



Legislation Text

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City of Alexandria, Virginia

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MEMORANDUM

**DATE:** APRIL 21, 2021

**TO:** THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

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

**DOCKET TITLE:**

Wrap-up of the 2021 Virginia General Assembly Session.

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**ISSUE:** Wrap-up of the 2021 General Assembly Session.

**RECOMMENDATION:** That City Council receive staff's report on the conclusion of the 2021 General Assembly session.

**DISCUSSION:** The 2021 General Assembly "short" Session began on Wednesday, January 13 and both bodies adjourned, Sine Die, on Saturday, February 27. The session was technically two sessions, with the work of the General Assembly extended to 46-days from the constitutionally mandated 30-days by convening a second, Special Session of the General Assembly, which convened on February 10.

The General Assembly met virtually during these sessions. The members of the Senate, along with some Senate staff, convened in person at the Science Museum of Virginia, and held committee meetings and floor session from that location. Members of the House of Delegates convened entirely virtually, and House members participated 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 - joined 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.

The Senate and House of Delegates held pro-forma Reconvened Session, as constitutionally required, for the Regular Session and a full Reconvened Session on April 7 where they considered several amendments to legislation, including the budget bill, recommended by the Governor.

Sarah Taylor, the City's Legislative Director, continues to represent the City's General Assembly efforts.

Despite the short, virtual session(s), the General Assembly addressed a number of significant issues during this session.

### **Marijuana Legalization**

SB 1406 (Ebbin/Locke) and HB 2312 (Herring) set up a timeline and framework for the legalization of 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.

Staff worked with the patrons of the legislation to include language in the final legislation which ensures 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.

The Governor proposed amendments to the legislation to move up the legalization of simple possession of marijuana to July 1, 2021, nearly three years sooner than previously planned, while maintaining current public safety measures that prohibit smoking while driving, smoking while driving a school bus, and possession on school grounds, for example. In addition, he proposed amendments to allow for expungement and sealing of criminal records on marijuana to begin as soon as state agencies are able to do so and simplify the criteria for when records can be sealed. He also proposed amendments to set clear expectations for labor protections in the cannabis industry and allow for limited home cultivation of marijuana plants.

In addition, the Governor proposed two budget amendments on this issue, one which funds a public awareness campaign on the health and safety risks of marijuana and one which funds training to help law enforcement officers recognize and prevent drugged driving.

These amendments were approved by the General Assembly at their Reconvened Session. Some portions of the bill are subject to a reenactment clause which will require the General Assembly to vote on those portions of the bill again in the 2022 session.

### **School Reopening**

The General Assembly passed legislation this session related to in-person/virtual learning which was signed by the Governor. SB 1303 requires each local school division to make in-person and virtual learning available to all students by choice of the student's parent or guardian. The new law has an effective date of July 1, 2021.

While the legislation doesn't specifically speak to summer instruction, there is money in the budget related to learning loss and summer school, with an amendment providing \$40 million from the Lottery Proceeds Fund the first year to support one-time programs and initiatives to address learning loss experienced by students due to the COVID-19 pandemic. No local match is required, and unexpended funds from the first year shall remain available in the second year.

School divisions are required to spend these payments on eligible programs, including: extending the school year, summer school, tutoring, remediation and recovery, and supplemental afterschool programs, counseling and other student supports, assessments to determine student progress and the need for access to these programs, other similar programs, and modifications to facilities to assist with COVID-19 mitigation strategies for in-person learning.

## **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 final, amended budget - HB 1800 - included several items of particular interest to the City include:

- The City of Alexandria supported state funding for salary increases for K-12 staff. However, the 5% raise included in the final, amended budget would require an additional \$2.65 million to meet the local match for these compensation increases in one year.
- The final, amended budget addressed the loss of critical sexual assault prevention resources for the Alexandria Sexual Assault Center (SAC). The budget includes \$750,000 in new state funding for the Domestic and Sexual Assault Prevention Fund to support critical sexual and domestic assault prevention programming across the Commonwealth. In addition, language in the budget requires VDH to continue to award and provide federal Rape Prevention and Education (RPE) funds through the cooperative agreement with the Centers for Disease Control to six sexual and domestic violence organizations, including Alexandria’s SAC.
- The budget included \$32.4 million for the Department of Rail and Public Transit to fill their revenue shortfall with regard to their annual WMATA payment. This amount exceeds the \$22.4 million estimated shortfall for DRPT and language in the budget would provide any “extra” remaining money - estimated to be around \$10 million - to the Northern Virginia Transportation Commission to reduce the fiscal year 2022 operational obligations of its member jurisdictions, based on the current formula, to Metrorail, Metrobus and MetroAccess services. This one time money would assist Alexandria and other Northern Virginia localities by providing one-time money to support Northern Virginia’s obligation to Metrorail, Metrobus and MetroAccess services.
- As we work to mitigate issues related to both water quality and water quantity, we worked to secure 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. The final budget 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 an additional \$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 successfully worked to support the inclusion of language tasking 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 had the proposals organized into two sections -

## Legislative Principles and Legislative Priorities.

The section of Legislative Principles was 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 were broadly crafted and focus on comprehensive legislative strategies rather than specific legislative tactics.

A number of pieces of legislation that aligned with and supported the City's Legislative Principles 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 were, generally, specific revenue and legislative proposals that the City identified as the issues of greatest impact to the City. These were the issues the City intended to continue expending significant political capital on and the issues that we ask our General Assembly delegation to engage in on behalf of the City.

Legislation that advanced aligned with and supported the City's Legislative Priorities, included 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, legislation to codify voter access provisions from the current budget, and a constitutional amendment to restore the voting rights of convicted felons in the Commonwealth.

The City had two priority bills this session which were passed by the General Assembly and signed into law by the Governor.

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 was signed into law by the Governor.

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 was signed by the Governor. The legislation also included the convening of a workgroup at the Virginia Commission on Youth to review this section of law and make recommendations on legislation in this area. City staff will be involved in this workgroup.

Finally, the City proposed HJR552 (Levine) to authorize 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. City staff is working with

Del. Levine to ensure that this workgroup is convened during the 2021 interim.

**STAFF:**

Laura Triggs, Deputy City Manager

Sarah Taylor, Assistant City Manager/Legislative Director