

**Goochland County
2022 Legislative Agenda**

Priority Requests – County

1. Prohibit Marijuana Retail Stores Unless Approved by Local Referendum

Request: We request legislation to prohibit retail marijuana stores in localities unless the governing body of a locality, by resolution, petitions the circuit court for the locality for a referendum on allowing retail marijuana stores in the locality.

Reason: Local governments should not have to incur the time and expense of a referendum to prohibit marijuana retail stores, but should incur that only to allow retail stores since allowing stores generates local tax revenue.

Legislative History: Chapter 550 of the Virginia Acts of Assembly (Senate Bill 1406), passed during the 2021 Special Session 1 of the Virginia General Assembly, allows retail marijuana sales in localities unless a voter referendum is held to prohibit retail marijuana stores.

Initial legislation for marijuana legalization included the option for localities to approve retail marijuana stores by ordinance or qualified voters of the locality to petition for a referendum on whether retail marijuana stores should be allowed. These options were changed during the legislative process.

The Fifth Enactment clause delays the effective date of § 4.1-629 to July 1, 2022. A reenactment clause in Chapter 550 requires § 4.1-630 to be reenacted in the 2022 session of the Virginia General Assembly in order to become effective on July 1, 2022. Accordingly, these sections can be amended before becoming effective.

Below is proposed language:

§ 4.1-629. Local referendum on ~~prohibition~~ establishment of retail marijuana stores.

A. The governing body of a locality may, by resolution, petition the circuit court for the locality for a referendum on the question of whether retail marijuana stores should be ~~prohibited~~ allowed in the locality.

Upon the filing of a petition, the circuit court shall order the election officials to conduct a referendum on the question on the date fixed in the order. The date set by the order shall comply with the provisions of § 24.2- 682, but in no event shall such date be more than 90 days from the date the order is issued. The clerk of the circuit court shall publish notice of the referendum in a newspaper of general circulation in the locality once a week for three consecutive weeks prior to the referendum.

The question on the ballot shall be:

"Shall the operation of retail marijuana stores be ~~prohibited~~ allowed in _____ (name of county, city, or town)?" The referendum shall be held and the results certified as provided in § 24.2-684. In addition to the certifications required by such section, the secretary of the

local electoral board shall certify the results of the referendum to the Board of Directors of the Virginia Cannabis Control Authority and to the governing body of the locality.

B. If a majority of the qualified voters voting in such referendum vote "~~No~~" "Yes" on the question of whether retail marijuana stores shall be ~~prohibited~~ allowed in the locality, retail marijuana stores shall be permitted to operate within the locality 60 days after the results are certified or on January 1, 2024, whichever is later, and no subsequent referendum may be held pursuant to this section within such locality.

If a majority of the qualified voters voting in such referendum vote "~~Yes~~" "No" on the question of whether retail marijuana stores shall be ~~prohibited~~ allowed in the locality, retail marijuana stores shall ~~be~~ remain prohibited in the locality ~~effective January 1 of the year immediately following the referendum~~. A referendum on the same question may be held subsequent to a vote to ~~prohibit~~ allow retail marijuana stores but not earlier than four years following the date of the previous referendum. Any subsequent referendum shall be held pursuant to the provisions of this section.

C. When any referendum is held pursuant to this section in a town, separate and apart from the county in which such town or a part thereof is located, such town shall be treated as being separate and apart from such county. When any referendum is held pursuant to this section in a county, any town located within such county, shall be treated as being part of such county.

D. The legality of any referendum held pursuant to this enactment shall be subject to the inquiry, determination, and judgment of the circuit court that ordered the referendum. The court shall proceed upon the complaint of 15 or more qualified voters of the county, city, or town, filed within 30 days after the date the results of the referendum are certified and setting out fully the grounds of contest. The complaint and the proceedings shall conform as nearly as practicable to the provisions of § 15.2-1654 of the Code of Virginia, and the judgment of the court entered of record shall be a final determination of the legality of the referendum.

§ 4.1-630. Local ordinances or resolutions regulating retail marijuana or retail marijuana products.

A. No county, city, or town shall, except as provided in §§ 4.1-629 and 4.1-631, adopt any ordinance or resolution that regulates, ~~or prohibits~~, or allows the cultivation, manufacture, possession, sale, wholesale distribution, handling, transportation, consumption, use, advertising, or dispensing of retail marijuana or retail marijuana products in the Commonwealth.

B. However, the governing body of any county, city, or town may adopt an ordinance (i) that prohibits the acts described in § 4.1-1108, or the acts described in § 4.1-1109, and may provide a penalty for violation thereof and (ii) that regulates or prohibits the possession of opened retail marijuana or retail marijuana products containers in its local public parks, playgrounds, public streets, and any sidewalk adjoining any public street.

C. Nothing in this chapter shall be construed to supersede or limit the authority of a locality to adopt and enforce local ordinances to regulate businesses licensed pursuant to this chapter, including local zoning and land use requirements and business license requirements.

D. Except as provided in this section, all local acts, including charter provisions and ordinances of counties, cities, and towns, inconsistent with any of the provisions of this subtitle, are repealed to the extent of such inconsistency.

2. Prohibit Marijuana Cultivation Facilities from Selling Directly to Customers

Request: We request legislation to amend Virginia Code § 4.1-800 to remove sales directly to customers from the definition of Marijuana Cultivation Facilities.

Reason: This requested amendment to the Code of Virginia would remove sales directly to customers from the definition of Marijuana Cultivation Facilities ultimately prohibiting them from selling directly to consumers. Marijuana retail stores already have the authority to sell immature marijuana plants and marijuana seeds, consumers who want to cultivate marijuana at home for personal use should have to buy these items from retail stores. In addition, it is inappropriate to permit Marijuana Cultivation Facilities to sell directly to customers because it violates the existing intent and spirit of referendums to prohibit marijuana sales within a locality. Under the law today, a locality could vote to prohibit retail stores in its community, but Marijuana Cultivation Facilities could still sell plants and seeds.

Legislative History: Chapter 550 of the Virginia Acts of Assembly (Senate Bill 1406), passed during the 2021 Special Session I of the Virginia General Assembly, currently defines Marijuana Cultivation Facilities to permit the sale of immature marijuana plants and marijuana seeds to consumers for the purpose of cultivating marijuana at home for personal use. Localities have no authority to either prevent Marijuana Cultivation Facilities within its borders or to limit the number that operate there.

Initial legislation for marijuana legalization did not define Marijuana Cultivation Facilities to permit or authorize the sale of immature marijuana plants and marijuana seeds directly to consumers. The only authorization it gave facilities was to purchase marijuana plants and seeds from other marijuana cultivation facilities; to cultivate, label, and package retail marijuana on premises, to transfer possession of and sell retail marijuana to marijuana manufacturing facilities, wholesalers, and other cultivation facilities. The definition and authority were changed during the legislative process.

A reenactment clause in Chapter 550 requires specific legislation related to marijuana; legalization of simple possession, etc. including § 4.1-800 to be reenacted in the 2022 session of the Virginia General Assembly in order to become effective on July 1, 2023.

Below is proposed language:

§ 4.1-800. Marijuana cultivation facility license.

A. The Board may issue any of the following marijuana cultivation facility licenses, which shall authorize the licensee to cultivate, label, and package retail marijuana; to purchase or take possession of marijuana plants and seeds from other marijuana cultivation facilities; to transfer possession of and sell retail marijuana, immature marijuana plants, and marijuana seeds to marijuana wholesalers and retail marijuana stores; to transfer possession of and sell retail marijuana, marijuana plants, and marijuana seeds to other marijuana cultivation facilities; and to transfer possession of and sell retail marijuana to marijuana manufacturing facilities; ~~and to sell immature marijuana plants and marijuana seeds to consumers for the purpose of cultivating marijuana at home for personal use.~~

1. *Class A cultivation facility license, which shall authorize the licensee to cultivate not more than a certain number of marijuana plants or marijuana plants in an area not larger than a certain number of square feet, as determined by the Board;*

2. *Class B cultivation facility license, which shall authorize the licensee to cultivate marijuana plants with a tetrahydrocannabinol concentration of no more than one percent, as determined post-decarboxylation.*

B. In accordance with the requirements of § 4.1-611, a marijuana cultivation facility licensee shall track the retail marijuana it cultivates from seed or immature marijuana plant to the point at which the marijuana plant or the marijuana produced by the marijuana plant is delivered or transferred to a marijuana testing facility, a marijuana wholesaler, another marijuana cultivation facility, a marijuana manufacturer, a retail marijuana store, or a consumer or is disposed of or destroyed.

3. Give Localities the Authority to Prohibit or Regulate the Use of Binary Explosive Kits Containing an Oxidizer and a Fuel Source

Request: Goochland County requests legislation to amend the Code of Virginia by adding a section numbered § 15.2-918.1 to give localities the ability to prohibit or regulate the use of binary explosive kits containing an oxidizer and fuel source or a similar two-component explosives in or near residential areas.

Reason: This amendment to the Code of Virginia would give localities the authority to prohibit or regulate the use of binary explosive kits, binary reactive rifle targets, or similar two-component explosives.

Legislative History: In 2019 House Bill (HB) 1776, a bill to give localities the authority to prohibit or regulate Tannerite, was submitted by Delegate Cole “by request”. Tannerite is a popular brand of binary explosive kits. HB 1776 was left in the House Counties, Cities, and Towns Committee.

Below is proposed language:

§ 15.2-918.1 Locality may prohibit or regulate the use of binary explosive kits containing an oxidizer and a fuel source.

Any locality may by ordinance prohibit or regulate, in or near residential areas, the use of binary explosive kits containing an oxidizer and a fuel source. Any penalty for an offense pursuant to such an ordinance shall not exceed a Class 3 misdemeanor.

4. Reimbursement for the Compensation and Expense of the Electoral Board

Request: Goochland County requests legislation for the full compensation and expenses of the Electoral Board.

Reason: The Appropriations Act in 2021 made progress related to funding for Local Electoral Board Compensation and Expenses (78002), but we as the locality are still required to fund a

portion of the expenses. In FY 2021, Goochland County was required to fund over \$39,000 for compensation and expenses of the Electoral Board.

5. Request a Study of Compensation Board funding for the Offices of Constitutional Officers

Request: We request the Joint Legislative Audit and Review Commission (JLARC) be directed to study Compensation Board funding for the offices of constitutional officers and to review the trends and trajectory of general fund support in the state budget for the offices of constitutional officers, the metrics by which support is determined, the equity of such state support considering the needs of the various localities, the degree by which localities are supplementing the Commonwealth's funding, and evaluate the formula for allocation of positions and workload based staffing standards.

Reason: In the absence of adequate state support for the offices of constitutional officers, localities are frequently placed in the untenable position of supplementing the funding of these offices with local dollars to ensure they carry out their assigned responsibilities. This request would direct JLARC to complete a comprehensive review of Compensation Board funding for the offices of constitutional officers and the formula for allocation of positions and staffing standards.

In 2021, the General Assembly amended the 2021 Appropriations Act during the 2021 Special Session II of the Virginia General Assembly to appropriate \$33.2 million to provide \$3,000 bonuses for state-supported sworn officers of the sheriff's departments and regional jails. 19 state-supported positions of the Goochland County Sheriff's Offices' 43 total sworn positions are eligible for the General Assembly mandated and state funded bonuses, leaving 24 sworn positions ineligible. This unfunded mandate placed Goochland County in the position to appropriate \$72,000 to ensure parity among all sworn Sheriff's Office Deputies. In addition, it placed Goochland County in the precarious position of having to appropriate an additional \$150,000 to include bonuses for Fire and EMS and Animal Protection positions. General Assembly mandated bonuses and raises should apply uniformly across all positions, not just state supported positions leaving localities on the hook for the states policy decisions.

In addition, the General Assembly mandated the requirement of one entry-level Assistant Commonwealth's Attorney position for up to every 75 body worn cameras for law enforcement in order to review camera footage taken by the Sheriff's Office per Item 72 of House Bill (HB) 1800 (Chapter 552) Section K. This mandate required Goochland's Commonwealth's Attorney to add an Assistant Commonwealth's Attorney position starting in FY 2022, at a cost of \$96,419 annually. It was learned after-the-fact that the Compensation Board will not reimburse us for any of that cost.

A comprehensive review of funding and the formula for allocation of positions and staffing standards is necessary across the board for all offices of constitutional officers. We urge the General Assembly and the Commonwealth to meet its full funding obligations, to include realistic levels of staffing to enable constitutional offices to meet their responsibilities and limit the need for localities to provide additional locally-funded positions. JLARC last completed a comprehensive review of statewide staffing standards for the funding of constitutional officers over 30 years ago. A series of reports outlining the review and corresponding recommendations were issued by JLARC in 1990 and submitted to the General Assembly.

There is no time like the present for the General Assembly and JLARC to conduct another comprehensive review.

Legislative History: In 2020 House Joint Resolution (HJ) 83, a request to direct JLARC to study Compensation Board funding for the offices of constitutional officers and the trends and trajectory of general fund support and localities supplemental funding, was submitted by Delegate Ware. The focus of HJ 83 came at the request of Chesterfield County’s Constitutional Officers, specifically the Sheriff, Clerk of the Circuit Court, and Commonwealth’s Attorney.

HJ 83 was heard by the House of Delegates Committee on Rules – Studies Subcommittee on January 29, 2020. Delegate Ware offered to focus the study on Sheriff’s, Clerks of the Circuit Court, and Commonwealth’s Attorneys since those are the constitutional officers who have raised concerns on staffing and funding. The Rules – Studies Subcommittee voted to lay HJ 83 on the table and refer the request via a letter to JLARC.

The study request was referred by letter and copy of HJ 83 resolution to JLARC. On September 11, 2020, JLARC’s Study Topic Selection Subcommittee met to prioritize and recommend study topic selections, the study of Compensation Board funding was not recommended by the subcommittee and has not been prioritized for study.

2022 County Policy Positions

1. **Support** increased funding, expanded efforts and implementation of new technology that improves and expands citizen access to high-speed broadband internet.
 - Provide additional funding for the Virginia Telecommunication Initiative (VATI) grants and other programs to expand high speed broadband internet to unserved and underserved areas of the Commonwealth until universal service is reached in Virginia.
 - Support improvements to existing state law to make it easier for wireless communication companies to either use existing tall structures or building communication structures so long as localities ability to regulate land use is preserved.
 - Support implementation of new policies and technology that brings reliable and affordable high speed broadband internet to unserved and underserved areas.

2. **Support** sound structurally balanced State Budget & Fiscal Practices
 - Fully fund the Virginia Retirement System (VRS) pension plan.
 - Fully fund the Commonwealth’s Revenue Stabilization and Cash Reserve Funds (Rainy Day Funds) to ensure the Commonwealth is prepared for any future economic downturn.
 - Support any legislation that enhances or strengthens the Commonwealth’s ranking for doing business in Virginia.

3. **Oppose** new unfunded mandates and **Support** the implementation of a “Sunset Clause” on existing unfunded mandates that are imposed upon localities and increase the cost of doing business.
 - Support the requirement that all bills that have a local fiscal impact must be introduced by the first day of the General Assembly session.
 - Support protection of existing authority regarding local budget decision and oppose shifting of funding responsibility from the state to localities for new or existing programs. When funding for a mandated program is altered, the mandate should be suspended until full funding is restored.
 - Oppose any financial policies or regulations that harm or impose burdens upon localities. When legislation with a cost to localities is passed by the General Assembly, the cost should be borne by the Commonwealth, and the legislation should contain a sunset clause providing that the mandate is not binding on localities until funding by the Commonwealth is provided. As an example, 2021 Special Session House Bill 2001 mandates high performance building standards in the construction of new buildings (greater than 5,000 gross sq. ft. or significant renovations to existing buildings in localities starting on July 1, 2023. Goochland estimates that compliance with HB 2001 has a potential to increase the cost of the county’s construction projects by up to 10% or at least \$7.4 million, based on projects in the Capital Improvement Program (CIP) between FY 2023 – FY 2027.
 - Oppose new regulations and mandated security or other standards that involve significant and continually evolving requirements without providing a dedicated state funding source to accomplish. As an example, localities are required to meet new cyber security standards before systems are allowed to access the State Elections database. Compliance has cost Goochland County \$50,000 to date with more costs and significant staff time and resources anticipated in the future.
 - Oppose any legislation eliminating the sum sufficiency of the state’s share of funding for children receiving services through the Children’s Services Act (CSA); or any effort to reallocate special education funding through a new formula that would shift additional costs onto local governments for special education funding. Additionally, we oppose any legislation that places additional requirements on local governments to spend CSA funds.
4. **Support** any legislation changes that would allow farms, farm breweries, farm cideries, and farm wineries to expand agri-tourism opportunities by directing the Virginia Department of Health to revisit regulations on septic systems and food safety requirements to allow such facilities to provide more food options while still maintaining the health and safety of the public.
5. **Support** and maintain a Voting Process that Ensures Integrity and Protects Voter Participation.
 - Support initiatives to encourage broad voter participation by all, while keeping them safe, secure, and free.

- Support initiatives that ensure election integrity throughout the process from voter registration through ballot completion and counting. Efforts should be taken to clearly identify organizations distributing voter registration applications and election materials.
6. **Support** the protection of existing local government authority in all areas, specifically including revenue streams and local land use decisions.
 - Support and protect local zoning authority in land use and zoning changes. Any amendments or changes, especially related to affordable housing, **should not** supersede local zoning authority or decisions.
 - Support granting counties equal taxing and borrowing authority to that of cities and towns.
 7. **Oppose** any legislation requiring the recording and keeping of written or audio minutes of a closed meeting of a public body for discussions of delicate topics specifically identified and authorized by Virginia law. Requiring such a record would negate the very purpose for authorizing closed meetings on such sensitive matters.
 8. **Oppose** the passage of any state laws that infringe upon the rights of the law-abiding citizens of the Commonwealth under the Second Amendment of the United States Constitution and under Article I, Section 13 of the Virginia Constitution.

Priority Requests – Schools

1. **Support legislation that allows for local autonomy on education issues impacting Goochland County students, staff, and families.**

As members of an elected School Board, we understand the values and ideals of our community. Decisions regarding curriculum, health mitigation, the needs of our students, assessment, and employee evaluation must be made at the local level. We ask that you oppose legislation that forces our school division to implement initiatives that are contrary to our community's beliefs. Allow local school boards to make decisions on these important issues.

2. **Repeal legislation that removed the flexibility for school divisions to maintain teacher quality through performance evaluations.**

During the 2020 General Assembly session, several bills were passed that have the potential to negatively impact the quality of teachers in the profession. SB 98 and HB 365 removed flexibility for local school divisions to define the probationary period for teachers, while SB 167 and HB 570 removed the definition of "incompetency" for the purpose of establishing grounds for the dismissal of public school teachers. Additionally, SB 377 placed additional barriers for school divisions in the grievance process for under-performing employees. It is our belief that these bills will create additional restrictions on administrative staff and School Boards with a desire to maintain a standard of excellence in the classroom.

3. Advocate for legislation that reduces the total number and type of required SOL assessments.

Our school division has achieved success by utilizing a balanced assessment program that emphasizes student growth over achievement. It is our belief that our school division should be held accountable for student performance. However, there are too many required assessments for students. Legislation that reduces the total number and type of assessments to align with the minimum requirements in the federal Elementary and Secondary Education Act of 1965, as amended, is in the best interest of our students.

4. Create and establish a School Construction Fund.

School infrastructure and facilities are aging at a rapid rate. Although some school divisions have utilized federal funds for allowable uses to improve indoor air quality, many improvements are needed. Modernizing our Commonwealth's facilities to align with academic experiences to prepare our next generation of students for an ever changing global economy are needed now more than ever. The Goochland County School Board is seeking our legislator's advocacy for the establishment of a school construction fund for the purposes of providing the resources to finance the design and construction of new buildings and facilities or the modernization and maintenance of existing structures.

5. Pass legislation to support broadband expansion across the Commonwealth, with specific emphasis on the needs of rural communities.

Access to reliable, high speed broadband internet is critical for communities. Providing this gateway to the world allows students and families to access affordable healthcare, educational opportunities, and other essential services. In today's modern global environment and an ever changing technological landscape, residents of the Commonwealth should not be disadvantaged because they do not have access to reliable broadband. It is imperative that the General Assembly provide funding and pass legislation that will ensure ubiquitous access to high speed, broadband internet.

6. Support legislation that increases early childhood education and preschool opportunities for students.

Recent information from the Virginia Department of Education (VDOE) Office of Early Childhood Education indicates that there is a growing discrepancy in the level of kindergarten readiness among preschool aged children. It is important to continue to support programs and funding of birth-5 education, to include partnerships with private entities, adequate facility space, increasing the number of teachers, and providing support for families across the Commonwealth.

7. Repeal legislation that supports collective bargaining efforts.

Collective bargaining can be costly for local school divisions and create issues for School Boards where none currently exist. We ask that you support legislation that repeals SB939 and HB 582.

8. Adjust the funding formula to Regional Governor's Schools to accommodate the needs of full day programs.

Currently, full day Governor's Schools programs like the one at Maggie L. Walker are funded using the same mechanism as are partial day programs. Full day programs require greater funding needs from an administrative, maintenance, operations, security, and programmatic standpoint. However, the nature of the full day program is not accounted for

in budget appropriations. It is our belief that the needs of full day programs should be accounted for in future appropriations for the Commonwealth's Regional Governor's Schools.

9. Support any Legislation that moves the state closer to fully funding the Standards of Quality (SOQ).

The School Board believes that the cap on support positions over 10 years ago has prevented necessary state funding. The School Board believes the state should begin funding critical positions not covered in the Standards of Quality (SOQ), such as reading specialists, math specialists, and elementary assistant principals.

10. Oppose any legislation that requires a redistribution of local dollars when establishing State-Wide virtual schools/programs.

The School Board requests that the General Assembly oppose any legislation that requires a redistribution of local dollars when establishing state-wide virtual schools/programs. Local school divisions frequently have to support these students with their enrollments and process in the course, the state funding is necessary to manage this process; otherwise, local dollars are inherently going to support this state program.

11. Oppose any bill that creates Parental Choice Educational Savings Accounts.

The School Board believes that these accounts would be considered unconstitutional under Article VIII, Section 10 of the Constitution of Virginia.

12. Oppose any bill that would allow the Board of Education to establish regional charter school divisions that would be governed by a separate board appointed by the Board of Education.

13. Initiate legislation that would require local school divisions to report both a letter grade and a specific numerical value earned by students on all official transcripts.

Divisions across the Commonwealth struggle with the idea of 10 point grading scales to best serve their students in applying for post-secondary schools. Reporting of numerical grade values removes the need to "normalize" grading scales and provides more exact data for post-secondary applicants.

Adopted by the Goochland County Board of Supervisors – November 3, 2021