



Glenn Youngkin
Governor

Caren Merrick
Secretary of
Commerce and Trade

COMMONWEALTH of VIRGINIA

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Bryan W. Horn
Director

Commission on Local Government

May 5, 2023

11:00 A.M.

All-Virtual Public Meeting

Members Present

Ceasor T. Johnson, D.Min, Chair
Diane M. Linderman, PE
Robert W. Lauterberg

Members Absent

Edwin S. Rosado, Vice Chair

Call to Order

The Commission on Local Government (CLG) Chair, Dr. Ceasor Johnson, called the meeting to order at 11:00 a.m.

Mr. LeGrand Northcutt, Senior Policy Analyst at the Virginia Department of Housing and Community Development (DHCD) initiated a roll call vote. Mr. Northcutt informed the Chair that a quorum of Commissioners Johnson, Linderman, and Lauterberg was present.

Staff present were Mr. Northcutt, Mr. Chase Sawyer, and Ms. Grace Wheaton.

Administration

The agenda was adopted unanimously on a motion by Commissioner Linderman seconded by Commissioner Lauterberg.

The minutes from the March 10th regular meeting were adopted unanimously on a motion by Commissioner Lauterberg seconded by Commissioner Linderman.

The minutes from the March 9th public hearing in New Market were adopted unanimously on a motion by Commissioner Linderman seconded by Commissioner Lauterberg.



Chair Johnson opened the floor for the public comment period. There were no public comments, and the public comment period was closed.

Staff Report and Updates

Mr. Northcutt gave an update on articles of interest to the Commission that were distributed in the meeting packet. The articles were presented for informational purposes only on issues that may relate the Commission's present or future business.

Commissioners Linderman and Lauterberg asked general questions about the nature of the Voluntary Settlement Agreement between the Town of Bedford and Bedford County that were answered by Mr. Northcutt.

Cases Before the Commission

Loudoun County and the Town of Leesburg

Mr. Northcutt updated the Commission on the state of negotiations between Loudoun County and the Town of Leesburg. The parties believe that a Voluntary Settlement Agreement can be reached, and jointly requested an extension of the County's filing deadline to July 7th to allow them more time to potentially negotiate a settlement.

Proposed Revised Review Schedule

Mr. Northcutt presented the request and the proposed revised review schedule for the case. If the parties do not come to an agreement by July 7th, the Commission will reschedule the Town's reply date and the schedule for public hearings and presentations at the July meeting. If the parties come to an agreement, the public hearings and presentations will be held on one of the currently reserved dates in August.

Mr. Northcutt read a statement from Commissioner Rosado indicating his approval of the extension in his absence.

Commissioner Linderman moved that the extension be granted and the review schedule be updated accordingly. Chair Johnson seconded the motion. The motion passed by a vote of 2-0, with Commissioner Lauterberg abstaining.

Shenandoah County and the Town of New Market

Draft Report on the Voluntary Settlement Agreement

Mr. Northcutt presented the Draft Report on the Voluntary Settlement Agreement between Shenandoah County and the Town of New Market to the Commission and discussed what the next steps are after the report is adopted.



The Commission finds in its report that all three substantive amendments in the proposed agreement are in the best interest of the Commonwealth and recommends minor changes to the third amendment to clarify its scope. The report also encourages the parties to thoroughly engage the public through the remainder of this process and in any future amendments to the Voluntary Settlement Agreement.

Mr. Northcutt read a statement from Commissioner Rosado indicating his approval of the Draft Report in his absence.

Commissioner Lauterberg moved the adoption of the Draft Report as presented, seconded by Commissioner Linderman. The motion passed unanimously. The Adopted Report will be sent to the parties by close of business on May 5, 2023.

2023 Cash Proffer Survey Instrument

Mr. Sawyer presented the survey instrument for the 2023 Cash Proffer Survey. This year's instrument is substantially similar to last year's instrument.

Commissioner Lauterberg asked Mr. Sawyer about the use of the "miscellaneous" category and what types of spending might go into that category. Mr. Sawyer answered that the category is included in code, and it is unclear what might be included.

The Commissioners discussed the timeline for when cash proffers must be expended, even after a locality loses its ability to collect cash proffers.

The Survey instrument was approved unanimously on a motion by Commissioner Linderman, seconded by Commissioner Lauterberg.

FY21 Fiscal Stress Report

Ms. Wheaton gave an update on the FY21 Fiscal Stress Report. The presentation and adoption of the report will be delayed until the July meeting in accordance with Commission practice to allow six months for remaining localities to submit their financial information to the Auditor of Public Accounts.

2023 General Assembly Update

Ms. Wheaton presented a summary of the 2023 Session Fiscal Impact Statement process. Staff will work with Commissioner Lauterberg on developing a methodology for a qualitative description of fiscal impacts



to include in all summaries sent to the General Assembly. Ms. Wheaton will report on progress at the September meeting.

Mr. Northcutt presented HB2161 (2023), which continues the Virginia Code Commission's work group on local government notices from last year. At the suggestion of the Chair, and without objection, Commissioner Linderman will continue to serve on the work group.

Mr. Sawyer presented HB1671 (2023), which requires localities to report on certain fees and assessments, and HB2494 (2023), which requires reporting on certain local housing policies in conjunction with the statewide housing needs assessment.

Staff will develop a survey instrument that meets the requirements of HB1671 to present at the November meeting and will seek input from the Commissioners as necessary.

Other Business

The Commission discussed its meeting dates for the remainder of the calendar year. No changes were made, and the Commission's November meeting is scheduled to be all-virtual.

Mr. Northcutt informed the Commission that two sets of localities have contacted staff in the past month to discuss potential voluntary settlement agreements over annexation issues. These cases could come before the Commission in the next year.

Adjournment

Chair Johnson moved to adjourn until the next regular meeting with a second by Commissioner Linderman. The motion passed unanimously.

