



Legislation Details (With Text)

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City of Alexandria, Virginia

MEMORANDUM

DATE: JANUARY 22, 2018
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: MARK B. JINKS, CITY MANAGER /s/

DOCKET TITLE:
Update on the 2018 General Assembly Session.

ISSUE: Update on the 2018 General Assembly Session.

RECOMMENDATION: That City Council approve the legislative positions included in Attachment 1 (Recommended Positions on Bills of Importance to the City), as recommended by Council's Legislative Subcommittee (Mayor Silberberg and Councilman Smedberg).

DISCUSSION: The 2018 General Assembly Session began on January 10 and is scheduled to adjourn on March 10. The deadline for the introduction of legislation was Friday, January 19. As of that date, 2,837 bills

and resolutions had been introduced. Many of them deal with perennial issues, such as absentee voting, restoration of civil rights to felons who have completed their prison time, guns, minimum wage, and domestic violence.

Sarah Taylor, the City's new Legislative Director, is representing the City in Richmond this Session.

Combined Sewer Overflow Legislation: As you know, Alexandria's biggest issue in the 2017 Session was CSOs (Combined Sewer Overflows). In 2016, the City approved a plan to address 3 of the City's 4 CSO outfalls, and took action to begin planning for the way to deal with the fourth one. However, legislation was passed last Session that requires the City to complete all its CSO work by 2025.

The City has worked diligently since this legislation was passed to begin to develop work plans that will meet this new deadline. All CSO-related planning and work is being done in coordination with AlexRenew.

The City also worked during the past year with the McAuliffe administration to secure State funding to help pay for this massive project. As a result, Governor McAuliffe included \$20 million in State bond funds to help pay for the City's CSO work in his proposed outgoing budget. City staff will be working diligently this Session with the Northam administration, as well as the legislature, to defend this budget item and ensure that these bond funds are included in the final State budget bill.

On January 19, the last day for bill introduction, Sen. Richard Stuart (who patroned last year's SB 898, requiring the City to complete its CSO corrective work by 2025) introduced SB 940. SB 940 would require any CSO owner or operator to report any CSO discharge to the Department of Environmental Quality and the local health department, and to notify the public and any adjoining locality that may be affected. The legislation is quite prescriptive and requires information in the notification to include: the volume and treated state of the discharge; the date and time of the discharge; the expected duration of the discharge; a brief description of the steps being taken to contain the discharge, except for wet weather CSO discharges; the location of the discharge, "with the maximum level of specificity possible"; and the reason for the discharge. All notifications must be completed no later than four hours after the discharge was discovered. The CSO owner would also be required to post the same information on its website.

In addition to Alexandria, the Cities of Richmond and Lynchburg would also be required to make these notifications.

City staff will be conducting meetings with legislators about this legislation and will be conferring with Richmond and Lynchburg about the possibility of jointly working to address this legislation.

Other City Package Legislation: A number of other items relating to the 2018 City Package have been introduced. Included are the following, all of which are awaiting committee action:

- Comprehensive legislation to create a dedicated funding source for WMATA; create a floor for the Northern Virginia regional motor fuels sales taxes; provide bond funding that will eliminate the "transit fiscal cliff"; and provide funding for VRE (the Virginia Railway Express).
- Increasing court cost assessments on civil cases and use the funds to pay for local law libraries.
- Providing additional State funding to support the educational needs of low-income students.
- Expanding Medicaid under the Affordable Care Act.
- Exempting products which are basic necessities from the sales tax.
- Continue funding for the Virginia Housing Trust Fund.
- Clarifying the law on access to and retention of body camera film footage.

- Broadening statutes protecting human rights.
- Requiring local law enforcement officials to enforce federal immigration laws (unless federal law requires such enforcement). The City opposes such legislation.
- Making it illegal to discriminate in housing based on the source of a tenant's income.
- Expanding absentee voting and unrestricted early voting.
- The automatic or streamlined restoration of voting rights for felons who have completed their prison time.
- The availability of driver's licenses for undocumented persons.
- Allowing school boards to set the opening day of the school year.
- Requiring drivers to stop, not just yield, to pedestrians in crosswalks.
- The amendment and clarification of legislation enacted in 2017, so that citizens can see the portions of plans and drawings that depict only the exterior of a proposed residential structure and City administration can access necessary plans and drawings for administrative appeals.

Legislation that was introduced to authorize Alexandria to require developers to restore destroyed tree canopies within 10 years has been defeated. The Virginia Homebuilders Association opposed the legislation and the Virginia Cemetery Association expressed concerns about it as well.

Several bills have been introduced to continue eligibility for in-state tuition for DACA youths. One (SB 237) has already been defeated.

With the decennial census coming up in 2020 and redistricting to follow, several bills and resolutions were introduced on the topic of redistricting reform. All Senate resolutions on the topic were continued to 2019 in the Senate Privileges and Elections Committee. Some Senate bills on the issue have already been defeated in the same committee while others have yet to see action. No action has been taken to this point on House measures on this same topic.

Several bills to allow localities to move statutes and memorials related to wars (e.g., the Appomattox Statue) have been introduced. The only one considered in committee so far (SB 444) has been defeated. The rhetoric expressed in the committee by those opposed to the relocation or removal of statues like the Appomattox - both by legislators and in public comment - make it seem like any action to give localities this authority is unlikely this session.

Legislation to authorize entities like the Office of Historic Alexandria to obtain an annual ABC license to serve mixed beverages at events hosted at City-owned museums, rather than having to file for individual licenses for individual events, was approved unanimously in a House Subcommittee, and will be considered by the full Committee this week.

Several bills were introduced to raise the minimum wage in Virginia or to allow localities to set their minimum wage above the current national level. The Senate bills related to this issue were all rolled into SB 58, which would raise the State's current minimum wage of \$7.25 per hour to \$8.00 per hour effective July 1, 2018, to \$9.00 per hour effective July 1, 2019, and to \$10.10 per hour effective July 1, 2020. The bill was passed by indefinitely in the Senate Committee on Commerce and Labor. House bills on this topic have not been considered in committee or subcommittee, but have been defeated by the House in past Sessions.

Legislation to make it illegal to use a "handheld personal communications device" while driving, unless it is being used "hands-free," (SB 74) was approved 9-4 by the Senate Transportation committee. The bill will be considered next week by the full Senate. Distracted driving legislation is very popular this Session but is having varying levels of success. A similar distracted driving bill was defeated in the Senate Courts of Justice

committee.

Legislation which would incorporate current “Ban the Box” policies into State law (SB 252) has been passed by the Senate and now goes to the House for its consideration.

Legislation to increase the threshold amount of money or value of goods involved that makes a larceny crime a felony was passed by the Senate, which would raise the threshold from \$200 to \$500. It now goes to the House for its consideration.

More specific information on legislation relating to the 2018 City Package can be found in Attachment 1.

Firearms: In part because of problems this summer at a Charlottesville protest related to a statue of a Civil War general, and the more recent mass shooting in Las Vegas, many bills have been introduced to enact various restrictions on firearms. Bills have been filed outlawing trigger activators designed to increase the rate of fire for a firearm, allowing localities to prohibit firearms in certain local government buildings, requiring universal background checks for gun purchases, limiting the number of firearms an individual can purchase during a certain period of time, and authorizing localities to regulate the carry of firearms at permitted demonstrations and protests. While the House has taken little action on gun bills filed in the House (the House has gotten off to a very slow start), Senate committees have already killed most bills which would expand the regulation of firearms. Sen. Ebbin’s bill (SB 1) banning trigger activators, commonly referred to as “bump stocks,” was passed by the Senate Courts Committee, but then sent to the Senate Finance Committee for its consideration.

State Budget: On December 18, 2017, Governor McAuliffe proposed his outgoing biennial budget, which will provide funding for fiscal years 2019 and 2020. His proposal will be considered by the House Appropriations and Senate Finance Committees, which are scheduled to make their recommendations for any changes to it on February 18. Among the items that are included are:

1. **CSO Funding.** The Governor included \$20 million in bond funding for the City’s CSO projects.
2. **HB 599.** The Governor has proposed full funding (\$20 million statewide annually) for HB 599 (local law enforcement funding) each year of the biennium.
3. **Alexandria City Public Schools.**
Salaries. A 2 % salary increase is proposed for school personnel, beginning December 1, 2019.
At-risk funding. A statewide appropriation increase of \$7.1 million is included. Staff does not know how much of this would come to ACPS.
Annual appropriations. ACPS was allotted \$45,852,084 in State funds for FY 2018. The proposed budget includes \$47,827,356 for FY 2019 and \$49,128,498 for FY 2020.
4. **Salaries for State-supported local employees.** A 2 % salary increase is proposed for State-supported local employees, beginning December 1, 2019.
5. **Medicaid Expansion.** As he promised in August, the Governor has proposed Medicaid expansion under the Affordable Care Act.

6. Opioid funding. The Governor included additional funding to combat opioid abuse and addiction.

Final agreement on the budget by the two bodies is not usually reached before the final days of Session, and sometimes even later.

ATTACHMENTS:

Attachment 1. Current Status of City Package Bills, January 20, 2018

Attachment 2. Recommended Positions on Bills of Importance to the City, January 20, 2018

Attachment 3. Full Text Senate Bill 940

STAFF: Sarah G. Taylor, Legislative Director