

# 2022 General Assembly: Legislative Priorities of the Albemarle County Board of Supervisors

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# Process

- July: Began discussion of possible legislative priorities for 2022
- August: Received written update on legislative priorities work to-date and a legislative update from the General Assembly's 2021 Session and 2020 Special Session
- Today: Continue discussion of possible legislative priorities and the Board's legislative positions and policy statements
- October: Set 2022 legislative priorities and legislative positions and policy statements
- November: Meet with the local General Assembly delegation

# Enable civil penalties in lieu of criminal punishment for violations of local ordinances

- **Proposed**: Amend Virginia Code § 15.2-1429 to allow localities the option to adopt an ordinance to pursue civil penalties in lieu of criminal punishment, with authority to issue civil summons and the violator to prepay (see Attachment A)
- **Elements**:
  - Would provide localities the option to enforce its ordinances by a uniform schedule of civil penalties instead of criminal punishment
  - The schedule would allow civil penalties of up to \$500 for the initial summons, up to \$1,000 for the second summons, and not more than \$1,500 for each subsequent summons up to a total of \$5,000 under the same set of operative facts
  - Civil summons would be issued by designated County officers
  - Alleged violator may prepay in lieu of trial
  - Unpaid fines or penalties imposed on owner of real property constitute a lien on the real property

# Enable civil penalties in lieu of criminal punishment for violations of local ordinances

- **The July 7 work session:** The Board did not reach consensus on two issues – the suggestion that the locality be enabled to seek attorney’s fees and to issue summons more frequently than once every 10 days for the same violation
- **Topics for discussion:**
  1. Is the general approach in Attachment A acceptable?
  2. Are the amounts of the civil penalties appropriate? They are significantly more than the current limits for civil penalties for zoning violations are \$200 for the initial summons and \$500 for each subsequent summons.
  3. Does the Board want enabling authority to seek attorney’s fees?
  4. Does the Board want enabling authority to issue a new summons more frequently than once every 10 days for the same violation?

# Amend the definition of “farm buildings or structures,” and add a new building type that would be subject to minimum construction standards

- **Proposed**: Amend the definition of “farm buildings or structures” in Virginia Code § 36-97 so that those types of buildings and structures, which are not subject to minimum construction standards, are no longer for public use; add a definition of a new building type – “public use agricultural buildings” – for buildings intended for public use and would be subject to minimum construction standards
- **The July 7 work session and thereafter**: The Board agreed that this priority will require a joint effort with other localities. Supervisor Price thereafter suggested that the agricultural community such as the Farm Bureau also be included in the effort
- **Topic for discussion**:
  1. Add this initiative to the Board’s 2022 Legislative Positions and Policy Statements document?

# Impact fees

- **Proposed:** Legislation to enable localities to impose impact fees on residential development and eliminate cash proffers
  - This is a multi-year statewide initiative pursued by localities
  - Identified by the Board in its 2021 Legislative Positions and Policy Statements
- **Topic for discussion:**
  1. Retain this initiative in the Board's 2022 Legislative Positions and Policy Statements document?

# Expand the authority to use photo speed monitoring devices

- **Background:** Virginia Code §§ 46.2-882 and 46.2-882.1 authorize State and local law enforcement agencies to use photo speed monitoring devices in school crossing zones and highway work zones, with a maximum penalty of \$100
  - The law was adopted in 2020
  - The Police Department is studying the possibility of installing a device on Hydraulic Road school crossing zone near Albemarle High School where speeding is a problem
- **Proposed:** Amend the existing laws to enable the use of photo speed monitoring devices on rural roads (or other roads) where speeding has been identified as a problem

# Expand the authority to use photo speed monitoring devices

- **The July 7 work session:** The Board's discussion was focused on the extent to which this enabling authority might apply
  - On rural roads, because it is difficult to enforce speeding on those roads where it is unsafe or difficult to pull over
  - On any roads
  - On roads designated by the locality by ordinance
- **Topics for discussion:**
  1. Retain as a priority?
  2. To what roads should the law apply? (*e.g.*, designated rural roads, any designated roads, designated roads on which the locality has identified a speeding problem, others?)
  3. If using photo speed monitoring devices on rural or other roads, require an ordinance and posting signs that the devices are being used?

# Request the State to comprehensively upgrade its technology to better serve the Commonwealth

- **Background:** This proposal came about as a result of complaints about the State's technology, most recently highlighted with unemployment claims filed with the Virginia Employment Commission during the pandemic
  - There are State studies underway of the State's technology; one reviewing the staffing and funding of the Virginia Information Technologies Initiative; the other reviewing the Virginia Employment Commission's staffing, funding, and the state of its information technology system
- **During the July 7 work session:** The consensus of the Board was to adopt resolutions supporting the studies and encouraging the General Assembly to provide funding for the anticipated needed technology modernization
- **Topic for discussion:**
  1. When should the Board act on the resolutions?

# Establish a recordation tax whose revenue must be devoted to affordable housing programs within the locality

- **Background:** Virginia Code § 58.1-814 authorizes localities to impose a recordation tax “in an amount equal to one-third of the amount of [the] state recordation tax”
- **During the July 7 work session:** The discussion was focused on pursuing a dedicated revenue source versus earmarking existing revenues or raising existing taxes to fund an equivalent amount
- **Topics for discussion:**
  1. Retain as a priority?
  2. Seek express enabling authority to impose new recordation tax to be applied for affordable housing versus earmarking a portion of the County’s general revenue for affordable housing?
  3. Model after the transient occupancy tax to provide that any amount over the current local maximum tax must be used only for affordable housing?

# Establish a minimum erosion and sediment control standard for agriculture and forestry operations

- **Background:** Erosion and sediment control regulations are triggered by “land disturbing activity,” a term that **excludes** most agricultural and forestry activities
- **During July 7 work session:** The Board agreed that this priority will require a joint effort with other localities, the agricultural and forestry communities, and that VACO will need to be involved
- **Topic for discussion:**
  1. Add this initiative to the Board’s 2022 Legislative Positions and Policy Statements document?

## Legislative Positions and Policy Statements

- **Net neutrality (page 1)**: California and Washington have state laws requiring net neutrality; President Biden issued an executive order in July 2021 urging the Federal Communications Commission to restore net neutrality rules
- **Stop extending the sunset provisions in Virginia Code § 15.2-2209.1 (page 2)**: The extensions continued in 2020 in a new section, on the basis of the COVID-19 pandemic