

THE MAGAZINE OF THE VIRGINIA MUNICIPAL LEAGUE

# Understanding the new elections laws



**Plus:**  
2021  
Legislative  
Summary  
for localities

**Also inside:**

Wastewater plant  
legislation deep dive

Visit Hillsboro

What's new in Mount  
Crawford



# VRSA

Virginia Risk Sharing Association

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## Inclusion Residency

VRSA is launching a residency program, beginning with an **Inclusion Residency** led by Dr. Robin Stacia of Sage Consulting. The residency will:

1

Assist members with creating inclusive spaces through multiple virtual engagements tailored to different levels of the organization;

2

Support members in developing practical, customizable inclusivity tools; and

3

Provide funding for two member entity's diversity and inclusion initiatives.

The Inclusion Residency will kick off at the **VRSA Annual Meeting** on **May 7, 2021** at 9 a.m. For more information, please contact Thomas Bullock, Director of Education and Training at: [tbullock@vrsa.us](mailto:tbullock@vrsa.us).



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*Virginia Town & City* (ISSN0042-6784) is the official magazine of the Virginia Municipal League. Published 10 times a year at 13 E. Franklin St., P.O. Box 12164, Richmond, VA 23241; 804/649-8471. E-mail: e-mail@vml.org. Reproduction or use of contents requires prior approval of the Virginia Municipal League and if granted must be accompanied by credit to *Virginia Town & City* and the Virginia Municipal League. Periodicals Postage paid at Richmond, VA. (USPS 661040) Subscription rates: members - \$16 per year, non-members - \$32 per year. Single copies - \$4 each.

**Postmaster:** Send address changes to *Virginia Town & City*, P.O. Box 12164, Richmond, VA 23241-0164.



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## ABOUT THE COVER

The legislation mandating November elections for localities got a lot of attention this session. There were strong opinions on both sides before it passed and was signed into law. VML offers some valuable insight on this important legislation and, in our 2021 Legislative Summary for localities, we help you understand new laws relating to marijuana legalization, wastewater plant improvements, and so much more!

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### 2021 VML Innovation Awards Call for Entries!

Full details on how to enter visit [www.vml.org](http://www.vml.org).



# Get ready. Get set. ARPA!

**T**HE AMOUNT OF money (\$6.8B) coming to the Commonwealth under the American Rescue Plan Act (ARPA) is daunting. Far from being daunted, however, we've heard from many Virginia localities that are ready to get started using that money. This is why, as we work to get this issue of *Virginia Town & City* to print, the big questions on most every local government leader's mind are: How much will my locality receive and how can we use it?

Of course, after more than a year of waiting for everything from movie theaters to open to seeing loved ones again, it is difficult to be patient. But unlike all the uncertainties that persist with the virus, there will soon be clarity around the ARPA funds. On the release date (rumored to be May 10), the U.S. Department of the Treasury will issue its long-awaited guidance and numbers and then the spending can commence!!

And yes, that last sentence warrants two exclamation points.

The only cloud to this otherwise silver lining: After the guidance and numbers are known, many localities will experience the inconvenience of amending their budgets.

However, this task will undoubtedly be made easier by the circumstance of needing to add money to their budgets. An enviable sort of problem if ever there was one.

Given ARPA's size and complexity, we anticipate that you will have many questions about how you can use the money. VML will be ready to get you the answers. As previously communicated to our members, VML has contracted with McGuire Woods Consulting as an additional ARPA resource and preliminary work to understand the ins and outs of the funding is well underway. So, whether the release date is the rumored May 10 or earlier, VML is poised with our partners in McGuire Woods Consulting to provide guidance to our members and engage state officials whom we will urge to work together to leverage each dollar in the most efficient manner.

As VML wrote in a recent letter to the General Assembly leaders, "This is an extraordinary opportunity to meet long-term obligations and challenges." In that letter we also stressed the importance of the General Assembly working together with the Governor to achieve these goals. Additionally, we proposed that a task force of local and state leaders be formed to provide input on the best use of the funds. We are hopeful that we will

receive a positive response soon. Certainly, there will be plenty of opportunities to help steer the conversation as there will be a special session of the General Assembly to deal with the state's share of the money. However, it's important to note that, unlike the CARES Act funds, the state is *not* allowed to put any restrictions on ARPA's direct aid to localities.

Even when that direct aid to localities is released, VML urges our members to proceed at a measured pace when it comes to spending the money. One state agency estimates that there will be over 20 different pots of money that may be available! For



## AMERICAN RESCUE PLAN ACT OF 2021

example, there is direct money to the state and to the school systems; some money is marked for tourism, travel and hospitality, small business support, substance abuse, water assistance, etc. It is going to be important to understand how the pots intersect as well as where the state will use its money before localities move forward. The good thing is that we know that the money doesn't have to be spent until December 31, 2024, so there's time to do it right.

Notes of caution aside, there are great reasons to be excited and optimistic. The ARPA funds are an opportunity to enhance our communities and upgrade facilities to set our localities up for success! Whether used to upgrade a water or sewer plant, expand broadband, or improve the air quality in schools this money can have a meaningful impact on the citizens of the Commonwealth. I truly hope that we can all work together to use every dollar to its fullest extent.

So, as May 10 approaches and the real work begins, please stay on the lookout for webinars and *eNews* updates with information, resources, and guidance to make the most of this potentially game changing moment!



Learn about these and additional opportunities at [vml.org/events](http://vml.org/events).

TBA

**Virginia Mayors Institute**

Lansdowne Resort, 44050 Woodridge Pkwy, Leesburg, VA 20176

Oct. 3 - 5, 2021

**Virginia Municipal League Annual Conference**

Lansdowne Resort, 44050 Woodridge Pkwy, Leesburg, VA 20176

PEOPLE

# Weighing your options?

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## Marshall named as City of Charlottesville's first deputy city manager for racial equity, diversity, and inclusion

As of May 10, Roanoke native **Ashley Reynolds Marshall** will assume the duties of the City of Charlottesville's newly created position of deputy city manager for racial equity, diversity and inclusion (REDI).



- Marshall -

Marshall previously served as chief executive officer for the YWCA of Central Virginia in Lynchburg.

In her new role, Marshall will oversee a portfolio that includes the new Office of REDI and the human services and social services departments, as well as the staff of the Police Civilian Review Board and the Office of Human Rights.

"Communities are only strengthened by the diversity of its citizens, as well as the meaningful and courageous community discussions about how to think equitably to ensure that there is an inclusive community identity," Marshall said in a press release. "As a native Virginian, I appreciate Charlottesville's commitment to providing the highest quality of life to all."

The position was first recommended in August 2019 by a city manager advisory panel for organizational equity. The COVID-19 pandemic and budget constraints resulted in delays in hiring for the position.

Marshall is a member of the 2013 class of the Sorensen Institute's Political Leaders Program at the University of Virginia and a member of the 2014 class of Emerge Virginia. She also is chairwoman for the Virginia Council on Women, a member of the Virginia Advisory Committee on Sexual and Domestic Violence and a board member for the Virginia Rural Health Association.

She holds a B.A. in psychology from Hollins University, a J.D. from the College of William & Mary School of Law and an M.P.A. from Virginia Tech. Marshall is also currently pursuing a Ph.D. at the Center for Public Administration and Policy at Virginia Tech.

**O’Daniel is the new Town of Richlands manager**

On March 15, **John A. O’Daniel** succeeded Tim Taylor who resigned after serving as the town’s manager for more than 30 years.



- O’Daniel -

A native of High Point, NC O’Daniel comes to Richlands after serving as town administrator for the communities of Bladenboro and Williamston in his home state.

In Williamston, O’Daniel was part of a nearly completed \$5 million project to renovate the fire department and construct a new police station. While he has experience running the day-to-day operations of a town, Richlands will be his first endeavor with a municipal electric company.

**Town of Herndon appoints Tang as director of finance**

**Robert Tang** has been named as the Town of Herndon’s new director of finance effective April 30. Tang replaces Jennie Tripoli, who resigned from the town in March prior to relocating to Richmond.

In his new post, Tang will be responsible for direction of the town’s financial affairs to include successful execution of the adopted annual budget; analysis and counsel related to fiscal decisions by the town council; management of financial processes to include inter-governmental grants, procurement, and fiscal policy execution; adherence to and preparation of accounting reports related to annual audit(s) and professional organization standards; and management of Department of Finance personnel.

Tang comes to the town following five years of increasingly responsible service with Loudoun County, culminating in his most recent position as the county’s chief deputy treasurer. In that role, he oversaw operations of the Loudoun County Treasurer’s Office, including development and implementation of county-wide financial policies and procedures. Prior to his Loudoun County service, he held financial posts in the private sector with companies including PNC, Wells Fargo, and Prudential.

Tang holds a Bachelor of Science degree in finance from Shippensburg University and an M.B.A. from LaSalle University.

**Town of Rocky Mount hires Wood as new manager**

On April 12, the Rocky Mount Town Council named Texas resident **Robert Wood** as its new town manager. Wood will start May 1 following the retirement of current town manager James Ervin.



- Wood -

In a press release, Mayor Steven Angle said, “Mr. Wood’s track record of achievements stood out, and his knowledge, experience and demeanor will be an excellent fit for Rocky Mount.”

Wood is the former city administrator for West Lake Hills, TX where he served from 2007 to 2019. He was the city manager of Flatonia, TX from 1999 to 2007. He also served as the interim city manager of Bas-trop, TX, for several months in 2020.

Wood earned both a Bachelor of Arts in economics and a Master’s degree in public affairs from the University of Texas at Austin.

**Gonsalves appointed City of Alexandria’s assistant city manager for public/private partnerships**

On March 15 **Julian Gonsalves** began work as the assistant city manager for public/private partnerships (P3) for the City of Alexandria.



- Gonsalves -

In his new role, Gonsalves leads the development and delivery of the city’s P3 initiatives, primarily through capital project planning and financing across multiple departments and community organizations.

Prior to joining the city, Gonsalves spent eight years at WSP USA, an engineering professional services firm, working from consultant to investor advisory service area manager in the firm’s alternative project delivery service area, specializing in P3, due diligence services, infrastructure development and finance. He has been involved in the development, of complex short- and long-term financial forecasts and plans that cover the full lifecycle of major built infrastructure investments. Furthermore, Gonsalves is experienced in evaluating projects through data

evaluation and creating key performance indicators that inform and drive strategic decision making.

Gonsalves holds a Master’s degree in civil and environmental engineering in sustainable design and construction from Stanford University and a Bachelor’s degree of technology in civil engineering from the National Institute of Technology (Karnataka, India). Prior to earning his master’s at Stanford University, Gonsalves worked as a consultant for Habitat for Humanity India. He is a Chartered Financial Analyst and a Certified P3 Professional and was a 2020 Clean Energy Leadership Institute Fellow.

**Johnson is City of Roanoke’s new neighborhood services coordinator**

On March 25, **Josh Johnson** began work as the neighborhood services coordinator



- Johnson -

for Roanoke’s Office of Community Engagement.

Prior to assuming his current role, Johnson worked in the Roanoke Police Department for nine years. During that time, he filled a variety of positions including assignments with the Community Resource Team, as a community resource officer, as a crime prevention specialist and, most recently, as a patrol sergeant.

Johnson has a long history of being involved with Roanoke’s neighborhoods through his work as a community resource officer. He worked with the Lea Youth Outdoor Basketball League to develop positive relationships with participating teenagers and spent time in after-school mentoring programs.

In 2015, the Roanoke Neighborhood Advocates recognized Johnson with the Neighborhood-Community Partnership Award.

He also served on several local boards and panels including the Lea Youth Outdoor Basketball League (vice president), Southwest Regional Crime Prevention Association (vice president), the Task Force to Reduce Gun Violence, the Roanoke Area Youth Substance Coalition, the Roanoke Prevention Alliance, the Blue Ridge Partnership for Workplace Violence Prevention, the Refugee Dialogue Panel, and Plan Roanoke 2040.

Johnson is the president of his Neighborhood Watch group, and actively volunteers his time supporting other Neighborhood Watch group activities.



**Albemarle County Director of Social Services Savides to retire in July**

After 37 years of public service, including 23 years with Albemarle County, Director of Social Services **Phyllis Savides** will retire on July 1, 2021.

In a press release, County Executive Jeff Richardson said that “Albemarle County has benefited tremendously over the course of Phyllis’ career. During the past 12 months of the COVID-19 pandemic, in particular, Phyllis’ leadership and unrelenting focus



- Savides -

on helping those most in need has been truly inspiring to see. She has advocated on behalf of community members facing financial hardship and gaps in critical support services, including childcare, housing, and food access. We will miss Phyllis and wish her the best in her retirement.”

During her time with Albemarle County, Savides worked as a foster care/adoption

professional, then supervisor, working to achieve permanency for all children, regardless of their age. Rising to assistant director, Savides worked across benefit programs to navigate state policies and process deadlines to ensure the needs of community members were being met. As director, Savides worked to enhance services and align resources to achieve the best serve the community.

**Adams-Jacobs is the Town of Colonial Beach’s new manager**

On April 26, Caroline County native **India Adams-Jacobs** began her new job as the



- Adams-Jacobs -

manager for the Town of Colonial Beach. Previously, Adams-Jacobs served as the assistant to the city manager of the City of Petersburg where she successfully resolved years’ old Financial Report Process (CAFR) issues leading to two increases in bond ratings during her tenure and was responsible for securing \$10M in infrastructure funding for local projects through her legislative affairs efforts. She also led strategic planning efforts which led to the adoption of the city’s first strategic plan in more than a decade.

Adams-Jacobs has extensive experience in local government management having served in senior administrative and managerial roles in Delray Beach, FL, the City of Tacoma, WA and Albemarle County, VA.

She is an active member of ICMA, the International City/County Management Association, serving on the national Local Government Management Fellowship Advisory Board and will serve as one of two Virginia representatives for the Coaching Program Advisory Committee. She serves on the executive committee of the Virginia Local Government Management Association and social media committee of the Virginia Women Leading Government.

Adams-Jacobs holds a Master of public administration and Local Government Management Graduate Certificate from Virginia Tech. She also holds Bachelor of Science in public administration from George Mason University and a Project Management Certificate from the University of Washington Tacoma.



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**Town of Vinton selects Sexton assistant town manager**

On May 3, **Cody Sexton**, who for the past seven years has been a Botetourt County staff member, replaced Richard “Pete” Peters as the Town of Vinton’s assistant town manager. Peters is now Vinton’s town manager.



- Sexton -

Sexton grew up in Roanoke but has roots in Vinton; his father was a William Byrd High School graduate and his family attended church in Vinton for several years.

In a press release, Sexton noted that he has “always known about that community, and it’s always appealed to me...It has very strong leadership. It has a very good vision.”

In Botetourt, Sexton was on the county’s executive leadership team and was the government’s spokesman, while coordinating transportation projects and planning and

providing staff support to commissions. He had previously been an analyst in Stafford County government, both as a college intern and a full-time employee.

Sexton holds degrees from Roanoke College and Virginia Tech. He is a lecturer in Roanoke College’s public affairs department and is a Virginia Local Government Management Association member.

**Thompson retires from Leesburg Police Department after more than three decades**

Captain **Wesley Thompson** is retiring from the Leesburg Police Department after more than 32 years of public service to the town. A lifelong Northern Virginia resident, Thompson moved to Loudoun County with his family at the age of 10. He was hired by the Leesburg Police Department on January 3, 1989.

Upon graduating the 71st session of the Northern Virginia Criminal Justice Training Academy and successfully completing



- Thompson -

field training, Captain Thompson worked in patrol, taking on roles as both a field training officer and as a member of the department’s Special Operations Team. He was promoted to the rank of corporal in 1997, followed by sergeant in 1998, and lieutenant in 2003. As a lieutenant, he oversaw patrol, and later the department’s Emergency Communications Center. Captain Thompson was promoted to his current rank in 2017, where he oversees the Administrative Support Services Division.

Captain Thompson attended the inaugural session of the Institute for Leadership in Changing Times (ILCT) at Virginia Tech in 1999, the Police Executive Leadership School (PELS) at the University of Richmond in 2005, and the 241st session of the FBI National Academy in 2010. He is the recipient of numerous awards.

**VML VOICE**  
The Podcast of the Virginia Municipal League

The VML Voice is the official podcast of the Virginia Municipal League. Each episode explores a different locality or issue but the focus is always on Virginia and the local governments that make the Commonwealth work for everyone.

Contact Rob Bullington, [rbullington@vml.org](mailto:rbullington@vml.org) to suggest topics, ask questions, or inquire about sponsorship opportunities.

**Subscribe now at [www.vml.org](http://www.vml.org) and listen to our newest episode.**





## Front Royal establishes economic development authority

IN 2020 THE VIRGINIA GENERAL ASSEMBLY authorized the formation of the Front Royal Economic Development Authority (FREDA). On March 15 of this year, the town council established FREDA with Town Manager Steven Hicks as the executive director.

The decision to move forward with FREDA was not taken hastily or lightly. The Town’s decision to move forward with its own independent EDA was driven by the council’s belief that the town has re-development and economic development needs that the

county’s EDA is not positioned to perform. These needs include aiding numerous small businesses impacted by the pandemic and working to turn the tide of empty storefronts. Moreover, FREDA will make it easier for the town to address blighted properties through various tools and resources available to EDAs.

In a press release, the Front Royal Town Council expressed its commitment to working in partnership with Warren County and its EDA.

## Buchanan begins donation program to celebrate Arbor Day

THE TOWN OF BUCHANAN is inviting residents (and anyone who loves trees) to help it plant the seeds of tomorrow today by donating to the Town of Buchanan Arbor Day Fund.



The town is accepting donations to help purchase trees which will be planted on the Buchanan Town Park. Trees will be planted as part of the annual Arbor Day Celebration. Furthermore, the Buchanan Arbor Day Donor’s Plaque, which recognizes citizens, businesses and civic groups who have made donations, will be hung in the Buchanan Town Hall.

The Town is also being recognized as a Tree City USA community by the National Arbor Day Foundation and Virginia Department of Forestry. In partnership with the town, the Virginia Department of Forestry has awarded the town a grant from the Trees for Clean Water program. Trees and shrubs are being planted to help reduce erosion into the James River, provide shade, food and nesting for birds as well as beautify the area with spring and fall color.

Donations for the Arbor Day event may be mailed to Town of Buchanan Arbor Day Post Office Box 205, Buchanan, VA 24066. For additional information, please call the Buchanan Downtown Revitalization Program at 540-254-1212 ext. 4.

## Richmond rolls out updated RVA311

IN THE CULMINATION of more than a year’s worth of work, the City of Richmond launched an updated version of RVA311 on March 17. RVA311 is the city’s customer service and response system. The updated version includes improvements to the online citizen portal and completely new mobile apps.

Using the improved web portal at RVA311.com and the mobile app, residents will be able to:

- Sign up to receive important city alerts and announcements straight to their phone.
- Use optimized search functions to find the right request type for their needs.
- Explore requests around the entire city, view request details and check in on request status using a map or simple list view.
- Turn city services into a team effort by “upvoting” and “following” requests of interest instead of creating duplicate requests.

Also, through the new web portal, residents will be able to view requests citywide, in their council district or in their neighborhood.

In a press release, Richmond Mayor Levar Stoney noted, “When a Richmond resident connects with RVA311, whether through a phone call, the website, or the mobile app, they’re doing us a service: helping us help them. RVA311 serves as the eyes and ears of the city, telling us what residents prioritize and where service provision can improve. These exciting new features will make it easier for resident to request support and for the administration to provide it.”

City residents can download the next generation RVA311 mobile app in the App Store or on Google Play.



## Partnership preserves 550 acres within City of Newport News watershed

NEWPORT NEWS WATERWORKS, the Virginia Department of Historic Resources (DHR) and the Virginia Department of Conservation and Recreation (DCR) have collaborated to protect 550 acres of city-owned open space and wetlands in York County. This property, which is owned by Newport News Waterworks, now has an historic preservation easement, which ensures that source water entering drinking water reservoirs is protected for future generations while also preserving numerous historic and environmentally significant sites.

The easement protects land fronting Beaverdam Creek, McCaulay Run and Harwood's Mill Reservoir, which together help supply the drinking water provided to over 400,000 customers in Newport News, Hampton, Poquoson, York County and part



of James City County. In addition to archaeological features associated with the site, the acreage has multiple prehistoric and historic locations. It also contains abundant natural resources and wildlife habitats and lies within the study and core areas of the Yorktown Battlefield.

The project began in 2017, when Newport News Waterworks reached out to DCR about expanding the Source Water Protection Program (SWPP). Waterworks and DCR were awarded a \$3.3 million grant from Dominion Energy's Surry-Skiffes Creek-Wheaton Transmission Line mitigation fund in support of their plans.

This grant was administered by the Virginia Land Conservation Foundation (VLCF), which paid for a preservation easement that adds DHR as a partner in managing the land and prohibits significant changes in the property's character and resources. The easement for the 550 acres is now held by DHR's Board of Historic Resources, which holds preservation easements on more than 700 historically significant properties across the Commonwealth.

Newport News Waterworks owns and manages approximately 8,000 acres of watershed property on Virginia's Lower Peninsula. For more information, visit [www.nnva.gov/waterworks](http://www.nnva.gov/waterworks).

## Elkton named Appalachian Trail Community

THERE ARE LOTS OF LOCALITIES in proximity to the more than 2,190 miles of the Appalachian Trail stretching from Maine to Georgia. But the Town of Elkton was recently thrilled to announce that it is the newest member of a select group of localities to have earned the distinction of being an Appalachian Trail Community.

Over 40 communities that have been proved to be assets for anyone using the Appalachian Trail have earned this distinction from the Appalachian Trail Conservancy, a nonprofit organization working to protect, manage and advocate for the Appalachian Trail.

Elkton joins 16 other Virginia localities in calling itself an Appalachian Trail Community. Such localities are recommended to hikers by the Conservancy as good places to rest, recuperate and enjoy local flavors while hiking the trail. This helps bring revenue and interest to those communities.

In an interview for the *Daily News Record*, Elkton Mayor Joshua Gooden observed that "Without the abundance of dedicated residents and small businesses, becoming an Appalachian Trail community would have been more difficult. This designation helps further solidify Elkton as a prime outdoor recreation destination for the Shenandoah Valley and Virginia...Hopefully this designation will serve

as a driver for supporting existing small businesses, downtown revitalization and promote tourism in our town."

Several volunteers and local businesses worked to get Elkton the designation including Appalachian Trail Outfitters, Country View Motel, Elkton Brewing Co., and Pure Shenandoah. Other organizations and community members that supported the designation were the Elkton Progressive Improvement Committee and the Potomac Appalachian Trail Club.

Learn more about Appalachian Trail Communities at [www.appalachiantrail.org/explore/communities](http://www.appalachiantrail.org/explore/communities).



## Norfolk NATO Festival coming June 5th with “Stronger Together” theme

In 1953, just one year after the establishment of NATO’s Allied Command Atlantic (which became Allied Command Transformation in 2003) in Norfolk, the citizens of the city organized a salute to these Allied forces in order to create new friendships, provide a basis for cultural exchange, pursue new lines of trade between Norfolk and the world, and to recognize NATO’s role in maintaining peace and stability in the world. The Norfolk NATO Festival is the only festival in the world that honors the North Atlantic Treaty Organization and its 30 member nations.

The Norfolk NATO Festival enriches the lives of local citizens through NATO-focused programs. The Norfolk NATO Festival facilitates educational opportunities for students throughout Hampton Roads which center on NATO and its 30 Member Nations. Education programs are available throughout the year for elementary, middle, and high school



students throughout the region. The hallmark education program is the Model NATO Challenge.

At the festival, representatives from each of the 30 NATO member nations and NATO representatives interact and engage with visitors giving insights about that nation’s culture. Moreover, each year, the Norfolk NATO Festival partners with the Virginia International Tattoo to provide colorful international group performances.

Norfolk NATO Festival’s International Village will take place at the Norfolk SCOPE Plaza and is free, but due to capacity limitations, attendees will need to reserve their entry in one of the two designated time slots. Please plan your attendance knowing that the site will be emptied at the end of each time slot.

More information and advanced online registration is available at [www.vafest.org](http://www.vafest.org).

## Virginia Museum of Natural History in Martinsville named finalist for prestigious award

ON MARCH 18, THE INSTITUTE of Museum and Library Services announced that the Virginia Museum of Natural History (VMNH) is among 30 finalists for the 2021 National Medal for Museum and Library Service. In total, 15 museums and 15 libraries are finalists for this year’s award.

The National Medal is the nation’s highest honor given to museums and libraries that demonstrate significant impact in their communities. For more than 25 years, the award has honored institutions that demonstrate excellence in service to their communities.

In a press release, Chairman of the VMNH Board of Trustees Dr. Thomas Benzing said, “It’s an exceptional honor for the Virginia Museum of Natural History to be

recognized as a finalist for the prestigious 2021 IMLS National Medal for Museum and Library Service. Museum leadership and staff strive every day to bring positive impacts to the citizens of the Commonwealth and our local community through STEM-based educational programs, collections-based scientific research, award-winning exhibits, and innovative science festivals. Being recognized for these efforts in such a distinguished manner is truly an honor.”

The Virginia Museum of Natural History is the only collections-based science institution for the Commonwealth of

Virginia, and the only such institution between Raleigh, N.C. and Washington, D.C. Although a relatively new institution established in 1984, VMNH has amassed millions of specimens and artifacts representing Virginia’s natural and cultural heritage. Even during a world-wide pandemic, VMNH staff leveraged the museum’s resources to serve audiences in unique ways with online tools, safe public hours, and special in-person educational events that kept participants and staff free of exposure.

From the onset of the pandemic, the museum quickly adapted new methods of connecting with audiences who were no longer able to visit the museum to tour its exhibits or participate in traditional educational programming.

To counter the limitations imposed by the pandemic, museum staff developed new programming, such as the original social media series “Tales of Ancient Life,” “#BenInNature,” and “Museum Minute,” while adapting traditional museum programs, such as its Homeschool Science and Engineering Academy, to virtual offerings. Additionally, the museum placed an even greater emphasis on its Distance Learning programming, while also offering several drive-thru science events to help fill the void of being unable to host its traditional lineup of science festivals, which routinely attract thousands of visitors.

National Medal winners will be announced in May, and an open virtual ceremony and celebration will be held this summer.

Visit [www.vmnh.net](http://www.vmnh.net) to learn more about the museum and [www.imls.gov](http://www.imls.gov) to learn more about The Institute of Museum and Library Services.





# A shift in elections

**Why mandatory November elections found a footing in 2021**



**By Jessica Ackerman**

**F**OR MANY OF US WORKING CLOSELY with the General Assembly this session, it felt even more so than usual that localities were a particular target for the attention (and occasional ire) of our state's legislators. In few committees did this sentiment ring truer than in the Privileges and Elections committees, as the collection of legislation that ultimately passed attests. A deeper dive into how one of these bills, the (in)famous "May to November" election bill (SB1157), came to pass offers a window into how a local issue can quickly take on a life of its own when it arrives on the statewide stage.

The 2021 session was far from the first time the General Assembly has reviewed a bill proposing to change the timing of local elections. In fact, some version of legislation promoting the transition of local elections from May to November has appeared six times in the years since the 2000 session, when localities were first granted the option to change election dates. While the nuances of the argument have varied over time, the basic motivation at the state level has remained the same: Moving elections from May to November has the potential to more closely align any partisanship in local politics with those at the state and federal level.

Or, to put it another way, political parties with more power in Richmond have perhaps seen an opportunity to gain more traction at the local level by shifting the timing of local elections.

This theory would appear to correlate with the variation over time in party support for moving local elections. Until this session, the issue was almost exclusively raised by Republican members of the General Assembly, who, not coincidentally, also happened to enjoy a solid majority. With the 2019 shift in power in both the House and the Senate, however, interest moved to the other side of the aisle.

The demise of each past attempt by the legislature to move localities' elections stemmed from a common flaw: a lack of public interest. Anyone who has run for office can relate to the challenges of engaging constituents, particularly on drier subjects like election policy. Between minimal interest from voters and extreme disinterest from local candidates, none of the earlier bills designed to shift local elections had the political weight to survive.

So, what made 2021 different? The answer lies in the combination of the change in elected leadership as well as a change among residents.

As the movement for election reform and transparency has gained national attention, civic groups began to question whether all was right in the Commonwealth. In one locality in particular, some residents became concerned that the political leanings of their elected leadership no longer accurately reflected those of the broader community. A significant portion of those residents placed the blame on May elections and their longstanding reputation for lower voter turnout. This argument, when presented to a sympathetic local senator with the enviable advantages of being both in the majority party and having seniority amongst his peers, helped give the May-to-November issue the momentum it needed to become a major party-line bill.

This is not to imply that there were no Democrats in the General Assembly who were sympathetic to the localities who wanted to keep the option for May elections. VML members from across the state had very productive conversations about SB1157 with representatives who understood that localities, regardless of when they hold their elections, wanted to retain the ability to make local decisions themselves. Ultimately, however, the party leadership on each side saw this bill as an opportunity – albeit potentially a short-sighted one – to make subtle partisan changes across the state, and pressure was applied to legislators accordingly.

The following contributors will give you a more detailed look into not only the ins and outs of the elections legislation passed in 2021 but also the impact it will have on local government, elections officials, and Virginia residents at large.

- Virginia Department of Elections Commissioner **Chris Piper** walks us through the new elections laws that matter most to localities.
- Voter Registrars Association of Virginia President **Allison Robbins** explains the three most important new elections laws that localities need to know about.
- City of Galax Vice Mayor **C.M. Mitchell** offers a local perspective on moving May elections to November.

**About the author:** *Jessica Ackerman is the policy and advisory relations manager for the Virginia Municipal League.*

# What the new elections laws mean for Virginia's localities

**I**N 2020, THE GENERAL ASSEMBLY made numerous changes to how elections are administered and provided additional opportunities for voters to be able to cast their ballots in a manner that was most accessible for them.

During the 2021 Session of the General Assembly, legislators continued to place election integrity, equity, and access at the forefront of new elections laws. These include changes to absentee voting processes, improved voting access for print disabled voters, prohibiting discrimination in voting and election administration, allowing voter pre-registration, expanding curbside voting, and changing select election dates for increased safety and voter participation.

The changes in elections laws passed by the Virginia General Assembly and signed by Gov. Ralph Northam will go into effect on July 1, 2021, unless otherwise noted. This article highlights some of the legislative changes that impact Virginia's elections and all who are part of the elections community, but this is not a full accounting of all of the changes.

## Absentee Voting

The General Assembly made various reforms to absentee voting processes and procedures, including those related to availability and accessibility. One of the most consequential absentee changes beginning July 1st is that Virginia voters will no longer need to have a witness signature for their absentee ballots for any election during a declared state of emergency related to a communicable disease of public health threat.

As part of this new law, the Department of Elections will convene a work group to consider and evaluate alternatives to the witness signature requirement.

Another legislative change creates a formal process that allows voters to correct procedural errors on absentee ballots, also known as a "cure" process. Once an error is discovered on a returned absentee ballot, the voter will be notified of the error within three (3) days, and they will receive information on how to cure their ballot. While there are a small percentage of absentee ballots with paperwork errors, the cure process is another way to ensure that every vote counts. This codifies a change the legislature put into place for the November 2020 General Election.

Drop-off locations to be established at the office of the general registrar and each voter satellite office in a locality expand the options for how a voter can return their absentee ballot. General registrars have the option of establishing additional drop-off locations as well. Additionally, on the day of any election, drop-off locations will be available at each polling place for voters. The Department of Elections is setting standards for uniform establishment and operation of drop-off locations, including procedures to ensure the security of all absentee ballots. This codifies a change the legislature put into place for the November 2020 General Election.

Absentee voters with a print disability will be provided with a screen-assisted ballot marking tool provided by the Department of Elections; this increases accessibility for the visually impaired. New legislation also allows for the authorization of an emergency absentee

ballot for voters who cannot vote in person on Election Day due to the hospitalization, illness, or death of a loved one.

First-time voters who register by mail will now be able to vote absentee starting July 1. Prior to the change in law, first-time voters who registered by mail were required to vote in person on Election Day. The new law supports safe and convenient voting and removes potential barriers for first-time voters.

Another significant mandate passed by the General Assembly states that pre-paid postage is to be provided for all absentee ballot return envelopes. The Appropriations Act funds pre-paid postage for 2021 through a reimbursement program administered by the Department of Elections.

Additionally, local election officials will have the option to open their offices on Sundays for absentee voting during the early voting period.

Absentee ballots that are cast early in person for an election will be reported separately from all other absentee ballots cast. This allows the Department of Elections and general registrars to provide more transparency to how ballots were cast in the election results.

Finally, general registrars will have the opportunity to contract with a third party for the printing, assembly, and mailing of absentee ballots. Allowing registrars to contract with third parties could ease administrative burdens at a time when they have increased responsibilities due to the significant increase in mailed absentee ballots.





## Virginia's "Voting Rights Act"

The General Assembly passed Virginia's "Voting Rights Act." This is a first of its kind state bill. The bill is modeled after the Federal Voting Rights Act of 1965.

### Preclearance

This legislation will require local election officials to present any proposed changes to a "covered practice" in advance for public comment for a minimum of 30 days, with a 30-day waiting period following the public comment. In addition to receiving public comment, local election officials are required to conduct at least one public hearing during this period. Covered practices include, but are not limited to:

- Any change to the boundaries of election districts or wards in the locality.
- Any change that limits or impairs the creation or distribution of voting and election materials in any language other than English.
- Any change that reduces, consolidates, or relocates polling places in the covered locality, except where permitted in the event of emergency.

In lieu of a public comment period, a governing body can submit a proposed covered practice to the Office of the Attorney General to receive a certification of no objection. The certification of no objection indicates the covered practice does not have the "purpose or effect of denying or abridging the right to vote based on race or color or membership in a language minority group." (language from HB1890 / SB1395).

The new law allows Virginia voters or the attorney general to file a lawsuit if a locality or local official violates election laws. Fees or fines that are won in the lawsuit will go a Voter Education and Outreach Fund established by the legislation, solely to be used for the purpose of educating current and potential voters on their voting rights.

### At-large municipal elections

At-large municipal elections where racially polarized voting occurs is also prohibited under this legislation, if it has the effect of diluting the voting power of racial minorities. These changes are strictly aimed at ending discrimination and voter suppression for citizens in the Commonwealth.

### Language requirements

If more than five percent of the citizens of voting age are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process, a covered locality must provide voting and election materials in the language of the applicable minority group. The State Board of Elections will designate a county, city, or town as a covered locality based on census data that is reviewed in five-year increments.

### Voter Preregistration

Beginning October 1st, 2022, Virginia citizens who are 16 years of age or older and are otherwise qualified to register to vote, will be able to preregister to vote in Virginia elections. Preregistration does not allow any individual to vote in an election before the time already permitted by law.

The Department of Elections will set up a process in its voter registration and election management database that will allow the

general registrar to approve the pre-registration application, and for it to make the pre-registrant an active voter at the appropriate time.

## Curbside Voting

Access to curbside voting was expanded during the 2021 Session of the General Assembly. Currently, individuals 65 years or older, or those with a physical disability are eligible to use curbside voting. In the new law, the General Assembly clarified physical disability to include permanent physical disability, temporary physical disability, or injury. Additionally, the bill allows any voter to use curbside voting during a declared state of emergency related to a communicable disease of public health threat. This can increase the safety of voters in the Commonwealth.

## Elections & Nominations

Beginning January 1, 2022, municipal General Elections will no longer be held in May and are required to be held in November, eliminating May General Elections entirely.

Beginning in 2022, primary elections will also have a shift in election date, moving from the second Tuesday in June to the third Tuesday in June. This new legislation also pushes back most candidate filing requirements associated with a primary by one week, as many deadlines are associated with the number of days prior to the date of the primary election.

Localities that impose district-based or ward-based residency requirements for members of a governing body or school board are required to restrict the election of those candidates to the qualified voters of that district or ward and not by the locality at large. Prior to this legislation, localities could utilize at-large voting for candidates of specific districts or wards. This change will go into effect January 1, 2022.

## Election Officials

Starting July 1, localities with a population of less than 50,000 can appoint a general registrar who is a citizen of the Commonwealth instead of a citizen of the locality. Currently, a general registrar can only be appointed for a locality if they are a resident of that locality or an adjacent locality unless the locality has a population of less than 25,000. The new threshold of less than 50,000 residents gives more individuals the opportunity to serve as an election official.

Additionally, the 2021 budget bill passed by the General Assembly, provides \$3.5 million from the general fund to increase the salary scale for general registrars. Beginning July 1, general registrars will receive an increase in compensation equal to the salaries for local treasurers.

## Conclusion

These changes to election laws in the Commonwealth will help keep Virginia elections among the fairest and most secure in the nation. The Department of Elections will continue to work with state and local officials to support its mission to promote accurate, fair, open, and secure elections for Virginia's voters.

**About the author:** *Chris Piper is the commissioner of the Virginia Department of Elections.*

# Three new election laws that VML members need to know about

**T**HE VOTER REGISTRARS Association of Virginia (VRAV) is proud to work with the Virginia Municipal League on behalf of its member localities. As the current president of the VRAV, I would like to take this opportunity to let you know more about legislation passed by the 2021 General Assembly that will bring enormous changes in the administration of Virginia elections. While both the regular and special sessions produced many bills affecting election administration, there are three bills to which VML members should give particular attention.

## HB1888 – Omnibus election administration bill

This bill addressed various aspects of election administration, including making permanent some of the absentee voting changes put into place in the 2020 Special Session. Key changes implemented in HB1888 are outlined below.

### Prepaid postage

All absentee ballots that are mailed to voters must include prepaid postage for the voter to return the ballot. However, the voter does not have to return the ballot by mail, so localities may want to investigate obtaining a prepaid postage account so that stamps do not have to be used. This will allow the locality to only pay for ballots that are actually returned through the U.S. Mail.

### Drop-off locations

All registrars must implement drop-off locations at their offices and at satellite voting offices. On Election Day, each polling place is also required to serve as a drop-off location. The Department of Elections is required to “set standards for the establishment and operation of drop-off locations, including necessary security requirements.”

### Pre-processing absentee ballots

“Pre-processing” is when ballots that have been mailed to voters, and then returned (whether by mail, in person, or via a drop-off location), are counted prior to Election Day. This helps ensure that results are available in a timely way on Election Night. Registrars have been allowed to pre-process ballots prior to this year, but it has not been required. With HB1888, all registrars must initiate pre-processing no later than one week before Election Day.

### Curing returned absentee ballots

“Curing” allows for voters who have returned ballots to be notified of any deficiency with the returned ballot – such as lack of signa-

ture or other required information on the ballot – so that the voter can correct the deficiency. The voter has until noon on the third day after Election Day to correct any deficiency. If the voter does so, the ballot can be counted. If the voter does not correct the deficiency by noon on the third day after Election Day, then the ballot is not counted.

### Permanent Absentee List

Before 2020, Virginia voters who had a disability were able to request an absentee ballot for all elections for which they were eligible during a calendar year. Only one application was needed for that year.

In 2020 the General Assembly allowed all voters to be placed on this annual list upon request, and the General Assembly also created the Permanent Absentee List, which provided for a one-time application to permanently receive absentee ballots. The Permanent Absentee List was scheduled to go into effect on July 1, 2021. The 2021 Special Session provided for the end of the annual application process and the transition to the Permanent Absentee List. Any voters who are currently on the annual list will be contacted and asked if they wish to opt out of the Permanent Absentee List, as the annual list will cease to exist as of July 1, 2021. If annual applicants do not opt out of the Permanent Absentee List, they will be moved over to the Permanent Absentee List on or after July 1, 2021.

## HB1890 / SB1395 – the Virginia Voting Rights Act

The Virginia Voting Rights Act (VVRA) ensures that voters are protected from intentional or unintentional discrimination that deprives them of their right to vote. The two key provisions of the VVRA are as follows:

- The VVRA imposes protections for language minority groups. These groups are determined based on Census data from the American Community Survey.
- Virginia localities must ensure that there is sufficient notice to voters prior to any changes to election districts, precincts, or polling places.

Before any county or city initiates any election changes, legal counsel should carefully review the provisions of the VVRA to ensure that the locality complies with all provisions.

## SB1157 – Moves municipal elections from May to November

This bill received a great deal of attention from VML and its members. The effect is to move all governing body elections that are held in May to November. The largest effect for Virginia’s registrars’ offices and electoral boards is that this will reduce the amount of money required to conduct city and town elections that have previously been held in May.

The Registrars Association is working with the Department of



Elections to determine the full extent of the impacts of this bill, as it essentially eliminates town precincts. Some of the more apparent impacts include:

- Registrars may be required to send out a mailing to town voters informing them that their town precinct no longer exists and that they will be voting in town elections at their county precinct. However, it is our hope that this task can be accomplished during the required redistricting mailing which should take place later this year or in early 2022.
- Elections in November for town offices will be held using county precincts. In some cases, this may create split precincts if county precincts include portions that are in a town and portions that are not. As with all split precincts, this will create multiple ballot styles inside a precinct and will create the need for additional officers of election to administer ballot distribution.
- Some town boundaries overlap more than one county. In these instances, the administration of the town election will be divided between the multiple counties affected. As stated above, we are working with the Department of Election to ensure the uniform application of this law change across all localities in the Commonwealth.

## VRAV is here to help

If you ever have questions about election administration, please do not hesitate to reach out to VRAV directly or through your own registrar. VRAV celebrates our partnership with our fellow public servants in ensuring all citizens can cast their ballot and have it counted.

**About the author:** *Allison Robbins is the current president of the Voter Registrars Association of Virginia and is the director of elections and general registrar for Wise County.*



# A local perspective on moving May elections

By C.M. Mitchell

FROM THE TIME that the City of Galax was formed in 1953 we have conducted our bi-annual local elections in May. Since the timing (either May or November) of local elections became a local option, the City Council has discussed the various pros and cons of May vs. November elections on several occasions. In each of those instances, we reviewed the experiences of other communities, consulted with VML, and thoroughly examined our particular circumstance. In each case, council decided to maintain our May schedule.

During those discussions about moving to November elections, we listed on the pro side that the cost of administering an additional election in May would be eliminated. For the fiscally minded, this was a powerful argument since the cost savings are significant. For some, another power incentive to move our elections was that it was assumed that voter turnout would be greater in November. However, while it is true that more voters turn out for state and national elections in November, there are tradeoffs for local candidates also on the ballot in November.

Galax City Council candidates all run as at-large candidates. Historically we do not run with political party backing. This is one of the big reasons that I have often said that we are more of a civic organization than a political one. Moreover, I

have always felt that this type of organization works well for our city. Each member serves without ambitions beyond the betterment of the entire city.

Also, while November elections may attract more voters – turned out in large part due to the political posturing at the state and national level – the lower key, separate May elections brought out those voters most interested in their city and most engaged with the opportunities and programs being undertaken by their city council.

Finally, holding elections in May means the most possible visibility for the local candidates and their viewpoints. Moving these elections to November means that some elections will have national and state candidates, and perhaps state level initiatives, on the ballot. In those years, city council candidates may be placed at the bottom – or perhaps on the back – of the ballot. It's not unimaginable that they could be missed entirely.

So, while I continue to believe that maintaining a May local election is more beneficial than not, I am sympathetic to the arguments put forth by those who voted to pass SB1157 which mandates that all elections be held in November. Certainly, we agree that every eligible citizen has the right to vote. This is the foundation of our democracy. Making voting easy and simple ensures that democracy will prevail. With all this in mind, I am confident that the City of Galax and its residents will continue to prosper and make our voices heard – both locally, statewide, and nationally – in November elections.

**About the author:** *C.M. Mitchell is the vice-mayor of the City of Galax.*





# 2021 General Assembly zooms through two sessions in one

**M**ORPHING FROM A REGULAR SESSION to a Special Session to overcome an early procedural calendar disagreement, the 2021 Virginia General Assembly completed its work in the same amount of time as the usual odd year “short session.” Given the constraints of a virtual format, both chambers placed tighter limits on bill introductions so as not to overwhelm the body’s capacity to complete its work on time. Even with fewer bills, the daily schedule of subcommittee meetings, committee meetings, and floor sessions resulted in long days, starting before sunrise, and ending after dusk (in reality, those long days happen every year – it just seemed like longer for anyone sitting in front of a computer screen from early morning until the evening).

A big question for future sessions is whether some type of virtual format will continue. The 2021 virtual sessions opened public participation in new ways as anyone with a computer could watch any meeting and sign up to speak at subcommittee and committee meetings without traveling to Richmond.

The 2021 Session featured historic legislation, namely, the legalization of marijuana. Other important legislation addressed local election authority, FOIA, COIA, the Children’s Services Act, the continuing impact of COVID-19 on Virginians, and of course, the budget.

And the legislative year is not over! The General Assembly will return later in the year to address redistricting. Stay tuned.

The following is a summary of some of the legislation of interest to localities that VML followed during the 2021 Session.

## Marijuana Legalization

**SB1406 / HB2312** (Ebbin / Herring). This legislation legalizes the possession of an ounce of marijuana or less, the cultivation of up to 4 plants per household and legalizes the adult sharing of marijuana for adults 21 and older starting July 1, 2021. This legislation also establishes a framework for the expungement of criminal records for those previously convicted of marijuana offenses.

These bills propose a path for the sale of legal recreational marijuana to individuals 21 years of age and older starting Jan. 1, 2024, and the elimination of the prohibition on the possession, growing and use of marijuana. This legislation establishes the independent Cannabis Control Authority as the regulatory agency charged with developing the permitting process for the licensing growing, distributing, testing, and retail sale of marijuana and related products. This legislation directs the newly created authority to develop regulations to establish the commercial retail market for marijuana and develop criteria for the social equity licensing. Much of the details regarding the commercial retail market is subject to further action by the General Assembly as this legislation contains a re-enactment clause.

A 21 percent tax rate is imposed by the Commonwealth and a local option sales tax of 3 percent on retail sales is authorized in addition to any other locally imposed taxes (sales and use, meals, businesses licensing) with local taxes retained by the locality. Localities have the option to opt out of the retail sale of marijuana by holding a referendum between July 1, 2022 and December 31, 2022. Counties

that opt out of retail sales will impact any towns unless that town has opted to allow retail sales by referendum.

Localities are allowed to enact local ordinances prohibiting the possession of opened retail marijuana publicly, and the hours of operation of retail marijuana businesses; retail marijuana businesses are subject to local zoning as well.

## Local Authority

The following sections of the bill are of particular significance to localities as they directly impact local authority:

- **4.1-629** (Line 6816) sets out the process for a locality to opt out of retail sales.
- **4.1-629** and **Enactment 23** (Line 14001) establishes requirements for local referendums to opt out of retail marijuana sales by ordinance.
- Localities must decide prior to December 31, 2022 whether to initiate a ballot referendum to ask voters to opt out of or approve the retail sale of marijuana within the locality.



- If a majority of voters vote “No” on the referendum, then no further referendums can be held.
- If a majority of voters vote “Yes” on the referendum, a subsequent referendum may be held on the same question four years after the date of the initial referendum.
- Any referendum held in a county impacts any towns within that county however any referendum held by a town shall not impact the surrounding county.

#### **4.1-630 Local Authority to regulate retail marijuana and retail marijuana products by ordinance and local zoning authority.** (Line 6850)

Localities are prohibited from regulating or prohibiting the cultivation, manufacture, possession, sale, wholesale distribution, transportation, consumption, use, advertising, or dispensing of retail marijuana products. However, any city, town, or county may adopt ordinances to:

- Prohibit public consumption or offering of marijuana and marijuana products.
- Prohibit possession or consumption of marijuana and marijuana products on the grounds of any elementary or secondary school property during school hours or school or student activities.
- Prohibit or regulate possession of opened retail marijuana or retail marijuana products or retail products containers in public parks, playgrounds, public streets, and any sidewalks adjoining public streets.

Local authority on zoning, business licensing, or land use requirements remains exempted from the Cannabis Control Act. Section 4.1-630 states that these areas of local authority are intended to be untouched by the Cannabis Control Act and that localities are to retain full zoning, licensing, and land use authority regarding marijuana retail businesses.

However, the act does set out that any local acts, including charter provisions and ordinances that conflict with the Cannabis Control act are repealed.

#### **4.1-631 Local regulation of the hours of operation of retail sales.** (Line 6866)

Localities may pass ordinances regulating the hours of operation for retail marijuana stores. Any ordinance regulating the hours of operation must be certified by the clerk of the governing body and be transmitted to the Virginia Cannabis Control Authority Board.

#### **4.1-1004 Local taxation.** (Line 7538)

- Localities have the option to levy a 3 percent tax on retail marijuana sales by ordinance. This tax is in addition to any other local sales tax or food and beverage tax or excise tax on meals that a locality imposes.
- Localities that impose a sales tax on the retail sale of marijuana and marijuana products must notify the Virginia Cannabis Control Authority and any retail marijuana store in the locality of the ordinance. The tax will be collected and distributed to the locality by the Virginia Cannabis Control Authority.
- Towns should be aware that not imposing a retail sales tax does not prevent a county from imposing and collecting sales tax distributions from retail sales made in the town.

A copy of the legislation can be found under “Online Resources” at [www.vml.org/advocacy/general-assembly](http://www.vml.org/advocacy/general-assembly).

## **Public body meetings and continuity of government; FOIA**

**SB1271 (McPike) Virginia Freedom of Information Act; meetings held through electronic communication means during a state of emergency.** Allows a public body, or a joint meeting thereof, to meet by electronic communication means without a quorum of the public body physically assembled at one location when a locality in which the public body is located has declared a local state of emergency, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities. The bill requires public bodies meeting through electronic communication means during a local or state declaration of a state of emergency to (a) make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body, and (b) provide the public with the opportunity to comment at such meetings when public comment is customarily received.

**HB1931 (Levine) Virginia Freedom of Information Act; electronic meetings.** Authorizes a public body to conduct through electronic communication means a meeting\* for which, on or before the day of the meeting, a member of the public body holding the meeting notifies the chair that such member is unable to attend the meeting due to a family member’s medical condition that requires the member to provide care for such family member, thereby preventing the member’s physical attendance. The bill also clarifies that participation in an electronic meeting by a member of a public body due to the inability to attend because of a personal matter is limited each calendar year to two such meetings, which is current law, or 25 percent of the meetings held that calendar year rounded up to the next whole number, whichever is greater.

\*You must have an electronic participation policy. Examples can be found at: [www.foiacouncil.dls.virginia.gov](http://www.foiacouncil.dls.virginia.gov).

**HB2004 (Hurst) Virginia Freedom of Information Act; law-enforcement criminal incident information; criminal investigative files.** Adds criminal investigative files, defined in the bill, relating to a criminal investigation, or proceeding that is not ongoing, also defined in the bill, to the types of law-enforcement and criminal records required to be released in accordance with the provisions of the Virginia Freedom of Information Act. The bill provides that the mandatory release of criminal incident information relating to felony offenses and criminal investigative files shall not be required if the release of such information would likely affect certain results, outlined in the bill. The bill also extends the amount of additional time a public body has to respond, in the case of a request for certain criminal investigative files, from an additional seven workdays to an additional 60 workdays as long as the public body has communicated to the requester within the initial allowable five-work-day response period that it is not practically possible to provide the requested records or to determine whether they are available within the five-workday period.

**HB2025 (Gooditis) Virginia Freedom of Information Act; record exclusion for personal contact information provided to a public body.** Provides that personal contact information provided to a public body or any of its members for the purpose of receiving electronic communications from the public body or any of its members is excluded from the mandatory disclosure provisions of FOIA, unless the recipient of such electronic communications indicates his approval for the public body to disclose such information. Currently, the law provides protections for personal contact information provided

## Legislative Summary

to a public body, not to its members; only applies to electronic mail; and requires the electronic mail recipient to request the public body not to disclose his personal contact information in order for the information to be exempt from mandatory disclosure.

**SB1208** (Barker) **Continuity of government.** Extends from six to 12 months the period-of-time after an enemy attack or other disaster that a locality may, by ordinance, provide for a method to assure continuity in its government and requires the ordinance to provide a method for the locality to resume normal governmental authority by the end of that 12-month period.

### Failed bills referred to FOIA Council to study

**HB1997** (Murphy) **Virginia Freedom of Information Act; definition of “meeting.”** Increases from three to four the number of members of a public body meeting as an informal assemblage that constitutes a meeting under the Virginia Freedom of Information Act.

**HB2000** (Roem) **Virginia Freedom of Information Act; charges for production of public records.** Prohibits a public body from charging a requester for any costs incurred during the first two hours spent accessing or searching for requested records when such requester has made four or fewer individual records requests to such public body within 31 consecutive days. Provides that for any additional time spent accessing or searching for such records, or when such requester makes five or more individual records requests to such public body within any 31-consecutive-day period, the public body shall not charge an hourly rate for accessing or searching for the records exceeding the lesser of the hourly rate of pay of the lowest-paid individual capable of fulfilling the request or \$33 per hour. Requires public bodies to post on their website or otherwise publish a written policy (a) explaining how the public body assesses charges for accessing or searching for requested records and (b) noting the current fee charged, if any, by the public body for accessing and searching for the requested records.

### Failed bills referred to Counties, Cities, and Towns (CCT) to study

**HB1917** (Mugler) **Publication of certain notices on locality’s website.** Provides that in any instance in which a locality is required to publish certain notices related to local planning and zoning in a newspaper having general circulation in the locality, the locality may instead choose to meet such requirement by publishing the notice on the locality’s website.

**HB2114** (Ransone) **Hearing notice by localities.** Expands from only localities in Planning District 23 to all localities a provision that provides that in any instance in which a locality has submitted a timely notice of public hearing to a newspaper published or having general circulation in the locality and the newspaper fails to publish the notice, such locality shall be deemed to have met certain notice requirements so long as the notice was published in the next available edition. Under current law, this provision that was created by the 2020 Regular Session and only applies to localities in Planning District 23 will expire on July 1, 2022. The provision in the bill as it applies to all localities will also expire on July 1, 2022.

## Broadband

**HB1923 / SB1334** (Ayala / Edwards) **Electric utilities; broadband capacity pilot program.** Expands an existing pilot program under which Dominion Energy and Appalachian Power are authorized to provide or make available broadband capacity to internet service providers in areas of the Commonwealth that are unserved by broadband to include municipal Internet service provid-

ers. The current program is restricted to nongovernmental internet service providers.

**HB2304 / SB1413** (Tyler / Boysko) **Provision of broadband capacity by Phase I or Phase II electric utilities.** Makes permanent the pilot program under which a Phase I or Phase II electric utility is permitted to petition the State Corporation Commission to provide broadband capacity to unserved areas of the Commonwealth. The bill expands the program to allow for the participation of municipalities and government-owned broadband authorities. The bill provides that investor-owned electric utilities may recover costs of, and revenue generated from, providing broadband capacity that serves as an electric grid transformation project in areas unserved by broadband, as defined in the bill. The bill also consolidates the State Corporation Commission petition approval process into one hearing.

**SB1225** (Boysko) **Broadband services; education.** Authorizes school boards to appropriate funds for the purposes of promoting, facilitating, and encouraging the expansion and operation of broadband services for educational purposes. The bill authorizes school boards to partner with private broadband service providers to promote, implement, and subsidize broadband for educational purposes to the households of students who would qualify for (i) a child nutrition program or (ii) any other program recognized or adopted by the local school board as a measuring standard to identify at-risk students.

## Community development, housing, tourism

**HB1778** (Ward) **Removal of clutter from property; civil penalty.** Authorizes a locality by ordinance to require the removal of clutter from property, or may, whenever the governing body deems it necessary except on land zoned for or in active farming operation, after reasonable notice, have such clutter removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected. The bill defines “clutter” as including mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate. Violations of the bill are subject to the existing civil penalty applicable to violations of provisions relating to the removal of trash, garbage, refuse, litter, and similar substances from property.

**HB1898** (Roem) **Board of zoning appeals; appointments.** Provides an exception to the general rule that an elected official cannot be appointed to a board of zoning appeals by allowing an elected official from a town to serve on the board of zoning appeals of the county in which the member also resides.

**HB1919** (Kory) **Local green banks.** Authorizes a locality, by ordinance, to establish a green bank to promote the investment in clean energy technologies in its locality and provide financing for clean energy technologies, defined in the bill. The bill establishes certain powers and functions of a green bank, including developing rules and procedures, financing and providing loans for clean energy projects, and stimulating demand for renewable energy. The bill requires the green bank to be a public entity, quasi-public entity, or nonprofit entity and requires the locality to hold a hearing and publish notice in a newspaper of general circulation prior to establishing the green bank.

**HB2042 / SB1393** (Guy/Marsden) **Replacement and conservation of trees during development; work group.** Gives a locality the ability to exceed general requirements in its tree replacement and conservation ordinances in specific circumstances, including development that impacts stormwater permit requirements,



recurrent flooding, formerly redlined areas, and comprehensive plan compliance. The bill also directs the Secretary of Natural Resources and Secretary of Agriculture and Forestry to convene a stakeholder work group to develop and provide recommendations to state and local governments related to policies that encourage the conservation of mature trees and tree cover on sites being developed, increase tree canopy cover in communities, and encourage the planting of trees. The bill will not become effective unless reenacted by the 2022 Session of the General Assembly, but the stakeholder work group is effective in due course.

**HB2054 (Samirah) Comprehensive plan; transit-oriented development.** Adds reducing, modifying, or waiving local parking requirements or ratios to the strategies that may be included when certain larger localities consider incorporating strategies to promote transit-oriented development in reviews of their comprehensive plans. The bill removes from the existing strategy of increasing development density in certain areas to reduce density in others the phrase “to reduce density in others.”

**HB2201 / SB1207 (Jones / Barker) Solar and energy storage projects; siting agreements throughout the Commonwealth.** Expands existing provisions related to siting agreements and zoning special exceptions for solar projects located in an opportunity zone to include energy storage projects and makes the provisions statewide. The bill provides that its provisions shall not apply to any energy storage project that has received zoning and site plan approval, preliminary or otherwise, from the host locality before January 1, 2021. The bill also provides that its provisions shall not become effective with respect to energy storage projects unless the General Assembly approves legislation that authorizes localities to adopt an ordinance for taxation of energy storage projects such as solar projects with a local option for machinery and tools tax or solar revenue share.

**HB1881 (Heretick) Enterprise zone job creation grants.** Provides that, for purposes of wage requirements for the enterprise zone job creation grant program, the minimum wage shall be the higher of the state minimum wage or the federal minimum wage. The bill also reduces the percentage of the minimum wage that grant eligible jobs must meet. The bill has a delayed effective date of January 1, 2022.

**HB2217 (Hodges) Liability of public access authorities.** Grants public access authorities, including the land holdings and facilities of such authorities, certain liability protections that are currently given to localities in relation to parks, recreational facilities, and playgrounds.

**HB2046 (Bourne) Virginia Fair Housing Law; unlawful discriminatory housing practices.** Prohibits any locality, its employees, or its appointed commissions from discriminating (i) in the application of local land use ordinances or guidelines, or in the permitting of housing developments, on the basis of race, color, religion, national origin, sex, elderliness, familial status, source of funds, sexual orientation, gender identity, military status, or disability; (ii) in the permitting of housing developments because the housing development contains or is expected to contain affordable housing units occupied or intended for occupancy by families or individuals with incomes at or below 80 percent of the median income of the area where the housing development is located or is proposed to be located; or (iii) by prohibiting or imposing conditions upon the rental or sale of dwelling units, provided that the provisions of this subsection shall not be construed to prohibit ordinances related to short-term rentals. The bill provides that it shall not be a violation of the Virginia Fair Housing Law if land use decisions or decisions relating to the permitting of housing developments are based upon considerations of limiting high concentrations of affordable housing. The bill also requires the

Fair Housing Board, after determining the existence of an unlawful discriminatory housing practice and after consultation with the Attorney General, to immediately refer the matter to the Attorney General for civil action.

**SB1298 (Bell) Tourism improvement districts.** Authorizes any locality to create a local tourism improvement district plan, consisting of fees charged to businesses and used to fund tourism promotion activities and capital improvements. Under the bill, the locality is authorized to contract with a nonprofit entity to administer the activities and improvements.

## ABC / Skill games

**HB2168 (Scott) Illegal gambling; skill games; civil penalty; enforcement by localities and Attorney General.** Any person who conducts, finances, manages, supervises, directs, or owns a gambling device that is located in an unregulated location is subject to a civil penalty of up to \$25,000. The Attorney General, an attorney for the Commonwealth, or the attorney for any locality may cause an action in equity to be brought in the name of the Commonwealth or of the locality, as applicable, to enjoin the operation of a gambling device in violation of this section and may request attachment against all such devices and any moneys within such devices. Any civil penalties brought in the name of the Commonwealth shall be paid into the Literary Fund; civil penalties brought in the name of the locality shall be paid into the locality’s general fund. Any organization or person that conducted bingo, network bingo, instant bingo, pull tabs, seal cards, raffles, duck races, Texas Hold’em poker tournaments, or regulated gaming outside of the county, city, or town in which the organization’s or person’s principal office or registered agent, as registered with the State Corporation Commission, is located or outside of an adjoining county, city, or town on or before February 1, 2021, may continue such activities only at those locations until June 30, 2022. The General Assembly concurred with a gubernatorial amendment that clarified that “Grey Machines” will no longer be legal in Virginia.

**HB2266 / SB1471 (Ayala/Dunnivant) Alcoholic beverage control; local outdoor refreshment areas.** Renames the “local special events” license as the “designated outdoor refreshment area” license. Authorizes the Virginia Alcoholic Beverage Control Authority’s Board of Directors to increase the frequency and duration of events held under such license after adoption of an ordinance by a locality requesting such increase. Under current law, localities are limited to holding 16 events per year under such license, with each event lasting no more than three consecutive days, except during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity. Finally, increases the state and local license fees for designated outdoor refreshment area licenses issued pursuant to a local ordinance.

## Labor and Employment

**HB1818 / SB1275 (Heretick / Marsden) Workers’ compensation; presumption of compensability for certain diseases.** Provides that the occupational disease presumption for death caused by hypertension or heart disease will apply for salaried or volunteer emergency medical services personnel who have at least five years of service and are operating in a locality that has legally adopted a resolution declaring that it will provide one or more of such presumptions. The provisions of the bill do not apply to any individual who was diagnosed with hypertension or heart disease before July 1, 2021.

**HB1881 (Heretick) Enterprise zone job creation grants.** Provides that, for purposes of wage requirements for the enterprise

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zone job creation grant program, the minimum wage shall be the higher of the state minimum wage or the federal minimum wage. The bill also reduces the percentage of the minimum wage that grant eligible jobs must meet. The bill has a delayed effective date of January 1, 2022.

**HB2207 / SB1375** (Jones / Saslaw) **Workers' compensation; presumption of compensability for COVID-19.** Establishes a presumption that COVID-19 causing the death or disability of firefighters, emergency medical services personnel, law-enforcement officers, correctional officers, and regional jail officers is an occupational disease compensable under the Workers' Compensation Act. The bill provides that s Such presumption applies to any death or disability occurring on or after July 1, 2020, caused by infection from the COVID-19 virus, provided that for any such death or disability that occurred on or after July 1, 2020, and prior to December 31, 2021, the claimant received a diagnosis of COVID-19 from a licensed physician, after either a presumptive positive test or a laboratory confirmed test for COVID-19, and presented with signs and symptoms of COVID-19 that required medical treatment.

## Finance and Taxation

**SB1398** (Norment) **Taxes submitted by online travel companies.** Beginning September 1, 2021, the retail sales and use tax and transient occupancy taxes on accommodations will be computed upon the basis of the total charges or the total price paid for use or possession of the room. Where a hotel or motel contracts with an online travel company to facilitate the room sale and the online company charges the customer for the room and an accommodations fee, the OTC would be deemed the dealer for the transaction and would be required to separately state the taxes on the invoice and to collect the taxes on the entire amount paid for the use or possession of the room. Also provides for an amount equal to the estimated state sales tax revenue generated from the tax on accommodations fees to be appropriated to the Virginia Tourism Authority (VTA) each fiscal year to be used for promoting tourism. The legislation will increase local transient occupancy tax collections as well as local sales taxes.

**SB1130** (Reeves) **Personal property tax exemption constitutional amendment.** This is the enabling legislation for the constitutional amendment ratified by voters in the November 2020 general election that provides that one motor vehicle (passenger car, pickup truck, or panel truck) of a veteran who has a 100 percent service-connected, permanent, and total disability will be exempt from local personal property taxes.

**HB1969** (Carr) **Blighted and derelict property taxation classification.** Modifies the definition of "qualifying locality" to include any of the 72 localities with a score of 100 or higher on the fiscal stress index, as published by the Department of Housing and Community Development (DHCD) in July 2020. Under current law, a qualifying locality is one with a score of 107 or higher on the DHCD fiscal stress index, using revised data for 2017. Qualifying localities are able to classify blighted and derelict properties as a separate class of taxable property and assess such property at a higher rate and sell delinquent tax lands six months after the locality has incurred abatement costs for buildings that have been condemned, constitute a nuisance, are a derelict building, or are declared to be blighted. The bill also expands the list of localities that have different requirements for the appointment of a special commissioner to convey tax-delinquent real estate to the locality in lieu of a public sale at auction.

**HB2273** (Morefield) **Sales tax incentive for data centers.** Offers a sales tax incentive for data centers. The bill reduces the amount of capital investment and the job creation requirements if data centers locate in "distressed" localities. The capital investment is reduced from \$150 million to \$70 million. The minimum number

of new jobs is reduced from 25 jobs to 10 new jobs. A "distressed locality" (from July 1, 2021, until July 1, 2023) is any locality that had an annual unemployment rate for calendar year 2019 that was greater than the final statewide average unemployment rate for that calendar year and a poverty rate for calendar year 2019 that exceeded the statewide average poverty rate for that year. Beneficiaries of the tax incentive will have to submit an annual report to the Virginia Economic Development Partnership to help evaluate the efficacy of the incentive. The sales tax exemption is in effect through June 30, 2035, and includes computer equipment or enabling software purchased or leased for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware, including chillers and backup generators used or to be used in the operation of the equipment exempted, provided that such computer equipment or enabling software is purchased or leased for use in a data center.

**SB1207 / HB2201** (Barker / Jones) **Siting agreements and zoning exceptions for certain solar projects.** These identical bills Expand existing provisions related to siting agreements and zoning special exceptions for solar projects located in an opportunity zone to include energy storage projects and make the provisions statewide. Does not apply to any energy storage project that has received zoning and site plan approval, preliminary or otherwise, from the host locality before January 1, 2021. The provisions will not become effective with respect to energy storage projects unless the General Assembly approves legislation that authorizes localities to adopt an ordinance for taxation of energy storage projects such as solar projects with a local option for machinery and tools tax or solar revenue share.

**HB2308** (Brewer) **Acreage exempt from taxation for certain organizations.** Increases from 75 to 200 the number of acres of land that any association or post of the Veterans of Foreign Wars, American Legion, Spanish War Veterans, Disabled American Veterans, or any similar association of veterans of the Armed Forces of the United States chartered by an act of Congress may hold. The General Assembly granted property tax exemptions for these organizations. The bill allows that any such property in excess of 75 acres will not be exempt from taxation unless an ordinance to that effect is adopted by the governing body of the locality in which the property is located.

**SB1326** (Hanger) **Regional cigarette tax boards.** The bill directs the Department of Taxation to establish a task force to develop methods for modernizing the local cigarette tax collection system and to provide assistance, as appropriate, to localities seeking to form regional cigarette tax boards.

## Finance and taxation bills that did not pass but may be back

**SJ297** (J. Bell) **Real property tax exemption for veterans' organizations.** Would have amended the Virginia Constitution to empower the General Assembly to exempt from real property taxation the property of nonprofit organizations whose purpose is to provide services to veterans. The Senate Finance and Appropriations Committee voted to pass by indefinitely the proposed amendment. The issue is likely to reappear in 2022.

**HJ614** (Mundon King) **Expansion of real property tax exemption.** Would have amended the Virginia Constitution to exempt from taxation the real property of a surviving spouse of a member of the armed services who died while serving or a veteran who died from a service-connected disability or illness. The state constitution provides such tax relief only for the surviving spouse of a member of the armed forces who was killed in action. The proposed amendment was left in the House Privileges and Elections Committee. It is likely to reappear in 2022.

## Elections

### Elections: Voting Access

**HB1810** (VanValkenburg) **Protocols for voter registration system failure.** Establishes clear practices for the state to follow in the event of a failure of VERIS, the state's online voter registration system. This was inspired by the accidental cutting of electrical lines on the last day of voter registration prior to the November 2020 election.

**HB1888** (VanValkenburg) **Absentee voting accessibility/transparency.** Addresses a range of issues related largely to absentee ballots. Highlights include requirements for officers of election to begin processing absentee ballots before the close of polls; required prepaid postage for all absentee ballots and related materials; establishing standards for absentee ballot drop boxes; and establishing procedures for registration for the permanent absentee voter list. The final version of this bill includes language regarding marked ballots for voters with visual impairments or print disabilities to accommodate for the passage of SB1331 (Reeves).

**HB1890 / SB1359** (Price / McClellan) **Voting Rights Act of Virginia.** A broader bill intended to increase election transparency, the Voting Rights Act effectively establishes preclearance requirements for all localities implementing changes to local election procedures, requiring a 90-day public comment process or a 60-day preclearance application process from the Office of the Attorney General. Also of note, this bill sets civil penalties for registrars, electoral board members, and officers of election in the event of errors in the implementation of elections.

**HB1921** (Price) **Curbside voting accommodations.** Simplifies the process for curbside voting for voters requesting physical accommodations. Previously, a voter or their representative would have to physically enter a polling place to request curbside voting.

**HB1968** (Bagby) **Early in-person voting.** Gives local registrars the option of offering early in-person voting on Sundays as well as Saturdays.

**SB1157** (Spruill) **Local elections in November.** Requires that all local elections be held in November. VML, along with Virginia First Cities, requested that the Governor amend SB1157 to add an effective date of November 30, 2024 to allow localities additional time to shift their election cycles to either an odd or even year to align with either state or federal elections, respectively. The Governor ignored this request and signed the bill into law.

**SB1245** (Deeds) **Drop box requirements.** Establishes further requirements regarding drop boxes and absentee ballots, including the development of security standards for drop boxes and requiring that any absentee ballot deposited in a drop box prior to the date of an election be contacted in the event of any errors that would render the ballot invalid.

**SB1331** (Reeves) **Voting accessibility.** Expands voting accessibility for voters with visual impairments or print disabilities.

### Elections: Referenda and Constitutional Amendments

**HJ555** (Herring) **Restoration of voting rights.** Restores voting rights to persons convicted of a felony upon their release from prison. As a reminder, constitutional amendments must pass the General Assembly two sessions in a row before they are presented to voters in a referendum.

### Elections: Miscellaneous

**HB2081** (Levine) **Firearms and polling places.** Prohibits the carrying of firearms within 40 feet of polling places during, one hour

before, or one hour after, election activities, with exceptions in place for qualified or retired law enforcement officers, private citizens who reside within 40 feet of a polling place and are keeping firearms in the home, and licensed security officers.

**HB2198** (Convirs-Fowler) **Ward- and district-based elections.** Requires that only voters who live within district or ward boundaries may vote for a candidate whose eligibility is ward- or district-based.

**SB1148** (Kiggans) **June primary dates.** Moves the date of June primaries from the second Tuesday in June to the third Tuesday in June.

**SB1239** (Bell) **Absentee ballots.** Allows general registrars to contract with third party vendors for the printing, compiling, and mailing of absentee ballots.

## Education

### Education: COVID - and Declared Emergency - related bills

**SB1303** (Dunnivant) **In-person learning.** Requires each local school district to offer in-person learning to all registered students for the 2021-22 academic year. School districts must make all reasonable efforts to comply with CDC guidance and must also offer virtual options to families who choose to not send their children back for in-person learning. The bill has an effective date of July 1, 2021 and expires on August 1, 2022.

**HB1790 / SB1132** (McNamara / Suetterlein) **Virtual learning days.** Allows local school divisions to declare unscheduled virtual learning days in response to weather emergencies (snow days, etc.), but limits the total number of unscheduled virtual learning days to 10 per school year unless the State Superintendent of Public Instruction grants an extension.

### Education: Miscellaneous

**HB1865** (Delaney) **Reading intervention.** Requires school divisions to offer reading intervention services to students in Kindergarten through third grade who demonstrate deficiencies on their SOL tests. Parents must be notified before the intervention begins and must be updated on students' progress.

**HB1823** (Askew) **Carbon monoxide detectors.** Requires all school divisions and licensed child day care facilities housed in buildings constructed prior to 2015 to install carbon monoxide detectors.

**HB2135** (Roem) **Afterschool meals program.** Requires school divisions in which at least 50 percent of students are eligible for free or reduced meals and in which extracurricular and enrichment activities are offered after school to participate in the federal Afterschool Meals Program. The Superintendent of Public Instruction will grant waivers to school divisions whose budgets cannot accommodate participation in the program.

## Health & Human Services

**SB1313 / HB2117** (Mason / VanValkenburg) **CSA and special education.** Sets out the rules for the time-limited use of CSA funds in public school special education settings to allow for transition of a student from a private day setting. Directs the creation of a workgroup to develop a plan to transfer private day special education funds from CSA to the Virginia Department of Education. An initial report is due in 2021 and additional report in 2022. The workgroup would include local government representation.

**HB2212** (Plum) **Local CSA oversight.** Requires the Office of Children's Services to (i) regularly monitor local performance measures and case outcomes; (ii) use audit, performance, and outcomes data to identify local programs that need technical assistance; and (iii)



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work with local programs that are consistently underperforming to develop a corrective action plan. The General Assembly-approved budget includes funding for an additional position at OCS to help with new responsibilities.

**HB1963 (Bagby) State-local cooperative health formula.** Establishes in the Code of Virginia the long-established state-local cooperative health budget formula, including the local match floor and ceiling (18 and 45 percent). Requires the Virginia Department of Health (VDH) to biennially review the local matching fund amounts and determine if adjustments are necessary as a result of changes to a locality's revenue generation capacity. This information will be reported to the Governor and General Assembly.

**SB1302 (McPike) Behavioral health crisis call center.** Designates the crisis call center called for in the Marcus Alert law (2020 special session) and to be administered by the Department of Behavioral Health and Developmental Services (DBDHS) as the 9-8-8 Crisis Hotline Center as part of the National Suicide Prevention Lifeline. The call center will be required to comply with federal rules/guidelines, as will the community care teams and mobile crisis teams responding to calls.

The center's set-up and operating funding would come from an increase in wireless E-911 surcharges and prepaid wireless E-911 charges.

**SB1273 (Deeds) Behavioral health commission.** Creates the Behavioral Health Commission as a legislative branch agency that would succeed the Joint Subcommittee to Study Mental Health Services in the Commonwealth, which has been in place since 2014. The Commission would continue to study and make recommendations for the improvement of the Commonwealth's behavioral health services and system.

**HB2326 (Williams Graves) Regulation of child-care services in localities.** Expands to give all cities the authority related to certain regulation of child-care services that is currently available to certain Northern Virginia localities. This would grant all cities authority by ordinance to regulate child-care facilities that provide regular care to one or more children not related by blood or marriage.

## Transportation

**HB1801 (Edmunds) Littering fees.** Authorizes a locality to increase the fee for littering to no less than \$500 and no more than \$2,500 under §33.2-802 on public property, including a public highway or right-of-way.

**HB1813 (Krizek) Highway construction by state or local employees; limit.** Increases from \$600,000 to \$700,000 the value of highway maintenance and construction projects eligible to be performed by state or local employees.

**HB1841 (Keam) Crosswalk design/model policies.** Directs the VDOT commissioner to convene a stakeholder group including VML and other local government organizations to determine if whether model policies on crosswalk design are necessary and recommend any model policies. VML and other stakeholders were able to get the bill amended to be a study instead of a new mandate.

**HB1903 (Carr) Local speed limits.** Authorizes local governing bodies to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, in a business district or residential district.

**HB2071 / SB1350 (Convirs-Fowler / Lewis) Adds resiliency to the Statewide Transportation Plan.** Requires that the Commonwealth Transportation Board as part of the project recommendations assessed by Smart Scale as part of the Six-Year Improvement Program include whether a project is designed to be resilient among the criteria already included in addition to the SMART Scale score of each project. Resiliency will not be a weighted factor used to score

a project under SMART Scale but is to be included when scores are reported prior to the CTB acting upon the proposed Six-Year Improvement Program.

**HB2262 (Hurst) Bikes.** Authorizes and clarifies that motor vehicles may overtake bicycles, mopeds, animal drawn vehicles, and personal mobility devices by changing lanes to overtake and eliminates provisions in state code regulating when cyclists are allowed to ride two abreast. Creates a work group convened by the Department of State Police to include local law enforcement agencies, cyclist organizations, and cycling enthusiasts to consider policies related to allowing cyclists to treat stop signs as yields. The report is due to the Chairs of the House and Senate Transportation Committee by 12/1/2021.

**HB2318 (Roem) Test driving area restrictions.** Authorizes localities by ordinance to require motor vehicle dealers in the locality to notify a buyer or potential buyer that test driving a motor vehicle in a residence district that has been designated for increased fines is prohibited unless the buyer or potential driver is driving to or from his residence. The bill requires the locality to notify licensed motor vehicle dealers located within the locality of the enactment of such ordinance and send a copy of such notification to the Motor Vehicle Dealer Board. The bill authorizes the locality to notify the Board if a buyer or potential buyer is convicted of a traffic infraction while conducting a test drive in a prohibited location. The bill provides that the Board may determine if the proper notice was given and impose a civil penalty if such notice was not given.

**SB1253 (McPike) Economic development projects and road improvements.** Directs the Commonwealth Transportation Board to develop guidelines that consider the impact by the number of jobs expected to be created, the proposed capital investment by the private sector at the site and other criteria related to the economic development project. These criteria will be used to whether or not the board will construct or improve a road under consideration as part of an economic development project.

**SB1260 (Bell) Property inspection notification.** Requires the VDOT Commissioner or a locality to provide a landowner with 30 days' notice of the intent to enter and inspect property to ascertain suitability of the property for transportation purposes and eliminates the requirement that the Commissioner first request permission to enter the property and then provide notice of intent to enter if permission is not granted.

## Agriculture & Natural Resources

**SB1354 / HB2129 (Hanger / Lopez) Enhanced Nutrient Removal Certainty Program (ENRC Program).** Requires the State Water Control Board to adopt by June 30, 2022, regulations establishing a Phase III Watershed Implementation Plan Enhanced Nutrient Removal Certainty Program (ENRC Program), consisting of a number of total nitrogen and total phosphorous waste load allocation reductions assigned to particular water treatment facilities with schedules for compliance. The bill provides that the ENRC Program shall operate in lieu of certain Chesapeake Bay waste load regulations. The bill directs the Board to modify affected discharge permits to incorporate the provisions of the ENRC Program and requires certain compliance plans due from treatment works by Feb. 1, 2023, to address the requirements of the ENRC Program.

The bill provides that the funding of certain design and installation costs for implementing nutrient upgrades pursuant to the ENRC Program shall be eligible for grants from the Water Quality Improvement Fund. The ENRC Program is required to proceed regardless of whether such grants will exceed the available funds in the Fund for a given fiscal year. The bill lists the projects and the total nitrogen or total phosphorous waste load allocation reductions that specified facilities are

to complete. The bill provides that when grants to finance nutrient removal technology reach a sum sufficient to fund the completion of the ENRC Program at all publicly owned treatment works, certain General Assembly committees shall review funding needs and mechanisms.

This legislation will eliminate the floating cap proposed in the third Watershed Implementation Program.

**HB1902 (Carr) Polystyrene food containers.** Prohibits the dispensing by a food vendor of prepared food to a customer in a single use expanded polystyrene food service container. The bill requires certain chain restaurants to stop using such containers by July 1, 2023, and by all food vendors as July 1, 2025. The bill provides a process by which a locality may grant consecutive one-year exemptions to individual food vendors due to economic hardship. The bill provides for a civil penalty. The penalties collected are to be deposited in the Litter Control and Recycling Fund or to the treasury of the relevant locality, as appropriate.

**HB1983 (Bulova) Wetland or stream mitigation bank credits.** Provides that when a water protection permit applicant is required to purchase wetland or stream mitigation bank credits, but no credits are available (i) in any mitigation provider's primary service area or (ii) at a cost of less than 200 percent of the price of credits available from a fund dedicated to achieving no net loss of wetland acreage and functions, the applicant may purchase or use credits from a mitigation provider's secondary service area. The bill provides certain requirements that the permit applicant must comply with in order to purchase or use such credits from a secondary service area, including minimum tree canopy requirements.

**HB2159 (Guy) Nonbiodegradable balloons, penalty.** Establishes a civil penalty of \$25 for the release of nonbiodegradable balloons with funds directed to the Game Protection Fund.

**HB2187 (Hodges) Flood resiliency clearinghouse program.** Directs the Commonwealth Center for Recurrent Flooding Resiliency (CCRFR) to evaluate the development of a Flood Resiliency Clearinghouse Program for coordinating flood mitigation solutions. Requires the CCRFR to work with the Department of Conservation and Recreation to evaluate solutions that manage both water quality and flooding and emphasize nature-based solutions, including currently approved and not-yet approved storm water best management practices. Requires the CCRFR to report the results of its findings to the Chairman of the House Committee on Agriculture, Chesapeake and Natural Resources and the Chairman of the Senate Committee on Agriculture, Conservation and Natural Resources by November 1, 2021.

**SB1135 (Marsden) Dangerous dogs.** Restructures the procedure for adjudication of a dog as a dangerous dog, the determination of whether a surrendered dog is a dangerous dog, and the transfer of dangerous dogs.

**SB1210 (Peterson) DEQ workgroups.** Directs the Department of Environmental Quality (DEQ) to convene and preside over two working groups: 1) a workgroup to develop a new annual fee schedule for nonhazardous solid waste management facilities; report is due to the Governor and the General Assembly by Dec. 11, 2021. The goal of the group is to create recommendations for a fee schedule that is sufficient to reflect the direct costs of permitting, compliance, inspection, monitoring, training, and enforcement in the nonhazardous solid waste management program when aggregated and combined with other program permit fees; 2) a workgroup to conduct a similar analysis of water withdrawal permit programs; a summary of the working group's discussions and recommendations for a schedule of annual maintenance fees sufficient to reflect no less than 40 percent of the direct costs required for the development, administration, compliance, and enforcement of such permits is due to the Governor and the General Assembly by Dec. 1, 2021.

**SB1258 (Marsden) Virginia Erosion and Sediment Control Program.** Requires the State Water Control Board to administer a Virginia Erosion and Sediment Control Program (VESCP) on behalf of any locality that notifies the Department of Environmental Quality that it has chosen to not administer a VESCP for any solar photovoltaic (electric energy) project with a rated electrical generation capacity exceeding five megawatts.

**SB1274 (Marsden) Wildlife corridors and action plan.** Directs various agencies to consider and incorporate, where applicable, wildlife corridors and any recommendation for the Wildlife Corridor Action Plan. The bill directs the Department of Wildlife Resources to assist state agencies and political subdivisions in considering and incorporating, where applicable, wildlife corridors and the recommendations of the Plan when developing any governmental strategic plan, map, or action.

**SB1311 (McClellan) Natural gas pipeline application requirements.** Requires applications for natural gas pipelines greater than 36 inches in diameter include sediment and stormwater plans as part of the application process and requires the Department of Environmental Quality also consider how these plans will impact adjoining and upland areas.

**SB1404 (Lewis) Stormwater Local Assistance Fund grants.** Authorizes grants from the Stormwater Local Assistance Fund awarded for projects related to Chesapeake Bay total maximum daily load (TMDL) requirements to take into account total phosphorus reductions or total nitrogen reductions. The bill authorizes grants awarded for eligible projects in localities with high or above average fiscal stress as reported by the Commission on Local Government to account for more than 50 percent of the costs of a project.

## Law Enforcement/Qualified Immunity bills that failed but going to study

### Referred to Virginia Crime Commission to study

**HB2045 (Bourne) Civil action for deprivation of rights; duties and liabilities of certain employers in employing or contracting for the services of law-enforcement officers.** Creates a civil action for the deprivation of a person's rights by a law-enforcement officer and provides that a plaintiff may be awarded compensatory damages, punitive damages, and equitable relief as well as reasonable attorney fees and costs. The bill provides that sovereign immunity and limitations on liability or damages shall not apply to such actions and that qualified immunity is not a defense to liability for such deprivation of rights. Finally, the bill provides that any public or private entity that employs or contracts for the services of a law-enforcement officer owes a duty of reasonable care to third parties in its hiring, supervision, training, retention, and use of such officers under its employment or contract.

### Referred to Senate Subcommittee to study

**SB1440 (Surovell) Civil action for unlawful acts of force or failure to intervene by a law-enforcement officer or correctional officer.** Creates a civil action for the use of unlawful acts of force, including deadly force, or failure to intervene as required by law, by a law-enforcement officer or correctional officer while performing his duties for a public entity or private police department. The bill also provides that a public entity or private police department employing such officer is liable for any injuries sustained by the injured party as a result of the officer's actions if they occurred in the ordinary course of the employer's business. Sovereign immunity would not apply to such claims.

# Dozens of wastewater plants to be improved under new state law

## Localities led negotiations to save hundreds of millions of dollars

**V**IRGINIA'S MUNICIPAL WASTEWATER treatment sector has struck a deal with the Northam Administration, the General Assembly, and key environmental organizations for an additional round of wastewater treatment plant upgrades over the next five years to help the Commonwealth meet its Chesapeake Bay nutrient reduction goals.

### Background

Federal law requires Virginia and other states in the Chesapeake Bay watershed to dramatically reduce nutrients flowing into streams and rivers that feed the Bay. In 2010, the states agreed to meeting this goal by the chosen target date of 2025. Each state's nutrient-reduction plan focuses on three sectors: wastewater, stormwater, and agriculture.

In Virginia, locally owned wastewater treatment plants have been very successful in reducing nitrogen and phosphorus to Virginia's waters and fully met their Chesapeake Bay requirements at a cost of more than \$2 billion over the past two decades. However, there were some further opportunities for additional nutrient reductions.

Last year, the Virginia Association of Municipal Wastewater Agencies (VAMWA) began studying alternatives to a 2019 plan by state officials to require more than \$1 billion in upgrades by 2025 to a broad array of wastewater treatment plants across the Bay watershed. VAMWA worked closely with local governments to find a more cost-effective mix of construction projects to meet Virginia's 2025

reduction goal. VAMWA's work led to this year's legislation – and approximately a quarter-billion dollars in savings.

### New legislation brings savings and certainty

The legislation passed by the 2021 General Assembly focuses on improvements to municipal treatment plants – coming to all basins but mostly in the James River watershed – that promise the biggest pollution-reduction bang for the buck to help Virginia meet its Bay clean-up goals. Specifically, the legislation prioritizes improvement projects for 13 plants – to be completed by January 2026 – that will reduce nitrogen and phosphorus by millions of pounds (see sidebar).

Especially important to local governments and wastewater authorities is that the legislation provides a great deal of regulatory, planning, design, construction, and budgetary certainty in an era when clean-water regulations are prone to shift, often with short notice.

The legislation also anticipates the State Water Control Board establishing additional phosphorus requirements for at least five wastewater treatment plants in the upper tidal portion of the James River (greater Richmond and Hopewell) and at potentially another dozen smaller plants in the central and western stretches of the James. Several other plants in the Potomac, Rappahannock, and York River basins and on the Eastern Shore also will be improved.





Improvements to the approximately 30 publicly owned wastewater plants will cost an estimated \$800 million over the next several years, with the state contributing \$300 million through the Water Quality Improvement Fund and the balance falling to ratepayers. The General Assembly has already authorized \$100 million toward its obligation.

While the costs are significant, the VAMWA-led plan is estimated to be some \$250 million less costly than the state's 2019 plan – and still meets the Commonwealth's 2025 Bay goals!

## Giving credit where credit is due

Delegate Alfonso Lopez (Arlington County) and Senator Emmett Hanger (Augusta County) introduced the legislation. Delegate David Bulova (Fairfax County), who has a great deal of environmental policy expertise, was a chief co-patron and important advisor.

Secretary of Natural Resources Matt Strickler was heavily involved in negotiating the legislation and was principal advisor on the landmark bills to Gov. Ralph Northam who has signed the bills into law. The legislation becomes effective on July 1, 2021.

The Virginia Municipal League and the Virginia Association of Counties worked closely with VAMWA on the legislation. The Virginia Water and Waste Authorities Association also collaborated on it.

Especially critical to shaping this robust regulatory and financial framework for further wastewater improvements were the James River Association and the Chesapeake Bay Foundation, who worked closely with VAMWA, the Northam Administration, and legislators.

**About the authors:** *L. Preston Bryant, Jr., is senior vice president at McGuireWoods Consulting. He is a VML consultant on environmental and energy matters. Christopher D. Pomeroy, an attorney, is president of AquaLaw PLC and represents the Virginia Association of Municipal Wastewater Agencies.*

## 13 Priority Wastewater Treatment Plant Projects to be completed by January 2026

### Hampton Roads Sanitation District (8 plants)

- Boat Harbor WWTP (Newport News)
- James River WWTP (Newport News)
- Williamsburg WWTP (Williamsburg)
- Nansemond River WWTP (Suffolk)
- Army Base WWTP (Norfolk)
- Virginia Initiative Plant WWTP (Norfolk)
- Chesapeake-Elizabeth WWTP (Virginia Beach)
- Nassawadox WWTP (Northampton)

### Spotsylvania County (3 projects)

- FMC WWTP (Spotsylvania)
- Massaponax WWTP (Spotsylvania)
- Thornburg WWTP (Spotsylvania)

### Harrisonburg-Rockingham Regional Sewer Authority

- North River WWTP (Rockingham)

### South Central Wastewater Authority (serves 5 localities)

- Main facility (Petersburg)

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## TOWN OF MOUNT CRAWFORD

By Libby Orebaugh

# New things in Mount Crawford

**G**REETINGS FROM MOUNT CRAWFORD! We may be small (around 450 residents) but we've got a lot going on. As town manager, I want to let you know about some of the new things happening in our community.

First, well, there's me. Or to be more exact, there's the position I hold. On January 1, 2020 I was honored to become the first town manager in Mount Crawford's history. But I'm no stranger to Mount Crawford. In fact, I've been the treasurer, clerk, and deputy zoning administrator for the town since 2018. Plus, for the past eight years I've been proud to be the president of Hose Company No. 4, a local volunteer fire department.

We've also got a new mayor. In November 2020, Dennis Driver was elected mayor. Mayor Driver served on town council for six years before being elected mayor and works for the City of Harrisonburg, Parks and Recreation department. In a recent interview, Mayor Driver spoke of one of his passions: preserving historic homes for new generations through grants and other incentives. "These properties are primarily on Main Street," he observed, "so it is vital to the town to help property owners renovate these buildings when possible."

Also new is our municipal building. On the same day I began work as the town manager, we opened our new town municipal building using property purchased by the town council in the fall of 2019.

Mount Crawford is also looking forward to a new boat launch on the town hall property that will provide access to the North River. This project is made possible thanks to a grant awarded to the town by the

Department of Wildlife Resources, in December 2020. A park is also in discussion for the future at the town hall property.

The bridge going over Airport Road will soon have a new name. Former Army lieutenant colonel and councilman, Merritt Phillip "Bud" Walls, will be honored by the town with the bridge named in his memory. He served the Mount Crawford Town Council for 33 years. Councilwoman Toni Ray, pursued the project to show appreciation of Wells' service and his positive impact to the community. Ray said that she hopes that everyone who passes over the bridge on Airport Road, will understand just how important Walls was to Mount Crawford. A ceremony to place the signs for the LTC Merritt "Bud" Walls Memorial Bridge will be held as soon as safely possible.

Finally, for the first time in 10 years, a new subdivision is coming to Mount Crawford! Rezoning was completed in March 2021 for sixty-nine new townhomes in the north east area of town, near the intersection of Route 11 and Interstate 81. Mayor Dennis Driver said, "In the next two years we want to carefully manage the expected population growth in the community. While we understand development is going to occur, we still want to maintain that small town feel as much as possible."



So, while we are proud to call our community a "quiet little town" we have plenty going on. If you're looking for an escape to the beautiful Shenandoah Valley, we invite you to spend some time in Mount Crawford.

**About the author:** *Libby Orebaugh is the town manager, treasurer, clerk, and deputy zoning administrator for the Town of Mount Crawford.*



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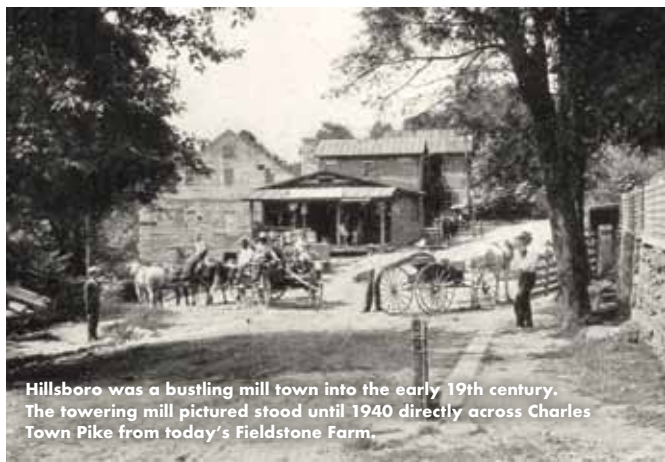


# Welcome to Hillsboro – Where history lives

## The third of VTC's "Towns of Loudoun" series

**T**O TELL THE STORY OF HILLSBORO – and why it is where it is – you have to go back pretty far. In fact, you have to go back about 400 million years when the Blue Ridge Mountains were pushed up by the collision of what would become Europe and North America during the Silurian Period making them as high as today's Alps. By the time Europe and North America "met" again, erosion had diminished the size of the Blue Ridge, but they still presented an obstacle to explorers and settlers heading west. Fortunately, the North Fork of Kotoctin (Catoctin) Creek had spent millennia carving a narrow gap in Short Hill Mountain allowing passage through the Blue Ridge Mountains. So it was that well before the American Revolution, a hamlet known simply as "The Gap in the Short Hills" at this spot served as a welcome respite for frontiersmen and pioneers venturing into the lands beyond the Shenandoah River and Blue Ridge Mountains.

In the 18th century, the abundant water at "The Gap in the Short Hills" attracted settlers, whose collection of taverns catered to travelers – among them young surveyors George Washington and Thomas Jefferson. Led by enterprising Quakers, the Catoctin's waterpower was harnessed in the 1760s and, by the time of the Revolution, The Gap had transformed into a thriving mill town. The abundant and colorful Short Hill fieldstone was harvested and honed to build the town's many mills and growing cluster of homes, barns, inns, and shops.



Hillsboro was a bustling mill town into the early 19th century. The towering mill pictured stood until 1940 directly across Charles Town Pike from today's Fieldstone Farm.

Hillsboro's relative isolation "off the beaten path" in rural Loudoun County, and the fact that it was essentially "built out" by the end of the nineteenth century, directly contributed to the town's remarkable level of historic preservation. Few structures have been significantly altered from their original state, with succeeding generations of owners lovingly caring for, restoring, and maintaining the historic integrity of the homes. The entire town was placed on the National Register of Historic Places in 1977 and its historic district expanded further a decade ago.

Hillsboro thrived as the hub to one of early America's richest agricultural regions during its first two centuries, and now, midway through its third century, it has reclaimed that mantle and welcomes visitors to experience a unique historic rural treasure just an hour from Washington, D.C.



By the start of the nineteenth century, The Gap was the center for a rich and expansive agricultural region. Its mills ground the region's bounty of grains and oats and its blacksmiths, wheelwrights, tanners, mechanics, and merchants served the farmers. In 1802 the growing population welcomed a post office and was formally chartered and christened as "Hillsborough," a village in the hills.

"The Gap in the Short Hills" had become a full-fledged town.

Laid out in the linear manner typical of 18th-century rural villages, most of Hillsborough's structures were built tight along the dirt road, just wide enough for stagecoaches, teams of horses and ox pulling wagons of goods and produce to pass. In the 19th-century, long before the advent of the automobile, Hillsborough's "Main Street" (aka Charles Town Turnpike) was lined by structures that served as businesses and homes in the bustling mill town. The town's name was shortened to "Hillsboro" when it was re-charted in 1872 by the Virginia General Assembly.

During the 20th century, the town's milling industry steadily declined as food production was modernized and trade was redirected to other localities by new railroads. The last of the town's towering stone mills were dismantled by the 1940s. With that, Hillsboro's commerce and trade largely faded away and the former shops and taverns gradually became full-time residences.

The greatest threat to Hillsboro's existence since the end of its mill town days came in the late 20th century as the Charles Town Pike became a major regional thoroughfare between sprawling exurbs to the west and the exploding economy of Washington D.C. and Northern Virginia to the southeast. Oppressive traffic, a failing municipal water system, and a non-existent sanitary sewer system painted a bleak future for Hillsboro's residents as the town entered the 21st century.

Fortunately, that's not the end of the story.



A rubble stone wall built in Hillsboro's eastern roundabout welcomes visitors.





In 2018, the “Independence Day the Hillsboro Way!” celebration was also used to mark the full funding from the Northern Virginia Transportation Authority and Loudoun County that allowed Hillsboro to embark on its massive ReThink9 project.



Entering Hillsboro from the east roundabout, Stoneybrook Farm on the left and the wide Locust Grove Promenade on the right, southern flank of the Short Hills in the background.

## Welcome to Hillsboro transformed!

When we welcome you to Hillsboro this October, you will experience the culmination of two decades of intense planning, grassroots work, and wise infrastructure investments. Taken together, these have dramatically transformed the town and set Hillsboro on course for a renaissance and return to vitality. This summer will see the completion of a \$30-million infrastructure project that has delivered traffic calming, pedestrian safety and a completely walkable community with sidewalks, dark-sky streetlights, and multi-modal trails. Buried beneath the Charles Town Pike are the town’s new water mains and laterals for our new drinking water system, new wastewater collection system, and a complete stormwater management system – all tucked

alongside subterranean power and communications duct banks, including a town-owned conduit for fiber optics. A wastewater package treatment plant, slated for completion in early 2022, is set to usher in a new era for economic activity.

Hillsboro is proud to be reclaiming its “Main Street” and its historic role in supporting and complementing the surrounding agricultural region, which has become one of the Commonwealth’s leading wine producing, craft brewing, and agrotourism destinations.

Come see why Hillsboro is a vital component fueling the robust rural economy of western Loudoun County. We look forward to seeing you in October!

**About the author:** *Roger L. Vance is the mayor of the Town of Hillsboro.*



## Tastes & Attractions

### Natural goodness: Stoneybrook Farm Market

This is a one-of-a-kind, 45-acre organic farming operation established nearly two decades ago. Its deli, bakery and farm market have become a bulwark in the effort to protect Hillsboro and Loudoun County's rural heritage. Stoneybrook Farm grows a variety of fruits and vegetable crops, including many heirloom varieties. The bio-intensive, regenerative, diverse farm is holistically managed to produce nutrient dense foods. The farm market features a selection of local meats, eggs, dairy, fruit, bulk foods, coffee, tea, fresh pressed juices, smoothies, pastries, and more.



Fresh from the bakery at Stoneybrook Farm Market and Deli, a must-visit destination on an all-organic farm.

### Wineries: Visit the Center of Virginia's leading wine producing region

Within a 10-minute drive from the center of Hillsboro are 22 vineyards, wineries, and farm breweries. Among them are pioneers and innovators shaping the craft beverage industry. The soil of western Loudoun County has been cultivated and cared for by generations of farm families with some farms rescued and preserved by enterprising dreamers.

#### Doukénie Winery

In 1983, George Bazaco, a young pulmonologist, and his wife Nicki, a nurse and civic leader, purchased Legard Farm in Hillsboro. Today Doukénie Winery produces award-winning wines from the grapes that flourish in the lush fields in the shadow of Short Hill Mountain – where for a quarter of a century lucky visitors have enjoyed homemade baklava made by Doukénie's daughter and George's 97-year-old mother, Hope. Pioneers in Hillsboro's wine producing community, the Bazaco's are also leaders in farmland preservation, putting hundreds of acres into permanent conservation easements.

#### Hillsborough Winery, Brewery, Vineyard

Bora and Zeynep Baki acquired a 36-acre hillside property on Hillsboro's west side in 2001 and began planting their vines by hand in 2003. The winery has a restored early 19th century fieldstone estate and outbuildings as well as a newer tasting room and garden patio with stunning vistas of the surrounding valley and towering Blue Ridge range beyond.

Zeynep's lush artwork and aesthetics grace the tasting rooms and gardens. The Baki's family is involved as well. Their son Kerem's wife Asli manages the operations, and another son Tolga brought his beer-making expertise to Hillsborough three years ago. The Baki family are vocal advocates for land preservation.



A stunning fall vista of the sprawling Breaux Vineyards against its Short Hills backdrop.

### Breaux Vineyards

In 1994 Paul Breaux and his family purchased a 400-acre farm just west of Hillsboro along the Short Hill Mountain's western slope. It had three acres of grape vines that had been planted a decade earlier, and the Breaux family soon began making their own wines as a hobby. Three years later Breaux Vineyard was born, and today, the three acres of vines has grown into more than 120, producing world-class wines in a state-of-the-art wine-making operation that distributes globally. Breaux wines have won numerous national and international awards – including "Best of Class" at the L.A. County Fair Wine Competition.

Now under the management of Paul's daughter Jen, Breaux Vineyards has been pivotal in the protection and preservation of the Hillsboro area's agricultural heritage and in the promotion and growth of Virginia wine making.

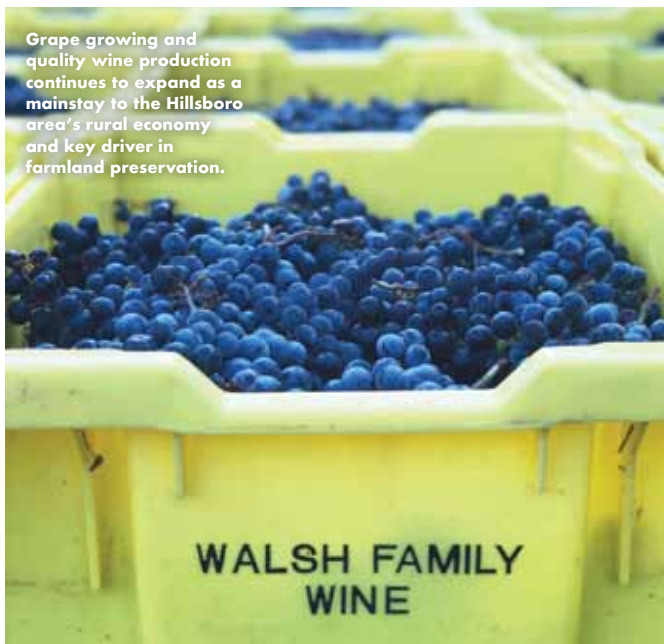
### 868 Estate Vineyards

Three families came together in 2012 to preserve a 120-acre legacy farm just west of Hillsboro on the old Hillsborough-Harpers Ferry Turnpike (Harpers Ferry Road) and created 868 Estate Vineyards. From its 22-acres of grapes have come wines capturing numerous awards over the years, including the most coveted in the Commonwealth, the Virginia Governor's Cup in 2020. Hillsboro's 868 Estate welcomes visitors to enjoy its exquisite wines, and the flavor of local artwork in its tasting room and local musicians in its covered pavilion. The onsite Grandale Vintner's Restaurant offers an authentic farm-to-table dining experience featuring the finest in locally-sourced cuisine.



Situated just west of Hillsboro, 868 Estate Vineyard saved a legacy farm that now produces award-winning wines.





Grape growing and quality wine production continues to expand as a mainstay to the Hillsboro area's rural economy and key driver in farmland preservation.

### Walsh Family Wine

Sarah and Nathan Walsh founded Walsh Family Wine in 2014 to produce wines in a healthy, balanced manner, exploring the personalities and nuances of their six grape-growing locations with the goal of creating superior wines full of the distinctiveness and elegance of rural Loudoun's rocky hillsides.

In 2018 Walsh Family Wine acquired Hillsboro's North Gate vineyard and tasting room on the Short Hill's southeast-facing slope. Founded by Mark and Vicki Fedor, North Gate had for more than a decade produced some of the Commonwealth's most feted vintages. Walsh Family wines are featured at their inviting Hillsboro tasting room nestled among the vines, which is, in keeping with the Walsh family's commitment to earth-friendly farming, a cutting-edge solar-powered facility.

## Find them on the map ...

Among the outstanding vineyards and wineries within a 15-minute drive from historic Hillsboro are:

1. Walsh Family Wines, 16031 Hillsboro Road
2. Crushed Cellars Winery, 37938 Charles Town Pike
3. Sunset Hills Vineyard, 38295 Freemont Overlook Lane
4. 8 Chains North Winery, 38593 Daymont Lane
5. The Wine Reserve at Waterford, 38516 Charles Town Pike
6. Corcoran Vineyards & Cidery, 14635 Corkys Farm Lane
7. Doukénie Winery, 14727 Mountain Road
8. Hillsborough Vineyards & Brewery, 36716 Charles Town Pike
9. Kalero Vineyard, 36140 Charles Town Pike
10. 868 Estate Vineyards, 14001 Harpers Ferry Road
11. Breaux Vineyards, 36888 Breaux Vineyards Lane
12. Bozzo Family Vineyards, 35226 Charles Town Pike
13. Notaviva Craft Fermentations, 13274 Sagle Road
14. Two Twisted Posts Winery, 12944 Harpers Ferry Road
15. Maggie Malick Wine Caves, 12138 Harpers Ferry Road

## Breweries: Craft beer available here

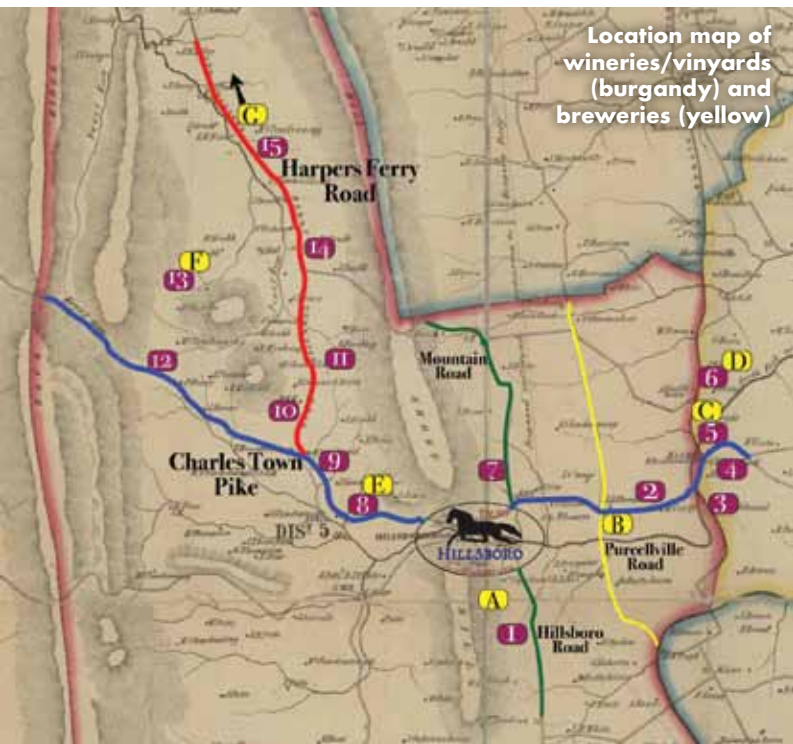
An explosion of high-quality craft beer brewing has energized Loudoun's rural economy, and Hillsboro sits at the epicenter. At the forefront of the craft brewery movement are families with deep roots whose entrepreneurial prowess has helped preserve the past and ensure a sustainable future.

### Harvest Gap Brewery

The Virts family has been actively farming in western Loudoun since 1767, more than 50 of those years on an iconic Hillsboro farm that perfectly frames The Gap. The Virts family dream of preserving and working this farmland for another century is ever more within reach as the youngest generation of Virts has created an authentic farm brewery that is set to become a must-see destination.



Established in 2020 by the Virts family, who have farmed in Loudoun County for more than 250 years, Harvest Gap Brewery preserves the iconic view of The Gap.



Location map of wineries/vineyards (burgandy) and breweries (yellow)



Hillsboro's Old 690 Brewing Company was a pioneer in the exploding craft beverage industry.

### Old 690 Brewing Company

On 10 acres along a country road (Old 690) crawling up into the Short Hill from Hillsboro, Mark and Ronda Powell started their craft brewery nearly a decade ago and became one of the most successful pioneers in Loudoun's craft brew vanguard. Committed to using locally grown ingredients to brew great beer and to creating a convivial and welcoming atmosphere, Old 690 has become a favorite getaway for locals and visitors from afar.

## Hillsboro

### Harpers Ferry Brewing

Building on the success of Old 690, the Powells and partners took their talents and zeal a few miles from Hillsboro to a bluff high above the Virginia border with West Virginia and Maryland, where the Short Hill plunges into the Potomac. Harpers Ferry Brewing offers visitors a wide selection of craft beers – and breathtaking views of historic Harpers Ferry and the confluence of the Shenandoah and Potomac Rivers.

### Find them on the map ...

Among the breweries within a short drive of Historic Hillsboro:

- A. Old 690 Brewing Company, 15670 Ashbury Church Road
- B. Harvest Gap Brewery, 15485 Purcellville Road
- C. Wheatland Spring Farm & Brewery, 38506 John Wolford Road
- D. Corcoran Vineyards & Cidery, 14635 Corkys Farm Lane
- E. Hillsborough Vineyards & Brewery, 36716 Charles Town Pike
- F. Notaviva Craft Fermentations, 13274 Sagle Road
- G. Harpers Ferry Brewery, 37412 Adventure Center Lane

### Rest and Relaxation: B&Bs of The Gap

A great way to take in Hillsboro's history is to let the B&B innkeepers of The Gap be your guides – and serve up a delicious breakfast to start your day's adventures. Loudoun's greatest concentration of B&Bs are arrayed around The Gap.

#### Fieldstone Farm Bed & Breakfast Inn

Fieldstone Farm was built in 1770 by one of the Town's founding families and is located atop a towering stone wall along Charles Town Pike within the Hillsboro Historic District. The striking manor house sits on 30 acres of gardens, meadows and forest climbing up the Short Hill. The beautifully restored stone inn offers five guest rooms, stunning formal gardens, and a heated mountaintop swimming pool with stunning sunset views. *36906 Charles Town Pike.*



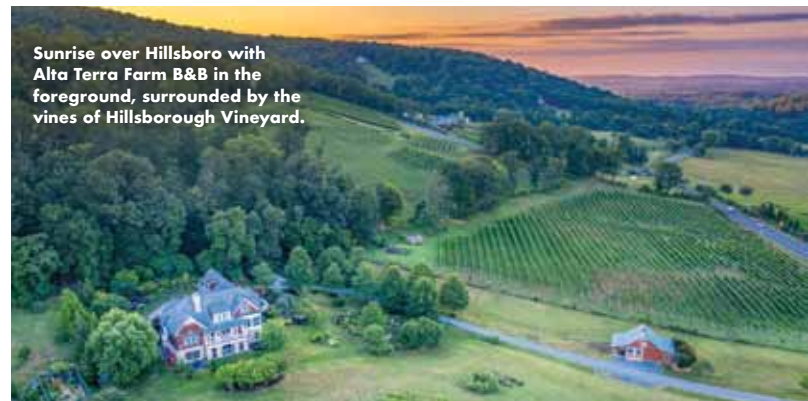
Built in 1770 by Hillsboro's first mill owner, Fieldstone Farm B&B is in the narrowest opening of the gap in the Short Hills.

#### Hillsboro Bed and Business

Also within the Town Historic District on Stony Point Road is Hillsboro Bed & Business, offers corporate retreats as well as leisure travel accommodations in a sprawling 19th-century farmhouse with a secluded pool and overlooking Catoctin Creek. *36847 Stony Point Road.*

#### Alta Terra Farm Bed & Breakfast

With commanding views from Short Hill Mountain of the Blue Ridge, vineyards, and countryside just west of Hillsboro, Alta Terra offers two suites (three bedrooms) a library, billiard room, and private patio. You get both sunrise and sunset views, and a direct pathway to neighboring Hillsborough Winery & Brewery. *36562 Charles Town Pike.*



Sunrise over Hillsboro with Alta Terra Farm B&B in the foreground, surrounded by the vines of Hillsborough Vineyard.

#### Hidden View Bed & Breakfast

Although you can't see it from below, Hidden View is surrounded by alluring vistas as it sits far above Charles Town Pike west of Hillsboro. It features five bedrooms with private baths, heated pool and large living, dining, and kitchen area for guests to enjoy. *36474 Charles Town Pike.*

#### Silverbrook Farm

Just south of Hillsboro, this historic home and barns, with spectacular formal and woodland gardens, sits high on 50 peaceful acres of legacy farmland. Three guest rooms, kitchen and living room, plus a separate and cozy converted smokehouse offers all the best in country comforts. *15286 Woodgrove Road.*

#### Stone Manor Boutique Inn

A secluded and luxurious B&B in the shadow of Short Hill, the historic and creatively restored turreted Stone Manor sits along one of the best biking routes on the lush Mountain Road, offering richly appointed luxury suites and extensive event facilities. *13193 Mountain Road.*

#### Dunthorpe Cottage

Just southwest of Hillsboro on the secluded 1790's Dunthorpe Farm, a restored wagon barn, Dunthorpe Cottage, sleeps four and features a private kitchen and peace and quiet in wide open spaces. *35709 Suffolk Lane.*

#### Wheatland Spring Farm

Situated on a 30-acre farm east of Hillsboro next to Wheatland Spring Farm Brewery, Wheatland Spring Farm Bed & Breakfast is a historic cottage with hand-hewn beams and wooden floors—fitted with all the modern conveniences including a private kitchen, laundry, and baths. *38506 John Wolford Road.*





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