

Capitol Contact

Virginia General Assembly

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Friday, January 20, 2017

Stormwater a Hot Issue during 2017 General Assembly Session

[HB 1774 \(Hodges\)](#) is a complex stormwater bill that is likely to undergo some significant changes before it is presented to the [Chesapeake Subcommittee](#) of the House Agriculture, Chesapeake and Natural Resources Committee. As introduced, HB 1774 allows local governments that “opt out” of managing their own stormwater programs to establish a “rural development growth area” (RDGA) where land erosion and sediment control requirements would be conformed to MS-19 regulations.

For localities in Planning District 18, the bill authorizes the establishment of a Regional Stormwater Practices Bank (RSP). Perhaps the bill’s most significant provision requires the State Water Control Board to “administer all Virginia programs for erosion control and stormwater management for portions of such a locality except those areas that are designated as RDGA.” This provision appears to close the so-called “donut hole” problem for counties that chose to “opt out” of managing local stormwater programs under [HB 1173 \(Hodges\)](#) and [SB 423 \(Hanger\)](#) that passed the General Assembly back in 2014.

The “donut hole” is an unintended loophole created by the aforementioned 2014 legislation that requires “opt out” localities to perform stormwater functions for land disturbances between 2,500 square feet to an acre in areas covered by the Chesapeake Bay Preservation Act (CBPA); and land disturbances between 10,000 square feet and one acre in areas not subject to CBPA. One of VACo’s chief objectives in the 2017 General Assembly Session is to close the “donut hole.”

VACo is working in support of HB 1774. The bill has attracted much attention not only from VACo but from such other diverse groups as the Chesapeake Bay Foundation and the Homebuilders Association of Virginia.

Delegate Keith Hodges is also sponsoring [HB 2009 \(Hodges\)](#), which authorizes local governments managing their local stormwater programs (or “opt in” localities) to hire

certified third-party professionals to administer any or all aspects of their respective stormwater programs and erosion and sediment control programs. On January 18, HB 2009 was unanimously reported by the [Chesapeake Subcommittee](#) of the House Agriculture, Chesapeake and Natural Resources Committee. VACo testified in support of HB 2009.

VACo will continue to report on the progress of all significant stormwater bills that the General Assembly will consider this session.

[VACo Members – Share your thoughts on FlagPoll.](#)

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

More Harmful Freedom of Information Act Bills Introduced

Delegate Rick Morris submitted two measures dealing with FOIA that will affect local governments. [HB 2401 \(Morris\)](#) mandates that minutes be taken in all closed meetings and also provides that audio recordings of all closed meetings be made. The bill is silent as to who can access these notes and recordings and what process can be used to access them. This bill will have a chilling effect on appropriate discussions in closed meetings and concerns about secure storage, archiving and access to these materials.

[HB 2402 \(Morris\)](#) provides that if the court finds that any officer or employee of a public body receives a request for records that was sent by certified mail, return receipt requested, and without legal excuse or justification, deliberately, willfully, and knowingly fails to make a response to such request, such officer or employee may be terminated for cause by his appointing authority or agency head.

These bills will be heard Thursday, January 26, in [House General Laws Subcommittee 2](#).

[VACo Members – Share your thoughts on FlagPoll.](#)

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

Bill Expands Definition of Agritourism

[SB 1491 \(Stuart\)](#) defines "agritourism activity" to include the rental of a single-family residence for a period of at least one week. This measure, which appears to further reduce local land use regulatory authority, has been referred to the [Senate Agriculture, Conservation and Natural Resources Committee](#). VACo would like to

receive feedback from counties on this measure. Please contact Larry Land at lland@vaco.org.

[VACo Members – Share your thoughts on FlagPoll.](#)

VACo Contact: [Larry Land, 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](#)