

Date of Meeting: March 2, 2021

4 Supplemental

**BOARD OF SUPERVISORS
BUSINESS MEETING
ACTION ITEM**

SUBJECT: Legislative Report- 2021 Special Session I

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: March 2, 2021

STAFF CONTACTS: Gwen Kennedy, County Administration
Charles Yudd, County Administration

PURPOSE: This item requests the Board of Supervisors (Board) provide a letter to the Governor on signing the Greenway legislation as passed and updates the Board on state legislative issues associated with the 2021 Special Session I for information.

RECOMMENDATION: Staff recommends the Board send a letter (Attachment 1) requesting the Governor support the Greenway legislation, [HB 1832](#) (Subramanyam) and [SB 1259](#) (Bell), as passed by the General Assembly by signing the bills into law.

UPDATE: This item requests the Board send a letter (Attachment 1) to the Governor supporting the Greenway legislation as passed by the General Assembly and provides an update on the state budget.

SECTION 1: LETTER TO GOVERNOR ON GREENWAY LEGISLATION

The Board's Greenway legislation, [HB 1832](#) (Subramanyam) and [SB 1259](#) (Bell), has passed both houses of the General Assembly and will be sent to the Governor for signature. The letter found in Attachment 1 requests the Governor support the legislation as passed by the General Assembly by signing the bills into law. The letter stresses that this legislation has bipartisan support from the County, the Delegation and the General Assembly, and provides a high-level overview of what the legislation accomplishes.

SECTION 2: STATE BUDGET UPDATE

The General Assembly adopted the conference report for the 2020-2022 biennium budget ([HB 1800](#)). The budget will now go to the Governor. The Governor can either provide amendments to the budget or sign it into law. Almost all of the items contained in the County's letter to the budget conferees (Attachment 2) were addressed in the budget. Highlights include:

- Problematic amendments from the Senate that would have eliminated 44 positions in the Loudoun County Health District and conditioned the receipt of funding to the Northern Virginia Transportation Commission (NVTC) for distribution to WMATA on naming one of the WMATA stations McLean Capital One Hall Station were not included in the budget.
- The Conference Report included the House budget amendment which clarified that the \$8.7 million in funding transferred from the Community Service Boards (CSBs) in Item 322 to the Department of Behavioral Health and Developmental Services (DBHDS) Central Office in Item 321 for local inpatient services (LIPOS) funding will continue to be allocated to the CSBs in an efficient and effective manner as not to disrupt LIPOS' contracts and to allow for expeditious reallocation of unspent funding CSBs and a Behavioral Health Authority.
- Increases the Cost-to-Compete Adjustment (COCA) for support positions from 10.6% to 16% for Planning District 8.
- Provides up to \$32.4 million to ensure the Commonwealth can provide its share of the dedicated regional funding for the Washington Metropolitan Area Transit Authority for fiscal year 2022 to be deposited into the Washington Metropolitan Area Transit Authority Capital Fund (60905) established pursuant to § 33.2-3401, Code of Virginia, and any amounts remaining after that shall be provided to the Northern Virginia Transportation Commission to reduce the fiscal year 2022 operational obligations of its member jurisdictions, based on the current formula, to Metrorail, Metrobus and MetroAccess services. If the previous estimate of \$22.4 million in funding needed for the capital payment holds true, there should be approximately \$10 million provided to NVTC.
- An additional \$21.4 million was included the second year to increase the number of Family and Individual Support (FIS) waiver slots by 435 to address the Priority One waiting list.
- Increased salaries for General Registrars, teachers, state employees, and state supported local employees. Salaries for General Registrars will be increased to equal salaries of treasurers. The budget provides a 5% salary increase for teachers, state employees, and state supported local employees. State funds for teacher increases must be matched by the local government, based on the composite index of local ability-to-pay. The state share of funding provided to a school division in support of the compensation supplement shall be prorated for school divisions that provide less than an average 5% salary increase during the biennium. A school division must provide at least an average 2% salary increase during the biennium to access the state funds.
- The budget provides an additional \$30 million for agricultural best management practices and an additional \$25 million for the Stormwater Local Assistance Fund which are needed to assist Virginia in meeting water quality goals. The conference report increased funding

for the Farmland Preservation Fund by \$750,000 to \$1 million for second year of the biennium.

- The conference report includes language that directs the Department of Mines, Minerals, and Energy to establish a workgroup to assess the feasibility of creating a Virginia Residential Property-Assessed Clean Energy (R-PACE) program.

FISCAL IMPACT: Staff will continue to evaluate fiscal impact to the County of legislation and the final 2020-2022 biennium budget and will provide an update to the Board on impacts.

ALTERNATIVES: The Board can either send a letter or not send a letter to the Governor on the Greenway legislation.

DRAFT MOTIONS:

1. I move that the Board of Supervisors send a letter (Attachment 1) requesting the Governor support the Greenway legislation, [HB 1832](#) (Subramanyam) and [SB 1259](#) (Bell), as passed by the General Assembly by signing the bills into law.

OR

2. I move an alternate motion.

ATTACHMENTS:

1. Letter to Governor Northam RE: Support for Greenway Legislation Passed by the General Assembly
2. Example Budget Letters Sent to House and Senate Conferees



March 2, 2021

The Honorable Ralph Northam
Governor, Commonwealth of Virginia
P.O. Box 1475
Richmond, VA 23218

RE: Support for Greenway Legislation Passed by General Assembly

Dear Governor Northam,

On behalf of the Loudoun County Board of Supervisors (Board) and our residents, we would like to draw your attention to HB 1832 (Subramanyam) and SB 1259 (Bell) which is before you for action. This bi-partisan legislation was unanimously supported by our Board and the entire Loudoun Delegation. As shown by the vote counts (HB 1832 passed the House 99-0 and Senate 33-5 and SB 1259 passed the Senate 32-5 and the House 97-1-1) these bills received tremendous support from both chambers, and we ask you support them as passed by the General Assembly.

The Dulles Greenway is the only road of its kind in Virginia and is governed under the Virginia Highway Corporation Act. The Virginia State Corporation Commission (Commission) is responsible for regulating the Greenway, which includes toll rates requested by the Greenway's operator. The legislation passed by the General Assembly provides needed regulatory oversight and much needed relief and benefits to commuters from Loudoun County and surrounding jurisdictions. Major benefits of the legislation include:

- Limits the operator's ability to further refinance debt unless the Commission determines that, among other things, refinancing will not increase toll rates and is in the public interest. The operator's past debt refinancings ballooned current debt to more than \$1 billion (from approximately \$300 + million when constructed) and debt payments are by far the largest annual expense, driving up tolls.
- Imposes certain financial security and creditworthiness requirements before the Commission can transfer, extend or amend operating authority.
- If the operator applies for toll rate increases, the Commission must analyze the proposed toll rates against three criteria based on anticipated future (not historic) conditions.
- The Virginia Department of Transportation (VDOT) must review and provide comments on such analyses to the Commission.
- The Commission may not approve more than one year of toll rate increase per application/proceeding. This does not require the operator to come back for annual rate increases, but they may do so at their option.

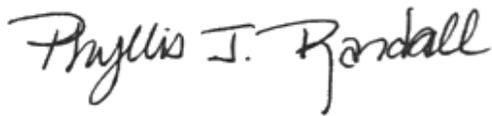
This legislation has real implication for our constituents and their families and is an equity and quality of life issue. The Greenway currently costs \$5.80 during peak time and \$4.75 during non-peak time. For someone traveling to work during rush hour one way each day, that is \$29 per week and \$58 if

traveling round trip per week. Those who can afford to pay Greenway tolls are able to spend less time in their cars and more time with their families while all others are forced to sit sedentary in traffic.

The Board and the Loudoun Delegation have heard from our constituents time and time again on how toll rates impact their lives and impact businesses within the corridor. This was evident in public testimony and written comments provided in the current toll rate case before the Commission. Over 80 people registered to provide comments during the public hearing on June 30, 2020 and participants unanimously opposed the request rates. Over 700 comments were documented in opposition to the toll rate increases. This included the Loudoun County Chamber of Commerce and the Loudoun CEO Cabinet, who also supported both pieces of legislation that have passed the General Assembly.

Governor Northam, the Loudoun Board recognizes and appreciates the fact your administration has been aware and concerned that our residents are paying extremely high tolls. The work of your administration over the years to study and seek solutions to address toll rates on the Dulles Greenway to benefit commuters and our residents, has been helpful and needed to get us to agreement on the current legislation before you. As shown, this legislation as passed has bipartisan support from the County, the Loudoun Delegation, and the General Assembly, and most importantly heeds the voices of our community by protecting commuters. We respectfully request that you support the legislation as passed by the General Assembly by signing the bills into law.

Sincerely,



Phyllis Randall
Chair At-Large



Koran Saines
Vice Chairman



February 23, 2021

The Honorable Janet D. Howell
Virginia Senate
Pocahontas Building, Room E509
900 East Main Street
Richmond, VA 23219

Dear Chair Howell,

On behalf of the Loudoun County Board of Supervisors (Board), we want to present you with a list of budget amendments that the Board hopes you will consider supporting or defeating as part of your action on the budget during the conference committee. Attachment 1 provides an additional list of amendments for consideration.

Budget Amendment Related to Loudoun County Health District Positions: The Senate budget includes an amendment ([Item 302 #4s](#)) that eliminates 44 positions for the Loudoun County Health District. This budget amendment refers to [SB 1221](#) which allows Loudoun County to enter into a contract with the Department of Health for local administration of health services. This legislation is permissive in nature. Discussions with the Virginia Department of Health indicate that the agreement will take at least a year to complete. Therefore, state health department employees will not be converted to local employees at least until FY 2023. In addition, removing positions could impact the funding provided to Loudoun County. As stated in the bill, state funds for the operation of health services and facilities shall continue to be allocated to Loudoun County as if such services were provided in a County without such a contract. **The Board asks that this budget amendment not be included in the final budget.**

Local Inpatient Services (LIPOS) Funding: The House approved a budget amendment ([Item 321 #2h](#)) that provides clarification regarding \$8.7 million in LIPOS funding transferred from the Community Service Boards (CSBs) in Item 322 to the Department of Behavioral Health and Development Services (DBHDS) Central Office in Item 321. The amendment clarifies that the \$8.7 million shall continue to be allocated to the CSBs in an efficient and effective manner as not to disrupt LIPOS' contracts and allow for expeditious reallocation of unspent funding to the CSBs. The Senate approved a budget amendment ([Item 321 #4s](#)) which requires DBHDS to report quarterly on the distribution of funding provided to the CSBs for the purchase of acute inpatient or community-based psychiatric services. **The Board asks that you support the House amendment as it clearly indicates the amount of funding that should be allocated to the CSBs for LIPOS.**

Cost-to-Compete Adjustment (COCA): The House approved a budget amendment ([Item 145 #11h](#)) that provides \$13.2 million dollars in the second year for partial restoration of COCA support positions in Planning District 8 and certain adjacent divisions specified in the appropriations act. For the nine Planning District 8 school divisions, this action would increase the adjustment factor to 18% from the current rate of 10.6%. For the nine adjacent school divisions, this action would increase the adjustment factor from 2.65% to 4.5%. This restores and expands funding that was eliminated in Chapter 56, 2020 Special Session I that would have increased the adjustment factors from 10.6% to 16% and 2.65% to 4%. **The Board asks that you support this amendment.**

Washington Metropolitan Area Transit Authority (WMATA) Capital Funding: The Senate approved a budget amendment ([Item 442 #1s](#)) that allocates \$22.4 million in non-general fund money the first year from public funds made available for Highway Infrastructure Programs by the Coronavirus Response and Relief Supplemental Appropriations Act to fulfill the Commonwealth's portion of the \$500 million annual commitment to the WMATA Capital program. Failure to make the \$150 million capital payment could result in decreased funding from Maryland and D.C., providing significant impacts to WMATA. **The Board supports this amendment and is grateful the Senate included it in their budget.**

Medicaid Waiver Slots: The County really appreciates that the Senate included a budget amendment ([Item 313 #4s](#)) that adds \$10.7 million from the general fund and a like amount of federal Medicaid matching funds in the second year (total \$21.5 million) to increase the number of Family and Individual Support (FIS) waiver slots by 650 in the second year, bringing the total number of waiver slots funded in fiscal year 2022 to 1,200 in order to address the Priority One waiting list. **The Board asks that you support this amendment.**

Salary Increases for State & State Supported Local Employees: The House approved an amendment ([Item 477 #2h](#)) that provides funding and authorization to provide a 3.5% salary increase for state employees, adjunct faculty, and state supported local employees. The Senate budget also included an amendment ([Item 477 #1s](#)) to provide a 3% salary adjustment for state employees, including adjunct faculty at higher education institutions, effective August 10, 2021, for the September 1, 2021 paycheck, and state-supported local employees, effective September 1, 2021. **The Board asks that you support amendments that provide state supported local employees with a pay raise.**

Compensation for General Registrars: In FY 2019, the state reimbursed 69% of salaries for general registrars and 82% of electoral board member compensation relative to the levels set in the Appropriations Act. The House approved an amendment ([Item 87 #1h](#)) that provides \$3.5 million the second year to fully reimburse the compensation of registrars and electoral board members in addition to increasing the salary scale for general registrars equal to treasurers. The Senate includes a similar amendment ([Item 87 #1s](#)) that provides \$2.5 million to fully reimburse the salaries of the general registrars, which was unallotted in April. **The Board supports additional compensation for general registrars that would help localities better support elections and build upon state and local partnerships in election administration.**

Increase Agricultural BMP Funding: The House budget includes an amendment ([Item 373#4h](#)) that adds \$30 million from the general fund the second year for agricultural best management practices for a total of \$65 million. Agricultural BMP's are important to meeting the Chesapeake Bay Total Maximum Daily Load (TMDL). **The Board asks that you support this amendment.**

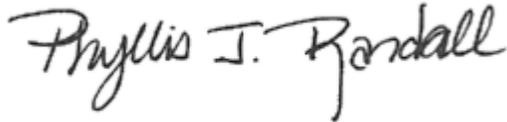
Farmland Preservation Fund: The House budget includes an amendment ([Item 97 #1h](#)) that provides an additional \$1 million the second year from the general fund to the Virginia Farmland Preservation Fund. **The Board asks that you support this amendment, which is critical to preserving farmland within the Commonwealth.**

Stormwater Local Assistance Fund (SLAF): The House approved an amendment ([Item 379 #1h](#)) that provides an additional \$26 million from the general fund the second year for stormwater quality retrofits and upgrades. SLAF is one of the most effective and efficient tools to fund stormwater infrastructure and best management practices that will assist Virginia in meeting its water quality goals. **The Board asks that you support this budget amendment.**

R-PACE Work Group: The House budget includes an amendment ([Item 125 #2h](#)) that directs the Department of Mines, Minerals, and Energy to establish a work group to assess the feasibility of creating a Virginia Residential Property-Assessed Clean Energy (R-PACE) Program. **The Board asks that you support this amendment.**

McLean-Capital One Hall Station: This Senate amendment ([Item 442 #2s](#)) conditions the receipt of funding provided to the Northern Virginia Transportation Commission for distribution to WMATA for capital purposes and operating assistance, on adopting the petition of Fairfax County related to the naming of the McLean-Capital One Hall. The County recognizes that naming of stations is under the purview of the WMATA Board. The County is concerned this could set precedence for Maryland and D.C. to make similar requests. This funding is critical for WMATA. **The Board asks that this amendment not be included in the budget.**

Sincerely,



Phyllis Randall
Chairwoman



Koran Saines
Vice Chairman

Additional Budget Amendments Supported by Loudoun County

Subject	Budget Item Number(s)
Learning Loss Supplemental Payments	Item 145 #20h Item 145 #7s Item 144 #4h
Salary Increases for Teachers	Item 145 #10h Item 145 #6s
Library Funding	Item 247 #1h Item 247 #1s
Opioid Abatement Fund	Item 59 #2h Item 266 #1s
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Extend Temporary Payments for Children in Fostering Futures Beyond Age 21	Item 354 #3s
Study of Local Fiscal Impacts of Mandatory Property Tax Exemptions	Item 114 #6h Item 114 #4s
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Statewide Broadband Maps	Item 114 #2h
Payment for Medicaid Developmental Disability Waiver Providers	Item 314 #1s



Loudoun County

VIRGINIA

Board of Supervisors

1 Harrison Street, SE, PO Box 7000, Leesburg, VA 20177-7000
703-777-0204 O | 703-777-0421 F | bos@loudoun.gov

loudoun.gov/bos

February 23, 2021

The Honorable Luke E. Torian
Virginia House of Delegates
Pocahontas Building, Room W1304
900 East Main Street
Richmond, VA 23219

Dear Chairman Torian,

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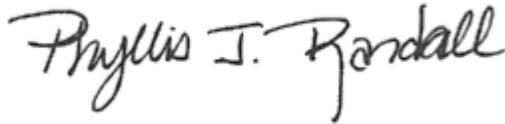
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Sincerely,



Phyllis Randall
Chairwoman



Koran Saines
Vice Chairman

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