

Capitol Contact

Virginia General Assembly

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Monday, January 15, 2018

Wireless bill erodes local decision-making authority for the siting of towers and poles

[HB 1258 \(Kilgore\)](#) and [SB 405 \(McDougle\)](#) substantially limit the ability of local-elected officials to determine how wireless infrastructure is incorporated into their communities, and effectively removes citizen input in making decisions on the siting of towers and poles.

VACo Members - Please contact your legislators to OPPOSE [HB 1258 \(Kilgore\)](#) and [SB 405 \(McDougle\)](#).

Talking Points

- Localities should not be stripped of their ability to determine how wireless towers and poles can be accommodated within their landscape.
- Restrictions on how much localities can charge for applications will place a fiscal burden on government operations.
- A “one-size-fits-all” approach is unnecessary. Wireless service providers can, and do, find solutions working with local governments and their citizens for the siting of towers and poles.

Zoning Decisions

Local land use tools allow for zoning decisions to be made based on the best interests of the community. Regarding citizen input, the proposal prohibits a locality from requiring a special exception, special use permit, or variance be obtained for wireless support structures that are 50 feet or less above ground level. Additionally, numerous provisions of the bill would limit local ability to address the visual impact of any wireless tower or pole, regardless of height.

Costs

The measure also limits how much a locality may charge to review applications and adds a burdensome requirement that localities provide “an accounting of the actual costs incurred” to review each application for a new structure.

During the 2017 legislative session, VACo agreed to support legislation (subsequently signed into law) to allow for “by-right” zoning approval for the placement small cell facilities (i.e. antennas) on existing structures. As part of the agreement [VACo sent a letter](#) to the patrons of the legislation with a commitment to work with the wireless industry in expanding service to rural areas. This legislation does not guarantee expansion of service to those areas and instead provides favored status and exemptions for an industry that it is not a public service company.

ACT NOW by sending a resolution to your [Delegates and Senators](#) in opposition to these measures, and send a copy to VACo.

VACo Contact: [Joe Lerch, AICP](#)

Bills enhancing county taxing authority introduced

Several bills have been introduced to provide counties with additional taxing authority. [SB 200 \(Favola\)](#) would equalize county taxing authority with that currently afforded to cities and towns. The bill would take effect July 1, 2019, and in the intervening time a workgroup would determine any additional statutory changes that might be required to implement this broad grant of authority. The bill has been referred to the [Senate Local Government Committee](#).

[SB 527 \(Mason\)](#), which is identical to [SB 115 \(Locke\)](#) (reported on in [last week's Capitol Contact](#)), allows counties to impose a food and beverage tax without seeking approval in a referendum. The bills also increase the current 4 percent cap on the rate at which the food and beverage tax could be imposed to 8 percent. The bills have been referred to the [Senate Finance Committee](#).

[HB 1338 \(Campbell\)](#) and [SB 510 \(Carrico\)](#) permit all counties to impose a cigarette tax at the rate of 5 cents per pack or the amount levied under state law, whichever is greater, after receiving approval in a voter referendum. A county would not be permitted to hold a referendum on this topic within 23 months of previous consideration of the same issue. SB 510 has been referred to the [Senate Finance Committee](#); HB 1338 has not yet been referred to a committee.

[HB 302 \(Watts\)](#) allows counties with populations greater than 100,000 the taxing and borrowing powers granted to cities and towns, and provides that such counties would be eligible for state payments for maintenance of highways,

provided that principal and minor arterial roads are maintained to state standards. The bill has been referred to the [House Counties, Cities and Towns Committee](#).

VACo Contact: [Katie Boyle](#)

Virginia Grocery Investment Program and Fund

VACo supports [SB 37 \(Stanley\)](#), which creates the Virginia Grocery Investment Program and Fund. Once established, the program will leverage public-private partnerships and provide funding for the construction, rehabilitation, equipment upgrades, or expansion of grocery stores, small food retailers, and innovative food retail projects in underserved communities across the Commonwealth.

The Program's developers estimate that a \$7.5 million state investment will be leveraged into \$30 million in total funding that will help improve the lives of the 1.7 million Virginians (including an estimated 480,000 children) who live in lower income communities with limited supermarket access.

Senator Bill Stanley was joined by First Lady Dorothy McAuliffe, who made childhood nutrition her top priority over the course of the last Administration, as well as an extensive array of fellow state legislators and stakeholders at the bill's January 11 unveiling. "I have carried many bills," Senator Stanley said, "but not as important as this one."

Delegate Delores McQuinn and Delegate Dickie Bell are carrying companion bills, [HB 69 \(McQuinn\)](#) and [HB 85 \(Bell, Richard\)](#), on the House side. In a sign of broad, bipartisan support, Senator Rosalyn Dance, Senator Mamie Locke, Senator Monty Mason, Senator Jennifer McClellan, and Senator Glen Sturtevant and Delegate Kaye Kory have all signed on as co-patrons of this important effort.

VACo is eager to continue to support this legislation and its important mission as the 2018 session continues. Most recently, SB 37 was assigned to the [Senate Finance Committee](#).

VACo Contact: [Chris McDonald, Esq.](#)

Legislation to assist with jail costs advances

[SB 342 \(Peake\)](#) seeks to provide relief to localities for the costs of housing state-responsible inmates in local and regional jails. The bill provides that local and regional jails would be compensated for the actual costs of housing state-responsible inmates; currently, the state contributes to the cost of housing these inmates by funding salaries for sheriffs' deputies and providing per diem

payments of \$12 per inmate per day, but these funds do not cover the full costs of housing inmates. Per diem rates have not been adjusted since 2010. VACo spoke in favor of the bill when it was heard by the Senate Rehabilitation and Social Services Committee on January 12; the bill was reported and rereferred to the [Senate Finance Committee](#).

VACo Contact: [Katie Boyle](#)

Ammonia-Nitrogen Wastewater Concerns Reach the State Senate

VACo is closely following two bills introduced by Senator Mark Peake that seek to help localities mitigate the anticipated impacts on localities and wastewater authorities of the Environment Protection Agency's (EPA) 2013 water quality criteria for guidance – if the Virginia Department of Environmental Quality DEQ adopts these criteria as they are currently proposing. If adopted, this new guidance would reduce the ammonia-nitrogen limits in wastewater treatment plants (WWTPs) to approximately half of the level currently allowed, requiring major, highly expensive upgrades to hundreds of WWTPs across the Commonwealth that are neither designed nor constructed to meet these new levels.

According to a recent engineering study, this change cost their owners \$512 million in capital construction as well as an additional \$34 million in operating costs. The study estimates that 590 treatment plants would be impacted, though the Virginia Department of Planning and Budget has estimated 370 plants would be impacted. While the impacts will be felt across the state, this burden falls most heavily on smaller treatment plants in Southside, West, and far Southwest Virginia.

Senator Peake has introduced two bills that seek to mitigate this potential harm as well as more adequately prepare to implement such guidance in the future. First, [SB 344 \(Peake\)](#) directs the State Water Control Board not to adopt the new criteria until all other states in EPA Regions III and IV have done so, unless the EPA Administrator informs the Commonwealth in writing that such timing is unlawful under the federal Clean Water Act. [SB 340 \(Peake\)](#) seeks to amend the Water Quality Improvement Fund (WQIF) guidelines to establish a grant funding priority (if funds were later appropriated) for the related construction of treatment plant upgrades.

SB 344 reported out of [Senate Agriculture, Conservation and Natural Resources Committee](#), 8-7, while SB 340 reported out unanimously, 15-0.

VACo Contact: [Chris McDonald, Esq.](#)

Public Safety Legislation

VACo is monitoring legislation related to changes in public safety policy as it relates to localities.

During Gun Lobby Day, the [Senate Courts of Justice Committee](#) heard only gun-related legislation and reported a few out. [SB 1 \(Ebbin\)](#) prohibits the manufacture, import, sale or offer to sell a device used to increase the rate of fire of semiautomatic firearms. Violating the legislation is a Class 1 misdemeanor. After discussion, an amendment in the form of a substitute passed, 11-4, which clarified that the provisions only apply to trigger activators. The bill was referred to the [Senate Finance Committee](#).

Other bills VACo is following:

[SB 105 \(Suetterlein\)](#) increases the felony larceny threshold from \$200 to \$500, and now includes [SB 472 \(Reeves\)](#). The bill reported out of the [Senate Courts of Justice Committee](#) by 12-3.

[SB 669 \(Deeds\)](#) prohibits an individual involuntarily committed or subject to a temporary detention order while a minor, defined as 14 years or older, is subject to the same restrictions as adults with those experience. Those in violation are guilty of a Class 1 misdemeanor. The bill unanimously reported out of the [Senate Courts of Justice Committee](#).

Of note, the following bills that may impact localities have been re-referred to the [Senate Finance Committee](#) – [SB 56 \(DeSteph\)](#) provides children born or adopted after the death or disability of an employee covered by the Line of Duty Act are eligible for health insurance if employees do not have to pay an increased premium, and [SB 715 \(Chase\)](#) allows firefighters and emergency medical services personnel to carry a concealed handgun. The bill now has an amendment addressing local option for Police Chiefs.

VACo Contact: [Khaki LaRiviere](#)

Key Dates for 2018 General Assembly Session

The Joint Rules Committee met on December 18 to adopt the procedural resolution that will set out the [schedule](#) for the 2018 General Assembly session. Although the procedural resolution will be considered by the full House and Senate in January, typically it is agreed upon without amendments. Key dates in the procedural resolution are as follows:

- **January 10:** 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 12:** Budget amendments by General Assembly members must be submitted by 5 p.m.
- **January 19:** All bills must be filed by 3 p.m.
- **February 13:** Crossover (deadline for legislation to pass its chamber of origin)
- **February 18:** The Senate Finance and House Appropriations Committees must report their respective budgets.
- **February 22:** Deadline for each chamber to complete work on its budget
- **March 5:** Deadline for committee action on legislation
- **March 10:** Scheduled adjournment *sine die*
- **April 18:** Reconvened session to consider the Governor's amendments and vetoes

VACo Contact: [Katie Boyle](#)

Advocate for your locality at VACo County Government Day



February 8, 2018 | Omni Richmond Hotel
[Registration Form](#) | [Register Online](#) | [Book Online Omni Richmond Hotel](#)

This is our day to advocate for counties at the 2018 General Assembly Session. Join us for VACo County Government Day on Thursday, February 8!

Registration opens at 11 a.m. and the event kicks off with lunch at noon. Governor-Elect Ralph Northam has been invited to speak on issues that affect counties. VACo staff will provide legislative briefs before inviting 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](#) and the [Senate of Virginia](#) member listings websites. Find information about VACo's positions in the [2018 Legislative Program](#). We will distribute our VACo County Government Day Bulletin at the event.

We encourage all counties to participate in the legislative process - listen to briefs about the issues and speak with your representatives about your County's concerns. The VACo County Government Day event should conclude around 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 get involved in the legislative process.

VACo Contact: [Dean Lynch, CAE](#)