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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
Benjamin Davenport – At Large
Jessica Abbott - Kempsville
Bob Dyer - Centerville
Barbara M. Henley - Princess Anne
John D. Moss - At Large
John 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 William R. DeSteph, Jr. – Senate District 8
Senator John A. Cosgrove, Jr. – Senate District 14
Delegate Ronald A. Villanueva – House District 21
  Delegate Barry D. Knight – House District 81
  Delegate Jason R. Miyares – House District 82
  Delegate Christopher P. Stolle – House District 83
    Delegate Glenn R. Davis – House District 84
    Delegate Rocky Holcomb – House District 85
  Delegate Joseph C. Lindsey – House District 90
Delegate Robert S. Bloxom – House District 100
SECTION 1.1 – CITY OF VIRGINIA BEACH LONG TERM POLICY POSITIONS
1. POST LABOR DAY OPENING FOR SCHOOLS

SPONSORED BY THE VIRGINIA BEACH CITY COUNCIL

Background Information:

The total spending from the tourism industry in Virginia Beach for 2015 was $1.4 billion stimulating 12,924 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 cutting short the critical summer season which will hurt small businesses, hardworking families and their employees. 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.

***2016 DATA TO BE ADDED WHEN AVAILABLE***
2. MORATORIUM ON URANIUM MINING

SPONSORED BY THE VIRGINIA BEACH CITY COUNCIL

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. Also, the Commonwealth is requested to vigorously oppose federal court actions to overturn the Uranium Mining Moratorium. (See attached resolution by City Council)

***Please find attached a resolution adopted by City Council on September 1, 2015***
Resolution Page 1

1  A RESOLUTION REQUESTING THE
2  ATTORNEY GENERAL TO OPPOSE
3  VIRGINIA URANIUM'S LAWSUIT SEEKING
4  TO INVALIDATE THE COMMONWEALTH'S
5  LONGSTANDING MORATORIUM ON
6  URANIUM MINING IN VIRGINIA

7  WHEREAS, the Virginia General Assembly enacted a Moratorium on Uranium
8  Mining in the early 1980's; and
9
10  WHEREAS, this Moratorium was established based on scientifically
demonstrated environmental concerns relating to Uranium Mining; and
11
12  WHEREAS, Virginia Uranium, Inc. and its affiliated companies own mineral
rights to a potentially large uranium deposit in the Roanoke River Basin; and
13
14  WHEREAS, Virginia Uranium has repeatedly attempted through the General
Assembly to have the Moratorium lifted; and
15
16  WHEREAS, The General Assembly has maintained the Moratorium on Uranium
Mining; and
17
18  WHEREAS, Uranium Mining was opposed by multiple jurisdictions and
organizations, such as the Roanoke River Basin Association, Hampton Roads Planning
District Commission, and the cities of Virginia Beach, Norfolk, and Chesapeake, among
many others, several of which obtain their drinking water from Lake Gaston, which is in
the Roanoke River Basin and downstream from the Virginia Uranium site; and
19
20  WHEREAS, Virginia Uranium recently filed suit in Federal Court to challenge the
legality of the Moratorium; and
21
22  WHEREAS, Virginia Uranium claims that the moratorium on mining was enacted
solely because of concerns arising from the disposal of uranium mining by-products and
that regulation of the disposal of uranium mining by-products has been pre-empted by
Federal law and that, therefore, the moratorium on uranium mining is invalid; and
23
24  WHEREAS, Virginia Uranium requests the court to order the applications for the
licenses and permits needed to commence mining operations to be accepted and
processed in the same manner as they would if those permits and licenses pertained to
any other mineral that may be legally mined; and
25
26  WHEREAS, Virginia Uranium's assertions are inimical to sound public policy
and contrary to settled principles of law, inasmuch as the several states, including
Virginia, clearly retain the authority to regulate uranium mining within their respective
borders;
NOW, THEREFORE, BE IT RESOLVED BY THE VIRGINIA BEACH CITY COUNCIL:

That for the foregoing reasons, on behalf of the Citizens of Virginia Beach, it is respectfully requested that the Attorney General, on behalf of the Governor and other officials of the Commonwealth who have been named as defendants, vigorously oppose Virginia Uranium’s lawsuit seeking to invalidate the Commonwealth’s longstanding moratorium on uranium mining in Virginia.

Adopted by the City Council of the City of Virginia Beach on the 1st day of September, 2015.

APPROVED AS TO LEGAL SUFFICIENCY:

[Signature]
City Attorney's Office

CA13427
R-1
August 26, 2015
3. 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, and people with addiction disorders and their families face a crisis when it comes to accessing services they need. 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. According to the Virginia Department of Behavioral Health and Development Services, almost 4,500 Virginians are waiting to receive community-based services for mental health alone, and almost 1,500 of those have waited for services longer than four months. 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 significant increases to funding for mental healthcare services beyond that provided in 2016. The City supports the Virginia Association of Community Services Board (VACSB) budget priorities for 2017-2018 and requests funding to include, but not limited to the following:

- Workforce development with a focus on recruiting and are retaining licensed or license-eligible staff by offering tuition reimbursement and clinical supervision financial incentives-- $3,991,000
- The VACSB Emergency Services and Substance Abuse Councils are seeking expansion of medical detoxification to improve our crisis response system for individuals with substance use dependence and ensure that resources are available for safe detoxification during a crisis episode -- $16,000,000.
- Reintegration services for high-risk youth and adults to expand capacity for the purchase of community-based services and treatment to address youth and adults who are high-risk for re-hospitalization or re-offense due the severity of their behavioral health challenges -- $7,000,000
- Additional Waiver Slots: The VACSB Developmental Services Council is supporting The ARC’s Waiver Waiting List Reduction Package to reduce the ID/DD Waiver waiting list by 50%. Waiver slots build capacities that will enable individuals who need developmental services and supports, including those with multiple disabilities, to live a life that is fully integrated in the community.
  - Fund 200 Developmental Disability Waiver slots as part of the DOJ settlement agreement in FY16
  - Fund 800 Individual and Family Support Waiver slots in both FY 2017 & FY 2018
  *Each ID waiver slot costs approximately $45,000 a year
4. VOTING RIGHTS

SPONSORED BY THE VIRGINIA BEACH CITY COUNCIL

Background Information:

The right to vote is a fundamental right of every citizen of our Commonwealth and nation and it is the foundation of our democracy. Barriers to the ballot box harm our state and our nation and are inconsistent with the ideals and principles upon which our great nation and our Commonwealth were founded. Increased voter participation, on the other hand, strengthens our democracy and results in leaders who are responsive to the diverse needs of all of our citizens.

Request:

The City requests that the General Assembly support legislation that removes barriers to voter participation and improves the ability of all Virginia citizens to exercise their fundamental right to vote.

In particular, it is requested that the Right to Absentee Voting be offered to any person qualified to vote in person without providing a reason. Currently, there are specific excuses for voting early that limit turnout.
5. SOLUTION TO COASTAL FLOODING REGIONAL GREENHOUSE GAS INITIATIVE

SPONSORED BY CITY COUNCIL MEMBER, BARBARA HENLEY

Background Information:

The Hampton Roads Region (along with New Orleans) is the most at risk for coastal flooding and Sea Level Rise in the country. Recurrent Flooding and Sea Level rise is a reality, as can be evidenced by tide gauges kept by National Oceanic and Atmospheric Administration and others since the early 1900’s. Sea Level Rise is real, and much of Virginia Beach is low and drains poorly. Storms that were small nuisances just 10-15 years ago, now caused major destruction of roadways and damage homes.

The City Council has embarked on a strategy of studying the various watersheds within the City, which will in the end provide plans on how to address Recurrent Flooding and Sea Level Rise. The other localities in the region are doing similar efforts. This is a regional effort, which will take actions by the state, federal, and local government. It will also be a very expensive endeavor.

The Regional Greenhouse Gas Initiative as it currently exist in states from Maryland and New York north, allows carbon allowances to be purchased for every ton of CO2 emitted. Companies decide how to stay below a cap that is set through the region, and these allowances are sold at quarterly auctions. The proceeds are then returned to the state for reinvestment. It’s projected that roughly $200M in auction revenues through 2030 could be provided to Virginia. This could also help address the administration “Clean Power Plan”.

Request:

The General Assembly is requested to adopt legislation as was introduced by Delegate Ron Villanueva of Virginia Beach and Chesapeake in the 2016 Session. This would allow Virginia to join with the Northeast RGGI. This would allow us to manage cuts in carbon emission, while at the same time providing revenue to address Sea level Rise and Recurrent Flooding. Currently the nine RGGI states represent 25% of the U.S. population. They have had $1.3B in net positive economic impact, have cut pollution three times faster than non-RGGI states, and have had lower bills for power than other areas.
6. MEnHADEN FISHING REGULATION

SPONSORED BY CITY COUNCIL MEMBERS, MAYOR WILLIAM D. SESSOMS, JR., LOUIS R. JONES, JAMES L. WOOD
JOHN E. UHRIN & BENJAMIN DAVENPORT

Background Information:

A small fish- Menhaden- is often referred to as “the most important fish in the sea”. Because it is close to
the bottom of the food chain, the populations of many species rely on the Menhaden as a source of food.
These include important commercial fisheries and tourism such as: blue crab, rock fish, speckled trout,
mackerel, flounder, tuna, and shark. Over fishing of Menhaden affects those populations, and hurts many
people’s income that rely on the sale of seafood to make a living. Tourism also suffers if the top of the
food chain species go elsewhere in search of food.

The importance of Menhaden is not solely founded on the population of other species. Menhaden also
provide a service in filtering the Bay, second only in importance to the oyster. As they filter the Bay they
return much needed oxygen to the waters for life to flourish.

The Chesapeake Bay and the near shore Atlantic Ocean waters of Virginia Beach are commonly referred
to as the “Menhaden Nursery”. Maturation of the Menhaden primarily happens in the Bay which provides
the Atlantic Coast with these important fish. Keeping the Menhaden population flourishing is not only
healthy for the bay and for the entire Atlantic coast, but for the businesses that are such a part of the
economic engines known as tourism and commercial fishing.

Menhaden fishing is currently regulated by the General Assembly. Although the General Assembly’s
knowledge of many issues is both wide and deep, regulation of fisheries is best left to those more
knowledgeable of the science. Menhaden is also a multi-state resource that needs to be looked at as a
whole, rather than the needs of few. The General Assembly has removed itself from the regulation of most
other fish & game species, and the regulation of Menhaden needs to be placed with the Virginia Marine
Resources Commission where the technology and science exist to best manage it. Also, the current
regulation of Menhaden does not require those fishing for this species to operate at a reasonable distance
from shore either on the Bay or the Ocean. Breakage in nets leads to regular pollution of the Bay and
Atlantic Ocean beaches with deposits of dead fish.

Request:

The City of Virginia Beach requests the General Assembly to adopt Legislation introduced during the
2016 legislative session similar to HB-150 introduced by Delegate Barry Knight, and SB-98 introduced
by Senator John Cosgrove. This would require the Virginia Marine Resource Commission to adopt
regulations to implement the Interstate Fishery Management Plan for Atlantic Menhaden. It would also
require any moratorium on the fishery to be subject to legislative review. Additionally, as was proposed
in HB-151 by Delegate Knight, in the 2016 legislative session, fishing for Menhaden with purse nets in
the Chesapeake Bay would be prohibited within one mile and within three miles of the shore lines of
Virginia Beach extending from the North Carolina border. This common sense legislation would allow
this very important resource to be managed for the overall health of the Bay, the Atlantic Ocean, and
Virginia’s economy based on science and facts.
7. A GOVERNOR’S CABINET LEVEL STATE RESILIENCY OFFICER FOR RECURRENT FLOODING

SPONSORED BY CITY COUNCIL MEMBER, JAMES L. WOOD

Background Information:

Hampton Roads is identified as one of the most flood prone areas in the nation. This is due to the combination of sea-level rise, subsidence of land, and construction in tidal areas over the last 400 years. That development has reduced natural drainage areas and the ability to absorb flooding along with a host of other reasons. To address these issues the General Assembly created the Joint Sub-Committee on Coastal Flooding. This is chaired by Delegate Chris Stolle of Virginia Beach. They have met multiple times over the last several years, and have identified a number of issues that need to be addressed by the General Assembly. One recommendation that was suggested, but not adopted, was that a State Resiliency Officer position be created. Currently, Secretary of Public Safety, Brian Moran is acting as the Commonwealth’s Resiliency Officer by agreement with the Governor’s office. Unfortunately, the issue of recurrent flooding is in need of constant attention due to its threat to the economy of Virginia, particularly in Hampton Roads, and the wellbeing of all of our citizens. Recurrent flooding for instance is a threat to major military installations in Hampton Roads, which was identified by the Hampton Roads Planning District Commission. The City of Norfolk is recognized as one of the most flood plain areas in the nation, second only to New Orleans, Louisiana. The ports of Virginia could become more susceptible to recurrent flooding, and their beneficial impact to the Commonwealth could be reduced if this issue is not addressed. Also there is an impact on almost every citizen in tidal Virginia because of the increase in nuisance flooding. Rain events that were unnoticed now create impassable streets and destroy property. Furthermore many insurance companies are reluctant to write homeowners policies because of increased risk/claims. Currently, the state lacks a single point of contact charged with identifying and addressing recurrent flooding issues and proposing methods to counter them.

Request:

The City of Virginia Beach requests the General Assembly to create a stand-alone cabinet level secretariat State Resiliency Officer, and program. This program should be identified as the lead in order to give direction, and ensure accountability to possibly one of the most important issues facing all of tidal Virginia. Furthermore, the Resiliency Secretariat should be closely aligned with the Secure Commonwealth Panel, and be sufficiently supported with staff and resources from other state agencies.

The current operation of having this as a subordinate duty for the Secretary of Public Safety will likely prove to be ineffective in the long term for bringing resources to bear on this important issue. Recurrent flooding affects all of Coastal Virginia, and Hampton Roads especially. Even in times of scarce resources, as the Commonwealth is currently facing, this clear threat to the wellbeing of the Commonwealth’s citizens and our businesses should be addressed effectively and resourced as needed.
8. ANIMAL CRUELTY

SPONSORED BY CITY COUNCIL MEMBER, JAMES L. WOOD

Background Information:

State law sets the penalties for cruelty to animals. Currently, Virginia Code § 2.2-6570 provides that an abuser can only be charged with felony animal abuse if (1) the animal dies as a result of torture or severe abuse; or (2) the abuser previously had been convicted within the last five years of cruelty to animals. Accordingly, if a Virginia court concludes that a defendant tortured or severely abused an animal, but the animal survived the abuse, the court cannot sentence the defendant to more than one year in jail unless the abuser had been convicted of the same offense within the past five years. If the defendant instead could be found guilty of a Class 6 felony, the court would have the discretion to sentence the abuser to up to five years imprisonment. Amending the law to allow a felony charge would enable our courts to better address severe instances of animal abuse.

Request:

The City Council requests that the General Assembly amend Virginia Code § 3.2-6570 to allow persons who severely abuse companion animals to be charged with a Class 6 felony, regardless of whether the animal survives or whether the defendant had been previously convicted of the same crime within the past five years.
9. CERTIFICATE OF PUBLIC NEED

SPONSORED BY CITY COUNCIL MEMBER, BOB DYER

Background Information:

The Certificate of Public Need (COPN) has been used for many years to manage expensive healthcare delivery facilities in the Commonwealth. This means that when hospitals wish to expand, adding new beds or equipment, they must go to a state body to receive permission to do so. The Certificate of Public Need is seen as a way to reduce duplication of expensive services and facilities, and also to make sure that facilities constructed are not just those that profit the hospitals and other individuals the most. The COPN is seen as a way to reduce healthcare costs and make services available as widely as possible. However, many in the medical services delivery field see the COPN as an unwarranted intrusion into the free market. During the 2016 session of the General Assembly, multiple bills were introduced to either outright repeal or other adjustments/modifications to the existing law. Delegate Chris Stolle, of Virginia Beach, who is not only a medical doctor but a Hospital Administrator, introduced House Bill-1083. HB-1083 would have modified the COPN while maintaining the bedrock of the process. Delegate Stolle’s bill was defeated; however, other legislation is being studied over the period between the 2016 session and the 2017 session. There will most assuredly be legislation introduced in the 2017 session that again ranges from outright repeal to modifications as needed.

Request:

The City of Virginia Beach requests the General Assembly retain COPN in its current form with process reforms similar to those recommended by Delegate Chris Stolle (HB 1083) in the 2016 session. This legislation addresses concerns surrounding the COPN process while maintaining the integrity of the program. Additionally, any legislation to deregulate COPN must be coupled with policies to promote access to care, ensure provision of essential health services, fund graduate medical education, and maintain the fiscal stability of Virginia’s community.
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 of Virginia Beach requests the General Assembly amend the Virginia Human Rights Act (i) to also prohibit discrimination based on sexual orientation or gender identity; and (ii) to explicitly prohibit racial profiling.
11. FULL EXPANSION OF MEDICAID AS PROVIDED BY THE AFFORDABLE CARE ACT

Sponsored by City Council Members, Shannon Kane & Bob Dyer &
Requested by the Virginia Beach Human Rights Commission

Background Information:
The Patient Protection and Affordable Care Act ("Affordable Care Act") is a 2010 federal law which, among other things, expands the availability of health care through an expansion of Medicaid. State legislators have the option of whether to authorize Medicaid expansion in their states. The expansion establishes a new income eligibility criterion of 133% of the federal poverty level. The Act provides 100% federal funding for the expansion in the first three years, after which time the federal funding will be reduced to no less than 90% of the cost. 42,029 Virginia Beach residents currently receive Medicaid benefits, but 38,522 additional adult City residents who are under the age of 65 remain uninsured. An estimated additional 13,200 Virginia Beach residents will be eligible for Medicaid expansion under the federal law, including a significant number of single persons with incomes up to $16,243, couples with incomes up to $21,983, and certain families (depending on family size) with incomes up to $44,497. A significant number of uninsured Virginia Beach residents who suffer from mental health or substance abuse disorders will be eligible for health care coverage through Medicaid expansion. The expansion of Medicaid will increase local employment in medical services and other supportive health care industries (especially technology).

Request:
The City requests that the General Assembly support the Medicaid expansion for all Virginians.
SECTION 1.2 – CITY OF VIRGINIA BEACH NEW POLICY INITIATIVES
11. EASTERN VIRGINIA GROUNDWATER MANAGEMENT AREA

SPONSORED BY CITY COUNCIL MEMBER JOHN MOSS

Background Information:

The Department of Environmental Quality (DEQ) and others have been working to evaluate ground water supplies in the Eastern Virginia Groundwater Management Area (EVGMA). They have found that the resources are insufficient to meet the long term demands of current and future ground water uses. Furthermore, these groundwater resources are critical to the health, welfare, and economic prosperity of Eastern Virginia. Since August 2015, the committee and five workgroups have examined six groundwater management subject areas assigned by legislation, and provided recommendations regarding management.

For purposes of visualization, the Eastern Groundwater area is basically east of Route 95. This area overlays much of the Chesapeake Bay Management Area, which is managed under the Chesapeake Bay Act established by the General Assembly. While the City is in support of all of the policy recommendations developed by the EVGMA, we are adamantly opposed to one of the proposed methods of funding the state management of this resource of the Commonwealth.

Request:

The City of Virginia Beach supports the work of the Eastern Virginia Groundwater Management Committee. However, we object to any consideration included in recommendation #12. Wherein the committee recommends the General Assembly to fund the essential operational costs of DEQ to manage the groundwater resources through general fund appropriations, or through a reasonable flat fee applied to household businesses in the groundwater management area. This is a Commonwealth wide resource that needs to be managed appropriately and fully as recommended in the report, but should be done through appropriations of the general fund.

Identifying one region of the Commonwealth to fund a resource of the entire Commonwealth is irresponsible, and not representative of proper government processes.
12. FLOOR ON REGIONAL GAS TAX FOR THE HAMPTON ROADS TRANSPORTATION ACCOUNTABILITY COMMISSION

SPONSORED BY CITY COUNCIL MEMBER MAYOR WILLIAM D. SESSOMS, JR.

Background Information:

The General Assembly passed HB-2313 during the 2013 Session of the Virginia General Assembly. As part of that landmark omnibus legislation provided a much needed input of revenue for transportation projects across the Commonwealth, and additional dedicated regional funding in Northern Virginia and Hampton Roads. During the 2014 session, the Hampton Roads Transportation Accountability Commission was established to accompany its companion organization in Northern Virginia. These organizations were given certain additional tax revenues which are now being used to fund projects such as: I-64 Improvements on the Peninsula, the Hampton Roads Bridge Tunnel, the High-Rise Bridge in Chesapeake, and the I-64/I-264 Interchange. Part of those increased revenues were a change in the way gas is taxed statewide. The General Assembly established a percentage tax on motor fuels such as gasoline and diesel. For the state revenues they established the floor based on the wholesale price of fuel in February 2013. However, through what has been described by multiple legislators as an oversight, there was no floor established for the Hampton Roads Transportation Accountability, Potomac Rappahannock Transportation, and Northern Virginia Transportation Commissions. Thus, the Hampton Roads Transportation Accountability Commission is receiving more than $20M less than predicted when the bill was passed before the oversight was discovered.

Request:

The General Assembly is requested to establish a floor on the regional gas tax for Northern Virginia and Hampton Roads equal to that established for the statewide gas tax through HB-2313 of the 2013 General Assembly Session. It is requested that the floor be the same as that for the state which was based on the wholesale price of gas and motor fuels in February 2013. The additional revenues, which would amount to over $20M a year would allow for perhaps $300M worth of bonding capacity for the Hampton Roads Transportation Accountability Commission, or $20M in pay as you go funds if bonding is not utilized. Without this floor the length of time for the identified projects to be constructed will be extended many years into the future.

Another reason for establishing the floor is because the projects are so terribly expensive. For instance, the Hampton Roads Bridge Tunnel is estimated to cost $3B or more. With the rate of inflation on these construction costs it very much effects the buying power of the money generated to the Hampton Roads Transportation Accountability Commission. With a modest 2.5% increase in construction costs on $5B worth of projects; the amount of projects Hampton Roads Transportation Accountability Commission will have underway in the next few years, shows the need for the floor.
Background Information:

During the 2017 Session of the General Assembly measures were introduced in the House and Senate that would greatly roll back the ability of localities to be entrepreneurial in the provision of broadband services, and greatly limit localities’ current ability to control the locating of wireless communications infrastructure, especially for 5th generation.

The City of Virginia Beach has been exceptionally innovative and tactical in constructing broadband capacity throughout the City for public entities, and also providing excess capability to the private sector. The City has also been successful in negotiating and securing transoceanic broadband cables coming ashore in Virginia Beach, which promises to provide unprecedented internet speeds and broadband access to Virginia Beach, Hampton Roads, the Commonwealth, and indeed all of America. To put this in perspective, one of the cables coming ashore in Virginia Beach has 150% capability of all of the other transoceanic cables currently in service. There are firm plans for multiple other cables to come ashore in Virginia Beach, and possibly considerably more. The City is committed to making this new capability mesh with its existing services which has been mentioned favorably in multiple newspaper and journal articles.

The measure pursued during the 2017 Session regarding the placement of wireless communications infrastructure will most assuredly return during the 2018 Session. Based upon current efforts of the Committee on Wireless Communications Infrastructure, such measures will usurp most localities’ authority over the rights-of-ways that local governments are responsible for holding in trust for the benefit of the public. Also at great risk are localities’ ability to protect the integrity of public buildings, and control (as appropriate) of the visual impact of wireless communications infrastructure.

Although the 5th generation of wireless communications holds great promise, it will be at least half a decade before standards are even established by the industry and federal government for deployment of this technology. These standards will obviously dictate where equipment is needed.

Request:

The General Assembly is requested to defeat any measure introduced that will constrain the existing operations as currently performed in the City of Virginia Beach in regards to the availability, provision, and expansion of broadband service. Restricting the City’s ability at this critical juncture as this new technology is being implemented, would be harmful to the citizens of the entire Commonwealth. It should be noted that where appropriate the City used private vendors to construct the broadband infrastructure. However, because the City owns and maintains the broadband capability, once installed the City is saving over one million dollars of taxpayer dollars a year in doing so.

In regards to wireless communications infrastructure, especially 5th generation, the City of Virginia Beach requests the General Assembly to reject any bill that would further erode what is left of the authority of localities to control the placement of such infrastructures, either through its zoning authority or as a steward of the public right-of-way. It should also be noted that the Federal Communications Commission is working on regulations that will supersede state law. We believe the General Assembly should wait for actions of the Federal Government.
14. Creating the Hurricane and Flooding Risk Reduction Act of 2018

SPONSORED BY MAYOR WILLIAM D. SESSOMS, JR.

Background Information:

Virginia Beach and Hampton Roads have been severely affected by hurricanes such as Matthew last year. Also the issue of recurrent flooding is deemed to be high priority for the city. The city has programmed hundreds of millions of dollars over the next decade or so to increase our resiliency to flooding and storm events. During the 2017 Session of the General Assembly, Delegate Jason Miyares introduced House Bill 2320 which would have created the Hurricane Risk Reduction Act of 2017. This act would have taken its cue from legislation passed in Louisiana that established a standard for the nation in sponsorship of hurricane and flooding risk reduction projects in partnership with the Army Corp of Engineers. The enactment of the legislation in Virginia would help to reduce or eliminate, in a cost effective way potentially most destructive floods in Virginia through construction of flood control and structural and non-structural solutions. This would save lives, prevent economic and environmental destruction and be an environmentally sensitive and cost effective way to address hurricanes, recurrent flooding and other similar events.

Request:

The General Assembly is requested to adopt legislation during the 2018 Session of the General Assembly modeled after Delegate Miyares’ House Bill 2320 from the 2017 Session. This in concert with the creation of a cabinet level secretariat responsible for recurrent flooding and storm reduction would be a very effective way for the Commonwealth to be prepared for hurricanes and ever increasing recurrent flooding.