

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 15th day of November, 2010:

<u>MEMBERS:</u>	<u>VOTE:</u>
Mark Dudenhefer, Chairman	Yes
Paul V. Milde III, Vice Chairman	Yes
Harry E. Crisp II	Yes
Gary F. Snellings	Yes
Cord A. Sterling	Yes
Susan B. Stimpson	Yes
Robert "Bob" Woodson	No

On motion of Mr. Sterling, seconded by Mr. Milde, which carried by a vote of 6 to 1, the following was adopted:

A RESOLUTION TO RECOMMEND ELIMINATION OR
MODIFICATION OF MANDATES TO THE GOVERNOR'S TASK
FORCE FOR LOCAL GOVERNMENT MANDATE REVIEW

WHEREAS, SB 1452, passed by the General Assembly during the 2011 session, provides that the Commission on Local Government shall assist a five-member task force, to be appointed by the Governor, to review state mandates imposed on localities, and to recommend temporary suspension or permanent repeal of such mandates; and

WHEREAS, the Governor appointed the Task Force, which requested input from localities; and

WHEREAS, the Governor stated that "Reforming government to make it more efficient and less burdensome is an ongoing priority"; and

WHEREAS, § 2.2-113 provides the Governor with authority to temporarily suspend state mandates on localities "upon a finding by the locality that it faces fiscal stress and the suspension of the mandate or portion thereof would help alleviate the fiscal hardship"; and

WHEREAS, the Board concurs with and wishes to support the Governor in his efforts to reform state government to make it more efficient and less burdensome; and

WHEREAS, in many cases the Board supports the mandated programs, but takes issue with the state's placing of the related financial burden on the locality; and

WHEREAS, in some cases, as identified below, the Board wishes the state to reevaluate the mandate entirely;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of November, 2011, that it be and hereby does request that the Governor's Task Force for Local Government Mandate Review examine and consider the following mandates and burdens on Stafford County and other localities in the Commonwealth:

Aid to Localities

- Reverse the \$120 million biennial reduction in aid to localities.

Auditor of Public Accounts

- End localities having to complete a "third iteration" of year-end financials. Generally Accepted Accounting Principles (GAAP) requires two different versions of the County's financials for the CAFR. The Auditor of Public Accounts (APA) requires a third format. CAFRs and the Cost Comparative Reports are sent to the APA by November 30th each year. This is burdensome and is not cost effective.

Comprehensive Services Act

- Make the Comprehensive Services Act (CSA) program subject to the Virginia Administrative Process Act. Local governments pay more than 80 percent of the administrative costs of this "shared" program. The state share of administrative costs has not been increased in more than a decade. At the same time, the administrative burdens on local governments have increased in data collection and reporting requirements.
- Return local CSA service rates to the FY06 level. The Commonwealth increased mandatory local participation percentages for the provision of services funded through the Comprehensive Services Act. Mandates increasing local rates for residential and foster-care related services should be abolished and returned to the FY06 level.
- Increase state match for certain youth programs in CSA. Local governments pay a healthy portion of the state's Medicaid match for certain youth in this program. The portion paid by local governments has increased over the life of this program, which began in the early 1990s. The state pays the Medicaid match for other service areas and should do so for this program.

- Establish financial incentives for local governments that foster regional contracting for services. Local governments who participate in regional contracts should provide local matching funds at the lowest rate of the participating local governments.

Constitutional Officers

- Fund fully the state's financial obligations for its mandated constitutional officers. A full fiscal and program analysis should determine state and local responsibilities and whether state funding responsibilities are sufficient. Additionally, the study should examine jail issues including staffing, funding, construction, per diems, operational costs, and employee benefits.

Court Funding

- Increase or retain current level of funding for courts. The APA recently completed a study of the allocation of fines between state and local governments, with the implication that the General Assembly would consider changes that would return a higher portion of fines to the state. In 2009, the Joint Legislative Audit and Review Committee (JLARC) completed a study that found that localities spent at least \$10.6 million more to operate courts than they received in fee and fine revenue.

Courthouse Construction

- Remove the mandate for localities to build and maintain court facilities. State law requires localities to assume the mandated cost to construct and maintain court facilities. If, in the sole opinion of the local circuit court, localities do not meet those requirements, the court can order the locality to build a new courthouse without regard to the fiscal condition of the local government. While this mandate has been temporarily suspended by the General Assembly, it remains a threat of significant unplanned expenditures to all cities and counties.

Depositing Requirements for State Funds & Estimated Tax Payments

- The Code of Virginia requires the reporting and submitting of funds daily, which is a cumbersome administrative process. Allowing weekly (or possibly monthly) reporting and depositing of state monies would free up employee time that could be shifted to other priorities.

Election Administration

- Increase state funding for the local election administration. The state budget contains \$13.8 million in FY11 and \$12.8 million in FY12 for election administration. Of that amount, \$5.8 million a year is designated for electoral services, primarily to pay a portion of salaries for general registrars, and for the salaries and limited expenses for local electoral boards. Localities, however, spent \$40.8 million on election administration in FY09. Thus, localities pay the tab for not only local elections, but also primaries, and state and federal elections.

Environmental Protection

- Increase funding for Chesapeake Bay clean-up. Virginia local governments face an estimated cost of more than \$7 billion to comply with the Watershed Implementation Plan under the Chesapeake Bay total maximum daily load (TMDL.) Localities need additional state and federal funds.
- Assume monitoring requirements in the Chesapeake Bay Preservation Act.
- Local governments subject to the Chesapeake Bay Preservation Act are required to devote staff resources to monitor the five-year septic tank pump out provision of the Act. This should be the job of the Virginia Department of Health since it currently has the records and personnel already in place to monitor this requirement.
- Local governments subject to the Chesapeake Bay Preservation Act are required to review soil and water runoff control and water quality assessments prepared by all agricultural operations within their jurisdiction, and to take enforcement action when necessary. This function should appropriately be the responsibility of either the Virginia Department of Conservation and Recreation or the Virginia Department of Agriculture.
- Modify or eliminate the requirement that 28% of revenue generated by stormwater fees collected within a locality be remitted to the state (Section 4VAC50-60-780 B). The fee schedule in Section 4VAC50-60-810-830 is inadequate to fund local stormwater programs, let alone give 28% of the revenue collected back to the State. The fee schedule will take effect when the County adopts a stormwater program in accordance with the new Virginia Stormwater Regulations, no later than July 1, 2014.

Line of Duty Act

- Delete local funding requirement for Line of Duty Act benefit. The 2010 General Assembly included budget language transitioning the Line of Duty Act benefit in FY12 from a fully state-funded program to one paid by local governments and state agencies.

Public Education

- Review the Standards of Learning, the Standards of Accreditation and other administrative regulations to bring them into sync with the current Standards of Quality. If the state cannot afford its standards, then it needs to develop standards that it can afford instead of simply passing those costs onto local governments. Fully fund re-benchmarking.
- Fund state educational mandates that exceed federal requirements:
 1. Currently, the state mandates that all students in grades 3-8 be tested in not only reading and math, but also in social studies and history, and that students in high school take additional end of course tests. The federal No Child Left Behind (NCLB) law only requires students be tested in reading, math, and science once while in elementary, middle and high school.
 2. Virginia exceeds the federal requirements under the Individuals with Disabilities Education Act (IDEA), in over 175 areas. When Virginia's regulations exceed the federal requirements, those regulations impose significant additional costs on the state and, most importantly, local governments.

Public Safety

- Increase state funding for state prisoners housed in local jails. Since 2008, the state has closed eight adult correctional facilities and one juvenile facility. More than 3,000 prison beds, or about a tenth of the state capacity, have been eliminated. The state lowered the per diem payment for state-responsible prisoners held in local jails. The state also redefined the legal definition for state-responsible inmates so that in the future, state funding will decrease even further.

Social Services

- Increase State funding for the cost of staff and operations for benefit programs and service programs within Local Departments of Social Services (DSS.) Local DSS continue to absorb significant increases in caseloads and work demands without any increase in state administrative funding.
- Fund the requirement for Local DSS to assist applicants for Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), and/or Medicaid with registering to vote. This is not a core function of social services and given DSS' significant caseload, it adds unnecessarily to the time spent with each applicant.

- Simplify the funding process. The monthly reimbursement submission process is cumbersome and time-consuming. An annual allocation formula (with revisions as necessary) could remove some of the administrative burden.
- Simplify the funding process, part 2. DSS must issue a check for every expenditure submitted for reimbursement. Several activities (phones-multiple bills, fuel, fleet services, etc.) cause Finance, Social Services, and the Treasurer to handle the transactions several times.

Tax Relief

- Real Property Tax Exemption for Disabled Veterans provides 100% exemption for disabled veterans without regard for the value of the property or the economic need of the veteran, and without any consideration of the effect on the locality. The County requests that the exemption be subject to some income or property value limitations. The County requests that the Commonwealth provide the cost of this tax credit.

Unclaimed Property

- Localities are required to identify, collect, and return property that has been held for specified dormancy periods to rightful owners. Localities holding property for more than one year for owners who cannot be located are required to report and remit all such property each year. This is a time consuming task, and generally results in the County remitting a relatively low dollar value. The County requests that there be a threshold amount (suggestion: \$25) below which this would not apply. This action would eliminate a burdensome administrative task.

A Copy, teste:



Anthony J. Romanello, ICMA-CM
County Administrator

AJR:MJP:NAC