

Capitol Contact

Virginia General Assembly

Virginia Association of Counties • 1207 E. Main Street, Suite 300 • Richmond, VA 23219
www.vaco.org • 804.788.6652



Thursday, January 21, 2016

VACo opposes comprehensive stormwater bills

[HB 1250 \(Wilt\)](#) and [SB 673 \(Hanger\)](#) are lengthy and highly complex companion bills that integrate components of Virginia's four statutes that govern Virginia's stormwater management program – the State Water Control Law, the Virginia Stormwater Act, Virginia's Erosion and Sediment Control Law, and the Chesapeake Bay Preservation Act.

HB 1250 and SB 673 resulted from deliberations that took place over the past 10 months by a 22-member Stakeholder Advisory Group (SAG) convened by the Department of Environmental Quality (DEQ). As SAG concluded its work last December, Larry Land (VACo's representative), and Lewie Lawrence (Middle Peninsula PDC Executive Director) were the only SAG members who voted against the measure.

The chief reason why VACo opposes HB 1250/SB 673 is because of its failure to address a problem affecting the 54 "opt out" localities. This problem has become known as the "donut hole" that from VACo's perspective, is an unintended consequence of legislation passed in 2014 [[HB 1173 \(Hodges\)](#) and [SB 423 \(Hanger\)](#)] allowing smaller, rural localities to "opt out" of managing their respective stormwater program.

VACo strongly supported these bills as a way of relieving many counties from expensive stormwater mandates. Because of the donut hole, HB 1250 and SB 673 virtually remove many benefits smaller, rural localities were intended to realize by deciding to opt out.

As a consequence, the stormwater related responsibilities for localities subject to the Chesapeake Bay Preservation Act (CBPA) were continued for projects where land disturbances are between 2,500 square feet and one acre. Instead of correcting the donut hole problem (as requested by various local government representatives during the SAG meetings), VACo believes HB 1250 and SB 673 actually spreads the donut hole problem to all opt out localities throughout the entire state. This is because Virginia's Erosion and Sediment Control Law, which all localities are required to administer, takes effect when land disturbances

exceed 10,000 square feet for localities not subject to CBPA. Because HB 1250 and SB 673 merge stormwater and erosion and sediment control requirements, opt out localities would be required to conduct complex calculations for water quality and quantity (often requiring an expertise of a certified engineer) when land disturbances exceed 2,500 feet in Chesapeake Bay Preservation Areas (CBPA) and 10,000 square feet in non-Chesapeake Bay Preservation Areas. This is a provision that is likely to impose additional costs on opt out localities.

There are many other provisions in HB 1250 and SB 673 that will be summarized in future VACo communications, but for opt out localities, the “donut hole” issue is the most significant.

HB 1250 is scheduled to be considered by the [House Agriculture, Chesapeake and Natural Resources Committee’s Chesapeake Subcommittee](#) during its next meeting on Thursday, January 28 at 4 p.m. in the 5th floor east conference room of the General Assembly Building in Richmond.

Chesapeake Subcommittee Members: [Wilt \(Chairman\)](#), [Ware](#), [Pogge](#), [Webert](#), [Ransone](#), [Torian](#).

As soon as it is available, more information will be forthcoming on the companion Senate bill.

VACo Contact: [Larry Land, CAE](#)

Local government meeting agendas and public comment bill

In an effort to dictate the way local public bodies conduct their business, [HB 757 \(Robert Bell\)](#) would mandate that the agenda for all meetings be disseminated at least seven days prior to the meeting. In addition, the meeting shall provide for at least five minutes of public comment on each item on the agenda before any action can be taken on the agenda item.

VACo is working with the patron and the FOIA Council staff to refine the language but to ensure that citizens have an opportunity to be heard.

VACo Contact: [Jim Campbell, CAE](#)

VACo works to defeat problematic assessment bill

At the January 20 meeting of the [House Courts of Justice’s Civil Law Subcommittee](#), VACo successfully defeated [HB 910 \(Minchew\)](#).

The bill provides that an appeal to the circuit court for correction of an erroneous local tax assessment filed on or after July 1, 2016, may be conducted as a jury trial, at the discretion of the taxpayer. Additionally, the bill requires that prior to the release of confidential tax information in the course of such appeal, the court orders the parties not to disclose such information to anyone not entitled to receive it. The court also informs the parties that a violation of such an order is punishable as a Class 1 misdemeanor. Finally, the bill requires a proceeding to follow the Uniform Pretrial Schedule Order provided in the Rules of Supreme Court unless the parties agree otherwise.

The most problematic component of the bill for localities is the requirement of appeals in the circuit court to be jury trials. The chief reason being that jurors are not real estate experts, particularly on income-earning commercial and industrial properties. The jurors would not have the ability to do research or ask questions. The proposed changes in the appeals process will lead to more court appeals, clogging up court calendars and increasing judicial costs that must be borne by all taxpayers

VACo is now working to defeat identical legislation in the Senate, [SB 597 \(Cosgrove\)](#). We will continue to provide updates on this legislation.

VACo Contacts: [Dean Lynch, CAE](#) and [Beau Blevins](#)

Update on important tax bills

[HB 92 \(Cole\)](#), [HB 469 \(Head\)](#) and [HB 1144 \(Cole\)](#) are similar/identical bills and have been referred to [House Finance Committee's Subcommittee #2](#).

The bills would authorize localities to withhold interest on refunds of local taxes that are the result of an erroneous assessment caused by the taxpayer's failure to file a license application or tax return prior to the filing deadline. Under current law, localities that elect to impose interest on delinquent taxes must also pay interest at the same rate on overpayments due to erroneously assessed taxes. Interest on delinquent taxes can accrue beginning no earlier than the first day following the day such taxes are due, and may not exceed 10 percent per year. Local governing bodies may impose interest at a rate not to exceed the rate of interest established in the Internal Revenue Code, or 10 percent annually, whichever is greater, for the second and subsequent years of delinquency.

VACo has worked to build support for these bills before the committee takes them up. We will continue to provide updates on the legislation.

Also, the [Senate Finance Committee](#) on January 20 heard and subsequently voted to pass by indefinitely [SB 155 \(Favola\)](#), a bill VACo supported.

The bill sought to increase the rate of the local cigarette tax that Arlington County and Fairfax County are authorized to impose from the amount levied under state law or 5 cents per pack, whichever is greater, to double the amount levied under state law or 5 cents per pack, whichever is greater. The portion of the revenues derived from the imposition of the tax that is greater than 30 cents per pack would be required to be annually dedicated to elementary or secondary education.

VACo Contacts: [Dean Lynch, CAE](#) and [Beau Blevins](#)

An educational opportunity for counties

VACo encourages counties to support \$1.5 million in Governor Terry McAuliffe's introduced budget to establish the **Virginia Scholarship for Service Program**. Funding is established to offer tuition relief for up to two years of education in a cyber-related field in return for service as a cyber-professional for the state, a county or municipality, university, or other state entity. Time is one for one, e.g. two years of scholarship requires two years of service.

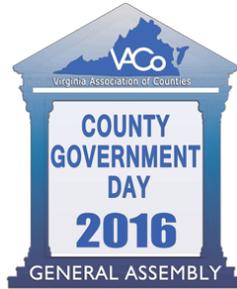
The program is modeled after the federal scholarship for service program – however guidelines will be developed to improve and align the Commonwealth's program with state specific needs. Funding for Virginia's counties will enhance access to cyber talent by making counties competitive in recruitment through salaries, opportunities and work environments.

Additionally, counties will have an updated knowledge base (access to students with current knowledge regarding threats and cyber intrusion techniques). Cyber threat is increasing daily and the importance for counties to have cyber-professionals is growing exponentially as the number of public-facing apps tied to personally identifiable citizen information is on the upswing.

Letters of support should be addressed to your respective [delegates and senators](#).

VACo Contact: [Dean Lynch, CAE](#)

Register for the 2016 County Government Day at the General Assembly on February 11



Thursday, February 11, 2016

[Registration Form](#) | [Register Online](#) | [Agenda](#) | [Omni Richmond Hotel](#)

The Virginia Association of Counties invites county officials to VACo County Government Day at the General Assembly on February 11 at the Omni Richmond Hotel.

Governor Terry McAuliffe is confirmed as the Keynote Speaker.

VACo staff will report on legislation affecting local governments, then county officials are encouraged to go to the Capitol to participate in committee meetings and lobby state legislators. In the evening, county officials are strongly encouraged to invite their state legislators to dinner.

VACo Contact: [Dean Lynch, CAE](#)