

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia and State Legislators, was held on November 29, 2017, at 12:00 p.m., Room 241, County Office Building, McIntire Road, Charlottesville, Virginia. This meeting was adjourned from November 16, 2017

PRESENT: Mr. Norman G. Dill, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer, and Mr. Rick Randolph.

ABSENT: Mr. Brad Sheffield.

OFFICERS PRESENT: County Executive, Jeff Richardson, County Attorney, Greg Kamptner, Clerk, Claudette Borgersen, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 12:09 p.m., by the Chair, Ms. McKeel.

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Agenda Item No. 2. Meeting with Area Legislators.

State Legislators Present: Senator Bryce Reeves, from the 17<sup>th</sup> District, Delegate Rob Bell from the 58<sup>th</sup> District, Delegate Steve Landes from the 25<sup>th</sup> District, and Delegate David Toscano from the 57<sup>th</sup> District.

Also present: Legislative Liaison for the Thomas Jefferson Planning District Commission (TJPDC), Mr. David Blount.

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### **Welcome and Introductions.**

Ms. McKeel introduced the presiding security officer, Officer Paul Inge, as well as the new County Executive, Jeff Richardson. Board members and legislators introduced themselves.

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### **2018 Legislative Priorities Albemarle County Legislative Requests**

Mr. Kamptner thanked the General Assembly members for being in attendance and stated that this is an opportunity to identify the County's legislative priorities. He stated that four priorities have been identified, one of which centers around the August 12 "Unite the Right" rally, which has pertinent legislation already identified by the City. Mr. Kamptner said there are themes to the other legislative priorities: to address issues in the urban ring to make that area more livable, to promote economic development for the County and the region, and to address issues related to the rally. He noted that with three of the four priorities, the County is just asking to be added to the list of localities already identified in existing legislation.

Mr. Kamptner reported that the first piece of legislation will be to amend Virginia Code Section 46.2-1222, which will allow the County to regulate on-street parking on secondary highways. He stated that the legislation already exists and a number of localities have the authority to adopt ordinances that restrict parking, establish penalties and establish classification for vehicles. He stated that the County has realized that enforcing these issues in the urban ring through the zoning ordinance has been problematic, and parking on streets has created issues for neighborhoods. Mr. Kamptner stated that this particular piece of legislation is tailored to the urban ring and to make it more livable, and it is recognized that it is the County's urban core, and as density and development increase, they need to focus on making the communities as livable, healthy, and environmentally friendly as possible.

Delegate Bell asked what this would do that is not already on the books, noting that there are "No Parking" signs in his neighborhood, Briarwood. Mr. Kamptner responded that the state controls primary highways, such as Route 29, but also exercises control for a certain distance from those highways.

Delegate Bell noted that he is not complaining, but he has heard concerns that fire trucks have a hard time getting down the roads with those signs. Mr. Kamptner stated that this legislation would provide express authority to regulate those, and he is not certain if all the roads within Briarwood have been accepted into the state system. Delegate Bell indicated that they have been.

Ms. Mallek recalled that there had been a discussion about people not being able to get in and out when there was parking at the curb and entrance, which was a reason for the signs at the lower end of the neighborhood.

Ms. McKeel mentioned that the Board had been specifically told that the County could not use "No Parking" signs, and she is not sure where the disconnect has occurred.

Mr. Kamptner stated that the second priority would be for the County to obtain the authority that the counties in Planning District 8 – Fairfax, Arlington, Prince William, and Loudoun – have to require owners and occupants of properties with sidewalks to remove snow and ice within a prescribed period of time, which would help the County make the urban areas more livable. He said that for the last several years, the Board has been retrofitting urban streets for sidewalks, which for many years had not been

required but were now required by ordinance. Mr. Kamptner stated that the County has a fairly aggressive program to build out sidewalks for streets built to rural design standards, and this is one of the tools the County is seeking to make the urban ring more livable to handle increased density and promote a healthy environment.

Mr. Kamptner reported that the third priority would be asking Albemarle County to become one of the localities to which this provision of the criminal code applies, prohibiting loaded firearms as specified in the current statute, and the City is also asking to be added to the list of localities. He stated that this pertains to semi-automatic rifles, pistols and shotguns that are able to discharge certain types of ammunition, and the legislation would improve public safety in public areas where many people may be present. Mr. Kamptner emphasized that the August 12 incidents brought to light the need for such legislation, which is supported by the County's Police Chief as it would give the police more control in these situations. He stated that this is one of the tools the County could use with events like "Unite the Right," and the state's after-incident report will be issued on December 1, with the City's consultant report due out December 4. Mr. Kamptner stated that his office had been conducting independent research to ensure the County is fully ready for incidents arising in the future. He noted that they learned from the parks permitting rules that they need to modify them to address these types of situations.

Delegate Toscano emphasized that one of the key words in the legislation is "loaded," so hunters can still drive through the County with a shotgun, they just cannot have it loaded on their truck.

Mr. Kamptner stated that the other part of the statute created exceptions for law enforcement officers, security guards, military personnel, any person with a valid concealed handgun permit, or any person engaged in lawful hunting or recreational shooting at an established shooting range or shooting contest.

Delegate Toscano asked if this allows people to carry loaded shotguns on the way to hunt. Mr. Kamptner responded that this is how he read the legislation. Ms. Mallek commented that this does not sound very sensible to her, and asked if any automatic or semi-automatic weapon is allowed to be carried loaded in parks if the bill passes. Mr. Kamptner replied affirmatively.

Mr. Kamptner stated that the fourth priority is to amend Section 15.2-1535, stating that under the Constitution, elected officers of local governing bodies are not allowed to be appointed to other public bodies unless the enabling authority provides it or it is one of the 16-20 public bodies identified in Section 15.2-1535. He noted that this is another priority the City is joining in, asking to amend this section so that Council and Board members can be appointed to an executive board that would help oversee the local convention and visitors bureau. Mr. Kamptner stated that these bodies are funded by the localities and both bodies have a desire to have more direct oversight, with the purpose of the CACVB being to promote the resources and advantages of the participating localities. He said this is from another provision of state law, and the local visitors board was established through a joint exercise of powers agreement. Mr. Kamptner said the County sees this as a way to further enhance the funds used to promote local and regional tourism, which is why both the Board and City Council are requesting the amendment.

Delegate Toscano stated that he had read a piece of the article in the newspaper, and he is not sure if the tourism board had taken a position against this recommendation or had just expressed concerns about it. Mr. Kamptner explained that one member of the current CACVB Board had expressed opinions in that regard.

Ms. McKeel stated that Mr. Richardson had attended the meeting on November 28, and she and Kathy Galvin of City Council had met with Kurt Burkhart of CACVB and explained to him what they are looking to do, with the County currently investing \$840K in taxpayer funds each year and the City putting up even more. She said they have had the same model for about 14 years and are looking to model it a bit differently, with an advisory board and representation from elected officials at another level, to provide a better sense of how the funds are being distributed. Ms. McKeel stated that Mr. Burkhart asked questions but did not express many concerns at the time, then it was presented to the agency's Executive Board, then to its full Board. She noted that there seems to be some confusion as to what is being requested, but she feels it could be rectified quickly.

Mr. Richardson stated that it appears to him that the Board Members had been asking questions and wants to understand the reasons behind it, and the action taken was that the Board Chair asked for several Board Members to join him in requesting a meeting with the Board of Supervisors and City Council to discuss the specifics of it.

Delegate Toscano said that he is trying to ascertain whether they had taken a formal position, and this legislation simply provides the ability to do something, which may or may not happen.

Ms. Mallek pointed out that City Council and the Board of Supervisors had sent the CACVB a letter two weeks earlier asking them to respond by December 1 regarding their agreement to go forward, and she hopes they will comply with this request.

Ms. McKeel said that what Board and Council are really asking for is the ability to provide elected officials with a seat at the table.

Delegate Bell commented that when a bill is introduced, legislators try to determine what the problem is to be addressed, how the bill might fix it, and what unintended consequences there might be.

He stated that there seems to be some subtext with this, and he asked the Board what is going on to make them feel so strongly about this issue, possibly regarding how the money is being spent.

Delegate Toscano noted that it must be significant enough to warrant them requesting this enabling legislation.

Ms. Mallek stated that whenever the County is investing \$800K of all local money, elected officials are responsible for it even though there is no way currently for officials to be involved. She noted that they had tried to make changes four or five years ago, but they had not been successful, and having the funders at the table is important.

Delegate Bell asked if there are Supervisors already on the CACVB Board and they just do not have a controlling role. Ms. McKeel responded that they have no representation at all, adding that the committee is currently comprised of a large group of people from the business and hotel industry.

Ms. Mallek said there is one County staff person on the Board out of 11 total.

Delegate Bell commented that the newspaper article indicated they were trying to transform it into an advisory role, meaning they give advice and the Board makes the decision, and he asked if they are trying to get at the table to be part of the discussion, or to have veto authority over what they do. Ms. Mallek responded that they do not have the details worked out as far as how the exact changes would be foreseen, but her original thought was that the County would not be meddling in everyday matters but would have the opportunity for oversight for policy decisions as an executive committee.

Ms. McKeel said the letter explained there would be an executive committee comprised of the County Executive, the City Manager, a representative from both localities' economic development entities, representatives from both elected bodies, and a representative from the Chamber of Commerce. She stated that the current committee, the management team would become an advisory board, so their decisions would be flowing up, but certainly not every decision.

Mr. Randolph stated that in essence what they have now is an anomaly, and if they were to look at all bodies that City Council and Board members participate in, where there is taxpayer money directed to those boards, there is not another one without a member of the Council or Board that sits on the decision-making body to ensure some degree of oversight of taxpayer funds. He said the effort is to try to make the CACVB operate on a parallel track with other such bodies that the County and City share together. He said there is no power grab here or statement about failure to manage properly, and no aspersions cast on the existing board, just an effort to try to bring it in harmony and make it consistent with the other boards and commissions.

Delegate Toscano commented that the CACVB was created after he left City Council, but this was established pursuant to a sales tax referendum and the Chamber was involved in creating the board. He said that City Council was involved with the foundation that various entities would contribute to a central fund, and the private sector would decide how the money was to be spent in an effort to "keep the politicians out of it." Delegate Toscano stated that he does not have a vested interest in how this works out, he just wants to understand the dynamic of it all. He said he understands what Mr. Randolph is saying and he feels the Library Board operates like this, without elected officials, and there may be other boards with this structure. Delegate Toscano noted that the principal is the same, with public dollars allocated through a board and the board allocating the money independent of what the County does, and they could always cut the funding. He said that part of the tourism fund was through a dedicated source through a portion of sales tax.

Ms. Mallek clarified that the agreement was for 100% of the transient occupancy tax (TOT) to go there.

Delegate Toscano acknowledged this and said that part of what is being sorted out is locally the private sector has to be involved in trying to figure this out, because they were at the table when this was established and had some impact as to the existing structure.

Ms. Mallek recalled that it was City Manager, County Executive, and Chamber President, Jane Dittmar, who made it happen at the beginning, with the funders having the majority of control.

Delegate Toscano stated that the decision ultimately needs to be made at the local level.

Delegate Bell asked if all the funding is coming from the dedicated revenue stream or if they are also putting in General Fund dollars. Ms. Mallek said that to her understanding, it is just the TOT funding.

Ms. McKeel said that is her understanding as well.

Delegate Bell commented that the reason it was set up this way is because the funders are the people who pay the TOT, who have said they do not mind the tax as long as they have more control over how it gets spent. He stated that this is not taking money from the schools or police force, but it is specifically for tourism.

Ms. Mallek stated that this is visitors' funds, not the hotelier's money, and this is collected and paid to the state, which is a bit different in her perspective. She said that if they do not have a joint City/County Board, many counties have their own staff, as Nelson County does, and they do the tourism

work for the locality. Ms. Mallek said if the alternative is that they do not have a joint effort, then that is an alternative they can certainly consider.

Delegate Landes stated that there are other boards and commissions established in similar fashion, so that question was answered, and for other such entities set up like this in local government, he wonders if the County is asking for something that others have not had the authority to do. Mr. Kamptner responded that the County will look into it.

Ms. McKeel commented that she does not think it is an unusual model to have elected officials on this type of tourism board.

Delegate Landes said he does not necessarily think it is, but he is trying to anticipate the questions that might come forward.

Mr. Richardson stated that this is a very typical model in North Carolina, and staff can gather that information for Virginia also.

Mr. Kamptner pointed out that this legislation would not necessarily eliminate the representation from the hotel and the business industry; it allows elected officials, one from each locality, to sit on a decision-making body that is related to the tourism board.

Delegate Landes noted that it would give local elected officials more veto authority over the recommendations coming from the advisory board, and he asked if that is what it would allow, which would be a departure from the current construct. Ms. McKeel responded that it would provide better information-sharing, and she would have a better sense of where the money is going and what is actually happening. She said that it would give veto power as she understands it, depending on how it is set up.

Ms. Mallek stated that if there are two elected officials out of seven, with economic development, tourism staff, the County Executive, the City Manager, and the University, those two votes would not carry veto power.

Ms. McKeel added that it would at least give them the ability to be part of the conversation.

Delegate Landes emphasized that those people work for their respective entities and thus are not independent of them. Ms. Mallek responded that they would certainly rely on those representatives to level with them about what is going on.

Ms. McKeel stated that it would provide the ability for more discussions and perhaps more information.

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#### **Thomas Jefferson Planning District Legislative Program.**

Mr. David Blount said he will provide a brief overview of priorities in the legislative program, stating that the top three priorities in the program for 2018 are the same requests from the last several years. He said the first deals with the state budget and funding obligations, asking the state to enhance state aid to localities, not to impose mandates, and not to shift costs for state programs to localities. Mr. Blount stated that the second priority is public education funding, and this year in the development of the two-year budget, there will be re-benchmarking of K-12 education costs, and the TJPDC has been looking to narrow that gap between what is actually going on in the school divisions and what localities are doing above and beyond the state standards. He said the third priority relates to local revenue authority, with a request to the state to provide more revenue options. Mr. Blount noted that there is one new position dealing with the communications sales and use tax, which was implemented about 10 years ago and was a consolidation of various communications taxes at the time into one broader tax. He said that it now does not cover a number of telecommunications media, such as prepaid phone cards and streaming services, and the request, which is largely in line with VML and VACO positions, is to broaden that tax to have it cover additional media. He stated that the tax is at 5% and is a sales tax, and it did not move to 5.3% several years ago when the General Assembly had previously approved the legislation that moved it to that level.

Mr. Blount clarified that the two requests are to broaden the tax and move it to 5.3%, and TJPDC is actually asking that the additional revenue from the increase, estimated at about \$24 million, would be assigned to expanding broadband. He stated that the TJPDC has made a concerted effort to focus on broadband, which will be the subject of their legislative forum, to try to reach more unserved and underserved areas. He said they would ask the state to be supportive financially and in other ways, and to be partners with localities and to promote public/private ventures.

Mr. Blount stated that the Children's Services Act (CSA) is another priority, with some changes to that position to emphasize and react to concerns regarding a proposal from the last General Assembly session that would have limited CSA dollars, which go to services for children. He said that specifically the proposal would have shifted to the Department of Education and CSA dollars for special education, and the concern is that once they end up there, they would be allocated per pupil instead of sum sufficient to cover the costs of the needed services. Mr. Blount stated that after several years of state and local CSA costs declining, they are now going back up, driven by increasing numbers of students identified with autism, and day placement services. He said the goal is to have flexibility with CSA dollars to provide those services in school settings, rather than solely outside the school and in private day placements.

Mr. Blount stated that the final regional priority is a perennial effort related to land use and growth management, with a desire for more tools and no reduction in existing authorities.

Delegate Toscano asked if the \$24 million in broadband tax is statewide. Mr. Blount confirmed that this is the estimate for the bump from 5% to 5.3%, not taking into consideration the expansion of items it would cover.

Delegate Toscano asked if this would go into a pot to help provide incentives for localities or the private sector. Mr. Blount confirmed this.

Delegate Toscano asked how streaming would be taxed. Mr. Blount responded that he did not know, and he is not sure where the tax would lie with a paid streaming service.

Delegate Toscano said he would be interested to know how that is defined.

Ms. Mallek commented that in some states, she would assume that the streaming service providers would be involved in the taxing stream, and it does not need to be reinvented.

Mr. Blount explained that currently, the providers of service are collecting the tax that is remitted to the state, then the tax is sent back to localities through a formula, so to the extent that the service provider can levy a tax on a streaming service, it would follow the same path to the state and back. He mentioned that there has been a decline in revenue because of the drop in landlines, so the money coming back to localities is also reduced.

Mr. Randolph stated that it would be imperative to ensure the coverage maps used to determine underserved and unserved areas or census blocks were accurate, as they are not known for their accuracy; and they should amend the definition of "coverage" to mean that service actually exists in a census block or area and the service availability within that census block or area is substantial. He said the way the law is written currently, an ISP can have a single household in a census block and claim that it is providing coverage to the entire census block, but it is only one household. Mr. Randolph noted that this had created problems as they were establishing the Albemarle Broadband Authority and census blocks seem to show coverage but in actuality, the number of households may be very few. He emphasized that getting a statement whereby coverage means "substantial" or "a significant proportion," that will help demonstrate that the ISP provided a meaningful segment of the census block with service.

Delegate Bell asked if that would be state or federal. Mr. Randolph responded that it would be state.

Delegate Landes stated that getting attorneys to agree on "substantial" would be challenging.

Ms. Mallek said that hopefully it is a lot more than a majority, and she mentioned that the 456 exchange in Greenwood has a very small area, and it was an old non-Centel company purchased by Verizon. She stated that Verizon says they are covered, but charges \$130 a month for wireless broadband that does not work when it is raining or windy.

Ms. Palmer stated that she had just opened a letter from Delegate Bell from a constituent, regarding the desire for a cell tower in southern Albemarle and Schuyler, and she said that as CenturyLink took the FCC money – \$900 thousand per year for six years – the service is not consistent. She said that Verizon decided not to even take the funds, so those customers have received no upgrades in the 540 areas. Ms. Palmer emphasized that this has been very problematic as the County tries to invest its funds, with CenturyLink indicating that they can reach remote pockets with some additional money. She said the County is applying to state grants to match the funding and try to reach those homes, but it is a nonsensical patchwork and the more people streaming, the more issues arise. Ms. Palmer stated that the whole idea of what coverage is has been problematic, including the maps.

Delegate Bell asked if the School Board's decision to put cell towers on school property has helped with this. Ms. Palmer replied that they do not want to confuse cell phones with internet access and fixed wireless.

Delegate Bell said this is a completely independent, fixed wireless, wire in the ground question.

Ms. Palmer agreed, stating that companies are being allowed to collocate wherever they can get it.

Ms. McKeel stated that the schools have been trying to do intranet for their students.

Delegate Landes commented that some of the broadband capability takes different forms – hardwiring, satellite connection, etc. – but they are also doing some things related to existing cell towers, sending signals out in that way. He said that from a state standpoint, they are looking at all those things because in many rural parts of the state, there would never be fiber capability. Delegate Landes stated that "whitespace" is a new technology that might be beneficial, and he hopes the County will consider a combination of solutions. Ms. McKeel responded that they are definitely looking at those things.

Ms. Palmer agreed, stating that the IT Department is very involved in trying to pursue private companies to collaborate with the County and apply for grants and get matching money, so they are making a strong effort.

Ms. McKeel acknowledged that it would take a multi-pronged approach.

Ms. Mallek said she is glad to hear about satellites, because people in the national radio industry are advocating for it.

Ms. McKeel asked the legislators what the Board can do to help with these requests.

Senator Reeves asked for clarification of the County's impact fees and their desire to get rid of proffers, stating that he is carrying an amendment to fix the proffer bill and make it more amenable. He stated that there would be some movement regarding impact fees, because they are clearly more transparent than proffers, and he agreed to send the language to Mr. Richardson when it was completed. Senator Reeves said he had met with numerous localities around the state regarding this issue. Senator Reeves also said there would not likely be movement regarding devolution of road maintenance to localities, as it is not even on the radar. He stated that he has a question about the body-worn cameras, but he could ask that after the report is issued on December 1. Senator Reeves stated that he has a question about the loaded gun item, as he had served on that task force. He said they had tried the June primary elections before because everybody raised the issue of having kids in school, and it may have a good chance this year of getting through.

Delegate Landes reported that Mr. Blount had already spoken to him about the snow and ice removal, so he would at least put the draft request in for that. He stated that with the public safety issues, legislators are looking to the Governor's task force recommendations and would like to see comprehensive, bipartisan support for some of those initiatives. Delegate Landes said that other localities are also interested, and the task force has looked at the issues more comprehensively. He stated that in terms of funding, the House Appropriations Committee and Senate Finance Committee had just held its retreat at the Boar's Head. Delegate Landes explained that the state is about \$220 million in the hole when considering re-benchmarking and the Medicaid additional dollars with the current program, based on fairly accurate revenue estimates. He emphasized that they need to figure out how to meet that and other obligations, but K-12 funding is still a priority, and they are seeking flexibility with Standards of Quality (SOQs) – which will help localities in assigning new positions, etc.

Ms. McKeel stated that the four requests locally do not cost money.

Delegate Landes said he would let Mr. Blount and Mr. Bell handle the CACVB issue, as they have much more background. Regarding the on-street parking issue, he stated that he had toured the area recently and had ridden along with the Albemarle County Police Department, and noticed that developers had not really created roadways with public safety in mind. Delegate Landes said the police officers mentioned concerns about lack of access for police cruisers as well as fire and rescue vehicles, and he will look into it.

Ms. McKeel stated that she would appreciate him looking into that, especially with the old urban ring neighborhoods.

Delegate Landes said he would put in the request for that, the snow removal item, and on-street parking, as they are all related.

Ms. Mallek expressed hope that there would be more consensus on the weapons item, given recent events. She stated that she would be glad to clarify what the current rules are related to bringing weapons to the park, especially in light of the August 12 protests.

Delegate Landes stated that the challenge is balancing public safety with free assembly, and making sure that people can freely assemble while still preserving safety. He noted that the task force had been addressing it and he had participated in a conference call with the Governor and others as they started the process of addressing it.

Senator Reeves stated that he had served on the task force, which had a signed confidentiality agreement, but there would be a guiding document for localities should they choose to implement what is issued. He said there is a big picture approach, but the lessons learned from Albemarle County can be applied throughout any jurisdiction, and there are some localities in the Commonwealth that do it phenomenally well, so the task force took those best practices and tried to apply them in the document. He stated that the task force has a Constitutional attorney from Harvard who came and talked about the First Amendment and freedom of assembly, and there is a very fine line there, which he feels the group has addressed as well as possible in their work.

Ms. Mallek stated that she understands freedom of speech to be spoken words, not beating people up, and safe places are really important when there is conflict.

Ms. McKeel asked Senator Reeves to expand on his comments related to impact fees. Senator Reeves explained that some localities have tried impact fees in the past, and some have failed but some have worked. He stated that this is Senator Obenshain's bill, but he got tagged with it and has taken it on. Senator Reeves said that typically in the General Assembly, there are one or two bad actors that cause them to have to put in legislation. Senator Reeves said the proposed changes to proffer language would

hopefully allow local governments to get back to the business of approving rezonings and allow constituents or petitioners to come before their boards and have civil discussions without worrying about lawsuits and liability. He stated that there may be a study for impact fees to see if they can work universally, but each locality is different, including proximity to the Chesapeake Bay, but he does feel the proffer issue will be fixed this year. Senator Reeves agreed to share the language with Mr. Richardson once it is done.

Ms. Mallek stated that Stafford had worked on an ordinance for the impact fees, but no one had taken it through the court to see if the legislation would stand up, and she is glad to know there are other localities working on this. Mr. Kamptner responded that Stafford had adopted impact fees, but under state law it was only transportation impacts.

Ms. Mallek pointed out that Albemarle had secured that ability as well, and she is not sure what is holding them up.

Mr. Kamptner explained that at the time the former proffer law was in place, the feeling was that the proffer enabling authority was handling it better than the impact fee enabling authority.

Ms. McKeel asked if he has everything he needs related to these bills in terms of communication from the County. Mr. Kamptner responded that he did, stating that he would reach out if he needs additional information.

Mr. Blount noted that the Legislators' deadline to get their bill drafting requests into Legislative Services for pre-filing is December 4, so they are very busy at the moment. He said that Delegate Landes is making that request for the snow and ice removal bill, and the TJPDC would ensure that the drafting requests would meet the deadline.

Delegate Landes asked Mr. Kamptner to send information so those requests can be submitted on time. Mr. Kamptner asked what he needs. Delegate Landes responded that they just need a small amount of background, and would really just be adding localities to existing language.

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#### **Legislators' Priorities/Questions and Answers.**

Ms. Palmer asked legislators what their priorities will be for the coming year.

Senator Reeves stated that he is already up to 32 bills and is Chairman of the Social Services and Rehabilitation Committee, which covers 88 programs in Virginia. He said his main emphasis this session will be the heroin epidemic and associated bills to address that. He stated that he has about 15 items related to veterans and veterans services, including their docket. Senator Reeves explained that two years ago, he tried to get a veterans court established so they could get services directly, but it never made it out of the Courts Committee on the House side because they did not want to set up another court. He said that instead they worked with Supreme Court justices and developed an actual court docket that could be set up in localities that focuses only on veterans who have committed crimes, so the services can be directly linked to them.

Ms. Palmer commented that the special dockets are an interesting approach to get people the services they need.

Ms. Mallek asked if the mental health docket is still up and running. Ms. Palmer responded that her understanding is that it has not been approved yet, but they are hoping it will be and the Board will be hearing in January from a local person who is advocating for this.

Senator Reeves stated that the Supreme Court provided guidance for those specific dockets, and it is up to individual judges to decide whether they want to do it. He said there are federal grants out there to support those efforts, and a Spotsylvania judge, whom he knows, set up one of the first veterans dockets in the state and is already running through it, so they are using that to gauge its effectiveness. He said the General Assembly is trying not to overstep the authority of the other branches of government, and it seems to be working well thus far.

Delegate Landes commented that the Supreme Court's management has not been as active and involved in the implementation of those measures, as they have been legislative initiatives that are not adopted uniformly, so there needs to be better coordination, perhaps regionally. He said the Supreme Court is starting to become more engaged, and they need to factor in the costs to the courts. Delegate Landes said the federal grants are great, but there needs to be mechanisms for replacing that funding once it ends.

Delegate Landes stated that his priorities include economic development, and he has been working with the Department of Small Business and Supplier Diversity in trying to adjust the small business grant programs to ensure they are as efficient and effective as possible. He said there had been some discussion as to how the Virginia Economic Development Partnership and the diversity department works together, so they are looking at ways to promote those efforts. Delegate Landes stated that a lot of the announcements of incubator businesses pertains to small businesses, but the problem is that economic development efforts in the past have been geared toward larger corporations. He said he is also working on some education measures and has introduced House Bill 3, which will set up a standard for dual enrollment for high school students so that UVA, Tech, and JMU will take that credit and provide

that same assignment for credit once students complete the dual enrollment class. He said there would likely be some resistance from higher learning institutions because they want to determine credit worth, but there needs to be a statewide standard, especially in light of high school redesign, etc., to ensure seamlessness when students apply to colleges. Delegate Landes stated that there had been a conference hosted by the Curry School of Education to address the teacher shortage, which is a significant concern in some parts of the state, and earlier in the day he had been touring schools to get a sense of the issue. He said that he and Dr. Pamela Moran had been working on legislation pertaining to recruiting instruction personnel for career and tech, and he is trying to work with the Governor's administration before they leave on both short and long-term issues. He stated that five-year programs are good, but it is not providing teachers into the pipeline quickly enough.

Ms. McKeel commented that it really is a barrier.

Delegate Landes stated that they will also look at issues related to healthcare reform, trying to make systems more efficient and cost-effective while getting resources out to individuals for a health safety net through Medicaid and other programs. He said that Senator Creigh Deeds has been working on recommendations related to behavioral and mental health services, but that needs to be coordinated with physical health services provided. Delegate Landes emphasized the need to move the system toward a truly community-based system whereby there is assurance for citizens that no matter where they live, they can get the same level of services. He noted that he has about 15 bills, but always has more than anticipated.

Ms. McKeel said that hopefully Albemarle's additional items will not be too complicated.

Ms. McKeel asked Senator Deeds' assistant if there is anything she needs to add to the record. Ms. Tracy Eppard responded that they are excited about the mental health docket that will be coming to Albemarle, and Senator Deeds is planning to carry several of the County's bills, with some bills coming from the City and several draft bills related to the August 12 incidents. She added that there is not much that can be done about the healthcare premium issues; Senator Deeds has met with Bureau of Insurance representatives to see if there are possible approaches.

Ms. McKeel stated that there have been many constituents who are struggling with this.

Ms. Mallek said that hundreds have reached out, but there are thousands more who cannot.

Ms. Eppard commented that Senator Deeds is involved with more than 15 bills.

Ms. Mallek asked Delegate Landes if he still has redistricting on his list, and expressed her appreciation for his past work in this regard. Delegate Landes responded that he has some ideas, but thus far has not been able to figure out how to address this legislatively. He said that part of the issue with redistricting is that localities work on redrawing precinct lines after the Congressional, House, and Senate lines have been drawn, which has precipitated more on a 1% deviation that the federal courts liked but had backed off of. Delegate Landes noted that the recent recounts were the result of split precincts, and they tried to fix it but it did not happen due to political reasons. He said he has been trying to establish a methodology so that census information can be shared with localities and they could draw their precinct lines, then the legislature could do the larger districts based on where the precincts were off of the new census data rather than the old. Delegate Landes said he would be addressing this through other means as well, noting that what is complicating this is federal and state court cases that need to be resolved first. He stated that those should be resolved by the end of the year, as depositions have already happened and judges are considering the matters, although there could be appeals. Delegate Landes mentioned that the Supreme Court of the United States is also considering several cases related to this.

Mr. Kamptner stated that one of the Supreme Court cases – a matter from Wisconsin – had already been argued.

Ms. Mallek said that a Norfolk case had gone to the Supreme Court.

Delegate Landes said that Legislators doing anything at this point may be premature in light of those cases.

Ms. Mallek stated that his approach to making a boundary around precincts to equalize the population would at least create more concentric circles, rather than having a huge hole.

Delegate Landes agreed, stating that the issue arose once there was computerization and census blocks that had made things much more scientific. He stated that in the past the districts were reconciled by precinct and fixed, but this is the first time in his recollection that it was not addressed, which is why there are issues with the recounts.

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Agenda Item No. 3. Adjourn.

At 1:28 p.m., Ms. McKeel **moved** to adjourn the Board meeting to December 6, 2017, at 1:00 p.m., Lane Auditorium. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:



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AYES: Mr. Randolph, Mr. Dill, Ms. Mallek, Ms. McKeel and Ms. Palmer.  
NAYS: None.  
ABSENT: Mr. Sheffield

Ms. McKeel thanked the Legislators for attending.

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Chairman

Approved by Board
Date 02/14/2018
Initials CKB