



THE MAGAZINE OF THE VIRGINIA MUNICIPAL LEAGUE



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# Take the extra step for Virginia's environment

## Also inside:

Maintaining and operating parks and recreation during COVID-19

2020 VML Legislative Summary





## VRSA members have access to telemedicine for injured workers

Since 2019, VRSA has offered telemedicine as an option for member injured workers. **Today, this option is proving more essential than ever**, allowing injured workers to resolve their injury without a physical visit to the emergency room or urgent care facility.

VRSA's telemedicine option is available to all members purchasing workers' compensation coverage, and is automatically added to all members' panel of physicians. Through telemedicine, employees can virtually consult with a healthcare provider at the time of injury - from nurse triage to provider consult - all at no additional cost for VRSA members!

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- Reduce emergency and urgent care visits
- Accessible from smart device/computer

For more information on VRSA's telemedicine program, call your Member Services representative.



THE MAGAZINE OF THE  
VIRGINIA MUNICIPAL LEAGUE

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## ABOUT THE COVER

Hey Virginia, it's spring! And now more than ever it's important to step outside and enjoy this magnificent season in our magnificent state. And while you're out there, consider what localities and the state are doing to preserve the great outdoors. We give you some (green) food for thought.

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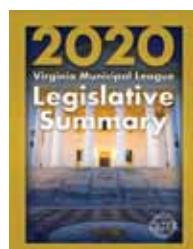
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# A time for champions

WE ALL HAVE WAYS OF COPING with our changed circumstances. I love exercising by working out and running even when times are normal. These days, I really, really love it. One of my favorite workout videos calls the last two phases “the championship rounds.” I hope that by now we are in the “championship rounds” of COVID-19 and that soon our localities will become vibrant again. For the time being, however, I know that in a very real sense it is already the championship round because I see our local officials being champions – working together, sharing ideas and pooling resources. Thank you for rising to the challenge. It is so rewarding to be on the same team with all of you!

People like to criticize state and federal officials; it’s easy to do and doesn’t cost them anything. But when times are hard, it’s those same officials who do things like go to the fabric store and beg for resources to help their workers; and it’s those same officials who come up with effective ways to support each other. For example, I thought that the City of Fredericksburg’s “check in” every day at 6:00 p.m. was neat and simple; just open your door and wave to others! How cool and what a great way for the locality to say: “We are here because we care.” Oh, and it’s easy to do and it doesn’t cost anything!



As I write this, VML staff are tracking all the legislation which will be taken up on April 22nd by the General Assembly. VML has sent several letters and worked hard to explain

that local budgets don’t need further cuts by the state (we have plenty of hurt already). Please visit our resources page ([www.vml.org/coronavirus-resources/](http://www.vml.org/coronavirus-resources/)) to see copies of the correspondence as well as fiscal projections for the new reality local budgets will

need to navigate. In addition, VML recently held an emergency legislative committee meeting to discuss the Governor’s announcement that he will ask the General Assembly to move May elections to November and discard all absentee ballots. Our members were passionately opposed to this move. We are a membership of many, and it is important that everyone is heard. I appreciate everyone taking the time to provide their opinion.

As many of you know all too well, this virtual working world is different. VML is exploring options to best provide training and information to our members without being able to be in the same room together. Please know that we miss seeing all of you and being able to visit your localities! But just like you, we aren’t going anywhere – we are here for you and will continue to offer support and help. So, as we do our jobs, please know that we appreciate the job you are doing too! Be well. 





**Due to the affects of the COVID-19 outbreak many events are going through a rescheduling process. To view the lastes updates and changes visit our on-line calendar at [www.vml.org/events-list](http://www.vml.org/events-list).**

## PEOPLE



### Roman appointed as Roanoke police chief

**Samuel Roman Jr.** was appointed the City of Roanoke's new police chief effective March 31. Roman most recently was the police chief in Lexington, but before that he served for 25 years in the Roanoke police department, rising to the rank of deputy chief.

Roman served in the U.S. Marine Corps. He has a bachelor's degree in criminal justice and has completed training at the Command College at the University of Virginia, the Professional Executive Leadership School at the University of Richmond, Leadership Collaboration in Government at Harvard University, Lean Management for Executives at Virginia Tech, and the FBI National Academy.

- Roman -



### Budesky appointed as Hanover chief administrator

**John A. Budesky**, the current county administrator in Goochland County, has been appointed the administrator in Hanover County effective June 30. Current Hanover County Administrator Rhu Harris previously announced he would retire this May.

Budesky previously worked as a deputy administrator in Hanover County. Prior to that, he was the city manager in Manassas, the executive director of the Virginia Workers' Compensation Commission, and the county administrator in New Kent County.

Budesky has a master's degree in public administration from Virginia Tech and a bachelor's degree in criminal justice from Edinboro University in Pennsylvania.



### Yob appointed as deputy manager

**Steven J. Yob** has been appointed deputy county manager for community operations for Henrico County, effective March 28. He was the director of public works in Henrico County.

Yob has a master's degree in business administration from Virginia Tech and a civil engineering degree from Michigan State University. He is a licensed professional engineer.



### Voorhees named Orange County administrator

**Theodore "Ted" Voorhees** took the helm as county administrator in Orange County effective April 6.

His prior experience includes serving as the county administrator in Powhatan County and as the city manager in Fayetteville NC. Prior to that, Voorhees was the deputy city manager of operations for Durham N.C., the assistant city manager in Wilmington N.C., city manager in King N.C., and town manager in Bowling Green VA. He began his local government career as an aide to a member of the Fairfax County Board of Supervisors and spent two years at the Pentagon as a civilian working in the U.S. Department of the Army.

Voorhees has a bachelor's degree from American University and a master's degree in public administration from George Mason University. He is a credentialed manager through the International City/County Management Association (ICMA).

**Do you know someone who's on the move? Send your announcements about new hires in local government, promotions, retirements, awards and honors to Rob Bullington at [rbullington@vml.org](mailto:rbullington@vml.org).**

CENSUS 2020

CENSUS 2020

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# Wendell Seldon passes away

WENDELL SELDON, former city manager of the City of Winchester and former director of the Virginia Department of General Services, passed away April 13 in Richmond.

Mr. Seldon was one of the deans of the local government management community. He was a man of many virtues who will be sorely missed. Mark K. Flynn, head of the Virginia Department of Aviation and former city attorney in Winchester, says of Mr. Seldon: "Because of his steady, thoughtful and cheerful leadership, the 13-member council trusted him completely. No council member would cross him without a really good reason, because Wendell knew the city and what it needed."

Tedd Povar, formerly with the Virginia Institute of Government, observes of Mr. Selden: "Wendell will be remembered as a gift to the local government management profession, to the State of Virginia, and to the nation."

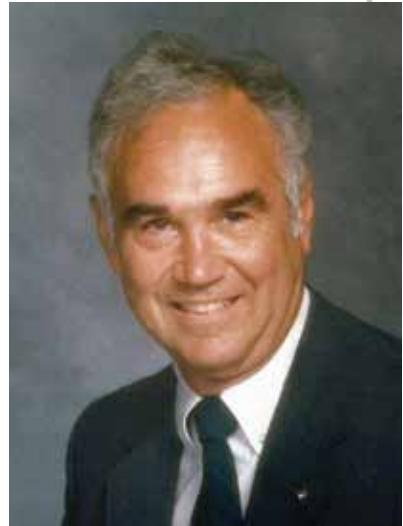
Ed Daley, who succeeded Mr. Seldon as city manager in Winchester, notes that Mr. Seldon's "thoughtful counsel and exceptional insight will be missed by all."

Wendell Seldon's career began in 1947 when he was appointed assistant city manager of Winchester. He served as city manager from 1967 to 1986. He was appointed as head of the Virginia Department of General Services in 1986 and

held that position until his retirement in 1991. He then served as a legislative aide to Virginia State Senator Russ Potts and then Senator Jill Vogel for several years. Mr. Seldon received numerous awards and recognitions during his service to state and local governments in Virginia.

Mr. Seldon was a member of the Virginia Army National Guard from 1948 through 1989, when he retired with the rank of Brigadier General.

Due to the COVID-19 pandemic, a memorial service will be held at a later date in Winchester. He will be interred in Mount Hebron Cemetery with military honors. For the full obituary and to leave online condolences, please visit [www.ompfuneralhome.com](http://www.ompfuneralhome.com).



**Wendell Seldon**

## VML/VACo Commercial Paper

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## Norfolk honors women firefighters

AS PART OF WOMEN'S HISTORY Month in March, Norfolk Fire-Rescue honored 18 female firefighters in recognition of their contributions to blazing a trail – and putting out blazes while doing so. While the 18 women have retired from the city, many still live in the Hampton Roads area, including Pamela Ells, who was the first female to complete in 1979 the required training by what was then named the Norfolk Fire Department.

## Danville, Roanoke selected as finalists for 2020 All-America City Awards

THE CITIES OF DANVILLE AND ROANOKE are among 22 U.S. cities named by the National Civic League as finalists for the 2020 All-America City Award. This year's finalists focused on enhancing health and well-being through civic engagement. Each year, the All-America City awards recognize 10 communities that engage residents in innovative, inclusive, and effective efforts to tackle critical challenges.

The City of Roanoke is no stranger to this award, having been named an All-America City seven times. In 2019 Roanoke was the first ever All-America City, Hall of Fame Winner.

Danville highlighted three local campaigns in its application to



be an All-America City: Fit Mobile, which offers on-site fitness and nutrition classes; the Danville Youth Health Equity Leadership Institute which is dedicated to empowering students to graduate high school on time with an action plan for the future; and the Community Health Worker initiative which provides one-on-one care coordination between health workers and individuals who are at risk of being non-compliant for the care needed for their chronic illnesses.

## Volunteer science monitor informational session held

THE CITY OF ROANOKE held a public information session in late February on how people could volunteer to participate in the city's Citizen Science Water Monitoring Program.

Volunteers with the program monitor streams by taking samples of small insects (such as water pennies, dragonflies, mayflies and more) that live on the bottoms of the streambed. The abundance and diversity of the insects collected are an indication of the ecological health of the stream being monitored.

Training is required before becoming a qualified stream monitor. Sessions are held throughout the year to teach participants stream sampling methods and how to identify the small insects. In addition, basic watershed education, safety information, and instruction on methods of data collection and analysis is included in the training. Once qualified, the volunteer is provided with monitoring equipment and can begin sampling with a partner. Sampling is done twice each year, in the fall and spring.

Additional information is posted at [www.cleanvalley.org/citizen-science-monitor](http://www.cleanvalley.org/citizen-science-monitor).



## Middleburg offers help to community

AT THE END OF MARCH, the Town of Middleburg approved a financial relief package for its residents that include credits for the town's utility customers, a delay in the collection of the local meals tax and a contribution to area non-profit organizations.

Also, as part of the program, the town will purchase up to \$100,000 worth of \$20 meal vouchers to distribute to residents to use by the end of April at any restaurant that has signed up to partner with the town.

The funding will come from the town's Health Center Fund, which was set up to help charitable efforts in the community.



## Fredericksburg's residents 'Step Outside, Say Hello!'

THE CITY OF FREDERICKSBURG is asking residents to step outside at 6 p.m. every night as a way to connect with neighbors and check on people's well-being during the COVID-19 outbreak. The program started March 27.

According to the city website, "We ask every household in the City to step outside and say 'hello' to your neighbors. Practice social distancing but check on folks in your neighborhood from your front porch. This is an important campaign that everyone can participate in. Imagine thousands of households checking in our community... that's what we are all about! It's especially important to check on our elderly and disabled populations. It's simple! Tonight, and every night, at 6:00 p.m. 'Step Outside, Say Hello!' – you can do your part to ensure our neighbors are doing okay during this challenging time."



## Wytheville has been down this road before

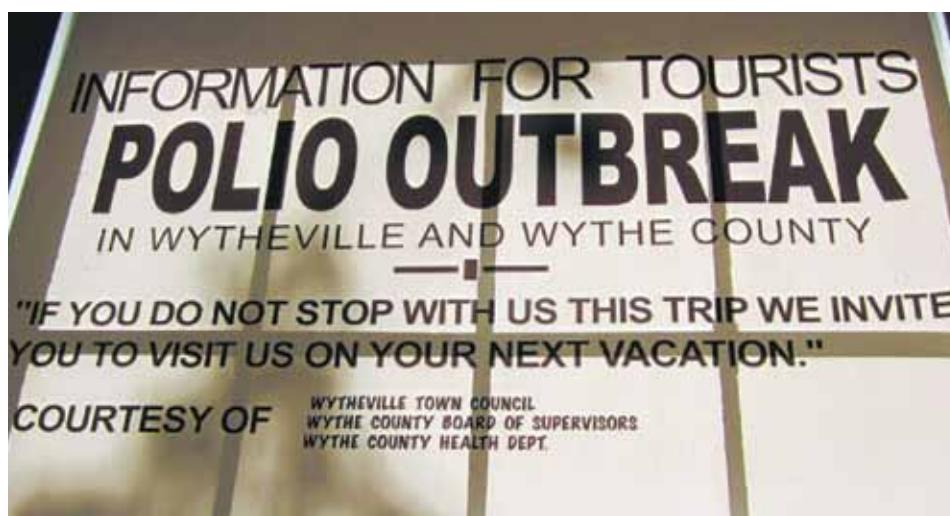
IN 1950, WYTHEVILLE AND WYTHE COUNTY were the epicenter of the polio epidemic. It began in the summer when a 20-month old child in the area was diagnosed with polio. By the time the epidemic was over at the end of the summer, the

Wytheville area had the highest number of polio cases per capita in the country. The death rate was twice the national average.

As the virus spread, Wythe County and the town of Wytheville shut down. Schools were shut until October. Signs were

posted at the town's border telling people not to stop. In an article in the *SWVA Today*, former Virginia State Delegate and former Town Council Member Anne B. Crockett-Stark described what happened when her brother was diagnosed with polio. The family relied on the garden for food, but the grocery store delivered boxes which were placed on the sidewalk.

The town's Thomas J. Boyd Museum has an exhibit on the polio outbreak, and the full article in the *SWVA Today* can be found by searching [www.swvatain.com](http://www.swvatain.com).

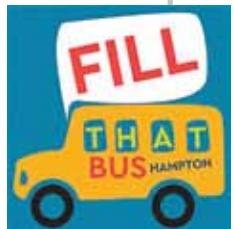


## Hampton sponsors 'Fill That Bus' event

WORKING WITH THE VIRGINIA Peninsula Food Bank and the United Way, the City of Hampton sponsored the "Fill That Bus, Hampton," campaign – a community-wide drive to collect non-perishable food items, diapers, infant formula and cleaning supplies for seniors, children and other Hampton residents in need during the coronavirus crisis.

Donations were accepted in late March at several sites in

the city. Items were collected using "drop & go" boxes and a "car to car" service to ensure social distancing and personal safety for donors and city employees. Donated items will be stored for a time as an additional safety measure against potential surface viruses until they can be given to the Food Bank, Hampton's Healthy Families office, and other local agencies.





## Williamsburg Regional Library provides WIFI hotspots

DOING ITS PART TO KEEP the Williamsburg area connected while the library system is closed, the Williamsburg Regional Library is providing mobile WIFI hotspots to allow easy access to the internet.

The library system has created a schedule showing the location of the mobile hotspots as well as a spreadsheet of public WIFI hotspots in the area. The service area for the regional system is Williamsburg, James City County and York County.

## Hillsboro announces community emergency fund

THE TOWN OF HILLSBORO recently announced that the Hillsboro Preservation Foundation has created the Hillsboro Coronavirus Emergency Fund, which can be used for short-term financial support for those affected by the COVID-19 pandemic. The fund is financed entirely by provide donations and can provide families in need with \$500 each.

More information is at [www.hillsboropreservation.org](http://www.hillsboropreservation.org).



## Loudoun County creates job portal, interactive maps

Maps & GIS Resources Relevant to the COVID-19 Pandemic  
This page provides geospatial resources (maps, interactive applications, and other data) that are relevant to Loudoun County's COVID-19 public health threat.

Visit Loudoun County's dedicated coronavirus resource page for current information and resources for residents and businesses.

**Loudoun County Applications**

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- 
- 
- 

**LOUDOUN VIRGINIA**  
Coronavirus Workforce Resources for Employees and Job Seekers

SEEKING TO HELP RESIDENTS cope with the coronavirus pandemic, Loudoun County has created a countywide job portal that filters all positions currently open in the county. Even with the economic downturn and loss of jobs, recruitment for some positions is still on-going. Indeed, at this point some industries like data centers, cybersecurity firms, logistics and agriculture have seen an uptick in jobs. For more information, go to [biz.loudoun.gov/loudounjobs](http://biz.loudoun.gov/loudounjobs).

The county also has created an interactive map featuring restaurants and retail businesses with takeout, curbside or delivery options. This site also features maps that provide useful information for older residents, those with health issues, or those experiencing food insecurity. See the maps at [loudoun.gov/COVIDresourcesmap](http://loudoun.gov/COVIDresourcesmap).

## Richmond creates no-interest disaster loan program for small businesses

THE RICHMOND ECONOMIC DEVELOPMENT AUTHORITY announced on April 2 the creation of the Richmond Small Business Disaster Loan Program (COVID-19), which will offer interest-free emergency loans of up to \$20,000 to small businesses within the city limits. According to the media release, the program is intended to provide relief to small businesses who have been affected by the COVID-19 pandemic. Monies will go toward paying employee wages as a way to empower local, small businesses to continue operating and keep employees on their payroll.

The maximum loan amount for the program is six months of current employee wages or \$20,000, whichever is less. Loan payments will be disbursed over six months. Repayment of the loans will be deferred for six months, followed by 48 months of no-interest payments.



# Take the extra step for Virginia's Environment

**One giant leap by the General Assembly moves Virginia's climate efforts one step forward**

**W**ITH SO MANY BUSINESSES CLOSED, social gatherings prohibited, and our normal activities indefinitely put on hold, I don't think I'm the only Virginian to have noticed that we're having a beautiful spring! The days have been mostly sunny, the weather mostly calm and temperatures mostly pleasant. So, while everything else about 2020 seems to be collapsing around us, the season seems to be conspiring to bring us together (so to speak) to enjoy nature's gifts. It's a stark reminder that, at a time when we need them most, things like fresh air, sunshine, clear skies and birds singing in budding trees can do wonders for the soul.

The present moment is also a stark reminder that all the hustle and bustle of human activity isn't always great for the planet. They say the skies in India are a clearer blue than seen in many years and the water in the canals of Venice is unclouded. The smog in China has dissipated dramatically and seismologists report that the ambient noise in the earth has subsided due to the decreased traffic (I'm not making this up).

But then, environmentalists have long observed that we damage the planet at our own peril.

On April 11 those advocating for the environment in Virginia got a big boost when Governor Ralph Northam signed into law one of the most expansive pieces of environmental legislation in Virginia's history – the Virginia Clean Economy Act (VCEA). Love it or hate it (or too busy figuring out video conferencing to care), there's no denying that the VCEA sets lofty goals that will change the way Virginians produce, consume and pay for energy for decades to come.

With all this mind, we bring you some perspectives on the steps Virginia is taking to make the outdoors better for all of us.

**The big deal.** L. Preston Bryant Jr. helps us understand the VCEA.

**A small town's success.** The Town of Warsaw staff explains how Warsaw transformed an eyesore into a green win.

**Leading the way.** Bob Lazaro tell us why Virginia's renewable energy transition got its start in Northern Virginia.

**Parks and recreation.** VRSA staff offer advice on how to decrease risk and keep these important places open.



# Understanding the Virginia Clean Economy Act

## 2020 General Assembly moves to transform how Virginia generates energy



THE VIRGINIA GENERAL Assembly has passed for the second time in three years legislation that stands to transform the way the state's electricity is generated, decarbonized, and made more efficient.

The Virginia Clean Economy Act (VCEA) – embodied in HB 1526 and SB 851 – was introduced by Del. Rip Sullivan of Arlington County and Sen. Jennifer McClellan of Richmond. It is perhaps the most technically complex legislation passed by the 2020 General Assembly.

The bills were strongly supported by clean-energy advocates such as Advanced Energy Economy, the Maryland-DC-Delaware-Virginia Solar Industry Energy Association, the Energy Foundation, the Virginia Renewable Energy Alliance, and the Virginia Energy Efficiency Council, among others. Dominion Energy and Appalachian Power – the state's major power producers – collaborated in negotiating the VCEA's details.

Governor Northam signed the legislation into law on April 11.

So, what does the VCEA do? And how will it affect Virginia's citizens and businesses?

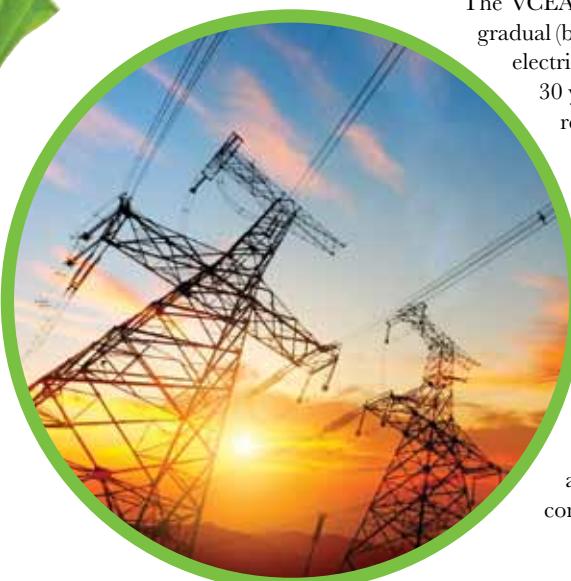
First, a bit of background.

### The Grid Transformation and Security Act (GTSA) of 2018

In 2018, the legislature passed the Grid Transformation and Security Act (GTSA), which required major new investments by Dominion Energy and Appalachian Power to modernize (i.e. strengthen and make more reliable) the electricity transmission and distribution grid. The GTSA also authorized thousands of megawatts of solar and wind energy, required new investments in energy efficiency and conservation, bolstered State Corporation Commission (SCC) oversight, and provided ratepayers hundreds of millions of dollars in credits and rate relief.

The VCEA builds upon the GTSA by charting a gradual (but aggressive) course to make Virginia's electric grid 100% carbon-free by 2050. In 30 years, all energy will be generated from renewable sources, such as solar, wind, and hydro power, and from emissions-free nuclear plants. No more coal-, petroleum-, or natural gas-based electricity generation.

Also integral to the VCEA are cost controls and ratepayer protections, achieved by increased SCC authority, closely guarded energy generation project construction costs, periodic renewable energy cost studies, and an energy payment assistance program for low-income consumers.



## Virginia Clean Economy Act

### Get to know the VCEA

The VCEA is a long and complex bill. It charts a course – beginning now – to dramatically transform Virginia’s energy generation over the next 30 years. To better understand all the parts and pieces of the VCEA, it’s helpful to break the legislation into categories.

**Category 1 – Retire fossil-fuel and biomass plants, move to renewable energy sources.** The VCEA moves Virginia to “zero-carbon electricity.” It sets dates by which Dominion Energy and APCo must close certain fossil-fuel and biomass power plants. Some will be closed by 2024, others by 2028 or 2045.

Today, according to federal energy figures, more than one-half of Virginia’s electric grid is powered by natural gas, with nuclear energy accounting for about one-third, coal about one-tenth, and the small remainder from renewable sources and woody biomass.

As carbon-emitting power plants are closed, Virginia will employ an incremental renewable portfolio standard (RPS) (see sidebar) to transition to an electricity grid based heavily on renewable energy sources. This transition begins right away. In 2021, Dominion’s power will be at least 14% renewable; APCo’s will be at least 6% renewable. By 2030, Dominion will have moved to at least 41% renewable energy generation, APCo to at least 30% renewable energy. And by 2045 Dominion will generate 100% its power from non-emitting sources, and by 2050 APCo’s power will be generated fully from clean sources.

**“Congratulations Virginia! VCEA is now law. We’ve waited a long time for this outcome. VCEA shows our Commonwealth can be forward-facing and is the first step towards future electrification providing benefits in environmental resilience and economic prosperity for both individuals and industry. It will be instrumental in “greening the grid” through numerous methods, including Solar Freedom.”**

**Dan Sze** – Council Member, City of Falls Church and advocate for sustainability and clean-energy initiatives



proposing the state’s energy production be 30% from renewable sources by 2030 and fully carbon-free by 2050.

Among the most controversial power plant closures is the Virginia City Hybrid Energy Center, which Dominion constructed for \$1.8 billion and opened in the town of St. Paul, in Wise County, in 2012. It’s a 600 MW facility that burns coal and biomass and is subject to among the most restrictive air permits in the country. The plant accounts for millions of dollars in local tax revenue and economic benefit and reportedly supports some 600 direct and indirect jobs in the region. Early versions of the VCEA called for the plant’s closure by 2030; the final version mandates its retirement by 2045.

**Category 2 – Renewable energy: Utility scale solar and onshore wind.** Virginia’s renewable energy industry continues to grow. According to the Solar Energy Industry Association, Virginia ranks 18th nationally with nearly 900 MW of installed solar. The solar industry currently employs about 4,500 people and passage of the VCEA may bump that to nearly 30,000 industry jobs over the next 10 years.

The state’s first utility-scale wind project is to be built in Botetourt County. The 75 MW Rocky Forge wind farm will produce enough energy for 21,000 homes.

Overall, the VCEA requires Virginia’s utilities to develop at least 16,100 MW of solar and onshore wind power by 2035. Next year, Dominion and APCo will begin increasing their renewable energy portfolios, by set percentages, with a focus on in-state production. Beginning in 2025, at least 75% of Dominion’s incrementally increased renewable energy must be generated from within the state, with no more than 25% produced outside Virginia and transmitted to the in-state grid. And at least 35% of all new renewables-based megawatts must be competitively procured by utilities from third-party developers.

### Category 3 – Renewable energy: Distributed solar & net metering and offshore wind.

Let's examine the key points of each of these renewables in turn.

#### Distributed solar and net metering:

- Distributed solar is small-scale rooftop or ground-mounted solar power generation, usually located at homes, farms, single businesses, or small communities.
- Net metering, generally, credits customers for every kilowatt of solar power produced and used onsite, with the utility charging only for the balance of any needed electricity that's pulled from the grid.
- The VCEA allows a residential solar system to be up to 25 kW, up from 20 kW, and the maximum project size for net metering is boosted from 1 MW to 3 MW.
- Additionally, the VCEA significantly increases from one percent to six percent the net-metering cap in both Dominion and Appalachian Power territories.



#### Offshore wind:

- In the VCEA, renewable energy from offshore wind is a significant enough issue – especially given its magnitude and cost – to be addressed separately from solar and onshore wind.
- Dominion committed in 2018 to developing a first-stage 12 MW wind project some 27 miles off Virginia Beach, enough to serve about 3,000 customers. This would be followed by development of more than 2,600 MW of offshore wind by 2026 to power some 6,500 homes.
- The VCEA authorizes twice this amount – up to 5,200 MW of offshore wind by 2034, powering thousands more homes, and making Dominion's offshore project the largest in the country.

### Category 4 – Energy efficiency.

Arguably, the most cost-effective way to stretch a kilowatt is to make Virginia's current energy infrastructure more efficient. As such, energy efficiency provisions are integral to the new clean-economy law.

The VCEA mandates that by 2025 Dominion must "save" 5% of its current electricity load; Appalachian must save 2% of its current load within the same timeframe. The bill also disallows any new carbon-based power projects unless they adhere to higher energy-efficiency requirements. Dominion and APCo are offered rate-of-return incentives to exceed their respective energy savings targets.

**Category 5 – Energy storage.** Any discussion of renewable energy eventually arrives at the problems associated with storing energy. Stored energy is a power source to be drawn upon when the daily power load may need a boost because the sun isn't shining, or the wind isn't blowing. Virginia has a long history with pumped-hydro energy storage, such as Dominion's Bath County pumped storage station and APCo's Smith Mountain Lake dam and pumped storage generation facility. There continues to be technological improvements to batteries and development of "run-of-river" hydroelectric facilities. Significantly, VCEA does not dictate an energy storage technology, but to manage costs it does require all storage projects to be competitively procured.

The VCEA requires 3,100 MW of energy storage to be developed by 2035; Dominion will produce 2,700 MW and APCo will produce 400 MW. More than one-third of all energy storage must be developed or owned by entities other than Dominion or APCo.

**Category 6 – Virginia to join RGGI.** Gov. Terry McAuliffe set in motion via executive order Virginia's move to join the Regional Greenhouse Gas Initiative (RGGI), a 10-state carbon dioxide cap-and-trade organization. Gov. Northam also has supported Virginia's membership, though the 2018 General Assembly put the brakes on it.

The VCEA requires Virginia's Air Pollution Control Board to adopt regulations allowing big power producers to cut carbon emissions by generating and trading carbon dioxide credits, though such can be done only through 2050, the year by which Virginia should be fully transitioned to a zero-carbon electricity grid. Half of the proceeds from the carbon dioxide buy-sell transactions will be used for energy-efficiency programs for low-income residents; the other half will be used to help tackle local flooding problems, especially in low-lying eastern Virginia.

### Category 7 – Ratepayer protection: Enhanced regulatory oversight, project cost controls, and low-income assistance.

The General Assembly gave a lot of attention to the VCEA's costs – how it stands to affect Virginia residential, commercial, and industrial electric bills. Some legislators asserted that moving to a predominantly renewable energy grid would significantly add to monthly bills, while others argued that the move would lead to only a minimal increase and maybe even result in lower monthly bills.

Outside opinions were similarly divided. The SCC opined that the VCEA could add \$12 to the average residential monthly electricity bill. On the other hand, a private consultant to clean-energy advocates calculated the law could save a household nearly \$3.50 per month.

Major industries, such as manufacturers, who use massive amounts of electricity, remain concerned that Virginia's move to renewables could mean big increases to their costs. Big retailers fear this, too.

To placate these fears somewhat, the VCEA gives the State Corporation Commission increased power to check project costs and regulate utilities' rates of return. The SCC can, for example, reject any renewable energy project's costs it thinks unreasonable. It also must ensure that proposed energy projects don't inordinately impact historically disadvantaged communities.

Additionally, for Dominion's multi-billion-dollar offshore wind project, the law gives the SCC considerably more oversight. The SCC will scrutinize and approve the project's various cost elements, and its overall cost can be no more than 1.4 times that of a natural gas combustion turbine.

Finally, the law creates the Percentage of Income Payment Program (PIPP), which limits monthly energy bills for certain low-income ratepayers to a percentage of household income. This provision received broad support.

## Conclusion

In recent years, General Assembly members have introduced an increasing number of energy-related bills – dozens, in fact – with renewable energy, energy efficiency, and regulatory oversight characterizing most of them. This trend is likely to continue as legislators revisit and revise the law to meet minor and major challenges.

In the meantime, may the sun shine bright and the wind blow strong! 

**About the author:** L. Preston Bryant Jr. is a senior vice president at McGuireWoods Consulting, where he works in the firm's infrastructure and economic development group. He formerly served on Lynchburg City Council, in the Virginia House of Delegates, and as Virginia Secretary of Natural Resources. Mr. Bryant is a VML consultant on environmental and energy issues.

# A downtown revitalization goes green (to get the green)

## A tale of stormwater, fish and wildlife, an abandoned shopping center and a town determined to succeed

MANY LOCALITIES ACROSS the country are home to at least one abandoned or derelict mall or shopping center. Until recently, the Town of Warsaw was no exception with an abandoned strip mall covering nearly 12 acres just adjacent to the downtown area. So, when town leaders embarked upon a multi-million-dollar downtown revitalization the strip mall presented a problem. True, their revitalization plans included many of the beautification projects typically associated with such efforts: new brick sidewalks, decorative lighting and landscaping, gateway signage, and an overall improved aesthetic.

However, no amount of beatification would overcome the sight of the derelict shopping center. Town Manager, Joseph Quesenberry, puts it this way: "Perception is reality, and in this case, having a blighted shopping center in the heart of your town gives the perception that folks have given up on Warsaw as a place to do business. We knew we had to address this and do it in the most efficient and environmentally conscious way possible."

The process was difficult from the start. The vacant property was in foreclosure and several bonds spanning many years were still held. Buying it outright was not an option as the asking price, which at one time hovered near \$2,000,000, wasn't feasible for the small locality. However, with solid legal guidance and sheer persistence, town officials pursued

eminent domain and in 2017 purchased the property for \$400,000.

With the property now in hand, Warsaw was finally ready to make its dream of a fully revitalized downtown come to life. The town released a request for proposals and hired Hurt & Proffitt Engineering and Land Planning Design Associates (LPDA) to assist in finalizing plans and renderings for the proposed space. Council and staff hosted citizen forums to solicit input from residents on what they wanted to see in place of the old shopping center. Even with the plans and information, the town still needed money to realize the community's collective vision of a shared greenspace.

At this point, town officials and Northern Neck Planning District Commission staff got creative. Realizing that the funds could be secured if the project could be tied to an environmentally grounded project, they successfully applied for and received a DEQ Stormwater Local Assistance Fund (SLAF) Grant of \$615,000, and a National Fish and Wildlife Foundation (NFWF) Grant of \$200,000 to install a 1.14-acre stormwater pond with public greenspace.

The bids to complete the project came in higher than what was hoped, but town staff negotiated the lowest bid price down to \$800,000, or \$15,000 below grant totals for the project. S.B. Cox of Richmond won the bid for demolition and Earth Crafters of Fredericksburg won the bid for construction.

**The eyesore.**





**Down with the eyesore!**



(L-R) Faron Hamblin, Council Member; Lee Capps, Former Economic Development Director; Ogle Forrest, Sr., Council Member; Paul Yackel, Vice Mayor; Ralph W. Self, Council Member; Rebecca C. Hubert, Council Member; Joseph N. Quesenberry, Town Manager; Roger R. Lee, Former Council Member; Randall L. Phelps, Mayor; Dennis Amos, Project Engineer – Hurt & Proffitt Engineering



The blank canvas.

## Three projects in one

Warsaw's revitalization project started out with the simple goal of beautification. However, thanks to the SLAF and NFWF grants the completed facility will serve three purposes:

- **Environmental:** A new stormwater drainage network along Main Street, where flooding was prevalent during even mild rain events, will mitigate flooding.
- **Quality of Life:** A nearly 12-acre greenspace will house the main pond, a 20' tall LED multi-colored fountain, walking trails that connect to existing trails along a small creek and throughout several neighborhoods. Plans also call for an outdoor farmers market and amphitheater.
- **Commercial:** A real estate developer has already pledged to build a 50 home subdivision around the new greenspace, highlighting the private sector's enthusiasm for such projects.

It just goes to show that revitalization projects come in all shapes and sizes (and some turn out to be environmental projects too). 

Located in the heart of one of America's oldest regions, the Town of Warsaw serves as the epicenter of the Northern Neck. Top ranked schools, one of the most pristine rivers in the country, and an exceptional quality of life can all be found in our town limits.



# NoVA and the VCEA

## How Northern Virginia's trend-setting localities set the stage for Virginia's energy transition

**T**HE “VIRGINIA CLEAN Economy Act” (VCEA) and “Solar Freedom Act” are historic for their comprehensive policies enabling Virginia to reduce greenhouse gases and substantially increase the amount of solar in the Commonwealth over the next 30 years. Virginia, long viewed nationally as an energy and climate laggard, now stands to ascend within a generation to the levels of a national and perhaps even global pioneer. For those dedicated to environmental issues, it is an exciting time.



As Executive Director at the Northern Virginia Regional Commission (NVRC), I want to take this opportunity to outline how our group’s leadership – and that of local governments from Northern Virginia – contributed to this moment. Arlington County, Fairfax County, Loudoun County, City of Alexandria, Town of Vienna, City of Falls Church and many others, helped to create the foundation for today’s state-wide legislative successes on climate and energy.

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### Leading the way for regional solar success

The success of local-level solar programs in Northern Virginia has been amplified by region-wide approaches, especially the Solarize NOVA program. Solarize NOVA is a non-profit, community-based outreach initiative sponsored by the NVRC and the Local Energy Alliance Program (LEAP). As a core function, Solarize NOVA facilitates installations of solar photo-voltaic (PV) units through bulk purchasing and free solar site assessments.

Concurrently, NVRC, working in partnership with the National League of Cities (NLC) and SolSmart, has worked to introduce more efficient means of administrating solar permits and approvals to overcome the often-cumbersome permitting processes that can account for as much as 64% of the total installed residential system price. Since its inception in 2014, Solarize NOVA and the parallel efforts with NLC/SolSmart have contributed over 3MW of new solar PV power with 370 contracts worth over \$8.8 million – as well as earning recognition for Northern Virginia as one of the first SolSmart “Gold” regions in the United States. Six of the nine permitting localities in the region have achieved various levels of SolSmart designation.



Solarize NOVA provides home and business owners a “NOVA Solar Map” that shows how much solar energy can be generated by the rooftop of their home and/or business.

### Pioneers of community energy planning

The climate pioneering of Northern Virginia's communities has been on display for many years. For example, in 2009, Loudoun County was among the earliest communities that aspired to install 100 MW of solar PV by 2040 via the precedent-setting "Loudoun County Energy Strategy." The NVRC was proud to lead the coordinated effort that made this strategy possible. Arlington County soon followed suit in 2013 with an even more aggressive strategy as part of its "Community Energy Plan" (CEP), and commitments to install 160 MW by 2050.

To fully appreciate the ambitiousness of these plans, keep in mind that in 2007, the Commonwealth of Virginia was ranked 43rd in the United States for installed solar photovoltaic capacity. Thanks in part to the far-reaching goals of these plans, by 2020 Virginia had over 950 MW of installed solar photovoltaic capacity making it 17th in the U.S.

The imaginative use of tools such as large-scale Purchase Power Agreements (PPA) – especially in the construction and operation of public schools and other buildings – has been critical to the success of Northern Virginia's efforts. For example, in December 2019, Fairfax County completed the state's largest PPA by a local government. The Fairfax PPA calls for the construction of approximately 110 roof-mounted solar arrays on public buildings which will generate the equivalent of 1.73 MW hours of carbon-free energy and result in cost savings of approximately \$60 million for the county over the lifespan of the agreement. Another example of Northern Virginia's energy entrepreneurship is Arlington County's recent agreement to work with Amazon Web Services in the development and co-purchase of the "Amazon Arlington Solar Farm Virginia." Arlington County will use the solar energy generated from the project to power approximately 80% of its government-owned and operated buildings, streetlights and facilities.

### Let's talk energy efficiency

The Virginia Clean Economy Act prioritizes energy efficiency through the Commonwealth's first binding energy efficiency savings targets including a 5% energy savings goal for Dominion Energy over a 2019 baseline by 2025. Here again, multiple regional-level energy efficiency programs in Northern Virginia helped fuel the state-wide innovation incubator. For nearly five years, NVRC has worked with LEAP and Community Housing Partners (CHP) to provide comprehensive energy efficiency programs for the region's residential sectors. At no cost to owners, LEAP staff conduct blower-door tests, use thermal imaging and replace conventional light bulbs with LED lighting. Additionally, CHP has assisted in the weatherization of multi-family residential and single-family units. To date, more than 5,100 households have been assisted.

Finally, I want to cite the success of the "Property Assess Clean Energy" (PACE) program, another trend-setting energy efficiency program ensconced in Northern Virginia's energy and climate policy landscape. PACE is a long-term loan (20-years), secured by liens with a priority status of a tax assessment, that supports clean energy on commercial buildings. Prior to the program expansion of renewable energy sources, building retrofits and financing of energy efficient lighting projections were often slowed down due to the absence of long-term, no-money-down finance tools. In 2017, Arlington County was the first locality in the Commonwealth to approve PACE legislation. In the last three years, the Town of Dumfries and Loudoun and Fairfax counties have also approved equivalent, enabling legislation.



### The road ahead: solar and data centers

The energy and climate horizon beyond VCEA will almost certainly involve a steady focus on expanding renewable energy (especially solar) for the Commonwealth as a whole, and the energy management of data centers for Northern Virginia specifically.

**More Solar.** Moving Virginia into the ranks of the top 10 solar producers of the US within the next decade should now be considered a reasonable goal, especially through the expanded use and application of the VCEA's new mandatory renewable portfolio standards and tools such as PPAs by local governments. The result will mean not just clean energy and improved air quality, but very positive collateral economic effects. Every 20 MW of added solar photovoltaic energy installed in Virginia currently generates \$11.2 million of economic output and \$5.4 million in earnings from salaries and wages, and 85 full-time equivalent jobs. At present, Virginia employs approximately 4,000 solar workers at a growth rate of approximately 9% per year. It is an understatement to note that these are trends worth nurturing.

The success of solar energy in Virginia will also require enhancing the kinds of innovative partnerships between Arlington County and Amazon via the "Solar Farm" procurement.

**Data Centers.** Northern Virginia is home to the most valuable data center market in the world with over 100 data centers handling approximately 70% of all global internet traffic. However, the energy needed to power Northern Virginia's data centers is substantial and projected to rise substantially. By 2019, there was over a gigawatt of collectively commissioned electricity from data centers in the region. Obviously, there are enormous environmental and economic benefits to focusing on the sustainable management of this energy attribute. That the major data center and co-location providers of the region declared ambitious carbon neutrality targets is a massive advantage for the state and region's climate programs. In this, as in so many other ways, the Commonwealth and Northern Virginia's energy and climate futures will be inextricably tied.

There is little doubt that Virginia is rapidly becoming an energy and climate leader. The pioneering local and regional efforts from Northern Virginia will remain a vital part of this story.

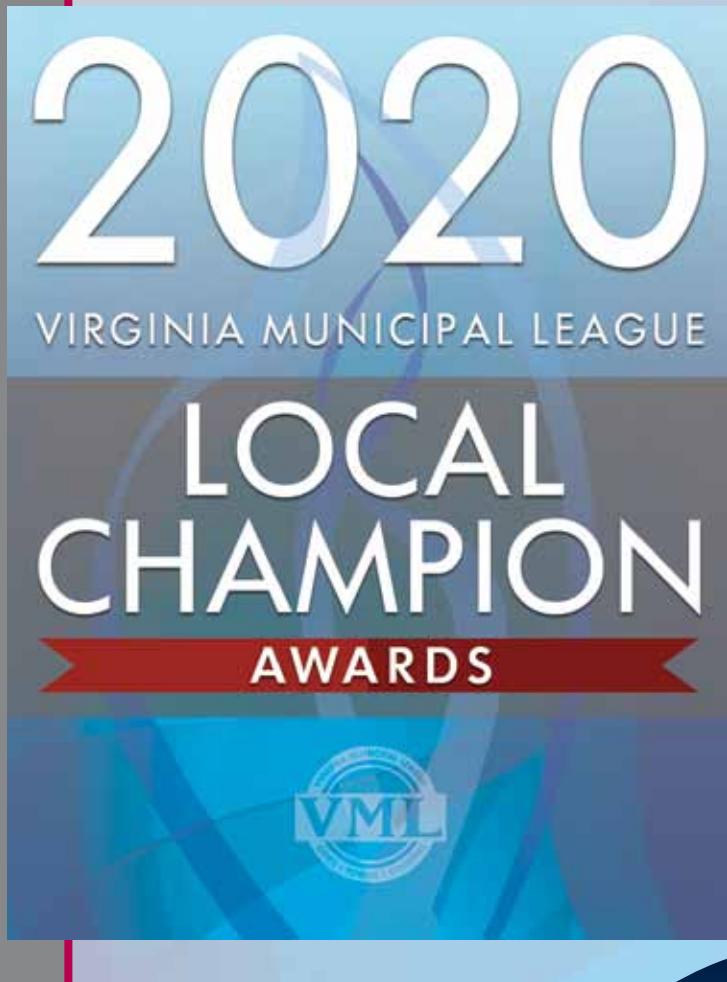
So, while the VCEA makes this an exciting time, there's more to come! 

**About the author:** Robert W. Lazaro Jr. serves as Executive Director for the Northern Virginia Regional Commission (NVRC). Mr. Lazaro served eight years as Mayor and two years as Town Councilman in the Town of Purcellville.

# Do you know a “2020 Local Champion?”

THIS YEAR, VML will be giving “2020 Local Champion” awards to highlight the hard work that our localities are doing to keep their citizens safe and healthy during the COVID-19 outbreak. Examples of “Local Champions” might be an agency that was willing to transition jobs to provide more effective help to the community, an economic development department that did something spectacular to help local businesses, a communications director who came up with a creative way to keep residents informed and involved, or a locality’s first responders who were steadfast in their jobs.

We are asking any interested local officials or staff to submit entries in as many of the categories below as they like. However, please submit only one entry per category.



## Categories

- Communication
- Community Health
- Continuity of Operations
- Economic & Business Stability
- Public Safety
- Risk Management
- Education & Youth Initiatives

## How to enter

Use our online Locality Champion 2020 form (currently in development) to submit your entries. For each, please include:

- The person, project, organization or department you want to nominate.
- A description of what they have done and why you feel they merit consideration
- Links to supporting materials

We will announce additional details about the contest and will let you know when the entry form is ready via *eNews*, social media and on our website soon.



# Maintaining and operating parks and recreation during COVID-19

AS RESIDENTS SEEK SAFE OUTDOOR areas for physical and mental health and wellness during the COVID-19 outbreak, the parks and recreational facilities that public bodies create and maintain are more important than ever.

VRSA members administer a variety of parks and recreation facilities, including traditional parks and playgrounds, ballfields, aquatic parks, ATV riding trails, ranges, golf and disc courses.

**The National Recreation and Park Association (NRPA)** recognizes that outdoor and green spaces provide “opportunities for physical activity” which is proven to reduce stress and improve mental health. As such, they advocate that despite the social limitations imposed by the current health crises, many park systems should continue to be used in a safe manner – following local, state and national ordinances.

The NRPA provides a number of recommendations for citizens on their website, [www.nrpa.org](http://www.nrpa.org), and encourages public bodies to “keep parks, trails and open spaces accessible as long as it is safe to do so.”

were known or should have been known by the public body and not addressed within a reasonable timeframe. This type of negligence may pierce the shield of afforded protection. Further, sovereign immunity for “recreational facilities” may not apply if the facility is not operated by the public body, even if it occurs on the premises of the public body.

Public bodies and their employees are entitled to varying degrees of protection from liability. §15.2-1809 of the *Code of Virginia* affords protection to towns, cities, and counties for ordinary or simple negligence with respect to the maintenance and operations of their parks, recreational facilities and playgrounds.

However, the statute assigns liability to the locality for the gross negligence of any of its officers or agents. By “gross negligence” the statute means adverse issues which

## Liability: volunteers and seasonal employees

As spring turns to summer, public bodies typically begin to add volunteers or seasonal employees. With the economic fallout of the COVID-19 pandemic affecting local governments’ operating budgets, unpaid volunteers are likely to play even more vital roles than in past years. There are some important things to remember about liability when staffing parks and recreational facilities.

First, it’s good to remember that when volunteers are authorized and supervised by the public body, they are covered under the public body’s liability coverage. Some public bodies implement risk management policies and procedures such as background checks for volunteers. Additionally, public bodies should confirm contracts of employment are not created with their volunteers. However, if injury to volunteers is a concern, VRSA may use our brokered services to find a policy to cover injuries to volunteers that is not provided through workers’ compensation.

Second, keep in mind that workers’ compensation covers employees, including seasonal employees. As defined by the Department of Labor, “seasonal employees” perform labor or services on a seasonal basis. For this purpose, employers may apply a reasonable, good faith interpretation of the term “seasonal worker” and a reasonable, good faith interpretation of the Department of Labor’s definition of seasonal worker. Seasonal workers who are not hired as employees, such as independent contractors, are typically not covered.

In Virginia two or more employers cannot contract an employee’s rights to workers’ compensation. This is addressed under Section 65.2-300 of the Virginia Workers’ Compensation Act. Thus, no contract or agreement relieves any employer of their obligation under that Act.



Another area human resources should be mindful of includes staffing levels. If you have 50 or more employees, you do not need to offer health insurance to seasonal employees if they are hired for a period not to exceed 120 days.

## Things to know about hiring minors

Young people are often a community's best resource for seasonal staffing needs in parks and recreation centers, but there are a few things to remember when hiring those under 18. In the state of Virginia, minors who work for a government agency do not need a work certificate. They also cannot authorize and submit to a background check; however, their parents may authorize that. Remember, there is a separate list of acceptable documents to be used when completing the I-9 Eligibility for Employment form. Depending upon their age, there are certain jobs a minor may not perform. Those 16 and under may not drive as part of the job; however, a 17-year-old may drive if they do not have a moving violation. Additionally, there are limitations on the number of hours 14-and 15-year-olds may work. Be sure to check the FLSA's Child Labor Laws for all the specifics related to hiring minors.

## Be ready for when public gatherings return

Many citizens use public buildings and grounds for events which may include reunions, picnics and weddings. Although these types of large gatherings are currently on hold, it's good to be ready for when they return. It is important not only to provide safe, well maintained premises, but also to ensure citizens are protected for their own liability

as it pertains to these events. Members of VRSA have access to the Tenant User Liability Insurance Program (TULIP) which provides cost-effective liability insurance to citizens using member-owned property. This insurance protects the member as well as the citizen. These policies will respond

to property damage to the premises as well as claims or suits resulting from personal injury damages from the event. There is a simple online application process for citizens to follow to obtain a quotation.

## Reduce the risk of playground injuries

Playgrounds allow children to grow, explore, socialize and interact. Installed and maintained properly, playgrounds can be incredibly beneficial for a community. Other than the Americans with Disabilities Act (ADA), there are no legal requirements for the installation, maintenance, and use of playgrounds. However, the Consumer Product Safety Commission (CPSC), the American National Standards Institute (ANSI), and the American Standard Test Methods (ASTM) have published their recommendations to provide safer places for children to play, with an emphasis on reducing life-threatening injuries.

Those maintaining playgrounds should be cognizant that the leading cause of death on playgrounds is entanglement, while the leading cause of injuries is falls. Inspections should be done routinely with the goal of mitigating these things in mind. Inspections should be documented to help identify entanglement hazards in which a piece of clothing, helmet, jewelry, or another article could be caught.

To create a safer playground, surfacing should be well-maintained, with the material and depth of material suitable for the maximum fall height of a child. Additionally, these check-ins should review park usage, vandalism, weather, and other factors that may affect the safety of the playground. Finally, the "use-zones" of specific equipment must be maintained, to ensure that children have adequate room to utilize the equipment without contacting other children or other structures.

## Inspection resources

By completing regular inspections, documenting the findings and correcting known hazards, our members can create a safer environment. Additionally, maintaining the parks to your "standard of care" can help in reducing the liability in the event of injury. It is important to understand that the CPSC, ANSI, and ASTM are all aware that their recommendations are not designed to prevent all injuries, but rather debilitating, life-threatening, serious injuries. Should you need assistance in identifying hazards, developing your standard of care, or conducting a playground inspection, VRSA is able to assist with a Certified Playground Safety Inspector (CPSI), recognized by the National Recreation and Parks Association.

For more information on parks and recreation safety, visit our website at: [www.vrsa.us](http://www.vrsa.us).

**About the authors:** *The Virginia Risk Sharing Association (VRSA) is the first and most financially sound self-insurance pool in the Commonwealth of Virginia. VRSA provides auto, property, liability, and workers' compensation coverage to Virginia's local political subdivisions.*



## The 2020 session ends ... but who doesn't expect changes?

AT ITS START, the 2020 General Assembly's members were focused on how to make, or resist, the changes promised in the results of the 2019 elections. For the first time in as long as anyone could remember far-reaching bills on topics such as the environment, gun control, transportation, the Equal Rights Amendment, elections, etc. etc. were in play. And significant legislation that would have languished or died in committees in previous years found its way to the Governor's desk in 2020.

Of course, all that seems like a thousand years ago now.

With the advent of the COVID-19 pandemic the actions taken by the 2020 General Assembly should be re-evaluated using a very different set of criteria. Specifically, what will the coronavirus pandemic mean for the health and well-being of people and the strength of the economy and for the capacity of state and local budgets to meet the needs of all Virginians? The answers to these questions will unfold in a short timeframe and are certain to dominate the reconvened session in April or perhaps even a special session later in the year.

At the request of Governor Northam and Secretary Layne, VML Executive Director Michelle Gowdy sent a letter to Director Erik Johnston of the Department of Housing and Community Development. The letter discusses two requests made of Governor Northam and Secretary of Finance Audrey Layne as a result of the unfolding financial impact of the COVID-19 pandemic:

1. Do not adjust state funding formulae to reduce the state's funding liabilities for state-mandated programs like public education.
2. Delay for at least one-year unfunded and underfunded state mandates enacted in the 2020 General Assembly Session and suspend regulations that incur costs on local government without providing meaningful benefits.

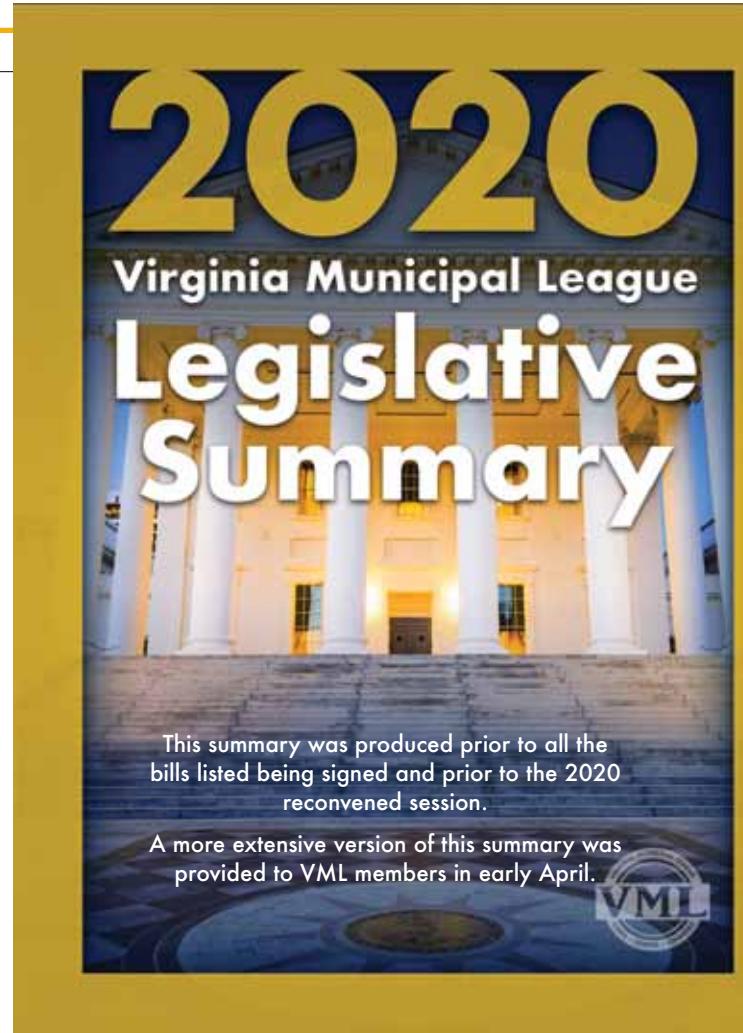
A copy of the letter is available at [www.vml.org/coronavirus-resources](http://www.vml.org/coronavirus-resources).

So, with the understanding that key components of the 2020 legislation will hopefully be revisited in the reconvened session and next January, here are summaries of bills of the greatest consequence to VML members.

### Topics:

- **Taxation & Finance**
- **Human Resource Management**
- **Transportation**
- **Public Safety & Courts**
- **Land Use**
- **Broadband**
- **Local Authority**
- **Housing**
- **Elections**
- **Health & Human Services**
- **K-12 Education**
- **Procurement**

**Note:** Items marked with an **asterisk (\*)** indicate unfunded/underfunded mandates that VML has requested be delayed for a year. Stay tune to *eNews* for updates.



### Taxation & Finance

**Peer-to-Peer Rentals:** SB735 (Newman) establishes insurance, taxation, recordkeeping, disclosure, and safety recall requirements for peer-to-peer vehicle sharing platforms defined in the bill.

The compromise embedded in SB735 calls for a 6.5 percent tax rate in FY21 increasing to a permanent rate of 7 percent in FY22. The "discounted" tax rate would only apply to clients of the sharing platforms who have placed ten or fewer vehicles on the platforms. The 10 percent tax rate would remain in place for customers who rent from businesses with more than ten vehicles on the sharing platforms.

**Plastic Bags:** HB534 (Carr) / SB11 (Ebbin) authorizes any county or city, beginning no earlier than January 1, 2021, to impose a tax of five cents per bag on disposable plastic bags provided to consumers by certain retailers, with some bags being exempt from the tax. The bill allows every retailer that collects the tax to retain a portion of the five-cent tax and provides that the revenue accruing to the county or city shall be used for specific purposes including environmental cleanup and the provision of reusable bags.

**Personal property tax exemption:** HJR103 (Helmer) provides that one motor vehicle of a veteran who has a 100 percent service-connected, permanent, and total disability shall be exempt from state and local taxes. The proposed state constitutional amendment stipulates that only automobiles and pickup trucks qualify for the exemption. Additionally, the exemption is only applicable on the date the motor vehicle is acquired or the effective date of the amendment, whichever is later, and is not applicable prior to the effective date of the amendment.

The General Assembly's action with HJR103 triggers the legislature's muscle memory to require localities to pay for political issues

and policies unrelated to local responsibilities and obligations. Because an identically worded resolution passed the 2019 Session, the proposed amendment is eligible to be placed on this November's ballot. HB1268 (Helmer) is the mechanism to put in place the referendum.

**Local tax authority:** HB785 (Watts) / SB588 (Hanger) grant counties the same taxing powers now authorized for cities and towns, including admission taxes, meals taxes, transient occupancy taxes, and cigarette taxes. Under current law, when compared to cities and towns, counties are not authorized to impose certain taxes and are limited in the rates that they may impose for other taxes. The provisions of this legislation related to cigarette taxes would become effective July 1, 2021.

The other provisions of this bill would become effective July 1, 2020. Virginia's cities and towns will lose future tax flexibility concerning cigarette taxes because of caps placed on rates exceeding 2-cents per cigarette, meaning local governments risk becoming even more dependent upon real and personal property taxes.

## Human Resource Management

**\*Collective bargaining:** HB582 (Guzman) / SB939 (Saslaw) permit localities to adopt local ordinances authorizing them to (i) recognize any labor union or other employee association as a bargaining agent of any public officers or employees to include public school employees, except for Constitutional Officers and their employees and (ii) collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter related to them or their employment. Employee strikes are prohibited.

**\*Minimum wage:** The final version of SB7 (currently awaiting the Governor's signature) is a more gradual increase to the minimum wage than originally proposed. This bill states that prior to January 1, 2021 every employer shall pay the federal minimum wage. Then:

- January 1, 2021 until January 1, 2022 the rate shall be \$9.50/hr.
- January 1, 2022 to January 1, 2023 the rate shall be \$11.00/hr.
- January 1, 2023 to January 1, 2025 the rate shall be \$12.00/hr.
- January 1, 2025 to January 1, 2026 the rate shall be \$13.50/hr.
- January 1, 2026 to January 1, 2027 the rate shall be \$15.00/hr.

After January 1, 2027 the minimum wage will be the adjusted state hourly minimum wage. In all cases, the employer shall pay the federal minimum wage if it is higher than what is required by the legislation at that time.

To determine the adjusted state hourly minimum wage, the Commissioner of Labor and Industry will consider many factors including the U.S. average consumer price index and the urban consumer price index or successor indexes.

As a final measure, the bill states that prior to July 1 of 2024, the bill must be reenacted (passed again) by the General Assembly. Otherwise, the Commissioner of Labor and Industry shall establish the adjusted state hourly minimum wage by October 1, 2024 and annually thereafter.

In addition, beginning in January of 2022, the Department of Housing and Community Development along with the Virginia Economic Development Partnership and Virginia Employment Commission will look at the feasibility and potential impact of a regional minimum wage. Factors to be considered include:

- Potential impact on employers and any fringe benefits offered to employees.
- Potential impact on workers with a focus on income inequality and the equity.

• Fairness of the exemption for farm laborers or farm employees along with the economic benefits or impacts.

A final report is due no later than December 23, 2023.

**\*Workers' compensation:** PTSD for fire-fighters and law enforcement: HB438 (Heretick) and SB561 (Vogel), which are the same, state that a board-certified psychiatrist or psychologist with experience in PTSD shall make the diagnosis, there must have been a qualifying event and that event must be a substantial factor in the PTSD. A qualifying event is an incident or exposure occurring in the line of duty on or after July 1, 2020:

1. Resulting in serious bodily injury or death to any person or persons
2. Involving a minor who has been injured, killed, abused, or exploited
3. Involving an immediate threat to life of the claimant or another individual
4. Involving mass casualties
5. Responding to crime scenes for investigation

**\*Workers' compensation:** presumption for firefighters and law enforcement: HB783 (Askew) and SB9 (Saslaw) require 5 years of continuous service, would not require proof of exposure to a toxic substance, and add testicular, colon and brain cancer to the list of cancers presumed to be occupational diseases.

**"Ban the Box"** – HB757 (Aird) prohibits localities from inquiring about arrests, charges or convictions on employment applications unless the position is "sensitive" as determined by the locality.

## Transportation

**Omnibus transportation bill:** HB1414 (Filler-Corn) / SB890 (Saslaw) adopt numerous structural changes to the transportation funding system in the Commonwealth. Under the legislation, most transportation revenues are directed to a new Commonwealth Transportation Fund and the existing Highway Maintenance and Operating Fund. Funds are then disbursed, based on new funding formulas, to sub-funds established to meet the varying transportation needs of different modes of transportation.

The existing gas tax based on a percentage of the wholesale price of gasoline and diesel fuel is converted to a cents-per-gallon tax. The gasoline tax will be raised a nickel a year for two years (to a total rate of \$0.262 per gallon) and then indexed to inflation each year after. The regional gas tax will be converted to a rate of \$0.076 per gallon of gasoline and the regional fuels tax will be levied in all regions that do not currently have a regional motor fuels tax. This revenue will be directed to the regional construction district grant program in SMART SCALE.

State registration fees for motor vehicles will be lowered by \$10, while allowing local governments to levy registration fees at the same rate as was levied by the State on 1/1/2020. The Department of Motor Vehicles will also implement a Highway Use Fee for alternative fuel and fuel-efficient vehicles. Anyone who has a vehicle subject to this new fee may instead choose to enroll in a mileage-based user fee program to be developed by the Department. The legislation also eliminates the \$5 in-person service fee for vehicle registrations at the Department of Motor Vehicles.

In Northern Virginia, the regional transportation improvement fee used to support WMATA is lowered to \$0.10 per \$100 for the recordation of conveyance of deeds. A new regional congestion fee is imposed at a rate of \$0.15 per \$100 for the recordation of conveyance of a deed. The regional transient occupancy tax is raised from \$2 to \$3.

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The bill authorizes the use of transportation bonds to complete the final section of Corridor Q of the Appalachian Development Highway System and authorizes a bond issuance for improvements in the Interstate 81 and construction of passenger rail facilities.

The bill establishes a new Virginia Passenger Rail Authority, an independent authority to own, construct, acquire right of way, and contract out the operation of passenger rail. The authority will be governed by a 15-member board of gubernatorial appointees. The authority will have the power to issue bonds using toll revenues; specifically, the authority is authorized to issue bonds backed by I-66 toll revenues for the construction of a new passenger rail bridge connecting Virginia with the District of Columbia. The bill also creates numerous new transportation safety programs, including an Interstate Operations and Enhancement Program, a Statewide Special Structures Program, and a Transit Incentive Program.

## Public Safety & Courts

### Passed:

**\*New data requirements for local enforcement:** HB1250 (Torian) creates definitions for bias-based profiling and prohibits such profiling by local or state law enforcement officers in the course of their duties. It creates new requirements for data collection by local and state law enforcement for any motor vehicle or investigatory stop as well as the number of complaints received about alleged use of excessive force. That data will be provided to the Virginia State Police for analysis of stops and investigatory actions by law enforcement and

records of complaints of alleged excessive force. The data to be collected by law enforcement officers at every motor vehicle or investigatory stop are as

follows (based on the officer's observation or information provided by the driver):

- the race, ethnicity, age, and gender of the person stopped;
- the reason for the stop;
- the location of the stop;
- whether a warning, written citation, or summons was issued or whether any persons were arrested;
- if a warning, written citation, or summons was issued or an arrest was made, the warning provided, violation charged, or crime charged; and
- whether the vehicle or any person was searched.

The Department of Criminal Justice Services will issue annual reports of the data/findings to the Governor, General Assembly, Attorney General and all attorneys for the Commonwealth.

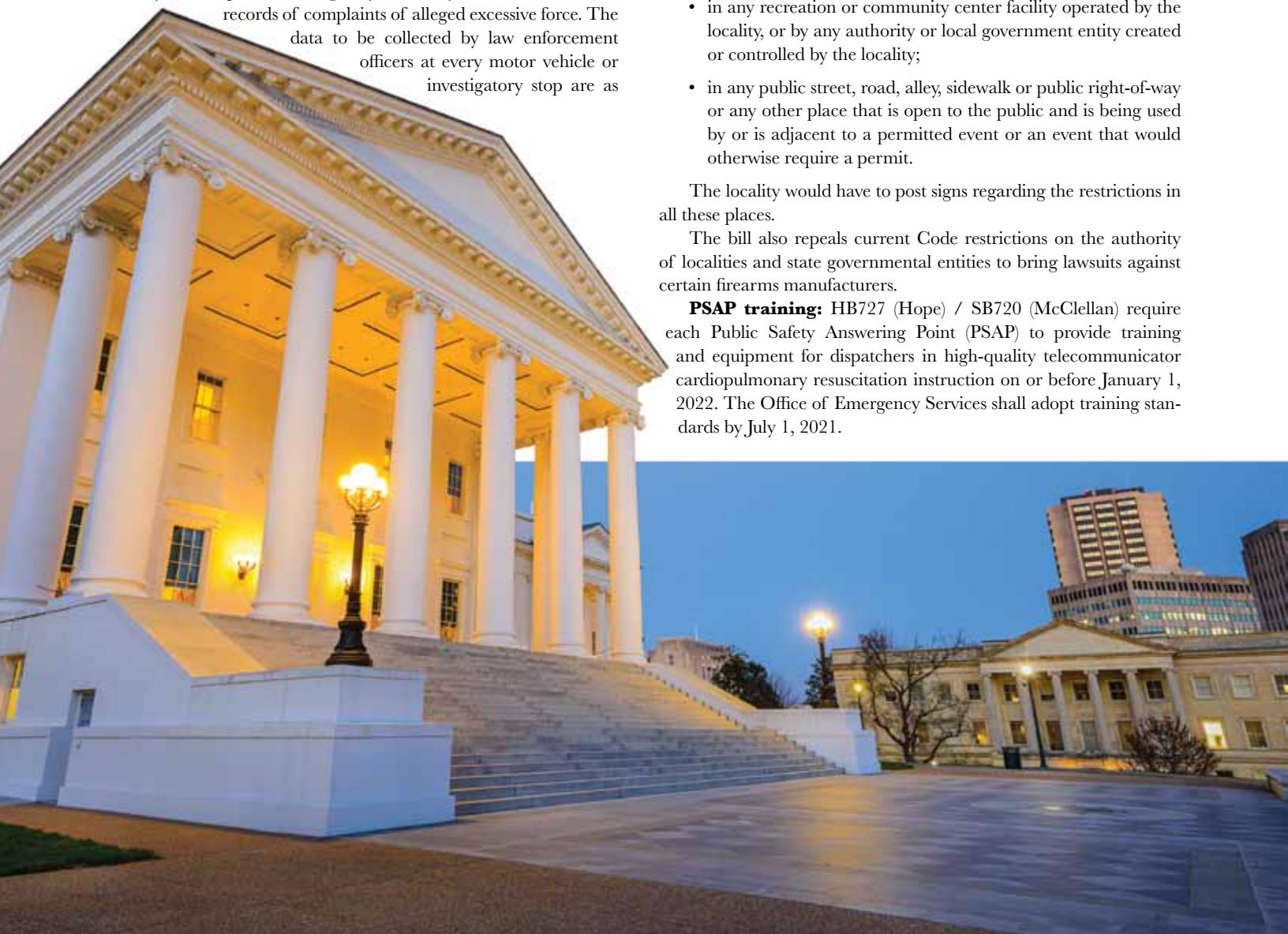
**Local authority for weapons in local government buildings/grounds/facilities.** HB421 (Price) / SB35 (Surovell) authorizes any locality by ordinance to prohibit the possession or carrying of firearms, ammunition/components or any combination in:

- any building, or part of a building, owned or used by such locality , or by any authority or local government entity created or controlled by the locality for governmental purposes;
- in any public park, authority or local government entity created or controlled by the locality;
- in any recreation or community center facility operated by the locality, or by any authority or local government entity created or controlled by the locality;
- in any public street, road, alley, sidewalk or public right-of-way or any other place that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit.

The locality would have to post signs regarding the restrictions in all these places.

The bill also repeals current Code restrictions on the authority of localities and state governmental entities to bring lawsuits against certain firearms manufacturers.

**PSAP training:** HB727 (Hope) / SB720 (McClellan) require each Public Safety Answering Point (PSAP) to provide training and equipment for dispatchers in high-quality telecommunicator cardiopulmonary resuscitation instruction on or before January 1, 2022. The Office of Emergency Services shall adopt training standards by July 1, 2021.



## Carried over:

**Supplementing compensation of public defender:** HB869 (Bourne) would require any local governing body providing discretionary salary supplements to a Commonwealth's Attorney office to make commensurate and proportionate payments to the public defender's offices.

VML worked with a coalition to stop this bill; the patron has vowed to bring it back if the funding situation for public defender offices is not addressed in the coming year. To be clear, public defender offices are 100 percent a state function and their employees are state employees.

## Land Use

**Flood plain ordinances:** HB998 (Hayes) allows localities by ordinance to regulate flood plains in a manner consistent with state or federal management and requirements outside of a zoning ordinance.

**Residential derelict buildings and civil penalties:** HB150 (Samirah) provides that if a locality has a real estate tax abatement program, then a civil penalty can be assessed on a residential property after notice of the derelict building is provided in writing to the owner.

## Broadband

**\*Utility easements:** HB831 (Carroll Foy) / SB794 (Lewis) were opposed by VML. These bills allow broadband and other communication facilities to enter easements for electric or communication facilities without notice to the owner. In essence these bills allow for the taking of private property, in direct contradiction with Article I, Section II of the Virginia Constitution, which states that "No private property shall be damaged or taken for public use without just compensation to the owner thereof."

Furthermore, the bills will NOT expand broadband because the companies will not expand service if it is not financially profitable. Profit-making companies will be able to use easements that were paid for by tax dollars for their profit-making business.

**Zoning for wireless communications infrastructure:** HB554 (VanValkenburg) allows a locality to disprove an application for wireless infrastructure if the applicant did not give written notice to adjacent landowners at least 15 days before applying to locate a new structure in the area.

## Local authority

**Monuments:** HB1537 (McQuinn) / SB183 (Locke) allow localities to remove, relocate, contextualize, cover or alter any monument or memorial in the locality's public property upon affirmative vote of its governing body. Prior to moving the monument or memorial, the local governing body shall for 30 days offer the monument or memorial for relocation to any museum, historical society, government or military battlefield. The governing body is given the sole authority to dispose of such.

## Housing

**Affordable housing dwelling unit ordinances:** HB1101 (Carr) / SB834 (McClellan) allow localities to create ordinances and use the provisions in this bill to increase the amount of affordable housing. These bills allow zoning ordinances to provide flexibility in density, waivers of parking requirements, fees, a local housing fund and other items to incentivize affordable housing.

## Elections

**The bottom line for 2020:** Major increases in voting accessibility, with additional costs to localities.

**Absentee voting; no excuse required:** HB1 (Herring) / SB111 (Howell) expand absentee voting to include all voters, regardless of excuse. Further, the bill extends the early voting period before each election to 45 days – both for absentee and in-person voting. It is important to note that, while this bill does not go into effect until July 1, all registered voters are still permitted to vote absentee. The Department of Elections is encouraging voters to select "Reason 2A – Illness/Disability" when applying for absentee ballots, which are currently available for localities with May elections.

## Redistricting reform survives the session, goes to voters in November

**Virginia Redistricting Commission:** SJ18 (Barker) establishes a 16-member commission tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly. The Commission consists of eight legislative members and eight citizen members. The legislative members consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen members are to be selected by a committee consisting of five retired judges of the circuit courts of Virginia, from lists submitted to the selection committee by the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the political party having the next highest number of members in the Senate.

The Commission is required to submit to the General Assembly plans of districts for the Senate and the House of Delegates of the General Assembly no later than 45 days following the receipt of census data and plans of districts for the United States House of Representatives no later than 60 days following the receipt of census data, or July 1 of that year, whichever occurs later. The measure requires certain vote thresholds for plans, depending on the type of district, in order to be submitted to the General Assembly. No amendments may be made to a plan by the General Assembly, and any plan approved by the General Assembly becomes law without the signature of the Governor. The measure requires additional plans to be submitted, or additional time to be given to submit a plan, in certain circumstances, and further provides that districts will be drawn by the Supreme Court of Virginia if such efforts fail.

To become effective the amendment must be approved by the voters in the November 2020 election.

**Standards and criteria for congressional and state legislative districts:** HB1255 (Price) / SB717 (McClellan) outline the standards and criteria that SJ18, if passed by referendum, will follow. It is important to note that, for purposes of representation and redistricting (though not for the distribution of funds), incarcerated persons whose registered address prior to imprisonment was in a Virginia locality will be counted as a resident of that locality, not the locality in which his or her facility is based.

## Health & Human Services Comprehensive harm reduction programs

Two types of bills came forward this year: one set to repeal the current sunset on comprehensive harm reduction programs, and

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another to expand the types of organizations that can operate such programs. The latter would take out the local approval process but would require security plans be filed in consultation with local law enforcement.

**Public health emergency; repeal sunset:** HB378 (Rasoul) / SB864 (Pillion) simply repeal the sunset on the program established in 2017 that allows the Commissioner of Health to establish and operate local or regional comprehensive harm reduction programs during a declared public health emergency that include a provision for the distribution of sterile hypodermic needles and syringes and the disposal of used hypodermic needles and syringes.

### Authority to establish and operate:

HB791 (Plum) repeals the sunset on the program established in 2017 regarding establishment of comprehensive harm reduction programs and broadens the types of providers of these programs to include not just local health departments but other types of organizations and allows such programs in all areas of the state. The State Health Commissioner or his/her designee may authorize and contract with local health departments or other organizations to operate such programs. These programs would not require local governing body or local law enforcement sign-off to operate but would be required to annually file a security plan in consultation with local law enforcement.

### Epi-pens in public places; availability and protections:

HB1147 (Keam) allows public places (including all local government buildings and indoor facilities) to make epinephrine available for administration and employees of such places who are authorized by a prescriber and trained in administration of epinephrine to possess and administer the drug to a person believed in good faith to be experiencing an anaphylactic reaction. It also protects the person acting in good faith from civil damages. The Virginia Department of Health and Department of Health Professions will develop policies and guidelines for recognition and treatment of anaphylaxis in public places. Those policies and guidelines are due to the Commissioner of Health by July 1, 2021.

## Others that passed:

### Water testing studies and potential new requirements:

HB586 (Guzman) requires the Virginia Commissioner of Health to convene a workgroup study regarding the presence of PFOA, PFOS, PFAS substances in drinking water; the Commissioner may develop recommendations for maximum acceptable levels for inclusion in Virginia Department of Health regulations for waterworks. The workgroup will consist of a broad array of stakeholders, including operators of community waterworks, private operators, and consumers. The deadline for the study report and recommendations is December 1, 2021.

HB1257 (Rasoul) is more far-reaching than HB586. It directs the State Board of Health to adopt regulations establishing maximum contaminant levels (MCLs) in public drinking water systems for (i) perfluorooctanoic acid, perfluorooctane sulfonate, and for such other perfluoroalkyl and polyfluoroalkyl substances as the Board deems necessary; (ii) chromium-6; and (iii) 1,4-dioxane. It requires that these MCLs be protective of public health, including the health of vulnerable subpopulations, and to be no higher than any MCL or health advisory adopted by the U.S. Environmental Protection Agency. It directs that a report on the status of research related to MCLs for these substances be submitted to the chairs of Senate Education and Health and House Health, Welfare and Institutions by Nov. 1, 2020

and a final report to those committees by Oct. 1, 2021. Enactment of the bill's provisions is delayed to Jan. 1, 2022.

## Carried over:

The issue of the growing costs for private special education placements paid for with state and local Children's Services Act (CSA) funds came up again in the 2020 Session. A number of bills were introduced; all were carried over because the Joint Legislative Audit and Review Commission (JLARC) is studying these issues this year and is expected to issue reports in the fall. The carried over bills include:

### Feasibility of educational placement transition of certain students with disabilities:

HB49 (McNamara) / SB128 (Sutterlein) would create pilot programs in up to eight localities regarding the use of Children's Services Act (CSA) and other funds for special education programs in public school settings as a way of diverting children from more expensive private day programs.

### Special education programs:

HB762 (Cole, JG) would allow localities and their school systems in planning district 16 to use Children's Services Act (CSA) pool funds to help deliver special education programs to children in public school settings rather than using more expensive private placements that can use CSA funds.



## K-12 Education

### \*SOQ staffing recommendations receive more support:

As VML's 2020 Budget Summary outlines, HB1508 (McQuinn) and SB880 (Locke) continue the Commonwealth's trajectory of reducing school counselor-to-student ratios, bringing the maximum ratio allowed down to 1:325 by the 2021-2022 school year.

HB975 (Guzman) and SB910 (Hashmi) increase the number of English Language Learning (ELL) teachers to 18.5 per 1,000 ELL students in Fiscal 2021 and 20 per 1,000 students in Fiscal 2022.

Meanwhile, HB1143 (Tran) adds licensed behavior analysts to the list of SOQ-funded support positions.

**Full-day kindergarten coming to all Virginia schools by Fiscal 2023:** SB238 (Barker) increases the standard for accreditation of kindergarten classrooms to require full-day instruction. While the vast majority of kindergarten classes statewide have already made this transition, some divisions are still in the process of increasing instructional time. A major issue is the availability of space, and capital costs are paid primarily by local governments. SB238 will require all schools to have completed this transition by July 1, 2022.

### Schools to provide free menstrual supplies to students:

HB405 (Keam) / SB232 (Boysko) require each school board to make tampons or pads available, at all times and at no cost to students, (i) in such accessible locations as it deems appropriate in each elementary school in the local school division and (ii) in all girls' middle and high school bathrooms.

## Procurement

**Small purchases:** HB452 (Murphy) / SB650 (Boysko) increase from \$100,000 to \$200,000 the small purchases exemption in the Virginia Public Procurement Act for single or term contracts for goods and services that are not professional services and non-transportation related construction.



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