



OFFICE OF THE
CITY MANAGER

October 27, 2011

Ms. Susan Williams
Commission on Local Government
Department of Housing and Community Development
600 East Main Street, Suite 300
Richmond, Virginia 23219

Dear Ms. Williams:

As suggested by Governor McDonnell in his letter of October 4th, I am providing a list of unfunded mandates for the Task Force for Local Government Mandate Review to consider for elimination or modification. This list is, in part, a compilation of suggestions that have been provided over the years to members of the General Assembly and to General Assembly committee staff, among others. As you are aware, the elimination of an unfunded mandate is an extremely rare occurrence so it is relatively easy to reuse past correspondence to create a list for this new effort. I have also included some more recent suggestions, especially from the City's Department of Social Services.

As a preface, allow me to suggest that the real question, beyond individual mandates, is how the partnership between the State and its localities should operate to deliver necessary services to the citizens of the Commonwealth. For the State to continue to shift funding responsibilities for state-mandated, locally-delivered services on to the localities without corresponding funding is increasingly onerous and, I believe, in the long run is unsustainable. In my opinion there needs to be an ongoing discussion about this partnership and how services are funded and delivered. I hope that the work of the task force can develop into such a conversation.

Finally, a test of the seriousness of any initiative to eliminate unfunded mandates could involve the consideration of only three of the most onerous, namely:

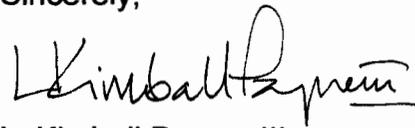
- Repeal the annual \$60 million reduction in State Aid to Localities that is contained in the State budget. This "Local Aid to the Commonwealth" stands the traditional relationship between the State and its localities on its head.
- Rescind the requirement that localities pay for expenses related to the Line of Duty Act. The act is legislation adopted by the General Assembly without input from the localities and, until recently, has been funded by the State.

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- Pick up the cost of the health benefits for retired teachers. When this benefit was adopted by the General Assembly it was understood that the State would pay the costs. Subsequently the costs were shifted to the localities.

Thank you in advance for the assistance that you will provide to the Task Force on Local Government Mandate Review. I look forward to working with you.

Sincerely,

A handwritten signature in black ink that reads "L. Kimball Payne, III". The signature is written in a cursive style with a horizontal line under the name.

L. Kimball Payne, III
City Manager

c: City Council

Input to the Task Force for Local Government Mandate Review

City of Lynchburg

October 2011

As a general principle, the City suggests that the State eliminate the local costs for the following programs. These are state programs either required by the constitution or by statute and responsibilities for financing them have been increasingly shifted to localities.

- Constitutional Officers
- Registrars
- Electoral Boards
- Courts
- Local social service and health department costs
- Comprehensive Services Act requirements
- Standard of Learning requirements

In addition, the following actions would lessen the burden on localities resulting from past General Assembly actions:

1. Decrease the number of landfill inspections from one per month to once every 2-3 months. (Public Works) Along the same lines, there are numerous reports that the City must make to VDOT and DEQ that could either be reduced in frequency or eliminated altogether.
2. Eliminate the State requirement for localities to provide a list of new hires to the State every month. Human Resources does not see the value in this requirement when court orders are used for child support. (Human Resources)
3. Eliminate the State requirement to pay firefighters and EMTs overtime based on total paid hours rather than productive hours as required by the FLSA. This State requirement costs the City thousands of dollars and dictates a higher level of benefit for firefighters/EMTs than available to other employees. (Human Resources)
4. Eliminate the requirement to provide quarterly salary data to the VEC for the Occupational Employment Statistics Survey. The data is not published in any meaningful way by the VEC. (Human Resources)
5. An unfunded State responsibility that Social Services proposes for elimination relates to the Family Access to Medical Insurance Security Plan (FAMIS),

also known as the Children's Medical Security Insurance Plan (CIMSIP). When the program was first launched by the State it was CIMSIP. Local Department's of Social Services (DSS) were responsible for the administration of the program and were given funds to carry out these duties. The City funded a Benefit Programs worker who was dedicated to screening and enrollment for this program. The State retained the responsibility for marketing the program and enrollments were much lower than desired. Against the recommendations of the localities, the State decided to centralize the program and rename it FAMIS. They created a Central Processing Unit (CPU) in Richmond and took over the administration of the program and funding to the localities was discontinued. The CPU concept was not successful and program administration has once again been pushed back to the local DSS, this time without additional funding. This is clearly an unfunded State responsibility. All applicants must be screened for Medicaid first (a 14 page document), and then screened for FAMIS. The City supports the value of the Children's Health Insurance Program; however, the cost of administering the program should be fully funded by the State.

6. Retrain on Hazmat (blood-borne pathogens) every two years rather than annually would reduce training costs and be consistent with other in-service requirements (Police).
7. Rescind expanded notice and public hearing requirements. Public notice and comment time is important in any democracy, but the Code has become increasingly prescriptive to localities. These requirements individually and cumulatively can add substantial costs.
8. Section 42.1-36.1 of the Code of Virginia requires that the governing body of a library that receives state funding shall biennially file, with the Librarian of Virginia, an acceptable policy governing the use of public and staff access to the Internet. As a result, every two years since 1999 staff has dutifully brought the policy to City Council for adoption and then sent the adopted policy to the state librarian. This seems to be a waste of staff time both locally and at the state. Simply requiring that a locality have an acceptable internet access and use policy should be enough.
9. Section 22.1-92 of the Code of Virginia requires the annual notification by the local school superintendent to each parent, guardian, etc. of every student of the estimated average per pupil cost for education in the school division for the coming school year and the actual costs from the proceeding year. This seems to be an incredible waste of time, trees, and money. Any parent or guardian who is interested in such information need merely consult the proposed school budget which is required to contain the information. In this electronic age, why does a requirement like this still exist? I'm sure somebody thought this was a good idea when enacted in 1994 but it makes little sense today. I understand that school superintendents are responsible

for hundreds of reports, many of questionable value, that result in the need for more staff just to be compliant.

**Unfunded Mandates Suggested for Consideration by the
Lynchburg Department of Social Services
October 2011**

The following are mandated services that this Department is required to provide but which come without sufficient funding to do the work:

1. The Code of Virginia requires that this Department have sufficient staff to manage the work. However, in FY 2012, the General Assembly decreased the funding to the administrative budget lines for both Benefits and Services staff. This has caused an additional burden to fall to the City of Lynchburg.
2. The Code of Virginia requires that the Sheriff's Department handle indigent burials. In Lynchburg, this Department has managed this activity for many years. Until FY 2011, some funding was provided through the General Relief program. As of July 2010, this funding was no longer available for burial assistance. This Department has continued to provide this service using only local funds. In FY 2011, 12 burials occurred at a local cost of \$4,705.00. Indigent burials take place at the Old City Cemetery.
3. The Virginia Department of Social Services currently requires that paper applications be used to apply for all Benefits (TANF, SNAP, Medicaid) and Services (CPS, APS, Adult Services, Child Care). We anticipate that this requirement will end with the implementation of the automated application process through the Customer Portal for Benefits programs and Child Care. However, we also know that paper applications will be needed for the elderly and those who cannot read or use the computer to apply for assistance. For many years, the State provided the paper applications. This is no longer the case. This Department now spends \$860 every 2 or 3 months to copy 2,000, 4-page applications and pays the Virginia Department of Social Services \$568 every 3 to 4 months to provide us 4,000, 14-page applications. It is expected that this cost will continue to increase as the number of applications and cases under care increase.
4. Benefits staff is required to inform applicants about voting and to offer the opportunity to register to vote. In addition to offering this explanation and registration opportunity, Benefits staff must also keep track of the number of registrations completed in the Department and must ensure that these documents are sent to the City of Lynchburg Voter Registrar in a timely manner. This often takes 10 to 15 minutes of additional time during the interview and another several minutes to compile the information for reporting following the interview. This time adds up during the day when staff is interviewing up to 25

applicants and 50 or more renewal clients each day. No additional funding has been provided for this activity.

5. Welfare reform requires that children who receive TANF be immunized and that the caretakers be sanctioned if these immunizations are not completed. Benefits staff requests this information periodically from the parent/caretaker. If the information is not received, the BPS must follow-up and make calls to the parent/caretaker in order to secure the information. Although our TANF rolls are relatively stable, when combined with the management of SNAP and Medicaid cases, this activity is time consuming. No additional funding has been provided for this activity.

6. The Child Welfare programs, Foster Care and Child Protective Services, now require the use of Family Partnership Meetings (FPM) at designated change points in the life of the foster care or CPS case. We are currently using FPMs predominately in Foster Care but will soon have to use these in CPS as well, as appropriate. In DSS and DJS, several staff have been trained to serve as facilitators of these meetings. As meetings are held and identified as such in the OASIS system, we currently receive a small reimbursement of about \$200 each for them. This is not enough to cover the salaries of the facilitator, the social worker(s) and supervisor or senior social worker and other staff who are a required part of each meeting. The FPM policy indicates that CSA funds can be used to pay a facilitator. However, we are using in-house facilitators rather than to use CSA funds which would incur a larger local cost. Also, the small amount of funding currently being provided from the State is intended to be short-lived funding. Ultimately, DSS and DJS will have to absorb the entire cost of these meetings.