

# Goochland County Mandate Concerns

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## Governor's Task Force for Local Government Mandate Review

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As requested by Governor McDonnell's Task Force for Local Government Mandate Review, Goochland County has put together a sampling of mandates and requirements that can be eliminated or amended to reduce the burden upon localities. The recommended action for the following items would not require the Commonwealth to increase funding or assume added costs and responsibilities.

These items do come from a larger list of mandates and unfunded mandates that Goochland County maintains.

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### **Primary Elections - Localities Responsible for Costs [Code of VA § 24.2-518]**

According to section 24.2-518 of the Code of Virginia, localities (counties and cities) in which the elections are held shall pay the costs of primary elections. Political parties choosing to hold primary elections notify the State Board of Elections pursuant to section 24.2-516 of the Code of Virginia, which in turn orders the holding of a primary election in the identified locality pursuant to section 24.2-517 of the Code of Virginia.

Requiring localities to fund the cost of primary elections, except Presidential primaries in which the Commonwealth funds (Code of Virginia §24.2-545), is a clear unfunded mandate that impacts localities' budgets especially as they deal with severely reduced revenues. In the past ten (10) years [2001-2011] Goochland County has been required to hold six (6) primaries not including Presidential primaries. Just recently, in August 2011, the County held the 22<sup>nd</sup> District State Senate Republican primary which cost Goochland approximately sixteen thousand dollars (\$16,000).

Goochland County proposes that section 24.2-518 of the Code of Virginia be amended to require political parties that choose to hold primaries, with the exception of Presidential primaries, be responsible for all costs thereby removing that burden from localities.

### **2001 – 2011 Primary Elections held by Goochland County**

2001 – Democrat: Lieutenant Governor & Attorney General  
2005 – Democrat: Lieutenant Governor  
Republican: Governor, Lieutenant Governor, & Attorney General  
2006 – Democrat: US Senator  
2007 – Republican: 12<sup>th</sup> District State Senate  
2009 – Democrat: Governor  
2011 – Republican: 22<sup>nd</sup> District State Senate

### **Conservation Easements – Virginia Department of Conservation and Recreation**

Staff from the Virginia Department of Conservation and Recreation (VDCCR) currently contacts staff in Goochland's Department of Community Development each month requesting us to report new lands that

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have been put under easement. The majority of the time our staff has no new information to report. The County recommends and proposes that VDCR amend their procedures and protocols to end the monthly report requests, instead allow localities to submit information reports when necessary and applicable (i.e. new easements). Implementation of this change is simple and does not require a change to the Code of Virginia. It also would allow VDCR staff to focus their energy and time on other assignments at the same time localities will have one less monthly report to complete.

### **Records Retention Act [Code of VA §42.1-76 - §42.1-91]**

The Records Retention Act which is an unfunded mandate imposed upon localities by the Commonwealth is burdensome administratively and financially for all localities.

The Records Retention Act as it is written and administered by the Library of Virginia is complicated to follow and could be easily simplified to make it less burdensome. One suggested and relatively easy change would be to consolidate the multitude of retention and disposition schedules and different time periods into something more standardized.

### **Disclosure of Proffered Cash Payments and Expenditures [SCT.DHCD018/ Code of VA §15.2-2303.2]**

According to subsection D and E of section 15.2-2303.2 of the Code of Virginia local governments with populations over 3,500 that accept cash proffers on new developments are required to make an annual report to the Commission on Local Government concerning whether cash proffers were received, the amount expended, and the purpose of such expenditures. This is a clear mandate upon localities requiring submission of forms and information that serve no real purpose at the State level. Localities are required to maintain this information already and could provide it upon request to the state.

Goochland County proposes that subsection D and E of section 15.2-2303.2 of the Code of Virginia be removed from the Code of Virginia.

### **Biosolids – Local Monitoring [Code of VA §62.1-44.19:3 & §62.1-44.19:3.2]**

Goochland County is one of the localities that has passed a local ordinance regarding biosolids as permitted by the Code of Virginia. Goochland receives reimbursement for time and gas to check on complaints and to complete field checks of compliance with signage and notices. The reimbursement that is provided is insufficient to provide the proper services expected locally by citizens.

Goochland County proposes that subsection F of section 62.1-44.19:3 of the Code of Virginia be amended to increase fees charged to current and future permit holders providing the Sludge Management Fund with additional funding, which in turn can be used to properly reimburse localities.

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### Transportation Planning

Virginia Department of Transportation (VDOT) needs to re-evaluate and rethink its entire transportation planning process. Currently an excessive amount of time is spent by governing bodies and staff of localities on a multitude of transportation plans (Major Thoroughfare Plan, Secondary Six-Year Plan (SSYP), 2035 Rural Long Range Transportation Plan (LRTP), etc.) when funding to complete projects in these plans are scarce or even non-existent. We suggest a process that consolidates the myriad of transportation plans into fewer plans while also focusing on a plan that reevaluates transportation funding.

Specifically Goochland County has been working with the Richmond Regional Planning District Commission (RRPDC) since 2009 on updating the 2035 Rural Long Range Transportation Plan for the County even though the plan does not address or provide program guidance to VDOT or even involves any funding. The staff resources of the County, RRPDC, and VDOT could be refocused on more pressing and greater priorities than compiling a plan that will sit on a shelf until it's updated again in four years. During this time the County has been asked to complete a LRTP and SSYP. The SSYP is set to start all over again next year.

### Studies for State Regulatory Agencies

State regulatory agencies impose onerous studies and conditions upon localities that impact their budgets and development plans. Whether it is the development of a commercial site, new wastewater treatment facility, or even a water intake facility localities and developers have to jump through a myriad of hoops. Localities and developers encounter financial and budgetary burdens as they attempt to comply with the onerous studies and conditions set by these regulatory agencies.

Goochland County proposes that the Governor's Task Force for Local Government Mandate Review or a separate task force review all of the onerous studies and conditions imposed upon localities to determine if some can be eliminated similar to this effort regarding mandates.

### Variety of Reports – Department of Education

The Department of Education mandates that local school systems complete a multitude of reports on a wide range of subjects. A number of these reports could be answered with a "yes" or "no" rather than hundreds of hours of staff time. These reports include the Remedial Summer School Report, Private School Survey Report, Comprehensive Strategies Report, Mentor Teacher Programs Report, PACE (Pre-Accreditation Eligibility Report), Safe/Drug-Free Program Report, Supply and Demand Report, English Literacy/Civics Education Program Report, Race to the GED Report, and Wellness Related Fitness Report, etc.

Goochland County Public Schools applauds the General Assembly for requiring the Department of Education last year to complete a review of all state laws, regulations, and procedures to help minimize the administrative burden on local school divisions. Goochland County proposes that the Department of Education be required to annually review state laws, regulations, and procedures that could be modified,

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reduced, or eliminated in an effort to minimize the burden on local school divisions. As part of the annual review, localities shall be provided an opportunity to offer comment regarding the review of state laws, regulations, and procedures.