

November 29, 2021

Clarke County Board of Supervisors  
Legislative Priorities Meeting

12:00 p.m.

At a special meeting of the Board of Supervisors of Clarke County, Virginia, with the Virginia state and local legislators, held at the Berryville Clarke County Government Center conducted on Monday, November 29, 2021, at 12 noon.

Supervisors: Present: Matthew E. Bass – Berryville District; David S. Weiss – Buckmarsh / Blue Ridge District; Terri T. Catlett - Millwood / Pine Grove District; Bev B. McKay – White Post District; Absent: Doug Lawrence

State Representatives Present: Wendy Gooditis - 10th District House Delegate; Mariah Brown – 10th District Legislative Assistant; Dave LaRock - 33rd District House Delegate; Daniel Davies - 33rd District Legislative Assistant; Senator Jill Holtzman Vogel – 27th District Senate

Other Local Officials Present: Donna Peake – Commission of the Revenue; Diane Harrison – Town Council, Town of Berryville; Travis Sumption – Sheriff Office Chief Deputy; Anne Williams – Commonwealth’s Attorney; William Waite – Industrial Development Authority Treasurer/Secretary

Staff Present: Chris Boies – County Administrator; Chuck Bishop – Superintendent, Clarke County Public Schools

Press: None

Others Present: None

1) Call to Order

At 12:25 pm, Chair Weiss called the 2022 Legislative Priorities meeting to order.

2) 2022 Legislative Priorities

Chair Weiss went through the list of priorities noted below. Staff and local officials provided context and background information on the priorities, and local legislators provided feedback and their thoughts on the various issues.



## 2022 Legislative Priorities and Positions for Clarke County

November 23, 2021

### Top Priorities for 2022

#### 1. Issue: Funding

Clarke urges the Commonwealth to meet its full funding obligations for Constitutional Officers and their state mandated positions. In addition, we request the state compensate state employees like the General District and Juvenile and Domestic Relations Court staffs adequately. If the state provides pay increases for local, state-supported positions, the state should fully fund these increases.

In addition, Clarke requests that the state budget be amended to fund local and regional jails based on actual costs as determined by the Annual Jail Cost Report, published by the Compensation Board.

Previous unfunded mandates should now be funded by the state.

#### 2. Issue: Land Conversion for Nutrient Credit Program

Clarke prefers that credits be available only from within the HUC unit that credits are needed and not from adjacent HUC units.

Clarke believes that additional research is necessary to determine the unintended consequence of permanent removal of agricultural production on areas identified as important farmland soils by the Natural Resource Conservation Service (NRCS).

The Department of Environmental Quality adopted a post-construction water quality and quantity program requiring everything built after July 1, 2014, be nutrient neutral. Nutrient / phosphorous credits can be purchased and point sources and municipal systems can “true up” on an annual basis and buy term credits. However, to make the “math work” on new development, only permanent credits can be purchased, which cannot be renewed year after year. Rules require that the credits must be purchased within the eight-digit hydrologic unit or an adjacent eight-digit hydrologic unit hub. Clarke is adjacent to five out of seven of the Potomac River hubs; so, developments in those areas can buy nutrient credits in Clarke. The program specifically seeks agricultural property to remove from production and, typically, trees are planted and maintained in perpetuity.

#### 2021 Update:

- *A DEQ-led study is currently underway and a report will be*

*Top six priorities listed in order of priority.*

**2022 Legislative Priorities and Positions for Clarke County**

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*issued to the General Assembly on this topic. Clarke County participated in the one-day work group meeting.*

- 3. **Education**      Teacher licensing requirements should be made more flexible to enhance the availability of qualified teachers and to address the growing teacher shortage.  
  
Support the elimination of the Support Staff Cap that was implemented during the Great Recession as a means to cut costs and has remained in place since that time.  
  
Fully fund the Commonwealth's share of the Standards of Quality. Support a freeze to the revision of the Local Composite Index as school divisions and communities recover from the pandemic.  
  
Support a significant investment in funds earmarked for teacher salary increases.
- 4. **Issue: Mental Health Reform**      Support comprehensive reform the Commonwealth's mental health system, including the reopening of state adult mental hospitals for new admissions.
- 5. **Public Notice Requirements**      Support legislation which allows localities to use their websites and social media accounts, instead of print media, to post legally required advertising for public hearing notices, procurement solicitations, and similar items requiring advertisement in a local newspaper.
- 6. **Retention of Local Zoning Authority**      We support full retention of local authority over local land use decision-making and are strongly opposed to any legislation that would erode this authority. Specifically, we would oppose any legislation to restrict, or to further restrict, local zoning authority over the location and scope of agribusinesses, agritourism activities (such as farm wineries, farm breweries, and farm distilleries), and the construction of solar farms.

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**Other Issues of Importance**

- ▲ **Issue: JLARC study of spotted lantern fly response.**      Ask the Joint Legislative Audit & Review Commission (JLARC) to study the Commonwealth's response to the arrival of the spotted lantern fly to determine if a different response is necessary the next time an invasive species arrives in our region.

**2022 Legislative Priorities and Positions for Clarke County**

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- ▲ **Issue: Route VA 7 Pedestrian Bridge**      The number of people attempting to cross VA 7 on foot at the top of the mountain, near the Clarke County and Loudoun County boundary, continues to increase. This location is very dangerous for pedestrians to cross because of the topography, along with the speed and volume of vehicular traffic. A pedestrian footbridge would provide a safe crossing for hikers and others who frequent this area.
  
- ▲ **Issue: Availability / Quantity and Quality of Water Resources**      Availability / Quantity: Clarke supports proactive state action in reviewing and establishing regulations and programs to ensure that localities water sources are protected and that water quantity, as well as quality be protected.  
  
Clarke supports the Commonwealth allowing localities to regulate quantity.  
  
Clarke believes that protecting water availability for residents and local businesses should be a priority by ensuring that future large water users are required to demonstrate through scientific research and water availability studies adequate water supply for the proposed use.  
  
Quality: Clarke supports cost effective measures aimed at reducing loadings of pollutants in state waters from both point and non-point sources but urges the Commonwealth to consider the impacts of such measures will have on both local governments and agriculture.  
  
Clarke believes reliable forms of financial and technical assistance will be required to help localities and agriculture meet the Commonwealth's goals with regard to water quality and quantity.
  
- ▲ **Issue: Land Conservation**      Clarke County supports the Purchase of Development Rights program, the Tax Credit program for the donation of easements, the transferability of tax credits.

3) Adjournment

Chair Weiss thanked the local legislators for their attendance and participation in the meeting. The legislators thanked the Board for holding the meeting in November as the filing deadline for legislation was today. Chair Weiss adjourned the Board of Supervisors meeting at 2:10 pm.

ATTEST: November 29, 2021

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David S. Weiss, Chair

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Chris Boies, County Administrator

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Transcribed by Chris Boies, Clerk to the Board of Supervisors