



Albemarle County

Legislation Details (With Text)

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Attachments: 1. Att.A - Draft Civil Penalties Legislation, 2. Att.B - Legislative Positions and Policy Statements

Date	Ver.	Action By	Action	Result
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AGENDA DATE: 10/6/2021

TITLE:

Proposed 2022 Legislative Priorities

SUBJECT/PROPOSAL/REQUEST: Consider the Board of Supervisors' Proposed 2022 Legislative Priorities and its 2022 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: The Board of Supervisors held work sessions on its 2022 Legislative Priorities on July 7 and September 1, 2021. This is the third opportunity for the Board to discuss its Legislative Priorities and, if it is ready to do so, to set its 2022 Legislative Priorities and to adopt its 2022 Legislative Positions and Policy Statements.

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

DISCUSSION: The Board's September 1 work session is summarized below:

- Civil penalties in lieu of criminal penalties for violations of local ordinances: The Board reached consensus on the general approach and the maximum civil penalties shown in Attachment A. Staff has made one correction to the sample legislation by increasing the maximum civil penalty for the fourth or subsequent violation from \$1,500 to \$2,000. For those localities adopting a civil penalty schedule at the

maximum amounts enabled, this revision reaches the \$5,000 maximum by the fourth violation. The Board elected not to pursue enabling authority to seek attorney's fees in an enforcement action. Lastly, a majority of the Board did not want to pursue enabling authority that would allow the County to issue a new summons more frequently than once every 10 days.

- Minimum standards for farm buildings and structures used by the public: Although farm buildings and structures are generally exempt from the minimum requirements of the Virginia Uniform Statewide Building Code (VUSBC), the Board consensus was that this initiative should remain a priority that would establish what it described as "bare minimum" standards such as posting "exit" signs at doors and installing panic bars on doors.
- Expand the use of photo-speed monitoring devices: This initiative would expand existing legislation adopted in 2020, which authorizes these devices only in school crossing zones and highway work zones. The Board consensus was to seek enabling authority to expand the use of these devices, by ordinance, to segments of secondary roads that have posted speeds above 35 miles per hour where there is crash and fatality data to support the need for this additional enforcement tool. The road segments where photo-speed monitoring devices would be deployed would have signs posted informing drivers that the devices are being used.
- Minimum erosion and sediment control standards for agriculture and forestry operations: This initiative would establish minimum erosion and sediment control standards for agriculture and forestry operations. These standards could be those within the Chesapeake Bay Preservation Act's regulations, which include: (1) for agriculture, soil and water quality conservation assessments evaluating the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management, and management of pesticides, and, where necessary, resulting in plans outlining additional practices needed to ensure that water quality protection is being accomplished; establishing and maintaining stream buffers; and using best management practices for agricultural ditches; and (2) for forestry operations, requiring operations to be conducted using the appropriate best management practices as prescribed by Virginia's Forestry Best Management Practices for Water Quality, and requiring that a full 100-foot buffer be established in woody vegetation when the silvicultural activity ceases within the buffer area on the property and a new land use is proposed. The Board recognized that other localities, the agriculture and forestry communities, and the Virginia Association of Counties must be engaged with this initiative. For those reasons, the consensus of the Board was to add this initiative to the Board's the 2022 Legislative Positions and Policy Statements.
- Elections; June primaries: This initiative would move the annual date for June primary elections in the Commonwealth from the second Tuesday in June to the third Tuesday in June to avoid conflicts between local election administration and local school systems, where schools serve as voting precinct polling places. The consensus of the Board was to elevate this initiative, which was included in the Board's 2021 Legislative Positions and Policy Statements, to a Board priority.
- Upgrade State technology: The consensus of the Board at its July 7 meeting was for the Board to address this proposed priority by considering adopting resolutions that would support the ongoing State studies and encourage the General Assembly to provide funding for the needed technology modernization. These resolutions will be considered by the Board at its October 20 meeting.

The Board reached consensus at its September 1 work session to not further pursue: (1) enabling authority for a recordation fee or recordation tax dedicated to funding affordable housing; and (2) legislation requiring utilities to be responsible for their infrastructure failures that affect customers.

The Board's proposed 2022 Legislative Positions and Policy Statements is provided as Attachment B. It has been amended to remove the June primaries initiative and to update other positions and policy statements as necessary.

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

RECOMMENDATION:

Staff recommends the Board review the proposed 2022 Legislative Priorities and the 2022 Legislative Positions and Policy Statements and, if they are acceptable, adopt them by motion.

ATTACHMENTS:

A - Draft Civil Penalties Legislation

B - Proposed 2022 Legislative Positions and Policy Statements