



Legislation Text

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City of Alexandria, Virginia

MEMORANDUM

DATE: FEBRUARY 13, 2017

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL /s/

FROM: MARK B. JINKS, CITY MANAGER

DOCKET TITLE:

Consideration of an Update on the 2017 General Assembly Session.

ISSUE: Update on the 2017 General Assembly Session.

RECOMMENDATION: That City Council:

(1) approve the legislative positions included in Attachment 2 (Recommended Positions on Bills of Importance to the City), as recommended by Council's Legislative Subcommittee; and

(2) support Senate budget amendments that would (a) increase State funding for Project Discovery (and oppose a House amendment that would reduce such funding), and (b) increase State payments for teacher salaries by 2 percent in FY 18.

DISCUSSION: The 2017 General Assembly Session began on January 11 and is scheduled to adjourn on February 25. Crossover occurred last week. The Senate is now considering only House bills, and the House only Senate bills.

Combined Sewer Overflow Legislation. Of 5 bills originally introduced to set legislative requirements on how the City should deal with its CSO outfalls, two survive. As noted in the last Update, bills introduced by Senator Ebbin and Senator Surovell had been defeated or withdrawn. Since then, a bill from Delegate Albo was withdrawn.

Senator Stuart's SB 898 has passed the Senate and is now awaiting action by the House Agriculture, Chesapeake and Natural Resources Committee, and its Chesapeake Subcommittee. Both the Subcommittee and the Committee are scheduled to meet Wednesday morning, February 15. In its current version, SB 898

would require all corrections to the City's 4 CSO outfalls to be completed by July 1, 2025.

HB 2383, introduced by Delegate Scott Lingamfelter, has passed the House and is now awaiting action by the Senate Agriculture, Conservation, and Natural Resources Committee, which meets on February 16. Delegate Lingamfelter's bill would require Alexandria to initiate construction activities on projects needed to bring the 4 outfalls into compliance with EPA's Presumption Approach (i.e., discharges from each outfall would not likely occur more than 4 to 6 times per year) by July 1, 2024.

City Package. The following is an update on actions taken regarding issues in the City's 2017 Legislative Package. Attachment 1 is a more detailed status report on City Package bills.

- A bill that would have prohibited the SCC from granting water supply companies infrastructure surcharges outside a normal rate-making procedure was defeated.
- Several bills have attempted to loosen the laws allowing the issuance of driver's licenses for non-citizens; one (HB 2020) passed the House and awaits Senate action.
- A bill to require the Department of Criminal Justice Services to require all law enforcement personnel to be trained to identify human trafficking offenses was defeated.
- A resolution that sought to have the Virginia Conflict of Interest and Ethics Advisory Council study the procedures for the filing and review of disclosure forms by local government officers and employees was not passed, but the Council will be asked to look into making disclosure forms for local officials available online.
- Other legislation that is supported in the City Package but has been defeated includes bills to allow school boards to set the opening day of school; direct a portion of State recordation tax revenues into the Housing Trust Fund; exempt personal hygiene products from the sales tax; and authorize in-state tuition to certain students who have applied for permanent U.S. residency.
- City Package bills that have passed the Senate but killed by the House include those to put a floor on local gas taxes in Northern Virginia and Hampton Roads; "ban the box" (ask about prior convictions) on employment applications; amend the Virginia Constitution to automatically restore rights to some felons; and establish a non-partisan redistricting commission. It is unlikely that any of these bills will be passed by the House.

Airbnb. Two bills were introduced pertaining to Airbnb (or short term rentals). The patron of one of the bills, SB 1579, had his bill struck and supported the other one, SB 1578. This bill, SB 1578, would allow localities to adopt ordinances requiring the registration of short-term rental properties, and imposing penalties on persons who violate such an ordinance. The bill also allows a locality to charge a fee to pay for the cost of compiling and maintaining its registry. Finally, SB 1578 specifically allows a locality to regulate the short-term rental properties through general land use and zoning authority. The bill passed the Senate and is now awaiting action in the House.

Towing. SB 1468, which would have revised towing laws in Northern Virginia, died on the Senate floor. HB 1960, a similar bill, has passed the House and will be heard in the Senate Transportation Committee on Wednesday. In its current form, the bill no longer increases the towing fee (the original bill would have raised it from \$135 to \$150 per tow). The current bill will require that the chairmanship of a locality's board be rotated annually among law enforcement representatives, towing operators, and the general public.

Wireless Internet Infrastructure. Of the two bills regulating or deregulating wireless internet, only one (SB 1282) is still alive. HB 2196 died on the House floor. It is staff's understanding that many of those voting against the House bill did so not because they opposed the legislation altogether, but because word got out that the industry refused to negotiate in good faith with local governments.

After the House vote, the industry came to local government ready to negotiate. Local governments generally believe that it is in their interest to do so; otherwise the Senate bill may pass as is, or the industry may come back next year with a worse proposal.

Industry and local governments have reached agreement on a compromise. The bill now deals primarily with the location and placement of small wireless cell apparatus. Previous versions of the bill would have dealt with a far broader segment of the wireless industry, and lessened local government zoning and land use authority over the industry

Municipal Broadband Networks. Delegate Byron's Municipal Broadband bill (HB 2108) has been significantly altered since its introduction. The original bill would have essentially prevented a locality from creating its own broadband network, unless the locality is in an area not served by a private broadband provider. The bill now only says that a government-created broadband authority's records demonstrating how it sets its rates and fees be available under the Freedom of Information Act (FOIA) "notwithstanding any exemption in that Act or in this chapter." This notwithstanding phrase is supposedly going to be stricken from the bill by the patron, so that the bill will only say that an authority must comply with FOIA-something it would be required to do without this bill.

Staff will continue to carefully monitor this bill.

State Budget. On February 5, the House Appropriations and Senate Finance Committees released their proposed amendments to the biennial budget bill that had been proposed by Governor McAuliffe in December. Nothing in either proposal will have a significant impact on the City.

The House has now approved the following items of interest to the City:

1. Reduce slightly the funding for the HB 599 local law enforcement program; the proposed reduction would take away approximately \$16,000 from Alexandria in both FY 17 and FY 18.
2. Increase funding for Alexandria City Public Schools by about \$16,500 in FY 18.
3. Increase funding for the salaries of state-supported local employees by 2%.
4. Partially restore the cuts proposed by the Governor for GO Virginia (restore \$7.5 million over the biennium).
5. Reduce statewide funding for Project Discovery by \$187,500 in FY 18 (for a total of \$425,000 that year).

The Senate has proposed the following changes to the Governor's budget:

1. Increase teacher salaries by 2%.
2. Increase funding for Alexandria City Public Schools by about \$1400 in FY 18 (this includes the money for the state share of the 2% salary increase).
3. Increase funding for the salaries of state-supported local employees by 2%.
4. Partially restore the cuts proposed by the Governor for GO Virginia (restore \$7.5 million over the biennium).

5. Increase funding for Project Discovery by \$237,500 (for a total of \$850,000 for this program in FY 18).
6. The Senate included language requiring short term rentals (Airbnb) to register with the State and localities; and it directs the State Department of Taxation to collect all state and local taxes.

Project Discovery helps students, primarily from low-to moderate income families, improve their academic skills so that they graduate from high school and are better prepared for entry into college. Many Project Discovery students come from families that have not previously had college graduates. The City has been a strong supporter of Project Discovery in the past.

Staff noted above that the Senate wants to increase teacher salaries by 2 percent; the House proposed no increase for teacher salaries. Unlike most such proposals in the past, this would not necessarily require Alexandria City Public Schools to give a specific salary increase for FY 18-the Senate requires school divisions to certify that they have provided or will provide an increase of at least 2.0 percent at some point during the 2016-18 biennium (step increases in FY 17 and FY 18 should meet this requirement).

Council's Legislative Subcommittee recommends that the City support the Senate amendments for teacher salaries and Project Discovery (and oppose the House reduction to Project Discovery).

The budget will likely go to conference late this week. Final action on the budget is unlikely until late next week.

ATTACHMENTS:

Attachment 1. Current Status of City Package Bills, February 10, 2017

Attachment 2. Recommended Positions on Bills of Importance to the City, February 10, 2017

Attachment 3. Current Status of Bills on Which the City Has Taken a Position, February 10, 2017

STAFF: Bernard Caton, Legislative Director