



Legislation Text

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City of Alexandria, Virginia

MEMORANDUM

DATE: JANUARY 25, 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

ISSUE: Update on the 2021 General Assembly Session.

RECOMMENDATION: That City Council approve the legislative positions included in Attachment 1 (**Recommended Positions on Bills of Impact to the City**), as recommended by Council's Legislative Subcommittee (Mayor Wilson and Vice Mayor Bennett-Parker) at their January 15 and January 22, 2021 meetings.

DISCUSSION: The 2021 General Assembly Session began on Wednesday, January 13. Coming off a months-long special session, Republicans in the Senate and House of Delegates intend to keep the session to the 30-day constitutional limit on "short" legislative sessions. Typically, the legislature extends short sessions to 45 days, but any extension requires approval from two-thirds of both chambers. However, with Democrats holding the majority in each body of the General Assembly as well as the Governor's office, there are procedural options they can employ to extend the session to, or beyond, the customary 45 days.

For however many days it is in session, the General Assembly is meeting virtually. The members of the Senate, along with some Senate staff, are convening in person at the Science Museum of Virginia, and are holding committee meetings and floor session from that location. Members of the House of Delegates are convening entirely virtually, with House members participating 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 - are joining 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.

Sarah Taylor, the City's Legislative Director, is representing the City with the General Assembly - if not at the General Assembly - during this unique Session.

Recommended positions on 190 bills have already been completed by staff, approved by the Legislative Subcommittee, and are included in the attached documents for your approval.

Issues Facing the 2021 General Assembly Session - Despite a short, virtual session, the General Assembly is likely to be tackling a number of significant issues during this session.

There are a number of issues that will carry over from this past fall's Special Session of the General Assembly into the 2021 Regular Session. The House and Senate failed to come to an agreement on legislation to reform qualified immunity; in addition we expect there to be some work to expand the reach of the recently authorized civilian police review bodies to include Sheriff's Office employees. Legislators also failed to come to an agreement on COVID-19 liability protections for businesses and paid sick leave. The General Assembly may revisit both matters this session, especially in light of Congress excluding liability protections from the latest COVID-19 relief bill.

Following a report of the Virginia Marijuana Legalization Work Group, Governor Northam offered his full support of the legalization of recreational marijuana and included funding in his 2021 budget proposal to lay the groundwork and set up a framework for marijuana legalization in the Commonwealth. The challenge for the legislature will be to get consensus on a bill that adequately regulates the industry and preserves various interests. For localities, there are a number of areas to watch, including local authority with regard to zoning, code enforcement, licensure, public health and safety, as well as taxation, revenue collection, and revenue disbursement.

Finally, 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 budget also includes funding related to COVID-19 response efforts, with more details on items of particular interest to the City included below. The General Assembly will consider the Governor's budget proposal during session and may make amendments to reflect their own priorities.

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 been filed, 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 filed to date 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, limit qualified immunity, create an electric vehicle rebate program, and a constitutional amendment to restore the voting rights of convicted felons in the Commonwealth.

In addition, there is are budget amendments filed to provide additional funding to NVTALocalities to offset shortfalls with regard to our WMATA payments for 2021, allocate non-general funds to localities who maintain their own roads, remove the word "handicapped" from code after review by the Code Commission, and study strategies to update SLAF funding proposal scoring criteria in order to assign points to projects that support local stormwater resiliency priorities and capacity needs.

Finally, the City has three priority bills this session which have seen action during these first 10 days of session:

HJR552 (Levine) authorized a Joint Subcommittee on Inland and Urban Flooding to bring together stakeholders to consider issues related to inland and urban flooding and recommend to the General Assembly actionable short-term and long-term strategies and funding opportunities for minimizing the impact of flooding in inland and urban areas across the Commonwealth.

The House Rules Subcommittee on Studies heard this legislation and recommended that the House Committee on Agriculture, Chesapeake and Natural Resources convene a workgroup of these same stakeholders during 2021 to study this issue, discuss strategies and make recommendations to the General Assembly for the 2022 session.

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 will next be assigned to a House Committee for consideration in the House of Delegates.

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 Judiciary Committee 8-7 and will next be considered by the full Senate.

ATTACHMENTS:

1. Recommended Positions on Bills of Impact to the City Discussed at January 25 and January 22, 2021
Legislative Subcommittee Meeting

STAFF:

Laura Triggs, Deputy City Manager

Sarah Taylor, Legislative Director