The Town of
Leesburg,
Virginia

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November 15, 2011

Ms. Susan Williams
Commission on Local Government
600 East Main Street, Suite 300
Richmond, Virginia 23219

RE: Unfunded Mandates

Dear Ms. Williams:

As requested by Governor McDonnell's October 4, 2011 letter, the Town of Leesburg submits the following mandates as potential candidates for elimination or modification:

1. **Stormwater Management Programs**. Costs for the Town to revise its Stormwater Management Master Plan to comply with the EPA's new Chesapeake Bay-wide TMDLs are estimated to run into hundreds of thousands of dollars and construction costs to implement the Master Plan will be millions of dollars. The issue for Towns that maintain their own MS-4 permits is that the Counties are responsible for submitting TMDL data to the State, not the Towns. Since Towns are not allowed to submit their own TMDL data, we recommend that the state legislation be amended to exclude Towns from management of TMDLs, as it is a County responsibility.

2. **Environmental Impact Reports for Local Road Projects:** Currently, environmental impact reports are required for any local road projects with a cost of $500,000 or more. This cost threshold should be revised to reflect increased construction costs. We recommend that the cost threshold for the requirement of these reports be raised to $2 million.

3. **Life Cycle Estimates for Capital Improvement Projects**: Currently, localities are required to include life cycle estimates for projects in their Capital Improvement Programs. We recommend that roadways and storm water facilities be excluded from this requirement. The life cycles of these facilities are very difficult to determine as they are dependent upon regular maintenance, and should be addressed through annual budget allocations to maintenance activities.

4. **Urban Development Areas:** Currently, certain localities are required to designate Urban Development Areas in their Comprehensive Plans. However, the criteria used to

determine which localities must comply with the requirement are based on past growth, rather than potential for future growth. We recommend that localities that have an existing population density of 2,500 people per square mile or that have reached 85% build-out of developable land be exempt from the requirement to designate Urban Development Areas in their Comprehensive Plans.

5. **VDOT Approval of Red Light Camera Sites.** Currently, localities are required to submit a list of specific intersections for VDOT approval prior to the initiation of a red light camera program. Jurisdictions should be allowed to determine locations of red light cameras within their boundaries.

6. **Restrictions on Use of Forfeiture Funds.** Currently, forfeiture funds cannot be used for personnel costs, such as gang task force staffing. In addition, unless narcotic-related, all proceeds from seizures go to the Virginia Library Fund. These funds should be available to localities to help offset the costs of local crime prevention and enforcement programs.

7. **Funding of Indigent Representation.** We recommend that the cost of providing indigent representation should be funded from collected court costs rather than fines imposed.

8. **Local Ordinance Fines and Fees**. The Auditor of Public Accounts has identified the fines and fees collected from the enforcement of local ordinances that parallel state statutes as a potential source of new state funding. The state already collects these fines and fees and remits them to the localities, less some amount for processing costs. If the state keeps these fines and fees, localities will be forced to repeal their local ordinances and then local enforcement of state statutes will become an unfunded mandate. We recommend that the state allow localities to retain these fines and fees in their entirety. Costs imposed by the Courts should be retained by the Courts.

If you have any questions about these recommendations, please contact John Wells, the Leesburg Town Manager, at 703-771-2700 or jwells@leesburgva.gov.

Very sincerely yours,

Kristen C. Umstattd
Mayor

cc: Mayor and Council
John Wells, Town Manager
Jeanette Irby, Town Attorney
Betsy Fields, Research & Communications Manager