

DRAFT

2026 Legislative Agenda Items: Council Final Rankings 11-4-25

BUDGET REQUESTS

1. Budget Request: The Town of Vienna requests a 2026 funding request totaling \$8,000,000.00, consisting of \$4,000,000 to acquire real property for the purposes of building a Northern Virginia W&OD Visitor's Center serving the over 30 million annual W&OD riders and for the preservation of a historic bank building in the center of Historic Church Street in FY 2026, and \$4,000,000 for the improvements on the historic real property upon the final closing on the aforementioned properties.

LEGISLATIVE AGENDA

1. The Town of Vienna opposes any action to establish, or facilitate the establishment of, any gambling casino in Fairfax County, and in particular, the Tysons area.
2. The Town of Vienna supports state and/or local restrictions on the sale of nicotine vapor products containing liquid nicotine and hemp products intended for smoking (collectively "vaping products"). In particular, the Town of Vienna supports local authority to restrict the location of retail outlets for vaping products around schools, public parks, and other areas where children typically gather. In addition, the Town of Vienna supports (i) restrictions on the number of vaping products that may be sold in one transaction to a consumer; (ii) packaging, labeling, and signage requirements for vaping products; (iii) advertising and marketing requirements for those selling vaping products; (iv) education requirements for employees at retail establishments selling vaping products; and (v) online delivery sale requirements of vaping products. Additionally, the Town of Vienna would request the General Assembly add taxing vaping products to make up for lost traditional tobacco sales. It could be administered and collected through authorities like the NVCTB (tobacco sales). It is currently untaxed and could be a source of revenue for localities.
3. Vaping is a growing health issue in Virginia. The Town of Vienna supports stricter local control over vaping product retail stores, as well as taxation of vaping products. Additional local authority could include: a) increasing the distance for local authorities to ban vaping retail sales to 2,500 lineal feet from schools; b) allowing local authorities to ban vaping retail outlets close to public parks, and other locations where underage children and youth typically gather; c) setting

standards that would limit the number of vaping retail outlets in a given area; d) restrictions on the number of vaping products that may be sold in one transaction to a consumer; e) packaging, labeling, and signage requirements for vaping products; f) advertising and marketing requirements for those selling vaping products; g) education requirements for employees at retail establishments selling vaping products; and h) online delivery sale requirements of vaping products. and i) establishing standards for advertising of vaping products. In addition, the Town supports the imposition of a tax on vaping products, with the proceeds from the tax distributed to localities, including counties, cities, and towns, according to the formula used for sales tax proceeds.

4. The Town of Vienna supports legislation that would require public utilities to work with local jurisdictions when managing trees and plants in their easements when the easements are located in public parks. Public utilities must aim to trim trees only to the extent needed to preserve the integrity of utility line service. When tree removal is necessary to preserve the integrity of the utility lines, the utility must replant trees that do not threaten utility line service with a preference for native trees and plants, and must return to pre-existing density levels whenever pre-existing trees and plants have to be removed.
5. The Town of Vienna requests language added to the state code to specifically include “new sidewalk projects” as eligible for HB 2313 funding. An expanded sidewalk network provides transportation options and reduces motorized vehicle use and congestion. Revised transportation funding ranking criteria language under HB 2313, HB 2, HB 599 regarding “congestion mitigation” and “additional capacity” should specifically include sidewalk funding in dense urban areas where providing alternative means of transportation reduces single-occupancy auto use.
6. The Town of Vienna opposes any bill that reduces or eliminates local land use authority, including but not limited to mandatory state requirements for accessory dwelling units. The Town Council believes that the best people to make local land use decision are those elected locally so that they may consider local context and resident feedback.
7. The Town supports the creation of a statewide Gaming Commission, to centralize regulation of gaming in the Commonwealth. The Gaming Commission legislation should include a legislative moratorium on any additional casino authorizations including Tysons and other Northern Virginia locations, or any future skill or gray game authorization in the Commonwealth, until the Gaming Commission has been organized and submitted a report to the legislature that includes a) an analysis of the state of gaming in Virginia, including economic and social costs and benefits; and b) recommendations for future gaming legislation.

8. The Town of Vienna supports a change to the VDOT local road maintenance funding formula from lane mileage to lane volume: or, in the alternative, request changes that provide additional funding to localities that maintain their roads and have roads that exceed the statewide average traffic volumes for such types of roads by more than 20%. In addition, the Town of Vienna supports a change to the composition to the Commonwealth Transportation Board to have greater representation to the urban/dense suburban areas of the Commonwealth.
9. Clarify that Counties are required to pass on a share of their plastic bag tax to Towns in their jurisdictions using the sales tax pass through rules. The County says it can pass it along, but it does not have to, so it is currently not remitted to the Town. The Town supports the amendment of the plastic bag tax distribution laws so that it parallels that for sales taxes; namely, that counties are required to pass plastic bag taxes back to towns, based on the town's share of the school age population.

Proposed legislative amendments:

§ 58.1-1745. Disposable plastic bag tax.

A. Any county or city may, by duly adopted ordinance, impose a tax in the amount of five cents (\$0.05) for each disposable plastic bag provided, whether or not provided free of charge, to a consumer of tangible personal property by retailers in grocery stores, convenience stores, or drugstores.

B. Any tax imposed under this section shall be collected by the retailer, along with the purchase price and all other fees and taxes, at the time the consumer pays for such personal property. All revenue accruing to the county or city from a tax imposed under the provisions of this article shall be appropriated for the purposes of environmental cleanup, providing education programs designed to reduce environmental waste, mitigating pollution and litter, or providing reusable bags to recipients of Supplemental Nutrition Assistance Program (SNAP) or Women, Infants, and Children Program (WIC) benefits.

C. Each local ordinance imposing the tax shall provide for the tax to become effective on the first day of any calendar quarter; however, in no event shall any tax imposed pursuant to this article become effective before January 1, 2021. The county or city shall, at least three months prior to the date the tax is to

become effective, provide a certified copy of such ordinance to the Tax Commissioner.

D. Any town located within a county that has imposed a disposable plastic bag tax under this section shall receive from the county a distribution of the total tax collected by the county based on the local sales tax distribution formula provided by subsections G and H of § 58.1-605. Such distributions to towns shall occur at the same time and frequency as local sales tax distributions. Moneys received by a town pursuant to this subsection shall be appropriated only for the purposes allowed by subsection B.

10. The Town of Vienna supports revenue sharing mechanisms between localities and the state, as well as between towns and counties.
11. Virginia Code §2.2-4304 (cooperative procurement) should be amended to permit localities to use cooperative procurement for competitively bid construction contracts for certain projects ***not exceeding \$200,000.***

The Town of Vienna has been impacted financially by the amendment to Virginia Code §2.2-4304. In the past, the Town has seen demonstrable savings from using cooperative procurement for small construction projects. The estimated additional cost to the Town in the first year following Code amendments is estimated to be \$73,884.50. In 2018, the Town of Vienna paid almost \$500,000 for construction contracts under \$200,000. Based on a survey of another local jurisdiction's costs for similar projects in 2018, the Town paid an average of 30% (approximately \$150,000) more than it would have if it could have used cooperative procurement.

12. Town of Vienna requests an amendment to Va. Code Section 15.2-961.1 "Conservation of trees during land development process in localities in Planning District 8"; and Va. Code Section 15.2-961 "Replacement of trees during development process in certain localities". Specifically, the Town requests local zoning authority to provide tree canopy credits for development that preserves medium and large trees on lots under development and/or the authority to require developers to ensure 20% tree canopy coverage in **10 years** rather than 20 years and improve storm water management efforts and water quality. Currently only the City of Williamsburg and jurisdictions with grandfathered provisions adopted prior to 1990 (such as Fairfax County, which surrounds the Town of Vienna). In addition, local municipalities should have the option to put in place laws to protect trees that are notable for their species, age, size, beauty, or other special

significance as part of a tree canopy ordinance. Given the vital role that trees play in protecting our urban environments, and their contributions to the local look and feel of neighborhoods, decisions over tree policies should be determined at the local level, reflecting the wishes of the local residents. Trees canopy requirements or incentives should also be included in acceptable best management practices for storm water management.

13. The Town of Vienna strongly opposes ending qualified immunity or making changes to sovereign immunity.

Under current law, immunity is not guaranteed or absolute, it must be earned. The Town has concerns regarding the chilling effect this would have on retaining current officers and recruiting future officers. Officers are asked to make split second decisions, and this immunity is necessary for their protection. In the past, the Town has investigated completely false allegations that were made against officers in two separate incidents. Although the Town ascertained these allegations to be intentionally falsely made, lawsuits could have still be filed.

14. The Town of Vienna supports restoration and maintenance of full 599 funding to localities and additional funding to supplement retirement and retirement health benefits for police officers.

Town 599 funding:

There have been some increases in 599 funding over the past years, but the Chief and Director of Finance do not believe it has kept up with inflation, nor are there any increases due to increased health care and retirement benefits costs.

FY23 - \$459,856

FY24 – \$483,670

FY25 - \$500.984

FY26 - \$500,996

15. Town of Vienna opposes legislation that reduces the current local government authority to review and approve applications for the use of the public right-of-way, including such use by wireless telecommunication providers, but does not oppose legislation consistent with the Virginia Constitution’s requirement for transparency and local legislative approval.

Virginia Constitution - Section 9. Sale of property and granting of franchises by cities and towns. — *No rights of a city or town in and to its waterfront, wharf property, public landings, wharves, docks, streets, avenues, parks, bridges, or other public places, or its gas, water, or electric works shall be sold except by an*

ordinance or resolution passed by a recorded affirmative vote of three fourths of all members elected to the governing body.

*No franchise, lease, or right of any kind to use any such public property or any other public property or easement of any description in a manner not permitted to the general public shall be granted for a longer period than forty years, except for air rights together with easements for columns of support, which may be granted for a period not exceeding sixty years. Before granting any such franchise or privilege for a term in excess of five years, except for a trunk railway, the city or **town shall, after due advertisement, publicly receive bids** therefor. Such grant, and any contract in pursuance thereof, may provide that upon the termination of the grant, the plant as well as the property, if any, of the grantee in the streets, avenues, and other public places shall thereupon, without compensation to the grantee, or upon the payment of a fair valuation therefor, become the property of the said city or town; but the grantee shall be entitled to no payment by reason of the value of the franchise. Any such plant or property acquired by a city or town may be sold or leased or, unless prohibited by general law, maintained, controlled, and operated by such city or town. Every such grant shall specify the mode of determining any valuation therein provided for and shall make adequate provisions by way of forfeiture of the grant, or otherwise, to secure efficiency of public service at reasonable rates and the maintenance of the property in good order throughout the term of the grant.*

(Virginia Constitution Article 7 § 9 (1971))

16. The Town has had a very successful working relationship Northern Virginia Regional Transportation Authority (NVTA) and continues to coordinate with the NVTA on funding for eligible transportation projects that benefit the Town of Vienna and the region. However, given the unique nature of towns that build and maintain their roadway systems, the Town of Vienna believes the Northern Virginia Towns should have one vote as a standing member of the Northern Virginia Regional Transportation Authority. Virginia Code Sections 33.2-2501 *et seq.* should be amended accordingly.
17. The Town of Vienna requests the General Assembly to adopt a requirement for electrical and telecommunication above ground utilities to be undergrounded in urban/suburban areas **deemed to be at risk for widespread power outages that affect large numbers of users**, within a defined timeframe. The cost of such undergrounding would be required to be part of the utilities statewide rate structure.

18. The Vienna Town Council calls on legislators in the Virginia General Assembly to introduce and ensure passage of state-related campaign finance bills which limit campaign contributions, improve transparency through the mandatory disclosure of donors, including those spending money on election advertising, improve campaign finance oversight, and allow localities to implement public financing of elections.
19. **Dillon Rule:** The Town of Vienna respectfully requests the General Assembly to consider changes to the application of the Dillon Rule to local government public bodies to enable more local input and decision making in traditionally local government matters.
20. Supports legislation that would require persons under the age of 16 or without a Virginia Driver’s License to be required to have some training before being permitted to operate moped or e-bikes on the public roads.
21. Proposed amendments to FOIA open meeting provisions to accommodate virtual/remote participation at public hearings and participation by members of the public body in times other than declared emergencies, including the use of virtual/remote participation of members of the public body for conference and work sessions where no formal vote is taken, as well as the use of virtual/remote participation for members of a public body who are health care professionals and following their exposure to a communicable disease of public health threat or a communicable disease as defined by Virginia Code § 32.1-116.3.
22. Town of Vienna supports an amendment to Virginia State Code Section 15.2-107.1 relating to newspaper legal advertisement requirements. Current requirements add expense and are considered not generally viewed by the public.

Proposed amendment as follows:

1. § 15.2-107.1. Advertisement of legal notices on web sites. — *As an alternative to the* In addition to any requirements that a locality advertise legal notices in a newspaper having a general circulation in the locality, such notices may *instead* also be published on the locality's World Wide Web site. (2000, c. 434.)
23. The Town of Vienna opposes any law that would authorize the use of “skill games” or “gray machines” in Virginia. If such skill game usage is allowed, the Town of Vienna supports local authority to restrict their locations. These forms of gambling machines are an intrusion into local communities and are designed to attract vulnerable citizens, including children.

24. The Town of Vienna requests the General Assembly to adopt legislation that allows localities to adopt an “Extended Producer Responsibility Program” to help achieve a goal of 100% recycling of packaging materials. The proposed legislation would shift the cost of managing packaging waste from municipalities and citizens to producers of the products we buy. It places a fee on producers based on their packaging choices. Payments by producers will be based on the net amount of packaging sold into the state and will take into account toxicity and whether the packaging is readily recyclable. This will provide incentives for producers to choose more readily recyclable packaging and use less packaging.