



2021 Legislative Priorities and Positions for Clarke County

November 12, 2020

Top Priorities for 2021

1. Issue: Land Conversion for Nutrient Credit Program

Clarke prefers that credits be available only from within the HUC unit that credits are needed and not from adjacent HUC units.

Clarke believes that additional research is necessary to determine the unintended consequence of permanent removal of agricultural production on areas identified as important farmland soils by the Natural Resource Conservation Service (NRCS).

The Department of Environmental Quality adopted a post-construction water quality and quantity program requiring everything built after July 1, 2014, be nutrient neutral. Nutrient / phosphorous credits can be purchased and point sources and municipal systems can “true up” on an annual basis and buy term credits. However, to make the “math work” on new development, only permanent credits can be purchased, which cannot be renewed year after year. Rules require that the credits must be purchased within the eight-digit hydrologic unit or an adjacent eight-digit hydrologic unit hub. Clarke is adjacent to five out of seven of the Potomac River hubs; so, developments in those areas can buy nutrient credits in Clarke. The program specifically seeks agricultural property to remove from production and, typically, trees are planted and maintained in perpetuity.

2020 Update:

- **Carried Over:** HB1464 Local authority to restrict nutrient credit usage. Authorizes the governing body of any locality, by ordinance, to restrict the total nutrient credits that are generated in the locality and used in an adjacent eight-digit hydrologic unit code or fourth order subbasin to comply with stormwater nonpoint nutrient runoff water quality criteria. *Patron - Gooditis*
- **Failed:** HB1393 Nutrient credit trading; adjacent hydrologic unit code. Removes authority for a Virginia Stormwater Management Program or Virginia Erosion and Stormwater Management Program to allow compliance with stormwater nonpoint nutrient runoff water quality criteria through the applicant's acquisition-of nutrient credits in the same tributary

Top four priorities listed in order of priority.

in an adjacent hydrologic unit code (HUC) or fourth order subbasin unless certain existing criteria for purchasing credits outside of the HUC or fourth order subbasin are met, when the credits are in a locality with a population fewer than 20,000 and geographic area under 200 square miles. *Patron - LaRock*

2. Issue: Composite Index

Appeal Process: Clarke supports legislation that would establish an appeals process for local governments to challenge computation of the Local Composite Index.

Use Value: Clarke supports legislation to adjust the calculation of the Local Composite Index for public school funding by directing the Department of Education to adjust its funding calculations for the local ability to pay by using the use-value assessment of real property, instead of the true value, in localities that have adopted use value taxation.

Other Programs: In application of the index to fund all other programs, Clarke supports legislation to adjust the calculation of the local Composite Index to base its Real Estate value calculations on use-value instead of true value in localities that have adopted use-value taxation.

3. Issue: Broadband

Clarke urges the Commonwealth and Federal Government to assist communities in their efforts to deploy universal, affordable access to broadband for all areas, particularly in under-served and rural areas.

Clarke opposes mandates that limit or restrict local use authority for the siting of telecommunications infrastructure or result in a negative fiscal impact to county budgets.

Clarke supports economic development policies and programs that bolster local and regional development efforts by maintaining state funding and granting additional funding and authority to promote local and regional initiatives.

See accompanying document: *Clarke County Broadband Accomplishments*.

4. Issue: Education

Clarke supports full funding of Virginia's Standards of Quality as recommended by the Board of Education. The Commonwealth should fund its share of the true cost of K-12 public education without reducing

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other parts of the budget affecting local government or shifting costs from the Commonwealth to localities.

In addition to meeting its obligations to fund fully instructional staff, Clarke County believes the Commonwealth should meet its obligation to fund fully the support side of K-12. Full restoration should be made of the cuts made in since 2009 in areas related to support staff funding including the elimination of the funding cap on support positions, reinstatement of the Cost of Competing funds for support staff, etc.

2020 addition, Clarke urges the General Assembly to adopt hold-harmless language for FY 2021 that would protect against drastic decreases in Average Daily Membership (ADM) during the COVID-19 pandemic.

Other Issues of Importance

▲ **Issue: Route VA 7 Pedestrian Bridge** The number of people attempting to cross VA 7 on foot at the top of the mountain, near the Clarke County and Loudoun County boundary, continues to increase. This location is very dangerous for pedestrians to cross because of the topography, along with the speed and volume of vehicular traffic. A pedestrian footbridge would provide a safe crossing for hikers and others who frequent this area.

▲ **Issue: Availability / Quantity and Quality of Water Resources** Availability / Quantity: Clarke supports proactive state action in reviewing and establishing regulations and programs to ensure that localities water sources are protected and that water quantity, as well as quality be protected.

Clarke supports the Commonwealth allowing localities to regulate quantity.

Clarke believes that protecting water availability for residents and local businesses should be a priority by ensuring that future large water users are required to demonstrate through scientific research and water availability studies adequate water supply for the proposed use.

Quality: Clarke supports cost effective measures aimed at reducing loadings of pollutants in state waters from both point and non-

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point sources but urges the Commonwealth to consider the impacts of such measures will have on both local governments and agriculture.

Clarke believes reliable forms of financial and technical assistance will be required to help localities and agriculture meet the Commonwealth's goals with regard to water quality and quantity.

- ▲ **Issue: Ethics Rules** Clarke welcomes a review of the Commonwealth's Ethics Rules but believes that the rules that affect local jurisdictions and their Boards, Commissions, Authorities and Committees are strong enough today. Clarke cautions that any increase to the ethics rules affecting localities could prove detrimental to getting people to serve in local government positions.

On the State level, Clarke supports the idea of recording the votes of individual members of the General Assembly at all subcommittee meetings.

- ▲ **Issue: Funding for State Mandated Positions and Jails** Clarke urges the Commonwealth to meet its full funding obligations for Constitutional Officers and their state mandated positions.

In addition, Clarke requests that the state budget be amended to fund local and regional jails based on actual costs as determined by the Annual Jail Cost Report, published by the Compensation Board.

- ▲ **Issue: Land Conservation** Clarke County supports the Purchase of Development Rights program, the Tax Credit program for the donation of easements, the transferability of tax credits.

- ▲ **Issue: State Tax Reform, Cost and Revenue Shifting, and State Year-end Surplus Funds** Clarke calls upon the Commonwealth to restructure state income, sales and use taxes to address anachronistic tax policies.

Tax reform is required to help buttress the Commonwealth's General Fund that finances most core government functions and must be stabilized to meet current and foreseeable core service demands. Failure to address this need has resulted in the unfair gradual shifting of costs and the outright reduction in aid to localities to balance the state budget. With each passing year Clarke County has been required to raise real estate taxes in order to incrementally subsidize a variety of traditionally state funded (or state shared) costs (Compensation Board, Registrar, Cooperative Extension, Line of Duty, Social Services, and the court system for example with Medicaid costs under

consideration).

This cost shifting places a tremendous burden on a regressive real estate tax system. Cost shifting must stop and the tax system must be reformed to reduce the burden on the real estate tax. Action must be taken to restore "Aid to Localities".

Clarke opposes permanent tax exemptions; and, if the Commonwealth gives specific tax exemptions for local tax, a sunset clause be included in the agreement.

Tax reform should ensure the protection of the commonwealth's general fund and preservation for core government functions such as public education, health and human services, public safety, natural resources and environmental services. Transportation maintenance and improvements should be paid by user fees.

CLARKE COUNTY BROADBAND ACCOMPLISHMENTS

- December 2016 -- Board of Supervisors accepted the “Telecommunications Infrastructure and Broadband Study 2020” prepared by the Atlantic Group to be used as a guidance document to improve broadband and telecommunications coverage for residents and businesses.
- February 2017 – The Board of Supervisors formed the Broadband Implementation Committee consisting of two Board members and two Planning Commissioners. The purpose of the committee is to develop projects and recommendations to help expand broadband internet availability. The committee began meeting in May 2017.
- June 2017 -- Zoning regulations for communication towers (“wireless communication facilities”) were updated and modernized to help encourage expansion of telecommunications infrastructure.
- June 2017 – The County issued a Request for Information (RFI) to telecommunications providers and infrastructure developers to gauge the industry’s level of interest in expanding broadband and telecommunications as well as ways that the county can assist with this effort.
- September 2017 – The County launched www.clarkeconnect.org – a website dedicated to provide information on broadband initiatives and provider options.
- June 2018 – The Broadband Implementation Committee convened a roundtable meeting with broadband industry representatives to explore ways that the County could assist the private sector to expand broadband availability and potentially remove regulatory barriers.
- February 2019 – New zoning regulations were adopted to allow antenna support structures up to 100-feet tall to facilitate residents' access to wireless broadband services.
- March 2019 – The County, in partnership with Comcast, was awarded a Virginia Telecommunication Initiative (VATI) grant to extend wired broadband internet to the village of White Post.
- May 2019 – The Broadband Implementation Committee met with representatives from Rappahannock Electric Cooperative (REC) to discuss their future plans to provide broadband internet service in Clarke as the Central Virginia Electric Cooperative (CVEC) is doing in central Virginia through their spinoff company, Firefly Broadband.
- July 2020 – The Board of Supervisors added a citizen member to the Broadband Implementation Committee.
- August 2020 – County Staff developed a map using survey data from Clarke County Public Schools to identify areas of the County that lack broadband access.