

DRAFT MINUTES
Task Force for
Local Government Mandate Review
February 19, 2014 at 10:00 a.m.
Main Street Centre
12th Floor South Conference Room
600 East Main Street
Richmond, Virginia 23219

Members Present

The Honorable Pat Herrity, Chair
The Honorable Bob Dyer
The Honorable Shaun Kenney
Kimball Payne

Members Absent

The Honorable Joan Wodiska, Vice-chair

Government Reform Commission
Liaisons to the Task Force Present

Government Reform Commission
Liaisons to the Task Force Absent

The Honorable Alicia Hughes
The Honorable Suzy Kelly

I. Call to Order

Mr. Herrity called the meeting to order at 10:21 a.m. on February 19, 2014, at the Main Street Centre Building in Richmond, Virginia.

II. Approval of Minutes of Task Force Meeting on November 1, 2013

Mr. Payne made a motion, which was seconded by Mr. Dyer, to approve the draft minutes of the task force's November 1, 2013 meeting, as presented. The motion passed unanimously.

III. Approval of Draft Agenda

Mr. Dyer made a motion, which was seconded by Mr. Kenney, to approve the draft agenda, as amended. Such motion passed unanimously.

IV. Update on Response to Request for Local Government Input on First Day Introduction Requirement

Mr. Robbins stated that all three bills addressing the first day introduction requirement (HB 633, SB 523, and SB 574) have died in their respective houses of the General Assembly. One was stricken at the request of the patron, and the remaining two bills were continued to 2015 – most bills with that status

typically are not continued during the following General Assembly session. Mr. Robbins further stated that the Commission staff received notice of four local government resolutions adopted in support of the first day introduction request. Mr. Herrity responded that his office was notified of a total of about 36 such local government resolutions that were adopted statewide.

Mr. Lanza provided an overview of local fiscal impact review bills. House Bill 199 (Landes) has gone through the House and made it out of subcommittee in the Senate with only a minor amendment. He also indicated that the House and Senate Budget bills contain an allocation of \$35,000 to build a web application to help collect local fiscal impact input, which was at the request of the Fiscal Impact task force. A second request from the Fiscal Impact task force for \$30,000 for additional Commission staff help on fiscal impact review did not make its way into either budget bill.

V. Update from Commission on Local Government Staff Regarding Legislation of Interest

Mr. Robbins added that with respect to the proposed 2014-2016 Appropriation Act, neither the House Appropriations nor Senate Finance Committees included language to address issues surrounding the new GASB requirements for reporting pension obligations on local annual financial reports.

Mr. Robbins next reviewed a list of several bills that may be of interest to the task force with an accompanying handout. [A copy of the handout is attached to these minutes]. He noted that five bills were introduced that would extend the task force beyond its current sunset date of July 1, 2014, and that only three bills remain under consideration. The remaining bills are House Bill 594 (BaCote) and Senate Bill 163 (Locke), both of which would extend the task force for four additional years and add two new members with business backgrounds, and House Bill 1011 (Byron), which would extend the task force for four years with the same membership. House Bill 1080 (Garrett), which would include the two business background appointments and three General Assembly appointments, has been rolled into House Bill 594.

Mr. Robbins also reviewed several other bills in subject areas that the task force has discussed in the past, including: Comprehensive Services Act, stormwater, land use, cooperative procurement, public notice requirements, and the "Labor Day Law."

Mr. Lanza provided updates on fiscal impact bills. The Commission received eight bills for review for local fiscal impact during the 2014 General Assembly Session. Of those eight, four bills still remain, though they have been altered from their original form to reduce or eliminate their fiscal impact.

Upon the conclusion of Mr. Robbins' and Mr. Lanza's presentations, there was general discussion among the task force members and several questions posed by task force members. Mr. Herrity stated that he has spoken with the Governor's office regarding the extension of the task force, and that they have indicated an interest in the task force extension and have been following the extension legislation

closely. He also stated that he will be making arrangements to meet with the Governor's office to discuss the current status of the task force in greater detail.

VI. Regent University Class Case Study on the Impact of Local Government Mandates

Mr. Dyer introduced Mr. Mark Webb and Ms. Nanette Miller, both students at Regent University, who gave a presentation on local government mandates and a case study they conducted for the City of Virginia Beach for a class with Mr. Dyer on State and Local Government. The presentation began with a general overview of mandates, their types, and their growing impact in the Commonwealth. Then the presentation focused on a case study of some of the top unfunded mandates impacting the City of Virginia Beach and their resulting fiscal impact on the City's budget. The presentation concluded with a series of recommendations to better address mandates in the Commonwealth.

Following their presentation, Mr. Webb and Ms. Miller fielded comments and questions from the task force and audience. There was a general discussion among the task force members and audience about the presentation and sharing the information with the Governor's office, General Assembly, and other related parties. Mr. Dyer mentioned the potential for additional studies, covering a more diverse cross-section of Virginia localities, could be conducted during the fall semester and potentially shared with the task force and other related parties.

Mr. Herrity made a motion, seconded by Mr. Kenney, for the task force to write a letter thanking Regent University and the City of Virginia Beach for the information contained in the presentation. The motion also instructs the task force to send the presentation on behalf of the task force to the General Assembly members after session and to arrange meetings with the respective local government committees to discuss the presentation. The motion passed unanimously.

VII. Public Comment

Mr. Herrity stated that this was the time for the task force to receive public input.

Mary Jo Fields, from the Virginia Municipal League, offered support from VML and VACo to assist with the outreach efforts to the Governor's office, General Assembly, and other related parties with respect to outreach on the presentation.

There being no additional speakers, Mr. Herrity closed the public comment period.

VIII. Task Force Discussion on Forum for Establishment of Roundtable Discussions

Mr. Herrity began the discussion by stating that the forum discussion might be premature until the task force has more of an understanding of the Governor's position. Instead, he suggested the task force

discuss what message they would like to deliver to the Governor and/or Governor's office. He stated that he would like to take one additional task force member with him to his meeting with the Governor's office to which Mr. Kenney offered his assistance.

Mr. Herrity then identified several topics and themes that the task force's letter should address when reaching out to the Governor's office, including:

- (1) The importance of the task force's work;
- (2) A discussion of the mandates from the Regent University students' presentation;
- (3) The successes and awareness of the task force's work;
- (4) The increased review of mandates and subsequent changes to mandates;
- (5) The lessons learned by the task force;
- (6) An emphasis on the common sense, bi-partisan issue of mandates; and
- (7) Three to four areas where the Governor can make a difference with the task force's efforts.

This prompted further discussion among the task force members and the audience on a variety of mandate-related topics including the unfunded pension liability for teachers, first day introduction legislation, and educational funding. The discussion then focused on ways to get better local government representation and collaboration with other commissions and task forces in addition to improved outreach to the General Assembly.

IX. Comments from Task Force Members

There were no additional comments from task force members.

X. Scheduling of Future Meetings

On the topic of the task force meeting with the Governor's office, Mr. Payne mentioned how the full task force could meet instead of just sending two representatives, especially given the task force's small size and the ease of advertising the meeting for public notice. There was a general consensus on this suggestion by the task force members, and a public notice will be made available if this is the chosen approach.

By consensus, the task force determined their next meeting would be Wednesday, May 14th at 10:00 a.m. in the Richmond area.

XI. Adjournment

There being no further business, Mr. Herrity adjourned the meeting at 11:48 a.m.

<u>Billno</u>	<u>Catch line</u>	<u>Chief Patron</u>	<u>Status</u>
<u>First Day Introduction</u>			
HB633	Local fiscal impact bills; first day introduction.	Kilgore	CONTINUED TO 2015
SB523	Local fiscal impact bills; first day introduction.	Ruff	DEAD
SB574	Local fiscal impact bills; first day introduction.	Garrett	CONTINUED TO 2015
<u>Mandate Assessment Process</u>			
HB384	Local mandates; identification of sources of funding.	Dance	DEAD
<u>Fiscal Impact Statement Process</u>			
HB199	Local government expenditures or reductions; DLS to identify legislation affecting.	Landes	PASSED HOUSE
<u>Extension of Task Force for Local Government Mandate Review</u>			
HB594	Local Government, Commission on; local mandates. (To 2016, same number of seats)	BaCote	PASSED HOUSE
HB1011	Local Government, Commission on; local mandates. (To 2018, same number of seats)	Byron	PASSED HOUSE
HB1080	Local Mandate Review, Governor's Task Force for; task force to review state mandates. (To 2018, 2 new Gov. appt'd seats from business community, 3 new Gen. Assy. appt'd seats.)	Garrett	PASSED HOUSE
SB163	Local Government, Commission on; local mandates. (To 2018, 2 new Gov. appt'd seats from business community)	Locke	PASSED SENATE
SB407	Local Mandate Review, Governor's Task Force for; task force to review state mandates. (incorporated into SB163)	Newman	DEAD
<u>Comprehensive Services Act</u>			
HB852	State Executive Council for Comprehensive Services for At-Risk Youth and Families; application.	Gilbert	DEAD
SB426	State Executive Council for Comprehensive Services for At-Risk Youth and Families; regulations.	Hanger	PASSED SENATE
<u>Stormwater</u>			
HB1173	Stormwater management programs; optional for some localities, regulations.	Hodges	PASSED HOUSE
SB423	Stormwater management programs; State Water Control Board to establish procedures and regulations.	Hanger	PASSED SENATE
<u>Award of Attorney's Fees</u>			
HB1084	Permits and approvals, certain; damages for unconstitutional grant or denial by locality.	Morris	PASSED HOUSE
HB1219	Unconstitutional acts and ultra vires enforcement by localities; remedies.	Marshall, R	DEAD

SB578	Permits and approvals, certain; unconstitutional grant or denial by localities, damages, etc.	Obenshain	PASSED SENATE
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Agritourism - Limit on Local Zoning Authority

SB51	Agricultural operations; no locality shall regulate agritourism activities, etc.	Stuart	PASSED HOUSE & SENATE
HB268	Agricultural operations; local regulation of certain activities.	Orrock	PASSED HOUSE

Farm Breweries - Limit on Local Zoning Authority

SB430	Alcoholic beverage control; farm brewery license, local regulation of certain activities.	Watkins	PASSED SENATE
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Cooperative Procurement

HB289	Virginia Public Procurement Act; cooperative procurement.	Albo	CONTINUED TO 2015
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Legal Notices

HB95	Legal notices; advertisement by locality on websites, radio, or television.	Head	DEAD
SB472	Legal notices; advertisement by localities.	Smith	DEAD

Labor Day Bills

HB333	School calendar; local school boards responsible for setting an	Greason	PASSED HOUSE
HB35	School calendar; local school boards responsible for setting an	Kory	DEAD
HB386	School calendar; local school boards responsible for setting an	Comstock	DEAD
HB42	School calendar; local school boards responsible for setting an	Habeeb	DEAD
HB610	School calendar; local school boards responsible for setting an	Robinson	PASSED HOUSE
SB131	School calendar; continuing waivers.	Newman	DEAD
SB509	Public schools; kindergarten instructional time.	Barker	DEAD
SB637	School calendar; continuing waivers.	Smith	DEAD