



WORK SESSION AGENDA

City Council Work Session – 4:00 p.m.
Council Chamber | City Hall, 900 Church Street, Lynchburg, VA 24504

- | | | |
|-------------|-------------------------------------|--------------------------------------|
| I. | Welcome | <i>MaryJane Dolan, Mayor</i> |
| II. | Work Session Agenda Overview | <i>Wynter C. Benda, City Manager</i> |
| III. | Work Session Agenda Items | <i>Wynter C. Benda, City Manager</i> |
- 1) Lynchburg City Schools In-Home Network Expansion
 - 2) Legislative Agenda Review and Discussion
 - 3) Review the Decennial Redistricting Requirements and Next Steps
 - 4) Business Item Briefings:
 - a. VA SkyWire License Agreement - *This item will appear before Council for action on January 25, 2022.*
 - b. VDOT Additional Lane Miles - *This item will appear before Council for action on January 25, 2022.*
 - ~~c. Encroachment Franchise Ordinance - *This item will appear before Council for action on February 8, 2022.*~~
 - d. Miller Park Baseball Field Upgrades - *This item will appear before Council for action on January 25, 2022.*
 - e. Peaks View Park Pump Track - *This item will appear before Council for action on January 25, 2022.*
 - 5) Roll Call
 - 6) Consideration of a closed meeting to discuss the appointments typically held by the position of the City Manager to the following board and commissions: Blue Ridge Regional Jail Authority, Lynchburg Regional Business Alliance, Lynchburg Regional Business Alliance Executive Board, Airport Commission, Region 2000 Services Authority, Transportation Planning Organization, Central Virginia Planning District Commission, Virginia First Cities, Community Economic Development Steering Committee, and Transit Company Board of Directors, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 11, 2022**

AGENDA ITEM #: **1**

REGULAR:
ACTION: **X**

WORK SESSION: **X**
INFORMATION:

CLOSED SESSION (Confidential):

ITEM TITLE: Lynchburg City Schools – CARES Funds and City Schools In-Home Network Extension

RECOMMENDATION: Hear a report from the Lynchburg City Schools and consider appropriating Schools CARES funds for the City Schools In-Home Network Extension project.

SUMMARY: At its December 14, 2021 meeting, City Council considered a request from the Lynchburg City Schools to appropriate funds for various projects using Coronavirus Aid, Relief, and Economic Security Act (CARES) funds designated for the school system. City Council requested additional information on one item, which related to the extension of the City Schools information technology network for in-home student connectivity.

Mr. John Collins, the Lynchburg City Schools Director of Information Technology will be present to provide additional information on the project and to answer any questions.

PRIOR ACTION(S): n/a

FISCAL IMPACT: Funds for this project were designated for the Lynchburg City Schools and there is no local match requirement.

CONTACT(S): Mr. John Collins, Director of Information Technology, Lynchburg City Schools
Dr. Crystal Edwards, Superintendent, Lynchburg City Schools

ATTACHMENT(S):

- Project WISH presentation
- Project WISH proposal
- Resolution

REVIEWED BY: raw

001A

RESOLUTION:

BE IT RESOLVED that the FY 2022 Schools Capital Fund budget is amended and \$3,500,000 is appropriated with resources from the Coronavirus Aid, Relief, and Economic Security (CARES) Act to fund the City Schools In-Home Network Extension project.

Introduced:

Adopted:

Certified:

Clerk of Council

Project WISH:

Wireless Service at Home

3.4.4 Build and Expand on existing Wireless Access Services Program for students

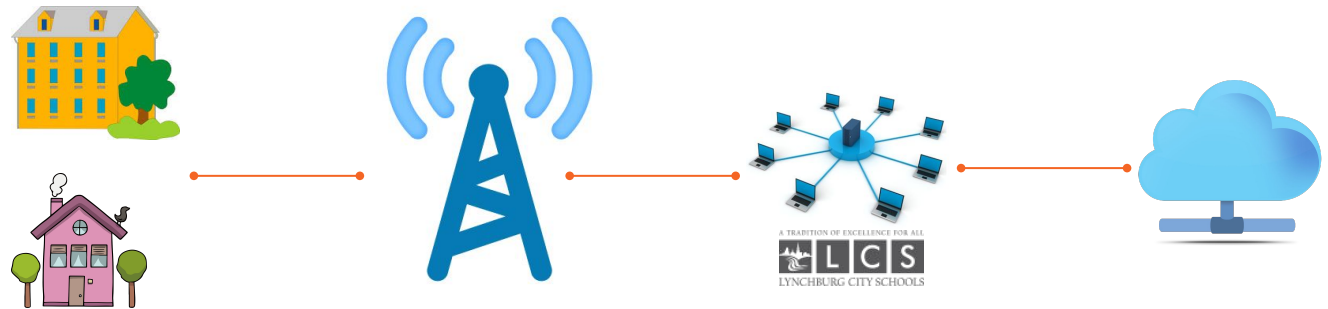


Strategic Plan 3.4.4
09.04.2021

LCS Information Technology

Closing the Connectivity Gap

The Goal



3.5 GHz - 3.7 GHz

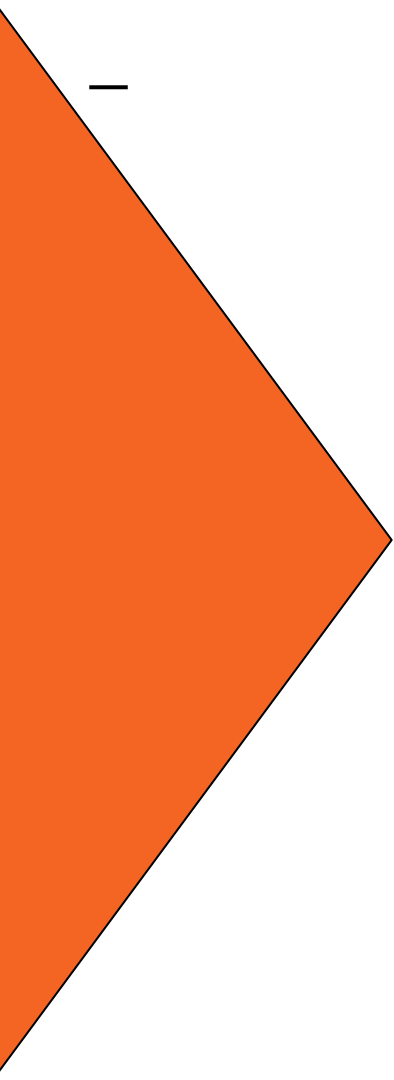
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"[m]ore reliable than Wi-Fi" and "technology that risks making Wi-Fi outmoded"

-- *Bloomberg Technology*

What is CBRS?

Citizens Broadband Radio Service



Connectivity is important!

Virtual Learning

- Synchronous Content Delivery
- Human Interaction
- Virtual Field Trips
- Productivity
- Flexibility
- Equitable Expectations

Additional Benefits

- Information Access
- Communication
- Accessibility
- Global Connectivity
- Self Expression
- Opportunities
- Social Determinant of Health*

LCS - Strategic Plan - 3.4.4

City of Lynchburg - Blueprint for Opportunity Objectives - 3.2, 4.1

City of Lynchburg - Comprehensive Plan -

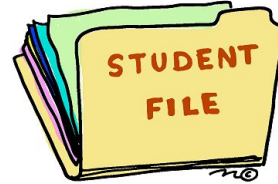
Chapter 2. Opportunities for a Quality Education

Who is it for? All LCS Students



Survey

+



Household

+



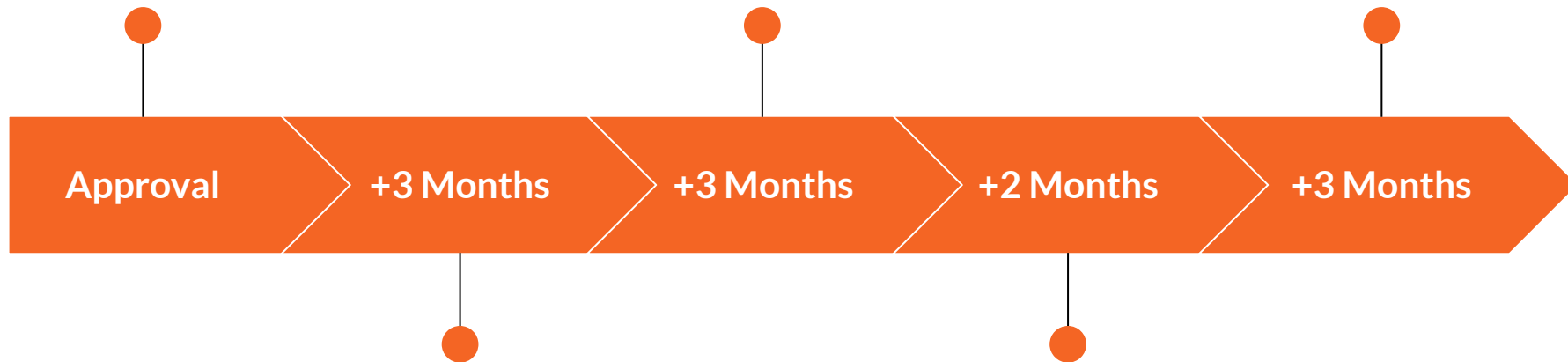
Geographic



Project & Budget
Approval

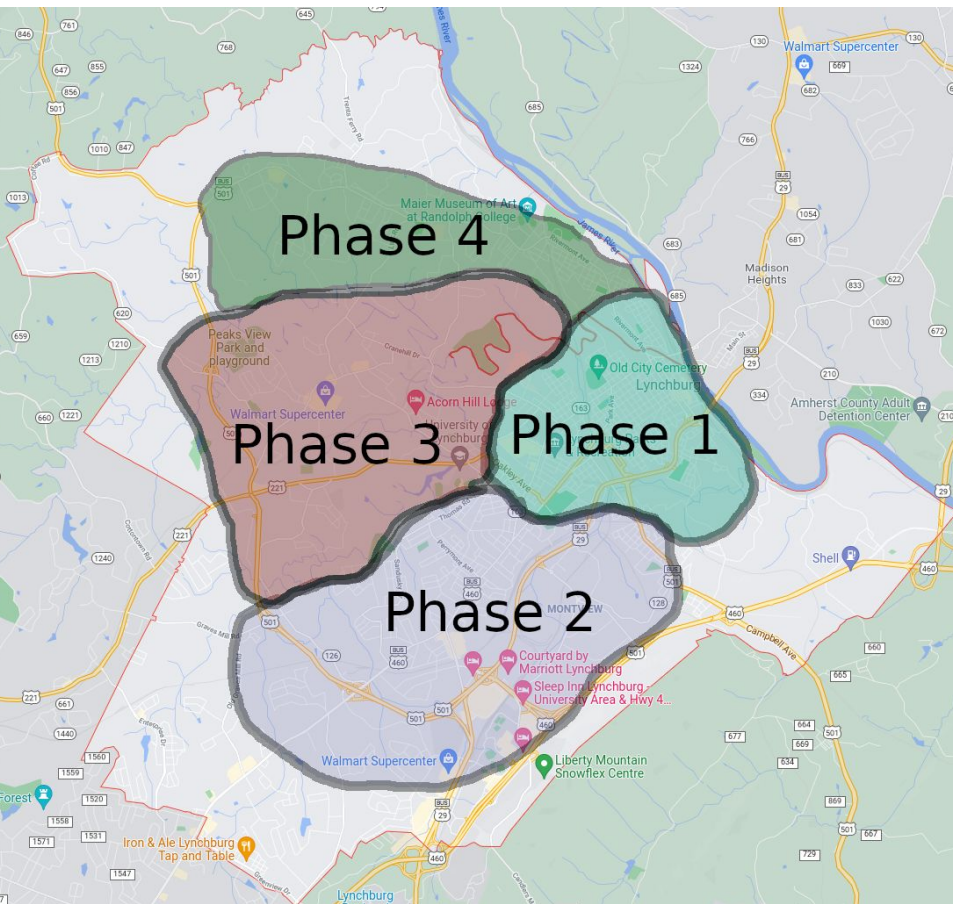
Phase 2
Midtown (part 2) &
College Park

Phase 4
Boonsboro &
Rivermont



Phase 1
Downtown,
Midtown (part 1)

Phase 3
West Lynchburg &
Northwest Lynchburg



Phase 1 - 1,600 Students

Phase 2 - 1,800 Students

Phase 3 - 1,000 Students

Phase 4 - 1,100 Students

*Based on Variety of Factors

FAQ

- Internet Access?
Yes. Safe & Secure. CIPA-compliant
 - City Cooperation?
As much as possible.
 - Costs? -- CARES up front -- Ongoing:
Support Service Contract (\$60K)
Licensing (?)
1 FTE (\$90K)
Misc. Equipment (\$30K)
 \$180K / year
 - Who Else?
LCS Faculty & Staff. Investigate for families.
-

Questions?

Lynchburg City Schools

September 04, 2021

Project WISH (Wireless Service at Home)

Overview

The COVID-19 pandemic has shown an increased requirement for technology-based instruction. Critical dependencies of this instruction are the ability for students and teachers to collaborate digitally, remotely, and quickly. This project is being called the *Wireless Service at Home*, or WISH and is designed to ameliorate gaps in the community that prevent these dependencies from being fulfilled. This aligns with the LCS Strategic Plan 3.4.4 and supports the City of Lynchburg Blueprint for Opportunity Objectives 3.2, 4.1 and the City of Lynchburg [Comprehensive Plan -- Chapter 2. Opportunities for a Quality Education.](#)

Goals

1. **Network Connectivity:** Provide for basic network connectivity to the Lynchburg City Schools' computer network. This includes access to authentication, network storage, LCS-hosted applications and gateway services to cloud-provided instructional material.
2. **Safety.** Network security is critical to the success of providing service directly into students' homes. This includes firewall protection and CIPA-compliant filtering where appropriate.
3. **Usability:** Instructional use of the WISH network will only take place if the implementation is easy to use and straightforward. Ease of use is a key goal.
4. **Sustainability:** Initial implementation and adoption of the program incurs the bulk of the project cost. It is essential that the ongoing maintenance cost be affordable and predictable.

Specifications

The equipment and configuration plan of the WISH network has been evaluated based on working designs from respected vendors and with input from other industry professionals.

Design Overview. The WISH network will be comprised of the following high-level equipment:

1. Customer Premise Equipment (CPE). This could be a wireless router, hotspot-like device, SIM card, newer technology that supports the Radio Frequency (RF) used.
2. Radio Towers. Towers to support equipment will need to be installed in strategic locations around the city. Priority will first go to existing school building rooftops.
3. Carrier Equipment (CE). Radio towers will be arrayed with radio antennae capable of sending and receiving wireless signals to and from CPE. LCS is considered the carrier.
4. Backhaul. Primary network access will connect CE to the wired LCS network via physical cabling. Where required, CE on radio towers can be configured to backhaul via wireless from radio tower to radio tower.
5. System Management. The assignment of radio resources will be managed via a software system for easy updates, inventory and configuration management.
6. Serviceability. LCS will need dedicated personnel to manage the WISH network's daily tasks and to coordinate any support services. Support and warranty services for students will be provided by a 3rd party vendor.

Wireless Frequency. The use of wireless radio frequencies is regulated by the Federal Communications Commission. The WISH network will utilize the **3.5GHz** range, commonly referred to as "private LTE" or "48 CBRS (Citizens Broadband Radio Service)". This frequency contains the band 3550MHz to 3700MHz and is available for open use, with priority given to the U.S. Navy for communications.

Milestones

The following milestones are proposed. Note that once Phase 1 is complete, core infrastructure and implementation processes should be refined. Additional Phases can be worked on simultaneously as funding allows.

1. Scope Project

- a. Evaluate Need
- b. Site Surveys and Physical Location Planning
- c. Equipment testing & Specifications
- d. Obtain Pricing
- e. Vendor Selection

2. Plan Development & Approval

- a. Complete Written Plan
- b. LCS Finance Committee
- c. LCS School Board
- d. Lynchburg City Council (for information and/or approval as required)

3. Phase 1 - Downtown + Midtown (part 1)

- a. Apply for and receive any required building permits
- b. Purchase and deploy towers (E.C. Glass High School & Dunbar Middle School).
- c. Deploy CE on towers.
- d. Establish Backhaul
- e. Build and configure server. Training.

- f. Internal testing of equipment and services
- g. Activate and open enrollment to eligible students

4. Phase 2 - Midtown (part 2) + College Park

- a. Apply for and receive any required building permits
- b. Purchase and deploy towers (Heritage High School, Perrymont, Sheffield).
- c. Deploy CE on towers.
- d. Establish Backhaul
- e. Internal testing of equipment and services
- f. Activate and open enrollment to eligible students

5. Phase 3 - West / North West

- a. Apply for and receive any required building permits
- b. Purchase and deploy towers (Linkhorne, community partner [Lakeside / 501]).
- c. Deploy CE on towers.
- d. Establish Backhaul
- e. Build and configure server. Training.
- f. Internal testing of equipment and services
- g. Activate and open enrollment to eligible students

6. Phase 4 - Boonsboro & Rivermont

- a. Apply for and receive any required building permits
- b. Purchase and deploy towers (Bedford Hills, Paul Munro).

- c. Deploy CE on towers.
- d. Establish Backhaul
- e. Build and configure server. Training.
- f. Internal testing of equipment and services
- g. Activate and open enrollment to eligible students

7. Project Completion

- a. Provide continuity plan for service
- b. Provide any required materials to key stakeholders (e.g. LCS Board, City Council).

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 11, 2022**

AGENDA ITEM #: **2**

REGULAR: WORK SESSION: **X**
ACTION: **X** INFORMATION:

CLOSED SESSION (Confidential):

ITEM TITLE: Draft 2022 General Assembly Legislative Agenda

RECOMMENDATION: To adopt a resolution adopting the 2022 Legislative Agenda and directing the Clerk of Council to forward it to the City's General Assembly delegation for information and action, as appropriate.

SUMMARY: Each year, City Council reviews and updates its legislative agenda in preparation for the Virginia General Assembly Session. Attached is an annotated copy of the adopted 2021 Legislative Agenda with suggested revisions from City staff for 2022. Staff requests City Council's input on the draft revisions so that a final copy will be ready for adoption at a subsequent City Council Meeting.

On November 9, 2021, city staff presented the Legislative Agenda to City Council and received their feedback/input. On November 16, 2021, City Council then hosted a legislative dinner and invited Lynchburg's local delegation and Virginia First Cities' executive director and staff to give their insights on the Legislative Agenda and impending 2022 Virginia General Assembly. Meanwhile, throughout this same time period, city staff also asked Lynchburg residents to submit their feedback/input to the City Clerk.

On December 14, 2021, city staff styled the Legislative Agenda for City Council's vote which resulted in a denial to adopt. Subsequent to this vote, City Council then asked city staff to position the Legislative Agenda for their January 11, 2022 work session and formal docket.

The following is a summary of City Council and/or public feedback to date:

I. Addition to the document:

When the state experiences or anticipates a budget surplus, due to either increased revenues or reduced expenditures, it should relieve localities of funding responsibilities that have been shifted to them for state mandated/locally delivered services. *The city will follow this example and in the event of an unanticipated surplus, refund the tax payers with the overage.*

II. Addition to the document:

Emergency Custody Orders (ECOs) and Temporary Detention Orders (TDOs): State code currently requires law enforcement officers to sit with patients under an (ECO) and requires law enforcement officers to transport patients issued a (TDO) to mental health hospitals throughout the state. The City of Lynchburg has seen a large increase in mental health issues over the last several years, which has resulted in an increased number of patients under both an ECO and TDO. This requires additional law enforcement officers to stay with these patients at the hospital, taking them away from answering calls for service and engaging with residents. Law enforcement has a role in the mental health process, but that role should be limited to stabilizing the situation and ensuring the safety of all those involved *and then returning to their regularly assigned duty.* The City of Lynchburg supports an update to state code so it no longer mandates that law enforcement must stay with ECO patients at the hospital and that law enforcement no longer must transport TDO patients.

III. Addition to the document as a new bullet item:

State Charter School Initiative: The City wishes to be considered as the pilot location for the State's Charter School initiative.

IV. Addition to the document:

Reforestation, Preservation and management of urban forests: The City requests further support to provide localities with greater authority in reforestation, preservation and management of urban forests.

PRIOR ACTION(S): n/a

FISCAL IMPACT: To be determined

CONTACT(S): Wynter Benda, City Manager – 455-3990
Reid A. Wodicka, Deputy City Manager – 455-3990

ATTACHMENT(S):

- Resolution
- Draft 2022 Legislative Agenda (with annotations)

REVIEWED BY: MMB WCB

009A

RESOLUTION:

BE IT RESOLVED that the Lynchburg City Council adopts its 2022 Legislative Agenda and directs the Clerk of Council to forward it to the City's General Assembly delegation for information and action, as appropriate

Adopted:

Certified:

Clerk of Council

CITY OF LYNCHBURG
2022 LEGISLATIVE AGENDA
Adopted _____

The City of Lynchburg 2022 Legislative Agenda is meant to highlight those issues of particular importance to the City.

The Lynchburg City Council asks that legislators keep the following principles in mind as they evaluate and vote on legislation and the budget.

PRINCIPLES

- Local governments are instruments of the state, created in large measure to deliver state responsible services in a more efficient and effective manner. This state/local partnership requires an equitable allocation of costs between the two levels of government and across the various jurisdictions of the Commonwealth.
- The state must continue to meet constitutional and statutory responsibilities to adequately fund the state share of state/local services, especially in education, human services, and public safety. Any shortfall in state revenues should not be shifted to local governments.
- When the state experiences or anticipates a budget surplus, due to either increased revenues or reduced expenditures, it should relieve localities of funding responsibilities that have been shifted to them for state mandated/locally delivered serves.
- Rather than shifting responsibilities for programs that the state is unwilling to fund down to the localities, the state should consider eliminating those programs.
- The state should explore ways to increase the efficiency and effectiveness of the delivery of state services at the local level including the regionalization of service delivery (e.g. Social Services) and the elimination of inefficient structures such as the Compensation Board.
- The General Assembly should defeat proposed legislation that would erode local taxing authority, cap or reduce local revenue sources or that would impose unfunded mandates on localities.
- The General Assembly should support legislation that provides greater authority to localities in implementing sustainability initiatives especially with regard to land use and transportation planning.
- The General Assembly should preserve local zoning and land use authority, allowing flexibility to meet the needs of individual communities.
- The General Assembly should defeat all efforts to impose unfunded mandates on localities. Unfunded mandates from state government are an abdication of state responsibility and limit localities' ability to perform their own core responsibilities.

2022 KEY LEGISLATIVE IMPERATIVES

Emergency Custody Orders (ECOs) and Temporary Detention Orders (TDOs): State code currently requires law enforcement officers to sit with patients under an (ECO) and requires law enforcement officers to transport patients issued a (TDO) to mental health hospitals throughout the state. The City of Lynchburg has seen a large increase in mental health issues over the last several years, which has resulted in an increased number of patients under both an ECO and TDO. This requires additional law enforcement officers to stay with these patients at the hospital, taking them away from answering calls for service and engaging with residents. Law enforcement has a role in the mental health process, but that role should be limited to stabilizing the situation and ensuring the safety of all those involved **and then returning to their regularly assigned duty.** The City of Lynchburg supports an update to state code so it no longer mandates that law enforcement must stay with ECO patients at the hospital and that law enforcement no longer must transport TDO patients.

Revenue Sharing: Preserve the Revenue Sharing program administered by the Virginia Department of Transportation and revert to the previous application and funding schedule; a two year application process, award funding the following year(s), maximum of \$10,000,000 per application cycle. The Revenue Sharing program allows localities to leverage funds for needed projects that have no other source of funding. Prior to the present application process, funds were available to be used within a year of application. The process has changed so that localities are required to wait at least five years before funding is awarded. The gap is too large between application process and the funding award. This leaves localities waiting five to six years before they can even begin design and construction of the needed transportation project, delaying and increasing costs.

City Charter Change for Elections: Notwithstanding any general or special law to the contrary, the City of Lynchburg requests a portion of its existing charter to be amended to allow for a technical amendment and to allow for the Councilmember elections in November 2022 and November 2024 to be for three-year terms. Then, in November 2025 and November 2027 and thereafter, revert back to four-year terms.

2022 LEGISLATIVE PRIORITIES

Airports: The impact of the Coronavirus pandemic on Virginia's commercial service airports has been unprecedented in the history of the aviation industry. As a result, the City supports:

- Support increased state funding for the "Governor's New Airline Service Incentive Fund" as passed by the General Assembly during its 2019 session (SB 990). This legislation created a special non-reverting fund to be used at the discretion of the Governor for grants to airlines serving commercial service airports in Virginia. The creation of the fund was intended to provide or assist in the marketing, advertising and promotional activities by airlines in connection with the launch of new airline service, and to provide incentives to airlines as part of such new service.
- Support the extension of the Retail Sales and Use Tax Exemption on Aviation Parts that was created in 2017 by the General Assembly and is set to expire on July 1, 2022. This economic development tool was established to encourage growth of the aviation maintenance, repair, and overhaul industry and unmanned aviation systems in Virginia, and has been well received by aviation businesses and consumers alike. Tax savings from the aircraft repair parts exemption have been estimated to be \$5.4 million in FY19.

- Oppose any amendment(s) to state statutory language that would alter the formula which determines the allocation of state entitlement funds to Virginia air carrier airports that would result in Lynchburg Regional Airport receiving less state entitlement funding annually than received under the current formula.
- Support a Joint Legislative Audit and Review Commission (JLARC) review or similar study to evaluate Virginia's competitiveness with surrounding states in providing comparable airport infrastructure and dedicated economic development funding to Virginia airports in order to supplement the existing Commonwealth Aviation Fund (CAF).

Blighted Properties: The General Assembly should amend the Code of Virginia to allow cities to transfer blighted properties directly to a land bank created by the City or an existing nonprofit in lieu of sale at public auction for unpaid real estate taxes. This ability is provided to several Virginia cities and should be applied to all cities. Additionally, the General Assembly should adjust the qualifying criteria for localities that are authorized to treat blighted properties and derelict structures as a separate property class for local taxation of real property so that all Virginia cities the ability to do so.

Broadband: The General Assembly should create a concerted governmental effort to ensure broadband coverage that is both available and affordable to the most in need. Particularly in low income neighborhoods, a lack of broadband coverage and affordability has far-reaching implications for K-12 education and lifelong learning.

Children's Services Act (CSA): CSA funding continues to be a serious concern. Actions taken by the General Assembly have increased mandated services and shifted costs to the localities. The General Assembly should refrain from adding additional mandated services and should fund its full share of the CSA program.

Compensatory Time: The General Assembly should permanently amend Virginia Overtime Wage Act § 40.1-29.2 so the terms "Wages" and "Pay" also mean overtime compensatory time in lieu of wages for overtime pay by public agencies, as provided by the Fair Labor Standards Act.

Comprehensive Poverty Reduction: Support continued funding of the Community Wealth Building state matching fund which partners with local programs that target intractable long-term pockets of poverty through combined education and job training, housing and transportation resources, mentoring and prisoner re-entry, childcare and early education, and workforce training and other programs that break the cycle of poverty. Preparing people for jobs in the new workforce is extremely important to a healthy community continuum. Prioritize the use of "Go Virginia" funding to create jobs for those in poverty.

Community Wealth Building/Public Housing Redevelopment: Increase funding by \$4 million in the Brownfields Restoration and Remediation Fund and have specific State budget language that would allow grant application for public housing remediation and infrastructure improvements associated with public housing on or adjacent to former landfill sites.

Disposal of Property Due to Eviction: Support legislation to require that evicted tenants' personal property must remain inside the premises for a specified period time after which it becomes that landlord's responsibility to remove and properly dispose of the tenants' property at the landlord's

expense. The state code outlines what a landlord must do with an evicted tenant's personal property. Currently the state code says when evicting a tenant the landlord must set the tenant's personal property on the public right-of-way for at least 24 hours so that the evicted person may obtain their belongings. The code also says that tenants shall have 24 hours to remove the property and if the tenant does not remove the personal property within 24 hours, the landlord must remove the property within 48 hours. If the landlord fails to remove the property within 48 hours, the City can remove the property and bill the landlord for the removal costs. The 24 hour and 48 hour removal periods are required by state law. This places an undue burden on localities to collect and dispose of this debris from the public right-of way and causes unsightly and unsanitary conditions in neighborhoods. Landlords should be treated as businesses.

Early Childhood Education: Support legislation that would improve access to and quality of early childhood education. For the Commonwealth to be successful in future generations, it is critical that early childhood educational opportunities meet the needs of working families. This should be accomplished through incentives or other direct support for the development of early educational opportunities. **The City wishes to be considered as the pilot location for the State's Charter School initiative.**

Economic Development: Preserve existing incentive and grant funds offered by the Virginia Economic Development Partnership, the Virginia Department of Agriculture and Consumer Services, the Department of Housing and Community Development, the Department of Environmental Quality, Virginia Tourism Corporation, and Virginia Commission for the Arts.

A Skilled and Available Workforce – The future of Virginia's economic development success is talent attraction, retention, and development. For the Commonwealth to be viewed as the top state for a skilled and available workforce, training programs must be in place and well-funded.

- *Innovative Partnerships with Higher Education and the Business Community* – Support enhanced partnerships between Virginia's colleges and universities and the business community to commercialize research and development; create innovative ideas and new technologies; support Virginia's entrepreneurial ecosystem; and meet the growing demand for talent in the Commonwealth. Support the continued funding of the Tech Talent Investment Program to build technology-educated talent in the Commonwealth.
- *Credentials for High-Demand Occupations* – Support additional funding to build on the success of the Workforce Credential Grant (Fast Forward), a pay-for-performance initiative that creates and sustains a demand-driven supply of credentialed workers to fill occupations where demand outstrips supply in Virginia. The grant makes attainment of credentials in high-demand fields more affordable to Virginians through the Virginia Community College System.
- *Talent Solutions* – Virginia currently has two critical and complementary programs that provide economic development projects with critical workforce training support.
 - i. Virginia Jobs Investment Pool is the most frequently used economic development program, as it is accessible to companies of all sizes in every corner of the Commonwealth. The program helps offset recruitment and training costs, thus reducing companies' human resource development expenses and reinvesting these funds in the people of Virginia.

- ii. Increase funding for the Virginia Talent Accelerator Program to continue the program's development and growth to the capacity of Virginia's competitor states. Virginia's newest workforce training program, the Virginia Talent Accelerator Program, will rapidly re-skill to the exact requirements of a new or expanding employer through training that is fully customized to an employer's unique processes, equipment and procedures

Site Development - Support increased funding for the Virginia Business Ready Sites (VBRS) program and other efforts to develop new sites for those businesses looking to locate or expand in the Commonwealth. Funding for site characterization and development is an investment in the foundation of economic development. Site readiness is important to Virginia's economic development efforts. Currently, Virginia has the lowest number of buildable/certified sites among competing states.

Transportation – Support policies to invest in infrastructure to enhance the state's competitiveness and the effective spending of funding. The City has long held that Virginia's transportation network (air, highways, rail, and the port) is an essential component of the state's economic development success. Special attention is needed to rural areas versus more densely populated cities such as Northern Virginia and the Tidewater areas. Providing a connection from Central Virginia to the Capital City.

Energy – Support policies that allow for the timely development of needed energy infrastructure investments across the Commonwealth. A sustainable, reliable and cost-effective energy supply is critical to the attraction of new companies and the retention of existing businesses, particularly in the energy-intensive manufacturing and Information Technology (IT) sectors.

GO Virginia – Support maintaining the funding for GO Virginia to encourage collaboration among Virginia's localities to support economic growth and diversification and leads to higher-paying jobs. The GO Virginia effort makes strategic investments in regional projects to achieve that goal and should continue in a way that complements the state's broader economic goals.

Affordable Housing/Workforce Housing -Affordable housing plays a substantial and reinforcing role in local economic development. Without a sufficient supply of affordable housing, employers—and entire regional economies—can be at a competitive disadvantage given the subsequent difficulty to attract and retain qualified workers. Expanded opportunities for housing a community's workforce are critical to keeping and growing jobs in Virginia. Extending the program to those who with incomes beyond that threshold within Federal Support, will allow the workforce to live within closer access to their jobs and continue to support their independent growth.

Incentives – Support transparency and accountability with the use and management of incentives, but such measures should not restrict the state's ability to be responsive and flexible to the needs of business. Among Virginia's most important tools to be competitive are economic development incentives. Virginia must increase funding to the economic development incentives that deliver success for the Commonwealth, with a clear return on investment and mitigated risk for the State.

- *Commonwealth Opportunity Fund (COF)* – Support the COF as it remains Virginia's flagship economic development incentive program and the state's premier deal closing fund. Virginia will only remain competitive to make the short list of site selection projects by maintaining funding for the program.

- *Enterprise Zones* – Support additional funds to serve existing zones and future zones, if the number of zones is expanded. This long-standing program has helped both urban and rural communities revitalize distressed areas. The grants offered through this program are modest, but recent budget cuts have resulted in caps on funding for the program, which means amounts promised to companies making investments in these zones end up being prorated.
- *Agriculture and Forestry Industries Development Fund (AFID)* - Support continued funding for the program. AFID is a critical tool for localities to support two of Virginia's largest industries: agriculture and forestry. This performance-based grant is available to companies that create jobs and investment, add value to Virginia-grown products, and commit to sourcing Virginia-grown agricultural and forest products – creating additional marketplaces for Virginia's farmers and forestland owners.
- *Data Center and Manufacturing Incentives* – Support the continuation of this program. The availability of data center sales and use tax exemptions is among the top few site-selection considerations for data centers and has been a major contributor to the Commonwealth's success in data center locations.

Economic Development Marketing & Lead Generation - Support enhancing the Virginia Economic Development Partnership's (VEDP) marketing budget, while keeping our current economic development tools whole, to effectively differentiate Virginia from its global competitors. Even a great business climate and fully-funded incentives are of limited use if we do not have the resources or the people to tell the Virginia story. This, however, is the area where past budget cuts and/or stagnant funding have hit the hardest. Virginia must reengage business leaders globally to ensure top of mind awareness of the state as a great place to do business.

Tourism Promotion – Support continued state tourism promotion by the Virginia Tourism Corporation to attract first time visitors to Virginia and to enhance the leverage marketing program.

Outdoor Dining – Support the Commonwealth and its localities allowing outdoor dining in nontraditional spaces on a permanent basis. The Virginia Alcohol Beverage Control Authority should continue expedited approvals of outdoor dining spaces.

ABC Licenses - Support making Alcohol To-Go permanent, expedited ABC approval of outdoor dining spaces, and authorizing local governments to establish local entertainment districts.

Tourism Improvement Districts - Support legislation that would allow hospitality related businesses and localities to enter into public private partnerships and create Tourism Improvement Districts (TIDs). Proposals should require that localities obtain support and approval of assessments from a majority of hospitality related businesses that are located in the TID, and funds generated by such levies shall be dedicated solely to the promotion and tourism related marketing of the TID. The TID must also be managed by the local Destination Marketing Organization.

Economic/Industrial Development Authorities (EDAs/IDAs) Structure – Support the current structure of EDAs/IDAs as an important economic development tool. EDAs/IDAs were authorized by the General Assembly and exist to permit localities to have a flexible tool to support economic development in their communities.

EDA/IDA Member Disclosures – Support legislation that would repeal the 2020 amendment to the Conflict of Interest Act requiring members of Economic Development Authorities and

Industrial Development Authorities to file financial disclosure forms. Lynchburg and other localities have had members of their EDAs/IDAs resign as a result of these requirements. Members of EDAs/IDAs are volunteers who serve without pay and feel it is an invasion of their privacy to have to file the forms.

Educational Funding: Jobs are the key to economic recovery and adequate education is essential for preparing the current and future workforce. The State should fully fund the Standards of Quality (SQQ), including support staff costs and categorical incentive funds for At-Risk students and restore funding from cuts to education over the last biennium. The state has a constitutional duty to meet its education funding obligations and should refrain from changes in methodology and division of financial responsibility that result in a further shift of funding responsibility from the state to localities. These shifts do not change what it actually costs to provide education but simply transfers additional costs to local governments, and ultimately to the local real estate tax base.

Emergency Management: Support a dedicated revenue stream for the Virginia Department of Emergency Management's local support functions. Recent budgetary constraints have threatened pass-through funding available to localities from VDEM. Loss of local assistance funding would result in the City of Lynchburg's inability to maintain its Emergency Operations Plan, reduce readiness to open its Emergency Operation Center, and would limit the City's ability to engage in community outreach and disaster management.

Emergency Medical Technician Training: The General Assembly should allocate additional funding, or reallocate funding to support Advanced Life Support Training programs at Community Colleges, providing free tuition for Emergency Medical Technician Basic through Paramedic certification. The shortage of Advanced Life Support prehospital care providers is not a new reality, though it has been and continues to be exacerbated by the COVID-19 pandemic. The lack of appropriate funding results in a the lack of qualified paramedics both in the City of Lynchburg and throughout the Commonwealth. Offering these programs creates opportunities for organizations to be more reflective of their communities.

911 Reclassification: Support the classification of 911 Public Safety Communications Specialist as public safety first responders within the Virginia Retirement System to ensure that they are eligible for enhance retirement benefits for hazardous duty service. Under current law, localities may provide such benefits to first responders, including firefighters and emergency medical technicians, and certain other hazardous duty positions. This classification limits the ability to recruit and retain qualified public safety communicators at public safety answering points throughout the Commonwealth.

Filing of Items with Local Fiscal Impact: Support legislation that requires members of the General Assembly to file bills with local fiscal impacts as early as possible and no later than the first day of the legislative session, so that the appropriate fiscal impact analysis can be completed and reported in a timely manner.

Historic Rehabilitation Tax Credits: Support this financing tool which supports the development and redevelopment of historic buildings.

Local Law Enforcement Funding: The Commonwealth should be equitable in its support for local law enforcement funding both to those localities with police departments (HB 599 funding) and to those in which Sheriff's Departments provide law enforcement (through the Compensation Board). Cities should not bear a disproportionate burden for law enforcement funding through continued reductions in funds provided by HB 599.

Proffers: Request that the General Assembly monitor the impact of recent amendments to Section 15.2-2303.4 of the State Code and consider any amendments that may be needed to further clarify the appropriate use of proffers in conditional residential rezonings.

Public Safety Funding:

- **Police Funding:** The General Assembly should consider reconstructing the funding formula for Aid to Localities with Police Departments to create a formula that is responsive to urban police departments facing challenges with workforce recruitment and training.
- **Fire and Emergency Medical Services Funding, generally:** The General Assembly should consider matching funding for Fire Department and Emergency Medical Services agencies in at a level consistent with Police HB 599 funds.
- **Local Assistance for Fire Departments:** The General Assembly should increase entitlement funding for program such as Aid to Localities (ATL) and 4-For-Life to increase available funds for training, technology, medical, and physical fitness. As an Internationally Accredited Fire and Emergency Medical Services the Lynchburg Fire Department embraces the 16 Fire and Life Safety Initiatives and funding from state resources provides critical assistance. This funding supports the programs previously mentioned, that include important multifaceted and multiagency opportunities for training that cannot otherwise be funded. This includes, but is not limited to: Hostile Event (Active Shooter) training, Hazardous Materials, and crisis mitigation – such as natural disasters. In addition to the aforementioned, the following focus areas are at the forefront of the 16 Fire and Life Safety Initiatives and desperately require additional funding support at the state and local level: Cancer Risk Reduction, Mental and Physical Fitness.

Qualified Immunity: Oppose legislation that removes qualified immunity protections for local law enforcement officers. Eliminating qualified immunity will dramatically affect the ability of localities to recruit and retain professional law enforcement officers. This step also will negatively affect police response to community requests for services, potentially impacting community safety.

Sidewalks: Support the General Assembly granting local governments the authority to enter into agreements with developers to have a payment in-lieu-of option for sidewalk installation. These agreements would be initiated at the request of the developer and include language allowing the locality to install a sidewalk that is required as part of a development project somewhere else that is beneficial to the community.

Sustainability: Support policies that help municipalities reduce their carbon footprint and promote sustainability. Additionally, the General Assembly should promote policies that assist localities to be leaders in promoting opportunities for energy efficiency in order to reduce costs for our most vulnerable citizens.

Taxes- Machinery and Tools: Oppose legislation that would reduce or eliminate a locality's authority to impose a machinery and tools tax. The loss of \$4,600,000 in revenue from the Machinery and Tools Tax would equate to a 8.6 cent increase in the City's Real Property Tax rate.

Taxes- Business License: Oppose legislation that would reduce or eliminate a locality's authority to impose a business license tax. The loss of \$9,668,302 in revenue from the Business License Tax would equate to a 17.2 cent increase in the City's Real Property Tax rate.

Transportation Initiatives: Support various transportation initiatives as noted below:

- Support expansion of Amtrak rail service including a second Northeast Regional Train anchored in Lynchburg.
- Support efforts to expand air service from Lynchburg Regional Airport to northern destinations, including air service to Dulles International Airport.
- Support connectivity efforts that attract and retain a skilled and educated workforce.
- Support access management strategies that preserve and improve corridors of statewide significance.

Drinking Water, Water Quality, and Environment: The City continues to face significant financial burdens in our efforts to comply with water quality and drinking water regulations and legislation. Coupled with the effort to renew and replace failing infrastructure this places a significant burden on our citizens through high water, sewer and stormwater rates. The City supports state and federal funding assistance for these programs to minimize the impacts to citizens and businesses. Additionally, the City opposes legislative efforts that place additional requirements and burdens on our utilities that are not scientifically based and place additional burden on our rate payers. Further, the City opposes additional fees and enforcement authority that would further reduce funding and available resources to address the needs of our water programs. As a result the City urges strongly endorses the following positions:

Polyfluoroalkyl Substances (PFAS) Chemical Regulation

- The term polyfluoroalkyl substances (PFAS) encompasses many substances that are of concern to drinking water quality, and have become a topic of conversation in environmental regulation
- Any new regulation of PFAS chemicals in Virginia should focus on the actual sources such as military bases, industrial discharges, and consumer products, rather than locality-owned water and wastewater treatment facilities.
- Virginia Code § 32.1-169 (as amended by HB 1257 (2020)) should be enhanced to require that the development of any drinking water maximum contaminant levels for PFAS set by the Virginia Department of Health comply with the same rigorous scientific and technical requirements applicable to the development of such levels by the U.S. EPA in accordance with the Safe Drinking Water Act, and be at least as protective.

Water/Wastewater Facilities Regulation, generally

- Support funding for compliance with the federal Lead and Copper Rule, including support for lead service line inventory efforts, lead service line replacement, and additional testing requirements.
- Maintain, and where appropriate streamline, regulatory programs administered by DEQ, DCR, and VDH that affect localities directly, including:
 - No increase in permit fees assessed by regulatory agencies against localities,
 - No increase in enforcement authority and penalties against localities, and
 - No additional administrative or operational constraints on local utility operations

Stormwater Local Assistance Fund (SLAF) – Maintain the existing FY 2021 \$50 million appropriation for Chesapeake Bay TMDL and other local stormwater projects.

Stormwater and Flood Management Regulations Generally – Considering many years of

legislative and regulatory authority expansion that localities continue to implement, the City recommends maintaining and where appropriate streamlining stormwater regulatory programs administered by DEQ and DCR that affect localities directly, including:

- No reduction in locality TMDL credit earned by implementing stormwater improvement projects including septic system connections to sanitary sewer
- No increase in permit fees assessed by DEQ against localities
- No increase in enforcement authority and penalties against localities
- No additional administrative or operational constraints on local stormwater management and flood mitigation efforts.

Stormwater Utility Legal Authority – Maintain statutory authority authorizing local utility rates and charges for local stormwater management and environmental compliance purposes.

Water-Related Grants to Localities – Continue funding state grants to localities for improvements with regional or statewide benefits including the Water Quality Improvement Fund (wastewater) and the Stormwater Local Assistance Fund.

Pollution Control Equipment Sales Tax Exemption Certification Streamlining – To make implementation of the existing sales tax exemption more efficient and effective for localities and for the Department of Environmental Quality, amend Virginia § 58.1-3660 to enable political subdivisions to self-certify equipment, facilities, devices, or other property intended for their own use in conjunction with the operation of their water, wastewater, stormwater, or solid waste management facilities or systems.

Local Utility Rates and Charges – Oppose legislation that would restrict current local legislative discretion or mandate preferences or exemptions in local rate structures for allocating various costs of service to local ratepayers for water-related utilities.

OTHER LEGISLATIVE POSITIONS

Binding Arbitration: Oppose legislation that mandates binding arbitration, meet and confer requirements, and imposed grievance procedures for local employees. Oppose any amendment to the 2020 legislation authorizing collective bargaining that allows localities to choose whether or not they wish to engage in collective bargaining. The City opposes any requirements to mandate collective bargaining, require binding arbitration, or repeal Virginia's right to work law.

Communications Sales and Use Tax: The Virginia Communication Sales and Use Tax was enacted to establish a statewide tax rate and to preempt local taxes on communication sales and services. The City supports setting the tax rate at the same level as the state sales tax rate of 5.3 percent and broadening the coverage of the tax to include audio and video streaming services and prepaid calling services.

Exemptions: Oppose any legislation that would exempt churches and other religious and non-profit organizations from neutral, generally applicable local ordinances, and in particular local health, safety and zoning ordinances.

FOIA Exemption on the Release of Information Pertaining to Closed Criminal Justice Case Files: Oppose legislative action to remove the current FOIA exemption on the release of information pertaining to closed criminal justice case files. While not preventing the disclosure of information from closed criminal case files, the exemption allows law enforcement agencies the option to decline

disclosure in situations where such disclosure is deemed likely to compromise ongoing criminal investigations; to identify at-risk witnesses, informants or victims; or to otherwise jeopardize public safety. Beyond the scope of endangering witnesses, informants or victims in certain cases, indiscriminate release of all closed case information would significantly hamper current criminal investigations involving the same suspect, similar modus operandi, etc. A primary reason for keeping investigative details from public knowledge is to preserve investigators' ability to evaluate the validity of information gathered from various sources.

Line of Duty Act: Support initiatives that return program funding responsibility to the state. Should this unfunded mandate continue, support efforts to implement the recommendations of the 2014 Joint Legislative Audit and Review Commission (JLARC) "Line of Duty Act Report".

Preclearance Requirements: Oppose legislation that would require preclearance prior to the implementation of changes to voting laws or practices. Preclearance would require that the City seek approval to do such things as change the boundaries of the City's wards and relocate polling places, both of which should be matters of local control.

Prevention: Restore state funds for prevention services.

Reforestation, Preservation and management of urban forests: The City requests further support to provide localities with greater authority in reforestation, preservation and management of urban forests.

Reimbursement for Political Party Primaries: Support the full reimbursement to localities for the costs related to political party primaries.

Reimbursement for General Registrar and Electoral Board Expenses: Support the full reimbursement by the State to the localities for the compensation and expenses of the General Registrar and Electoral Board.

Reimbursement for the Retrieval of Cellular Phone Information: The General Assembly should amend §19.2-70.3 of the Code of Virginia to provide reimbursement for the costs of retrieving historic cellular tower information through a search warrant. Code of Virginia §19.2-70.2 has language in section G that allows localities to seek reimbursement for costs related to obtaining pen register information authorized through a court order. Such orders are traditionally used for real-time cellular phone information (pen register and trap & trace). Code of Virginia §19.2-70.3 does not currently have language to allow localities to seek reimbursement. This code section requires a search warrant for cellular phone information related to real-time location data (pinging a phone) or historic subscriber and billing information. *United States v. Graham*, decided on August 5, 2015 in the 4th Circuit Court of Appeals, held that a search warrant is necessary for historic cellular tower information. This sort of information shows where a phone was at any relevant point in time. Without the reimbursement language being added to §19.2-70.3, localities will end up spending thousands of dollars a year through investigations involving the need for cellular phone information obtained through search warrants.

Short-term Rentals: Oppose any additional short-term rental legislation that would further limit local governments' authority to regulate short-term rental properties.

Social Services: Maintain funding for workforce re-training through appropriate agencies, retaining Virginia Initiative for Employment not Welfare (VIEW) staff and funding in Social Services. This program has successfully helped Temporary Assistance for Needy Families (TANF) recipients secure and maintain jobs.

State Aid to Public Libraries: Oppose any efforts to reduce state aid to public libraries. Fully fund state aid for public libraries to improve services provided in the community. Citizens rely on their public library to bridge the digital divide, assist their job search, and support early childhood literacy and education initiatives. Full state aid funding will allow the library to improve and expand access to these services to help improve the community.

Substance Abuse Treatment: Restore state funding for substance abuse treatment programs. Such funding could be provided to Community Service Boards, programs such as "The Healing Place" or other pilot programs.

Tax on Electronic Cigarettes and Vapor: Support legislation to allow localities to tax electronic cigarettes and vapor in a manner similar to traditional cigarettes.

Taxes on Local Services: Oppose the imposition of a state fee, tax or surcharge on water, sewer, and solid waste or on any other local government funds or services.

Telecommunications and Wireless Infrastructure Regulation: Maintain local authority over zoning, land use, rights-of-way and taxation. Limit new state regulation preempting local authority regarding the use and compensation of local rights-of-way for telecommunications. Refrain from adopting any additional legislation that preempts local regulation of the placement of wireless infrastructure in the public rights-of-way or on public property.

Workers Compensation Medical Fees: Virginia should adopt Medicare-based fee schedules for setting medical provider fees in workers' compensation cases, instead of the prevailing community rate standard now used. This will make providing workers' compensation coverage more affordable and will adequately protect the financial interests of the medical providers of Virginia.

LETTERS OF SUPPORT



Letter of Support
for 2022 Legislative ,

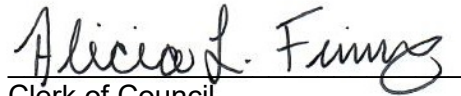
RESOLUTION:

#R-22-001

BE IT RESOLVED that the Lynchburg City Council adopts its 2022 Legislative Agenda and directs the Clerk of Council to forward it to the City's General Assembly delegation for information and action, as appropriate

Adopted: January 11, 2022

Certified:


Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 11, 2022**

AGENDA ITEM #: **3**

CONSENT:
ACTION: **X**

REGULAR:
INFORMATION:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Decennial Redistricting

RECOMMENDATION: Initiate the Redistricting Process.

SUMMARY: Redistricting is the process of redrawing the boundaries of districts that elect representatives who serve specific geographic areas. Redistricting occurs every 10 years following the United States decennial census and is the responsibility of state and local governments.

Staff will brief Council on the redistricting requirements and request permission to initiate the process. As with past redistricting, staff support would come from the offices of the City Attorney, City Manager, Community Development, Information Technology, and the City Registrar.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Kent White, Community Development Director – 455-3900
Matthew Freedman, City Attorney – 455-3980

ATTACHMENT(S): Draft Presentation Slides
Guide to Local Redistricting for 2021 – Virginia Division of Legislative Services

REVIEWED BY: MMB WCB

008A



DECENNIAL REDISTRICTING

Kent White
Community Development

Matthew Freedman
City Attorney



RECOMMENDATION: INITIATE REDISTRICTING

❖ Background

- ❖ Substantially equal
- ❖ Majority-Minority ward
- ❖ Census block boundaries
- ❖ Precinct and polling locations

❖ Justification

❖ Process

❖ Questions

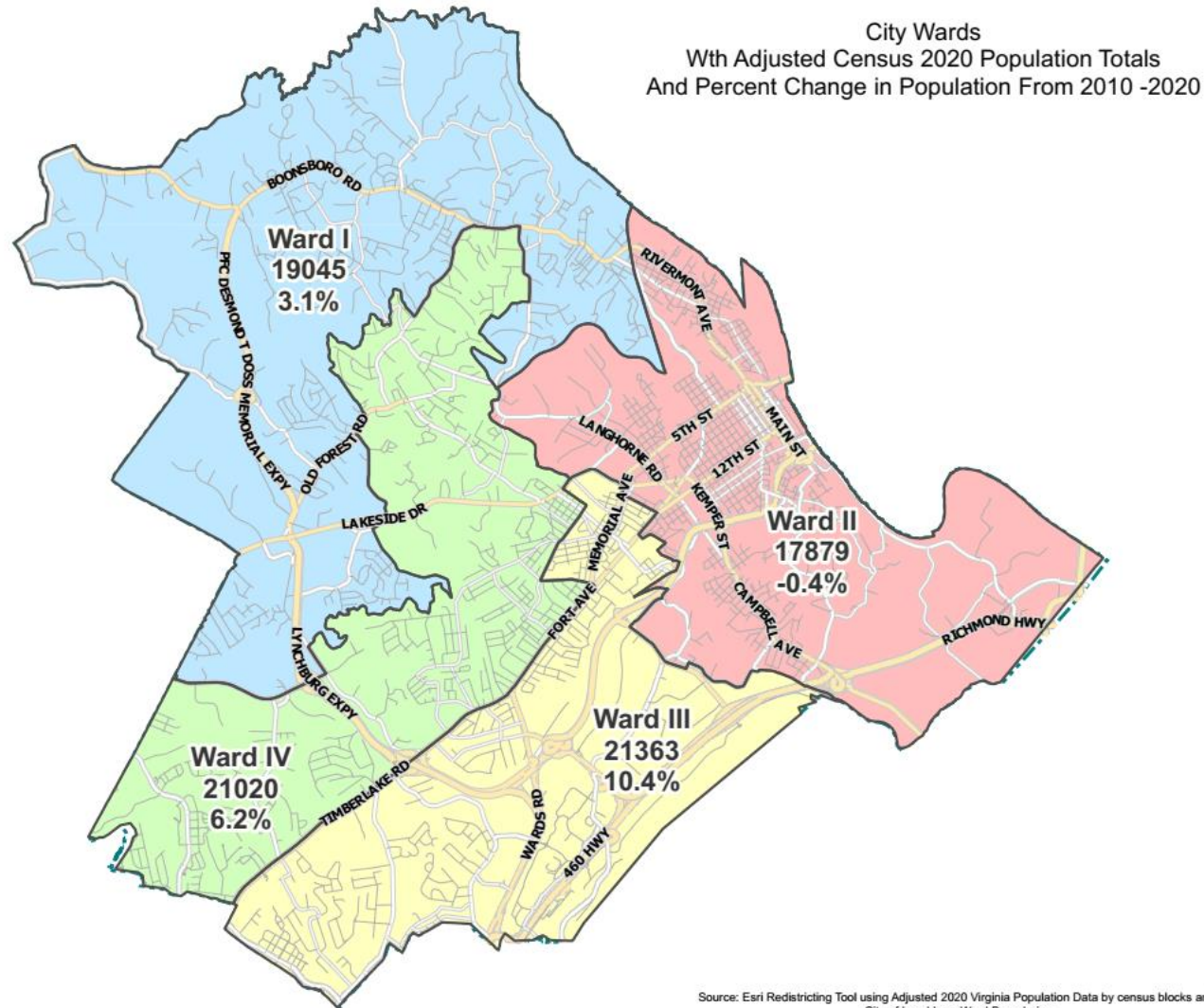


REDISTRICTING IN BRIEF

- ❖ **Process of redrawing the boundaries of districts that elect representatives**
- ❖ **Occurs every 10 years following the United States decennial census**
- ❖ **Typically underway now; delayed by Census data and legislative mapping**
- ❖ **Transparent process, including opportunity for public comment**



POPULATION MUST BE SUBSTANTIALLY EQUAL



MUST MAINTAIN A MAJORITY-MINORITY WARD

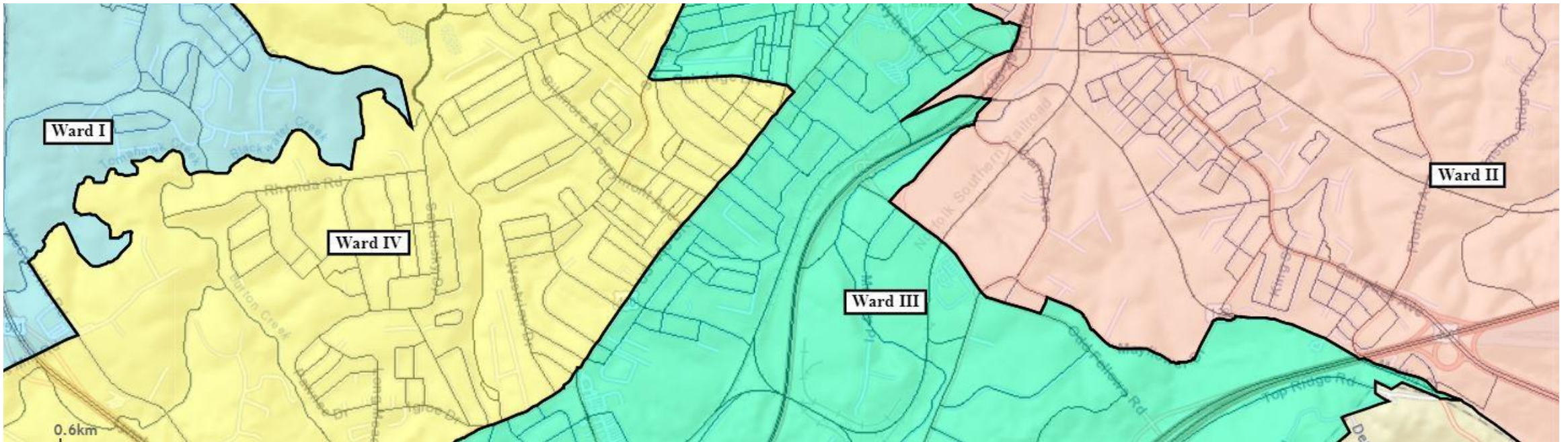
Population Count - Race By Wards for 2010 Census data and 2020 Adjusted Census Data

Black Non Hispanic	2010		2020	
I	3093		I	3258
II	11883		II	10568
III	3716		III	4056
IV	4011		IV	4706
Total Black Non Hispanic	22703		Total	22588
White Non Hispanic				
I	14221		I	13784
II	5339		II	5842
III	13783		III	14192
IV	14231		IV	13836
Total White Non Hispanic	47574		Total	47654

Hispanic				
I	513		I	846
II	389		II	603
III	770		III	1413
IV	628		IV	1018
Total Hispanic	2300		Total	3880
Other*				
I	654		I	1157
II	341		II	866
III	1075		III	1702
IV	921		IV	1460
Total Other	2991		Total	5185
*Other is a consolodation of Non Hispanic Asian, Non Hispanic Hawaiian or other Pacific Islander, Non Hispanic American Indian / Alaskan Native, Non Hispanic Asian, Non Hispanic Some Other Race, and Non Hispanic Two or More Minority Races				



ALIGNED WITH CENSUS BLOCK BOUNDARIES

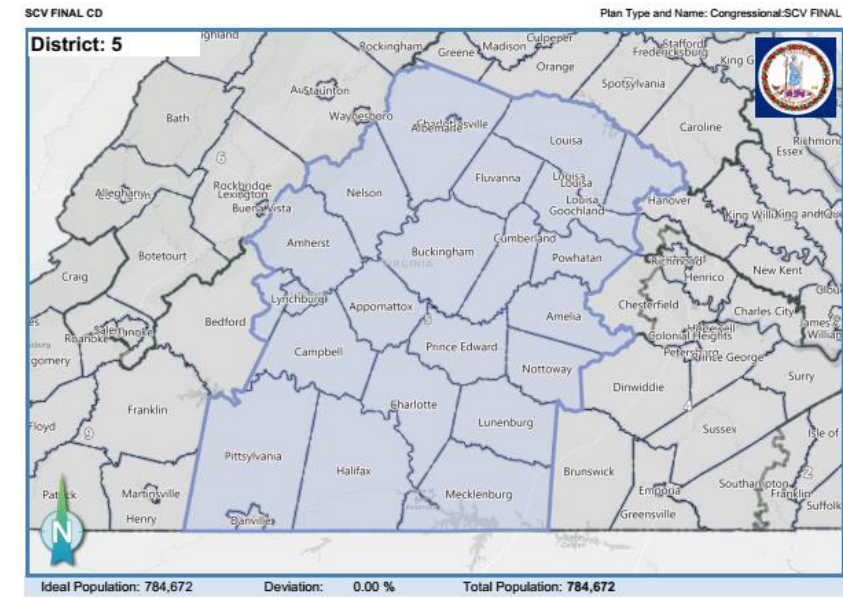
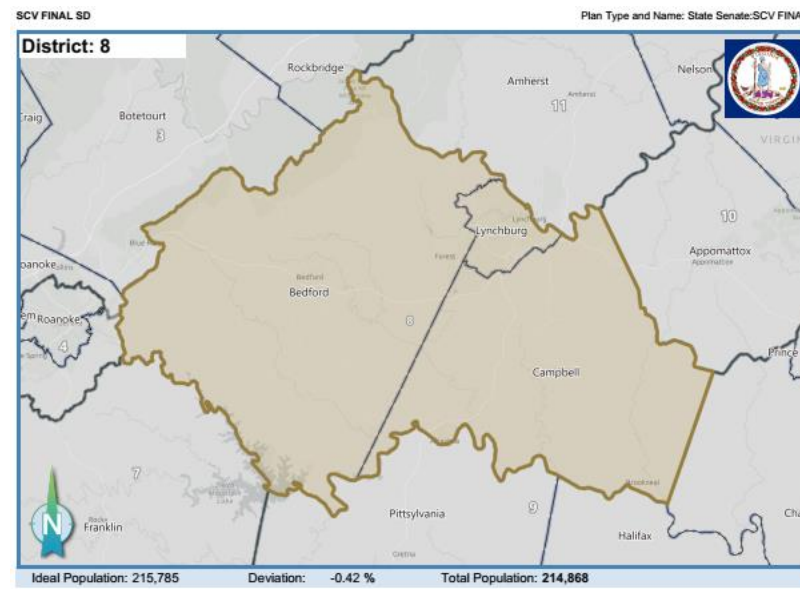
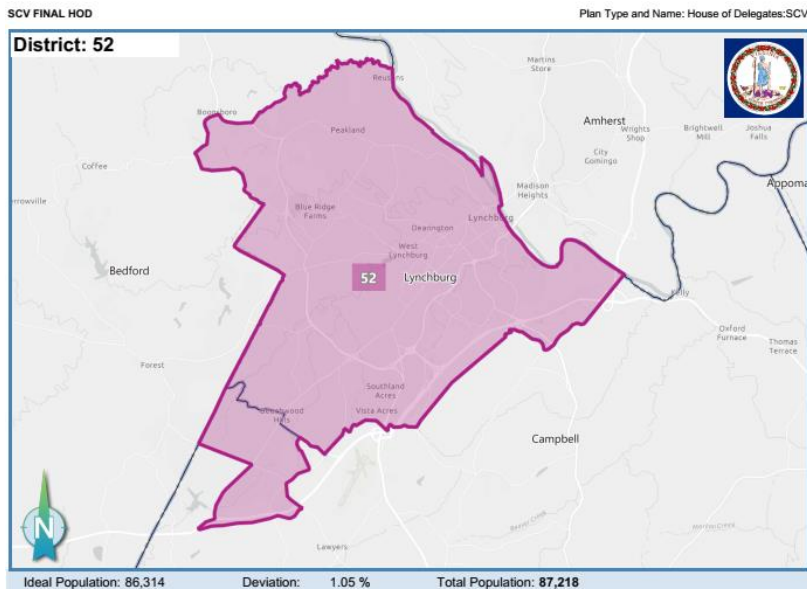


PRECINCT & POLLING LOCATIONS WILL CHANGE



STAFF RECOMMENDS STARTING THE PROCESS

❖ The Virginia Supreme Court affirmed the state's redistricting maps



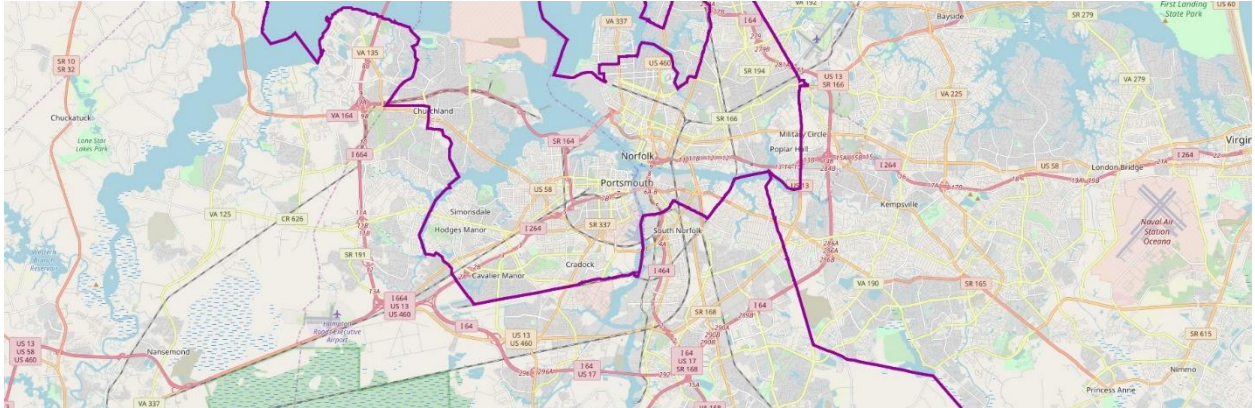
SUGGESTED REDISTRICTING PROCESS

- ❖ Review ward boundary options at Council work session.**
- ❖ Hold public hearing prior to adopting ward boundaries.**
- ❖ Once ward boundaries are adopted, hold separate public hearing to adopt voter precincts.**
- ❖ Must be submitted to Attorney General at least 60 days prior to November 2022 election.**

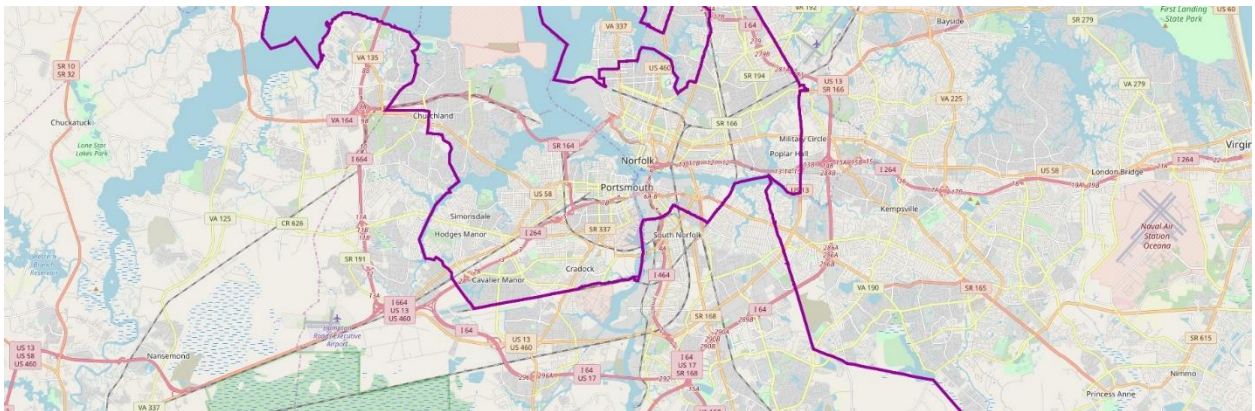


QUESTIONS





Guide to Local Redistricting for 2021



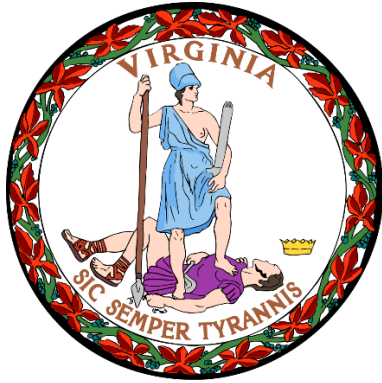
Virginia Division of Legislative Services

Guide to Local Redistricting for 2021

A Few Caveats About This Guide

This Guide and the information contained in it are not legal advice. The Guide is intended to be informative and provide an overview of the law and the process of redistricting to serve as a starting point for those undertaking redistricting at the local level.

This Guide and its description of the law and schedule for redistricting are current as of the date of publication. However, the law and schedule are always changing in response to new developments. Each locality must pay close attention to developments at the 2021 Regular Session, and any special sessions, of the General Assembly, on the national scene concerning the 2020 census, and in case law.



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dls.virginia.gov/pubs_redistricting.html

For Jack Austin, my mentor and friend.
He would want you to know that the precincts listed
in the district descriptions in the Code of Virginia are just a snapshot in time.
- M.L.



Guide to Local Redistricting for 2021

Table of Contents

1. Introduction to Redistricting	1
1.1. What Is Redistricting?	
1.2. Basic Principles of Redistricting	
1.3. Introduction to the Guide to Local Redistricting for 2021	
2. Local Election Districts.....	5
2.1. Introduction	
2.2. Code of Virginia Requirements for Local Redistricting	
2.3. Elected School Boards	
3. Precincts and Polling Places	9
3.1. Introduction	
3.2. Code of Virginia Requirements for Precincts and Polling Places	
3.3. Split Precincts	
3.4. Precinct Boundaries and the Census Bureau’s Voting District Project	
3.5. Polling Places	
4. The 2020 Census.....	13
4.1. Introduction	
4.2. Population Data	
4.3. Census Geography and Maps	
4.4. P.L. 94-171 Data Delivery Delay: Let’s Panic!	
5. Legal Standards Applicable to Local Redistricting	19
5.1. Introduction	
5.2. Equal Population	
5.3. Contiguity and Compactness	
5.4. Race and Redistricting	
5.4.1. Equal Protection Clause and Racial Gerrymandering	
5.4.2. Section	
2 of the Voting Rights Act and Minority Vote Dilution	
5.5. Traditional and Emerging Districting Principles	
5.6. Balancing Competing Legal Interests	
6. After Redistricting	29
6.1. Preparing for Elections	
6.2. Voting Rights Act Section 5 Preclearance No Longer Required	

Appendix A: Relevant Constitutional Provision.....	31
Constitution of Virginia	
Appendix B: Relevant Code of Virginia Sections	33
Title 2.2. Administration of Government.	
Title 15.2. Counties, Cities and Towns.	
Title 22.1. Education.	
Title 24.2. Elections.	
Title 30. General Assembly.	



Guide to Local Redistricting for 2021

1. Introduction to Redistricting

1.1. What Is Redistricting?

Redistricting is the process of redrawing the boundaries of districts that elect representatives who serve specific geographic areas. Redistricting occurs every 10 years following the United States decennial census and is the responsibility of state and local governments. It is governed by federal and state constitutional and statutory laws.

1.2. Basic Principles of Redistricting

While the laws governing redistricting are vast, complex, and ever evolving, here are a few basic principles that guide the process:

Redistricting must be done every 10 years in the year ending in one. Prior to the 1960s, many states did not redraw their election district boundaries on a regular basis despite the occurrence of shifts in population, which often led to districts with wide variations in population numbers. Due to a series of rulings by the U.S. Supreme Court in this matter, states must redistrict every 10 years following the United States decennial census.

Article VII, Section 5 of the Constitution of Virginia specifically requires any locality that conducts elections by district to change its district boundaries every 10 years in the year ending in one.

Districts must be drawn using census data. The United States decennial census is the primary data source on population, age, and race used in redistricting. While there is no federal requirement that census data be used for redistricting, § ***24.2-304.1*** of the Code of Virginia requires local governments to use the most recent decennial population figures for such county, city, or town for the purposes of redistricting and reapportioning representation.

During the 2011 cycle, this Code section required the use of those “figures [that were] identical to those from the actual enumeration conducted by the United States Census Bureau (the Census Bureau) for the apportionment of representatives in the United States House of Representatives.” However, the 2020 Regular Session of the General Assembly amended this requirement so that in the 2021 redistricting cycle the data to be used will be the census data as adjusted by the Division of Legislative Services to reflect the reallocation of prison populations. See **Section 4.2** for more about this reallocation process.

Districts must be equal in population. The same U.S. Supreme Court cases that require districts be redrawn every 10 years also require those districts to be equal in population. This is the “one-person, one-vote” principle. For congressional districts, this means that the population of one congressional district must be essentially equal to another. For other districts, the standard is not as strict, instead requiring “substantially” equal populations in like districts. The Constitution of Virginia requires local election districts to use the substantially equal population standard.



Districts cannot be drawn to discriminate based on race. One of the most complicated and, as a result, frequently litigated areas of redistricting law relates to race-based redistricting. See **Section 5.4** for more detail on this issue. Generally, though, the Equal Protection Clause of the ***Fourteenth Amendment*** to the Constitution of the United States has been interpreted as prohibiting districts from being drawn to segregate citizens into districts based on race. This is racial gerrymandering. In addition, the Voting Rights Act of 1965 (P.L. 89-110), as amended, prohibits districts from being drawn in such a way that the result is a denial or abridgement of the right to vote on account of race, color, or status as a member of a language minority group.

A proposed amendment to the Constitution of Virginia will be submitted to the voters at the November 2020 general election and, if approved, ***Article II, Section 6*** will include a requirement for racial and ethnic fairness:

Every electoral district shall be drawn in accordance with the requirements of federal and state laws that address racial and ethnic fairness, including the Equal Protection Clause of the ***Fourteenth Amendment*** to the Constitution of the United States and provisions of the Voting Rights Act of 1965, as amended, and judicial decisions interpreting such laws. Districts shall provide, where practicable, opportunities for racial and ethnic communities to elect candidates of their choice.

This addition to the Constitution of Virginia, if approved at the November 2020 general election, will become effective January 1, 2021.

Districts must be contiguous and compact. ***Article VII, Section 5*** of the Constitution of Virginia requires local election districts to “be composed of contiguous and compact territory.”

1.3. Introduction to the Guide to Local Redistricting for 2021

For the four previous redistricting cycles, the Division of Legislative Services has published a Guide to Local Redistricting like this to assist local governing bodies in understanding and preparing for the redistricting process.

While every possible issue and question cannot be predicted or addressed, this Guide provides a thorough introduction to the fundamental aspects and foundational principles of redistricting to equip the localities of Virginia as they begin the redistricting process.

The Guide to Local Redistricting for 2021 is organized into the following sections:

- Section 1. Introduction to Redistricting
- Section 2. Local Election Districts
- Section 3. Precincts and Polling Places
- Section 4. The 2020 Census
- Section 5. Legal Standards Applicable to Local Redistricting
- Section 6. After Redistricting



Additionally, Appendices A and B set out the relevant constitutional and statutory provisions:

- Appendix A. Relevant Constitutional Provision
- Appendix B. Relevant Code of Virginia Sections

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This Guide and the information contained in it are not legal advice. The Guide is intended to be informative and provide an overview of the law and the process of redistricting to serve as a starting point for those undertaking redistricting at the local level.

This Guide and its description of the law and schedule for redistricting are current as of the date of publication. However, the law and schedule are always changing in response to new developments. Each locality must pay close attention to developments at the 2021 Regular Session, and any special sessions, of the General Assembly, on the national scene concerning the 2020 census, and in case law.





Guide to Local Redistricting for 2021

2. Local Election Districts

2.1. Introduction

The Constitution of Virginia requires popular elections for the members of a locality's governing body. How these elections happen—at large or by district—is left to the governing bodies, but if the members are elected by district, the Constitution of Virginia requires:

1. That a county, city, or town must redistrict in 2021 if it elects any members of its governing body from districts;
2. That the districts must be drawn to comply with the one-person, one-vote standard;
3. That the districts must be contiguous and compact; and
4. That any citizen of a locality can go to court to compel the governing body to redraw its district boundaries if the governing body fails to do so.

For the constitutional language, see *Article VII, Section 5* as set out in full in **Appendix A**.

2.2. Code of Virginia Requirements for Local Redistricting

Just as the General Assembly is responsible for the reapportionment and redistricting of congressional and state legislative districts, local governing bodies are responsible for the local election districts. While *Article VII, Section 5* of the Constitution of Virginia sets forth the basic principles of this responsibility, the Code of Virginia expands on it with additional requirements and necessary details for the reapportionment and redistricting of local election districts. All local governing bodies undertaking this important endeavor should understand the following key provisions:

Reapportionment and redistricting is required every 10 years for certain localities.

Subsection A of § *24.2-304.1* authorizes local governing bodies to provide by ordinance for single-member districts, multi-member districts, at-large districts, or any combination of such districts. Any locality that does not elect its governing body entirely at large is subject to the provisions of subsection B of § *24.2-304.1*, which repeats the constitutional requirement that any county, city, or town that elects members of its governing body from districts must reapportion and redraw the election district boundaries every 10 years in the year ending in one.

Local election districts must comply with certain criteria. Subsection B of § *24.2-304.1* repeats the constitutional requirement that local election districts be composed of contiguous and compact territory and give, “as nearly as is practicable, representation in proportion to the population of the district or ward.” This is the equal population standard. Section *24.2-305* restates the contiguous and compact requirement and further provides that each election district must have clearly defined and clearly observable boundaries. See the defined term, “clearly observable boundary,” in § *24.2-305* as set out in full in **Appendix B**. For further discussion regarding equal population, contiguity, and compactness, see **Section 5**.



The most recent decennial population figures for each locality, as adjusted by the Division of Legislative Services, are to be used. Subsection C of § 24.2-304.1 requires the use of adjusted census data for reapportionment and redistricting purposes. This is a new requirement, the result of legislation enacted by the 2020 Regular Session of the General Assembly. Beginning with the 2021 redistricting, any person incarcerated in a federal, state, or local correctional facility within the Commonwealth is to be counted as a resident of the locality where his address at the time of incarceration is located. Because the Census Bureau counts such persons at the facilities in which they are incarcerated and reports the population as such, this requires the population data received from the census to be adjusted. By law, the Division of Legislative Services is tasked with adjusting this data and making it available within 30 days of receipt of the census data.

Local decennial redistricting measures take effect immediately but do not cut short the term of any governing body member. Subsection B of § 24.2-311 provides that ordinances adopted by local governing bodies to accomplish the decennial redistricting required by *Article VII, Section 5* of the Constitution of Virginia take effect immediately. It further provides that governing body members in office on the effective date of a decennial redistricting measure are to complete their terms of office. As provided by § 24.2-304.6, local officials, including members of school boards or planning commissions, complete their terms of office regardless of loss of residency in their districts due to the redistricting measure.

Each locality is responsible for determining its obligations from multiple sources. It's important for each locality to review the sections of the Code of Virginia set out in full in **Appendix B**, as there are many requirements and provisions in addition to those addressed in this Guide.

For example, § 24.2-304.3 requires a copy of the ordinance adopting the redistricting plan to be recorded in the official minutes of the governing body, along with a description of the boundaries and a map showing the boundaries of the districts. A requirement new for the 2021 redistricting is that a Geographic Information System (GIS) map that shows the district boundaries must be sent to the local elected board, the Secretary of the Commonwealth, the Department of Elections, and the Division of Legislative Services.

Additionally, each city and town should review its charter in order to determine whether it contains provisions related to redistricting. Any county with a charter or an optional form of government should review its charter or the statutes applicable to its form of government for possible special provisions applicable to redistricting.

2.3. Elected School Boards

For the localities that have made the switch from appointed to elected school boards, the dates of elections, terms of office, and election districts for school board members will generally mirror those for members of the governing body. As such, most of the counties and cities that elect their governing bodies from districts will be redrawing those district lines for both their governing bodies and their school boards. Section 22.1-57.3 provides in pertinent part:

Elections of school board members in a county, city, or town shall be held to coincide with the elections for members of the governing body of the county, city, or town at the regular general election in November or the regular general election in May, as the case may be . . .



. . . The terms of the members of the elected school board for any county, city, or town shall be the same as the terms of the members of the governing body for the county, city, or town. In any locality in which both the school board and the governing body are elected from election districts, as opposed to being elected wholly on an at-large basis, the elections of the school board member and governing body member from each specific district shall be held simultaneously except as otherwise provided . . .

. . . In any case in which school board members are elected from election districts, as opposed to being elected from the county, city, or town at large, the election districts for the school board shall be coterminous with the election districts for the county, city, or town governing body, except as may be specifically provided for the election of school board members in a county, city, or town in which the governing body is elected at large.

Each locality is responsible for determining whether any applicable charter provision, special law, or optional form of government provision applies to the redrawing of elected school board districts during this decennial process of redistricting.





Guide to Local Redistricting for 2021

3. Precincts and Polling Places

3.1. Introduction

While the establishment of election districts is provided for specifically in the Constitution of Virginia, the establishment of precincts is not. However, precincts do show up in the Constitution in a significant way: the qualification of voters.

Article II, Section 1 of the Constitution of Virginia sets forth the qualifications of voters. One such qualification is to fulfill the residence requirements set forth in that section, which are residency in the Commonwealth and the precinct where one votes. In this way, precincts are a foundational element of democracy.

So what is a precinct? The Code of Virginia defines a “precinct” to be the territory designated by the governing body of a county, city, or town to be served by one polling place.¹ A “polling place” is defined as the structure that contains the one place provided for each precinct at which the qualified voters who are residents of the precinct may vote.²

Precincts are subject to a number of statutory provisions, present a variety of issues in elections administration, and are a key part of the redistricting process.

3.2. Code of Virginia Requirements for Precincts and Polling Places

First, a few basic points from the Code of Virginia about precincts:

The establishment of precincts is the responsibility of local governing bodies. Section *24.2-307* directs the governing body of each county and city to establish by ordinance as many precincts as the governing body deems necessary. These governing bodies are also authorized to increase or decrease the number of precincts and to alter the boundaries of precincts, subject to requirements and restrictions in the Code of Virginia. Section *24.2-308* directs the establishment of one precinct for each town unless the town council establishes more than one precinct by ordinance.

Precincts must comply with certain criteria. Section *24.2-305* requires precincts to “be composed of compact and contiguous territory” and to “have clearly defined and clearly observable boundaries.” See **Section 5** for further discussion regarding contiguity and compactness and see the defined term, “clearly observable boundary,” set out in full in **Appendix B**.

Precincts are subject to requirements for minimum and maximum numbers of registered voters.³ Section *24.2-307* provides that at the time a precinct is established, it cannot have more

¹ VA. CODE § *24.2-101*.

² *Id.*

³ For the purposes of this requirement, “registered voter” includes only persons maintained on the Virginia voter registration system with active status. See VA. CODE § *24.2-101*.



than 5,000 registered voters. The general registrar is responsible for notifying the governing body whenever the number of voters who actually voted in a precinct in a presidential election exceeds 4,000, and the governing body must then revise the precinct boundaries. Additionally, § 24.2-307 sets a minimum number of registered voters for precincts. At the time a precinct is established, it can have no fewer than 100 registered voters for a county precinct and no fewer than 500 registered voters for a city precinct.

Precincts must be wholly contained within certain types of election districts. Section 24.2-307 requires each county and city precinct to be wholly contained within a single congressional district, state Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board. Section 24.2-308 provides that each town precinct must be wholly contained within any election district used for the election of one or more town council or school board members. See the following **Section 3.3** for more discussion on this “wholly contained” requirement and the issue of split precincts.

3.3. Split Precincts

A split precinct is one in which not all voters in the precinct have the same candidates for a particular type of office on their ballots. Split precincts create confusion for voters and headaches for election officials.

The law has long required precincts to be wholly contained within a single local election district. This was easily attainable since the same authority was responsible for establishing both. Precincts split among congressional and state legislative districts, on the other hand, were inevitable. While the General Assembly was drawing the congressional and state legislative districts, using the previous decade’s precincts as the basis for the maps, local governing bodies were making changes to those very precinct lines. When those new precinct boundaries were then laid on top of the congressional and state legislative districts, the result was often a split precinct. The common practice to address these split precincts was by adopting legislation in the following legislative sessions to make technical adjustments to the congressional or state legislative district lines so that the district lines and precinct boundaries aligned. This is no longer viewed to be an option, so other efforts to address the split precinct issue have been made.

The 2020 Regular Session of the General Assembly passed legislation⁴ amending § 24.2-307 to require county and city precincts to be wholly contained within a single congressional district, state Senate district, and House of Delegates district, in addition to local election districts. Recognizing the practical realities of how the redistricting process unfolds, the law requires the governing body to establish precincts to be consistent with those election districts adopted by the appropriate authority by June 15 in the year ending in one. However, if congressional or state legislative districts have not been adopted by that date, the governing bodies may use the districts as they existed on June 15 of that year as the basis for establishing the precinct boundaries for the November elections held that year. Precinct boundaries must be established to be consistent with any subsequent changes to the congressional, state Senate, House of Delegates, and local election districts and such new boundaries will apply to future elections.

If the governing body is unable to establish a precinct with the minimum number of registered voters without splitting the precinct, the State Board of Elections may grant a waiver

⁴ Chapter 1268 of the Acts of Assembly of 2020.



to administer a split precinct or direct the governing body to establish a precinct with fewer than the minimum number of voters.

3.4. Precinct Boundaries and the Census Bureau’s Voting District Project

Section [24.2-305](#) requires precincts to have clearly defined and clearly observable boundaries. This standard was adopted in the 1980s so that (i) precinct boundaries can be readily identified by voters, candidates, and those administering elections and (ii) census population counts can be reported for each individual precinct. The Census Bureau will not give a population count for a precinct unless the boundaries of the precinct meet the Bureau’s standards for census blocks and can be used as the boundaries of a census tabulation block.

In preparing for the 2020 census, Virginia participated in the Voting District Project, Phase II of the 2020 Census Redistricting Data Program.⁵ The state worked with the Census Bureau to identify, update, and verify the precinct boundaries of Virginia’s 2,465 active precincts on the census maps. This work was done through the nonpartisan census liaisons with the Division of Legislative Services in consultation with general registrars and other local officials and personnel. The precinct boundaries in place at the end of this project are the precincts used to provide census population counts for use in redistricting.

This project is the reason for the “precinct freeze” enacted every 10 years in preparation for redistricting. The current precinct freeze set out in § [24.2-309.2](#) prohibits the creation, division, abolishment, or consolidation of any precinct or any change to the boundaries of a precinct between February 1, 2019, and May 15, 2021, except in certain circumstances.

At the conclusion of this precinct freeze, localities should review their precincts. During the nearly 2.5-year period in which the precincts are frozen, population shifts may have occurred, resulting in precincts that are now oversized or undersized, and it may be necessary to increase or decrease the number of precincts in the locality, as permitted by § [24.2-307](#).

3.5. Polling Places

The requirements for polling places are provided in §§ [24.2-310](#) and [24.2-310.1](#). There must be one polling place for each precinct. The polling place for a county, city, or town precinct must (i) be located in the precinct or within one mile of the precinct boundary, (ii) meet accessibility requirements, and (iii) be located in a public building whenever practicable. It is important to consider the availability of appropriate polling place facilities when drawing local election district and precinct boundaries. For towns holding elections in November, the town uses the county’s polling places.

⁵ This project provides states the opportunity to submit their voting districts, or precincts, for inclusion in the 2020 Census Redistricting Data Program tabulation, in addition to submitting suggested legal boundary updates and updates to their geographic areas. More information on this project and the Census Redistricting Data Program can be found at <https://www.census.gov/programs-surveys/decennial-census/about/rdo/program-management.html> [last visited October 19, 2020].





Guide to Local Redistricting for 2021

4. The 2020 Census

4.1. Introduction

The 2020 census, conducted by the U.S. Department of Commerce through the Census Bureau, is the twenty-fourth census in U.S. history, and it will provide the basis for the reapportionment among the states of the 435 seats in the United States House of Representatives. It will also be used to redraw congressional, state legislative, and local election districts.

Legal Basis

The decennial census is a constitutional requirement. *Article I, Section 2, Clause 3* of the Constitution of the United States requires an “actual Enumeration” of all people in the United States. This enumeration is then used to determine the number of seats each state will have in the United States House of Representatives for the upcoming decade. Currently, Virginia has 11 seats, and it is predicted that Virginia will hold onto those seats.

Federal law requires that the census data be reported to the states in order for it to be used by the states to establish congressional, state legislative, and local election districts.⁶ How that census data is used, however, is left to the states. Subsection C of § *24.2-304.1* of the Code of Virginia requires the use of the census data, as adjusted by the Division of Legislative Services, in the drawing of local election districts.

Developments for the 2020 Census

Like the 2010 census, the 2020 census is short form, collecting only basic information. The 2020 census is, however, the first to use the Internet as the primary response method.

The 2020 questions regarding race and ethnicity are different from previous years. Multiple Hispanic ethnicities, such as Mexican and Puerto Rican, are collected within the broader category. There is also a write-in option for the White racial and Black racial categories.

Because the census collects protected personal information, the Census Bureau must take steps to protect that data from disclosure in a way that allows individuals and their information to be identified while still providing data that can be used by states to conduct accurate redistricting. The 2020 census will utilize an algorithmic approach to privacy protection called *differential privacy*.⁷ Differential privacy allows the Census Bureau to determine a mathematically precise balance between privacy protection and data accuracy and to ensure that that balance will stay constant into the future. The Census Bureau has continued to develop this Disclosure Avoidance System ahead of the release of redistricting data, with a focus on improving the accuracy of population data.

⁶ P.L. 94-171 (1975).

⁷ More information on the Disclosure Avoidance System and the 2020 census can be found at https://www.census.gov/about/policies/privacy/statistical_safeguards/disclosure-avoidance-2020-census.html [last visited October 19, 2020].



In response to the COVID-19 pandemic, the Census Bureau has announced it is seeking permission from Congress to delay its 2020 census data delivery by 120 days. See **Section 4.4** for further discussion concerning this delay and its potential impact on Virginia’s redistricting process.

There are two basic pieces of information needed to redraw election district lines: population data (**Section 4.2**) and maps (**Section 4.3**). The Census Bureau provides both.

4.2. Population Data

P.L. 94-171 Data

Public Law 94-171 is the federal law directing the Census Bureau to provide redistricting data needed by the states. P.L. 94-171 data, or redistricting data, is the data the localities will use to redistrict in 2021, just as the General Assembly will use the data to redraw congressional and state legislative districts.⁸ This data gives total and voting age population counts and Hispanic and racial data for each geographic unit.

Under federal law, the Census Bureau is required to report this data to the 50 states by April 1, 2021. However, in light of the COVID-19 pandemic and its impact on the 2020 census operations, it is unclear when this data may be received in 2021 (see **Section 4.4** for further discussion).

Residence Criteria and Situations

A perennial question regarding the decennial census is “who is counted where.” As a general rule, people are counted at their usual residence, the place where they live and sleep most of the time. Persons who live in “group quarters” are counted at that facility, and persons who do not have a usual residence are counted where they are on Census Day, or April 1, 2020. The Census Bureau has detailed guidance for determining where people should be counted.⁹ A few examples:

- United States military personnel assigned to a United States military vessel with a United States homeport on Census Day are counted at the onshore United States residences where they live and sleep most of the time. If the personnel do not have onshore United States residences, they are counted at their vessel’s homeport.
- Any person incarcerated in a federal, state, or local correctional facility is counted at the facility where he is incarcerated.
- A college student living away from his parent’s or guardian’s home while attending college in the United States, living either on-campus or off-campus, is counted at the on-campus or off-campus residence where he lives and sleeps most of the time.
- A baby born on Census Day is counted at the residence where he will live and sleep most of the time, even if he is still in a hospital on Census Day.

⁸ As adjusted by the Division of Legislative Services to reflect the reallocation of prison populations; see subsection C of § 24.2-304.1 of the Code of Virginia.

⁹ *Federal Register*, Vol. 83, No. 27 (February 8, 2018).



Reallocation of Prison Populations

The 2020 Regular Session of the General Assembly enacted legislation that will adjust the P.L. 94-171 data to reflect the reallocation of the prison populations in the Commonwealth.¹⁰ Any person incarcerated in a federal, state, or local correctional facility whose address at the time of incarceration was located within the Commonwealth will be deemed to reside at such address. Any incarcerated person whose address at the time of incarceration was located outside of the Commonwealth or cannot be determined will be deemed to reside at the location of the facility in which he is incarcerated. The Division of Legislative Services is responsible for adjusting the P.L. 94-171 data to reflect this reallocation based on residency and is required to make the adjusted data available within 30 days of receipt of the P.L. 94-171 data from the Census Bureau.

Race and Ethnicity

Questions about race and ethnicity are included in the decennial census in order to gather data necessary to facilitate enforcement of the Voting Rights Act, which prohibits the enactment of redistricting plans that result in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color or membership in a language minority group.

The U.S. Office of Management and Budget standards¹¹ specify five minimum categories for data on race: American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and White. It also provides two categories for data on ethnicity: Hispanic or Latino and Not Hispanic or Latino.

Total and Voting Age Population

As in 2011, the Census Bureau will report the total population and the voting age population for each geographic unit.

4.3. Census Geography and Maps

Geographic Units

The Census Bureau will report the state's population data using the following geographic units, meaning each geographic unit will have population data assigned to it. The geographic units used are a combination of legal/administrative geography and Bureau-defined geography.

- **Counties, cities, and towns**—the primary legal subdivision of Virginia; the geography of these governmental units is defined by the state and local governments and reported to the Census Bureau. See **Getting the Geography Right** later in this section for further discussion.
- **Voting tabulation districts or VTDs**—precincts and wards; these are defined by the state and local governments and reported to the Census Bureau. Each precinct will be coded with a six-digit number that represents the census locality census code and the Virginia Department of Elections precinct code. See **Getting the Geography Right** later in this section for further discussion.

¹⁰ VA. CODE § 24.2-314.

¹¹ *Federal Register*, Vol. 62, No. 210 (October 30, 1997).



- **Census tract**—a combination of census block tracts that is a statistical and relatively permanent subdivision of a locality. Census tract boundaries typically follow visible features but may follow governmental unit boundaries. Census tracts always nest within counties and cities.
- **Census block group**—a combination of census blocks that is a subdivision of a census tract. These are defined by the Census Bureau.
- **Census block**—Census blocks are king; they are the smallest entity for which the Census Bureau collects and tabulates decennial census information. The Census Bureau defines census blocks, using only visible or nonvisible boundaries shown on census maps as the blocks' boundaries.

Additionally, the Census Bureau will make population data available by congressional and state legislative districts.

TIGER/Line Shapefiles

A shapefile is a geospatial data format for use in geographic information system (GIS) software. The TIGER/Line Shapefiles are the fully supported core geographic product from the Census Bureau. They are extracts of selected geographic and cartographic information from the Census Bureau's Master Address File/Topologically Integrated Geographic Encoding and Referencing (MAF/TIGER) database. These shapefiles include polygon boundaries of geographic areas and features, but they do not contain any demographic data from the decennial census. Instead, the shapefiles contain a standard geographic identifier for each geographic entity that links to the geographic identifier in the census data.

To use these shapefiles, a user must have mapping or GIS software that can import the TIGER/Line Shapefiles. The shapefiles are not provided by the Census Bureau in any vendor-specific format. With the appropriate software, a user can produce maps ranging in detail from a neighborhood street map to a map of the United States. To date, many local governments have used the TIGER data in applications requiring digital street maps. Software companies have created products for the personal computer that allow consumers to produce their own detailed maps. Localities will want to work with their planning departments and local planning commissions to use TIGER data.

Getting the Geography Right

Because redistricting done by both the General Assembly and local governments will use population data assigned by geographic unit, it is vitally important that the geography that the Census Bureau uses reflects what the state and each local government understands it to be. Fortunately, there are opportunities throughout each decade to get the geography right. For the 2021 redistricting cycle, two such opportunities are the Boundary and Annexation Survey and the 2020 Census Redistricting Data Program.

Boundary and Annexation Survey. The Census Bureau conducts the Boundary and Annexation Survey (the BAS) annually to collect information about select legally defined geographic areas.¹² The BAS is used to update information about legal boundaries and names of all governmental units in the United States. It provides local governments the opportunity to

¹² More information on the Boundary and Annexation Survey can be found at <https://www.census.gov/programs-surveys/bas.html> [last visited October 19, 2020].



review the Census Bureau's boundary data to ensure that the Bureau has the correct legal boundary, name, and status information of the various geographic areas. The legal boundaries collected through the BAS are used by the Census Bureau to tabulate data for the decennial census.

Each year, the Census Bureau sends the BAS Annual Response email to key contacts in local government. This includes:

- The government's highest elected official, such as the mayor or county executive; and
- A GIS staff person, planner, clerk, or other contact.

By responding to the BAS, local governments are able to ensure that the legal boundaries of the various geographic units for which the Census Bureau reports population data are correct. For example, if the Census Bureau uses the boundary between two counties as the boundary of several census blocks and, as a result, several VTDs, it is important that that boundary be what those two counties understand it to be.

The 2020 Census Redistricting Data Program. The first two phases of the 2020 Census Redistricting Data Program¹³ also present opportunities for state and local governments to review and submit changes to various geographic and governmental area boundaries. As opposed to the BAS, which is conducted annually, this program is conducted in the run-up to the decennial redistricting.

- Phase 1 was the Block Boundary Suggestion Project. It provided states the opportunity to submit suggested legal boundary updates as well as updates to other geographic areas. Participation in Phase 1 was conducted for Virginia through the Division of Legislative Services in two stages, the first being the initial identification (December 2015 through May 31, 2016) and the second being the verification of updates (December 2016 through May 31, 2017).
- Phase 2 was the Voting District Project. It provided states the opportunity to submit their voting districts for inclusion on the P.L. 94-171 Redistricting Data, in addition to allowing states to submit suggested legal boundary updates as well as updates to other geographic areas. Participation in Phase 2 was conducted for Virginia through the Division of Legislative Services in three stages, the first being an initial identification (December 2017 through May 31, 2018), the second and third being verification of updates (December 2018 through May 31, 2019, and December 2019 through March 31, 2020). During these stages, local government officials were contacted by the Division of Legislative Services to provide shapefiles or GIS maps of the locality's precinct boundaries and to review any errors or mismatches identified by the Census Bureau.

4.4. P.L. 94-171 Data Delivery Delay: Let's Panic!

On April 13, 2020, the Census Bureau announced it was delaying its census field operations due to the COVID-19 pandemic and, at the same time, requested from Congress the authority to delay the delivery of census data.

¹³ More information on the 2020 Census Redistricting Data Program management and each of these two stages can be found at <https://www.census.gov/programs-surveys/decennial-census/about/rdo/program-management.html#P1> [last visited October 19, 2020].



Under current law, the data used to reapportion the number of congressional seats among the 50 states is required to be delivered to the President of the United States by December 31, 2020, and the data used by the states to redraw congressional and state legislative districts is due to the states no later than March 31, 2021. The Census Bureau's request was for an additional 120 days, delaying delivery of data to the President until April 30, 2021, and delivery of data to the states until July 31, 2021. This delay would obviously have a major impact on Virginia and its ability to redistrict in time for the elections scheduled for November 2021.

However, later in the summer, the Administration requested additional funding to complete the census on time, in lieu of the deadline delay, and on August 3, 2020, the Secretary of Commerce approved a new schedule that would end field operations by September 30, 2020, and the initial data processing stage by December 31, 2020.

A lawsuit was soon filed in a federal district court and that court ordered the 2020 census count to continue through October 31, 2020. The Administration, in response, filed with the U.S. Supreme Court an application for a stay pending an appeal, and on October 13, 2020, the Court granted the stay pending disposition of the appeal in the U.S. Court of Appeals for the Ninth Circuit, meaning the Court granted the Administration's request to discontinue the census count.

This information is current as of the date of publication. For more up-to-date information, please refer to the *Ross v. National Urban League* case page on the SCOTUS blog website¹⁴.

¹⁴ See <https://www.scotusblog.com/case-files/cases/ross-v-national-urban-league/> [last visited November 2, 2020].





Guide to Local Redistricting for 2021

5. Legal Standards Applicable to Local Redistricting

5.1. Introduction

There are a number of legal tests and standards that are used to measure the validity of redistricting plans. The following sections outline and provide a general overview of those standards that should be kept in mind when drawing plans and that will be used to evaluate the plans after the fact.

5.2. Equal Population

Equal population is the most fundamental requirement of redistricting for congressional, state legislative, and local election districts, rooted in the Constitution of the United States and the Constitution of Virginia.

Congressional Districts

The equal population requirement for congressional districts is based on *Article 1, Section 2* of the Constitution of the United States and is a strict standard of equality. The U.S. Supreme Court first articulated the “one-person, one-vote” principle in its ruling in *Wesberry v. Sanders*¹⁵, determining that the language of *Article 1, Section 2* that says representatives in the United States House of Representatives are to be chosen “by the people of the several States” means that one person’s vote in a congressional district should carry the same weight as another’s.

State Legislative Districts

The equal population requirement for state legislative districts is based on the Equal Protection Clause of the *Fourteenth Amendment* to the Constitution of the United States and requires “substantial equality” among legislative districts. The U.S. Supreme Court distinguished the population standards for state legislative districts from congressional districts in *Reynolds v. Sims*.¹⁶

Local Election Districts

The U.S. Supreme Court has held that the substantially equal population requirement of the Equal Protection Clause applies to local election districts, as well.¹⁷ *Article VII, Section 5* of the Constitution of Virginia also contains an equal population requirement for local election districts, requiring districts to be constituted to give “as nearly as is practicable, representation in proportion to the population of the district.” This requirement is repeated in subsection B of § 24.2-304.1 of the Code of Virginia.

¹⁵ *Wesberry v. Sanders*, 376 U.S. 1 (1964).

¹⁶ *Reynolds v. Sims*, 377 U.S. 533 (1964).

¹⁷ *Avery v. Midland County*, 390 U.S. 474 (1968).



Substantial equality and permitted deviations. The U.S. Supreme Court has held that local election districts are subject to the substantially equal population standard, meaning the populations of local election districts do not have to be precisely equal. With this standard of substantial equality and permitted deviations, the question is, then, how much deviation is permitted and under what circumstances. Case law answering this question has evolved over the decades and, in 2016, the U.S. Supreme Court provided a clear and concise summation of where the standard stands now:

States must draw congressional districts with populations as close to perfect equality as possible. But, when drawing state and local legislative districts, jurisdictions are permitted to deviate somewhat from perfect population equality to accommodate traditional districting objectives, among them, preserving the integrity of political subdivisions, maintaining communities of interest, and creating geographic compactness. When the maximum population deviation between the largest and smallest district is less than 10 percent, the Court has held, a state or local legislative map presumptively complies with the one-person, one-vote rule. Maximum deviations above 10 percent are presumptively impermissible.¹⁸

Therefore, the answer to the question is that local election districts should have populations that are substantially equal to each other, with a plus or minus five percent deviation from the ideal district population. For example, if the ideal district population is 1,000 persons, a district may have as many as 1,050 persons or as few as 950 persons in it.

Local election district plans with an overall deviation of 10 percent or less are presumptively constitutional, but that does not mean the plans are immune from challenge and invalidation. The U.S. Supreme Court has specifically rejected both (i) regional protectionism, versus protection of political subdivisions, and (ii) incumbent protection when not applied in a consistent and neutral way as rational state policies when invalidating legislative district maps in Georgia that had an overall deviation of less than 10 percent.¹⁹

On the other hand, local election district plans with an overall deviation of more than 10 percent are presumed to violate the Equal Protection Clause, but that does not mean such plans will not be upheld. In these types of challenges, the local governing body has the burden of proving that there was a rational policy that was advanced by this higher deviation.

5.3. Contiguity and Compactness

Article VII, Section 5 of the Constitution of Virginia requires local election districts to be composed of contiguous and compact territory. This requirement is repeated in subsection B of § 24.2-304.1 and in § 24.2-305 of the Code of Virginia.

Two cases related to state legislative districts and the identical requirement that they be contiguous and compact²⁰ provide guidance on what this requirement means for local election

¹⁸ *Evenwel v. Abbott*, 136 S. Ct. 1120 (2016).

¹⁹ *Larios v. Cox*, 542 U.S. 947 (2004).

²⁰ See VA. CONST. ***Art. II, § 6.***



districts. In *Jamerson v. Womack*, the Supreme Court of Virginia held that the constitutional requirement of compactness is limited to spatial restrictions and does not mean that the districts must be compact in content as well.²¹ A decade later, in *Wilkins v. West*, the Supreme Court of Virginia found that while a voting district that contains two sections completely severed by another land mass would not satisfy the constitutional requirement of contiguity and compactness, the geography and population of Virginia necessitates that some electoral districts include water.²² Significantly, the Court held that landmasses separated by water may still meet the contiguity requirement.

Compactness Measures

There are several statistical methods to measure the comparative compactness of districts. These measures may produce different results and are offered by expert witnesses in litigation. The courts have not agreed on one single measure of compactness and have often relied on the appearance of a district—a visual or “eyeball” evaluation.

5.4. Race and Redistricting

And then there is the thorniest of issues: race and redistricting. As stated in the introduction to this Guide, this is the most complex area of redistricting law and, as such, is frequently litigated.

There are two primary bodies of law when it comes to race and redistricting, one constitutional and one statutory: the Equal Protection Clause of the *Fourteenth Amendment* to the Constitution of the United States and the Voting Rights Act of 1965, as amended.

Please note: In previous redistricting cycles, Virginia and most of its localities were subject to preclearance under Section 5 of the Voting Rights Act, meaning that any change to an election law, practice, or procedure, and all redistricting plans, had to be submitted for approval by the U.S. Department of Justice or a special U.S. District Court for the District of Columbia. However, in 2013, the U.S. Supreme Court found that the coverage formula used to determine which specific jurisdictions were subject to the preclearance requirement was unconstitutional.²³ As a result of this ruling, the Section 5 preclearance requirement is no longer enforceable.

5.4.1. Equal Protection Clause and Racial Gerrymandering

The Equal Protection Clause of the *Fourteenth Amendment* states, in relevant part, that no state shall deny to any person within its jurisdiction the equal protection of the laws. In the context of redistricting, this means a state cannot, without sufficient justification, separate its citizens into different voting districts on the basis of race.²⁴ To do so would be an impermissible racial gerrymander.

Prior to 1993, the concept of racial gerrymandering surfaced in cases against minority groups. In *Shaw v. Reno*, however, the U.S. Supreme Court held that plaintiffs could challenge a North Carolina congressional plan as an impermissible racial gerrymander under the Equal

²¹ *Jamerson v. Womack*, 423 S.E.2d 180 (Va. 1992)

²² *Wilkins v. West*, 571 S.E.2d 100 (Va. 2002)

²³ *Shelby County v. Holder*, 570 U.S. 529 (2013).

²⁴ *Bethune-Hill v. Virginia State Board of Elections*, 137 S. Ct. 788 (2017).



Protection Clause.²⁵ The plaintiffs were residents of the challenged district but did not sue as members of a minority or protected class. Racial gerrymandering took on a completely new meaning.

Standing

To challenge a race-based redistricting plan as an impermissible racial gerrymander, an individual must have standing. This requires the plaintiff to be a resident of the challenged district.

Where a plaintiff resides in a racially gerrymandered district, however, the plaintiff has been denied equal treatment because of the legislature's reliance on racial criteria, and therefore has standing to challenge the legislature's action.²⁶

An individual who lives outside of a racially gerrymandered district will not have standing unless he is able to present specific supporting evidence that he personally has been subjected to a racial classification.

Once standing has been established, the burden is on the plaintiff to prove a racial gerrymandering claim.

Race May Be Considered

The U.S. Supreme Court has recognized that race may be considered in the redistricting process. The Court has made it clear that it “never has held that race-conscious state decision making is impermissible in all circumstances,” and has recognized that a legislature will always be aware of race when it draws district lines, just as it is aware of other demographic factors, like age and economic status.²⁷ That race was considered in and of itself does not mean an impermissible racial gerrymander has occurred.

Race Cannot Predominate

Proving a racial gerrymander requires proof that race was the predominant consideration in the drawing of the districts.

A plaintiff pursuing a racial gerrymandering claim must show that “race was the predominant factor motivating the legislature’s decision to place a significant number of voters within or without a particular district.” To do so, the “plaintiff must prove that the legislature subordinated traditional race-neutral districting principles . . . to racial considerations.”²⁸

In *Bethune-Hill v. Virginia State Board of Elections*, the U.S. Supreme Court cautioned that a plan is not required to conflict with traditional redistricting principles as a threshold issue, but it also stated that a conflict or inconsistency could be persuasive circumstantial evidence in showing racial predomination.²⁹

²⁵ *Shaw v. Reno*, 509 U.S. 630 (1993).

²⁶ *United States v. Hayes*, 515 U.S. 737 (1995).

²⁷ *Shaw v. Reno*, 509 U.S. 630 (1993).

²⁸ *Alabama Legislative Black Caucus v. Alabama*, 135 S. Ct. 1257 (2015).

²⁹ *Bethune-Hill v. Virginia State Board of Elections*, 137 S. Ct. 788 (2017).



In *Alabama Legislative Black Caucus v. Alabama*, the U.S. Supreme Court addressed how equal population requirements factor into a racial gerrymander challenge.

[A]n equal population goal is not one factor among others to be weighed against the use of race to determine whether race “predominates.” Rather, it is part of the redistricting background, taken as a given, when determining whether race, or other factors, predominate in a legislator’s determination as to how equal population objectives will be met.³⁰

Any analysis of whether race was a predominant factor must be made on a district-by-district basis, rather than the state as a whole, and should not be limited to only those parts of a district line that conflict with traditional redistricting principles.

Racial predominance can be proven through circumstantial evidence of a district’s shape and demographics, direct evidence of legislative intent, or a combination of both.

An informative example of direct evidence of legislative intent is highlighted in Virginia’s own *Bethune-Hill*, in which the U.S. Supreme Court found the state had employed a mandatory black voting-age population (BVAP) floor of 55 percent in constructing the challenged districts and that, in doing so, race had predominated over traditional districting factors.³¹

If a plaintiff is able to prove that race was the predominant motive of the legislature in drawing a district, a racial gerrymander has been proven, but that does not mean the district will be invalidated.

Strict Scrutiny, Narrowly Tailored To Achieve a Compelling Governmental Interest

If a plaintiff shows that race predominated in the drawing of a district, the plan will be subject to a strict scrutiny analysis. This means the defendant (the state) must demonstrate that the plan was narrowly tailored to achieve a compelling interest if the district is to be upheld. This can be demonstrated by a showing that the mapmakers had a “strong basis in evidence” supporting their decision to make race-based choices.³² This standard does not demand the state’s actions be “actually necessary” for statutory compliance to constitute a compelling state interest; the legislature just must have had “good reasons” to believe such use was required at the time.³³ This means, the U.S. Supreme Court has said, a functional analysis of the specific district is necessary.³⁴ The U.S. Supreme Court has previously held Virginia performed a sufficient inquiry under this standard when the state legislature’s “primary mapdrawer ‘discussed the [challenged] district with incumbents from other majority-minority districts . . . [and] considered turnout rates, the results of the recent contested primary and general elections,’ and the district’s large prison population.”³⁵ This analysis contrasts with the North Carolina legislature’s actions during the 2011 redistricting process, where the U.S. Supreme Court determined the state did not perform a sufficient analysis because it could “point to no meaningful legislative inquiry” into

³⁰ *Alabama* at 1270.

³¹ *Bethune-Hill*.

³² *Alabama* at 1274.

³³ *Id.*

³⁴ *Id.* at 1272.

³⁵ *Abbott v. Perez*, 138 S. Ct. 2305 (2018). (quoting *Bethune-Hill*).



whether the use of race was required to prevent liability under Section 2 of the Voting Rights Act for a district.³⁶

The Supreme Court has never held that compliance with the Voting Rights Act is a sufficiently compelling state interest to satisfy strict scrutiny. Rather, it has consistently “assumed” that compliance with Section 2 (or Section 5) of the Voting Rights Act was a compelling state interest and struck down redistricting plans on narrow tailoring grounds.

5.4.2. Section 2 of the Voting Rights Act and Minority Vote Dilution

The Voting Rights Act was enacted by Congress in 1965 to give teeth to the *Fifteenth Amendment* to the Constitution of the United States, which provides that the right to vote is not to be denied or abridged by the United States or any state on account of race. Unlike Section 5 of the Voting Rights Act, Section 2 applies to all jurisdictions and remains in effect today. It prohibits any state or political subdivision from imposing any voting qualification, standard, practice, or procedure that results in the denial or abridgement of any U.S. citizen’s right to vote on account of race, color, or status as a member of a language minority group. In the context of redistricting, Section 2 prohibits minority vote dilution.

Plaintiffs filing a Section 2 challenge do not need to prove an intent to discriminate; rather, these claims are dependent on a showing of discriminatory *effects*.

Section 2(b) establishes the requirements for proving a Section 2 claim:

A violation . . . is established if based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a [protected] class of citizens . . . in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.

These requirements break down into two primary elements. First, the plaintiffs must prove that their minority group is eligible to bring a Section 2 claim. Second, the plaintiffs must prove that their votes were diluted under the totality of circumstances test.

Gingles Preconditions

In *Thornburg v. Gingles*³⁷, the U.S. Supreme Court established three factors, or preconditions, that must be proven by plaintiffs as a threshold matter in establishing a preliminary vote dilution claim under Section 2. These preconditions establish whether the plaintiffs are members of a class of citizens protected by Section 2.

1. The racial or language minority group “is sufficiently numerous and compact to form a majority in a single-member district”;
2. The minority group is “politically cohesive,” meaning its members tend to vote similarly; and

³⁶ *Cooper v. Harris*, 137 S. Ct. 1455, 1471 (2017).

³⁷ *Thornburg v. Gingles*, 478 U.S. 30 (1986).



3. The “majority votes sufficiently as a bloc to enable it . . . usually to defeat the minority’s preferred candidate.”

The U.S. Supreme Court has offered some guidance on how these preconditions are to be applied in subsequent cases:

- These preconditions for a vote dilution claim apply to single-member districts, as well as multi-member and at-large districts.³⁸
- The majority required by the first precondition means that the minority group be large enough to constitute at least half of the voting-age population in that district.³⁹
- The minority group must be “culturally compact.” Connecting two disparate communities of the same race that otherwise constitute separate communities of interest is not sufficient to satisfy the first precondition.⁴⁰

Totality of Circumstances Test

If plaintiffs are able to prove each of the three *Gingles* factors, the court then examines the “totality of the circumstances” to determine whether the minority group’s opportunity to participate in the electoral process or elect its candidates of choice have been denied or abridged. The following factors that the court will consider have evolved from several cases and a United States Senate report accompanying the 1982 amendments to Section 2:

- The extent of the history of official discrimination touching on the minority group participating in the democratic process;
- Racially polarized voting;
- The extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single-shot provisions, or other voting practices that enhance the opportunity for discrimination;
- Denial of access to the candidate slating process for members of the group;
- The extent to which the members of the minority group bear the effects of discrimination in areas such as education, employment, and health that hinder effective participation;
- Whether political campaigns have been characterized by racial appeals;
- The extent to which members of the protected class have been elected;
- Whether there is a significant lack of responsiveness by elected officials to the particular needs of the group; and
- Whether the policy underlying the use of the voting qualification, standard, practice, or procedure is tenuous.

Racially Polarized Voting

Proof of legally significant racially polarized voting is a crucial element of a Section 2 vote dilution claim. Racially polarized voting, or racial bloc voting, is found where the race of a

³⁸ *Grove v. Emison*, 507 U.S. 25 (1993).

³⁹ *Bartlett v. Strickland*, 556 U.S. 1 (2009).

⁴⁰ *League of United Latin American Citizens (LULAC) v. Perry*, 548 U.S. 399 (2006).



candidate determines how a voter votes. Expert evidence is frequently offered to prove or disprove a history of racially polarized voting and whether the majority votes as a bloc to the detriment of the minority. Evidence on racial bloc voting patterns is directed at proving or disproving the proposition that minority voters vote for minority candidates and white voters vote for white candidates—that racial voting patterns make it more difficult for minority groups to elect the candidates of their choice. There are a number of methods used to evaluate racial bloc voting patterns, and they can be complicated. The two most commonly used statistical methods for measuring racially polarized voting are homogeneous precinct analysis and bivariate regression analysis. The U.S. Supreme Court has avoided establishing any mathematical formula for determining when racial polarization exists, instead making clear that each challenged district has to be evaluated on its own, with a number of various factors considered.

Majority-Minority Districts.

The U.S. Supreme Court’s Section 2 cases do not specify an exact percentage required to constitute a majority-minority district as required in a *Gingles* analysis. The courts conduct a fact-specific inquiry and weigh the facts concerning total population, voting age population, and other factors. No single percentage can be said to be the number needed to create a majority-minority district. The U.S. Supreme Court has rejected the proposition that a redistricting plan must “maximize” the number of majority-minority districts in Section 2 cases.⁴¹

5.5. Traditional and Emerging Districting Principles

The U.S. Supreme Court first articulated the concept of “traditional districting principles” in *Shaw v. Reno*, when it specifically recognized contiguity and compactness as traditional principles.⁴² In the years that have followed, case law has recognized additional criteria as traditional districting principles. Today, there are six principles or criteria that are considered by the courts as race-neutral, traditional principles:

1. Contiguity;
2. Compactness;
3. Preservation of counties and other political subdivisions;
4. Preservation of communities of interest;
5. Preservation of cores of prior districts; and
6. Protection of incumbents.

There are also a number of emerging criteria being added to the districting landscape in states across the country. Some such criteria include:

- Prohibition on favoring or disfavoring an incumbent, candidate, or political party;
- Prohibition on the use of partisan data; and
- Competitiveness.

⁴¹ *Johnson v. De Grandy*, 512 U.S. 997 (1994).

⁴² *Shaw v. Reno*, 509 U.S. 630 (1993).



Additionally, the 2020 Regular Session of the General Assembly enacted legislation setting out the standards and criteria to be followed when drawing congressional and state legislative districts. While § 24.2-304.04 of the Code of Virginia does not specifically apply these criteria to local election districts, it merits review and is set out in full in **Appendix A**.

5.6. Balancing Competing Legal Interests

The difficult reality of redistricting is that there are a number of legal requirements that are not always compatible and it is only through litigation after the fact that the flaws in how those requirements were balanced are revealed. Traditional districting principles must be considered. Race may be considered but cannot predominate in map drawing. While localities are not subject to the Voting Rights Act Section 5 preclearance this time around, Section 2 does apply. Careful and thorough consideration of multiple factors, evidence-based decision making, and comprehensive records and documentation are keys to a successful redistricting effort at the local level.





Guide to Local Redistricting for 2021

6. After Redistricting

6.1. Preparing for Elections

Once redistricting and any related reprecincting have been completed, the State Board of Elections, working with local registrars, must update the Virginia voter registration system to reflect such changes. Registrars are responsible for updating records to ensure that registered voters are assigned to their proper precincts and election districts. Registrars must notify voters affected by a precinct or district change at least 15 days before the next primary, special, or general election.⁴³

The State Board of Elections will work with general registrars to schedule the large volume of work that must be completed to be ready to conduct orderly elections in 2021. Local officials involved in the redistricting process should keep in mind the time and resource requirements of local election officials who are responsible for notifying voters of the effects of the redistricting process.

6.2. Voting Rights Act Section 5 Preclearance No Longer Required

In previous redistricting cycles, Virginia and most of its localities were subject to preclearance under Section 5 of the Voting Rights Act, meaning that any change to an election law, practice, or procedure, and all redistricting plans, had to be submitted for approval by the U.S. Department of Justice or a special U.S. District Court for the District of Columbia. However, in 2013, the U.S. Supreme Court found that the coverage formula used to determine which specific jurisdictions were subject to the preclearance requirement was unconstitutional.⁴⁴ As a result of this ruling, the Section 5 preclearance requirement is no longer enforceable and, as such, no longer required.

⁴³ VA. CODE § 24.2-306.

⁴⁴ *Shelby County v. Holder*, 570 U.S. 529 (2013).





Guide to Local Redistricting for 2021

Appendix A: Relevant Constitutional Provision

Constitution of Virginia

Article VII. Local Government.

Section 5. County, city, and town governing bodies.

The governing body of each county, city, or town shall be elected by the qualified voters of such county, city, or town in the manner provided by law. If the members are elected by district, the district shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. When members are so elected by district, the governing body of any county, city, or town may, in a manner provided by law, increase or diminish the number, and change the boundaries, of districts, and shall in 1971 and every ten years thereafter, and also whenever the boundaries of such districts are changed, reapportion the representation in the governing body among the districts in a manner provided by law. Whenever the governing body of any such unit shall fail to perform the duties so prescribed in the manner herein directed, a suit shall lie on behalf of any citizen thereof to compel performance by the governing body. Unless otherwise provided by law, the governing body of each city or town shall be elected on the second Tuesday in June and take office on the first day of the following September. Unless otherwise provided by law, the governing body of each county shall be elected on the Tuesday after the first Monday in November and take office on the first day of the following January.





Guide to Local Redistricting for 2021

Appendix B: Relevant Code of Virginia Sections

Title 2.2. Administration of Government.

Chapter 5. Department of Law.

§ 2.2-508. Legal service in certain redistricting proceedings.

Upon notification by a county, city or town of a pending civil action challenging the legality of its election district boundaries as required by § 24.2-304.5, the Attorney General shall review the papers in the civil action and may represent the interests of the Commonwealth in developing an appropriate remedy that is consistent with requirements of law, including but not limited to *Article VII, Section 5* of the Constitution of Virginia, Chapter 3 (§ 24.2-302.2 et seq.) of Title 24.2, or Chapter 39 (§ 30-263 et seq.) of Title 30.

Title 15.2. Counties, Cities and Towns.

Chapter 12. General Powers and Procedures of Counties.

Article 1. Miscellaneous Powers.

§ 15.2-1211. Boundaries of magisterial and election districts.

A. County magisterial district boundary lines and names shall be as the governing bodies may establish. Subject to the provisions of § 24.2-304.1, whenever the boundaries of a county have been altered, the governing body shall, as may be necessary, redistrict the county into magisterial districts, change the boundaries of existing districts, change the name of any district, or increase or diminish the number of districts.

B. Whenever redistricting of magisterial or election districts is required as a result of annexation, the governing body of such county shall, within a reasonable time from the effective date of such annexation, not to exceed ninety days, commence the redistricting process which shall be completed within a reasonable time thereafter, not to exceed twelve months.

C. A county may by ordinance provide that the magisterial districts of the county shall remain the same, but that representation on the governing body shall be by election districts, in which event all sections of this Code providing for election or appointment on the basis of magisterial districts shall be construed to provide for election or appointment on the basis of election districts, including appointment to a school board as prescribed by §§ 22.1-36 and 22.1-44.



Chapter 14. Governing Bodies of Localities.

Article 1. General Provisions.

§ 15.2-1400. Governing bodies.

A. The qualified voters of every locality shall elect a governing body for such locality. The date, place, number, term and other details of the election shall be as specified by law, general or special. Qualification for office is provided in Article 4 (§ 15.2-1522 et seq.) of Chapter 15 of Title 15.2.

B. The governing body of every locality shall be composed of not fewer than three nor more than eleven members.

C. Chairmen, mayors, supervisors and councilmen are subject to the prohibitions set forth in §§ 15.2-1534 and 15.2-1535.

D. A governing body may punish or fine a member of the governing body for disorderly behavior.

§ 15.2-1414. Governing bodies may have a legal enumeration of the population.

Any locality wishing to have a legal enumeration of the population of the locality, or part thereof, may make application therefor to the circuit court for the locality. When the application is made, the judge shall forthwith divide the locality, or part thereof, into such districts, with well-defined boundaries, as may appear advisable and shall appoint for each of the districts one enumerator. Before entering on their duties, such appointees shall take an oath before a notary public or other officer qualified to administer oaths under the laws of this Commonwealth, for the faithful discharge of their duties. The enumerators shall at once proceed to enumerate the actual bona fide inhabitants of their respective districts. They shall report to the judge the result of their enumeration and a list of the persons enumerated by them within a reasonable time after their appointment, and a copy of the list of persons so enumerated by them shall be furnished by the enumerators to the clerk of the court, who shall receive the list and keep it open to public inspection. Upon evidence produced before him, the judge may add to the list the name of any person improperly omitted and may strike from the list the name of any person improperly listed. If it appears advisable to the judge, he may order that the enumeration for any or all of the districts be retaken under all the provisions of this section by other enumerators, who shall be forthwith appointed by him. The judge shall cause to be tabulated and consolidated the lists and return to the governing body the results thereof, in accordance with the application of the governing body. The judge shall allow each enumerator a reasonable fee for each day actually employed by him in making the enumeration. He shall certify the allowance and costs to the governing body for payment out of the local treasury, and the allowance shall be a legal charge upon the governmental unit requesting the enumeration.



Title 22.1. Education.

Chapter 5. School Boards; Selection, Qualification and Salaries of Members.

Article 7. Popular Election of School Board.

§ 22.1-57.3. Election of school board members; election of tie breaker.

A. If a majority of the qualified voters voting in such referendum vote in favor of changing the method of selecting school board members to direct election by the voters, then the members of the school board shall be elected by popular vote. Elections of school board members in a county, city, or town shall be held to coincide with the elections for members of the governing body of the county, city, or town at the regular general election in November or the regular general election in May, as the case may be.

B. The initial elected board shall consist of the same number of members as the appointed school board it replaces, and the members shall be elected from the established county or municipal election districts, at large, or a combination thereof, on the same basis as the school board previously was appointed. If the appointed school board being replaced has not been appointed either on an at-large basis or on the basis of the established county or municipal election districts, or a combination thereof, the members shall be elected at large unless the governing body of the county, city, or town provides for the election of school board members on the basis of the established county or municipal election districts. If the appointed school board being replaced has been appointed at large, the governing body of the county, city, or town may establish school election districts for the election of school board members. The governing body may provide for a locality-wide district, one or more districts comprised of a part of the locality, or any combination thereof, and for the apportionment of one or more school board members to any district.

The terms of the members of the elected school board for any county, city, or town shall be the same as the terms of the members of the governing body for the county, city, or town. In any locality in which both the school board and the governing body are elected from election districts, as opposed to being elected wholly on an at-large basis, the elections of the school board member and governing body member from each specific district shall be held simultaneously except as otherwise provided in §§ 22.1-57.3:1, 22.1-57.3:1.1, and 22.1-57.3:1.2.

At the first election for members of the school board, so many members shall be elected as there are members to be elected at the regular election for the governing body. At each subsequent regular election for members of the governing body, the same number of members of the school board shall be elected as the number of members to be elected at the regular election to the governing body. However, if the number of members on the school board differs from the number of members of the governing body, the number of members elected to the school board at the first and subsequent general election shall be either more or less than the number of governing body members, as appropriate, to the end that the number of members on the initial elected school board is the same as the number of members on the appointed board being replaced.

Except as provided in §§ 22.1-57.3:1, 22.1-57.3:1.1, and 22.1-57.3:1.2, the terms of the members of the school board shall be staggered only if the terms of the members of the governing body are staggered. If there are more, or fewer, members on the school board than on the governing body, the number of members to be elected to the school board at the first and



subsequent election for school board members shall be the number required to establish the staggered term structure so that (i) a majority of the members of the school board is elected at the same time as a majority of the members of the governing body; (ii) if one-half of the governing body is being elected and the school board has an even number of members, one-half of the members of the school board is elected; (iii) if one-half of the governing body is being elected and the school board has an odd number of members, the majority by one member of the school board is elected at the first election and the remainder of the school board is elected at the second election; or (iv) if a majority of the members of the governing body is being elected and the school board has an even number of members, one-half of the members of the school board is elected.

If the school board is elected at large and the terms of the members of the school board are staggered, the school board members to be replaced at the first election shall include all appointed school board members whose appointive terms are scheduled to expire on December 31 or on June 30, as the case may be, next following the first election of county, city or town school board members. If the number of school board members whose appointive terms are so scheduled to expire is zero or less than the number of school board members to be elected at the first election, the appointed school board members to be replaced at the first election shall also include those whose appointive terms are scheduled to expire next subsequent to the date on which the terms of office of the first elected school board members will commence. If the appointive terms of more than one school board member are scheduled to expire simultaneously, but less than all of such members are to be replaced at the first election, then the identity of such school board member or members to be replaced at the first election shall be determined by a drawing held by the county or city electoral board at least ten days prior to the last day for a person to qualify as a candidate for school board member.

In any case in which school board members are elected from election districts, as opposed to being elected from the county, city, or town at large, the election districts for the school board shall be coterminous with the election districts for the county, city, or town governing body, except as may be specifically provided for the election of school board members in a county, city, or town in which the governing body is elected at large.

C. The terms of office for the school board members shall commence on January 1 or July 1, as the case may be, following their election. On December 31 or June 30, as the case may be, following the first election of county, city or town school board members, the terms of office of the members of the school board in office through appointment shall expire and the school board selection commission, if there is one, shall be abolished. If the entire school board is not elected at the first election of school board members, only the terms of the appointed members being replaced shall so expire and the terms of the appointed members being replaced at a subsequent election shall continue or be extended to expire on December 31 or June 30, as appropriate, of the year of the election of the school board members replacing them.

D. Except as otherwise provided herein, a vacancy in the office of any elected school board member shall be filled pursuant to §§ 24.2-226 and 24.2-228. In any county that has adopted the urban county executive form of government and that has adopted an elected school board, any vacancy on the elected school board shall be filled in accordance with the procedures set forth in § 15.2-802, mutatis mutandis. Notwithstanding any provision of law or charter to the contrary, if no candidates file for election to a school board office and no person who is qualified to hold the office is elected by write-in votes, a vacancy shall be deemed to exist in the office as of January



1 or July 1, as the case may be, following the general election. For the purposes of this subsection and Article 6 (§ 24.2-225 et seq.) of Chapter 2 of Title 24.2, local school boards comprised of elected and appointed members shall be deemed elected school boards.

E. In order to have their names placed on the ballot, all candidates shall be nominated only by petition as provided by general law pursuant to § 24.2-506.

F. For the purposes of this section, the election and term of the mayor or chairman of the board of supervisors shall be deemed to be an election and term of a member of the governing body of the municipality or county, respectively, whether or not the mayor or chairman is deemed to be a member of the governing body for any other purpose.

G. No employee of a school board shall be eligible to serve on the board with whom he is employed.

H. Any elected school board may have a position of tie breaker for the purpose of casting the deciding vote in cases of tie votes of the school board as provided in § 22.1-75. The position of tie breaker, if any, shall be held by a qualified voter who is a resident of the county, city, or town and who shall be elected in the same manner and for the same length of term as members of the school board and at a general election at which members of the school board are elected. A vacancy in the position of tie breaker shall be filled pursuant to §§ 24.2-226 and 24.2-228.

Title 24.2. Elections.

Chapter 1. General Provisions and Administration.

Article 1. Applicability; Definitions.

§ 24.2-101. Definitions.

As used in this title, unless the context requires a different meaning:

"Ballot scanner machine" means the electronic counting machine in which a voter inserts a marked ballot to be scanned and the results tabulated.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. "Candidate" shall include a person who seeks the nomination of a political party or who, by reason of receiving the nomination of a political party for election to an office, is referred to as its nominee. For the purposes of Chapters 8 (§ 24.2-800 et seq.), 9.3 (§ 24.2-945 et seq.), and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any write-in candidate. However, no write-in candidate who has received less than 15 percent of the votes cast for the office shall be eligible to initiate an election contest pursuant to Article 2 (§ 24.2-803 et seq.) of Chapter 8. For the purposes of Chapters 9.3 (§ 24.2-945 et seq.) and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 3 (§ 24.2-947 et seq.) of Chapter 9.3.

"Central absentee voter precinct" means a precinct established by a county or city pursuant to § 24.2-712 for the processing of absentee ballots for the county or city or any combination of precincts within the county or city.



"Constitutional office" or "constitutional officer" means a county or city office or officer referred to in *Article VII, Section 4* of the Constitution of Virginia: clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer.

"Department of Elections" or "Department" means the state agency headed by the Commissioner of Elections.

"Direct recording electronic machine" or "DRE" means the electronic voting machine on which a voter touches areas of a computer screen, or uses other control features, to mark a ballot and his vote is recorded electronically.

"Election" means a general, primary, or special election.

"Election district" means the territory designated by proper authority or by law which is represented by an official elected by the people, including the Commonwealth, a congressional district, a General Assembly district, or a district for the election of an official of a county, city, town, or other governmental unit.

"Electoral board" or "local electoral board" means a board appointed pursuant to § *24.2-106* to administer elections for a county or city. The electoral board of the county in which a town or the greater part of a town is located shall administer the town's elections.

"Entrance of polling place" or "entrance to polling place" means an opening in the wall used for ingress to a structure.

"General election" means an election held in the Commonwealth on the Tuesday after the first Monday in November or on the first Tuesday in May for the purpose of filling offices regularly scheduled by law to be filled at those times.

"General registrar" means the person appointed by the electoral board of a county or city pursuant to § *24.2-110* to be responsible for all aspects of voter registration, in addition to other duties prescribed by this title. When performing duties related to the administration of elections, the general registrar is acting in his capacity as the director of elections for the locality in which he serves.

"Machine-readable ballot" means a tangible ballot that is marked by a voter or by a system or device operated by a voter, is available for verification by the voter at the time the ballot is cast, and is then fed into and scanned by a separate counting machine capable of reading ballots and tabulating results.

"Officer of election" means a person appointed by an electoral board pursuant to § *24.2-115* to serve at a polling place for any election.

"Paper ballot" means a tangible ballot that is marked by a voter and then manually counted.

"Party" or "political party" means an organization of citizens of the Commonwealth which, at either of the two preceding statewide general elections, received at least 10 percent of the total vote cast for any statewide office filled in that election. The organization shall have a state central committee and an office of elected state chairman which have been continually in existence for the six months preceding the filing of a nominee for any office.

"Person with a disability" means a person with a disability as defined by the Virginians with Disabilities Act (§ *51.5-1* et seq.).



"Polling place" means the structure that contains the one place provided for each precinct at which the qualified voters who are residents of the precinct may vote.

"Precinct" means the territory designated by the governing body of a county, city, or town to be served by one polling place.

"Primary" or "primary election" means an election held for the purpose of selecting a candidate to be the nominee of a political party for election to office.

"Printed ballot" means a tangible ballot that is printed on paper and includes both machine-readable ballots and paper ballots.

"Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and who is (i) 18 years of age on or before the day of the election or qualified pursuant to § 24.2-403 or subsection D of § 24.2-544, (ii) a resident of the Commonwealth and of the precinct in which he offers to vote, and (iii) a registered voter. No person who has been convicted of a felony shall be a qualified voter unless his civil rights have been restored by the Governor or other appropriate authority. No person adjudicated incapacitated shall be a qualified voter unless his capacity has been reestablished as provided by law. Whether a signature should be counted towards satisfying the signature requirement of any petition shall be determined based on the signer of the petition's qualification to vote. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "qualified voter" shall include only persons maintained on the Virginia voter registration system (a) with active status and (b) with inactive status who are qualified to vote for the office for which the petition was circulated.

"Qualified voter in a town" means a person who is a resident within the corporate boundaries of the town in which he offers to vote, duly registered in the county of his residence, and otherwise a qualified voter.

"Referendum" means any election held pursuant to law to submit a question to the voters for approval or rejection.

"Registered voter" means any person who is maintained on the Virginia voter registration system. All registered voters shall be maintained on the Virginia voter registration system with active status unless assigned to inactive status by a general registrar in accordance with Chapter 4 (§ 24.2-400 et seq.). For purposes of applying the precinct size requirements of § 24.2-307, calculating election machine requirements pursuant to Article 3 (§ 24.2-625 et seq.) of Chapter 6, mailing notices of local election district, precinct or polling place changes as required by subdivision 13 of § 24.2-114 and § 24.2-306, and determining the number of signatures required for candidate and voter petitions, "registered voter" shall include only persons maintained on the Virginia voter registration system with active status. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "registered voter" shall include only persons maintained on the Virginia voter registration system (i) with active status and (ii) on inactive status who are qualified to vote for the office for which the petition was circulated.

"Registration records" means all official records concerning the registration of qualified voters and shall include all records, lists, applications, and files, whether maintained in books, on cards, on automated data bases, or by any other legally permitted record-keeping method.



"Residence" or "resident," for all purposes of qualification to register and vote, means and requires both domicile and a place of abode. To establish domicile, a person must live in a particular locality with the intention to remain. A place of abode is the physical place where a person dwells.

"Special election" means any election that is held pursuant to law to fill a vacancy in office or to hold a referendum.

"State Board" or "Board" means the State Board of Elections.

"Virginia voter registration system" or "voter registration system" means the automated central record-keeping system for all voters registered within the Commonwealth that is maintained as provided in Article 2 (§ 24.2-404 et seq.) of Chapter 4.

"Voting system" means the electronic voting and counting machines used at elections. This term includes direct recording electronic machines (DRE) and ballot scanner machines.

Article 2. State Board of Elections.

§ 24.2-103.1. Duties of Department of Elections related to redistricting.

A. Upon receipt of any ordinance and Geographic Information System (GIS) map sent pursuant to § 24.2-304.3 or 24.2-306, the Department shall promptly review the ordinance and map and compare the boundaries contained within with the information in the voter registration system in order to ensure voters have been assigned to the correct districts. The Department shall notify the locality of any corrections that may be necessary.

B. The Department shall maintain and make available on its official website maps showing the current election district and precinct boundaries of each county and city.

Chapter 2. Federal, Commonwealth, and Local Officers.

Article 5. Constitutional and Local Officers.

§ 24.2-218. Election and term of county supervisors.

The qualified voters of each county election district shall elect one or more supervisors at the general election in November 1995, and every four years thereafter for terms of four years, except as provided in § 24.2-219 or as provided by law for those counties having the optional form of government under the provisions of Article 2 (§ 15.2-702 et seq.) of Chapter 7 of Title 15.2.

§ 24.2-219. Alternative for biennial county supervisor elections and staggered terms.

A. The governing body of any county may by ordinance provide that the county board of supervisors be elected biennially for staggered four-year terms.

In lieu of an ordinance by the board of supervisors, the registered voters of the county may file a petition with the circuit court of the county requesting that a referendum be held on the question of whether the county board of supervisors should be elected biennially for staggered four-year terms. The petition shall be signed by registered voters equal in number to at least ten percent of the number registered in the county on the January 1 preceding its filing.

The court pursuant to §§ 24.2-682 and 24.2-684 shall order the election officials on a day fixed in the order to conduct a referendum on the question. The clerk of the court shall publish



notice of the referendum in a newspaper having general circulation in the county once a week for four consecutive weeks and shall post a copy of the notice at the door of the courthouse of the county. The question on the ballot shall be:

"Shall the members of the county board of supervisors be elected biennially for staggered four-year terms?

☐ Yes

☐ No"

The referendum shall be held and the results certified as provided in § 24.2-684.

B. If a majority of the voters voting in the referendum voted for biennial election of the members of the board of supervisors for staggered four-year terms, or if the governing body has so provided by ordinance, then the terms of supervisors elected at the next general election for supervisors shall be as follows:

1. If the number of supervisors elected in the county is an even number, half of the successful candidates shall be elected for terms of four years and half of the successful candidates shall be elected for terms of two years; or
2. If the number of supervisors in the county is an odd number, the smallest number of candidates which creates a majority of the elected supervisors shall be elected for terms of four years and all other successful candidates shall be elected for terms of two years.

Unless the number of members who volunteer to take two-year terms exactly equals the number of two-year terms to be assigned, the electoral board of the county shall assign the individual terms of members by lot at its meeting on the day following the election and immediately upon certification of the results. However, the electoral board may assign individual terms of members by election district in a drawing at a meeting held prior to the last day for a person to qualify as a candidate, if the governing body of the county so directs by ordinance or resolution adopted at least thirty days prior to the last day for qualification and members are elected by district. In all elections thereafter all successful candidates shall be elected for terms of four years.

In any county where the chairman of the board is elected from the county at large pursuant to § 15.2-503 or § 15.2-802, the provisions of this section shall not affect that office. The chairman of the board shall be elected for a term of four years in 1995 and every four years thereafter.

C. If the representation on the board of supervisors among the election districts is reapportioned, or the number of districts is diminished or the boundaries of the districts are changed, elections shall be held in each new district at the general election next preceding the expiration of the term of the office of the member of the board representing the predecessor district of each new district. If the number of districts is increased, the electoral board shall assign a two-year or four-year term for each new district so as to maintain as equal as practicable the number of members to be elected at each biennial election.

§ 24.2-220. Reversion to quadrennial elections.

The governing body of any county, by ordinance, may repeal an ordinance previously adopted to provide for the election of the board of supervisors biennially for staggered four-year terms and provide for the election of the board of supervisors quadrennially for four-year terms.



The qualified voters of the county, by petition and referendum in accordance with the requirements and procedures set forth in § 24.2-219, may repeal an ordinance of the board or a referendum previously adopted which authorized the election of the board of supervisors biennially for four-year terms. The question in the referendum to rescind shall be:

"Shall the members of the county board of supervisors be elected quadrennially for four-year terms?

☐ Yes

☐ No"

If a majority of the voters voting in the referendum voted for quadrennial election of the members of the board of supervisors for four-year terms, or if the governing body has so provided by ordinance, then the successors to those supervisors whose terms expire in 1995 or any fourth year thereafter shall be elected for a four-year term and immediate successors to those supervisors whose terms expire in 1993 or any fourth year thereafter shall be elected for a two-year term and all subsequent successors for a four-year term.

§ 24.2-221. Time and frequency of referenda on election and term of supervisors.

A referendum as provided in § 24.2-219 or § 24.2-220 shall be held only in the year preceding the year in which a general election for supervisors is to be held. Once a referendum on either question is held, no further referendum on either question may be held in the county for a period of four years.

§ 24.2-222. Election and terms of mayor and council for cities and towns.

The qualified voters of each city and town shall elect a mayor, if so provided by charter, and a council for the terms provided by charter. Except as provided in § 24.2-222.1, and notwithstanding any other provision of law, general or special: (i) any election of mayor or councilmen of a city or town whose charter provides for such elections at two-year or four-year intervals shall take place at the May general election of an even-numbered year and (ii) any election of mayor or councilmen of a city or town whose charter provides for such elections at one-year or three-year intervals shall take place at the general election in May of the years designated by charter. The persons so elected shall enter upon the duties of their offices on July 1 succeeding their election and remain in office until their successors have qualified.

§ 24.2-222.1. Alternative election of mayor and council at November general election in cities and towns.

A. Notwithstanding the provisions of § 24.2-222, and notwithstanding any contrary provisions of a city or town charter, the council of a city or town may provide by ordinance that the mayor, if an elected mayor is provided for by charter, and council shall be elected at the November general election date of any cycle as designated in the ordinance, for terms to commence January 1. No such ordinance shall be adopted between January 1 and the May general election date of the year in which city or town elections regularly are scheduled to be held therein.

B. Alternatively, the registered voters of a city or town may file a petition with the circuit court of the city or of the county within which the town is located asking that a referendum be held on the question of whether the city or town should elect the mayor, if an elected mayor is provided for by charter, and council members at the November general election date of any cycle



as designated in the petition. The petition shall be signed by registered voters equal in number to at least ten percent of the number registered in the city or town on the January 1 preceding the filing.

The court, pursuant to § 24.2-684, shall order the election officials on a day fixed in the order to conduct a referendum on the question, provided that no such referendum shall be scheduled between January 1 and the May general election date of the year in which city or town elections regularly are scheduled to be held therein. The clerk of the court shall publish notice of the referendum once a week for the three consecutive weeks prior to the referendum in a newspaper having general circulation in the city or town, and shall post a copy of the notice at the door of the courthouse of the city or county within which the town is located. The question on the ballot shall be:

"Shall the (city or town) change the election date of the mayor (if so provided by charter) and members of council from the May general election to the November general election (in even-numbered or odd-numbered years or as otherwise designated in the petition)?"

If members of the school board in the city or town are elected by the voters, the ballot question also shall state that the change in election date applies to the election of school board members.

The referendum shall be held and the results certified as provided in § 24.2-684. If a majority of the voters voting in the referendum vote in favor of the change, the mayor and council thereafter shall be elected at the November general election date for terms to commence January 1.

C. Except as provided in subsection D, no term of a mayor or member of council shall be shortened in implementing the change to the November election date. Mayors and members of council who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected at the November general election and have been qualified to serve.

D. In any city or town that elects its council biennially or quadrennially and that changes to the November general election date in odd-numbered years from the May general election date in even-numbered years, mayors and members of council who were elected at a May general election shall have their term of office shortened by six months but shall continue in office until their successors have been elected at the November general election and have been qualified to serve.

§ 24.2-223. Election and term of school board members.

In any county, city or town wherein members of the school board are elected, pursuant to Article 7 (§ 22.1-57.1 et seq.) of Chapter 5 of Title 22.1, elections shall be held to coincide with the election of members of the governing body at the regular general election in November or the regular general election in May, as the case may be. Elected school board members shall serve terms which are the same as those of the governing body, to commence on January 1 following their election or July 1 following their election, as the case may be.

§ 24.2-224. Local elections not otherwise provided for.

The election to any public office required to be filled by the qualified voters of any county, city, town, or election district for which an election time is not provided by law shall be held at



the general election immediately preceding the time provided for the term of such office to commence.

Chapter 3. Election Districts, Precincts, and Polling Places.

Article 2. Congressional, Senatorial, and House of Delegates Districts.

§ 24.2-304.04. Standards and criteria for congressional and state legislative districts.

Every congressional and state legislative district shall be constituted so as to adhere to the following criteria:

1. Districts shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. A deviation of no more than five percent shall be permitted for state legislative districts.
2. Districts shall be drawn in accordance with the requirements of the Constitution of the United States, including the Equal Protection Clause of the *Fourteenth Amendment*, and the Constitution of Virginia; federal and state laws, including the federal Voting Rights Act of 1965, as amended; and relevant judicial decisions relating to racial and ethnic fairness.
3. No district shall be drawn that results in a denial or abridgement of the right of any citizen to vote on account of race or color or membership in a language minority group. No district shall be drawn that results in a denial or abridgement of the rights of any racial or language minority group to participate in the political process and to elect representatives of their choice. A violation of this subdivision is established if, on the basis of the totality of the circumstances, it is shown that districts were drawn in such a way that members of a racial or language minority group are dispersed into districts in which they constitute an ineffective minority of voters or are concentrated into districts where they constitute an excessive majority. The extent to which members of a racial or language minority group have been elected to office in the state or the political subdivision is one circumstance that may be considered. Nothing in this subdivision shall establish a right to have members of a racial or language minority group elected in numbers equal to their proportion in the population.
4. Districts shall be drawn to give racial and language minorities an equal opportunity to participate in the political process and shall not dilute or diminish their ability to elect candidates of choice either alone or in coalition with others.
5. Districts shall be drawn to preserve communities of interest. For purposes of this subdivision, a "community of interest" means a neighborhood or any geographically defined group of people living in an area who share similar social, cultural, and economic interests. A "community of interest" does not include a community based upon political affiliation or relationship with a political party, elected official, or candidate for office.
6. Districts shall be composed of contiguous territory, with no district contiguous only by connections by water running downstream or upriver, and political boundaries may be considered.
7. Districts shall be composed of compact territory and shall be drawn employing one or more standard numerical measures of individual and average district compactness, both statewide and district by district.



8. A map of districts shall not, when considered on a statewide basis, unduly favor or disfavor any political party.

9. The whole number of persons reported in the most recent federal decennial census by the United States Bureau of the Census shall be the basis for determining district populations, except that no person shall be deemed to have gained or lost a residence by reason of conviction and incarceration in a federal, state, or local correctional facility. Persons incarcerated in a federal, state, or local correctional facility shall be counted in the locality of their address at the time of incarceration, and the Division of Legislative Services shall adjust the census data pursuant to § 24.2-314 for this purpose.

Article 2.1. Reapportionment of Local Election Districts.

§ 24.2-304.1. At-large and district elections; reapportionment and redistricting of districts or wards; limits.

A. Except as otherwise specifically limited by general law or special act, the governing body of each county, city, or town may provide by ordinance for the election of its members on any of the following bases: (i) at large from the county, city, or town; (ii) from single-member or multi-member districts or wards, or any combination thereof; or (iii) from any combination of at-large, single-member, and multi-member districts or wards. A change in the basis for electing the members of the governing body shall not constitute a change in the form of county government.

B. If the members are elected from districts or wards and other than entirely at large from the locality, the districts or wards shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district or ward. In 1971 and every 10 years thereafter, the governing body of each such locality shall reapportion the representation among the districts or wards, including, if the governing body deems it appropriate, increasing or diminishing the number of such districts or wards, in order to give, as nearly as is practicable, representation on the basis of population.

C. For the purposes of redistricting and reapportioning representation in 2021 and every 10 years thereafter, the governing body of a county, city, or town shall use the most recent decennial population figures for such county, city, or town from the United States Bureau of the Census, as adjusted by the Division of Legislative Services pursuant to § 24.2-314. The census data for these redistricting and apportionment purposes will not include any population figure that is not allocated to specific census blocks within the Commonwealth, even though that population may have been included in the apportionment population figures of the Commonwealth for the purpose of allocating United States House of Representatives seats among the states.

D. Notwithstanding any other provision of general law or special act, the governing body of a county, city, or town shall not reapportion the representation in the governing body at any time other than that required following the decennial census, except as (i) provided by law upon a change in the boundaries of the county, city, or town that results in an increase or decrease in the population of the county, city, or town of more than one percent, (ii) the result of a court order, (iii) the result of a change in the form of government, or (iv) the result of an increase or decrease in the number of districts or wards other than at-large districts or wards. The foregoing provisions notwithstanding, the governing body subsequent to the decennial redistricting may adjust district or ward boundaries in order that the boundaries might coincide with state legislative or congressional district boundaries; however, no adjustment shall affect more than



five percent of the population of a ward or district or 250 persons, whichever is lesser. If districts created by a reapportionment enacted subsequent to a decennial reapportionment are invalid under the provisions of this subsection, the immediately preexisting districts shall remain in force and effect until validly reapportioned in accordance with law.

§ 24.2-304.2. Governing body authorized to expend funds for reapportionment.

The governing body of each county, city, or town is authorized to expend funds and employ persons as it may deem necessary to carry out the responsibilities relating to reapportionment provided by law.

§ 24.2-304.3. Recording reapportionment ordinance; notice requirements.

A copy of the ordinance reapportioning representation in the governing body of a county, city, or town, including a description of the boundaries and a map showing the boundaries of the districts or wards, shall be recorded in the official minutes of the governing body.

The clerk of the county, city, or town shall send a certified copy of the ordinance, including a description of the boundaries and a Geographic Information System (GIS) map showing the boundaries of the districts or wards, to the local electoral board, the Secretary of the Commonwealth, the Department of Elections, and the Division of Legislative Services. Any county, city, or town that does not have GIS capabilities may request the Department of Elections to create on its behalf a GIS map showing the boundaries of the districts or wards as set out in the ordinance, and the Department of Elections shall create such a map.

§ 24.2-304.4. Mandamus action for failure to reapportion districts or wards.

Whenever the governing body of any county, city or town fails to perform the duty of reapportioning the representation on the governing body among the districts or wards of the county, city, or town, or fails to change the boundaries of districts or wards, as prescribed by law, mandamus shall lie in favor of any citizen of such county, city, or town, to compel the performance of such duty.

Whenever the governing body of any county, city or town changes the boundaries, or increases or diminishes the number of districts or wards, or reapportions the representation in the governing body as prescribed by law, the action shall not be subject to judicial review, unless it is alleged that the representation is not proportional to the population of the district or ward. If such allegation is made in a bill of complaint filed in the circuit court for the county, city or town, the court shall determine whether the action of the governing body complies with the constitutional requirements for redistricting and reapportionment. Appeals from the court's decision shall be as in any other suit.

§ 24.2-304.5. Notification of certain civil actions.

Any county, city, or town made a defendant in any civil action challenging the legality of its election district boundaries shall immediately notify the Attorney General of the pending civil action for review pursuant to § 2.2-508.

§ 24.2-304.6. Effect of reapportionment on appointments and terms of local officers, school board and planning commission members.

County, city, or town officers, including members of the school board or planning commission, in office on the effective date of a reapportionment or redistricting ordinance, shall



complete their terms of office, regardless of loss of residency in a particular district due to reapportionment or redistricting.

Article 3. Requirements for Election Districts, Precincts, and Polling Places.

§ 24.2-305. Composition of election districts and precincts.

A. Each election district and precinct shall be composed of compact and contiguous territory and shall have clearly defined and clearly observable boundaries.

B. A "clearly observable boundary" shall include (i) any named road or street, (ii) any road or highway which is a part of the federal, primary, or secondary state highway system, (iii) any river, stream, or drainage feature shown as a polygon boundary on the TIGER/line files of the United States Bureau of the Census, or (iv) any other natural or constructed or erected permanent physical feature which is shown on an official map issued by the Virginia Department of Transportation, on a United States Geological Survey topographical map, or as a polygon boundary on the TIGER/line files of the United States Bureau of the Census. No property line or subdivision boundary shall be deemed to be a clearly observable boundary unless it is marked by a permanent physical feature that is shown on an official map issued by the Virginia Department of Transportation, on a United States Geological Survey topographical map, or as a polygon boundary on the TIGER/line files of the United States Bureau of the Census.

§ 24.2-306. Changes not to be enacted within 60 days of general election; notice requirements.

A. No change in any local election district, precinct, or polling place shall be enacted within 60 days next preceding any general election. Notice shall be published prior to enactment in a newspaper having general circulation in the election district or precinct once a week for two successive weeks. The published notice shall state where descriptions and maps of proposed boundary and polling place changes may be inspected.

B. Notice of any adopted change in any election district, town, precinct, or polling place other than in the location of the office of the general registrar shall be mailed to all registered voters whose election district, town, precinct, or polling place is changed at least 15 days prior to the next general, special, or primary election in which the voters will be voting in the changed election district, town, precinct, or polling place. Notice of a change in the location of the office of the general registrar shall be given by posting on the official website of the county or city, by posting at not less than 10 public places, or by publication once in a newspaper of general circulation in the county or city within not more than 21 days in advance of the change or within seven days following the change.

C. Each county, city, and town shall comply with the applicable requirements of law, including §§ 24.2-304.3 and 30-264, and send copies of enacted changes, including a Geographic Information System (GIS) map showing the new boundaries of the districts or precincts, to the local electoral board, the Department, and the Division of Legislative Services. Any county, city, or town that does not have GIS capabilities may request the Department of Elections to create on its behalf a GIS map showing the boundaries of the new districts or precincts, and the Department of Elections shall create such a map.



§ 24.2-307. Requirements for county and city precincts.

The governing body of each county and city shall establish by ordinance as many precincts as it deems necessary. Each governing body is authorized to increase or decrease the number of precincts and alter precinct boundaries subject to the requirements of this chapter.

At the time any precinct is established, it shall have no more than 5,000 registered voters. The general registrar shall notify the governing body whenever the number of voters who voted in a precinct in an election for President of the United States exceeds 4,000. Within six months of receiving the notice, the governing body shall proceed to revise the precinct boundaries, and any newly established or redrawn precinct shall have no more than 5,000 registered voters.

At the time any precinct is established, each precinct in a county shall have no fewer than 100 registered voters and each precinct in a city shall have no fewer than 500 registered voters.

Each precinct shall be wholly contained within a single congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the county or city. In each year ending in one, the governing body of each county and city shall establish the precinct boundaries to be consistent with any congressional district, Senate district, House of Delegates district, and local election district that was adopted by the appropriate authority by June 15 of that year. If congressional districts, Senate districts, House of Delegates districts, or local election districts have not been adopted by the appropriate authority by June 15 of a year ending in one, the governing body may use the congressional districts, Senate districts, House of Delegates districts, or local election districts as such districts existed on June 15 of that year as the basis for establishing the precinct boundaries to be used for the elections to be held in November of that year. Such governing body shall establish precinct boundaries to be consistent with any subsequent changes to the congressional districts, Senate districts, House of Delegates districts, or local election districts. If a governing body is unable to establish a precinct with the minimum number of registered voters without splitting the precinct between two or more congressional districts, Senate districts, House of Delegates districts, or local election districts, it shall apply to the State Board for a waiver to administer a split precinct. The State Board may grant the waiver or direct the governing body to establish a precinct with fewer than the minimum number of registered voters as permitted by § 24.2-309. A governing body granted a waiver to administer a split precinct or directed to establish a precinct with fewer than the minimum number of registered voters may use such a precinct for any election held that year.

The governing body shall establish by ordinance one polling place for each precinct.

§ 24.2-308. Requirements for town precincts.

There shall be one precinct for each town unless the council by ordinance establishes more than one precinct.

Each town precinct shall be wholly contained within any election district used for the election of one or more council or school board members.

The council shall establish by ordinance one polling place for each precinct.



§ 24.2-309. Establishment of precinct with less than minimum number of voters; conduct of elections where all voters do not have same choice of candidates.

A precinct may be established with fewer than the minimum number of registered voters required by this article if a larger precinct cannot be established in which all persons are voting at any general election for the same candidates for the governing body and school board of the county or city, House of Delegates, state Senate, and United States House of Representatives. The governing body may select a polling place within one mile of the boundaries of that precinct if a suitable polling place is not available within that precinct.

The State Board shall make regulations setting procedures by which elections may be conducted in precincts in which all voters do not have the same choice of candidates at a general election.

§ 24.2-309.2. Election precincts; prohibiting precinct changes for specified period of time.

No county, city, or town shall create, divide, abolish, or consolidate any precincts, or otherwise change the boundaries of any precinct, effective during the period from February 1, 2019, to May 15, 2021, except as (i) provided by law upon a change in the boundaries of the county, city, or town, (ii) the result of a court order, (iii) the result of a change in the form of government, or (iv) the result of an increase or decrease in the number of local election districts other than at-large districts. Any ordinance required to comply with the requirements of § 24.2-307 shall be adopted on or before February 1, 2019.

If a change in the boundaries of a precinct is required pursuant to clause (i), (ii), (iii), or (iv), the county, city, or town shall comply with the applicable requirements of law, including §§ 24.2-304.3 and 30-264, and send copies of the ordered or enacted changes to the State Board of Elections and the Division of Legislative Services.

This section shall not prohibit any county, city, or town from adopting an ordinance revising precinct boundaries after January 1, 2021. However, no revisions in precinct boundaries shall be implemented in the conduct of elections prior to May 15, 2021.

§ 24.2-310. Requirements for polling places.

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary. The polling place for a county precinct may be located within a city (i) if the city is wholly contained within the county election district served by the precinct or (ii) if the city is wholly contained within the county and the polling place is located on property owned by the county. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

B. The governing body of each county, city, and town shall provide funds to enable the general registrar to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than one polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and



Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board or the general registrar shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, subject to the prior approval of the State Board. The general registrar shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except as specifically prohibited by law including, without limitation, the prohibitions of § 24.2-604 and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of clause (i) of subsection A of § 24.2-604, and upon the approval of the local electoral board, campaign materials may be distributed outside the polling place and inside the structure where the election is conducted, provided that the "Prohibited Area" (i) includes the area within the structure that is beyond 40 feet of any entrance to the polling place and the area within the structure that is within 40 feet of any entrance to the room where the election is conducted and (ii) is maintained and enforced as provided in § 24.2-604. The local electoral board may approve campaigning activities inside the building where the election is conducted when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § 24.2-307 or 24.2-308 for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.

§ 24.2-310.1. Polling places; additional requirement.

The requirement stated in this section shall be in addition to requirements stated in §§ 24.2-307, 24.2-308, and 24.2-310, including the requirement that polling places be located in public buildings whenever practical. No polling place shall be located in a building which serves primarily as the headquarters, office, or assembly building for any private organization, other than an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature, unless the State Board has approved the use of the building because no other building meeting the accessibility requirements of this title is available.



Article 4. Effective Dates of Redistricting Measures.

§ 24.2-311. Effective date of decennial redistricting measures; elections following decennial redistricting.

A. Legislation enacted to accomplish the decennial redistricting of congressional and General Assembly districts required by *Article II, Section 6* of the Constitution of Virginia shall take effect immediately. Members of Congress and the General Assembly in office on the effective date of the decennial redistricting legislation shall complete their terms of office. The elections for their successors shall be held at the November general election next preceding the expiration of the terms of office of the incumbent members and shall be conducted on the basis of the districts set out in the legislation to accomplish the decennial redistricting. However, (i) if the decennial redistricting of congressional districts has not been enacted and approved for implementation pursuant to § 5 of the United States Voting Rights Act of 1965 before January 1 of the year of the election for statewide office, the previously enacted congressional districts shall remain in effect for the purpose of meeting the petition signature requirements set out in §§ *24.2-506, 24.2-521, 24.2-543, and 24.2-545* and (ii) any reference on a petition to the usual primary date of the second Tuesday in June shall not be cause to invalidate the petition even though the date of the primary may be altered by law.

B. Ordinances adopted by local governing bodies to accomplish the decennial redistricting of districts for county, city, and town governing bodies required by *Article VII, Section 5* of the Constitution of Virginia shall take effect immediately. Members of county, city, and town governing bodies in office on the effective date of a decennial redistricting measure shall complete their terms of office. The elections for their successors shall be held at the general election next preceding the expiration of the terms of office of the incumbent members and shall be conducted on the basis of the districts set out in the measures to accomplish the decennial redistricting.

C. If a vacancy in any such office occurs after the effective date of a decennial redistricting measure and a special election is required by law to fill the vacancy, the vacancy shall be filled from the district in the decennial redistricting measure which most closely approximates the district in which the vacancy occurred.

D. If a decennial redistricting measure adopted by a local governing body adds one or more districts and also increases the size of the governing body, an election for the additional governing body member or members to represent the additional district or districts for the full or partial term provided by law shall be held at the next November general election in any county or in any city or town that regularly elects its governing body in November pursuant to § *24.2-222.1*, or at the next May general election in any other city or town, which occurs at least 120 days after the effective date of the redistricting measure.

E. In the event of a conflict between the provisions of a decennial redistricting measure and the provisions of the charter of any locality, the provisions of the redistricting measure shall be deemed to override the charter provisions to the extent required to give effect to the redistricting plan.



§ 24.2-312. Effective date of other redistricting measures; elections following annexation.

A. Any redistricting, other than the decennial redistricting, of any county, city, or town shall be effective at midnight December 31 of the year in which the redistricting occurs.

B. Members of county, city, and town governing bodies in office when any such redistricting measure is adopted shall complete their terms of office. The elections for their successors shall be held at the general election next preceding the expiration of the terms of office of the incumbent members and shall be conducted on the basis of the districts set out in the measures to accomplish the redistricting.

C. When a county has been redistricted as a result of annexation and the redistricting occurs in the year of a regularly scheduled November general election for members of the county's board of supervisors, the November general election shall be conducted from the newly established districts so long as the redistricting measure has been adopted prior to March 15 of the year of the election.

D. When a city or town has been redistricted as a result of annexation and the redistricting occurs prior to a regularly scheduled May general election for members of the city's or town's governing body, the May general election shall be conducted from the newly established districts so long as the redistricting measure has been adopted prior to the November 15 immediately preceding the election.

§ 24.2-313. Rescheduling of certain local elections following the decennial redistricting of districts for the governing body.

A. Notwithstanding any other provision of law to the contrary, elections for members of the governing body or school board of any county, city, or town that would be held on a regularly scheduled date for a general election, but are delayed because the decennial redistricting plan of such county, city, or town is not precleared by the Attorney General of the United States pursuant to § 5 of the federal Voting Rights Act at least thirty days prior to the general election, shall be held as provided in this section, unless otherwise provided by a court of competent jurisdiction. In the event the Attorney General grants preclearance at least thirty days prior to the general election, the election shall be held as scheduled and shall be conducted from the newly established districts. The provisions of this section shall not apply to any county, city, or town election scheduled to be held entirely on an at-large basis.

B. In each such county, city, or town, such election shall be held on the first Tuesday (i) that is more than sixty days after the Attorney General of the United States issues a letter stating that he interposes no objection to a decennial redistricting plan approved and submitted by the county, city, or town; (ii) that is not the scheduled date of a primary election; and (iii) that is not within the sixty days before or the thirty-five days after a primary or general election.

C. Independent candidates for such rescheduled elections shall qualify in the manner provided by §§ 24.2-505 and 24.2-506, and party nominees shall be nominated and certified at least thirty days before the new election date.

D. All candidates shall file the statements required by §§ 24.2-501 and 24.2-502 at least thirty days before the new election date.



E. Notwithstanding the provisions of subsections C and D, any candidate who qualified to have his name printed on the ballot for the original election date, pursuant to § 24.2-504, shall be automatically qualified to have his name printed on the ballot for the delayed election date and shall not have to refile the required documents, provided that the boundaries of the district in which he is seeking office are the same as when he was originally qualified. In any district in which the boundaries have been changed, candidates shall requalify for the ballot; however, at the request of any candidate who filed as an independent, his original petitions shall be reviewed by the registrar, previously verified signatures of voters who reside in the new district shall be counted toward the number needed to qualify to run in the new district, and the candidate may supplement such petitions when he refiles under § 24.2-505.

F. Notwithstanding any provision of law to the contrary, the term of members of any governing body or school board elected under the provisions of this act shall commence on the first day of the second month following the election and shall terminate on the day on which the term would have expired had the general election been held on its regularly scheduled day.

G. The term of members of any governing body affected by this act that would otherwise expire prior to the commencement of the term of their successors elected pursuant to this section shall be extended until the date that the term of members elected pursuant to this section commences, notwithstanding any provision of law to the contrary.

Article 5. Population Data.

§ 24.2-314. Population data; reallocation of prison populations.

A. Persons incarcerated in federal correctional facilities and in state and local correctional facilities, as those terms are defined in § 53.1-1, shall be counted and reallocated for redistricting and reapportionment purposes in accordance with the provisions of this section and the following:

1. A person incarcerated in a federal, state, or local correctional facility whose address at the time of incarceration was located within the Commonwealth shall be deemed to reside at such address.
2. A person incarcerated in a federal, state, or local correctional facility whose address at the time of incarceration was located outside of the Commonwealth or whose address at the time of incarceration cannot be determined shall be deemed to reside at the location of the facility in which he is incarcerated.

B. By July 1 of any year in which the decennial census is taken, the Department of Corrections and the State Board of Local and Regional Jails shall provide to the Division of Legislative Services, in a format specified by the Division of Legislative Services, the following information for each person who was incarcerated in a state or local correctional facility on April 1 of that year:

1. A unique identifier, other than his name or offender identification number, assigned by the Department of Corrections or the State Board of Local and Regional Jails for this purpose;
2. His residential street address at the time of incarceration, or other legal residence, if known;
3. His race, his ethnicity as identified by him, and whether he is 18 years of age or older; and



4. The street address of the correctional facility in which he was incarcerated on April 1 of that year.

C. The Division of Legislative Services shall request each agency operating a federal correctional facility in the Commonwealth that incarcerates persons convicted of a criminal offense to provide to the Division of Legislative Services by July 1 of any year in which the decennial census is taken a record containing the information specified in subsection B for each person who was incarcerated in the facility on April 1 of that year. Any person incarcerated in a federal correctional facility for whom a record is not received by the Division of Legislative Services shall be deemed to have an address at the time of incarceration that cannot be determined.

D. The Division of Legislative Services shall prepare adjusted population data, including race and ethnicity data, in a manner that reflects the inclusion of incarcerated persons in the population count of the locality in which he is deemed to reside pursuant to subdivision A 1 or 2.

This adjusted population data shall be used for purposes of redistricting and reapportionment and shall be the basis for congressional, state Senate, House of Delegates, and local government election districts. This adjusted population data shall not be used in the distribution of any federal or state aid.

E. The Division of Legislative Services shall make the adjusted population data available no later than 30 days following receipt of population data from the United States Bureau of the Census pursuant to P.L. 94-171. In making this data available, the Division of Legislative Services shall ensure no information regarding a specific incarcerated person's address at the time of incarceration is made public.

Title 30. General Assembly.

Chapter 39. Joint Reapportionment Committee.

§ 30-264. Staff to Joint Reapportionment Committee; census liaison.

A. The Division of Legislative Services (the Division) shall serve as staff to the Joint Reapportionment Committee. The Director of the Division, or his designated representative, shall serve as the state liaison with the United States Bureau of the Census on matters relating to the tabulation of the population for reapportionment purposes pursuant to United States Public Law 94-171. The governing bodies, electoral boards, and registrars of every county and municipality shall cooperate with the Division in the exchange of all statistical and other information pertinent to preparation for the census.

B. The Division shall maintain the current election district and precinct boundaries of each county and city as a part of the General Assembly's computer-assisted mapping and redistricting system. Whenever a county or city governing body adopts an ordinance that changes an election district or precinct boundary, the local governing body shall provide a copy of its ordinance, along with Geographic Information System (GIS) maps and other evidence documenting the boundary, to the Division.

C. The provisions of Article 2 (§ 24.2-302 et seq.) of Chapter 3 of Title 24.2, including the statistical reports referred to in that article, shall be controlling in any legal determination of a district boundary.



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 11, 2022**

AGENDA ITEM #: **4(a)**

REGULAR: WORK SESSION: **X** CLOSED SESSION (Confidential):
ACTION: INFORMATION: **X**

ITEM TITLE: *Business Item Briefing: VA SKYWIRE LLC Fiber Optic Cable System License*

RECOMMENDATION: *This item will appear for City Council vote at the January 25, 2022 City Council Meeting. After a Public Hearing, adopt the attached Resolution issuing a limited non-exclusive license to VA SKYWIRE LLC for the construction, maintenance, and operation of a fiber optic cable system.*

SUMMARY: VA SKYWIRE LLC has requested the City grant a non-exclusive interim license for the installation, maintenance, and operation of a fiber optic cable system within the corporate limits of the City of Lynchburg, Virginia from 700 12th Street to 1503 Grace Street.

PRIOR ACTION(S): None

FISCAL IMPACT: None

CONTACT(S): Lee Newland, City Engineer, 455-3947
Gaynelle Hart, Director of Public Works, 455-4450

ATTACHMENT(S):

- Resolution

REVIEWED BY: raw

002A

RESOLUTION:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That VA SKYWIRE LLC is granted a non-exclusive interim license to construct, maintain, and operate an aboveground and underground fiber optic cable system within the corporate limits of the City of Lynchburg, Virginia (City), being limited to the locations of 700 12th Street to 1503 Grace Street, as more specifically described and limited in that certain Interim License Agreement dated December 27, 2021, that is between the City and VA SKYWIRE LLC. Such Interim License Agreement is expressly incorporated herein by reference.
2. That the City Manager is authorized to execute the said Interim License Agreement on behalf of the City, and the Clerk of Council is authorized to attest the same.
3. That this Resolution shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 11, 2022**

AGENDA ITEM #: **4(b)**

REGULAR: WORK SESSION: **X**
ACTION: INFORMATION: **X**

CLOSED SESSION (Confidential):

ITEM TITLE: *Business Item Briefing: Additional City Street Mileage for VDOT Highway Maintenance Payments*

RECOMMENDATION: *This item will appear for City Council vote on the January 25, 2022 General Business agenda. Approve the attached resolution requesting VDOT to increase the official City Street lane mileage for reimbursement of highway maintenance funds for FY 2023.*

SUMMARY: When required, usually each year, the City submits a list of new or improved streets to VDOT for acceptance into the street maintenance system for payments to the City from the Commonwealth. For FY 2023, staff has identified 0.76 lane miles of street segments that need to be added, which include two street segments, Stables Lane (0.08 lane miles – Hawkins Mill Road to the City Limits) and Carroll Avenue (0.68 lane miles – NW Railroad to Albert Lankford Drive).

This action is required by Virginia Department of Transportation (VDOT) to add these segments for addition to the system.

PRIOR ACTION(S): None

FISCAL IMPACT: 0.76 additional lane miles will increase highway maintenance funds in the amount of \$9,889 annually.

CONTACT(S): Lee Newland, City Engineer – 455-3947
Gaynelle Hart, Director Public Works – 455-4406

ATTACHMENT(S):

- Resolution
- Form U-1

REVIEWED BY: raw

003A

RESOLUTION:

WHEREAS, the Virginia Department of Transportation (VDOT) requires action to increase the lane mileage for street maintenance entitlement funds from the Commonwealth; and,

WHEREAS, 0.76 lane miles of local and arterial streets have been identified to be added to the system; and,

NOW, THEREFORE, BE IT RESOLVED THAT: The Lynchburg City Council requests the Commonwealth Transportation Board to approve the addition of lane mileage as enumerated on Form U-1.

Adopted:

Certified:

Clerk of Council

LOCAL ASSISTANCE DIVISION
VDOT
REQUEST FOR STREET ADDITIONS AND DELETIONS
FOR STREET PAYMENTS
SECTION 33.2-319
CODE OF VIRGINIA

MUNICIPALITY: City of Lynchburg

STREET NAME ROUTE NUMBER *	TERMINI		R/W WIDTH (FEET)	PAVEMENT WIDTH (FEET)	CENTER- LANE MILES	NUMBER OF LANES	LANE MILES	FUNC. CLASS. (T&MPD USE ONLY)
	FROM	TO						
Stables LN.	Hawkins Mill Rd.	West C.L.	50'	30'	0.04	2	0.08 COL	
Carroll Ave.	NW RXR	Albert Lankford Dr.	50'	23'	0.34	2	0.68 COL	

*Council Resolution and Map Attached

SIGNED _____
AUTHORIZED VDOT OFFICIAL DATE

SIGNED _____
MUNICIPAL OFFICIAL DATE

CLASSIFIED BY _____
T&MPD ENGINEER DATE

Submit to: District Point of Contact in triplicate

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 11, 2022**

AGENDA ITEM #: **4(d)**

REGULAR:
ACTION:

WORK SESSION: **X**
INFORMATION: **X**

CLOSED SESSION (Confidential):

ITEM TITLE: *Business Item Briefing: Use of Community Park Investment Fund for Miller Park Baseball Field Upgrades*

RECOMMENDATION: *This item will appear for City Council vote at the January 25, 2022 City Council meeting.* Adopt a resolution approving the use of \$23,000 in the Capital Improvement Program Community Park Investment Fund to match funding for the renovation of baseball fields at Miller Park. The funds were appropriated in a previous fiscal year.

SUMMARY: The Parks and Recreation Department is requesting City Council's approval for \$23,000 in Community Park Investment Funds from the Capital Improvement Program (CIP) for renovations to the baseball fields in Miller Park. The Community Park Investment is a fund in the CIP used to match funds raised by individuals and organizations for park and trail projects in the City of Lynchburg. Each project requires Council approval for use of the funds.

The intent of this project is to implement baseball field improvements at Miller Park. The fields at Miller Park continue to provide a great home to the Lynchburg Little League youth baseball program. However, years of use with no major field overhauls have resulted in a number of significant playing surface, turf grass and surrounding amenity needs to the primary fields. Addressing these facility needs are required to provide a higher level of safety to players, enhance the playability of the field, and to meet Little League International standards. Some of the baseball field needs include: Re-grading to improve drainage and remove infield/outfield lips, providing additional infield mix, installation of new equipment storage racks, dugout shade structures, and enhancements to the batting cage facilities. Completing these renovation projects will enhance the experience of Lynchburg citizens for years to come.

Lynchburg Little League continues to enjoy a mutually beneficial partnership with the City to operate a youth baseball program. The partnership has enabled the Lynchburg Little League program to be considered one of the best recreational baseball systems in the region. The league generally hosts games at Miller Park for 18 teams during the spring season and 12 teams during the fall season. The 2022 season will also see Lynchburg Little League host the Virginia State All-Star Tournament for the 8 to 10-year-old division. This tournament will draw the top 16 teams across the Commonwealth to Miller Park from July 7th to July 11th of 2022.

PRIOR ACTION(S): FY 2019 – 2023 Capital Improvement Program adopted by City Council.

FISCAL IMPACT: \$23,000 in matching funds with resources from the Capital Improvement Program Community Park Investment Fund. These funds were appropriated in a previous fiscal year.

CONTACT(S): Jenny Jones, Director of Parks and Recreation, 455-5868
Chris Higgins, Park Service Manager, 455-5875

ATTACHMENT(S): Resolution

REVIEWED BY: raw

005A

RESOLUTION:

BE IT RESOLVED THAT the Lynchburg City Council approves the use of \$23,000 of the Capital Improvement Program Community Park Investment Fund to match funding raised by the partner group Lynchburg Little League for field renovations in Miller Park.

Adopted:

Certified:

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 11, 2022**

AGENDA ITEM #: **4(e)**

REGULAR: WORK SESSION: **X** CLOSED SESSION (confidential):
ACTION: INFORMATION: **X**

ITEM TITLE: *Business Item Briefing: Use of Community Park Investment Fund for a Pump Track at Peaks View Park*

RECOMMENDATION: *This item will appear for City Council vote at the January 25, 2022 City Council meeting. Adopt a resolution approving the use of \$5000 in the Capital Improvement Program Community Park Investment Fund to match funding for a pump track at Peaks View Park. The funds were appropriated in a previous fiscal year.*

SUMMARY: Parks and Recreation is requesting City Council's approval for \$5000 in Community Park Investment Funds from the Capital Improvement Program (CIP) for a pump track in Peaks View Park. The Community Park Investment is a fund in the CIP budget that was established to match funds raised by individuals and organizations for park and trail projects in the City of Lynchburg. Each project requires Council approval for use of the funds.

The intent is to build a popular bicycle feature at the Field #11 area of Peaks View Park. The proposed 5000 square foot facility will be built in a location that drains well and will be tucked away to avoid pedestrian/bike traffic collisions, have easy connectivity to the mountain bike trails located in the adjacent woods, and allow for future possible expansion.

The local youth mountain bike racing team, Team LAB (Lynchburg Area Bikers) which is a chapter of NICA (National Interscholastic Cycling Association), has its primary training/practice location at Peaks View Park. Building a pump track located next to the existing mountain bike trail system would provide another skills-building feature. Team LAB as well as the mountain biking community will benefit from this physical activity encouraging asset, built at low cost that will bolster the already wonderful assortment of cycling activities in Peaks View Park.

Although the track will be built by our partner group, Greater Lynchburg Off-Road Cyclists (GLOC) who already have enthusiasm for cycling, many of those who will use the track are just beginners. With a focus on developing technical mountain biking skills in a small amount of space, pump tracks are not too intimidating for a beginner yet still challenging for a professional rider. Cyclists of all ages and skill levels can ride the pump track every day.

This pump track will be a place where people come together to enjoy the simple sport of cycling and in doing so, create a unique social setting for building friendships and new acquaintances.

PRIOR ACTION(S): FY 2019 – 2023 Capital Improvement Program adopted by City Council

FISCAL IMPACT: \$5000 in matching funds with resources from the Capital Improvement Program Community Park Investment Fund. These funds were appropriated in a previous fiscal year.

CONTACT(S): Jenny Jones, Director of Parks and Recreation, 455-5868
Chris Higgins, Park Service Manager, 455-5875

ATTACHMENT(S): Resolution

REVIEWED BY: raw

RESOLUTION:

BE IT RESOLVED THAT the Lynchburg City Council approves the use of \$5000 of the Capital Improvement Program Community Park Investment Fund to match funding raised by the partner group Greater Lynchburg Off-Road Cyclists for a pump track in Peaks View Park.

Adopted:

Certified:

Clerk of Council

January 11, 2022



CITY COUNCIL AGENDA

City Council Meeting - 7:30 p.m.

Council Chamber | City Hall, 900 Church Street, Lynchburg, VA 24504

IV. Invocation *Councilmember Tweedy*

V. Recognitions *Ms. JoAnn Martin*

VI. Consent Agenda

- A)** Consideration of adopting Resolution #R-21-088 to amend the FY 2022 Schools Capital Fund budget and appropriate \$7,796,804 to fund infrastructure upgrades to City School facilities.
- B)** Consideration of adopting Resolution #R-21-089 to amend the FY 2022 City/Federal/State Aid Fund Budget and appropriating \$38,326 to purchase law enforcement equipment for the Police Department, Sheriff's Office, and Office of the Commonwealth's Attorney.
- C)** Consideration of adopting Resolution #R-21-090 to amend the FY 2022 City/Federal/State Aid Fund Budget and appropriate \$60,000 to purchase 75 replacement ballistic vests for law enforcement officers.
- D)** Consideration of adopting Resolution #R-21-091 amending the FY 2022 City/Federal/State Aid Fund budget and appropriate \$50,000 to study potential housing opportunities in the Dearington neighborhood.
- E)** Consideration of adopting Resolution #R-21-092 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$22,717 to provide rapid emergency relief to safely reopen libraries, promote digital inclusion, and support library services that meet the needs of the community.
- F)** Consideration of adopting Resolution #R-21-093 to amend the FY 2022 City/Federal/State Aid Fund Budget and appropriate \$636 to purchase tennis equipment for the youth tennis programs.

January 11, 2022

G) Consideration of adopting Resolution #R-21-094 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$84,000 to fund equipment for the Fire Department Technical Rescue Team.

H) Consideration of approving the minutes from September 28, 2021.

I) Consideration of approving the minutes from October 12, 2021.

J) Consideration of approving the minutes from October 26, 2021.

VII. Public Hearing

7) Consideration of adopting Resolution #R-22-___ approving the goals of the CDBG and HOME Programs for the Program Year 2022 Annual Action Plan.

VIII. Public Comment

**Public Comment Addendum will be posted separately after the citizen sign-up deadline of Friday at noon preceding the Council meeting.*

IX. General Business

8) Consideration of adopting Resolution #R-22-___ approving the City of Lynchburg's 2022 Legislative Agenda.

RESOLUTION:

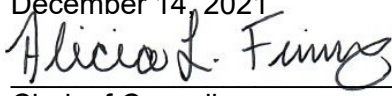
#R-21-088(a)

BE IT RESOLVED that the FY 2022 Schools Capital Fund budget is amended and \$7,796,804 is appropriated with resources from the Coronavirus Aid, Relief, and Economic Security (CARES) Act to fund infrastructure upgrades to City School facilities.

Introduced: December 14, 2021

Adopted: January 11, 2022

Certified:


Clerk of Council

RESOLUTION:

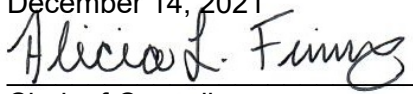
#R-21-089

BE IT RESOLVED that the FY 2022 City/Federal/State Aid Fund budget is amended and \$38,326 is appropriated with resources from the 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase law enforcement equipment for the Lynchburg Police Department and technology equipment for the Lynchburg Sheriff's Office and the Office of the Commonwealth's Attorney.

Introduced: December 14, 2021

Adopted: January 11, 2022

Certified:


Clerk of Council

RESOLUTION:

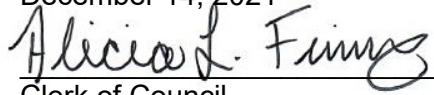
#R-21-090

BE IT RESOLVED that the FY 2022 City/Federal/State Aid Fund budget is amended and \$60,000 is appropriated with resources of \$30,000 from the Bulletproof Vest Partnership 2021 Grant Program and \$30,000 transferred from the FY 2022 General Fund Police Department (\$26,000) and Sheriff's Office (\$4,000) budgets to purchase 75 replacement bulletproof vests for law enforcement officers.

Introduced: December 14, 2021

Adopted: January 11, 2022

Certified:


Clerk of Council

RESOLUTION:

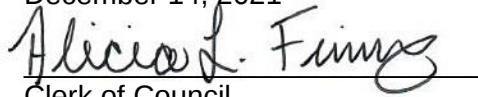
#R-21-091

BE IT RESOLVED that the FY 2022 City/Federal/State Aid Fund budget is amended and \$50,000 is appropriated with resources from the Virginia Housing Fiscal Year 2022 Community Impact Grant Program that will be used to identify housing opportunities in the Dearington neighborhood.

Introduced: December 14, 2021

Adopted: January 11, 2022

Certified:


Clerk of Council

RESOLUTION:

#R-21-092

BE IT RESOLVED that the FY 2022 City/Federal/State Aid Fund Budget is amended and \$22,717 is appropriated with resources from the American Rescue Plan Act (ARPS) Institute of Museum and Library Services (IMLS) Sub-grant from the Library of Virginia to the Lynchburg Public Library to provide rapid emergency relief to safely reopen libraries, promote digital inclusion, and support library services that meet the needs of the community.

Introduced: December 14, 2021

Adopted: January 11, 2022

Certified:


Clerk of Council

RESOLUTION:

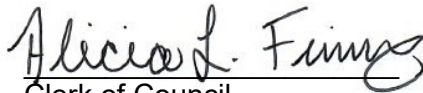
#R-21-093

BE IT RESOLVED that the FY 2022 City/Federal/State Aid Fund Budget is amended and \$636 is appropriated with resources from the United States Tennis Association for the Lynchburg Parks and Recreation Department to purchase tennis equipment for the youth tennis programs.

Introduced: December 14, 2021

Adopted: January 11, 2022

Certified:


Clerk of Council

RESOLUTION:

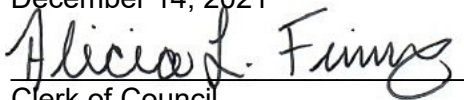
#R-21-094

BE IT RESOLVED that the FY 2022 City/Federal/State Aid Fund budget is amended and \$84,000 is appropriated with resources of \$84,000 from the 2021 State Homeland Security Program (SHSP) grant from U.S. Department of Homeland Security (DHS) to fund equipment for the Fire Department Technical Rescue Team.

Introduced: December 14, 2021

Adopted: January 11, 2022

Certified:


Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 28th day of September, 2021, at 4:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy,	
Sterling A. Wilder, Chris Faraldi	7
Absent:	0

// In the matter of the City Manager's Office, Agenda Item #1, City Manager Mr. Wynter C. Benda walked through the items for the night's work session, and introduced the new Director of Human Resources, Ms. Michelle Jackson.

// In the matter of Parks and Recreation, Agenda Item #2, Ms. Jenny Jones presented the initial findings of the Parks and Recreation Needs Assessment and Comprehensive Park Master Plan. The goal of this effort is to collaborate with the Lynchburg community through the community engagement process to design Lynchburg's parks, trail and facilities of the future and identify project priorities and potential funding mechanisms. Community engagement is key to developing a great recreation, parks and trail master plan. To date, engagement on the plan has involved conversations with individual City leaders, City Council and staff interviews, focus groups, stakeholder meetings, "pop-up" events, park and trail tours, public meetings and on-line engagements and survey questionnaires.

Mr. Will Hager, Associate Vice President of Lose Design, and Ms. Barbara Heller, subcontractor with BerryDunn, presented the initial findings of the community engagement portion of the Lynchburg Parks and Recreation Department Needs Assessment. The report included initial findings regarding benchmarking, level of service, park service gap analysis, connectivity analysis, recreation programming, cost recovery, health equity and financial analysis. The final plan draft will be presented later this winter.

Councilmember Faraldi asked Mr. Hager how the obesity and physical inactivity are measured to warrant a rating of "relatively high" in Lynchburg; he responded that this rating was calculated by comparing Lynchburg to state and national figures. Councilmember Faraldi asked if the Whitewater Park idea came from Amherst County or through the community; he replied that this first came through by community input, but then realized through the collection of data that there was a regional effort. Councilmember Faraldi stated that Windsor Hills and Leesville Road have a substantial private park in the area that is used a lot. He wanted to know if the study took into account other private assets within the city to help the park desert scenario. Mr. Hager replied that they consider private assets differently since they are beyond the city's control. They could be a good supplement; however, they should be reviewed on a case-by-case basis. Councilmember Faraldi asked city staff to consider working with private partners to allow for programming in park deserts. Councilmember Faraldi asked staff to explain the comments "compared to other agencies, fewer staff and funding" and what that means from a proper staffing point within the department. Ms. Heller responded that staffing levels for Lynchburg trend low. Councilmember Faraldi requested that staff be mindful of other parks and amenities in the region and asked staff to be strategic in the planning of future park development.

Councilmember Nelson stated that the facilities seem understated. For example, the city has football fields, yet the report states that there are zero. Mr. Hager replied that the inventory reported are for publicly held and dedicated facilities. Lynchburg has the issue that some fields are cross-programmed with other sports.

Councilmember Helgeson stated that he would be in favor of focusing on trails and other amenities that do not require recurring costs.

Councilmember Tweedy asked staff to consider how the city's parks and trails further create an economic flow.

// In the matter of Water Resources, Agenda Item #3, Mr. Tim Mitchell, Director of Water Resources, presented the Lynchburg Water Resources 20 Year Capital Improvement Plan. Water and sewer utilities are very complex and capital intensive. Capital programs must not only address the needs of aging infrastructure but also address future needs associated with growth, development, and community sustainability while meeting ever increasing regulatory demands. Historically, the department has developed a five-year capital improvement program and financial projection. However, given the increasing needs and demands, a longer capital horizon must be considered in order to adequately and affordably address system needs. The department has a number of ongoing efforts to better plan for future needs including: the development of a Water System Master Plan, an update of the Solids Master Plan for the Water Resource Recovery Facility, and the development of an Unsewered Area Master Plan. The presentation provided an overview of the needs and priorities of the Water, Sewer, and Stormwater funds and discussed the fiscal impacts of those needs. Dr. Reid A. Wodicka, Deputy City Manager, reiterated that the presentation is for information only and staff are not requesting Council action at this time.

Several Councilmembers asked Mr. Mitchell to elaborate on the significance of the grading scale, specifically what determines the grade received. Mr. Mitchell replied that the grading scale is subjective but is based upon a certain criteria staff use to assess the condition. The scale does take into consideration the age of every portion of each system as a collective unit.

Councilmember Faraldi stated that overall this is a need for the city, however, he requested staff to leverage all the federal and state money currently available to offset costs so as to not increase more fees and taxes on the citizens.

// In the matter of Planning, Agenda Item #4(a), Ms. Eve Mergenthaler, Planner I, briefed Council on a petition that will appear for City Council vote on the October 12, 2021 Public Hearing section. Doyle Allen of Hurt & Proffitt, Inc., on behalf of DBI Capital Group, LLC, is petitioning to vacate an unopened portion of Manassas Street right-of-way, located between Confederate Avenue and South Street (formerly Valley Street). The right-of-way vacation is proposed as part of the Townes at Locust Thicket subdivision. The total area of the proposed vacation is approximately nine tenths (0.9) of an acre. The area to be vacated includes unimproved, wooded land. The vacation would not impact vehicle or pedestrian access. Based

on the zoning of the adjacent lots and property frontage, the value of the property is anticipated to be approximately \$27,000.00.

// In the matter of Planning, Agenda Item #4(b), Ms. Eve Mergenthaler, Planner I, briefed Council on a petition that will appear for City Council vote on the October 12, 2021 Public Hearing section. Doyle Allen of Hurt & Proffitt, Inc., on behalf of DBI Capital Group, LLC, is petitioning to vacate the unopened Poindexter Street right-of-way, located off of Confederate Avenue. The right-of-way vacation is proposed as part of the Townes at Locust Thicket subdivision. The total area of the proposed vacation is approximately seven hundred twenty-eight thousandths (0.728) of an acre. The area to be vacated includes unimproved, wooded land and a storm water drainage easement. The vacation would not impact vehicle or pedestrian access. Based on the zoning of the adjacent lots and property frontage, the value of the property is anticipated to be approximately \$21,800.00.

// In the matter of Finance, Agenda Item #4(c), Mr. Reid Lanham, Accounting Manager, briefed Council on FY 2021 Fourth Quarter and FY 2022 First Quarter Adjustments. This item will appear for City Council vote on the September 28, 2021 General Business section. Fourth Quarter adjustments include adjustments that need to be recorded for the fiscal year end. For FY 2021 adjustments include a correction to the Vehicle Capital Charge, adjust grants to actuals, account for additional revenues received for Children's Services Act Fund services and utilize the Snow and Ice Reserve to refill the salt barns. First Quarter adjustments include amendments to the FY 2022 Adopted Budget to allow CARES funds to be swapped for public safety payroll to fund facility retrofits, the demolition budget to be replenished, funds carried forward by Fire, Police, Human Resources, Parks and Recreation and the Registrar to fund initiatives not included in the budget, and allow the Sheriff's Office to appropriate additional State funds to provide a bonus approved by the General Assembly. Also included is the June 2000 Council approved Information Technology funds transfer, adjust grants to actuals including the Community Development Block Grant, the appropriation of Forfeited Assets by the Commonwealth's Attorney and the Police Department, additional projects to be completed through the Technology Fund, adjust VDOT funding to actuals, appropriate cell tower funds in the Schools Capital Projects Fund, and appropriate Fleet Services funds to replace equipment. Additional Poverty Initiative funds were not adopted in FY 2022. However, with the approval to carry forward the remaining balance Council will need to approve the resolution for the funds to only be spent with the majority vote of City Council.

// In the matter of Roll Call, Agenda Item #5, Councilmembers Nelson, Tweedy, and Helgeson had no items. Councilmember Faraldi commented that today was National Register to Vote Day; he commended the Lynchburg Fire Department on their mutual aid efforts in Campbell County; he asked staff to provide some feedback on the delays occurring in construction on Main Street. Councilmember Wilder commented that there will be a job fairs at both Diamond Hill Baptist Church and Frito Lay on October 2, 2021. Vice Mayor Wright commended the Department of Parks and Recreation on the completion of the Yoder and Fairview Heights Centers; congratulated the organizers of the 2021 Moore & Giles Virginia 4+10 Miler; and announced that Art Alley, located on 11th Street between Commerce Street and the

Bluffwalk, will be opening on October 1, 2021. Mayor Dolan announced that the City of Lynchburg's Public Works Department will be conducting its household hazardous waste and electronic recycling collection; she made a few announcements regarding the Parks and Recreation department; she congratulated those that participated in the Moore & Giles Virginia 4+/10 Miler, including 55 City employees who participated in the run; and she asked citizens to continue wearing face masks, practice social distancing, and consider getting the COVID-19 vaccination if they have not already done so.

// The meeting was recessed at 5:56 p.m.

// City Council reconvened the meeting at 7:30 p.m. The following members were present:

Present: MaryJane Dolan, Beau Wright, Jeff S. Helgeson, J. Randy Nelson, Treney Tweedy,
Sterling A. Wilder, Chris Faraldi 7

Absent: 0

Vice Mayor Wright gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, the Mayor proclaimed the week of October 3 – 9, 2021 as Midwifery Week. Ms. Katie Page, CNM, FACNM, and Ms. Leslie Payne, CPM, were in attendance to accept.

Mayor Dolan also proclaimed the week of October 3 – 9, 2021 as Fire Prevention Week. Fire Chief Greg Wormser was in attendance to accept.

// In the matter of Consent Agenda Item (A), copies of the minutes of the April 13, 2021 meeting were pulled pending revisions.

// In the matter of Consent Agenda Item (B), copies of the minutes of the April 19, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Nelson, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the Consent Agenda Item (C), copies of the minutes of the April 20, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Nelson, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Community Development, Agenda Item #6, a public hearing was held and Council considered adopting Resolution #R-21-070 approving the submission of the Program Year 2020 (FY 2021) Consolidated Annual Performance and Evaluation Report (CAPER). Ms. Melva Walker, Grants Manager, provided Council with a summary of the request. The U.S. Department of Housing and Urban Development (HUD) requires each jurisdiction receiving HUD-administered grants (CDBG and HOME) to draft a CAPER and submit it for public review and comment. The CAPER describes the City's progress towards the housing and community development goals established within the 2020-2024 Consolidated Plan and the PY 2020 (FY 2021) Annual Action Plan. This CAPER is for the period of July 1, 2020

through June 30, 2021. With City Council's approval, the CAPER, including a summary of any public comments, will be submitted to the HUD Richmond Field Office for review to meet compliance regulations for the CDBG and HOME Program. A public notice was published in The News and Advance on Friday, September 10, 2021. At its February 11, 2020 meeting, City Council approved the Community Development Block Grant (CDBG) and HOME Program Housing and Non-housing Goals for the 2020-2024 Consolidated Plan and Program Year 2020 (FY 2021) Annual Action Plan. At its June 23, 2020 meeting, City Council approved the Program Year 2020 (FY 2021) Annual Action Plan.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Vice Mayor Wright asked Ms. Walker to provide some details on why Miriam's House expended such a low number of funds out of the entire grant allocation. Ms. Walker explained that they have a certain criterion they have to use in order to expend these funds, and they also had additional funding from other resources that needed to be expended.

Councilmember Tweedy stated that because she is an employee of one of the organizations receiving the funds, she will abstain from voting.

As Chair of Community Development Advisory Committee, Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Wilder, who also serves on the board.

With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Wilder, Faraldi	6
Noes:	0
Abstain: Tweedy	1

// In the matter of Public Comment (A), citizen Laura Hunter reached out to the Clerk of Council prior to the meeting to remove herself from the agenda.

// In the matter of the Economic Development Authority, Agenda Item #7, Council considered adopting Resolution #R-21-071 authorizing the issuance of up to \$275,000,000 in bonds through the Economic Development Authority of the City of Lynchburg for the benefit of Centra Health, Inc. Ms. Marjette Upshur, Director of Economic Development & Tourism, provided Council with a summary of the request. Centra has requested the Authority to issue its revenue bonds in an aggregate principal amount not to exceed \$275,000,000 (the "Bonds"), in one or more series, for the purpose of providing funds for (i) the acquisition, construction, developing and equipping of a new structure at Lynchburg General Hospital to improve and expand patient capacity, which also includes connectivity improvements to link the new structure with existing facilities, (ii) the construction of parking areas and connectivity improvements, (iii) the acquisition, construction developing and equipping of expansion of and improvement to the existing facilities and structures on the Lynchburg General Campus (b) pay certain expenses incurred in connection with the issuance of the Bonds, and the refinancing of previously-incurred debt that financed facilities in Lynchburg and other areas. The Economic Development Authority of the City of Lynchburg, in accordance with Federal and State law, serves as a conduit for the bonds and assumes no financial

responsibility or costs. The Economic Development Authority of the City of Lynchburg has conducted the requisite public hearing and adopted a resolution recommending that City Council authorize the bonds. The issuance of the bonds through the Economic Development Authority of the City places no obligation on the City.

Mayor Dolan disclosed that although she serves on the Centra Health Foundation Board of Directors, she has no personal interest in the outcome of this bond and therefore has no conflict of interest in this matter.

Councilmember Helgeson disclosed that his wife is a member of a group for employees of Centra Health, but he is able to vote on this matter objectively as well. He asked staff if there have been discussions with Centra to accept payment in lieu of taxes. Ms. Upshur replied that she does not know of any current discussions.

Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Nelson. With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Finance, Agenda Item #8, Council considered adopting Resolutions (#R-21-072, #R-21-073, and #R-21-074) regarding FY 2021 Fourth Quarter Adjustments and FY 2022 First Quarter Adjustments. Council was briefed on this item during its September 28, 2021 Work Session Business Item Briefing section. On motion of Councilmember Wilder, seconded by Vice Mayor Wright, Council conducted a first reading of Resolution #R-21-072 amending the FY 2021 Operating Budget and appropriating funds to reflect the FY 2021 Fourth Quarter Adjustments. With no discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

On motion of Councilmember Tweedy, seconded by Vice Mayor Wright, Council conducted a first reading of Resolution #R-21-073 amending the FY 2022 Operating Budget and Capital Budgets and appropriating or rescinding funds to reflect the FY 2022 First Quarter Adjustments.

Councilmember Nelson asked if the First Quarter Adjustments were CARES related, or if they were additional revenues from underestimating collections from taxes. Mr. Lanham replied that the majority is from CARES funding.

With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

On motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council adopted Resolution #R-21-074 stating that FY 2022 General Fund Non-Departmental Poverty Initiative funds may only be spent upon approval by a majority vote of City Council. Deputy City Manager Dr. Reid Wodicka

clarified at the request of Councilmember Helgeson that this motion is to only carryforward funds that were not used with the Poverty Initiative and that these funds are staying with this same project.

With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// The meeting adjourned at 8:07 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of October, 2021, at 4:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy,
Sterling A. Wilder, Chris Faraldi 7

Absent: 0

// In the matter of the City Manager's Office, Agenda Item #1, City Manager Wynter C. Benda walked Council through the Work Session agenda.

// In the matter of Economic Development & Tourism, Agenda Item #2, Ms. Marjette Upshur, Director of Economic Development & Tourism presented Council with the department's new brand campaign, *LYH Loves You*. As part of the implementation of the Blueprint for Opportunity, the department's five-year strategic plan, the Office of Economic Development & Tourism has developed a new brand campaign to promote the City of Lynchburg to businesses, visitors and talent. The campaign will also target residents to build awareness of City assets and community pride. Early in the pandemic, staff reached out to business and community stakeholders who offered that they needed 1) communication and information; 2) focus on key industries and local, placemaking businesses; and 3) positioning the city for talent attraction and investment. Staff worked through a steering committee, focus groups, a visioning workshop and surveys to develop the concept for the campaign. *LYH Loves You* revolves around the citizens, businesses and organizations of Lynchburg and their stories. From print to social to organic promotion, the goal of the campaign is to be a central, positive, engaging message with spokes that reach residents, talent, businesses and visitors to drive visitation, location and investment in the City. Several community leaders and stakeholders, known as Brand Ambassadors, were present at the meeting in support of this new campaign.

// In the matter of City Council – Elections, Agenda Item #3, Council received a presentation from City Attorney Matthew C. Freedman providing feedback on draft ordinances and resolutions that would revise City Council election dates. Changes in Virginia law have made it necessary to move councilmember elections from May to November. Given such changes, City Council should review multiple options to determine how it can comply with such changes in a manner which serves the best interests of the public. Such options include possible changes to councilmember terms, possible holdovers, and possible changes from even to odd year elections. At its September 14, 2021 meeting, Council discussed two possible draft ordinances associated with changes from May to November general election dates. City Council requested (i) one draft be removed (Option 2) that would have caused an extended office holdover (12 months or more) with a change to odd-year general elections, (ii) one draft return for discussion (Option 1 with corrections) that would meet the minimum standards required by Virginia law with elections remaining in even years, and (iii) that two potential charter amendment resolutions be presented for discussion (Option 3(A) & Option 3(B)) which would temporarily authorize three (3) or five

(5) year terms, respectively, create odd-year elections, and avoid extended holdovers greater than 6 months.

Vice Mayor Wright made the motion to approve Option 3 & 3(A), stating that this option makes the most sense of the options presented since Option (1) would align local elections with federal elections, and Option 3(B) of a 5-year super term would be unfair to Lynchburg's citizens. Councilmember Tweedy seconded the motion, stating that moving elections to odd years would ensure local elections are not overshadowed with federal elections and opting for a 3-year term instead of a 5-year term would sit better with constituents.

Councilmember Faraldi asked Mr. David Neumeyer, Chair of the Electoral Board, who was in attendance to comment on the intent of the bill passed at the General Assembly. Mr. Neumeyer replied that he believes the intent was to maximize voter turnout for local elections by aligning them with federal elections. Councilmember Faraldi stated that he does not believe that City Council should decide when local elections are held since this legislation came from the state. The intent of the bill was to increase voter turnout and holding local elections in odd years, in his opinion, would not increase voter turnout.

Councilmember Helgeson stated that in order to change elections to odd years, City Council will have to ask the General Assembly to change Lynchburg's charter. He sees this as an unnecessary change when the charter currently states that its elections will occur in even years. He is in support of Option 1 which would not change the election years or the term-lengths of Councilmembers and effectively leave the charter unchanged, so he is not in support of the motion.

Councilmember Wilder stated he is in favor of the motion because he believes that local elections, and subsequently local issues, would get lost in the federal election cycle.

Councilmember Faraldi stated for the record that it is his intention to stay impartial on this matter given his responsibilities as Delegate Wendall Walker's employee.

Mayor Dolan stated that holding local elections in odd years would provide for a more informed voter to local issues and feels comfortable supporting the motion that supports informed voters going to the poll versus one that will merely increase voter turnout.

With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder	5
Noes: Helgeson, Faraldi	2

After the vote, Council came to a consensus that directed Mr. Freedman to prepare the resolution without naming a sponsor for the charter change.

// On motion of Councilmember Wilder, seconded by Vice Mayor Wright, Council, by the following recorded vote, elected to hold a closed meeting to discuss the appointments to the following Boards and Commissions: Lynchburg Redevelopment & Housing Authority, Social Services Advisory Board, Transit Company Board of Directors, and Youth Services Citizens Board pursuant to Section 2.2-3711(A.)(1) of

the Code of Virginia, 1950, as amended. With no discussion from Council, the following vote was recorded:

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:		0

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Wilder, and Council, by the following recorded vote, adopted the motion:

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:		0

// On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote appointed the following members to the respective boards and commissions:

Lynchburg Redevelopment & Housing Authority (LRHA): there were no appointments made at this time. Council elected to have Mr. Turner Perrow, whose term expired on September 30, 2021, holdover his membership until the LRHA could close on a pending bond.

Social Services Advisory Board: Mr. Gregory Robey – appointed to a new 4-year term effectively immediately and expiring on September 30, 2025.

Transit Company Board of Directors: – Ms. Mary-Winston Deacon – reappointed to a 3-year term expiring October 31, 2024; Ms. Cameron Howe – reappointed to a 3-year term expiring October 31, 2024; Ms. Holly Trent – appointed to an unexpired term effective immediately and expiring on October 31, 2022; Mr. Randy Woods – appointed to a new 3-year term effective immediately and expiring on October 31, 2024.

Youth Service Citizens Board: Dr. Caroline Wilson – appointed to an unexpired term effective immediately and expiring on June 30, 2022; Ms. Krystal Grant – appointed to a new 3-year term effectively immediately and expiring June 30, 2024; Miss Kori Randolph – appointed to a new 1-year youth membership term effective immediately and expiring on June 30, 2022.

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:		0

// In the matter of Roll Call, Agenda Item #5, Councilmember Nelson had on items. Councilmember Tweedy asked City Manager Mr. Wynter Benda to address a citizen concern that she would relay the details of in an email. Councilmember Helgeson asked to reconsider how City Council handles the fund balance returns from the Lynchburg City Schools in general, but also as a way to address compression issues in the police department. Councilmember Faraldi announced it was Police Week and commented on the events honoring the department; he asked for an update on refuse collection and the delays that have been happening with the new collection schedule; he commented that the deadline to register to vote is today. Councilmember Wilder commented on a fire fighters memorial service that was held the past weekend; he commented on a breast cancer awareness event hosted by Lynchburg City Schools; he commented on the grand reopening for the Yoder Center; he stated that he and Clerk of Council Ms. Alicia L. Finney recently graduated from Citizens Police Academy and commended the department for a great program; he asked the City Manager to look at the compression issues for all hard-to-fill positions across the City; he also requested a joint meeting with the LCS School Board. Vice Mayor Wright had no items. Mayor Dolan thanked City Manager Mr. Wynter Benda and Deputy City Manager Dr. Reid A. Wodicka for working diligently to restore power to several street lights within the city.

// The meeting was recessed at 5:25 p.m.

// City Council reconvened the meeting at 7:30 p.m. The following members were present:

Present: MaryJane Dolan, Beau Wright, Jeff S. Helgeson, J. Randy Nelson, Treney Tweedy,
Sterling A. Wilder, Chris Faraldi 7

Absent: 0

Councilmember Tweedy gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Dolan proclaimed the month of October as Domestic Violence Awareness Month. Ms. Stephanie Andrews, YWCA, Chief Executive Officer, Pro Tem, was in attendance to accept the proclamation.

Mayor Dolan also proclaimed October 13 – 17, 2021 as National Police Week. Police Chief Ryan Zuidema was in attendance to accept the proclamation.

// In the matter of the Consent Agenda Item (A), Council conducted a second reading of Resolution #R-21-072 amending the FY 2021 Operating Budget and appropriating funds to reflect the FY 2021 Fourth Quarter Adjustments. Councilmember Helgeson asked staff if the second reading could be tabled so that staff could prepare a proposal on how to use these funds to address compression issues in public safety. Deputy City Manager Dr. Reid A. Wodicka replied that these funds are nonrecurring funds and staff would not suggest these be used for salaries. On motion of Councilmember Wilder, seconded by Councilmember Tweedy, Council by the following recorded vote approved the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the Consent Agenda Item (B), Council conducted a second reading and adopted Resolution #R-21-073 amending the FY 2022 Operating Budget and Capital Budgets and appropriating or

rescinding funds to reflect the FY 2022 First Quarter Adjustments. On motion of Councilmember Wilder, seconded by Councilmember Tweedy, Council by the following recorded vote approved the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the Consent Agenda Item (C), copies of the minutes of the May 25, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the Consent Agenda Item (D), copies of the minutes of the June 2, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the Consent Agenda Item (E), copies of the minutes of the June 8, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the Consent Agenda Item (F), copies of the minutes of the June 22, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the Consent Agenda Item (G), copies of the minutes of the June 23, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Planning, Agenda Item #6, a public hearing was held to receive citizen input on the adoption of Ordinance #O-21-075 approving the right-of-way vacation of a portion of Manassas Street. This item was presented to City Council at the September 28, 2021 meeting under Business Item Briefings.

Mr. Doyle Allen with Hurt & Proffitt was in attendance to provide Council with a presentation in favor of the petition.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Vice Mayor Wright made the motion to approve the ordinance, seconded by Councilmember Wilder. With no discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Planning, Agenda Item #7, a public hearing was held to receive citizen input on the adoption of Ordinance #O-21-076 approving the right-of-way vacation of Pointdexter Street. This item was presented to City Council at the September 28, 2021 meeting under Business Item Briefings.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Vice Mayor Wright made the motion to approve the ordinance, seconded by Councilmember Tweedy. With no discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// The meeting adjourned at 7:53 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 26th day of October, 2021, at 4:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

Present: MaryJane Dolan, Beau Wright, J. Randy Nelson, Treney Tweedy, Sterling A. Wilder,
Chris Faraldi 6

Absent: Jeff Helgeson 1

// In the matter of the City Manager's Office, Agenda Item #1, City Manager Wynter C. Benda walked Council through the Work Session agenda.

// In the matter of the City Manager's Office, Agenda Item #2, City Manager Wynter C. Benda reviewed the 2022 Legislative Agenda. Mr. Benda identified the top 3 priorities as: specific action to revise Emergency Custody Order/Temporary Detention Order (ECO/TDO) legislation; reversion of the Virginia Department of Transportation Revenue Sharing program schedule to pre-COVID practices to better reflect the City's needs; City Charter Changes relating to City Council elections schedules.

Councilmember Faraldi asked Police Chief Mr. Ryan Zuidema how revising the ECO/TDO legislation would affect staffing issues. Chief Zuidema replied that it is not uncommon to have 3-7 police officers on any given shift be tied up for the duration of their shift sitting with mental health patients, leaving very few officers available to patrol the city. By law, the department is mandated to respond to these calls, so it's imperative that this piece be in the legislative agenda. Councilmember Faraldi posed to Council the idea of writing a joint letter in support of this item.

Councilmember Tweedy asked that Lynchburg's delegates be briefed on this item so as to better understand the importance of this request is to the city.

Councilmember Nelson stated that in the past, a police officer's involvement was limited and they would not have been sitting with a mental health patient because the hospital security protected the patient. He asked what caused the disqualification of hospital security and made a sworn police officer do sit with patients instead. Chief Zuidema stated that one of the causes was a liability issue dealing with patients with a court order.

In regards to the rest of the Legislative Agenda, Councilmember Faraldi asked for the following revisions be made to the document:

- Alter the language regarding Transportation to reflect the many needs of the city.
- Include language describing the intent of the charter change, which is to move local elections off of the federal election cycle, as opposed to a technical change

// In the matter of City Council - Elections, Agenda Item #3(a), City Attorney Mr. Matthew Freedman briefed Council on its options for addressing the recent legislation adopted during the 2021 session of the General Assembly which will move City Council elections from May to November beginning in 2022. On October 12, 2021, City Council chose to 1) seek a charter amendment to create one-time three (3) year terms for the November 2022 Councilmember elections and create one-time three (3) year terms for the November 2024 Councilmember elections, revert back to four (4) year terms thereafter, and hold odd

year November elections thereafter; and 2) adopt an uncodified ordinance to ensure the standards of the Virginia Department of Elections are met and that the req(s). of Va. Code § 15.2-1400 are met while the said charter amendment is sought. A public hearing regarding the proposed charter amendment will be held on November 9, 2021.

// In the matter of Public Works, Agenda Item #3(b), Ms. Gaynelle Hart, Director of Public Works, briefed Council on a grant awarded from the Department of Forestry to assist with response to the infestation of Spotted Lanternfly. This item will appear for City Council vote on the November 9, 2021, General Business. Spotted Lanternfly (SLF) is an invasive planthopper insect first detected in the United States in Pennsylvania in 2014. As of July 2021, SLF is present in 15 states and has infestation-level populations in 9 states, including Virginia. Frederick County and Winchester City have been under State quarantine for SLF since 2019. Warren and Clark Counties were quarantined in March of 2021. When traveling out of quarantined area businesses are required to obtain a permit as well as inspect vehicles, trailers and loads to prevent the spread of the insect. The Virginia Department of Agriculture and Consumer Services (VDACS) found an isolated population in Lynchburg on June 4, 2021.

The insect poses a threat to both the agriculture and landscape industry including trees on City right-of-way and parks. It produces a sticky "honey dew" that covers cars, decks and sheds and often results in the decline of infested trees. They feed in clusters that look unseemly and disturbing and have the potential to be a nuisance to homeowners when present in high numbers. Potential impacts to City operations include: requirement to educate employees on SLF on how to stop the spread; additional equipment inspections, especially for vehicles traveling beyond the City limits; increased call volume from citizens complaining about the SLF on City owned properties as well as inquiring about how to stop the spread and insect treatment on City trees.

The City has been awarded a grant in the amount of \$20,000 from the Virginia Department of Forestry to hire an hourly employee to assist with providing a comprehensive response to the Spotted Lanternfly infestation that includes treatment and eradication of SLF on City- owned property along with training staff and citizen education and outreach. Funds in the FY 2022 Public Works Department General fund budget will be used to provide the match.

Vice Mayor Wright asked for clarification on whether the City is under quarantine at this point or if this is just to accept the grant. Ms. Hart replied that this is just to accept the grant and explained under Virginia State Code Section § 3.2-703, the Virginia Department of Agriculture and Consumer Services has the authority to place localities under quarantine and controlling the SLF issue will help the city to not go into quarantine.

// In the matter of Planning, Agenda Item #3(c), City Planner Mr. Tom Martin briefed Council on a petition for a Conditional Use Permit to allow the construction of an oil change facility at 8209 & 8213 Timberlake Road. Quick Lube of Carolina is petitioning for a CUP to allow the construction of an oil change facility in a B-3, Community Business District. The subject property is two (2) tracts of approximately ninety-seven hundredths (.97) acres located at 8209 & 8213 Timberlake Road. The property borders the City boundary

line with Campbell County. The Planning Commission recommended approval (6-0, with 1 member absent, Bowden) of the CUP petition. This item will come before City Council for action at its November 9, 2021, Public Hearing meeting.

Councilmember Faraldi stated that he is not opposed to the use of the land in this CUP, however, this area continues to be subject to heavy congestion and he asked Council to be mindful of how each development of this part of town impacts the city.

// In the matter of Planning, Agenda Item #3(d), City Planner Mr. Tom Martin briefed Council on a rezoning petition. Stud Muffins, LLC is petitioning to rezone 1619, 1701 12th Street & 1114 Buchanan Street from I-2, Light Industrial District, B-5, General Business District & R-3, Medium Density Residential District to B-4, Urban Commercial District. If approved the existing building would be renovated into twenty-four apartments with associated parking. The Planning Commission recommended approval (6-0, with 1 member absent, Bowden) of the rezoning petition. This item will come before City Council for action at its November 9, 2021, Public Hearing meeting.

// In the matter of Economic Development, Agenda Item #3(e), Ms. Marjette Upshur, Director of Economic Development & Tourism, briefed Council on a sale of City-owned property at 317 Hancock Street. The City-owned property at 317 Hancock Street is a vacant lot totaling approximately ninety-eight hundredths (0.98) of an acre. The City has owned the property since 1997 and the current assessed value is \$45,000. The City advertised this property as being for sale with signage at the site, a listing through the Multiple Listing Service (MLS) since May 26, 2021 and by notice of public hearing. The City received an offer from Calfee & Hansen, LLC to purchase the property for the sum of \$39,000 subject to a soil, site, engineering, and/or environmental studies to determine the suitability of the Property for the Purchaser's intended use. The Purchaser's intent is to build a Commercial/Residential development as permitted under the existing Zoning and Historical District regulations. This item will come before City Council for action at its November 9, 2021, Public Hearing meeting.

Mr. Matthew Freedman, City Attorney, clarified that the approving document that will be included in the packet during this item's public hearing will be in the form of an ordinance and it will require two readings.

// In the matter of Roll Call, Agenda Item #4, Councilmembers Nelson, Tweedy, and Faraldi had no items. Councilmember Wilder commended the Fire Department for responding to a fire on Cabell Street; he asked staff to provide information regarding several gunshots that were fired in the downtown area. Vice Mayor Wright had no items. Mayor Dolan announced that the Economic Development & Tourism Department has partnered with JobsEQ to bring Lynchburg job seekers a Real-Time Intelligence view of the Lynchburg region's hiring landscape.

// There was a general consensus from City Council to amend its agenda and move Agenda Item #8 regarding a closed session before Council recessed from its Work Session. On motion of Councilmember Wilder, seconded by Vice Mayor Wright, Council, by the following recorded vote, elected to hold a closed meeting to discuss the appointment of a city employee to the Board of Directors of the Region 2000

October 26, 2021

4

Services Authority, and; to discuss a City franchise which will potentially dispose of City real estate by lease to Freedom Aviation, Inc., an affiliate of Liberty University pursuant to Sections 2.2-3711(A.)(1) and 2.2-3711(A.)(3) of the Code of Virginia, 1950, as amended. pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia, as amended.

With no discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder, Faraldi	6
Noes:	0
Absent: Helgeson	1

Councilmember Helgeson joined the closed session shortly after the vote was recorded.

// The meeting was reopened to the public.

// Councilmember Wilder made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Vice Mayor Wright, and Council, by the following recorded vote, adopted the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:	0

// On motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council by the following recorded vote adopted Resolution #R-21-077 retroactively appointing Dr. Reid A. Wodicka to the Region 2000 Services Authority for a term beginning on September 8, 2020 and expiring on June 30, 2022.

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:	0

// The meeting recessed at 5:16 p.m.

// City Council reconvened the meeting at 7:30 p.m. The following members were present:

Present: MaryJane Dolan, Beau Wright, Jeff S. Helgeson, J. Randy Nelson, Treney Tweedy, Sterling A. Wilder, Chris Faraldi	7
Absent:	0

Councilmember Wilder gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of the Consent Agenda Item (A), copies of the minutes of the April 13, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Wilder, seconded by Councilmember Tweedy, Council by the following recorded vote approved the minutes as presented:

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:		0

// In the matter of the Consent Agenda Item (B), copies of the minutes of the June 29, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Wilder, seconded by Councilmember Tweedy, Council by the following recorded vote approved the minutes as presented:

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:		0

// In the matter of the Consent Agenda Item (C), copies of the minutes of the July 13, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Wilder, seconded by Councilmember Tweedy, Council by the following recorded vote approved the minutes as presented:

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:		0

// In the matter of the Fire Department, Agenda Item #5, Council considered approving Resolution #R-21-078 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$15,300 to purchase laptops carried on EMS apparatus for the Fire Department. Fire Chief Greg Wormser provided Council with a summary of the request. The Virginia Office of Emergency Medical Services (EMS) awards grant funding to EMS agencies for the purpose of obtaining and maintaining emergency vehicles and equipment; providing EMS management, leadership, and advanced life support training; and achieving other goals that support the enhancement of community EMS services. As a result of the statewide contract change to ESO Electronic Health Record (EHR) reporting software, the Fire Department has been awarded RSAF grant funds to replace the remaining cache of Microsoft Surface Pro reporting tablets with Dell Latitude 5420 Rugged laptops. The grant requires a local match. The Fire Department applied and was awarded funds under a 50/50 match. With a total cost of \$15,300, the required local match is \$7,650. The match will be funded from the FY 2022 General Fund Fire Department budget.

At its October 26, 2021 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:		0

// In the matter of the Police Department, Agenda Item #6, Council considered approving Resolution #R-21-079 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$26,250 to facilitate speed enforcement activities. Police Chief Ryan Zuidema provided Council with a summary of the request. The Department of Motor Vehicles Highway Safety Program has awarded the City a \$17,500 grant for speed enforcement activities. The grant excludes reimbursement of Medicare and Social

Security benefit costs associated with the allotted overtime; however, funding of \$1,339 is available for transfer from the FY 2022 Police Department General Fund budget to cover this expense. The grant agreement includes an in-kind match of \$7,411 in police equipment and services from the department's fuel and vehicle maintenance services budget.

At its October 26, 2021 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the Police Department, Agenda Item #7, Council considered approving the Resolution #R-21-080 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$58,785 to facilitate selective enforcement activities, equipment, and training. Police Chief Ryan Zuidema provided Council with a summary of the request. The Department of Motor Vehicles (DMV) Highway Safety Program has awarded the City a \$39,190 for selective DUI activities, alcohol testing equipment, and annual DMV grant-related training. The grant excludes reimbursement of Medicare and Social Security benefit costs associated with the allotted overtime; however, funding of \$2,678 is available for transfer from the FY 2022 General Fund Police Department budget to cover this expense. The grant agreement includes an in-kind match of \$16,917 in police equipment and services from the department's fuel and vehicle maintenance services budget.

At its October 26, 2021 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// The meeting adjourned at 7:36 p.m.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 11, 2022**

AGENDA ITEM #: **7**

REGULAR: **X**
ACTION: **X**

WORK SESSION:
INFORMATION:

CLOSED SESSION (Confidential):

ITEM TITLE: Community Development Block Grant (CDBG) and HOME Programs – Housing and Non-Housing Goals for the Fiscal Year 2023 (Program Year 2022) Annual Action Plan

RECOMMENDATION: Conduct a public hearing to receive public comments regarding the goals for the development of the Fiscal Year 2023 (Program Year 2022) Annual Action Plan and adopt a resolution approving the goals.

SUMMARY: The U. S. Department of Housing and Urban Development (HUD) requires state and local governments which receive federal community development funds, to prepare a Consolidated Plan. The Consolidated Plan for Lynchburg was approved in June 2020 and covers the period from July 1, 2020 through June 30, 2024. This plan outlines the City's needs, goals, and objectives for community development (both housing and non-housing areas). HUD requires Community Development Block Grant (CDBG) and HOME Program entitlement communities to review these goals on an annual basis. City Council is seeking the input of citizens and other interested parties regarding the approved goals. A 15-day public comment period to receive citizen input regarding these goals was initiated on December 27, 2021 through a legal notice published in *The News and Advance*.

PRIOR ACTION(S): January 12, 2021: City Council review and approval of the 2020-2024 Consolidated Plan Goals for the Fiscal Year 2023 (Program year 2022) Annual Action Plan
February 11, 2020: City Council Adoption of 2020-2024 Consolidated Plan Goals

FISCAL IMPACT: To be determined through Federal CDBG and HOME funding allocations.

CONTACT(S): Melva Walker, Grants Manager, 455-3916;
Kent White, Director of Community Development - 455-3900

ATTACHMENT(S):

- Resolution
- Proposed Consolidated Plan Goals for the Fiscal Year 2023 (Program Year 2022) Annual Action Plan

REVIEWED BY: MMB WCB

007A

RESOLUTION:

BE IT RESOLVED that City Council approves the Community Development Block Grant (CDBG) and HOME Program goals for Fiscal Year 2023 (Program Year 2022) Annual Action Plan.

Adopted:

Certified:

Clerk of Council

2020-2024 CONSOLIDATED PLAN and **2022-2023 Annual Action Plan (FY 2023) Goals**

The goals listed below are intended to provide broad guidance in the allocation of Community Development Block Grant (CDBG) and HOME Program funds granted to the City by the United States Department of Housing and Urban Development for the five years beginning July 1, 2020 and ending June 30, 2025. The Community Development Advisory Committee (CDAC) supports the allocation of funds to achieve measurable results for both housing and non-housing goals.

The primary objective of the CDBG and HOME Program is to continue to develop viable urban communities through decent housing, suitable living environments and expanded economic opportunities for low- and moderate-income persons; the City of Lynchburg supports assisting individuals with disabilities, substance abuse or addiction, persons with AIDS, persons that are homeless, and elderly persons.

HOUSING GOALS

- Support initiatives to increase permanent affordable housing in the rental markets. Increase the number of owner-occupied units. Emphasis to be placed on mixed income and inclusive communities.
- Support the preservation of affordable housing in both the rental and sales markets, including the rehabilitation of substandard housing.
- Support efforts for the identification and remediation of rental housing in substandard conditions.

NON-HOUSING GOALS

- Support the improvements to public facilities and infrastructure.
- Support efforts for the removal and redevelopment of dilapidated and condemned structures to eliminate neighborhood deterioration, blight and blighting influences.
- Support neighborhood partnerships that facilitate self-sufficiency and enable families and individuals to maintain their housing, remain in their neighborhoods, and age in place.
- Support efforts that align with the goals of the *City's Blueprint for Opportunity: Building Tomorrow's City of Lynchburg 2019-2023* to improve the economic base, job skills, and health of the community.
- Promote public service activities which support the healthy development of the City's at-risk youth, adults, and families.
- Support efforts to develop, sustain, and coordinate a comprehensive, seamless system of services for homeless citizens in order to move the homeless population toward obtaining permanent housing.
- Support efforts to remove barriers to escape poverty and strengthen low-income households and families.

Prepared by the Community Development Advisory Committee: January 15, 2020

Adopted by City Council: February 11, 2020

Adopted by City Council: January 11, 2021

RESOLUTION:

#R-22-002

BE IT RESOLVED that City Council approves the Community Development Block Grant (CDBG) and HOME Program goals for Fiscal Year 2023 (Program Year 2022) Annual Action Plan.

Adopted: January 11, 2022

Certified:

A handwritten signature in black ink, reading "Alicia L. Frings". The signature is written in a cursive style with a large, stylized "F".

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 11, 2022**

AGENDA ITEM #: **8**

REGULAR: **X**
ACTION: **X**

WORK SESSION:
INFORMATION:

CLOSED SESSION (Confidential):

ITEM TITLE: Draft 2022 General Assembly Legislative Agenda

RECOMMENDATION: To adopt a resolution adopting the 2022 Legislative Agenda and directing the Clerk of Council to forward it to the City's General Assembly delegation for information and action, as appropriate.

SUMMARY: Each year, City Council reviews and updates its legislative agenda in preparation for the Virginia General Assembly Session. Attached is an annotated copy of the adopted 2021 Legislative Agenda with suggested revisions from City staff for 2022. Staff requests City Council's input on the draft revisions so that a final copy will be ready for adoption at a subsequent City Council Meeting.

On November 9, 2021, city staff presented the Legislative Agenda to City Council and received their feedback/input. On November 16, 2021, City Council then hosted a legislative dinner and invited Lynchburg's local delegation and Virginia First Cities' executive director and staff to give their insights on the Legislative Agenda and impending 2022 Virginia General Assembly. Meanwhile, throughout this same time period, city staff also asked Lynchburg residents to submit their feedback/input to the City Clerk.

On December 14, 2021, city staff styled the Legislative Agenda for City Council's vote which resulted in a denial to adopt. Subsequent to this vote, City Council then asked city staff to position the Legislative Agenda for their January 11, 2022 work session and formal docket.

The following is a summary of City Council and/or public feedback to date:

I. Addition to the document:

When the state experiences or anticipates a budget surplus, due to either increased revenues or reduced expenditures, it should relieve localities of funding responsibilities that have been shifted to them for state mandated/locally delivered services. *The city will follow this example and in the event of an unanticipated surplus, refund the tax payers with the overage.*

II. Addition to the document:

Emergency Custody Orders (ECOs) and Temporary Detention Orders (TDOs): State code currently requires law enforcement officers to sit with patients under an (ECO) and requires law enforcement officers to transport patients issued a (TDO) to mental health hospitals throughout the state. The City of Lynchburg has seen a large increase in mental health issues over the last several years, which has resulted in an increased number of patients under both an ECO and TDO. This requires additional law enforcement officers to stay with these patients at the hospital, taking them away from answering calls for service and engaging with residents. Law enforcement has a role in the mental health process, but that role should be limited to stabilizing the situation and ensuring the safety of all those involved *and then returning to their regularly assigned duty.* The City of Lynchburg supports an update to state code so it no longer mandates that law enforcement must stay with ECO patients at the hospital and that law enforcement no longer must transport TDO patients.

III. Addition to the document as a new bullet item:

State Charter School Initiative: The City wishes to be considered as the pilot location for the State's Charter School initiative.

IV. Addition to the document:

Reforestation, Preservation and management of urban forests: The City requests further support to provide localities with greater authority in reforestation, preservation and management of urban forests.

PRIOR ACTION(S): n/a

FISCAL IMPACT: To be determined

CONTACT(S): Wynter Benda, City Manager – 455-3990
Reid A. Wodicka, Deputy City Manager – 455-3990

ATTACHMENT(S):

- Resolution
- Draft 2022 Legislative Agenda (with annotations)

REVIEWED BY: MMB WCB

009A

RESOLUTION:

BE IT RESOLVED that the Lynchburg City Council adopts its 2022 Legislative Agenda and directs the Clerk of Council to forward it to the City's General Assembly delegation for information and action, as appropriate

Adopted:

Certified:

Clerk of Council

CITY OF LYNCHBURG
2022 LEGISLATIVE AGENDA
Adopted _____

The City of Lynchburg 2022 Legislative Agenda is meant to highlight those issues of particular importance to the City.

The Lynchburg City Council asks that legislators keep the following principles in mind as they evaluate and vote on legislation and the budget.

PRINCIPLES

- Local governments are instruments of the state, created in large measure to deliver state responsible services in a more efficient and effective manner. This state/local partnership requires an equitable allocation of costs between the two levels of government and across the various jurisdictions of the Commonwealth.
- The state must continue to meet constitutional and statutory responsibilities to adequately fund the state share of state/local services, especially in education, human services, and public safety. Any shortfall in state revenues should not be shifted to local governments.
- When the state experiences or anticipates a budget surplus, due to either increased revenues or reduced expenditures, it should relieve localities of funding responsibilities that have been shifted to them for state mandated/locally delivered serves.
- Rather than shifting responsibilities for programs that the state is unwilling to fund down to the localities, the state should consider eliminating those programs.
- The state should explore ways to increase the efficiency and effectiveness of the delivery of state services at the local level including the regionalization of service delivery (e.g. Social Services) and the elimination of inefficient structures such as the Compensation Board.
- The General Assembly should defeat proposed legislation that would erode local taxing authority, cap or reduce local revenue sources or that would impose unfunded mandates on localities.
- The General Assembly should support legislation that provides greater authority to localities in implementing sustainability initiatives especially with regard to land use and transportation planning.
- The General Assembly should preserve local zoning and land use authority, allowing flexibility to meet the needs of individual communities.
- The General Assembly should defeat all efforts to impose unfunded mandates on localities. Unfunded mandates from state government are an abdication of state responsibility and limit localities' ability to perform their own core responsibilities.

2022 KEY LEGISLATIVE IMPERATIVES

Emergency Custody Orders (ECOs) and Temporary Detention Orders (TDOs): State code currently requires law enforcement officers to sit with patients under an (ECO) and requires law enforcement officers to transport patients issued a (TDO) to mental health hospitals throughout the state. The City of Lynchburg has seen a large increase in mental health issues over the last several years, which has resulted in an increased number of patients under both an ECO and TDO. This requires additional law enforcement officers to stay with these patients at the hospital, taking them away from answering calls for service and engaging with residents. Law enforcement has a role in the mental health process, but that role should be limited to stabilizing the situation and ensuring the safety of all those involved **and then returning to their regularly assigned duty.** The City of Lynchburg supports an update to state code so it no longer mandates that law enforcement must stay with ECO patients at the hospital and that law enforcement no longer must transport TDO patients.

Revenue Sharing: Preserve the Revenue Sharing program administered by the Virginia Department of Transportation and revert to the previous application and funding schedule; a two year application process, award funding the following year(s), maximum of \$10,000,000 per application cycle. The Revenue Sharing program allows localities to leverage funds for needed projects that have no other source of funding. Prior to the present application process, funds were available to be used within a year of application. The process has changed so that localities are required to wait at least five years before funding is awarded. The gap is too large between application process and the funding award. This leaves localities waiting five to six years before they can even begin design and construction of the needed transportation project, delaying and increasing costs.

City Charter Change for Elections: Notwithstanding any general or special law to the contrary, the City of Lynchburg requests a portion of its existing charter to be amended to allow for a technical amendment and to allow for the Councilmember elections in November 2022 and November 2024 to be for three-year terms. Then, in November 2025 and November 2027 and thereafter, revert back to four-year terms.

2022 LEGISLATIVE PRIORITIES

Airports: The impact of the Coronavirus pandemic on Virginia's commercial service airports has been unprecedented in the history of the aviation industry. As a result, the City supports:

- Support increased state funding for the "Governor's New Airline Service Incentive Fund" as passed by the General Assembly during its 2019 session (SB 990). This legislation created a special non-reverting fund to be used at the discretion of the Governor for grants to airlines serving commercial service airports in Virginia. The creation of the fund was intended to provide or assist in the marketing, advertising and promotional activities by airlines in connection with the launch of new airline service, and to provide incentives to airlines as part of such new service.
- Support the extension of the Retail Sales and Use Tax Exemption on Aviation Parts that was created in 2017 by the General Assembly and is set to expire on July 1, 2022. This economic development tool was established to encourage growth of the aviation maintenance, repair, and overhaul industry and unmanned aviation systems in Virginia, and has been well received by aviation businesses and consumers alike. Tax savings from the aircraft repair parts exemption have been estimated to be \$5.4 million in FY19.

- Oppose any amendment(s) to state statutory language that would alter the formula which determines the allocation of state entitlement funds to Virginia air carrier airports that would result in Lynchburg Regional Airport receiving less state entitlement funding annually than received under the current formula.
- Support a Joint Legislative Audit and Review Commission (JLARC) review or similar study to evaluate Virginia's competitiveness with surrounding states in providing comparable airport infrastructure and dedicated economic development funding to Virginia airports in order to supplement the existing Commonwealth Aviation Fund (CAF).

Blighted Properties: The General Assembly should amend the Code of Virginia to allow cities to transfer blighted properties directly to a land bank created by the City or an existing nonprofit in lieu of sale at public auction for unpaid real estate taxes. This ability is provided to several Virginia cities and should be applied to all cities. Additionally, the General Assembly should adjust the qualifying criteria for localities that are authorized to treat blighted properties and derelict structures as a separate property class for local taxation of real property so that all Virginia cities the ability to do so.

Broadband: The General Assembly should create a concerted governmental effort to ensure broadband coverage that is both available and affordable to the most in need. Particularly in low income neighborhoods, a lack of broadband coverage and affordability has far-reaching implications for K-12 education and lifelong learning.

Children's Services Act (CSA): CSA funding continues to be a serious concern. Actions taken by the General Assembly have increased mandated services and shifted costs to the localities. The General Assembly should refrain from adding additional mandated services and should fund its full share of the CSA program.

Compensatory Time: The General Assembly should permanently amend Virginia Overtime Wage Act § 40.1-29.2 so the terms "Wages" and "Pay" also mean overtime compensatory time in lieu of wages for overtime pay by public agencies, as provided by the Fair Labor Standards Act.

Comprehensive Poverty Reduction: Support continued funding of the Community Wealth Building state matching fund which partners with local programs that target intractable long-term pockets of poverty through combined education and job training, housing and transportation resources, mentoring and prisoner re-entry, childcare and early education, and workforce training and other programs that break the cycle of poverty. Preparing people for jobs in the new workforce is extremely important to a healthy community continuum. Prioritize the use of "Go Virginia" funding to create jobs for those in poverty.

Community Wealth Building/Public Housing Redevelopment: Increase funding by \$4 million in the Brownfields Restoration and Remediation Fund and have specific State budget language that would allow grant application for public housing remediation and infrastructure improvements associated with public housing on or adjacent to former landfill sites.

Disposal of Property Due to Eviction: Support legislation to require that evicted tenants' personal property must remain inside the premises for a specified period time after which it becomes that landlord's responsibility to remove and properly dispose of the tenants' property at the landlord's

expense. The state code outlines what a landlord must do with an evicted tenant's personal property. Currently the state code says when evicting a tenant the landlord must set the tenant's personal property on the public right-of-way for at least 24 hours so that the evicted person may obtain their belongings. The code also says that tenants shall have 24 hours to remove the property and if the tenant does not remove the personal property within 24 hours, the landlord must remove the property within 48 hours. If the landlord fails to remove the property within 48 hours, the City can remove the property and bill the landlord for the removal costs. The 24 hour and 48 hour removal periods are required by state law. This places an undue burden on localities to collect and dispose of this debris from the public right-of way and causes unsightly and unsanitary conditions in neighborhoods. Landlords should be treated as businesses.

Early Childhood Education: Support legislation that would improve access to and quality of early childhood education. For the Commonwealth to be successful in future generations, it is critical that early childhood educational opportunities meet the needs of working families. This should be accomplished through incentives or other direct support for the development of early educational opportunities. **The City wishes to be considered as the pilot location for the State's Charter School initiative.**

Economic Development: Preserve existing incentive and grant funds offered by the Virginia Economic Development Partnership, the Virginia Department of Agriculture and Consumer Services, the Department of Housing and Community Development, the Department of Environmental Quality, Virginia Tourism Corporation, and Virginia Commission for the Arts.

A Skilled and Available Workforce – The future of Virginia's economic development success is talent attraction, retention, and development. For the Commonwealth to be viewed as the top state for a skilled and available workforce, training programs must be in place and well-funded.

- *Innovative Partnerships with Higher Education and the Business Community* – Support enhanced partnerships between Virginia's colleges and universities and the business community to commercialize research and development; create innovative ideas and new technologies; support Virginia's entrepreneurial ecosystem; and meet the growing demand for talent in the Commonwealth. Support the continued funding of the Tech Talent Investment Program to build technology-educated talent in the Commonwealth.
- *Credentials for High-Demand Occupations* – Support additional funding to build on the success of the Workforce Credential Grant (Fast Forward), a pay-for-performance initiative that creates and sustains a demand-driven supply of credentialed workers to fill occupations where demand outstrips supply in Virginia. The grant makes attainment of credentials in high-demand fields more affordable to Virginians through the Virginia Community College System.
- *Talent Solutions* – Virginia currently has two critical and complementary programs that provide economic development projects with critical workforce training support.
 - i. Virginia Jobs Investment Pool is the most frequently used economic development program, as it is accessible to companies of all sizes in every corner of the Commonwealth. The program helps offset recruitment and training costs, thus reducing companies' human resource development expenses and reinvesting these funds in the people of Virginia.

- ii. Increase funding for the Virginia Talent Accelerator Program to continue the program's development and growth to the capacity of Virginia's competitor states. Virginia's newest workforce training program, the Virginia Talent Accelerator Program, will rapidly re-skill to the exact requirements of a new or expanding employer through training that is fully customized to an employer's unique processes, equipment and procedures

Site Development - Support increased funding for the Virginia Business Ready Sites (VBRS) program and other efforts to develop new sites for those businesses looking to locate or expand in the Commonwealth. Funding for site characterization and development is an investment in the foundation of economic development. Site readiness is important to Virginia's economic development efforts. Currently, Virginia has the lowest number of buildable/certified sites among competing states.

Transportation – Support policies to invest in infrastructure to enhance the state's competitiveness and the effective spending of funding. The City has long held that Virginia's transportation network (air, highways, rail, and the port) is an essential component of the state's economic development success. Special attention is needed to rural areas versus more densely populated cities such as Northern Virginia and the Tidewater areas. Providing a connection from Central Virginia to the Capital City.

Energy – Support policies that allow for the timely development of needed energy infrastructure investments across the Commonwealth. A sustainable, reliable and cost-effective energy supply is critical to the attraction of new companies and the retention of existing businesses, particularly in the energy-intensive manufacturing and Information Technology (IT) sectors.

GO Virginia – Support maintaining the funding for GO Virginia to encourage collaboration among Virginia's localities to support economic growth and diversification and leads to higher-paying jobs. The GO Virginia effort makes strategic investments in regional projects to achieve that goal and should continue in a way that complements the state's broader economic goals.

Affordable Housing/Workforce Housing -Affordable housing plays a substantial and reinforcing role in local economic development. Without a sufficient supply of affordable housing, employers—and entire regional economies—can be at a competitive disadvantage given the subsequent difficulty to attract and retain qualified workers. Expanded opportunities for housing a community's workforce are critical to keeping and growing jobs in Virginia. Extending the program to those who with incomes beyond that threshold within Federal Support, will allow the workforce to live within closer access to their jobs and continue to support their independent growth.

Incentives – Support transparency and accountability with the use and management of incentives, but such measures should not restrict the state's ability to be responsive and flexible to the needs of business. Among Virginia's most important tools to be competitive are economic development incentives. Virginia must increase funding to the economic development incentives that deliver success for the Commonwealth, with a clear return on investment and mitigated risk for the State.

- *Commonwealth Opportunity Fund (COF)* – Support the COF as it remains Virginia's flagship economic development incentive program and the state's premier deal closing fund. Virginia will only remain competitive to make the short list of site selection projects by maintaining funding for the program.

- *Enterprise Zones* – Support additional funds to serve existing zones and future zones, if the number of zones is expanded. This long-standing program has helped both urban and rural communities revitalize distressed areas. The grants offered through this program are modest, but recent budget cuts have resulted in caps on funding for the program, which means amounts promised to companies making investments in these zones end up being prorated.
- *Agriculture and Forestry Industries Development Fund (AFID)* - Support continued funding for the program. AFID is a critical tool for localities to support two of Virginia's largest industries: agriculture and forestry. This performance-based grant is available to companies that create jobs and investment, add value to Virginia-grown products, and commit to sourcing Virginia-grown agricultural and forest products – creating additional marketplaces for Virginia's farmers and forestland owners.
- *Data Center and Manufacturing Incentives* – Support the continuation of this program. The availability of data center sales and use tax exemptions is among the top few site-selection considerations for data centers and has been a major contributor to the Commonwealth's success in data center locations.

Economic Development Marketing & Lead Generation - Support enhancing the Virginia Economic Development Partnership's (VEDP) marketing budget, while keeping our current economic development tools whole, to effectively differentiate Virginia from its global competitors. Even a great business climate and fully-funded incentives are of limited use if we do not have the resources or the people to tell the Virginia story. This, however, is the area where past budget cuts and/or stagnant funding have hit the hardest. Virginia must reengage business leaders globally to ensure top of mind awareness of the state as a great place to do business.

Tourism Promotion – Support continued state tourism promotion by the Virginia Tourism Corporation to attract first time visitors to Virginia and to enhance the leverage marketing program.

Outdoor Dining – Support the Commonwealth and its localities allowing outdoor dining in nontraditional spaces on a permanent basis. The Virginia Alcohol Beverage Control Authority should continue expedited approvals of outdoor dining spaces.

ABC Licenses - Support making Alcohol To-Go permanent, expedited ABC approval of outdoor dining spaces, and authorizing local governments to establish local entertainment districts.

Tourism Improvement Districts - Support legislation that would allow hospitality related businesses and localities to enter into public private partnerships and create Tourism Improvement Districts (TIDs). Proposals should require that localities obtain support and approval of assessments from a majority of hospitality related businesses that are located in the TID, and funds generated by such levies shall be dedicated solely to the promotion and tourism related marketing of the TID. The TID must also be managed by the local Destination Marketing Organization.

Economic/Industrial Development Authorities (EDAs/IDAs) Structure – Support the current structure of EDAs/IDAs as an important economic development tool. EDAs/IDAs were authorized by the General Assembly and exist to permit localities to have a flexible tool to support economic development in their communities.

EDA/IDA Member Disclosures – Support legislation that would repeal the 2020 amendment to the Conflict of Interest Act requiring members of Economic Development Authorities and

Industrial Development Authorities to file financial disclosure forms. Lynchburg and other localities have had members of their EDAs/IDAs resign as a result of these requirements. Members of EDAs/IDAs are volunteers who serve without pay and feel it is an invasion of their privacy to have to file the forms.

Educational Funding: Jobs are the key to economic recovery and adequate education is essential for preparing the current and future workforce. The State should fully fund the Standards of Quality (SQQ), including support staff costs and categorical incentive funds for At-Risk students and restore funding from cuts to education over the last biennium. The state has a constitutional duty to meet its education funding obligations and should refrain from changes in methodology and division of financial responsibility that result in a further shift of funding responsibility from the state to localities. These shifts do not change what it actually costs to provide education but simply transfers additional costs to local governments, and ultimately to the local real estate tax base.

Emergency Management: Support a dedicated revenue stream for the Virginia Department of Emergency Management's local support functions. Recent budgetary constraints have threatened pass-through funding available to localities from VDEM. Loss of local assistance funding would result in the City of Lynchburg's inability to maintain its Emergency Operations Plan, reduce readiness to open its Emergency Operation Center, and would limit the City's ability to engage in community outreach and disaster management.

Emergency Medical Technician Training: The General Assembly should allocate additional funding, or reallocate funding to support Advanced Life Support Training programs at Community Colleges, providing free tuition for Emergency Medical Technician Basic through Paramedic certification. The shortage of Advanced Life Support prehospital care providers is not a new reality, though it has been and continues to be exacerbated by the COVID-19 pandemic. The lack of appropriate funding results in a the lack of qualified paramedics both in the City of Lynchburg and throughout the Commonwealth. Offering these programs creates opportunities for organizations to be more reflective of their communities.

911 Reclassification: Support the classification of 911 Public Safety Communications Specialist as public safety first responders within the Virginia Retirement System to ensure that they are eligible for enhance retirement benefits for hazardous duty service. Under current law, localities may provide such benefits to first responders, including firefighters and emergency medical technicians, and certain other hazardous duty positions. This classification limits the ability to recruit and retain qualified public safety communicators at public safety answering points throughout the Commonwealth.

Filing of Items with Local Fiscal Impact: Support legislation that requires members of the General Assembly to file bills with local fiscal impacts as early as possible and no later than the first day of the legislative session, so that the appropriate fiscal impact analysis can be completed and reported in a timely manner.

Historic Rehabilitation Tax Credits: Support this financing tool which supports the development and redevelopment of historic buildings.

Local Law Enforcement Funding: The Commonwealth should be equitable in its support for local law enforcement funding both to those localities with police departments (HB 599 funding) and to those in which Sheriff's Departments provide law enforcement (through the Compensation Board). Cities should not bear a disproportionate burden for law enforcement funding through continued reductions in funds provided by HB 599.

Proffers: Request that the General Assembly monitor the impact of recent amendments to Section 15.2-2303.4 of the State Code and consider any amendments that may be needed to further clarify the appropriate use of proffers in conditional residential rezonings.

Public Safety Funding:

- **Police Funding:** The General Assembly should consider reconstructing the funding formula for Aid to Localities with Police Departments to create a formula that is responsive to urban police departments facing challenges with workforce recruitment and training.
- **Fire and Emergency Medical Services Funding, generally:** The General Assembly should consider matching funding for Fire Department and Emergency Medical Services agencies in at a level consistent with Police HB 599 funds.
- **Local Assistance for Fire Departments:** The General Assembly should increase entitlement funding for program such as Aid to Localities (ATL) and 4-For-Life to increase available funds for training, technology, medical, and physical fitness. As an Internationally Accredited Fire and Emergency Medical Services the Lynchburg Fire Department embraces the 16 Fire and Life Safety Initiatives and funding from state resources provides critical assistance. This funding supports the programs previously mentioned, that include important multifaceted and multiagency opportunities for training that cannot otherwise be funded. This includes, but is not limited to: Hostile Event (Active Shooter) training, Hazardous Materials, and crisis mitigation – such as natural disasters. In addition to the aforementioned, the following focus areas are at the forefront of the 16 Fire and Life Safety Initiatives and desperately require additional funding support at the state and local level: Cancer Risk Reduction, Mental and Physical Fitness.

Qualified Immunity: Oppose legislation that removes qualified immunity protections for local law enforcement officers. Eliminating qualified immunity will dramatically affect the ability of localities to recruit and retain professional law enforcement officers. This step also will negatively affect police response to community requests for services, potentially impacting community safety.

Sidewalks: Support the General Assembly granting local governments the authority to enter into agreements with developers to have a payment in-lieu-of option for sidewalk installation. These agreements would be initiated at the request of the developer and include language allowing the locality to install a sidewalk that is required as part of a development project somewhere else that is beneficial to the community.

Sustainability: Support policies that help municipalities reduce their carbon footprint and promote sustainability. Additionally, the General Assembly should promote policies that assist localities to be leaders in promoting opportunities for energy efficiency in order to reduce costs for our most vulnerable citizens.

Taxes- Machinery and Tools: Oppose legislation that would reduce or eliminate a locality's authority to impose a machinery and tools tax. The loss of \$4,600,000 in revenue from the Machinery and Tools Tax would equate to a 8.6 cent increase in the City's Real Property Tax rate.

Taxes- Business License: Oppose legislation that would reduce or eliminate a locality's authority to impose a business license tax. The loss of \$9,668,302 in revenue from the Business License Tax would equate to a 17.2 cent increase in the City's Real Property Tax rate.

Transportation Initiatives: Support various transportation initiatives as noted below:

- Support expansion of Amtrak rail service including a second Northeast Regional Train anchored in Lynchburg.
- Support efforts to expand air service from Lynchburg Regional Airport to northern destinations, including air service to Dulles International Airport.
- Support connectivity efforts that attract and retain a skilled and educated workforce.
- Support access management strategies that preserve and improve corridors of statewide significance.

Drinking Water, Water Quality, and Environment: The City continues to face significant financial burdens in our efforts to comply with water quality and drinking water regulations and legislation. Coupled with the effort to renew and replace failing infrastructure this places a significant burden on our citizens through high water, sewer and stormwater rates. The City supports state and federal funding assistance for these programs to minimize the impacts to citizens and businesses. Additionally, the City opposes legislative efforts that place additional requirements and burdens on our utilities that are not scientifically based and place additional burden on our rate payers. Further, the City opposes additional fees and enforcement authority that would further reduce funding and available resources to address the needs of our water programs. As a result the City urges strongly endorses the following positions:

Polyfluoroalkyl Substances (PFAS) Chemical Regulation

- The term polyfluoroalkyl substances (PFAS) encompasses many substances that are of concern to drinking water quality, and have become a topic of conversation in environmental regulation
- Any new regulation of PFAS chemicals in Virginia should focus on the actual sources such as military bases, industrial discharges, and consumer products, rather than locality-owned water and wastewater treatment facilities.
- Virginia Code § 32.1-169 (as amended by HB 1257 (2020)) should be enhanced to require that the development of any drinking water maximum contaminant levels for PFAS set by the Virginia Department of Health comply with the same rigorous scientific and technical requirements applicable to the development of such levels by the U.S. EPA in accordance with the Safe Drinking Water Act, and be at least as protective.

Water/Wastewater Facilities Regulation, generally

- Support funding for compliance with the federal Lead and Copper Rule, including support for lead service line inventory efforts, lead service line replacement, and additional testing requirements.
- Maintain, and where appropriate streamline, regulatory programs administered by DEQ, DCR, and VDH that affect localities directly, including:
 - No increase in permit fees assessed by regulatory agencies against localities,
 - No increase in enforcement authority and penalties against localities, and
 - No additional administrative or operational constraints on local utility operations

Stormwater Local Assistance Fund (SLAF) – Maintain the existing FY 2021 \$50 million appropriation for Chesapeake Bay TMDL and other local stormwater projects.

Stormwater and Flood Management Regulations Generally – Considering many years of

legislative and regulatory authority expansion that localities continue to implement, the City recommends maintaining and where appropriate streamlining stormwater regulatory programs administered by DEQ and DCR that affect localities directly, including:

- No reduction in locality TMDL credit earned by implementing stormwater improvement projects including septic system connections to sanitary sewer
- No increase in permit fees assessed by DEQ against localities
- No increase in enforcement authority and penalties against localities
- No additional administrative or operational constraints on local stormwater management and flood mitigation efforts.

Stormwater Utility Legal Authority – Maintain statutory authority authorizing local utility rates and charges for local stormwater management and environmental compliance purposes.

Water-Related Grants to Localities – Continue funding state grants to localities for improvements with regional or statewide benefits including the Water Quality Improvement Fund (wastewater) and the Stormwater Local Assistance Fund.

Pollution Control Equipment Sales Tax Exemption Certification Streamlining – To make implementation of the existing sales tax exemption more efficient and effective for localities and for the Department of Environmental Quality, amend Virginia § 58.1-3660 to enable political subdivisions to self-certify equipment, facilities, devices, or other property intended for their own use in conjunction with the operation of their water, wastewater, stormwater, or solid waste management facilities or systems.

Local Utility Rates and Charges – Oppose legislation that would restrict current local legislative discretion or mandate preferences or exemptions in local rate structures for allocating various costs of service to local ratepayers for water-related utilities.

OTHER LEGISLATIVE POSITIONS

Binding Arbitration: Oppose legislation that mandates binding arbitration, meet and confer requirements, and imposed grievance procedures for local employees. Oppose any amendment to the 2020 legislation authorizing collective bargaining that allows localities to choose whether or not they wish to engage in collective bargaining. The City opposes any requirements to mandate collective bargaining, require binding arbitration, or repeal Virginia’s right to work law.

Communications Sales and Use Tax: The Virginia Communication Sales and Use Tax was enacted to establish a statewide tax rate and to preempt local taxes on communication sales and services. The City supports setting the tax rate at the same level as the state sales tax rate of 5.3 percent and broadening the coverage of the tax to include audio and video streaming services and prepaid calling services.

Exemptions: Oppose any legislation that would exempt churches and other religious and non-profit organizations from neutral, generally applicable local ordinances, and in particular local health, safety and zoning ordinances.

FOIA Exemption on the Release of Information Pertaining to Closed Criminal Justice Case Files: Oppose legislative action to remove the current FOIA exemption on the release of information pertaining to closed criminal justice case files. While not preventing the disclosure of information from closed criminal case files, the exemption allows law enforcement agencies the option to decline

disclosure in situations where such disclosure is deemed likely to compromise ongoing criminal investigations; to identify at-risk witnesses, informants or victims; or to otherwise jeopardize public safety. Beyond the scope of endangering witnesses, informants or victims in certain cases, indiscriminate release of all closed case information would significantly hamper current criminal investigations involving the same suspect, similar modus operandi, etc. A primary reason for keeping investigative details from public knowledge is to preserve investigators' ability to evaluate the validity of information gathered from various sources.

Line of Duty Act: Support initiatives that return program funding responsibility to the state. Should this unfunded mandate continue, support efforts to implement the recommendations of the 2014 Joint Legislative Audit and Review Commission (JLARC) "Line of Duty Act Report".

Preclearance Requirements: Oppose legislation that would require preclearance prior to the implementation of changes to voting laws or practices. Preclearance would require that the City seek approval to do such things as change the boundaries of the City's wards and relocate polling places, both of which should be matters of local control.

Prevention: Restore state funds for prevention services.

Reforestation, Preservation and management of urban forests: The City requests further support to provide localities with greater authority in reforestation, preservation and management of urban forests.

Reimbursement for Political Party Primaries: Support the full reimbursement to localities for the costs related to political party primaries.

Reimbursement for General Registrar and Electoral Board Expenses: Support the full reimbursement by the State to the localities for the compensation and expenses of the General Registrar and Electoral Board.

Reimbursement for the Retrieval of Cellular Phone Information: The General Assembly should amend §19.2-70.3 of the Code of Virginia to provide reimbursement for the costs of retrieving historic cellular tower information through a search warrant. Code of Virginia §19.2-70.2 has language in section G that allows localities to seek reimbursement for costs related to obtaining pen register information authorized through a court order. Such orders are traditionally used for real-time cellular phone information (pen register and trap & trace). Code of Virginia §19.2-70.3 does not currently have language to allow localities to seek reimbursement. This code section requires a search warrant for cellular phone information related to real-time location data (pinging a phone) or historic subscriber and billing information. *United States v. Graham*, decided on August 5, 2015 in the 4th Circuit Court of Appeals, held that a search warrant is necessary for historic cellular tower information. This sort of information shows where a phone was at any relevant point in time. Without the reimbursement language being added to §19.2-70.3, localities will end up spending thousands of dollars a year through investigations involving the need for cellular phone information obtained through search warrants.

Short-term Rentals: Oppose any additional short-term rental legislation that would further limit local governments' authority to regulate short-term rental properties.

Social Services: Maintain funding for workforce re-training through appropriate agencies, retaining Virginia Initiative for Employment not Welfare (VIEW) staff and funding in Social Services. This program has successfully helped Temporary Assistance for Needy Families (TANF) recipients secure and maintain jobs.

State Aid to Public Libraries: Oppose any efforts to reduce state aid to public libraries. Fully fund state aid for public libraries to improve services provided in the community. Citizens rely on their public library to bridge the digital divide, assist their job search, and support early childhood literacy and education initiatives. Full state aid funding will allow the library to improve and expand access to these services to help improve the community.

Substance Abuse Treatment: Restore state funding for substance abuse treatment programs. Such funding could be provided to Community Service Boards, programs such as "The Healing Place" or other pilot programs.

Tax on Electronic Cigarettes and Vapor: Support legislation to allow localities to tax electronic cigarettes and vapor in a manner similar to traditional cigarettes.

Taxes on Local Services: Oppose the imposition of a state fee, tax or surcharge on water, sewer, and solid waste or on any other local government funds or services.

Telecommunications and Wireless Infrastructure Regulation: Maintain local authority over zoning, land use, rights-of-way and taxation. Limit new state regulation preempting local authority regarding the use and compensation of local rights-of-way for telecommunications. Refrain from adopting any additional legislation that preempts local regulation of the placement of wireless infrastructure in the public rights-of-way or on public property.

Workers Compensation Medical Fees: Virginia should adopt Medicare-based fee schedules for setting medical provider fees in workers' compensation cases, instead of the prevailing community rate standard now used. This will make providing workers' compensation coverage more affordable and will adequately protect the financial interests of the medical providers of Virginia.

LETTERS OF SUPPORT



Letter of Support
for 2022 Legislative ,