

TOWN OF HERNDON, VIRGINIA

RESOLUTION

AUGUST 11, 2009

Resolution- Establishing the Town of Herndon's 2010 Legislative Program to request legislation prohibiting the imposition in the Town of a transient occupancy tax by another locality without permission of the Town Council; allowing administrative impoundment of vehicles in certain cases upon charge of driving without a license; and allowing the Town to prohibit pedestrians' solicitation by pedestrians of services from people in motor vehicles.

Recitals

The Mayor and the Town Council of the Town of Herndon, Virginia, to render the Town government more responsive to the citizens, yearly advise the Town's representatives in the General Assembly of legislative positions on important issues and on occasion communicate with members of Congress on federal legislation.

The Mayor and Town Council enjoy a favorable relationship with their representatives in the General Assembly and in the United States Congress and thank them for their interest and support.

THEREFORE, BE IT RESOLVED by the Council for the Town of Herndon that:

1. The Town Council respectfully requests that the General Assembly pass the following legislation:
 - (a) Excise taxes. Municipal corporations by charter authority may levy excise taxes on cigarettes, admissions, transient room rentals, meals, and travel campgrounds. **Excise taxes such as lodging taxes assume paramount importance to municipal corporations. These taxes fund heightened municipal services that town residents need and request. The Town Council to govern the Town must maintain control of such an important excise tax.** Yet, certain counties by other or legislative authority impose taxes on the same subjects. The General Assembly policy for the most part is that the town excise tax preempts the county excise tax on the same subjects. This position prevents double taxation, fiscal and substantive damage to towns, and a diminution of the legislative authority of the town council to set tax policy within the town. However, the town tax preemption policy is not universal so that some such county excise taxes apply in the town. The General Assembly should amend §58.1-3840 or §58.1-3824, Code of Virginia to support the policy that county taxes on these same subjects do not apply in towns unless the town council so agrees.

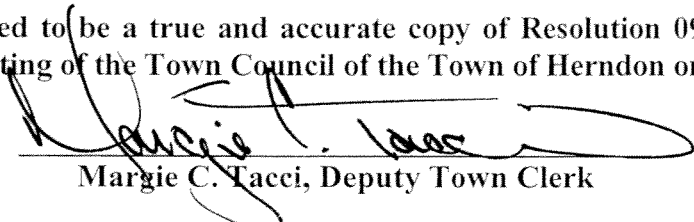
- (b) No operator's license. The General Assembly should amend §46.2-301.1, Code of Virginia to provide for a thirty day impoundment of motor vehicles driven by persons charged with a second or subsequent no operator's license offense. **Incidents of persons driving with no operator's license have increased in the town, along with an attitude that shows disrespect for this important legal requirement. Lives are at stake without the legal assurance of properly educated and licensed drivers.**
- (c) Street solicitation. **Solicitation of donations, sale of products, or the direct distribution of literature by pedestrians, to drivers of motor vehicles in public streets represents a traffic safety hazard.** The General Assembly authorized several localities to prohibit or regulate such activities for the safety of the pedestrians or drivers. The General Assembly should amend §46.2-931, Code of Virginia to add the Town of Herndon to the localities so authorized and to **add authority to prohibit or regulate the offer of services by pedestrians to drivers of motor vehicles on or about public streets.**

2. The Town Council requests that the United States Congress pass the following legislation:

Employment of illegal aliens, federal. Virginia law prohibits the hiring of illegal aliens. Yet, federal law that also prohibits hiring illegal aliens preempts the operation of Virginia statute; and the federal government either is unwilling or unable to enforce the federal prohibition. Former Representative Weldon (R. Florida) introduced HR 3612 for passage by the 110th Congress. This bill would have removed the federal preemption to allow all states to enforce laws prohibiting the hiring of illegal aliens. The Town Council supports this type of legislation and urges the Town's representatives in the United States Congress and the entire Congress to pass such a bill.

3. The Town Attorney shall mail or deliver a copy of this resolution to the Town's representatives in the General Assembly and in the United States Congress; other selected members of the General Assembly, the United States Congress, and area local governments; and other interested persons, as appropriate.

This is certified to be a true and accurate copy of Resolution 09-G-86 adopted at a legally convened meeting of the Town Council of the Town of Herndon on August 11, 2009.


Margie C. Tacci, Deputy Town Clerk