



## 2022 Legislative Agenda





**HAMPTON CITY COUNCIL**

Donnie R. Tuck, Mayor  
Jimmy Gray, Vice Mayor  
Chris Bowman  
Eleanor W. Brown  
Steven L. Brown  
W. H. "Billy" Hobbs, Jr.  
Chris Osby Snead

City Manager – Mary B. Bunting  
City Attorney – Cheran C. Ivery

**HAMPTON STATE LEGISLATIVE DELEGATION**

<p><b>T. Montgomery "Monty" Mason</b> 1st Senate District P.O. Box 232 Williamsburg, VA 23187 757.229.9310 District01@senate.virginia.gov Session: 804.698.7501 Pocahontas Building Room No: E515</p>	<p><b>Martha M. Mugler</b> 91st House District P.O. Box 1875 Hampton, Virginia 23669 Session: 804.698.1091 Pocahontas Building Room No: W430</p>
<p><b>Mamie E. Locke</b> 2nd Senate District P.O. Box 9048 Hampton, VA 23670 757.825.5880 district02@senate.virginia.gov Session: 804.698.7502 Pocahontas Building Room No: E510</p>	<p><b>Jeion Antonia Ward</b> 92nd House District 2017 Cunningham Drive, Suite 209 Hampton, VA 23666 757.827.5921 DelJWard@house.virginia.gov Session: 804.698.1092 Pocahontas Building Room No: E317</p>
<p><b>Thomas K. Norment, Jr.</b> 3rd Senate District P.O. Box 6205 Williamsburg, VA 23188 757.259.7810 district03@senate.virginia.gov Session: 804.698.7503 Pocahontas Building Room No: E603</p>	<p><b>Marcia S. "Cia" Price</b> 95th House District P.O. Box 196 Newport News, Virginia 23607 757.266.5935 DelMPPrice@house.virginia.gov Session: 804.698.1095 Pocahontas Building Room No: W227</p>

## **Legislative Requests**

- Create an Annual Fund to Address the Needs of Virginia's Military and Federal Facilities
- Increase Localities Authority to Regulate Blight in Neighborhoods – Vacant Building Registry
- Proposed Amendment to Virginia Code §16.1-301 – Confidentiality of Juvenile Law Enforcement Records; Disclosures to School Principals and Others
- Fund Rental Increase and Capital Expenses for the Hampton Health District
- Charter Amendment Related to Election Changes– Section 3.01:2 Hampton City Charter
- Expand Access to the African American Historical Cemeteries & Graves Fund
- Create Broader Authority to Use Photo-Monitoring Systems to Enforce Traffic Light Signals

## **Hampton's Priority Policy Positions**

- Support Efforts to Amend Virginia Code §2.2-3103.1 to Exempt Payments and Gifts Made by a Locality on Behalf of its Own Officers or Employees
- Support a Request for a Joint Legislative Audit and Review Commission (JLARC) Study of the Structure and Resources of Health Districts Across the Commonwealth
- Support Building Safety Efforts Across the Commonwealth
- Continue Supporting the Preservation and Expansion of Tree Canopy
- Continue Supporting and Enhancing Localities' Resiliency Efforts
- Continue Supporting and Funding Education Initiatives
- Expand Communications Sales and Use Tax
- Honor Prior Commitments to the State Assistance to Local Police Departments (599 Program)
- Refrain from Passing Unfunded Mandates/Constitutional Inequity
- Oppose Increased Tipping Fees on Solid Waste
- Support and Increase Staffing for the Hampton Roads Regional Jail

## **LEGISLATIVE REQUESTS**

### ***Create an Annual Fund to Address the Needs of Virginia's Military and Federal Facilities***

In an effort to support the long-term sustainability of military facilities in the Commonwealth, many communities have participated in a Joint Land Use Study ("JLUS"). A JLUS is a cooperative planning effort conducted as a joint venture between an active military installation, surrounding jurisdictions, state and federal agencies, and other affected stakeholders, to address compatibility around military installations. The goal of a JLUS is to reduce potential conflicts between military installations and surrounding areas while accommodating new growth and economic development, sustaining economic vitality, protecting public health and safety, and protecting the operational missions of the installation.

After participating in a JLUS and through a combination of federal, state, and municipal funding, the City of Hampton has been able to successfully acquire privately held land as part of an effort to combat encroachment that would limit or restrict military training, testing, and operations at Joint Base Langley-Eustis. Although this program has been very successful for Hampton in mitigating our encroachment issues, the current fund cannot be used for force protection or readiness issues, and the amount of funding that has been allocated is insufficient to address emerging needs.

The success of the encroachment program can and should be a model to provide resources to support other local infrastructure projects deemed to have a positive impact on the military value of installations within the Commonwealth, which benefit both the local community and the military installations. As such, and with our coalition of local partners, we would respectfully request the General Assembly create a fund of a minimum of \$5 million dollars annually for the purpose of addressing or mitigating needs other than encroachment that are identified by host localities of Virginia's military and federal facilities. The fund would be administered through the Virginia Office of Veterans and Defense Affairs and any allocations made to localities for eligible projects would be subject to a local match; however, the Secretary's office would have discretion to waive the match requirement for communities without the means to provide a match.

### ***Provide Localities the Authority to Regulate Blight in Neighborhoods***

Prior to 2013 localities had the authority to require registration of any building that had been vacant for a period of 12 months or more. In 2013, the General Assembly amended the Virginia Code to allow registration of such buildings only if they also met the definition of "derelict," which is defined as:

*"A residential or nonresidential building or structure, whether or not construction has been completed, that might endanger the public's health, safety, or welfare and for a continuous period in excess of six months, it has been (i) vacant, (ii) boarded up in accordance with the building code, and (iii) not lawfully connected to electric service*



*from a utility service provider or not lawfully connected to any required water or sewer service from a utility service provider.”*

The City has encountered instances in which squatters were living in houses which the out-of-state owners believed to be vacant. Some of these houses have been involved in multiple shootings. However, these buildings would not meet the current definition of derelict. In order to avoid future situations of this nature, and so that the City knows which buildings should be vacant, we would like the General Assembly to “undo” the 2013 amendments of §15.2-1127, so that the Code reads as it did prior to 2013.

***Proposed amendment to Virginia Code §16.1-301 – Confidentiality of juvenile law enforcement records; disclosures to school principals and others.***

The City Attorney’s office oversees Hampton’s FOIA office and has repeatedly encountered problems over the years navigating records requests by parents, juveniles (or former juveniles) trying to obtain law-enforcement records involving their children or themselves. This issue typically arises when requests are made for vehicle accident reports that are needed to provide to insurance carriers. The current language of Va. Code §16.1-301 requires a court order before such records can be released to the juvenile, parent, guardian or other custodian and counsel. However, the courts have been unable to assist when parents go to the court or the court clerk’s office to ask how they obtain a court order. Because there is no active litigation in most of these scenarios, there is no established mechanism for parents or juveniles to appear before a judge and procure the needed court order. The City works with requesters to the extent that we believe that the law allows, however, we believe that clarification with regard to this law is needed. We request an amendment to the Code of Virginia that will eliminate the court order requirement for a limited set of individuals and clarify that accident reports are not law enforcement records, but rather are Department of Motor Vehicle forms.

***Fund Rental Increase and Capital Expenses for the Hampton Health District***

The City of Hampton has hosted the Hampton Health District (the “District”) within its borders continuously since at least 1977. The District provides valuable services to the citizens of Hampton, and in cooperation with the Peninsula Health District, also to the citizens of Newport News, Poquoson, York County, James City County, and Williamsburg. It has been located at 3130 Victoria Boulevard since its inception. The City bears primary responsibility for the upkeep and maintenance of the building. Accordingly, the City requests that the General Assembly appropriate funding to the Virginia Department of Health (“VDH”) so that VDH may pay to the City rent on the full building square footage commensurate with the market, plus an added amount to defray the additional costs incurred by the City for janitorial services, capital maintenance, and upkeep.

***Charter Amendment Related to Election Changes– Section 3.01:2 Hampton City Charter***

In July, the City Council adopted an ordinance as required by the Code of Virginia, to provide for the transition of elections for the positions of mayor, members of city council, and members of the school board to the November general election date from the May general election date. As a result of this change in state law, Hampton City Charter provision 3.01:2 provides that a

councilmember desiring to become a candidate for the office of mayor, who is not elected on the same election cycle as the mayor, must tender his or her resignation at least ten days prior to the final date for filing petitions and notices of acceptance as specific by general law, with such resignation to be effective on June 30 of the election year. This resignation date was intended to allow for the two-year remainder term of the vacant City Council seat to be filled by Hampton voters during the general election in the preceding May, rather than by an interim appointment by City Council members or by the Circuit Court. The proposed amendment to the Charter will allow for the resignation to be effective on December 31st following the November general election date so that the seat can be filled by the voters at the November general election with a term to commence on January 1st.

### ***Expand Access to the African American Historical Cemeteries & Graves Fund***

Pursuant to Virginia Code §10.1-2211.2(A), localities are only eligible to apply for funding if they own a grave or the cemetery. In Hampton, many of these neglected cemeteries are privately owned or abandoned. There are instances where it would be desirable for the City to supplement efforts to address general maintenance issues, such as mowing, and specific maintenance issues, such as collapsed graves, by having access to the existing State Fund. To remedy this, we are recommending an expansion of the definition of “qualifying organization” in §10.1-2211.1(A) to allow localities applying for funding under the State Fund even if they do not own the grave or cemetery.

### ***Create Broader Authority to Use Photo-Monitoring Systems to Enforce Traffic Light Signals***

The Code of Virginia allows localities, by ordinance, to establish a traffic signal enforcement program that provides for a civil penalty of \$50 when the operator of a motor vehicle fails to comply with designated traffic signals within a locality. The authority provided currently does not allow for anything more than red-light traffic violations to be subject to enforcement in this manner.

The City of Hampton is directly impacted by the Hampton Roads Bridge Tunnel Expansion Project (“HRBT-P”) and is experiencing significant traffic jams. These issues extend throughout the neighboring community of Phoebus as vehicles navigate off the interstate using short cuts through neighborhoods and the business district. The rerouting of traffic to avoid congestion on the interstate is having a detrimental impact on citizens who live in the area, people who want to travel to do business in Phoebus and small businesses in the area. The proposed legislation would be specific only to Hampton and seeks authority for the City Council, by ordinance, to utilize photo-monitoring systems at any intersection the Council deems to be negatively impacted by traffic due to the HRBT-P for the purposes of enforcing highway signage. This would allow for photo-monitoring systems to be used for enforcement of infractions such as no right turn and blocking the intersection, not just a red-light violation.



## **HAMPTON'S PRIORITY POLICY POSITIONS**

### ***Support Efforts to Amend the Conflicts of Interests Act- Virginia Code §2.2-3103.1***

The City supports legislation that would amend the Code of Virginia §2.2-3103.1 to exempt payments and gifts made by a unit of government on behalf of its own officers or employees. If any governmental agency, including a locality, has hired a lobbyist to represent the interests of the locality, it is therefore a lobbyist's principal as that term is defined in §2.2-419 of the Virginia Code. The State and Local Government Conflicts of Interests Act (COIA) does not provide an exception from any of the restrictions, prohibitions, or reporting requirements for gifts that come from an agency to its own officers or employees. A 2020 opinion issued by the Virginia Conflict of Interest and Ethics Advisory Council states that this restriction applies to the purchase of tickets by the City for City Councilmembers to attend City-sponsored events. Although there is an exemption for travel paid for by the City to an event, there is no exemption for a ticket to that same event.

### ***Support a Request for a Joint Legislative Audit and Review Commission (JLARC) Study of the Structure and Resources for Health Districts Across the Commonwealth***

During the pandemic it became clear that there is a need for a re-evaluation of the Commonwealth's public health system. The study would address challenges that exist at a regional level and recommend potential solutions. We join other localities regionally in supporting a JLARC study.

### ***Support Building Safety Efforts Across the Commonwealth***

In light of the Champlain Towers high-rise condominium collapse in Surfside, Florida, there have been heightened concerns with regard to building safety throughout the nation. Currently, there is no requirement in Virginia to proactively or regularly inspect buildings. A building that has received a certificate of occupancy is only inspected again if there is a change in occupancy or there are changes to the building that require an inspection. The City supports the creation of a workgroup comprised of stakeholders to proactively address these concerns. This workgroup would be comprised of localities, building code officials, tenant/development groups and others to review building safety in the Commonwealth and propose legislation surrounding this issue.

### ***Continue Supporting the Preservation and Expansion of Tree Canopy***

Earlier this year, the General Assembly passed legislation that created a workgroup of stakeholders to recommend legislative solutions related to the expansion of tree canopy. We continue to support legislation to provide local governments with greater authority in the reforestation, preservation, and management of urban forests in recognition of their ability to capture and store carbon, reduce stormwater runoff, improve air quality, reduce energy use, and mitigate urban heat islands and their health effects. In addition, we support appropriating funds to the Department of Forestry's Urban Community Forestry Program to enable local governments to expand and better maintain urban tree canopy.



## **Continue Supporting and Enhancing Localities' Resiliency Efforts**

**Support the Efforts of the Commonwealth of Virginia and Hampton Roads Planning District Commission to Promote Coastal Resiliency, Adaptation to Sea Level Rise, and Climate Change.**

### **Support the Virginia Shoreline Resiliency Fund and Stormwater Local Assistance Fund.**

The City of Hampton continues to face challenges dealing with sea level rise and coastal adaptation that require innovative solutions. In order to support localities taking a comprehensive approach we would respectfully ask the General Assembly to continue to look at a dedicated source of funding for the Virginia Shoreline Resiliency Fund, to continue adding monies to the Stormwater Local Assistance Fund and to allow localities more flexibility when it comes to addressing these challenges.

### ***Continue Supporting and Funding Education Initiatives***

Strong schools are not only essential for the students who attend them, but they also contribute to the City's economic growth as businesses and families consider school quality in their investment decisions. Future BRAC deliberations will consider the relative health of a military installation's surrounding school divisions as a measure of installation retention or growth. Throughout challenging economic times, the City of Hampton has maintained its commitment to Hampton City Schools.

The City continues to support pay equity for teachers and support staff and we ask our legislative delegation to please keep teachers and support staff in the forefront of their minds when it comes to the difficult budgeting decisions that must be made. The City of Hampton also supports continued state funding for At-Risk Education Funding, Transformational High Schools, and the Virginia Preschool Initiative.

In order to continue the positive forward momentum in our public schools, the state must be a reliable funding partner in accordance with the Virginia Constitution and state statutes. The Standards of Quality should recognize the resources, including positions, required for a high-quality public education system. We oppose any changes in methodology or changes in the division of financial responsibility that would result in a shift of funding responsibility from the state to localities.

Further, we oppose policies that lower state contributions but do nothing to address the cost of meeting the requirements of the Standards of Accreditation and Standards of Learning. Any approach to improving low-performing schools must include adequate state financial support.

### ***Modernize the Communications Sales and Use Tax***

The City of Hampton supports amending the Communications Sales and Use Tax ("CSUT") to modernize that tax base to capture new technology that is being used to deliver traditional services subject to the tax. In particular, the tax base currently includes landline, pager and beeper services, facsimile services, and telegraph, telegram, telex, and teletypewriter services,





and cable television, all of which are declining industries; and fails to capture new technology replacing those services, such as video streaming (i.e., Hulu and Netflix), online faxing, and pre-paid calling services. The impact of continued reliance on that outdated tax base is reflected in the revenues received by the City. Modernizing and expanding the Code would not only increase the revenue generated by the tax but would also level the playing field among traditional service providers and those providing the more modernized, yet comparable services.

The CSUT was implemented in 2007 and replaced most of the previous state and local taxes and fees on communications services. The tax is generally collected by sellers from consumers and remitted monthly to the Virginia Department of Taxation, which then distributes it to localities (net of its administrative costs). The City also supports increasing the CSUT from 5% to the prevailing State sales tax rate of 5.3% percent as another way to counter the progressive decline in local revenues.

### ***Honor Prior Commitments to the State Assistance to Local Police Departments (599 Program)***

The Code of Virginia (§9.1-165, et seq.) provides for financial assistance to localities with police departments through the "599" program. This legislation was enacted by the General Assembly when it imposed an annexation moratorium on cities more than 30 years ago. Currently, 175 cities, counties and towns receive "599" funds. The Department of Criminal Justice Services (DCJS) administers the program.

The General Assembly has increasingly de-emphasized this funding obligation as a priority. Although the Code of Virginia sets out a distribution formula for calculating the amounts for eligible localities, in recent years the General Assembly has instead specified in the Appropriations Act that localities' allocations in a given fiscal year are to be based on a standard, across-the-board percentage increase or decrease from the previous fiscal year's allocations. The distribution formula has, in effect, been superseded during those years by the instructions in the Appropriations Act.

The use of the Appropriations Act has led to a chronic underfunding of the Hampton Police Division and the other "599" eligible police departments throughout the Commonwealth. The City of Hampton calls for the state to honor its commitment to local governments and public safety by funding the program as stipulated in the Code of Virginia.

### ***Refrain from Passing Unfunded Mandates/Constitutional Inequity***

The City of Hampton requests that the Governor and the General Assembly refrain from using local governments as a fiscal balance wheel in order to overcome revenue challenges. Transferring costs to local governments is neither responsible to the Commonwealth's citizenry, nor to the fiscal health of the Commonwealth. We urge the Commonwealth to look for other ways to share the strain local governments must endure as cuts and program costs are passed down. The Governor and the General Assembly should make the difficult decisions to cut state services or raise taxes just as localities have had to do for years. Local government mandates



should not be imposed unless supported by state funding. If state funding is not available any such mandate should not be imposed or should be imposed only as a local option.

In addition, the City recommends that state constitutional amendments with local government fiscal impacts require the cost burden to be allocated among all citizens of the Commonwealth so that the citizens of one or only a few localities are not unduly and inequitably burdened. For instance, the City of Hampton has the highest per capita population of veterans in the Commonwealth of Virginia, and in the United States. The City is proud to host our veterans and know that they have found a well-run, responsive local government and a caring community with an abundance of natural resources, health care facilities, and other quality of life factors. However, state mandated tax relief programs for veterans also create a unique challenge for the City, as such programs have a more dramatic impact on the City of Hampton's budget than any other locality. The City experiences a disproportionate impact due to the number of veterans residing in our City, leading to a financial strain.

As such the burden of taxation, as well as the benefits of services, should be shared and enjoyed by all. To the extent that the Commonwealth mandates relief for certain groups, the General Assembly should simultaneously enact measures that equalize the impact among jurisdictions and should refrain from enacting policies and Constitutional amendments without adequately explaining the effects of such tax relief on all citizens or the cost of the tax relief. Further, handing down mandates on local governments with little or no flexibility or tools available to local governments to pay for these mandates is not tenable for the long term.

#### ***Oppose Increased Tipping Fees on Solid Waste***

The potential of increased tipping fees would have a negative impact on landfills and could impact host fees if volumes drop at the landfills due to the increased cost.

#### ***Support and Increase Staffing for the Hampton Roads Regional Jail***

As a member jurisdiction of the Hampton Roads Regional Jail (HRRJ) Authority, the City of Hampton is making two requests to the General Assembly in support of that body. The first is for an increase in support for medical and mental health care at regional jails throughout the Commonwealth. The second request is for the addition of jail officers to the Compensation Board complement each year, over two biennials.

#### ***Support the Virginia Air & Space Science Center – Science, Technology, Engineering, and Math (STEM) Programs***

The City of Hampton recognizes the importance of increasing student achievement in STEM education. The Virginia Air & Space Science Center's education programs and experiences have been proven to increase student engagement, interest, and knowledge of STEM, particularly among underserved children. Located in a city-provided 100,000 square foot building in downtown Hampton, the Center has gained national and international recognition for being a leader in STEM education programs and research. While the Virginia Air & Space Center already receives support from the region's corporations, foundations, private donors and the City of Hampton, dedicated state funding is needed to expand the reach of its programs.



The City supports the General Assembly providing a new direct appropriation of \$650,000 annually for the Virginia Air and Space Center's STEM programs. We further request flexibility for up to \$350,000 of these funds to be used for the design and development of new 21st Century exhibits, materials, and equipment that will assist the Center in providing STEM programming and experiences to Virginia's students and families.

#### **Coalition and Community Partners' Legislative Programs**

The City of Hampton has a long-standing commitment to support and encourage our partnerships with local commissions, boards, organizations, coalitions and institutes of higher learning. As such, unless specifically stated, we generally support the legislative agendas of the following:

- **Hampton Roads Planning District Commission**
- **Hampton Roads Transportation Planning Organization**
- **Hampton Roads Transportation Accountability Commission**
- **Transportation District Commission of Hampton Roads (Hampton Roads Transit)**
- **Hampton Roads Military and Federal Facilities Alliance**
- **Virginia Municipal League**
- **Virginia First Cities**
- **Hampton University**
- **Hampton-Newport News Community Services Board**
- **Hampton Roads Regional Jail**
- **Fort Monroe Authority**
- **Chesapeake Bay Foundation**
- **Virginia Seafood Agriculture Research and Extension Center**