

Capitol Contact

Virginia General Assembly

Virginia Association of Counties • 1207 E. Main Street, Suite 300 • Richmond, VA 23219
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Thursday, February 1, 2018

Oppose Bad Wireless Bill Now

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

Action Required – Please contact your Delegates now to oppose HB 1258, which will be heard **this afternoon** in the [House Commerce and Labor Committee](#).

KEY POINTS

- The bill strips all localities of their ability to determine how wireless towers and poles can be accommodated within their landscape.
- Counties will lose control over application fees. Restrictions on how much localities can charge for applications will place a fiscal burden on counties.
- A “one-size-fits-all” approach will not work in Virginia’s counties. Currently wireless providers can and do find solutions working with county governments and citizens.
- This bill limits the public hearing process on an issue important to communities.

KEY CONTACTS

House Commerce and Labor Committee: [Kilgore \(Chairman\)](#), [Byron \(Vice Chair\)](#), [Ware](#), [Hugo](#), [Marshall](#), [Cline](#), [Bell](#), [Robert B.](#), [Habeeb](#), [O'Quinn](#), [Yancey](#), [Ransone](#), [Webert](#), [Ward](#), [Keam](#), [Filler-Corn](#), [Kory](#), [Lindsey](#), [Bagby](#), [Toscano](#), [Heretick](#), [Mullin](#), [Bourne](#)

VACo Contacts: [Joe Lerch, AICP](#) and [Phyllis Errico, Esq., CAE](#)

School Board Exemption Bill Passed by Indefinitely

A bill that exempts elected school boards from the requirement that they receive prior authorization from their local governing body prior to instituting any legal action against another government body has failed to move out of committee. [SB 440 \(Wexton\)](#) was passed by indefinitely on January 31 after being heard in the [Senate Courts of Justice Committee](#).

SB 440 was originally referred to the Senate Local Government Committee, where it narrowly reported to the full Senate by a vote of 8-7. Once it reached the Senate, however, it was rereferred to the Courts of Justice Committee. VACo met with committee members to discuss concerns and ultimately spoke on the floor in opposition.

The bill was passed by indefinitely by a 10-5 vote.

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

Stormwater Workgroup Bills Report to House

[HB 1307 \(Hodges\)](#) and [HB 1308 \(Hodges\)](#), which seek to fix the so-called stormwater “donut hole,” have advanced out of the [House Agriculture, Chesapeake and Natural Resources Committee](#) and now report to the full House.

The bills, drafted upon the recommendations of the HB 1774 Workgroup (named after Delegate Keith Hodges’s [2017 legislation](#) that led to its creation), seek to address rural Tidewater localities’ concerns regarding the administration of stormwater regulations for land disturbances of 2,500 square feet to one acre and to find alternative means for treating and using stormwater in the applicable localities.

HB 1307 allows any rural Tidewater locality, as defined in the bill, to comply with water quantity technical criteria for certain land-disturbing activities through a tier-based approach that is based on the percentage of impervious cover in the watershed. HB 1307 reported out of committee by a vote of 22-0.

HB 1308 “authorizes a rural Tidewater locality, whether or not it has opted out of administering a stormwater or erosion and sediment control program, to require that a licensed professional retained by the applicant submit a set of plans and supporting calculations for land-disturbing activities that disturb 2,500 square feet or more but less than one acre of land.” Such plans, signed and sealed by the professional, shall be accepted by the locality in satisfaction of the local plan review requirement. HB 1308 reported out of committee by a vote of 22-0.

Both bills will be placed on the House of Delegates floor calendar later this week.

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

Legislation Requires Community Services Boards to Provide Mental Health and Substance Abuse Services in Jails

[HB 1487 \(Stolle\)](#)/[SB 878 \(Dunnavant\)](#) require local Community Services Boards (CSBs) to provide mental health and substance abuse services for individuals incarcerated in local and regional jails. The bills also provide that an individual who is discharged from a local or regional jail may continue to receive services from the CSB that provided services in the jail or the CSB serving the locality in which the individual will reside after being released from the jail. As introduced, the bills do not have a delayed effective date, but contain language providing for the Board of Corrections to establish standards for the provision of mental health and substance abuse services in jails, to include the requirement that each sheriff enter into an agreement with the local CSB and that each regional jail superintendent enter into an agreement with each CSB serving the localities participating in the regional jail. HB 1487 was amended in subcommittee to require that the CSB would be required to provide these services upon request of the sheriff or regional jail superintendent. The bills provide that the CSB will bill the local or regional jail for its services.

The issue of health care in jails and prisons is currently under review by the Joint Commission on Health Care, which released an interim report on its two-year study in September 2017. The preliminary report noted that jails take varying approaches to the provision of health care, with some jails contracting for physical and mental health care and some jails working with their local CSBs to provide mental health and substance abuse treatment services. The Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century is also examining the appropriate structure and financing of the CSB system.

VACo recognizes the need to provide health care, including mental health care, in jails in a cost-effective manner. Local and regional jails receive state assistance with jail costs via state funding for salaries provided through the Compensation Board and per diem payments to assist with housing inmates, but localities bear a substantial portion of costs for inmate care, including mental health and substance abuse treatment. Localities also contribute substantially to their local CSBs. VACo has expressed concern about how state funding would support the provision of services as envisioned in the bill. Two major questions that are still unanswered are whether state funding would be provided to the CSBs to support

the costs of providing these services, or if the services would be expected to be funded out of existing allocations, and how funding these services through the CSBs would affect the local contributions to the jails.

VACo has been working with a coalition of stakeholders on a package of budget amendments that would assist with the issue of connecting individuals to services in the community when they are discharged from jails. The budget amendments would provide the infrastructure needed to streamline inmates' enrollment in Medicaid so that their inpatient hospitalization could be covered during their time in jail and so that eligible inmates could be immediately enrolled in Medicaid upon release – a particularly important element in the reentry process for inmates with serious mental illness who may be eligible for the GAP program (which provides a limited package of Medicaid benefits for individuals with serious mental illness who would otherwise not qualify for the full Medicaid program).

VACo Contact: [Katie Boyle](#)

Troublesome FOIA Bills Advance in the Senate

[SB 630 \(Surovell\)](#) provides that in addition to any penalties imposed under FOIA, if a court finds that any officer, employee, or member of a public body failed to provide public records to a requester in accordance with the provisions of FOIA because such officer, employee, or member of a public body intentionally altered or destroyed the requested public records prior to the expiration of the applicable record retention period set by the retention regulations promulgated pursuant to the Virginia Public Records Act, the court shall impose a civil penalty of up to \$100 per record altered or destroyed.

In addition, the bill provides that if a court finds that a member of a public body voted to certify a closed meeting and at the time such certification was not in accordance with the requirements of FOIA, the court may impose on each such member voting to certify in his individual capacity, whether or not a writ of mandamus or injunctive relief is awarded, a civil penalty of \$500. VACo opposed this bill which passed the [Senate General Laws and Technology Committee](#), 11-0, with one helpful amendment that allows a judge discretion in imposing penalties in litigation under this section.

[SB 336 \(Peake\)](#) requires that every public body afford an opportunity for public comment during any open meeting. The bill requires that the notice given by a public body prior to a meeting include information as to the approximate point during the meeting when public comment will be received. The bill permits public bodies to choose the approximate point during the meeting when public comment will be received and permits public bodies to adopt reasonable rules governing the public comment portion of the meeting, including imposing

reasonable restrictions on time, place, and manner. VACo opposed this broad bill that applies to all public bodies, a term that encompasses hundreds of advisory and citizen committees. The bill passed through the [Senate General Laws and Technology Committee](#) with a 9-0 vote.

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

Bill to Provide Equal Taxing Authority to Counties Fails; Issue to be Considered in Interim

[SB 200 \(Favola\)](#), which would have equalized counties' taxing authority with the powers currently afforded to cities and towns, was passed by indefinitely in the [Senate Finance Committee](#) on January 31. The Committee agreed that a letter would be sent to the Joint Subcommittee on Local Government Fiscal Stress requesting that the subject be examined as part of the Joint Subcommittee's work in the "off season." Similar action was taken earlier in the session on other bills that would have provided counties with additional taxing authority.

VACo spoke in support of the bill and appreciates Senator Barbara Favola's efforts to advance the discussion. VACo looks forward to continuing to advocate for improving counties' ability to raise revenues needed to provide critical public services.

VACo Contact: [Katie Boyle](#)

SLAF Guidelines Update Fails to Report

An update to Stormwater Local Assistance Fund (SLAF) project funding guidelines has failed to report out the [House Agriculture, Chesapeake, and Natural Resources Committee's Subcommittee #3](#).

[HB 493 \(Hodges\)](#) sought to authorize the recipient of a grant from SLAF to use a portion of the grant funds to pay for reasonable administrative costs. Additionally, HB 493 would have authorized a grant recipient to count the fair market value of administrative services as an in-kind match for as much as half of the amount of any matching funds required. Delegate Hodges introduced the legislation to make SLAF more appealing and more viable for smaller localities, whose administrative costs may be prohibitive to taking advantage of this program.

VACo spoke in favor of the legislation to the subcommittee, but the bill was ultimately passed by indefinitely. VACo, as well as other supporters of HB 493,

expects this concept to be reintroduced to the General Assembly in the next year or two.

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

Bill to Fund Court Safety Rereferred

[SB 827 \(Howell\)](#) increases assessments made on defendants convicted of violating a statute or ordinance from \$10 to \$20. Revenue from the assessment shall be used for funding courthouse security personnel and, at the request of the sheriff, other security-related equipment and property. The salaries for security personnel come from the general fund, and increasing the cap on fees related to criminal or traffic cases help support localities who cannot properly fund certain security needs.

VACo and the Virginia Sheriffs' Association spoke in support of the bill, which reported out of the [Senate Courts of Justice Committee](#), 11-4, and was rereferred to the [Senate Finance Committee](#).

VACo Contact: [Khaki LaRiviere](#)

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:

- **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](#)