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THE COUNTY OF
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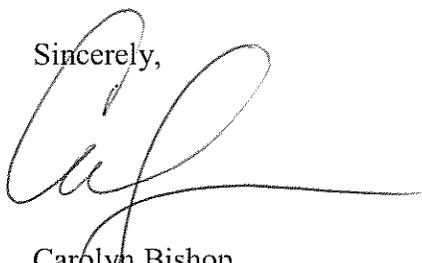
Ms. Susan Williams
Commission on Local Government
Department of Housing and Community Development
600 Main Street, Suite 300
Richmond, VA 23219

Dear Ms. Williams:

Thank you for allowing Powhatan County the opportunity to review the state mandates imposed on our locality. We support the review of state mandates imposed on localities and the recommendation of temporary suspension or permanent repeal of such mandates as appropriate.

Please find Powhatan County's list of our top concerns. It is important to note that this list does not address all mandates that impact Powhatan County. We greatly appreciate this opportunity for input.

Sincerely,



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UNFUNDED MANDATES

Powhatan County items for consideration with the Local Government Mandate Review Task Force

Administration of Government

1. **Unfunded Mandates Generally.** Powhatan County generally opposes state mandates that are unfunded or inadequately funded, and that lack effective, responsive, and competent technical support to assist localities with implementation of new mandated obligations and processes.
2. **Constitutional Officers and State Mandated Positions.** The County supports full funding of constitutional officers and other state mandated positions and responsibilities.
 - a. **Commonwealth's Attorney.** The Commonwealth's Attorneys staffing standards, as set forth by the state Compensation Board, have never been fully-funded. The result is that localities have to fund prosecutors to prosecute state crimes. Powhatan has been in the top 10 offices in the state in need of an additional full-time prosecutor. However, the state has not funded that position. The Commonwealth is shifting the burden to the localities.
3. **Dillon Rule.** The County supports targeted and limited exceptions to the Dillon Rule to afford localities greater flexibility on matters relating to public safety, land use and revenue.
4. **Pre-emption of local authority over State construction projects.** The County supports legislation requiring state agencies owning land in any locality to consider local zoning ordinances

Community Development, Planning, Environment and Agriculture

1. **Stormwater regulations/TMDL.** The County supports requiring that any new mandatory stormwater regulations placed on localities related to new development, redevelopment, and existing development be cost effective, affordable, and manageable for localities, their residents and developers. Furthermore, the General Assembly should provide effective, responsive, and competent technical support to assist localities in implementing any new mandated regulatory programs. Rural localities do not have resources available to implement new monitoring, permitting, or other regulatory processes that are imposed pursuant to state authority. In addition, VSMP and TMDL mandates should not be implemented without full state funding.
2. **Dam Safety Regulations.** The State created new dam safety regulations that require property owners to repair dams under much more stringent requirements than were previously in place. There have been reports that property owners have had to spend thousands of dollars to comply with the costly mandated requirements. The county supports a review of the regulations with an eye toward reducing cost of compliance on behalf of property owners.

3. **Unforeseen consequences of extensions of approvals to address housing crisis.** Section 15.2-2209.1 of the Code of Virginia was adopted in 2009 to provide relief to the development community by extending the effective date of specified local zoning approvals and completion of required improvements in conjunction with developments to July 1, 2014. This pre-emption of local authority has created conflict specifically in residential subdivisions – home builders report having trouble selling new homes because the developer does not have to complete road improvements until July 1, 2014. Furthermore, this section has been interpreted not to apply to VDOT. We have experienced a situation in which VDOT has currently enforced the expiration of a land use permit and bond for public road improvements in a subdivision when the County has no authority to require the developer to complete the road improvements until 2014. These two examples demonstrate adverse impact to the development community that this legislation was intended to assist, and also adversely affects County staff resources in dealing with these problems.

Finance

1. **Aid to Localities.** Supports a budget amendment to the 2012 session of the General Assembly to reverse the \$60 million-a-year reduction for aid to localities for FY12, and to eliminate the aid to localities reduction in the budget submitted for FY13 and FY14.

2. **Cost Shifting.** The County opposes any action by the General Assembly which shifts the cost burden from the State to the local taxpayer.

3. **State-Mandated Retirement and Employee Benefits.**

a. **Virginia Retirement System.** The County opposes any legislation which reduces the State's financial responsibility to fully fund the Virginia Retirement System. The cost of the mandated Virginia Retirement System continues to increase at the local level.

b. **Line of Duty Act.** Line of Duty Costs for career and volunteer members beginning July 1, 2011. This is a new and very costly obligation for localities and the state retained the administration of the benefits of this program. In addition, coverage for volunteers was added and this increased the cost that was pushed to localities as well.

4. The state should fund rents and maintenance/upkeep of facilities housing state or non-county staff. In addition, the county supports state funding for construction of court facilities or alternatively establishment of specific construction guidelines based on the locality's size and fiscal capacity.

Health and Human Resources

1. **Comprehensive Services Act.**

a. The Commonwealth has increased mandatory local participation percentages for the provision of services funded through CSA. Mandates increasing local rates for residential and foster care related services should be abandoned.

b. Establish financial incentives for local governments that foster regional contracting for provider services.

- c. Make the CSA program subject to the Administrative Process Act. The state share of administrative costs has not been increased in more than a decade, even as the administrative requirement on local government has increased in data collection and reporting requirements.

2. **Local investigation of “child abuse” claims at State juvenile detention facilities.** State regulations require the Department of Social Services to investigate any claims of “child abuse” that may occur at Beaumont Learning Center (Department of Juvenile Justice) when officers have to restrain youthful offenders during fights, attacks, etc. This mandate has the potential of draining local DSS resources to investigate and process incidents that occur within a State facility.

Economic Development, Telecommunications and Utilities

1. **Water Supply Plans.**

- a. **Full funding required.** The County supports additional appropriations adequate to ensure full funding by the state for the development of state-mandated water supply plans.
- b. **Recurring submission.** Department of Environmental Quality (DEQ) may be intending to require water supply plans to be a recurring submittal every few years. This could create a drain on the County’s finances and staff resources to gain State acceptance of a new water supply plan, especially if the State process is lengthy and complex.

2. **Wastewater testing requirements.** The State has established additional wastewater testing requirements that include new parameters to test (copper and nickel) while increasing the frequency of others. This will increase the County’s cost of testing as many of these samples must be sent to an outside lab to test.

3. **Water testing requirements.** The State also established additional water testing requirements for disinfection byproduct testing. This is an EPA requirement, so the State has to pass along this requirement to localities, but it shows how some things might be Federally mandated.

Transportation

1. **Devolution.** The County opposes any legislation or regulations that would require the transfer of responsibility to localities for construction, maintenance or operation of new and existing roads without providing a complete, consistent, permanent funding source and competent technical assistance to help with local implementation.