



Ralph S. Northam  
Governor

R. Brian Ball  
Secretary of  
Commerce and Trade

# COMMONWEALTH of VIRGINIA

Erik C. Johnston  
Director

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

TO: Members of the Commission on Local Government  
FROM: J. David Conmy, Local Government Policy Administrator  
DATE: March 15, 2021  
SUBJECT: Draft Agenda, Materials, and Other Items of Interest

### Please find enclosed the following:

1. Draft agenda for your regular meeting to be held on Thursday, March 25, 2021, at 11:00 AM (**please note this meeting will be held electronically via Google Meet**);
2. Commission on Local Government (CLG) Electronic Meeting Information and Rules;
3. Draft minutes for your last regular meeting held on January 5, 2021;
4. Martinsville Reversion: Joint Request for Extension of Time;
5. Martinsville Reversion: Potential Review Date Considerations in Response to Joint Request for Extension of Time;
6. State and Federal Mandates Proposed for Assessment between July 2021 and June 2022;
7. Summary of Local Volunteer Fiscal Impact Statements from 2021 General Assembly Regular Session;
8. Summary of Bills of Local Interest from 2021 General Assembly Regular Session and Special Session I;
9. 2020 – 2022 Biennial Budget Conference Report Summaries from VACo and VML;
10. CLG Mandatory Property Tax Exemptions Study Language (Item 114 #4c, 2020 – 2022 Biennial Budget Conference Report)
11. Draft commending resolution for Mr. Kimble Reynolds; and

### Other Items of Interest:

1. Various newspaper articles of interest.

In addition, recent issues of VACo *County Connections* and VML *eNews* can be accessed on the web at:

- <http://www.vaco.org/newsroom/county-connections/>
- <https://www.vml.org/publications/enews/>

If you have any questions or require additional information, please feel free to contact me at (804) 371-8010 (office), (434) 825-0353 (cellular), or [david.conmy@dhcd.virginia.gov](mailto:david.conmy@dhcd.virginia.gov).

I look forward to seeing you – digitally - on March 25<sup>th</sup>!

Enclosures

Partners for Better Communities



[www.dhcd.virginia.gov](http://www.dhcd.virginia.gov)



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## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

### DRAFT AGENDA Regular Meeting Commission on Local Government 11:00 a.m., March 25, 2021

**\*This meeting is to be held electronically (via Google Meet), pursuant to [§ 4-0.01 OPERATING POLICIES of Chapter 56 of Special Session I of the 2020 Acts of Assembly](#).**

#### Electronic Meeting Details:

- The link for entering the electronic meeting and access to meeting materials can be found by navigating through the following two pages:
  - [Virginia Regulatory Town Hall website](#)
  - [Commonwealth Calendar](#)
- All meeting participants are asked to mute their devices upon entering the meeting space and only un-mute themselves when called upon by the Chair.
- Please contact Cody Anderson ([cody.anderson@dhcd.virginia.gov](mailto:cody.anderson@dhcd.virginia.gov)) to pre-register your attendance, if you plan to speak during the Public Comment Period of the agenda, or if you need additional services to accommodate your attendance/participation.

#### Call to Order

##### I. Administration

- |  |             |
|--|-------------|
| A. Approval of the Draft Meeting Agenda                          | (Dr. Davis) |
| B. Approval of Minutes of the Regular Meeting on January 5, 2021 | (Dr. Davis) |
| C. Public Comment Period   | (Dr. Davis) |
| D. Policy Administrator's Report                                 | (Mr. Conmy) |

##### II. Notice of City of Martinsville's Intention to Petition for an Order Granting it Town Status within Henry County

- |   |             |
|---|-------------|
| A. Staff Update                           | (Mr. Conmy) |
| B. Comments from the Parties              |             |
| C. Update to Commission's Review Timeline | (Mr. Conmy) |

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- D. Commission Deliberation and Action (Dr. Davis)
- III. Assessment of State and Federal Mandates on Local Government**
- A. Staff Presentation (Mr. Anderson)
- B. Commission Deliberation and Action (Dr. Davis)
- IV. Fiscal Stress Report for 2018/2019**
- A. Staff Update (Mr. Akbor)
- V. 2021 General Assembly Session Update**
- A. Fiscal Impact Statements (Mr. Akbor)
- B. Bills of Interest (Mr. Anderson and Mr. Conmy)
- C. Budget (Mr. Akbor and Mr. Conmy)
- D. Mandatory Property Tax Exemptions Study (Mr. Akbor and Mr. Conmy)
- VI. Commending Resolution for Mr. Kimble Reynolds**
- A. Staff Presentation (Mr. Anderson)
- B. Commission Deliberation and Action (Dr. Davis)
- VII. Other**
- VIII. Schedule of Regular Meetings**
- A. Staff Presentation (Mr. Anderson)
- IX. Upcoming Events of Interest**
- A. Staff Presentation (Mr. Anderson)
- X. Adjournment**

**Commission on Local Government**  
**Electronic Meeting Information and Rules**

This meeting of the Commission on Local Government (CLG) meeting will occur via electronic means in accordance with the provisions detailed in the Appropriations Act ([see § 4-0.01 OPERATING POLICIES of Chapter 56 of the 2020 Special Session I Acts of Assembly](#)). The meeting is being conducted electronically to conduct business that is, “statutorily required or necessary to continue operations,” of the CLG during the COVID-19 pandemic.

Below are certain points of information and rules for the meeting.

- The meeting will be recorded.
- Votes will be taken by Roll Call.
- In order to avoid noise feedback and other potential disruptions, Commission members, members of the public, and staff are asked to please mute their computers (Mute button on your screen or ((⌘ / Ctrl) + d on your keyboard) or phones (\*6 on your dial pad)) when not speaking.
- It is requested that Commission members, members of the public, and staff state their name each time prior to speaking.
- The minutes of the meeting will state, “The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held.”



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DEPARTMENT OF  
HOUSING AND COMMUNITY DEVELOPMENT

## Commission on Local Government

January 5, 2021

11:30 A.M.

Digital Meeting Only

**Due to the COVID-19 pandemic and public health emergency and the need to provide social distancing and prohibit large gatherings, the meeting was held electronically in accordance with the State of Emergency Declared by the Governor and the 2020 amendments to the 2020 Appropriations Act. The meeting was held via Google Meet.**

### Members Present

R. Michael Amyx  
Stephanie Davis, PhD, Vice Chair  
Diane M. Linderman, PE  
Rosemary M. Mahan, Chair

### Members Absent

### Call to Order

The Commission on Local Government (CLG) Chair, Ms. Rosemary Mahan, called the meeting to order at 11:30 a.m.

Mr. David Conmy, Local Government Policy Administrator for the Department of Housing and Community Development (DHCD) noted that due to the Governor's Declared State of Emergency due to COVID-19, it is impracticable and unsafe for the Commission on Local Government to assemble in a single location, so the Commission meeting is being held electronically, by video conference and telephone options, pursuant to 2020 Amendments to the 2020 Appropriation Act. The purpose of the meeting is to discuss or transact the business statutorily required or necessary to continue operations of the Commission on Local Government and the discharge of its lawful purposes, duties, and responsibilities. The public is welcome to use the link and phone number options made available by staff to attend the meeting electronically. The Commission on Local Government will make available a recording or transcript of the meeting on its website in accordance with the timeframes established in Sections 2.2-3707 and 2.2-3701.1 of the Code of Virginia.

## Administration

Chair Mahan opened the floor for nomination for Chair of the Commission. Mr. Amyx nominated Dr. Davis for Chair. The nomination was seconded by Ms. Linderman. Hearing no further nominations, the floor was closed. Dr. Davis was elected Chair of the Commission (Yea: Amyx, Mahan, Linderman; Abstentions: Davis).

Chair Davis opened the floor for nominations for Vice Chair of the Commission. Mr. Amyx nominated Ms. Linderman for Vice Chair. The nomination was seconded by Ms. Mahan. Ms. Linderman was elected Vice Chair of the Commission (Yea: Amyx, Davis, Mahan; Abstentions: Linderman).

A motion was made by Ms. Linderman and seconded by Ms. Mahan to approve the draft agenda. The motion passed (Yea: Amyx, Davis, Mahan, Linderman).

A motion was made by Ms. Mahan and seconded by Ms. Linderman to approve the minutes of the Regular Meeting on November 12, 2020. The motion passed (Yea: Amyx, Davis, Linderman, Mahan).

Dr. Davis opened the floor to receive comments from the public. No one from the public appeared before the Commission. The public comment period was then closed.

Mr. Conmy announced that Ms. Kristen Dahlman had assumed the position of Policy and Legislative Director at the Virginia Department of Housing and Community Development. Ms. Dahlman briefly greeted the Commission.

Mr. Conmy noted that Commissioner Reynolds' term ended at the conclusion of 2020 and that he will keep the Commission up to date on the status of an appointment for this new vacancy.

Mr. Conmy updated the Commission on the status of the Martinsville Reversion case and noted that both the City of Martinsville and Henry County were working together to reconcile

issues relating to reversion and that the parties were in the process of lobbying the General Assembly for a possible package to help offset the costs of reversion.

Mr. Conmy briefly presented various news articles of interest to the Commission.

#### Municipal Utility Data Report

Mr. Cody Anderson, Legislative Affairs and Boards Coordinator at DHCD presented the Municipal Utility Data Report. The report, which was required by the 2020 Appropriations Act, measured arrearages accumulated by customers within municipal utility systems statewide, as well as the amount and different types of funding that had been utilized to offset those arrearages.

A motion was made by Ms. Linderman and seconded by Ms. Mahan to approve the report as submitted. The motion passed (Yea: Amyx, Davis, Linderman, Mahan).

#### Fiscal Stress Report 2018/2019

Mr. Ali Akbor, Senior Public Finance Analyst, presented an update on the Fiscal Stress Report. Mr. Akbor noted that staff was missing data from several localities for the report. The Commission was informed that due to legislation passed in 2020, the reporting deadline for localities for the report was extended, which will stretch the timeline completion to the July Commission meeting.

#### 2021 General Assembly Session

Mr. Conmy informed the Commission that the 2021 General Assembly Session was due to begin on January 13<sup>th</sup>. The length of the 2021 Session is to be determined, but initially it was planned to be between a 30 and 45 day Session. Mr. Conmy also summarized a few of the bills of interest to the Commission.

Mr. Akbor summarized the process for completing Fiscal Impact Statements for any bill that may have a fiscal impact for localities. These summaries are conducted by local volunteers who estimate possible fiscal impacts of bills based on four different categories: finance, education, general laws, and local government. Mr. Akbor noted that this year staff had recruited 72 total volunteers for the Fiscal Impact Analysis process.

Schedule of Regular Meetings

Mr. Conmy noted the next meetings of the Commission will be Monday, March 22<sup>nd</sup> through Wednesday, March 24<sup>th</sup>, 2021. These meetings both align with the Commission's regular meeting schedule as well as oral presentations and a public hearing for the Martinsville Reversion case.

Upcoming Events of Interest

It was noted that 2021 General Assembly Session was set to begin on January 13, 2021. Also of note is the VACO, VML, VAPDC, and Virginia Rural Center collaborative Local Government Day will be taking place as a WebX online platform on January 28, 2021.

Other

There was no other business.

Adjournment

A motion was made by Ms. Linderman and seconded by Ms. Mahan for adjournment. The motion passed and the Commission adjourned at 12:31 p.m.

DRAFT



**BY EMAIL [david.conmy@dhcd.virginia.gov]**

Honorable Rosemary M. Mahan, Chair  
Commission on Local Government  
Department of Housing & Community Development  
600 East Main Street, Suite 300  
Richmond, Virginia 23219

J. David Conmy  
Local Government Policy Administrator  
Virginia Department of Housing and Community Development  
600 East Main Street, Suite 300  
Richmond, Virginia 23219

February 17, 2021

**Re:** *In the Matter of the Notice of the City of Martinsville's Intention to Petition for an Order Granting It Town Status Within Henry County – Joint Request for Extension of Time*

Dear Chairwoman Mahan:

Pursuant to Va. Code § 15.2-2907(A) and the Commission on Local Government's (the "CLG") Rules of Procedure, including 1 Va. Admin. Code § 50-20-390(D), the parties, by counsel, respectfully request, an 84-day extension of the deadline by which the CLG must report its findings of fact and recommendations in this matter, and a similar extension of all other intervening deadlines. The parties state the following in support of this request:

- In response to Martinsville's Notice, Henry County stated that it "does not oppose the City of Martinsville's reversion to town status as a general proposition" but does "object to the manner in which Martinsville proposes to revert." Cnty.'s Resp. at 1.
- The parties have been meeting periodically to discuss the possibility of agreement to appropriate terms and conditions of reversion.
- The parties have scheduled a mediation for April 28-29 regarding the terms and conditions of reversion.
- The parties are hopeful that such mediation and surrounding discussions may eliminate or narrow the issues in dispute and, thereby, preserve the resources of the parties, the CLG, and the potential three-judge special court.

Accordingly, the parties respectfully request, an 84-day extension of the CLG's reporting deadline until August 5, 2021. The parties also request that intervening deadlines be set at the CLG's March 22, 2021, meeting for times that are convenient for the CLG and the parties.

Schedule	Existing	Requested
Parties' responses to CLG requests for additional information.	Mar. 5, 2021	TBD
Oral presentations and public hearing.	Mar. 22-24, 2021	TBD
Regular and special CLG meetings.	Mar. 25, 2021	TBD

Closing of CLG's record; parties' written concluding arguments with proposed findings and recommendations.	Apr. 8, 2021	TBD
Special CLG meeting.	Apr. 22, 2021	TBD
Regular CLG meeting; adoption of report.	May 13, 2021	August 5, 2021

The parties will confer and present the CLG with a proposed schedule for intervening deadlines prior to the CLG's March 22, 2021, meeting.

Counsel appreciate the CLG's attention to this matter and are prepared to work with the CLG and its staff in making appropriate arrangements regarding the requested continuance and other matters in this proceeding.

Respectfully submitted,



John S. West (VSB No. 34771)  
Stephen C. Piepgrass (VSB No. 71361)  
Robert S. Claiborne, Jr. (VSB No. 86332)  
Troutman Pepper Hamilton Sanders LLP  
1001 Haxall Point, Suite 1500  
Richmond, Virginia 23219  
Telephone: 804.697.1200  
Facsimile: 804.697.1339  
john.west@troutman.com  
stephen.piepgrass@troutman.com  
robert.claiborne@troutman.com

*Counsel for the City of Martinsville*



Jeremy E. Carroll (VSB No. 41331)  
Guynn, Waddell, Carroll & Lockaby, P.C.  
415 South College Avenue  
Salem, Virginia 24153  
Telephone: 540.387.2320  
Facsimile: 540.389.2350  
jeremyc@guynnwadell.com

*Counsel for Henry County*

Commission on Local Government - Potential Date Considerations for +84-day Extension Request of Martinsville Reversion Case

Milestone	Original Date	+84 day date	Other Date Consideration	Corresponding CLG Regular Meeting Date (if applicable)	Notes
Deadline for parties to respond	3/5/2021	5/28/2021	early to mid May		Mediation is scheduled for 4/28 - 4/29. Depending on outcome of mediation, this case could evolve into a VSA. If so, then additional time (in excess of 84 days) may be appropriate because the VSA would likely entail a new Notice, etc., and CLG Standards for Review would change, which means new questions may be warranted. The other following dates would also be affected.
Oral Presentations	3/22/2021	6/14/2021	late May/early June	5/13/2021	The CLG may want to consider moving 5/13 meeting to later in May if possible. If case evolves into a VSA or if disagreements over proposed terms and conditions are reduced, then multiple days for oral presentations may be unnecessary.
Oral Presentations	3/23/2021	6/15/2021	late May/early June	5/13/2021	
Oral Presentations and Public Hearing	3/24/2021	6/16/2021	late May/early June	5/13/2021	
Regular and Special CLG Meetings	3/25/2021	6/17/2021	late May/early June	5/13/2021	
Closing of CLG's Record	4/8/2021	7/1/2021	early to mid June		
Special CLG Meeting	4/22/2021	7/15/2021	July CLG meeting	7/8/2021	Regular CLG meeting would likely be in lieu of special meeting, but a second special meeting after 7/8 meeting may be necessary.
Regular CLG Meeting	5/13/2021	8/5/2021	late July		A potential second special CLG meeting could be held in late July for additional consideration of adoption of the final report.

**FY 2021-20222 Schedule of Assessment Periods for Executive Branch Agency Assessment of Cataloged Mandates**

Catalog Number	Title	Assessment Dates		Completed/Comments?
		Begin	End	
LEG.APA002	Annual Audit	3/1/2022	5/31/2022	
SFIN.TAX020	Real Property Tax Exemption or Deferrals for the Elderly and Disabled	8/1/2021	10/31/2021	
SFIN.TAX022	Mobile Food Unit License Tax Exemption	8/1/2021	10/31/2021	
SHHR.DBHDS015	Community Service Board Submission of Completed Performance Contract			
SHHR.DBHDS016	Data Collection on Children and Adolescents			
SHHR.DSS075	Annual Credit Checks and Security Freeze for Children in Foster Care	9/1/2021	11/30/2021	
SOE.DOE032	Minimum Standards for New Construction and Renovation of School Facilities	3/1/2022	5/31/2022	
SOE.DOE090	School Crisis, Emergency Management, and Medical Emergency Response Plan	3/1/2022	5/31/2022	
SOE.DOE161	Parents' Right to Review Anti-Bullying or Suicide Prevention AV Materials	3/1/2022	5/31/2022	
SOE.DOE162	Electronic Room Partitions	3/1/2022	5/31/2022	
SOE.DOE163	Modernization of Public School Buildings	3/1/2022	5/31/2022	
SOE.DOE164	Safety Training for School Administrator	3/1/2022	5/31/2022	
SPSHS.DJJ011	Intake Officer Information Actions on Complaints	7/1/2021	9/30/2021	
SPSHS.DJJ012	Intake Officer Action on Complaint Alleging Child in Need of Supervision	9/1/2021	11/30/2021	
SPSHS.DJJ013	Intake Officer Notification to Commonwealth's Attorney	11/1/2021	12/31/2021	
SPSHS.DJJ014	Intake Officer Report to School Superintendents	1/1/2022	3/31/2022	
SPSHS.DJJ016	Intake Officer Response Regarding Detention Orders	3/1/2022	5/31/2022	

## 2021 FIS Responses: Finance Group

	HB1780	SJ297	Response
<b>Counties</b>			
Alleghany			0.0%
Appomattox			0.0%
Arlington			0.0%
Augusta	X		50.0%
Botetourt			0.0%
Charles City			0.0%
Chesterfield	X	X	100.0%
Amherst			0.0%
Carroll			0.0%
Fauquier			0.0%
Craig			0.0%
Cumberland			0.0%
Fairfax			0.0%
Fauquier		X	50.0%
Frederick			0.0%
Grayson			0.0%
Henrico			0.0%
King William			0.0%
Loudoun			0.0%
Mecklenburg			0.0%
Montgomery			0.0%
Prince Edward			0.0%
Prince George		X	50.0%
Prince William		X	50.0%
Pulaski			0.0%
Rappahannock	X	X	100.0%
Richmond		X	50.0%
Rockingham	X	X	100.0%
Smyth			0.0%
Stafford			0.0%
Washington			
Wise			0.0%
York			0.0%
<b>Cities</b>			
Alexandria	X		50.0%
Chesapeake			0.0%
Covington			0.0%
Danville			0.0%
Emporia			0.0%
Harrisonburg			0.0%
Lynchburg			0.0%
Manassas	X	X	100.0%
Martinsville	X		50.0%
Newport News			0.0%
Norfolk	X		50.0%
Petersburg.			0.0%
Poquoson			0.0%
Roanoke	X		50.0%
Virginia Beach			0.0%
Winchester	X	X	100.0%
<b>Towns</b>			0.0%
Ashland		X	50.0%
Blacksburg	X	X	100.0%
Buchanan	X		50.0%
Chincoteague, Inc			0.0%
Christiansburg		X	50.0%
Herndon			0.0%
Leesburg	X	X	100.0%
Luray	X	X	100.0%
Marion			0.0%
Pennington			0.0%
Rocky Mount			0.0%
Scottsville			0.0%
South Boston			0.0%
Strasburg			0.0%
Vinton			0.0%
Warrenton			0.0%
Warsaw			0.0%
<b>Professional Organization</b>			
Accomack-Northampton Planning District Commission			0.0%
Hampton Roads Planning District Commission			0.0%
Northern Neck PDC			0.0%
Northern Virginia Regional Commission			0.0%
Roanoke Valley-Alleghany Regional Commission			0.0%
Virginia Department of Criminal Justice			0.0%
Virginia's Region 2000 Local Government Council			0.0%
<b>Total Response/Bill</b>	14	14	23.3%
<b>Percentage of Response/Bill</b>	23.3%	23.3%	
<b>Total Volunteer</b>	60		

## 2021 FIS Responses: Education Group

	SB1185	SB1191	HB1915	HB2019	Response
<b>Counties</b>					
Alleghany					0.0%
Appomattox					0.0%
Arlington					0.0%
Augusta					0.0%
Botetourt					0.0%
Charles City					0.0%
Chesterfield					0.0%
Amherst					0.0%
Carroll					0.0%
Fauquier					0.0%
Craig					0.0%
Cumberland					0.0%
Fairfax					0.0%
Fauquier		X		X	50.0%
Frederick					0.0%
Grayson					0.0%
Henrico					0.0%
King William					0.0%
Loudoun					0.0%
Mecklenburg					0.0%
Montgomery					0.0%
Prince Edward					0.0%
Prince George					0.0%
Prince William					0.0%
Pulaski		X			25.0%
Rappahannock					0.0%
Richmond					0.0%
Rockingham					0.0%
Smyth					0.0%
Stafford					0.0%
Washington					0.0%
Wise		X			25.0%
York					0.0%
<b>Cities</b>					
Alexandria					0.0%
Chesapeake					0.0%
Covington					0.0%
Danville					0.0%
Emporia					0.0%
Harrisonburg		X	X		50.0%
Lynchburg					0.0%
Manassas	X	X	X	X	100.0%
Martinsville					0.0%
Newport News					0.0%
Norfolk	X	X	X	X	100.0%
Petersburg.					0.0%
Poquoson					0.0%
Roanoke	X	X	X		75.0%
Virginia Beach					0.0%
Winchester	X				25.0%
<b>Towns</b>					
Ashland					0.0%
Blacksburg					0.0%
Buchanan					0.0%
Chincoteague, Inc					0.0%
Christiansburg					0.0%
Herndon					0.0%
Leesburg					0.0%
Luray					0.0%
Marion	X	X	X	X	100.0%
Pennington					0.0%
Rocky Mount					0.0%
Scottsville					0.0%
South Boston					0.0%
Strasburg					0.0%
Vinton					0.0%
Warrenton					0.0%
Warsaw					0.0%
<b>Professional Organization</b>					
Accomack-Northampton Planning District Commission					0.0%
Hampton Roads Planning District Commission					0.0%
Northern Neck PDC	X	X	X	X	100.0%
Northern Virginia Regional Commission					0.0%
Roanoke Valley-Alleghany Regional Commission					0.0%
Virginia Department of Criminal Justice					0.0%
Virginia's Region 2000 Local Government Council					0.0%
<b>Total Response/Bill</b>	<b>6</b>	<b>9</b>	<b>6</b>	<b>5</b>	<b>16.3%</b>
<b>Percentage of Response/Bill</b>	<b>15.0%</b>	<b>22.5%</b>	<b>15.0%</b>	<b>12.5%</b>	
<b>Total Volunteer</b>	<b>40</b>				

## 2021 FIS Responses: Local Government Group

	HB1841	HB2052	HB2074	HB2221H1	SB81157	SB1210	Response
<b>Counties</b>							
Alleghany							0.0%
Appomattox							0.0%
Arlington							0.0%
Augusta							0.0%
Botetourt							0.0%
Charles City							0.0%
Chesterfield							0.0%
Amherst							0.0%
Carroll							0.0%
Fauquier							0.0%
Craig							0.0%
Cumberland							0.0%
Fairfax		X			X		33.3%
Fauquier							0.0%
Frederick							0.0%
Grayson							0.0%
Henrico					X		16.7%
King William							0.0%
Loudoun							0.0%
Mecklenburg							0.0%
Montgomery	X	X	X	X	X	X	100.0%
Prince Edward							0.0%
Prince George	X						16.7%
Prince William							0.0%
Pulaski							0.0%
Rappahannock	X	X	X		X	X	83.3%
Richmond					X		16.7%
Rockingham							0.0%
Smyth							0.0%
Stafford							0.0%
Washington							0.0%
Wise							0.0%
York							0.0%
<b>Cities</b>							
Alexandria	X	X	X	X	X	X	100.0%
Chesapeake							0.0%
Covington							0.0%
Danville	X		X				33.3%
Emporia							0.0%
Harrisonburg	X	X	X	X	X	X	100.0%
Lynchburg							0.0%
Manassas	X	X	X		X	X	83.3%
Martinsville							0.0%
Newport News							0.0%
Norfolk	X	X	X	X	X	X	0.0%
Petersburg.							0.0%
Poquoson							0.0%
Roanoke	X	X		X			50.0%
Virginia Beach		X	X	X	X	X	83.3%
Winchester	X		X				33.3%
<b>Towns</b>							0.0%
Ashland	X				X	X	50.0%
Blacksburg	X	X	X	X	X	X	100.0%
Buchanan							0.0%
Chincoteague, Inc							0.0%
Christiansburg	X	X	X		X		66.7%
Herndon			X	X	X		50.0%
Leesburg							0.0%
Luray	X	X	X	X	X		83.3%
Marion	X	X	X		X	X	83.3%
Pennington							0.0%
Rocky Mount							0.0%
Scottsville	X	X	X		X	X	83.3%
South Boston							0.0%
Strasburg							0.0%
Vinton							0.0%
Warrenton							0.0%
Warsaw							0.0%
<b>Professional Organization</b>							
Accomack-Northampton Planning District Commission							0.0%
Hampton Roads Planning District Commission							0.0%
Northern Neck PDC	X	X	X	X	X	X	100.0%
Northern Virginia Regional Commission							0.0%
Roanoke Valley-Alleghany Regional Commission							0.0%
Virginia Department of Criminal Justice							0.0%
Virginia's Region 2000 Local Government Council							0.0%
<b>Total Response/Bill</b>	17	15	16	10	18	12	22.9%
<b>Percentage of Response/Bill</b>	26.6%	23.4%	25.0%	15.6%	28.1%	18.8%	
<b>Total Volunteer</b>	64						

## 2021 FIS Responses: General Laws Group

	HB1746	HB1888	HB1890	HB2001	HB2045	SB1395	Response
<b>Counties</b>							
Alleghany							0.0%
Appomattox							0.0%
Arlington							0.0%
Augusta							0.0%
Botetourt							0.0%
Charles City							0.0%
Chesterfield							0.0%
Amherst							0.0%
Carroll							0.0%
Fauquier							0.0%
Craig							0.0%
Cumberland							0.0%
Fairfax							0.0%
Fauquier				X	X		33.3%
Frederick							0.0%
Grayson							0.0%
Henrico							0.0%
King William							0.0%
Loudoun							0.0%
Mecklenburg	X	X			X		50.0%
Montgomery							0.0%
Prince Edward							0.0%
Prince George							0.0%
Prince William							0.0%
Pulaski	X				X		33.3%
Rappahannock							0.0%
Richmond							0.0%
Rockingham							0.0%
Smyth							0.0%
Stafford							0.0%
Washington							0.0%
Wise	X	X					33.3%
York							0.0%
<b>Cities</b>							
Alexandria							0.0%
Chesapeake							0.0%
Covington							0.0%
Danville	X	X					33.3%
Emporia							0.0%
Harrisonburg	X	X					33.3%
Lynchburg							0.0%
Manassas	X	X	X	X	X	X	100.0%
Martinsville							0.0%
Newport News							0.0%
Norfolk	X	X		X			50.0%
Petersburg.							0.0%
Poquoson							0.0%
Roanoke							0.0%
Virginia Beach							0.0%
Winchester		X			X		33.3%
<b>Towns</b>							0.0%
Ashland					X		16.7%
Blacksburg	X	X	X	X	X	X	100.0%
Buchanan							0.0%
Chincoteague, Inc							0.0%
Christiansburg							0.0%
Herndon							0.0%
Leesburg				X	X		33.3%
Luray							0.0%
Marion	X	X	X	X		X	83.3%
Pennington							0.0%
Rocky Mount							0.0%
Scottsville	X	X			X		50.0%
South Boston							0.0%
Strasburg							0.0%
Vinton							0.0%
Warrenton							0.0%
Warsaw							0.0%
<b>Professional Organization</b>							
Accomack-Northampton Planning District Commission							0.0%
Hampton Roads Planning District Commission							0.0%
Northern Neck PDC							0.0%
Northern Virginia Regional Commission							0.0%
Roanoke Valley-Alleghany Regional Commission							0.0%
Virginia Department of Criminal Justice							0.0%
Virginia's Region 2000 Local Government Council							0.0%
<b>Total Response/Bill</b>	10	10	3	6	9	3	17.1%
<b>Percentage of Response/Bill</b>	25.0%	25.0%	7.5%	15.0%	22.5%	7.5%	
<b>Total Volunteer</b>	40						



## Bills of Interest

### Senate Bills

- 1) HB2304 (Tyler) / SB1413 (Boysko) Provision of broadband capacity by Phase I or Phase II electric utilities. Makes permanent the pilot program under which a Phase I or Phase II electric utility is permitted to petition the State Corporation Commission to provide broadband capacity to unserved areas of the Commonwealth. The bill expands the program to allow for the participation of municipalities and government-owned broadband authorities.
- 2) SB1309 (Ebbin) Local stormwater assistance; flood mitigation and protection. Authorizes grants from a local Stormwater Management Fund to be used for flood mitigation and protection measures that are part of a comprehensive flood mitigation and protection plan adopted by the locality, and requires such grants, where practicable, to prioritize projects that include nature-based practices. Current law allows such funds to be used only for the construction, improvement, or repair of a stormwater management facility or for erosion and sediment control locality to resume normal governmental authority by the end of that 12-month period.
- 3) SB1298 (Bell) Tourism improvement districts. Authorizes any locality to create a local tourism improvement district plan, consisting of fees charged to businesses and used to fund tourism promotion activities and capital improvements. Under the bill, the locality is authorized to contract with a nonprofit entity to administer the activities and improvements.
- 4) SB1208 (Barker) Continuity of government. Extends from six to 12 months the period of time after an enemy attack or other disaster that a locality may, by ordinance, provide for a method to assure continuity in its government and requires the ordinance to provide a method for the
- 5) SB1271 (McPike) Virginia Freedom of Information Act; meetings held through electronic communication means during a state of emergency. Allows a public body, or a joint meeting thereof, to meet by electronic communication means without a quorum of the public body physically assembled at one location when a locality in which the public body is located has declared a local state of emergency, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities. The bill also requires public bodies meeting through electronic communication means during a local or state declaration of a state of emergency to (a) make arrangements for public access to such meeting through

electronic communication means, including videoconferencing if already used by the public body, and (b) p

- 6) SB1119 (Reeves) creates a special non-reverting fund to be known as the Body-Worn Camera System Fund. The bill follows up on the Senator's bill introduced during the 2020 Special Session to create such a program. That bill did not pass but the General Assembly approved budget language creating a one-time grant program administered by the Virginia Department of Criminal Justice Services. The current bill would create a continuing fund; it was amended to sunset on July 1, 2023.
- 7) SB1296 (Spruill) requires the Virginia Department of Emergency Management (VDEM) to establish a permanent Emergency Management Equity Working Group to ensure that emergency management programs and plans provide support to at-risk individuals and populations disproportionately affected by disasters (this may include people with disabilities or limited mobility, with limited English skills, without ready access to transportation, etc.). This follows legislative efforts during the last few sessions to incorporate greater outreach and inclusion in state and local emergency response efforts.
- 8) SB1225 (Boysko) Broadband services; education. Authorizes school boards to appropriate funds for the purposes of promoting, facilitating, and encouraging the expansion and operation of broadband services for educational purposes. The bill authorizes school boards to partner with private broadband service providers to promote, implement, and subsidize broadband for educational purposes to the households of students who would qualify for (i) a child nutrition program or (ii) any other program recognized or adopted by the local school board as a measuring standard to identify at-risk students.
- 9) HB1923 (Ayala)/ SB1334 (Edwards) Electric utilities; broadband capacity pilot program. Expands an existing pilot program under which Dominion Energy and Appalachian Power are authorized to provide or make available broadband capacity to Internet service providers in areas of the Commonwealth that are unserved by broadband to include municipal Internet service providers.
- 10) SB1157 (Spruill) Shifts all municipal elections for city and town council and school board from May to November, beginning with elections held after January 1, 2022.

#### House Bills

- 1) HB2312 (Herring) / SB1406 (Ebbin) Eliminates criminal penalties for simple possession of up to one ounce of marijuana by persons 21 years of age or older, modifies several other criminal penalties related to marijuana, and imposes limits on dissemination of criminal history record information related to certain marijuana offenses. The bill

creates the Virginia Cannabis Control Authority (the Authority) and establishes a regulatory and licensing structure for the cultivation, manufacture, wholesale, and retail sale of retail marijuana and retail marijuana products, to be administered by the Authority. The bill contains social equity provisions that, among other things, provide support and resources to persons and communities that have been historically and disproportionately affected by drug enforcement. The bill has staggered effective dates and numerous provisions of the bill are subject to reenactment by the 2022 Session of the General Assembly.

- 2) HB1778 (Ward) Provides that a locality may by ordinance require the removal of clutter from property, except on land zoned for or in active farming operation, or may, whenever the governing body deems it necessary, after reasonable notice, have such clutter removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected. The bill defines "clutter" as including mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate. Violations of the bill are subject to the existing civil penalty applicable to violations of provisions relating to the removal of trash, garbage, refuse, litter, and similar substances from property.
- 3) HB2001\* (Helmer) Building standards for certain state and local buildings. Requires that any executive branch agency or institution or locality entering the design phase for the construction of a new building greater than 5,000 gross square feet in size or the renovation of a building where the cost of the renovation exceeds 50 percent of the value of the building ensure that such building has sufficient electric vehicle charging infrastructure, defined in the bill, and has features that permit the agency or institution to track the building's energy efficiency and carbon emissions. The bill authorizes the Director of the Department of General Services to grant exemptions to such standards, in writing and with certain terms. The bill requires agencies to annually report to the Governor the energy efficiency and carbon emissions metrics for each such building built or renovated. The bill requires localities to design such building projects according to the same or similar standards, or more stringent standards if adopted by ordinance. The bill also requires that localities incorporate appropriate resilience and distributed energy features. The bill requires that any exemption from the standards granted by resolution of the governing body of a locality be made in writing and explain the basis for granting the exemption which includes a comparison of the cost of the project over 20 years. \*This bill will apply to localities with a population of less than 100,000 on July 1, 2023.
- 4) HB1919 (Kory) Authorizes a locality, by ordinance, to establish a green bank to promote the investment in clean energy technologies in its locality and provide financing for clean energy technologies, defined in the bill. The bill establishes certain powers and

functions of a green bank, including developing rules and procedures, financing and providing loans for clean energy projects, and stimulating demand for renewable energy. The bill requires the green bank to be a public entity, quasi-public entity, depository bank, or nonprofit entity and requires the locality to hold a hearing and publish notice of the hearing in a newspaper of general circulation prior to establishing the green bank.

- 5) HB1969 (Carr) Modifies the definition of "qualifying locality" to include any locality with a score of 100 or higher on the fiscal stress index, as published by the Department of Housing and Community Development in July 2020. Under current law, a qualifying locality is one with a score of 107 or higher on the fiscal stress index, as published by the Department using revised data for 2017. Qualifying localities are able to (i) classify blighted and derelict properties as a separate class of taxable property and assess such property at a higher rate and (ii) sell delinquent tax lands six months after the locality has incurred abatement costs for buildings that have been condemned, constitute a nuisance, are a derelict building, or are declared to be blighted. The bill adds qualifying localities to the list of localities that have different requirements for having a special commissioner appointed to convey tax-delinquent real estate to the locality in lieu of a public sale at auction.
- 6) HB2054 (Samirah) Adds reducing, modifying, or waiving local parking requirements or ratios to the strategies that may be included when certain larger localities consider incorporating strategies to promote transit-oriented development in reviews of their comprehensive plans. The bill removes from the existing strategy of increasing development density in certain areas to reduce density in others the phrase "to reduce density in others."
- 7) HB2091 (Austin) / SB1267 (Deeds) Amends the charter for the City of Covington to help facilitate the consolidation of the school divisions of the City of Covington and Alleghany County. The bill sets out the salary of a school board member of such consolidated school district and shall become effective on July 1, 2022, provided that the consolidation of the City of Covington and Alleghany County school divisions is approved by the Board of Education prior to that date.
- 8) HB1893 (Hurst) / SB1212 (Edwards) Authorizes the creation of a regional passenger rail station authority in Planning District 4 to assist in the creation and maintenance of passenger rail in the region. The authority would be authorized to enter into revenue sharing agreements and to issue revenue bonds. The authority would be governed by a board consisting of members of each participating locality and institution of higher education.

- 9) HB2114 (Ransone) Expands from only localities in Planning District 23 to all localities a provision that provides that in any instance in which a locality has submitted a timely notice of public hearing to a newspaper published or having general circulation in the locality and the newspaper fails to publish the notice, such locality shall be deemed to have met certain notice requirements so long as the notice was published in the next available edition. Under current law, this provision that was created by the 2020 Regular Session and only applies to localities in Planning District 23 will expire on July 1, 2022. The provision in the bill as it applies to all localities will also expire on July 1, 2022. (Left in Counties, Cities, and Towns during 2021 Regular Session)
  
- 10) HB2257 (Bloxom) Makes numerous changes to the enabling act for the Hampton Roads Sanitation District related to the addition of Northampton and Accomack Counties to the district, including realignment of the residency requirements for Commissioners. Other changes include (i) defining the term "associated water system" and inserting it as appropriate throughout the bill; (ii) amending certain eminent domain powers related to procurement of lands contiguous to the site of an existing sewage disposal system for construction and operation of an expanded sewage disposal system to meet new regulatory requirements, including nutrient removal technology; (iii) altering authority related to rates; and (iv) making various technical and clarifying updates.

# Capitol Contact

## Virginia General Assembly

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

Tuesday, March 2, 2021

## General Assembly Adopts Budget Compromise

Legislators approved a set of revisions to the biennium budget on Saturday evening, agreeing to the budget compromise by a vote of 29-10 in the Senate and 67-32 in the House. A key element of budget negotiations was the tax treatment of business expenses that were funded with federal Paycheck Protection Program loans that were forgiven; while the forgiven loans are excluded from Virginia income tax, there was significant discussion earlier in the session about the degree to which businesses that received such a loan should also be able to deduct business expenses that were funded with these loans. This issue needed to be resolved before a budget could be finalized as state revenue projections must be adjusted to reflect the effect of allowing the deductions. Ultimately, conferees settled on allowing up to \$100,000 in deductions for these expenses for tax year 2020, as well as income tax subtractions of up to \$100,000 for businesses that received Rebuild Virginia grants in order to provide parity between businesses that received assistance from different sources.

Shared spending priorities for both chambers included compensation for teachers and state and state-supported local employees; protecting K-12 education from losses associated with pandemic-related enrollment fluctuations and addressing learning loss; restoring priority spending items that had been “unallotted” in April 2020 as a result of the pandemic; and continuing to make progress on water quality requirements.

Below is a summary of the key provisions of the budget conference report of interest to county governments. In addition, an analysis of the conference report’s provisions related to Constitutional officers prepared by the Executive Secretary of the Compensation Board is available [at this link](#). Estimated direct aid distributions to school divisions may be found at [this link](#). VACo will provide FY 2022 estimates of local option sales and use tax distributions as soon as those estimates are available from the Department of Taxation.

The Governor's deadline to act on the budget and bills that passed the legislature in the last week of the special session is midnight on March 31. The legislature will consider gubernatorial amendments and vetoes at the reconvened session on April 7. A handful of bills that passed in the 2021 regular session (which adjourned February 8) also await gubernatorial action, the deadline for which is March 10; if the Governor proposes any amendments or vetoes to these bills, a reconvened session will be held March 17.

## **K-12 Education**

- Maintains \$443 million over the biennium to ensure no school division receives less funding as compared to their distributions in Chapter 56 (the budget adopted during the 2020 special session) in both fiscal years after adjusting for other spending actions. Various amendments reflect adjustments to mid-session sales tax reforecast and use of gray machine revenues to supplant General Funds. ([Item 145 #20c](#), [Item 145 #19c](#), [Item 145 #9c](#), and [Item 145 #18c](#))
- Provides \$23.2 million Non-General Funds (NGF) in FY 2021 for Direct Aid to Education to adjust the Lottery Proceeds forecast to \$708.2 million the first year. ([Item 145 #21c](#))
- Provides \$20.1 million General Funds (GF) in FY 2021 and \$9.9 million GF in FY 2022 to ensure 40 percent of Lottery Proceeds are dedicated to Infrastructure and Operations Per Pupil Payments, formerly known as Supplemental Lottery Per Pupil Allocations. The additional funding increases these Per Pupil Payments by approximately \$30 per pupil the first year and \$15 per pupil the second year. ([Item 145 #13c](#))
- Provides \$40 million GF in FY 2021 from the Lottery Proceeds Fund the first year to support one-time programs and initiatives to address learning loss experienced by students due to the COVID-19 pandemic. No local match is required, and unexpended funds from the first year shall remain available in the second year. ([Item 145 #8c](#))
- Provides \$30 million GF in FY 2022 from federal Elementary and Secondary School Emergency Relief funds authorized in the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 to provide grants to address COVID-19 related learning loss and other student support needs. ([Item 146 #2c](#))
- Provides \$49.2 million GF in FY 2022 to fund the state's share of three specialized student support positions per 1,000 students. Specialized student support positions, consistent with [SB 1257 \(McClellan\)](#), include school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions. ([Item 145 #2c](#))
- Provides \$8.8 million NGF in FY 2022 from federal Elementary and Secondary School Emergency Relief funds authorized in the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 to implement the provisions of [HB 2027 \(Coyner\)](#) and [SB 1357 \(Dunnivant\)](#) to restructure Standards of Learning assessments for mathematics and reading in grades 3-8 from a single end-of-year assessment to a growth assessment system that measures student progress above, at, and below grade level. ([Item 139 #1c](#))

- Provides \$6.5 million NGF in FY 2022 from federal Elementary and Secondary School Emergency Relief funds authorized in the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 to provide the state share of the cost and costs that do not qualify under the federal Individuals with Disabilities Education Act for one additional year of education for students with disabilities who were 19 years of age or older and enrolled during the 2020-21 school year. ([Item 146 #1c](#))
- Provides \$14.6 million GF in FY 2022 to increase the Cost of Competing Adjustment (COCA) for support positions in the school divisions in Planning District 8 and certain adjacent divisions. ([Item 145 #12c](#))
- Captures \$2.8 million GF in FY 2022 by removing Accomack and Northampton counties from the full cost of competing adjustment as included in the introduced budget. ([Item 145 #7c](#))
- Provides \$2 million GF in FY 2022 from the Lottery Proceeds Fund the second year to provide one-time support to Accomack and Northampton school divisions for recruitment and retention efforts. These funds are contingent on the local school division providing the full 5.0 percent compensation supplement. ([Item 145 #1c](#))
- Captures \$2.5 million GF in FY 2021 from the school meals expansion initiative. The U.S. Department of Agriculture issued a waiver allowing all students to receive free meals for the 2020-2021 school year, regardless of income eligibility. ([Item 145 #6c](#))
- Provides \$1.2 million GF in FY 2022 as incentive payments for Alleghany County and Covington City school divisions to consolidate to be followed by three payments of \$600,000 in the three subsequent fiscal years. The Board of Education approved the consolidation of these divisions to be effective July 1, 2022. ([Item 145 #3c](#))
- Provides \$120,000 GF in FY 2022 to support the purchase of albuterol and spacers for public schools in Virginia. [HB 2019 \(McQuinn\)](#) will require undesignated stock albuterol inhalers to be maintained in every public school. ([Item 145 #10c](#))
- Includes language that directs the Superintendent of Public Instruction to convene a workgroup to make recommendations to the General Assembly on the required qualifications and training for school personnel providing health services in schools. ([Item 137 #4c](#)).
- Includes language that directs the Department of Education to develop a plan to implement an effective and appropriately-resourced school improvement program based on recommendations 8, 9 and 10 from the JLARC report "Operations and Performance of the Virginia Department of Education." ([Item 140 #1c](#))
- Includes language that directs the Department of Education to revise the state's special education complaint procedures and practices consistent with recommendation 21 from the 2020 JLARC report on "K-12 Special Education in Virginia." ([Item 138 #3c](#))



## **Compensation**

- Redirects funding for the proposed bonus payment included in the introduced budget and adds \$153.6 million GF in FY 2022 to provide the state's share of a 5 percent salary increase for SOQ instructional and support positions, effective July 1, 2021. A local match based on the composite index is required. The state share of funding for the compensation increase will be prorated for school divisions providing less than a 5 percent salary increase during the biennium; however, a school division must provide at least an average 2 percent salary increase during the biennium to qualify for the funds. ([Item 145 #11c](#))
- Redirects funding for the proposed bonus payment included in the introduced budget and provides an additional \$146.1 million GF in FY 2022 to fund a 5 percent salary increase for state employees and state-supported local employees, effective July 1, 2021. Also provides \$4.5 million GF in FY 2022 for an additional 3 percent salary increase and \$3.2 million to address salary compression among sworn employees of the Virginia State Police. ([Item 477 #2c](#))

## **Judiciary/Public Safety**

- Provides \$1.8 million GF in FY 2022 for public defender and support positions for the Indigent Defense Commission ([Item 48 #2c](#))
- Provides \$333,200 GF in FY 2022 to fund new requirements imposed by [HB 2110 \(Herring\)](#)/[SB 1391 \(Lucas\)](#) for the Virginia Criminal Sentencing Commission to collect and disseminate certain statewide and locality-level data regarding adults charged with a crime, to include demographic and criminal history data and information regarding supervision by probation or pretrial services. ([Item 49 #1c](#)). Companion amendment [Item 406 #1c](#) strikes language regarding pre-trial data collection on a pilot basis by the Department of Criminal Justice Services as this responsibility is being assumed by the Virginia Criminal Sentencing Commission.
- Directs the Department of Social Services to establish an interagency working group to develop recommendations for implementation of local criminal justice diversion programs, to include two-generation strategies that meet families' needs by addressing issues related to poverty. ([Item 359 #3c](#))
- Provides an additional \$2.5 million GF in FY 2022 for the Emergency Shelter Upgrade Assistance Fund, which aids local governments in preparing for emergency sheltering situation. ([Item 410 #1c](#))

## **Constitutional Officers**

- Directs the Compensation Board to work with the Virginia Association of Commonwealth's Attorneys to examine staffing standards for Commonwealth's Attorneys' offices, to include the use of diversion programs and specialty dockets. Provides \$250,000 GF in FY 2022 for the National Center for State Courts to perform a time study of Commonwealth's Attorneys' duties. Directs the Compensation Board to develop a revised staffing model based on the results of

the study; an interim report is due November 1, 2021, and a final report is due November 1, 2022. ([Item 75 #1c](#))

- Directs the Compensation Board to review the plan developed by the Department of Criminal Justice Services outlining law enforcement participation in the Marcus Alert system enacted during the special session and to survey sheriffs' offices to determine anticipated staffing and training costs to comply with the plan. A report is due November 1, 2021. ([Item 75 #2c](#))
- Retains the restoration of unallotted staffing and compensation adjustments for Constitutional officers included in the introduced budget:
  - \$2.6 million GF in FY 2022 to adjust entry-level salaries for regional jail officers, similar to the increase provided in 2019 for entry-level deputy sheriffs, effective July 1, 2021.
  - Funding for 25 percent of the staffing needs for sworn court services positions;
  - Funding for 25 percent of the staffing needs in Commonwealth's Attorneys' offices;
  - Funding to align deputy Circuit Court Clerks' salaries with those of district court clerks;
  - Funding to establish a minimum of three staff positions in each Circuit Court Clerk's office;
  - \$1 million GF for Circuit Court Clerks' operating budgets in order to reduce the amount of technology trust fund monies that are currently used to support operating budgets as a result of previous budget reductions;
  - \$752,608 GF in FY 2022 for unfunded and underfunded positions in Treasurers' offices;
  - \$950,656 GF in FY 2022 for unfunded and underfunded positions in offices of the Commissioners of the Revenue;
  - \$359,715 GF in FY 2022 to adjust Constitutional officer salaries based on changes in locality populations

## **Elections**

- Authorizes candidates for local office, offices of the General Assembly, statewide offices, and constitutional offices to collect petition signatures through an online form developed by the Department of Elections; this alternative procedure is allowed in 2021 during the COVID-19 state of emergency. ([Item 86 #1c](#))
- Extends the applicability of provisions governing the absentee ballot "cure" process, use of drop off locations for absentee ballots, and the inclusion of prepaid postage with absentee ballots to special elections and primaries held prior to July 1, 2021 (when legislation making these provisions permanent would take effect). These provisions were first incorporated in the budget passed during the special session and applied to the November 2020 general election. ([Item 86 #2c](#))
- Directs the Department of Elections to use funds remaining from the appropriation provided in the special session to continue to reimburse localities for costs associated with providing prepaid postage with absentee ballots. VACo

has advocated for continued state support for this state policy goal. ([Item 86 #3c](#))

- Provides \$3.5 million GF in FY 2022 to increase salaries for general registrars to place them on par with those of treasurers. VACo had advocated for funding for full reimbursement to localities for compensation of general registrars and electoral board members and is seeking clarity as to the percentage of reimbursement that would be covered by this appropriation. ([Item 87 #1c](#))
- Directs the Chairs of the Virginia Redistricting Commission to keep legislative leadership and the Governor informed regarding the availability of U.S. Census data and its effect on House of Delegates elections. ([Item 4-14 #2c](#))

## **Agriculture and Forestry**

- Provides an additional \$750,000 GF in FY 2022 for the Virginia Farmland Preservation Fund, bringing the total to \$1 million for the year. ([Item 97 #2c](#))
- Provides an additional \$2 million GF in FY 2021 for the Virginia Food Access Investment Program, which brings the total appropriation to \$3.1 million GF for the year. VACo was involved in the establishment of this program, which offers grants and loans to expand access to grocery stores and small food retailers in historically marginalized communities. ([Item 97 #3c](#))
- Directs the Department of Forestry to convene a stakeholder workgroup to make recommendations to state and local governments on policies which encourage the conservation of mature trees and tree cover on sites being developed, increase tree canopy cover in communities, and encourage the planting of trees. VACo has been part of the group of stakeholders advocating for this initiative. ([Item 107 #1c](#))

## **Economic Development/Workforce**

- Provides \$10 million GF in FY 2022 to establish a special, non-reverting Virginia Community Development Financial Institutions Fund to provide grants to community development financial institutions, community development enterprises, or similar entities whose primary purpose is to provide financing in the form of loans, grants or forgivable loans to small businesses or community revitalization real estate projects in Virginia. ([Item 114 #8c](#))
- Restores \$250,000 GF in FY 2022 for enterprise zones, which was unallotted in April 2020 and subsequently reduced during the special session. ([Item 115 #1c](#))
- Directs the Department of Mines, Minerals, and Energy to establish a work group to determine the feasibility and approach of creating a Virginia Residential Property-Assessed Clean Energy (R-PACE) Program. A report is due December 1, 2021. ([Item 125 #1c](#))
- Provides \$300,000 GF in FY 2022 for the Virginia Employment Commission to complete an actuarial study of the costs associated with the implementation of a paid family and medical leave program in Virginia. ([Item 131 #2c](#))

- Provides \$18.9 million GF in FY 2022 to support costs for the Virginia Employment Commission to forgive the overpayment of unemployment insurance benefits under certain conditions. ([Item 131 #3c](#))
- Directs \$25 million in revenues from “gray machines” to be used for grants to small businesses through the Rebuild Virginia Program. ([Item 479.10 #4c](#))
- Retains Governor’s restoration of \$36 million GF in FY 2022 for the G3 (Get Skilled, Get a Job, Give Back) program, which assists with community college tuition and other costs for students meeting certain eligibility criteria who are enrolled in programs preparing them for careers in certain high-demand fields. Conference report includes language defining a high-demand field and specifying the process through which additional fields will be added in the future; specifies that health care workers, first responders, and other essential workers are eligible for the program at no cost during the state of emergency and for two years thereafter. ([Item 221 #1c](#))
- Retains several other items from introduced budget:
  - Restoration of \$2 million GF in FY 2022 for the Virginia Jobs Investment Program. VACo supports this program, which assists businesses with workforce training costs.
  - Restoration of \$5 million GF in FY 2022 for the Virginia Business Ready Sites program.
  - \$500,000 GF in FY 2022 to create the Office of Education and Labor Market Alignment within the Virginia Economic Development Partnership. Conference report adds language directing the Office to serve as a resource for education and workforce programs administered by state government to better inform programmatic decisions on workforce education and training and to assist in determining strategic education and workforce investments.
  - \$10 million GF in one-time funding in FY 2022 to increase staffing for processing of unemployment insurance claims.
  - \$5 million GF in one-time funding in FY 2022 to integrate federal CARES Act programs into the state’s modernized unemployment insurance system.

## **Broadband**

- Provides \$424,000 GF in FY 2022 for the creation of a statewide broadband map. VACo supported this item. ([Item 114 #2c](#))
- Directs the Department of Housing and Community Development to establish a pilot program within the Virginia Telecommunication Initiative (VATI) for which public broadband authorities may apply without a private sector partner, with awards not to exceed 10 percent of total available VATI funds. VACo supports removing the requirement that VATI funds only be made available to local governments with a private sector partner. ([Item 114 #9c](#))
- Provides \$500,000 GF in FY 2022 for initiatives designed to expand education and telehealth access in the Lenowisco Planning District Commission and Cumberland Plateau Planning District Commission. ([Item 114 #10c](#))

- Directs the Department of Social Services to design a program to provide a subsidy for broadband service costs for select households participating in the Supplemental Nutrition Assistance Program. A report on the potential program is due by November 1, 2021. ([Item 359 #2c](#))
- Retains the Governor’s proposal to provide an additional \$15.25 million GF for VATI, for a total of \$49.7 million in the VATI program in FY 2022 and \$250,000 in administrative support. VACo supports this additional financial assistance to counties to build the necessary telecommunications infrastructure for unserved areas.

## **Housing**

- Provides \$50,000 GF in FY 2022 for costs associated with a workgroup to be convened by the Department of Housing and Community Development to develop recommendations on increasing local development of accessory dwelling units on single-family lots. ([Item 113 #1c](#))
- Updates language regarding rental assistance and specifies the process through which a landlord may apply for rental assistance on behalf of a tenant, as well as the circumstances under which the landlord may take action to obtain possession of the dwelling unit. ([Item 4-14 #4c](#))
- Retains the Governor’s proposal to deposit \$15.7 million GF in FY 2021 and \$25 million GF in FY 2022 in the Housing Trust Fund, with direction that the FY 2021 deposit be dedicated to continuing the Virginia Rent and Mortgage Relief Program after the expiration of federal Coronavirus Relief Funds that are currently supporting the program. Also retains Governor’s proposal to restore \$3.3 million GF in FY 2022 to continue the Eviction Prevention and Diversion Pilot Program, which supports local or regional programs that link clients to local departments of social services and legal aid.

## **Child Care/Early Childhood**

- Captures \$15.9 million GF in FY 2021 from the Virginia Preschool Initiative (VPI) based on actual enrollment reported in the 2020-2021 school year. ([Item 145 #4c](#))
- Retains Governor’s language authorizing the use of unspent VPI funds to supplement certain other early childhood initiatives; conference report directs the Department of Education to prioritize serving at-risk four-year-olds in reallocating funds among components of VPI. ([Item 145 #14c](#))
- Appropriates \$52.5 million in federal Child Care and Development Fund (CCDF) dollars in FY 2022 to temporarily expand the Child Care Subsidy Program in accordance with legislation passed by the General Assembly. ([Item 137 #2c](#)) Related amendment [Item 350 #6c](#) appropriates \$9.6 million in CCDF funds in FY 2021.
- Retains Governor’s proposal to increase the VPI per-pupil amount from \$6,326 to \$7,655 by providing \$11.1 million GF in FY 2022; retains Governor’s proposal to restore \$5 million GF in FY 2022 for incentive payments to retain early

childhood educators. Retains Governor's proposed \$164,174 GF in FY 2022 for a Deputy Superintendent of Early Childhood position in the Department of Education.

### **Aid to Local Public Libraries**

- Restores \$1 million GF in FY 2022 in state aid to local public libraries that was unallotted in April 2020. VACo supported the restoration of this funding. ([Item 247 #1c](#))

### **Study of Local Property Tax Exemptions**

- Directs the Commission on Local Government to review the effects of mandatory property tax exemptions on local finances, to include recommendations to mitigate the impacts on local budgets. This language was a request of VACo. ([Item 114 #4c](#))

### **Children's Services Act**

- Directs the Department of Education to collect and report data on staff credentials, accreditation status, and incidents of restraint and seclusion in private special education day schools and directs the Board of Education to promulgate regulations for private special education day schools on restraint and seclusion that establish the same requirements as those for public schools. These proposals are recommendations of JLARC in its November 2020 report. ([Item 138 #2c](#))
- Includes \$121,443 GF in FY 2022 to fund an additional position in the Office of Children's Services (OCS) to support the additional responsibilities to be undertaken by the agency as a result of legislation passed by the General Assembly, which incorporated JLARC recommendations for the agency to be more involved in ensuring effective local implementation of the Children's Services Act. Requires OCS to develop a plan to modify its staffing and operations to carry out these responsibilities and to collect information from local CSA programs regarding staffing and funding levels in order to target technical assistance, both also recommendations of JLARC. ([Item 293 #1c](#))
- Eliminates the annual two percent rate cap on increases that localities may pay for private day special services under the Children's Services Act in FY 2022 in anticipation of the completion of a report on rate-setting in September 2021 and rate-setting beginning July 1, 2022. ([Item 292 #1c](#))
- Eliminates language that was added to the budget during the special session to make clear that local Children's Services Act programs must continue to fund services associated with a child's placement in a private school pursuant to an individualized education plan, but may adjust rates paid to account for virtual or distance learning such that rates reflect the level of service being provided. ([Item 292 #2c](#))



- Provides \$305,357 GF in FY 2022 to support CSA costs associated with the State Kinship Guardianship Assistance Program established in legislation this session, which provides financial assistance to relatives and fictive kin (non-relatives who have an established relationship with a child or his/her family) who assume custody of a child who would otherwise be in foster care. ([Item 292 #3c](#))
- Retains actions in the Governor’s budget that reflect the shifting of costs from Title IV-E to Medicaid for children in psychiatric residential treatment facilities. The Department of Medical Assistance Services has indicated that these costs are no longer to be covered by Title IV-E, which is a state-federal cost-share, and will instead be covered by Medicaid, which includes a local match.

## **Health**

- Designates \$956,377 in federal grant funds in FY 2022 to implement legislation passed this session that would provide for the development and implementation of a system for sharing information regarding confirmed cases of communicable diseases of public health threat with emergency medical services agencies in real time during a declared public health emergency. ([Item 299 #3c](#))
- Provides \$2.7 million GF in FY 2022 to support 23 additional epidemiologist and communicable disease nurse positions in local health departments, in addition to the 24 positions funded with \$3.1 million in the introduced budget. ([Item 302 #1c](#))
- Modifies a proposal in the introduced budget to update the revenue capacity data in the funding formula for the Cooperative Health Budget (which funds local health departments). As introduced, the formula would be updated in FY 2022, and \$10.2 million in state funding would be provided in FY 2022 to cover the additional state share of funds required for localities that would see their local match rates decrease and to hold localities harmless that would be required to contribute an additional local match. The conference report would instead phase in the formula update over three years and provide \$2.8 million in FY 2022 for the additional state contribution for localities with decreasing local match rates. ([Item 302 #2c](#))
- Provides \$276,897 GF in FY 2022 for increases in rent for local health departments (which includes funding for rent increases that was unallotted in April 2020). Directs the Virginia Department of Health to prepare annual requests for funding for rent increases for potential inclusion in the Governor’s introduced budget. ([Item 302 #4c](#))
- Provides \$2.7 million GF and \$4.2 million in federal Medicaid funding for the costs of remote patient monitoring services provided via telemedicine for Medicaid recipients with medically necessary conditions in accordance with legislation passed this session. VACo has historically supported expanding options for telemedicine. ([Item 313 #21c](#))

## **Behavioral Health**

- Directs the Department of Behavioral Health and Developmental Services (DBHDS) to continue the workgroup established last year to consider expanding the categories of individuals who may conduct evaluations for Temporary Detention Orders. ([Item 320 #1c](#))
- Directs DBHDS to establish a workgroup to review the current processes and barriers to sharing relevant patient information between community hospitals and Community Services Boards (CSBs) for shared patients subject to an Emergency Custody Order and under evaluation for a Temporary Detention Order. ([Item 320 #2c](#))
- Provides \$3.8 million GF in FY 2022 to fully restore funding for pilot projects to reduce census pressures on state hospitals. (A total of \$7.5 million each year was approved in the 2020 Regular Session, but was unallotted in April 2020; half of the funding was restored during the special session and this action restores the remainder.) Language also provides that pilot projects could also include the option to build community capacity for patients on the Extraordinary Barriers List in order to relieve census pressure. ([Item 320 #5c](#))
- Directs DBHDS, in collaboration with the Virginia Treatment Center for Children (VTCC), to develop strategies to better utilize VTCC in assisting with the census pressures on the Commonwealth Center for Children and Adolescents (CCCA). ([Item 320 #7c](#))
- Directs DBHDS, in cooperation with the Department of Medical Assistance Services, the Medicaid managed care organizations, and CSBs to report on current efforts to provide early psychosis intervention and coordinated specialty care for children, adolescents and young adults in need of services. ([Item 320 #8c](#))
- Removes the additional \$2.5 million GF for discharge assistance planning that was included in the introduced budget. ([Item 321 #1c](#))
- Restores \$150,000 GF in FY 2022 to assist with the transportation costs of patients discharged from state hospitals who were admitted under a Temporary Detention Order (these funds were unallotted in April 2020). ([Item 321 #3c](#))
- Includes language clarifying that funding for purchase of acute inpatient or community-based psychiatric services at private facilities shall continue to be allocated to Community Services Boards so as not to disrupt local service contracts. The Governor's budget transfers this funding from the Grants to Localities item in the budget to the DBHDS central office. ([Item 321 #6c](#))
- Provides \$250,000 GF in FY 2022 in additional support to recovery residences organizations. ([Item 321 #7c](#))
- Provides \$2.1 million GF in FY 2022 to restore previously-unallotted funding for forensic discharge planning in jails. ([Item 322 #1c](#))
- Retains Governor's proposal for \$3.5 million GF in FY 2022 to support the diversion and discharge of individuals with dementia from state hospitals, to include contracts to support serving individuals in private settings and funding for a pilot mobile crisis program targeted toward individuals with a diagnosis of dementia. Directs the Secretary of Health and Human Resources to convene a



workgroup to make recommendations for the use of evidence-based services for individuals with dementia to improve quality of care and reduce hospitalizations. Conference report directs the workgroup to include an evaluation of the Northern Virginia Regional Older Adult Facilities Mental Health Support Team in its analysis. ([Item 321 #5c](#))

## **Social Services**

- Provides a 10 percent increase in Temporary Assistance to Needy Families (TANF) and directs the Department of Social Services to develop a plan to increase the standards of assistance by 10 percent annually until the standards equal 50 percent of the federal poverty level. ([Item 350 #2c](#))
- Provides \$2.1 million in TANF funding in FY 2022 to implement a program so that TANF-eligible individuals may save funds in an individual development account established for the purposes of home purchase, education, starting a business, transportation, or self-sufficiency. ([Item 350 #4c](#))
- Reduces the proposed expansion of Supplemental Nutrition Assistance Program Employment and Training programs. The Governor had proposed providing \$2 million GF and \$2.9 million in federal funding to expand the programs to 95 additional local departments of social services; the conference report would instead provide \$1 million GF and \$1.4 million in federal funds. ([Item 350 #5c](#))
- Provides \$2.2 million GF and \$2.2 million NGF in FY 2022 to increase the minimum pay band for local departments of social services positions. The pay band minimum would increase by 20 percent for family services positions and 15 percent for all other benefit program services positions, self-sufficiency services positions, and administration positions that are currently below the new minimum threshold. ([Item 351 #1c](#))
- Provides \$4.4 million GF in FY 2022 to increase the Auxiliary Grant (AG) rate by 10 percent. Auxiliary Grants require a 20 percent local match. ([Item 353 #1c](#))
- Retains Governor's proposal to provide \$9.2 million GF and \$5 million in federal funds in FY 2022 for prevention services for children at imminent risk of entering foster care, in keeping with the Family First Prevention Services Act.

## **Natural Resources**

- Provides an additional \$30 million GF in FY 2022 for agricultural best management practices, in addition to the \$13.6 million in the Governor's budget. ([Item 373 #4c](#))
- Provides \$25 million GF for the Stormwater Local Assistance Fund in FY 2022. This funding is in addition to the \$50 million in bond authorization included in the 2020 Appropriation Act. VACo has historically supported funding for this program. ([Item 379 #1c](#))
- Provides \$50 million GF and \$50 million in bond authorization for the Enhanced Nutrient Removal Certainty Program. This is in addition to the \$50 million in bond authorization provided by the General Assembly last year (so there will be \$150 million available as of July 1, 2021). This funding was strongly supported

by VACo and will help implement the Enhanced Nutrient Removal Certainty Program, as established by [HB 2129 \(Lopez\)](#) and [SB 1354 \(Hanger\)](#). ([Item C-70.50 #1c](#))

- Deposits \$1.1 million GF in the Virginia Stormwater Management Fund in FY 2022. Directs the State Water Control Board to adopt a schedule that sets fees at an amount of at least 60 percent (and no more than 62 percent) of the direct costs for the Department of Environmental Quality's administration, compliance, and enforcement activities in its stormwater management programs. This new fee schedule will affect Virginia Pollutant Discharge Elimination System Permits for Discharges of Stormwater from Construction Activities and municipal separate storm sewer system permits. According to the Virginia Municipal Stormwater Association, MS4 permit fees currently are at 54.5 percent. Most of the impact will be on construction permitting. ([Item 377 #2c](#))
- Provides \$115,000 GF in FY 2022 to fund one position at the Department of Environmental Quality to administer permit-by-rule applications for energy storage projects pursuant to the provisions of [HB 2148 \(Willett\)](#) and [SB 1207 \(Barker\)](#). ([Item 377 #3c](#))
- Provides \$230,000 GF in FY 2022 to fund staffing dedicated to the erosion and sediment control program to review erosion and sediment control plans for solar project permitting upon the request of a locality pursuant to the provisions of [SB 1258 \(Marsden\)](#). Establishes a working group for the purpose of developing an annual or project-based fee schedule for the review of erosion and sediment control plans related to solar energy project applications. The working group is to include representatives of (i) private sector companies that own or operate solar energy facilities, (ii) local governments that permit solar facilities, and (iii) other stakeholders determined by the Department to be necessary to the development of the fee schedule. ([Item 377 #4c](#))
- Creates a multi-agency workgroup to review the practice of retiring agricultural land for the generation of nutrient credits and determine its impact on agricultural sustainability, farmland retention, farmland preservation, and functions of the nutrient credit exchange in the Virginia portion of the Chesapeake Bay watershed and its subwatersheds. ([Item 377 #5c](#))
- Directs the Department of Environmental Quality, the Virginia Department of Agriculture and Consumer Services, and the Virginia Department of Health to convene a joint workgroup to analyze the factors that lead to the formation and occurrence of harmful algae blooms and to make recommendations for plans and strategies for state agencies to lead or support appropriate mitigation efforts. ([Item 377 #6c](#))
- Directs the Department of Environmental Quality to study advanced recycling, which includes processes that convert certain plastic waste into hydrocarbon raw materials. The study is to include a survey of other states' approaches to regulation of advanced recycling and recommendations for regulation of the industry in Virginia. ([Item 376 #1c](#))
- Delays by one fiscal year the authority of the Department of Wildlife Resources to assess fees for access to boat ramps it owns or manages, and directs the Department to study the costs and benefits of such access fees. ([Item 382 #1c](#))

## **Transportation**

- Dedicates \$3.6 million in the Transit Ridership Incentive Program for regional connectivity programs focused on congestion reduction and mitigation through provision of long-distance commuter routes. Appropriates \$233.4 million in federal funding, \$20 million in uncommitted balances from the Transportation Partnership Opportunity Fund, \$15 million in other uncommitted balances previously allocated for Financial Assistance for Planning, Access Road, and Special Projects in FY 2021, and \$55 million GF in FY 2022 for specified initiatives, including:
  - \$83.5 million to extend passenger rail service from Roanoke to the Blacksburg-Christiansburg area and increase the frequency of passenger rail service along the I-81/Route 29 corridor from Washington, DC
  - \$83.5 million to improve commuter rail service on the Virginia Railway Express Manassas line
  - \$93.1 million for improvements to the I-64 corridor
  - \$32.4 million for the state's share of dedicated regional funding for the Washington Metropolitan Area Transit Authority
  - \$10 million for regional trails
  - \$10.9 million for pilot programs for fare-free transit with urban and rural transit providers
  - \$10 million for a connected infrastructure redevelopment demonstration project in the City of Falls Church
  - Funds not allocated by June 1, 2022, will support additional pavement and bridge maintenance projects. Language provides that the GF appropriation shall be unallotted if additional federal funds are provided prior to June 30, 2021. ([Item 447.10 #1c](#) and [Item 430 #1c](#))
- Provides localities who have received funding through the Economic Development Access Program a 48-month moratorium before repayment would be required. ([Item 451 #1c](#))

## **Reserves**

- Makes an additional voluntary deposit of \$250 million to the revenue reserve fund in FY 2021. Retains the Governor's proposed deposit of \$650 million in FY 2022. ([Item 275 #1c](#))

## **Utility Assistance**

- Allows utility assistance program funds derived from the Coronavirus Relief Fund to be applied to a customer's account more than once. Also updates language regarding the Governor's ability to shift funds among Coronavirus Relief Fund allocations given the extension of time allowed to expend the funds. ([Item 479.10 #1c](#))

## **Support for Planning District Commissions**

- Restores \$294,000 GF in FY 2022 in support for planning district commissions; this funding had been unallotted in April 2020. ([Item 114 #6c](#))

## **Other Items of Interest**

- Establishes a Joint Subcommittee on Tax Policy, which is tasked with evaluating the fiscal impact of changes to the individual income tax system, as well as the fairness, certainty, neutrality, and economic efficiency of the Commonwealth's tax policies and making recommendations for any changes to the Code. ([Item 1 #5c](#))
- Creates a public body procurement workgroup to review and study proposed changes to the Code of Virginia in areas of non-technology goods and services, technology goods and services, construction, transportation, and professional services procurements. ([Item 82 #1c](#))
- Provides \$2 million GF in FY 2021 and \$76,000 GF in FY 2022 for state costs associated with legislation establishing a presumption that COVID-19 is a work-related disease for first responders under the Workers' Compensation Act ([HB 2207](#) and [SB 1375](#)) and legislation giving localities the option of adding EMS workers to the workers' compensation presumption for hypertension or heart disease ([HB 1818](#) and [SB 1275](#)). ([Item 477 #3c](#))
- Establishes the Assistance for COVID-19 Trust Fund and requires that any new federal assistance provided to assist the Commonwealth with the revenue and economic impacts resulting from the pandemic be deposited to the Fund; bars any expenditure from the Fund that is not specifically appropriated in a general appropriation act. ([Item 479.10 #3c](#))

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

## **General Assembly votes to legalize marijuana**

After months of debate and over a year of preliminary study and analysis, the General Assembly has voted to legalize marijuana in the Commonwealth.

[HB 2312 \(Herring\)](#) and [SB 1406 \(Ebbin\)](#) passed the House of Delegates and Senate late on Saturday, February 27, paving the way for the legalization and subsequent commercialization of marijuana throughout Virginia. In a virtual legislative session marked by countless twists, turns and challenges, these bills were amongst the most difficult for the General Assembly to grapple with. By the time a final vote was taken in each chamber, the bills had already been heard by three subcommittees and six full committees in the House and Senate, not to mention the many days of rigorous debate heard on the floor of each chamber.

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## eNews February 26, 2021



Friday, February 26, 2021 - 05:32pm

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## Budget

# Budget Conference Report summary for local governments

## No Extra Innings!

Unlike the 2020 Special Session, this year's Special Session budget work will not slowdown the march to Sine Die. Last night, the House Appropriations and the Senate Finance and Appropriations Committees [posted their conference report](#), including all the budget amendments.

VML staff will be available next week to answer your questions.

The following narrative highlights the budget items of most concern for local governments. Use the links below to jump to each section:

- [Revenues](#)
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- [Children's Services Act \(CSA\)](#)
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## Revenues

The budget enacted last year projected \$43.5 billion in general fund revenue for the 2020-22 biennium. Unexpected sales tax collections and stronger than anticipated collections in non-withholding income taxes and corporate income taxes provided a significant revenue cushion for the General Assembly. The budget conference report assumes that general fund revenues will top \$45.2 billion for an increase of almost 4 percent since the last budget adopted in November 2020.

[Item 275 #1c](#) pumps up the state's cash reserves by \$250.0 million. Total reserves in the state's "Rainy Day Fund" and cash

revenue reserve would be roughly \$2.1 billion by the end of this biennium. VML supports building up the state's cash reserves but questions if this is the best strategy for reducing and meeting future spending liabilities.

The introduced Budget Bill included \$61 million to buy down a portion of the Teacher Retirement Fund's unfunded liability. VRS will treat the deposit as an actuarial gain to be recognized over the next 20-years. This will result in an estimated 5.0 basis point reduction in future Teacher plan contribution rates. That's a \$4.5 million annual savings of which \$2.7 million is estimated to accrue to localities. Would an increase to the Teacher Retirement Fund result in even more savings for the state and localities?

[Item 4-14 #3c](#) sets out the state's plan for conforming with federal tax policy changes approved by Congress and President Trump in late December. This was both a revenue and budget issue. The budget conferees agreed to conform with the federal changes consistent with [SB1146](#), which provides a deduction of \$100,000 for business expenses funded by forgiven loans under the Paycheck Protection Program (PPP). The measure also provides an income tax subtraction of up to \$100,000 for grant funds issued under the state's Rebuild Virginia Program.

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## Economic Development

[Item 52 #1c](#) and [Item 111.10 #1c](#) carry out the provisions of [HB2321](#) to create a new secretariat, the Secretary of Labor. Funding for the new office comes from transferring an existing appropriation in the Governor's Office for the Chief Workforce Development Officer. The state agencies reporting to the Secretary of Labor, effective July 1, will include the Department of Labor and Industry, VEC and the Department of Professional and Occupational Regulation.

[Item 113 #1c](#) implements [HB2053](#) providing \$50,000 for the Department of Housing and Community Development (DHCD) to lead a workgroup to provide recommendations on increasing local development of accessory dwelling units on single-family dwelling lots.

[Item 114 #2c](#) provides \$424,000 for DHCD to develop a statewide broadband map and establish parameters for the development of the map. The effort is to include satellite-based broadband providers.

[Item 114 #4c](#) is a language amendment directing the Commission on Local Government to review the effects of mandatory property tax exemptions on local government revenues and services and to recommend options for mitigating the fiscal impacts. VML and VACo worked with several localities on the issue. The amendment had been



adopted by both the House and Senate in their respective budget packages.

[Item 114 #7c](#) provides \$1.5 million in FY22 for the Virginia Main Street Program, specifically to address economic recovery efforts necessitated because of the pandemic.

[Item 114 #9c](#) (at long last) establishes a one-year pilot program to allow public broadband authorities to apply directly for Virginia Telecommunications Initiative (VATI) funds without investments from the private sector.

[Item 134 #2c](#) appropriates \$2.1 million for tourism promotion. The money is from increased sales tax collections from online travel companies like Expedia. Authorization for the tax collections is from [SB1398](#).

[Item 479.10 #1c](#) alters the state's utility assistance program funded with federal Coronavirus Relief money. The language change permits the funds to be applied to a customer's account more than once. The language also updates the timing of certain actions related to the CRF because of congressional actions extending the program's deadlines.

[Item 4-14 #4c](#) makes technical changes to and clarifies the requirements of the state's rental assistance program, including evictions-related actions and program changes excluding mortgage assistance.

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## **Children's Services Act (CSA)**

A number of bills and budget items were introduced this year to address aspects of the Children's Services Act (CSA) regarding special education funding and program administration. Three items in the conference report address these issues. The first item would end the temporary two percent rate cap on increases for private day special education services enacted when the General Assembly began studying special education private day; this study is now completed ([Item 292#1c](#)); another would remove the language enacted during the earlier days of the pandemic to allow localities to adjust daily and monthly rates with private special education for virtual/distance learning for the 2020-2021 school year ([Item 292#2c](#)).

Another item would add funding and a position to the Office of Children Services (OCS) to implement new responsibilities for monitoring local program performance and working with underperforming localities pursuant to HB 2212 and collecting additional information from localities regarding local administrative staffing and budgets to better understand local program resources ([Item 293#1c](#)).



Also affecting CSA is an amendment to fund the state portion of costs (\$305,357) for establishing a State Kinship Guardianship Assistance Program with the goal of increasing permanent placements. Local governments will see a fiscal impact because of the move from Title IV-E funds; this may be partially offset by cost avoidance under requirements of new federal foster care requirements going into place in FY2022 ([Item 292#3c](#)).

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## Health Department

### COVID-19 issues:

The COVID-19 pandemic brought much more focus and funding for the Virginia Department of Health (VDH) and local health districts. The introduced budget included state funding for several COVID-19 related efforts; recent federal funding allocations allowed budget conferees to supplant the state funds with federal funds. This includes funding to support mass vaccination administration efforts, data modeling, testing and surveillance at state-operated behavioral health facilities, testing and contact tracing at state higher education institutions, and communications and outreach efforts. Federal funds in the second year will fund the provisions of [HB1989](#) regarding creation and implementation of a real-time information-sharing system regarding communicable disease cases between VDH and local EMS agencies. This would be in place during a declared public health emergency ([Item 299 #3c](#)).

State funding of \$2.74 million will also support an additional 23 positions plus the 12 included in the introduced budget) for communicable disease surveillance investigation at the state and local health district level ([Item 302#1c](#)).

### Cooperative health budget match rates:

The conference report amended the implementation of the updating of state and local match rates for the cooperative health budget included in the introduced budget. The conference report phases in the new match rates over a three-year period beginning in FY2022 and eliminates the single year hold-harmless for those with proposed local match increases. The introduced budget had proposed fully implementing the local match decrease in FY2022 while giving those localities with proposed local match increases a hold-harmless for one year with full implementation of the increased match in the following year ([Item 302#2c](#)).

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## Behavioral Health

### Transportation:

The conference report included \$150,000 in the second year to assist with transportation costs for individuals discharged from a state hospital following a temporary detention order. Sometimes the state facility is hours away from a person's home community and transportation is difficult to obtain ([Item 321#3c](#)).

**Diversion funding:**

The report also included language clarifying that funding formerly in the grants to localities and moved to the central office budget is available and will be allocated to CSBs for diversion services to keep individuals from placement in state hospitals by using acute inpatient or community-based psychiatric services at private facilities ([Item 321#6c](#)).

**Jail forensic discharge planning:**

The report restores \$2.8 million in funding unallotted last year to expand forensic discharge planning services at three additional jails with a high percentage of inmates with serious mental illness ([Item 322#1c](#)).

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## Social Services

**Child care:**

The conference report included \$9.65 million in federal funds from the Child Care and Development Fund to implement provisions of HB 2206 which temporarily expand the child care subsidy program. Additional CCDF funds became available to states through the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 ([Item 350#6c](#)).

**Local department of social services funding:**

State and federal funds are included in a conference item in the second year to increase the minimum pay band for local departments of social services in FY22. The pay band minimum would increase by 20 percent for family services positions and 15 percent for all other benefit program services positions, self-sufficiency services positions and administrative positions currently below the new minimum threshold ([Item 351#1c](#)).

State and funding is also included to fund the increased workload impact on local departments of social services of SB 1321, regarding expansion of stepparent adoption provisions ([Item 351#2c](#)).

**Auxiliary grants:**

the conference report includes a total of \$4.4 million in state funding to increase the Auxiliary Grant rate by 10 percent in FY2022. There is

an unfunded fiscal impact on local governments because localities pay a 20 percent match on each auxiliary gran. ([Item 353#1c](#)).

#### **Criminal diversion workgroup:**

Language in the conference report establishes an interagency work group to develop recommendations for local criminal justice diversion programs to provide alternatives to arrest, conviction and incarceration of lower-level offenses. The workgroup will a number of stakeholders, include community action agencies and local governments ([Item 359#3c](#)).

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## **Public Safety and Compensation Board**

#### **Emergency management:**

A total of \$2.5 million is included in the second year to continue funding for the Emergency Shelter Update Assistance Fund to help local governments with preparations for emergency sheltering needs on a continuing basis ([Item 410#1c](#)).

Funding is also provided for the creation and coordination of a formalized Partners in Preparedness Program and community outreach campaign to ensure that response and recovery plans and procedures take equity and inclusion into consideration during disaster preparedness and incidents ([Item 410#2c](#)).

#### **HB 599:**

No additional funding for state assistance to local law enforcement was included in the introduced budget or conference report.

#### **Commonwealth attorney staffing standards:**

Language in the conference report requires the Compensation Board to examine the staffing standards used to determine and distribute funding to Commonwealth Attorneys' offices. While it includes a number of new items to examine, including specialty dockets and diversion programs, it does not address the workload created by use of body camera video ([Item 75#1c](#)).

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## **Natural Resources**

The Conference Report released Thursday for by the Budget Conferees includes significant new and additional investments in cleaner waterways across the Commonwealth including \$25 million in additional funding for the Stormwater Local Assistance Funding ([Item 379 #1c](#)) which provides grants to localities to upgrade stormwater systems (a VML legislative priority).

Additionally there is \$100 million in new funding included in the conference budget ([Item C-70.50 #1c](#)) directed to specific wastewater treatment plants throughout the Chesapeake Watershed as directed by [HB2129](#) (Del. Lopez) and [SB1354](#) (Sen. Hanger). There is also a \$500,000 increase in funding for the Virginia Conservation Assistance Program which provides funding for water quality improvement projects in urban areas. Clean water related funding includes \$30,000,000 for Agricultural Best Management Practices ([Item 373 #4c](#)) which makes for a total investment in clean water programs of \$155 million with \$125 million of those funds directed to local wastewater and stormwater improvements directly. These funds will be essential for localities meeting their obligations to reduce nutrient loads under the third Watershed Implementation Program (WIP III).

Permit fee increases are included in the budget which will include permit fees for the Virginia Pollutant Discharge Elimination System (VPDES) Permit for Stormwater Discharges of Stormwater, fees are to be increased to offset up to 62% of the actual administrative cost incurred in the administration of the VPDES permits and the nutrient credit certification program. Fees are to be adjusted with input from impacted permittee stakeholders ([Item 377 #2c](#)).

Several studies are also included in the budget that may be of interest to localities including a stakeholder group ([Item 382 #1c](#)) to study assessing fees on kayaks, canoes, and rafts accessing public waterways using state owned or managed boat ramps which also halts the imposition of any fees until July 1, 2022. Nutrient Credit Workgroup is tasked by a language amendment with examining the impact of generating nutrient credits from retiring farmland ([Item 377 #5c](#)).

In all the natural resources funding in the conference report budget represents a significant investment in clean water to help localities with carrying out federal and state legislative and regulatory mandates like Phase II of the Watershed Implementation Plan.

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## Transportation

The Budget includes distributions of federal funding for Transportation in the amount of \$323.4 million of one time funding as a result of the congressional actions to beef up Coronavirus Relief passed in late 2020 ([Item 477.10 #1c](#)). These funds are being directed in part to assist and mitigate the impacts tied to the significant decrease in transportation revenues since March of 2020 and are programmed to meet a variety of purposes including additional funding for WMATA, VRE, Rail, \$10 million for the identification and development of multi-use trails across the Commonwealth, pilot programs for fair free urban and rural transit up to \$10 million and a study of transit equity

and modernization, \$10 million for a connected infrastructure redevelopment project, a study of costs associated with extending intercity passenger rail to the City of Bristol and cost associated with a rail station in Bedford.

Other transportation items of interest included in the budget:

- An economic development access program moratorium on repayment for 48 months [Item \(451 #1c\)](#)
- Language that requires adequate notification by VDOT of any changes in weight limits to bridges ([Item 447 #1c](#))
- A study of coastal transportation infrastructure inundation which will identify at risk rural and urban infrastructure and develop a mitigation plan as well as a timeline for implementation of mitigation efforts ([Item 446 #2c](#))

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## Elections

Amendments from the 2021-2022 biennial budget that had been allocated in light of the pandemic included \$3.5 million for general registrars ([Item 87 #1c](#)). This will not only fully cover their salaries – a longstanding request from local governments, given the state’s authority over these positions – but will also increase salaries to match those of local treasurers.

Following last year’s expansion of absentee voting both via executive order and, effective last July, legislative action from the 2020 session, language is included that will also continue to reimburse general registrars for the cost of prepaid postage, estimated at roughly \$1 million based on FY21 spending ([Item 86 #3c](#)).

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## Education

In a much-anticipated move, the General Assembly made \$153.6 million available for teacher salary increases of up to 5 percent ([Item 145 #11c](#)). The language includes a number of caveats, including the requirement that localities offer at least an average of a 2 percent increase over the biennium in order to qualify for a state match; however, there is some question as to how the term “average” will be applied, based on the phrasing. As VML reads the item, “average” applies to the average salary increase across positions based on tenure, etc. The amendment will likely receive additional clarification during the reconvened session.

An additional \$14.6 million is provided to the cost of competing adjustment for school districts in Planning District 8 and in select adjacent school divisions ([Item 145 #12c](#)). For PD8 divisions, the COCA will increase the salary adjustment factor from 10.6 percent to 18 percent; for eligible non-PD8 divisions, the adjustment factor will increase from 2.6 to 4.5 percent. These increases reflect restorations of those unallocated after the 2020 General Assembly session, with a 1.5 percent and 0.5 percent boost, respectively.

Reflecting increased awareness around non-instructional student needs, state funding for SOQ-mandated support positions is increased from two to three per 1,000 students, at \$49.5 million ([Item 145 #2c](#)). The cap on support staff such as school nurses, school counselors, social workers, or behavior analysts has been in place since the Great Recession. As a result, school districts across the Commonwealth have been struggling to foot the bill for both the unfunded positions and any additional much-needed positions.

The conference budget also accounts for the additional federal COVID support granted to Virginia in last month's Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act. As such, \$52.5 million is included from the Child Care and Development Fund to expand the state's child care subsidy ([Item 137 #2c](#)). Another \$7 million will support the continued expansion of Virtual Virginia's management system and support additional free slots for students ([Item 141 #3c](#)). The state will also fund the restructuring of English and math assessments described in [HB2027 \(Coyner\)](#) and [SB1357 \(Dunnavant\)](#) with \$8.8 million in CRRSA money ([Item 139 #1c](#)). Finally, \$30 million is included in Fiscal 2022 for CRRSA-supported Elementary and Secondary Emergency Relief Grants, designed to help address learning loss and remediation efforts ([Item 146 #2c](#)).

Direct aid to schools sees increases, beginning with updated sales tax increases of \$40 million in Fiscal 2021 and \$45.7 million in Fiscal 2022 under ([Item 145 #18c](#)). Of note, the \$40 million increase in revenue is reflected in the corresponding reduction of COVID relief funding and will be used in the state's agreement to hold school districts harmless following COVID restriction-related enrollment losses during the 2020-2021 school year ([Item 145 #19c](#)).

In response to ongoing learning loss issues related to school closures and virtual learning, the conference report includes \$40 million in Fiscal 2021 to support summer learning and other programs to help bring students back up to speed. Importantly, these funds are allocated for Fiscal 2021, but can be used in Fiscal 2022 as needed ([Item 145 #8c](#)). Allocations of \$20.1 million in FY21 and \$9.9 million in FY22 will raise Infrastructure and Operations Per Pupil payments, formerly known as Supplemental Lottery Fund Per Pupil allocations, by \$30 and \$15, respectively ([Item 145 #13c](#)).

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## Miscellaneous Items

[Item 477 #2c](#) addresses salary increases for state employees **and state-supported local employees** including locally-elected constitutional officers, general registrars and members of local electoral boards, full-time staff of locally-elected constitutional officers, and full-time Bs, Centers for Independent Living, secure detention centers supported by Juvenile Block Grants, juvenile delinquency prevention and local court service units, local social services boards, local pretrial services act and CCCA employees, and local health departments. Some \$48.3 million is provided in FY 2022 for this 5.0 percent salary hike.

[Item 479.10 #3c](#) is likely to cause some degree of discomfort in the Governor's Office. The language amendment creates the Assistance for COVID-19 Trust Fund. Any direct federal assistance provided by Congress after January 1, 2021, for addressing COVID-19 impacts will be deposited to this account. The language also sets out as policy that no money may be expended from the Trust Fund unless specifically appropriated in a general appropriation act pursuant to Article X, Section 7 of the Virginia Constitution. That means Governor Northam will not be able to expend these dollars without legislative permission.

[Item 479.10 #4c](#) appropriates from the existing COVID-19 Relief Fund \$36 million in FY21 and \$40 million in FY22 as "No Loss Payments" for local school divisions. In addition, another \$25 million is appropriated for the Rebuild Virginia program. The source of the money is the revenue from games of skill machines ("gray machines") deposited to the COVID-19 Relief Fund.

[Item C-70.50 #1c](#) provides \$50 million from the general fund and an additional \$50 million from VPBA bonds to implement the enhanced Nutrient Removal Certainty Program. The program is authorized under [SB1354](#).

[Item 4-14 #1c](#) is a language amendment requiring Dominion Energy to write off debt owed by its customers. The accounts will be forgiven if balances are more than 30-days in arrears as of December 31, 2020.

[Item 1 #5c](#) creates a joint House-Senate subcommittee on tax policy to evaluate and make recommendations on potential changes to current state policies.

**VML Contacts:** Janet Areson, [jareson@vml.org](mailto:jareson@vml.org); Jessica Ackerman, [jackerman@vml.org](mailto:jackerman@vml.org); Mitchell Smiley, [msmiley@vml.org](mailto:msmiley@vml.org); and Neal Menkes, [nmenkes@vml.org](mailto:nmenkes@vml.org).

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## Legislation Updates

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# VIRGINIA STATE BUDGET

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2021 Special Session I

## Budget Amendments - HB1800 (Conference Report)

Bill Order » Item 114 #4c

**Mandatory Property Tax Exemptions Impact on Local Governments (language only)**

### Item 114 #4c

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#### **Commerce and Trade**

Department of Housing and Community Development

#### **Language**

Page 114, after line 46, insert:

"O. The Commission on Local Government will review the fiscal effects of mandatory property tax exemptions on the capacity of local governments to deliver essential services to the public. As part of the review, the Commission will ascertain the impact of the exemptions on property tax collections, the shift to and reliance on other local revenues to compensate for exempted properties, the additional fiscal stress placed on non-exempted properties and non-exempted local taxpayers, and the ability of local governments to meet spending needs. In addition, the Commission will develop and include in its review potential recommendations to mitigate the fiscal impacts on local governments tied to these state tax exemption initiatives. The Commission will report its findings to the Governor, the Joint Subcommittee on Local Government Fiscal Stress, and the Chairs of the House Committee on Finance, and the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by November 1, 2021."

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#### **Explanation**

(This amendment directs the Commission on Local Government to undertake a review of the effects of mandatory property tax exemptions on local government revenues and services and recommend potential options for mitigating fiscal impacts.)



**COMMISSION ON LOCAL GOVERNMENT  
COMMONWEALTH OF VIRGINIA**

At a regular meeting of the Commission on Local Government held virtually on Thursday, March 25, 2021, at the hour of 11:00 a.m., the following resolution was unanimously adopted:

**WHEREAS, Kimble Reynolds, Jr.**, was appointed by Governor Terence R. McAuliffe and confirmed by the 2016 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 May 10, 2016, until December 31, 2020; and

**WHEREAS**, He was unanimously elected Vice-Chair of the Commission, on January 10, 2017, serving in that capacity during 2017; and

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

**WHEREAS**, as Chair, he oversaw the Commission's adoption of its Report on Annexation Alternatives; and

**WHEREAS**, He was instrumental in providing his expertise to the Commission's review of the Caruso Odin, LLC - Town of Culpeper - County of Culpeper Citizen-Initiated Annexation Action and the City of Covington - County of Alleghany Voluntary Economic Growth-Sharing Agreement; 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 **Kimble Reynolds, Jr.**, 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 **Kimble Reynolds, Jr.**, as a permanent testament of our affection, esteem, and high regard.

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Stephanie Davis, PhD, Chair

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Diane M. Linderman, PE, Vice-Chair

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R. Michael Amyx

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Rosemary M. Mahan

# What Crozet Stands to Gain (and Lose) as a Town

By **Lisa Martin** - March 5, 2021



An offhand comment by Planning Commissioner Rick Randolph at a January meeting on land use raised an oft-considered question: Should Crozet become a town? As Randolph tried to blunt citizen calls for more county-provided infrastructure to support breakneck growth in Crozet, he suggested that a town designation could solve several problems.

"If Crozet sought to become a town," said Randolph, "that would address a comment that the county should be doing more with road construction. The county is not a road department. With the taxing authority that a town would provide, then Crozet would be able to fund whatever it wanted to fund."

Many Crozetians, especially recent transplants, might well ask, "Aren't we a town already?" While it does feel town-like, Crozet's more pedestrian official titles are "unincorporated community" or "census-designated place." The town idea has sparked interest among citizens during the current Master Planning process, as it does every few years when Crozet growth issues come to the fore. But is town status the cure-all that Randolph suggests?

Some say yes. "It is extremely dumb that Crozet is not a town," tweeted Keswick-based government technology authority Waldo Jaquith. "Crozet should have become a town 20 years ago. Add a penny to the sales tax, set up a government, and get on with it."

Others are more skeptical. "I don't think it's the panacea people think it is," said local public policy analyst Neil Williamson of the Free Enterprise Forum. "I think the machinations that would have to happen, along with the [town's] surcharges on the tax rates, would be enough to prevent widespread support for the concept."

## ***The pitch***

Creating an incorporated town in Virginia is a non-trivial process. The state legislature must pass a law establishing any new town charter, so Crozet's State Delegate (Chris Runion) and State Senator (Creigh Deeds) would have to introduce and endorse the legislation. The criteria to become a town include a minimum population requirement (1,000), a petition signed by at least 100 residents, and a surveyed map of proposed town boundaries.

Most critically, a special state commission must determine that “the services required by the area seeking to be incorporated cannot be provided by the ... extension of existing services currently provided by the County.” In other words, Crozet must make the case that Albemarle County is unable to provide services sufficient to take care of Crozet’s needs. Coupled with a requirement that the petitioners show that “the general good of the community will be improved” by incorporation, Crozet would have to establish that it could run itself better alone than with the county’s help.

“We’d have to show that we don’t get enough police protection, don’t get water and sewer, don’t get firefighters,” said Crozet Community Association president Tim Tolson. “How are we going to prove that? Sure, you hear people argue that we need [more and better] roads, but the county doesn’t provide those—the state does.”

An even bigger hurdle, say long-time Crozet residents, would be agreeing on town boundaries. “It would all hinge on finding boundaries that would be acceptable to the county and the town,” said Bill Schrader, who spearheaded the fundraising effort to build the Crozet Library from 2010-2013. “If you used the Master Plan [development area] boundaries, we could not support being a town because we wouldn’t have the tax base. If instead you used the service area, which includes the areas where people live who come into Crozet to visit the pharmacy, the library, the grocery store, then you’re talking about annexing county land and the Supervisors will never go along with that.”

The community is currently in a protracted struggle with Albemarle County to define its own land use policies, which govern how much new development is allowed and at what density. Town status would give Crozet that power, but the need to raise revenue would be in tension with the desire to stay small. “I’m not sure that anybody would want to make Crozet bigger so that we could afford to be a town,” said Tom Loach, former Planning Commissioner and current CCAC member. “That would be counterproductive.”

White Hall District Board of Supervisors representative Ann Mallek remembers past town discussions clearly. “Around 2010 was the last time I heard anyone talking about becoming a town, out of frustration with the length of time it was taking to get projects done for Crozet,” said Mallek. She pointed to county-funded projects in the recent past such as the library (\$11 million) and downtown streetscape (\$6 million), as well as those on the horizon such as the Crozet Elementary expansion (\$22 million) and the downtown Plaza and Square (\$4.2 million) as examples of the county’s dedication to supporting Crozet’s infrastructure.

“While I understand the frustration of being one group of citizens among 100,000 who do not see their priorities advanced, as I recall the discussion stopped quickly when people learned that they would be paying taxes to the county and then additional taxes to the town for law enforcement and local projects,” she said. “I do not think there would be revenue from the town sufficient to carry forward sidewalks and bridges without a crippling tax burden.”

## ***Talk of the town***

There are currently 190 towns in Virginia, ranging in size from Clinchport (pop. 40) in the Southwest, to Leesburg (pop. 51,000) near Dulles airport, and there is no fixed template for town organization. While a few items are required of new towns by the state—a town council, a mayor or manager, and a financial record-keeper—the rest is left up to the community to arrange based on what it can afford. Most towns are on the small side; in terms of population, Crozet would be one of the ten largest in the state.

The General Assembly last chartered a new town 30 years ago, in what has become a cautionary tale. Castlewood (pop. 1,800) in Russell County incorporated almost 9,000 acres in 1991 to speed up construction of a new sewer system and to attract businesses to the area. Despite town real estate and personal property tax revenue, plus income from the profusion of speeding tickets issued by the newly formed police department, the town could not stay solvent. Amid citizen fury in 1996, a slate of town council candidates ran and won on a platform of dissolving their own charter, and the town was unincorporated in 1997.

Including Castlewood, three towns have reverted to unincorporated communities in Virginia since 1997, melting back into their counties and relinquishing the duties of government. For towns that rely heavily on (restaurant) meals taxes and transient occupancy taxes (hotels, motels, Airbnbs), the COVID-19 pandemic was a crushing blow to their budgets in 2020. The town of Scottsville, for instance, which does not levy real estate or personal property taxes, has had to make adjustments.



Downtown Crozet. Photo: Nest Realty.

Scottsville is Albemarle County's only town, incorporated in 1818. With a population of about 500, the town's staff is modest. There's a mayor and town council, a police chief and three officers, a maintenance technician, an administrator, a clerk, and an attorney. The town's \$700,000 overall 2020 budget tightened to \$540,000 in 2021 as tax revenue from meals taxes plummeted, and some capital improvements like sidewalks had to be postponed. However, the town maintains what Crozet envies—its own Planning Commission and Architectural Review Board (ARB).

"We are independent when it comes to deciding our land use decisions—the county's not involved," said Scottsville Mayor Ron Smith. "We are really lucky here because our commissioners and ARB and the council—everybody seems to be on the same page. We certainly encourage development, but we want it staked out in an orderly and reasonable manner."

Except for the administrator, the clerk, and the police force, no one in Scottsville town government is paid, which can lead to the same set of citizen volunteers doing most of the work. "We sometimes have a problem getting people to serve on the town council because it does take quite a bit of time and people have real jobs, too," said Smith, who served multiple terms on the council and planning commission before being elected mayor last year. "The challenge [for a new town] is, you've got to figure out how to fund all this stuff."

### **Tax and spend**

The biggest myth among town proponents is that county taxes will be replaced by town taxes. Not so: town residents pay both in most cases. Though Scottsville taxes its citizens indirectly through levies on items like cigarettes, meals, and utilities, some of which are paid by out-of-towners passing through, the revenues from these sources in 2020 equated to an average tax burden of \$1,200 for each of the town's 238 households.



Business license taxes, another major source of revenue for Scottsville, impact local business owners as well and may be passed along to town residents in rising prices.

Take, as a more Crozet-sized example, the town of Ashland (tagline: “Center of the Universe”). With a population of 7,900 and located twenty minutes north of Richmond, Ashland is similar to Crozet in that it’s a commuter town with a railroad history.

The town operates on a \$10 million budget funded largely by a heavy layer of taxes on individuals and businesses—real estate, personal property, sales and use, meals, transient occupancy, cigarettes, machinery and tools, licenses, utilities. For instance, Ashland charges an additional 10 cents per \$100 of real estate property value, and another 77 cents per \$100 on personal property value, on top of Hanover County’s tax rates, which are similar to Albemarle’s.



	Farmville	Ashland	Pulaski	Warrenton	Crozet
<b>Population</b>	7,846	7,875	8,714	10,027	7,159
<b>Number of households</b>	2,256	2,798	3,702	3,742	3,007
<b>Total town tax revenue</b>	\$6.1M	\$5.9M	\$5.8M	\$8.5M	

THE CROZET GAZETTE

Examples of existing towns similar in size to Crozet by size and budgeted local tax revenue (in addition to county and state tax levies on citizens). Data sources: Population and number of households: U.S. Census data as of the most recent 2019 estimates. Total town tax revenue: each town’s total 2020-21 budget for revenue from real estate, property, and other local taxes as reported on town financial statements. (This figure excludes other town revenue sources such as grants, state transfers, fees, rental property, investments, etc.). For Crozet, the census-designated area surveyed is similar to the current Growth Area boundaries. Town tax revenue is in millions (M).

The majority of Ashland’s revenue is spent on paying its more than 60 employees in departments such as police and public safety, street and road maintenance, parks, economic development, planning, and tourism. Ashland’s largest capital project is an \$8 million town hall building, currently under construction, which is funded through debt financing.

One significant difference between Ashland and Crozet is that Ashland’s town boundary includes an I-95 interchange—complete with a half-dozen fast food outlets and several major hotels—which contributes significant tax revenue from meals, transient occupancy, and sales. The town is also the home of Randolph-Macon College. In fact, almost all Virginia towns of Crozet’s population size or larger have access to alternative types of revenue sources—commercial strips of low-budget restaurants, lodgings, and shops—as well as other attractions such as a museum, small college, or regional airport.

Crozet (as currently bounded) is only about half the size (in square miles) of Ashland, and its “small-town feel” is zealously protected. Crozet residents have higher levels of income, education, and home values than similarly sized towns, but Crozet generates only one-tenth of those towns’ retail sales revenue. While the wealthier parts of Crozet could likely absorb increased taxes, other sections may struggle.

“Obviously the demographics in Crozet have changed over the last 30 years, but there’s still a strong contingency of older residents, and adding that layer of taxation may be problematic for them,” said Loach.

## **Service call**

Crozet would have to establish ground rules with the county on a range of services it currently receives, and negotiate contracts for those it loses. Every decision would be a function of the town’s agreed-upon boundaries, taxation choices, and intended level of independence. Crozet could get by with a minimalist town structure—which would allow it to control its land use decisions—if it was willing to cede control of most other operations to the county in its charter.

Gary Dillon, a former Crozet fire chief who has worked with law enforcement in towns across Virginia, described three options if Crozet (as a town) wanted its own police force. It could (1) allow law enforcement to remain as it is today with county officers assigned to the Blue Ridge district that serves Crozet, (2) contract with the county for officers specifically assigned to Crozet, or (3) hire its own police force, which would include paying for a facility, vehicles and equipment, insurance, training, civilian staff, and other costs.

“If I had to make a recommendation today based on everything I’ve seen,” said Dillon, “I would leave it the way it is and let Albemarle County provide the police services because they do a really good job and they are equipped. We’ve already paid for it or are paying for it through taxes.” But he, like other Crozet residents, wonders about a host of other considerations for a town, such as who provides and operates schools, water and sewer, fire and rescue services, and street maintenance.

Albemarle County schools would continue to provide public education for Crozet town children, as counties do for towns across the Commonwealth. Even behemoth town Leesburg relies on Loudon County for its schools. Similarly, VDOT and county funding would continue to pay for major Crozet road projects, as their price tags (e.g., \$21 million in total for the Lickinghole Creek bridge) are too steep for a town to afford. Local residents could continue to transact with the Albemarle County Service Authority for water and sewer service, and would contract with private trash haulers as they do now.

Other charges, such as street maintenance—including snow plowing and curb and sidewalk improvements—would be Crozet’s responsibility because incorporated towns over 3,500 do not typically receive VDOT maintenance on local roads. County services such as land use and transportation planning functions could be taken over by Crozet, but would require hiring staff to do those jobs.

The all-volunteer Western Albemarle Rescue Squad relies in part on county funding and could operate as is, but only if the county agrees, as Scottsville recently found out. “We have a volunteer fire department, so that’s good, but we lost our Rescue Squad because Albemarle was supplementing our volunteer force and they just came in and took it over,” said Mayor Smith. “Right now, it’s still in litigation.”

## **Playing politics**

Beyond the financial and regulatory issues lie stickier notions of goodwill and collaboration between Crozet and the county that should also carry weight in Crozet’s decision. Williamson points out that there’s a delicate political balance between towns and counties, particularly in growth areas. “Albemarle County is pretty strong in the state legislature, and it is highly unlikely that the county would want Crozet to become a town,” he said. Since Crozet is an important part of the county’s growth plan, Williamson reasons that the county would object to losing all control over land use decisions here.

“The county likely feels that it has invested as much or more into Crozet infrastructure—schools and other services—as it has in other places,” he said. “If you take that part of the growth area away from the county, then Crozet would be competing with non-growth areas for attention. What’s to stop the county from growing around the town, creating an urban ring around Crozet? They’d be within their rights to do so.”

Amid the ongoing Master Plan revision and the uncertainty that the change would involve, some Crozet residents advise proceeding slowly when exploring town status. "It's complicated, and we shouldn't rush," said Tolson. "[The Crozet/county relationship] is like an intricately woven sweater and if you just pull a thread, now you're neck deep in yarn trying to figure out how the heck do I make a sweater back out of this."

"I think we should just wait and see how the Master Plan looks before we start to think about town status," said Loach. "If you look at Scottsville, has it benefitted so much that it would make sense for Crozet? I think the answer is no."

Mayor Smith thinks that a town the size of Crozet would need more paid staff and structure than Scottsville has to be able to take care of its citizens. "I can understand their frustrations, and if there was some way to just snap your fingers and become a town that would be great, but you got to pay for it," said Smith. "As our town attorney often says, be careful what you wish for."

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*White Hall District Board of Supervisors member Ann Mallek's review of Albemarle County infrastructure spending in Crozet includes the following (in millions):*

**Recent:**

- Library: \$11M
- Jarmans Gap Road: \$15M
- Downtown Streetscape Phases 1 & 2: \$6M
- Wetlands: \$1.2M

**Coming:**

- Crozet Elementary expansion: \$22M
- Lickinghole Bridge: \$6-8M county share (VDOT revenue-sharing the other half)
- Downtown Plaza: \$3M
- Square Improvements: \$1.2M
- Western Park Completion: \$?
- Rt. 250 Improvements (three roundabouts over 10 years): \$10-15M
- WAHS Expansion: \$8M



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**Lisa Martin**

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# Virginia municipal utilities face more than \$88 million in unpaid bills

By Sarah Vogelsong - January 6, 2021



(Ned Oliver/ Virginia Mercury)

More than half a million municipal utility customers in Virginia were at least 30 days behind on their bills as of Dec. 15, with arrearages totaling more than \$88 million statewide, a Commission on Local Government report presented Tuesday found.

Most of those accounts were even further behind, with more than 423,000 accounts at least 60 days in arrears.

The data, which were collected in response to a budget provision negotiated during the special legislative session this fall, paint the clearest picture yet of the challenges facing municipal utilities that serve customers struggling to pay bills during the COVID-19 pandemic and its associated economic constriction.

Among those utilities hardest hit, the report reveals, are the City of Richmond's Department of Public Utilities, which logged almost 30,000 accounts at least 30 days in arrears as of Dec. 15. Those arrearages are equal to more than \$22 million, or roughly a quarter of the statewide total. The Hampton Roads Sanitation District reported more than 100,000 accounts at least 30 days behind on payment, valued at almost \$18 million.

Loading...

Unlike investor-owned utilities like Dominion Energy and Columbia Gas of Virginia, municipal utilities often operate on thin margins and have little access to cash. Whether they should be included in a statewide moratorium on service cutoffs due to nonpayment of bills was a hotly debated topic during the General Assembly's special session to address COVID-19 and criminal justice this fall.

Ultimately [lawmakers did include municipal utilities in the ban](#), which will remain in place until “economic and public health conditions have improved such that the prohibition does not need to be in place, or until at least 60 days after such declared state of emergency ends, whichever is sooner.”

An exit clause also permits utilities to petition the state for an exemption from the moratorium if unpaid bills begin to threaten their solvency.

At the same time, a budget provision ordered the municipal utilities to report a range of information on arrearages to the Commission on Local Government, which was charged with submitting a report to the House and Senate money committees and the secretary of commerce and trade.

While Department of Housing and Community Development staffers told the commission they didn't have an exact percentage of utilities that had reported data, Legislative Affairs and Boards Coordinator Cody Anderson said only “a small handful” didn't meet the deadline and “the vast majority of folks that we reached out to did get back to us.” In total, 146 municipal utilities responded.

Among the information they provided was the relief municipal utilities had received by Dec. 15 from either state budget appropriations or federal Coronavirus Aid, Relief and Economic Security funds.

Utilities reported just shy of \$2,000 in state Appropriations Act relief and about \$3.3 million in federal CARES funding allotted by the state, with most of that going to residential customers.

Anderson told the commission that the low level of relief funds was because “a vast majority of localities hadn't received money to allocate to accounts as of the end deadline for this report.”

“We anticipate next year that we're going to find this number has gone up exponentially,” he said.

#### **Sarah Vogelsong**

Sarah covers environment and energy for the Mercury. Originally from McLean, she has spent over a decade in journalism and academic publishing. Most recently she covered environmental issues in Central Virginia for Chesapeake Bay Journal, and she has also written for the Progress-Index, the Caroline Progress, and multiple regional publications. In 2017, she was honored as one of Gatehouse's Feature Writers of the Year, and she has been the recipient of

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Virginia municipal utilities face more than \$88 million in unpaid bills - Virginia Mercury

numerous awards from the Virginia Press Association. She is a graduate of the College of William & Mary. Contact her at svogelsong@viriniamercury.com

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BREAKING

## Virginia approves Alleghany County, Covington school consolidation

Claire Mitzel

Jan 28, 2021



A view of Main Street in Covington. The Virginia Board of Education voted Thursday to approve consolidation of Alleghany County and Covington in 2022 and have students attend the merged system in 2023.

The Roanoke Times, File 2011

Claire Mitzel

The Virginia Board of Education on Thursday approved the consolidation of Alleghany County Public Schools and Covington Public Schools, finalizing a two-year effort to merge the school systems.

The two school systems will form a single school division, effective July 1, 2022, and the two student bodies will merge at the start of the 2023-24 school year, **according to the consolidation proposal.**

“You all have made some very tough, important decisions here to benefit your community, and I commend you all,” said board member Anne Holton, also a former Virginia education secretary.

Board of Education Vice President Jamelle Wilson, a former superintendent, asked the consolidation representatives to continue to keep students’ best interests in mind throughout the process.

Before voting, board President Dan Gecker asked representatives from each school system whether they will continue with consolidation regardless of funding from the General Assembly.

“I certainly don’t want to do something today that we’re going to have to then play with undoing it if the Assembly doesn’t fund you the way you think they’re going to,” he said.

Jonathan Arritt of the Covington School Board and Jacob Wright of the Alleghany County School Board both said they plan to move forward regardless. Absent “the right level of support,” merging the student bodies may take a longer period of time in order to fund salary and benefit equalization among staff, Arritt said.

“That being said, as we’ve alluded to, we have had good communication with our state delegation and we’re cautiously optimistic, I believe, that they would have our best interests in mind as we go forward,” he said.

Governing boards for the two localities **approved the merger** in September after decades of on and off consideration. Alleghany County and Covington formed a joint committee in early 2019 to study consolidation, finding that it would offer the best educational opportunities to area students, alleviate declining enrollment and save money.

The four existing elementary schools will remain open, while Covington High School will house the new division's sole middle school, and Alleghany High School will be used as the sole high school.

The school board will consist of seven members, four from Alleghany County and three from Covington, according to the proposal. One of the current superintendents will be selected as superintendent and the other will become assistant superintendent.

Approximately 54% of the community was either "very supportive" or "mostly supportive" of the idea, according to a poll conducted in 2020. That increased to 59% after learning more about the consolidation plan, a level of support that "has been notably absent from other attempts to consolidate in Virginia," according to the proposal. Alleghany County residents looked at the plan more favorably; 65% of county residents polled supported the plan in the most recent poll, while 40% of Covington residents approved.

This is not Alleghany County's first experience with consolidation. The county and Clifton Forge consolidated in 1981, which was also the most recent school consolidation in Virginia.

### **Claire Mitzel**

K-12 Education Reporter

Claire Mitzel covers K-12 education for The Roanoke Times. Contact her at (540) 981-3334 or [claire.mitzel@roanoke.com](mailto:claire.mitzel@roanoke.com). Follow her on Twitter: [@c\\_mitzel](https://twitter.com/c_mitzel).





**JANUARY 4, 2021**

# Hburg schools plan for outdoor classrooms

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By **Randi B. Hagi, Assistant Editor**

Posted in **COVID-19 info, Harrisonburg Issues**

**By Randi B. Hagi, assistant editor**

Midway through the pandemic-marred 2020-21 school year, the Harrisonburg City Public Schools' leaders are again looking to adjust by establishing outdoor classrooms on school campuses and seeking to bring roughly 975 more students back into schools and away from online learning.

The district continues to try to adapt to both the restrictions of the COVID-19 pandemic and the needs of the district's roughly 6,500 students, some of whom have struggled with the online-heavy learning environment of the fall.

Most of those students – about 85% – are still streaming into video conferences rather than filing into physical classrooms today, which marks the beginning of the spring semester.

Superintendent Michael Richards said the division still plans to bring in [an additional 15% of the division's students](#), primarily young elementary students, into school buildings as soon as possible.

“But we’re being very, very cautious, because the holiday surge has been pretty dramatic,” Richards said.

Harrisonburg is still in the [“highest risk” category](#) in terms of new cases per 100,000 persons in the last 14 days, according to CDC metrics for schools. And the city’s [seven-day average of new cases](#) was 31 per day as of Sunday.

“As we have tried to move younger kids back to in-person [education] safely, we’ve done so knowing that older kids are better able to thrive in an online environment,” Richards said.

Even beyond masks and social distancing, in-person education will look different in the coming months.

“We need to make a much more fluid extension into the natural world,” Richards said, starting with temporary outdoor classrooms to be used outside of school buildings this spring and summer while the division plans more permanent spaces to be set up.

“It’s a better way to teach and learn,” he said. “This won’t be the last pandemic that the world sees, and outdoor learning is healthier. It’s experiential.”

Richards acknowledged that there are some minor hazards with outdoor learning, like sunburns, allergies, and the occasional bee sting. To prepare for those, as well as provide additional COVID-related guidance beyond that of the CDC and Virginia Department of Health, Richards is putting together a panel of local medical experts to advise the division.

“We’ve been following the CDC guidance the whole way through,” Richards said. “We’ve been working very well with the local health department, but we anticipate that the health department may be stressed with the holiday surge.”

Notwithstanding bug bites, outdoor classrooms are perfect places for “hands-on, authentic learning,” Richards said. One example is [the enrichment program that ran at Camp Horizons and the Horizon’s Edge](#) sports campus this fall.



The school division paid for scholarships for 50 elementary students to attend the enrichment programs in the fall, and will do so for another 40 this spring on a monthly basis. Richards explained that the monthly funding system will account for the division aiming to bring some more students back into schools this semester.

Diar Kaussler, director of business development at Camp Horizons, said they'll also have another 40 spots open for families to sign up privately this spring.

"I anticipate all spots to fill up," Kaussler wrote in an email to *The Citizen*. "Students have thrived in the program academically, physically and emotionally in ways that were not entirely expected."



**On the screened-in porch of the arts and crafts cabin at Camp Horizons, students can paint, make fiber arts, and try out a maker's space modeled after the one at the Explore More Discovery Museum in Harrisonburg. (Photo by Randi B. Hagi)**

**Offering a "major summer program"**

In addition to outdoor programs during the school year, Richards said the division is also planning “a major summer program” open to students in kindergarten through 8th grade that will be held primarily outdoors.

“It will be a combination of remediation and enrichment. We’re most concerned about the youngest students, and we’re focusing mostly on reading and writing,” he said.

Being able to read by the end of 3rd grade is a key indicator for a child’s academic future, according to a [2013 report by the Annie E. Casey Foundation](#). Students who can’t read proficiently by the end of 3rd grade are four times more likely to leave school without graduating, according to the report.

“Third-grade reading proficiency is crucial for continued academic success and to break the cycle of intergenerational poverty,” the report states. And even outside of a pandemic, summer learning programs are one of the foundation’s suggested tools for helping students reach that benchmark, particularly for “the most economically disadvantaged children.”

Richards said Harrisonburg’s new summer program will be taught by teachers who choose to participate, and they’ll be assisted by local college students and other tutors.

### **Providing more wifi access**

Still, much of the learning in the first half of 2021 will continue happening online, which requires students to have reliable internet access. The division employed several ways to help ensure broad and equal internet access.

For instance, it has [deploying “mega wifi” routers throughout the city](#), distributed mobile hotspot devices to families and [opened “access centers”](#) for a controlled number of students to come in and use their laptops, socially-distanced from one another, in the school buildings.

“I can say that we’ve done a very good job of providing wifi and troubleshooting it along the way,” Richards said. He said it’s been important to reposition staff and resources to respond quickly to glitches and connectivity problems, including reassigning one

network expert and hiring an additional staff member to go to homes and schools to fix internet problems quickly.

“I think we, as a society, need to start talking about reliable wifi as a right as opposed to a privilege,” Richards said.

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### Randi B. Hagi, Assistant Editor

Randi's writing and radio reporting has been featured on WMRA News, The Mennonite, Mennonite World Review, and EMU's Crossroads magazine. She also raises muscovy ducks, chickens, and Katahdin



sheep. Her roots are in West Virginia, but she can't seem to let go of Rockingham County. Check out Randi's latest photo work on instagram at @randi\_b\_hagi\_photography.

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# After tiebreaker, Senate passes bill moving local elections to November

By **Graham Moomaw** - January 21, 2021



Voters at a polling station in Buckingham County,, Nov. 3, 2020. (Parker Michels-Boyce / For the Virginia Mercury)

The Virginia Senate passed legislation Thursday to move all May local elections to November, with Lt. Gov. Justin Fairfax casting a tiebreaking vote to put it over the top.

Many cities and counties already hold local elections in November, and all localities currently have the option to switch from May to November. But 16 cities and roughly 100 towns still hold elections in May.

Supporters of the bill say low-turnout May elections are undemocratic, with fewer voters involved in important contests for local school board positions, council seats and mayorships.

“Nobody votes in the May election,” said Sen. Lionell Spruill Sr., D-Chesapeake, who sponsored [the legislation](#).

Sen. Amanda Chase, R-Chesterfield, voted with most of the chamber’s Democrats to produce a 19-19 tie, which Fairfax, as the presiding officer of the Senate, broke with a yes vote. Chase said voters are “conditioned to vote in November already.”

“It actually puts the power in the hands of the people instead of politicians,” Chase said.

The bill has drawn pushback from the Virginia Municipal League, which argued localities should have the flexibility to decide their own election calendars. Opponents of the change have also argued that municipal issues like schools, parks and trash pickup should be nonpartisan, and putting local offices on the ballot with higher-profile political contests will inject more partisanship.

“Let the municipalities decide,” said Sen. Chap Petersen, D-Fairfax, one of two Democrats who voted with most Republicans in opposition to the measure. “Let us chart our own course.”

In a statement, the Municipal League said localities that choose to hold May elections — among other reasons — opt to do so to keep local elections focused on local issues and hold the cost of campaigns down.

“The coincidence of local elections with those at the state and federal level inherently raises the level of partisanship of all elections, regardless of whether candidates are running without any party affiliation,” the group said. “By the same token, it introduces partisan politics to nonpartisan local issues; political parties make little difference when it comes to community projects like paving roads and keeping the streetlights on.”

To that end, running local, state, and federal elections simultaneously makes it more difficult to keep voters informed. Media attention leading up to November becomes more focused on statewide and national issues, leaving less time and space for discussion of local candidates and issues. This also raises the cost of campaigning for local candidates — especially for candidates new to the field — who have to compete for name recognition from the bottom of an even longer ballot.

Speaking against the proposal, Sen. Bill Stanley, R-Franklin, noted he once helped Petersen get elected to a Fairfax City Council seat in the late 1990s because he thought Petersen would be good for a job no matter what his political leanings were.

“I want to be sure that I’m on the record saying I thought he was a Republican,” Stanley said. “And maybe sometimes you do too.”

The bill now heads to the House of Delegates. If approved by both chambers, the change would take effect for elections in 2022.

#### **Graham Moomaw**

A veteran Virginia politics reporter, Graham grew up in Hillsville and Lynchburg, graduating from James Madison University and earning a master's degree in journalism from the University of Maryland. Before joining the Mercury, he spent six years at the Richmond Times-Dispatch, most of that time covering the governor's office, the General Assembly and state politics. He also covered city hall and politics at The Daily Progress in Charlottesville. Contact him at [gmoomaw@virginiamercury.com](mailto:gmoomaw@virginiamercury.com)