



Legislation Text

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City of Alexandria, Virginia

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MEMORANDUM

**DATE:** FEBRUARY 22, 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.

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**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 Session began on Wednesday, January 13. On February 4, the Governor issued a proclamation extending the current legislative session to the traditional 46-day limit through the implementation of a Special Session, which will last until sine die on February 27.

Legislation which passes out of the General Assembly is, most often, effective on July 1 of that session year. Some bills may have a different effective date than July 1 and if they do, the date is written in an enactment clause at the end of the legislation. In addition, legislation with an Emergency Clause is effective immediately upon the signature of the Governor and those bills require a four-fifths vote of the General Assembly to pass.

The General Assembly continues to meet 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.

Despite the short, virtual session, the General Assembly is addressing a number of significant issues during this session.

### **Marijuana Legalization**

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. 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.

SB 1406 (Ebbin/Locke) and HB 2312 (Herring) legalize 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.

The bills have substantial differences and these differences will be resolved in Conference Committee during this final week of session.

Staff is working with the patrons of the legislation to ensure 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 intend 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. Under the provision, any person licensed or certified by the appropriate health regulatory board, who is in good standing within the past 20 years, can volunteer to vaccinate. This includes nurse practitioners, physician assistants and pharmacy technicians. The bill also allows anyone to volunteer whose license was in good standing within 20 years before it lapsed. In addition, health profession students enrolled in statewide accredited programs who have been properly trained in vaccine administration will also be allowed to volunteer.

The legislation also allows localities with fire departments or emergency medical services departments employing full-time or volunteer EMTs or paramedics to establish and staff vaccine administration clinics for the purpose of administering COVID-19 vaccines. It authorizes the Department of Health or hospitals serving the locality to provide vaccines to locality-created vaccine administration clinics upon the request of the locality.

The bill directs the Virginia Department of Health to establish a program where eligible individuals may volunteer and complete training to administer the COVID-19 vaccine. Institutions such as hospitals, medical care facilities and universities would be able to volunteer their facilities as vaccine administration sites.

Finally, 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.

## **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 presented their proposed budgets on Wednesday, February 10. Both the Senate and House budgets were based on conservative revenue estimates. Late last week, the Administration released the January budget numbers which were positive and provided Budget conferees with an additional \$730 million to appropriate, should they choose to do so. Due to that additional available revenue, we continue to advocate for additional funding for programs and projects of particular interest to the City of Alexandria. The City is specifically advocating for the following budget issues:

- The City of Alexandria supports state funding for salary increases for K-12 staff. However, we have concerns about the impact of the local match requirement on localities like ours. According to current projections, the City and ACPS would be able to meet the local match requirement of the 3% raise included in the Senate budget (Item 145 #6s) without any change to the current budget. However, the 5% raise included in the House budget (Item 145 #10h), and being championed by the Governor, 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. A suspension, or extension, of 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.

It is important to note that the Commonwealth only provides funding for the state’s portion of salaries based on the Local Composite Index (LCI), which is intended to measure local “ability to pay.” This index fails to account for the high cost-of-living in the areas we represent. Additionally, the Commonwealth provides no funding for any position not recognized in the Standards of Quality (SOQ). This leaves our local taxpayers to pay the full costs of these critical positions that exceed state requirements.

- We have asked that the loss of critical sexual assault prevention resources be addressed in the budget process. As of February 1, the Virginia Department of Health abruptly cut \$850,000 in federal Rape Prevention Education funding to sexual assault agencies in Virginia - including the Alexandria Sexual Assault Center (SAC). We are asking that some of the \$730 million available for appropriation in the budget be used to replace the funding taken away from sexual assault programs in Virginia, including Alexandria’s SAC. We have asked that the funding for the Sexual and Domestic Violence Prevention Fund currently in the House and Senate’s budget amendments - \$375,000 (Item 301 #2h) and \$750,000 (Item 353 #2s) respectively - be increased to cover the \$850,000 in federal funds that have been cut, as well as provide new state funding for critical sexual and domestic assault prevention programming across the Commonwealth.
- With additional revenue available for appropriation, we hope that the budget conferees will consider

including funding in the budget to assist Alexandria and other Northern Virginia localities by providing one-time money to support Northern Virginia's FY 2022 obligation to Metrorail, Metrobus and MetroAccess services. Annually, the five localities of the Northern Virginia Transportation Commission, pay more than \$200M in local funding to support WMATA's capital and operating programs, with Alexandria's share totaling \$55 million this year alone. This funding comes from local sources, including our gas tax, sales tax, and other local revenue, all of which have been hit hard during this pandemic. These one-time funds will help ensure that public transit keeps Northern Virginia - and the Commonwealth as a whole - competitive, equitable and sustainable.

- We are grateful for the inclusion of \$22.4 million in the budget to fulfill the Commonwealth's portion of the \$500 million annual commitment to the WMATA Capital program and address a current shortfall in the Department of Rail and Public Transportation revenues and budget. We are hopeful that a compromise can be reached regarding the renaming of the McLean Metro stop that will negate the related amendment 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 (Item 442 #2s). Without such a compromise, it is possible that the Commonwealth's portion of the WMATA payment could fall to localities like Alexandria, who are already facing significant budget challenges.
- As we work to mitigate issues related to both water quality and water quantity, we support 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. We have asked the Senate to support House budget amendment 379 #1h, which 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 House budget amendment 377 #2h, which provides \$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 have asked the Senate to support the inclusion of House budget amendment 107 #1h in the final compromise budget. This language amendment tasks 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 has two priority bills this session which have seen additional action in the General Assembly:

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 and is on track to be 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 is on track to be communicated to the Governor for his signature.

**STAFF:**

Laura Triggs, Deputy City Manager

Sarah Taylor, Legislative Director