

# Capitol Contact

## Virginia General Assembly

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



Tuesday, January 19, 2016

## Freedom of Information Act Bills in large numbers

In the third and final year of a comprehensive Freedom of Information Act (FOIA) study in which each meeting and record exemption is being examined and discussed, it is surprising to note a very large number of introduced bills.

Many of these bills will add further responsibilities for local governments. Of particular concern are [HB 61 \(Morris\)](#) that provides in addition to the civil enforcement provisions of FOIA, any officer, employee or member of a public body who, without legal excuse or justification, deliberately, willfully and knowingly violates certain FOIA provisions is guilty of a Class 1 misdemeanor.

[HB 308 \(Morris\)](#) requires that public officials, appointees and employees shall use only official government-provided email accounts to conduct public business.

[HB 800 \(Morris\)](#) provides that a public body shall make an audio recording of the entirety of every closed meeting and to preserve the recording for a period of no less than two years.

Other bills of interest include [HB 818 \(LeMunyon\)](#), which local public bodies to post a FOIA rights and responsibilities document on its website and to designate and publicly identify one or more FOIA officers whose responsibility is to serve as a point of contact for members of the public in requesting public records and to oversee the public body's compliance with the provisions of FOIA. It also requires that any such FOIA officer shall possess specific knowledge of the provisions of this chapter and be trained at least annually by legal counsel for the public body or the Virginia Freedom of Information Advisory Council.

[HB 334 \(Pogge\)](#) provides that in an enforcement action, if the court finds the public body violated certain meeting notice requirements, the court may invalidate any action of the public body taken at such meeting.

**VACo Contact:** [Phyllis Errico, CAE](#)

## House Appropriations Receives Testimony on Broadband and Virginia Grocery Investment Fund

On January 18 during the [House Appropriations Committee](#) meeting, the Department of Housing and Community Development (DHCD) provided testimony on broadband initiatives and the Virginia Grocery Investment Fund.

According to DHCD, Governor Terry McAuliffe's introduced budget provides \$2.7 million each year of the biennium to broadband programs. Specifically, \$250,000 is for Broadband Planning grants and \$2.5 million is for Broadband Implementation grants each year of biennium. This funding will enhance current planning and implementation efforts.

Broadband Planning grants assist communities in developing strategic plans including demonstrating a market, preliminary engineering, and technical and legal assistance, and exploring opportunities to partner with private providers and leverage additional financing. Implementation grants leverage private, state and federal loans for broadband deployment as well as help to ensure communities have the telecommunications infrastructure necessary to compete in a global market.

DHCD also informed the committee about the Virginia Grocery Investment Fund. The introduced budget provides \$5 million each year of biennium in an investment fund to ensure access to healthy and affordable food to underserved communities, both rural and urban. These funds would leverage private funds to assist up to 20 grocery store developments with up to \$90 million in additional private and public financing expected. The Fund would assist businesses to overcome some of the barriers to locating in underserved rural and urban markets and will encourage a store to locate in a lower income community that does not have access.

VACo supports DHCD's broadband initiatives and the Virginia Grocery Investment Fund as both programs assist community development efforts for Virginia's urban and rural counties.

A copy of DHCD's presentation can be found [here](#).

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

## Bills and resolutions introduced on state approval of charter schools

Several bills and resolutions have been introduced to schedule a referendum in the next election on November 8. The referendum would be on the questions of whether

Virginia's Constitution should be amended to allow Virginia's Board of Education (BOE) to establish charter schools subject to any criteria and conditions prescribed by the General Assembly.

For its 2016 Legislative Program, VACo adopted a position opposing authority by Virginia's School Board to establish charter schools. Approval of charter schools should be the sole responsibility of local school boards. The three chief measures for scheduling a referendum on charter schools are [HB 3 \(Robert Bell\)](#), [SJ 6 \(Obenshain\)](#) and [SJ 93 \(Obenshain\)](#).

The first step toward a Constitutional amendment took place last year when the General Assembly passed [HJR 577 \(Robert Bell\)](#). Constitutional amendments are only approved after they are passed in two successive General Assembly sessions with an intervening election and subsequently receive majority votes in a popular referendum.

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

## **School Bus Camera Legislation before Senate Transportation Committee**

The [Senate Transportation Committee](#) will hear [SB 16 \(Favola\)](#), [SB 74 \(Wexton\)](#) and [SB 120 \(Carrico\)](#) on Wednesday, January 20. The three bills are nearly identical and provide that a locality that has authorized the installation and operation of a video-monitoring system on school buses for recording violations of unlawful passing of a stopped school bus, may execute a summons for such violation by mailing a copy of the summons to the owner of a vehicle that unlawfully passed a stopped school bus.

The intent of the legislation is to clarify existing Virginia law to expressly permit the mailing of violations for illegally passing stopped school buses, as recorded by County- or City-approved school bus camera video-monitoring systems. Further, the legislative changes proposed in each bill parallels current authority in the Virginia Code (§15.2-968.1) that permits mailing summonses for similar traffic violations, such as the running of a red light and parking violations, etc.

VACo supports the bills since they all provide for local option. We will continue to provide updates on the status of the bills.

**VACo Contact:** [Beau Blevins](#)

## **Bill to evaluate certain plant types as Noxious Weed**

[HB 734 \(Hope\)](#) establishes an advisory committee to evaluate certain plant types that should be designated as a noxious weed. The bill requires the advisory committee to

consider the plant's (i) impact on water bodies, other plants, livestock, land, public health, the environment, and the economy and (ii) current and potential in-state commercial viability.

On January 18 the bill was approved on a 7-0 vote by a House Agriculture Subcommittee. VACo spoke in support of this measure. Last year several counties contacted VACo about problems caused by noxious weeds, and the need for a stronger state program for controlling them.

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

## **House Appropriations Committee staff presentation on the Governor's proposed budget**

In addition to VACo's information on the Governor's proposed budget for public education, more details are available at [this web link](#). It is a staff presentation received by the House Appropriations Elementary and Secondary Education Subcommittee on January 19.

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