

DRAFT MINUTES
Governor McDonnell's Task Force for
Local Government Mandate Review
November 14, 2012 at 9:00 AM
Williamsburg Lodge - Tidewater CD [Relocated to Alleghany AB]
310 South England Street
Williamsburg, VA 23185

Members Present

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

Government Reform Commission

Liaisons to the Task Force Present

The Honorable Suzy Kelly
The Honorable Alicia Hughes [not present at beginning of meeting]

Members Absent

The Honorable Shaun Kenney

Government Reform Commission

Liaisons to the Task Force Absent

I. Call to Order

Mr. Herrity called the meeting to order at 9:22 a.m. on November 14, 2012, in the Alleghany A-B meeting rooms of the Williamsburg Lodge in Williamsburg, Virginia. [The meeting was relocated to this room from the Tidewater C-D meeting rooms, which were posted with the new location.]

Mr. Herrity announced that he would amend the agenda, by permitting Agency Updates/Discussion to take place at this time, which would then be followed by the remaining agenda.

II. Agency Updates/Discussions

- a. **Dr. Daniel A. Kovich, Program Manager, Virginia Department of Agriculture and Consumer Services, Division of Animal and Food Industry Services, Office of Animal Care and Health Policy (VDACS)**

Dr. Dan Kovich, Program Manager with the Virginia Department of Agriculture and Consumer Services came forward and explained the background of the requirements for local treasurers to send reminders to dog owners to purchase a dog license, based upon information provided by local veterinarians. He said that most stakeholder groups, localities, and local treasurers

strongly support the mandate however it was agreed that steps should be taken to reduce the burden of the process on local governments.

He stated that a desirable, but most unlikely solution would be for the Commonwealth to provide funding. Alternately, he presented potential amendments to the Code of Virginia §§ 3.2-6528 and 3.2-6534 that would delete the \$10 cap for the dog license tax and the \$50 cap for a kennel license. He noted that the proposed language would require for the new fee to be "fair and reasonable," and would permit the fee to cover related administrative expenses in treasurer's offices.

Mr. Larry Pritchett, Spotsylvania County Treasurer, explained the burden experienced by local treasurer's offices processing the vet records, and mailing dog license applications, or referring out-of-jurisdiction records to other treasurer's offices. He said that his office sends follow-up notices, and eventually names are forwarded to Animal Control, but there are few resources for enforcement.

Mr. Herrity suggested that existing technology would make it possible to streamline the process by having veterinary offices mail the vaccination lists to the state to determine the appropriate jurisdiction by address.

Ms. Wodiska stated that the vet should charge the license tax at the point of sale for the vaccination. Dr. Kovich remarked that some localities currently do this, and some vets do not want to be held accountable for public funds.

Mr. Dyer arrived at this point of the meeting.

Mr. Payne remarked that the term "tax" should be replaced by the term "fee" since the funds were specifically to support a specific program or function. Dr. Kovich agreed and said additional code sections would need to be amended, which he would forward to staff.

Ms. Kelly asked why dog micro-chipping isn't used to accomplish the goal of locating missing dogs. Dr. Kovich stated that dog tags are more easily used to match dogs to owners, and that chips require an outside third-party. Ms. Kelly stated that she believes that the intent of the mandate is not met, and unfairly penalizes dog owners who comply with the law. Mr. Pritchett stated that he believes the intent of the law has been met - to build a better database of dogs and owners, noting that the intent of the law was not to increase rabies vaccination.

Mr. Herrity noted that the proposal forwarded would help fund the process, but not solve the problems associated with the process. He encouraged the agency and stakeholders to continue working to resolve the process issues. Mr. Herrity stated that the task force should forward this proposal as potential legislation, along with changing the nomenclature from "tax" to "fee."

III. Approval of Minutes of Task Force Meeting on October 18, 2012

Ms. Wodiska made a motion, which was seconded by Mr. Dyer, to approve the draft minutes of the Task Force's October 18, 2012 meeting, as presented. Such motion passed unanimously.

IV. Approval of Draft Agenda

Mr. Herrity presented the draft agenda for consideration, adding one amendment: addition of draft report discussion, to be added before the subcommittee reports. Ms. Wodiska made a motion, which was seconded by Mr. Dyer, to approve the draft agenda, as amended. Such motion passed unanimously.

V. Public Comment

Ms. Megan Rhyne with the Coalition for Open Government noted that there are several ideas suggested on the handouts on the table at the back of the room, and asked what the Task Force's process would be for considering the information on those handouts and receiving public input. Mr. Herrity said that some the Task Force today would be approving some recommendations for publicizing for public comment and consideration at the next meeting, adding that the Task Force will aim to publicize these issues with sufficient time for public input before the next meeting.

Ms. Katie Boyle with Fairfax County stated that a potential new concern that the County may be bringing forward is a new requirement for localities to self-assess their implementation of the Comprehensive Services Act. She said it is unclear what benefit this information would have to the state.

VI. Follow-up from previous meetings

Ms. Wodiska stated that the several agencies that presented to the Task Force at its October 18 meeting were asked to return at various times to address issues raised during that meeting.

Mr. Robbins advised the Task Force that the anticipated dates for those agencies to return was detailed on the "Items Currently Under Review" handout.

VII. Draft Report Discussion

Mr. Herrity distributed copies of last year's report, and proposed using the same general format for this year. He reviewed proposal for the "Recommendations" section, which would include the following subheadings:

1. Mandates Recommended for Modification and Elimination
2. Adoption of Legislation Placing A Moratorium on New Local Mandates
3. Improving the Identification and Fiscal Analysis of Mandates
4. Begin a Discussion of How State Mandated Services are Delivered and Funded
5. Mandates Recommended for Elimination or Modification

Ms. Kelly asked that the word "unfunded" be added before "mandates" in #2. Ms. Wodiska noted that the term "unfunded" can be subjective, and may unintentionally remove funded and partially-funded mandates from consideration. Mr. Herrity suggested adding language to the recommendation to stress the importance of addressing mandates that are not funded.

Mr. Herrity suggested that recommendation #3 acknowledge that increased fiscal impact review of bills by Commission on Local Government staff during the 2012 session was a good first step, but that additional improvements are needed. Ms. Wodiska suggested that staff highlight what other states have done for fiscal analysis of mandates.

Mr. Payne suggested expressing appreciation for recent reduction in Local Aid to the Commonwealth payments, and adding language that the state budget now has a surplus.

With respect to recommendation #4, Mr. Payne reviewed a recommendation for creating intergovernmental roundtables with certain agencies and local governments. Mr. Herrity stated that the recommendation should not be limited to this, but should also discuss methods of service delivery to citizens.

Mr. Herrity stated that he planned to draft the report through the recommendations by the end of the first week in December for public comment at the December 13th meeting.

VIII. Subcommittee Reports

a. Education Subcommittee

Ms. Wodiska reviewed a draft of the Executive Summary of the Education Subcommittee's report. [A copy of this draft is attached to these minutes]

b. State-Local Relationships Subcommittee

Mr. Payne reviewed a draft of the State-Local Relationships Subcommittee's report. He noted that the date on the draft had not been updated from September 17, 2012, although amendments had been made on page 3, which were underlined. [A copy of this draft is attached to these minutes]

Ms. Kelly stressed the importance of tracking progress of the efficiencies realized through the roundtable process.

c. Mandates Subcommittee

Mr. Herrity distributed two documents: (1) a draft of the subcommittee's report ,(2) a spreadsheet highlighting new mandates approved by the 2012 General Assembly that are recommended for repeal (these mandates are to be incorporated into the Task Force's list of Proposed Legislation).

Ms. Hughes arrived during this portion of the meeting.

With respect to the list of new mandates for repeal, Mr. Robbins asked the Chair if his desire was for staff to invite the affected agencies to the next meeting. Mr. Herrity responded that staff should seek agency written comment, but the agencies are only to attend if they desire.

He also reviewed a list of comments from localities that could result in potential legislation, which was distributed before the meeting.

Mr. Payne stated that the annual report on recycling item was addressed by the General Assembly in 2012. Ms. Williams stated that the final version of the bill only reduced the requirement for smaller localities.

Mr. Payne noted that a comment about requirements to purchase nutrient credits for wastewater treatment plants may not be accurate, that nutrient credits are usually an alternative to more costly regulatory requirements. Mr. Herrity noted that the Task Force

should be cognizant to not inadvertently remove alternative solutions such as this in its recommendations.

Ms. Wodiska said that the repeal of the Labor Day law is still under consideration by the Education subcommittee, to also include additional waiver criteria. She also said that she is interested in additional information on the item dealing with the Virginia Community College System.

Mr. Herrity asked members to provide any additional items as soon as possible, so that agency input can be sought.

Mr. Herrity then reviewed funding request items from the list. Ms. Wodiska said that she believed the funding discussion should also include Standards of Quality. She said that she would provide language to that effect.

Ms. Hughes noted that Local Aid to the Commonwealth has been reduced, stressing that the Task Force should seek full elimination or additional reduction of the requirement. Ms. Hughes asked that some appreciation for the reduction be expressed in the report.

Mr. Herrity suggested that some of the long lines in the past week's election may have been caused by requirements in § 24.2-626 of the Code of Virginia that limit the purchase of electronic voting machines by localities. He asked that eliminating this requirement be added to the list of proposed legislation, and asked for the State Board of Elections to provide comment.

Mr. Dyer said that in Virginia Beach, much of the problem was caused by registration, not the voting booths. He said that some other options such as early voting may help.

IX. Comments by Task Force Members

Mr. Herrity reviewed the current workplan for the Task Force: (1) get the report drafted and (2) post the lists of potential issues online for comment, with a due date for comments of December 3rd. He reminded everyone that the next meeting would be held December 13th, 2012 at 10:00 a.m. in the Patrick Henry Building in Richmond, and asked staff to provide a microphone.

X. Adjournment

Mr. Herrity adjourned the meeting at 11:10 a.m.

DRAFT