Comments Received in 2011

ID#	Issue	Status:	Submitted by:
Subject Area: DEQ			
357	Solids Waste Management Plans--mandates that local governments develop a solid waste management plan and submit to the state. This mandate provides little to no impact on the actual management of solid waste and each local government should be allowed to	Proposed Legislation	

Organization: County Administrator, Prince George County

Comment: Prince George County supports the recommendation of the Task Force.

Organization: Town of Blacksburg

Comment: State oversight is important to ensure that local jurisdictions actually carry through with their commitments for solid waste management. The state mandate to prepare the solid waste management plan may be the sole reason some jurisdictions actually comply with this requirement. Eliminating the reporting requirement will allow jurisdictions that do not value solid waste management reduce support for these programs.

Organization: Botetourt County

Comment: Support possible solution - elim'n of Solid Waste Mgt. Plan

Organization: Town Administrator, Round Hill

Comment: Round Hill supports elimination of the mandate requiring that local governments develop a solid waste management plan and submit it to the state. This mandate provides little to no impact on the actual management of solid waste and each local government should be allowed to participate in a regional initiative, coordinate and/or operate their own plans without state oversight.

Organization: DEQ

Comment: The requirement for developing solid waste management plans (SWMPs) is set forth in § 10.1-1411 of the Virginia Code and encourages the formation of regional solid waste planning units, development and implementation of comprehensive regional solid waste management plans to manage solid waste on long and short term bases (including optimizing needs, resources, and disposal capacities based on demographics). The SWMPs serve as a tool for planning units to develop and implement the solid waste management hierarchy to promote recycling, waste reduction, recycling and reuse storage, treatment, and disposal. DEQ uses data from the plans to estimate statewide solid waste landfill capacity and considers this need when making permit decisions pursuant to statutory mandates. Elimination of this requirement raises the policy question of whether the Commonwealth wants to allow the market to determine landfill capacity needs without state oversight. Elimination of this requirement also would necessitate elimination of requirements that DEQ evaluate need when determining whether to issue a permit for a new facility or expansion of an existing landfill.

Subject Area: DOE - Labor Day			
361	School year to begin after Labor Day--Current code mandates that public schools not granted a waiver by the Board of Education start school after Labor Day. This decision is best left to the local school system based on their unique needs. Eliminate. SOE	Proposed Legislation	

Organization: Fairfax Co. Public Schools

Comment: (See also Education Items 15, 71, 84, 94, 100, 126). Local school boards should be permitted to set the opening day of school. Decisions regarding school calendars should be based on the consensus of the local community and sound academic practice rather than be dictated by state mandate.

Organization: Fluvanna County Public Schools

Comment: Fluvanna County Public Schools supports the elimination of this requirement so that School Boards and divisions can have the flexibility to deliver instruction on a schedule that is appropriate to local conditions.

Organization: Botetourt County

Comment: Support possible solution - local schools to make decision

ID#	Issue	Status:	Submitted by:
Subject Area: DOE - Labor Day			
361	School year to begin after Labor Day--Current code mandates that public schools not granted a waiver by the Board of Education start school after Labor Day. This decision is best left to the local school system based on their unique needs. Eliminate. SOE	Proposed Legislation	

Organization: DOE

Comment: Many bills have been introduced to eliminate this mandate, found in § 22.1-79.1 of the Code, but thus far all have failed. The bills are supported by education organizations and opposed by tourism.

Subject Area: DSS			
362	Annual Report of Guardians--state code outlines specific procedures for the filing and reporting of the annual report of guardians The rigorous requirements seem overly burdensome and draining on local government resources. Relax these procedures and allo	Proposed Legislation	

Organization: County Administrator, Prince George County

Comment: Prince George County supports the recommendation of the Task Force. There is little the County can do when guardians fail to tum in the annual report except tell the court.

ID#	Issue	Status:	Submitted by:
Subject Area: DSS			
362	Annual Report of Guardians--state code outlines specific procedures for the filing and reporting of the annual report of guardians The rigorous requirements seem overly burdensome and draining on local government resources. Relax these procedures and allo	Proposed Legislation	

Organization: Albemarle County

Comment: SUPPLEMENTAL INFORMATION SUBMITTED JULY 2012: The comments provided by the agency above are accurate and we have no argument with the intent and value of the process. However, as with many mandates from the state there were virtually no funds provided for implementation/ongoing services. The Local Department of Social Services (LDSS) had to set up an automated system and reassigned staff to manage the caseload. This took valuable resources from an already overburdened Adult Services system of services in the LDSS.

Local Departments of Social Services were mandated in 1997 to receive twice yearly annual reports on the personal status of a person who is incapacitated for whom a guardian was appointed. The report is to be accompanied by a $5 fee. The court- appointed guardian is to file the Annual Report of Guardian with the LDSS in the jurisdiction in which the guardian was appointed. Twice each year the LDSS is required under § 37.2-1021 of the Code of Virginia to file with the Clerk of the Circuit Court a list of all guardians who are more than ninety days delinquent in filing an annual report as required. Five dollars per filing ($635 for the current caseload for one filing) is miniscule compared to the cost of providing the service.
Currently Albemarle DSS has oversight for one hundred twenty-seven incapacitated individuals. The caseload is managed by a Senior Social Worker with support from an office specialist and has grown significantly over the years. §37.2-1021 requires a report to the LDSS to include the following:
1. A description of the current mental, physical, and social condition of the incapacitated person.
2. A description of the person's living arrangements during the reported period.
3. The medical, educational, vocational, and other professional services provided to the person and the guardian's opinion as to the adequacy of the person's care.
4. A statement of the frequency and nature of the guardian's visits with and activities on behalf of the person.
5. A statement of whether the guardian agrees with the current treatment or habilitation plan.
6. A recommendation as to the need for continued guardianship, any recommended changes in the scope of the guardianship, and any other information useful in the opinion of the guardian.
7. The compensation requested and the reasonable and necessary expenses incurred by the guardian.
Additionally, the LDSS had to develop a system for managing this new caseload. In Albemarle this includes:
1. Creating an Access database.
2. Entering new information into an Access database
3. Updating new information on the Access database.
4. Printing off and reviewing reports from the Access database.
5. Managing information on ASAPS (Adult Services Adult Protective Services automated system).
6. Sending letters to guardians for past due reports or annual reports. Sometimes, we have to search to find guardians who are not responsive to our requests or have not provided a forwarding address.
7. Providing consultation to guardians or assisting them in completing the reports, as needed.
8. Meeting with the clerk of the Court at least once a year to ensure they have the necessary forms to distribute to newly appointed guardians. Sometimes, we have to go down to the Clerk's office to obtain newly appointed guardians since the Clerk is not always consistent with sending us this information.
9. Filing information into hard files.
10. Business Services collects the checks and deposits them into a designated account.
11. Submitting a letter to the Clerk of the Court twice a year for reports that are past due.
12. Transferring cases to other localities when the person leaves a jurisdiction. This requires communication with the receiving DSS and the guardian.
13. The initiation of an APS report if a guardian report alleges abuse, neglect, or exploitation, and/or the lack of reporting of the incapacitated person
Beyond these steps there are other issues of program oversight:
1. Even if the LDSS receives a report from the Guardian completely filled out, we do not have the staffing to physically see the individual who is served by the guardian. The inability to make a face to face visit, thus relying solely on a written report, is hardly a thorough review process.
2. If the Guardian fails to provide a report and the LDSS determines that they are no longer effective as a Guardian, the only recourse is to find another Guardian. With limited slots in Public Guardianship Programs for indigent individuals it is burdensome to the LDSS to locate another guardian. Additionally, since guardians are bonded without surety, it seems the court cannot hold them accountable if they fail to provide a report. In contrast, conservators can be held in contempt of court if they fail to apply due diligence or make egregious decisions. Furthermore conservators are bonded with surety most of the time.

ID#	Issue	Status:	Submitted by:
Subject Area: DSS			
362	Annual Report of Guardians--state code outlines specific procedures for the filing and reporting of the annual report of guardians The rigorous requirements seem overly burdensome and draining on local government resources. Relax these procedures and allo	Proposed Legislation	

3.Consultation with the County Attorney on certain problem cases is infrequent but does occur. This time, however, is not considered in the reimbursement to our locality. Local Department of Social Services staff are allocated 106.6 hours per month (total hours per month reduced by meetings, leave, etc…) for casework, according to the 2008 Hornby Zeller Associates (HZA) Caseload Standards. In April 2012, the Adult Protective Services

Organization: Paige L. McCleary, Adult Services Program Consultant, DSS

Comment: SUPPLEMENTAL INFORMATION SUBMITTED JULY 2012: Outside of Virginia's Public Guardianship Program, local departments of social services (LDSS) review of guardian reports provide the only oversight of guardians in Virginia. Most guardians provide appropriate care and assistance to the adults for whom they are responsible. However, in calendar year (CY) 2011, 25 guardians were identified in substantiated Adult Protective Services (APS) cases as perpetrators of abuse, neglect or exploitation against the adults for whom they cared. Section 37.2-1021 (§ 64.2-2020 effective October 1, 2012) of the Code of Virginia requires guardians to submit the annual guardian report to LDSS in the jurisdiction in which the guardian was appointed. This requirement has been in effect since 1997. Guardians are required to use a court form, Report of Guardian for an Incapacitated Person (Form CC-1644), for their submission.

LDSS review all guardian reports to determine (1) if the report is completed in its entirety and (2) if there is reason to suspect that the incapacitated adult is being abused, neglected or exploited or is at risk for abuse, neglect, or exploitation (Adult Services Manual, Chapter 7, Guardianship and Conservatorship, Section 7.3.2.9). It is estimated that it takes an LDSS worker about 10 minutes to review a completed report. Within 60 days of receipt of the annual report, the LDSS worker must send a copy of the report to the clerk of the circuit court that appointed the guardian, to be placed with the court papers pertaining to the guardianship case.
Guardians are required to submit $5.00 with the report. The fee is retained by the LDSS and must be used for the provision of services to adults in need of protection (§ 37.2-1021 of the Code of Virginia).
A significant problem with the requirement that LDSS review guardian reports involves guardians who fail to submit the annual report in a timely manner, fail to submit the report at all, or fail to submit the $5.00 fee with the report. Approximately 5% to 15% of guardians statewide are non-compliant or delinquent in the submission of guardian reports. LDSS have few options to encourage a delinquent guardian to submit the report. Workers spend several hours sending letters to guardians, calling guardians, or going to the guardians' homes in order to encourage them to submit the report. The LDSS have no ability to sanction the guardian for failure to submit the report. Virginia Department of Social Services (VDSS) guidance permits an LDSS to initiate an APS investigation if they believe the incapacitated adult is at risk for abuse, neglect or exploitation. LDSS are required twice yearly to submit a list of guardians who are more than 90 days overdue to the circuit court (§ 37.2-1021 of the Code of Virginia).

VDSS guidance requires LDSS workers open a guardianship case on each adult for whom that LDSS receives the annual guardian report. Receipt of the guardian report or efforts to obtain a late guardian report are documented in the case. Guardianship caseloads continue to rise. In state fiscal year (SFY) 2009 there were 5,227 guardianship cases in the Adult Services data base (ASAPS) compared to 6,764 in SFY 2011, a 30% increase.

Organization: DSS

Comment: As a point of clarification, Title 37.2 falls under the purview of Behavioral Health and Developmental Services, rather than DSS. However, it directly involves local departments of social services. The annual guardian report to local Adult Protective Services (APS) is the only monitoring and review process for court-appointed guardians of vulnerable individuals who are incapacitated by age or disability. Local APS staff review reports for indicators of possible abuse, neglect or exploitation, which are investigated.

Guardianship abuse is rising nationwide, as is the incidence of adult abuse. In Virginia, total reports of abuse, neglect and financial exploitation of vulnerable adults increased by 15 percent from SFY 2009 to 2011. Substantiated cases of financial exploitation increased by 38 percent. The number of guardianship reports filed increased by 32 percent.

Relaxing procedures would leave many incapacitated adults without any review of their safety. Facilitating electronic submissions to streamline the process is feasible but would have a state and local fiscal impact.

Organization: Botetourt County

Comment: Support possible solution - allow for electronic submissions

Subject Area: NO AGENCY - FOIA

ID#	Issue	Status:	Submitted by:
Subject Area: NO AGENCY - FOIA			
364	Newspaper Ads--current code mandates that newspapers be utilized for public meeting notices for a local government. This is very expensive to enact and electronic resources could be implemented. Modify mandate to allow for electronic advertisements. NSO.	Proposed Legislation	

Organization: County Administrator, Montgomery County

Comment: FOIA- Modify the mandate to allow for electronic meeting advertisements

Organization: Town Manager, Christiansburg

Comment: Only public hearing notices are required to be published in the newspaper; not all public meeting notices. Public meeting notices must be posted in a "prominent public location at which notices are regularly posted and in the office of the clerk of the public body," as well as online (VA Code 2.2-3707(C)). Some citizens still lack Internet access and/or lack the knowledge of how to utilize the Internet to find public meeting and/or public hearing notices. The present mandate ensures that all citizens have a chance to receive notification of a public hearing and have an opportunity to provide comment. Ending this mandate will place an undue burden on citizens without Internet access who might not otherwise see a public hearing notice. The present requirement should continue.

Organization: City of Roanoke

Comment: [Support further consideration]

Organization: Fairfax Co. Public Schools

Comment: (See also Education Item 124.) FCPS supports revision and amendment of the Virginia Freedom of Information Act (FOIA) and companion regulations, such as those issued by the Library of Virginia regarding records retention, in order to achieve the appropriate balance between the considerable investment in time and money required for compliance and ensuring the people of the Commonwealth ready access to public records. Revision and amendment are particularly important in light of the growth of the use of electronic communications to communicate more quickly and efficiently with the public, including but not limited to web pages and "social media." In addition, FCPS supports granting local school boards flexibility in fulfilling mandates for required legal notices for certain public meetings and hearings beyond the current requirement that they be posted by (paid) advertisements in local newspapers. Other, less costly (free) venues exist for making such information widely and easily available to the community.

Organization: Botetourt County

Comment: Support possible solution - allow electronic advertisement

Organization: Town Administrator, Round Hill

Comment: Current code mandates that newspapers be utilized for public meeting notices for a local government. Round Hill agrees this is very expensive to enact, and that electronic resources could be used with greater efficiency and perhaps could be a means to reach more citizens. Round Hill suggests modifying this mandate to allow for electronic advertisements.

Organization: Town of Appomattox

Comment: [Support]

Organization: County Administrator, Montgomery County

Comment: Modify the mandate to allow for electronic meeting advertisements.

Subject Area: NO AGENCY - PROCUREMENT			
358	VPPA--currently required to report public notice of request for proposals in newspapers of general circulation. This is an antequated and expensive requirement. Eliminate this requirement and replace it with appropriate online advertisements and notices i	Proposed Legislation	

Organization: City of Roanoke

Comment: [Support further consideration]

ID#	Issue	Status:	Submitted by:
Subject Area: NO AGENCY - PROCUREMENT			
358	VPPA--currently required to report public notice of request for proposals in newspapers of general circulation. This is an antequated and expensive requirement. Eliminate this requirement and replace it with appropriate online advertisements and notices i	Proposed Legislation	

Organization: Town Manager, Colonial Beach

Comment: [Supports elimination]

Organization: County Administrator, Prince George County

Comment: Prince George County supports the recommendation of the Task Force.

Organization: Botetourt County

Comment: Support possible solution - eliminate / update requirement

Organization: Spotylvania County

Comment: Finance staff agrees our vendors review our procurements online and this would save advertising dollars. This is currently being proposed by VAGP for elimination in 2012 legislative agenda.

Organization: County Administrator, Montgomery County

Comment: Eliminate the mandate to advertise in newspapers.

Organization: DGS

Comment: DGS would support this. Do not know where the Policy Office comes down on this issue.

Organization: Town of Appomattox

Comment: [Support]

Subject Area: VDACS			
366	Comprehensive Animal Care Laws--state code outlines extensive administrative requirements for animal care, licensing, fees, etc. This is a local issue and is best left to local governments. Eliminate, or allow for more local control. SOA.VDACS002, 004, 0	Proposed Legislation	

Organization: City of Roanoke

Comment: [Support further consideration]

ID#	Issue	Status:	Submitted by:
Subject Area: VDACS			
366	Comprehensive Animal Care Laws--state code outlines extensive administrative requirements for animal care, licensing, fees, etc. This is a local issue and is best left to local governments. Eliminate, or allow for more local control. SOA.VDACS002, 004, 0	Proposed Legislation	

Organization: VDACS

Comment: Rabies Vaccination Reporting

Section 3.2-6529 of the Code of Virginia, Veterinarians to provide treasurer with rabies certificate information; civil penalty.

VDACS concurs that Virginia's local governments are best placed to determine the merits of retaining this mandate. This mandate was established in 2007 with the intent of increasing compliance with dog licensing requirements. It requires that veterinarians forward information regarding each dog vaccinated against rabies to the local treasurer of the jurisdiction in which they practice, and that treasurers take actions to ensure the licensure of such dogs including forwarding information to other jurisdictions if the owner of the dog resides elsewhere. VDACS defers to local governments to determine if the costs of compliance with this mandate exceed the benefits realized.

Provision of Veterinary Care to Impounded Animals

Section 3.2-6546 of the Code of Virginia, County or city pounds; confinement anti disposition of animals; affiliation with foster care providers; penalties; injunctive relief and Section 3.2-6503 of the Code of Virginia, Care of companion animals by owner; penalty. These statutory mandates require the impoundment of companion animals by local governments under certain circumstances, and the provision of adequate care including veterinary treatment when needed to impounded animals. Impounded animals (other than those surrendered by their rightful owner) are subject to a holding period to allow their rightful owner the opportunity to claim them. During this holding period, veterinary treatment must be provided in order to prevent suffering or disease transmission. Section 3.2-6546 does allow euthanasia in lieu of veterinary treatment within the holding period ifan animal is critically ill or injured.
It is not clear to VDACS if the commenting local government is suggesting that the statutorily mandated holding period be waived for animals not critically ill or injured but nonetheless requiring veterinary treatment to allow for early euthanasia, or that the holding period be maintained but no veterinary treatment provided. VDACS does not feel that either approach would best serve the citizens of the Commonwealth. It is generally not possible to conclusively determine that an animal is un-owned or otherwise not likely to be claimed when first impounded, and therefore removing the requirement of veterinary care either through early euthanasia or allowing an animal to suffer or transmit disease to other impounded animals will
result in situations that fail to protect the property rights and bonds of affection that citizens have in and for their companion ani mals.

Inspection of Commercial Dog Breeding Facilities by Animal Control Officers for
Compliance with State Regulations

Section 3.2-6555 of the Code of Virginia, Position of animal control officer created.

This mandate requires that animal control officers inspect each commercial dog breeding facility as defined by statute at least twice annually to ensure compliance with state animal care laws and regulations. The intent of this mandate is to ensure compliance with statutory animal care, recordkeeping, and population limits established by the 2008 Session of the General
Assembly. The Board of Agriculture and Consumer Services has to date not enacted any regulations concerning commercial dog breeding facilities. Animal control officers are therefore only responsible for ensuring compliance with the Code of Virginia, and not ensuring compliance with any provisions of the Virginia Administrative Code promulgated by this or any
other state agency.

Organization: Botetourt County

Comment: Support possible solution - allow for more local contrl

ID#	Issue	Status:	Submitted by:
Subject Area: VDACS			
366	Comprehensive Animal Care Laws--state code outlines extensive administrative requirements for animal care, licensing, fees, etc. This is a local issue and is best left to local governments. Eliminate, or allow for more local control. SOA.VDACS002, 004, 0	Proposed Legislation	

Organization: County Administrator, Prince George County

Comment: The elimination of this restriction could possibly have a detrimental impact on various operational requirements to include specialized training. Without the current guidelines, an increase for calls related to animals would certainly increase and the potential for infectious diseases (e.g. rabies) may be seen in the community. Prince George County does not support the recommendation of the Task Force.

Organization: Spotsylvania County Treasurer

Comment: One issue that needs to be remembered is the objective that Del. Orrock was trying to accomplish. In the case in Spotsylvania County with the death of the lady due to the attack by several dogs, it was difficult to identify the owner. The goal Del. Orrock was trying to accomplish was to build a better date base for dogs and their owners. Need to try and keep this in mind for any changes in the process. I agree the process is very time consuming for the veterinarians and Treasurers Offices.

Organization: Albemarle County

Comment: SUPPLEMENTAL INFORMATION - JULY 2012: Please see the comments in red on the attached document. The essence of our requested change is to increase the amount that localities are allowed to charge pet owners for the additional costs associated with administering the dog licensure function in accordance with the 2007 requirements OR revise the requirements to remove some of the administrative burden.

In Albemarle County the new process requires much more administrative effort. For example, seven counties and one city share borders with Albemarle County. We regularly receive rabies vaccination certificates that are for pets not housed in Albemarle. It takes time to research and determine to which jurisdiction the certificates should be directed (this is one of the most significant costs and there are additional mailing costs as well). Although we haven't conducted a time-in-motion study to determine how much more time it takes to perform the additional work, we know that our employee who is responsible for this function now devotes a significant portion of her time annually on dog licensure tasks.

[The costs associated with the additional requirements cannot be offset by charging additional 'user' fees nor does the Compensation Board reimburse localities for this function.] [The Commonwealth dictates the maximum fee, irrespective of the administrative costs associated with this function. The benefit of properly inoculated and licensed pets is not the issue being raised. The issue is the inability of localities to increase the user fee to offset the increased administrative cost this is currently prohibited by the Code of Virginia.]