



Albemarle County

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11/7/2018	1	Board of Supervisors	approved	Pass

AGENDA DATE: 11/7/2018

TITLE:

Proposed 2019 Legislative Priorities

SUBJECT/PROPOSAL/REQUEST: Consideration and approval of the Proposed 2019 Legislative Priorities and Positions and Policy Statements

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Richardson, Kamptner, Blount

PRESENTER (S): Greg Kamptner and David Blount

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: Each year the Board considers and approves its Legislative Priorities and submits them to the Thomas Jefferson Planning District Commission (TJPDC), the Virginia Association of Counties (VACo), and the Virginia Municipal League (VML). Generally, the TJPDC's legislative program incorporates the County's legislative priorities. Other initiatives are sometimes added prior to the General Assembly session. Each year the Board also considers and approves its Positions and Policy Statements.

The Board held work sessions on its 2019 Legislative Priorities on September 12, 2018 and October 10, 2018.

STRATEGIC PLAN: Mission: to enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds

DISCUSSION:

1. **Initiate legislation:**

Courts: Initiate legislation to amend Virginia Code §§ 15.2-1638, 16.1-69.35, and any other sections necessary to enable the County's general district court to be located outside of Court Square, possibly on jointly owned land.

Zoning: Initiate legislation to amend Virginia Code § 15.2-2311 to enable notices for zoning violations to be mailed by certified mail, rather than only by registered mail.

Public Safety: Initiate legislation to amend Virginia Code § 18.2-287.4 to add Albemarle County to the list of localities in which carrying specified loaded weapons in public areas is prohibited.

These initiatives are explained in more detail in Attachment A.

2. Support legislation and funding:

Impact Fees: Support legislation enabling impact fees, which would replace cash proffers. Two impact fee bills, [SB208 <http://lis.virginia.gov/cgi-bin/legp604.exe?181+ful+SB208>](http://lis.virginia.gov/cgi-bin/legp604.exe?181+ful+SB208) and [SB944 <http://lis.virginia.gov/cgi-bin/legp604.exe?181+sum+SB944>](http://lis.virginia.gov/cgi-bin/legp604.exe?181+sum+SB944), were introduced in 2018, continued to 2019, and over this past summer, were passed out of committee.

Targeted grants: Support improving the State's targeting of grants to businesses that pay higher wages by increasing the minimum wage requirements for eligible grant applicants.

Environmental: Support legislation prohibiting businesses from using disposable plastic bags and straws and to require bottle deposits, or enable localities to do so, with exceptions applicable to straws for hospitals and other care facilities.

State funding for education: Continue to support the statement on education funding from the TJPDC Legislation Program: "The Planning District localities urge the State to fully fund its share of the realistic costs of the Standards of Quality (SOQ) without making policy changes that reduce funding or shift funding responsibility to localities."

State funding for regional library systems: Support full funding of State Aid to JMRL and other regional libraries in the State system.

State continued and increased funding for broadband: Support continued and increased funding for the Virginia Telecommunications Initiative (VATI).

Solar energy production: A Board member suggested initiating legislation that would remove the existing cap on net energy metering arising from solar energy production. Virginia Code § 56-594 currently requires utilities to purchase net energy metered electricity only in an amount up to one percent of its "Virginia peak-load forecast for the previous year." Staff anticipates that there will be legislation pertaining to solar energy introduced this year, and staff will monitor that legislation. Staff recommends that the Board support legislation that would eliminate or relax the cap on net energy metering.

Support for impact fees, state funding for broadband, and state funding for education are already in the Board's Legislative Positions and Policy Statements (Attachment B) and will be modified as necessary. The others will be added to the statement.

3. Staff recommends the following not be pursued this year:

Homestays: The Finance Department requested initiating legislation to require homestay platforms to report all homestay businesses operating in each locality each year. Virginia Code § 15.2-983 enables the County to, "by ordinance, establish a short-term rental registry and require operators within the locality to register

annually.” The registration may require the operator to provide the complete name of the operator and the address of each property in the locality offered for short-term rental by the operator. Staff anticipates that members of the General Assembly would expect a detailed statement explaining the problem, why Virginia Code § 15.2-983 is inadequate, and how legislation would resolve the problem. Because the County has not yet adopted a registry ordinance, and because there are other tools available to identify homestay operators (through agreements with homestay platforms and technology services), staff believes this issue requires further work before requesting additional enabling authority.

Antique motor vehicles: Members of the Albemarle County Police Department and representatives of the Department of Motor Vehicles suggested to a Board member that the County initiate legislation to amend the definition of “antique motor vehicle” to increase the minimum age of antique vehicles from 25 years to 30 years. At the October 10 work session on legislative priorities, Board members discussed the broad implications of this proposed change, the need for stakeholders such as car clubs and other car organizations to be included in any proposed change, and that 25 years was a national standard minimum age for antique vehicles. Staff recommends that this legislation not be pursued this year.

Public safety volunteers: A Board member suggested initiating legislation creating tax deduction incentives for public safety volunteers similar to those available for volunteers with other entities. Staff has additional work to do on this issue and recommends that this legislation not be pursued this year.

Animals: At the Board’s August 8 work session on Chapter 4 (Animals) of the County Code, a Board member suggested initiating enabling authority to expand the subject matter in which localities’ regulations may be more stringent. At the October 10 work session on legislative priorities, the Board decided to evaluate the recently amended Chapter 4 after one year and decide then whether to pursue any additional enabling authority.

Stormwater management: The Department of Facilities and Environmental Services requested that the Board seek enabling authority to accept stream restoration as a stormwater management best management practice (BMP). Staff recommends that this matter be tabled for this year while it works with the Virginia Department of Environmental Quality (DEQ) to add stream restoration as a BMP. DEQ is currently authorized by State law to determine BMPs.

BUDGET IMPACT: The County’s legislative priorities seek to ensure that the state adequately funds its mandated responsibilities and does not jeopardize the County’s ability to effectively and efficiently implement the policies (including fiscal) and programs that it deems necessary. There are no specific, identifiable budget impacts.

RECOMMENDATION:

Staff recommends: (1) the Board approve the 2019 Proposed Legislative Priorities (Attachment A) for submission to the Thomas Jefferson Planning District Commission, the Virginia Association of Counties, and the Virginia Municipal League; and (2) approve the 2019 Statement of Legislative Positions and Policies (Attachment B).

ATTACHMENTS:

Attachment A: 2019 Proposed Legislative Priorities

Attachment B: 2019 Proposed Legislative Positions and Policy Statements