



# Albemarle County

## Legislation Details (With Text)

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**On agenda:** 10/7/2020      **Final action:**  
**Title:** Proposed 2021 Legislative Priorities and Legislative Positions and Policy Statements.  
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**Attachments:** 1. Att.A - Proposed Legislative Priorities, 2. Att.B - Draft Legislative Positions and Policy Statements

Date	Ver.	Action By	Action	Result
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**AGENDA DATE:** 10/7/2020

**TITLE:**

Proposed 2021 Legislative Priorities and Legislative Positions and Policy Statements

**SUBJECT/PROPOSAL/REQUEST:** Consider the Proposed 2021 Legislative Priorities and Legislative Positions and Policy Statements

**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 and its Legislative Positions and Policy Statements. 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). This is the third of at least three anticipated Board discussions to develop its priorities for the 2021 General Assembly session. Proposed Legislative Positions and Policy Statements are also provided.

**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 and their status following the Board's July 15 and September 2, 2020 review of its legislative priorities and initiatives:

**Priorities**

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 ordinance violations. See Attachment A.

Increase the civil penalties enabled for repeated violations of zoning regulations: Pursue legislation to increase the civil penalties for repeated zoning violations. The current maximum penalties for zoning violations are \$500 per violation/\$5,000 in the aggregate. See Attachment A.

Enable localities to carry over appropriated funds for multi-year capital projects: Pursue legislation to allow appropriated funds for multi-year capital projects to be carried over from one year to the next without being re-appropriated. This priority was originally requested by the Department of Finance to obtain enabling authority to carry over appropriated funds for one year, similar to the existing enabling authority that allows the County to carry over outstanding grants for one year. After the Board's September 2, 2020 meeting, the Department of Finance revised its request to enable the carry over to be from year-to-year, rather than for one year, and to have that authority apply to both multi-year capital projects and multi-year grants. See Attachment A.

Amend State law to establish minimum standards for certain "farm buildings or structures" or redefine the term: Pursue legislation to establish minimum standards for farm buildings and structures or redefine "farm buildings or structures" if those buildings or structures are used for large gatherings such as those held at farm wineries, breweries, or distilleries, or places of agricultural tourism. The purpose of the legislation would be to require farm buildings and structures used for gatherings 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 and the purpose of the meeting is to adopt a continuity of government ordinance. 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 the emergency ordinance to continue its government. See Attachment A.

#### **Initiatives supported as a multi-locality initiative**

Amend Virginia Code § 15.2-915 to clarify that the 2020 amendments may apply to jointly-owned public facilities: The City Attorney requested the County to join the City in its request to amend Virginia Code § 15.2-915, which was amended in 2020. The current law enables localities to prohibit the possession or carrying of firearms, ammunition, or components, or any combination thereof, in locality buildings, parks, community centers, and other public facilities, and public rights-of-way. The law also requires that the public facilities be owned or used by the locality, or by any authority or local governmental entity created or controlled by the locality, for governmental purposes. It is unclear whether the law applies to public facilities jointly owned by the County and the City, such as Darden Towe Park, or by a "local governmental entity" jointly created by multiple localities, such as a local library.

#### **Initiatives that can be supported by Board resolutions**

Increase funding for broadband: There are pending in the General Assembly a pair of budget amendments ( [HB 5005 <https://budget.lis.virginia.gov/item/2020/2/hb5005/introduced/1/114/>](https://budget.lis.virginia.gov/item/2020/2/hb5005/introduced/1/114/) and [SB 5015 <https://budget.lis.virginia.gov/item/2020/2/sb5015/introduced/1/114/>](https://budget.lis.virginia.gov/item/2020/2/sb5015/introduced/1/114/) ) that would provide \$84,450,000 for Virginia Telecommunications Initiative grants in the current budget cycle, with \$49,725,000 in the first year and \$34,725,000 in the second year. The bills provide that the "funds shall be used for providing financial assistance to supplement construction costs by private sector broadband service providers to extend service to areas that presently are unserved by any broadband provider." Staff recommends that the Board consider adopting a resolution supporting the increase in funding.

Increase funding for community services: This initiative would seek more State financial support for community services. Staff is monitoring the General Assembly's special session.

**Initiatives to be included in the Board's Legislative Positions and Policy Statements** 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.

Stop extending the sunset provisions in Virginia Code § 15.2-2209.1: First adopted in 2009 to extend the validity of certain land use approvals during the Great Recession, the General Assembly has repeatedly extended the sunset clauses for these approvals, resulting in non-vested and undeveloped but approved projects that can be 15 years old or more that may no longer be consistent with the locality's current planning policies or zoning or site development requirements. Expand the authority to use photo speed monitoring devices: The current law, effective July 1, 2020, authorizes State and local law enforcement agencies to use photo speed monitoring devices only in school crossing zones and highway work zones, with maximum penalty of \$100.

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

**RECOMMENDATION:**

Staff recommends that the Board adopt its legislative priorities and its legislative positions and policy statements.

**ATTACHMENTS:**

Attachment A - Proposed 2021 Legislative Priorities

Attachment B - Draft Legislative Positions and Policy Statements