

VIRGINIA CODE COMMISSION

Wednesday, August 28, 2024 - 10:00 a.m.

Senate Committee Room C, Room 206 - General Assembly Building

Approved
November 18, 2024

Meeting Minutes

Members Present: Katrina E Callsen, Nicole Cheuk, Richard Gardiner, Michael Mullin, Christopher R. Nolen, Marcus Simon, Malfourd W. Trumbo

Members Absent: Steven G. Popp, Russet Perry, Charles S. Sharp, Amigo R. Wade

Staff Present: Holly Trice, Nikki Clemons, Erin Comerford, Meg Lamb, Keelin Cronin; Division of Legislative Services

Others Present (Virtually): Ryan McDougle

Call to order: Delegate Simon, chair, called the meeting to order at 10:06 a.m. A quorum of the commission was present in person.

Holly Trice instructed members of the public on how to submit public comments via email.

Review of Proposed Electronic Meeting Policy under § 2.2-3708.3: Holly Trice with DLS explained that the electronic meeting policy must be adopted at least annually. The new policy has one change, which allows 50% of the meetings in a calendar year to be virtual. Members may also appear electronically with approval and may request of the chair that a meeting to be entirely virtual.

Chair Simon clarified that there cannot be two back-to-back electronic meetings per the policy.

Chair Simon asked if there were any questions about this policy. Chair Simon asked for a motion. The motion was made, properly seconded, and a roll call vote was conducted. The motion passed.

Motion to Adopt Electronic Meeting Policy pursuant to § 2.2-3708.3.	Yea	Nay	Abstain	Absent
Katrina Callsen				1
Nicole Cheuk	1			
Richard Gardiner	1			
Meg Lamb			1	
Michael Mullin	1			
Ryan McDougle				1
Christopher R. Nolen	1			
Russet Perry				1

Virginia Code Commission Meeting Minutes

August 28, 2024

Page 2 of 4

Steven Popps				1
Charles S. Sharp				1
Marcus Simon	1			
Malfourd W. Trumbo	1			
Amigo R. Wade				1
Total	6		1	6

Review and Approval of May 6, 2024, Meeting Minutes: Chair Simon asked for a motion to approve the draft May 2024 meeting minutes. A motion was made, properly seconded, and a voice vote was conducted. The motion carried.

At this point, Delegate Callsen arrived.

Recodification of Title 30: Meg Lamb of DLS introduced Keelin Cronin, who discussed the details of the recodification of Title 30. The first changes introduced included the codification of JLARC, the use of "shall" instead of "may" in language regarding the appointment of staff to legislative boards, and the expansion of a common three-year sunset for executive branch boards to include legislative collegial bodies to create parallel construction of these bodies. Ms. Lamb asked Chair Simon if the commission will vote to approve of these three changes first. Judge Gardiner voiced concern over mandating the hiring of staff to legislative boards. Ms. Lamb responded that this change would provide clarity around HR, funding, and permanency issues. Mr. Mullin and Mr. Trumbo agreed that the nature of legislative bodies necessitated having directors appointed consistently.

Chair Simon asked if there were any objections to codifying JLARC. There were no objections. Chair Simon asked if there were any objections to changing "may" to "shall." Judge Gardiner reiterated his concern. Chair Simon asked if there were any objections to incorporating a sunset clause, noting that he would consider making the language even stronger. There were no objections.

Ms. Lamb moved on to discuss more budget items that the group suggests codifying in Title 30, including language around who makes appointments to legislative committees and balancing the number of nonlegislative and legislative members on legislative committees. Chair Simon, Judge Gardiner, and Mr. Mullin all voiced hesitation around reducing the number of nonlegislative members on committees, but agreed that making legislative members "supermembers," committee leaders, and reducing the voting privileges to a smaller number of nonlegislative members were all potential solutions to the imbalance.

Next, Ms. Lamb directed the commission to review a list of legislative committees that have memberships that can vary in size, and suggested that the recodification choose a number from that range. Chair Simon suggested leaving the Virginia American Revolution 250 Commission alone. There were no objections. Ms. Lamb then discussed the Virginia-Israel Advisory Board, which does not have a minimum number of legislators required for membership. Senator McDougle suggested leaving the Virginia-Israel Advisory Board alone as it only recently became a legislative committee after previously being an executive agency.

Ms. Cronin then walked the commission through three legislative commissions that were flagged as being obsolete: the Intercollegiate Athletics Review Commission, the Medicaid Innovation and Reform Commission (MIRC), and the Commission on Wellness and Opportunity. Chair Simons asked about any objections to removing these three commissions; there were no objections.

Ms. Cronin then discussed opportunities to consolidate commissions, including rolling the Autism Advisory Council into the Disability Commission or redesignating the Autism Advisory Council to the executive branch; and rolling the Medicaid Innovation and Reform Commission into the Health Insurance Reform Commission. Chair Simon voiced concern over making changes to the Autism Advisory Council given its recency and the distinct nature of intellectual disabilities. The group agreed upon making no changes to the Autism Advisory Council and noted that if MIRC was removed, there was no need to consolidate it.

Finally, Ms. Lamb walked the group through the proposed new Title 30. Judge Gardiner requested that the language be broken down into more subsections, to which Ms. Lamb consented. The commission agreed that there should be another meeting before November's meeting to further discuss some of the changes.

Proposed Law Portal Maintenance for §§ 20.03-20.10 of the Virginia Beach Charter: Ms.

Trice clarified that the DLS was not recommending that the Code Commission repeal anything, but simply clean up the website, which includes charters as a public courtesy. Ms. Trice stated that she was contacted by multiple citizens regarding a discrepancy between a private website that displays local charters and the Virginia Beach charter that was displaying on the state's website, LIS.

Ms. Trice began walking the commission through the sections containing discrepancies due to a repealing clause, § 16.1-69.1, and the staff suggestions for how to address these on LIS.

Chair Simon clarified the issue and asked whether there were any questions. He stated that it seemed clear that at least one section of the charter was subsumed by Code, but first invited a member of the public to speak to the commission regarding the issue.

Donny Edwards, a citizen of Virginia Beach, stated that the Virginia Beach Charter was never amended lawfully because a special act cannot be amended by a general law, and that he wanted the commission to leave LIS as it is. He requested that the commission defer the matter to the next meeting. Chair Simon stated that the General Assembly has the authority through code to modify the law in a general way. Mr. Edwards stated that special acts require a supermajority, which cannot be overwritten with a simple majority, and that Virginia Beach needed to adopt changes to its charter lawfully.

Judge Trumbo questioned Mr. Edwards regarding the application of the Code of Virginia. Mr. Edwards referred to case law but did not have any and stated that he was not asking the commission to make a determination of law, but to *not* make a determination.

Judge Gardiner stated that this raised a question of constitutional law and suggested that a legislator request an Attorney General's opinion on the matter. Chair Simon had no objections. Mr. Edwards asked if the commission was going to defer, and Chair Simon explained that the commission would tell the staff not to take any action and that he would request an AG's opinion of the constitutionality of § 16.1-69.1. Mr. Edwards thanked Chair Simon for this decision.

At this point, Chair Simon noted that there was another member of the public who wished to speak.

Virginia Code Commission Meeting Minutes

August 28, 2024

Page 4 of 4

Craig Henson, a citizen of Virginia Beach, stated that he noticed many discrepancies with the Virginia Beach charter and that Virginia Beach was obstructing his attempts to rectify the matter. Mr. Henson liked the suggestion to get an AG's opinion and said he felt that the law should be consistent from the state to the local level.

Other Business: Judge Gardiner suggested that the commission may want another meeting in the beginning of October given the substance of the meeting. Chair Simon agreed.

Public comment: Chair Simon asked if there were any other members of the public who desired to comment on this matter or any other matters. There were no others.

Adjourn: Ms. Lamb moved to adjourn the meeting. The motion was properly seconded, and a voice vote was conducted. The motion carried.

Chair Simon adjourned the meeting at 11:59 a.m.