



Glenn A. Youngkin  
Governor

Caren Merrick  
Secretary of  
Commerce and Trade

# COMMONWEALTH of VIRGINIA

Bryan W. Horn  
Director

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

TO: Members of the Commission on Local Government  
FROM: DHCD Staff  
DATE: May 2<sup>nd</sup>, 2022  
SUBJECT: Draft Agenda and Meeting Materials

**Please find enclosed the following:**

1. Draft agenda for your regular meeting to be held in person on Thursday, May 12 2022, at 11:00 a.m. in the Board Room of the Henrico County Economic Development Authority (4300 E. Parham Road, Richmond, VA 23228);
2. Draft Minutes from the March 10, 2022 Regular meeting of the Commission;
3. Articles of interest to the Commission;
4. Draft versions of Resolutions for Commission Approval;
5. Draft of the FY2021-22 Cash Proffer Survey Instrument; and
6. Summary information pertaining to the Fiscal Impact Statement Process for the 2022 Regular Session of the General Assembly.

Please note that staff will provide additional updates on session and items of interest to the Commission at the meeting, as these items are still subject to changes by the General Assembly and Governor's office.

If you have any questions or require additional information, please feel free to contact us at 804.310.3410, or [grace.wheaton@dhcd.virginia.gov](mailto:grace.wheaton@dhcd.virginia.gov).

We look forward to seeing you on May 12!





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## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

### AGENDA

**Commission on Local Government  
Regular Meeting: 11:00 a.m., May 12, 2022  
Henrico County Economic Development Authority  
Board Room  
4300 E. Parham Road  
Richmond, Virginia 23228**

**For the public,  
Commission on Local Government Meeting  
Thursday, May 12, 2022 · 11:00am – 1:00pm  
Google Meet joining info  
Video call link: [meet.google.com/mmz-gcid-fjc](https://meet.google.com/mmz-gcid-fjc)  
Or dial: (US) +1 617-675-4444 PIN: 598 517 179 3908#**

1. Occupancy for the meeting space is limited, so the Commission encourages members of the public to observe the meeting through the Google Meet link provided above. Please contact Grace Wheaton ([grace.wheaton@dhcd.virginia.gov](mailto:grace.wheaton@dhcd.virginia.gov)) for information on how to connect to the meeting using this method.
2. Members of the public viewing the meeting through the Google Meet option are required to mute themselves during the meeting unless called upon by the Commission Chair to speak. The CLG reserves the right to remove from its virtual meetings anyone who does not abide by these rules.
3. Access to meeting materials for members of the public is available on the corresponding meeting page of the [Virginia Regulatory Town Hall website](#) and on [Commonwealth Calendar](#).

### Call to Order

#### **I. Administration**

- |  |                 |
|--|-----------------|
| A. Approval of the Draft Meeting Agenda                          | (Ms. Linderman) |
| B. Approval of Minutes of the Regular Meeting on January 6, 2022 | (Ms. Linderman) |
| C. Public Comment Period   | (Ms. Linderman) |
| D. Staff Report  | (Ms. Wheaton)   |

#### **II. Approval of Commission Resolutions**

- |                       |               |
|-----------------------|---------------|
| A. Staff Presentation | (Ms. Wheaton) |
|-----------------------|---------------|



- B. Commission Deliberation and Action (Ms. Linderman)
- III. Cash Proffer Survey**
- A. Staff Presentation (Ms. Wheaton)
- B. Commission Deliberation and Action (Ms. Linderman)
- IV. 2022 General Assembly Session Update**
- A. Fiscal Impact Statements (Ms. Wheaton)
- B. Bills of Interest (Mr. Northcutt/Ms. Wheaton)
- C. Budget (Ms. Wheaton)
- D. Commission Studies (Mr. Northcutt/Ms. Wheaton)
- v. Fiscal Stress Report for 2020**
- A. Staff Presentation (Ms. Wheaton)
- VI. Schedule of Regular Meetings**
- A. Staff Presentation (Ms. Wheaton)
- VII. Adjournment**





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## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

### Commission on Local Government

March 10 2022

11:00 A.M.

Henrico, Virginia

#### Members Present

Stephanie Davis, PhD,  
Diane M. Linderman, PE, Chair  
Rosemary M. Mahan  
Edwin S. Rosado

#### Members Absent

Ceasor T. Johnson, D.Min, Vice Chair

#### Call to Order

The Commission on Local Government (CLG) Chair, Diane M. Linderman, called the meeting to order at 11:00 a.m.

#### Administration

After discussion, the draft agenda was approved by the Commission.

Ms. Linderman opened the floor for the public comment period. No members of the public appeared before the Commission for the public comment period. The public comment period was closed.

Ms. Wheaton noted that staff would prepare commending resolutions for both Mr. David Conmy and Commissioner Michael Amyx, whose term expired on December 31, and that those resolutions should be available for Commission review before their May meeting. Upon adoption, the Commission and staff would like to invite both Mr. Conmy and Mr. Amyx back to formally receive those resolutions.

Ms. Wheaton informed the Commission that in their packet there were several articles pertaining to Martinsville-Henry Reversion, the Town of Pound, and the respective House and Senate proposed amendments to the Governor's budget.





A motion was made by Ms. Mahan and seconded by Mr. Rosado to approve the minutes (containing minor technical edits) of the January 6 meeting of the Commission. The motion passed.

Assessment of State and Federal Mandates on Local Governments

Ms. Wheaton provided an overview of the Schedule for Mandates Assessment for FY2023. Ms. Wheaton presented background on the assessment of state and federal mandates on local government by state agencies. Ms. Wheaton noted that the schedule was not included in the meeting packet because the scheduled assessment dates had not yet been finalized by the responsible agencies before the packet was made available to the public.

At this point, Commissioner Johnson joined the meeting in person.

A motion was made by Ms. Mahan and seconded by Mr. Rosado to approve the Schedule for Mandates Assessment for FY2023. The motion passed.

FY20 Fiscal Stress Report Status Update

Ms. Wheaton presented an update on the Fiscal Stress Report. She noted that because data from a few localities had not been submitted, the report is not ready to be presented to the Commission. Ms. Wheaton explained that these localities have a six month grace period to submit their data to the Auditor of Public of Accounts, so staff anticipates being able to submit the report to the Commission for review in either May or July.

2022 General Assembly Session

Ms. Wheaton presented to the Commission an overview of the General Assembly session, including enrolled bills of interest, the Fiscal Impact Statement process that staff conducts, the budget adoption process, and legislations that directly impacts the mission of the Commission.

At this point Commissioner Davis noted her departure for a personal matter.

Schedule of Regular Meetings

Ms. Wheaton noted to the Commission that the next regular meeting would take place on May 12, followed by a meeting on July 14.

Other

There was no other business.

Adjournment

A motion was made by Mr. Johnson and seconded by Ms. Mahan for adjournment. The motion passed.



[https://martinsvillebulletin.com/news/local/city-council-takes-reversion-fight-to-virginia-supreme-court/article\\_bfa8964c-c65f-11ec-ab9f-43756ff0c5eb.html](https://martinsvillebulletin.com/news/local/city-council-takes-reversion-fight-to-virginia-supreme-court/article_bfa8964c-c65f-11ec-ab9f-43756ff0c5eb.html)

TOP STORY

## City Council takes reversion fight to Virginia Supreme Court

Bill Wyatt

Apr 27, 2022



City Council votes 3-2 to challenge the legality of a bill recently signed into law that allows Martinsville to revert from a city to a town only if it is approved by referendum.

Bill Wyatt

Bill Wyatt

**M**artinsville City Council has decided to hire outside counsel to fight the constitutionality of a reversion bill recently signed into law, but not everyone was onboard with the idea.

Council came out of closed session Tuesday night and immediately voted to pursue action with the Supreme Court of Virginia to determine the constitutionality of referendum legislation passed this session and signed by Gov. Glenn Youngkin.

Before Martinsville can revert from a city to a town within Henry County, the new law requires the matter to be approved by a majority vote among city residents.

Before Tammy Pearson ousted Jim Woods in her bid for a seat on council, all five members were unanimous in their support for Martinsville reverting to a town.

Pearson has been the only dissenting vote in matters related to reversion since she was elected in November 2020.

But on Tuesday night, Vice Mayor Jennifer Bowles joined Pearson in voting against taking legal action against the Commonwealth.

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## **People are also reading...**

- 1 Henry County Board approves budget as presented**
- 2 Southside in shambles**
- 3 WATCH NOW: First trail dedicated at site of future state park in Henry County**
- 4 Martinsville man sentenced to 38 years in shooting death of Bassett man**

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“No comment,” said Bowles after the meeting when asked why she flipped on the issue. “I have no comment.”

Bowles’ term on council expires this year and she has been collecting signatures in Council Chambers for the past two meetings, a prerequisite to becoming a qualified candidate for Council.

“We owe it to our citizens to find out if it’s legal,” said Mayor Kathy Lawson. “We followed the guidelines, and many citizens tell us this is illegal. I have no problem following a process if that process is legal. We started this in 2019 and we need to know is it legal or is it not.”

Pearson spoke against the plan presented to Council by City Attorney Eric Monday.

“I am distraught about this and hiring another attorney after the City has spent over \$800,000 in a fight against its own citizens,” Pearson said. “I am in disagreement of hiring.”

The vote to approve the legal action includes the hiring of William Hurd.

According to the Troutman Pepper lawfirm’s website, Hurd is a retired partner in the firm’s Richmond office. He was first solicitor general of Virginia from 1999 to 2004, has argued three cases before the U.S. Supreme Court, and has appeared on brief in more than 130 appellate cases and argued more than 50 times before federal and state appellate courts.

“The Commonwealth enacted this law so Martinsville can’t grow,” said Council Member Danny Turner. “We went through the legal process in good faith and this was just a political stunt, a political trick played on us at the 11th hour. We need to take a stand for what’s right.”

Monday said he, along with Hurd and Martinsville’s legal counsel on reversion Stephen Piepgrass, agreed that the state legislators had acted illegally and the governor had signed a bogus bill.

“We’ve all concluded it’s illegal and I won’t go into detail because we’re not going to litigate this in the press, but we filed in August 2020 under existing law since 1986 and the General Assembly changed the rules of the game at the 11th hour,” said Monday. “We’re very far down the road, and it’s not fair.”

When asked when the case might be heard, Monday told the Bulletin after the meeting that it could be as soon as a few weeks.

“The Virginia Supreme Court can hear this on an expedited basis,” Monday said.

If the case is not expedited by the Court, then cases granted after mid-January are typically carried over until the next term begins the following October according to the Court’s Public Information Office.



Hurd

TROUTMAN PEPPER

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Bill Wyatt is a reporter for the Martinsville Bulletin. He can be reached at 276-638-8801, Ext. 2360. Follow him @billdwyatt.



OPINION



# Is this an opportunity for us?

*Maybe. Not all data centers are created equally. Here's why those rejected data centers won't necessarily go to Southwest and Southside.*



by **Dwayne Yancey**  
March 30, 2022



Data centers in Prince William County. Courtesy of Roger Snyder.

News flash: There's something happening in Northern Virginia that we in Southwest and Southside ought to be paying attention to.

Namely, localities there are starting to cool on the notion of data centers as economic development, which raises the question of whether there's an opening for localities in Southwest and Southside that would *love* to have data centers – and have whacked their taxes so low to get them that it's almost embarrassing, except for the fact that we still haven't seen a rush of data centers southward.

There are lots of reasons for this that I'll get to shortly, but first let's deal with what's happening in Northern Virginia, which has the largest concentration of data centers anywhere in the world.

Actually, maybe the first thing I should do is explain what a data center is. It's a big warehouse of computers that help make the internet "go." That's a highly simplified version, but that will do for our purposes today.

Some more simplified facts:

1. The amount of data on the internet is doubling about every two or so years. Here's [how to measure the size](#) of all that: A single character takes up about a byte. A two-page Word document of simply text is about 20 kilobytes, so it would take 50 of them to make up 1 megabyte. A single mp3 – a song, for instance – is about 3 megabytes. A zettabyte is 1,000,000,000,000,000,000 – one sextillion – bytes, so, well, let's just say a lot. In 2010, there was an estimated 2 zettabytes of data on the internet. By 2019 there were 41 zettabytes. By 2021, 79 zettabytes. This year [it's projected to go up to 97](#). There is no end in sight. We're going to need a lot more data centers.
2. So far, that has mostly meant Northern Virginia. The region accounts for 48% of the "primary" market for data centers (more on that distinction to come), and 61% of all data center construction in the United States is in Northern Virginia, [according to the Loudoun County Economic Development Authority](#). In other words, the rich are getting richer.

3. There are so many data centers in Northern Virginia that for nearly 15 years, there's been a data center under construction somewhere there every day.

Obviously data centers are generating a lot of jobs there besides computer jobs.

(A [study](#) commissioned by the Northern Virginia Technology Council finds that data centers generate twice as many construction jobs as they do high-tech jobs. More on that below).

4. Northern Virginia has so many data centers that it has almost as many [as the second, third, fourth and fifth markets put together](#) (Dallas, Silicon Valley, Chicago and Phoenix).

So, yeah, Northern Virginia has a lot of data centers. In Loudoun alone, the county's 140 data centers account for more than \$500 million in tax revenue. A new study commissioned by the Northern Virginia Technology Council finds that across Northern Virginia data centers account for nearly \$1 billion in local tax revenue. "Obviously it's been transformative for us," Loudoun's economic development director, Buddy Rizer, has said. But how much is too much? That's the question some localities there are wrestling with now.

Loudoun County has signaled that it might want to slow down data center development. Rizer [told the Frederick News-Post](#) in Maryland that the county is running out of developable land, so there's the question of just how that remaining land should be used and maybe data centers aren't the highest and best use for every square inch.

As Loudoun County gets saturated, data centers naturally spread out to more outlying counties – where they're starting to encounter more pushback.

In Prince William County, home to 33 data centers with eight more on the way, a proposal to expand the amount of land zoned for data centers has [prompted a political firestorm](#) from people who don't want their part of the county to become the next Data Center Alley – the appellation that Loudoun has adopted. The argument for data centers: They generate a lot of tax revenue that can help hold down property taxes. They also create a smaller amount of high-paying tech jobs. The argument against: There are lots, depending on your point of view, but



in Prince William's case, much of the opposition comes from people who want the "rural crescent" part of the county to stay rural, not get paved over by data centers or anything else.

And now the Culpeper County Planning Commission has recommended against rezoning land for an Amazon data center there.

All this would seem to raise a pretty obvious question: Why don't those data centers simply come here? Our land is cheaper. Our taxes are cheaper. Sure, I get that the data center workforce is there and not here, but people can move, right? We've got broadband. We've got at least some renewable energy – something else that data centers like because data centers are energy hogs. We've had economic development groups go out of their way to make it clear data centers are welcome here – InvestSWVA being the most notable – so why aren't they here yet?

Unfortunately, it's more complicated than that, says Josh Levi, who heads the Data Center Coalition. It's tempting to wonder why data centers are in Loudoun County and not Lee County, but he says it's more complicated than that.

Darn.

Here's another simplified explanation: Not all data centers are created equal. Some need to be near major metros because every nanosecond counts. The webhosting service Colocation America reports in a post about data center locations: "Data is still controlled by the laws of physics and still cannot be faster than the speed of light. It doesn't matter how fast the connection is because the data still has to travel from one point to another. Distance plays the biggest factor in speed. Latency [the technical term for what most of us call "lag"] can affect gaming, streaming, and anything regarding data. Limiting the physical distance between the data source can greatly reduce latency."

That's why a lot of the data centers serving Wall Street are in New Jersey and not Norton – even though New Jersey isn't exactly known for low taxes. A credit card processor running 19,000 transactions per second can't afford to lose even a

second. They need to be nearest the fattest fiber lines in the world. Those are the ones that go to the “primary” markets. But other data centers don’t need that kind of instantaneous processing – those are the ones we’re most likely to attract, Levi says. That’s the “secondary” market.

So what do we need to do to attract those?

“I think you’re doing everything you can do,” Levi says.

That’s both encouraging – and not so encouraging. Isn’t there *more* we can do?

He says data centers need seven things, not necessarily in this order:

1. Access to fiber, and not your normal household fiber, either, but industrial-scale fiber.
2. Renewable energy.
3. A mitigated climate risk (i.e., don’t put them in places where they will flood).
4. A construction workforce with experience in high-end HVAC systems – data centers generate lots of heat, so they need lots of chilling. (Of note: One company that makes a lot of climate equipment for data centers is the Munters Group, which announced last year it would build a facility in Botetourt County employing 200 people — and replace an older operation in Buena Vista. [The company said](#) that move and expansion was directly related to the growing data center market.)
5. Cheap electricity.
6. Low taxes.
7. An available workforce.

We obviously score better on some of those things than we do others. The workforce is the hardest to address, because we don’t exactly have a lot of computer technicians just sitting around waiting for something to do. On the other hand, we do have schools that can train people if there were a demand and we do have localities that would welcome people moving in rather than moving

out – this seems one of those chicken-and-egg questions. (Relative to their tax revenue, data centers don't really employ a lot of people. The Northern Virginia Technology Council study says data centers employ about 5,550 in that part of the state, but also generate 10,230 construction jobs. The appeal for Southwest and Southside is that even if numbers are small — maybe 40 or so people per facility — these are still high-paying jobs, something in short supply in this part of the state. [Glass Door](#) puts the average salary for a technician at \$64,241 a year with lead technicians at close to \$81,000.)

The category that catches my eye is the one about renewable energy. Data centers like renewable energy not simply because it's fashionable but because it's cheap. Most of Southwest Virginia is served by Appalachian Power, which gets 64.5% of its power from coal, 19.1% from natural gas, 16.4% from hydropower and wind – so not necessarily the most green energy mix. Southside is a mix of electric cooperatives and Dominion Energy. Dominion's fuel mix is 40.1% natural gas, 29.3% nuclear, 17% purchased power, 8.6% coal, 2.7% hydro and pumped storage, 2% other renewables – so a lot less coal. In addition, Dominion has 800 megawatts of solar power that is dedicated to (and paid for by) specific customers. (Of note: Dominion is one of our donors but donors have no role in news decisions; [see our policy](#). You can [donate](#) and have no role in news decisions, too.) Of course, both utilities are under a state mandate to go carbon-free but Appalachian has further to go. Data centers also require lots of water for cooling. InvestSWVA has [proposed](#) using recycled mine water, which would sure save a lot of municipal water costs – and also reduce electricity demands by 90%. Meanwhile, Southside is seeing a solar energy boom, sometimes to the chagrin of those who would rather not see farmland taken over by solar panels.

Given that, there seems no reason why Southwest and Southside Virginia shouldn't be a magnet for data centers. So why hasn't it happened yet, other than the fact that the economy often moves a lot slower than we would like? I asked Levi if Southwest's mere reputation as "coal country" was holding the region back. I got an interesting answer. He said "no," but that wasn't the most interesting part. He said he didn't think Southwest Virginia had that reputation any longer (and keep in mind Levi has family ties to Wytheville, so he knows at least a little something about our part of the world).

“Ten years ago, I would have said something different,” he said. “Some of that is generational.” Coal has sunk so far, so fast, that many in the data center industry now simply don’t know the region’s history, he said. That seems incredible to me but we may be too close to the situation to fully judge how others see us.

So why haven’t we seen more data centers? The answer seems to be the same we hear on lots of other things: Rural areas simply have a disadvantage. If our market is the secondary market, our competition isn’t necessarily other rural areas, it’s places such as Columbus, Ohio, and Des Moines, Iowa, and Omaha, Nebraska, [according to study by the real estate firm CBRE](#) (we used to know the CB part as Coldwell Banker). In other words, metros with bigger labor pools.

So is there any hope at all then for attracting data centers to rural areas?

Levi says yes. So does Colocation America. After all, there are some data centers in both Southwest and Southside, so it’s not as if we’re starting from scratch. The biggest problem seems to be one that we encounter in lots of places: inertia. It’s always easier to do what everybody else is doing and harder to break away from the pack and do something else (even if one of those Southside data centers is Microsoft – freakin’ Microsoft – in Mecklenburg County). Just as Colocation American says data centers can’t defy the laws of physics, it’s also hard to defy basic human behavior. So the real question here is how we can change that.

The website [Tech Republic says](#) that may be on the verge of happening. It writes about one data center company – which operates small data centers – that has built operations in Big Spring, Texas; North Sioux City, South Dakota; and Kearney, Nebraska. So not the usual suspects. Compute North CEO told Tech Republic: “There’s a lot of fat on the bone in [terms of] what’s going on in traditional data centers, and they’re ripe for disruption because they’re so expensive for everything.”

Disruption – now there’s a word. Southwest and Southside have been on the losing end of economic disruptions for decades. It would be nice to be on the other side for a while, right?

Tech Republic [said in 2020](#) that Minnesota-based Compute North intended to build five to six more data centers “all in rural locations.” One of those rural locations has since turned out to be Pitt County in eastern North Carolina, around Greenville, where it’s [proven to be controversial](#).

Gov. Glenn Youngkin says he’d like Virginia to be competitive with North Carolina for jobs. He won’t need a data center to connect those dots.



## DWAYNE YANCEY

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Yancey is editor of Cardinal News. His opinions are his own. You can reach him at [dwayne@cardinalnews.org](mailto:dwayne@cardinalnews.org). [More by Dwayne Yancey](#)

[https://www.winchesterstar.com/winchester\\_star/clarke-county-giving-residents-a-break-on-vehicle-tax/article\\_0c2117ab-638f-5ea7-842d-4efabbba160b.html](https://www.winchesterstar.com/winchester_star/clarke-county-giving-residents-a-break-on-vehicle-tax/article_0c2117ab-638f-5ea7-842d-4efabbba160b.html)

HOT

## Clarke County giving residents a break on vehicle tax

By MICKEY POWELL The Winchester Star  
Mar 31, 2022

**BERRYVILLE** — Clarke County plans to forego more than an estimated \$1 million tax revenue.

The extra money could be amassed from an increase in personal property taxes due to car and truck values rising substantially in recent months.

But officials maintain the money should stay in the pockets of taxpayers, considering that many have suffered financially during the COVID-19 pandemic.

“It’s not your fault that your vehicle’s value went up,” County Administrator Chris Boies said. “You didn’t do anything.”

So the county plans to reduce its vehicle assessments by 15% for the new fiscal year that will start July 1.

At the end of 2021, the average price of a used vehicle was \$28,205, an increase of 28% from a year earlier. The average price of a new vehicle was \$47,077, up by \$6,220 from the prior year. That spike was almost double the average increase in vehicle values in 2020, reported Kelley Blue Book (KBB), a California-based company that tracks vehicle markets.

“We didn’t expect values to go up that much,” Boies said.

The Clarke County Commissioner of the Revenue’s Office sets vehicle assessments based on trade-in values gleaned through sources such as KBB, the National Automobile Dealers Association and J.D. Power, an analytics company that studies the automobile industry worldwide.

Various factors are to blame for the price hikes, according to media reports. They include automakers struggling to keep up with a sudden demand for vehicles following the COVID-19 pandemic, a shortage of microchips that control vehicle functions and a rising demand for used cars

and trucks as new vehicle prices have climbed.

The county's proposed budget for fiscal 2023 keeps the current personal property tax rate of \$4.496 per \$100 of assessed value. That means the owner of a vehicle assessed at \$20,000 technically would owe \$899.20 in taxes.

However, state funds that the county receives through the Personal Property Tax Relief Act are put toward each vehicle owner's tax bill. Those funds currently give owners 43% relief from taxes.

As a result, the owner of the vehicle assessed at \$20,000 would see \$386.66 in relief, dropping the bill to \$512.54. That amount would be divided into two payments, due on Dec. 5 and June 5.

With the budgeted assessment reduction, the owner of a car that experiences a 15% increase in market value, for example, would see no change in its assessed value. The owner of a car that experiences a 5% increase in market value would see a 10% drop in its assessment, according to Boies.

The county estimates it will lose a total of \$1,124,532 in additional money it could collect as a result, budget documents show.

In developing the budget proposal, Boies said, the Clarke County Board of Supervisors "felt like this (surge in vehicle values) is an unfair increase for the taxpayer, and they did what they could to reduce the impact."

To achieve the same result, the county could lower the personal property tax rate. When vehicle values return to normal, though, the rate would have to be increased to achieve the same amount of money in the future, said Boies.

Donna Peake, the county's revenue commissioner, believes that would be hard for taxpayers to accept.

"If you drop the tax rate and raise it back up next year, they're not going to remember why you dropped it," Peake said. "They're just going to be upset you're raising it."

"We hope this is just a temporary issue, so we applied a temporary fix," Boies said.

# Capitol Contact

## Virginia General Assembly

Virginia Association of Counties • 1207 E. Main Street, Suite 300 • Richmond, VA 23219  
www.vaco.org • 804.788.6652

Thursday, April 14, 2022

## Governor Announces Amendments and Vetoes



On April 11, Governor Youngkin released his remaining amendments to legislation passed by the 2022 General Assembly, as well as his vetoes of 25 bills (the Governor had previously announced one veto). The Governor made amendments to 114 bills (the legislature previously accepted the Governor's amendments to two other bills prior to the conclusion of the session). The General Assembly will return to consider the Governor's amendments and vetoes on April 27.



Several bills with amendments by the Governor are of interest to local governments. Following is an overview of these bills:

[HB 142 \(McQuinn\)](#) and [SB 342 \(Barker\)](#) change from a maximum of 25 percent to a minimum of 25 percent the percentage of Transit Ridership Incentive Program (TRIP) funds required to be used to support the establishment of programs to reduce the impact of fares on low-income individuals. HB 142 requires at least 25 percent of the TRIP funds be used to support regional transit initiatives, among other provisions. SB 342 provides that funds awarded for reduced-fare or zero-fare transit projects shall not be included in the requirement that funds be awarded in accordance with a statewide equitable ratio. The Governor's amendment adds a sunset date of July 1, 2024, to the requirement that a minimum of 25 percent of TRIP funds be used to support the establishment of programs to reduce the impact of fares on low-income individuals, at which point it will revert to a maximum of 25 percent.

[HB 277 \(Coyner\)/SB 622\(Favola\)](#), as passed by the General Assembly, require recovery residences to disclose to prospective residents their credentialing entities and provide that regulations promulgated by the State Board of Behavioral Health and Developmental Services must require recovery residences to comply with any minimum square footage requirements related to beds and sleeping rooms established by their credentialing entities, which must be no less than the square footage requirements set forth in the Uniform Statewide Building Code. The Governor's amendments clarify that the greater of the two minimum square footage requirements would apply.

[HB 307 \(Freitas\)](#) 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 Governor's recommended amendment adds language that exempts scholastic records requested by a parent, guardian or student who is the subject of the records (over the age of 18) from charge for accessing, duplicating, supplying, or searching for records. This amendment also deletes language which exempts from charge property records requested by the owner of the property that is the subject of such records.

[HB 384 \(Davis\)](#) protects state and local government employees of the Commonwealth, as defined in the bill, from being penalized by their employer for expressing their opinion regarding a current or proposed regulation, rule, policy, position, or other action or purpose of a unit of state or local government at a hearing of a public body during the time designated for public comment when such employees are speaking on their own behalf as members of the public. The Governor's recommended amendment removes the language that allows state employees to speak at public comment period at state government meetings, but adds that state employees can speak at a local public body or school board hearing during the public comment period. In the local employee

section of the bill, the Governor's amendments set out that local employees may speak at a local public body or school board hearing during public comment.

[HB 585 \(VanValkenburg\)](#) requires, except for those middle and high school students with significant cognitive disabilities who participate in an alternate assessment, each student in middle and high school to take only those end-of-course Standards of Learning assessments necessary to meet federal accountability requirements and Virginia high school graduation requirements, among other provisions. The Governor's amendment proposes substitute language that requires the Secretary of Education and Superintendent of Public instruction to convene a workgroup of appropriate stakeholders to revise the Virginia Standards of Learning (SOL) summative assessments of proficiency. The workgroup shall make a report to relevant General Assembly Committees by November 1, 2023. VACo supports changes to educational programs and standards that rely less on standardized testing and more on critical thinking skills such as performance-based assessments. VACo opposes efforts to impose additional standardized testing burdens on students and school staff.

[HB 873 \(Greenhalgh\)](#) requires, in the case of any public elementary or secondary school in which a school resource officer (SRO) is employed, the threat assessment team for such school to include at least one such SRO. The bill also requires the chief local law-enforcement officer for any local school division in which a public elementary or secondary school does not employ a SRO to designate a law-enforcement officer to receive, either in-person or online, the school safety training for public school personnel conducted by the Virginia Center for School and Campus Safety in accordance with relevant law and requires such officer to serve as the law-enforcement liaison for the school administrator in such a school who has also received such training as prescribed by relevant law.

The Governor's recommended amendment specifies that a law-enforcement liaison on a threat assessment team for a school without an SRO serve "in each public elementary or secondary school that does not employ a [SRO]." VACo has received information that the intent of this language is to merely clarify that a law enforcement liaison should be serving on the threat assessment team for a school in which an SRO is not employed. However, VACo views this language as ambiguous. If the language were to be interpreted to require local law enforcement agencies to station law enforcement officers *physically* inside of school buildings that currently do not have SROs, as was the case with the original version of this bill, the estimated local fiscal [impact](#) could be as high as \$19 million and would constitute a significant unfunded local mandate. VACo is seeking guidance as to the potential impact of the amendment.

[HB 879 \(Rasoul\)](#) requires the nine-member Virginia Board of Education (VBOE), all of whom are appointed by the Governor, to include at least one member with experience or expertise in local government leadership or policymaking, at least one member with experience or expertise in career and technical education, and at least one member with experience or expertise in early childhood education. As local governments fund K-12 education in excess of \$4 billion beyond their local required effort, VACo supported this bill, as it gave local governments a seat at the table of a key policy making body. The

Governor's amendment proposes substitute language that only requires the Governor to *consider* appointing one member with the above-mentioned experiences and expertise.

As passed by the General Assembly, [HB 911 \(Orrock\)](#) would allow local governing bodies to provide a credit against taxes and fees imposed by the locality to any individual who provides approved volunteer services in the locality. Approved volunteer services are defined to include volunteer firefighting and fire prevention services, emergency medical and ambulance services, auxiliary police services, and emergency rescue services that operate exclusively for the benefit of the general public on behalf of nonprofit organizations, or other locally approved services, which include volunteer services performed on behalf of a nonprofit organization or the locality, and which would be further defined by the locality by ordinance. Credits would not be allowed to be applied to real property taxes, service charges imposed in lieu of real property taxes, or personal property taxes. The Governor's amendments remove the provisions allowing the locality to grant credits for individuals providing locally approved services and slightly modify the definition of "approved volunteer services" such that the services could be provided on behalf of the locality (in addition to operating on behalf of nonprofit organizations).

[HB 987 \(Tran\)](#) requires program information regarding Medicaid be made available in a manner that is accessible to individuals with limited English proficiency and individuals with disabilities, when doing so is a reasonable step to providing meaningful access to health care coverage. The bill requires websites maintained by the Department of Medical Assistance Services and state agencies that provide program information to include information regarding how individuals may receive language access services and auxiliary aids services. The Governor's amendments expand this requirement to include local government or state agency contractor websites that provide program information.

As passed, [SB 192 \(Mason\)](#) expands the number of individuals who may be appointed as a local health director to include an individual with a master's or doctoral degree in public health and three years of public health experience, or an individual who is otherwise qualified as determined by the Commissioner of Health. Currently, a local health director must be a licensed physician. The Governor's amendment removes the language regarding public health credentials and experience, so that a local health director could be either a licensed physician or otherwise qualified as determined by the Commissioner.

[SB 281 \(Ebbin\)](#) exempts a manufacturer, factory branch, distributor, distributor branch, or factory or distributor engaged in the manufacture or distribution of transit buses from the requirements of obtaining a license from the Department of Motor Vehicles to engage in business, among other provisions. VACo supported this bill, which clarifies existing code to continue to allow Virginia to participate in the Federal Transit Agency's (FTA) bus procurement program. The Governor's recommended amendment specifies that the legislation applies to "transit buses."

[SB 591 \(Hanger\)](#) is intended to bar sales of certain synthetic cannabis products by modifying the definition of "marijuana" to include any substance exceeding certain

concentrations or per-serving or per-package amounts of tetrahydrocannabinol (THC). The bill also targets products that appear to be marketed to children by directing the Virginia Cannabis Control Authority to promulgate regulations that would prohibit the production and sale of retail marijuana and retail marijuana products that depict or are in the shape of a human, animal, vehicle, or fruit. The Governor's proposed substitute includes these proposed regulatory prohibitions on products in human, animal, vehicle, or fruit shapes, and bars sales of any product containing THC to persons younger than 21, effective October 1. The amendments also bar sales of products with THC concentrations greater than 0.3 percent or products containing synthetic delta-8 THC, also effective October 1. The Governor's proposal also establishes new penalties for possession of marijuana. Currently, possession of not more than one ounce is legal, and possession of amounts in excess of one ounce triggers a civil penalty of \$25; possession of more than one pound is a felony. The Governor's substitute would make possession of more than two ounces but not more than six ounces a Class 2 misdemeanor, and possession of more than six ounces but not more than one pound a Class 1 misdemeanor.

[SB 666 \(Petersen\)](#) redefines "lost profits" for the purposes of determining just compensation in eminent domain cases. The Governor's recommended amendment adds some helpful language regarding claims where the impact to a property is for less than 7 days. The Governor also proposes to add an enactment clause providing that the bill does not apply to certain condemnation proceedings filed prior to July 1, 2022.

[SB 694 \(Obenshain\)](#) makes a series of changes to statutes governing the condemnation process. The Governor proposes to add an enactment clause stipulating that the bill does not apply to certain condemnation proceedings filed prior to July 1, 2022.

Following is an overview of Governor's vetoes of interest to local governments:

[HB 802 \(Price\)](#) would allow a locality, under certain circumstances, to bring an action to enforce a landlord's duty to maintain a rental dwelling unit in a fit and habitable condition. The Governor's veto message indicates that, in the Governor's view, the bill duplicates localities' powers under the Uniform Statewide Building Code.

[SB 250 \(Surovell\)](#) would increase the annual fees for nonhazardous solid waste management facilities and index the fees annually based on the change in the Consumer Price Index. The Governor's veto message indicates that the Governor views the proposed increases as too large, particularly given high levels of inflation in recent months.

[SB 706 \(Marsden\)](#) would prohibit operators of heavy trucks, as defined in the bill, from using cruise control or compression release engine brakes when driving in active snow, sleet, or freezing rain. The Governor's veto explanation states that these measures would not prevent a traffic incident such as that happened on January 3-4, 2022, on the I-95 corridor from occurring, which is the claimed intent of the bill and that these provisions would impose burdens on the trucking industry.

[SB 722 \(Marsden\)](#) would authorize localities in Planning District 8 to prohibit parking a motor vehicle with its wheels fully on the curb or with its wheels straddling the curb, and provides that any motor vehicle parked on a curb is subject to a fine and may be removed by or under the direction of a law-enforcement officer or parking enforcement officer. The Governor's veto explanation cites a lack of clarity as to the effectiveness of this measure in combatting this practice as well as the steepness of the penalty for infractions.

**VACo Contact:** [VACo Legislative Team](#)

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## Finance

# Amended legislation affecting local revenue

## Volunteer fire department training fund created

**[HB746 \(Bell\)](#)** – Delegate Bell’s bill would establish the Volunteer Fire Department Training Fund, with the funds to be dedicated to assisting or reimbursing volunteer fire departments or volunteer fire companies with the costs of training and certifying volunteer firefighters. The House of Delegates included \$25,000 in each year from the general fund for their proposed FY2023-2024 budget ([Item 419 #1h](#)).

The bill also would direct the Secretary of Public Safety and Homeland Security to establish a workgroup to “study the accessibility and availability of training programs with a specific focus on providing training programs to volunteer fire departments, volunteer fire companies, and volunteer firefighters in a cost-efficient and effective manner.”

**Amendment takeaway:** The Governor’s amendment to HB746 is technical and uncontroversial.

**Local government takeaway:** Volunteer fire departments play a critical role in keeping localities safe across the Commonwealth. Given Secretary Mosier’s background in local law enforcement, VML is encouraged that he will establish a workgroup pursuant to HB746 that includes local government voices at the table.

## Local option to provide credit against taxes & fees to volunteers

**[HB911 \(Orrock\)](#)** – Delegate Orrock’s bill would permit any county, city, or town to provide a credit against local taxes and/or fees imposed by that locality to individuals who provide



approved volunteer services in the locality. The bill specifies that the credit shall not be applied against any property taxes or payments in lieu of property taxes.

**Amendment takeaway:** Governor Youngkin amended this bill on April 11, but his amendments were technical and should not change implementation of the legislation

**Local government takeaway:** Critically, the bill gives localities the discretion to determine which taxes or fees are permissible uses of the credit and which services the locality wants to make eligible for such credit.

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## Enacted legislation affecting local revenue

### Accommodations intermediaries: Changes and a workgroup

**[SB651 \(Vogel\)](#)** – This bill was signed by Governor Youngkin on March 11<sup>th</sup>. The bill requires accommodations intermediaries to collect sales and occupancy taxes and remit them to the Department of Taxation or a locality, as applicable, eliminating the requirement to remit any portion to the hotel. The bill also requires that in a transaction involving multiple parties that may be considered accommodations intermediaries, such parties may agree that one party shall be responsible for collecting and remitting the taxes. In such an event, the party that agreed to collect and remit such taxes will be the sole party liable for the tax. The bill also requires intermediaries to submit to a locality each month the property addresses and gross receipts for all accommodations facilitated by the intermediary in such locality. The bill makes other definition changes.

**Local government takeaway:** The substantive provisions of SB651 and its previously-enacted House cognate ([HB518](#) – Head) have a delayed effective date of October 1, 2022. Importantly, SB651 directs the Department of Taxation to “convene and facilitate a work group to examine the processes currently used to collect local transient occupancy taxes and

make recommendations for improving the efficiency and uniformity of those processes.”

The bill specifies that the workgroup “shall include one representative of the Commissioners of the Revenue, one representative of the Treasurers, one representative of counties, one representative of cities and towns, two representatives of the hotel industry, and two representatives of accommodations intermediaries as defined in § 58.1-602 of the Code of Virginia, as amended by this act.” Finally, the bill stipulates that the Department of Taxation “shall prepare and submit a report of the work group’s findings and recommendations to the Chairmen of the House Committee on Finance and the Senate Committee on Finance and Appropriations no later than October 31, 2022.”

VML will keep members informed as we participate in the workgroup and its deliberations.

## **Separate local property tax classification for used vehicles**

**[SB771](#) (Stuart)** – SB771 was signed into law by the Governor on April 11 and is identical to **[HB1239](#)** (Scott, P.) which was signed into law on April 22. The bills would create a new class of tangible personal property for rate purposes. This class would include most automobiles, passenger trucks, motor vehicles with specially designed equipment for use by the handicapped, motorcycles, mopeds, all-terrain vehicles, and off-road motorcycles, campers, and other recreational vehicles. Localities would have the option to assign a rate of tax or rate of assessment to this class different from the rate applicable to the general class of tangible personal property.

**Local government takeaway:** SB771 and its House cognate – signed by the Governor a month ago – would grant localities the authority to lower the personal property tax rate for used vehicles. While responding to circumstances created by market forces (higher used car prices), the bills are not a mandate and permit local flexibility to tailor a solution that best fits a given locality.

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## Transportation and Natural Resources

# Amended transportation and natural resources bills that affect localities

Recently, Governor Youngkin amended legislation that:

- Affects the Transit Ridership Incentive Program,
- Establishes a civil penalty for non-electric vehicles parking in electric vehicle charging spots
- Includes federally recognized Native American tribes among entities eligible for grants from the Virginia Land Conservation fund.
- Exempts transit bus sales from state licensing requirements contrary to federal regulations.
- Establishes a fund to administer grants to assist local governments and other political subdivisions complete projects to improve local resiliency projects.

A synopsis of each bill and the Governor's amendments is below.

**[HB142 \(McQuinn\)](#) / [SB342 \(Barker\)](#)** – Transit Ridership Incentive Program. This legislation increases the percentage of funds that can be directed to reduced or free transit rides from a maximum of 25 percent of the fund to a minimum of 25 percent of the fund.

**Amendment takeaway:** The Governor's amendments add a sunset date of July 1, 2024 to the provisions of this bill.

**[HB450 \(Bennett-Parker\)](#)** – Establishes a civil penalty for non-electric vehicles parking in electric vehicle charging spot.

**Amendment takeaway:** The Governor's amendments reduce the civil penalty from \$50 to \$25 and includes plug in electric vehicles not in the process of charging to the types of vehicles that may be fined for parking in an electric vehicle charging spot.

**[SB31 \(Marsden\)](#)** – Expands the category of entities that may receive grants from the Virginia Land Conservation fund to

include federally recognized Native American tribes.

**Amendments takeaway:** The Governor proposes amendments to narrow the types of entities that can receive grants from the fund to only public entities or tribes.

**[SB281 \(Ebbin\)](#)** – Exempts transit bus sales from state licensure requirements in accordance with federal regulations.

**Amendment takeaway:** The Governor proposes amendments to clarify that the buses being sold are transit buses.

**[SB756 \(Lewis\)](#)** – Establishes the Resilient Virginia Revolving Loan Fund which will administer grants to localities and other political subdivisions of the Commonwealth for the purpose of improving resiliency in communities around Virginia.

**Amendment takeaway:** The Governor's amendments propose expanding the how grants can be used to include obligations placed on properties or buildings that are acquired using grants from the fund.

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## Vetoed transportation and natural resources bills that affect localities

The Governor has vetoed four bills which would have:

- Increased solid waste disposal fees.
- Established a penalty for non-electric vehicles parking in electric vehicle charging spots.
- Prohibited large trucks from using cruise control or compression brakes during inclement weather.
- Allowed localities in Northern Virginia to prohibit vehicles from parking on, or straddling, the curb.

In vetoing these bills, the Governor cited concerns with the financial burdens they would place on Virginians and concerns that creating new laws without a means of enforcement is inappropriate.

A further explanation of each bill and corresponding veto is below.

**SB250 (Surrovell)** – Increases nonhazardous solid waste fees based on the recommendations of a work group convened during 2021 to find ways to increase funding for the Department of Environmental Quality with the goal of reducing staffing shortages and permitting backlogs. SB250 passed the Senate 24-16 and passed the House 67-30.

**Veto takeaway:** Governor Youngkin stated as his rationale for vetoing SB250 legislation that he wants to protect Virginians from rising costs and citing specifically that the “burden of increased costs this would place on Virginians is too great, especially given the record budget surpluses of the Commonwealth and the accelerated inflation that everyday Virginians are experiencing”

**SB278 (Ebbin)** – Proposes a civil penalty for non-electric vehicles parking in electric vehicle parking spots. SB278 passed the Senate 33-7 and the House 67-30. SB278 is identical to HB450 (Bennett-Parker) which the Governor is returning to the General Assembly with amendments.

**Veto takeaway:** The Governor notes in his veto that there is no need to sign given his “recommended amendments to House Bill 450 that accomplish the same purpose of this bill.”

**SB706 (Marsden)** – Prohibits heavy trucks with a gross weight greater than 26,000 pounds from using cruise control or compression brakes in inclement weather. SB706 passed the Senate 24-15 and passed the House 94-4.

**Veto takeaway:** The Governor stated that this bill was introduced with the intention of providing more tools to prevent another crisis like the January 3, 2022, winter storm that closed Interstate 95 and stranded motorists and trucks. Governor Youngkin noted in his veto statement that a recently released report of the January 3 incident did not find that cruise control or compression brake use by heavy trucks contributed to the events that led to the closure of Interstate 95. The Governor also notes this bill does not include an enforcement mechanism and that the “Code of Virginia should not be littered with traffic provisions that law enforcement is not authorized to enforce.”

**[SB722 \(Marsden\)](#)** – Authorizes localities in Planning District 8 to prohibit a vehicle from parking with wheels that are on the curb or straddling the curb and be subject to a fine or removal at the direction of law enforcement. SB722 passed the Senate 22-17 and passed the House 72-26.

**Veto takeaway:** Governor Youngkin stated that he viewed this bill as overly punitive given the significance of the proposed infraction which would create “needless fines and towing charges levied on drivers in Northern Virginia without any public safety or transportation benefit.”

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## Health and Human Services

# Amended health and human services bills affecting local governments

**[HB229 \(Coyner\)](#)** – Directs the Department of Health to collect and analyze information, including demographic data, regarding social determinants of health and their impact on health risks and health outcomes of residents of the Commonwealth and post information on its website.

**Amendment takeaway:** The proposed amendment would remove the requirement to post strategies for improving health and health risks related to demographics and social determinants.

**[HB717 \(Filler Corn\)](#)** – Provides that an unaccompanied homeless youth shall be deemed an adult for the purpose of consenting to housing, including emergency shelter, and establishes requirements for providers of housing, including emergency shelter, for unaccompanied homeless youths. Directs the Board of Social Services to adopt regulations for implementation of the bill and directs the Department of Social Services to establish a work group to make recommendations to the Board regarding such regulations and recommendations regarding authorizing unaccompanied homeless youth to consent to medical care.

**Amendment takeaway:** The proposed amendment puts a reenactment clause on the bill, meaning the bill would have to be approved again by the 2023 General Assembly.

**SB4 (Sutterlein) / HB158 (Byron)** – Identical bills dealing with emergency services and disaster law, limiting the duration of any executive order issued by the Governor pursuant to his powers under the Emergency Services and Disaster Law to no more than 45 days from the date of issuance. The bill provides that if the General Assembly does not take any action on the rule, regulation, or order within the 45 days during which the rule, regulation, or order is effective, the Governor shall thereafter be prohibited from issuing the same or a similar rule, regulation, or order relating to the same emergency. Under current law, once issued, such executive orders are effective until June 30 following the next regular session of the General Assembly.

**Amendment takeaway:** The Governor has proposed an amendment in the nature of a substitute to this bill, which reduces the duration of the executive orders.

**SB192 (Mason)** – Amends the qualification requirements for local health directors to allow individuals with a master's or doctoral degree in the area of public health and at least three years of professional, full-time experience in the field, or who is otherwise qualified for the position as determined by the Commissioner of Health. Currently, only a person who is a physician licensed to practice medicine in the Commonwealth may be a local health director. If a local health director is not a physician licensed to practice medicine and there is no licensed physician on staff, the local health director shall enter into a consulting agreement with a licensed physician to execute prescribing duties, etc.

**Amendment takeaway:** The proposed amendment would remove the language regarding the ability of someone with a master's or doctoral degree to be appointed as a local health director. It leaves in the language allowing the commissioner to determine if an individual who is not a licensed physician to be considered qualified to serve as a local health director.

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# Vetoed health and human services bills affecting local governments

**[HB669](#) (Hope)** – Directs the Commissioner of Health to convene a work group to study whether swimming pools and other water recreational facilities for public use or use in conjunction with a tourist facility or health spa should be regulated by the Department of Health. Report due by Nov. 1, 2023.

**[HB1197](#) (Hope)** – Directs the Office of the Secretary of Public Safety and Homeland Security and the Office of the Secretary of Health and Human Resources to convene a work group to determine the feasibility and benefits of transferring responsibility for the Department of Juvenile Justice from the Secretary of Public Safety and Homeland Security to the Secretary of Health and Human Resources. Report due Nov. 1, 2022.

**[HB1270](#) (Sickles)** – Directs the Department of Social Services to convene a work group to analyze and develop a proposal to request a waiver from the U.S. Department of Agriculture to allow individuals in the custody of state or local correctional facilities to apply for Supplemental Nutrition Assistance Program (SNAP) benefits prior to release from custody. Report is due by Nov. 1, 2022.

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## General Government

# Amended bills that affect local government operations

**[SB9](#) (Petersen) – Eminent domain; payment of judgment; attorney fees.** Provides for attorney fees to be awarded in eminent domain cases in which there is a judgment for a property owner if such judgment is not paid within the time required by law.



**Amendment takeaway:** The proposed change is a clarification about the applicability of the legislation to ensure that it applies to actions taken under Title 25.1 and 33.2 of the Virginia Code.

**SB666 (Petersen) – Eminent domain; lost profits.**

Removes the current law's requirement that the landowner's tax returns be used to show the amount of lost profits.

**Amendment takeaway:** The proposed changes include an enactment clause making it clear that pending certificates/petitions are not impacted.

**SB694 (Obenshain) – Eminent domain.** Lost access is redefined to be limited to pedestrian and vehicular access and, more importantly, will include any loss of access that diminishes value is compensable. The bill allows for claims for lost profits and lost access in inverse condemnation cases where the event is giving rise to the claim last 7 days or more. The bill removes the requirement that the property directly adjoin a public street to be able to sue for lost profits and lost access.

**Amendment takeaway:** The Governor proposes to conform the language in the bill related to Title 33.2 (usually VDOT) to the bill language related Title 25.1 (most locals use). He also clarifies that this legislation is not applicable to the taking or damage of property that has occurred prior to July 1, 2022, or a condemnation proceeding filed prior to July 1, 2022.

**HB307 (Freitas) – Virginia Freedom of Information Act; estimated charges.** 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.

**Amendment takeaway:** The proposed change would remove property records requested by the owner of the property that

is the subject of such records from the types of records that you cannot charge for.

**[HB277 \(Coyner\)](#) / [SB622 \(Favola\)](#) – **Recovery residences; disclosure to potential residents that residence is certified.** This bill states that a certified recovery residence shall be considered the same as a residential occupancy by a single family for purposes of conditions that can be imposed if there are 50 square feet per bed per sleeping room. There are also provisions about the credentialing of these facilities.**

**Amendment takeaway:** The Governor proposed minor amendments dealing with the square footage requirements to bed and sleeping rooms.

**[HB384 \(Davis\)](#) – **Administration of government; rights of state and local employees; freedoms of conscience and expression.** Protects state and local government employees of the Commonwealth, defined in the bill, from being penalized by their employer for expressing their opinion regarding a current or proposed regulation, rule, policy, position, or other action or purpose of a unit of state or local government at a hearing of a public body during the time designated for public comment when such employees are speaking on their own behalf as members of the public.**

**Amendment takeaway:** The proposed substitute bill removes the ability of state government employees to exercise the rights under this legislation at a unit of state government hearing.

**[SB741 \(Surovell\)](#) – **Facial Recognition Technology; authorized uses; penalty.** Allows police departments to use certain facial recognition technology in criminal investigations, subject to significant state regulation.**

**Amendment takeaway:** The proposed changes add detail about the model policy that the state is to create.

\*[HB1339](#) (Leftwich) – the companion House bill was continued to special session.

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## **Vetoed bills that affect local government operations**

**[SB286 \(Ebbin\)](#) – Required disclosure for buyer to beware; buyer due diligence; historic districts.** Adds a survey of the property to the list of materials that a purchaser of the property can review as part of exercising whatever due diligence the particular purchaser deems necessary with respect to a historic district designated by the locality.

**Veto takeaway:** The Governor’s veto explanation stated that the language is unnecessary. (Note: The Governor vetoed 9 of Ebbin’s bills)

**[HB802 \(Price\)](#) – Virginia Residential Landlord and Tenant Act; enforcement by localities.** This would have allowed a locality, under certain circumstances, to bring an action to enforce a landlord’s duty to maintain a rental dwelling unit in a fit and habitable condition.

**Veto takeaway:** The Governor’s veto message indicates that, in the Governor’s view, the bill duplicates localities’ powers under the Uniform Statewide Building Code.

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## Education

# Amendment to school resource officer bill

Over the course of the 2022 General Assembly Session, several pieces of legislation regarding school construction, modernization, education, and taxation were introduced. Unfortunately, only half of the introduced legislation passed the General Assembly.

On April 11<sup>th</sup>, the Governor proposed an amendment to [HB873](#) (Greenhalgh).

This bill requires a school resource officer to be employed in every public elementary and secondary school. If the school does not employ a school resource officer, then a local law-enforcement officer must receive school safety training and serve as that divisions law-enforcement liaison.

**Amendment takeaway:** Governor Youngkin’s amendment to HB873 clarifies that a law-enforcement liaison will be in a

public elementary or high school if a school resource officer is not already employed.

Of the remaining education bills before the General Assembly, three items are in conference awaiting action and further deliberations. VML will continue to update our members on these issues as the conference reports are released.

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## Announcements

# Winners of 2022 “If I Were Mayor” state essay contest announced

The Virginia Municipal League (VML) announced today the statewide winner and seven regional winners of the “If I Were Mayor” Essay Contest. The contest, hosted by VML, drew hundreds of entries from seventh graders throughout the state. The challenge to the students was to identify an issue in their locality, talk to others about possible solutions, and then identify what solution would best address the issue.

The winners are:

- Statewide winner: **Charlotte Lieu** of Mary Ellen Henderson Middle School in Falls Church
- Region 1: **Olivia Wyatt** of Northwood Middle School in Saltville
- Region 2: **Jordin Hernández Machuca** of Martinsville Middle School in Martinsville
- Region 3: **Elizabeth Loring** of Sacred Heart Academy in Winchester
- Region 4: **Kailey Krotzer** of Kenston Forest School in Blackstone
- Region 5: **Rose Weatherly** of Mary Ellen Henderson Middle School in Falls Church
- Region 6: **Haley Lumpkin** of Culpeper Middle School in Culpeper

- Region 8: **Sophia Buckley** of Hugo A. Owens Middle School in Chesapeake

*Note – VML did not receive any entries from Region 7 this year.*

Thanks to everyone who entered and congratulations to all the winners!

[Read the full press release here >.](#)

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## Opportunities

# Broadband Together event coming May 18-19 in Richmond

Hosted by VML, The Broadband Association of Virginia, and the Virginia Association



of Counties, this “Conference to Connect Virginia” will be held at the Hilton Short Pump, May 18-19.

Topics to be discussed include:

- Broadband Legislative Recap
- Broadband and Economic Development
- Broadband Affordability and Adoption
- How Broadband Affects Home Ownership
- Broadband Technology and Innovation
- ...and more!

The full agenda, room booking, and event registration information are all [available here >.](#)

**VML Contact:** Rob Bullington, [rbullington@vml.org](mailto:rbullington@vml.org)

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# AASHTO offering free transportation project management training webinars beginning April 21<sup>st</sup>

The American Association of State Highway and Transportation Officials (AASHTO) Technical Committee on Project Management is launching free quarterly project management webinars. Each will be 50 minutes long and provide varying perspectives from across the country on a wide range of topics that center around sharing challenges and solutions that increase efficiency and productivity in the management of transportation projects.

The first offering will be Thursday April 21 at 3:00 pm EST.

[Learn more and register here >](#).

**VML Contact:** Mitchell Smiley, [msmiley@vml.org](mailto:msmiley@vml.org).

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## VML now accepting entries for 2022 Innovation Awards

**It's time again to celebrate local government achievements!**



It's time again for our local government members to spotlight programs and individuals that have made a big difference by creating innovative solutions to address emerging needs.

Award-winning projects typically demonstrate innovative ways of delivering services, addressing community needs, or significantly improving an existing service.

One winning project from the category winners will be selected for the top prize – the coveted President’s Award!

All entries must be received via e-mail by 5:00 p.m., Monday, Aug. 15, 2022. The awards will be presented at VML’s Annual Conference in Richmond in October.

More details and a link to the official entry form are [available here >](#).

**VML Contact:** Manuel Timbreza, [mtimbreza@vml.org](mailto:mtimbreza@vml.org)

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## **Get published in VML’s magazine! Tell us about your favorite outdoor recreation location in Virginia**



For our 2022 “Virginia You Love” magazine issue this summer we want our readers to tell us their perfect place to have fun outside. It could be a favorite hiking trail or the stadium bleachers of the hometown ball team. Perhaps you can be found in a mountain lake with family or at the dog park with your furry friend. Maybe you like the challenges of long fairways and fast greens or the peace and quiet of a bench under a shady tree. Vita courses, ropes courses, pump tracks, brewery decks...Wherever, whatever, we want to hear about it!

### **Have your place featured in our magazine!**

If you tell us about your favorite place for outdoor fun, we will put it on the list of possible places to feature in the July/August issue of *Virginia Town & City*. You can nominate any place you like...just so long as it’s outdoors and in Virginia.

### **It’s super easy to participate**

Learn more and complete the [short online survey here >](#).

**VML Contact:** Manuel Timbreza, [mtimbreza@vml.org](mailto:mtimbreza@vml.org)



Comments and questions about this website or the data provided may be addressed to Manuel Timbreza  
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Virginia Municipal League  
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13 E. Franklin St., Richmond, VA 23219  
804-649-8471



[Terms and Conditions](#)

**COMMISSION ON LOCAL GOVERNMENT  
COMMONWEALTH OF VIRGINIA**

At a regular meeting of the Commission on Local Government held in Henrico, Virginia, on Thursday, May 12, 2022, at the hour of 11:00 a.m., the following resolution was unanimously adopted:

**WHEREAS, R. Michael Amyx**, was appointed by Governor Terence R. McAuliffe and confirmed by the 2017 Virginia General Assembly to serve on the Commission on Local Government for a term of five years; and

**WHEREAS**, He served the Commission with distinction from March 14, 2017, until December 31, 2021; and

**WHEREAS**, He was unanimously elected Vice-Chair of the Commission, on January 9, 2018, serving in that capacity during 2018; and

**WHEREAS**, He was unanimously elected Chair of the Commission on January 7, 2019, serving in that capacity during 2019; and

**WHEREAS**, as Chair, he oversaw the Commission's Caruso Odin, LLC - Town of Culpeper - County of Culpeper Citizen-Initiated Annexation Action; and

**WHEREAS**, as Vice-Chair, he oversaw the Commission's Study on Annexation Alternatives; and

**WHEREAS**, His commitment to the best interests of the Commonwealth and its localities coupled with his knowledge and experience in local government affairs made him an asset to this Commission; and

**WHEREAS**, His effective advocacy of his perspective, along with his respectful consideration of the views of others rendered him an invaluable participant in the Commission's deliberations; and

**WHEREAS**, His intelligence, integrity, and dedication earned him the sincere respect and admiration of the members of this Commission, its staff, and all others associated with its activities; and

**WHEREAS**, His good humor, his wit, and his graciousness added immeasurably to the pleasure and satisfaction derived from service on this Commission; and

**WHEREAS**, The termination of his service with the Commission deprives the Commonwealth of a distinguished and faithful public servant and this body of a valued member and good friend;

**NOW, THEREFORE, BE IT RESOLVED**, That the Commission on Local Government does hereby express its gratitude to **R. Michael Amyx**, for his many contributions to this body and acknowledges with regret the loss of his company and good counsel.

**BE IT FURTHER RESOLVED**, That a copy of this resolution be spread upon the Minutes of this meeting and that a framed copy thereof be presented to **R. Michael Amyx**, as a permanent testament of our affection, esteem, and high regard.

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Diane M. Linderman, PE, Chair

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Ceasor T. Johnson, D.Min., Vice-Chair

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Stephanie Dean Davis, Ph.D.

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Rosemary M. Mahan

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Edwin S. Rosado

**COMMISSION ON LOCAL GOVERNMENT  
COMMONWEALTH OF VIRGINIA**

At a regular meeting of the Commission on Local Government held in Henrico, Virginia on Thursday, May 12, 2022, at the hour of 11:00 a.m., the following resolution was unanimously adopted:

**WHEREAS, J. David Conmy** served the Commission on Local Government with distinction for nearly eight years from March 2014 to January 2022; and

**WHEREAS,** During years of service to the Commission, he worked with twelve Commissioners; and

**WHEREAS,** He assisted the Commission with its reports on Annexation Alternatives, the Covington-Alleghany Economic Growth Sharing Agreement, and numerous other reports; and

**WHEREAS,** He guided the Commission and staff with understanding and expertise during the Martinsville-Henry County Voluntary Settlement Agreement; and

**WHEREAS,** he served as an endless fountain of knowledge related to local government, particularly related to the Richmond area and its recreational offerings including hiking, dining and breweries; and

**WHEREAS,** His dedication, industry, and character served as a model for those engaged in public service; and

**WHEREAS,** The Commission has been a direct beneficiary of his commitment in the detailed administration of the day-to-day operations of this body and the outstanding organizational skills required to manage the many projects and reports that occurred under his watch; and

**WHEREAS,** His knowledge, professionalism, and commitment have earned him the respect and admiration of all the members of this Commission, State and local officials throughout Virginia, and others who have had the good fortune of his association; and

**NOW, THEREFORE, BE IT RESOLVED,** That the Commission on Local Government does hereby express its gratitude to **J. David Conmy** for his many contributions to this body and for his enhancement of the professional and personal lives of all who have been associated with him; and

**BE IT FURTHER RESOLVED,** That a copy of this resolution be spread upon the Minutes of this meeting and that the resolution be presented to **J. David Conmy** as a permanent testament of our affection, esteem, and high regard.

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Diane M. Linderman, PE, Chair

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Ceasor T. Johnson, D.Min., Vice-Chair

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Stephanie Dean Davis, Ph.D.

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Rosemary M. Mahan

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Edwin S. Rosado

**COMMISSION ON LOCAL GOVERNMENT  
COMMONWEALTH OF VIRGINIA**

At a regular meeting of the Commission on Local Government held in Henrico, Virginia on Thursday, May 12, 2022, at the hour of 11:00 a.m., the following resolution was unanimously adopted:

**WHEREAS, Cody Anderson** served the Commission on Local Government with distinction for three years from April 2019 to April 2022; and

**WHEREAS,** During years of service to the Commission, he worked with six Commissioners; and

**WHEREAS,** He assisted the Commission with its reports on Caruso Odin LLC - Town of Culpeper - County of Culpeper Citizen-Initiated Annexation Action, the Martinsville-Henry County Voluntary Settlement Agreement, and numerous other reports; and

**WHEREAS,** His dedication to efficiency, excellence, and character served as a model for those engaged in public service; and

**WHEREAS,** The Commission has been a direct beneficiary of his commitment in the streamlined administration of the day-to-day operations of this body and the logistical wherewithal required to advance the many projects and reports that occurred during his tenure,

**WHEREAS,** He dutifully instructed new staff in Commission procedures, including the recitation of the Pledge of Allegiance before each meeting, and

**WHEREAS,** His knowledge, professionalism, commitment, and wit have earned him the respect and admiration of all the members of this Commission, State and local officials throughout Virginia, and others who have had the good fortune of his association; and

**NOW, THEREFORE, BE IT RESOLVED,** That the Commission on Local Government does hereby express its gratitude to **Cody Anderson** for his many contributions to this body and for his enhancement of the professional and personal lives of all who have been associated with him; and

**BE IT FURTHER RESOLVED,** That a copy of this resolution be spread upon the Minutes of this meeting and that the resolution be presented to **Cody Anderson** as a permanent testament of our affection, esteem, and high regard.

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Diane M. Linderman, PE, Chair

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Ceasor T. Johnson, D.Min., Vice-Chair

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Stephanie Dean Davis, Ph.D.

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Rosemary M. Mahan

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Edwin S. Rosado

# FY2021-2022 Cash Proffer Survey

## Virginia Commission on Local Government: Fiscal Year 2021-2022 Cash Proffer Survey

1. Please provide your contact information: \*

Locality Name

Contact Name

Position/Title

Phone  
Number:

Email Address

2. Is your locality a City, County or Town? \*

City  
County  
Town



### 3. Did your locality accept cash proffers at any time during the 2021-2022 Fiscal Year?

If you answer "No" for the 2021-2022 Fiscal Year, additional information is not needed. \*

A cash proffer is (i) any money voluntarily proffered in a writing signed by the owner of property subject to rezoning, submitted as part of a rezoning application and accepted by a locality pursuant to the authority granted by Va. Code Ann. § [15.2-2303](#), or § [15.2-2298](#), or (ii) any payment of money made pursuant to a development agreement entered into under authority granted by Va. Code Ann. § [15.2-2303.1](#). This does NOT include cash contributions imposed through conditional/provisional/special use permits as authorized by § [15.2-2286](#) (A)(3).

 Yes  
 No

### 4. Enter the total amount of cash proffer revenue collected by the locality during the 2021-2022 fiscal year:

This is the total dollar amount of revenue collected from cash proffers in the specified fiscal year regardless of the fiscal year in which the cash proffer was accepted. Unaudited figures are acceptable.

### 5. Enter the estimated amount of cash proffers pledged during the 2021-2022 fiscal year by which payment is conditioned only on time:

These are cash proffers conditioned only on time (i.e. linked to a specific date or specified time following rezoning approval but NOT an unknown date such as at the time of certificate of occupancy) approved by the locality as part of a rezoning case. Unaudited figures for the specified fiscal year are acceptable.

6. Enter the total amount of cash proffer revenue expended by the locality during the 2021-2022 fiscal year:

This is the total dollar amount of public projects expended with cash proffer revenue in the specified fiscal year.

Unaudited figures are acceptable.

7. Indicate the purpose(s) and amount(s) (in whole numbers) for which the expenditures in the previous question were made: \*

The Total amount at the bottom should equal the amount reported in the cash proffer revenue expended box above.

Schools

Roads and Other Transportation Improvements

Fire and Rescue/Public Safety

Libraries

Parks, Recreation, and Open Space

Water and Sewer Service Extension

Community Centers

Stormwater Management

Special Needs Housing

Affordable Housing

Miscellaneous

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Total : 0



8. Please share any additional comments regarding any unique circumstances surrounding the information you provided in this survey.

**Virginia Commission on Local Government: Fiscal Year 2021-2022 Cash Proffer Survey**

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9. Please provide your contact information: \*

Locality Name

Contact Name

Position/Title

Phone  
Number:

Email Address

10. Is your locality a City, County or Town? \*

## 11. Did your locality accept cash proffers at any time during the 2021-2022 Fiscal Year?

If you answer "No" for the 2021-2022 Fiscal Year, additional information is not needed. \*

A cash proffer is (i) any money voluntarily proffered in a writing signed by the owner of property subject to rezoning, submitted as part of a rezoning application and accepted by a locality pursuant to the authority granted by Va. Code Ann. § [15.2-2303](#), or § [15.2-2298](#), or (ii) any payment of money made pursuant to a development agreement entered into under authority granted by Va. Code Ann. § [15.2-2303.1](#). This does NOT include cash contributions imposed through conditional/provisional/special use permits as authorized by § [15.2-2286](#) (A)(3).

 Yes  
 No

## 12. Enter the total amount of cash proffer revenue collected by the locality during the 2021-2022 fiscal year:

This is the total dollar amount of revenue collected from cash proffers in the specified fiscal year regardless of the fiscal year in which the cash proffer was accepted. Unaudited figures are acceptable.

## 13. Enter the estimated amount of cash proffers pledged during the 2021-2022 fiscal year by which payment is conditioned only on time:

These are cash proffers conditioned only on time (i.e. linked to a specific date or specified time following rezoning approval but NOT an unknown date such as at the time of certificate of occupancy) approved by the locality as part of a rezoning case. Unaudited figures for the specified fiscal year are acceptable.

14. Enter the total amount of cash proffer revenue expended by the locality during the 2021-2022 fiscal year:

This is the total dollar amount of public projects expended with cash proffer revenue in the specified fiscal year.

Unaudited figures are acceptable.

15. Indicate the purpose(s) and amount(s) (in whole numbers) for which the expenditures in the previous question were made: \*

The Total amount at the bottom should equal the amount reported in the cash proffer revenue expended box above.

Schools

Roads and Other Transportation Improvements

Fire and Rescue/Public Safety

Libraries

Parks, Recreation, and Open Space

Water and Sewer Service Extension

Community Centers

Stormwater Management

Special Needs Housing

Affordable Housing

Miscellaneous

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Total : 0

16. Please share any additional comments regarding any unique circumstances surrounding the information you provided in this survey.

**Table 1: Number of Responses to Fiscal Impact Statement Requests, by Juris and Locality, 2022 General Assembly Session**

Counties		Cities		Towns		Planning District Commissions	
Locality	Response	Locality	Response	Locality	Response	Locality	Response
Albemarle County	16	City of Alexandria	23	Town of Amherst	4	Northern Neck PDC	2
Alleghany County	1	City of Danville	28	Town of Blacksburg	28	Plan RVA	4
Amherst County	19	City of Harrisonburg	15	Town of Chincoteague	10		
Augusta County	21	City of Manassas	34	Town of Christiansburg	18		
Bland County	13	City of Martinsville	1	Town of Herndon	2		
Chesterfield County	7	City of Norfolk	20	Town of Kenbridge	2		
Fairfax County	10	City of Roanoke	30	Town of Leesburg	35		
Fauquier County	5	City of Virginia Beach	8	Town of Luray	21		
Hanover County	4	City of Williamsburg	1	Town of Marion.	27		
Mecklenburg County	25	City of Winchester	29	Town of Scottsville	21		
Montgomery County	18			Town of Victoria	8		
Nottoway County	8			Town of Warsaw	5		
Prince George County	16						
Prince William County	2						
Rappahannock County	21						
Richmond County	14						
Rockingham County	6						
Smyth County	6						
Stafford County	1						
Wise County	16						
York County	8						

**Table 2: Number of Fiscal Impact Statement Responses by Assigned Bill, 2022 General Assembly Session**

<b>Bill Number</b>	<b>Assigned Groups</b>	<b>Number of Responses</b>
HB 12	Education	13
HB 37	Education	17
HB 56	Finance & Local Government	25
HB 59	Education & Finance	11
HB 75	Finance & Local Government	33
HB 131	General Laws & Local Government	22
HB 152	Finance, General Laws & Local Government	26
HB 154	General Laws & Local Government	28
HB 272	Local Government	14
HB 378	General Laws	9
HB 380	Finance, General Laws & Local Government	35
HB 384	General Laws	13
HB 440	Education	10
HB 520	General Laws & Local Government	21
HB 599	General Laws	13
HB 616	Local Government	24
HB 626	General Laws & Local Government	21
HB 635	General Laws & Local Government	22
HB 648	General Laws & Local Government	23
HB 778	Local Government	19
HB 837	Education	8
HB 961	General Laws & Local Government	22
HB 1017	Finance & Local Government	10
HB 1084	Finance & General Laws	23
HB 1185	Finance & Local Government	21
HB 1200	Local Government	20
SB 156	Education	12
SB 157	Education	9
SB 282	Finance	15
SB 290	General Laws	10

<b>Bill Number</b>	<b>Assigned Groups</b>	<b>Number of Responses</b>
SB 415	Education	12
SB 501	Local Government	14
SB 507	Finance	23
SB 581	Education & Local Government	21
SB 730	General Laws	9



**Table 3: Summary Statistics for Fiscal Impact Statement Process, 2022 General Assembly Session**

<b>Summary Statistic</b>	<b>Value</b>
<b>Total Number of FISs Completed</b>	35
<b>Total Number of Localities Participating</b>	45
Number of Counties Participating	21
Number of Cities Participating	10
Number of Towns Participating	12
Number of PDCs Participating	2
<b>Average Number of Responses per FIS</b>	18
<b>Median Number of Responses per FIS</b>	19
<b>Modal Number of Responses per FIS</b>	21
<b>Minimum Number of Responses per FIS</b>	8
<b>Maximum Number of Responses per FIS</b>	35