DRAFT MINUTES
Governor McDonnell's Task Force for Local Government Mandate Review
October 18, 2012 at 10:00 AM
Patrick Henry Building
West Reading Room
1111 East Broad Street
Richmond, Virginia 23219

Members Present

The Honorable Joan Wodiska, Vice-Chair
The Honorable Shaun Kenney
Kimball Payne
The Honorable Bob Dyer [not present at beginning of meeting]

Members Absent

The Honorable Pat Herrity, Chair

Government Reform Commission Liaisons to the Task Force Present

The Honorable Suzy Kelly

Government Reform Commission Liaisons to the Task Force Absent

The Honorable Alicia Hughes

Staff Present

Susan Williams, Local Government Policy Manager
Barbara Johnson, Administrative Assistant
Ed Lanza, Senior Public Finance Analyst
Zack Robbins, Senior Policy Analyst

I. Call to Order

Ms. Wodiska assumed the role of Chair, as Mr. Herrity was absent. She called the meeting to order at 10:18 a.m. on October, 18 2012, in the West Reading Room of the Patrick Henry Building in Richmond, Virginia.

II. Approval of Minutes of Task Force Meeting on September 17, 2012

Mr. Payne made a motion, which was seconded by Mr. Kenney, to approve the draft minutes of the Task Force's September 17, 2012 meeting, as presented. Such motion passed unanimously.

III. Approval of Draft Agenda

Mr. Kenney made a motion, which was seconded by Mr. Payne to approve the draft agenda, with an amendment for the Virginia Department of Transportation (VDOT) to present before the Department of Social Services (DSS). Such motion passed unanimously.

IV. Follow-up from previous meetings

No members had any follow-up information to discuss.

V. Agency Updates/Discussions

Ms. Wodiska stated that at this time state agencies would provide follow-up information from previous Task Force meetings.

i. Virginia Department of Transportation (VDOT)

Ms. Reta Busher, Chief of Planning and Programming at VDOT, provided a presentation, which was included in a handout distributed to the Task Force. The presentation provided an overview of transportation planning processes in the Commonwealth. *[A copy of her presentation is attached to these minutes.]* Ms. Busher recommended localities combine public hearings for the Secondary Six Year Plan and budget priorities.

[Mr. Dyer arrived at 10:39 a.m.]

Mr. Payne commented that many localities are reluctant to include the level of detail in comprehensive plans that VDOT desires. He further asked for explanation as to how VDOT will interact with localities with its new review of local comprehensive plans.

Robert Hofrichter, Assistant Division Administrator of the Transportation and Mobility Planning Division at VDOT came forward and explained that currently under the Chapter 527 review processes, localities are already required to submit comprehensive plan amendments for review, if they affect transportation. The new requirements, requiring review for local comprehensive plan consistency with the state plan (and informally referred to as Chapter 729) are reviewed simultaneously. For local comprehensive plans that are currently under review, VDOT has been providing input to the localities during their local review processes. Ms. Busher noted that VDOT's involvement is not limited to reviewing final versions of comprehensive plans, but also includes ongoing communications at all stages of the planning process.

Mr. Payne raised concerns about recent legislation that would require localities to reimburse VDOT for road projects if a locality later determines that the road is no longer desirable. Mr. Hofrichter explained that localities are permitted to provide an explanation for their determination, and that reimbursement would only be requested if money were spent on activities such as preliminary engineering, right-of-way acquisition and construction. Reimbursement would not be required for preliminary studies, such as environmental impact studies.

Ms. Wodiska asked Ms. Busher to return to the Task Force in December. She asked that in the interim VDOT consider how business is conducted with localities, and return with suggestions on how to lessen burdens on local governments, improve the quality of service, while treating the VDOT/local relationship as a partnership. She noted that the one recommendation that VDOT made was only a recommendation for localities to do something differently, and stressed the importance of business process improvement.

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Ms. Busher noted that VDOT processes have been reviewed in conjunction with the Federal Highway Administration.

Mr. Dyer mentioned concerns about inter-regional movements between military installations in the Hampton Roads area.

Ms. Kelly suggested that there is a perception that review and approval processes take longer than necessary.

Mr. Payne suggested going to localities to see if they have a specific issue or concern. He added that additional agency training is not the solution for localities that are adequately trained, and that he wants agencies to discuss their issues with local governments as colleagues or equals.

Ms. Busher asked to be provided with any additional feedback from local governments.

ii. <u>Department of Social Services (DSS)</u>

Ms. Gail Nardi, Manager of Adult Services/Adult Protective Services at DSS came forward to provide an update regarding the Task Force's concerns with DSS's guardianship reporting program. She said that since the last meeting, DSS, the Department for Aging and Rehabilitative Services (DARS), Albemarle County DSS and King William DSS have worked together on this issue.

Ms. Nardi provided an overview of the annual reporting requirement, and proposed three measures to streamline the process of guardianship reporting. *[A copy of the handout, which includes her talking points and proposed improvements, is attached to these minutes.]* One proposal presented by Ms. Nardi included proposed legislative changes to provide that the report shall be filed with the jurisdiction where the incapacitated person resides, rather than the jurisdiction where the guardian appointment occurred.

Ms. Kelly asked how the reports are utilized by social workers to detect abuse or fraud if they are completed by guardians. Ms. Nardi explained that information contained in the report can result in "red flags" to the social worker. Ms. Kelly asked if there was information on how many investigations were initiated by these reports. Ms. Nardi responded that there are no statistics, and that the majority of investigations result from complaints, rather than review of these reports. Ms. Kelly then questioned the value of the reporting requirement.

Ms. Wodiska recalled from the previous meeting that the burden on local governments in this issue is not the filing of the report itself, it is the burden of tracking down those who have not filed in a timely manner. She asked what penalties existed to deter late filing. Ms. Nardi responded that DSS has no penalties, and that the process belongs to the court, and each court determines repercussions for noncompliance. Ms. Wodiska asked if it would be beneficial if DSS had enforcement tools in this matter. Ms. Nardi responded that DSS does not have an official position; however, industry organizations have created "best practices" and model statutes for approaching these issues.

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Ms. Janet James, Public Guardian Program Coordinator at DARS stated that her personal belief is that an additional penalty would be effective, and that this is not the official position of DARS or DSS. She explained the difference between DSS's program and DARS' public guardian program, which exists for those adults who do not have a person who can serve as a guardian.

iii. Library of Virginia (LVA)

Ms. Sandra Treadway, Librarian of Virginia stated that since the Task Force's July meeting, the Library contacted localities that provided comments to the Task Force for clarification and identified several stakeholders to participate in a workgroup, which first met last week. This newly-formed workgroup discussed how immediate needs could be addressed, and will be considering measures to regularly review, update and consolidate document retention schedules. In addition, the group is proposing additional levels of training and reawakening an email listserv that had become dormant. The workgroup plans to meet again after the General Assembly session. In the meantime, the group intends to create a survey and identify additional stakeholders.

Mr. Dyer commended the Library for its efforts. Ms. Wodiska requested Ms. Treadway submit her talking points for the record, and said the Library is setting an example for other agencies.

iv. Virginia Department of Health (VDH)/Virginia Information Technology Agency (VITA)

Mr. Jeff Lake, Deputy Commissioner for Community Health Services at VDH reminded the Task Force that the local health departments are a branch of VDH, and are not part of the local government. He said that one local government suggested modifying the contract with Northrup-Grumman (N-G) to permit local health departments to negotiate directly with N-G for desktop services. He encouraged the use of the helpdesk by local departments so that service levels can be monitored.

Ms. Debbie Condrey, Chief Information Officer at VDH described "seat fees" paid to VITA/N-G along with the additional services provided. She stated that it is difficult to make an "apples to apples" financial comparison between outright purchasing and servicing IT needs in-house and procuring services under VITA's "seat fee" model. Ms. Condrey stated that face-to-face discussions between the local and state level health departments have resolved some of the previously-mentioned issues. She also referenced that some technical issues exist relative to removing local health departments from the VITA/N-G contract.

Ashley Colvin, Legal and Legislative Affairs Division at VITA mentioned some of the reasons for establishing an integrated statewide approach to IT services, such as: security, business continuity, and consistent software and hardware updates. He added that a statutory change may be needed in order to remove local health departments from the statewide system, and that N-G would need to agree to any contract amendments.

Ms. Kelly asked what specifically the state could do to address the IT service level and cost increase issues experienced by the Chesapeake Health Department. Mr. Lake described improvements to communications, and additional background on how costs are calculated. He reiterated that this was an interagency concern, as local health departments are part of VDH.

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Ms. Kelly said that there continues to be a customer service issue, and asked for an update at the December meeting.

Ms. Wodiska stressed the importance of data in decision-making, and in order to understand VITA's trouble ticket system, she requested that at the December meeting pertinent data be explained, such as the cost per unit, expected and average response times, number of tickets received, etc.

Ms. Wodiska then asked if federal requirements for direct determination of free/reduced school lunch based on SNAP recipient data can be addressed at the next meeting. Mr. Lake stated that they would be happy to discuss this matter; however, the SNAP program is handled by the Department of Social Services.

VI. Public Comment

Ms. Wodiska announced that this was the time reserved for the public to address the Task Force. No members of the public came forward.

VII. Subcommittee Reports

i. Education Subcommittee

Ms. Wodiska said that not much input has been received from school divisions relative to special education and testing and encouraged the divisions to provide more feedback. She added that a written report should be ready for the members to review in the next two weeks.

ii. State-Local Relationships Subcommittee

Mr. Payne stated that there was no update, and that last meeting's report is still on table for discussion, which he anticipates the Task Force will adopt in December.

iii. Mandates Subcommittee

Ms. Wodiska stated that Mr. Herrity's report was distributed to the Task Force members. *[A copy is attached to these minutes.]*

Mr. Payne noted that the attachment referenced in the report was not attached, and asked that it be forwarded to the members. *[A copy is attached to the version of Mr. Herrity's report, which is attached to these minutes.]* Ms. Wodiska encouraged Task Force members and the public to be prepared at the December meeting to provide comment and input on the unaddressed suggestions.

VIII. Comments by Task Force Members

Mr. Dyer mentioned a report by Dr. Cooke, an economist at Old Dominion University, which reviews cost shifts from the state to local governments, and added that he would be sharing the document with other members.

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Ms. Wodiska mentioned research that she had gathered and distributed on redesigning state government, and suggested state agencies review those materials.

VII. Scheduling of Future Meetings

Ms. Wodiska asked if members wanted to have any specific agencies present at either the November or December meeting. No members had any suggestions, so Ms. Wodiska gave members until Thursday, October 25th to advise staff of any agencies that should be invited.

Mr. Payne suggested at a future meeting the Task Force discuss how the Task Force will promote process improvement, rather than concentrating on individual mandates.

Ms. Williams reminded members that December 3rd is the deadline for requesting the drafting of legislation that will be pre-filed.

Mr. Dyer suggested meeting with the appropriate legislative committees at some appropriate time in the future.

Ms. Wodiska suggested changing the time and date of the meeting that had been previously scheduled for November 13 at the Homestead. She added that Mr. Herrity and Mr. Kenney would still be making a presentation on behalf of the Task Force at the VACo conference on November 12 at the Homestead.

The Task Force resolved to move the November 13 meeting to November 14, and that the location would either be in Williamsburg (at the Virginia School Boards Association conference) or, alternatively, in Richmond. The members further resolved to meet on December 13, 2012 at 10 a.m. in Richmond. Ms. Wodiska asked that the November meeting be at 9 a.m. if held in Williamsburg.

Ms. Wodiska invited members to attend events at the Virginia School Boards Association conference, noting that the opening session begins at 2 p.m. in the Williamsburg Lodge.

VIII. Adjournment

Ms. Wodiska adjourned the meeting at 12:50 p.m.

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