



Legislation Details (With Text)

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City of Alexandria, Virginia

MEMORANDUM

DATE: MARCH 8, 2021
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: MARK B. JINKS, CITY MANAGER /s/

DOCKET TITLE:
Update on the 2021 Virginia General Assembly Session.

ISSUE: Update on the 2021 General Assembly Session.

RECOMMENDATION: That City Council receive staff's update on the 2021 General Assembly session.

DISCUSSION: The 2021 General Assembly "short" Session began on Wednesday, January 13 and both bodies adjourned, Sine Die, on Saturday, February 27. The session was technically two sessions, with the work of the General Assembly extended to 46-days from the constitutionally mandated 30-days by convening a second, Special Session of the General Assembly, which convened on February 10.

The General Assembly met virtually during these sessions. The members of the Senate, along with some Senate staff, convened in person at the Science Museum of Virginia, and held committee meetings and floor session from that location. Members of the House of Delegates convened entirely virtually, and House members

participated in subcommittee meetings, committee meetings, and floor session remotely from their location of choice. In both the Senate and the House, outside participants - including lobbyists, activists, and members of the public - joined in subcommittee meetings, committee meetings and most other meetings with members and staff electronically, either through Zoom testimony or by presenting written comments ahead of the meeting.

The Virginia legislature is constitutionally required to convene a Reconvened Session on or about the sixth Wednesday after adjournment of any session (Regular or Special). We expect a pro-forma Reconvened Session, as constitutionally required, for the Regular Session and a full Reconvened Session on April 7 to consider any Governor's amendments or vetoes to legislation which was passed during the Special Session of the General Assembly, which convened on February 10. Reconvened Session typically lasts one day, however, the Session may last as long as three days and can be extended an additional seven days.

Sarah Taylor, the City's Legislative Director, continues to represent the City with the General Assembly - if not at the General Assembly - during these unique sessions.

Despite the short, virtual session(s), the General Assembly addressed a number of significant issues during this session.

Marijuana Legalization

SB 1406 (Ebbin/Locke) and HB 2312 (Herring) set up a timeline and framework for the legalization of the use and personal cultivation of marijuana by adults ages 21 and older, provide for the automatic expungement process of certain marijuana-related offenses, and establish a regulatory framework for commercial cannabis production, manufacturing, testing, and retail sales. Should the legislation be reenacted in the 2022 General Assembly session, marijuana would be on schedule to be legalized in the Commonwealth by 2024.

Staff worked with the patrons of the legislation to include language in the final legislation which ensures that nothing in the legislation supersedes or limits the authority of a locality to adopt and enforce local ordinances to regulate businesses licensed, including local zoning and land use requirements and business license requirements.

COVID-19

HB 2333 (Bagby)/SB 1445 (Dunnavant) facilitate the administration of the COVID-19 vaccine and intends to strengthen the state's vaccine distribution efforts and also bolster data collection. The bills were fast tracked through the process and were signed by the Governor on February 15; since they have an Emergency Clause the provisions were effective upon the Governor's signature.

The legislation removes barriers on health care providers' eligibility to conduct vaccination. Of note, the bill also requires the collection of race and ethnicity data of people receiving the vaccine by VDH. The House patron, Del. Lamont Bagby, noted during the House consideration of the measure that this will ensure a more equitable vaccination rollout. The bill also allows higher education institutions to assist VDH with data processing and analytics.

School Reopening

The General Assembly passed legislation this session related to in-person/virtual learning that is awaiting action by the Governor. SB 1303 requires each local school division to make in-person and virtual learning available to all students by choice of the student's parent or guardian. It would be effective 1 July if signed by the governor (which is expected).

While the legislation doesn't specifically speak to summer instruction, there is money in the budget related to

learning loss and summer school, with an amendment providing \$40 million from the Lottery Proceeds Fund the first year to support one-time programs and initiatives to address learning loss experienced by students due to the COVID-19 pandemic. No local match is required, and unexpended funds from the first year shall remain available in the second year.

School divisions are required to spend these payments on eligible programs, including: extending the school year, summer school, tutoring, remediation and recovery, and supplemental afterschool programs, counseling and other student supports, assessments to determine student progress and the need for access to these programs, other similar programs, and modifications to facilities to assist with COVID-19 mitigation strategies for in-person learning.

Amendments to the 2020-2022 Biennial Budget

In December, Governor Northam presented his proposed amendments to the 2020-2022 biennial budget. The proposed budget, as amended, provides funding for various criminal justice reforms, the regulation of recreational marijuana under Virginia ABC, and restores some allocations that were “unallotted” early in the pandemic when the State’s revenue forecast was uncertain.

The Senate and House of Delegates passed a final, amended budget - HB 1800 - for consideration by the Governor. Some items of particular interest to the City include:

- The City of Alexandria supported state funding for salary increases for K-12 staff. However, the 5% raise included in the final, amended budget would require an additional \$2.65 million to meet the local match for these compensation increases in one year. This would be challenging given the impacts of the COVID-19 pandemic on our community and the need for the City to increase investment to support residents and businesses as they navigate the public health and economic impacts of the pandemic. The City continues to work with other localities as well as VML and VACo on ways to suspend, or extend, the local match requirement during these unprecedented circumstances could provide educators and support staff the salary increases they deserve using available State revenue while allowing localities to work towards meeting the local match requirement during better budgetary cycles. This will support our ability to provide the other essential services that are necessary during the ongoing pandemic.
- The final, amended budget addressed the loss of critical sexual assault prevention resources for the Alexandria Sexual Assault Center (SAC). The budget includes \$750,000 in new state funding for the Domestic and Sexual Assault Prevention Fund to support critical sexual and domestic assault prevention programming across the Commonwealth. In addition, language in the budget requires VDH to continue to award and provide federal Rape Prevention and Education (RPE) funds through the cooperative agreement with the Centers for Disease Control to six sexual and domestic violence organizations, including Alexandria’s SAC.
- The budget included \$32.4 million for the Department of Rail and Public Transit to fill their revenue shortfall with regard to their annual WMATA payment. This amount exceeds the \$22.4 million estimated shortfall for DRPT and language in the budget would provide any “extra” remaining money - estimated to be around \$10 million - to the Northern Virginia Transportation Commission to reduce the fiscal year 2022 operational obligations of its member jurisdictions, based on the current formula, to Metrorail, Metrobus and MetroAccess services. This one time money would assist Alexandria and other Northern Virginia localities by providing one-time money to support Northern Virginia’s obligation to Metrorail, Metrobus and MetroAccess services.
- The “crowbar” budget amendment regarding the renaming of the McLean Metro stop that would have

conditioning the receipt of funding provided to the Northern Virginia Transportation Commission on WMATA adopting the petition of Fairfax County related to the station renaming was not included in the final budget.

- As we work to mitigate issues related to both water quality and water quantity, we worked to secure additional funding to assist in these areas, including the additional funding for the Stormwater Local Assistance Fund (SLAF) and the Stormwater Management Fund in the final compromise budget. The final, compromise budget provides an additional \$26 million to SLAF from the general fund in the second year of the budget for stormwater quality retrofits and upgrades, and an additional \$1.1 million to the Virginia Stormwater Management Fund from the general fund in the second year.
- Finally, as we work to protect and expand the tree canopy in Alexandria, we successfully worked to support the inclusion of language tasking the Department of Forestry with convening a stakeholder workgroup to develop and provide recommendations to the Commonwealth and local governments related to policies which encourage the conservation of mature trees and tree cover on sites being developed, increase tree canopy cover in communities, and to encourage the planting of trees. The workgroup will also examine Virginia's existing enabling statutes and their use related to the preservation, planting, and replacement of trees during the land development process. We are optimistic this will lead to changes that would enhance the preservation, planting, and replacement of trees.

Legislative Package - The City's 2021 Legislative Package has the proposals organized into two sections - Legislative Principles and Legislative Priorities.

The section of Legislative Principles is structured around the City's Strategic Plan and creates a clear nexus between the City's goals and the legislative and funding measures necessary for us to achieve these goals. In general, the Legislative Principles are broadly crafted and focus on comprehensive legislative strategies rather than specific legislative tactics.

A number of pieces of legislation that align with and support the City's Legislative Principles have advanced through the General Assembly, including bills related to voter access, energy efficiency, marriage equality, anti-discrimination, bicycle safety, and legislation to extend the temporary provision allowing restaurants to sell "take home" mixed beverages.

The City's Legislative Priorities are, generally, specific revenue and legislative proposals that the City has identified as the issues of greatest impact to the City. These are the issues the City intends to continue expending significant political capital on and the issues that we intend to ask our General Assembly delegation to engage in on behalf of the City.

Legislation that has advanced that aligns with and supports the City's Legislative Priorities, includes legislation to expand and protect tree canopy, make electronic meeting provisions permanent, increase opportunities for electronic participation by members of public bodies, create an electric vehicle rebate program, and a constitutional amendment to restore the voting rights of convicted felons in the Commonwealth.

Finally, the City had two priority bills this session which were passed by the General Assembly and are awaiting action by the Governor:

SB 1309 (Ebbin) provides localities the authority to use monies in their own Local Stormwater Management Fund for grants for flood mitigation measures and projects on private property, including nature-based

practices. The grant program for these uses must be part of a comprehensive flood mitigation and protection plan adopted by the locality and cannot be implemented in lieu of a comprehensive flood mitigation program. The bill passed out of the Senate 39-0 and the House of Delegates 99-0 have been communicated to the Governor for his signature.

SB 1206 (Barker) provides more efficient, narrowly tailored access to Court Services Records of juveniles being served by both the juvenile justice system and the child welfare system - “crossover youth” - in a locality when the record sharing is done as part of an established partnership between the Department of Juvenile Justice and the local agencies serving these “crossover youth.” The legislation passed out of the Senate 27-11 and the House of Delegates 99-0 and has been communicated to the Governor for his signature.

STAFF:

Laura Triggs, Deputy City Manager

Sarah Taylor, Legislative Director