

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 18TH DAY OF NOVEMBER, NINETEEN HUNDRED NINETY-ONE, AT 1:07 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

- Thomas K. Norment, Jr., Chairman, Roberts District
- Judith N. Knudson, Vice Chairman, Jamestown District
- Perry M. DePue, Powhatan District
- Jack D. Edwards, Berkeley District
- Stewart U. Taylor, Stonehouse District
- David B. Norman, County Administrator
- Frank M. Morton, III, County Attorney

B. MINUTES - November 4, 1991

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

Mr. Norment made a motion to approve the minutes.

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

C. HIGHWAY MATTERS

Mr. Quintin D. Elliott, Acting Resident Engineer, Williamsburg Residency, stated that a new Resident Engineer might be named before the Board of Supervisors' December afternoon meeting.

Mr. Edwards and Mr. DePue asked about final comments by the Virginia Department of Transportation on the Williamsburg West entrance.

Mr. Elliott responded that the Virginia Department of Transportation accepted work completed to this time, and official comments would be made by the VDOT Chief Engineer in Richmond.

Ms. Knudson once again asked about the street signs for Lakewood subdivision.

Mr. Elliott replied that the signs had been ordered and would be installed when received.

D. CONSENT CALENDAR

Mr. Norment asked if any Board member wished to remove an item from the Consent Calendar.

Mr. Norment 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. Amendment - School Board Appropriation

R E S O L U T I O N

AMENDMENT - SCHOOL BOARD APPROPRIATIONS

WHEREAS, the Board of Supervisors of James City County had previously appropriated funds for the operations of the Williamsburg James City County School Board for the 1992 Fiscal Year; and

WHEREAS, the School Board has requested that the total appropriations be increased without increasing either City or County local contributions; and

WHEREAS, the following amounts have been requested as additional appropriations:

Carried Forward from 1991	- Title II Funds	\$ 2,710
	Hotel/Motel Grant	16,275
Additional State Funds	- Challenge 2000	2,000
-	Eastern State Hospital	13,500
-	Drug-Free Schools	4,407
		<u>\$38,892</u>

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates \$19,907 in additional State funds and \$18,985 in carryforward Grant funds, a total of \$38,892, for the operations of the Williamsburg-James City County School System for the 1992 Fiscal Year.

2. Additional Allocations for Day-Care and JOBS Program

R E S O L U T I O N

APPROPRIATION TO THE SOCIAL SERVICES DEPARTMENT

WHEREAS, the State Department of Social Services has provided supplemental funding to render additional services through the ADC/JOBS/Transitional Day-Care Program; and

WHEREAS, additional funds for the JOBS program has also been provided; and

WHEREAS, sufficient local matching funds are available in Account No. 007-086-3009 and 007-082-5722.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendments:

Revenues:

Revenue from the Commonwealth \$47,500

Expenditures

JOBS Program	27,500
ADC/Transitional Day-Care	7,500
JOBS Day-Care	15,000
Miscellaneous Administration	(2,405)
Miscellaneous Public Assistance	( 95)
Total	\$47,500

4. Bond Award - VPSA Bond Issue

E. **BOARD CONSIDERATIONS**

1. Job Training Services Private Industry Council Appointments

Mr. John W. Holdren, Director of Social Services, stated that Job Training Services provided three types of programs: preemployment; academic skills; and, vocational skills training, with 21 James City County citizens currently receiving services and 60 County children enrolled in the Summer Youth Program.

Staff recommended approval of endorsement of appointments and approval of the resolution.

Mr. Edwards made a motion to approve the resolution.

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

APPOINTMENTS TO THE GREATER PENINSULA PRIVATE INDUSTRY COUNCIL

WHEREAS, the James City County Board of Supervisors has the responsibility of recommending appointees to the Governor's Employment and Training Department to fill at-large vacancies on the Greater Peninsula Private Industry Council; and

WHEREAS, the Greater Peninsula Private Industry Council Bylaws, Article IV, Membership to Council, Section 1-01 states that there shall be six at-large private sector members and Section 1-02 states there shall be one at-large community-based organization representative; and

WHEREAS, the James City County Board of Supervisors has received recommendations for appointments from the Virginia Peninsula Chamber of Commerce and the Gloucester County Chamber of Commerce, as required by the Governor's Employment and Training Department's regulations establishing the appointment of members to the Private Industry Council; and

WHEREAS, the James City County Board of Supervisors has received a recommendation for reappointment from the Williamsburg Chamber of Commerce, as required by the Governor's Employment and Training Department's regulations establishing the appointment of members to the Private Industry Council.

NOW, THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors, James City County, Virginia, this the 18th day of November, 1991, that the following appointments and a reappointment be made to the Greater Peninsula Private Industry Council:

<u>NAME</u>	<u>SECTOR REPRESENTING</u>	<u>TERM OF APPOINTMENT</u>
Ansel Butterfield Bionetics Corporation	Private At-Large	2 Years
Charles Villa Tidewater Associates	Private At-Large	1 Year
Albert Ward Hampton Winterization Advisory Group	Community Based At-Large	2 Years
Robert Ware Virginia Power	Private	1 Year (reappointment)

NOW, THEREFORE, BE IT FURTHER RESOLVED that these appointments be effective commencing with the date of approval from the Governor's Employment and Training Department.

2. Appropriation - Transit Bus Replacement

Mr. Richard Drumwright, Transit Administrator, stated that the 25-passenger wheelchair equipped bus was needed to replace an older high-mileage bus. He further stated FY 92 Federal and State matching capital assistance had been approved and included with local FY 91 carryover funds to support the replacement.

The Board commented on a need for a 25-passenger wheelchair equipped bus, fixed bus routes and FY 91 daily ridership.

Ms. Knudson made a motion to approve the resolution.

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

RESOLUTION OF APPROPRIATION

WHEREAS, the Commonwealth of Virginia and Federal government have provided FY 92 grant funds and James City County has approved local revenues in FY 91 in support of this capital need; and

WHEREAS, the Board of Supervisors is desirous of expending these funds in support of the James City County Transit system's operations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following amounts are hereby adopted and appropriated for operations in the amounts shown below:

	<u>Expenses</u>		<u>Revenues</u>
Acct. 009-011-4220	\$ 90,000	Federal	\$ 72,000
Operating Equipment		State	10,250
Replacement	_____	Local	<u>7,750</u> (FY 91 Budget)
Total	\$ 90,000		\$ 90,000

F. PUBLIC COMMENT

Mr. Thomas O. Williams, 706 Jackson Drive, stated his personal assessment of the history of democracy and asked the Board to resolve his 1986 claim for compensation.

## G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David B. Norman, County Administrator, recommended an executive session pursuant to Section 2.1-344(a)(7) of the Code of Virginia to consult with legal and staff members on a specific legal matter.

Mr. Norman stated that the County Attorney would present a report regarding funding for the publication of James River NEWS.

Mr. Frank M. Morton, III, County Attorney, stated that his investigation of Mr. Jay Everson's memorandum alleging improper expenditure of County funds in support of the publication James River NEWS determined that Mr. Norman, who was aware of the Board's majority position on the James River Crossing, had the authority to expend funds from the Board of Supervisors, Miscellaneous Account, which is used to support the Board of Supervisors.

## H. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor asked staff to investigate the reason a citizen was not allowed to dump trash from a large dump truck at the landfill.

Mr. Norman indicated staff would respond.

Mr. Taylor asked the status of locating a suitable site for affordable housing in the Chickahominy Road area.

Mr. Anthony Conyers, Jr., Community Services Manager, responded that alternative sites have been reviewed and plans are to bring them before the Board during the month of December.

Mr. Norment read a letter to Senator Hunter B. Andrews, dated November 15, 1991, expressing the County's strong disapproval of the proposed redistricting plan which would split James City County into two Congressional districts.

Mr. Norment made a motion to approve the resolution.

Without objections, the Board deleted the language "and maintains the integrity of the First Congressional District" from the second WHEREAS paragraph.

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

### PROPOSED REDISTRICTING PLAN FOR CONGRESSIONAL DISTRICTS

WHEREAS, the Commonwealth of Virginia is considering a redistricting plan which would split James City County between two congressional districts; and

WHEREAS, Senator Hunter B. Andrews has proposed an alternative plan which places all of James City County in one district.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, wishes to express its support for the alternative plan proposed by Senator Hunter B. Andrews and opposition to any redistricting plan which would split James City County between two congressional districts.

Mr. Norment asked if staff had responded to the George M. and Stella M. Earman's letter regarding the Norge Lane duplex.

Mr. John T.P. Horne, Manager, Development Manager, stated another copy of the reply had been hand delivered to the Earmans' on this date.

Mr. Norment stated that Ms. Betty Pettengill, Treasurer, had advised that the Commonwealth of Virginia was granting December 26 and December 27, 1991 as additional Christmas holidays, and had requested the Board of Supervisors to consider granting County employees the same.

Mr. Norman suggested Thursday, December 26, 1991, as a holiday so that County offices would be open on Monday, December 23, 1991, and Friday, December 27, 1991.

Mr. Edwards made a motion to approve Thursday, December 26, 1991, as a County holiday for this year only.

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

Mr. Norment recognized Supervisor-Elect David L. Sisk of Roberts District in the audience, and personally thanked the Board and staff for their indulgence during his senatorial campaign. Mr. Norment extended congratulations to Supervisors Taylor and Edwards on their reelection.

Mr. Norment recessed the Board for work sessions on the Sign Ordinance and Proposed 1992 Legislative Program at 2:00 p.m.

WORK SESSION - Sign Ordinance

Mr. Norman stated staff would discuss existing Sign Ordinance enforcement regulations and introduced Mr. John T. P. Horne, who asked Mr. Bernard Farmer, Jr., Director of Code Compliance for a report.

Mr. Farmer explained current County procedure and stated that the October 1991 amendment to the Sign Ordinance had no impact on Sign Ordinance violations. He emphasized differences between the readily affixed signs on vehicles driven daily as opposed to signs on unmoved vehicles in business parking lots. Mr. Farmer further stated that documentation was kept on file for specific locations of repetitive violations.

Mr. DePue asked staff to document conversations regarding sign violations.

Mr. Robert W. Hershberger, Executive Vice President, Williamsburg Area Chamber of Commerce, apologized for his oversight of a letter from the Planning Department which provided a draft of the proposed sign ordinance.

WORK SESSION - Proposed 1992 Legislative Program

Mr. Frank M. Morton, III, County Attorney, presented the proposed 1992 Legislative Program, noting that items marked with an asterisk were proposed in 1991. The following votes were taken:

1-1. Affordable Housing

Mr. DePue made a motion to approve Item 1-1.

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

1-4. Erosion and Sediment Control for Single-Family Residences Separately Built

Staff concluded that the Chesapeake Bay Preservation Act Ordinance covered this proposal and deleted Item 1-4.

2-3. \*Impact Fees

Mr. Norment made a motion to delete Item 2-3.

On a roll call, the vote was: AYE: Norment, Taylor (2). NAY: DePue, Edwards, Knudson (3).

2-6. \*Lottery Revenues

Mr. DePue made a motion to delete balance of paragraph following the words "...equitable manner."

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

2-8. \*Shared Costs with Developers

Mr. Norment made a motion to delete Item 2-8.

On a roll call, the vote was: AYE: Norment, Taylor (2). NAY: DePue, Edwards, Knudson (3).

3-11. Local Option Sales Tax

Mr. Taylor made a motion to delete Item 3-11.

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

3-15. \*Water Resources Allocation

Mr. Taylor made a motion to delete Item 3-15.

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

Mr. DePue made a motion to approve the 1992 Legislative Program resolution.

Mr. Morton stated that the approved legislative package would reflect the above votes.

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

#### 1992 LEGISLATIVE PROGRAM

WHEREAS, it is appropriate for the Board of Supervisors to consider a legislative program to present to the 1992 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 1992 Legislative Program and urge its consideration and passage as appropriate.

Mr. Norment reconvened the Board into open session.

Mr. Horne reviewed the draft copy of comments that Chairman Norment would deliver to the Commonwealth Transportation Board on Tuesday, November 26, 1991, 7:00 p.m. at the Virginia Department of Transportation Office in Richmond, Virginia.

Mr. Horne stated that he would attend the Commonwealth Transportation Board meeting, Wednesday, November 20, 1991, at 2:00 p.m. in Richmond, Virginia on the James River Crossing.

Mr. Norment recessed the Board for a James City Service Authority Board of Directors meeting at 3:52 p.m.

Mr. Norment made a motion to convene into executive session as recommended above by the County Administrator at 4:00 p.m.

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

Mr. Norment left the meeting at 4:20 p.m.

Ms. Knudson reconvened the Board into open session.

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

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

R E S O L U T I O N

MEETING DATE: November 18, 1991

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: DePue, Taylor, Edwards, Knudson  
(4). NAY: (0). ABSENT: Norment.

The Board adjourned at 4:40 p.m.

  
David B. Norman  
Clerk to the Board

At a regular meeting of the Board of Supervisors of James City County, Virginia, held on the 18th day of November, 1991, at which the following members were present and absent:

**PRESENT:** Perry M. DePue  
 Jack D. Edwards  
 Judith N. Knudson  
 Thomas K. Norment, Jr.  
 Stewart U. Taylor

**ABSENT:** None

the following resolution was adopted by a majority of all members of the Board of Supervisors by a roll call vote, the ayes and nays being recorded in the minutes of the meeting as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Perry M. DePue	Aye
Jack D. Edwards	Aye
Judith N. Knudson	Aye
Thomas K. Norment, Jr.	Aye
Stewart U. Taylor	Aye

**RESOLUTION RATIFYING AWARD OF \$4,000,000 SCHOOL BOND, 1991 SERIES B, OF JAMES CITY COUNTY, VIRGINIA, TO VIRGINIA PUBLIC SCHOOL AUTHORITY**

**WHEREAS**, by resolution adopted on September 23, 1991 (the "Bond Resolution"), the Board of Supervisors of James City County, Virginia (the "County"), provided for the issuance of \$4,000,000 School Bond, 1991 Series B (the "Bond"), of the County to the Virginia Public School Authority (the "Authority");

**WHEREAS**, such resolution authorized the County Administrator to award the Bond to the Authority at such interest rate or rates as would produce a differential in each year of not more than ten-one hundredths of one percent (10/100 of 1%) over the annual rate to be paid by the Authority on the bonds it sold to provide funds to purchase the Bond, provided that no interest rate or rates on the Bond should exceed nine percent (9%) per year; and

**WHEREAS**, on November 8, 1991, the County Administrator on behalf of the County awarded the Bond, bearing interest at the

annual rates and maturing on December 15 in years and amounts as shown on Exhibit A hereto, to the Authority;

**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA:**

1. The action of the County Administrator in awarding the Bond to the Authority is hereby ratified, approved and confirmed and the Bond shall bear interest at the annual rates and shall mature on December 15 in years and amounts as shown in Exhibit A.
2. The Bond shall be in substantially the form approved by the Bond Resolution, with such changes as may be necessary or appropriate to conform them to the provisions of this resolution.
3. This resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of James City County, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the Board of Supervisors held the 18th day of November, 1991, and of the whole thereof so far as applicable to the matters referred to in such extract.

WITNESS my signature and the seal of the Board of Supervisors of James City County, Virginia, this 18th day of November, 1991.

(SEAL)

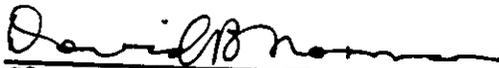
  
 Clerk of the Board of Supervisors of  
 James City County, Virginia

EXHIBIT A

**JAMES CITY COUNTY, VIRGINIA**  
**\$4,000,000 SCHOOL BOND, 1991 SERIES B**

<b><u>Year</u></b>	<b><u>Amount</u></b>	<b><u>Rate</u></b>	<b><u>Year</u></b>	<b><u>Amount</u></b>	<b><u>Rate</u></b>
1992	\$ 210,000	7.500%	2002	\$200,000	6.100%
1993	280,000	7.500	2003	195,000	6.200
1994	285,000	7.500	2004	190,000	6.225
1995	285,000	6.350	2005	185,000	6.350
1996	245,000	5.500	2006	180,000	6.350
1997	185,000	5.500	2007	170,000	6.350
1998	180,000	5.700	2008	165,000	6.350
1999	185,000	5.800	2009	150,000	6.350
2000	180,000	5.850	2010	135,000	6.350
2001	240,000	5.950	2011	155,000	6.350

JAMES CITY COUNTY  
1992 LEGISLATIVE PROPOSALS

PART I

**Legislation to be introduced on behalf of the County:**

1-1. AFFORDABLE HOUSING

James City County requests that it be added to those localities under Section 15.1-491.9, Affordable dwelling unit ordinances in certain counties and cities. This provision would permit the County to amend its Zoning Ordinance to require developers seeking a rezoning or special use permit to allocate a specific percentage of their housing as "affordable." In return, the developer would receive increased density for their project.

1-2. CIVIL PENALTIES FOR EROSION AND SEDIMENT CONTROL VIOLATION

Virginia law should be amended to allow political subdivisions to enforce erosion and sediment control ordinances through civil penalties in lieu of criminal sanctions. Section 15.1-499.1 should be amended to delete the exclusion of erosion and sediment control violations. Section 10.1-569 should be amended to allow enforcement through civil penalties.

1-3. CIVIL PENALTIES FOR IMPROPER DISPOSAL OF SOLID WASTE

James City County requests that political subdivisions be allowed to retain the civil penalty imposed under Section 10.1-1418.1 when the political subdivision brings an action for improper disposal of solid waste on any public property within the boundaries of the political subdivision. This amendment would provide a financial incentive for more active enforcement of illegal dumping by political subdivisions.

PART II

**Legislation to be supported by the County:**

2-1. \* 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.

## 2-2. DRUGS

Virginia's laws should allow broader seizure of real and personal property from persons arrested in connection with the possession of illegal drugs. Legislation establishing civil procedures for dealing with drug houses through the seizure of property or assets should track the federal statute's enforcement procedures.

## 2-3. \* 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)

## 2-4. \* 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.

## 2-5. \* 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 1992 Session would be the reintroduction of any proposed 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.

James City County opposes additional legislation preempting its right to regulate manufactured homes through its Zoning Ordinance.

## 2-6. \* 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.

2-7. RESIDENTIAL CARE FACILITY COMMISSION

The State enabling legislation pertaining to the appointment of members of local juvenile detention home, group home (such as the local Colonial Group Home Commission), and similar residential care facility commissions is contradictory and unnecessarily cumbersome. Two sections of the Code of Virginia, Sections 16.1-316 and 16.1-317, govern the policies for the appointment of such members, and they are confusing, time-consuming and unnecessarily complex. The statutes should be amended to provide simply that the members from each participating political subdivision be appointed by their respective governing bodies. [York County will be introducing the appropriate legislation.]

2-8. \* SHARED COSTS WITH DEVELOPERS

James City County 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)

PART III

The County supports the following VML proposals:

3-1. 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.

3-2. \* 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.

3-3. \* 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.

#### 3-4. CORRECTIONS, OVERCROWDING/STATE SUPPORT

The General Assembly must continue its effort to eliminate local government subsidization of state penitentiaries by removing state felons from local jails. For many years, local governments built local jails at a faster rate than the state built prisons. The state should not now penalize local governments by filling up these cells with state prisoners.

VML urges the state to fund fully the per diem reimbursement for all prisoner VML supports the concept of allowing jails built by a single large locality to be eligible for the same state reimbursement rate for construction as a regional jail facility. Additionally, VML requests that the state pay a full 50 percent of the cost of regional jail construction versus "up to 50 percent."

#### 3-5. DILLON RULE/LOCAL AUTONOMY

VML seeks to enhance the ability of local governments to provide services required by their citizens, including those mandated by

federal and state actions. To this end, VML recommends that the Dillon rule be relaxed to the extent necessary to allow local governments to meet their responsibilities in state/local partnerships, and VML commends Governor Wilder for exploring modifications of the Dillon rule. [The Board of Supervisors has previously adopted a resolution supporting this position.]

#### 3-6. \* 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. [The Board of Supervisors has previously adopted a resolution supporting this position.]

#### 3-7. EQUALIZATION OF TAXING POWERS, STATE FUNDING

VML supports granting counties taxing powers equal to those granted cities and towns. Also, VML supports increasing state funding to cities and towns to a level equivalent to that provided counties.

## 3-8. \* 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.

## 3-9. \* 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.

## 3-10. \* 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.

## 3-11. LOCAL OPTION SALES TAX

The VML strongly urges the General Assembly to enact enabling legislation giving counties, cities and towns authority to adopt a one-half cent local option sales tax, the revenues to be used for general purposes. (BOS vote: 4-1)

## 3-12. PERSONNEL, COLLECTIVE BARGAINING/DUES CHECK-OFF

VML opposes collective bargaining, meet and confer and dues check-off for public employees.

VML supports alternative mechanisms to support and encourage positive and effective employee communications in local government.

## 3-13. PERSONNEL, GRIEVANCE PROCEDURES

VML opposes federal legislation stipulating grievance procedures for state and local employees, such as the police officer's bill of rights. These matters are adequately addressed at the state and local level.

## 3-14. RECORDATION TAX

The VML urges the Governor and the General Assembly to fully fund prior commitments to distribute a portion of the State's recordation tax to local governments. In addition the VML believes that the current expiration date of June 30, 1995 should be changed to June 30, 1997 to preserve the original five-year timetable.

## 3-15. \* 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)

## 3-16. \* 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.

VML opposes any attempt to statutorily define a vested right. Whether a vested right may exist in any given instance will necessarily depend on facts unique to the site, even if a statutory definition were to be enacted. Such determination is more appropriately left to the courts.