

# 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 14, 2025

# VACo Advocates for Removal of K-12 Support Cap

On January 14, the House Education K-12 Subcommittee recommended to report and refer [HB 1831 \(Simonds\)](#) to House Appropriations on a vote of 5-3. The bill, which is a recommendation of the Joint Legislative Audit and Review Commission ([JLARC](#)) 2023 report on Virginia's K-12 Funding Formula as well as a recommendation of the [Joint Subcommittee on Elementary and Secondary Education Funding](#), would effectively eliminate the cap on K-12 support positions. **VACo provided public testimony in favor** of the legislation along with numerous members of the local government and K-12 education communities.

VACo's 2025 top funding priority is to support legislative action to implement the recommendations of JLARC's landmark 2023 report on Virginia's K-12 Funding Formula where they coincide with local prevailing practices. In the near term, VACo encourages prioritization of efforts to restore pre-recession era K-12 funding, especially eliminating the cap on support positions; provide full state support for the actual number of K-12 staff positions employed; and revise the methodology for calculating teacher salaries to reflect the actual salaries more adequately being paid by school divisions. Though progress has been made in recent years by the state in restoring support position funding, fully eliminating the support cap would provide more than \$200 million to local governments across the Commonwealth for K-12 education costs being solely funded by localities.

In further detail, HB 1831 would require the Department of Education, (i) in calculating the deduction of federal funds in the Standards of Quality funding formula, to examine actual school division spending on support costs as a percentage of actual school

division spending on all public education costs, with certain exceptions such as food service, and (ii) in calculating the costs in the Standards of Quality funding formula beginning with fiscal year 2029, to include all employee benefit costs incurred by a majority of school divisions, including costs related to retirement, health care, life insurance, and payout of earned but unused leave. The bill also requires support services positions to be funded based on a calculation of prevailing costs and prohibits such positions from being subject to any method of funding calculation that caps the number of funded support services positions based on a ratio of such positions to students enrolled in the school division, except for certain support services positions enumerated in the bill.

This bill will likely be joined by additional legislation and budget amendments that will be reported on and supported by VACo. As previously [reported](#), legislation such as HB 1831 is critical to moving forward with much needed funding reforms to the way in which the Commonwealth funds public schools.

**VACo Contact:** [Jeremy R. Bennett](#)

## **Governor Youngkin Affirms Local Land Use Authority in State of the Commonwealth Address**

Governor Youngkin offered a firm endorsement of local land use authority in his remarks to a joint session of the General Assembly on Monday. In his annual State of the Commonwealth address, which had been postponed from last week, along with all other legislative business, as a result of a lack of running water in the City of Richmond, the Governor touted a series of successes, including Virginia's designation as CNBC's best state for business, reductions in violent crime, and improvements in water quality. The Governor had strong words for what he characterized as the shortcomings of recent initiatives to promote clean energy, citing Virginia's growing need for power, but also strongly encouraged preservation of local decision-making over land use, stating, "We...must not use our growing economy and growing need for power as an excuse to end local control of solar project siting. Local communities must be able to exercise their rights with regards to land use." In making a similar point about local land use authority over the siting of data centers, he said, "Different communities will make different decisions on data centers, but these must be their decisions."

The Governor recapped several tax proposals that are incorporated in his budget proposal, including a credit for certain taxpayers against the car tax ("the most hated tax in America") and the elimination of income taxes on cash tips. He pointed to recent investments in K-12 funding, including his proposals in this area in the introduced budget, and encouraged legislators to modernize the funding formula in a comprehensive fashion, suggesting a "foundational and comprehensive re-design" that would be encapsulated in legislation later this year, rather than a "piecemeal" effort during the 2025 session.

On two issues that have defied consensus in recent years, legalization of retail sales of cannabis and regulation of various newly-authorized forms of gaming, the Governor indicated his opposition to the former, but did encourage legislators to support a proposed Virginia Gaming Commission.

The Governor's remarks as prepared for delivery may be found at [this link](#), and a recording of his address may be found at [this link](#).

**VACo Contact:** [Katie Boyle](#)

## VACo Opposes Mandatory Collective Bargaining Legislation

VACo urges opposition to [SB 917 \(Surovell\)](#), which as introduced, would remove local authority by imposing mandatory collective bargaining for local governments if a group of employees petition and vote to form a bargaining unit. The bill would also create a state Public Employee Relations Board with no specified local government representation and impose binding arbitration, among other provisions. Furthermore, the bill has no provisions for grandfathering in local governments that have agreed to collective bargaining agreements with employee representatives already. VACo has reached out to the patron to share our concerns.

SB 917 is similar to previous legislation from previous general assembly sessions, which was reported on by VACo [here](#) and [here](#). As a result of the 2020 session, compromise [legislation](#) from the then Senate Commerce and Labor Chair Senator Saslaw removed the ban on collective bargaining for local governments in Virginia, but ensured that the decision as to whether or not to engage in collective bargaining remained a local government option. Since the enactment of that law in May of 2021, several local governments and local school boards have opted to adopt ordinances in collaboration with labor groups allowing collective bargaining to proceed and have made collective bargaining agreements.

### KEY POINTS

- Virginia is home to a diverse array of localities with significant variations in population, resources, and administrative capacity. Mandating a uniform collective bargaining framework ignores these differences and places an undue burden on many localities that lack the resources to manage the complexities of collective bargaining agreements.

- Disregard for locally tailored solutions disrupts established practices and agreements and creates unnecessary confusion and administrative burden.
- This legislation preempts local governance, introduces fiscal uncertainty, and disregards the progress made under the current framework.

VACo urges the General Assembly to respect the autonomy of local governments and reject this measure.

**VACo Contact:** [Jeremy R. Bennett](#)

## **ACTION ITEM: Oppose Bill to Make Accessory Dwellings Units (ADUs) a “By-Right” Use**

[SB 932 \(Salim\)](#) mandates all localities permit accessory dwelling units (ADUs) as an accessory use in residential zoning districts. The legislation also prohibits a locality from requiring rear or side setbacks for the ADU that are greater than the setback required for the primary dwelling.

**ACTION REQUIRED:** Call members of the [Senate](#) today to oppose SB 932.

The [Senate Local Government Committee](#) reported the bill on January 13 by a **vote of 6-5 (with two abstentions)**. The legislation was amended in committee so that it would not apply to any locality that adopts an ADU ordinance prior to January 1, 2026, provided that such ordinance does not deem an attached or detached ADU to be a special use.

### **KEY POINTS**

- Local governments have the authority to allow for the inclusion of ADUs within their zoning ordinances and determine the context of where ADUs can be reasonably accommodated to meet the needs of residents and homeowners.
- A mandate to authorize an ADU in all single-family zoning districts excludes input from citizens and communities on whether, and how, ADUs can fit within existing and proposed residential developments.

**VACo Contact:** [Joe Lerch, AICP](#)

## VACo Opposes Waterworks Reporting Bill – Sovereign Immunity Concerns

[HB 2407 \(Scott, P.A.\)](#), as introduced, would require waterworks to report any operational anomaly, regardless of severity, that could affect water quality, public health, or service continuity to the Virginia Department of Health's Office of Drinking Water (the Office) within 24 hours of discovery. This would include instances of pump failures, equipment malfunctions, unusual odors, chemical imbalances, and changes in water pressure, which all regularly occur in the operation of a waterworks facility.

Under the bill, failure to comply with the reporting requirements constitutes negligence.

**VACo opposes HB 2407** as this would greatly increase the reporting requirements for waterworks and the associated costs with such reporting. VACo also has concerns with the general feasibility of these reporting requirements and the waiver of sovereign immunity if these burdensome requirements are not met.

**VACo Contact:** [James Hutzler](#)

## Public Notice Bill Problematic

**VACo opposes SB 876 (Ebbin)**, as introduced, regarding public bodies inability to act on amended agenda items until a later meeting.

The bill expands current notice information required of Public Bodies providing that the notice shall include a proposed agenda listing all items expected to be considered by the public body at the meeting and that agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. What is particularly problematic about the bill is added language that provides amendments to the proposed agenda may be made prior to the meeting, but the public body shall not take any final action on those amended or additional agenda items. This provision would essentially prevent modifying the agenda at a meeting and would prohibit a local public body from responding promptly to issues.

Operation of local government requires action on issues that come with the day-to-day complexities of safely and efficiently operating of local government functions. These issues include dynamic and evolving such as flooding, water system failure, fire, personnel issues, and public safety issues to name a few. To ask public bodies to wait until the next meeting, which may be a month away to take action, is unreasonable at best and a public safety concern at worst.

Although amending an agenda after it is posted is an exception rather than the rule, it is necessary flexibility for local government faced with making decisions on any number of issues.

VACo Contacts: [Phyllis Errico, Esq., CAE](#) and [Jeremy R. Bennett](#)

# General Assembly Convenes, Adopts Schedule for 2025 General Assembly Session

Key dates for the 2025 session, as approved by the General Assembly in its procedural resolution, are as follows:

- **Wednesday, January 8:** General Assembly convenes. Last day to introduce legislation creating or continuing a study, or legislation regarding the Virginia Retirement System
- **Friday, January 10:** Deadline for Senate budget amendments
- **Monday, January 13:** Governor’s State of the Commonwealth Address; last day to pre-file legislation (by 10 a.m.); deadline to submit House budget amendments
- **Friday, January 17:** Last day to file bills, except for bills offered by unanimous consent or bills submitted on behalf of the Governor
- **Sunday, February 2:** “Budget Sunday” deadline for House Appropriations and Senate Finance and Appropriations Committees to report their respective budgets by midnight
- **Tuesday, February 4:** “Crossover” deadline for each chamber to complete work on legislation originating in that chamber (except the budget bill)
- **Thursday, February 6:** Deadline for each chamber to complete work on its budget bill
- **Wednesday, February 12:** Deadline for each chamber to complete consideration of the other chamber’s budget bill and revenue bills

- **Monday, February 17:** Deadline for committee action on legislation by midnight
- **Saturday, February 22:** Scheduled adjournment *sine die*
- **Wednesday, April 2:** Reconvened session for consideration of Governor’s amendments and vetoes

VACo Contact: [Katie Boyle](#)

## Advocate for Your Community at the VACo County Government Day

Thursday, January 23, 2025 | [Omni Richmond Hotel](#)



## REGISTRATION FORM

It’s a day for us. Counties. It’s a day for us to learn how the decisions being made by the General Assembly might affect us. And it’s a day to make our voices heard. Attend County Government Day. Then visit the Capitol to meet with your legislators and observe committee meetings. Later join us for a reception.

**Date:** Thursday, January 23, 2025

**Reserve a Room: [Omni Richmond Hotel Room Link](#)**

**Who should attend:** ALL County Supervisors and staff are encouraged to register and attend.

**Registration Fee**

**\$100** | Includes Day Briefing (Noon – 2pm) and Reception (430pm – 630pm)

**Agenda**

- **9am** | VACo Board of Directors Meeting
- **10am** | Registration
- **1130am** | Lunch
- **Noon** | VACo County Government Day
- **Afternoon** | Visit the Capitol to speak with legislators
- **430pm-630pm** | VACo Legislative Reception | Omni Richmond Hotel

Please email Valerie Russell at [vrussell@vaco.org](mailto:vrussell@vaco.org) with questions.

For information on how to reach your representatives, see the [Virginia House of Delegates](#) and the [Senate of Virginia](#) member websites. Find information about VACo's positions in the [2025 Legislative Program](#). We will distribute the County Government Day Bulletin before the event.

**VACo Contact: [Valerie Russell](#)**