VB Strong

DRAFT
LEGISLATIVE AGENDA
GENERAL ASSEMBLY
2020 SESSION

September 13, 2019
CITY OF VIRGINIA BEACH – CITY COUNCIL

Mayor Robert M. “Bobby” Dyer – At Large
Vice-Mayor James L. Wood – Lynnhaven
Jessica P. Abbott – Kempsville
Michael Berlucchi – Rose Hall
Barbara M. Henley – Princess Anne
Louis R. Jones – Bayside
John D. Moss – At Large
Aaron R. Rouse – At Large
Guy K. Tower - Beach
Rosemary A. Wilson – At Large
Sabrina D. Wooten – Centerville

CITY OF VIRGINIA BEACH – GENERAL ASSEMBLY DELEGATION

Senator Lynwood W. Lewis, Jr. – Senate District 6
Senator William R. DeSteph, Jr. – Senate District 8
Senator John A. Cosgrove, Jr. – Senate District 14
Delegate Kelly K. Convirs-Fowler – 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 Cheryl Turpin – House District 85
Delegate Joseph C. Lindsey – House District 90
Delegate Robert S. Bloxom, Jr. – House District 100
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SECTION 1.1 – CITY OF VIRGINIA BEACH LONG TERM POLICY POSITIONS
1. VOTING RIGHTS

SPONSORED BY CITY COUNCIL & THE HUMAN RIGHTS COMMISSION

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 country and are inconsistent with the ideals and principles upon which our great nation and our Commonwealth were founded. Additionally, the drawing of electoral districts can promote or depress voter turnout, depending in part on whether districts are drawn in order to respect the boundaries of localities, neighborhoods, and communities of common interest or are drawn primarily for political advantage. Increased voter participation strengthens our democracy and results in leaders who are responsive to the diverse needs of all of our citizens.

Request:

This was a part of your package last year and has been for several years through a joint initiative with the Human Rights Commission. The Human Rights Commission has asked for redistricting reform and removal of barriers to voter participation. Specifically, they are asking that the no excuse voting law passed in the 2019 session, be amended. That law would allow no excuse absentee voting beginning a week and a half on Saturday before the election starting in 2020. The Human Rights Commission is requesting it to be expanded to no excuse, in person, absentee ballot voting for the entire 45 days open for voting before the election. The General Assembly passed a first phase of amending the Constitution to create a non-partisan Redistricting Commission. The Human Rights Commission requests the General Assembly pass that same legislation during the 2020 session. The issue would then be put before the voters in the 2020 election. Assuming that those two actions are successful, when the General Assembly does redistricting of Congress and the Virginia House and Senate in 2021, the Redistricting Commission would begin the process.
**2. SOLUTION TO COASTAL FLOODING, REGIONAL GREENHOUSE GAS INITIATIVE**

**SPONSORED BY CITY COUNCIL & THE HUMAN RIGHTS COMMISSION**

**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 cause 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 northward, 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 $250M per year in auction revenues through 2030 could be provided to Virginia.

**Request:**

The General Assembly is requested to adopt legislation. That 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, from 2012-2014 in RGGI states have cut pollution three times faster than non-RGGI states, and have had comparable bills for power to other areas.
3. HIGH SPEED RAIL

Background Information:

The Virginia Department of Rail and Public Transportation (DRPT) is in the process of identifying funding sources to initiate a Tier II Environmental Impact Statement (EIS) within the next six years for the Richmond-Hampton Roads segment of the Southeast High Speed Rail (SEHSR) corridor. Approximately $27 million is needed to complete Tier II EIS. Two years ago we were successful in getting the General Assembly to require DRPT to update the costs of the Tier II EIS and also identify funding sources. Their report recommended that the Hampton Roads Transportation Planning Organization fund the Tier II EIS. The $27 million will suffice. HRTPO has fully allocated its RSTP and CMAQ monies for the next 6 years, and Richmond region, did not contribute any regional funds to either of their Tier II EIS efforts which are complete.

Request:

We request the Commonwealth fund a Tier II Environmental Impact Statement for High (ER) Speed Rail between Richmond and Hampton Roads.
4. MENHADEN FISHING REGULATION

SPONSORED BY CITY COUNCIL

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 water, 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 2018 legislative session similar to HB-822 or HB-160 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 SB-214 by Senator Cosgrove, in the 2018 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 and one mile in the Chesapeake Bay. 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.
5. CERTIFICATE OF PUBLIC NEED

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 2019 session. There will most assuredly be legislation introduced in the 2019 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 polices to promote access to care, ensure provision of essential health services, fund graduate medical education, and maintain the fiscal stability of Virginia’s community.
6. EXPANSION OF THE VIRGINIA HUMAN RIGHTS ACT
SPONSORED BY CITY COUNCIL & THE VIRGINIA BEACH HUMAN RIGHTS COMMISSION

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 to also prohibit discrimination based on sexual orientation or gender identity in hiring and in housing as was proposed in legislation from Kelly K. Convirs-Fowler in the 2019 Session.
7. FULL FUNDING FOR THE STEP-VA PROGRAM

SPONSORED BY THE VIRGINIA BEACH HUMAN RIGHTS COMMISSION & CITY COUNCIL

Background Information:

Almost 20% of adults in the Commonwealth have some kind of mental illness according to the Mental Health America 2019 Prevalence Report. Virginia is ranked 40th in the nation for mental health service and 40th among all states in access to care. The suicide rate is rising each year. More than 17% of inmates in the jail population have a mental illness with this number also rising each year. The need for a comprehensive, effective and accessible system of mental health services is quite clear.

Without adequate treatment and support available in the community, many individuals living with mental illness struggle to remain safely in their own homes and communities. Some of the outcomes of an inadequate public mental health system include: frequent trips to hospital emergency rooms, homelessness, substance use disorders, suicide and incarceration among individuals with mental illness.

STEP VA (System Transformation, Excellence and Performance in Virginia) was developed to address quality, access, accountability and consistency across all Community Services Boards (CSB). In 2015, DBHDS received a federal planning grant to lay the foundation for a behavioral health system that would be standardized in the provision of nine core services:

- Same-day access
- Primary care screenings
- Outpatient behavioral services
- Behavioral health crisis services
- Peer/family support services
- Psychiatric rehabilitation
- Veterans’ behavioral health
- Case management for adults and children
- Care coordination

The 2017 General Assembly amended the code to implement the STEP VA System of nine services by 2021 with two of those services, Same Day Access and Primary Care Screening being implemented by 2019.

As of 2019: Same Day Access and Primary Care Screening have been fully funded and are being implemented. Outpatient Services ($15M) and Crisis Services ($7.8M) have been partially funded. Full funding is still needed for the seven other services to be implemented by 2021 as mandated in the 2017 General Assembly session.

Request:

The City requests that the General Assembly provide full funding for the implementation of STEP VA System throughout the Commonwealth to ensure all nine Core Services are implemented by 2021.
Background Information:

In 2006, the Virginia General Assembly passed legislation to replace state and local taxes and fees on communication services with one statewide Virginia Communications Sales and Use Tax. This statewide tax imposed a 5% fee, which is collected from consumers by service providers and remitted to the state on a monthly basis. After collection by the state, the tax is then distributed to individual localities. Revenues from the Sales and Use Tax are in long-term decline. For example, Virginia Beach now brings in $6 million less per year than when the tax first went into effect over a decade ago. This $6 million decline is equal to a 20% loss in revenue over this period. As technology progresses, this revenue gap will only grow wider. The chart below shows actual revenues received by the City over the past decade. In total, the City averaged a 2.2% per year reduction in Virginia Telecom Tax Revenue between Fiscal Year 2007-08 and Fiscal Year 2017-18.

Consistent with these declines, the City has lowered, by a combined $1.5 million in Fiscal Years 2019 and 2020, its budgeted projections for Telecom Tax revenue. Should the present tax structure continue as is, the City will likely see a decline in this revenue source in Fiscal Year 2021 that would bring the total amount of revenue received by the City to under $23 million.

<table>
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<th>FY 2019 Budgeted</th>
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<td>$23.8 million</td>
<td>$22.4 million</td>
<td>$22.9 million</td>
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**REQUEST:** The General Assembly is requested to restore funding to localities consistent with amounts received at the time of the formula’s adoption in 2006.
SECTION 1.2 – CITY OF VIRGINIA BEACH NEW POLICY INITIATIVES
9. HEART DISEASE PRESUMPTION FOR SALARIED EMS PERSONNEL
SPONSORED BY VICE-MAYOR JIM WOOD

Background Information:

In Virginia, public safety benefit programs have historically been designed specifically for firefighters and police officers. Most municipal EMS providers were either cross-trained as firefighters, volunteers or civilians. There was little attention given to governmental EMS workers. Virginia Beach has the largest with its cadre of medics within the Department of EMS. We currently have 65 officers or medics who are considered full time salary Emergency Medical Technicians for purposes of benefit calculations. However, those workers are not given the same protections of heart disease presumption that Fire and Police have.

Request:

The General Assembly is requested to modify Code of Virginia Title 65.2, Workers’ Compensation, Chapter 3: Occupational Diseases §65.2-402(B) as follows:

B. Hypertension or heart disease causing the death of, or any health condition or impairment resulting in total or partial disability of (i) salaried or volunteer firefighters, (ii) members of the State Police Officers’ Retirement System, (iii) members of county, city or town police departments, (iv) sheriffs and deputy sheriffs, (v) Department of Emergency Management hazardous materials officers, (vi) city sergeants or deputy city sergeants of the City of Richmond, (vii) Virginia Marine Police officers, (viii) conservation police officers who are full-time sworn members of the enforcement division of the Department of Game and Inland Fisheries, (ix) Capitol Police officers, (x) special agents of the Virginia Alcoholic Beverage Control Authority appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1, (xi) for such period that the Metropolitan Washington Airports Authority voluntarily subjects itself to the provisions of this chapter as provided in §65.2-305, officers of the police force established and maintained by the Metropolitan Washington Airports Authority, (xii) officers of the police force established and maintained by the Norfolk Airport Authority, (xiii) sworn officers of the police force established and maintained by the Virginia Port Authority, and (xiv) campus police officers appointed under Article 3 (§23.1-1-809 et seq.) and (xv) full-time salaried Emergency Medical Technicians employed by the City of Virginia Beach. Of Chapter 8 of Title 23.1 and employed by any public institution of higher education shall be presumed to be occupational diseases, suffered in the line of duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary.
10. EQUALIZE “HOUSE BILL 599” FUNDING

SPONSORED BY VICE-MAYOR JIM WOOD

Background Information:

In 1979, the Commonwealth of Virginia agreed to contribute funds to any locality in the Commonwealth with a police department. This was done through House Bill 599, codified in the Code of Virginia as §9.1-165 through 172. The intent of this legislation was to help equalize state funding between jurisdictions with police departments and those with Sheriff’s Offices. At the time of adoption, it was conveyed that the Commonwealth would grant localities with police departments a sum equal to 30% of their department’s costs.

In the case of Virginia Beach, neither goal has been met. In Fiscal Year 2019, 599 allocations were roughly 60% of the amount the City received for the Sheriff’s Office from the Commonwealth. As for the Police Department’s total operating budget, the amount from the Commonwealth was equal to only about 10% of City’s appropriations for the VBPD.

The same disparity has been true for the Commonwealth at-large. Whereas general fund appropriations for Sheriff’s Office (not including local jail per diem) are approaching $500 million, 599 funding for Police Departments is under $200 million. Further, the amount of 599 funding in FY 2020 is less than what existed in FY 2009 and other prior years.

In addition, in code, the amount of funds distributed each year should be adjusted by a sum equal to the anticipated general fund revenue change in any given year. However, this requirement is one to which the state has not continually adhered; there is presently a $139 million gap between approved HB 599 funding and the amount that would have occurred from calculating 599 funding based upon anticipated state revenue growth every year since FY 2000. For example, while the official state General Fund growth forecast called for 3.4% growth between FY 2017 and FY 2018, 599 funding remained flat during the FY 2018 budget year. Similarly, while the official state General Fund growth forecast estimated 5.9% growth between FY 2018 and FY 2019, 599 funding allocations only increased 3.70% in FY 2019. For FY 2020, the state pre-programmed an increase in 599 funding at 3.90%, but did not adjust the amount in conjunction with the state’s growth revenue.

Request:

The General Assembly is requested to increase funding to provide better parity between the appropriations for Sheriff’s Offices and for Police Departments. Specifically, 599 funding is requested to increase in FY 2021 state budget to a baseline that is equal to the amount of actual revenue growth between FY 2018 and FY 2019, and then that sum should be increased by the official forecast growth figures for FY 2020 and 2021.
11. RESIGN TO RUN FOR MEMBERS OF COUNCIL OTHER THAN MAYOR
SPONSORED BY COUNCILMEMBER JOHN MOSS

Background Information:

In 1987, the General Assembly added Section 3.02:2 to the City Charter. Section 3.02:2 provides a “resign to run” requirement of any member of the City Council who wishes to be a candidate for the office of mayor. In pertinent part, this requirement requires a sitting Councilmember to irrevocably resign his or her council seat as a condition to becoming a candidate for mayor. That resignation would be effective December 31 of the applicable year.

This legislative request would impose a similar requirement if an at large Councilmember seeks to become a candidate for a residence district seat or if a resident district member seeks to become an at-large candidate.

Request:

The City Council requests the General Assembly enact an amendment to the City Charter that inserts the following text as new Section 3.02:3:

A. In the event any councilmember from one of the residence districts shall decide during his term of office to be a candidate for an at-large seat, the councilmember shall tender his resignation as a councilmember not less than ten days prior to the date for the filing of petitions as required by general law. Such resignation shall be effective on December 31, shall constitute the councilmember’s intention to run for the at-large seat, shall require no formal acceptance by the remaining councilmembers, and shall be final and irrevocable when tendered.

The unexpired portion of the term of any councilmember who has resigned to run for an at-large seat shall be filled at the same general election, or special election if the at-large seat is to be filled by special election.

B. In the event any councilmember from one of the at-large seats shall decide during his term of office to be a candidate for a residence district seat, the councilmember shall tender his resignation as a councilmember not less than ten days prior to the date for the filing of petitions as required by general law. Such resignation shall be effective on December 31, shall constitute the councilmember’s intention to run for the residence district seat, shall require no formal acceptance by the remaining councilmembers, and shall be final and irrevocable when tendered.

The unexpired portion of the term of any councilmember who has resigned to run for a residence district seat shall be filled at the same general election, or special election if the residence district seat is to be filled by special election.
12. PAYMENTS TO INSTITUTIONS OF HIGHER EDUCATION FOR CERTAIN COURSES TAKEN BY LAW ENFORCEMENT OFFICERS §23.1-602

SPONSORED BY VICE-MAYOR JIM WOOD

Background Information:

In 1966, the General Assembly passed §23.1-602, which provides college tuition, including the cost of books and fees, paid for by the State, to any law enforcement officer working within the Commonwealth. Officers would be required to pursue a degree or certificate in a course of study relating to the field of law enforcement, and must attend an accredited institution of higher education within the Commonwealth. In return, officers would be required to remain employed in a law enforcement capacity for a period of at least as long as the length of the course of study taken, or repay the full amount of such tuition.

This law has remained, unfunded, in the Code of Virginia since its creation.

Our citizens deserve a highly professional, knowledgeable, and educated police force that enforces the law and investigates crime in a judicious and equitable manner. Training and education are crucial for the future success of our officers and our department. In today’s policing environment, officers go above and beyond answering calls for help. They are leaders, problem solvers, counselors, and role models who are equipped with 21st century skills that far surpass traditional police academy training. In short, the profession has evolved.

The benefits of higher education reach beyond the impact it has on individual officers. A well-educated police force positively influences the future of our organization and our community. Continuous learning and self-improvement become engrained in all ranks, from officer to command staff, and within our culture. For these reasons and more, restoring funding for this statute is a worthy investment for both our officers and the citizens we serve.

Request:

The General Assembly is requested to consider funding this statute, for a trial period, to determine state-wide interest and administrative workload for the Department of Criminal Justice Services (program administrators). This pilot program would provide access to limited financial resources for specific localities within the Commonwealth, to include the City of Virginia Beach. We propose modifying the existing statute to reimburse tuition for attendance at an accredited in-state university or community college, up to the two-year associate’s degree level. All other provisions of the existing statute shall remain unchanged. Upon completion of the pilot program, an evaluation will be conducted to determine program expansion and state-wide fiscal impact.
13. FILM TAX CREDIT

SPONSORED BY CITY COUNCIL

Background Information:

The Commonwealth of Virginia has a rather small program to promote film and other media production within the Commonwealth. Other states, most notably Georgia and North Carolina, have a very robust program which has created a considerable industry in those states. In order for Virginia to compete in this arena, the Commonwealth needs to provide additional incentives through tax credits and other means. This is an ideal time for Virginia to expand their incentives for this industry in as much as North Carolina and Georgia because of actions of their respective General Assemblies have created an environment that is unwelcoming to the industry.

Request:

The General Assembly is requested to establish a new media and technology income tax credit as was envisioned by HB2163 of the 2019 session of the General Assembly, sponsored by Delegate Glenn Davis. This credit would equal 15% of expenses or 20% for productions in economically distressed areas in Virginia. Expenses eligible for the tax credit include purchases that were exempt from sales tax unless 6 purchases were made at least 1 year prior to such tax payer entering into an agreement with the Virginia Film Office. Productions may receive additional credits of up to 20% of production costs over $250K and compensation paid to Virginia residents who are first time actors or production crew members. The bill further provides that credits may be carried over to subsequent tax years for up to 10 years and transferred to another party upon payment to the department of a fee of 2%.
14. DEFINITION OF SMALL BUSINESS
SPONSORED BY COUNCILMEMBERS SABRINA WOOTEN & ROSEMARY WILSON

Background Information:
Currently there are multiple definitions for small businesses in the code of Virginia. The one that is utilized most predominantly is in the Virginia Public Procurement Act. This states that a small business means a business independently owned and controlled by one or more individuals who are US citizens or legal resident aliens and together with affiliates has 250 or fewer employees or annual gross receipts of $10 million or less averaged over the previous three years.

Under this current definition a “small business could have 250 employees and greater than annual gross revenues of $10 million”. This means that a certified small business could have unlimited annual revenue and receive the benefits of being a small business under the code.

Request:
The General Assembly is requested to amend the code of Virginia section 2.2 – 4310 to substitute the word “and” for “or” in the definition of a small business. This would mean that a small business would be defined as having 250 or fewer employees and annual gross receipts of $10 million or less averaged over the previous three years. This is thought to provide a truer definition of a small business in Virginia than the current code.
15. REQUEST TO AMEND 2019 ACTS OF ASSEMBLY, C. 793 TO ALLOW CDA FINANCING AND TO EXTEND THE DATE OF TAX INCENTIVE

SPONSORED BY COUNCILMEMBER JOHN MOSS

Background Information:

In January, the City Council authorized the execution of a Term Sheet for the development of definitive project documents for the Dome Site Project (the “Project”). The Project was subsequently rebranded as Atlantic Park. Separately, the 2019 General Assembly, through the work of Delegate Knight and Senator Wagner, enacted Chapter 793. This legislation provides a mechanism for the capture of sales and use taxes for a “sports and entertainment district.” The defined district is in the same area as Atlantic Park. The City believes the revenues from Chapter 793 will be an important part of the City’s financing of its obligations related to the Project.

Two issues have emerged that may require the General Assembly to amend Chapter 793. First, there is discussion of the use of a Community Development Authority (“CDA”) to assist in the financing of certain improvements that are part of the Project. The CDA tool allows for the imposition of additional levies and special assessments at the Project, which allows the beneficiaries of the increased costs of infrastructure to participate more directly in paying for such improvements. Second, because of the time needed to finish the pre-development work and construction of the Project, the outside dates prescribed in Chapter 793 may not be sufficient to provide the assistance originally intended. As such, this request seeks to offer additional years that will provide for the incentive to align with the duration of the City’s obligations.

Request:

The City Council requests the General Assembly amend Chapter 793 of 2019 Acts of Assembly as follows:

- Amend the second sentence of § 15.2-5931(A) to read as follows: “As used in this chapter, “bonds” includes notes of any kind, interim certificates, refunding bonds, or any other evidence of obligation issued by the City of Virginia Beach, the City of Virginia Beach Development Authority, or a community development authority formed by the City pursuant to sections 15.2-5152 through 15.2-5159 and covering the property as the Sports and entertainment district.”
- Amend § 15.2-5932(C) to allow the use of the Fund to pay for expenses or debt service associated with a community development authority at the sports or entertainment district.
- Amend § 15.2-5933(A)(2) to change the date from “July 1, 2039” to “July 1 following the 25 th anniversary of the execution of a binding development agreement. In no case shall the term of the entitlement (debt) extend beyond 20 years.”