

Capitol Contact

Virginia General Assembly

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Monday, January 29, 2018

Oppose Exempting School Boards from Obtaining Authorization from the Local Governing Body

[SB 440 \(Wexton\)](#) exempts elected local school boards from receiving prior authorization from their local governing body prior to instituting any legal action against another government body.

Action Required – Contact your [Senators](#) now to oppose SB 440. The bill is scheduled to be heard on the Senate floor today (Monday, January 29) for second reading.

TALKING POINTS

- Currently, all school boards must receive authorization from their local governing body before instituting any legal action or expending any funds towards such legal action.
- Most of the school boards – more than 82 percent – are elected and not appointed.
- The bill is a dramatic policy change that affects most local governing bodies negatively, both financially and in their relationships and interactions with other governmental entities.
- The local governing body is responsible for appropriation of funds to the school board and should be involved in this type of decision.

KEY CONTACTS

[Senate of Virginia](#)

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

VACo Opposes Check Registry Bill

[SB 751 \(Sturtevant\)](#) requires every locality with a population greater than 25,000, and every school division with greater than 5,000 students, to post on their websites a register of all transactions. This includes vendor name, date of payment, amount, and description of the type of expense.

Action Required – Please contact your Senator to OPPOSE SB 751. The bill will be heard in [Senate Local Government Committee](#) on Tuesday afternoon.

TALKING POINTS

- Given the potential costs for localities to comply with this mandate, it should be a local option.
- In addition to the cost of software, the bill will require significant staff time to implement, since staff would need to review transactions and redact certain payments (such as payments to undercover law enforcement).

KEY CONTACTS

Senate Local Government Committee: [Stanley \(Chairman\)](#), [Hanger](#), [Marsden](#), [Favola](#), [Lewis](#), [Surovell](#), [DeSteph](#), [Dunnavant](#), [Chase](#), [Sturtevant](#), [McPike](#), [Carrico](#), [McClellan](#)

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

VACo Meets with Speaker Kirk Cox

VACo Executive Director Dean Lynch recently met with the newly-elected Speaker of the House, [Delegate Kirk Cox](#), to discuss issues of importance to county governments. Speaker Cox has represented the 66th District in the House of Delegates since 1989 and was unanimously elected the 55th Speaker of the House on January 10. Prior to his election as Speaker, he served as House Majority Leader.

Lynch outlined VACo's priorities during the conversation, including providing full funding for K-12 education and protecting local land use and taxing authority. Speaker Cox previously served on the House Appropriations Committee and as a budget conferee, so he brings a thorough knowledge of the state budget to his new role. Legislation of major concern to counties under consideration in the 2018 session was also a topic of discussion, such as legislation opposed by VACo that would limit local control over the placement of wireless infrastructure.

VACo thanks Speaker Cox for his generosity with his time and looks forward to continuing to work with him.

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

Solar Zoning Ordinance Bill Passes with Amendments Made to Address Local Concerns

[HB 508 \(Hodges\)](#), which limits local authority for the approval of solar facilities, reported from the [House Counties, Cities and Towns Committee](#) on January 26.

The legislation prescribes a “one-size-fits-all” approach for localities that makes roof-mounted solar facilities serving the electricity needs of that building a “by-right” use in all agricultural, residential, commercial, industrial, institutional and mixed-use districts. The measure also states that “unless a local ordinance provides otherwise,” any similarly configured ground-mounted solar generation facility in those districts shall be allowed as well.

HB 508 makes allowances for compliance with any building height and setback requirements, as well as compliance with any local historic districts.

The bill was amended in Committee to add compliance with any provisions of “architectural preservation” and “corridor protection” districts. Regarding ground-mounted facilities, the Committee also agreed to delay the effective date of the legislation, till January 1, 2019. This gives localities additional time to make any desired changes to local ordinances.

VACo opposed the bill in Committee and notes that counties already make adequate provisions to accommodate solar installations, and should retain the ability to determine the best approach for integrating such facilities within the unique setting of each community within their jurisdiction.

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

Community Policing Bills Update

The Department of Criminal Justice Services (DCJS) is halfway through a two-year process to update law enforcement training standards. A number of the bills suggest policy changes to those standards relating to communication and community engaged policing.

[HB 174 \(Filler-Corn\)](#) requires the Department of Criminal Justice Services to establish communication procedures between law enforcement and individuals with autism spectrum disorders, intellectual disabilities, and developmental disabilities. VACo spoke in support of the legislation, which would facilitate better communication between these individuals and law-enforcement officers to de-escalate crises and divert these individuals from incarceration to treatment. The [House Militia, Police and Public Safety Committee](#) unanimously laid the bill on the table.

[HB 105 \(Herring\)](#) directs the Department of Criminal Justice Services to include fair and impartial policing, verbal de-escalation, and needs of special populations in law enforcement training and recertification standards. The bill expands community engaged policing to include programs that are transparent, account for the needs of the community from those diagnosed with Alzheimer's to underserved individuals, represent community values, and prevent crime in a fair way. Other community engaged policing strategies address inclusive hiring practices and comprehensive training. The [House Militia, Police and Public Safety Committee](#) unanimously laid the bill on the table.

Chairman Ben Cline agreed to write a letter to consider these policy changes when providing final recommendations and related budget amendments for the updated training standards.

VACo Contact: [Khaki LaRiviere](#)

Stormwater Bill Defeated in Committee

[SB 507 \(Carrico\)](#) was defeated last week in the [Senate Agriculture, Conservation and Natural Resources Committee](#), failing to report to the full Senate by a vote of 7-7-1.

SB 507 provided that for localities located entirely outside of the Chesapeake Bay watershed, the Department of Environmental Quality and State Water Control Board would revert to the water quality and quantity requirements that were in effect prior to July 1, 2014. Localities within the Chesapeake Bay watershed would not have been affected.

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

Body Camera Legislation

[HB 402 \(Levine\)](#) requires localities to adopt and establish a written policy for operating body-worn camera systems using the DCJS model policy. The policy addresses storage and maintenance of body-worn camera system records. Two

amendments on the bill would clarify that the best practices included in the policy be those identified in the DCJS model policy, and grandfather policies already in place.

Though body cameras will not be included in the DCJS review of law enforcement training standards, Chairman Ben Cline offered to write a letter to DCJS. The [House Militia, Police and Public Safety Committee](#) laid the bill on the table unanimously.

VACo Contacts: [Phyllis Errico, Esq., CAE](#) and [Khaki LaRiviere](#)

House Advances Legislation Impacting Worker's Compensation

The [House Commerce and Labor Committee](#) favorably reported, and referred to the [House Appropriations Committee](#), two pieces of legislation impacting worker's compensation for firefighters, correctional officers, and local police.

[HB 107 \(Bell, John\)](#) adds correctional officers to the list of public safety officers eligible for a presumption that their hypertension, heart disease, and certain other conditions are occupational diseases under the Virginia Workers' Compensation Act. This bill was reported favorably by the Committee on January 25 by a vote of 20-1.

[HB 1245 \(Hugo\)](#) adds new cancers to the existing list of conditions currently presumed to be an occupational disease when developed by certain public safety employees and therefore covered by the Virginia Workers' Compensation Act. Furthermore, HB 1245 eliminates a requirement that the covered employee who develops cancer have had contact with a toxic substance in the line of duty. HB 1245 was reported by the Committee on January 25 by a 21-0 vote.

VACo Contact: [Angela Inglett](#)

Stream Restoration Bill Reports to Senate

[SB 576 \(Hanger\)](#) states that a person who is 1) engaged in the creation and operation of a stream restoration project for purposes of reducing nutrients or sediment entering state waters, and 2) engaged in such activities in more than one jurisdiction, will be allowed to engage with the Department of Environmental Quality (DEQ). Specifically, the bill allows such individuals the opportunity to submit standards and specifications for DEQ approval, describing how land-disturbing activities shall be conducted as an alternative to submitting soil erosion control and stormwater management plans. Current law allows this

practice for a person engaging in more than one jurisdiction in the creation and operation of a wetland mitigation or stream restoration bank.

Senator Hanger's bill successfully reported out of [Senate Agriculture, Conservation and Natural Resources Committee](#) on January 25 with a vote of 13-0-1. SB 576 will be scheduled on the Senate floor calendar this week.

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

ABC Transition and its Impact on Revenues

The Virginia Alcoholic Beverage Control Authority (ABC) Chief Executive Officer Travis Hill recently spoke to the [Senate Finance Committee's Public Safety Subcommittee](#) about budget priorities. ABC started transitioning from a Department to an Authority in January 2018, and many of the requests relate to reinvesting in infrastructure and streamlining and modernizing ABC's processes.

ABC employs 1,110 full-time and 2,684 part-time employees. The number of part-time employees increased by 556 since 2013 due to the 29-hour cap in the Affordable Care Act. ABC experienced a 50 percent annual turnover rate due to the hour cap and scheduling issues. To address turnover, ABC is converting part-time employees to full-time. The conversion is working with 4 resignations out of 50 positions created last biennium. For this budget cycle, ABC requested \$1.5 million to convert 25 positions.

Since last year, store openings and sales increased 4.7 percent to 370 and \$172.9 million. ABC contributed \$2.4 billion in profit and taxes to the Commonwealth over six years. In 2017 alone, ABC had \$171.2 million in profit transfers, \$154.4 million in state taxes, \$43.3 million in sales tax, \$36.8 million in the wine liter tax, and \$42.8 in the malt beverage tax. Through sales tax revenue, ABC contributed \$111 million to the general fund. Localities directly receive a portion for education, and indirectly for certain infrastructure and services.

Currently, there is \$1.9 million in the budget for enforcement, funded by license fee increases. Legislation has been introduced this session – [SB 884 \(McDoughle\)](#) increases the retail license application fee by \$135, the banquet special event and mixed beverage special event license application fee by \$30, and both the wine and beer shippers license by \$135. In 2019, the increase is expected to bring \$839,752 in revenues.

With a sales forecast increase of 4.42 percent in 2018, ABC requested \$20.1 million and \$54.9 million. To replace the point of sale system and hardware, ABC requested \$7.7 million in both years. Here, a cost savings proposal suggested extending the service contract for existing hardware, costing an additional \$2.8 million and \$2.5 million. CEO Hill's plan is to phase-in the system over a three-

year period. ABC requested \$1.3 million to transition to Office 365, which will create long-term cost-savings. And, ABC intends to add 57 new positions at \$8.5 million to staff new and high-volume stores over two years.

ABC has several large-scale capital requests for a new warehouse and central office, and is working with the Department of General Services (DGS) for a Request for Proposal. Another cost-savings discussion will be had in the future about these proposals.

To view CEO Hill's presentation, please click [here](#).

VACo Contact: [Khaki LaRiviere](#)

Public Animal Shelter Bill Carried Over for Year

[SB 175 \(Stanley\)](#) requires that a public animal shelter must wait three days before euthanizing a dog or cat when a person has notified the shelter of his intent to adopt or take custody of the animal. This bill has been carried over for the year.

The chief concerns with SB 175 have been (1) the fiscal impact to localities and (2) the number of times this three-day wait period can be invoked for one animal. Senator Bill Stanley introduced a substitute bill on January 25 that addressed the latter concern, stipulating that a shelter "shall only be obligated to observe one three-day period per individual animal." The bill's fiscal impact – estimated to be as high as \$230,000 to some localities – remains a concern.

Senator Stanley will continue to work on and refine this legislation over the course of the next year.

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

Governor Ralph Northam to Speak at VACo County Government Day

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

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 Ralph Northam will 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 Governor Northam share his vision for how we can work together to advance policies beneficial to Virginia localities. Also hear the VACo Team talk about the issues and then go speak with your representatives about your County's concerns. The VACo County Government Day event should conclude around 1-1:30 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](#)

Key Dates for 2018 General Assembly Session

The Joint Rules Committee met on December 18 to adopt the procedural resolution that sets 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](#)