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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Commission on Local Government
Virginia Administrative Code (VAC) Chapter citation(s)	1 VAC 50-11
VAC Chapter title(s)	Public Participation Guidelines
Date this document prepared	March 22, 2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

CLG: Commission on Local Government

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The promulgating agency is the Commission on Local Government. Section 2.2-4007.02 directs all agencies to develop public participation guidelines. Section 15.2 – 2903 (1) enables the Commission to promulgate regulations generally.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

The alternative to the regulatory change is to maintain the regulations in their current form. The regulation does not impact small businesses, as only local governments and citizens appear before the Commission.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency’s response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
NONE	NONE	NA

No comments were received.

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The regulation is required by a proscriptive statute, specifically § 2.2-4007.02. It is further necessary to uniformly and effectively govern the process by which the public participates in the Commission’s proceedings and regulatory actions.

Decision

Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

Retain the regulation as is. There was no public comment regarding changes to the regulation, and the regulation is governed by statute.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

The regulation is necessary to uniformly and effectively govern public input received by the Commission
2) No comments were received. 3) The regulation is not overly complex. 4) The regulation is interpretive of state law as required by the Administrative Process Act, and includes specific reference to state code where applicable. 5) The regulations were last amended in 2018, and there has not been a periodic review since. However, the statute governing this chapter has not changed since 2012.

There is no need to analyze the impact on small businesses because small businesses do not appear before the CLG and its regulations do not directly impact them.