



Final Regulation Agency Background Document

Agency name	Commission on Local Government
Virginia Administrative Code (VAC) citation	1 VAC 50 - 10
Regulation title	Public Participation Guidelines
Action title	Final Regulations
Document preparation date	December 1, 2005

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The public participation guidelines of the Commission on Local Government, which were last amended in 1984, are being updated to reflect changes in the Administrative Process Act and modern practice. The changes include revisions to outdated or obsolete provision and inclusion of new procedures to enhance public participation in the amendment to the Commission's regulations in the future.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The Commission on Local Government approved the Public Participation Guidelines at their regularly scheduled meeting on November 10, 2005.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

§ 15.2-2903, Code of Va. gives the Commission on Local Government the discretionary authority to "...make regulations, including rules of procedure of procedure for the conducting of hearings." The Commission on Local Government within the Department of Housing and Community Development is the promulgating entity.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The proposed regulations are not essential to protect the health, safety, or welfare of citizens.

The proposed action is to update the public participation guidelines of the Commission on Local Government. The Commission's current guidelines were last revised in November 1984. Since that date, there have been several changes to the Administrative Process Act, as well as the creation of the Administrative Code that are not reflected in the current public participation guidelines (e.g., Internet, electronic mail, etc.). In addition, there are some outdated provisions in the current guidelines that should be reviewed for possible revision. Further, when the Administrative Code was created in the early 1990s, the Commission's regulations were integrated into the VAC without input from the Commission or its staff. Moreover, when the original public participation guidelines were adopted, the Commission had been active in the resolution of inter-local issues for only three years, whereas today, the Commission has been in existence for over 20 years and some of its procedures may need to be revised to reflect changing times.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

Out-of-date provisions adopted in 1984 are repealed. New provisions, such as purpose, definitions, creation of notification lists, notice of intent to revise regulations, notification of actions, and advisory committees, are added.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If there are no disadvantages to the public or the Commonwealth, please indicate.

There are no disadvantages to the Commonwealth. The primary advantage to the Commonwealth will be to enhance the public participation in the development of the Commission’s regulations in the future.

Unless private citizens or businesses are interested in the development of Commission regulations in the future, the new provisions would have no impact on them.

The proposed regulatory action poses no disadvantage to the public, but will have a public benefit by modernizing the public participation guidelines.

There are no disadvantages to localities, but will benefit local governments by modernizing the public participation guidelines.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change
1 VAC 50-10-90	None for use of mailing list maintained by the Virginia Regulatory Town Hall.	Added that Commission may use mailing list maintained by Regulatory Town Hall to notify persons interested in the Commission’s regulations.	Recommended by Department of Planning and Budget.
1 VAC 50-10-90	Interested person’s electronic notifications returned as undeliverable over more than one day may be deleted from notification list.	Undeliverable electronic notifications will have to be returned over two 24-hour periods at least one week apart.	Recommended by the Department of Planning and Budget.
1 VAC 50-10-110 – 1 VAC 50-10-130	Public notifications were only to be published in The Virginia Register of Regulations.	Public notifications also published on the Virginia Regulatory Town Hall.	Recommended by the Department of Planning and Budget.
1 VAC 50-10-130	The Commission may choose not to suspend regulatory review process if it determines that proposed	In addition, the Commission may choose not to suspend regulatory review process if proposed change is exempt from the Administrative	Recommended by the Department of Planning and Budget.

	changes are minor or inconsequential in their impact.	Process Act.	
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Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

The Commission did not receive any oral or written comment during the public comment period following the publication of its proposed Public Participation Guidelines.

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
1 VAC 50-10-90	N/A	Commission would maintain it own internal notification list of person who shall receive copies of documents concerning regulatory changes.	Added that the Commission may also use the mailing list maintained by the Regulatory Town Hall of interested persons to receive documents concerning regulatory changes. Recommended by the Department of Planning and Budget to increase number of persons that potentially could receive notification.
1 VAC 50-10-90	N/A	An interested person’s electronic notification made by Commission that was returned as undeliverable over more than one day may be deleted from notification list.	Established that electronic notification would have to be returned as undeliverable over two 24-hour periods at least one week apart. Recommended by the Department of Planning and Budget.
1 VAC 50-10-110 – 1 VAC 50-10-130	N/A	NORIA, informational proceedings, public hearings on existing regulations, and notice of formulation and adoption would only be published in The Virginia Register.	Establish that such notices would also be published on the Virginia Regulatory Town Hall. Recommended by the Department of Planning and Budget to increase the number of persons that potentially could receive notification.
1 VAC 50-10-130	N/A	The Commission may choose not to suspend regulatory review process if it determines that proposed	Established that the Commission may choose not to suspend regulatory review process if proposed change is exempt from the Administrative Process Act.

		changes are minor or inconsequential in their impact.	Recommended by the Department of Planning and Budget.
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Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

The proposed regulatory action will have no impact on the institution of the family and family stability.