Loudoun County, Virginia
www.loudoun.gov
Office of the County Administrator
1 Harrison Street, S.E., MSC #2, 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000
Telephone (703) 777-0200 • Fax (703) 777-0325 • coadmin@loudoun.gov

November 16, 2011

The Governor's Task Force for Local Government
Mandate Review
Attn: Ms. Susan Williams
Local Government Policy Manager
Department of Housing and Community Development
Main Street Centre
600 Main Street, Suite 300
Richmond, VA 23219

Re: Loudoun County Recommended Mandates for Elimination

Dear Ms. Williams:

On behalf of the Loudoun County Board of Supervisors, I want to take this opportunity to communicate that Loudoun County welcomes the opportunity to provide a list of state and federal mandates imposed upon Virginia localities that we believe should be eliminated or modified. The Board remains appreciative of Governor McDonnell's efforts to address this long-standing issue by asking for our input and for creating this Task Force for Local Government Review as envisioned by the Virginia General Assembly.

The Loudoun County Board of Supervisors opposes any new state mandates that are not fully funded by the commonwealth and opposes the shifting of fiscal responsibility from the state government to localities for existing programs. The Board further believes that in the event of state general fund reductions for public education, the state should consider relaxing state mandates and increasing local autonomy in order to give local school divisions the flexibility to efficiently target resources where they are most needed.

As requested by the Governor and the task force, enclosed is a compilation of mandates that Loudoun County government believes should be eliminated or modified. Loudoun County agencies and departments conducted a careful review of the items within the Commission on Local Government's Catalog of State and Federal Mandates: September 2011 in addition to other sources to capture what the Board believes is a workable and prescriptive list.

Although the Governor and the task force prefer that our submission first focus on mandates, that if eliminated, would result in no net expenditure to state government, the county believes it has an obligation to its citizenry to list two recent mandates that have placed increased fiscal pressure on Loudoun County—the biennial $120 million in local government aid to the Commonwealth program and the shift of fiscal responsibility for

the Line of Duty Act from the state government to localities. These two areas alone are forecast to cost Loudoun County approximately $2.4 million during the biennium in addition to long-term risk and liability.

The Board fundamentally believes that this reverse cost shifting is unsustainable and inherently unfair to local governments. In addition, the Board remains concerned that similar steps are on the horizon for other programmatic areas such as transportation programs (see enclosure). The government of Loudoun County like the Commonwealth has had to make very difficult budget choices during these tough economic and fiscal times. Adding new programs to local responsibilities without the necessary resources to pay for these areas only exacerbates this problem.

Loudoun County understands the difficulty of the task at hand for this appointed body's mission during this meaningful exercise. The Board of Supervisors requests that this submission and those of other localities will be given every consideration. We stand to provide you any assistance in these matters.

If you need any additional information or have any questions, please do not hesitate to contact me at (703) 777-0200. Thank you for this opportunity.

Regards,

Tim Hemstreet
County Administrator

Enclosure

LOUDOUN COUNTY
RECOMMENDED STATE MANDATE ELIMINATIONS

ACROSS-THE-BOARD REDUCTIONS IN STATE AID TO LOCALITIES

1. **Eliminate the $120M in Aid to the Commonwealth Program** - This unfunded mandate which was instituted in FY 2010 and continued with a marginal increase of $20M per biennium forces all localities to either write a check to the Commonwealth or make forced reductions from a cafeteria list of prescribed services including local constitutional officers' budgets. This unfunded mandate cost Loudoun County $1.13 million in FY 11 and is projected at $1.04 million for FY 12. All localities will have provided $220 million in aid to the Commonwealth by the close of FY 12 as a result of this program.

LINE-OF-DUTY ACT

2. **Line-of-Duty Act (LODA)** - This program requires payments to public safety employees and their families if they are killed or disabled in the line-of-duty. Although this program has many merits, it was transferred wholesale to local governments. Further irony with this transferred mandate is that the payments to any beneficiaries funded by individual localities will still be made by the Commonwealth and not the local government. This mandate is estimated to cost Loudoun County at least $105,000 based upon past experience.

EDUCATION

3. **Consolidation of School and County Administrative Services** – State code limits the ability for county governments and school systems to consolidate services without the expressed consent or direct request of the local public school division. The state should remove this requirement and allow the ability for local governing bodies to consolidate the functions and activities of the general government and those of the local public school division specifically for the acquisition of real property including the administration of any capital construction project for public educational purposes, as well as purchasing functions, building and vehicle maintenance and any other function.

HUMAN RESOURCES

4. **Reporting of Local Salary Data to the Virginia Employment Commission: Occupational Employment Statistics Survey** – This reporting does not appear to us as serving as any useful purpose.

5. **Reporting of Employees at Multiple Work Sites to the Virginia Employment Commission** – This reporting does not appear to us as serving as any useful purpose.

LIBRARIES

6. **Certified Public Librarian requirement** – The head of a public library in Virginia serving populations greater than 13,000 must be a Certified Public Librarian. No fiscal impact on Loudoun County since the professional certification is achieved by the employee him/herself.

7. **State Library Aid** – This requires that local operating expenditures from taxation or endowment for any library, or library system, shall not fall below that of the previous year. In cases where

the budgets of all departments of the local government are reduced below those of the previous year, the library's state grant-in-aid would be reduced. This prohibits flexibility and discretion in local governing body's budget decision-making and priorities during tough economic times. Considering the fact that Loudoun County Public Library's annual circulation (i.e. the number of library items checked out every year) increased by 50% in the past five (5) years, this state aid is crucial in allowing us to meet the ever increasing demand for library materials by Loudoun County residents.

STORMWATER MANAGEMENT

8. **Chesapeake Bay** – The state should consider an increase in the funding for Chesapeake Bay clean up. Virginia localities face an estimated cost of more than $7 billion to comply with the Watershed Implementation Plan (WHIP) under Chesapeake Bay TMDL. Localities need additional state and federal funds to meet these future requirements.

PLANNING

9. **Urban Development Areas (UDA)** – The UDA mandate encroaches on the local responsibility for planning and growth management. The Code is arbitrary and fails to respond to the myriad of local conditions that go into local decisions about development intensity.

10. **UDA Reporting** – There is no practical purpose for this reporting especially if the UDA mandate is eliminated altogether.

11. **Road and Transportation Improvements Map** – The requirement to provide cost estimates on planned road improvements is unnecessary and misleading. At the comprehensive planning stage such improvements are unscheduled and any current estimates will quickly become outdated.

12. **Principles of New Urbanism and Traditional Neighborhood Development** – By referring to a specific design or development approach, the state is precluding localities from the creative problem solving gained from a local comprehensive planning process. At a minimum the objectives of new urbanism should be restated to allow locally relevant interpretation and implementation.

HEALTH AND HUMAN SERVICES

13. **Comprehensive Services Act (CSA)**

    - ***Administrative Process Act Exclusion.***—Currently the CSA program is excluded under the Administrative Process Act; therefore, the amount of funding available to the localities for administrative costs has remained flat for years. Loudoun receives less than $50,000 per year for administrative costs with accounts for about 17% of total yearly administrative costs for CSA.

    - ***Barriers to Using Lowest Regional Rate.***—Each locality has a different match rate for the CSA program. If localities in a region want to try and create a single program to better serve children, in their area, the differing match rates remain. Currently, there is a barrier that does not allow localities to use the lowest rate available among the participating local governments

within the regional contracting. If this barrier was eliminated, there are multiple other state dictated requirements that would need to be addressed prior to developing regional contracts.

- ***State CSA Pool Funds are Reimbursable Only***—The CSA program has a state "pool" of funds from which each locality gets an allocation each year. Each locality also pays a local match for funds it uses. Localities are unable to obtain any of this pool funding upfront to create services in their communities. Funds can only be used on a "per child" basis, and are only granted on a reimbursement basis. This creates a disincentive to build programs that can serve a number of children and families. If localities could use even a portion of its share of pool funds to build services upfront either through a private or non-profit vendor in most cases, the infrastructure would be sufficient to serve more children and families. This may provide better economies of scale for the locality and the taxpayers

14. **Records Retention** – State mandates for paper file retention in many service areas for auditing purposes. This is wasteful and duplicative since these files are in laserfiche. There are hundreds of retained files.

15. **Licensed Social Worker Nomenclature** – The Social Worker Title Protection Mandate was enacted during the 2011 Virginia General Assembly Session. This mandates that the title of Social Worker cannot be used by professional staff in any social work position unless that person is a licensed social worker. While the intent was admirable, the implementation is impracticable for local governments in that it creates disparity among people doing exactly the same job and with the same classification but must have different official titles. This has implications for all human services. Some local governments fear that this mandate will hamper recruitment of qualified staff and encourage turnover. Loudoun County would like to see public agencies exempted from the hard and fast mandate and given some flexibility in how this professional title may be used.

TRANSPORTATION

16. **Local Use of Transportation Funds** – This mandate requires localities that administer projects locally to comply with certain Virginia Department of Transportation (VDOT) policies and procedures, including unnecessary additional oversight from VDOT personnel. The mandate should at least be modified to allow for training and certification of local government personnel to administer projects without additional VDOT oversight. This mandate is recommended for removal or modification.

17. **Six-Year Secondary Improvement Plan** – This mandate requires public hearings for the Plan, even when there are no additional funds included in the Plan. This mandate should be eliminated if the State does not intend to fund the Plan; otherwise the Plan should be funded by identifying a long-term, sustainable funding source for transportation. This mandate is recommended for removal or modification.

18. **Coordination of State and Local Transportation** – For this mandate, (also known as Chapter 527) local governments are required to submit comprehensive plans, plan amendments and rezoning proposals that substantially affect transportation on a state controlled highway to VDOT for review and comment. This process is redundant to traffic evaluations that are performed at the local level and add no value over and above local analyses. This mandate is recommended for removal or modification.

<u>POTENTIAL FUTURE CONCERNS</u> – Transportation Related:

1. **Urban Street Payments** – Recent developments at the State level suggest that payments could be reduced for urban streets which would indicate the potential for incremental "devolution."

2. **Corridors of Statewide Significance** – The implications of this mandate are vague, particularly with respect to recent developments concerning the north-south corridor identified by the Commonwealth Transportation Board. Local transportation planning as addressed by local governing bodies must play a large part in any future development of these corridors.

3. **Subdivision Street Development Control** – This potential mandate on its surface will likely require additional costs to local governments for this state responsibility.

4. **Transportation Enhancement Program** – Reported changes to the transportation enhancement program may impact local government's ability to certain community based transportation related projects.

5. **Bridge Safety Inspection Standards** – This mandate may suggest that local governments are required to inspect all bridges and culverts on public roads. This is normally a state responsibility.

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December 9, 2011

The Governor's Task Force for Local Government Mandate Review
Attn: Ms. Susan Williams
Local Government Policy Manager
Department of Housing and Community Development
Main Street Centre
600 Main Street, Suite 300
Richmond, VA 23219

Re: Withdrawal of Recommended Mandate Elimination

Dear Ms. Williams:

On behalf of the Loudoun County Board of Supervisors I want to notify the Governor's Task Force for Local Mandate Review that Loudoun County is withdrawing its recommendation of eliminating state mandate Chapter 27 – Coordination of State and Local Transportation. This mandate requires local governments to submit comprehensive plans, plan amendments and rezoning proposals that substantially affect transportation on a state controlled highway to VDOT for review and comment.

On December 6th, 2011, the Loudoun County Board of Supervisors voted 8-1 (Supervisor Delgaudio voted no) to eliminate Item #18 from its submitted list entitled, "Coordination of State and Local Transportation." This list was transmitted to you on November 16th, 2011. The Board appreciates your assistance in this matter.

If you need any additional information or have any questions, please do not hesitate to contact me at (703) 777-0200.

Regards,

Tim Hemstreet
County Administrator

Enclosure

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At a business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Tuesday, December 6, 2011 at 9:00 a.m.

IN RE: RECONSIDERATION: LOUDOUN COUNTY RECOMMENDED MANDATES FOR ELIMINATION LIST FOR GOVERNOR'S TASK FORCE FOR LOCAL GOVERNMENT MANDATE REVIEW.

Mr. Burton moved reconsideration of the vote (9-0) that was taken at the November 15, 2011 Board of Supervisors' Public Input and General Business Meeting that "The Board of Supervisors moved to approve the draft letter and accompanying list of Loudoun County's recommended mandates for elimination to be sent by the County Administrator on behalf of the Board of Supervisors to the Governor's Task Force for Local Government Mandate Review on November 16, 2011."

Seconded by Mr. Miller.

Voting on the Motion: Supervisors Buckley, Burk, Burton, Kurtz, McGimsey, Miller and York – Yes; Supervisors Delgaudio and Waters – No.

Mr. Burton moved that the Board of Supervisors direct the County Administrator to send a follow-up letter to the Governor's Task Force for Local Mandate Review requesting removal of Loudoun County's request to eliminate Item #18 – Coordination of State and Local Transportation, of the previous letter sent.

Seconded by Ms. McGimsey.

Voting on the Motion: Supervisors Buckley, Burk, Burton, Kurtz, McGimsey, Miller, Waters and York – Yes; Supervisor Delgaudio – No.

A COPY TESTE:

Jeanette Gilbert

DEPUTY CLERK FOR THE LOUDOUN COUNTY BOARD OF SUPERVISORS

(11-RECONSIDERATION -LOUDOUN COUNTY RECOMMENDED MANDATES FOR ELIMINATION LIST FOR GOVERNOR'S TASK FORCE FOR LOCAL GOVERNMENT MANDATE REVIEW)

#11

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11/16/11

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