



# Albemarle County

## Legislation Text

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**File #:** 21-440, **Version:** 1

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**AGENDA DATE:** 9/1/2021

**TITLE:**

Proposed 2022 Legislative Priorities

**SUBJECT/PROPOSAL/REQUEST:** Consider the Proposed 2022 Legislative Priorities

**ITEM TYPE:** Regular Information Item

**STAFF CONTACT(S):** Richardson, Kamptner

**PRESENTER (S):** N/A

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** Each year the Board considers and approves a set of its legislative priorities to pursue in the upcoming General Assembly session. The Board held its first work session on its 2022 Legislative Priorities on July 7, 2021. This is the second work session for the Board Staff will return to the Board for a third work session in October. This executive summary is the same as the August 18, 2021 executive summary, with minor updates.

**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 discussion during the July 7 work session is summarized below:

- Civil penalties in lieu of criminal penalties and zoning civil penalties: At last year's Board meeting with the local General Assembly delegation, a member of the local delegation suggested that these two priorities be combined. A sample draft bill combining these priorities is provided as Attachment A. The Board did not reach consensus on Supervisor Palmer's suggestion that the right to attorney's fees be included. Staff does not recommend including attorney's fees in this proposed bill. The Board also did not reach consensus on whether a civil summons should be allowed to issue more frequently than once every 10 days for an ongoing violation. This limitation is found in the current State law enabling civil penalties for zoning violations. A middle ground may be to allow localities to issue summons more frequently than once every 10 days for violations that create risks to public health or safety, two concepts that would require further refinement.
- Farm buildings or structures: Although farm buildings are generally exempt from the minimum requirements of the Virginia Uniform Statewide Building Code (VUSBC), this proposed priority would establish a new building class - "public use agricultural buildings" - which would be subject to minimum standards in the VUSBC because they are intended for public use. The Board agreed that this priority will require a joint effort with other localities. In addition, Mr. Blount agreed that any such legislation

should apply prospectively only. Since the August 18, 2021 update was provided to the Board, Supervisor Price has recommended that the Farm Bureau be included in this effort. Expanding on that point, staff suggest that localities will need to include other agricultural organizations as well as the farm winery, limited distillery, and limited brewery industries.

- Expand use of photo-speed monitoring devices to rural roads: This proposed priority would expand existing legislation adopted in 2020, which authorizes these devices only in school crossing zones and highway work zones, to rural roads where speeding has been identified as a problem. Supervisor Mallek suggested that the proposed amendment extend to other roads as well. Supervisor LaPisto-Kirtley explained that her interest was to limit it to rural roads because of the difficulty in enforcing speeding on rural roads. In a follow-up staff meeting with David Blount on July 20, Mr. Blount noted that the current legislation was a compromise. He said that an earlier version of legislation would have authorized these devices in residential areas. Mr. Blount also suggested that any proposed legislation be limited in scope and require an ordinance that identifies the specific road segments on which the devices may be located. Those identified roads should be supported by speeding and crash data. Since the August 18, 2021 update was provided to the Board, Supervisor Mallek has reiterated her suggestion that the proposed amendment enable photo-speed monitoring devices to be used more broadly on County roads.
- Upgrade State technology: The need for the State to upgrade its technology was most recently highlighted by the Virginia Employment Commission's technological difficulties with unemployment claims during the pandemic. The consensus of the Board 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 would be shared with the local General Assembly delegation, the Governor, and the Virginia Information Technologies Agency (VITA).
- Recordation fee or tax dedicated to funding affordable housing: Supervisor Price explained that such a fee or tax would provide a reliable source of funding. Supervisor Palmer asked whether the Board could earmark the current recordation tax for this purpose. In a follow-up staff meeting with David Blount on July 20, Mr. Blount suggested that it will be important to explain to the local General Assembly delegation why this legislation is needed as opposed to raising existing local taxes to generate an equivalent amount of revenue and earmarking it for this purpose. One approach that could be applied to the existing recordation tax would be to model it after the enabling authority for the transient occupancy tax, which required that a portion of the amount over the original two-percent maximum amount had to be applied to tourism-related purposes.
- Minimum erosion and sediment control standard for agriculture and forestry operations: This proposed priority would establish a minimum erosion and sediment control standard for these activities. A draft standard has not yet been developed. The consensus of the Board recognized that the agriculture and forestry communities must be engaged with such a proposal, that this priority will require a joint effort with other localities, and that the Virginia Association of Counties (VACO) may need to be involved.
- Require utilities to be responsible for their infrastructure failures that affect customers: This issue will be brought to the local General Assembly delegation's attention, but the Board will not make it one of its legislative priorities.

The Board's 2021 Legislative Positions and Policy Statements is provided as Attachment B to allow the Board to consider its 2022 version.

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

**RECOMMENDATION:**

Staff requests the Board review the above proposed 2022 Legislative Priorities and provide direction to staff. Staff also requests the Board review its 2021 Legislative Positions and Policy Statements and provide direction for its 2022 Legislative Positions and Policy Statements.

**ATTACHMENTS:**

A - Draft Civil Penalties Legislation

B - 2021 Legislative Positions and Policy Statements