



Legislation Text

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City of Alexandria, Virginia

MEMORANDUM

DATE: MARCH 3, 2015

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: MARK B. JINKS, ACTING CITY MANAGER /s/

DOCKET TITLE:

Consideration of the Final Update on the 2015 General Assembly Session.

ISSUE: Final Update on the 2015 General Assembly Session.

RECOMMENDATION: That City Council receive this report.

DISCUSSION: The 2015 General Assembly Session ended a day early, on Friday evening, February 27. Of the 1919 House and Senate bills that were introduced, 800 passed. A far greater proportion of resolutions passed-712 of 856-but this is because most resolutions commend someone or something, or memorialize a person's death.

The Governor has until March 30 to take action on the 800 bills that passed. He can sign them, veto them, or send the bills back to the General Assembly with suggested amendments. If he vetoes them, two-thirds of the members of each house must vote to override the veto. If he sends down amendments, a simple majority of either house is all that is needed to reject the amendments (but if the amendments are rejected, the Governor can then veto the bill, and the General Assembly cannot vote to override the veto).

City Package. The following bills that passed successfully sought the enactment of proposals addressed in the City's legislative package. Attachment 1 is a more detailed status report on City Package bills.

- The City Charter bills (HB 1682 and SB 1218), which will “clean up” and update the City Charter, have both passed the House and Senate, and are on their way to the Governor.
- HB 1867, which seeks to clarify some of the Virginia Code sections dealing with mold remediation in

residential rental units, has also been approved by the House and Senate, and now goes to the Governor.

Real Property Tax Exemptions-Surviving Spouses of Military Killed in Action. As noted in the last Update, HB 1721 sought to amend legislation, passed in 2014, that gave surviving spouses of soldiers killed in action an exemption from paying any residential property tax to the locality where they live-as long as their property was worth no more than the average value of a single family home in the locality. HB 1721 sought to remove this cap so that any surviving spouse's home would be exempt from real property taxes-even if it was worth several million dollars.

The Senate amended HB 1721 so that the cap is not removed, but all surviving spouses are entitled to an exemption up to the average value of a single family home in the locality. Thus, if the average value is \$500,000, and the surviving spouse's home is worth \$900,000, the spouse would pay no tax on the first \$500,000, but would pay tax at the normal rate on the remaining \$400,000. The Senate amendment was accepted by the House, and HB 1721 has now gone to the Governor for his approval.

Guns. The following gun bills had final action taken on them since the last Update.

- HB 1702, which allows firearms dealers to perform a background check before selling a firearm that is not in his inventory, passed the House and Senate and now goes to the Governor.
- HB 2009 requires a court hearing if a police chief does not act on a certification for a firearms transfer within 60 days. It also passed the House and Senate and now goes to the Governor.
- HB 2029, which would have allowed a concealed handgun permit holder to purchase a firearm without a background check, was defeated by the Senate Finance Committee.

Child Day Care. On the last day of Session, the House and Senate reached agreement on reforms to the State's child day care laws. The final bills (HB 1570 and SB 1168, which are now identical) include these provisions:

- It lowers, from 5 to 4, the maximum number of non-family children a facility can care for without being regulated by the State.
- Day care facility operators, employees, and volunteers will have to undergo a national fingerprint background check beginning July 1, 2017.
- Those convicted of sex offenses and other barrier crimes will be prohibited from working in a day care facility.
- Localities will be required to report to the State every six months with the name, address, and contact information on any day care facility issued a business license.

An issue that led to some negative votes on the final legislation was the regulation of day care facilities that care for fewer than 5 children *and* receive government funds. Localities that issue permits to small facilities (Alexandria, Arlington, and Fairfax County) asked that nothing be done to their permit programs, and the State did not offer an alternative that would have regulated facilities that receive government funds and are not locally-permitted. This may be an issue that the State revisits prior to the Governor taking any action on these bills.

State Budget. An oral report on the final budget was given at the February 24 Council meeting. As noted at that time, there were a number of items in the State budget bill adopted by the general Assembly that are helpful to the City. These include:

- The Local Aid to the State program is eliminated. This will result in a savings of about \$630,000 for the City in FY 16.
- Additional funding was provided for teachers' salaries, and the salaries of State-supported local employees.
- A one-time payment was included to improve the funded status of VRS accounts for current and retired public school employees. This will result in fewer dollars that Alexandria City Public Schools will have to pay into VRS for FY 2016 and later years.
- Money was included to provide rental subsidies and support for persons with serious mental illness.
- Additional funding was included to allow the State to provide for grants to local governments for stormwater best management practices.

- Amendments that were proposed and would have been detrimental to WMATA and the Northern Virginia Transportation Commission were not included in the adopted budget.
- Funding was added to the Virginia Housing Trust Fund.

Far fewer were the items in the adopted budget that are not helpful to the City. These include a provision that may limit participation by some low-income families in the Virginia Preschool Initiative (VPI) program, and another one that requires the reversion of a small amount of court-collected fines and fees (for the violation of local ordinances) to the State.

Ethics. The last bills of the Session were two identical ethics bills (HB 2070 and SB 1424), which significantly amended the Conflict of Interests laws for State and local officials in Virginia. These laws had been amended in the 2014 Session, but the 2014 amendments had been widely criticized as not going far enough to discourage unethical conduct, particularly with respect to the acceptance of gifts by elected officials. Major changes to the laws, especially as they apply to local officials and employees, include the following:

- A Virginia Conflict of Interests and Ethics Advisory Council is created, made up of legislators, retired judges, and representatives of local government. The Council will review disclosure forms filed by state filers (including local constitutional officers) and give advisory opinions regarding the conflict of interests laws.
- Disclosure forms (Statements of Economic Interests) for local officials and employees must be filed every June 15 and December 15 with the City Clerk.
- Local constitutional officers (in Alexandria, the Sheriff, the Commonwealth's Attorney, and the Clerk of Court) must file disclosure forms electronically with the Virginia Conflict of Interests and Ethics Advisory Council.
- Anyone who fails to file a disclosure form on time must pay a \$250 civil penalty. The City Clerk is obliged to notify the Commonwealth's Attorney of anyone who does not file on time, and the Commonwealth's Attorney is responsible for collecting the penalty (the money goes to the State).
- Officials cannot accept any gift from a lobbyist or a person who has or is seeking a contract with the officials' locality that is worth more than \$100. There are exceptions to this rule:
 - a. There is no limit to the value of food or beverages at "widely attended events."
 - b. A local official or employee can accept a gift from a foreign government with a value in excess of \$100 only if the gift is accepted on behalf of the locality and archived in accordance with guidelines established by the Library of Virginia. The gift must be disclosed as having been accepted on behalf of the locality, but the value of the gift does not have to be disclosed.
 - c. Food and beverages consumed while an individual attends an event and performing official duties related to his public service are not considered a gift; nor are they considered a gift when the individual is a featured speaker.
- Items are not considered to be gifts if they were not used by the recipient, but were returned to the donor (or the equivalent amount of money is returned) or donated to a charitable organization (and not claimed as a tax deduction).
- Current law requires disclosure forms to include remuneration in excess of \$200 (in cash or otherwise) as honorariums or payment of expenses in connection with a person's attendance at any meeting or function to which he was invited in his official capacity. The 2015 legislation lowers this requirement to \$100.
- Travel paid for with City funds is not considered a gift.
- Local government attorneys are responsible for advising local officials and employees when questions of interpretation arise regarding the conflict of interests laws. A person reasonably relying on such a written opinion cannot be prosecuted. Any such written opinion will be a public record.
- The effective date for most parts of the bill is January 1, 2016. Provisions pertaining to electronic filing (affecting State officials and local constitutional officers) are effective July 1, 2016.

ATTACHMENTS:

Attachment 1. Current Status of City Package Bills, March 3, 2015

Attachment 2. Current Status of Bills on Which the City Has Taken a Position, March 3, 2015

STAFF: Bernard Caton, Legislative Director