



Virginia Beach Housing Resource Center

DRAFT
LEGISLATIVE AGENDA
GENERAL ASSEMBLY
2019 SESSION

September 28, 2018

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CITY OF VIRGINIA BEACH – CITY COUNCIL

Mayor Louis R. Jones - Bayside

Vice Mayor James L. Wood - Lynnhaven

Shannon DS Kane – Rose Hall

Benjamin Davenport – At Large

Jessica Abbott - Kempsville

Bob Dyer - Centerville

Barbara M. Henley - Princess Anne

John D. Moss - At Large

John E. Uhrin - Beach

Rosemary Wilson - At Large

CITY OF VIRGINIA BEACH – GENERAL ASSEMBLY DELEGATION

[Senator Lynwood W. Lewis, Jr. – Senate District 6](#)
[Senator Frank W. Wagner – Senate District 7](#)
[Senator William R. DeSteph, Jr. – Senate District 8](#)
[Senator John A. Cosgrove, Jr. – Senate District 14](#)
[Delegate Kelly K. Convirs-Fowler – House District 21](#)
[Delegate Barry D. Knight – House District 81](#)
[Delegate Jason R. Miyares – House District 82](#)
[Delegate Christopher P. Stolle – House District 83](#)
[Delegate Glenn R. Davis – House District 84](#)
[Delegate Cheryl Turpin – House District 85](#)
[Delegate Joseph C. Lindsey – House District 90](#)
[Delegate Robert S. Bloxom – House District 100](#)

**SECTION 1.1 – CITY OF VIRGINIA BEACH LONG
TERM POLICY POSITIONS**



1. POST LABOR DAY OPENING FOR SCHOOLS

SPONSORED BY THE VIRGINIA BEACH CITY COUNCIL

Background Information:

The total spending from the tourism industry in Virginia Beach for 2017 was \$2.45 billion stimulating 14,000 jobs. Starting schools in Virginia Beach and other localities in the Commonwealth prior to Labor Day would have significant financial consequences on the tourism industry in the long term. Beginning schools prior to Labor Day would effectively reduce the available vacation time in August by two weeks, which is prime family vacation time that cannot be replaced. If the Virginia Beach school system begins before Labor Day and other localities follow our lead, it will have a negative effect on the economic impact of the tourism industry cutting short the critical summer season which will hurt small businesses, hardworking families and their employees. To a lesser extent, this will also have an impact on this industry by affecting the labor pool available prior to Labor Day.

Request:

The General Assembly is requested to maintain the existing legislation concerning post Labor Day opening of schools. This allows all schools to open after Labor Day except those given exemptions by the State Board of Education.



2. MORATORIUM ON URANIUM MINING

SPONSORED BY THE VIRGINIA BEACH CITY COUNCIL

Background Information:

Virginia has had a moratorium on uranium mining since the 1980s. A large deposit of mineable ore has been found in Pittsylvania County. This deposit is upstream of the John H. Kerr Reservoir, which provides 93% of the inflow to Lake Gaston, which provides water directly to Virginia Beach, and indirectly to most of Southside Hampton Roads. A study prepared by the National Academy of Sciences (NAS) indicates that uranium tailings disposal cells represent long-term risks for contamination, that limited data exist to confirm the long-term effectiveness of those disposal cells, and that extreme natural events combined with human errors have the potential to lead to the release of contaminants. The NAS study concludes that Virginia has no experience with uranium mining, that the federal government has little or no experience with wet climates and extreme precipitation events, and that there are gaps in legal and regulatory coverage for uranium mining and steep hurdles to be overcome before mining could be established in Virginia within a regulatory framework that is protective of health, safety, and the environment.

The City contracted with nationally prominent experts to prepare a study of the downstream water quality impacts that would occur from a hypothetical, catastrophic breach of an above-grade, uranium mine tailings disposal cell. The study indicates that in the aftermath of an assumed catastrophe, radioactivity in the main body of Lake Gaston would remain above state and federal regulatory levels for up to two months during wet years and six to sixteen months during dry years. The only practical response during this time would be to shut down the Lake Gaston project. Depending upon the weather, this could have significant consequences to all of Southside Hampton Roads, but particularly, Chesapeake, Norfolk, and Virginia Beach.

The Cities of Chesapeake, Norfolk, Suffolk, Virginia Beach, and the Hampton Roads Planning District Commission have all passed resolutions opposing uranium mining in Virginia and lifting the legislative moratorium on uranium mining.

Request:

The General Assembly of Virginia is requested to maintain the existing moratorium on uranium mining in Virginia. Also, the Commonwealth is requested to vigorously oppose federal court actions to overturn the Uranium Mining Moratorium especially the pending U.S. Supreme Court case.



3. VOTING RIGHTS

SPONSORED BY THE VIRGINIA BEACH CITY COUNCIL & THE HUMAN RIGHTS COMMISSION

Background Information:

The right to vote is a fundamental right of every citizen of our Commonwealth and nation, and it is the foundation of our democracy. Barriers to the ballot box harm our state and our country and are inconsistent with the ideals and principles upon which our great nation and our Commonwealth were founded. Additionally, the drawing of electoral districts can promote or depress voter turnout, depending in part on whether districts are drawn in order to respect the boundaries of localities, neighborhoods, and communities of common interest or are drawn primarily for political advantage. Increased voter participation strengthens our democracy and results in leaders who are responsive to the diverse needs of all of our citizens.

Request:

The City requests that the General Assembly remove barriers to voter participation, enact nonpartisan redistricting reform, and improve the ability of all Virginia citizens to exercise their fundamental right to vote.



4. SOLUTION TO COASTAL FLOODING, REGIONAL GREENHOUSE GAS INITIATIVE

SPONSORED BY CITY COUNCIL & THE HUMAN RIGHTS COMMISSION

Background Information:

The Hampton Roads Region (along with New Orleans) is the most at risk for coastal flooding and Sea Level Rise in the country. Recurrent Flooding and Sea level rise is a reality, as can be evidenced by tide gauges kept by National Oceanic and Atmospheric Administration and others since the early 1900's. Sea Level Rise is real, and much of Virginia Beach is low and drains poorly. Storms that were small nuisances just 10-15 years ago, now cause major destruction of roadways and damage homes.

The City Council has embarked on a strategy of studying the various watersheds within the City, which will in the end provide plans on how to address Recurrent Flooding and Sea Level Rise. The other localities in the region are doing similar efforts. This is a regional effort, which will take actions by the state, federal, and local government. It will also be a very expensive endeavor.

The Regional Greenhouse Gas Initiative as it currently exist in states from Maryland and north, allows carbon allowances to be purchased for every ton of CO₂ emitted. Companies decide how to stay below a cap that is set through the region, and these allowances are sold at quarterly auctions. The proceeds are then returned to the state for reinvestment. It's projected that roughly \$250M per year in auction revenues through 2030 could be provided to Virginia. This program is outside of the Obama administration's "Clean Power Plan". This program is a contract within RGGI area not needing Congressional approval.

Request:

The General Assembly is requested to adopt legislation as was introduced by Delegate Ron Villanueva of Virginia Beach and Chesapeake in the 2016 Session, and HB-1273 and SB-696 in the 2018 Session. This would allow Virginia to join with the Northeast RGGI. This would allow us to manage cuts in carbon emission, while at the same time providing revenue to address Sea level Rise and Recurrent Flooding. Currently the nine RGGI states represent 25% of the U.S. population. They have had \$1.3B in net positive economic impact, from 2012-2014 in RGGI states have cut pollution three times faster than non-RGGI states, and have had comparable bills for power in other areas.



5. MENHADEN FISHING REGULATION

SPONSORED BY CITY COUNCIL

Background Information:

A small fish- Menhaden- is often referred to as “the most important fish in the sea”. Because it is close to the bottom of the food chain, the populations of many species rely on the Menhaden as a source of food. These include important commercial fisheries and tourism such as: blue crab, rock fish, speckled trout, mackerel, flounder, tuna, and shark. Over fishing of Menhaden affects those populations, and hurts many people’s income that rely on the sale of seafood to make a living. Tourism also suffers if the top of the food chain species go elsewhere in search of food.

The importance of Menhaden is not solely founded on the population of other species. Menhaden also provide a service in filtering the Bay water, second only in importance to the oyster. As they filter the Bay they return much needed oxygen to the waters for life to flourish.

The Chesapeake Bay and the near shore Atlantic Ocean waters of Virginia Beach are commonly referred to as the “Menhaden Nursery”. Maturation of the Menhaden primarily happens in the Bay which provides the Atlantic Coast with these important fish. Keeping the Menhaden population flourishing is not only healthy for the bay and for the entire Atlantic coast, but for the businesses that are such a part of the economic engines known as tourism and commercial fishing.

Menhaden fishing is currently regulated by the General Assembly. Although the General Assembly’s knowledge of many issues is both wide and deep, regulation of fisheries is best left to those more knowledgeable of the science. Menhaden is also a multi-state resource that needs to be looked at as a whole, rather than the needs of few. The General Assembly has removed itself from the regulation of most other fish & game species, and the regulation of Menhaden needs to be placed with the Virginia Marine Resources Commission where the technology and science exist to best manage it. Also, the current regulation of Menhaden does not require those fishing for this species to operate at a reasonable distance from shore either on the Bay or the Ocean. Breakage in nets leads to regular pollution of the Bay and Atlantic Ocean beaches with deposits of dead fish.

Request:

The City of Virginia Beach requests the General Assembly to adopt Legislation introduced during the 2018 legislative session similar to HB-822 or HB-160 introduced by Delegate Barry Knight, and SB-98 introduced by Senator John Cosgrove. This would require the Virginia Marine Resource Commission to adopt regulations to implement the Interstate Fishery Management Plan for Atlantic Menhaden. It would also require any moratorium on the fishery to be subject to legislative review. Additionally, as was proposed in SB-214 by Senator Cosgrove, in the 2018 Legislative Session, fishing for Menhaden with purse nets in the Chesapeake Bay would be prohibited within one mile and within three miles of the shore lines of Virginia Beach extending from the North Carolina border and one mile in the Chesapeake Bay. This common sense legislation would allow this very important resource to be managed for the overall health of the Bay, the Atlantic Ocean, and Virginia’s economy based on science and facts.



6. ANIMAL CRUELTY

SPONSORED BY CITY COUNCIL

Background Information:

State law sets the penalties for cruelty to animals. Currently, Virginia Code § 2.2-6570 provides that an abuser can only be charged with felony animal abuse if (1) the animal dies as a result of torture or severe abuse; or (2) the abuser previously had been convicted within the last five years of cruelty to animals. Accordingly, if a Virginia court concludes that a defendant tortured or severely abused an animal, but the animal survived the abuse, the court cannot sentence the defendant to more than one year in jail unless the abuser had been convicted of the same offense within the past five years. If the defendant instead could be found guilty of a Class 6 felony, the court would have the discretion to sentence the abuser to up to five years imprisonment. Amending the law to allow a felony charge would enable our courts to better address severe instances of animal abuse.

Request:

The City Council requests that the General Assembly amend Virginia Code § 3.2-6570 to allow persons who severely abuse companion animals to be charged with a Class 6 felony, regardless of whether the animal survives or whether the defendant had been previously convicted of the same crime within the past five years.



7. CERTIFICATE OF PUBLIC NEED

SPONSORED BY CITY COUNCIL

Background Information:

The Certificate of Public Need (COPN) has been used for many years to manage expensive healthcare delivery facilities in the Commonwealth. This means that when hospitals wish to expand adding new beds or equipment they must go to a state body to receive permission to do so. The Certificate of Public Need is seen as a way to reduce duplication of expensive services and facilities, and also to make sure that facilities constructed are not just those that profit the hospitals and other individuals the most. The COPN is seen as a way to reduce healthcare costs and make services available as widely as possible. However, many in the medical services delivery field see the COPN as an unwarranted intrusion into the free market. During the 2016 session of the General Assembly, multiple bills were introduced to either outright repeal or other adjustments/modifications to the existing law. Delegate Chris Stolle, of Virginia Beach, who is not only a medical doctor but a Hospital Administrator, introduced House Bill-1083. HB-1083 would have modified the COPN while maintaining the bedrock of the process. Delegate Stolle's bill was defeated; however, other legislation is being studied over the period between the 2016 session and the 2019 session. There will most assuredly be legislation introduced in the 2019 session that again ranges from outright repeal to modifications as needed.

Request:

The City of Virginia Beach requests the General Assembly retain COPN in its current form with process reforms similar to those recommended by Delegate Chris Stolle (HB 1083) in the 2016 session. This legislation addresses concerns surrounding the COPN process while maintaining the integrity of the program. Additionally, any legislation to deregulate COPN must be coupled with polices to promote access to care, ensure provision of essential health services, fund graduate medical education, and maintain the fiscal stability of Virginia's community.



8. EXPANSION OF THE VIRGINIA HUMAN RIGHTS ACT

SPONSORED BY CITY COUNCIL & THE VIRGINIA BEACH HUMAN RIGHTS COMMISSION

Background Information:

The Virginia Human Rights Act (Va. Code § 2.2-3900 et seq.) currently prohibits discrimination based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability. The City of Virginia Beach has prohibited the aforementioned since 1994.

Request:

The City of Virginia Beach requests the General Assembly amend the Virginia Human Rights Act to also prohibit discrimination based on sexual orientation or gender identity.

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9. FULL FUNDING FOR THE STEP-VA PROGRAM

SPONSORED BY THE VIRGINIA BEACH HUMAN RIGHTS COMMISSION & CITY COUNCIL

Background Information:

Nearly 1.5 million adults in the Commonwealth have some kind of mental illness. According to Mental Health America, Virginia is ranked 40th in the nation overall, indicating a higher prevalence of mental illness and lower rate of access to care. The Virginia Department of Behavioral Health and Developmental Services (DBHDS) states that “there have been improvements in the quality and accountability of community services in the past few years. However, Virginia’s behavioral health system remains underfunded and patched together in well-meaning responses to crises, with services that are not always sustainable or consistently funded.”

As Virginia’s suicide rate continues to climb each year, Virginia is struggling to provide services to over 30,000 children and adolescents with mental disorders, with only 1 in 5 receiving assistance. The 2016 Compensation Board Mental Illness in Jails Report for Virginia showed that 16.43% of the total general population was known or suspected to be mentally ill, and of that number 51.21% had been diagnosed with as having a serious mental illness (SMI). Without adequate services and supports available in the community, many individuals living with mental illness struggle to remain safely in their own homes and communities. Some of the outcomes of an inadequate public mental health system include: homelessness, substance abuse disorders, suicide, and incarceration among individuals with mental illness.

System Transformation, Excellence and Performance in Virginia (STEP-VA), was developed to address accountability, access, quality, and consistency across all Community Services Boards (CSB). In 2015, DBHDS applied for and received a federal planning grant to lay the foundation for a public behavioral health system that would be standardized in the provision of 10 core services:

- Behavioral Health Crisis
- Care Coordination
- Person-Centered Treatment Planning
- Same Day Access (SDA) to Assessments
- Outpatient Primary Care Screening and Monitoring
- Targeted Case Management
- Psychiatric Rehabilitation
- Peer Supports
- Intensive, Community-Based Mental Health Care for Members of the Armed Services and Veterans
- Outpatient Behavioral Health Services



The 2017 General Assembly amended the code to implement the STEP-VA system of 10 services by 2021 with two of those services, Same Day Access and Primary Care Screening, being implemented by 2019. Once fully funded and implemented the STEP-VA transformed system would provide:

- Decreased medical and psychiatric hospitalizations
- Decreased medical and psychiatric emergency department visits
- Increased penetration rate to 70% (VA has a 22% penetration rate for SMI now)
- Meeting the safe standard of 85% occupancy in state hospitals
- Decreased the number of people with SMI who are in jail on misdemeanors
- Increased access to primary care
- Stable housing

Request:

The City requests that the General Assembly provide full funding for the implementation of the STEP-VA system throughout the Commonwealth to ensure that all 10 core services are implemented by 2021 as shown below.

| 16 | | |
|--|---------------|---------------|
| DBHDS Community Behavioral Health Services | | |
| GF \$ in millions | FY 2019 | FY 2020 |
| STEP-VA CSB Same Day Access to Services | \$5.9 | \$5.9 |
| STEP-VA CSB Primary Care Screening | 3.7 | 7.4 |
| STEP-VA CSB Outpatient Services | 0.0 | 15.0 |
| STEP-VA Detoxification Services | 0.0 | 2.0 |
| Alternative Transportation for TDOs | 2.5 | 4.5 |
| Backfill federal funds-medication assisted treatment | 0.0 | 5.0 |
| Discharge assistance plans for 92 individuals on extraordinary barrier list at state hospitals | 2.3 | 4.6 |
| Expand permanent supportive housing for 275 individuals | 2.3 | 4.8 |
| Develop community capacity for facility discharges | 1.8 | 2.8 |
| Discharge planning at Local Jails | 1.6 | 1.6 |
| Telemental Health Pilot Program | 1.1 | 1.1 |
| Add 6 CIT assessment sites and training programs in rural unserved areas | 1.6 | 2.5 |
| Fund Intercept Two Diversion Programs | 0.7 | 0.7 |
| Total | \$23.5 | \$57.9 |



SECTION 1.2 – CITY OF VIRGINIA BEACH NEW POLICY INITIATIVES

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10. STATE OF VIRGINIA ENACT ENABLING LEGISLATION FOR SALES TAX ON ALL INTERNET SALES

SPONSORED BY MAYOR LOUIS R. JONES

Background Information:

Currently, the state and federal law allows collection of sales and use tax on internet sales if the retailer has a physical presence in Virginia. For all other online purchases, it is incumbent upon the consumer who purchased the item to report their sales tax obligation. In *South Dakota v. Wayfair* (2018), the United States Supreme Court overturned existing case law and affirmed South Dakota legislation that required out of state sellers and retailers to collect sales taxes and remit them to jurisdictions on behalf of the consumer. Notably, the challenged South Dakota legislation contained exemptions limiting payment compliance to vendors that deliver more than \$100,000 of goods or services to South Dakota or engage in 200 or more separate transactions for the delivery of goods or services into South Dakota annually. The ruling by the Supreme Court placed heavy weight upon these exemptions, which has led to other states to adopt South Dakota's standards as their own. The Commonwealth of Virginia currently has conditional legislative language in place to authorize collection of sales and use tax on dealers "under the provisions of...an opinion of the United States Supreme Court" but does not spell out exemptions as contained in the South Dakota legislation or referenced within the *Wayfair* opinion. Secretary of Finance Aubrey Layne estimates that the Commonwealth will generate between \$280 million and \$300 million for the state. Virginia Beach's share of this revenue will be dependent on how the General Assembly opts to dedicate or distribute this additional revenue. Growth is projected to be over \$220 billion nationwide from 2017 to 2022. \$409 billion to \$638 billion or 17% of all retail. (Source Statista)

Request:

The General Assembly is requested to enact legislation to the standard set by the South Dakota legislature as affirmed by the United States Supreme Court. The General Assembly is also requested to maintain current sales and use tax rates and preserve state and local sales and use tax revenue distributions as presently allocated. Any new revenue derived from expansion of taxing internet sales should be reserved for K-12, especially increasing average teacher compensation and school construction.

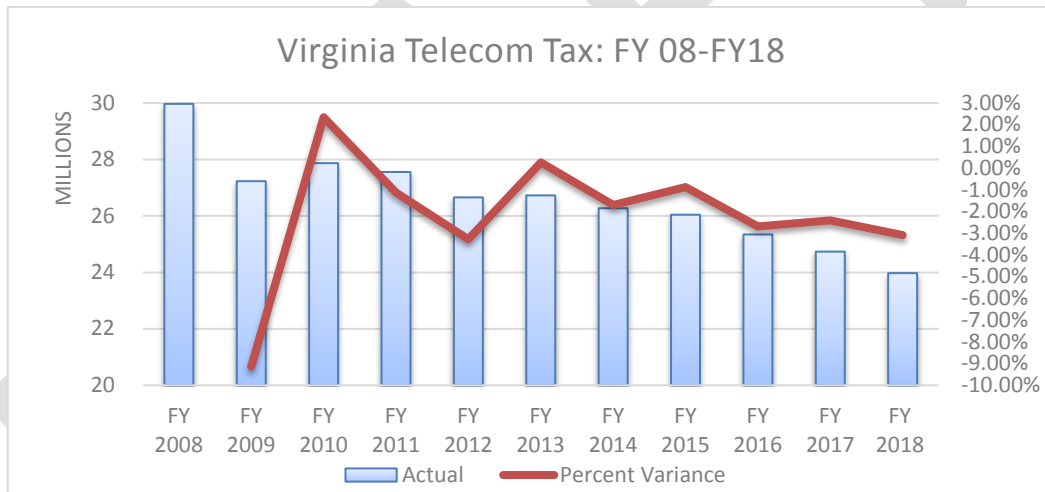


11. STATE OF VIRGINIA ENACT COMMUNICATIONS TAX UPDATE

SPONSORED BY CITY COUNCIL MEMBER, BENJAMIN DAVENPORT

Background Information:

In 2006, the Virginia General Assembly passed legislation to replace state and local taxes and fees on communication services with one statewide Virginia Communications Sales and Use Tax. This statewide tax imposed a 5% fee, which is normally collected from consumers by service providers and remitted to the state on a monthly basis. After collection by the state, the tax is then distributed to individual localities. Revenues from the Sales and Use Tax are in decline. For example, Virginia Beach now brings in \$6 million less per year than when the tax first went into effect over a decade ago. This \$6 million decline is equal to a 20% loss in revenue over this period. Further, the revenue gap will only grow wider as technology progresses. The chart below shows both the actual revenues received by the City over the course of the past decade as well as the annual variance in this revenue. In total, the City averaged a 2.2% per year reduction in Virginia Telecom Tax Revenue between Fiscal Year 2007-08 and Fiscal Year 2017-18.



In Fiscal Year 2019, the City budgeted a \$1.1 million reduction in Telecom Tax revenue. Based on the new FY 2018 actuals, the City should expect another \$250,000 decline in Telecom Tax revenues over what was adopted in the City budget this year. Should the present tax structure continue as it is presently, the City will likely have a further \$500,000 decline in this revenue source in Fiscal Year 2020.

REQUEST: The General Assembly is requested to restore funding to localities as was promised to be revenue neutral when the formula was changed in 2006.



12. MICRO BUSINESS PROCUREMENT PROGRAM

SPONSORED BY CITY COUNCIL MEMBER SHANNON KANE

Background Information:

On July 22, 2014, Governor McAuliffe signed Executive Order 20, “Advancing Equity for Small, Women, and Minority Owned Businesses.” This Executive Order establishes a program to further executive branch agency spending to “micro businesses.” For purposes of the Order, “micro businesses” are certified small businesses that have no more than twenty-five employees and no more than \$3 million in average annual revenue over the three-year period prior to certification. The Order directs the Department of Small Business and Supplier Diversity to implement the micro business designation by October 1, 2014. The Order directs various state agencies to seek micro businesses where available and sets aside for micro small businesses purchases under \$10,000 when the micro business quotes a fair and reasonable price.

The City of Virginia Beach has undertaken many efforts to further equal opportunity and nondiscrimination in City procurement. In 1995, the City Council created the region’s first Minority Business Council (the “MBC”). The MBC has worked over the years to further programs and efforts to reduce barriers in City procurement to include:

- The City Council establishing a goal of 10% minority participation in City Contracts;
- Debundling of City contracts to better enable small, woman-owned, and minority-owned (“SWaM”) businesses to compete;
- Utilization of a comprehensive database of SWaM businesses and the types of goods or services that each business provides;
- Enactment of a Small Business Enhancement Program requiring contractors to utilize at least 50% SWaM businesses in subcontracting plans;
- Implementation of a City Administrative Directive to require solicitations of SWaM, including minority-owned and woman-owned, vendors for City contract of less than \$50,000;
- Entry into a Memorandum of Understanding with the Virginia Department of Small Business and Supplier Diversity (through its predecessor, Department of Minority Business Enterprise) to develop a productive and mutually beneficial working relationship;
- City Council adoption of a bond waiver program to the extent authorized by the General Assembly.

The opportunity to utilize a “micro business” designation would further the City’s efforts to reduce barriers and further opportunity in City procurements.

Request:

The City Council requests the General Assembly authorize a locality, by ordinance, to enact a program for the enhancement of “micro business” participation that mirrors the authorization provided in Executive Order 20.



13. INCREASED ABILITY TO PROCURE CONSTRUCTION BY BEST VALUE FOR CERTAIN LOCALITIES

SPONSORED BY CITY COUNCIL MEMBER SHANNON KANE

Background Information:

With a few exceptions such as design build and construction manager at risk, the Virginia Public Procurement Act (“VPPA”) requires construction to be procured using competitive sealed bidding. The City is vigilant in its search for opportunities to make its procurement processes more inclusive for Small, Woman-owned, Minority-owned, and Service-disabled Veteran-owned businesses (“SWaM Businesses”). In looking for opportunities to grow SWaM Businesses, the City believes there is a subset of construction that would provide a crucial opportunity for growth of such businesses, and that subset is non-transportation construction valued between \$500,000 and \$2,000,000. Most importantly, best value contracting promotes better quality and timeliness of contractor performance.

Request:

The City requests legislative authorization for any locality with a population in excess of 200,000 to undertake the procurement of construction through procedures consistent with those described by the VPPA for the procurement of nonprofessional services through competitive negotiation for non-transportation construction valued between \$500,000 and \$2,000,000. Such contract shall be awarded to the fully qualified offeror who submits an acceptable proposal determined to be the best value in response to the Request for Proposal. We anticipate approximately \$6M in contracts in this proposal.



14. STRANDING PROGRAM AND CONSERVATION EFFORTS LICENSE PLATE

SPONSORED BY MAYOR LOUIS R. JONES & COUNCIL MEMBER JOHN E. UHRIN

Background Information:

The Virginia Aquarium has, for many years, performed extensive research and conservation efforts throughout the tidal waters of Virginia and the mid-Atlantic Coast. This includes the efforts of our nationally recognized Stranding Response Program which responds to reports of stranded marine mammals such as whales, dolphins, and seals and also sea turtles. The Aquarium's efforts over more than 25 years have provided much greater scientific knowledge and environmental monitoring than would have been available otherwise. The program currently costs approximately \$600,000 a year to operate and receives only limited support from the Commonwealth through the Coastal Zone Management Program and Department of Game and Inland Fisheries for this effort.

In order to provide additional funds to support the conservation efforts of the and Stranding Response Program, the Aquarium wishes to receive authority from the Virginia General Assembly through the Department of Motor Vehicles to have a license plate created showcasing protection of sea life. The Aquarium and its Foundation understand that a number of license plates must be reserved through advance deposits being made on such plates; receiving authority from the General Assembly to pursue this license plate will help support this important conservation program headquartered in Virginia Beach.

Request:

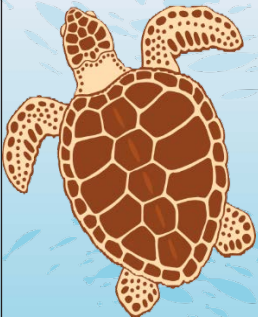
The General Assembly is requested to establish a license plate featuring a design, to be determined between the Department of Motor Vehicles and the Virginia Aquarium, that would provide funds to the Aquarium's conservation and stranding efforts. Having a plate that would have statewide appeal will likely mean that the required reservations will be received in a fairly short amount of time.



MONTH

VIRGINIA

YEAR



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PROTECT SEA LIFE

DRAFT



15. HIGH SPEED RAIL

SPONSORED BY MAYOR LOUIS R. JONES

Background Information:

The Virginia Department of Rail and Public Transportation (DRPT) is in the process of identifying funding sources to initiate a Tier II Environmental Impact Statement (EIS) within the next six years for the Richmond-Hampton Roads segment of the Southeast High Speed Rail (SEHSR) corridor. Approximately \$27 million is needed to complete Tier II EIS. Two years ago we were successful in getting the General Assembly to require DRPT to update the costs of the Tier II EIS and also identify funding sources. Their report recommended that the Hampton Roads Transportation Planning Organization fund the Tier II EIS. The \$27 million will suffice. HRTPO has fully allocated its RSTP and CMAQ monies for the next 6 years, and Richmond region, did not contribute any regional funds to either of their Tier II EIS efforts which are complete.

Request:

We request the Commonwealth fund a Tier II Environmental Impact Statement for High (ER) Speed Rail between Richmond and Hampton Roads.



16. CHESAPEAKE BAY WATERSHED IMPLEMENTATION PLAN

SPONSORED BY CITY COUNCIL MEMBER JIM WOOD

Background Information:

The EPA issued the Chesapeake Bay TMDL in December 2010 that required pollutant reductions of nitrogen, phosphorus, and sediment in Virginia. These required pollutant reductions were to be incorporated into the City's new Municipal Separate Storm Sewer System (MS4) Permit that was recently issued in 2016 by the Virginia Department of Environmental Quality. The City of Virginia Beach proactively proposed a legislative change in 2013 and again in 2015 to remove both the Little Creek and Lynnhaven watersheds from the James River Basin for the purpose of the Chesapeake Bay TMDL Implementation in Virginia. This change was made to reduce the required pollutant reductions for the City of Virginia Beach at an estimated avoided cost to ratepayers of about \$40M.

In 2016, the Hampton Roads Sanitation District (HRSD) proposed an Integrated Planning Approach for the region to help restore the Chesapeake Bay. HRSD owns and operates various wastewater treatment plants that discharge nutrients and sediment to the Chesapeake Bay Watershed. HRSD also has pollutant reduction requirements similar to the City of Virginia Beach for their discharges. The proposed approach by HRSD included the implementation of a new project, "Sustainable Water Initiative for Tomorrow", SWIFT, and the use of trading of pollutant reductions credits. The City of Virginia Beach entered into an agreement, the Hampton Roads Water Quality Credit Agreement for Chesapeake Bay Restoration, with HRSD in August 2018. Virginia Trading regulations for nutrients and sediment §62.1-44.19:21 and §62.1-44.19:21.1 respectively, require that the credit trading occur within the same River Basin. Since the Little Creek and Lynnhaven watersheds had been previously removed by legislative action, these watersheds would need to be moved back into the James River Basin in order for the City to take full advantage of the trading agreement. This watershed change will result in about \$200M in avoided cost to the ratepayers of the City of Virginia Beach.

Request:

The City of Virginia Beach requests the General Assembly repeal the two acts passed in 2013 and 2015 to remove both the Little Creek and Lynnhaven Watersheds from the James River Basin for the purpose of the Chesapeake Bay Watershed Implementation Plan pollution reduction requirements, and put them back into the Chesapeake Watershed.



VIRGINIA ACTS OF ASSEMBLY -- 2015 SESSION

CHAPTER 184

~~An Act to exclude the Little Creek watershed from the James River Basin for purposes of the Chesapeake Bay Watershed Implementation Plan.~~

[S 1203]

Approved March 16, 2015

Be it enacted by the General Assembly of Virginia:

~~1. § 1. That no state agency shall consider or include the Little Creek watershed as part of the James River Basin when developing or implementing the Chesapeake Bay Watershed Implementation Plan.~~

DRAFT



VIRGINIA ACTS OF ASSEMBLY -- 2013 SESSION

CHAPTER 41

~~An Act to exclude the Lynnhaven River watershed from the James River Basin for purposes of the Chesapeake Bay Watershed Implementation Plan.~~

[S 768]

Approved February 22, 2013

Be it enacted by the General Assembly of Virginia:

~~1. § 1. That no state agency shall consider or include the Lynnhaven River watershed as part of the James River Basin when developing or implementing the Chesapeake Bay Watershed Implementation Plan.~~

DRAFT



VIRGINIA ACTS OF ASSEMBLY -- 2013 SESSION**CHAPTER 41**

~~An Act to exclude the Lynnhaven River watershed from the James River Basin for purposes of the Chesapeake Bay Watershed Implementation Plan.~~

[S 768]

Approved February 22, 2013

Be it enacted by the General Assembly of Virginia:

~~1. § 1. That no state agency shall consider or include the Lynnhaven River watershed as part of the James River Basin when developing or implementing the Chesapeake Bay Watershed Implementation Plan.~~



17. VIRGINIA SHORELINE RESILIENCY FUND

SPONSORED BY COUNCIL MEMBER, BARBARA HENLEY & GREEN RIBBON COMMITTEE

Background Information:

In the 2016 Session of the General Assembly, the Virginia Shoreline Resiliency Fund was established as a low interest loan program. This provided low-interest loans to mitigate and adapt to recurrent flooding. Funds have never been provided to provide a 'bank' from which funds could be borrowed.

Request:

The General Assembly is requested to convert the Virginia Shoreline Resiliency Fund from a low interest loan to a cost sharing and grant program, and to provide meaningful funding on a recurrent basis for this program. This would allow individual property owners a source of funding from the Commonwealth to elevate their homes, or otherwise mitigate the effects of sea level rise and provide resiliency from the same. We also ask that the Commonwealth be a sponsor with Federal Agencies on projects large and small.



18. STORM WATER LOCAL ASSISTANCE FUND

SPONSORED BY COUNCIL MEMBER, BARBARA HENLEY & GREEN RIBBON COMMITTEE

Background Information:

The highly competitive 50% matching grants funded by the Storm Water Local Assistance Fund (SLAF) can be used for cost-efficient, low-impact practices to help municipalities like Virginia Beach continue to make strides in reducing polluted runoff. This funding helps us meet our MS4 permit requirements while improving the health of the Bay. For example, Virginia Beach has been authorized \$2,390,902 in matching funding through SLAF for large-scale storm water improvement projects since FY2014. Polluted runoff is not just an environmental problem – it is also an economic problem. It increases drinking water treatment costs, worsens local flooding, closes beaches, and contaminates shellfish.

Request:

Storm water management is one of our most pressing infrastructure challenges. We respectfully request that the General Assembly include maximum and at the least level funding year-to-year for the Storm Water Local Assistance Fund (SLAF) in the FY 2020 budget so that localities can do their part by planning and budgeting appropriately for these large-scale projects.



19. NON-DISCRIMINATION IN PUBLIC EMPLOYMENT AND HOUSING

SPONSORED BY THE VIRGINIA BEACH HUMAN RIGHTS COMMISSION & CITY COUNCIL MEMBERS, BOB DYER & SHANNON KANE

Background Information:

The Virginia Fair Housing Law, Code of Virginia § 36-96.1 et seq. currently prohibits discrimination regardless of race, color, religion, national origin, sex, elderliness, familial status, or handicap to provide fair housing throughout the Commonwealth. According to the Movement Advancement Project, there are currently no explicit, comprehensive statewide non-discrimination protections for gay, lesbian, bisexual, or transgender people in Virginia. In January 2017 Governor Terry McAuliffe issued executive order 61, a broad order protecting lesbian, gay, bisexual and transgender (LGBT) public employees, state contractors, and subcontractors from discrimination, and a similar executive order was issued by Governor Ralph Northam in January 2018, but these orders do not provide lasting or specified protections for Virginia's LGBT citizens.

A think tank at UCLA Law, the Williams Institute, found that as of February 2016, twenty-two states and the District of Columbia expressly prohibited housing discrimination on the basis of sexual orientation. Nineteen of those states and the District of Columbia also expressly prohibited discrimination in housing on the basis of gender identity. An aggregation of all available state-level data shows that sexual orientation and gender identity housing non-discrimination laws are used (when present) by LGBT people at a similar rate to the use of race non-discrimination laws by people of color and the use of sex non-discrimination laws by women.

Based on the same study conducted at the Williams Institute in 2016, an estimated 185,000 LGBT adults call Virginia home, and of that population 80% say that they have been harassed or mistreated at work, 44% claim that they were not hired and 26% have reported losing their job based upon their sexual orientation or gender identity. As there is no federal law barring employment discrimination on the basis of sexual orientation or gender identity, it is currently possible in 28 states, including Virginia, to be fired for being lesbian, bisexual, or gay. Likewise, there are thirty states in which it is possible to be fired for being transgender. Twenty-two states and the District of Columbia by statute prohibit employment discrimination on the basis of sexual orientation and/or gender identity.

Request:

The City requests that the General Assembly support legislation that would add discrimination on the basis of an individual's sexual orientation or gender identity as an unlawful housing practice. We would further ask that the General Assembly support legislation that prohibits discrimination in public employment on the basis of sexual orientation or gender identity.



20. CITY CHARTER LIMITATION ON THE ISSUANCE OF PUBLIC FACILITY REVENUE BONDS AND OTHER EFFORTS TO CIRCUMVENT THE CITY CHARTER DEBT PROVISIONS

SPONSORED BY COUNCIL MEMBERS JOHN MOSS & JESSICA ABBOTT

Background Information:

When the City Charter was conceived by the late Mr. Sidney Kellam and colleagues, the intent was to impose barriers on the issuance of general obligation debt without either the public’s approval in a referendum or a supermajority vote of the Council. In 1962 founders of the City could not have anticipated that the intent of the City Charter’s public debt issuance restrictions would be circumvented by issuing debt by a third party.

The public debt issued by the City of Virginia Beach Development Authority (VBDA) on behalf of the City is subject to annual appropriation; therefore, this debt is not backed by the full faith and credit of the City, which denies it the status of general obligation debt, but its effect on the City’s bond rating is the same.

Debt issued by the VBDA does not require a supermajority vote of the City Council; therefore, the issuance of Public Facility Revenue Bonds for City facilities and other debts circumvents the intent of the protection the General Assembly extended to Beach property owners/taxpayers in the Charter granted to residents of Virginia Beach.

The Virginia Beach City Council’s use of the VBDA as a vehicle to circumvent the City Charter’s vesting of Virginia Beach voters a positive check on City Council to burden the public with debt, while legal, is a breach of the covenant between the Charter proposed by the General Assembly and ratified and adopted by the voters of Virginia Beach.

It is imperative that the General Assembly restore the integrity of the Charter it partnered with the people of Virginia Beach to put in place for its self-governance.

Public Facility Revenue Bonds issued by year and issuance total (new money only):

| | |
|----------------------------------|----------------------|
| 1998 (Human Services Bldg Lease) | \$9,800,000 |
| 2002 PFRB Issue | \$23,855,000 |
| 2004 PFRB Issue | \$165,000,000 |
| 2005 PFRB Issue | \$103,900,000 |
| 2007 PFRB Issue | \$100,865,000 |
| 2010 PFRB Issue | \$17,000,000 |
| 2012 PFRB Issue | \$22,580,000 |
| 2013 PFRB Issue | \$20,960,000 |
| 2014 PFRB Issue | \$44,975,000 |
| 2015 PFRB Issue | \$48,245,000 |
| 2016 PFRB Issue | \$21,225,000 |
| 2018 PFRB Issue | \$33,395,000 |
| Total | \$611,800,000 |

Public Facility Revenue Bonds debt service payments, principal to be retired, annual interest payment and end of year outstanding debt for outstanding Public Facility Revenue Bonds:



| Fiscal Year | Debt Service | Principal Retired | Interest Payment | End of Year Outstanding Debt |
|--------------------|----------------------|--------------------------|-------------------------|-------------------------------------|
| 2019 | \$49,135,420 | \$34,855,000 | \$14,280,420 | \$297,295,000 |
| 2020 | \$49,198,981 | \$36,505,000 | \$12,693,981 | \$260,790,000 |
| 2021 | \$46,542,706 | \$35,710,000 | \$10,832,706 | \$225,080,000 |
| 2022 | \$45,644,606 | \$36,585,000 | \$9,059,606 | \$188,495,000 |
| 2023 | \$43,119,806 | \$35,845,000 | \$7,274,806 | \$152,650,000 |
| 2024 | \$37,988,406 | \$32,265,000 | \$5,723,406 | \$120,385,000 |
| 2025 | \$26,075,331 | \$21,585,000 | \$4,490,331 | \$98,800,000 |
| 2026 | \$18,697,456 | \$15,180,000 | \$3,517,456 | \$83,620,000 |
| 2027 | \$17,049,356 | \$14,190,000 | \$2,859,356 | \$69,430,000 |
| Total | \$333,452,070 | \$262,720,000 | \$70,732,070 | |

Request:

To restore the meaningfulness of the City Charter’s protection to the property owners and taxpayers conveyed by its restrictions on the issuance of public debt, the City Council requests that the General Assembly amend the City Charter to require that all debts issued directly by the City or by a third party where that debt is subject to a pledge of City revenues independent of the basis or time period requires either a public referendum or a supermajority vote for approval.

The following is the text of the requested amendment to add new Section 6.07:

Section 6.07 – Limitations on Authority to Pledge City Tax and Fee Revenues

- (a) *Except for general obligation debt authorized by this Chapter or Chapter 26 of Title 15.2 of the Code of Virginia (the Virginia Public Finance Act), the City shall have no authority and is exclusively prohibited from pledging tax or fee revenues to make payments or to otherwise make any payment on bonds, notes, or other debt instruments not issued in the name of the City of Virginia Beach, Virginia. Additionally, no debt issued by the City of Virginia Beach Development Authority after the effective date of the provisions of this section shall be repaid by funds collected by, paid to, or appropriated by the City or from funds otherwise directed under an ordinance or resolution passed by the City Council. Provisions of this section shall not apply to the Literary Loan Program or debt issued by the Virginia Resources Authority.*
- (b) *Except for general obligation debt authorized by this Chapter or Chapter 26 of Title 15.2 of the Code of Virginia, the City shall have no authority and is exclusively prohibited from pledging tax or fee revenues to make payments or to otherwise make any payment on a lease purchase or like debt instrument where the City is not the lone party named in such obligation and where the City is the direct consumer or recipient of the contractual product or services.*
- (c) *This section shall not alter any obligations incurred prior to its effective date. After the effective date, any discretionary obligation not executed, option not exercised, or other action that is prohibited by this section or otherwise violates the provisions of this section shall be deemed void and of no effect.*



21. SINGLE MEMBER DISTRICT VOTING FOR THE SEVEN DISTRICT REPRESENTATIVES

SPONSORED BY COUNCIL MEMBERS JOHN MOSS & JESSICA ABBOTT

Background Information:

Currently, all members of the City Council are elected on an at-large basis, including the seven councilmembers who represent each of the City's seven residence districts. In a single member district-based system, only the voters within a particular district select their district's councilmember. District-based elections may give groups within a residency district a better chance of being represented on the City Council. District councilmembers may be more attuned to the unique problems of their constituents, and a change to district-based elections could improve citizen participation because councilmembers who represent a district may be more responsive to their constituents.

Request:

The City Council requests the General Assembly amend the City Charter to change the seven residence districts to single-member districts or wards. This will allow the voters in each district to elect the representative from the district.

Additionally, because the 2011 redrawing of the residence districts did not account for single-member districts, many of the precincts include more than one residence district within the precinct boundaries. In the hope of avoiding confusion in the administration of local elections, the City requests the effective date for this Charter amendment to be January 1, 2021, which will allow the 2021 redrawing of districts to proceed in a manner that reduces the number of split precincts.



22. CONSTITUTIONAL AMENDMENT TO ALLOW GENERAL ASSEMBLY TO IMPOSE TERM LIMITS ON LOCAL GOVERNING BODIES

SPONSORED BY COUNCIL MEMBER JESSICA ABBOTT

Background Information:

The Virginia Constitution has relatively few qualifications to hold elective office in the Commonwealth. A 1991 Opinion by the Virginia Attorney General concluded a statute limiting members of a locally elected body to two terms would be invalid under the provisions of the Virginia Constitution.

This item seeks to begin the process of amending the Virginia Constitution to allow the General Assembly to impose term limits for local governing bodies. If the request succeeds in meeting the requirements for amendment to the Virginia Constitution, the Council would later seek a statute that would limit the number of terms of a member on the Virginia Beach City Council to three four-year terms.

Request:

The City Council requests the General Assembly begin the process of amending the Virginia Constitution to allow the General Assembly to impose term limits for the City Council of Virginia Beach.



23. ESTABLISH THE HURRICANE AND FLOODING RISK REDUCTION AND BOND RATING PROTECTION ACT OF 2019

SPONSORED BY COUNCIL MEMBER JESSICA ABBOTT

Background Information:

Flooding is a risk to communities from the mountains to the sea. This can be from hurricanes, nor'easters, mountain flooding, and other natural causes. Nowhere in the state is immune to such calamities. Hurricane Camille in the late 1960s caused over 100 deaths in the area of Nelson County. Arlington has had recurrent flooding from the Potomac River, and flooding on The Eastern Shore, Tangier Island and other coastal Virginia areas and is all too frequent. Although many communities like Virginia Beach have robust programs to address recurrent flooding, Virginia Beach is programming over \$.5 billion in flooding control and elevation of roads; no locality can stand alone. This is a statewide issue and demands statewide addressing. During the 2018 session of the General Assembly, Senate Bill 985 by Senator Wagner and a companion bill in the House by Delegate Miyares were introduced. These would have established the hurricane and flooding risk reduction and Bond Rating Protection Act of 2018. They would have gone a long way in addressing the lack of coordination within the state among the various agencies both state, federal and local and furthermore, would have set up a process to force the Commonwealth to partner with the US Army Corps of Engineers. The Senate bill passed Senate, but was defeated in the House Appropriations Committee because of the fiscal impact. The House Bill met a similar fate.

Request:

The General Assembly is requesting to pass and fund legislation much like Senate Bill 985 from the 2018 session of the General Assembly and House Bill 229. This would establish a process and capability within the Commonwealth to address which is rapidly becoming a much more persistent issue.