

**MINUTES**

**COMMISSION ON LOCAL GOVERNMENT**

**Regular Meeting**

**10:00 a.m., May 9, 2005**

**Members Present**

John G. Kines, Jr., Chairman  
Harold H. Bannister, Jr., Vice Chairman  
Kathleen K. Seefeldt  
Geline B. Williams

**Members Absent**

**Others Present**

Ted McCormack, Associate Director  
Barbara Johnson, Executive Secretary  
Larry E. McMillan

**Call to Order**

The Chairman called the meeting to order at 10:00 a.m., May 9, 2005 in the Board Room of the Department of Housing and Community Development in Richmond.

**I. Resolution of Appreciation for Larry McMillan**

The Chairman read a resolution which had been prepared by the members expressing appreciation to Mr. Larry McMillan for his 13 years of service on the staff of the Commission on Local Government. The resolution had been unanimously adopted at the January 10, 2005 regular meeting, and a framed copy of the document was presented to Mr. McMillan. The various members of the Commission then offered their personal comments concerning their pleasure of having had an opportunity to work with Mr. McMillan over the course of his tenure with the agency.

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**II. Administration**

**A. Approval of Minutes of Regular Meeting of March 14, 2005**

The minutes of the Commission's regular meeting of March 14, 2005 as amended were approved unanimously.

**B. Presentation of Financial Statement for April 2005**

The Associate Director advised that the member's packet for the current meeting contained a copy of the internally produced financial statement covering the Commission's activities through April 30, 2005. He reported that the financial statement contained data for ten months, or approximately 83.3% of the fiscal year and that the document showed agency expenditures of approximately \$265,000 or about 78.7% of appropriations. Mr. McCormack noted that the rate of expenditures under appropriations was due principally to the staff vacancy and, to a lesser extent, the vacancy on the Commission. The Commission accepted the financial report for filing.

**C. Associate Director's Report**

**1. Appointment to the Commission**

The Associate Director advised that the filling of the vacant position on the Commission by the Governor's Office was delayed by both the 2005 General Assembly Session as well as the large number of appointments that the Governor has to make at the beginning of the calendar year. He indicated that an appointment is expected in the immediate future, and that he hoped that the new member of the Commission will be known by the July regular meeting.

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**2. Recruitment for Vacant Position**

The Associate Director stated that in early April he had met with Mr. Bill Shelton, the Commission's Executive Director, Mr. Al Williams, Deputy Director for Administration, and Mr. Bill Ernst, Associate Director for Policy, concerning the Commission's vacant Senior Policy Analyst position. He indicated that Mr. Shelton wanted to expand the role of the vacant position to include more intergovernmental relations activities as well as the collection of data and information concerning issues with regard to the Department of Housing and Community Development's responsibilities. Mr. McCormack advised that he drafted a proposal to Mr. Shelton to expand the role of the Commission's Policy Analysis, and that he was subsequently authorized to amend the position description in preparation for recruitment of applicants for that position. He observed that he hoped to begin advertisement for candidates in the near future.

**3. Meeting Per Diem**

The Associate Director stated that, in accordance with the Commission's Policy on compensation and reimbursement, per diem would be paid to all members for their service to the Commonwealth on the current date.

**4. National Association of Counties Conference**

The Associate Director advised that at the request of the members, he contacted Mr. Jim Campbell, Executive Director of the Virginia Association of Counties, and offered the Commission's assistance in

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preparing a session for the annual conference of the National Association of Counties that will be held in Richmond in July of 2007. Mr. McCormack noted that Mr. Campbell appreciated the Commission's offer of assistance and that the request would be forwarded to the conference steering committee for further action.

**5. Staff Presentations**

The Associate Director reported that on April 18 he had participated in a public affairs radio program on WAMU in Washington, DC on the legal process by which a new county could be established in Virginia. He stated that on May 17 he had been invited to speak to a meeting of the Frederick County – Winchester Consolidation Study Committee on the subject of functional and governmental consolidation. Finally, Mr. McCormack noted that he had been invited to speak to the Courtland Town Council on June 14 on the topic of town boundary change options, and that Southampton County administrator had been invited to be present at that meeting.

**III. Revision of Commission Regulations**

**A. Preliminary Staff Comment**

The Associate Director reported that on May 2, 2005 he received notification that the Governor's office had completed its review of the proposed revisions to the Commission's regulations and public participation guidelines. Mr. McCormack stated that the Commission could now publish the proposed changes for public comment in *The Virginia Register*. He indicated the period for

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receipt of public input was required to be a minimum of 60 days, and that the Commission may also elect to hold a public hearing during that period. Mr. McCormack suggested that the Commission may want to hold its public hearing on the proposed revisions in conjunction with the July regular meeting. The Associate Director observed that at the end of the comment period, the Commission must review and address all substantive public input and make any changes to the proposed public participation guidelines and regulations that are determined by the members to be appropriate.

**B. Commission Deliberation and Action**

After a brief discussion the Commission directed Mr. McCormack to publish the proposed revisions to the public participation guidelines and regulations in *The Virginia Register* as soon as possible. Further, the members decided that if those revisions are published in the May 30, 2005 edition of *The Virginia Register*, the public comment period would commence on that date and end on August 1, 2005. Further, the Commission established July 18, 2005 at 10:00 a.m. as the time for the public hearing on the proposed changes, and further, that the hearing would be held as a special meeting in the Board Room of the Department of Housing and Community Development. The Commission requested that Mr. McCormack give notification of the public comment period and hearing to as many interested parties as possible, and that a court reporter be secured to take the testimony received on July 18.

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**IV. Annual Survey of Cash Proffers**

**A. Preliminary Staff Comment**

The Associate Director advised that Section 15.2-2303.2 of the Code of Virginia requires the Commission to survey annually the usage of cash proffers by eligible counties, cities, and towns and to report the results of that survey to the Chairman of the Senate Committee on Local Government and the Chairman of the House Committee on Counties, Cities and Towns by November 1 of each year. Mr. McCormack stated while the 2005 General Assembly had made significant changes to the statute concerning cash proffers, those amendments did not alter the administration of the survey. He stated that as in the past, the survey instrument will be mailed to the 81 counties and 34 cities eligible to receive cash proffers, as well as the 27 towns over 3,500 in population are eligible to receive cash proffers. The Associate Director indicated that only stylistic changes had been made to the survey instrument from the previous year for use in the forthcoming mailing, and he noted that since the survey was scheduled to be mailed after July 1, the staff was seeking the Commission's approval to proceed with the distribution of the survey instrument.

**B. Commission Deliberation and Direction**

After a brief discussion of the survey, the Commission authorized the mailing of the 2005 survey to those localities that were eligible to accept cash proffers.

**V. Scheduling of Next Regular Meeting**

The next regular meeting was scheduled for July 18, 2005 at 1:00 p.m. at the

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Commission's offices in Richmond, Virginia.

**V. Adjournment**

The meeting was adjourned at 11:20 a.m.

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John G. Kines, Jr.  
Chairman

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Ted McCormack  
Associate Director

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**COMMISSION ON LOCAL GOVERNMENT  
COMMONWEALTH OF VIRGINIA**

At a regular meeting of the Commission on Local Government held in Richmond, Virginia on Monday, January 10, 2005, at the hour of 10:00 a.m., the following resolution was adopted:

**WHEREAS, Larry McMillan** served the Commission on Local Government with fidelity and distinction from January 1992 through February 2005; and

**WHEREAS,** the Commission on Local Government has been a direct beneficiary of his energy and dedication with respect to major initiatives undertaken in Virginia concerning the assessment and cataloging of State and federal mandates on local governments, and the utilization of proffered cash payments by local governments;

**WHEREAS, Larry McMillan** completed for the Commission on Local Government a comprehensive study analyzing the social, economic, and fiscal condition of Virginia's counties, cities, and towns between 1980 and 1990, and the study's principal findings were subsequently published in the newsletter of the Cooper Center for Public Service at the University of Virginia; and

**WHEREAS,** He assisted the deliberations of the Commission on Local Government through his research on local boundary change and governmental transition issues and the agreements that settled such inter-local concerns; and

**WHEREAS,** His knowledge, professionalism, and commitment have earned him the respect and admiration of all the members of this Commission and others who have had the good fortune of his association;

**NOW, THEREFORE, BE IT RESOLVED,** That the Commission on Local Government does hereby convey its gratitude to **Larry McMillan** for his numerous contributions to this body and for his enhancement of the professional and personal lives of all who have been associated with him in his public service; and

**BE IT FURTHER RESOLVED,** That a copy of this resolution be spread upon the Minutes of this meeting and that a framed copy thereof be presented to **Larry McMillan** as a permanent testimony of our affection, esteem, and high regard.

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