit localities to set similar restrictions on applications for use permits.

VIRGINIA MUNICIPAL LEAGUE LEGISLATIVE PROGRAM FOR 1991

The County supports the following VML proposals:

12. ASBESTOS, LIMITATION ON LIABILITY

The VML requests that local governments and school boards and their officials be given comparable immunity to that provided at the state level for asbestos inspections.

13. COMPREHENSIVE LAND USE PLANS, STATE COMPLIANCE WITH

The VML supports legislation to require state agencies to comply with local government comprehensive plans and local land use regulations and policies subject to override authority by the Governor.

## 14. CONSTITUTIONAL OFFICERS, STATE FUNDING

The VML believes that the State should fully fund its share of salaries and expenses of constitutional officers and their staffs and capital costs relating to such offices.

## 15. CORRECTIONS, JUVENILE JUSTICE REFORM

The VML strongly urges the General Assembly to establish a study commission to examine the increasing problem of handling juvenile offenders. The VML suggests that this commission consider the wide range of possible alternatives including lowering the age for trial as an adult, and enhancing community-based programs so as to provide a positive rehabilitative environment and serve as a diversion to institutionalization.

## 16. DRINKING WATER PROTECTION FUND

VML opposes the imposition of a State tax on water production. House Bill 1115, which was considered by the General Assembly in 1990, and continued to the 1991 Session, would impose a tax of 10 cents per 1,000 gallons of water produced by water systems, which would be paid into a fund to pay for water projects needed in "fiscally stressed" communities.

## 17. EDUCATIONS, ELECTION VERSUS APPOINTMENT OF SCHOOL BOARD MEMBERS

Before the General Assembly makes a decision on the local option of elected school boards, it must examine and make equitable decisions about the current financing mechanisms for education, the question of bonding authority, the ability of local governments to raise revenues, the revenue mechanism which would be given to elected school boards, and the issue of minority representation on boards.

## 18. HOUSING

In view of the critical housing needs in the state, the VML urges the General Assembly to maintain a strong state role in the provision and funding of housing, including construction and rent subsidies, for the needy.

The VML also encourages the General Assembly to increase the opportunity of local governments to address housing needs. Among the housing revenue tools that could be made available to local governments on a local option basis are revolving loan funds, tax increment financing, and real estate transfer taxes.

## 19. HUMAN SERVICES, FUNDING

The VML urges the General Assembly to maintain its financial commitment for human services during this period of a tight state budget and opposes any decrease in the State's funding of local administrative costs for social services programs in order to meet State management savings goals. (BOS vote: 3-2)

## 20. LANDFILLS, REQUIREMENTS OF DOUBLE LINERS/LEACHATE COLLECTION

The Waste Management Board or the General Assembly should not require double liners if the locality is able to demonstrate that a single liner will sufficiently protect groundwater and other drinking water supplies. Conflicting regulations of the State Water Control Board and the Waste Management Board make proper disposal of the required leachate collection systems for landfills difficult or impossible. VML requests better coordination among Virginia's environmental agencies in addressing such leachate collection.

## 21. LAWSUITS, VIRGINIA TORT CLAIMS ACT

The VML strongly opposes any legislation expanding to local governments the Tort Claims Act passed in the 1981 General Assembly Session.

## 22. PERSONNEL, GRIEVANCE PROCEDURE FOR LOCAL GOVERNMENT PERSONNEL

VML requests the Governor and the General Assembly to assure that local governments may continue to enjoy broad flexibility in fashioning the details of local grievance procedures as long as such grievance procedures comply with the minimum provisions of the state grievance law and are in accordance with the spirit of that law.

VML also requests that local governments be authorized to exempt from the grievance procedure certain managerial employees below the level of department heads who are comparable to managerial employees exempted at the state level.

## 23. PLEDGE BONDS, USE BY LOCAL GOVERNMENT

VML supports the use of local transportation pledge bonds to help in meeting our transportation needs. Pledge bonds are a financing technique, not a new revenue source since existing revenue sources must be used to pay off the bonds. As such, the VML urges the General Assembly to assist local governments in their use of such bonds by authorizing local revenue options to pay for the debt service, by supplying matching funds for local governments using these bonds, and by implementing an accelerated right of way acquisition program. (BOS vote: 3-2)

## 24. STORMWATER, MANAGEMENT UTILITIES

Responding to federal and state directives to improve water quality, local governments are developing and implementing long-term stormwater management plans to help reduce the pollutant loadings caused by stormwater run-off. The VML urges the General Assembly to authorize local governments to establish stormwater utilities. A stormwater utility would allow a local government to collect maintenance fees from individuals within a drainage basin whose property was served by or potentially served by stormwater management programs and would provide a broad based and continuous source of financial support for the operation and maintenance of stormwater programs. (BOS vote: 4-1)

## 25. WATER RESOURCES ALLOCATION

The VML supports a comprehensive assessment of existing and potential surface and ground water resources and development of a comprehensive water conservation and supply plan. If justified by these, the state should be encouraged to pass legislation to authorize the interbasin transfer of surface water and interjurisdictional transfers of ground water when cooperative intergovernmental agreements are unattainable. The state's role should be to protect the current and future interests of other water users in the source basin or source aquifer and to provide for a means for compensating those damaged by such water transfers. (BOS vote: 4-1)

## 26. ZONING CHANGES, VESTING

The VML opposes any legislation that would restrict present land use powers of local governments to establish, modify and enforce zoning classifications. Local governments must remain free to adopt and enforce zoning changes that address local land use needs.

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