



Albemarle County

Legislation Text

File #: 20-462, **Version:** 1

AGENDA DATE: 9/2/2020

TITLE:

Proposed 2021 Legislative Priorities

SUBJECT/PROPOSAL/REQUEST: Consider the Proposed 2021 Legislative Priorities

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Richardson, Kamptner

PRESENTER (S): Greg Kamptner

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: Each year the Board considers and approves its legislative priorities. The Board then meets with the County's local delegation from the General Assembly to discuss these priorities and submits them to the Thomas Jefferson Planning District Commission (TJPDC), the Virginia Association of Counties (VACo), and the Virginia Municipal League (VML). Other initiatives are sometimes added prior to the General Assembly session. This is the second of at least three anticipated Board discussions to develop its priorities for the 2021 General Assembly session.

At the first Board discussion on July 15, 2020, staff reviewed the six legislative initiatives under consideration by the Board: (1) authorize impact fees in lieu of cash proffers; (2) expand the authority to use photo speed monitoring devices; (3) enable civil penalties instead of criminal punishment for local violations; (4) enable appropriations to carry over for one year for multi-year capital projects; (5) enable notices of public hearings to be published on locality websites instead of in newspapers; and (6) increase funding for community services.

Other possible legislative initiatives raised at the July 15 meeting and thereafter were: (1) increase the civil penalties for zoning violations; (2) increase funding for broadband; (3) amend the Virginia Uniform Statewide Building Code to increase minimum standards for farm buildings and structures; and (4) enable public bodies to meet by electronic communication means when a State or local emergency is declared.

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: Following are summaries of the pending initiatives:

Authorize impact fees in lieu of cash proffers: This will be a multi-year statewide initiative that the County will pursue with other localities. For this year, staff recommends that this initiative be included as part of the Board's 2021 Legislative Positions and Policy Statements document.

Expand the authority to use photo speed monitoring devices: Because photo speed monitoring devices

became enabled for school crossing zones and highway crossing zones on July 1, 2020, the expectation is that the General Assembly will want to see how the new law functions before it will consider expanding authority for its use. For this year, staff recommends that this initiative be included as part of the Board's 2021 Legislative Positions and Policy Statements document.

Enable civil penalties instead of criminal punishment for local violations: Pursue legislation to expand the authority to use civil penalties instead of criminal punishment for local violations. Related to this topic, Supervisor LaPisto-Kirtley suggested during and after the Board's July 15 meeting that the current limitations for civil penalties for zoning violations (\$500 per violation/\$5,000 in the aggregate) be increased. See Attachment A.

Enable localities to carry over appropriated funds for multi-year capital projects: Pursue legislation to allow appropriated funds for multi-year projects to be carried over for one year without being re-appropriated. See Attachment A.

Enable notices of public hearings to be published on a locality's website: There has been an initiative by many localities for many years to obtain authority to publish notices of public hearings on locality websites instead of publishing them in a newspaper of general circulation. For this year, staff recommends that this initiative be included as part of the Board's 2021 Legislative Positions and Policy Statements document.

Increase funding for community services: This initiative would seek more State financial support for community services. Further clarification of the scope of this initiative is required. Staff also is monitoring the General Assembly's special session and will update the Board on September 2.

Increase funding for broadband: Any change in funding would be during the second year of the State's two-year budget cycle. For this year, staff recommends that this initiative be included as part of the Board's 2021 Legislative Positions and Policy Statements document, and that the Board consider adopting a resolution supporting the increase in funding. Staff also is monitoring the General Assembly's special session ([SB 5115](#) <<http://leg1.state.va.us/cgi-bin/legp504.exe?202+sum+SB5115>>) and will update the Board on September 2.

Amend State law to establish minimum standards for certain "farm buildings or structures" or redefine the term: Pursue legislation to amend State law to establish minimum standards for farm buildings and structures or redefine "farm buildings or structures," with the focus of this legislation applying to those buildings and structures used for large gatherings. The purpose of the legislation would be for these buildings and structures to be constructed subject to the minimum standards of the Virginia Uniform Statewide Building Code. See Attachment A.

Enable public bodies to meet by electronic communication means when a State or local emergency is declared: Pursue legislation to enable public bodies to meet by electronic communication means when a State or local emergency has been declared. At the beginning of the COVID-19 pandemic, the Governor had declared in Executive Order 51 that COVID-19 posed a public health threat, yet the Board was required to physically assemble in order to adopt an emergency ordinance to continue its government. See Attachment A.

BUDGET IMPACT: There are no specific, identifiable budget impacts.

RECOMMENDATION:

Staff seeks direction from the Board on its legislative priorities.

ATTACHMENTS:

Attachment A - Proposed 2021 Legislative Priorities