



Legislation Text

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City of Alexandria, Virginia

MEMORANDUM

DATE: MARCH 23, 2016

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

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

DOCKET TITLE:

Consideration of the Final Update on the 2016 General Assembly Session.

ISSUE: Final Update on the 2016 General Assembly Session.

RECOMMENDATION: That City Council receive this report.

DISCUSSION: The 2016 General Assembly Session is now over, having adjourned one day early on Friday evening, March 11. Over the next 30 days, all legislation that was passed by both houses will be forwarded to the Governor (if it hasn't been already) for him to approve, veto, or recommend for amendment. The deadline for his action on all bills is April 10. The General Assembly will then reconvene on April 20 to consider the Governor's vetoes and amendments. Both the House and Senate must each agree by a two-thirds vote of its members to overturn a veto. Only a simple majority of either house is required to reject proposed amendments. If the Governor's proposed amendments are rejected, the bill goes back to the Governor for his approval or veto. If he vetoes a bill after his proposed amendments have been rejected, the General Assembly has no opportunity to overturn his veto.

City Package Update. The only update from earlier docket memos relates to the legislation to create a Transit Capital Project Revenue Advisory Board (the Board will study what is needed to address the upcoming shortfall in State funding for transit capital). This legislation has now passed the House and Senate in identical form and awaits the Governor's signature.

Legislation Affecting the City's Living Wage Program. HB 1371, which would prohibit a locality from requiring an employer within the locality to pay a living wage, or any other wage that exceeds what is required under federal law, is still awaiting action by the Governor. The Governor has received letters from Alexandria, Arlington, and Charlottesville, asking that he veto the bill. He has already vetoed two bills that were similar to HB 1371 (the deadline for action on the two bills he vetoed was prior to the end of Session; he has until April

10 to take action on HB 1371).

Conflict of Interests Act. As expected, two of the last bills to be acted on dealt with the Conflict of Interests Act, which had already been revised significantly in 2014 and 2015. Changes to the Act which made it into the final bills (identical as passed) include the following:

- A “gift,” which is currently defined as anything worth \$50 or more, is being redefined as anything with a value of \$20 or more;
- Disclosure statements and lobbyist reports will be required annually; they are now required semiannually, although this has been the case only since last year--prior to that, they were required annually;
- The value of gifts that must be reported on disclosure statements is being increased from \$50 to \$100.
- A provision added to the current law in 2015 says that a local official or employee cannot be prosecuted for a violation of the Act if he based his actions on a written opinion from the locality’s attorney. This provision is being rewritten to say that if the local official or employee is charged with a violation, and the alleged violation resulted from his reliance upon a written opinion of his locality’s attorney, the official or employee cannot automatically avoid prosecution; he can, however, introduce a copy of that opinion at his trial as evidence that he did not knowingly violate the Act.

A controversial proposal, which would have said that no food or beverage at an event will be considered a gift, no matter what the value, was not included in the final legislation.

The bills now go to the Governor.

Proffers. The Virginia Homebuilders’ Proffers bill, which has been covered in earlier Updates, has been signed by the Governor. As noted in prior docket memos, the provisions of the bill that would have directly affected the way the City regulates new residential construction were deleted from it.

Dooring. SB 117 (informally referred to as the “dooring” bill) has passed the House and Senate and now awaits the Governor’s signature. This law will penalize the “operator” of a parked vehicle who carelessly opens a vehicle’s door and causes an accident with a bicyclist, pedestrian, or another vehicle.

Stormwater Management Program Service Charges. SB 468 originally would have required any locality to exempt any property that retains stormwater on-site from paying service charges related to the locality’s stormwater management program. This “retention on-site” provision was eliminated from the bill, but a new provision was added that would have exempted railroad right-of-way that is covered with ballast and rail from the charges. A House amendment removed the railroad exemption, but the Senate initially refused to agree to the House amendment. The bill was sent to a conference committee, which initially recommended “technical” language that would have given the railroads the same exemption initially placed in the bill by the Senate. After quick but intensive work by representatives of local governments and their stormwater programs, this amendment was rejected and the House version (without the railroad exemption) was agreed to by the Senate.

Studies. A number of bills that were not passed are being referred to legislative committees and commissions for further study prior to the 2017 Session. Foremost among these is the bill that sought to authorize and regulate Airbnb in Virginia. The Virginia Housing Commission has been directed to convene a work group with representatives of the hotel industry, companies like Airbnb, local governments, state tax officials, and property owners to study issues related to Airbnb rentals and report back to the General Assembly with recommendations and draft legislation by December 1, 2016. The Housing Commission’s first meeting

following Session is scheduled for April 19; more detailed plans for this study are likely to be discussed at that meeting.

A number of bills related to transportation are likely to be studied by the Joint Commission on Transportation Accountability, which has not yet scheduled any future meetings. Among the issues it may review and study are the need for a statute dealing with careless driving, towing regulations, NVTC (Northern Virginia Transportation Commission) voting procedures, the consolidation of NVTC and NVTAA (Northern Virginia Transportation Authority), and maintenance payments for roads with bicycle lanes.

As noted above, the newly formed Transit Capital Project Revenue Advisory Board will be studying what is needed to address the upcoming shortfall in State funding for transit capital.

Three other legislative study commissions that often propose bills and policies of special interest to local governments are the Crime Commission, the Joint Legislative Audit and Review Commission (JLARC), and the Freedom of Information (FOIA) Advisory Council. Staff will monitor these groups and recommend 2017 City Package positions, as appropriate, on issues the groups study.

State Budget. The House and Senate reached agreement on a biennial budget several days before Session ended. Fortunately, there is nothing in the budget that will negatively affect the City in a significant way. Items of particular interest to the City include these:

1. Localities will receive slightly less revenue in HB 599 (local law enforcement) funds than had been recommended by the Governor, but more than was proposed by the House. Staff estimates that the City will get approximately \$5.55 million in FY 17. In FY 16, the City is getting \$5.38 in HB 599 funds.
2. Alexandria City Public Schools will receive \$43.6 million in State funds in FY 16. This compares with \$39.6 million in the current fiscal year. Included in this appropriation is State funding for the Virginia Preschool Initiative (VPI).
3. The General Assembly did not add additional funding to what the Governor had proposed for transportation revenue sharing (the Governor proposed \$250 million statewide for the biennium).
4. Additional funds are being appropriated to assist localities with their costs in administering the CSA program (this is the Children's Services Act, which used to be the Comprehensive Services Act); and operating local social services departments.
5. The General Assembly is continuing the program that allows the State to take a portion of local court fine revenues; this is expected to cost the City slightly less than \$20,000 in the coming fiscal year. This program is fast becoming referred to as the new Local Aid to the State Program.
6. The adopted budget does include authorization for the sale of \$20 million in bonds for localities to address stormwater pollution; this will provide matching grants for local efforts.

ATTACHMENTS:

Attachment 1. Current Status of City Package Bills, March 17, 2016

Attachment 2. Status Report on Bills on Which the City Has Taken a Position, March 17, 2016

STAFF: Bernard Caton, Legislative Director