

Capitol Contact

Virginia General Assembly

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Tuesday, January 17, 2017

Charter School Constitutional Amendments Introduced

[HJ 629 \(Bell, R.B.\)](#) and [SJ 240 \(Obenshain\)](#) would allow the state Board of Education to establish charter schools, subject to criteria and conditions that the General Assembly would prescribe. Currently this power rests with local school boards.

VACo has historically opposed such measures because they would allow a state body to make decisions that are more appropriately handled locally, potentially including decisions about the use of local school funding dollars, depending upon how a charter school would be structured under the “criteria and conditions” the General Assembly would dictate.

HJ 629 has been assigned to the [House Privileges and Elections Subcommittee on Constitutional Amendments](#) and was heard on January 16. VACo spoke in opposition to the measure. No vote was taken at the subcommittee meeting, as the full committee chairman has directed the subcommittee to hear testimony on all constitutional amendments before deciding which measures to recommend to the full committee. The subcommittee has been asked to forward no more than four amendments. SJ 240 has been assigned to the [Senate Privileges and Elections Committee](#).

VACo Members – please contact your legislators to oppose these bills. Last year, the same measures were defeated in the Senate on very close votes.

[House Privileges and Elections Subcommittee on Constitutional Amendments:](#) [Minchew \(Chairman\)](#), [Miller](#), [Hugo](#), [Miyares](#), [Lindsey](#), [Price](#), [Cole](#)

[Senate Privileges and Elections:](#) [Vogel \(Chairman\)](#), [Howell](#), [Deeds](#), [Edwards](#), [Reeves](#), [Ebbin](#), [Chafin](#), [DeSteph](#), [Chase](#), [Sturtevant](#)

VACo Contact: [Katie Boyle](#)

Constitutional Amendments of Interest to Localities Introduced

In addition to two measures regarding charter schools (discussed in a separate article), a number of constitutional amendments of interest to localities have been introduced.

Prior to being placed before the voters in a statewide referendum, constitutional amendments must pass twice in identical form, once before a House of Delegates election and once afterwards. The Chairman of the House Privileges and Elections Committee has directed the Subcommittee on Constitutional Amendments to hear testimony on all amendments in its next several meetings prior to deciding on a limited number (no more than four) to advance to the full committee.

Among the Constitutional amendments under consideration are several making changes to existing property tax exemptions. [HJ 562 \(Miyares\)](#) and [HJ 697 \(Byron\)](#) modify the exemption for the surviving spouses of disabled veterans, which currently provides that the spouse must continue to occupy the real property for which the exemption was originally granted. Under HJ 562 and HJ 697, the exemption would apply to the spouse's principal place of residence without restriction on the spouse relocating. The fiscal impact on localities is difficult to determine, as some surviving spouses may be "downsizing" to smaller residences, while others may be moving to larger properties. [SJ 284 \(Stuart\)](#) would expand the property tax exemption for surviving spouses of service members who are killed in action to include widows and widowers of service members who die in combat zones.

Two additional measures provide for local options for tax reductions. [HJ 577 \(Cole\)](#) would allow localities to reduce the assessed value of property abutting parcels on which local public improvements have been made, if these improvements would otherwise result in a significant increase in the fair market value of the property. The reduction would end when the property was sold or the owner died. [HJ 706 \(Rush\)](#) would allow a local governing body to provide for an exemption from personal property taxes for tangible personal property that is valued at \$5,000 or less and used in a business.

[HJ 634 \(Cole\)](#) would allow the General Assembly to authorize an elected school board to tax real property in the school division.

The House measures have been referred to the [House Privileges and Elections Subcommittee on Constitutional Amendments](#) where they were heard on January 16. A decision on whether to recommend that the amendments be considered by the full committee will be made at an upcoming meeting, likely January 30. The Senate measure will be heard by the [Senate Privileges and Elections Committee](#).

VACo Contact: [Katie Boyle](#)

Proposed New Mandate on Landfills

[HB 1600 \(Fariss\)](#) requires any active sanitary landfill that receives more than 100,000 tons of solid waste per year and is located within one-half mile of any residence or residentially zoned property to install a landfill gas collection and control system by July 1, 2019. The bill has been referred to the [House Agriculture, Chesapeake and Natural Resources Committee](#).

VACo is very interested in knowing of any landfill managed by a county that might be affected by this requirement. Please send any responses to this inquiry to Larry Land at Lland@vaco.org.

VACo Contact: [Larry Land, CAE](#)

Freedom of Information Act Omnibus Bills and other FOIA Legislation

The Virginia Freedom of Information Advisory Council completed its three-year study of the Virginia Freedom of Information Act (FOIA). During the study, every record and open meeting exemption of the act was examined and vetted, resulting in two Omnibus bills submitted by FOIA Council Chair Delegate James LeMunyon. The changes are numerous but the ones of greatest impact to local governments found in [HB 1539 \(LeMunyon\)](#) for records and [HB 1540 \(LeMunyon\)](#) for meetings are summarized below.

HB 1539, the Records Omnibus bill,

- Eliminates the “correspondence” exemption for a number of officials including the mayor or chief executive officer of any political subdivision of the Commonwealth
- Adds the requirement that information publicly available or not otherwise subject to an exclusion under FOIA or other provision of law that has been aggregated, combined, or changed in format without substantive analysis or revision shall not be deemed “working papers.”
- Requires school boards to post a FOIA Rights and Responsibilities document on their websites to assist citizens in obtaining records
- Redefines “regional public body”
- Adds the requirement that notices of meetings be posted on government websites

- Adds the requirement that notices of continued meetings be given, regardless of whether the meeting is held by traditional or electronic communication means
- Adds the requirement that a proposed agenda must be included with agenda packets available to the public.

HB1540, the meetings bill,

- Allows closed meetings for discussion by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions
- Limits remote participation by a member of a public body due to a personal matter to two meetings per year.

The Council also recommended several clarifying amendments to FOIA. These clarifying amendments include:

- To the extent that any correspondence meets the definition of a "working paper" for the public officials identified above, it may be withheld from the mandatory disclosure provisions of FOIA
- Revises the definition of "public record"
- Clarifies citizen rights to inspect or receive copies of public records)
- Creates uniform reference to government websites (official public government website)
- Merges general provisions relating to personnel records into one section
- Clarifies that the name of a public employee is subject to mandatory disclosure in the context of requests for position and salary information
- Creates a definition of "personal contact information"
- Consolidates public safety exemptions relating to security of buildings, people in buildings, critical infrastructure, cybersecurity, and the Statewide Agencies Radio System
- Updates terminology for "telecommunications provider" to "communications services provider"
- Separates the closed meeting exemption for legal matters and litigation into two distinct exemptions

- Clarifies the purposes for which closed meetings may be held in an effort to better distinguish the “subject” of a closed meeting from its “purpose.”

In addition, several other FOIA bills effecting local government have been introduced. VACo opposes [HB 1701 \(Yancey\)](#), which adds another press representative to the FOIA council without examining the entire appointment process and the membership of the council. VACo is also concerned about [HB 2143 \(LeMunyon\)](#) that provides for third party training for FOIA officers. VACo opposes [SB 1103 \(Surovell\)](#) that provides an additional penalty to every member of a public body if a court finds that any member violated the certification related to a closed meeting. VACo opposes [SB 1128 \(DeSteph\)](#), which creates a rebuttable presumption that a failure to respond to records was willful and knowing. VACo also opposes [SB 1292 \(Chafin\)](#) and [HB 1678 \(Robinson\)](#), which seek to exempt chemicals used in the fracking process from mandatory disclosure under a trade secrets provision.

VACo Contact: [Phyllis Errico, CAE](#)

Key Dates for 2017 General Assembly Session

- **January 11:** General Assembly convenes at noon. Prefiled legislation must be submitted by 10 a.m.; this is also the last day to file bills dealing with the Virginia Retirement System or legislation creating or continuing a study.
- **January 13:** Budget amendments by General Assembly members must be submitted by 5 p.m.
- **January 20:** All bills must be filed by 3 p.m.
- **February 5:** The Senate Finance and House Appropriations Committees must report their respective budgets.
- **February 7:** Crossover (deadline for legislation to pass its chamber of origin)
- **February 9:** Deadline for each chamber to complete work on its budget
- **February 20:** Deadline for committee action on legislation
- **February 25:** Scheduled adjournment *sine die*
- **April 5:** Reconvened session to consider the Governor’s amendments and vetoes

Governor McAuliffe to speak at VACo County Government Day



This is our day to advocate for counties at the General Assembly. Join us at VACo County Government Day on Thursday, February 2! Registration opens at 11 a.m. and the event kicks off with a boxed lunch at noon. Our keynote speaker will be The Honorable Governor Terry McAuliffe who will address attendees on issues that affect counties.

VACo staff will provide legislative briefs before charging all present to meet with their General Assembly representatives that afternoon. For information on how to reach your representatives, see the [Virginia House of Delegates Member Listings](#) and the [Senate of Virginia](#) websites. Find information about VACo's positions in the [2017 Legislative Program](#), created by VACo Steering Committees, and adopted at our Annual Business Meeting. We will distribute our VACo County Government Day Bulletin at the event.

We encourage all counties to participate in the legislative process - hear briefs on the issues and make appointments to speak with your representatives that afternoon. The VACo County Government Day event should last no later than 1:30 p.m.

Register for [VACo County Government Day online](#) or by faxing in a [registration form](#) to 804.788.0083. Register early and show the state who's coming to town!

For rooming information, check out [our dedicated online room reservation page](#) or call 1.800.THE.OMNI and use code "VACo County Government Day" to unlock our special event rate. Omni Richmond is participating in the HUNGER program, which will provide one week of meals to a family of four for every online reservation. Consider reserving online to help a family during this season. Room Reservation cut off is 5 p.m. January 18. Room rate is not guaranteed after that date.

We are also introducing sponsorship opportunities for the February events. Check back soon, or contact [Amy Sales](#) for more information.

VACo Contact: [Amy Sales, CMP](#)