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[00:00:06] Good afternoon, everyone. Welcome to the Legislative Committee meeting, January 27, 2023. Chairman McKay has a motion. I do. Thank you very much. As a preliminary matter, Supervisor Gross will be participating remotely in this meeting for medical reasons.

[00:00:24] I'll ask at this time Supervisor Gross to identify herself for the record and provide her general location, such as my home in Mason District or the like, Supervisor Gross. Penny Gross attending from my home in the Mason District. At this time, I move that the Board of Supervisors certify that the voice of the remotely participating member, Supervisor Gross, can be heard by all members assembled here in the Government Center, and I further move that the Board confirm that such remote participation by Supervisor Gross fully conforms with the Board's policy for remote participation in meetings.

[00:00:56] Yes. Kathy? It's been properly moved and seconded. All those in favor of the motion, please say aye. Aye. Anyone opposed? The motion passes. Thank you, Mr. Chairman.

[00:01:12] All right. Welcome, everyone. We will jump right into the agenda for the day. Board members should have in your packet the second handout there, specific legislation and legislation for discussion, and we'll start on page one with historical positions and SB 1488.

[00:01:36] So, Mr. Chairman, SB 1488 is a repeat, I should introduce myself, Chris Sigler, Assistant County Attorney. Mr. Chairman, SB 1488 is Senator Chase's bill, and it is a total repeal of the authority that was given to us a couple of years ago to allow to go to court and take some substantial, for substantial risk orders.

[00:02:02] So this would be a total repeal of that authority, and we recommend that you oppose that bill. Okay. SB 1485. Mr. Chairman, this is a bill that we discussed last year, And the idea behind it, I think, is maybe some things that were happening in some localities, not here, related to natural gas connections.

[00:02:25] And so the bill is trying to create a prohibition on localities from kind of stepping into that arena. I don't think that that's something that the county feels that we really have authority to do. But the bill is so broad that it captures a lot of things in terms of permitting and other things that staff had a lot of concerns about.

[00:02:42] And so when we discussed it last year, it was on that basis that we opposed it. And so we recommend opposing it again. Yeah, thank you. Thank you. And obviously, you can see in the summary here, ensure that all applicable permits and fees are reasonable, which is a pretty broad statement.

[00:03:01] We opposed this legislation last year. So again, okay. SB 1067. So, Mr. Chairman, SB 1067 is another substantial risk order bill. This one, however, amends the authority that we were given.

[00:03:19] And what this bill does is it provides factors that the court should consider when it's considering whether it's going to issue an emergency substantial risk order or the final substantial risk order. And if you look at the bill, you'll see eight different factors that the court should consider when deciding whether to enter an order like that.

[00:03:39] And that's something that was, I'm not sure why it was left out of the original bill, but it's a good addition to give the court some guidelines on things to look at. So we recommend that you support that bill. And the addition or inclusion of the specific factors doesn't make the statute more restrictive than it is right now?

[00:03:59] In other words, judges have the opportunity to exercise more discretion currently than they would if this were passed? Yeah, Mr. Chairman, I wouldn't say it makes it more restrictive. I think it puts some, I think it gives the court some guidelines, and I think it might actually, because that's in the statute now, it may make these easier to defend if they go up on appeal or something like that.

[00:04:23] So I think it's a good addition. Okay. All right. HB 1485. So, Mr. Chairman, 1485 is a Chesapeake Bay Watershed Implementation Plan bill, and what this does what this is concerned with is is whip three goals and as the board probably knows there's a there's a requirement in the whip three that that's going to be met by the by our egg our friends in agriculture and so what this

[00:04:59] bill does is it pushes back their deadlines for coming into compliance with the whip three and it and it moves those deadlines from 20 I think it's right now it's July 1, 2026. It moves it to July 1, 2030. And the argument, well, the argument, as I understand it so far, is that they don't think they're going to be able to meet those goals. So let's go ahead and push them back. That's a little bit troubling. And I think it's worthy of your consideration, because I think if the ag side can't meet its WIP3 goals,

[00:05:37] there may be a refocusing on municipal stormwater for us to do more to meet the goals, to meet the WIP-3. So I think there's some concern about letting, I hate to use the word slide, but letting our

ag friends slide. So we're recommending that you oppose the bill.

[00:05:54] I will say that there's some ongoing negotiations between, and this bill and SB 1129, which is the next bill, do the same thing. But there's some negotiations ongoing between the patrons of these two bills, VAMSA's, Virginia Municipal Stormwater Association.

[00:06:13] VAMSA is involved in those negotiations, as is the Chesapeake Bay Foundation. So I'm keeping in touch with those folks about those negotiations. They're ongoing, and they're trying to make the bill better. And I think if the Chesapeake Bay Foundation is satisfied, that's a good sign.

[00:06:30] But right now, we recommend opposing these bills. Supervisor Alcorn? Yeah, thank you. I just want to, you know, this past Tuesday we had a tough decision. We had an appeal in the Drainsville District. I mean, I think we're doing our part as our locality to do water quality protection.

[00:06:47] So we want to make sure the rest of the Commonwealth keeps up. So thank you. Okay, SB 1129. SB 1129 is the companion to HB 1485. HB 1632. Okay, so I'm going to take HB 1632 and then the next entry, HB 2390 and Senate Bill 1168.

[00:07:08] All those three bills I'll talk about together. These are actually pretty good bills, but there is one issue with them. So what these bills do is they direct the State Water Control Board to adopt regulations to implement the requirements and amendments to the Virginia Erosion Storm Water Management Act.

[00:07:31] Now, these amendments were passed in 2016, and these regulations were supposed to have already been adopted. The General Assembly has been pushing those deadlines back. This bill would say that the State Water Control Board has, until July 1, 2024, to finalize and adopt those amendments, at which point, once they do that, localities are going to have to update their stormwater ordinances.

[00:08:02] And we have a certain amount of time in which to do that by July 1, 2024. So the concern is, our concern is, is that if the State Water Control Board waits until, say, June 30, 2024, to adopt those regulations, we'd have one day, which wouldn't be enough time.

[00:08:23] So that's our concern. In talking with Delegate Bulova, I asked him if he might be able to help us get DEQ to give us some additional time, to give us some additional time if they delayed their adoption of those regulations.

[00:08:46] The director of DEQ has told folks that they anticipate having these regulations done this summer. If they do that, we'll have plenty of time. If they don't do that, we may not have plenty of time. The director of DEQ doesn't want to mess with these bills.

[00:09:02] These are administration bills. But David Boulevard, Delegate Boulevard, is convinced that everything will be fine. And if not, we have another session to deal with it. So the long and the short of it is I'm recommending we monitor it. They're good bills. I don't want to do any harm to them. So I recommend we monitor them.

[00:09:20] Okay. H.J. 516. Good afternoon. So, HGA 516 is, several years ago, the joint subcommittee on recurrent flooding expanded their scope of work.

[00:09:42] And so, this bill is essentially saying, well, you're studying new things, so you should also include experts from those areas. So, it's increasing their membership from 11 to 17, non-legislative members. And one of these would include a urban representative. So, we would recommend supporting on that.

[00:10:02] Okay. Great. HB 2493.

[00:10:23] So it's not 516. It's HB 2493, right? Yeah. Okay. See, you're not doing any favors to staff who've been working very long hours. So this legislation is legislation that would, as the board is aware, the General Assembly passed legislation allowing the imposition of a bag tax.

[00:10:45] and had some requirements for how that funding is used. This tries to broaden a little bit the items that the funding can be used for, and so staff were recommending support. Thank you. And I'll just, I think it's the case, I mean, based on my reading of the enabling legislation in the statute for the bag tax that we could already use the bag tax revenue to pick up plastic bags that happen to be signs from the medians and other signs on the medians, but certainly no harm in this bill.

[00:11:24] But we don't want to leave the impression that this bill is necessary for us to use the plastic bag tax revenue to remove signs from the medians. That's right. So we'll make sure that we kind of stay on top of that depending on what happens with this bill. Thank you. Mr. Chairman, just to follow up, I had a similar question because I think we already have authority, I mean, it's litter cleanup, which I don't think is restricted to...

[00:11:46] Well, I mean, I think it would cover some of these same areas. Okay. Thank you. I would say so. You know, I don't know if the county attorney has a different opinion, but I think it would be the case. But either way, if the bill were to pass, that's great, too.

[00:12:04] All right. HB 1805. So, Mr. Chairman, HB 1805 and SB 1401 adds community development projects which are related to the production and preservation of housing, including for low and moderate income families, to the types of projects that the Virginia Resource Authority can finance. I think that this is a good addition to the bill. It may be another revenue source that we can tap into and find funds to promote and build affordable

[00:12:36] housing in the county. So we recommend that you support this one. Okay. HB 2100. Okay, Mr. Chairman. HB 2100 deals with accessory dwelling units. It's Delegate Hudson's bill. And this bill is going to require localities to adopt an accessory dwelling unit ordinance that is quite prescriptive in what it does.

[00:13:03] There's 11 things that our ordinance would have to do, things like permit owners of land where a single-family dwelling is permitted to build an ADU if one doesn't already exist. You have to allow ADUs to be built before, after, or concurrent with the primary dwelling.

[00:13:20] And I don't know about you, but if you build an ADU before the principal dwelling, I don't know how that's accessory to anything, but it would require that. And there's a whole list of things dealing with setbacks and all kinds of things. So it's very prescriptive. We'd have to totally redo our ALU ordinance to comply with this.

[00:13:38] And it's a mandate to all localities. So we recommend that you oppose this bill. Okay. SB 1312. So SB 1312 is a bill that allows a locality by ordinance to require electric vehicle charging stations as part of subdivision or site plan approval for commercial, industrial, or multifamily residential uses with a density of seven residential units per acre or greater.

[00:14:09] That's a pretty good bill. We're always looking to put those in the county, so we recommend you support that bill. Okay. SB 1495. Okay, so SB 1495 creates a civil cause of action for folks who are subject to enforcement action by localities.

[00:14:28] So if you believe that the enforcement action was based upon a willful disregard for applicable law, regulation, or ordinance, you can sue and you're entitled to an award of compensatory damages, and to an order remanding the matter back to the locality with a direction to terminate the enforcement, and then you can get reasonable attorney's fees and costs.

[00:14:50] In my real job, I do a lot of enforcement actions, and I can tell you no one's come up to me. None of those litigants have come up to me and told me what a great job I'm doing. Most of them think that we're violating some kind of law or harassing them, so we're going to see a large increase in the number of lawsuits against us.

[00:15:08] And so we recommend you oppose this bill. It's important to note, I mean, right now, as you are dealing with those violations in court, the person who's accused of violating applicable law regulation or ordinance has the opportunity to express that view in court right now, today.

[00:15:34] Mr. Chairman, you're absolutely correct. There's other causes of action that exist, of course, when local government employees sort of do things they shouldn't be doing. So there are other causes of action for that. You're correct. And if the court found that we were doing these things, we would lose our enforcement action in the first place.

[00:15:56] What's the definition of willful disregard for applicable law? Well. Is it defined in the bill? I don't think. Let me pull it up real quick. I don't believe that it is, but let me make sure that I am not wrong. Wait me for one second.

[00:16:17] I'll get it. Mr. Chairman, as he's looking that up, I would also just point out this is one of the functions of us on the Board of Supervisors. I mean, frankly, you know, when we have constituents who feel like they've been wronged, we hear about it, and we hear about it, and, you know, we deal with it.

[00:16:35] So it seems to me completely unneeded. Thank you. And, Mr. Chairman, Mr. Chairman, it's not defined in the bill. So we don't even know what the definition is. It's like definitely a good bill for attorneys. It's good for job security.

[00:16:52] Yeah, exactly. Thank you. Okay, SJ-230. Yes, Mr. Chairman, SJ-230 is, it directs the Virginia State Crime Commission to study the increase in hate crimes and bias-motivated acts towards Asian Americans and Pacific Islanders in the Commonwealth.

[00:17:12] And our staff was definitely thinking that's something that we should support. Supervisor Palchuk. Thank you, Mr. Chairman. And I really appreciate looking into crimes and bias-motivated acts. I'm wondering if we have an understanding of why this is only toward Asian American Pacific Islanders.

[00:17:33] Have we looked at other groups and increases in hate crimes or bias-motivated acts there? So I can't speak to the motivations of the senator, but in committee it was discussed. That was kind of brought up a little bit, and they said specifically because of the rise we've seen nationwide, or at least the attention we've seen to the rise, that the senator's community had really brought it to the forefront.

[00:18:02] And that was his answer to that question. There were also some other bills out about some other stuff, but they have either been left in committee or on the table. Okay, and just so I understand, at the time, the Virginia State Crime Commission, do we know if they're studying whether it's anti-Semitism or against other groups?

[00:18:23] I'm not aware. I don't know. But I'm happy to find that out. That's my only concern. I mean, I think it's really important. And unfortunately, I think we're seeing rising crimes and bias-motivated acts against many of our vulnerable communities. So that's just my one concern with this is having it be such a limited scope.

[00:18:43] I think it's great to look at, but would love if we could recommend enhancing the scope of it. Okay, great. Thank you. Supervisor Faust? Van? Yeah, I think we should go back and look.

[00:19:00] I could be wrong about this, but I vaguely remember legislation on a report for anti-Semitic crimes and motivated acts in the last session and maybe this session, too.

[00:19:17] I'll double-check for that. But if not, yes. And other groups. I think we'd like, you know, other vulnerable communities or LGBTQ communities, other African-American community or Hispanic community, quite a few. So thank you. Okay. HB 1516. Mr. Chairman, Noel Dominguez with the Department of Transportation. HB 1516, this, well, it's not exactly the full summary here. Part of this was stripped, but essentially at this moment, it prohibits toying and recover operators from refusing to allow the people who had their vehicles towed to access and recover personal items without retrieving the vehicle,

[00:19:55] without paying a fee, provided that such place a business is open, and we do recommend supporting that. Mr. Chairman, HB 1723 makes evidence that a bus was stopped with at least one warning device activated, prima facie evidence that the bus was stopped for the purpose of taking or disarging children. Essentially, apparently there was court cases in other parts of the Commonwealth where

[00:20:22] The stop arm cameras were used for providing tickets and fines, and some judges felt that the camera, the pictures, were not sufficient as evidence, so they threw out a lot of those charges. So this bill specifically states that the camera, you know, the pictures can be used as evidence, knowing the board's interest in the subject we recommend supporting.

[00:20:44] Okay. All right. Mr. Chairman, HB 2340, Delegate Bulova has a bill to increase the maximum license tax that a locality is authorized to impose on motor vehicles for not displaying current license plates and also for the penalty on vehicles that have not been registered within the first 30 days of an individual's residency.

[00:21:06] It's essentially for those cars where somebody moves to the county, their car stays titled somewhere else. Delegate Bulova, during testimony, said it's essentially trying to address inflation. The last time the fee was put on was 2013, so this is an inflationary issue. And this increases the maximum, so it's a local option.

[00:21:23] Yes, and we do recommend supporting that. Supervisor Pouchik? Thank you, Noelle. I have a related question, slightly related, because I saw this yesterday. Is there anything for motor vehicles whose license plates, the paint on the numbers has been completely deleted, erased, so you cannot actually read the license plate?

[00:21:44] Is there something that addresses that? I have not sent any bills related to that. There might be something in code. We could go check on that. Is there something in code? There is something in code that requires that if your license plate is not readable, that you have to get a new plate.

[00:22:01] There is something in code that you can look for it. Okay, thank you. Okay, HB Health and Human Services, HB 1534. Mr. Chairman, Arielle McAloon, Human Services Legislative Liaison.

[00:22:18] HB 1534 would create a loan repayment program for individuals who have worked as mental health professionals in the commonwealth for at least five years we would recommend supporting this bill since it would help to address behavioral health workforce shortages okay great hb19 mr chairman supervisor gross please um on that one it says just loan repayment program i presume that we're talking about student loans but the

[00:22:50] paragraph the sentence doesn't say student loans is that what they're getting at or is it just any kind of loan i supervisor gross um i believe that it is student loan repayment um but let me see let's make sure it's not so broad as to be able to be other things other than student loans because this is an employment this is trying to get people you know pay off their student loans if they're going to work as mental health professionals for at least five years that's a that's a that's a

[00:23:27] good thing that's an incentive but if it's any loan i think it needs to be a little more clearly defined we'll we'll double check i think it probably is student loan but if not we'll yeah thank you yes we can double check and just confirm but i believe that that is the goal there to address student loans um supervisor faust yeah i mean i think i hope the answer is obvious but also could We confirm that it's the state that is repaying the loans, and it's not like some shared, you know, they pay a dollar and we pay four or whatever.

[00:24:05] A match. That's a match. That's how you do a match. Okay, we'll confirm that. HB 1963 and SB 945. Mr. Chairman, HB 1963, patron by Delegate Runyon, and SB 945, patron by Senator Suterlein, would direct DMAS to take steps to amend the family and individual supports community living and building independence waivers to provide greater financial flexibility to individuals

[00:24:41] with developmental disabilities who are receiving those waiver services. The bills would combine the maximum annual allowable amount for assistive technology and electronic home-based services for a total of $10,000 annually. This would be helpful in allowing greater flexibility to those individuals who may have needs for the services that exceed the former $5,000 maximum per service.

[00:25:06] So we would recommend supporting. Okay, great. SB 831. Mr. Chairman, so SB 831 is another bill around the waiver program.

[00:25:21] So it directs the Department of Medical Assistance Services to take steps to amend the family and individual supports, community service, living, and building independence waivers with a spend down so that people who may not qualify because their assets are too high would be able to qualify for it.

[00:25:37] We had originally recommended supporting it, but we've heard today that this may be getting tabled in lieu of some budget amendments instead. So there's two budget amendments to address the DD Medical Waiver's eligibility risk based on income limits.

[00:25:55] They're doing it through a different, essentially, component of the program. And so that this bill was going to be tabled in light of those two, and they were going to focus on those efforts. And presumably we would support those. If we were to support this bill, we would support those.

[00:26:11] Correct. Okay. All right. HB 2231. Mr. Chairman, HB 2231, patroned by Delegate Sickles, would require the Board of Social Work to maintain a list of the names and contact information of individuals

who are approved by the Board to supervise candidates for licensure as a clinical social worker and also allow supervisees to change or add a supervisor from the Board's list of currently approved supervisors without prior approval from the board we would recommend supporting

[00:26:47] the bill as it would be helpful in providing the supervisees with additional information about potential supervisors as well as allowing them to more easily change the supervisor which would help increase transparency and accessibility okay so HB 2018 mr. chairman HB 2018 would allow family assessment and planning teams and community policy and management teams to share information with local law enforcement or threat assessment teams established by local

[00:27:23] school boards if they obtain information which they and believe that a child poses a threat of violence or physical harm to themself or others and we would recommend supporting that bill as a way to help alleviate barriers for those groups the CPMT and the FAPT to share information with law enforcement when deemed appropriate um to help protect community the community okay sb 1140 and sb 1140 patron by

[00:27:57] senator mcpike would direct uh the department for aging and rehabilitative services to develop and provide training for court-appointed guardians um by july 1st 2024 we would recommend supporting this bill as it would help with improving training for guardians allowing them to provide improved services to their wards and also provide greater capacity for the current county position that manages the guardianship program in terms of tracking the guardianship activities all right

[00:28:32] elections hb 1910 mr chairman hb 1910 is um a little bit of probably a cleanup bill of some previous legislation so our staff felt like this bill attempts to add some notification and accountability to sending out absentee ballot applications by third parties such mailings are a regular source of confusion during elections as a source the source of the mailing and where who's sending it and where to return it to and actually where to get the official ballot so this bill tries to address those issues and are done and does so more thoroughly than other proposals

[00:29:10] that have been put forth this session so there's no additional burdens or duties of the county and It's just trying to kind of clear up some confusion in the community. So we would recommend support. Mr. Chairman. Yes. Oh, we're going to monitor that one.

[00:29:26] Sorry. Yeah, and I looked at this before the meeting, and I do have some concerns with it. I think the prohibition on pre-populated information could have a chilling effect on organizations that are working to help make it easier for people to vote.

[00:29:52] I suspect maybe the motivation here is, you know, folks get confused when they get an absentee ballot application in the mail that comes from some kind of non-governmental organization, and maybe some requirements there make sense.

[00:30:11] My sense is this would be pretty restrictive on groups across the political spectrum that are trying to help people vote by absentee ballot, by mail, and especially the prohibition on pre-populating information that's accurate and makes the form easier for people to fill out that still would have to be signed by that voter.

[00:30:37] I don't quite understand that. So I had some concerns with it and recommended that we change the recommendation to monitor, but I certainly want to see if board members have thoughts. Supervisor Patrick, did you have something?

[00:30:53] Yeah, no, thank you, Mr. Chairman. I guess I'm thinking about two situations we've had, one of them being when they were sent wrong information. And so with this, I'm wondering, right, we want to make sure people do have the ability to, you know, encourage and help with voter registration, especially with communities that might be moving or moving into an area.

[00:31:15] We have elections at least every year here. So I was wondering, number one, what kind of enforcement or penalty comes with this? And number two, I do also agree to monitor it because I do share the concern on the other end when it is not harmful because it's wrong information, when it is helpful that I think it may be on my end, it's okay to have it required that it be listed on there that this is not being sent by the state or local government. I think that helps clarify, but

[00:31:53] I'm wondering what the penalties are, both if that's not included or if they do include wrong information. Yeah, I'm going to go ahead and ask the staff if they mind to come up and help answer some of those detailed questions. Good afternoon, Chairman Martin Desjardins, County Attorney's Office, Assistant County Attorney Supervisor Paul Cech. There is a provision that makes it a misdemeanor to not

[00:32:27] use a list that they're going to have to get from the Department of Elections. So General Registrar could speak more to the specifics, but the gist of this part of the bill, I believe, is that the VERA system, which is the state's database for maintaining our voter registration list and voting records, and also maintains information about who sought an application to vote absentee, would be needed would need to be sought by the individuals or the entities trying to do these kinds of mailings and then they would have to base their mailings on that information and if they fail to

[00:33:03] do so then uh that's that would be a misdemeanor penalty so it couldn't go through a third party it couldn't be that that that was sent somewhere else and they received it somewhere other than from the registrar i'm sorry could you repeat your question i didn't quite follow sorry could you could you just repeat one more time how this would require where they would be required to get the information and how they prove that? So if you're a third party, so not our Office of Elections or the state, and you wanted to do one of these mailings, you need to, under this bill, you need to work off of a list that you obtain from the Department of Elections, and that the

[00:33:42] failure to use that list is what triggers the misdemeanor penalty under the language in the bill. Yeah, that would be very, yeah, well, it's for absentee ballot applications, so it wouldn't be for unregistered voters. But I mean, most organizations doing this kind of thing are getting the data from a third party that probably got it from Veris indirectly, right? No entity's going, no, I'm telling you. Okay. As you say. No entity's going directly to Veris to get the list

[00:34:21] and then send their mailing out. So I think one thing Varys would experience in this situation is being overwhelmed by hundreds of entities across the country if the requirement is to get the data directly from them, as if you need to be on record having requested the information directly from the Commonwealth of Virginia, if that's what's in the legislation.

[00:34:45] So slightly better understanding the chain of how the document is passed. The language of the bill says that you have to use the information. So it doesn't necessarily say you have to obtain it directly from you yourself, if you are the mailer, if you can have the list handed to you. But you do need to use that list.

[00:35:00] It would be very difficult to determine that. And there was a question about enforcement. There's a misdemeanor about the other element. And as regards the other elements, there's no specific enforcement language.

[00:35:18] Yeah, I mean, obviously, I mean, one reaction I have, and there are times when incorrect information gets sent out. And I'm sure I know in the office of elections, you're hearing from folks who are confused. They got this information from an entity or that information from an entity. Unfortunately, in recent experiences, they've been getting bad information from the state office of elections or electoral board. How long do you have to talk about that? Yeah. Yeah. So a little bit of pots calling kettles black here in this, in, in this

[00:35:54] bill. You know, I just think, I mean, for me, from a constitutional perspective, I get a little nervous about this level of detail and dictating how voters can be communicated to. If I could say, on the one hand, we want to do anything we can to help voters. So I could see parts here. But on the other hand, we have the most problems with information that applications unsolicited that are sent by third-party groups and sometimes they can pre-populate information incorrectly

[00:36:30] if you think about it it could be any individual any third-party group you've got groups like the league of women voters they're very rigorous but you have many other groups so that's my concern we don't take a position on this bill we just we hope that it won't cause more problems i mean we hope that it will minimize problems yeah other thoughts supervisor patrick yeah i mean the only part of this that I understanding what, you know, the issues could be. The only part I think I'm

[00:37:03] can stomach of this is requiring it to say that it's not from a state or local government. But again, there are so many requirements on there where it's put. I mean, I at minimum want to monitor. I agree with you, Chairman, that constitutionally, I'm really worried. I understand that we want to make sure that it's not misinformation. But I think this is overly specific and overly, I don't know what the word is, but the regulations to me are concerning

[00:37:42] and really reduce the ability of groups like League of Women Voters who are doing the right thing and really are trying to help more people in the population be registered to vote and sometimes in very quick turnaround elections to know that there's an election and to have access to the ballot information.

[00:38:01] So, I mean, I mostly have concerns with this bill. I'm okay with monitoring it. I'm not okay with supporting it. And especially in a state where we have so many elections. Yeah, I think we'll monitor the bill. I mean, I think the provision requiring that a list be derived from Veris is unworkable in the real world in terms of how these kind of mailings come together.

[00:38:28] I think they would probably learn that. Appreciate Mr. Spicer's view in terms of the challenges that the pre-populated applications can create. If I could say, Supervisor Paul Cech, you know, I'm new to this legislation. If there's any way to amend this, you hit that one thing.

[00:38:46] Because people don't know. People think it's coming from us. If there's any way you could have that one thing. The disclaimer saying that it's, yeah. Now, presumably, these mailings, maybe not directly on the application, But they do have to have a paid-for line, right?

[00:39:02] So they're paid for and authorized by some entity that's not you. Yeah, and I guess that's my concern is if they already have to have that disclaimer, having a second disclaimer seems a little bit

overkill, and at some point no one's going to read any of those. I don't think they do. I don't believe they have a disclaimer.

[00:39:19] I think that's the point. They don't have to have a disclaimer? On the application itself. Correct. Yeah. Yeah, so I don't have any problem with the disclaimer on mailed applications. um so maybe we can we can monitor with seeming consensus unless there's any disagreement around trying to focus on that on that one thing i guess i'm wondering does it it currently has no companion bill in the senate as far as we know it does not and there wasn't one introduced so it's i have not seen a companion and it's not like one has been introduced and laid on the table and has this

[00:39:55] been discussed in committee or subcommittee yet believe i do not believe it has okay i think it's on the docket for Monday. So I'm okay with monitor at this point. Okay. All right. HB 1847. That's me again. So sorry. HB 1847 is by Delegate LaRock. It's a kind of grouping of kind of some rollbacks

[00:40:30] on some of the different things that have been done over the last couple years, such as repealing same-day registration under 18 pre-registration and drop boxes. It eliminates the permanent absentee voter list it also repeals contract with third parties for printing assembling and mailing absentee ballots as well as um narrowing uh early absentee voting to 10 days um it would also have all mail absentee ballots mandated to be returned through the usps and they had to and the requirement

[00:41:04] to be received by election day and amends the code on risk limiting audits to allow for risk limited audits of the part of the district that covers multiple localities that lie in a single locality. So it's a lot of things that we've historically been opposed to. Okay. All right.

[00:41:22] We're going to oppose that. HB 1812. Very similarly, this bill also combines a number of different things that we've historically opposed. It also adds in some language around looking into foreign influence in our election um but again historically it includes a lot of things we've historically opposed like removing pre-registration for those under 18 repealing online voter registration um no excuse absentee voting voter absentee in person vote um curtside voting for

[00:41:59] disability reasons same day registration and moves the deadline for registering to vote to 30 days prior okay hb 2266 so um hb 2266 is a bill that we've seen in some form before and essentially what it's looking to do is currently for absentee ballots um we report and i'm probably going to ask um mr spicer to come back up and explain some of this a little bit more but

[00:42:35] um essentially when we report our election findings the absentee is grouped as one total number. My understanding is that we have taken the proactive step to then go in and divide it by precinct, but right now it's not being required by the state.

[00:42:52] In the past, we've had, we asked to amend it to not require the precinct level data. So it does two things. It both says you must separate by precinct and gives a deadline. And so the staff have asked for us to ask for an amending language to extend that deadline.

[00:43:14] And what is the deadline? Oh, the deadline for adopting a policy or a deadline for? Deadline for how soon they have to report out precinct-level absentee. What is it in the bill? Seven days. So it's going to move it to noon the next day, the day after the election.

[00:43:33] It's currently seven days. It would be noon the next day. Okay, obviously that seems like that would be quite difficult. Yeah, not where I used to work in Alexandria with 29 precincts per year. Good

grief. 264 precincts. So just to clarify, when I went away, when I left Alexandria, they gave me a map of Fairfax and they showed Alexandria was like one of our little towns.

[00:43:53] But to clarify, this happened last year. We were already required to report by precinct. So we report election night, of course, all the election day precincts, and then we report the total results for the in-person absentee voting and the mail voting. Later in the week, we don't have a deadline, but later in the week, we break it down by precincts for the absentee.

[00:44:12] So that's required. This is timing. This would require all that to happen by noon and the day after the election, which with same-day registration, with we had almost 7,000 provisional ballots we were working on, this would be untenable. So it's not that we don't want to do it.

[00:44:28] We support the precinct reporting. It's just the time frame wouldn't work for Fairfax. Okay. Mr. Chairman, one question. Does it come with any additional funding from the state? no i do not believe so all right thank you okay so our recommendation is amend to extend the deadline to seven days mr spicer i don't have a certain time frame we could it could just be i think this could be confused with there was other legislation that died for the certification deadline we're hoping that would be extended and there's still a senate bill for that

[00:45:04] but for this the friday after the election that would be fine okay all right so friday after the election. Okay, HB 2049. So, Mr. Chairman, can I just interject before we move on to that one? So the bill that you all discussed, HB 1910, that you had a lot of questions about, it is out of committee, but it seems to be getting a little bit of heat on the floor because it's gone by for a couple of days. So we'll go talk to our legislators next week and kind of get a sense of it because the vote out of committee was pretty strong. Yeah, 1910. That's on absentee ballots. You're talking about the absentee ballots. Yes, that's right. Applications. Yeah, so we'll give you all an

[00:45:38] update next Friday. Okay. HB 2049. HB 4029 was brought forward by Delegate Bennett Parker. And this is essentially trying to expand those eligible for curbside voting with disabilities. And so there's two language changes. One saying... And just to clarify, I think the first sentence of the description here should say, rather than limits the entitlement of voters, it defines or expands the entitlement of voters with disabilities? I would agree, yes.

[00:46:14] Okay. So sorry about that. So it takes away the requirement that it be a physical disability and it also adds in that it could be a temporary so pregnancy is considered a temporary disability so a pregnant woman could now curbside vote. So we would recommend support to allow for accessibility.

[00:46:35] Okay. Supervisor Faust? I mean it expands the definition of people with disabilities but limits the curbside voting to those people. Does it preclude anyone who's currently curbside voting from doing so?

[00:46:56] I do not believe so, but I'm going to ask staff who is currently eligible to curbside voting. I'll tell you what we do in Fairfax County is there is no limits test.

[00:47:11] If you're elderly, if you have any difficulty, you know, my mother is 83 years old. She gets along just great. There might be another person. I'm starting to have some troubles myself. So there's no litmus test. I'm not sure in the legislation what that would do. It seems to me you're going to create a situation where people are going to start arguing whether you're disabled or not.

[00:47:34] You know what I mean? Yeah, that's the current law. I mean, there's not a problem here. The current law is restrictive, so this is expanding the existing law. I mean, is that current law? It's open-ended.

[00:47:51] No. No, that's Fairfax's practice, but the current code has it limited. So can Fairfax continue to have an expanded practice in this? Yes. It's closer to our practice. Yeah. So the code does not say you can't let people, but the original language is that any voter with a disability or who is 65 or older shall be entitled to vote outside the polling place.

[00:48:19] And then, again, the disability was defined as a permanent physical disability or an injury. So this is essentially changing the code to be more in line to our current practice, but it wouldn't limit our current practice. Okay.

[00:48:38] Thank you, Mr. Spicer. HB 1442. So, Mr. Chairman, this is a bill that when it started, it's really meant to be about sharing information about TOT rates, transient occupancy tax rates. The initial bill, as it was introduced, required some sort of onerous online portal interaction that I think our staff had concerns about.

[00:49:02] The bill has since been amended to address that concern, and so staff is comfortable just recommending to monitor right now. Okay. So the current requirement is just publish it on your website. That's what's in the bill now.

[00:49:19] Yes, it's really just about the information, right, not about the accessing of a portal and how that process would be set up. But Jay is here somewhere, if you all have questions for him. No, I don't think that's fine. Okay, HB 1508.

[00:49:37] So, Mr. Chairman, these next couple of bills really are about taking state funding and allowing it to be used for non-public education through vouchers or scholarships and things of that nature.

[00:49:55] Those of you who participate in VACO have probably seen that VACO staff have sent out a couple of notices about this. And there's one bill that was not successful, but these two are still out there. And so we recommend opposing them. They do take money from the public education system and take it to other uses.

[00:50:14] So it's not as though it's additional funding that's being provided. So that's our recommendation. Okay. Supervisor Patrick. Quick question. When I was down in Richmond, I know that I sat in on the Senate committee, subcommittees, where their bills died. These are in the House. Are there any remaining in the Senate at this point?

[00:50:32] So I think that the Senate one is gone. I don't think that there are any others, but we'll definitely be looking to make sure that there's nothing else out there. But these are the two that are kind of still out there. So I assume when they get over to the Senate, they may not have a happy future. But, yeah, we'll be watching and we'll look to make sure that there's not any others.

[00:50:49] Absolutely. Thank you. Okay. So 13, HB 1371, right? Is that? That's the same. Same one. Okay.

[00:51:05] It's the same concept. Those two are the same. Okay. Yeah. Education savings account. Longer description. Okay, that brings us to legislation provided for discussion. We have one, two, three, four, five bills to cover, HB 2106. So, Mr. Chairman, HB 2106 and HB 1561, we certainly wanted to bring to your attention, these are bills that deal with assault against a law enforcement officer, And what these bills say is that no individual shall be subject to arrest or prosecution for

[00:51:40] an assault against a law enforcement officer if at the time of the assault or battery they were either experiencing a mental health emergency or they met the criteria for issuance of an emergency custody order. And then finally, the law enforcement officer subject to the assault and battery was responding to a call for service requesting assistance for that individual.

[00:52:06] So we wanted to bring this to your attention because I think it's fair to say the police departments support the spirit of this law. This is a pretty black and white distinction. They can't be charged or arrested at all for that assault on a law enforcement officer. And the police department has thought a lot about this issue and has actually implemented regulations where if there's an assault on one of their officers in an instance like this uh before that officer can take out can can can arrest or charge that individual with an assault against a law enforcement officer they have to go to their supervisor and get supervisory

[00:52:43] approval for that arrest and warrant um so it's it's an issue where we've addressed it but we haven't eliminated the possibility entirely and you know an assault and battery can can range in severity, so a black-and-white issue like this is a little bit difficult, but we wanted you to have the opportunity to think about that and discuss that, and if you'd like to take a position, we're happy to do that.

[00:53:13] So, I mean, one thing that we could do here is share with Delegate Watts has the bill? Delegate Watts does have that, yes, has one of the bills, yes. share with her our existing process, and that may inform how she approaches this issue moving forward. She might be unaware of it. Yep. I'm certainly happy to do that. Maybe we can put that down as a monitor for now. Mr. Chairman, just a question, because, you know, the criteria B is very specific, very easy to identify. I guess I'm concerned with A, is experiencing a mental

[00:53:53] health emergency? Is that a similar question to what I asked earlier today? Is that defined in the bill? I knew you were going to ask, so I looked it up ahead of time. Yes, it is defined, and it says it means as a result of mental illness, one, there exists a substantial likelihood that the person will, or in the near future, cause serious physical harm to himself or others, as evidenced by recent behavior. It goes on a little bit. And then, or the person is severely disoriented or lacks the capacity to recognize reality. That's a mental health emergency. Yeah, I would just,

[00:54:29] you know, I don't know if that's the clinically recognized definition. I would just, you know, look at that and socialize that with the police department too, because I'm not sure that, I mean, I'm glad there's a definition for it because it makes it easier to interpret this, but by the same token, I'm not sure that's the same definition we would recommend. And so I think in talking with Delegate Watts, if you find that that is the case, I think that's something worth sharing as well.

[00:54:58] Yeah, I'm happy to do that. And if I may, Mr. Chairman, the other criteria, I think one of the things you mentioned that it's sort of easy to define because it's in the code. One of the things that I think is an issue is that sometimes a person for an emergency custody order, it can be issued if that person is unable to care for themselves.

[00:55:22] And that may be a little bit – that could be a little bit different than a mental health emergency. But under the way the bill is currently drafted, even those individuals could be immune from an assault against a law enforcement officer. And I'm happy to talk to Delegate Watts about that as well. Yeah, I think that's a good point.

[00:55:37] You know, the only other one that jumps out to me is the item two, which is the law enforcement officer subject to the assault or assault and battery was responding to a call for service requesting assistance for such individual. I mean, I'm sure there are numerous occasions where a police intersect with someone who's having a mental health emergency without being prompted by a call for assistance.

[00:55:58] So I'm not sure what they're trying to go at there, but I would just ask that question as well, because I don't know what percent of our calls involve people suffering from mental health that are not called for, you know, that assistance is not requested for such an individual, but our officers are out all the time and in real time see things happen and have to respond to them. So I'd ask that question as well. Yeah. Thank you, Mr. Chairman. I'll look into those issues. Okay. All right. SB 933. Oh, you're talking about this

[00:56:32] one. Sorry. You can take it. So, Mr. Chairman, Senate Bill 933 is Senator Edwards' bill, and it authorizes a locality by ordinance to essentially ban single-use plastic carrier bags that are not recyclable from grocery stores, retail stores, and convenience stores.

[00:56:53] So this is the other option to a tax. The bill does specifically say that nothing in here affects your tax. You can have your tax, or you can have your ban, I guess. And I know you had supported the tax. I don't know that we've ever talked about a ban and whether we would want that authority, so I brought that for you to consider.

[00:57:15] Well, I mean, you know, I'll just say for myself, Obviously, a local option, philosophically, we're typically supportive of. My perspective is we've had the tax in place for only one year, and the best approach for us is to let that play out and see what kind of impact it has before aggressively seeking an additional authority.

[00:57:40] Supervisor Stewart, do you have something? I think that captures my views in general, but I think there will come a time, and it be wonderful to have something like this on the books when that time comes when there will be all plastic will have at least some used plastic will be recyclable in some way and i think it would be something that we would want to consider as a way of minimizing the environmental impact of plastics so but so i i don't know that hurts provides us more options but it is premature in

[00:58:11] terms of where we are i think as a county okay hb 1948 so this is another election bill um it's it does some things we like and some things we don't like so that's why I wanted to bring it for discussion and then staffs have some concerns on it as well so essentially what it does is it removes the witness signature requirement which is something that we like typically historically but it replaces it with the requirement that they provide the last four digits of their

[00:58:46] social security number and their date of birth in committee they asked for an amendment to say that they could also use the unique identifier for those voters who don't have a social security number and with that amendment going through it passed unanimously out of subcommittee and committee this morning but again we we historically have been cautious about the social security numbers and and staff have also had concerns and I I'm happy to let mr.

[00:59:16] Spicer say what those are but wanted to bring that to your attention thank you And let me just ask first, because we had a board matter on this issue a couple of years ago, and we ultimately discovered

that it has been a pretty significant, I remember it being in the hundreds of people who sent in their ballots without the witness signature.

[00:59:43] Is that recollection? It might have been before you started, Mr. Spicer, but is my recollection correct there? You are correct. And we do have a curing process, but they would have to come in and cure. Not everyone does that, unfortunately. Okay. I mean, obviously, my reaction to the Social Security number is a lot of folks just are not comfortable putting their, even the last four digits of their Social Security number in the mail.

[01:00:10] So that certainly concerns me. I think it, although when you send in your application, is the Social Security number on the application? That was a point of the former registrar had a different position, but it says on the application required.

[01:00:30] So when I took this position last March, it is required since then. We do enforce it on the last four. So they've provided that when they ask for an absentee ballot. All right. So I think you put the last four on your application.

[01:00:46] The ballot is then mailed to you by name to your address that was on the application and is in Varus. I don't see the purpose of requiring the four digits of the Social Security number on the ballot.

[01:01:02] If I understand this correctly, I think initially it was both the witness signature and the four digits and the date of birth. I think now it's instead of the witness signature, the four digits, and also the birth date. From our perspective, we don't take any position.

[01:01:19] We'll just do whatever the legislation is, but it would be very administratively challenging. It's just one more thing for us to do for every ballot that comes in to check those. I think this board's position, going back to our board matter, has been the witness signature is an unnecessary impediment to people voting.

[01:01:37] I don't think the Social Security number is any different. I think it's also just an unnecessary, in this case, redundant barrier to the people voting. So I think our position should be that we don't think there should be a witness signature or a requirement for Social Security number or date of birth.

[01:01:57] All that's on the absentee ballot application that folks will have filled out. Supervisor Stort. So the core question, I think, for all of us is what's the fraud? How much fraud have we had in Fairfax County with our ballots? That's a tough question to answer.

[01:02:16] I don't think there's a lot of fraud, but you wouldn't necessarily know if there is. Well, somebody's discovered some or none, right? And we don't have a history that I'm aware of of significant fraud that's been identified, right?

[01:02:34] And I would say significant mean more than two digits. Well, and I would say this. We have very existing, with existing procedures, we have very tight controls because, for instance, we send overseas ballots. Sometimes we'll send an overseas ballot, and although the spouse didn't ask for one, they'll just print a second ballot because overseas is a different type of ballot.

[01:02:55] That cannot be counted because the application is the driving force. We make sure that they're registered when we do a process and application. So there are many processes that would minimize or almost ensure that there's no fraud already in place. So I think, you know, what we can share with the GA on this issue is we have tight controls on our absentee ballot application and voting process.

[01:03:23] We haven't experienced significant issues or fraud related to that, any that we can identify, that we can identify. And, but we do know that the witness requirement has been a barrier, and we can get the exact numbers, I don't remember what it was, but hundreds returning their ballots without the witness requirement, and, you know, some who have the time to come down and go through the curing process have done it, but a lot don't, because a lot of people don't have time to do that.

[01:03:55] So people have been unable to vote because of that witness requirement. We know that. So adding additional layers of requirements with Social Security numbers, which is, you know, personally identifiable information and dates of birth and all kinds of things are just unnecessary and a barrier.

[01:04:16] Mr. Chairman, I would just add that, you know, what we learned from that, too, was a real invasion of privacy. I mean, some people are uncomfortable with the witness requirement and thinking that people are overseeing their election activity or seeing some of this private information on the forums.

[01:04:32] And so I think just from a privacy standpoint, you know, we need to be real careful here. Definitely. I did also just want to mention there had been something similar, not exactly the same, on the Senate side that died. So I'm not, like I said, it will be on the floor in the House next week.

[01:04:48] But just so you are aware that a measure similar to this had died in the Senate. that. Okay, SJ247. All right, so I'm going to have to call in some staff support on this one too, but this is a constitutional amendment that would allow the governing body of any city, county, town, or regional government to provide for local real estate taxation exemption for low

[01:05:22] income or low financial worth individuals um there was a lot of debate in the committee about this the there are two bills in the house that are similar that have not been docket um have not even received a committee referral yet um nor have they been docketed but this this one was heard um there's a lot of discussion over what does low income mean and how do you define that But basically a locality had brought this forward with an idea for kind of revitalizing some of their neighborhoods and some issues they saw with gentrification and rising property

[01:06:02] values for homeowners who had owned their property for a long time. And they had thought of this program that this would allow. A lot of the discussion in the committee was that that's a good idea for them, but what does opening this up like not every locality would use it that way not every locality wants this things like that so um wanted to bring it forward as um for discussion as we do what affordable housing support and is always great um but again it it would have a restriction i think

[01:06:37] our staff said it um if using last year's estimates it'd be a 1.5 million dollars um if we we would adopt something like this how does the bill define low income or low financial worth so currently it does not and that was something that they said they so they passed it out a subcommittee and they were going to work on it between that and full committee of defining out what that means but in in the current bill it would be on the local county city town regional government to define that and so how did mr doshi did you come up with a one million dollar

[01:07:14] Mr. Chairman, Jay Doshi with the Department of Tax Administration. We separately track low-income housing, and we estimate that using last year's numbers, because the 2023 numbers are not public yet, that we have at least $150 million worth of low-income housing stock in Fairfax County.

[01:07:45] Taking the current tax rate, we then estimated a $1.665 million impact. How do you define low-income housing? These currently utilize the parameters that are provided by our housing and community

development.

[01:08:02] So we didn't invent new numbers, per se. And the bill does, at least the joint resolution as proposed, allows for legislation to be passed by the General Assembly, which would still leave as a local option the definition both for income as well as net worth.

[01:08:25] It would leave it to the governing bodies to define the amounts. Mr. Fleetwood, do you want to share something? Afternoon, Mr. Chairman. Tom Fleetwood with the Department of Housing and Community Development. I would only add that the figures that Mr. Doshi cited were based on the homeownership units produced under the ADU and WDU programs, so it was a pretty narrow view of the bill as it was originally introduced, which discussed housing that was specifically produced for

[01:09:02] low-income populations and owned by those populations as their primary residence. It goes without saying, obviously, that this resolution amendment, constitutional amendment, would do nothing for low-income renters, right?

[01:09:19] It's only for homeowners, so it wouldn't provide a tax? No, it's just for local real estate tax. But it wouldn't provide a real estate exemption to the owner of an apartment building that provides apartments to low-income renters, so only owners.

[01:09:40] Okay. Supervisor Faust. Yeah, I mean, I think Tom's point is it doesn't have to apply just to the ADUs and WDUs, so it would apply to homes that people have owned for 50 years, you know, who have very little income and are having a very difficult time paying their taxes.

[01:10:07] I don't know whether our tax exemption program that we have in place already takes a lot of them. yes sir but it does seem to be another tool that we would have i it uh you don't have to grant under this thing it sounds like 100 exemption um just think that property taxes are so regressive you know that and this would be a tool you could you know try to make a little more progressive

[01:10:42] everything else being considered i mean the impact on other services and all that so i mean i think it's a good option to have. I don't see why we wouldn't want it. Just so we're understanding correctly, right now the amendments would allow local governments carte blanche to define low

[01:11:13] income or low financial work. Yes, the amendment does. We don't know what corresponding legislation would look like. So the the amendments language is for local control. So we don't talk about constitutional amendments all that often but I mean I think the board knows that typically a constitutional amendment is a multi-year process so it has to pass and then you have to have an intervening election and then it has to pass the general assembly again in identical form and sometimes at the and then there's also a statute that is that passes the GA to sort of implement

[01:11:49] the constitutional amendment if you will. So if the constitutional amendment itself isn't very flexible. You can't always use the statute to sort of work your way around the constitutional amendment, and this amendment is flexible, but we don't know, obviously, what the future legislation trying to implement it would look like. Sometimes when a constitutional amendment is being considered, the patrons will have statutes that are sort of going through the process at the same time, so you can kind of see it, but none of that is guaranteed because the constitutional amendment process is long, so you never really know what that future GA is going

[01:12:23] pass and how flexible it can be. Okay. Supervisor Pass? Yeah, I mean, if the Constitution says something, I mean, you can't draft statutes that are inconsistent. And it sounds like the language of this constitutional amendment gives us the authority to decide whether to do it.

[01:12:44] And at this stage... Well, it does say within such restrictions and upon such conditions as may be prescribed. Would we be prescribing or would the statute be prescribing? But that prescription doesn't impose the obligation, right? We have to assume the obligation, isn't it? The way it's written, we would have to decide to do it. It's authorization to...

[01:13:14] But how... And if the state made it, you know, gives us the authority and that makes it so impossible because of prescriptions, you wouldn't do it. Mr. Chairman, it's a local option, first of all, and second, you're right. Potentially, you could have some restrictions placed by the statute that implements this constitutional amendment, assuming that it passes the way Ms. Arco described.

[01:13:41] And then in addition to that, so long as it is consistent with the state law that passes, the local ordinance may also have additional restrictions should the board choose to adopt legislation. Mr. Chairman.

[01:14:00] Supervisor Gross and then Alcorn and Lusk. Thank you, Mr. Chairman. It would seem to me that this one is another attempt by the state to get into – I would prefer to see the state doing something about changing our reliance on the real estate tax rather than giving us additional opportunity to use the real estate tax.

[01:14:27] We really need to have a different taxation system. And so this is another attack really on local taxation authority from my perspective. And I would think that counties across the Commonwealth would view this with some trepidation because it would be better for the Constitution to have a different tax system than, you know, give us an amendment on that instead of on trying to go into what we, one of the few things that we have to raise revenue.

[01:15:00] Supervisor Gross was much more articulate in making the point I was going to make. If there's a problem with the real estate tax and the burden, give us more tools. Don't change the Constitution to do that.

[01:15:17] That makes me nervous to get anything locked in to the state Constitution. So thank you. Thank you, Mr. Chairman. I think I'm a little sympathetic to the remarks that Supervisor Faust made. I think I feel like more flexibility, having the opportunity as a jurisdiction to decide if we want to impose this or not, that's still within our control, so we're not being required to do it.

[01:15:48] So to me, it doesn't, I don't feel that it's as onerous as it's been described. I think the impacts, the folks who do not have the ability to pay is real and difficult, and we know that values continue to go up.

[01:16:07] This becomes a challenge with each passing year, so I'm sympathetic to the folks who are on fixed lower incomes in this county, and I think we have a responsibility to think about them. And my recollection is that when we talked about the tax relief, we said there might be opportunities to expand it at some future point, that this was the first look at it.

[01:16:30] And to me, I think, you know, we should at least consider it. So I'm sympathetic to the complaints I heard earlier. So thank you, Mr. Chairman. Chairman McKay. Yeah, Mr. Chairman, I mean, I think the principle here is a good one.

[01:16:45] I think the devil is in the details, as we know. I mean, let's be honest with ourselves. if a constitutional amendment like this passes, we will be instituting this. We've seen this before. Let's not act like all of a sudden we'd have this great local autonomy whether or not to do it.

[01:17:02] If the voters say twice and the General Assembly passes something in exact language, I can't remember an instance where we did not implement something like that. I mean, we just did it for good reason at the last board meeting. And so I think we need to be honest with ourselves on that front.

[01:17:18] The other piece is that there are a very high number of low-income people that live in apartments, and there's no tax relief for them in this at all. In fact, we know that those costs are just passed down to the tenants of these apartments who are struggling, just like people who are able to buy their home.

[01:17:39] And there's no instrument here to relieve the taxes for all of those thousands of people in the county that live in market rate or even subsidized affordable apartment complexes. And so I think the concept here is a good one, but I think this is another example of no conversation with local governments about how this would impact us, no conversation with the state about perhaps better ways to provide support for people on low income or financial worth, no conversation with the state for tools to give localities instruments to recoup

[01:18:15] that revenue through other means to be able to make sure that the rest of the county doesn't bear the brunt of a real estate tax increase. And so, you know, I like the concept. I don't like at all that VACO, VML, others were not consulted and conversed with about the pros and cons of this. I mean, this is a big deal. This is a big bill that will have long-term ramifications to counties that might give us one lever of flexibility without giving us any other flexibility to try to implement this in a sound, productive way.

[01:18:52] And so I am concerned about that, and I think we need to be mindful of those other details. We're very detail-oriented. General Assembly is not a lot of the times. What I'd really love to see is the General Assembly have a bill not that changes the Constitution, but looks at even lower income thresholds from the Commonwealth of Virginia for people and their income taxes. And we're debating in Richmond that now. And there seem to be some who aren't interested in helping the people at the lowest level with their state income taxes. And part of the reason is because the state doesn't want to have to deal with that lost

[01:19:27] revenue, among other reasons. There are some that aren't as well-principled. But I think we just need to be really careful here and understand going in what the real ramifications of this could be. And I think what patron of this bill should do is take a step back and meet with and talk to local governments about what this might mean for them. And maybe there are some better tools that we could get out of that conversation. And I'll just add, historically, our response to bills that give local governments the ability or sometimes impose a requirement to offer a tax

[01:20:04] exemption or tax reduction is, especially when it's a worthy cause, and we dealt with one last week, is to say you all should also think about providing a state tax credit to this category or class of people. And when we're talking about low-income people in the Commonwealth of Virginia, there's a very simple and easy tool that's been talked about a lot in the General Assembly, which is a refundable tax credit on the income tax that exists at the federal level. It's the most proven, successful poverty-reducing tool in the history of the modern world, and the

[01:20:41] Commonwealth of Virginia doesn't have one, and they could, and that would help renters and homeowners who have low incomes. Anyone? Supervisor Smith, and then we'll come back to Supervisor Thomas. I appreciate where the conversation's gone, because I support that, and I also think it's a false narrative to think that this is the answer to gentrification.

[01:21:01] It's the cost of housing and those other pieces, and I think we need to deal with the poverty issues in a different way. So I'm concerned about that. Supervisor Faust? Yeah. You know, I appreciate the conversation about what might be, you know, what we would like to see, what could be.

[01:21:21] But that's not what's on the table right now. We're talking about, you know, the one thing we know that would give us flexibility in how we tax property owners who are low income. You know, I think I know, I see where this is headed, but I do think it's a mistake not to take advantage of the toll.

[01:21:44] You know, we have, our county has become more and more dependent upon residential real estate. And that, you know, there's, we'll fight that like crazy, but that is what's happening here and everywhere. And if you don't have tools in your tool bag that help you enable low-income people to stay in their homes, you're limiting what the county will ultimately be able to do because there's only so much real estate.

[01:22:16] If the rate has to be the same, everybody, you can only raise it so much. I just think, you know, I'm almost surprised. I mean, it sounds like, you know, something we would have put into our legislative package.

[01:22:32] And we sit here and we're saying, you know, for whatever reason, and I can't figure out what the reason is, we're not going to support this. And the other thing I would say is, you know, if we do have questions and we want to improve it, I guess, well, whatever passes this year has the exact same language.

[01:22:51] But you do get another shot at it. I mean, you can say the details haven't come together. We're not going to live with it. So if a constitutional amendment survives the General Assembly this year, they will have to pass it in identical form.

[01:23:07] If they want to change it next year, they'll just have to restart the process, and you have to have that intervening House of Delegates election. So that's kind of the issue. Yes, you can change it down the road, but it has to be identical both times. Supervisor Palczyk?

[01:23:23] Yeah, I mean, this is a really tough one and totally appreciate that it would give some more flexibility, which we're always asking for. I think my concern, those of us who were at MVRC last night, we know and everyone here knows exactly the structural issues we're facing with transportation in the coming years.

[01:23:47] We want to make sure to put more money into the housing trust fund. We'd love for the state to do it more. I agree with Supervisor Smith in that the taxes are not what's keeping us from being able to have enough affordable housing.

[01:24:04] And so that is absolutely a concern. I hear where you're coming from, Supervisor Faust. I just want to make sure that the issues that were said before, we know that rental is the way a lot of our community is able to maybe kind of afford to live here right now, or multiple families in one unit.

[01:24:25] and as you know as we're looking regionally we know that we need more housing and so while I think in theory I really appreciate I'm really caught on this because while in theory I appreciate and I

think we always want more local authority if this is going to be the state saying hey look we helped when they're not helping in any way when there's a surplus this year and rather than putting it into the transportation, housing, education, early childhood education, all the other things that we need in order to have a community that supports people of every income to be able to live and

[01:25:03] thrive here. If this is for them to say, hey, look, we helped you out and give you more flexibility, it's a huge concern. And so, I mean, at minimum, I would monitor it if we don't want to go one way or the other. I just, again, I appreciate where this is going and share the concerns that we, there was no consultation, that this really does not look at the impact of what this means and does not provide additional options for this to be addressed. But I do like having that

[01:25:39] flexibility and being able to, if this is, if we continue to not be given other options that are less regressive for funding everything we do at a locality, then sure. I guess it's better than nothing, but is better than nothing worth it? I don't know. Maybe it's better than nothing. So I minimum would say monitor before we, if we're not, if we don't 100% decide on whether we support or oppose it. Yeah, thank you. Obviously, we don't have a precise consensus on this among the board,

[01:26:16] and we're not going to oppose the potential to receive a local authority. So this is the kind of bill that historically, typically, we would monitor, but also use it as an opportunity to make the principled argument about the tax structure for local governments and the restrictions that we already face and the challenges that we have in providing the services we need to provide within the already very restricted confines of the tax structure that we operate within, and obviously with this, if this is moving forward, we should be engaged in

[01:26:55] the conversation and stress the importance of flexibility in defining the terms low income and low worth, but also continue to express our concerns about the continued kind of chipping away at the limited taxing authority that we have. Mr. Chairman, just one final note. I do think we need to to share with the patron that this bill out of the gates picks winners and losers and we have a lot of low-income people in the county who won't be helped at all by this most most of the people who are really low-income people in this county don't have the privilege of owning real

[01:27:35] estate and you know frankly I think we need to think about that I think there's a lot of tools to help low-income people as as as chairman Walkinshaw mentioned targeting it only to those who happen to be in a position where they own real estate in a county like Fairfax with the number of renters we have, probably not the best way to target them if that's what we're really trying to do to provide real relief to them.

[01:27:57] And I think we need to share that with the patron. It may not be the case where that patron is. Maybe there's not a lot of rental properties. I don't know. But I think we just need to make sure we stipulate that as well. MS. So, Mr. Chairman, we certainly can have those discussions with the patron. She's from Chesterfield County, just FYI.

[01:28:14] MR. Okay. SB 1463. Mr. Chairman, SB 1463 is patroned by Senator Chase, and I'm going to have staff come up to talk through it a bit, but essentially it would require public school libraries, the Library of Virginia, as well as all public libraries like Fairfax County's public libraries to add parental advisory labels to material which has been identified as having sexually explicit content if they are made available to a minor and so i think jessica hudson and joanna

[01:28:53] faustin helped answer some questions okay um yeah okay a few questions um i mean obviously out of the gate you know whatever your views on on the particular topic are it's an unfunded local mandate here the the commonwealth of virginia is not going to buy the stickers, are they? No. I mean, a lot of issues here, but a couple of questions would be who decides, right? Who cracks open the book and decides whether it meets the standard in the

[01:29:31] code? I guess the other, so Senator Chase is only concerned about sexually explicit content, right? So it's not violent content or other kinds of content that some might find objectionable. It's only sexually explicit yes that's accurate okay all right okay that is correct mr. chairman and it also draws the definition of sexually explicit content from the Virginia code which is an extremely broad definition covering all pictures all descriptions many different things including things that

[01:30:08] could be considered mild as you said defined such as sexual excitement undefined there okay supervisor Smith the other thing I question is that the books are made available to minors in a library. Do you have sections of the library that only certain age people can go into? I think it's a public free library, right? Jessica Hudson, library director. Yes. So there are no specific areas of the library that are quarantined or you have to get carded to get into. While there are areas that are specific for children or teens or adults, people are free to access different areas of the library. And because we don't act in local

[01:30:45] parentis like the schools do, we are not keeping track of where children are in the space or what they are assessing. Upon initial review of this bill and review of our collection, we have 275,000 unique individual physical titles. And a rough estimate on staff time, if we had to review all of those items, is about 480,000 staff hours or 235 FTE for a full year. Okay. So, you know, A lot of books to read.

[01:31:16] I think this is something we need to oppose. I mean, even if you thought this was a good idea, which it isn't, it's completely unworkable. I also think, you know, it assumes that parents in Fairfax County need a label and aren't able to look at the books that they're reading and talk to their kids about the books they're reading and make a determination as to whether their family thinks that's appropriate.

[01:31:42] I think it's a little insulting to parents and families in Fairfax County that this kind of thing would be necessary. But even if you disagreed with me on that, there's no way that it could physically be done. Supervisor Palchuk. For me, very simply, this is 2023 now, not 1950.

[01:32:01] I don't see that this is helpful in any way. And a waste of taxpayer dollars, in my opinion. So happy to oppose this. Supervisor Alcorn. How would this apply to digital books?

[01:32:19] Joanna Faust, Supervisor Alcorn, it would apply to digital books because the definition is so broad. It's any description, picture, photograph, drawing, motion picture, digital image, or similar visual representation. That would be a visual. How do you put a label on a digital book?

[01:32:36] Excellent question. Yeah. I think the sponsor maybe hasn't been in the library the last few years. All right. Thank you. Okay. All right. So I think we can oppose. Supervisor Faust. I just wanted to ask what the status of the bill is currently.

[01:32:52] Has it made it out of a committee? Yeah, it's the Senate. What's that? I mean, it's a Senate bill. I can't imagine. It's a Senate bill, yeah. Yeah, it's still in the Senate Education and Health Committee, so it hasn't moved at this point. It's not going anywhere.

[01:33:07] Yeah, it was introduced earlier today and did not proceed. And there's three, two, three. no they um i'll have to check okay but there's no companion bill in the house i haven't i think that there were similar bills in the house i think one of them may have failed already so i but i will double check um and i would say mr chairman there are a ton of bills about libraries and

[01:33:42] material and content and all on this subject this session maybe not surprisingly um a lot of them them, though, focus on school libraries. And so while, you know, I know FCPS staff is looking at those and getting into those, we haven't brought those to you all. But because this one did talk about our public libraries as well, we wanted to bring it forward and to make you all aware of it. But there are a lot of bills related to libraries and content, and so we're still kind of making our way through them.

[01:34:12] Okay. Chairman McKay? I mean, a lot of this is targeted at libraries, but I wonder if any of these people are actually parents, because I'm a lot more concerned what our kids can get online than walking into any library. So I think we've got the wrong target here, just saying. I guess the only other question I was going to have, Mr. Chairman, unrelated to that, I think we're done with that. But there is a bill that's come to my attention, at least, and I don't see it in the package. And I would just ask that we take a look at it for next week. And that is HB 2195, which is one dealing with

[01:34:49] workforce development issues, which are critically important to us and brought to our attention by a school board member just to see if we have a position on it. I don't see it in here. I just want to make sure it's on our radar. So, Mr. Chairman, we will definitely look for it. If it's the bill that I'm thinking about, I think we did have some conversation with staff because we heard some things from outside the county and got some information and so need to take a look at it.

[01:35:15] But yes, we'll certainly be sure that it's the right one and we'll bring it back. Great. Thank you. Okay, that takes us through specific legislation. I think we do have some position changes to review quickly. Yes. So in your legislative summary. Yeah. So in the legislative summary, it looks different this year because we have, we're using a new software system.

[01:35:37] In some ways, it's nice. In some ways, it's giving us some challenges. And so we're kind of making our way through, but that's why it looks a little bit different. And I think after the session, we'll debrief to see how we liked it. But the one thing that I would comment on is that, unfortunately, there are no page numbers on this document. So I think we have to go page by page, but the bills are in numerical order, so we don't really need to talk about all of them. We do have a couple of position changes that I wanted to point out, but if staff has other things that they want to give specific updates on, please just call them out as we go through, because, again, we don't have page numbers, and I apologize for that.

[01:36:14] So the first position change, I would say, is actually not a position change, but on HB 1470, which is the property tax exemption bill that we discussed last week, the delegate Watts had last year. We had concerns about it. We have concerns about it this year. It has a look back for anyone who was eligible back to 2011. And so administratively, it's very, very difficult.

[01:36:43] Nothing has really changed about it, except that Jay and myself and folks from the County Attorney's Office had a lengthy meeting with Delegate Watts this morning to kind of share some of the concerns and implementation challenges with this. As she is known to do, she took a lot of notes and listened carefully and asked staff a lot of questions.

[01:37:02] I know Vaco and Vumel have spoken to her and the Commissioners of Revenue as well. So I think the bill is going to get out of the House as it is, as it did last year. But she indicated that she would, you know, be talking to us, and we'll be looking at some language, and she took the concern seriously.

[01:37:17] So hopefully we'll make some progress on that issue going forward. Yeah, Noel, go ahead. Mr. Chairman, a couple pages later, a couple bills I would like to discuss are HB 1587. That is our initiative regarding picking up signs in the right-of-way.

[01:37:35] That is through the House Transportation Committee. It's on second reading today. It seems to be going well. It passed out of committee unanimously. Above it, on the other hand, Delegate Watts' bill regarding vehicle exhaust did fail this week in subcommittee.

[01:37:51] I would like to note that Senator Ebbins' bill was turned into a work group to look into the issue, and that passed out of Senate Transportation is on its way to Senate Finance. And that's SB 1085 later in the packet, but I thought I'd mention them together. So, Mr. Chairman, maybe two pages later, HB 1685 is a position change.

[01:38:16] We talked about this last week. This was a bill that was designed to, or that was going to cut in half the penalties that we're allowed to charge for delinquent taxes, but it also includes some notice requirements. So when it was in committee this week, the patron agreed to remove the portions of the bill that have to do with our penalties, and it's really just about notice provisions right now.

[01:38:37] So we recommend changing the position to monitor. Okay. Mr. Chairman, a couple of pages later, HB 1939 is down at the bottom of that page. That was our initiative to allow counties to reduce speed limits.

[01:38:53] That did not survive the subcommittee earlier this week. It failed 5 to 3. The subcommittee recommended tabling the bill 5 to 3. H.B. 1939. Yeah, I just, because this was an important initiative of ours, who's on the subcommittee from Fairfax?

[01:39:16] And I'm assuming all of our delegations supported this. Mr. Chairman, from the subcommittee, The people from Northern Virginia, the urban areas, Delegate Murphy, Delegate Reed from Loudoun County, and Delegate Carr from Richmond area did support it.

[01:39:32] The people who voted to table the bill are not from our area. I would note that. You have people from Southwest and other parts of the Commonwealth. And did they give a justification? VDOT got up and had its same concerns that they raised last year.

[01:39:48] They were officially opposed, and there were concerns about having different rules in different localities and then managing the roadways. And with that, opposition, this and some of the other bills related to safety and pedestrian access did not fare well this week.

[01:40:09] Mr. Chairman, the bill right above that is one of the two bills related to bank franchise taxes. And when we were here last week, we talked to you about the fact that we were trying to understand this and kind of get our arms around it. This is 1896. Yes, I apologize, HP 1896.

[01:40:25] There's two bills, and so I'll only talk about it on this first one. The bills do a variety of things, but the thing that we were concerned about is that they would allow banks to remit their payment to the state and then redistribute some of the proceeds that they pay in taxes.

[01:40:42] Currently, the taxes are paid to where banks have branches based on population, and they would like to disperse it to other areas. So we had concerns about what that impact might be. It only affects the largest banks, but obviously they also are high-revenue banks. Because there were a lot of questions about this bill, including the fact that I think the proponents of the bill didn't really understand how many towns there are and what kind of impact it is on towns because they could receive this directly, and that raised some concerns.

[01:41:13] We've been told that they're going to turn that portion of the bill into a study and then just leave the other portions of the bill, which we were less concerned about. Obviously, we'll be wanting to watch that closely, because the concept of redistributing those revenues could have an impact on us, and so we'll definitely be looking for it.

[01:41:32] And we have not seen the language that they're working on, but they have been -- they've reached out to us and Baker and VML and others saying that that's their plan, so I think this coming week we'll probably see what they're talking about. So, anyway, that's the update on that bill. Okay. I think the next thing I have is Chris is going to give an update on HB 2271, short-term rentals.

[01:42:01] So, Mr. Chairman, HB 2271 and its companion in the Senate, Senate Bill 1391, at each hearing that those bills were going to be heard this week, they were taken by for the day.

[01:42:19] So there was actually no action in either committee on these bills. So the Senate bill is scheduled to be heard on Monday. And I'll tell you that I learned early in the week that the realtors were working on a substitute to that bill, which I've now seen.

[01:42:44] And the substitute, I guess it makes it marginally better, but not really. It's still a bad bill. if you'll recall, there's eight things in the bill that if a property managed by a realtor can avoid in the short-term lodging ordinance. And some of the things that we were concerned about were the restrictions on number of days. We limit ours to 60 days. So in the bill as introduced, they could avoid that. Now what they've done is they've added a provision to that that says that the locality has to have a written process in place

[01:43:23] so that if a property managed by a realtor would like additional days, they could apply for additional days. It's unclear what a written process would look like, and it's also unclear whether a written process they'd ultimately be happy with, I guess.

[01:43:44] So that's in the number of days. That's also, if it's owner-occupied, there'd have to be a written process. so that they could get around that provision as well. So, I mean, that's marginally better, but not really. It's still a bad bill for localities.

[01:44:00] I will tell you that there has been some indication from the realtors and others that in a future session there may be an effort to take our authority away from us and that if we side with the realtors, they'll stand by us and help us when that time comes.

[01:44:21] That threat has worried some of our sister jurisdictions, and some of our sister jurisdictions are planning to support the bill. VML and VACO have pulled back a little bit.

[01:44:38] Their positions are neutral at this point. VACO is working on getting information out to its membership and to its committees to try to determine whether they'll oppose the bill or not. But as of right now, they've pulled back and are neutral right now.

[01:44:54] I'm hoping VACO will be back on board with us on Monday. I expressed to them that their largest member would be awfully disappointed if they weren't standing with us and opposing the bill. But that's where we are right now. So I think it has to be heard on Monday, or otherwise it's dead.

[01:45:13] So I expect there to be a hearing on Monday, and then I expect there to be a hearing on Thursday in the subcommittee and House, counties, cities, and towns. Obviously, the implication of the bill is that if there's a short-term lodging that a realtor is connected to or employed by, contracted to, it's kind of a guarantee of good behavior and good neighborship.

[01:45:48] That seems to be the implication of the bill, right? That, you know, you don't have to worry about wild parties and disrupting the neighborhood at the Airbnb house next door if there's a realtor running the show. That's the argument that they're making? Yeah, Mr. Chairman, it's not only implied, they've made that argument in meetings.

[01:46:05] So does the bill include then any provision so that if there is a house like that that a realtor is connected to and it is disruptive to the neighborhood, the police are called many times. or violations of local ordinances, that that realtor loses their license?

[01:46:24] There is no provision that says that, no. Okay. All right. So it's an honor system kind of thing. Yes. It's a promise made, much like they'll stand beside us when the General Assembly comes for our authority in total.

[01:46:42] The promise is that they will take care of whatever the issue is. We call them and they'll take care of it. Realtors, obviously, you know, do have very high professional standards that the association and Virginia law requires and enforces.

[01:46:58] If they're going to go down this road, I don't understand why there wouldn't also be a category of professional standards that would apply to this kind of activity if you're a realtor. Yeah, the bill doesn't address any of those things, and I haven't heard them ask for those things to be included in the bill.

[01:47:17] Okay, well, you know, I obviously agree the kind of so-called compromise isn't – it doesn't really change the fundamental structure of the bill and just adds a burden to local government.

[01:47:35] So I don't think that changes anything from our perspective. Okay, still going? Mr. Chairman, I'll ask staff to call on any bills that – if I skip over them because the next thing I think that I have is SB 847.

[01:48:00] If somebody has something before that, please go ahead. It sounds like Noel does. Well, I was going to actually talk about SB 847. SB 847 was Senator Favola's bill that allows bicycles to utilize the walk sign when you come to a stoplight so that, you know, if there is a head start that is given to people walking, that the bicycles can also go forward.

[01:48:24] We are, she changed it a bit, and we've looked at the language. We do support it, so we recommend changing the position to straight-up support. Last week it was support with amendment. I will note it had an interesting time in committee this week. VDOT was opposed to this bill as well, and for a second they thought it looked like it was going to be passed by, but then the members said, why, let's just vote on it, and it reported out 10-5 and has been sent to Senate Finance, So, and with a mixture of regions and bipartisanship, it went on to Senate finance.

[01:48:56] We'll see what happens next, but it did make it out, and I think some people were surprised by that. Okay, better to be lucky than good, I guess. So, the next bill that I have is SB 1069, but if there's one

sooner.

[01:49:15] Mr. Chairman, I was going to give a brief update on Senate Bill 901. That's Senator Marsden's firearms in an unattended motor vehicle, and it creates a civil penalty for that. You all took a position to support that bill, and it was heard in Senate Transportation someday this week and Thursday, I think.

[01:49:38] And Senator Marsden had some line amendments to that bill, and some of the line amendments sort of delete part of the definition of it leaves in motor vehicle, but it deleted trailer, semi-trailer, or part or combination thereof.

[01:49:56] so he deleted that part of the definition. But the significant piece was in Section B of the code where, if you'll recall, the bill required you to lock your vehicle, first of all, if you're going to keep your handgun in it, and it required you to keep that handgun locked in either a different container or a compartment, a locked compartment, so you're kind of double locked. He took out the part where that says, and such handgun is secured in a locked container or a locked compartment. So he took out the double locking requirement, but you have to lock your vehicle. So it does water

[01:50:35] the bill down a little bit. But right now, you can leave your firearm in an unlocked vehicle, and that's not a crime, and that's not a civil penalty. So as I talked through the amendments with the police department, I think we all agreed that although it waters the bill down a little bit. This is still a step in the right direction, so we're not recommending a position change, but we wanted you to be aware of the amendments. Okay. Seems like common sense. I suspect it'll

[01:51:05] have a tough time in the House. Yeah. Okay. All right. So, Mr. Chairman, the next one I think is SB 1069. Noelle has an update. Mr. Chairman, SB 1069 is our last initiative, and this is the one that changed yield to pedestrians to stop for pedestrians. It got a fiscal impact, which noted that because of the change, there would be some changes to road signs across the Commonwealth.

[01:51:36] That cost is currently indeterminate, but because there might be a cost associated, it has been sent to Senate Finance. Patron is on the Senate Finance Committee, so we're talking with him about that, but it's had a slight hiccup, but we are hopeful it will continue to move forward. And did VDOT speak at the committee?

[01:51:57] They did not voice any concerns at, I'm trying to remember, it was a week and a half ago. I'm sorry, it's been a couple, it's been a long week. They did not come out in opposition to it. They actually were helpful with some language in case it hit a roadblock with some clarifying language.

[01:52:14] That did not go through, but it made it out of Transportation Committee 12 to 2. It went to the floor, but then we saw the impact statement and it got sent back to the Senate Finance Committee. Mr. Chairman, the one thing that confused me about this is the implication that absent a sign, this is not enforceable.

[01:52:33] I mean, I'm trying to understand why the big controversy over the cost of signage. I mean, if this passes, is it true that if there's no sign, you can't enforce it? Well, I think the thought is it's so much more the cost that there are currently yield to pedestrian signage across the Commonwealth.

[01:52:51] And because the definition is now being changed to stop to signage, all of those yield signs would need to be updated. And that's where the cost comes in. That being said, the fact that yield does mean stop means they should have been stopping all along. But that tends to confuse people. But they

haven't considered just removing those signs and making a public relations campaign about the fact that this is the new law in Virginia.

[01:53:14] I mean, the amount of sign clutter, and I'm just wondering if that discussion even happened with VDOT. They seem to be very concerned about maintenance issues and other things with reducing speed limits. I mean, it would just seem to me to beg the question. Mr. Chairman, that has not come up.

[01:53:32] I have not talked with VDOT. Again, I think they have been helpful on this specific bill with us, but they did not. I can't have that conversation. I would just ask that question because, you know, we dealt with this with trailers and RVs and other things where, you know, we changed this and then we took down the signs because the implication is absent those, there was nothing to enforce.

[01:53:54] And I'm just not sure every single intersection, you know, you would have to be putting these new signs in or they wouldn't be enforced that maybe that's not the right strategy. It's just something to raise. I think, is it because right now, obviously, not every crosswalk has a yield for pedestrian sign, even though that's the law.

[01:54:12] But there are X number of yield for pedestrian signs that would have to be either replaced or removed. Certainly, you know, you have situations where the community says, you know, we need a sign that says they want stop for pedestrian, which we haven't been able to get until now.

[01:54:30] So if there's a sign there now, it's probably there for some reason, presumably. And I believe in the county we also have. Far from every crosswalk. Not every crosswalk is going to need. And I do believe we have some yield to pedestrian signage here in the county that we would have to either retrofit or decide what to do with.

[01:54:48] Yeah. And also, I mean, I think you're just kind of swapping out the top of the sign, right? Like it's not a new pole in the ground, I would hope. Yeah, Mr. Chairman, Tom Bishadne with the Department of Transportation agreed that it would just be the sign itself. And there may be a way that the existing sign could be modified with a sticker or, you know, something like that.

[01:55:11] So we're not sure that this should be a reason not to pass the bill. Right. That's the key. I just want to make sure that's not being used as an excuse to not pass the bill. So, Mr. Chairman, I did have a conversation with – so this bill got sent to finance.

[01:55:27] As Noel said, Senator Souslaw, who's patroning this bill for us, is a member of finance. And the fiscal impact says that it's indeterminate. And so, but I did have a conversation with Senator Barker, who's one of the co-chairmen of the Finance Committee, because the issue right now is that all, anywhere that the signs exist, they're telling drivers to yield, but the law isn't to yield, it's to stop.

[01:55:48] And so it's incredibly confusing, I think, for drivers. And so while there may be a fiscal impact from changing it, the GA already changed the law. It's really just matching the signs to the law. And I think it's really a challenge to expect that drivers see a sign that says yield, and they know that that's supposed to mean, like, the secret code says stop.

[01:56:10] And I think, you know, drivers from other states or other places certainly wouldn't know that that's the case. I mean, this is just like the 25 to 15, where a year ago or two years ago, well, two years ago, the General Assembly thought that they had done this, and they learned that they hadn't.

[01:56:29] So it was a screw-up, quite frankly. I mean, I don't know how else to say it. They just didn't get the language right, and now this is what we're dealing with. Okay. All right. Next. So next, Noel, do you still need to update on 1085?

[01:56:46] Nope. Okay. Then the next one that I have, Chris is going to give an update on SB 1158, which is the solid waste bill that we discussed extensively last week. Yep. So Senator Marsden's garbage bill was heard in Senate local government on Monday, and unfortunately it was passed by indefinitely, 10 to 3.

[01:57:11] Sometimes it's difficult when you have a planning district 8 bill or a bill that only affects one area, not just Planning District 8, but a bill that only affects one area. Some of the other folks who aren't in that area don't get as eager or not as interested in supporting the bill.

[01:57:29] However, Senator Marsden, I thought, made a compelling case why we needed this authority. And, you know, some on the committee were concerned with what the other members of Planning District 8 thought about the bill.

[01:57:47] And although he had or I hadn't heard any objections to the bill, that didn't seem to change some minds. I will tell you that both of our members on Senate local government, we have two members, they voted against passing it by indefinitely.

[01:58:06] Also, Senator McPike, if I recall correctly, from Prince William County, also in Planning District 8, voted not to pass it by indefinitely. But despite all that, it didn't go through. If you want to see an interesting apology from the folks from W&M and American, they appeared and they apologized profusely.

[01:58:29] So if you're interested in that, you can watch the video. Yeah, they're good at that. I wish they would spend less time doing that and more time picking up the trash. But I think they've probably come and apologized to most of us here. Mr. Chairman, you know, this is an important enough issue.

[01:58:49] I guess I'm just trying to understand it's permissive. So you mentioned that there were other people in Planning District 8 that had a problem with this. A problem with being given the opportunity to do this does not require anyone to do anything. No, Mr. Chairman, I may have misspoken. There was no one in Planning District 8 who had a problem with it.

[01:59:07] There were some on the Senate Local Government Committee who wondered if everyone in Planning District 8 was on board with the piece of legislation. What difference does it make? It's permissive. I don't know. But that was one of the person's concerns.

[01:59:23] And I think that the fact that all the folks on Senate local government who were in planning District 8 voted not to pass it by indefinitely sort of says something about that. But again, that's how we left off.

[01:59:41] These bills are sometimes difficult because people from other parts of Virginia aren't necessarily concerned with this issue. Maybe they will be someday, but because it affects a small locality, it's hard to get their support sometimes.

[01:59:57] The next one that I have is SB 1183. Jennifer is going to mention a small thing that we noticed in the bill and we're kind of trying to think about and work through, but then after that we'll give a little bit of an update on the bill that we talked about last week that Senator Sherville had aiming specifically at our issue.

[02:00:23] Mr. Chairman, SB 1183 is the code change to put the Virginia Rat Back system into the law. It was heard in committee this week, and the patron had brought someone from the Virginia Department and saying, basically, to move forward with the approved, they already approved this Virginia establishing this.

[02:00:49] The FBI requires a change in code to match certain specifications, and that's what this was doing. It came to our attention at that time that some of the code changes included going from a $10 annual cap per person to a reasonable fee, and there is concerns what constitutes reasonable.

[02:01:13] And so we talked with staff about it and feel like putting a cap may be more protective because that is, you know, we can put our hands on that, what it is, versus a reasonable fee, which could be less but also could be more, depending who gets to decide what reasonable means.

[02:01:29] So we're working with some – we have a lot of – on our delegation on that committee, so we're working with them on looking at that language. Chairman, just to be clear on that, this is a statewide program that is meant to help make sure that people with criminal histories are not in our schools and the schools are being charged to participate in that.

[02:01:57] Yes. Outstanding. I mean, you can't make this stuff up. I'm sorry. I mean, there are school districts in Virginia that, you know, if we really want a complete system with every school system enrolled, this should be a state priority. I mean, this is akin almost to, while it might be marginally better, akin to what we have now, which relies on localities to pay, to play in something as important as the criminal background checks of people in our schools, and I would just say if we're concerned about student safety, we shouldn't even be debating what the fee is. We should be saying the state should pay for this.

[02:02:35] I mean, this is crazy that it's up to localities if you want to pay to play that you enroll in this and creates an incomplete statewide system, and frankly, we would be liable, you know, if somebody was not enrolled in this from another school district and came into our school system.

[02:02:50] I mean, clearly we would do a background check on them, but if we were relying only on this system and that information wasn't in there because the county they came from did not enroll in this, we would have the same problem that we had through different means, but ultimately the same result of the problem that we had that was of no fault of FCPSs or the counties not long ago.

[02:03:11] And so, I mean, I appreciate that we're talking about whether the fees should be reasonable or not. What we really need to be talking about is counties should not be being charged this fee to enroll in this statewide system. Absolutely, Mr. Chairman. And we have had those conversations there, and we'll continue to make that point.

[02:03:30] And that's certainly where I think FCPS has been trying to sort of reach out and talk about, too. You're right, smaller school systems may not want to do it, or it certainly puts a price on whether they want to do it or not. And it creates a different, it adds something to their calculation that isn't just state safety.

[02:03:51] The other thing that I wanted to mention, and it's not on here, but last week we talked quite a lot about Senator Shurville's bill that tries to kind of fill the gap for notifications before Ratback gets put into place at the state. And so the board had asked us to go back to him and make some suggestions about the notification process.

[02:04:13] He feels pretty strongly that faxes are accepted in court as proof of delivery if you get a fax confirmation and did not necessarily feel that that needed to be changed. But I did share the conversation that the board had had on that issue. I also asked him if he had heard anything from the state in terms of accelerating ramp back because we had talked about that as well. He said that Virginia State Police had mentioned at the Crime Commission just prior to the session that they could potentially do like a six-month acceleration, maybe, but it was not, he has not heard anything definitive.

[02:04:51] And I asked if it was really a financial issue, and I think there's partly that, but I think it's also, or at least his answer was partly that it kind of depends on how they set up this program and what the requirements are. And so I think that it's something that we'll want to continue to talk to our legislators about.

[02:05:10] But you all had asked us to give you an update, and so that's the update on that one. Supervisor Stewart. I thought the issue with the fax was that it was you had to fax and you had to do something else. It wasn't an or. So I think what the legislation says is you have to send certified mail or you can do fax and e-mail?

[02:05:32] Fax and e-mail. Fax and e-mail. But it sounded, I mean, that was, I think, our concern. It sounded like you were required to also fax. Is that not, did I misunderstand that? I think it was that you could either send certified mail or you would have to fax and email it.

[02:05:48] Yeah, I think that's still my point. Yeah, our concern, or at least mine, I think the board shared it, was that even when it's a fax and an email, you don't know that a real-life human being is on the other side of it that got it.

[02:06:05] There's just no way to confirm it. And to the issue of courts accepting faxes with a receipt or confirmation of approval, does the bill state that if you go the fax and e-mail route that you have to have a confirmation receipt that that fax was received?

[02:06:27] I don't think it did. I don't think so either. So it's just asking for trouble. It really should be and, and, and. email and fax if you want to have fax if you're really wedded to having fax in there leave it in there but it should be email and fax and certified mail that way you know someone signed and got it but we've made that argument as many times i guess we can continue to make it

[02:07:01] but it doesn't seem to be getting through just not a good way to do business okay um and i don't think i had anything else that i needed to call out but if anybody has anything nope so i guess That's the end of our tracking chart.

[02:07:20] Okay, so board members have, also in your packet, the watch list, a couple of handouts related to education and Medicaid in Virginia. And if there's nothing else, we'll see everyone next Friday. Supervisor Faust.

[02:07:36] I just want to say I can't believe we made it through this evening without talking about casinos. The casinos are dead. I was so ready to talk about casinos. I had changed my retirement. I knew where I was going to be.

[02:07:55] Both of those bills have been stricken, so they're gone, FYI. Who did they?



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