



**LEGISLATIVE AGENDA—DRAFT**  
**GENERAL ASSEMBLY**  
**SESSION 2015**  
**SEPTEMBER 12, 2014**





## PREFACE

The 2015 session of the General Assembly will be quickly upon the citizens and General Assembly members.

The General Assembly in the past several years has had many notable successes. This includes addressing the unfunded liability for the Virginia Retirement System (VRS). The General Assembly has pledged to fully fund the actuarially recommended amount over the next several years. The General Assembly is also paying back the \$600 million "loan" taken from the VRS fund during the Great Recession.

The General Assembly also, during the 2014 session, had an outstanding success for the Hampton Roads and the Northern Virginia regions through the creation of the Hampton Roads Transportation Accountability Commission (HRTAC) and a similar commission in Northern Virginia. The HRTAC, which is made up of the elected officials from the fourteen localities in Hampton Roads and five members of the General Assembly, is currently in the process of forming. The next task will be assessing and prioritizing the projects to be funded through HRTAC funds, and then sequencing and working with the Virginia Department of Transportation (VDOT) and the Federal Highway Administration (FHWA) to move those projects along to construction. In fact, through the good work of VDOT and the FHWA, the first phase of improvements to I-64 on the peninsula will begin about the time the General Assembly convenes in January. This is a long overdue improvement that is partially funded and moving forward because of HRTAC funds. Planning for phases 2 and 3 are also underway and is expected that those will be completed over the next 8 years or so.

The Commonwealth Transportation Board and the local VDOT office are also to be congratulated for the great effort expended on repairing and resurfacing Interstate 64 and Interstate 264 in Norfolk and Virginia Beach. Again, these long overdue repairs are being accomplished through a multiyear process and expenditure of \$80 million. This will greatly improve the motoring experience for Hampton Roads residents and visitors and business alike.

2015 will also be the last year that the City will be receiving funds for our Base Realignment and Closure (BRAC) Response Program. Again, this is a tremendous accomplishment of partnering between the City and the Commonwealth. By the time we expend the City and State funds appropriated from the program's inception through 2015, over \$135 million worth of properties will have been purchased. As recognized by the Department of Defense, we have the best program in the nation for encroachment control and rollback. The City of Chesapeake is also partnering with the Commonwealth now, which adds to the success of this great program.

However, there is a cloud on the horizon, and that is the economy. State revenues have declined and are expected to decline even more. When the joint monies committees met in August, they received a dismal report that there would be an estimated \$2.2 billion shortfall for the 2014/2016 biennium. This has forced the state to reforecast its general fund revenues, which will likely include further reduced payroll withholding growth expectations.

Much of this loss in revenue to the Commonwealth is due to the decrease of federal spending through cutbacks around sequestration. Between 2000 and 2010, federal spending in Virginia grew 107%, versus 60% in the states total gross product. However, in federal fiscal year 2013, federal spending only grew 7/10 of 1% with military spending declining 7.2%. With the Commonwealth staring down a substantial budget shortfall, Virginia Beach and all of the localities request that efforts be made to not decrease funding to local governments. In fact, state K-12 funding is still well below the FY2009 peak without adjustment. When these figures are adjusted for inflation and school membership rise, there is an even larger decline. Localities, like Virginia Beach, are making up for this decrease in state funding for K-12. Virginia Beach is funding education at an amount of \$219 million over that required by the standards of quality. This equates to 44 cents on the real estate tax rate (each penny on the tax rate produces \$4.9 million of revenue to the City).

Although Virginia Beach's revenues are showing some signs of growth, the decrease in federal spending in the Hampton Roads region weighs heavily on our expectations. Approximately 43% of the economy in Hampton Roads is related to federal spending, primarily from Department of Defense (DOD). The decrease in federal funding will directly affect local governments, perhaps more directly than it does state government.

The Council of the City of Virginia Beach is committed to continuing its partnership with the General Assembly on matters of mutual interest and also we believe we are doing our part to create a stronger economy in Virginia Beach, which will benefit Hampton Roads and the Commonwealth as a whole.

City Council wishes the General Assembly members a very productive 2015 general session of the oldest continuous legislative body in the Western Hemisphere.

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Sponsored by Council Member, Barbara M. Henley

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*CITY OF VIRGINIA BEACH – CITY COUNCIL*

[Mayor William D. Sessoms, Jr.](#)  
[Vice Mayor Louis R. Jones - Bayside](#)  
[Shannon DS Kane – Rose Hall](#)  
[Brad Martin – At Large](#)  
[Amelia N. Ross-Hammond - Kempsville](#)  
[Bob Dyer - Centerville](#)  
[Barbara M. Henley - Princess Anne](#)  
[John D. Moss - At Large](#)  
[John E. E. Uhrin - Beach](#)  
[Rosemary Wilson - At Large](#)  
[James L. Wood - Lynnhaven](#)

*CITY OF VIRGINIA BEACH – GENERAL ASSEMBLY DELEGATION*

[Senator Lynwood W. Lewis, Jr. – Senate District 6](#)  
[Senator Frank W. Wagner – Senate District 7](#)  
[Senator Jeffrey L. McWaters – Senate District 8](#)  
[Senator John A. Cosgrove, Jr. – Senate District 14](#)  
[Delegate Ronald A. Villaneuva – House District 21](#)  
[Delegate Barry D. Knight – House District 81](#)  
[Delegate William R. DeSteph, Jr. – House District 82](#)  
[Delegate Christopher P. Stolle – House District 83](#)  
[Delegate Glenn R. Davis – House District 84](#)  
[Delegate Scott W. Taylor – House District 85](#)  
[Delegate-Elect Joseph C. Lindsey – House District 90](#)

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## **SECTION 1.1 – CITY OF VIRGINIA BEACH LONG TERM POLICY POSITION**





## 1. POST LABOR DAY OPENING FOR SCHOOLS

SPONSORED BY THE VIRGINIA BEACH CITY COUNCIL

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### **Background Information:**

The total spending from the tourism industry in Virginia Beach for 2013 was \$1.284 billion, stimulating 12,025 jobs. Starting schools in Virginia Beach and other localities in the Commonwealth prior to Labor Day would have significant financial consequences on the tourism industry in the long term. Beginning schools prior to Labor Day would effectively reduce the available vacation time in August by two weeks, which is prime family vacation time that cannot be replaced. If the Virginia Beach school system begins before Labor Day and other localities follow our lead, it will have a negative effect on the economic impact of the tourism industry. To a lesser extent, this will also have an impact on this industry by affecting the labor pool available prior to Labor Day.

### **Request:**

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



## 2. EXPANSION OF THE VIRGINIA HUMAN RIGHTS ACT

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

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### **Background Information:**

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

### **Request:**

The City requests that the General Assembly amend the Virginia Human Rights Act to also prohibit discrimination based on sexual orientation.



### 3. MORATORIUM ON URANIUM MINING

SPONSORED BY THE VIRGINIA BEACH CITY COUNCIL

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#### **Background Information:**

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

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

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

#### **Request:**

The General Assembly of Virginia is requested to maintain the existing moratorium on uranium mining in Virginia.



#### 4. MEDICAID EXPANSION POSITION

SPONSORED BY THE VIRGINIA BEACH CITY COUNCIL

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**\*\*\*Please find attached a resolution adopted by City Council\*\*\***

DRAFT



Resolution Page 1

1 A RESOLUTION REQUESTING THAT THE GENERAL  
2 ASSEMBLY AND GOVERNOR ACCEPT AND IMPLEMENT  
3 THE FULL EXPANSION OF MEDICAID AS PROVIDED BY  
4 THE AFFORDABLE CARE ACT  
5

6 WHEREAS, the Patient Protection and Affordable Care Act ("Affordable Care  
7 Act") is a 2010 federal law which, among other things, expands the availability of health  
8 care through an expansion of Medicaid;  
9

10 WHEREAS, as a result of the United States Supreme Court's decision in a case  
11 in which it upheld the constitutionality of the Affordable Care Act, states now have the  
12 option to chose whether to accept and implement the Act's Medicaid expansion;  
13

14 WHEREAS, the Affordable Care Act's Medicaid expansion establishes a new  
15 income eligibility criterion of 133% of the federal poverty level and provides 100%  
16 federal funding for the expansion in the first three years, after which time the federal  
17 funding will be reduced to no less than 90% of the cost;  
18

19 WHEREAS, the projected cost to Virginia is dwarfed by the billions of federal  
20 dollars which will flow into the state, and Medicaid expansion will not only provide  
21 citizens with greater access to health care but will also support the state's health care  
22 industry, employment, and Virginia's overall economy;  
23

24 WHEREAS, although 47,775 Virginia Beach residents currently receive Medicaid  
25 benefits, 51,730 additional adult City residents who are under the age of 65 remain  
26 uninsured;  
27

28 WHEREAS, an estimated additional 14,650 Virginia Beach residents will be  
29 eligible for Medicaid expansion under the federal law, including a significant number of  
30 single persons and couples with incomes between \$15,415 and \$20,879, as well as  
31 certain families (depending on family size) with incomes up to \$53,668;  
32

33 WHEREAS, a significant number of uninsured Virginia Beach residents who  
34 suffer from mental health or substance abuse disorders will be eligible for health care  
35 coverage through Medicaid expansion; and  
36

37 WHEREAS, the expansion of Medicaid will increase local employment in medical  
38 services and other supportive health care industries (especially technology);  
39

40 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF  
41 VIRGINIA BEACH, VIRGINIA:  
42



Resolution Page 2

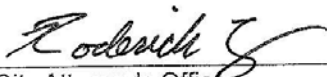
- 43 That the City Council requests that the Governor and the General Assembly take  
44 the steps necessary to accept and implement in the Commonwealth of Virginia the full  
45 Medicaid expansion as provided by the Affordable Care Act.

Adopted by the City Council of the City of Virginia Beach, Virginia, on this 11<sup>th</sup>  
day of December, 2012.

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
City Manager's Office

APPROVED AS TO LEGAL  
SUFFICIENCY:

  
\_\_\_\_\_  
City Attorney's Office

CA12482  
R-2  
December 5, 2012



## 5. CONTINUED FUNDING FOR BASE REALIGNMENT AND CLOSURE (BRAC) EFFORT

SPONSORED BY THE VIRGINIA BEACH CITY COUNCIL

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### Background Information:

Since January, 2007, the City of Virginia Beach and the Commonwealth of Virginia have been partnering to address the concerns that were raised by the Base Realignment and Closure (BRAC) Commission in 2005. This partnership has involved the cost sharing of \$15 million annually to purchase properties in the APZ-1 and Clear Zone areas around Naval Air Station (NAS) Oceana and in the Interfacility Traffic Area (ITA) between Oceana and the Naval Auxiliary Landing Field Fentress. The City has established a policy of spending \$7.5 million per year to comply with the BRAC Order, with the expectation that the Commonwealth will provide matching funds for expenses associated with the acquisition of land in the APZ-1 and Clear Zone areas around Oceana and in the ITA.

The City has kept its commitment to the military by continuing its policy of matching dollar for dollar the state appropriation to protect NAS Oceana.

### Request:

The City wants to thank the General Assembly for its tremendous cooperation protecting this national asset and huge economic boom for South Eastern Virginia. As agreed to, several years ago, by the then US Fleet Forces Commander, John Harvey (now Secretary of Veterans Affairs and Homeland Security), the City will not seek funds for the BRAC program from the Commonwealth after the 2015 fiscal year budget. The City Council has committed to provide \$1 million a year in City's funds going forward to purchase priority properties as they become available. This partnership between the Commonwealth and the City is something for all Virginians to be proud of and is recognized as a model nationwide.



## 6. INCREASED FUNDING FOR MENTAL HEALTHCARE

SPONSORED BY THE VIRGINIA BEACH CITY COUNCIL

### Background Information:

People with serious mental illness, as well as their loved ones, face a crisis when it comes to accessing services they need. From FY 2009 to FY 2013, Virginia cut an overall total of \$37.7 million, or 8.9%, from mental healthcare funding, and approved reductions in Medicaid rates for certain critical behavioral health services. Decades of neglect to the mental health system, plus an increased need from people who are uninsured, underinsured, or facing economic hardship, have exacerbated the problem. Additionally, an epidemic of post-traumatic stress disorder and other mental health issues plagues our returning combat veterans, leading to an unprecedented increase in service member suicides. An estimated one-third of homeless men in the United States are military veterans, including wounded warriors of current and previous conflicts, and a substantial number of those homeless vets are in need of mental health services. According to the Virginia Department of Behavioral Health and Development Services, nearly 4,500 Virginians are waiting to receive community-based services for mental health. The well-being of families and our community is seriously threatened by the failure of those in need to receive timely and effective mental healthcare.

### Request:

The City requests that the General Assembly provide additional increases to funding for mental healthcare services and housing beyond that provided in 2014. The City supports the Virginia Association of Community Services Board (VACSB) budget priorities for 2015-16 and requests funding to include, but not limited to the following:

- The Mental Health and Emergency Services Councils are requesting funding to transform and greatly enhance the CSB/BHA Code Mandated Crisis continuum that currently exists in Virginia. – Approximately \$18.4 million is needed statewide
- Increase sustainable housing for individuals with serious mental illness. – Approximately \$3.2 million
- Emergency Crisis Response Services for children – Approximately \$14.3 million



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## SECTION 1.2 – CITY OF VIRGINIA BEACH NEW POLICY INITIATIVES



## 7. COMMONWEALTH TRANSPORTATION BOARD APPOINTMENTS

SPONSORED BY MAYOR WILLIAM D. SESSOMS, JR.

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### Background Information:

Currently, the Commonwealth Transportation Board is primarily composed of members from the construction districts across the Commonwealth. Hampton Roads is a district; Richmond and other areas are also districts. In the late 1920s, the construction districts were formulated and do not accurately represent the current population. As presently designated, these districts reflect areas where VDOT once had centralized operations plus the northern Virginia District. Since that time, the Commonwealth's population has coalesced along the I-95/I-64 corridor and the I-66/I-81 corridor. The construction districts and the representation on the Commonwealth Transportation Board do not correlate with where the majority of the people in the Commonwealth live.

### Request:

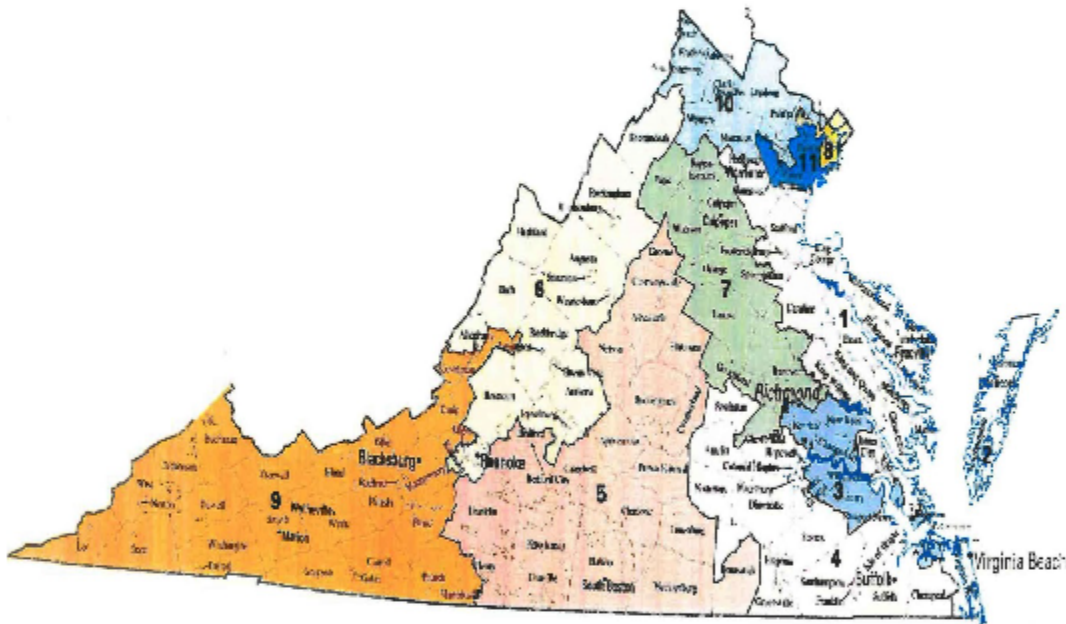
The General Assembly is requested to amend the Code of Virginia to have the Commonwealth Transportation Board primarily selected by one representative from each Congressional District and retain the current At-Large members. For instance, in Hampton Roads, this would include four members representing the 1st, 2nd, 3rd, and 4th Congressional Districts plus At-Large members residing in that region. Congressman Bobby Scott represents the 3rd District, which consists of the I-64 Corridor and southeast Virginia. Congressman Rob Wittman represents the 1st District, which is the I-64 Corridor and Route 17 through to Fredericksburg. Congressman Scott Rigell represents the 2nd District, which includes the Eastern Shore, all of Virginia Beach, and parts of Norfolk and Hampton. Congressman Randy Forbes represents the 4th District, which consists of Chesapeake, the Route 58 and the Route 460 Corridor. Having the representation aligned with the Commonwealth's population is the most equitable way for Commonwealth Transportation Board to prioritize funds and programs for the Commonwealth.



Map 1

## Commonwealth Transportation Board Appointments

Congressional Districts - 2010

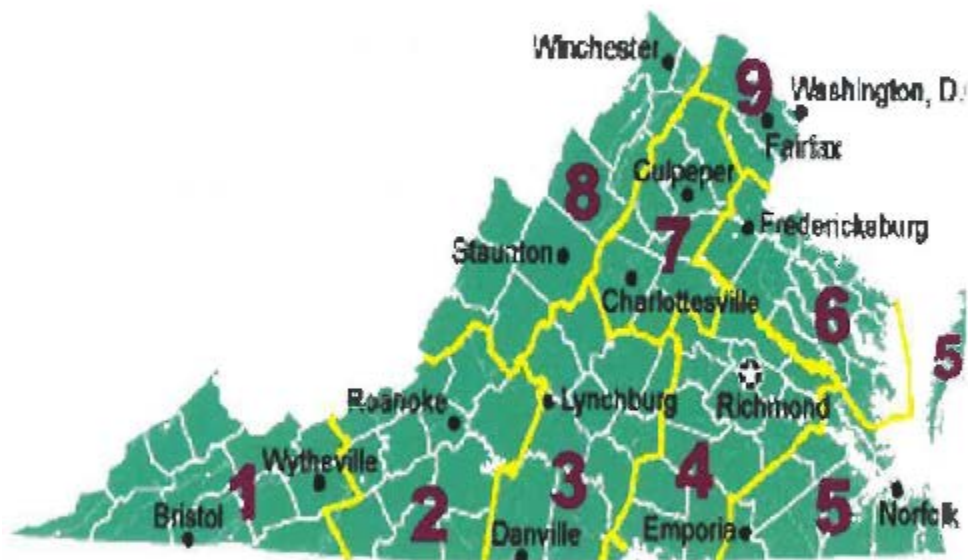




Map 2

## Commonwealth Transportation Board Appointments

VDOT Construction Districts





## **8. JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION (JLARC) REVIEW OF THE EQUITY OF TRANSPORTATION FUNDING**

SPONSORED BY MAYOR WILLIAM D. SESSOMS, JR.

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### **Background Information:**

Currently, the General Assembly gives the Commonwealth Transportation Board (CTB) power to allocate funds for transportation construction after maintenance and other subtractions are taken from total revenues available. The first \$500 million goes into bridge and interstate maintenance, etc. By 2017, the growth in funding under HB2313 will allow allocations to again be made to the urban, secondary, and primary systems. The basis for the distribution wherein 40% of the funding goes to primary roadway allocation and 30% goes to each of the secondary and urban allocation is based on work done by JLARC in 1984. At that time, JLARC did a rigorous investigation of the needs from the various systems and recommended that the General Assembly distribute a 1/3 portion of funds to each system. This recommendation was based on a “rigorous and objective analysis of the need for construction dollars, which are the direct result of known deficiencies in the existing highway system through the year 2005.” Instead, in 1984, the General Assembly changed the funding to 40-30-30 that exists to this day.

This distribution formula based on data from the early 1980s is representative of the need for JLARC to engage in a new study to examine the adequacy of funding for transportation and especially how new funds to be provided through HB2313 should be most appropriately spent.

### **Request:**

The General Assembly is requested to direct JLARC to undertake a study as was completed in 1984 (JLARC Study #64 – The Equity of Current Provision for Allocating Highway and Transportation Funds in Virginia). This study could also look at the funding breakouts for other modes such as public transportation, ports, and airports. Also, the adequacy of roadway maintenance funding provided to localities should be included in the analysis. It may be necessary for this work, because of the complexity to be completed over a two-year period. Nevertheless, the report should be provided in time for the 2016 General Assembly Session to consider the study’s findings.



## 9. HAMPTON ROADS TRANSPORTATION ACCOUNTABILITY COMMISSION (HRTAC) VOTING

SPONSORED BY MAYOR WILLIAM D. SESSOMS, JR.

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### Background Information:

Currently the legislation established by the Hampton Roads Transportation Accountability Commission (HRTAC) requires that the Chief Elected Officer (CEO) of the governing body of each of the fourteen counties and cities, embraced by the commission, shall be the voting member.

The Acts of Assembly state that decisions by the commission shall be by: 1) a quorum constituting a majority of the elected officials of the Commission, 2) the affirmative vote of two-thirds of the voting Members present and voting, and 3) two-thirds of the chief elected Officers of the counties and cities embraced by Planning District 23 who are present and voting and whose counties and cities include at least two-thirds of the population embraced by the Commission.

Since most of the chief elected Officers (i.e. mayors, chairs of the board of supervisors) also have careers that require their attention, their elected positions are held part-time. Thus, it is reasonable that full-time employment requirements may occasionally take priority over attendance at a HRTAC meeting. Furthermore, a mayor or chair could be incapacitated for many months, and that jurisdiction would, therefore, not be represented at a HRTAC meeting and to a real extent be disenfranchised.

Therefore, it is requested that the HRTAC enabling legislation be amended to allow the mayor or chair of the board of supervisors to designate another member of his council or board to cast a vote for the chief elected official on behalf of the locality at HRTAC meetings.

### Request:

The General Assembly is requested to amend chapter 678 of the Acts of Assembly 2014 session to allow the Chief Elected Officer of a governing body of any of the fourteen counties and cities embraced by the commission, if he or she is unable to attend a meeting, to designate another council or board member to represent him or her. This designation shall be made to the chair of the Hampton Roads Transportation Accountability Commission (HRTAC) at least 48 hours before the meeting for which an alternate will be voting and such notification to the chair shall be made through writing or electronically. Such appointment of alternate shall be for only the upcoming meeting, which the Chief Elected Official is unable to attend.



## 10. HAMPTON ROADS TRANSPORTATION ACCOUNTABILITY COMMISSION (HRTAC) USE OF WELDON COOPER POPULATION INFORMATION

SPONSORED BY MAYOR WILLIAMS D. SESSOMS, JR.

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### Background Information:

Currently the enabling legislation of the Hampton Roads Transportation Accountability Commission, Chapter 678 of the Virginia Act of the 2014 session, stipulates that the population of the counties and cities embraced by the commission shall be the population that is determined by the most recently preceding decennial census, except that on July 1<sup>st</sup> of the 5<sup>th</sup> year following the census, the population of each county and city shall be adjusted based on population projections made by the Weldon Coopers Center for Population Services of the University of Virginia. Several localities in Hampton Roads, including Virginia Beach have great concern over the Weldon Cooper population projections. These concerns have been made to the Weldon Cooper Center, but at this time, the population projection process has not been amended. Virginia Beach, according to the Weldon Cooper population estimates, had a population of 449,628 on January 27, 2014. Yet, the same Weldon Cooper Center projects that in 2020 the population will be 438,114. The Weldon Cooper population projections are also extended in the future, showing a population for Virginia Beach of 430,495 in 2030 and 419,103 in 2040.

Virginia Beach disagrees with these population projections based on the growth of the city since the last census, according to both the US Census Bureau estimates and the Weldon Cooper Center population estimates. Also, Virginia Beach's desire to create transit oriented development in its strategic growth areas has the potential for Virginia Beach to continue to grow well beyond the Weldon Cooper projections.

### Request:

The General Assembly is requested to amend Chapter 678 of the Virginia Act of the 2014 session to utilize the population estimates made by the Weldon Cooper Center for Public Service of the University of Virginia. This would mean that the decennial census numbers would be utilized during the year of the census. Each year, thereafter, the population estimates developed by Weldon Cooper would be utilized rather than only the mid-decennial projections.

This would likely have little change in the results of voting in the near term, but over the long term, could have unintended consequences if the population projections proved flawed. Population estimates of the Weldon Cooper Center are utilized as currently laid out in code for other purposes.



## 11. REQUIRING THE REPORTING OF LOST OR STOLEN FIREARMS

SPONSORED BY COUNCIL MEMBER, JIM WOOD

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### Background Information:

Every year, in Virginia Beach, many guns are lost or stolen and used for criminal purposes by those that come into possession of them. Nationally, an estimated 269,000 gun-owning household experienced a theft of one or more firearms during 1994. The current total is likely to be considerably higher than that. Thirty-two percent of surveyed felons had stolen their most recently acquired handguns. Undocumented and stolen firearms have become a prime commodity on the streets of Virginia and of other communities, to act as barter to further criminal enterprises. Seven states, includes Connecticut, Massachusetts, Michigan, New Jersey, New York, Rhode Island, and the District of Columbia, currently require the reporting of lost or stolen firearms to law enforcement.

The keeping of illegal firearms out of the hands of criminals is a high priority for all public safety officials. In fact, a poll in 2009 of the National Rifle Association (NRA) and non-NRA gun owners found support that advocated for sensible approach to gun laws that balanced personal freedoms with measures to keep illegal guns out of the hands of criminals. We are requesting that the General Assembly enact a law to assist in this matter.

### Request:

The General Assembly is requested to amend the Code of Virginia to require owners of firearms who lose them or have them stolen, to report to their local law enforcement agency within 48 hours of discovery that the item is missing.

It is further suggested that willfully failing to report the loss of a firearm through theft or otherwise, shall be considered a Class 1 misdemeanor.





## 12. EXAMINATION OF THOSE UNDER A TEMPORARY DETENTION ORDER (TDO)

SPONSORED BY COUNCIL MEMBER, AMELIA N. ROSS-HAMMOND

### Background Information:

Currently a person can arrive at a Temporary Detention Facility under a Temporary Detention Order (TDO), and a hearing can be legally held within a few hours. The code does not define “sufficient period of time has passed to allow for complete examination required by 37.2-815.” For example, a consumer from the City’s Community Service Board (CSB) was detained to a TDO facility, 60 miles away, arriving at about 2am. The commitment hearing was to be held before noon the same day. The individual was not demonstrating the level of dangerousness due to medication and drowsiness from the stressful ordeal, hours prior. His case was dismissed and the CSB was not provided an opportunity to be involved. Changing this law to require hospitalization for at least 24 hours prior to a hearing will allow sufficient time to complete further psychiatric examination and allow the CSB to adequately prepare for less restrictive and safe alternatives to the consumer when appropriate.

### Request:

The General Assembly is requested to amend section 37.2-814 of the code as follows:

The commitment hearing for involuntary admission shall be held not less than 24 hours from the execution of the temporary detention order after a sufficient period of time has passed to allow for completion of the examination required by § [37.2-815](#), preparation of the preadmission screening report required by § [37.2-816](#), and initiation of mental health treatment to stabilize the person's psychiatric condition to avoid involuntary commitment where possible, but shall be held within 72 hours of the execution of the temporary detention order as provided for in § [37.2-809](#); however, if the 72-hour period herein specified terminates on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the person may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed.



### 13. TEMPORARY DETENTION ORDER (TDO) EVALUATION REQUIRED WITHIN 24 HOURS

SPONSORED BY COUNCIL MEMBER, AMELIA N. ROSS-HAMMOND

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#### Background Information:

Community Service Board (CSB) clinicians are not capable of or equipped to take individuals into “custody.” The “duration of a Temporary Detention Order” as laid out in the code, could involve up to 24 hours from the time of issuance by a magistrate. This code places CSB in a high-risk situation as it could require physical restraint to prevent a person from committing suicide or homicide. It is requested that the code be amended to clarify that maintaining individuals in custody is the responsibility of law enforcement.

#### Request:

The General Assembly is requested to amend the code of Virginia as follows, to require the designated law enforcement agency to maintain control and custody of the individual.

*B. A state facility may, following the notice in accordance with subsection A, conduct a search for an alternative facility that is able and willing to provide temporary detention and appropriate care to the individual, which may include another state facility if the state facility notified in accordance with subsection A is unable to provide temporary detention and appropriate care for the individual. Under no circumstances shall a state facility fail or refuse to admit an individual who meets the criteria for temporary detention pursuant to § [37.2-809](#) unless an alternative facility that is able to provide temporary detention and appropriate care agrees to accept the individual for temporary detention. The individual shall not during the duration of the temporary detention order, from issuance to execution, be released from the custody of primary law enforcement or any other willing law enforcement agency that has agreed to transport the individual to the state facility or alternative facility in accordance with the provisions of § [37.2-810](#). If an alternative facility is identified and agrees to accept the individual for temporary detention, the state facility shall notify the community services board, and an employee or designee of the community services board shall designate the alternative facility on the prescreening report.*



## 14. PUBLIC HEARING NOTICE REQUIREMENT

SPONSORED BY VICE MAYOR, LOUIS R. JONES

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### Background Information:

Currently there is a 30-day notice (public hearing requirement) of real estate assessments increases of more than 1%. Prior to 2007, there was a seven-day window to notify the public of such increases. The City requests this be changed to 14 days. This would be consistent with the 14 days required when the General Appropriation Act did not occur, which is in the same code section.

We are required to have two public hearings each year for the budget. One of the public hearings is a general public hearing. This public hearing is usually held first on a Thursday night at one of our local high schools. We schedule our high school because the first public hearing usually has a large crowd because it is considered the "budget" public hearing and high school auditoriums can accommodate the crowds. It also provides a more central location away from the municipal center.

The other public hearing is required if real estate assessments increase 1% or greater, per section § 58.1-3321. We have historically held this meeting the night of City Council's formal meeting. City Council only has one night meeting during the budget process. Because Council has moved its formal meetings to the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of the month, we are left with unfavorable choices, which are not in the best interest of the public. We believe the 30-day notice complicates scheduling public hearings with no benefit. A two-week notice would provide ample opportunities for the public to be informed of real estate tax increase.

### Request:

The General Assembly is requested to amend section § 58.1-3321 in section "B," and change notice of the public hearing shall be given at least 14 days for the date of such hearing by publication of a notice in: 1) at least one newspaper general circulation in such county and city...



## 15. PROCUREMENT PROCESS EXEMPTION FOR INVESTMENT ADVISORS

SPONSORED BY COUNCIL MEMBER, JOHN D. MOSS

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### Background Information:

The City of Virginia Beach has a Deferred Compensation Board (the “Board”), as described in City Code §§ 2-122 & 123. The Board includes City employees, an appointee from the City Council, a member from the Sheriff’s Office, and three members from Schools, including the Schools’ chief financial advisor and a member of the School Board. The Board reviews investments and administers the deferred compensation investment policy, including the addition and deletion of funds from the investment policy, for the deferred compensation plan.

The Board has two regularly contributing contractors. One contractor provides administrative services including bookkeeping and communications with participants. The other contractor provides investment advice and financial market information that assists in the Board’s oversight of the deferred compensation investment policy.

The Board also serves as the City’s Local Finance Board for purposes of oversight of the Trust set up to pay for Other Post-Employment Benefits (or OPEB). In its capacity as the Local Finance Board, the Virginia Code provides an exemption from the Virginia Public Procurement Act (“VPPA”) for the selection of services related to “the management, purchase, or sale of authorized investments, including but not limited to actuarial services.” (Va. Code § 15.2-1548) The Virginia Code also authorizes an exemption from the VPPA for the selection of services related to the management of investments by the Virginia Retirement System (Va. Code § 51.1-124.32) and local retirement systems (Va. Code § 51.1-803).

A 1986 opinion of the Virginia Attorney General (1985-86 Op. Att’y Gen. Va. 41) provides that a local deferred compensation board must meet the requirements of the VPPA in the procurement of investment services and administrative services. The requirement with regard to administrative services is consistent with the required skills and the nature of the administrative relationship. The relationship with the investment advisor is more complicated and requires a level of sophistication that is not as easy to replace. Further, the existence of the exemption from the VPPA for the management of the OPEB Trust and various other retirement systems suggests freedom from the VPPA’s requirements for investment services is sound public policy.

### Request:

The City Council requests the General Assembly create an exemption from the requirements of the Virginia Public Procurement Act for a local deferred compensation board for the selection of services related to management and review of its investments and the Board’s investment policy.



## 16. FEE SCHEDULES FOR WORKERS COMPENSATION MEDICAL COSTS

SPONSORED BY COUNCIL MEMBER, AMELIA N. ROSS-HAMMOND

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### **Background Information:**

Medical costs for work related injuries are not well controlled, according to a recent study by the Virginia Workers' Compensation Commission. Medical costs have continued to rise unreasonably. The 2014 General Assembly carried over HB 946 which mandated a fee schedule for workers' compensation medical costs based on Medicare rates. Forty-four states have adopted fee schedules, 32 of which are based on Medicare. If such a fee schedule were adopted in Virginia, it is estimated to save over \$50 million in state-wide work-related medical costs.

### **Request:**

The City of Virginia Beach urges the General Assembly to adopt the language in the 2014 General Assembly HB 946 to enable the Virginia Workers' Compensation Commission to establish fee schedules for all work related medical costs billed after June 30, 2014.



## **17. REMOVE THE PRE-QUALIFICATION REQUIREMENT FOR THE BOND WAIVER PROGRAM FOR NON-TRANSPORTATION CONSTRUCTION PROJECTS UNDER \$500,000**

SPONSORED BY COUNCIL MEMBER, BOB DYER

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### **Background Information:**

Reducing barriers to entry in the procurement process will benefit the City by increasing competition in City procurements and by avoiding the costs of obtaining bonds—costs that contractors pass onto the City. In its 2011 Session, the General Assembly provided authority for a locality to waive bonding (bid, performance, and payment bonds) on non-transportation construction contracts in excess of \$100,000 but less than \$500,000. This 2011 legislation required bond waiver procurements to include a prequalification process.

The prequalification process is regulated by Virginia Code § 2.2-4317. This statute describes the required process and outlines seven grounds upon which a prospective bidder may be denied qualification. Any bidder denied prequalification has the opportunity to appeal such a decision administratively, and subsequent to administrative review, to take a denial to circuit court for judicial review.

Prequalification of contractors is generally a useful process for large construction projects wherein the prequalification step removes potential bidders that do not have the required financial capacity or relevant experience to complete the project. For these large projects, the time and effort required for prequalification is worthwhile by saving the cost and effort of assembling a bid by an unqualified bidder. There is an additional time savings in the City's review process because there are fewer bids requiring full evaluation.

For construction contracts between \$100,000 and \$500,000, the prequalification requirement introduces a new barrier (prequalification process) in the place of the previous barrier (the required bonds). Because relevant experience and financial capacity are not as critical for construction contracts below \$500,000, the prequalification requirement adds a bureaucratic process that is counterproductive to the goals of the bond waiver program that ends up adding time to the procurement process, additional works for bidders, and additional administrative effort.

### **Request:**

The City of Virginia Beach urges the General Assembly to amend Virginia Code §§2.2-4336 & 4337 to allow localities the ability to waive bonding for non-transportation construction project between \$100,000 and \$500,000 without having to undertake a prequalification process.



## 18. EXPEDITED PAYMENT OF JOB-RELATED PENSION PAYMENTS

SPONSORED BY COUNCIL MEMBER, JOHN D. MOSS

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### Background Information:

When an individual sustains an on-the-job injury, and ultimately cannot go back to performing the job for which he or she was hired, that individual, if vested, can apply for VRS disability benefits. Typically, the injured worker will have previously applied for and received workers' compensation benefits which provide for lifetime medical benefits and the potential for up to 500 weeks of wage loss benefits.

In many cases, when an injured worker has received wage loss benefits due to a work-related injury, the injured worker sufficiently recovers in order to return to the work place in a limited duty or transitional duty capacity. By providing limited duty work to the injured worker, the City of Virginia Beach assists the injured worker in returning to the work force. Because the injured worker who returns to the work place in a limited duty capacity receives his or her regular wages, which are greater than or equal to the workers' compensation wage indemnity, the open award for wage loss benefits under workers' compensation closes. In the event that the injured worker ultimately is not able to return to the job for which he or she was hired in a full duty capacity, the City will eventually separate the employee from employment.

At the time of the separation, the employee often will have applied for and been granted job-related disability retirement, but not be on an open workers compensation award. VRS takes the position that injured workers should be required to petition to reopen their workers' compensation claim and begin receiving benefits at the time of separation instead of VRS beginning to pay job-related disability pension benefits, even though the Code of Virginia allows for the separated employee to begin receiving job-related disability retirement benefits. In other words, VRS will delay payment, leaving the employee with no source of income, and thereby forcing him or her to petition anew for workers' compensation wage loss benefits.

### Request:

In cases where the injured worker is no longer on an open wage loss award, not beginning VRS pension benefits within a reasonable period of time imposes a substantial financial burden on the injured employee and has the effect of requiring the employee to reopen his or her workers' compensation wage loss claim even though state law does not affirmatively allow VRS to require the injured employee to take such action. The City of Virginia Beach urges the General Assembly to require VRS to commence payment of approved VRS disability retirement benefits to the injured worker within 30 days of VRS approval of the job-related disability retirement request if the worker is not on an open workers' compensation award.





## **19. BOARD OF TRUSTEES OF ANY POOLED TRUST FOR POSTEMPLOYMENT BENEFITS MAY SERVE AS LOCAL FINANCE BOARD**

SPONSORED BY COUNCIL MEMBER, JOHN D. MOSS

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### **Background Information:**

The governing body of any county, city, or town as well as any school board that establishes a trust, trusts, or equivalent arrangements for postemployment benefits other than pensions must also create a finance board to serve as trustee of such a trust, trusts, or equivalent arrangements and to manage and invest the assets of that trust, trusts, or equivalent arrangements. Such a finance board shall be composed of at least three members who shall include the chief financial officer of the locality, the treasurer of the locality, and at least one other additional person who shall be a citizen of the Commonwealth with proven integrity, business ability, and demonstrated experience in cash management and in investments. The finance board shall meet at least four times a year, and a majority of the members shall constitute a quorum. The local deferred compensation board may serve as the local finance board.

The City of Virginia Beach and the Virginia Beach School Board have joined the VML/VaCo Pooled Trust for Postemployment Benefits other than Pensions (retiree health care), and has a representative that serves on the Board of Trustees for this entity. At this time, over \$55 million in assets are being managed on behalf of the City and Schools. Over \$600 million in assets are managed in total.

Currently the Virginia Beach Deferred Compensation Board serves as the local finance board for retiree health care funds. The Deferred Compensation Board reviews the actions taken by the Board of Trustees and reviews the performance of the VML/VaCo Pooled Trust. However, the Deferred Compensation Board does not actively manage the assets in the Pooled Trust.

### **Request:**

Amend Virginia Code Sec. 15.2-1547 to allow local governments participating in the VML/VaCo Pooled Trust for Post-Employment Benefits to use the VML/VaCo Board of Trustees to fulfill the requirement of a local finance board. The participating localities would receive quarterly reports from the VML/VaCo Board of Trustees providing the information that would traditionally be made available by a local finance board.





## 20. ENFORCEMENT OF PROMPT PAYMENT REQUIREMENTS

SPONSORED BY COUNCIL MEMBER, BOB DYER

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### **Background Information:**

The City of Virginia Beach has undertaken many efforts to further equal opportunity and nondiscrimination in City procurement. In 1995, the City Council created the region's first Minority Business Council (the "MBC"). The MBC has identified "prompt payment" as a component of public contracting in need of additional regulatory oversight.

The Virginia Public Procurement Act requires prime contractors to pay subcontractors within seven days of receipt of payment by a state agency or a local government. (Va. Code § 2.2-4354). Alternatively, the prime contractor may notify the subcontractor and agency of its intention to withhold payment (or partial payment) and the reason for non-payment within seven days of receipt of payment by a state agency or a local government. Failure to meet the prompt payment requirement subjects the prime contractor to interest charges.

When issues arise regarding payment of subcontractors, the City is limited in its remedies. There is a statute requiring the City to pay the prime contractor promptly. Further, the City's contractual relationship is with the prime contractor not the subcontractor. A state agency or local government risks interfering in the contractual relationship between the prime contractor and the subcontractor if it takes too active a role in such a situation.

There is a need for a remedy in addition to the accrual of interest. Because public funds are a component of the flow of payments from prime contractor to subcontractor, the Office of the Attorney General may be an appropriate watchdog and enforcer of prompt payment requirements.

### **Request:**

The City Council requests the General Assembly provide for an oversight function of prompt payment requirements between prime contractors and subcontractors, by strengthening § 2.2-4354 (prompt payment provision required in contracts); and § 2.2-4356 (report by state comptroller regarding prompt payments).



## 21. MICRO BUSINESS PROCUREMENT PROGRAM

SPONSORED BY COUNCIL MEMBER, BOB DYER

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### Background Information:

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

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

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

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



**Request:**

The City Council requests the General Assembly define micro small business in § 2.2-4310 of the *Code of Virginia* and to amend § 15.2-965.1 of the *Code of Virginia* to authorize a locality, by ordinance, to enact a program for the enhancement of “micro business” participation that mirrors the authorization provided in Executive Order 20.

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## 22. FOLLOWING BIKES TOO CLOSELY

SPONSORED BY COUNCIL MEMBER, ROSEMARY A. WILSON

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### Background Information:

There has been much progress in recent years in making bicycling safer for both the bicyclist and motorist. However, there is still work to be done. An effort was made during the 2014 session, House Bill 82, that would delete the word “motor” from the sentence, “*the driver of a motor vehicle shall not follow another motor vehicle, trailer, or semi-trailer more closely than is reasonable and prudent, having due regard of the speed of both vehicles of traffic and the conditions of the highway at the time.*” Since this language failed in the Senate, the suggestion is for a new section “B” to be added to 46.2-839 of the Code, to clearly state the intent to keep motor vehicles at a safe distance from other vehicles such as bicycles, etc.

### Request:

The General Assembly is requested to amend the Code of Virginia, section 46.2-839 by adding a section “B” that states, “*a driver of a motor vehicle shall not follow a bicycle, an electric personal assistive mobility device, electric power-assisted bicycle, moped, animal, or animal-drawn vehicle preceding in the same direction more closely than is reasonable and prudent, having due regard to the traffic and the conditions of the highway at the time.*” Creating a separate section would make enforcement easier for police officers and increase safety for all of those who use our highways and roads.



## 23. CITIZEN COMMENT AT HAMPTON ROADS TRANSPORTATION ACCOUNTABILITY COMMISSION MEETINGS

SPONSORED BY COUNCIL MEMBER, JOHN D. MOSS

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### **Background Information:**

During its 2014 session, the General Assembly adopted a bill that created the Hampton Roads Transportation Accountability Commission (“HRTAC”), which was given the responsibility for approval of projects and the priority of such projects pursuant to the Hampton Roads Transportation Fund. The HRTAC adopted bylaws at their July 2014 organizational meeting. Although the bylaws provide for public hearings and public comment, they do not authorize residents of the fourteen counties and cities within the Planning District to speak on any agenda item, resolution or motion.

### **Request:**

The City Council requests the General Assembly enact legislation which would require the HRTAC to allow any resident living within the fourteen counties and cities within Planning District 23 to speak on any agenda item, resolution or motion, for at least three minutes each.



## 24. BAN THE RELEASE OF MORE THAN TEN (10) BALLONS

SPONSORED BY COUNCIL MEMBER, BARBARA M. HENLEY

### Background Information:

The Virginia Code currently allows the release of up to fifty (50) balloons an hour. However, balloons are a substantial threat to waterfowl and the environment and allowing the release of 49 balloons seems excessive. Balloons are a significant part of the litter collected from most waterways.

### Request:

The General Assembly is requested to amend the Code of Virginia as follows:

§ 29.1-556.1. Release of certain balloons prohibited; civil penalty

A. It shall be unlawful for any person to knowingly release or cause to be released into the atmosphere within a one-hour period ~~fifty~~ ten (10) or more balloons which are (i) made of a nonbiodegradable or nonphotodegradable material or any material which requires more than five minutes' contact with air or water to degrade and (ii) inflated with a substance which is lighter than air. Any person who violates this section shall be liable for a civil penalty not to exceed five dollars per balloon released above the allowable limit, which shall be paid into the Lifetime Hunting and Fishing Endowment Fund established pursuant to § [29.1-101.1](#).

B. The provisions of this section shall not apply to (i) balloons released by or on behalf of any agency of the Commonwealth, or the United States or pursuant to a contract with the Commonwealth, the United States, or any other state, territory or government for scientific or meteorological purposes or (ii) hot air balloons that are recovered after launch.



## 25. ESTABLISHMENT OF COASTAL VIRGINIA STANDARDS FOR DAM SAFETY REGULATIONS

SPONSORED BY COUNCIL MEMBER, BARBARA M. HENLEY

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### Background Information:

The Code and the Regulations do not have specific standards that apply to Coastal Virginia, as such, every impounding structure must request special consideration. A change to the Regulations requiring specific modification factors for Coastal Virginia would alleviate this time and expense.

This amendment would require the establishment of regulations that require specific modification factors for Coastal Virginia.

### Request:

The General Assembly is requested to amend the Code of Virginia as follows:

§ 10.1-605. Promulgation of regulations by the Board; guidance document

A. The Board shall adopt regulations to ensure that impounding structures in the Commonwealth are properly and safely constructed, maintained and operated. Dam safety regulations promulgated by the State Water Control Board shall remain in full force until amended in accordance with applicable procedures.

E. The Board's regulations shall establish a Coastal Virginia modification factor for both the Probable Maximum Flood (PMF) and the Spillway Design Flood (SDF) in calculating the hazard of impounding structures.



## 26. AN ACT TO EXCLUDE THE LITTLE CREEK WATERSHED FROM THE JAMES RIVER BASIN FOR PURPOSES OF THE CHESAPEAKE BAY WATERSHED IMPLEMENTATION PLAN

SPONSORED BY COUNCIL MEMBER, BARBARA M. HENLEY

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### Background Information:

This amendment would remove the Little Creek watershed from the James River basin, just as the City requested the Lynnhaven River be removed from the James River basin.

### Request:

The General Assembly is requested to amend the Code of Virginia as follows:

Be it enacted by the General Assembly of Virginia:

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





## 27. REQUIRE THE STATE WATER CONTROL BOARD TO ESTABLISH REGULATIONS FOR INNOVATIVE STORMWATER TREATMENT PROTOCOLS FOR LOCALITIES

SPONSORED BY COUNCIL MEMBER, BARBARA M. HENLEY

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### Background Information:

The City has not been able to have certain innovative stormwater treatment protocols approved that it believes would be less expensive and more effective than the protocols allowed, such as oyster reefs, phragmites harvesting, etc.

The amendment would require the State Water Control Board to establish a regulatory framework to have these innovative techniques evaluated.

### Request:

The General Assembly is requested to amend the Code of Virginia as follows:

§ [62.1-44.15:28](#). Development of regulations.

A. The Board is authorized to adopt regulations that specify minimum technical criteria and administrative procedures for Virginia Stormwater Management Programs. The regulations shall:

....

16. Establish a regulatory framework, including timeline and appeals procedures for localities to obtain approval for innovative stormwater treatment protocols to meet Chesapeake Bay TMDLs and other stormwater quality TMDLs.