



Virginia
Regulatory
Town Hall

townhall.state.va.us

Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Department of Housing and Community Development
Virginia Administrative Code (VAC) citation	__1_ VAC_50-_10__
Regulation title	Commission on Local Government Public Participation Guidelines
Action title	Amend the public participation guidelines of the Commission on Local Government
Document preparation date	February 24, 2004

This information is required for executive review (www.townhall.state.va.us/dpbpages/apaintro.htm#execreview) and the Virginia Registrar of Regulations (legis.state.va.us/codecomm/register/regindex.htm), pursuant to the Virginia Administrative Process Act (www.townhall.state.va.us/dpbpages/dpb_apa.htm), Executive Orders 21 (2002) and 58 (1999) (www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html), and the *Virginia Register Form, Style, and Procedure Manual* (http://legis.state.va.us/codecomm/register/download/styl8_95.rtf).

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

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 In addition, there are some outdated provisions in the current guidelines that should be reviewed for possible revision.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 interlocal 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.

Legal basis

Please identify the state and/or federal source of legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General

Assembly bill and chapter numbers, if applicable, and (2) promulgating entity, i.e., the 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 February 24, 2004“...make regulations, including rules of procedure of procedure for the conducting of hearings.” The Commission on Local Government is the promulgating entity.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.

The changes proposed to Commission on Local Government's public participation guidelines may include revisions to outdated or obsolete provision and/or the possible inclusion of new procedures to enhance public participation in the amendment to the Commission's regulations in the future. At the present time, I do not foresee any potential issues with respect to the review of the public participation guidelines. As far as can be determined, the proposed regulatory action is not essential to protect the health, safety, or welfare of citizens.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.

One alternative would be to not undertake the proposed regulatory action.

Impact on family

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.

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