

# VACo General Government Steering Committee

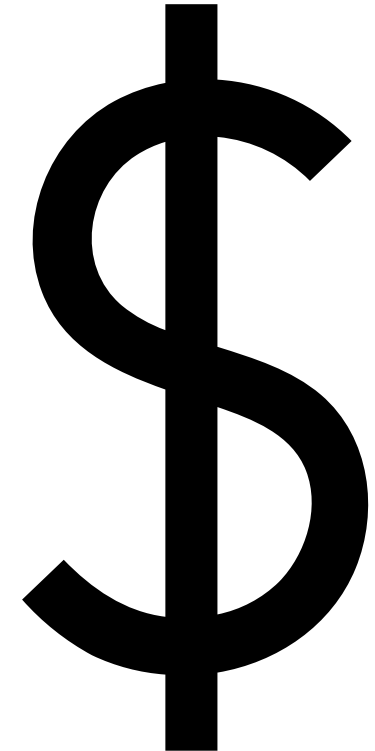
August 18, 2022

## **2022 General Assembly Session Review of Relevant Issues**



# Key Provisions of the 2022-2024 Biennial Budget

- *HB 599 Funding:* Increases funding for aid to localities with police departments (“HB 599”) by \$19.1 million GF in FY 2023 and \$27.9 million GF in FY 2024. VACo worked with partner organizations in support of additional funding for this program, which is statutorily required to increase along with the growth in the General Fund, but was level-funded in the introduced budget.
- *Grants to Law Enforcement:* Dedicates \$75 million in American Rescue Plan Act (ARPA) funding in FY 2023 for onetime grants to state and local law enforcement, with at least \$60 million directed to local law enforcement.
- *Cybersecurity:* Includes language directing the Virginia Information Technologies Agency (VITA) to take steps to obtain the cybersecurity grant funding available to the state under the federal Infrastructure Investment and Jobs Act of 2021 (IIJA). Appropriates the federal funding (\$21.4 million) and the state match (\$4.9 million GF) in FY 2023.
- *Pretrial Services:* Provides an additional \$500,000 GF per year for local pretrial services and community corrections.
- *Jail Per Diems:* Increases the per diem rate for state-responsible inmates by \$3/day (provides \$4.6 million in FY 2023 and \$7 million in FY 2024 for this purpose). VACo has worked with advocacy partners for the last several years in support of per diem increases.
- *Elections:* Provides \$2.2 million GF in FY 2023 for voter notification mailings to all registered voters regarding new districts as a result of redistricting. VACo supported this funding.



## 2022 Legislation Related to VACo General Government Platform/ Proposed Revisions Labor and Employment

- **HB 1173/SB 631 Fair Labor Standards Act; employer liability, overtime required for certain employees, report.**
  - Replaces the current provisions of the Virginia Overtime Wage Act with the provision that any employer that violates the overtime wage requirements of the federal Fair Labor Standards Act, and any related laws and regulations, shall be liable to its employee for remedies or other relief available under the Fair Labor Standards Act. The bill requires an employer to compensate employees of a derivative carrier, defined in the bill, at a rate not less than one and one-half times the employee's regular rate of pay for any hours worked in excess of 40 hours in any one workweek. The bill requires the Secretary of Labor to convene a work group that includes certain industry representatives and legislators to review overtime issues and the Virginia Overtime Wage Act and requires the work group to submit a report on its findings and recommendations to the Governor and the Chairmen of the House Committees on Appropriations and Commerce and Energy and the Senate Committees on Finance and Appropriations and Commerce and Labor by November 1, 2022.
  - Reinstates the ability of public employers to issue compensatory leave.
- **HB 710 Local government; hiring people with disabilities.**
  - Requires any locality to take into consideration or give preference to an individual's status as a person with a disability in its employment hiring policies and practices, provided that such person with a disability meets all of the knowledge, skills, and eligibility requirements for the available position.



# Cybersecurity

- **HB 1290/SB 764 Public bodies; security of government databases and data communications, report.**
  - Requires every public body to report to the Virginia Fusion Intelligence Center within 24 hours of discovery, all known incidents that threaten the security of the Commonwealth's data or communications or result in exposure of data protected by federal or state laws and all other incidents compromising the security of the public body's information technology systems with the potential to cause major disruption to normal activities of the public body or other public bodies. The bill requires that the Virginia Fusion Intelligence Center share such reports with the Chief Information Officer promptly upon receipt.
  - The bill requires the Chief Information Officer to convene a work group to review current cybersecurity reporting and information sharing practices and report any legislative recommendations to the Governor and the Chairmen of the Senate Committee on General Laws and Technology and the House Committee on Communications, Technology, and Innovation by November 15, 2022.
  - <https://www.reportcyber.virginia.gov/>

# FOIA/ COIA

- **HB 216/SB 57 Conflict of Interests Act, State and Local Government; definition of gift, certain tickets, etc**
  - Exempts from the definition of gift tickets and registration or admission fees to an event that are provided by an agency to its own officers or employees for the purposes of performing official duties related to the officer's or employee's public service.
- **HB 150 Virginia Freedom of Information Act; local public bodies to post meeting minutes on its website.**
  - Requires, with certain exceptions outlined in the bill, any local public body subject to the provisions of the Virginia Freedom of Information Act to post meeting minutes on its official public government website, if any, within seven working days of final approval of the minutes. The bill provides that if a local public body does not own or maintain an official public government website, it shall make copies of all meeting minutes available no later than seven working days after approval of the minutes at a prominent public location in which meeting notices are regularly posted, at the office of the clerk of the public body, or, in the case of a public body that has no clerk,



# FOIA/ COIA (cont.)

- **HB 167 Localities; publication of notice in newspaper.**
  - Provides that in any instance in which a locality has submitted a correct and timely notice request to a newspaper published or having general circulation in the locality and such newspaper fails to publish the notice, or publishes the notice incorrectly, such locality shall be deemed to have met the appropriate notice requirements so long as the notice was published in the next available edition of a newspaper having general circulation in the locality.
- **HB 307 Virginia Freedom of Information Act; estimated charges for records.**
  - Provides that a public body subject to the Virginia Freedom of Information Act shall make all reasonable efforts to supply records requested by a citizen at the lowest possible cost. The bill also requires a public body, prior to conducting a search for records, to notify the requester in writing of the public body's right to make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records. The bill exempts certain scholastic information from the provisions allowing charges.



# FOIA/ COIA (cont.)

- **HB 444 Virginia Freedom of Information Act; meetings conducted through electronic meetings.**
  - Amends existing provisions concerning electronic meetings by keeping the provisions for electronic meetings held in response to declared states of emergency, repealing the provisions that are specific to regional and state public bodies, and allowing certain public bodies to conduct all-virtual public meetings where all of the members who participate do so remotely and that the public may access through electronic communications means.
  - The bill excepts local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and any board with the authority to deny, revoke, or suspend a professional or occupational license from the provisions that allow public bodies to conduct all-virtual public meetings.
  - The bill has a delayed effective date of September 1, 2022.

# FOIA/ COIA (final)

- **HB 1131/SB 417 Virginia Code Commission; work group to review public notices required to be published.**
  - Directs the Virginia Code Commission to convene a work group to review requirements throughout the Code of Virginia for localities to provide public notice for intended actions and events, including (i) the varying frequency for publishing notices in newspapers and other print media, (ii) the number of days required to elapse between the publications of notices, and (iii) the amount of information required to be contained in each notice, and make recommendations for uniformity and efficiency.
  - The bill requires the Commission to submit a report to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology summarizing the work and any recommendations of the work group by November 1, 2022.

# Failed Bills

- **SB 282 Supplementing compensation of public defender.**
  - Would have required the governing body of any county or city that elects to supplement the compensation of the attorney for the Commonwealth, or any of his deputies or his employees, above the salary of any such officer, deputy, or employee to supplement the compensation of the public defender, or any of his deputies or employees. The bill provides that such supplemental compensation is proportional if the public defender, his deputies, and his other employees are each paid in amounts commensurate to the closest equivalent position in the local Office of the Commonwealth's Attorney, as adjusted for seniority and experience level. (Note: this bill was incorporated into SB 475 (McClellan), dealing with other related justice issues, and continued to 2023.)

# Failed Bills (cont.)

- **HB 626 Disclosure in land use proceedings; statewide application.**
  - Would have altered certain land use disclosure requirements applicable to officials in Loudoun County and Fairfax County to apply to all localities statewide.
- **SB 224 Lobbying; local government actions; notice and fee to clerk of governing body.**
  - Would have required any individual who is compensated to influence or attempt to influence a local government action through oral or written communication with a local government officer or employee to provide written notice of his status and a \$25 fee to the clerk of the governing body of the officer's or employee's locality.
  - The bill exempts from this requirement (i) certain executive and legislative officials and employees, (ii) local government employees or officers acting in their official capacity, (iii) contractors or employees of a contractor performing services for the local government, and (iv) an attorney clearly identified on a land use application.
  - Failure to provide notice is a Class 1 misdemeanor



# Failed Bills (cont.)

- **HB 599 Virginia Freedom of Information Act; charges for production of public records.**
  - Would have prohibited a public body from charging a requester for any costs incurred during the first two hours spent accessing or searching for requested records when such requester has made four or fewer individual record requests to such public body within 31 consecutive days.
  - The bill would have provided that for any additional time spent accessing or searching for such records, or when such 74 requester makes five or more individual record requests to such public body within any 31-consecutive-day period, the public body shall not charge an hourly rate for accessing or searching for the records exceeding the lesser of the hourly rate of pay of the lowest-paid individual capable of fulfilling the request or \$33 per hour.
  - The bill would allow a public body to petition the appropriate court for relief from the \$33 per hour fee cap upon showing by a preponderance of the evidence that there is no qualified individual capable of fulfilling the request for \$33 per hour or less and required such petition to be heard within seven days of when the petition is made, provided that the public body had sent and the requester had received a copy of the petition at least three working days prior to filing.



# Failed Bills (cont.)

- **HB 980 Virginia Freedom of Information Act; exclusions to application of chapter; local administrative investigations; disclosure.**
  - Would have added email addresses as information that, when made in confidence to the local governing body, with respect to complainants in local investigations are exempt from disclosure under the Virginia Freedom of Information Act. The bill would have expanded the applicability of the exemption to zoning enforcement complaints for all such complaints, not just individual enforcement complaints. The bill also would have added local public health and safety, nuisance, and waste and recycling complaints to the list of complainants whose personal information is exempt from disclosure.



# Failed Bills (final)

- **Collective Bargaining Agreements (CBAs)**
  - **HB 336, HB 337, HB 341, HB 790, SB 264.**
    - Bills to limit the scope of what localities are able to enter into when negotiating CBAs (minimum representation thresholds, prohibition of compensation using public funds for union activities, limit on member dues requirements, and prohibition of CBAs for law-enforcement) and a repeat of the 2020 prescriptive legislation.
- **Workers' Compensation and Retirement**
  - **HB 56, HB 162, HB 131/HB854, SB 507**
    - Bills to have added certain categories of employees (such as 911 dispatchers and animal control officers) to the list of local employees eligible to receive enhanced retirement benefits for hazardous duty service as well as a bill that would have required localities to increase the percent multiplier for determining the annual retirement allowance for local law-enforcement (making in comparable to State Police).
    - Some bills were local option, some were not.
    - House Appropriations sent bills to JLARC, who will be conducting a two-year study of state and local hazardous duty benefits, examining whether benefits should be increased and if additional categories of employees should be added to both state and local hazardous duty categories.

