

COMMISSION ON LOCAL GOVERNMENT

Regular Meeting

10:00 a.m., May 14, 2007

Members Present

Kathleen K. Seefeldt, Chairman
Harold H. Bannister, Jr.
John G. Kines, Jr.
Vola T. Lawson

Members Absent

Frances M. Parsons, Vice Chairman

Others Present

Bill Shelton, Executive Director
Al Williams, Deputy Director for Administration
Susan Williams, Local Government Policy Manager
Steve Ziony, Principal Economist
Barbara Johnson, Administrative Assistant
Steve Austin, Graphics and Public Relations Specialist

Call to Order

The Chairman called the meeting to order at 10:04 a.m., May 14, 2007 in the Board Room of the Department of Housing and Community Development at the Jackson Center in Richmond, Virginia.

I. Administration

A. Approval of Minutes of Regular Meeting of March 12, 2007

The minutes of the Commission's regular meeting of March 12, 2007 were approved without amendment.

B. Public Comment Period

The Chairman opened the floor to receive comments from the public. No person appeared to testify before the Commission during the public comment period.

C. Presentation of Financial Statement for April 2007

The Local Government Policy Manager indicated that the member's packet for the current meeting contained an internally produced financial statement that encompassed expenditures through the end of April 2007. Ms. Williams stated that the financial report covered 83.33 percent of Fiscal Year 2007, and that Commission expenditures for that ten-month period were just over \$230,000, or 67.6% of the \$340,293 budgeted for the current fiscal year. The members accepted the report for filing.

D. Remarks by the Executive Director

Mr. Shelton formally introduced the Commission's new Local Government Policy Manager, Ms. Susan Williams, to the members of the Commission. Mr. Shelton highlighted Ms. Williams' previous work experience in the legislative policy arena and welcomed her. Mr. Shelton thanked Mr. Kines for participating in the hiring process for the Local Government Policy Manager position by serving on the interview panel.

Mr. Shelton indicated that Mr. Kines talked to the editorial staff at *Virginia Review* about featuring the Commission and Ms. Williams in an

upcoming article. Mr. Shelton informed the members that *Virginia Review* is interested in pursuing Mr. Kines' suggestion and is already working with DHCD Public Relations staff. Consequently, Public Relations staff was present at the meeting to take pictures of the members and staff.

E. Local Government Policy Manager's Report

1. Resolution of Recognition

Ms. Williams explained that Commission members' suggestions were incorporated into a final version of the resolution recognizing Mr. McCormack's significant contributions to the Commission during his distinguished tenure as Associate Director. Ms. Williams announced that she was circulating the resolution in its final form for signature by the members. Ms. Williams also indicated that she will contact Mr. McCormack to determine when he is available to attend a Commission meeting during which the resolution will be presented to him.

2. Hiring of Senior Policy Analyst Position

Ms. Williams explained to the Commission that she is in the process of revising the Employee Work Profile (EWP) and job description for the vacant Senior Policy Analyst position. Once this process is completed, Ms. Williams indicated that she will readvertise the position.

3. Town of Onley – County of Accomack Annexation Petition

Ms. Williams informed the Commission that an attorney representing Accomack County contacted her recently and indicated that the county and the Towns of Onley and Onancock have reached a tentative verbal agreement in this

matter under which Onley and Onancock will each annex a small piece of fairly developed property and each will agree to no further annexation for a period of 15 years. The attorney requested information from the Commission regarding similar agreements entered into by other localities, which staff provided.

Mrs. Seefeldt inquired as to whether the anticipated agreement will come to the Commission for review. A brief discussion ensued as to role of the Commission with respect to voluntary agreements such as the one contemplated here and staff agreed to provide additional information to the members. Mrs. Seefeldt indicated that, should the agreement come to the Commission for review, she would recuse herself because she owns property in one of the affected localities.

4. Potential Interlocal Issues

Ms. Williams indicated that the Town Administrator for Urbanna contacted her regarding a potential boundary line adjustment or annexation issue involving two landowners whose property is located in Middlesex County but who would like for their property to be included in the Town of Urbanna. Ms. Williams indicated that, at the Town Administrator's request, she will be visiting Urbanna on May 15 to provide general information regarding the boundary line adjustment and annexation processes.

5. Meeting Per Diem

Ms. Williams stated that, in accordance with the Commission's policy on compensation and reimbursement, per diem would be paid to all members present for their service to the Commonwealth on May 14, 2007.

6. Staff Activities

Ms. Williams informed the members that, at the invitation of the Executive Director of the Southside Planning District Commission, she attended meetings of the Executive Committee and full Commission on May 3 in South Hill. Ms. Williams also attended a Land Use Planning and Regulation seminar in Richmond on April 24.

II. Report on Proffered Cash Payments and Expenditures

A. Preliminary Staff Comment

Ms. Williams presented to the Commission for their consideration the draft 2007 Survey of Cash Proffers Accepted by Local Governments. She explained that the survey instrument has been updated but that no substantive changes have been made to it. However, Ms. Williams indicated that, pursuant to HB 1506 (2006), a number of additional localities – 16 towns, 7 counties and 2 cities – have become eligible to accept cash proffers. Ms. Williams explained that HB 1506 provided that a locality may accept proffered conditions if such locality has had population growth of 5 percent or more from the next-to-latest to latest decennial census year, based on population reported by the United States Bureau of the Census. Prior law addressed population growth of 10 percent or more. Finally, Ms. Williams stated that, if approved, staff plans to distribute the survey to localities prior to the July meeting of the Commission.

B. Commission Deliberation and Action

After a brief discussion, the Commission approved the survey instrument for distribution to the localities by July 1 with a return date of September 28, 2007. Mr. Bannister asked Ms. Williams to inform VML and VACo when the surveys are mailed to

the localities and to ask that the organizations mention the survey in their respective newsletters.

III. HB 3202 / Creation of “Urban Transportation Service Districts”

A. Preliminary Staff Comment

Ms. Williams described the key provisions in HB 3202 that pertain to the role of the Commission on Local Government. Ms. Williams explained that HB 3202 creates urban transportation service districts (UTSDs) and provides that the local governing body of an urban county and the Commonwealth Transportation Board must agree upon the boundaries of any UTSD. The bill requires that the overall density of an UTSD be one residential unit per gross acre or greater. Ms. Williams further stated that HB 3202 provides that if the parties disagree as to the boundaries, they may request that the Commission serve as a mediator. Mr. Williams indicated that six counties meet the definition of “urban county” that is set forth in HB 3202 – Chesterfield, Fairfax, Loudoun, Prince William, Spotsylvania and Stafford. She also explained that HB 3202 establishes a December 31, 2008 deadline for localities to establish UTSDs and adopt impact fee ordinances.

Ms. Williams stated that Va. Code § 15.2-2903(3) authorizes the Commission to serve as a mediator between localities and 1VAC50-20-660 addresses the Commission’s mediation of “other interlocal issues.” Ms. Williams indicated that, while mediation requested under HB 3202 would involve a state agency and a locality instead of two or more localities as anticipated in 1VAC50-20-660, the regulation is analogous to the situation contemplated by HB 3202 and could serve as a guide should the Commission receive such a request for mediation.

B. Commission Deliberation and Action

With regard to Ms. Williams' suggested approach to mediating a disagreement under HB 3202, Mrs. Seefeldt asked the Commission members to review the regulation identified by Ms. Williams and get back to her with any questions or comments. Because she owns property in Prince William County, Mrs. Seefeldt requested that staff research whether she would need to recuse herself in the event that the Commission is asked to mediate a disagreement under HB 3202 between the Board and Prince William County.

IV. 2007 Catalog of State and Federal Mandates

A. Staff Update

Ms. Williams explained that the catalog of state and federal mandates as well as the mandates assessment process will undergo significant change as a result of the final recommendations of the Mandates Assessment Task Force, which were approved by the Commission. She reported that, with one exception, the Commission has received all assessments due through the end of the April 2007 assessment period. Ms. Williams reminded the members that, under the new process, all existing mandates having been initially assessed or reassessed through the end of the April 2007 period will not be reassessed again unless requested by the Commission. She added that Commission staff will solicit input from state agencies, local governments, interest groups and the public as to which existing mandates should be reassessed and will establish an assessment schedule for the Commission's consideration and approval.

Ms. Williams outlined a draft work plan, which provides that a final "old style" catalog will be presented to the Commission at its September 2007 regular meeting and ready for publication by October 1, 2007. Ms. Williams indicated that the catalog is usually published

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in February of each year, but the most recent catalog was published in February 2006.

Therefore, Ms. Williams indicated that the catalog that is presented to the Commission in September 2007 will include new state mandates resulting from both the 2006 and 2007 General Assembly Sessions as well as new federal mandates and newly identified / not previously cataloged state and federal mandates.

Ms. Williams explained that she will be drafting an Executive Order for the Governor's consideration, which will incorporate the task force recommendations. She will draft definitions for two new mandates classifications recommended by the task force – “state fiscal preemption” and “non-discretionary conditions of aid” – and will circulate the draft definitions among the task force members to ensure their accuracy. Ms. Williams indicated her intention to distribute the draft Executive Order to the Commission members as soon as possible so that it can be finalized, approved by the members and communicated to the Governor's Office prior to the July regular meeting.

Ms. Williams explained that, pursuant to another task force recommendation, Commission staff will begin working with other DHCD staff to create a mandates assessment website for information sharing purposes.

Finally, Ms. Williams suggested that the first “new style” catalog, which fully incorporates the changes to the assessments process and catalog that were recommended by the task force, be presented at the Commission's September 2008 meeting and ready for publication by October 1, 2008. Ms. Williams suggested that (in addition to new federal mandates and newly identified / not previously cataloged state and federal mandates) this catalog include state mandates that result from legislation passed by the 2008 General Assembly and that, from this point forward, catalogs be presented to the Commission in

September, published in October and include state mandates that result from legislation passed that same year. Ms. Williams indicated that the “new style” annual catalog will include a section that contains the fiscal impact of the mandates assessed during the prior assessment, recommendations concerning alteration or elimination of the mandates and other pertinent information and data.

A discussion ensued among the members and staff regarding the suggested timeframes for publication of the annual catalog, the advantages and disadvantages to publication at various times during the year, the purposes behind the mandates assessment process and the catalog, and the catalog’s customers. The Commission agreed to the October 2007 proposed publication date for the final “old style” catalog and tentatively agreed to publishing the “new style” catalogs each October beginning in 2008.

V. Other

Mrs. Lawson requested that staff explore the feasibility of obtaining letterhead specific to the Commission on Local Government, which lists the names of the members. While he did not contemplate a problem with Mrs. Lawson’s request, Mr. Al Williams, Deputy Director of Administration, indicated that there are restrictions governing state agency letterhead that he will examine in order to determine what options are available to the Commission.

VI. Scheduling of Meetings

The Commission scheduled its next regular meeting for Monday, July 16, 2007 in Richmond. Commission staff will determine whether space is available to accommodate the Commission’s July meeting at the Richmond Convention Center in conjunction with the National Association of Counties Annual Conference; otherwise, the July 16 meeting will be

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held at the DHCD offices. In addition, the Commission tentatively scheduled its regular September meeting for September 10, 2007.

Finally, the members stated a preference to hold their regular November meeting in conjunction with the VACo Annual Conference. Members also indicated that they would appreciate the opportunity to address attendees at both the VML and VACo annual conferences regarding the role of the Commission and the functions it performs. Consequently, the Commission asked Ms. Williams to contact the leadership at VACo and VML to pursue these requests.

VII. Adjournment

The meeting was adjourned at 11:15 a.m.

Frances M. Parsons
Vice Chairman

Susan B. Williams
Local Government Policy Manager