



Glenn Youngkin  
Governor

Caren Merrick  
Secretary of  
Commerce and Trade

# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Bryan W. Horn  
Director

**TO:** Members of the Commission on Local Government  
**FROM:** DHCD Staff  
**DATE:** September 12, 2024  
**SUBJECT:** Draft Agenda and September Regular Meeting Materials

Dear Commissioners:

We are looking forward to the September regular meeting, which will be held in Warrenton on Tuesday, September 17 at 8:30 am. The address and virtual login information, should you need it, is on the agenda in this packet.

Please find enclosed the following:

1. Draft agenda for the September Regular Meeting of the Commission;
2. Draft minutes of the July Regular Meeting;
3. Draft minutes of the August Special Meeting;
4. News article of interest to the Commission;
5. Memo from staff addressing proposed edits and comments received on the draft SB645 regulations;
6. Suggested changes to the SB645 regulations that reflect Commissioner feedback from the August Special Meeting;
7. Suggested changes to the SB645 regulations received from the Auditor of Public Accounts and an accompanying comments document;
8. Comment on the SB645 regulations from the Virginia Municipal League;
9. Completed assessments of mandates on local governments from FY2024;
10. Summary of updates to the 2024 catalog of mandates on local governments.

If you have any questions or require additional information, please feel free to contact me at 804-310-7151 or [legrand.northcutt@dhcd.virginia.gov](mailto:legrand.northcutt@dhcd.virginia.gov)

We hope you have a wonderful weekend and look forward to seeing you in Warrenton. Please let us know if you have any questions.





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# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Bryan W. Horn  
Director

### **AGENDA**

Commission on Local Government  
Regular Meeting: 8:30 am, September 17, 2024  
Regular Meeting  
Willow Room  
21 Main Street (3rd floor)  
Warrenton, VA 20186

### **FOR VIRTUAL ATTENDANCE**

Microsoft Teams  
[Join the meeting now](#)  
Meeting ID: 235 982 774 860  
Passcode: kWPCya  
Dial in by phone  
+1 434-230-0065  
Phone conference ID: 887 860 38#

1. Please contact LeGrand Northcutt ([legrand.northcutt@dhcd.virginia.gov](mailto:legrand.northcutt@dhcd.virginia.gov)) for additional information on how to connect to the meeting electronically.
2. The Public Comment portion of the meeting will be limited to thirty (30) minutes. Each person wishing to give comments before the Commission should limit their comments to three (3) minutes. These rules are subject to change without notice by the Commission Chair. It is encouraged to pre-register for public comment by contacting LeGrand Northcutt ([legrand.northcutt@dhcd.virginia.gov](mailto:legrand.northcutt@dhcd.virginia.gov)) in advance of the meeting.
3. Members of the public viewing the meeting through the Microsoft Teams option are required to mute themselves during the meeting unless called upon by the Commission Chair to speak. The CLG reserves the right to remove from its virtual meetings anyone who does not abide by these rules.
4. Access to meeting materials for members of the public is available on the corresponding meeting page of the [Virginia Regulatory Town Hall website](#) and on [Commonwealth Calendar](#).

I. **Call to Order** (Chair)

- II. **Administration**
- a. Approval of the draft agenda (Chair)
  - b. Approval of the minutes of previous meetings (Chair)



- i. Regular meeting on July 23, 2024
    - ii. Special meeting on August 26, 2024
  - c. Public comment period (Chair)
  - d. Staff's report (Staff)
- III. **Cases Before the Commission**
  - a. Previous cases (Staff)
    - i. Update on Washington/Rappahannock VSA
  - b. Current cases
    - i. Follow up on Warrenton/Fauquier VSA
- IV. **Regulatory Items**
  - a. Presentation of SB645 emergency regulations (Staff)
    - i. Comments from Bryan Horn, Executive Director (Mr. Horn)
    - ii. Commission deliberation and action (Chair)
- V. **Assessments of Mandates on Local Governments**
  - a. Presentation of completed FY24 assessments for distribution (Staff)
- VI. **Catalog of Mandates on Local Governments**
  - a. Presentation of updates to the 2024 catalog of mandates on local governments (Staff)
  - b. Commission deliberation and action
- VII. **Commission Work Groups**
  - a. Update from Commission Work Groups (Commissioners/Staff)
- VIII. **2024 Schedule of Regular Meetings** (Staff)
- IX. **Other Business** (Chair)
- X. **Adjournment\*** (Chair)

\*The Commission will complete all public business and subsequently reconvene in a separate executive session under 1VAC50-20-160 to discuss the proposed Voluntary Settlement Agreement between the Town of Warrenton and Fauquier County.



**Commission on Local Government**  
**July 23, 2024**  
**2:00 pm**  
**All-Virtual Meeting via Microsoft Teams**

Members Present (virtually)

Edwin Rosado (chair)  
Diane Linderman  
Ceasor Johnson  
Terry Payne

Members Absent

Robert Lauterberg (vice chair)

DHCD staff present for all or part of the meeting:

Legrand Northcutt, Senior Policy Analyst  
Chase Sawyer, Policy Manager  
Trisha Lindsey, Policy and Legislative Director

Call to Order

Mr. Edwin Rosado, Chairman of the Commission on Local Government, called the regular meeting to order at 2:10 pm.

Roll Call

The roll was called by Mr. Legrand Northcutt, Senior Policy Analyst, DHCD. Mr. Northcutt reported that a quorum of Commissioners Rosado, Linderman, Johnson, and Payne was present.

Approval of Agenda

A motion was made by Ms. Linderman and seconded by Mr. Payne to approve the draft agenda. The motion passed unanimously on a voice vote (Commissioner Johnson was not recorded as voting).

Approval of Minutes

A motion was made by Ms. Linderman and seconded by Mr. Payne to approve the minutes from the Public Hearing on May 20, 2024. The motion passed unanimously on a voice vote.

A motion was made by Ms. Linderman and seconded by Mr. Payne to approve the minutes from the regular meeting on May 21, 2024. The motion passed unanimously on a voice vote.

Public Comment

Mr. Rosado opened the floor for public comment.

After seeing no speakers, Mr. Rosado closed public comment.

Mr. Rosado introduced guests presenting before the Commission, including John Foote, Martin Crim, and Roy Barnett. Others in attendance who were introduced were Tolley

Gwinn, counsel for the Towns of Warrenton and Washington, and Star Nyan, an associate at the law firm Walsh Colucci.

Staff's Report

Mr. Northcutt updated the commission on staffing changes and vacancies and presented on issues of potential interest to the Commission. The issues included ongoing efforts to regulate short term rentals in localities and the potential split of the combined James City County and City of Williamsburg school system.

Electronic Meetings Policy

Mr. Northcutt presented the changes to the electronic meetings policy necessitated by HB894 (2024).

A motion was made by Ms. Linderman and seconded by Mr. Payne to adopt the amendments recommended by staff. The motion passed unanimously on a voice vote. (Commissioner Johnson was not recorded as voting).

A motion was made by Ms. Linderman and seconded by Mr. Payne to adopt the amended policy. The motion passed unanimously on a voice vote. (Commissioner Johnson was not recorded as voting).

Cases Before the Commission

Mr. Northcutt updated the Commission on the adoption of the voluntary settlement agreement between Loudoun County and the Town of Leesburg by the Localities.

Loudoun/Leesburg VSA

Mr. Barnett, representing Van Metre Properties, and Mr. Foote gave a presentation of the background of the Voluntary Settlement Agreement between the Town of Warrenton and Fauquier County that was filed with the Commission on May 17<sup>th</sup>, 2024. The presentation covered the events that led to the agreement and the details of Van Meter's proposed development.

Fauquier/Warrenton VSA

Mr. Northcutt presented the proposed review schedule for the Voluntary Settlement agreement.

A motion was made by Ms. Linderman and seconded by Mr. Payne to adopt the proposed review schedule. The motion passed unanimously on a voice vote.

Mr. Northcutt will coordinate with representatives of the Town and County to finalize logistical details and find meeting spaces for the Commission's hearings.

Rappahannock/Washington VSA Mr. Northcutt presented the key components of the Commission’s Report on the Voluntary Settlement Agreement between Rappahannock County and the Town of Washington.

A motion was made by Ms. Linderman and seconded by Mr. Payne to amend the report by deleting a hyphen on page 8 and striking the words “apparently unanimous” and replacing them with “strong” on page 15. The motion passed unanimously on a voice vote.

A motion was made by Ms. Linderman and seconded by Mr. Payne to approve the report as amended. The motion passed unanimously on a voice vote.

Mr. Northcutt will send the final report to the Town, the County, and the developer.

FY2022 Fiscal Stress Index Report Mr. Northcutt presented the FY2022 Fiscal Stress Index and identified several trends of interest.

A motion was made by Ms. Linderman and seconded by Mr. Payne to adopt the report subject to replacing the maps with more legible versions. The motion passed unanimously on a voice vote. (Commissioner Johnson was not recorded as voting).

Assessment of Mandates on Local Governments Mr. Northcutt presented assessments of mandates on local governments that have been received from state agencies as of the date of the meeting. The assessments spanned FY2023 and FY2024.

Mr. Northcutt will continue to collect assessments for FY2024, present any additional assessments at the September regular meeting, and transmit all presented assessments to the Governor and legislature after the September meeting in accordance with Executive Order 56 (2007).

Regulatory Items Mr. Northcutt informed the Commission that the regulatory package to accomplish regulatory reduction goals is still being reviewed by the attorney general’s office and that staff is still preparing regulations to implement the provisions of SB645 (2024).

Commission Work Groups    Mr. Rosado updated the Commission on the Fiscal Stress Report work group’s progress. The work group will give a full report at the September meeting.

Mr. Northcutt updated the Commission on the HB564 (2024) study. The draft report will be given to the commissioners at the September meeting for comments and feedback.

Future Meetings                The November regular meeting will be held on November 1, 2024 at 10:00 am instead of 11:00. The meeting will be all-virtual.

The next meeting of the Commission will be September 17, 2024 at 8:30 am.

Other Business                 There was no other business to be discussed.

Adjournment                    A motion was made by Ms. Linderman and seconded by Mr. Johnson to adjourn the meeting of the Commission; The motion passed on a unanimous voice vote. The meeting adjourned at 3:45 pm.

**Commission on Local Government**  
**August 26, 2024**  
**10:00 am**  
**All-Virtual Special Meeting via Microsoft Teams**

Members Present (virtually)

Edwin Rosado (chair)  
Robert Lauterberg (vice chair)  
Diane Linderman  
Terry Payne

Members Absent

Ceasor Johnson

DHCD staff present for all or part of the meeting:

LeGrand Northcutt, Senior Policy Analyst  
Chase Sawyer, Policy Manager  
Trisha Lindsey, Policy and Legislative Director

Call to Order                      Mr. Edwin Rosado, Chairman of the Commission on Local Government, called the special meeting to order at 10:05 am.

Roll Call                              The roll was called by Mr. Legrand Northcutt, Senior Policy Analyst, DHCD. Mr. Northcutt reported that a quorum of Commissioners Rosado, Linderman, Lauterberg, and Payne was present.

Approval of Agenda              A motion was made by Ms. Linderman and seconded by Mr. Lauterberg to approve the draft agenda. The motion passed unanimously on a voice vote.

Public Comment                      Mr. Rosado opened the floor for public comment.

After seeing no speakers, Mr. Rosado closed public comment.

Presentation of Draft Regulations Implementing SB645              Mr. Rosado recognized Mr. Northcutt, who recognized Bryan Horn, Director of the Department of Housing and Community Development. Mr. Horn spoke about the background work that went into developing the regulations and thanked staff and the Commission for their work on developing the regulations.

Mr. Northcutt presented the content of the draft regulations implementing SB645 and answered substantive and clarifying questions from the Commissioners. The regulations will be voted on at the next regular meeting of the Commission on September 17<sup>th</sup> after incorporating any feedback from the Commissioners and other stakeholders.



The Commissioners had the following substantive suggestions and questions for Mr. Northcutt:

Mr. Rosado asked whether a map of planning district 19 could be included in the regulations. Mr. Northcutt responded that he would look into incorporating a map by reference.

Ms. Linderman asked about capitalization rules and whether the point of contact for a locality should be referred to as the chief executive or administrative officer. Mr. Northcutt responded that he would double check these items for consistency.

Mr. Lauterberg suggested that the regulations further specify who would preside over a proceeding in the absence of the chair and vice chair. Mr. Northcutt responded that he would look into whether this needs to be addressed through regulation or whether further commission policy will be needed.

Mr. Lauterberg and Ms. Linderman expressed concern that meetings in executive session and the documents presented in those meetings might not be kept confidential. Mr. Northcutt will confirm the sufficiency of the sections in question with the Commission's attorney.

Mr. Lauterberg asked whether there needed to be further delineation between the duties of the state intervention staff and the emergency fiscal manager. Mr. Northcutt responded that this delineation would be up to the discretion of the commission based on who it hires for the role of emergency fiscal manager.

Mr. Rosado asked for further clarification about what would happen if a locality not in planning district 19 was found to be in fiscal distress.

The Commissioners had further discussion about the procurement process, and asked about and discussed the potential immediate consequences of the regulations on the City of Hopewell. Mr. Northcutt responded that a notification from the auditor that a locality is in fiscal distress is needed to initiate the Commission's involvement and oversight authority under the draft regulations as written.

Mr. Rosado discussed the importance of making sure that he Commission's Fiscal Stress Report aligns with the Auditor's process and is used effectively.

Other business

Mr. Northcutt presented the Commission’s calendar for the remainder of the year.

Mr. Rosado gave concluding remarks

Adjournment

A motion was made by Ms. Linderman and seconded by Mr. Lauterberg to adjourn the special meeting of the Commission; The motion passed on a unanimous voice vote. The meeting adjourned at 11:30 am.

DRAFT

[https://www.emporiaindependentmessenger.com/news/article\\_dcd4da46-4dc6-11ef-b011-8bc6b654555c.html](https://www.emporiaindependentmessenger.com/news/article_dcd4da46-4dc6-11ef-b011-8bc6b654555c.html)

FEATURED

## Split vote: City of Emporia not reverting to town

By Kayla Hardersen, Staff Writer

Jul 30, 2024



The Emporia City Council during their meeting on July 23, from left: Mayor Dr. Carolyn S. Carey, Councilors Yolanda Hines, Jim Saunders, Dale Temple and Clifton Threat.

Kayla Hardersen/Independent-Messenger

The City of Emporia will remain as such after the council voted against a resolution to begin the process of reverting the city back to a town.

The tied 3-3 vote, with one abstention, had to be broken by Mayor Dr. Carolyn S. Carey.

"I'm gonna say no right now," Carey said.

Councilors Yolanda Hines, Dorothy White and Carol Mercer voted against the resolution while Dale Temple, Clifton Threat and Jim Saunders voted in favor of becoming a town. Mark Lilly abstained.

"I'm not sure this is gonna prove out to be true but I think we're gonna learn down the road that this was an astronomically bad decision," Saunders said. "We are going into — with the inflation that has hit this country, has hit this community — we are too small to be running on two governments."

Virginia is unique among U.S. states in that its cities are politically independent from its counties. Of only 41 independent cities across the United States, 38 are in Virginia.

Whereas Virginia cities are independent entities, towns are political subdivisions of the counties in which they are located. They retain a governing council but pay taxes to and receive services from the county.

All incorporated cities in the commonwealth have been independent since 1871 and for over a century enjoyed the benefits that came from annexing parts of surrounding counties. Cities that were financially struggling typically annexed commercial properties so they could enjoy the additional tax revenue without having to assume the costs of schools, fire/police and other public services that would accompany taking parts of residential communities.

In 1987, the Virginia General Assembly passed legislation banning annexation. The subsequent financial hardship on small cities — particularly in rural communities — prompted the legislature to pass an act in 1988 allowing any city with less than 50,000 citizens to petition to revert to a town. The reversion can only happen if it will not cause an undue burden on the county to serve its citizens or an inequitable sharing of resources between the town and county.

Three localities have since completed the process: South Boston, Clifton Forge and Bedford.

Reverting to a town has the potential to alleviate a city's financial struggle by allowing them to consolidate social programs offices with a county and save taxpayers money in the long run. However, the reversion to a town status may place an additional burden on the county. Counties would receive the tax payments from formerly city residents as well as state payments for schools, salaries for constitutional officers and more; however, the cost of providing services to new citizens often exceeds the additional revenue.

Additionally, residents of a newly-established town would be responsible for paying both town and county taxes.

Emporia is a city of 5,766 people, according to 2020 data from the U.S. Census Bureau. It was incorporated as a town in 1887 and became a city by court order in 1967. According to a report by the Virginia Commission on Local Government, Emporia was the most fiscally-stressed locality in the commonwealth from 2013 through 2021, the most recent year for which data was available. In 2012, it was second only to the City of Covington.

If the city council were to vote to begin the reversion process, they would petition the circuit court for an order granting town status to the city. The circuit court would then notify the state Supreme Court of the filing, which would appoint a special court to hear the case.

After hearing the evidence from both the city and county, the court may authorize an order granting town status or decline the city's petition. The court will also have the power to impose terms and conditions to ensure an orderly and fair transition from a city to a town. The city would have 21 days after the court's ruling to decline the change to town status, if it deems the conditions imposed are unfair.

"We would have spent a lot of money on it," said Councilor Hines, speaking about the reversion process.

Saunders agreed but still felt that over a long-term period, reverting to a town would save the locality money.

"I think we're going to look back on this day one day and wish we had considered a different direction," Saunders said. "I hope you prove me wrong."



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# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Bryan W. Horn  
Director

### Memorandum

**To:** Commission on Local Government

**From:** Bryan Horn, CLG Executive Director

**Subject:** Changes to Draft Emergency Regulations Implementing SB645

**Date:** September 12, 2024

Dear Commissioners:

Thank you for the robust discussion and feedback on the draft regulations at the August special meeting. As a result of the meeting, there are two separate sets of proposed edits to the draft SB645 emergency regulations and one comment letter included in the meeting packet for your consideration.

The first set of edits reflects your feedback from the meeting and additional typographical errors and formatting corrections. The changes:

- Align Section 30-140 B and C with 1VAC50-20-40. 1VAC50-20-40 establishes who the presiding officer would be in the absence of the chair and vice chair.
- Clarify the intent of Sections 30-170 D and 30-130 F by aligning the language more closely with 1VAC50-160 and 170. 1VAC50-160 and 170 establish the confidentiality of executive sessions and documents presented during confidential negotiations. There was concern that 30-170 and 30-130 did not go as far as the Commission's current regulations.
- Change "willing or able" to "willing and able" in the applicable standards of review to reflect the negative of "unwilling or unable," which is how the statute is worded.
- Correct formatting and typographical errors (e.g., deleted section 30-130 C as duplicative, removed double spaces at the end of sentences, changed CAO to CEO, etc.).

The second set of edits is from the Auditor of Public Accounts. Staff asked the Auditor for its opinion on the regulations as a sister agency that is also involved in implementing SB645, and they had several suggestions to clarify and accurately describe their role in this process. The



Memo – September 12, 2024

Changes to Draft Emergency Regulations Implementing SB645

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edits clarify the intent and substance of the Auditor’s initial notification and limit the role of the Auditor to be more consistent with the intent of the statute. The Auditor’s edits are accompanied by a clarifying comments document. Staff recommends approval of these proposed edits as presented.

Finally, the Virginia Municipal League (VML) has offered suggestions on how the regulations might be improved. Staff recommends deferring action on VML’s suggestions and considering them during the development of the permanent regulations after the Notice of Intended Regulatory Action has been published.

We will continue to assess whether additional policies and/or guidelines are needed to further effectuate the provisions of the statute and the regulations and will present those additional documents for your approval at future meetings if necessary.



SB645 Regulations  
Amendments proposed by Commissioners  
v. 9.12.24

CHAPTER 30.

REGULATION OF PROCEDURES CONCERNING FISCALLY DISTRESSED LOCALITIES.

**PART 1.**

**GENERAL.**

1VAC50-30-100 Definitions

The following words and terms when used in this chapter have the following meanings unless a different meaning is provided or the context clearly indicates otherwise:

"Auditor" means the Auditor of Public Accounts.

"Chair" means the Chair of the Commission on Local Government.

"Commission" means the Commission on Local Government.

"Commission hearing" means a proceeding where any party or witness may present evidence, either orally or in writing, as allowed by this chapter to the commission to amplify their submissions, to critique and to offer comment upon the submissions and evidence offered by other parties and witnesses, and to respond to questions relative to the issue from the commission. Commission hearings may extend for a period of time as the commission may deem appropriate.

"Emergency Fiscal Manager" means an official appointed by the Commission on Local Government to implement a remediation plan approved by the Commission under § 15.2-2512.1(H) of the Code of Virginia to restore fiscal health for a locality in the Commonwealth. The "Emergency Fiscal Manager" has all authority granted to the Emergency Fiscal Manager by law and this chapter.

"Executive Director" means the Executive Director of the commission pursuant to §15.2-2901 of the Code of Virginia.

"Fiscal distress" means a situation whereby the provision and sustainability of public services in a locality, or a locality's ability to appropriately fund financial liabilities, is threatened by various administrative and financial shortcomings, including cash flow issues, inability to pay expenses, revenue shortfalls, deficit spending, structurally imbalanced budgets, billing and revenue collection inadequacies and discrepancies, debt overload, failure to meet obligations to authorities, school divisions, or political subdivisions of the Commonwealth, lack of trained and qualified staff to process administrative and financial transactions, or the inability to timely produce an audited financial report. Fiscal distress may be caused by factors internal to the locality or external to the locality, and in various degrees such conditions may or may not be controllable by management or the local governing body or its constitutional officers.



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“Locality” means a city, county, or town in the Commonwealth of Virginia that is determined to be in fiscal distress by the auditor after a review under the procedures created by § 15.2-2512.1 of the Code of Virginia or § 4-8.03 of any appropriations act signed into law.

“Planning District 19” means the planning district organized under § 15.2-4200, et seq. of the Code of Virginia that, as of July 1, 2024, is known as Planning District 19. The boundaries of Planning District 19 shall be the boundaries established by the Department of Housing and Community Development as of July 1, 2024. All localities within those boundaries as of July 1, 2024, shall be considered part of Planning District 19 for purposes of this chapter.

“Oversight authority” means the authority granted to the commission by § 15.2-2512.1 of the Code of Virginia. It includes the ability to act in an oversight capacity, coordinate with the auditor, and exercise all authority to investigate, make and issue decisions, promulgate and issue procedural rules and orders, hold hearings, write reports, and otherwise execute the powers and authority granted to the commission by §§ 15.2-2512.1 and 15.2-2903(9) of the Code of Virginia.

“Party” means any entity, person, or group of persons that the commission has oversight authority over pursuant to § 15.2-2512.1 of the Code of Virginia. It may include, but is not limited to, localities, the state-appointed intervention staff, and the Emergency Fiscal Manager.

“Proceeding” means any process or proceeding governed by this chapter including, but not limited to, commission hearings.

“Public hearing” means an opportunity for input from the public on an issue before the commission.

“State-appointed intervention staff” means public employees or private contractors hired or procured by the governor under the authority provided pursuant to § 15.2-2512.1 of the Code of Virginia. It does not include the commission, its staff, or the Emergency Fiscal Manager.

1VAC50-30-110 Scope of commission oversight of fiscally distressed localities generally.

- A. The commission’s oversight authority shall begin when the Executive Director receives notice from the governor that the auditor has made a preliminary determination of fiscal distress in a locality pursuant to § 15.2-2512.1 of the Code of Virginia and has requested the commission to assume oversight authority pursuant thereto.
- B. Upon the Executive Director’s receipt of notice from the governor under subsection A, and before taking any actions related to the preliminary determination by the auditor, the commission will send an initial notice to the governor, the auditor, and the Chief ~~Executive Administrative~~ Officer of the locality stating that the commission has initiated its oversight authority pursuant to § 15.2-2512.1 of the Code of Virginia and this chapter.

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The notice will i) provide an overview of the commission's oversight authority that indicates the potential resolutions, reports, decisions, or other orders that might be issued under 15.2-2512.1 and this chapter- ii) contain contact information consisting of the name, telephone number, and government email address of the commission staff assigned to answer questions or otherwise assist the locality, and iii) state that the locality shall enjoy the rights and privileges described in § 15.2-2512.1 of the Code of Virginia and this chapter in proceedings governed by this chapter including without limitation:

- a. to appear in person or by counsel or other qualified representative before the commission;
- b. to have notice of any contrary fact basis or information in the possession of the commission that can be relied upon in the writing of any report or the making of any decision against the locality; and
- c. to be informed, briefly and generally in writing, of the factual or procedural basis for a decision against the locality to the extent such information is not included in a commission report.

C. For localities not located in Planning District 19, the commission's oversight authority ends upon the issuance of a report of its findings and conclusions to the governor and the chairmen of the House Committees on Appropriations and Counties, Cities, and Towns, and the Senate Committees on Finance and Local Government in accordance with § 15.2-2512.1(G) of the Code of Virginia and 1VAC50-30-210.

D. For localities located in Planning District 19, the commission's oversight authority will end when the locality has either i) met the benchmarks and criteria of, and has otherwise satisfied and completed, an approved remediation plan, whether in fact or through consent, to the commission's satisfaction, or ii) taken appropriate action to address the issues raised by the auditor in its notification to the governor under §15.2-2512.1(D) of the Code of Virginia.

~~D.~~E. The commission will determine whether a locality has taken appropriate action to address the issues in subsection D either i) by issuing a report under 1VAC50-30-220 concluding that the locality has taken appropriate action or ii) through the terms of a consent decree with the locality.

~~E.~~F. If the commission determines that the terms of any consent decree entered into under this chapter have not been met or will not be met by the locality, it may hold and issue additional proceedings and reports under Part II of this chapter and exercise all other authority granted by §15.2-2512.1 of the Code of Virginia and this chapter regardless of whether such authority has been exercised previously.

~~F.~~G. The commission may amend its reports, resolutions, decisions and orders for any reason within 60 days of their issuance or at any time for good cause shown.

~~G.~~H. The commission may rescind or amend its appointment of the Emergency Fiscal Manager within 60 days of the appointment if the person being appointed declines the appointment, dies, resigns, or is otherwise unable to perform the duties of the appointment.

1VAC50-30-120. Commission to not reject oversight authority in certain circumstances.

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- A. Any notification from the auditor to the governor pursuant to § 15.2-2512.1 of the Code of Virginia should contain the following elements:
  - a. The auditor’s preliminary determination of fiscal distress based upon its early warning system criteria;
  - b. A statement that either the local governing body or Chief Executive Officer requests assistance or the auditor is of the opinion that state assistance, oversight, or targeted intervention is needed, either to further assess, help stabilize, or remediate the situation; and,
  - c. Specific issues or actions that need to be addressed by state assistance, oversight, or intervention.
- B. The commission will not reject oversight authority on the grounds that the auditor’s review that led to the notification sent to the governor under subsection A occurred before July 1, 2024, or because the factual basis for the notification is based on events that occurred before July 1, 2024.
- C. The commission has oversight authority in all cases where the auditor initiated a review of a locality and made conclusions or determinations based on that review under authority granted by § 4-8.03 of any appropriations act signed into law so long as the resulting notification sent to the governor under subsection A otherwise fulfills the requirements of § 15.2-2512.1 of the Code of Virginia and this chapter.

1VAC50-30-130. General provisions regarding commission oversight of fiscally distressed localities.

- A. In addition to complying with the State and Local Government Conflict of Interests Act (Va. Code § 2.2-3100 et seq.) and all other applicable laws and regulations, each commissioner has a duty to recuse himself from any commission hearing or other proceeding as well as the discussion, deliberation, drafting or approval of any resolution, report, decision, or other order when any of the parties is a locality where such commissioner is employed, presently resides, or owns an interest in real property.
- B. If, due to the number of recusals that occur pursuant to subsection A that are not required by the State and Local Government Conflict of Interests Act, there are not enough commissioners to establish a quorum, then the chair of the commission, in accordance with commission policies and in consultation with any recusing commissioners who do not have conflicts under the State and Local Government Conflict of Interests Act, may require enough commissioners to participate in the commission hearing, other proceeding, or decision to establish a quorum regardless of each individual commissioner’s duty to recuse.
- ~~C. The chair of the commission, or vice chair in the chair’s absence, will have all powers and authority granted to the chair under 1VAC50-20 as may be applicable to investigations, commission hearings and other proceedings under this chapter.~~

**Commented [N(1):** Deleted because it is duplicative. See 140B

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~~D.C.~~ The commission will generally schedule for consideration issues in the order in which received; however, the commission reserves the right to consider issues in another sequence where it deems appropriate.

~~E.D.~~ Parties may participate in proceedings governed by this chapter in the manner described in this chapter. The commission may allow submissions from any interested person or entity. Such submissions must be provided by the submitting party to all parties and must be filed by any dates established by the commission, as applicable. The commission may waive the submission date at its discretion when it determines such submission will assist in fulfilling its responsibilities under this chapter.

~~E.E.~~ ~~Any~~All testimony, statements, exhibits, documents, evidence, or other materials submitted to the commission by the parties in conjunction with commission hearings or other proceedings required by § 15.2-2512.1 of the Code of Virginia, except materials presented in the context of meetings, negotiations, or mediations of a confidential nature as authorized by law and this chapter, are considered public documents and will be made available by the commission for review by any other interested party or by the public under the Virginia Freedom of Information Act. In accordance with 1VAC50-20-170, all other materials, including the testimony, statements, exhibits, documents, or other evidence submitted to the commission during an executive session or pursuant to negotiations or mediation which the commission is authorized by this chapter to conduct, shall be treated as confidential and shall not be subject to disclosure by the commission nor by the parties involved except by agreement of the commission and all parties to the proceedings. In addition, ~~t~~The commission will post all public documents as described by this subsection on its website.

~~G.F.~~ Each document, exhibit, report, or other material submitted to the commission should contain a title, the date of preparation, a detailed citation of the sources from which all data are obtained, and the name of the entity which submitted the document, exhibit, report, or other material.

~~H.G.~~ In each instance where projections are given, projections should be made for a period to be set by the commission, and the method and bases of the projections should be indicated.

~~H.H.~~ Any party making submissions to the commission must provide at least eight copies of all submissions, unless the commission or the commission's staff indicates that a lesser number would be sufficient for its review and analysis. The commission may make provisions for the electronic filing of submissions.

~~H.I.~~ At any time during the course of the commission's oversight, the commission may solicit additional data, documents, records, or other materials from the parties as is deemed necessary for proper analysis of any issue.

~~K.J.~~ The commission may undertake independent research as it deems appropriate to assure a full and complete investigation of each issue. If the commission considers or relies upon any publicly available data in a report or decision, the commission will provide all parties with advance notice of its intent

**Commented [N(2):** Incorporating Commissioner Lauterberg's suggestion to align this better with current Commission regulations (1VAC50-20-170).

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to use such data. This requirement shall not apply to the commission's use of case law, administrative precedent, or its own reports.

~~L.K.~~ The commission considers the cooperation among parties vital to the discharge of its responsibilities; therefore, all parties should cooperate fully in the development and timely sharing of data throughout the commission's oversight.

~~M.L.~~ Parties may submit testimony, evidence, and submissions to the commission. The commission may allow the parties to supplement and correct data, exhibits, documents, testimony, or other material submitted to the commission. Where corrections are authorized, copies of all corrections must be provided by the submitting party to all other parties. If, in the commission's judgment, the corrections are of a substantive nature so as to significantly alter the scope or character of the issue under review, the commission may delay its proceedings as allowed by applicable law and this chapter for a reasonable amount of time to provide an opportunity for other parties to respond to the corrected data, exhibits, documents, testimony, or other material.

1VAC50-30-140. Proceedings conducted by the commission related to fiscally distressed localities.

- A. The commission may identify the parties and witnesses from whom it wishes to hear testimony, provide evidence, or accept submissions. ~~The locality made the subject of proceedings governed by this chapter shall be among such parties and witnesses.~~ All agencies of the Commonwealth shall provide the commission with necessary information for the performance of its duties upon request. Any party appearing before the commission may be represented by counsel or other qualified representative.
- B. The chair of the commission, or ~~vice chair~~ the presiding officer in the chair's absence, will generally have all powers and authority granted to the chair under 1VAC50-20 as may be applicable to proceedings under this chapter.
- C. ~~The chair of the commission, or vice chair in the chair's absence, other member of the commission in the chair's absence, will be the presiding officer~~ preside over all proceedings conducted in accordance with this chapter. In the Chair's absence, the presiding officer will be selected in the same manner as prescribed by 1VAC50-20-40.
- D. All proceedings before the commission will take place in Richmond, Virginia, unless the commission selects an alternative location.
- E. The commission may conduct any proceedings under this chapter virtually in accordance with § 2.2-3708.3 of the Code of Virginia and the commission's electronic meetings policy.
- F. Commissioners may attend any proceedings under this chapter using electronic participation in accordance with § 2.2-3708.3 of the Code of Virginia and the commission's electronic meetings policy.
- G. No party before the commission will communicate in any manner with any member of the commission with respect to the merits of the issue under review except as is

**Commented [N3]:** Incorporating Commissioner Lauterberg's suggestion to align this with current Commission regulations.

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- authorized by this chapter, or as may be otherwise authorized by the commission or its chair.
- H. No proceeding will take place without a quorum of the commission present.
  - I. The commission may examine parties and witnesses and may permit a locality to ask questions of parties and witnesses.
  - J. The commission may allow any interested person or entity to testify, either orally or in writing, at a proceeding. Where supplemental testimony is authorized pursuant to this subsection, copies of all written testimony and exhibits will be provided by the testifying person or entity to all parties.
  - K. Any party making written testimony to the commission must provide at least eight copies of all testimony, unless the commission or the commission's staff indicates that a lesser number would be sufficient for its review and analysis. The commission may make provisions for the electronic filing of written testimony.

1VAC50-30-150. Resolutions, reports, decisions, and other orders of the commission.

- A. The commission will issue such resolutions, reports, decisions and other orders as needed to effectuate the purposes of § 15.2-2512.1 of the Code of Virginia and this chapter.
- B. All resolutions, reports, decisions, and orders will be issued in writing.
- C. All resolutions, reports, decisions and orders issued by the commission will be signed by the chair of the commission.
- D. The commission's resolutions, reports, decisions and orders will be based on the conclusions of a majority of the commissioners. Dissenting commissioners will note their disagreement with the resolution, report, decision, or order and may write separately as they deem appropriate.

1VAC50-30-160 Default and other limitations on testimony

- A. Unless otherwise provided by law, if a locality without good cause fails to attend or participate in a commission hearing or other proceeding before the commission, the commission may proceed without the locality's attendance.
- B. In all instances where good cause must be shown, the decision to accept such cause is at the discretion of the chair but may be appealed by the locality to the full commission.
- C. A locality that chooses not to present or file testimony by the date established by the commission may not thereafter present its own testimony except by permission of the commission but may otherwise fully participate in the commission hearing or other proceeding and respond to the testimony of other witnesses.
- D. Failure to comply with the directions of the commission for any written or oral testimony, without good cause shown, may result in rejection of the testimony by the

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commission.

1VAC50-30-170. Additional powers of the commission.

- A. The commission may create and promulgate procedural rules, forms, schedules and scheduling orders, briefing schedules, or guidance documents necessary to carry out the provisions of § 15.2-2512.1 of the Code of Virginia and this chapter.
- B. Except as required by law, the commission may, in its reasonable discretion, waive any of the procedural rules, forms, schedules and scheduling orders, briefing schedules, guidance documents, or other requirements of this chapter when in its judgment it finds that the waiver in no way lessens its responsibilities pursuant to this chapter and § 15.2-2512.1 of the Code of Virginia.
- C. The commission may, on its own motion, adjust all dates and deadlines required by this chapter but not otherwise required by law to facilitate the resolution of issues before it.
- D. In addition to any proceeding, meeting, hearing, or other gathering of the parties specified by law or this chapter, the commission may, where it deems necessary for an analysis of material, facilitation of a negotiated settlement, or for a discussion or clarification of the issues before it, schedule other meetings. Such meetings may be held in executive session as allowed by § 15.2-2907D of the Code of Virginia, 1VAC50-20-160, and commission regulations 1VAC50-20-170.
- E. The commission may extend the services of its office to the parties in an endeavor to promote a consent decree or other negotiated settlement of the issues and, further, may designate, with the agreement of the parties, an independent mediator to assist in the negotiations.
- F. The commission may, at its discretion, accept for mediation issues presented to it by mutual agreement of the parties if the purpose of the mediation is to reach a full or partial settlement of the issues through a consent decree or other negotiated settlement. Requests for commission mediation under this subsection should be made to the commission through the Executive Director, or designee, and should be accompanied by satisfactory evidence that the parties agree to the request for mediation assistance. The requests should include a statement indicating the issue or issues for which mediation is sought and any other information to allow the commission to determine whether its mediation effort would be timely and appropriate. If the commission agrees to mediate any issues under this subsection, the parties will assist the commission by providing data, material, and other information as the commission or other parties deem necessary.
- G. All expenses incurred by the commission and its staff in assisting with negotiations or mediations, including the cost of an independent mediator, will be borne by the locality unless otherwise agreed to by the other parties and the commission.
- H. In accordance with § 15.2-2901 of the Code of Virginia, the Executive Director may enter into and administer any contracts to procure additional resources to assist the commission in carrying out the provisions of § 15.2-2512.1 of the Code of Virginia and this chapter.

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**PART II.**

**REPORT OF FINDINGS AND CONCLUSIONS TO THE GOVERNOR AND SPECIFIED LEGISLATIVE COMMITTEES.**

1VAC50-30-200 Proceedings with the state-appointed intervention staff

- A. Upon the Executive Director's receipt of a plan for state assistance, oversight, or intervention approved by the governor, the commission or Executive Director will provide notice to the locality of receipt of the plan and request the locality attend a meeting with the commission and the state-appointed intervention staff to develop and approve a schedule for review of the issues. The schedule will take into account the due dates of any periodic reports by the state-appointed intervention staff required by § 15.2-2512.1(F) of the Code of Virginia. The schedule will include, at a minimum, dates for (i) the submission of evidence collected by the state-appointed intervention staff, (ii) the submission of responsive materials from the locality, (iii) a commission hearing where the locality may present and rebut any evidence or testimony, (iv) a public hearing, if desired by the commission, (v) the issuance of the commission's report, and (vi) dates for other proceedings or deadlines the commission deems appropriate. The commission will consider input from the locality when developing the schedule, as appropriate.
- B. If the locality does not participate in the meeting referenced in subsection A, the commission will send it notice of the approved schedule, including the dates, times, and locations of the commission hearing and any public hearing.
- C. The commission's report under subsection A will be issued within 90 days of the commission hearing.
- D. The commission may request the state-appointed intervention staff to present, either orally or in writing, testimony to assist the commission with writing its report and reaching a decision. The commission may also utilize data or testimony from the auditor, the House Committee on Appropriations, or the Senate Finance and Appropriations Committee, and may request that they present, either orally or in writing.
- E. The locality is permitted and may be requested by the commission to present, either orally or in writing, testimony at a commission hearing. The testimony of the locality may refer to all data, exhibits, documents, or other material previously submitted to the commission and may respond to any testimony presented by other parties or witnesses.
- F. Any public hearing will be advertised in accordance with 1VAC50-30-330 E.

1VAC50-30-210. Reports and other decisions for localities not located in Planning District 19.

- A. For any locality not located in Planning District 19, the commission will issue a report to the locality, the auditor, the governor, and the chairmen of the House Committees on Appropriations and Counties, Cities, and Towns, and the Senate Committees on Finance



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- and Local Government on or before the date established under 1VAC50-30-200. The report will be advisory only.
- B. The commission's report will state its findings and conclusions.
  - C. The commission's report will explicitly respond to the following:
    - a. Whether the locality has taken appropriate action to address the issues raised by the auditor, the state-appointed intervention staff, and the locality;
    - b. Whether the locality appears to be on track to resolve its fiscal distress; and
    - c. The extent the locality is willing ~~and~~ able to comply with the conditions necessary to address its fiscal distress.
  - D. In its report, the commission will consider, as appropriate, whether any issues have been resolved through mediation or negotiation, whether the locality has consented to comply with the conditions necessary to address its fiscal distress, or whether the locality has fulfilled the requirements of the governor's plan for state assistance, oversight, or intervention to the commission's satisfaction.

1VAC50-30-220. Decisions, orders and reports for localities located in Planning District 19.

- A. For any locality located in Planning District 19, the commission will issue a report to the locality, the auditor, the governor, and the chairmen of the House Committees on Appropriations and Counties, Cities, and Towns, and the Senate Committees on Finance and Local Government on or before the date established under 1VAC50-30-200.
- B. The commission's report will state its findings and conclusions.
- C. The commission's report will explicitly respond to the following:
  - a. Whether the locality has taken appropriate action to address the issues raised by the auditor, the state-appointed intervention staff, and the locality;
  - b. Whether the locality appears to be on track to resolve its fiscal distress; and
  - c. The extent the locality is willing ~~and~~ able to comply with the conditions necessary to address its fiscal distress.
- D. In its report, the commission may consider, as appropriate, whether any issues that have been resolved through mediation or negotiation, whether the locality in Planning District 19 has consented to comply with the conditions necessary to address its fiscal distress, or whether the locality in Planning District 19 has fulfilled the requirements of the governor's plan for state assistance, oversight, or intervention to the commission's satisfaction.
- E. If the commission concludes that a locality in Planning District 19 is either unwilling or unable to comply with the conditions necessary to address its fiscal distress, it will issue such decision and order for the appointment of an Emergency Fiscal Manager in accordance with 15.2-2512.1 of the Code of Virginia.
- F. The commission's report and any accompanying order will comply with the provisions of 1VAC50-30-150.

**PART III.**  
**EMERGENCY FISCAL MANAGER.**

1VAC50-30-300 Powers of the Emergency Fiscal Manager

- A. Upon appointment, the Emergency Fiscal Manager has all powers and responsibilities provided in §15.2-2512.1 of the Code of Virginia.
- B. The Emergency Fiscal Manager will develop a proposed remediation plan to restore the fiscal health of the locality in Planning District 19 and present that plan to the commission for approval. The plan must contain the following elements:
  - a. A summary of the issues identified by the auditor, the state-appointed intervention team, and the locality that have not been resolved;
  - b. The purpose of each specified remediation effort;
  - c. The roles and responsibilities of the local governing body and the chief executive officer, directly or indirectly, relating to the locality's finances; and
  - d. The benchmarks and criteria, developed in consultation with the auditor, that will allow a locality to exit the approved remediation plan upon meeting such benchmarks and criteria.
- C. Once the proposed remediation plan has been approved by the commission in accordance with 1VAC50-30-340, the Emergency Fiscal Manager will implement the approved remediation plan and send periodic progress reports in accordance with 1VAC50-30-410.

1VAC50-30-310 Procedures for appointing an Emergency Fiscal Manager

- A. The selection of the Emergency Fiscal Manager will be conducted in compliance with the Virginia Public Procurement Act (2.2-4300 et seq. of the Code of Virginia), and all other applicable laws.
- B. In accordance with § 15.2-2901 of the Code of Virginia, the Executive Director, or designee, will enter into and administer any contracts to procure the Emergency Fiscal Manager. The Executive Director, or designee, retains the right to terminate the appointment of the Emergency Fiscal Manager, including any contracts with the Emergency Fiscal Manager in accordance with agreed upon contract terms.
- C. The Executive Director will notify the governor of any expenses incurred by the commission related to any contracts entered into under this chapter such as costs incidental to procuring the Emergency Fiscal Manager and any remuneration due to the Emergency Fiscal Manager.
- D. Any funds the commission receives from the component of fund balance established by the governor pursuant to § 15.2-2512.1(E)(3) of the Code of Virginia will be paid first to the remuneration due to the Emergency Fiscal Manager, then towards other costs incurred by the commission in the furtherance of its responsibilities under § 15.2-2512.1 of the Code of Virginia and this chapter.

1VAC50-30-320 Notice of appointment of Emergency Fiscal Manager

Upon appointment of the Emergency Fiscal Manager, the commission or Executive Director will notify the governor, the auditor, and the Chief ~~Administrative Executive~~ Officer of the locality in Planning District 19 that the commission has appointed an Emergency Fiscal Manager, will be reviewing a proposed remediation plan at a public hearing, and will issue a decision related to the plan that will affect the locality. The notice will invite the locality to attend the commission meeting with the Emergency Fiscal Manager described in 1VAC50-30-330, subsection A and provide contact information consisting of the name, telephone number, and government email address of the commission staff assigned to answer questions or otherwise assist the locality.

1VAC50-30-330 Development of the Emergency Fiscal Manager's proposed remediation plan

- A. The Emergency Fiscal Manager will meet with the commission during a regular or special meeting to develop and approve a schedule for drafting and adopting a proposed remediation plan to resolve the fiscal distress of the locality in Planning District 19. The schedule will include dates for (i) the Emergency Fiscal Manager to submit a proposed remediation plan to the commission, (ii) the commission to publish a proposed remediation plan, (iii) a public hearing on the proposed remediation plan, (iv) a commission hearing where the locality may present and rebut any evidence or testimony regarding the proposed remediation plan, (v) a decision adopting a proposed remediation plan, and (vi) other proceedings or deadlines the commission deems appropriate. The commission will consider input from the locality when developing the schedule, as appropriate. The Emergency Fiscal Manager will conduct their activities in consultation with the auditor.
- B. When the commission publishes a proposed remediation plan, it will also include its recommendation as to whether the proposed plan should be approved or if further revisions are needed.
- C. The commission's decision adopting a proposed remediation plan under subsection A will be issued through a decision and order within 90 days of the commission hearing.
- D. If the locality in Planning District 19 does not participate in the meeting referenced in subsection A, the commission will send it notice of the approved schedule, including the dates, times, and locations of the commission hearing and the public hearing.
- E. A public hearing on the proposed remediation plan will be held within 45 days of the publication of the proposed plan. Prior to the public hearing, a notice of the hearing will be published once a week for two successive weeks in a newspaper of general circulation in the locality in Planning District 19. The second advertisement will appear not less than six days nor more than twenty-one days prior to the hearing.
- F. The commission may hold the commission hearing on the same day as the public hearing, but in any event, the commission hearing will not be held more than 30 days after the public hearing required by subsection E.
- G. At any commission hearing, the commission may request the Emergency Fiscal Manager to present, either orally or in writing, testimony to assist the commission.

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The commission may also utilize data or testimony from the auditor, the House Committee on Appropriations, or the Senate Finance and Appropriations Committee, and may request that they present, either orally or in writing. The locality in Planning District 19 is permitted and may be requested by the commission to present, either orally or in writing, testimony at the commission hearing. The testimony of the locality may refer to all data, exhibits, documents, or other material previously submitted to the commission and may respond to any testimony presented by the Emergency Fiscal Manager or other witnesses.

- H. An approved remediation plan will be actionable and binding on the subject locality in Planning District 19 and the Emergency Fiscal Manager upon its adoption by the commission.

1VAC50-30-340 Adoption of the Emergency Fiscal Manager's proposed remediation plan

- A. The commission will consider all evidence presented at the commission hearing and the public hearing and adopt an approved remediation plan by decision and order within 90 days of the commission hearing in accordance with 1VAC50-30-330(C).
- B. When reviewing the Emergency Fiscal Manager's proposed remediation plan, the commission will consider whether the proposed remediation plan is in the best interest of the locality in Planning District 19, its citizens, and the Commonwealth, and will note, as appropriate, any issues or portions of the plan that have been resolved through mediation, negotiation, or other agreement.

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**PART IV.  
IMPLEMENTATION OF THE REMEDIATION PLAN.**

1VAC50-30-400 Notice of adoption of approved remediation plan

Upon the adoption of an approved remediation plan, the commission or Executive Director will send the governor, the auditor, and the Chief ~~Administrative-Executive~~ Officer of the locality in Planning District 19 a notice containing i) a copy of the decision and order adopting the approved remediation plan, ii) a copy of the approved remediation plan, iii) a brief explanation of how the locality may exit the approved remediation plan under the commission's continued oversight authority, iv) the current schedule of regular meetings for the commission, and v) contact information consisting of the name, telephone number, and government email address of the commission staff assigned to answer questions or otherwise assist the locality.

The Executive Director will ensure that all parties who receive the notice are properly notified of all changes to the commission's regular meeting schedule and future regular meetings of the commission that are not included in the initial notice provided under this section.

1VAC50-30-410 Regular progress reports to the commission

While implementing the approved remediation plan, the Emergency Fiscal Manager will send reports regarding progress on implementation of the approved remediation plan to the locality in Planning District 19, the commission, the auditor, the governor, and the chairmen of the House Committees on Appropriations and Counties, Cities and Towns and the Senate Committees on Finance and Appropriations and Local Government two weeks before each regular commission meeting that is held in accordance with § 15.2-2904 of the Code of -Virginia. All reports by the Emergency Fiscal Manager shall be in writing and shall include a brief and succinct statement of the grounds for any recommendations and the facts underlying the report.

1VAC50-30-420 Procedures for exiting fiscal distress

- A. At each regular meeting where the commission receives a report from the Emergency Fiscal Manager, the commission will concurrently hold a commission hearing to determine whether the locality in Planning District 19 has met the benchmarks and criteria in the approved remediation plan to the commission's satisfaction based on the report from the Emergency Fiscal Manager and any other relevant evidence.
- B. The commission's determination will take the form of a report indicating whether the benchmarks and criteria in the approved remediation plan have been met. The decision may be announced at the regular meeting or taken under advisement for up to 14 days. In its report, the commission must consider, as appropriate, whether any issues have been resolved through a consent decree or other mediation or negotiation, whether the locality

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- in Planning District 19 has consented to comply with the conditions necessary to address its fiscal distress, or whether the locality in Planning District 19 has fulfilled the requirements of the approved remediation plan to the commission's satisfaction.
- C. The commission must send all reports issued under this section to the locality in Planning District 19, the governor, and the chairmen of the House Committees on Appropriations and Counties, Cities and Towns and the Senate Committees on Finance and Appropriations and Local Government.
  - D. At each commission hearing, the commission may request the Emergency Fiscal Manager or other witnesses to present, either orally or in writing, testimony to support or explain the Emergency Fiscal Manager's report. The commission may also utilize data or testimony from the auditor, the House Committee on Appropriations, or the Senate Finance and Appropriations Committee, and may request that they present, either orally or in writing.
  - E. The locality in Planning District 19 is permitted and may be requested by the commission to present, either orally or in writing, testimony at each commission hearing. The testimony of the locality will respond to the Emergency Fiscal Manager's most recent report and may refer to all data, exhibits, documents, or other material previously submitted to the commission and may respond to any testimony presented by other witnesses.

## 1VAC50-30: Regulations of procedures concerning fiscally distressed localities

### Part 1. General

#### 1VAC50-30-100 Definitions

The following words and terms when used in this chapter have the following meanings unless a different meaning is provided or is plainly required by the context:

"Auditor" means the Auditor of Public Accounts.

"Auditor's notification" or "notification" means the written notification indicating the existence of fiscal distress in a specific locality issued by the Auditor. The Auditor's notification to the Governor pursuant to § 15.2-2512.1 of the Code of Virginia contains the following elements:

- a. The Auditor's conclusion that a locality meets the criteria for fiscal distress and that such fiscal distress exists based on the Auditor's completion of a follow-up review of the locality pursuant to § 15.2-2512.1 (D) of the Code of Virginia.
- b. A statement that either the local governing body or chief executive officer requests assistance or the Auditor is of the opinion that state assistance, oversight, or targeted intervention is needed, either to further assess, help stabilize, or remediate the situation; and,
- c. Specific issues or actions that need to be addressed by state assistance, oversight, or intervention.

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"Chair" means the Chair of the Commission on Local Government

"Commission" means the Commission on Local Government

"Commission hearing" means a proceeding where any party or witness may present evidence, either orally or in writing and as allowed by this chapter, to the commission to amplify their submissions, to critique and to offer comment upon the submissions and evidence offered by other parties and witnesses, and to respond to questions relative to the issue from the commission. Commission hearings may extend for a period of time as the commission may deem appropriate.

"Emergency fiscal manager" means an official appointed by the Commission on Local Government to implement a remediation plan approved by the Commission under § 15.2-2512.1(H) of the Code of Virginia to restore fiscal health for a locality in the Commonwealth. The "emergency fiscal manager" has all authority granted to the emergency fiscal manager by law and this chapter.

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“Executive Director” means the Executive Director of the commission pursuant to §15.2-2901 of the Code of Virginia.

“Fiscal distress” means a situation whereby the provision and sustainability of public services in a locality, or a locality’s ability to appropriately fund financial liabilities, is threatened by various administrative and financial shortcomings, including cash flow issues, inability to pay expenses, revenue shortfalls, deficit spending, structurally imbalanced budgets, billing and revenue collection inadequacies and discrepancies, debt overload, failure to meet obligations to authorities, school divisions, or political subdivisions of the Commonwealth, lack of trained and qualified staff to process administrative and financial transactions, or the inability to timely produce an audited financial report. Fiscal distress may be caused by factors internal to the locality or external to the locality, and in various degrees such conditions may or may not be controllable by management or the local governing body or its constitutional officers.

“Locality” means a city, county, or town in the Commonwealth of Virginia that is determined to be in fiscal distress by the Auditor after a review under the procedures created by § 15.2-2512.1 of the Code of Virginia or § 4-8.03 of any appropriations act signed into law.

“Planning District 19” means the planning district organized under § 15.2-4200, et seq. of the Code of Virginia that, as of July 1, 2024, is known as Planning District 19. The boundaries of Planning District 19 shall be the boundaries established by the Department of Housing and Community Development as of July 1, 2024. All localities within those boundaries as of July 1, 2024, shall be considered part of Planning District 19 for purposes of this chapter.

“Oversight authority” means the authority granted to the commission by § 15.2-2512.1 of the Code of Virginia. It includes the ability to act in an oversight capacity, coordinate obtain technical assistance from ~~with~~ the Auditor of Public Accounts, and exercise all authority to investigate, make and issue decisions, promulgate and issue procedural rules and orders, hold hearings, write reports, and otherwise execute the powers granted to the commission by §§ 15.2-2512.1 and 15.2-2903(9) of the Code of Virginia.

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“Party” means any entity, person, or group of persons that the commission has oversight authority over pursuant to § 15.2-2512.1 of the Code of Virginia. It may include, but is not limited to, localities, the state-appointed intervention staff, and the emergency fiscal manager.

“Proceedings” means processes and proceedings governed by this chapter.

“Public hearing” means an opportunity for input from the public on an issue before the commission.



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“State-appointed intervention staff” means public employees or private contractors hired or procured by the Governor under the authority provided pursuant to § 15.2-2512.1 of the Code of Virginia. It does not include the commission, its staff, or the emergency fiscal manager.

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1VAC50-30-110 Scope of commission oversight of fiscally distressed localities generally.

- A. The commission’s oversight authority shall begin when the Executive Director receives notice from the Governor that the Auditor has ~~issued a notification indicating the existence made a preliminary determination~~ of fiscal distress in a locality pursuant to § 15.2-2512.1 of the Code of Virginia. ~~The Governor’s notice will request that and has requested~~ the commission ~~to~~ assume oversight authority pursuant thereto.
- B. Upon the Executive Director’s receipt of notice from the Governor under Section A, and before taking any actions related to the ~~preliminary determination by the Auditor’s notification~~, the commission will send an initial notice to the Governor, the Auditor, and the chief administrative officer of the locality stating that the commission has initiated its oversight authority pursuant to § 15.2-2512.1 of the Code of Virginia and this chapter. The notice will i) provide an overview of the commission’s oversight authority that indicates the potential resolutions, reports, decisions, or orders that might be issued under 15.2-2512.1 and this chapter ii) contain contact information consisting of the name, telephone number, and government email address of the commission staff assigned to answer questions or otherwise assist the locality, and iii) state that the locality shall enjoy the rights and privileges described in § 15.2-2512.1 of the Code of Virginia and this chapter in proceedings governed by this chapter including without limitation:
- a. to appear in person or by counsel or other qualified representative before the commission;
  - b. to have notice of any contrary fact basis or information in the possession of the commission that can be relied upon in the writing of any report or the making of any decision against the locality; and
  - c. to be informed, briefly and generally in writing, of the factual or procedural basis for a decision against the locality to the extent such information is not included in a commission report.
- C. For localities not located in Planning District 19, the commission’s oversight authority ends upon the issuance of a report of its findings and conclusions to the Governor and the chairmen of the House Committees on Appropriations and Counties, Cities, and Towns, and the Senate Committees on Finance and Local Government in accordance with § 15.2-2512.1(G) of the Code of Virginia and 1VAC50-30-210.
- D. For localities located in Planning District 19, the commission’s oversight authority will end when the commission has either i) determined that the locality has met the benchmarks and criteria of, and has otherwise satisfied and completed, an approved remediation plan, whether in fact or through consent, to the commission’s satisfaction, or ii) determined that the locality has taken appropriate action to address the issues raised by the auditor in its notification to the governor under § 15.2-2512.1(D) of the Code of Virginia. The commission may determine whether a locality has taken appropriate action

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- to address the issues either i) by issuing a report under 1VAC50-30-220 concluding that the locality has taken appropriate action or ii) through the terms of a consent decree with the locality.
- E. If the commission determines that the terms of any consent decree entered into under this chapter have not been met or will not be met by the locality, it may hold and issue additional proceedings and reports under part II of this chapter and exercise all other authority granted by §15.2-2512.1 and this chapter regardless of whether it has been exercised previously. The commission may amend its reports, resolutions, decisions and orders for any reason within 60 days of their issuance or at any time for good cause shown.
  - F. The commission may rescind or amend its appointment of the Emergency Fiscal Manager within 60 days of the appointment if the person being appointed declined the appointment, dies, resigns, or is otherwise unable to perform the duties of the appointment.

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1VAC50-30-120. Commission to not reject oversight authority in certain circumstances.

- A. Any notification from the Auditor to the Governor pursuant to 15.2-2512.1 of the Code of Virginia should contain the following elements:
  - a. ~~The Auditor's preliminary determination of fiscal distress based upon its early warning system criteria;~~
  - b. ~~A statement that the either the local governing body or chief executive officer requests assistance or the Auditor is of the opinion that state assistance, oversight, or targeted intervention is needed, either to further assess, help stabilize, or remediate the situation; and;~~
  - c. ~~Specific issues or actions that need to be addressed by state assistance, oversight, or intervention.~~

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~~B.A.~~ The commission will not reject oversight authority on the grounds that the Auditor's review that led to ~~the its~~ notification ~~sent to the Governor under Section A~~ occurred before July 1, 2024, or because the factual basis for the notification is based on events that occurred before July 1, 2024.

~~B.B.~~ The commission has oversight authority in all cases where the Auditor has issued a notification and initiated a review of a locality and made conclusions or determinations based on that review under authority granted by § 4-8.03 of any appropriations act signed into law so long as the resulting notification ~~sent to the Governor under Section A~~ otherwise fulfills the requirements of § 15.2-2512.1 of the Code of Virginia and this section.

1VAC50-30-130. General provisions regarding commission oversight of fiscally distressed localities.

- A. In addition to complying with the State and Local Government Conflict of Interests Act (Va. Code § 2.2-3100 et seq.) and all other applicable laws and regulations, each

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commissioner has a duty to recuse himself from any commission hearing or other proceeding as well as the discussion, deliberation, drafting or approval of any report, decision, or resolution when any of the parties is a locality where such commissioner is employed, presently resides, or owns an interest in real property.

- B. If, due to the number of recusals that occur pursuant to subsection A that are not required by the State and Local Government Conflict of Interests Act, there are not enough commissioners to establish a quorum, then the chair of the commission, in accordance with commission policies and in consultation with any recusing commissioners who do not have conflicts under the State and Local Government Conflict of Interests Act, may require enough commissioners to participate in the commission hearing, other proceeding, or decision to establish a quorum regardless of each individual commissioner's duty to recuse.
- C. The chair of the commission, or vice chair in the chair's absence, will have all powers and authority granted to the chair under 1VAC50-20 as may be applicable to investigations, commission hearings and other proceedings under this chapter.
- D. The commission will generally schedule for consideration issues in the order in which received; however, the commission reserves the right to consider issues in another sequence where it deems appropriate.
- E. Parties may participate in proceedings governed by this chapter in the manner described in this chapter. The commission may allow submissions from any interested person or entity. Such submissions must be provided by the submitting party to all parties and must be filed by any dates established by the commission, as applicable. The commission may waive the submission date at its discretion when it determines such submission will assist in fulfilling its responsibilities under this chapter.
- F. Any material submitted to the commission by the parties, except materials presented in the context of meetings, negotiations, or mediations of a confidential nature as authorized by law, are considered public documents and will be made available by the commission for review by any other interested party or by the public. In addition, the commission will post all public documents as described by this subsection on its website.
- G. Each document, exhibit, report, or other material submitted to the commission should contain a title, the date of preparation, a detailed citation of the sources from which all data are obtained, and the name of the entity which submitted the document, exhibit, report, or other material.
- H. In each instance where projections are given, projections should be made for a period to be set by the commission, and the method and bases of the projections should be indicated.
- I. Any party making submissions to the commission must provide at least eight copies of all submissions, unless the commission or the commission's staff indicates that a lesser number would be sufficient for its review and analysis. The commission may make provisions for the electronic filing of submissions.
- J. At any time during the course of the commission's oversight, the commission may solicit additional data, documents, records, or other materials from the parties as is

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- deemed necessary for proper analysis of any issue.
- K. The commission may undertake independent research as it deems appropriate to assure a full and complete investigation of each issue. If the commission considers or relies upon any publicly available data in a report or decision, the commission will provide all parties with advance notice of its intent to use such data. This requirement shall not apply to the commission's use of case law, administrative precedent, or its own reports.
  - L. The commission considers the cooperation among parties vital to the discharge of its responsibilities; therefore, all parties should cooperate fully in the development and timely sharing of data throughout the commission's oversight.
  - M. Parties may submit testimony, evidence, and submissions to the commission. The commission may allow the parties to supplement and correct data, exhibits, documents, testimony, or other material submitted to the commission. Where corrections are authorized, copies of all corrections must be provided by the submitting party to all other parties. If, in the commission's judgment, the corrections are of a substantive nature so as to significantly alter the scope or character of the issue under review, the commission may delay its proceedings as allowed by applicable law and this chapter for a reasonable amount of time to provide an opportunity for other parties to respond to the corrected data, exhibits, documents, testimony, or other material.

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1VAC50-30-140. Proceedings conducted by the commission related to fiscally distressed localities.

- A. The commission may identify the parties and witnesses from whom it wishes to hear testimony, provide evidence, or accept submissions. The locality made the subject of proceedings governed by this chapter shall be among such parties and witnesses. All agencies of the Commonwealth shall provide the commission with necessary information for the performance of its duties upon request. Any party appearing before the commission may be represented by counsel or other qualified representative.
- B. The chair of the commission, or vice chair in the chair's absence, will generally have all powers and authority granted to the chair under 1VAC50-20 as may be applicable to proceedings under this chapter.
- C. The chair of the commission, or vice chair in the chair's absence, will be the presiding officer over all proceedings conducted in accordance with this chapter.
- D. All proceedings before the commission will take place in Richmond, Virginia, unless the commission selects an alternative location.
- E. The commission may conduct any proceedings under this chapter virtually in accordance with § 2.2-3708.3 of the Code of Virginia and the commission's electronic meetings policy.

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- F. Commissioners may attend any proceedings under this chapter using electronic participation in accordance with § 2.2-3708.3 of the Code of Virginia and the commission's electronic meetings policy.
- G. No party before the commission will communicate in any manner with any member of the commission with respect to the merits of the issue under review except as is authorized by this chapter, or as may be otherwise authorized by the commission or its chair.
- H. No proceeding will take place without a quorum of the commission present.
- I. The commission may examine parties and witnesses and may permit a locality to ask questions of parties and witnesses.
- J. The commission may allow any interested person or entity to testify, either orally or in writing, at a proceeding. Where supplemental testimony is authorized pursuant to this subsection, copies of all written testimony and exhibits will be provided by the testifying person or entity to all parties.
- K. Any party making written testimony to the commission must provide at least eight copies of all testimony, unless the commission or the commission's staff indicates that a lesser number would be sufficient for its review and analysis. The commission may make provisions for the electronic filing of written testimony.

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1VAC50-30-150. Orders, reports and other decisions of the commission.

- A. The commission will issue such resolutions, reports, decisions and orders as needed to effectuate the purposes of § 15.2-2512.1 of the Code of Virginia and this chapter.
- B. All resolutions, reports, decisions, and orders will be issued in writing.
- C. All resolutions, reports, decisions and orders issued by the commission will be signed by the chair of the commission.
- D. The commission's resolutions, reports, decisions and orders will be based on the conclusions of a majority of the commissioners. Dissenting commissioners will note their disagreement with the report, decision, order or resolution and may write separately as they deem appropriate.

1VAC50-30-160 Default and other limitations on testimony

- A. Unless otherwise provided by law, if a locality without good cause fails to attend or participate in a commission hearing or other proceeding before the commission, the commission may proceed without the locality's attendance.
- B. In all instances where good cause must be shown, the decision to accept such cause is at the discretion of the chair but may be appealed by the locality to the full commission.
- C. A locality that chooses not to present or file testimony by the date established by the commission may not thereafter present its own testimony except by permission of the commission but may otherwise fully participate in the commission hearing or

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other proceeding and respond to the testimony of other witnesses.

- D. Failure to comply with the directions of the commission, without good cause shown, may result in rejection of the testimony by the commission.

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1VAC50-30-170. Additional powers of the commission.

- A. The commission may create and promulgate procedural rules, forms, schedules and scheduling orders, briefing schedules, or guidance documents necessary to carry out the provisions of § 15.2-2512.1 of the Code of Virginia and this chapter.
- B. Except as required by law, the commission may, in its reasonable discretion, waive any of the procedural rules, forms, schedules and scheduling orders, briefing schedules, or guidance documents requirements of this chapter when in its judgment it finds that the waiver in no way lessens its responsibilities pursuant to this chapter and § 15.2-2512.1 of the Code of Virginia.
- C. The commission may, on its own motion, adjust all dates and deadlines required by this chapter but not otherwise required by law to facilitate the resolution of issues before it.
- D. In addition to any proceeding, meeting, hearing, or other gathering of the parties specified by law or this chapter, the commission may, where it deems necessary for an analysis of material, facilitation of a negotiated settlement, or for a discussion or clarification of the issues before it, schedule other meetings. Such meetings may be held in executive session as allowed by § 15.2-2907D of the Code of Virginia and commission regulations.
- E. The commission may extend the services of its office to the parties in an endeavor to promote a negotiated settlement of the issues and, further, may designate, with the agreement of the parties, an independent mediator to assist in the negotiations.
- F. The commission may, at its discretion, accept for mediation issues presented to it by mutual agreement of the parties if the purpose of the mediation is to reach a full or partial settlement of the issues. Requests for commission mediation under this section should be made to the commission through the executive director, or designee, and should be accompanied by satisfactory evidence that the parties agree to the request for mediation assistance. The requests should include a statement indicating the issue or issues for which mediation is sought and any other information to allow the commission to determine whether its mediation effort would be timely and appropriate. If the commission agrees to mediate any issues under this section, the parties will assist the commission by providing data, material, and other information as the commission or other parties deem necessary.
- G. All expenses incurred by the commission and its staff in assisting with negotiations or mediations, including the cost of an independent mediator, will be borne by the locality unless otherwise agreed to by the other parties and the commission.
- H. In accordance with 15.2-2901 of the Code of Virginia, the executive director may enter into and administer any contracts to procure additional resources to assist the commission in carrying out the provisions of § 15.2-2512.1 of the Code of Virginia and this chapter.

**Part II. Report of Findings and Conclusions to the Governor and Specified Legislative Committees**

1VAC50-30-200 Proceedings with the state-appointed intervention staff

- A. Upon the executive director's receipt of a plan for state assistance, oversight, or intervention approved by the Governor, the commission or executive director will provide notice to the locality of receipt of the plan and request the locality attend a meeting with the commission and the state-appointed intervention staff to establish a schedule for review of the issues. The schedule will take into account the due dates of any periodic reports by the state-appointed intervention staff required by § 15.2-2512.1(F) of the Code of Virginia. The schedule will include, at a minimum, dates for (i) the submission of evidence collected by the state-appointed intervention staff, (ii) the submission of responsive materials from the locality, (iii) a commission hearing where the locality may present and rebut any evidence or testimony, (iv) a public hearing, if desired by the commission, (v) the issuance of the commission's report, and (vi) dates for other proceedings or deadlines the commission deems appropriate. The commission will consider input from the locality when developing the schedule, as appropriate.
- B. If the locality does not participate in the meeting referenced in subsection A, the commission will send it notice of the approved schedule, including the dates, times, and locations of the commission hearing and any public hearing.
- C. The commission's report under Section A will be issued within 90 days of the commission hearing.
- D. The commission may request the state-appointed intervention staff to present, either orally or in writing, testimony to assist the commission with reaching a decision. The commission may also utilize data or testimony from the Auditor, the House Committee on Appropriations, or the Senate Finance and Appropriations Committee, and may request that they present, either orally or in writing.
- E. The locality is permitted and may be requested by the commission to present, either orally or in writing, testimony at a commission hearing. The testimony of the locality may refer to all data, exhibits, documents, or other material previously submitted to the commission and may respond to any testimony presented by other parties or witnesses.
- F. Any public hearing will be advertised in accordance with 1VAC50-30-330.B.

1VAC50-30-210. Decisions, orders and reports for localities not located in Planning District 19.

- A. For any locality not located in Planning District 19, the commission will issue a report to the locality, the Auditor, the Governor, and the chairmen of the House Committees on Appropriations and Counties, Cities, and Towns, and the Senate Committees on Finance and Local Government on or before the date established under 1VAC50-30-200 . The report will be advisory only.

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- B. The commission's report will state findings and conclusions.
- C. The commission's report will explicitly respond to the following:
  - a. Whether the locality has taken appropriate action to address the issues raised by the auditor in its notification, the state-appointed intervention staff, and the locality;
  - b. Whether the locality appears to be on track to resolve its fiscal distress; and
  - c. The extent the locality is willing or able to comply with the conditions necessary to address its fiscal distress.
- D. In its report, the commission will consider, as appropriate, any issues that have been resolved through mediation or negotiation and whether the locality has consented to comply with the conditions necessary to address its fiscal distress or has fulfilled the requirements of the Governor's plan for state assistance, oversight, or intervention to the commission's satisfaction.

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1VAC50-30-220. Decisions, orders and reports for localities located in Planning District 19.

- A. For any locality located in Planning District 19, the commission will issue a report to the locality, the Auditor, the Governor, and the chairmen of the House Committees on Appropriations and Counties, Cities, and Towns, and the Senate Committees on Finance and Local Government on or before the date established under 1VAC50-30-200.
- B. The commission's report will state findings and conclusions.
- C. The commission's report will explicitly respond to the following:
  - a. Whether the locality has taken appropriate action to address the issues raised by the auditor in its notification, the state-appointed intervention staff, and the locality;
  - b. Whether the locality appears to be on track to resolve its fiscal distress; and
  - c. The extent the locality is willing or able to comply with the conditions necessary to address its fiscal distress.
- D. In its report, the commission may consider, as appropriate, any issues that have been resolved through mediation or negotiation and whether the locality in Planning District 19 has consented to comply with the conditions necessary to address its fiscal distress or has fulfilled the requirements of the Governor's plan for state assistance, oversight, or intervention to the commission's satisfaction.
- E. If the commission concludes that a locality in Planning District 19 is either unwilling or unable to comply with the conditions necessary to address its fiscal distress, it will issue such decision and order for the appointment of an emergency fiscal manager in accordance with 15.2-2512.1 of the Code of Virginia.
- F. The commission's report and any accompanying order will comply with the provisions of 1VAC50-30-150.



**Part III. Emergency Fiscal Manager**

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1VAC50-30-300 Powers of the emergency fiscal manager

- A. Upon appointment, the emergency fiscal manager has all powers and responsibilities provided in §15.2-2512.1
- B. The emergency fiscal manager will develop a proposed remediation plan to restore the fiscal health of the locality in Planning District 19 and present that plan to the commission for approval. The plan must contain the following elements:
  - a. A summary of the issues identified by the ~~auditor~~ in its notification, the state-appointed intervention team, and the locality that have not been resolved;
  - b. The purpose of each specified remediation effort;
  - c. The roles and responsibilities of the local governing body and the chief executive officer, directly or indirectly, relating to the locality's finances; and
  - d. ~~The benchmarks and criteria,~~ developed in consultation with the auditor, that will allow a locality to exit the approved remediation plan upon meeting such benchmarks and criteria.
- C. Once the proposed remediation plan has been approved by the commission in accordance with 1VAC50-30-340, the emergency fiscal manager will implement the approved remediation plan and send periodic progress reports in accordance with 1VAC50-30-410.

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1VAC50-30-310 Procedures for appointing an emergency fiscal manager

- A. The selection of the emergency fiscal manager will be conducted in compliance with the Virginia Public Procurement Act (2.2-4300 et seq. of the Code of Virginia), and all other applicable laws.
- B. In accordance with 15.2-2901 of the Code of Virginia, the executive director, or designee, will enter into and administer any contracts to procure the emergency fiscal manager. The executive director, or designee, retains the right to terminate the appointment of the emergency fiscal manager, including any contracts with the emergency fiscal manager in accordance with agreed upon contract terms.
- C. The executive director will notify the Governor of any expenses incurred by the commission related to any contracts entered into under this chapter such as costs incidental to procuring the emergency fiscal manager and any remuneration due to the emergency fiscal manager.
- D. Any funds the commission receives from the component of fund balance established by the Governor pursuant to 15.2-2512.1(E)(3) of the Code of Virginia will be paid first to the remuneration due to the emergency fiscal manager, then towards other costs incurred by the commission in the furtherance of its responsibilities under this chapter.

1VAC50-30-320 Notice of appointment of emergency fiscal manager

Upon appointment of the emergency fiscal manager, the commission or executive director will notify the Governor, the auditor, and the chief administrative officer of the locality in Planning District 19 that the commission has appointed an emergency fiscal manager, will be reviewing a proposed remediation plan at a public hearing, and will issue a decision related to the plan that will affect the locality. The notice will invite the locality to attend the commission meeting with the emergency fiscal manager described in 1VAC50-30-330, subsection A and provide contact information consisting of the name, telephone number, and government email address of the commission staff assigned to answer questions or otherwise assist the locality.

1VAC50-30-330 Development of the emergency fiscal manager's proposed remediation plan

- A. The emergency fiscal manager will meet with the commission during a regular or special meeting to approve a schedule for drafting and adopting a proposed remediation plan to resolve the fiscal distress of the locality in Planning District 19. The schedule will include dates for (i) the emergency fiscal manager to submit a proposed remediation plan to the commission, (ii) the commission to publish a proposed remediation plan, (iii) a public hearing on the proposed remediation plan, (iv) a commission hearing where the locality may present and rebut any evidence or testimony regarding the proposed remediation plan, (v) a decision adopting a proposed remediation plan, and (vi) other proceedings or deadlines the commission deems appropriate. The commission will consider input from the locality when developing the schedule, as appropriate. The emergency fiscal manager will conduct their activities in consultation with ~~the auditor~~ **the commission and receive technical assistance from the auditor as appropriate.**
- B. When the commission publishes a proposed remediation plan, it will also include its recommendation as to whether the proposed plan should be approved or if further revisions are needed.
- C. The commission's decision adopting a proposed remediation plan under subsection A will be issued through a decision and order within 90 days of the commission hearing.
- D. If the locality in Planning District 19 does not participate in the meeting referenced in subsection A, the commission will send it notice of the approved schedule, including the dates, times, and locations of the commission hearing and the public hearing.
- E. A public hearing on the proposed remediation plan will be held within 45 days of the publication of the proposed plan. Prior to the public hearing, a notice of the hearing will be published once a week for two successive weeks in a newspaper of general circulation in the locality in Planning District 19. The second advertisement will appear not less than six days nor more than twenty-one days prior to the hearing.
- F. The commission may hold the commission hearing on the same day as the public hearing, but in any event, the commission hearing will not be held more than 30 days after the public hearing required by subsection E.
- G. At any commission hearing, the commission may request the emergency fiscal manager to present, either orally or in writing, testimony to assist the commission.

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The commission may also utilize data or testimony from the Auditor, the House Committee on Appropriations, or the Senate Finance and Appropriations Committee, and may request that they present, either orally or in writing. The locality in Planning District 19 is permitted and may be requested by the commission to present, either orally or in writing, testimony at the commission hearing. The testimony of the locality may refer to all data, exhibits, documents, or other material previously submitted to the commission and may respond to any testimony presented by the emergency fiscal manager or other witnesses.

- H. An approved remediation plan will be actionable and binding on the subject locality in Planning District 19 and the emergency fiscal manager upon its adoption by the commission.

1VAC50-30-340 Adoption of the emergency fiscal manager's proposed remediation plan

- A. The commission will consider all evidence presented at the commission hearing and the public hearing and adopt an approved remediation plan by decision and order within 90 days of the commission hearing in accordance with 1VAC50-30-330(C).
- B. When reviewing the emergency fiscal manager's proposed remediation plan, the commission will consider whether the proposed remediation plan is in the best interest of the locality in Planning District 19, its citizens, and the commonwealth, and will note, as appropriate, any issues or portions of the plan that have been resolved through mediation, negotiation, or other agreement.

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#### **Part IV – Implementation of the remediation plan**

##### 1VAC50-30-400 Notice of adoption of approved remediation plan

Upon the adoption of an approved remediation plan, the commission or executive director will send the Governor, the auditor, and the chief administrative officer of the locality in Planning District 19 a notice containing i) a copy of the decision and order adopting the approved remediation plan, ii) a copy of the approved remediation plan, iii) a brief explanation of how the locality may exit the approved remediation plan under the commission's continued oversight authority, iv) the current schedule of regular meetings for the commission, and v) contact information consisting of the name, telephone number, and government email address of the commission staff assigned to answer questions or otherwise assist the locality.

The executive director will ensure that all parties who receive the notice are properly notified of all changes to the commission's regular meeting schedule and future regular meetings of the commission that are not included in the initial notice provided under this section.

##### 1VAC50-30-410 Regular progress reports to the commission

While implementing the approved remediation plan, the emergency fiscal manager will send reports regarding progress on implementation of the approved remediation plan to the locality in Planning District 19, the commission, the auditor, the Governor, and the chairmen of the House Committees on Appropriations and Counties, Cities and Towns and the Senate Committees on Finance and Appropriations and Local Government two weeks before each regular commission meeting that is held in accordance with § 15.2-2904. All reports by the emergency fiscal manager shall be in writing and shall include a brief and succinct statement of the grounds and facts underlying the report.

##### 1VAC50-30-420 Procedures for exiting fiscal distress

- A. At each regular meeting where the commission receives a report from the emergency fiscal manager, the commission will concurrently hold a commission hearing to determine whether the locality in Planning District 19 has met the benchmarks and criteria in the approved remediation plan to the commission's satisfaction based on the report from the emergency fiscal manager and any other relevant evidence.
- B. The commission's determination will take the form of a report indicating whether the benchmarks and criteria in the approved remediation plan have been met, and may be announced at the regular meeting or taken under advisement for up to 14 days. In its report, the commission must consider, as appropriate, whether any issues have been resolved through mediation or negotiation, and whether the locality in Planning District 19 has consented to comply with the conditions necessary to address its fiscal distress or

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- has fulfilled the requirements of the approved remediation plan to the commission's satisfaction.
- C. The commission must send all reports issued under this section to the locality in Planning District 19, the Governor, and the chairmen of the House Committees on Appropriations and Counties, Cities and Towns and the Senate Committees on Finance and Appropriations and Local Government.
  - D. At each commission hearing, the commission may request the emergency fiscal manager or other witnesses to present, either orally or in writing, testimony to support or explain the emergency fiscal manager's report. The commission may also utilize data or testimony from the Auditor, the House Committee on Appropriations, or the Senate Finance and Appropriations Committee, and may request that they present, either orally or in writing.
  - E. The locality in Planning District 19 is permitted and may be requested by the commission to present, either orally or in writing, testimony at each commission hearing. The testimony of the locality will respond to the emergency fiscal manager's most recent report and may refer to all data, exhibits, documents, or other material previously submitted to the commission and may respond to any testimony presented by other witnesses.

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**Auditor of Public Accounts**  
**Comments on Proposed Amendments to SB645 Emergency Regulations**

The Auditor of Public Accounts (Office) has included certain proposed amendments to the draft regulations for 1VAC50-30: *Regulations of procedures concerning fiscally distressed localities*, as noted in tracked changes in the document: *DRAFT-MASTER-SB645 emergency regs-7.30.24 admin review- APA FINAL REVIEW.docx*. This document is provided to include additional context and explanation for our proposed amendments.

Our Office's amendments focus primarily on references to the "Auditor" and our established fiscal distress monitoring process pursuant to the Acts of Assembly and § 15.2-2512.1 of the Code of Virginia (§ 15.2-2512.1). While our Office reviewed the draft regulations in its entirety, we do not propose any specific comments or suggested edits on the processes and procedures that directly involve the roles and duties of the Commission and the emergency fiscal manager.

**APA Comment 1:**

*Definitions* section (page 2)

- Amendment to "Oversight Authority"

We believe it is important to use the specific language at § 15.2-2512.1, subsection G. that speaks to our Office providing "technical assistance" to the Commission, which aligns with our statutory responsibility with regard to the oversight function. This also provides a better distinction and separation in the regulations of the Auditor of Public Account's role (to provide technical assistance) and the Commission's role (to determine whether a locality is on track to resolve its fiscal distress).

**APA Comment 2:**

1VAC50-30-110, section A. and B. (page 3)

- Amendment to remove language of "preliminary determination" and instead refer to the Auditor's notification

This amendment is necessary to refer more accurately and distinctly to our Office's process and the language at § 15.2-2512.1. The Auditor makes a preliminary determination as a result of the financial and qualitative analyses we perform as part of the early warning system. The preliminary determination by the Auditor is not the mechanism that leads to the Commission's oversight provisions.

The language of "preliminary determination that a locality may meet the criteria for fiscal distress" in the legislation is what effectuates our Office performing the additional follow-up review process with a locality, as required in subsection D of § 15.2-2512.1. The Auditor's preliminary determination does not automatically indicate fiscal distress; in most instances our follow-up process determines that the locality is not in fiscal distress.

Our Office must first complete our follow-up review process with a locality before we issue a notification to provide a recommendation (i.e.: an "opinion" as used in the Code) that fiscal distress does indeed exist in a locality where state assistance or intervention actions are necessary. At subsections D and E of the legislation, it is the Auditor's "notification" that then sets forth the remaining steps of this process leading to the Commission's oversight pursuant to subsection G.

**APA Comment 3:**

*Definitions* section (page 1)

- Amendment to add a definition for the "Auditor's notification"

We believe adding this definition will provide more clarity for multiple references to the Auditor's "notification" that occur throughout the regulations. *See further explanation below.*

1VAC50-30-120, section A. (page 4)

- Amendment to remove language at Section A. and place as part of the *Definitions* section

After reading through the regulations in its entirety and considering its purpose for prescribing regulations for this process at the executive branch level, our Office believes it is not necessary to include this language at section A. since this appears to prescribe further regulations on the Auditor of Public Accounts, i.e.: language of “Any notification from the Auditor... *should* contain...” When our Office originally reviewed and discussed this language at section A. in May 2024 with DHCD staff, we did not fully recognize the implications of the placement of this language as part of the regulations and the Commission’s process.

As a legislative branch agency, who reports to the General Assembly, our Office already adheres to the laws set forth in § 15.2-2512.1 and the Acts of Assembly, which has established the requirements for the Auditor’s notification and our local fiscal distress monitoring process. Accordingly, we believe it would be more appropriate to include this language that encompasses the elements of the Auditor’s notification at our proposed amendment under the *Definitions* section.

**APA Comment 4:**

1VAC50-30-210 section C.a., and 1VAC50-30-220 section C.a (page 10)

1VAC50-30-300 section B.a (page 11)

- Amendments to add specific reference to the Auditor’s notification

We believe these additions help provide further clarification that these applicable regulations around the Commission’s report and emergency manager’s plan refer only to an official notification that our Office has made in accordance with § 15.2-2512.1, to avoid any possible misinterpretation that these items could extend to any other concerns or issues raised. We believe this also helps provide further connection to our Office’s process and the Auditor’s notification as explained above.

**APA Comment 5:**

1VAC50-30-300, section B.d. (page 11) and 1VAC50-30-330, section A. (page 12)

- Amendments to remove language of “in consultation with the Auditor.”

Similar to our explanation at Comment 1, overall, our Office believes that this language should be removed to provide a clear distinction and separation that the Auditor does not take a position and is not involved in the appointment of the emergency fiscal manager and its process. We believe that our previous language proposed that speaks to the Auditor providing the Commission technical assistance in accordance with the intent of § 15.2-2512.1 at subsection G., is sufficient for incorporating the Auditor’s role and ability to provide assistance where appropriate, based on our Office’s statutory responsibility with regard to oversight for local governments.

In addition, when our Office issues a notification that a locality meets the criteria for fiscal distress, we are only performing a limited review of a locality as part of our monitoring process. Because our Office does not perform any of the locality financial audits over their local funds/financial activity and internal controls, we have no basis to develop an in-depth understanding of the locality’s operations and fiscal processes. Therefore, our Office is not going to have sufficient expertise and the necessary hands-on involvement to fully understand the extent of the locality’s issues that would support our ability to assist and consult with the emergency fiscal manager to develop benchmarks and criteria for the locality to exit fiscal distress or consult on the proposed remediation plan.

We believe that given the overall intent of the legislation for situations when it’s necessary to implement the role of an emergency fiscal manager, the emergency fiscal manager would be in the more appropriate position to make these decisions as expert consultants that should have knowledge and experience with leading a remediation and stabilization plan at the local government level.



BETTER COMMUNITIES THROUGH SOUND GOVERNMENT

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September 9, 2024

Virginia Commission on Local Government  
Via email only

**Re: Comments on Proposed Emergency Regulations concerning Fiscally Distressed Localities**

Dear Chairman Rosado and Commissioners:

The Virginia Municipal League (VML) thanks you for the opportunity to review and comment on the proposed emergency regulations concerning fiscally distressed localities. VML has also reviewed Senate Bill 645 prior to commenting.

VML wants this to be a collaborative process with the goal of helping a locality, not punishing it. The regulations in several places do not appear to include the locality in the decisions that are being made about it and it is not clear that the locality and its residents will be allowed to have input during all steps of the process. For example, the procurement process for an Emergency Fiscal Manager does not appear to include input from the locality. Further, the regulations state that all hearings are in Richmond unless the Commission decides differently.

VML would also recommend a documented appeals process for localities. If there is a time when a locality disagrees with the Commission's decision, it should be entitled to due process and a documented appeals process.

Once the Commission begins the regulatory process for the non-emergency regulations, VML would suggest that a stakeholder group be put together to provide more detailed input on this process. Localities should be involved in the regulatory process to ensure that this process is inclusive of all potentially affected parties.

We are happy to discuss our comments further or provide more detail should you request it.

Sincerely,

Michelle Gowdy, Executive Director  
Virginia Municipal League

cc: Northcutt, LeGrand

P.O. Box 12164  
Richmond, VA 23241

804/649-8471  
www.vml.org



Mandate Number: \_\_\_\_\_

**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL  
GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)**

Administering Agency: Department of Criminal Justice Services

Date of Submission: 8-1-24

**Instructions:** Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Please see the separate instruction sheet for more details.

If you need more room than the space here provides, please email your assessment information as a separate Word document; however, please use this form for Agency Head and Cabinet Secretary signatures.

- A. Short Title of Mandate:** (see the mandate abstract in the most recent Catalog of State and Federal Mandates on Local Governments, available here)

Professional Standards of Conduct and Procedures for Decertification

- B. Specific Provisions of Mandate:** (see abstract)

The purpose of this mandate and subsequent regulation is to adopt statewide professional standards of conduct applicable to all certified law enforcement officers and certified jail officers, and appropriate due process procedures for decertification based on serious misconduct in violation of those standards. DCJS has the authority under § 9.1-102(36)(61) of the Code of Virginia, to certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707, and to adopt statewide professional standards of conduct applicable to all certified law enforcement officers and certified jail officers and appropriate due process procedures for decertification based on serious misconduct in violation of those standards. The Office of the Attorney General concurred that DCJS has the legal authority to promulgate this regulation pursuant to § 9.1-102(61) of the Code of Virginia. Additionally, the Department has the authority to adopt this regulation as an emergency regulation pursuant to § 2.2-4011(B) of the Code of Virginia because the third enactment clause in Chapter 37 of the 2020 Acts of Assembly (Special Session 1, SB5030) requires the regulation to be promulgated within 280 days.

- C. Source/Authority:**

**1. Specify Each Applicable**

- |                       |                |
|-----------------------|----------------|
| a) Federal Statute    | N/A            |
| b) Federal Regulation | N/A            |
| c) State Statute:     | § 9.1-102 (61) |
| d) State Regulation:  | 6 VAC 20-65    |
| e) Other:             | N/A            |

2. **Extension of Federal Mandates by State Authority:** (Where the mandate is founded concurrently on State and Federal authority, describe specifically those additional elements prescribed by State authority.)

Not applicable.

- D. **Method by Which Agency Oversees Implementation of Mandate:** (Describe how your agency ensures that local governments carry out the requirements of the mandate.)

Although codified in § 9.1-102 (61), DCJS was tasked with promulgating an emergency regulation, in accordance with § 2.2-4011, to create statewide standards of conduct, applicable to law enforcement and jail officers in the Commonwealth, as well as due process procedures for the decertification of such individuals based on serious misconduct in violation of such standards. A working group of affected stakeholders and interested parties was assembled and met for approximately nine months before agreeing on and finalizing such standards, as well as the DC-1 form required to be submitted to DCJS upon the initiation of decertification. The Department conducted a myriad of statewide meetings and trainings, both in-person and virtually, to discuss the 2020 mandate and subsequent legislation, and how DCJS would implement the changes and procedures. The emergency regulation has been visible to the public on the Virginia Regulatory Town Hall website, located here: <https://townhall.virginia.gov/L/ViewStage.cfm?stageld=9641>, and the agency's website also has a page dedicated to information surrounding decertification, which can be found here: <https://www.dcjs.virginia.gov/law-enforcement-decertification>. In January of 2024, both the Secretary of Public Safety and Homeland Security and the Office of the Governor approved the emergency regulation, and after a 30-day public comment period (with no feedback or comments received), the standards of conduct became effective on 03/14/2024 and will expire on 09/13/2025. DCJS will be filing for the permanent regulation in the interim.

- E. **Fiscal Impact of Mandate on Localities:**

1. **Localities Affected:** (List individually or describe a group, for example, all counties in Planning District 8.)

Although this mandate may ultimately impact manpower and staffing if decertification of law enforcement or jail officers become necessary, there is no specified fiscal impact on localities as a direct result of this mandate.

2. **Funding of Mandate:**

- a) **Funding Formula:** (Indicate separately the State, federal, and local contributions to the cost of implementing the mandate as a percentage of the total cost of implementation. Include annual statewide dollar contributions by each, if applicable.)

Not applicable; There is no specific funding for implementation of this mandate.

b) Funding of Mandate: (Give the range of annual costs of compliance for localities and indicate specific factors affecting local impact. Refer to information contributed by localities. Name the localities providing the information.)

Not applicable; There is no range of annual costs of compliance for localities.

c) Explanation of Estimation Methodology:

Not applicable.

**F. Effectiveness of Mandate in Accomplishing Purpose:**

1. **General Purpose of Mandate:** (Explain briefly the overall objective this mandate is intended to accomplish.)

This mandate's primary purpose is to protect the safety and welfare of citizens in the Commonwealth, and codified, effective March 1, 2021. The establishment of this new regulation required by Chapter 37 of the 2020 Special Session I, is to adopt statewide professional standards of conduct applicable to all certified law enforcement officers and certified jail officers and to appropriate due process procedures for decertification based on serious misconduct in violation of those standards. This will ultimately be beneficial for both officer and public safety across Virginia.

2. **Description of Essentiality to the Public Safety:** (Describe the manner and the extent to which the mandate has protected and/or improved the health, safety, and welfare of residents of the Commonwealth. Describe the essential public purpose that this mandate accomplishes.)

This mandate has, and will continue to protect and/or improve the health, safety, and welfare of many residents of the Commonwealth—both public safety employees and civilians alike. In fact, an advantage of promulgating this regulation is not only enhanced oversight for law enforcement misconduct, but clear decertification procedures for officers engaged in unethical or criminal behavior. Adopting statewide professional standards of conduct will make expectations clear to current and future law enforcement officers, and assure citizens that there are set procedures for police officers, sheriff's deputies, and jail officers that violate such standards. Establishing this regulation, in accordance with § 9.1-102 (61) of the Code of Virginia, will enhance both officer and public safety throughout the Commonwealth.

**G. Alternative Approaches to Achieving Purpose of Mandate:**

1. **Identification of Alternative Approaches:** (Identify and describe any policy alternatives that could potentially achieve the essential purpose of the mandate, or explain why there are no viable alternatives.)

There are no existing viable alternatives to the establishment of this regulation, nor does the Department believe it will prove burdensome or intrusive to any small businesses or other agencies in the Commonwealth. DCJS was mandated through the passage of SB5030 in the 2020 Special Session of the General Assembly to establish these statewide standards and decertification due process procedures, and there is no alternative to doing so.

**2. Fiscal Impact of Alternative Approaches:**

a) Estimated Change in Range of Costs to Localities of Alternative Approaches:

(For each alternative, give the anticipated range of costs of compliance for localities and describe specific factors causing the variation in local impact.)

Not applicable; There are no existing alternative approaches, as there is no fiscal impact involved in the promulgation of this regulation.

b) Estimated Change in Range of Costs to State of Alternative Approaches: (For

each alternative, give the anticipated range of costs to the State.)

Not applicable; There is no estimated change in range of costs.

c) Explanation of Estimation Methodologies: (Describe how you calculated the above cost figures.)

Not applicable.

**H. Agency Recommendation:**

1. Determination by Agency: (Agency determinations are limited to 'Retain,' 'Alter,' or 'Eliminate'.)

Retain.

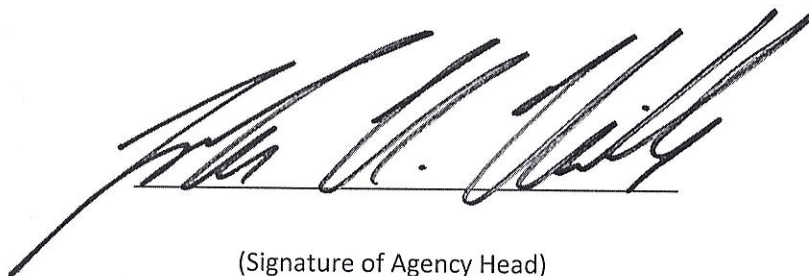
2. Justification: (Provide a written justification as to why the mandate should or should not be eliminated. If the agency recommends retaining or altering the mandate, explain why.)

DCJS has determined that this regulation is essential to protect the safety and welfare of citizens in the Commonwealth, codified in 9.1-102(61). The purpose of this mandate and the subsequent regulation is to adopt statewide professional standards of conduct applicable to all certified law enforcement officers and certified jail officers and to appropriate due process procedures for decertification based on serious misconduct in violation of those standards. Retaining this mandate will ultimately be beneficial for both officer and public safety across Virginia, setting transparent standards for current and future law enforcement and jail officers.

I. Agency Contact Regarding Assessment:

1. Name/Title: Jonathan D. Banberger/ DCJS, Law Enforcement Decertification Coordinator
2. Address/Telephone: Washington Building, 9 Flr, 1100 Bank St., Richmond, Va. 23219

Approval of Assessment:



(Signature of Agency Head)



(Signature of Cabinet Secretary)

Mandate Number: \_\_\_\_\_

**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL  
GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)**

Administering Agency: Department of Criminal Justice Services

Date of Submission: 8/1/2024

**Instructions:** Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Please see the separate instruction sheet for more details.

If you need more room than the space here provides, please email your assessment information as a separate Word document; however, please use this form for Agency Head and Cabinet Secretary signatures.

- A. Short Title of Mandate:** (see the mandate abstract in the most recent Catalog of State and Federal Mandates on Local Governments, available here)

Waiver Process for Law Enforcement Agencies to use Certain  
Military Property

- B. Specific Provisions of Mandate:** (see abstract)

The 2020 Special Session of the General Assembly passed legislation to prohibit localities and agencies employing law-enforcement officers, including police departments and sheriff's offices, from obtaining certain types of equipment. These items are: weaponized unmanned aerial vehicles; aircraft that are configured for combat or are combat-coded and have no established commercial flight application; grenades or similar explosives or grenade launchers from a surplus program operated by the federal government; armored multi-wheeled vehicles that are mine-resistant, ambush-protected, and configured for combat, also known as MRAPs, from a surplus program operated by the federal government; bayonets; firearms of .50 caliber or higher; ammunition of .50 caliber or higher; and Weaponized tracked armored vehicles.

- C. Source/Authority:**

**1. Specify Each Applicable**

- a) Federal Statute
- b) Federal Regulation
- c) State Statute: 15.2-1721.1 & 2.2-5515
- d) State Regulation:
- e) Other:

2. **Extension of Federal Mandates by State Authority:** (Where the mandate is founded concurrently on State and Federal authority, describe specifically those additional elements prescribed by State authority.)

This is not applicable,

- D. **Method by Which Agency Oversees Implementation of Mandate:** (Describe how your agency ensures that local governments carry out the requirements of the mandate.)

The 2020 Special Session of the General Assembly passed legislation to prohibit localities and agencies employing law-enforcement officers, including police departments and sheriffs offices, from obtaining certain types of equipment. See the list above.

It also provided that any agency or locality that already had prohibited equipment could only continue to use them if the agency sought a waiver from the CJSB. In January of 2021, a waiver request form was developed and emailed to all Law Enforcement Agencies statewide. DCJS has also discussed this waiver at various other police forums.

The Code of Virginia directed agencies or localities to submit their waivers to DCJS by March 1, 2021.

- E. **Fiscal Impact of Mandate on Localities:**

1. **Localities Affected:** (List individually or describe a group, for example, all counties in Planning District 8.)

The only ongoing fiscal impact of this legislation is for Virginia Law Enforcement Agencies who are prevented from accepting surplus military equipment for public safety use and are forced to purchase the same or similar equipment from private vendors. With over four hundred law enforcement agencies in Virginia, it is impossible to determine who might have accepted no cost military equipment and instead had to utilize local or grant funds to purchase similar equipment.

2. **Funding of Mandate:**

- a) **Funding Formula:** (Indicate separately the State, federal, and local contributions to the cost of implementing the mandate as a percentage of the total cost of implementation. Include annual statewide dollar contributions by each, if applicable.)

There were no costs for implementation of this law. DCJS staff developed a waiver process for agencies with existing military equipment. All waivers were granted by the CJSB.

No new waivers are anticipated, as no agencies may receive this property going forward.

b)Funding of Mandate: (Give the range of annual costs of compliance for localities and indicate specific factors affecting local impact. Refer to information contributed by localities. Name the localities providing the information.)

There is no ongoing costs. Agencies with regulated equipment sought and received the waiver after being notified to do so by DCJS.

c) Explanation of Estimation Methodology:

NA

**F. Effectiveness of Mandate in Accomplishing Purpose:**

1. **General Purpose of Mandate:** (Explain briefly the overall objective this mandate is intended to accomplish.)

This mandate attempts to prevent local law enforcement agencies from possessing certain kinds of military equipment. It is highly successful in doing so.

2. **Description of Essentiality to the Public Safety:** (Describe the manner and the extent to which the mandate has protected and/or improved the health, safety, and welfare of residents of the Commonwealth. Describe the essential public purpose that this mandate accomplishes.)

This mandate has resulted in the prevention of local law enforcement agencies from receiving surplus military items, like armored vehicles, which agencies would receive for free. It is not known if it has prevented agencies from buying similar items in the open market at cost.

**G. Alternative Approaches to Achieving Purpose of Mandate:**

1. **Identification of Alternative Approaches:** (Identify and describe any policy alternatives that could potentially achieve the essential purpose of the mandate, or explain why there are no viable alternatives.)

The determination regarding what types of tools a law enforcement organization should be allowed to employ is a political question. This mandate determined what the Commonwealth of Virginia believes are military surplus items that should not be entrusted to law enforcement. There are no other alternatives. There are only differing opinions.



**2. Fiscal Impact of Alternative Approaches:**

a) Estimated Change in Range of Costs to Localities of Alternative Approaches:

(For each alternative, give the anticipated range of costs of compliance for localities and describe specific factors causing the variation in local impact.)

There are no alternative approaches. Either law enforcement should or should not be allowed to determine locally what types of equipment are necessary for local public safety.

b) Estimated Change in Range of Costs to State of Alternative Approaches: (For

each alternative, give the anticipated range of costs to the State.)

Not Applicable

c) Explanation of Estimation Methodologies: (Describe how you calculated the above cost figures.)

Not Applicable

**H. Agency Recommendation:**

1. **Determination by Agency:** (Agency determinations are limited to 'Retain,' 'Alter,' or 'Eliminate:')

Alter

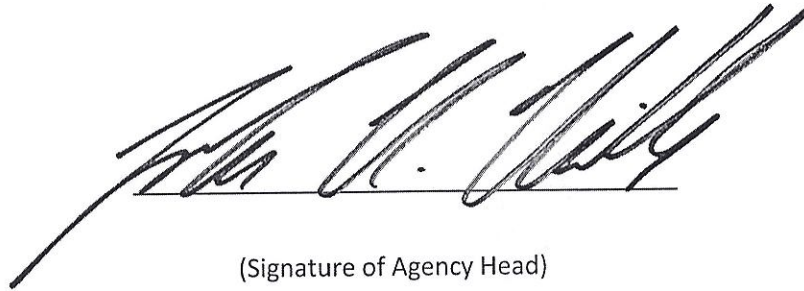
2. **Justification:** (Provide a written justification as to why the mandate should or should not be eliminated. If the agency recommends retaining or altering the mandate, explain why.)

The mandate generally prevents Virginia law enforcement from receiving free military equipment, but not from purchasing similar pieces of equipment. If a law enforcement agency is allowed to buy a piece of equipment, shouldn't it be allowed to accept something similar for free?

I. Agency Contact Regarding Assessment:

1. Name/Title: Harvey S. Powers, Law Enforcement Division Director DCJS
2. Address/Telephone: 1100 Bank Street, Richmond, VA 23219 Phone: (804) 786-8730

Approval of Assessment:

A handwritten signature in black ink, appearing to read "Harvey S. Powers", is written over a horizontal line. The signature is stylized and cursive.

(Signature of Agency Head)

A handwritten signature in blue ink, appearing to read "T.C. Coleman", is written over a horizontal line. The signature is stylized and cursive.

(Signature of Cabinet Secretary)

Mandate Number: SOE.DOE174

**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL  
GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)**

Administering Agency: VDOE

Date of Submission: May 20, 2024

**Instructions:** Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Mail the signed original to the CLG. Please see the separate instruction sheet for more details.

- A. **Short Title of Mandate:** Teacher License Required
  
- B. **Specific Provisions of Mandate:** Each school board shall adopt and implement policies that require each teacher and any other school board employee holding a license issued by the Board to complete cultural competency training, in accordance with guidance issued by the Board, at least every two years.
  
- C. **Source/Authority:**

1. **Specify Each Applicable**

a) Federal Statute	
b) Federal Regulation	
c) State Statute:	Code of Virginia §§22.1-298.7.
d) State Regulation:	
e) Other:	

2. *Extension of Federal Mandates by State Authority: N/A*

- D. **Method by Which Agency Oversees Implementation of Mandate:** The Virginia Department of Education informs local divisions of statutory requirements through Superintendent’s memos, agency newsletters, and other forms of communication.

E. **Fiscal Impact of Mandate on Localities:**

- 1. **Localities Affected:** Each of Virginia’s 131 local school districts.

2. *Funding of Mandate:*

- a) Funding Formula: Costs associated with the implementation of such policies would be locally funded.
  
- b) Funding of Mandate: Because no local school division or locality feedback was provided, the Department is unable to provide concrete estimates and assessments of implementation costs are based on staff review and evaluation of the mandate.
  
- c) Explanation of Estimation Methodology: Because no local school division or locality feedback was provided, the Department is unable to provide concrete estimates and assessments of implementation costs are based on staff review and evaluation of the mandate.

F. *Effectiveness of Mandate in Accomplishing Purpose:*

- 1. **General Purpose of Mandate:** The purpose of this mandate is to require that each licensed teacher is trained in cultural competency.
  
- 2. **Description of Essentiality to the Public Safety:** This mandate is not essential to public safety

G. *Alternative Approaches to Achieving Purpose of Mandate:*

- 1. **Identification of Alternative Approaches:** The totality of training that license holders receive is infused with competencies and skills in addressing the needs of individual students, sensitivity to the needs of students and families and awareness that each child is unique, and instruction should be individualized, free from bias, and serve the whole child. Educator preparation involves learning to provide supportive welcoming environments, understanding the different experiences of students and establishing meaningful relationships with students and families. A separate training course should be limited to one time or altered to once every five years to alleviate burdens on license holders.
  
- 2. **Fiscal Impact of Alternative Approaches:**

- a) Estimated Change in Range of Costs to Localities of Alternative Approaches: N/A

b) Estimated Change in Range of Costs to State of Alternative Approaches: N/A

c) Explanation of Estimation Methodologies: N/A

**H. Agency Recommendation:**

1. **Determination by Agency:** (Agency determinations are limited to 'Retain,' 'Alter,' or 'Eliminate.')

Retain

Alter

Eliminate

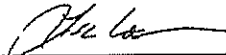
2. **Justification:** This mandate should be altered to decrease training requirements on license holders.

**I. Agency Contact Regarding Assessment:**

1. Name/Title: Melissa Velazquez, Asst. Superintendent, Policy and

2. Address/Telephone: Virginia Department of Education,  
P.O. Box 2120, Richmond, VA  
23218 (804) 750-8724

**Approval of Assessment:**



(Signature of Agency Head)



(Signature of Cabinet Secretary)

Mandate Number: SOE.DOE004

**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA  
LOCAL GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)**

*Administering Agency: Virginia Department of Education*

*Date of Submission: May 30<sup>th</sup>, 2024*

**Instructions:** Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Mail the signed original to the CLG. Please see the separate instruction sheet for more details.

**A. Short Title of Mandate: Teacher License Required**

**B. Specific Provisions of Mandate:** School divisions may only employ as teachers those persons who hold licenses or provisional licenses issued by the State Board of Education. Teachers employed under federal Title I programs must be fully licensed and teaching in their areas of endorsement. Teachers seeking initial licensure or renewal of a license must have training in emergency first aid, cardiopulmonary resuscitation (CPR), and the use of automated external defibrillators. In addition, any individual licensed and endorsed to teach middle school civics or economics, or high school government or history who is seeking renewal of such license must demonstrate knowledge of Virginia history or state and local government. This requirement applies to the individual's next or initial renewal occurring after July 1, 2014.

**C. Source/Authority:**

**1. Specify Each Applicable**

- a) Federal Statute
- b) Federal Regulation
- c) State Statute:
- d) State Regulation:
- e) Other:

P.L. 89-10 (Fed.); P.L. 114-95 (Every Student Succeeds Act 2015) (Fed.)
§§ 22.1-298.1, 22.1-299 et seq.; Chapter 726, 2013 Acts of Assembly
8 VAC 20-22-10 et seq., 8 VAC 20-440-10 et seq.;

**2. Extension of Federal Mandates by State Authority: (Where the mandate is founded concurrently on State and Federal authority,**

describe specifically those additional elements prescribed by State authority.)



**D. Method by Which Agency Oversees Implementation of Mandate:** The Virginia Department of Education informs local divisions of statutory requirements through Superintendent's newsletters and other forms of communication. When required, the Department provides resources, trainings, and guidance documents to assist in the implementation of the local mandate.

**E. Fiscal Impact of Mandate on Localities:**

1. **Localities Affected:** Each of Virginia's 131 school districts.
  
2. **Funding of Mandate:**
  - a) **Funding Formula:** No state or federal funding to support the cost of initial or renewal licensure fees or costs incurred to meet licensure requirements. Initiatives like Grow Your Own helps to reduce the cost for instructional staff to become licensed.
  - b) **Funding of Mandate:** Cost is indeterminate.
  - c) **Explanation of Estimation Methodology:** Cost is indeterminate.

**F. Effectiveness of Mandate in Accomplishing Purpose:**

1. **General Purpose of Mandate:** Requiring licenses ensures that teachers have met specific educational and professional requirements set by the Board of Education which helps to maintain a consistent quality of education.
  
2. **Description of Essentiality to the Public Safety:** Licensed teachers receive training in emergency responses and student safety protocols and are equipped to handle various disciplinary issues such as bullying. These allows for a safe learning environment which is critical for student safety.

**G. Alternative Approaches to Achieving Purpose of Mandate:**

1. **Identification of Alternative Approaches:** None identified that could

achieve the same purpose.

**2. Fiscal Impact of Alternative Approaches:**

a) Estimated Change in Range of Costs to Localities of Alternative Approaches: N/A

b) Estimated Change in Range of Costs to State of Alternative Approaches: N/A

c) Explanation of Estimation Methodologies: N/A

**H. Agency Recommendation:**

**1. Determination by Agency:** (Agency determinations are limited to 'Retain,' 'Alter,' or 'Eliminate.')



Retain



Alter



Eliminate

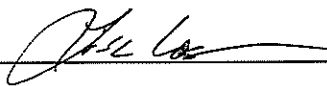
**2. Justification:** This mandate should be retained as no other alternative approaches have been identified.

**I. Agency Contact Regarding Assessment:**

**1. Name/Title:** Melissa Velazquez, Asst. Supt., Policy and Government Relations

**2. Address/Telephone:** Virginia Department of Education, P.O. Box 2120, Richmond, VA 23218 (804) 750-8724

Approval of Assessment:



(Signature of Agency Head)



(Signature of Cabinet Secretary)

**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA  
LOCAL GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)**

*Administering Agency: Virginia Department of Education*

*Date of Submission: 5/31/2024*

**Instructions:** Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Mail the signed original to the CLG. Please see the separate instruction sheet for more details.

**A. Short Title of Mandate:** Possession and Self-Administration of Inhaled Asthma Medications and Epinephrine

**B. Specific Provisions of Mandate:** School divisions must develop and implement a policy permitting a student with a diagnosis of asthma or anaphylaxis, or both, to possess and self-administer inhaled asthma medications or auto-injectable epinephrine, or both, while at school, at school-sponsored activities, or on a school bus or other school property. Each policy shall include the development of an individualized student health care plan. In addition, school boards shall have written policies for the possession and administration of epinephrine in every school, to be administered by certain employees who are authorized by a prescriber and trained in the administration of epinephrine to any student believed to be having an anaphylactic reaction.

**C. Source/Authority:**

**1. Specify Each Applicable**

- a) Federal Statute
- b) Federal Regulation
- c) State Statute:
- d) State Regulation:
- e) Other:

	§ 22.1-274.2
	8 VAC 20-131-260

**2. *Extension of Federal Mandates by State Authority: N/A***

**D. Method by Which Agency Oversees Implementation of Mandate:** The Virginia Department of Education informs local divisions of statutory requirements through Superintendent's newsletters and other forms of communication. When required, the Department provides resources, trainings, and guidance documents to assist in the implementation of the local mandate.

**E. Fiscal Impact of Mandate on Localities:**

1. *Localities Affected:* Each of Virginia's 131 local school divisions.

2. *Funding of Mandate:*

a) *Funding Formula:* Divisions receive state SOQ support positions funding related to student services administration. The 3 per 1,000 Specialized Student Support ratio standard can be applied to nurses.

b) *Funding of Mandate:* Schools divisions are using existing resources to meet this requirement in addition to SOQ funding based off of specialized student support ratios.

c) *Explanation of Estimation Methodology:* VDOE solicited local fiscal impact data but did not receive any.

**F. Effectiveness of Mandate in Accomplishing Purpose:**

1. **General Purpose of Mandate:** This mandate ensures that students with specific health care needs in Virginia's public schools receive critical treatment.

2. **Description of Essentiality to the Public Safety:** Anaphylaxis is potentially lethal and can rapidly progress to cause airway constriction and skin and intestinal issues.

**G. Alternative Approaches to Achieving Purpose of Mandate:**

1. **Identification of Alternative Approaches:** None identified that could achieve the same purpose.

2. *Fiscal Impact of Alternative Approaches:*

a) Estimated Change in Range of Costs to Localities of Alternative Approaches:

N/A

b) Estimated Change in Range of Costs to State of Alternative Approaches: N/A

c) Explanation of Estimation Methodologies: N/A

H. Agency Recommendation:

1. **Determination by Agency:** This mandate should be retained as no other alternative approaches have been identified.



Retain



Alter



Eliminate

2. *Justification:*

I. Agency Contact Regarding Assessment:

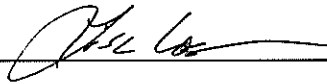
1. Name/Title:

Melissa Velazquez, Asst. Superintendent, Policy and Government Relations

2. Address/Telephone:

Virginia Department of Education, P.O. Box 2120, Richmond, VA 23218  
(804) 750-8724

Approval of Assessment:



(Signature of Agency Head)



(Signature of Cabinet Secretary)

Mandate Number:

SOE.DOE179

**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL  
GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)**

*Administering Agency: VDOE*

*Date of Submission: 5/31/2024*

**Instructions:** Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Mail the signed original to the CLG. Please see the separate instruction sheet for more details.

**A. Short Title of Mandate: Availability of In-person and Virtual Learning to All Students**

**B. Specific Provisions of Mandate:** Each school board shall offer in-person instruction to each student enrolled in the local school division in a public elementary and secondary school for at least the minimum number of required instructional hours and to each student enrolled in the local school division in a public school-based early childhood care and education program for the entirety of the instructional time provided pursuant to such program. For the purposes of this act, each school board shall (i) adopt, implement, and, when appropriate, update specific parameters for the provision of in-person instruction and (ii) provide such in-person instruction in a manner in which it adheres, to the maximum extent practicable, to any currently applicable mitigation strategies for early childhood care and education programs and elementary and secondary schools to reduce the transmission of COVID-19 that have been provided by the federal Centers for Disease Control and Prevention. If a local school board determines, in collaboration with the local health department and in strict adherence to "Step 2: Determine the Level of School Impact" in the Department of Health's Interim Guidance to K-12 School Reopening or any similar provision in any successor guidance document published by the Department of Health, that the transmission of COVID-19 within a school building is at a high level, the local school board may provide fully remote virtual instruction or a combination of in-person instruction and remote virtual instruction to the at-risk groups of students indicated as the result of such collaboration or, if needed, the whole student population in the school building, but in each instance only for as long as it is necessary to address and ameliorate the level of transmission of COVID-19 in the school building. Any local school board may, for any period during which the Governor's declaration of a state of emergency due to the COVID-19 pandemic is in effect, provide fully remote virtual instruction to any enrolled student upon the request of such student's parent, guardian, or legal custodian. Any local school board may permit any teacher who is

required to isolate as the result of a COVID-19 infection and any teacher who is required to quarantine as the result of exposure to another individual with a COVID-19 infection to teach from a remote location and in a fully virtual manner for the duration of such period of isolation or quarantine, consistent with the mitigation strategies as set forth in § 2 of this act. Any teacher or other school staff member who is permitted to perform any job function from a remote location or in a fully virtual manner as a reasonable accommodation pursuant to Title I of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12111 et seq.) shall be permitted to continue to perform any such job function in such a manner. All teachers and school staff shall be offered access to receive an approved COVID-19 vaccination through their relevant local health district. The provisions of these requirements shall expire on August 1, 2022.

**C. Source/Authority:**

**1. Specify Each Applicable**

a) Federal Statute

b) Federal Regulation

c) State Statute:

d) State Regulation:

e) Other:

Chapter 456, 2021 Special Session I Acts of Assembly

2. *Extension of Federal Mandates by State Authority: N/A*

**D. Method by Which Agency Oversees Implementation of Mandate:** The Virginia Department of Education informs local divisions of statutory requirements through Superintendent’s newsletters and other forms of communication. When required, the Department provides resources, trainings, and guidance documents to assist in the implementation of the local mandate.

**E. Fiscal Impact of Mandate on Localities:**

1. **Localities Affected:** Each of Virginia’s 131 local school districts.

2. *Funding of Mandate:*

a) **Funding Formula:** SOQ funding formula provides the state share of funding for required instructional positions established in Standard 2 of the SOQ, and the appropriation act to support the availability of in-person instruction for K-12 students in public schools. \$5.2M is provided to support the Virtual Va. online, virtual instructional program for both per course and full-time programs based on the capacity of student seats in the program. Divisions may purchase additional Virtual Va. student slots with

local funds or operate their own virtual course programs for students or purchase from other division programs around the state or commercial offerings.

- b) **Funding of Mandate:** Because no local school division or locality feedback was provided, the Department is unable to provide concrete estimates and assessments of implementation costs are based on staff review and evaluation of the mandate.
- c) **Explanation of Estimation Methodology:** Because no local school division or locality feedback was provided, the Department is unable to provide concrete estimates and assessments of implementation costs are based on staff review and evaluation of the mandate.

**F. Effectiveness of Mandate in Accomplishing Purpose:**

- 1. **General Purpose of Mandate:** The purpose of this mandate was to address instruction during the COVID-19 pandemic. This mandate allowed local school divisions to provide fully remote virtual instruction to any enrolled students upon the request of the parents, guardians, or legal custodian.
- 2. **Description of Essentiality to the Public Safety:** This mandate was administered during the COVID-19 pandemic and therefore was essential to the public safety in order to mitigate transmission of the virus.

**G. Alternative Approaches to Achieving Purpose of Mandate:**

- 1. **Identification of Alternative Approaches:** None identified that could achieve the same purpose.
- 2. **Fiscal Impact of Alternative Approaches:**
  - a) Estimated Change in Range of Costs to Localities of Alternative Approaches:  
N/A
  - b) Estimated Change in Range of Costs to State of Alternative Approaches: N/A
  - c) Explanation of Estimation Methodologies: N/A



**H. Agency Recommendation:**

1. **Determination by Agency:** (Agency determinations are limited to 'Retain,' 'Alter,' or 'Eliminate.')

Retain

Alter

Eliminate

2. **Justification:** Pursuant to the 3rd enactment clause of Chapter 456 of 2021 Special Session 1 of the General Assembly, the provisions of this act expired on August 1, 2022.

**I. Agency Contact Regarding Assessment:**

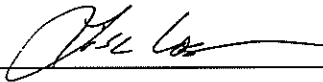
1. Name/Title:

Melissa Velazquez, Asst. Supt., Policy and Government Relations

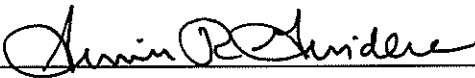
2. Address/Telephone:

Virginia Department of Education, P.O. Box 2120, Richmond, VA  
23218 (804) 750-8724

**Approval of Assessment:**



(Signature of Agency Head)



(Signature of Cabinet Secretary)

Mandate Number:

SOE.DOE180

ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL GOVERNMENTS (PURSUANT TO SEC. 2.2-613, CODE OF VA.)

Administering Agency: Virginia Department of Education

Date of Submission: 5/31/2024

Instructions: Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Mail the signed original to the CLG. Please see the separate instruction sheet for more details.

A. Short Title of Mandate: Seizure Management and Action Plans

B. Specific Provisions of Mandate: Each local school division shall require all school nurses employed by the division to complete, on a biennial basis, a Board of Education-approved online course of instruction for school nurses regarding treating students with seizures and seizure disorders that includes information about seizure recognition and related first aid. Approved training programs shall be fully consistent with training programs and guidelines developed by the Epilepsy Foundation of America and any successor organization. Each local school division shall require all employees whose duties include regular contact with students to complete, on a biennial basis, a Board of Education-approved online course of instruction for school employees regarding treating students with seizures and seizure disorders that includes information about seizure recognition and related first aid. Approved training programs shall be fully consistent with training programs and guidelines developed by the Epilepsy Foundation of America and any successor organization.

C. Source/Authority:

1. Specify Each Applicable

a) Federal Statute

b) Federal Regulation

c) State Statute:

d) State Regulation:

e) Other:

Table with 4 rows and 1 column. Row 2 contains the text '§§ 22.1--274.6'.

2. *Extension of Federal Mandates by State Authority: N/A*

D. **Method by Which Agency Oversees Implementation of Mandate:** The Virginia Department of Education informs local divisions of statutory requirements through Superintendent's newsletters and other forms of communication. When required, the Department provides resources, trainings, and guidance documents to assist in the implementation of the local mandate.

E. *Fiscal Impact of Mandate on Localities:*

1. **Localities Affected:** Each of Virginia's 131 local school districts.

2. *Funding of Mandate:*

a) **Funding Formula:** Divisions may use support funding provided in the SOQ funding formula in the Student Services area to help offset such training costs.

b) **Funding of Mandate:** Because no local school division or locality feedback was provided, the Department is unable to provide concrete estimates and assessments of implementation costs are based on staff review and evaluation of the mandate.

c) **Explanation of Estimation Methodology:** Because no local school division or locality feedback was provided, the Department is unable to provide concrete estimates and assessments of implementation costs are based on staff review and evaluation of the mandate.

F. *Effectiveness of Mandate in Accomplishing Purpose:*

1. **General Purpose of Mandate:** The purpose of this mandate is to ensure that school nurses are adequately trained on treating students with seizures and seizure disorder and related information about seizure recognition and related first aid.

2. **Description of Essentiality to the Public Safety:** This is essential to public safety as school nurses need to be adequately trained in order to handle these situations to ensure the safety of the student.

**G. Alternative Approaches to Achieving Purpose of Mandate:**

**1. Identification of Alternative Approaches:** None identified that could achieve the same purpose.

**2. Fiscal Impact of Alternative Approaches:**

a) Estimated Change in Range of Costs to Localities of Alternative Approaches: N/A

b) Estimated Change in Range of Costs to State of Alternative Approaches: N/A

c) Explanation of Estimation Methodologies: N/A

**H. Agency Recommendation:**

**1. Determination by Agency:** (Agency determinations are limited to 'Retain,' 'Alter,' or 'Eliminate.')



Retain



Alter



Eliminate

**2. Justification:** This mandate should be retained as no other alternative approaches have been identified.

**I. Agency Contact Regarding Assessment:**

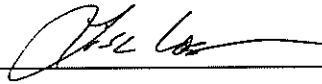
**1. Name/Title:**

Melissa Velazquez, Asst. Superintendent, Policy and Government Relations

**2. Address/Telephone:**

Virginia Department of Education, P.O. Box 2120, Richmond, VA 23218  
(804) 750-8724

**Approval of Assessment:**



(Signature of Agency Head)



(Signature of Cabinet Secretary)

Mandate Number:

SOE.DOE181

ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL GOVERNMENTS (PURSUANT TO SEC. 2.2-613, CODE OF VA.)

Administering Agency: VDOE

Date of Submission: May 31, 2024

Instructions: Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Mail the signed original to the CLG. Please see the separate instruction sheet for more details.

A. Short Title of Mandate: COVID-19 Mitigation Plan on School Board Website

B. Specific Provisions of Mandate: Each school board shall post in a publicly accessible and conspicuous location on its website the plan outlining its strategies for mitigating the spread and public health risk of the COVID-19 virus, consistent with the Centers for Disease Control and Prevention and Virginia Department of Health mitigation recommendations, that the school board is required to submit to the Department of Education before reopening schools in accordance with Phase II and III guidelines pursuant to the June 8, 2020, order of the State Health Commissioner.

C. Source/Authority:

1. Specify Each Applicable

- a) Federal Statute
b) Federal Regulation
c) State Statute:
d) State Regulation:
e) Other:

Table with 5 rows and 1 column. Row 3 contains the text 'Chapter 9, 2020 Special Session I Acts of Assembly'.

2. Extension of Federal Mandates by State Authority: N/A

D. Method by Which Agency Oversees Implementation of Mandate: The Virginia Department of Education informs local divisions of statutory requirements through

Superintendent's newsletters and other forms of communication. When required, the Department provides resources, trainings, and guidance documents to assist in the implementation of the local mandate.

**E. Fiscal Impact of Mandate on Localities:**

**1. Localities Affected:** Each of Virginia's 131 local school districts.

**2. Funding of Mandate:**

a) **Funding Formula:** Divisions may use support funding provided in the SOQ funding formula in the Student Services area or federal ESSER pandemic funds to help offset any costs related to this requirement.

b) **Funding of Mandate:** Because no local school division or locality feedback was provided, the Department is unable to provide concrete estimates and assessments of implementation costs are based on staff review and evaluation of the mandate.

c) **Explanation of Estimation Methodology:** Because no local school division or locality feedback was provided, the Department is unable to provide concrete estimates and assessments of implementation costs are based on staff review and evaluation of the mandate.

**F. Effectiveness of Mandate in Accomplishing Purpose:**

**1. General Purpose of Mandate:** The purpose of this mandate is to ensure that each school board has available on its website their plan outlining its strategies for mitigating the spread and public health risk of the COVID-19 virus.

**2. Description of Essentiality to the Public Safety:** This is essential to public safety as providing the plan outlining strategies for mitigating the spread of the contagious virus would help in preventing its spread within and outside of the school which would help in keep the public safe.

**G. Alternative Approaches to Achieving Purpose of Mandate:**

**1. Identification of Alternative Approaches:** None identified that could achieve the same purpose.

**2. Fiscal Impact of Alternative Approaches:**

a) **Estimated Change in Range of Costs to Localities of Alternative Approaches:**

N/A

b) Estimated Change in Range of Costs to State of Alternative Approaches: N/A

c) Explanation of Estimation Methodologies: N/A

**H. Agency Recommendation:**

1. **Determination by Agency:** (Agency determinations are limited to 'Retain,' 'Alter,' or 'Eliminate.')



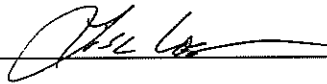
2. **Justification:** This mandate should be retained as no other alternative approaches have been identified.

**I. Agency Contact Regarding Assessment:**

1. Name/Title: Melissa Velazquez, Asst. Supt., Policy and Government Relations

2. Address/Telephone: Virginia Department of Education, P.O. Box 2120, Richmond, VA  
23218 (804) 750-8724

Approval of Assessment:



(Signature of Agency Head)



(Signature of Cabinet Secret)

Mandate Number:

SOE.DOE175

ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL GOVERNMENTS (PURSUANT TO SEC. 2.2-613, CODE OF VA.)

Administering Agency: VDOE

Date of Submission: May 20, 2024

Instructions: Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Mail the signed original to the CLG. Please see the separate instruction sheet for more details.

A. Short Title of Mandate: Self-Assessment and Action Planning for Inclusive Practices

B. Specific Provisions of Mandate: Each local school division shall complete a self-assessment and action planning instrument addressing inclusion practices, as developed by the Department, once every three years and report the results of the assessment and plans for improvement to the Department, the division’s superintendent, the division’s special education director, and the chairs of the local school board and local special education advisor committee.

C. Source/Authority:

1. Specify Each Applicable

- a) Federal Statute
b) Federal Regulation
c) State Statute:
d) State Regulation:
e) Other:

Table with 5 rows for source/authority information. Row 3 contains 'Code of Virginia §§ 22.1-215.'

2. Extension of Federal Mandates by State Authority: This is mandated solely from state statutes.

D. Method by Which Agency Oversees Implementation of Mandate:

The Virginia Department of Education (VDOE) provided guidance to LEAs via Superintendent’s



Memos #s:

- 207-21, August 6, 2021 (overview/implementation of legislative requirements; training resources to complete a self-assessment for quality indicators of inclusive schools; follow- up professional development/training and resources); and

- 284-22, (December 16, 2022) Virginia Inclusive Action Plan Executive Summary reporting requirements/data collection)

Further follow-up/reminders were provided during VDOE’s Department of Special Populations Council Meetings and meetings that invited local division directors of special education to participate. The Department of Special Populations plans to provide local school divisions with feedback on components of the Executive Summary during late fall/early winter during the 2023-2024 school year. School divisions will also be required to report information associated with this initiative as part of their participation in required cyclical federal program monitoring.

1. **Fiscal Impact of Mandate on Localities:** Local school divisions have not indicated any fiscal impact associated with this legislation. The VDOE has not queried localities on the fiscal impact.

2. **Localities Affected:** This mandate affects each of Virginia’s 131 local school divisions.

3. *Funding of Mandate:*

a) **Funding Formula:** These programs have no specific state funding as local school divisions are responsible for the implementation of such programs, and specific allocations is dependent on a locality’s need for funding which varies based on the amount of work necessary.

b) **Funding of Mandate:** It is unclear how much implementation may cost at the local level. Costs would vary based on size of division, expertise on staff, need for consultant support, etc.

c) **Explanation of Estimation Methodology:** Because no local school division or locality feedback was provided, the Department is unable to provide concrete estimates and assessments of implementation costs are based on staff review and evaluation of the mandate.

E. Effectiveness of Mandate in Accomplishing Purpose:

1. **General Purpose of Mandate:**

The general purpose of this mandate is to improve outcomes for students with disabilities by meeting their needs to the maximum extent possible in general education settings.

2. *Description of Essentiality to the Public Safety:*

This mandate will aid in building inclusive schools and opportunities for students with disabilities to be educated to the extent possible in general education settings.

F. Alternative Approaches to Achieving Purpose of Mandate:

N/A

1. *Identification of Alternative Approaches:*

None identified that could achieve the same purpose.

**2. Fiscal Impact of Alternative Approaches:**

a) Estimated Change in Range of Costs to Localities of Alternative Approaches:

N/A

b) Estimated Change in Range of Costs to State of Alternative Approaches:

N/A

c) Explanation of Estimation Methodologies:

N/A

**G. Agency Recommendation:**

**1. Determination by Agency:** (Agency determinations are limited to 'Retain,' 'Alter,' or 'Eliminate'.)



Retain



Alter



Eliminate

**2. Justification:**

The Agency proposes to retain this mandate in order to improve educational outcomes for students with disabilities by engaging schools in self-assessment and implementation practices that align with the *Individuals with Disabilities Education Act* (least restrictive education environments, individualized education programs, etc.).

**H. Agency Contact Regarding Assessment:**

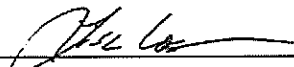
1. Name/Title:

Melissa Velazquez, Asst. Superintendent, Policy and

2. Address/Telephone:

Virginia Department of Education,  
P.O. Box 2120, Richmond, VA  
23218 (804) 750-8724

**Approval of Assessment:**

  
\_\_\_\_\_  
(Signature of Agency Head)

  
\_\_\_\_\_  
(Signature of Cabinet Secretary)

Mandate Number:

SOE.DOE176

ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)

Administering Agency: VDOE

Date of Submission: May 20, 2024

**Instructions:** Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Mail the signed original to the CLG. Please see the separate instruction sheet for more details.

**A. Short Title of Mandate:** Student Achievement and Graduation Requirements

**B. Specific Provisions of Mandate:** Each local school board shall provide guidance from the Department to parents of students with disabilities regarding the Applied Studies diploma and its limitations at a student’s annual individualized education program meeting corresponding to grades three through 12 when curriculum or statewide assessment decisions are being made that impact the type of diploma for which the student can qualify.

**C. Source/Authority:**

**1. Specify Each Applicable**

- a) Federal Statute
- b) Federal Regulation
- c) State Statute:
- d) State Regulation:
- e) Other:

Code of Virginia §§ 22.1-253.13:4.

**2. Extension of Federal Mandates by State Authority:** N/A

**D. Method by Which Agency Oversees Implementation of Mandate:**

Each local school board is responsible to comply with *Code of Virginia § 22.1-253.13:4*. Standard 4. Student achievement and graduation requirements, which includes the provisions that requires communication with parents on the limitations of the Applied Studies Diploma. The Code requires the Virginia Department of Education (VDOE) to develop guidance, in multiple languages, for students and parents conveying (i) the limitations of the applied studies diploma, (ii) key curriculum and testing decisions that reduce the likelihood that a student will be able to obtain a standard diploma, and (iii) a statement that the pursuit of an applied studies diploma may preclude a student's ability to pursue a standard diploma.

The VDOE released Superintendent’s Memo #147-21 on June 4, 2021 to announce the release of resources associated with this requirement. The VDOE houses the required information on agency’s website.

The [Applied Studies Curriculum Map](#) (PDF) consists of a [Guide](#) (Word), and six domains that outline skills and competencies that IEP teams can use to identify the need for additional instruction to assist students in meeting their postsecondary goals. It provides a guide that teachers, students, families, and other team members can use to identify skills that will have a direct impact on the student achieving their postsecondary goals. On the [Special Education for Families Webpage](#), there are multiple resources to inform parents of the mandate, including the [Critical Decision Points](#) document and the [Understanding the Applied Studies Diploma](#) brochure.

**E. Fiscal Impact of Mandate on Localities:**

**1. Localities Affected:** Each of Virginia's 131 local school districts.

**2. Funding of Mandate:**

- a) Funding Formula: This mandate does not have specific state funding as local school divisions are responsible for the implementation of such programs, and specific allocation is dependent on a localities' need for funding which varies based on the amount of work necessary.
- b) Funding of Mandate: It is unclear how much implementation may cost at the local level. Costs would vary based on size of division, expertise on staff, need for consultant support, etc.
- c) Explanation of Estimation Methodology: Because no local school division or locality feedback was provided, the Department is unable to provide concrete estimates and assessments of implementation costs are based on staff review and evaluation of the mandate.

**F. Effectiveness of Mandate in Accomplishing Purpose:**

**1. General Purpose of Mandate:**

An Applied Studies Diploma is not equivalent to a Standard Diploma, and it may not qualify a child for post-secondary opportunities for which a regular high school diploma is required, such as higher education, financial aid, and some employment opportunities. It is critical that parents understand early in their child's education that agreeing to modifications of a child's curriculum means that their child will not be receiving the same instructional content as his peers. This means that the child will not be adequately prepared to take standardized assessments (such as SOL assessments) that lead to verified credits. Without these verified credits, the child will be unable to earn either a Standard or an Advanced Studies Diploma.

**2. Description of Essentiality to the Public Safety:**

Parents make decisions regarding their child's education early in life. The Applied Studies Diploma may not qualify a child for post-secondary opportunities in the same way that a Standard or Advanced Studies Diploma will. All parties being well informed regarding diploma options and their results for students with disabilities may lead to better outcomes for students and the community at large.

**G. Alternative Approaches to Achieving Purpose of Mandate:**

**1. Identification of Alternative Approaches:** None identified that could achieve the same purpose.

**2. Fiscal Impact of Alternative Approaches:** N/A

a) Estimated Change in Range of Costs to Localities of Alternative Approaches:

N/A

b) Estimated Change in Range of Costs to State of Alternative Approaches: N/A

c) Explanation of Estimation Methodologies: N/A

**H. Agency Recommendation:**

**1. Determination by Agency:** (Agency determinations are limited to 'Retain,' 'Alter,' or

'Eliminate.')



Retain



Alter



Eliminate

**2. Justification:**

Children with disabilities have access to three different diploma options (Advanced Studies, Standard, and Applied Studies Diplomas). The diploma that the child will work toward is determined by the student's Individualized Education Program (IEP) team. Current Code language requires this information be made available to families as identified above.

*1. Agency Contact Regarding Assessment:*

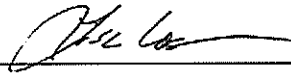
1. Name/Title:

Melissa Velazquez, Asst. Superintendent, Policy and

2. Address/Telephone:

Virginia Department of Education,  
P.O. Box 2120, Richmond, VA  
23218 (804) 750-8724

*Approval of Assessment:*



(Signature of Agency Head)



(Signature of Cabinet Secretary)

Mandate Number:

SOE.DOE177

ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)

Administering Agency: VDOE

Date of Submission: May 20, 2024

**Instructions:** Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Mail the signed original to the CLG. Please see the separate instruction sheet for more details.

**A. Short Title of Mandate: Carbon Monoxide Detectors Required**

**B. Specific Provisions of Mandate:** Each public school building that was built before 2015 and that houses any classrooms for students shall be equipped with at least one carbon monoxide detector. Each building that was built before 2015 and that houses a child day program that is licensed pursuant to Chapter 165 or any program described in subdivision A 4, B 1, or B 5 of §§22.1-289.030 that serves preschool-age children shall be equipped with at least one carbon monoxide detector. Each building that was built before 2015 and that houses a child day program that is licensed pursuant to Chapter 165 or any program prescribed in subdivision A 4, B 1, or B 5 of §§63.2-1715 that serves preschool-age children shall be equipped with at least one carbon monoxide detector.

**C. Source/Authority:**

**1. Specify Each Applicable**

- a) Federal Statute
- b) Federal Regulation
- c) State Statute:
- d) State Regulation:
- e) Other:

Code of Virginia §§22.1-138.2, §§22.1-289.058, Chapter 165, 2021 Special Session 1 Acts of Assembly, and §§63.2-1705.2

**2. Extension of Federal Mandates by State Authority: N/A**

**Method by Which Agency Oversees Implementation of Mandate:** VDOE ensures that local school divisions are made aware of the requirements related to the requirements of carbon monoxide detectors. Information on these requirements was disseminated by Superintendent's memo, agency newsletters and is included in VDOE's Guidelines for School Facilities In Virginia's Public Schools.



**A. Fiscal Impact of Mandate on Localities:**

**1. Localities Affected:** Each of Virginia's 131 local school districts.

**2. Funding of Mandate:**

- a) Funding Formula: Costs associated with the installation of carbon monoxide detectors would be locally funded by school divisions using their state Basic Aid per pupil funding, which includes operations and maintenance support.
- b) Funding of Mandate: Because no local school division or locality feedback was provided, the Department is unable to provide concrete estimates and assessments of implementation costs are based on staff review and evaluation of the mandate.
- c) Explanation of Estimation Methodology: Because no local school division or locality feedback was provided, the Department is unable to provide concrete estimates and assessments of implementation costs are based on staff review and evaluation of the mandate.

**B. Effectiveness of Mandate in Accomplishing Purpose:**

- 1. General Purpose of Mandate:** The purpose of this mandate is to ensure that every classroom is equipped with a carbon monoxide detector to prevent harmful gasleaks.
- 2. Description of Essentiality to the Public Safety:** This mandate is essential to public safety as it will ensure that carbon monoxide leaks are not present in school buildings.

**C. Alternative Approaches to Achieving Purpose of Mandate:**

- 1. Identification of Alternative Approaches:** None identified that could achieve the same purpose.
- 2. Fiscal Impact of Alternative Approaches:**
  - a) Estimated Change in Range of Costs to Localities of Alternative Approaches:  
N/A
  - b) Estimated Change in Range of Costs to State of Alternative Approaches: N/A
  - c) Explanation of Estimation Methodologies: N/A

**D. Agency Recommendation:**

1. **Determination by Agency:** (Agency determinations are limited to 'Retain,' 'Alter,' or 'Eliminate.')



Retain



Alter



Eliminate

2. **Justification:** (Provide a written justification as to why the mandate should or should not be eliminated. If the agency recommends retaining or altering the mandate, explain why.)

This mandate should be retained as no other alternative approaches have been identified.

**E. Agency Contact Regarding Assessment:**

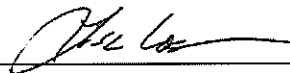
1. Name/Title:

Melissa Velazquez, Asst. Superintendent, Policy and

2. Address/Telephone:

Virginia Department of Education,  
P.O. Box 2120, Richmond, VA  
23218 (804) 750-8724

**Approval of Assessment:**



(Signature of Agency Head)



(Signature of Cabinet Secretary)

Mandate Number:

SOE.DOE178

ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)

Administering Agency: VDOE

Date of Submission: May 20, 2024

**Instructions:** Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Mail the signed original to the CLG. Please see the separate instruction sheet for more details.

**Short Title of Mandate:** Participation in the federal At-Risk Afterschool Meal component of the Child and Adult Care Food Program

**A. Specific Provisions of Mandate:** Effective July 1, 2022, each school board that governs a local school division that contains any public elementary or secondary school that has a student population that qualifies for free and reduced-price meals at a minimum percentage of 50 percent in the prior school year and simultaneously offers educational or enrichment activities and is consequently eligible to participate in the Program shall apply to the Department to participate in the Program for each such eligible school pursuant to FNS guidelines and state health and safety standards.

**B. Source/Authority:**

**1. Specify Each Applicable**

- a) Federal Statute
- b) Federal Regulation
- c) State Statute:
- d) State Regulation:
- e) Other:

Code of Virginia §§ 22.1-207.4:2

**2. Extension of Federal Mandates by State Authority:** This is mandated solely from state statutes.

**Method by Which Agency Oversees Implementation of Mandate:** Eligible schools in local education agencies (LEAs) are required to participate in the federal At-Risk Afterschool Meal component of the Child and Adult Care Food Program (CACFP). Eligible schools are those with 50 percent or more of enrolled students qualifying for free or reduced-price meals in the National School Lunch Program and that also offer regularly scheduled afterschool enrichment or academic activities.

LEAs who are not eligible to participate in the CACFP must submit a *Certification of Ineligibility to Participate in the Child and Adult Care Food Program* form to the VDOE Office of School Nutrition Programs (VDOE-SNP). The certification form must be signed by the division superintendent.

The certification form and submission instructions, along with additional information about the CACFP participation requirement, can be found in SNP Memo 2023-2024-17 on the [VDOE-SNP website](#).

**C. Fiscal Impact of Mandate on Localities:**

**1. Localities Affected:** Each of Virginia's 131 local school districts.

**2. Funding of Mandate:**

a) Funding Formula: Meals served in the At-Risk component of the Child and Adult Care Food Program are reimbursed at the federal rate and is effectively cost-neutral for the implementation of the mandate at the local school level.

b) Funding of Mandate: It is unclear how much implementation may cost at the local level. Costs vary based on local food, labor, and supply costs.

c) Explanation of Estimation Methodology: Because no local school division or locality feedback was provided, the Department is unable to provide concrete estimates and assessments of implementation costs are based on staff review and evaluation of the mandate.

**D. Effectiveness of Mandate in Accomplishing Purpose:**

**1. General Purpose of Mandate:** The purpose of this mandate is to ensure that divisions who have at least 50% of their student population participating in free or reduced-meals programs and offer an afterschool education or enrichment program participate in the At-Risk Afterschool Meals portion of the Child and Adult Care Food Program in order to serve federally reimbursable meals.

**2. Description of Essentiality to the Public Safety:** This mandate is for the protection of public safety as it will ensure that all students have access to meals in order to function effectively and excel in school.

**E. Alternative Approaches to Achieving Purpose of Mandate:**

**1. Identification of Alternative Approaches:** None identified that could achieve the same purpose.

**2. Fiscal Impact of Alternative Approaches:**

a) Estimated Change in Range of Costs to Localities of Alternative Approaches:

N/A

- b) Estimated Change in Range of Costs to State of Alternative Approaches: N/A
- c) Explanation of Estimation Methodologies: N/A

**F. Agency Recommendation:**

1. **Determination by Agency:** (Agency determinations are limited to 'Retain,' 'Alter,' or 'Eliminate.')



Retain



Alter



Eliminate

2. **Justification:** (Provide a written justification as to why the mandate should or should not be eliminated. If the agency recommends retaining or altering the mandate, explain why.)

This mandate ensures that divisions with at least 50% of their student population participating in free or reduced-meal programs and offer afterschool education and enrichment programs participate in the At-Risk Afterschool Meals portion of the Child and Adult Care Food Program in order to serve federally reimbursable meals.

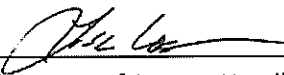
**G. Agency Contact Regarding Assessment:**

- 1. Name/Title: 

Melissa Velazquez, Asst. Superintendent, Policy and
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- 2. Address/Telephone: 

Virginia Department of Education, P.O. Box 2120, Richmond, VA 23218 (804) 750-8724
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**Approval of Assessment:**

  
\_\_\_\_\_  
(Signature of Agency Head)

  
\_\_\_\_\_  
(Signature of Cabinet Secretary)

Mandate Number: \_\_\_\_\_

**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)**

Administering Agency: Department of Conservation and Recreation

Date: June 30, 2024

**Instructions:** Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Please see the separate [instruction sheet](#) for more details.

If you need more room than the space here provides, please email your assessment information as a separate Word document; however, please use this form for Agency Head and Cabinet Secretary signatures.

**A. Short Title of Mandate:** Dam Safety, Flood Prevention and Protection Assistance Fund

**B. Specific Provisions of Mandate:**

Local governments receiving money from the Dam Safety Flood Prevention and Protection Assistance Fund to develop and implement flood prevention or protection projects or studies or to design, repair, and modify dams identified in safety reports must comply with grant or loan requirements. Under certain circumstances, local governments must remit to the Fund any payments contributed by developers or subdividers of lands within dam break inundation zones for their portion of the spillway upgrades required. The fund is managed by the Virginia Resources Authority on behalf of the Department of Conservation and Recreation. All grants are reimbursements and require a 50 percent match. Grants are awarded through a competitive application process, and awards must be approved by the Virginia Soil and Water Conservation Board.

**1. Source/Authority; Specify Each Applicable**

- a) Federal Statute: N/A
- b) Federal Regulation: N/A
- c) State Statute: Code of Virginia §§10.1-603.18 et seq., 15.2-2243.1
- d) State Regulation: N/A
- e) Other: N/A

**2. Extension of Federal Mandates by State Authority:** N/A

**C. Method by Which Agency Oversees Implementation of Mandate:**

To receive grants or loans from the Fund, a local government must agree to the terms of a grant or loan established in an executed grant agreement.

**D. Fiscal Impact of Mandate on Localities:**

1. **Localities Affected:** All local governments that voluntarily apply for and receive grants or loans from the Fund are affected.
2. **Funding of Mandate:**
  - a) **Funding Formula:** Monies provided to the Fund vary significantly from year to year, as does the amount of funding available for grants or loans. Total annual grant funds available to local governments and other entities is 50% of the previous year's contribution to the Fund. In 2021, \$726,039 in grant funding was awarded; in 2022, \$1.6 million in grant funding was awarded. In 2023, \$498,061 in state funding was awarded and \$2,367,480 in federal funding received from the American Rescue Plan Act of 2021 was also awarded. The criteria for scoring grant applications is established in the Fund's grant manual.
  - b) **Funding of Mandate:** In 2021, 7 local governments were awarded grants from the Fund; in 2022, 1 local government was awarded funds. One local government was awarded funds in 2023, but the local government chose not to accept the grant. Requests for information related to the annual costs of complying with the grant agreements were sent to the following local governments: Botetourt Economic Development Authority, Buckingham County, Henrico County, Stafford County, the City of Portsmouth, and the Town of Wise. Only Buckingham County responded to the request; the County determined that there was less than \$5,000 in net additional expenditures related for this grant.
  - c) **Explanation of Estimation Methodology:** Local governments may apply for and be awarded several grants within one grant year. Different engineering services (such as an inspection or a dam break inundation zone) must be submitted as separate applications; the funding requests associated with these separate applications vary significantly. Over the last several years, grant awards to local governments have ranged from approximately \$1,000 to nearly \$16,000.

**E. Effectiveness of Mandate in Accomplishing Purpose:**

1. **General Purpose of Mandate:** Local governments have primarily utilized this Fund for grants to assist with the costs of engineering services needed to ensure dams owned or maintained by the local government comply with Virginia law and regulations. These services include the determination of the hazard potential classification, the development of a dam break inundation zone map, conducting an incremental damage analysis, the development of an emergency action plan, or conducting a professional inspection of a dam. There have been several limited flood prevention and protection studies and projects that have been funded; however, with the establishment of the Virginia Community Preparedness Fund (10.1-603.24 et seq. of the Code of Virginia), the Dam Safety, Flood Prevention and Protection Assistance Fund has focused primarily on providing assistance for dam owners.
2. **Description of Essentiality to the Public Safety:** This mandate is essential for public safety and assists local governments with engineering studies and repair and rehabilitation projects to

reduce the risks associated with owning and maintaining a dam. Ensuring compliance with Virginia's Dam Safety Act and regulations enhances public safety and protects downstream property.

**F. Alternative Approaches to Achieving Purpose of Mandate:**

1. **Identification of Alternative Approaches:** No viable alternatives exist as the Fund provides direct support to local governments with grants and loans. Local governments are not required to participate. Fiscal Impact of Alternative Approaches:
  - a) Estimated Change in Range of Costs to Localities of Alternative Approaches: N/A
  - b) Estimated Change in Range of Costs to State of Alternative Approaches: N/A
  - c) Explanation of Estimation Methodologies: N/A

**G. Agency Recommendation:**

1. **Determination by Agency:** Retain
2. **Justification:** This mandate should not be eliminated as it provides funds to assist local governments through grants and loans for necessary engineering studies and dam repair and rehabilitation projects, enhancing public safety and protecting downstream property. Participation in the program itself is optional.

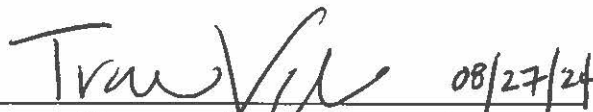
**H. Agency Contact Regarding Assessment:**

1. Name/Title: Lisa McGee/Director of Policy, Planning, and Legislative Affairs
2. Address/Telephone: 600 East Main Street, 24th floor; Richmond, Virginia 23219/804.786.4378

**Approval of Assessment:**



\_\_\_\_\_  
(Signature of Agency Head)



\_\_\_\_\_  
(Signature of Cabinet Secretary)





Mandate Number: \_\_\_\_\_

**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)**

Administering Agency: Department of Conservation and Recreation

Date: June 30, 2024

**Instructions:** Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Please see the separate [instruction sheet](#) for more details.

If you need more room than the space here provides, please email your assessment information as a separate Word document; however, please use this form for Agency Head and Cabinet Secretary signatures.

**A. Short Title of Mandate:** Outdoor Recreation Legacy Partnership

**B. Specific Provisions of Mandate:**

The Outdoor Recreation Legacy Partnership Program (ORLP), a competitive grant program administered under the authority of the federal Land and Water Conservation Fund (LWCF) Act, is a 50%-50% matching reimbursement program established to provide new or significantly improve recreation opportunities for economically disadvantaged communities in densely populated urban areas that are under-served in terms of parks and other outdoor recreation resources.

**1. Source/Authority; Specify Each Applicable**

- a) Federal Statute: Land and Water Conservation Fund (LWCF) Act, as amended (P.L. 88-578, codified at 54 U.S.C. 2003 et. seq.); Consolidated Appropriations Act, 2014 (P.L. 113-76) and accompanying Explanatory Statement; The Great American Outdoors Act, P.L. 116-152; Consolidated Appropriations Act, 2023, P.L. 117-328.
- b) Federal Regulation: Assistance Listing (formerly CFDA) Number: 15.916 Federal Regulations: 2 C.F.R. § 200, 2 C.F.R. § 1402, 36 CFR 59.
- c) State Statute: N/A
- d) State Regulation: N/A
- e) Other: N/A

**2. Extension of Federal Mandates by State Authority: N/A**

**C. Method by Which Agency Oversees Implementation of Mandate:** DCR maintains terms of agreement of the Notice of Award from the National Park Service via a grant sub-agreement with awarded grant sponsors.

**D. Fiscal Impact of Mandate on Localities:**

1. **Localities Affected:** The park project must be located within an incorporated city or town with a population of at least 30,000 people. Based on the 2020 census, qualifying cities and towns in Virginia are the cities of Blacksburg, Charlottesville, Chesapeake, Danville, Hampton, Harrisonburg, Lynchburg, Manassas, Newport News, Norfolk, Petersburg, Portsmouth, Richmond, Roanoke, Suffolk, and Virginia Beach; and Blacksburg and Leesburg towns.
2. **Funding of Mandate:**
  - a) **Funding Formula:** The Department of Interior (DOI) National Park Service (NPS) annually announces the Outdoor Recreation Legacy Program (ORLP) funding amount and specifics of eligible projects. The funding does not count against State apportionment funds – the funds are available to all eligible state governments to then solicit applications. Applications are then submitted to NPS for selection and authorization. *Federal Fiscal Year 2023 made available total funding of \$224,145,000 for project awards with a minimum amount of \$300,000 and maximum award of \$15,000,000.*
  - b) **Funding of Mandate:** In 2024, 1 ORLP grant was awarded for the City of Norfolk St. Paul's Blue Greenway Development project in the amount of \$10 million Federal LWCF funds. ORLP is similar in financial regulations as LWCF – it is a 50/50 match reimbursement program.
  - c) **Explanation of Estimation Methodology:** No funds are guaranteed until project is selected and also authorized by the National Park Service.

**E. Effectiveness of Mandate in Accomplishing Purpose:**

1. **General Purpose of Mandate:** Local governments have applied for this program for specific park projects in urbanized areas. The ORLP funds do not affect the State's Land & Water Conservation Fund apportionment, rather it accesses funds available nationally. It is beneficial to remain able to apply for these opportunities as they arise for the underserved populations.
2. **Description of Essentiality to the Public Safety:** This mandate assists local governments with preparing park and recreation opportunities in urban areas that may have prior high rates of safety issues.

**F. Alternative Approaches to Achieving Purpose of Mandate:**

1. **Identification of Alternative Approaches:** No viable alternatives exist as the Fund provides direct support to local governments with grants. Local governments are not required to participate. Fiscal Impact of Alternative Approaches:
  - a) Estimated Change in Range of Costs to Localities of Alternative Approaches: N/A
  - b) Estimated Change in Range of Costs to State of Alternative Approaches: N/A
  - c) Explanation of Estimation Methodologies: N/A

**G. Agency Recommendation:**

1. **Determination by Agency:** Retain

2. **Justification:** This mandate should not be eliminated as it provides funds to assist local governments through grants and loans for necessary engineering studies and dam repair and rehabilitation projects, enhancing public safety and protecting downstream property. Participation in the program itself is optional.

**H. Agency Contact Regarding Assessment:**

1. Name/Title: Lisa McGee/Director of Policy, Planning, and Legislative Affairs
2. Address/Telephone: 600 East Main Street, 24th floor; Richmond, Virginia 23219/804.786.4378

**Approval of Assessment:**



\_\_\_\_\_  
(Signature of Agency Head)



\_\_\_\_\_  
(Signature of Cabinet Secretary)



**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL  
GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)**

**Administering Agency: Department of Elections**

**Date of Submission: 14 June 2024**

**A. Short Title of Mandate:** Polling Places and Registration Facilities

**B. Specific Provisions of Mandate:**

Localities must provide adequate funds for voter registration and polling place facilities meeting federal and state accessibility standards for persons with disabilities. Facilities must include adequate signage for accessible entrances.

Localities must adopt ordinances designating precincts. The governing body must establish a central absentee precinct by ordinance and must adopt ordinances establishing new precincts when required by law and decennially based on the census. New precincts are required when a presidential election produces a turnout exceeding 4,000 voters at a precinct; precincts cannot exceed 5,000 registered voters.

If a locality is unable to establish a precinct with the minimum number of registered voters without splitting the precinct between two or more congressional districts, Senate districts, House of Delegates districts, or local election districts used for the election of one or more members of the governing body or school board for the county or city, they must submit a waiver for a split precinct to the State Board of Elections. A new split precinct waiver is required each year the split remains. Localities are responsible for advertising and notifying voters when creating or changing precincts.

Any change that reduces, consolidates, or relocates polling places in a locality is considered a covered practice and must undergo preclearance. Central absentee voter precincts and voter satellite offices of the general registrars that are used as the designated location for early voting are also considered "polling places" and must undergo preclearance.

Localities must post the locations of early voting satellite locations and absentee ballot drop-off locations on the local website not later than 55 days prior to the election. General registrars must provide absentee ballot drop-off locations at the office of the general registrar during the absentee voting period and at each polling place location on Election Day.

**C. Source/Authority:**

**1. Specify Each Applicable:**

**a) Federal Statute:**

§ 52 USC 2101 et seq., § 42 USC 12132

**b) Federal Regulation:**

Not Applicable

**c) State Statute:**

§§ 24.2-129, 24.2-304.1 through 24.2-304.4, 24.2-305 through 24.2-310, 24.2-413, 24.2-604.1, 24.2-626.1, 24.2-627, 24.2-707.1, 24.2-712, 51.5-1, 51.5-43

**d) State Regulation:**

Not Applicable

**e) Other:**

Va. Const. Art. II, § 3, Art. VII, § 5; Virginia Office of Attorney General Opinion 21-040

**2. Extension of Federal Mandates by State Authority:**

Pursuant to §24.2-129, any change that reduces, consolidates, or relocates polling places in a locality is considered a covered practice and must undergo preclearance.

Pursuant to §24.2-604, and Virginia Office of Attorney General Opinion 21-040, firearms are prohibited within 40 feet of any polling place including early voting locations.

§24.2-304.1 through §24.2-304.6 outline the requirements and responsibilities of the local governing body regarding the reapportionment of local election districts.

§24.2-305 through §24.2-310.1 outline the requirements and responsibilities of local governing bodies regarding precincts and polling places. Pursuant to §24.2-307, local governing bodies are required to establish as many precincts as needed, keeping in mind the minimums and maximums set by the same statute. This same statute requires the local governing bodies to seek approval of split precincts when a split in a precinct occurs that cannot be otherwise healed. Pursuant to §24.2-310, which sets out the specific requirements for polling places, local governing bodies are required to provide the funds to enable the general registrar to provide adequate facilities including the accessibility of those facilities regarding voters with disabilities.

Pursuant to §24.2-411, the local governing body is to provide for and furnish an office of the general registrar, which serves as the principal office for voter registration. Further, in §24.2-413, these offices and other locations established for voter registration are to be made accessible to persons with disabilities.

Pursuant to §24.2-604.1, localities are to provide signs for special accessible entrances to polling places, notifying voters with disabilities where they may enter the polling place if the main entrance is inaccessible to them.

Pursuant to §24.2-707.1, the general registrar of each locality must establish an absentee ballot drop-off location at their office as well as any voter satellite offices. Further, a drop-off location must be available at every polling place on Election Day.

Pursuant to §24.2-712, the local governing body is to establish at least one central absentee precinct to process absentee ballots.

Pursuant to §51.5-43, "No person with a disability who is otherwise entitled to vote under

the provisions of §24.2-400 and who is not disqualified from voting under the provisions of §24.2-101 shall be denied the opportunity to register or vote in this Commonwealth because of such disability.” Thus, local governing bodies must make efforts to ensure that their polling places and registration facilities are compliant with the ADA and VDA to ensure voters with disabilities have access to these crucial facilities.

Pursuant to Opinion 21-040 of the Virginia Office of the Attorney General, the requirements for polling places such as accessibility, preclearance, and firearm prohibitions not only apply to designated polling places on Election Day but also to central absentee precincts, voter satellite offices, and offices of general registrars.

Virginia Constitution Article II Section 3 requires the secrecy of the ballot be maintained and that, “voting shall be by ballot or by machines for receiving, recording, and counting of ballots.” Virginia Constitution Article VII Section 5 states, “If the members [of the local governing body] are elected by district, the district shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. When members are so elected by district, the governing body of any county, city, or town may, in a manner provided by law, increase or diminish the number, and change the boundaries, of districts, and shall in 1971 and every ten years thereafter, and also whenever the boundaries of such districts are changed, reapportion the representation in the governing body among the districts in a manner provided by law.”

**D. Method by Which Agency Oversees Implementation of Mandate:**

ELECT provides guidance documents and, occasionally, official advisories to instruct and remind general registrars and local Electoral Boards regarding their statutory obligations and how to meet those obligations regarding polling places and registration facilities.

If a local governing body seeks a Certificate of No Objection pursuant to §24.2-129, the Office of the Attorney General reviews the documents submitted and ensures that the local governing body is in compliance with §24.2-129. Alternatively, the governing body may provide for a public comment period and public hearing on the matter pursuant to §24.2-129.

ELECT provides a review of polling place change requests before changing the polling place in VERIS and generating voter notices in VERIS.

ELECT provides a review of split precinct waivers and presents them to the State Board of Elections. The State Board of Elections is required to give the final decision on split precinct waivers submitted by localities.

Annually, local Electoral Boards must certify to ELECT that they have inspected their polling places using an approved accessibility checklist and have found that their polling places meet the standards set by the ADA and VDA.

**E. Fiscal Impact of Mandate on Localities:**

1. **Localities Affected:** All Localities in the Commonwealth
2. **Funding of Mandate:**



**a) Funding Formula: 100% Local Funding**

**b) Funding of Mandate:** Officers of election are paid at least \$75 for each full day's work, pursuant to §24.2-116. Localities may choose to pay their officers of election above the minimum and pay chief officers of election and assistant chiefs more than a regular officer of election. For example, Virginia Beach, with over a hundred precincts, pays \$365 for chiefs, \$315 for assistant chiefs, and \$265 for regular officers of election. Montgomery County has 30 precincts and has 196 officers of election. Chief of officers of election are paid \$355, assistant chiefs are paid \$330, and regular officers of election are paid \$250. King William County spends \$5,403 for all 33 of its officers of election; King William County has six precincts.

Pursuant to §24.2-115, localities are required to have a minimum of three officers of election per polling place; however, a precinct having more than 4,000 registered voters shall have at least five officers of election serving for a presidential election. Electoral Boards may also choose to have more officers of election above the statutory minimum. ELECT has stated that 20,000 officers of election will be necessary for the 2024 election cycle; at a minimum, that is \$1.5 million in compensation expenses for localities.

Pursuant to §24.2-707.1, drop-off locations are required at the office of the general registrar, at voter satellite offices during early voting, and at each polling place on Election Day; ELECT is required to provide standards for these locations under the same statute. Montgomery County spent \$225 for each of its drop-off boxes. Virginia Beach City spent \$26,000 for all of its drop-off boxes.

**c) Explanation -of Estimation Methodology:** Input was requested during a scheduled regular meeting with ELECT, the Virginia Electoral Board Association, and the Voter Registrars Association of Virginia. General registrars from King William County, Montgomery County, and Virginia Beach City provided input for this assessment. The state statutes give the financial responsibility to establish and maintain polling places and registration facilities to the localities and their local governing bodies. Neither the State Board of Elections nor ELECT are mandated to provide funding for the establishment and maintenance of polling places or registration facilities. Research was conducted via the Code of Virginia and the General Registrar and Electoral Board Handbook.

**F. Effectiveness of Mandate in Accomplishing Purpose:**

1. **General Purpose of Mandate:** This mandate outlines the basic requirements for the establishment and maintenance of polling places and registration facilities.
2. **Description of Essentiality to the Public Safety:** Having polling places and registration facilities is essential to hosting elections and to the proper functioning of a democracy. Providing the required elements to establish and maintain polling places and registration facilities is not only important for local governments to know in order to be compliant but also it is statutorily required that ELECT provide such guidance and

oversight for this subject matter.

**G. Alternative Approaches to Achieving Purpose of Mandate:**

1. **Identification of Alternative Approaches:** There are no viable alternatives to this mandate. The requirements listed in the mandate are all statutorily required either under federal or state law.
2. **Fiscal Impact of Alternative Approaches:**
  - a) **Estimated Change in Range of Costs to Localities of Alternative Approaches:**  
There are no viable alternatives to this mandate. The requirements listed in the mandate are all statutorily required either under federal or state law.
  - b) **Estimated Change in Range of Costs to State of Alternative Approaches:** There are no viable alternatives to this mandate. The requirements listed in the mandate are all statutorily required either under federal or state law.
  - c) **Explanation of Estimation Methodologies:** There are no viable alternatives to this mandate. The requirements listed in the mandate are all statutorily required either under federal or state law.

**H. Agency Recommendation:**

1. **Determination by Agency:**



**Retain**



**Alter**



**Eliminate**

2. **Justification:** The mandate contains only federal and state statutory requirements. Thus, the mandate must remain in order to reflect these requirements.

**I. Agency Contact Regarding Assessment:**

1. Name/Title: Claire Scott/Policy Analyst
2. Address/Telephone: 1100 Bank St, First Floor, Richmond, VA 23219/(804) 864-8901

**Approval of Assessment:**

A handwritten signature in black ink, appearing to read "Sungbeek", written in a cursive style.

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(Signature of Agency Head)

A handwritten signature in black ink, appearing to read "Mendurid", written in a cursive style.

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(Signature of Cabinet Secretary)

**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL  
GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)**

**Administering Agency: Department of Elections**

**Date of Submission: 14 June 2024**

**A. Short Title of Mandate:** Electoral Board, Registrar, and Officers of Election

**B. Specific Provisions of Mandate:**

Counties and cities are required to have an electoral board to manage elections, a general registrar to administer voter registration and elections, and officers of election to administer voting at polling places.

Officers of election must receive training at least once during the appointed term or whenever there is a change to election procedures that alters the duties or conduct of officers of election.

The general registrar must complete a certification program through the Department of Elections. Each member of an electoral board must attend an annual training program provided by the State Board of Elections in the first year of their appointment and the first year of any subsequent reappointment. Duties for both the general registrar and the local electoral board are found in Chapter 1 of Title 24.2.

General registrars must mail notices required by federal and state laws, enter applications to register and vote absentee, administer absentee voting including absentee voter satellite offices and drop-off locations, and maintain accurate records using a federally mandated centralized computer database, the Virginia Election and Registration Information System (VERIS). Absentee ballot return envelopes must have postage prepaid and provided by the general registrar.

Localities are responsible for the costs of conducting all general and special elections except presidential primaries reimbursed by the Commonwealth. Costs include postage and international email capacity.

City and county electoral boards are responsible for developing and annually updating written plans and procedures relevant to the security of VERIS. Failure to comply with security standards as set by the State Board of Elections may result in a city or county's limited access to VERIS.

Localities are also responsible for the costs of certain post-election activities, such as providing voter credit to the Department of Elections, and other post-election proceedings (recounts, contests, audits).

Localities must provide all election materials in the prescribed minority language, if more than 10,000 or over 5 percent of the total voting age citizens in a single political subdivision, who are members of a single language minority group, have depressed literacy rates, and do not speak English very well. If designated by the State Board of Elections as a covered locality, the locality must provide all voting and election materials in the identified minority language.

**C. Source/Authority:**

**1. Specify Each Applicable**

a) Federal Statute:

Voting Rights Act of 1965, 52 USC 10101 et seq; National Voter Registration Act, 52 USC § 20501 et seq.; Help America Vote Act of 2002, 52 USC 20901 et seq.; Voting Accessibility for Elderly and Handicapped Act. 52 USC § 20101 et seq; Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), 52 USC 20107 et seq.

b) Federal Regulation:

Election Assistance Commission Advisory 2007-001 (all Fed.)

c) State Statute:

§§ 24.2-101, 24.2-103, 24.2-106, 24.2-601.01, 24.2-107, 24.2-110 through 24.2-116, 24.2-226, 24.2-228.1, 24.2-310, 24.2-311, 24.2-313, 24.2-404.1, 24.2-411, 24.2-414, 24.2-414.1, 24.2-416.1 through 24.2-416.5, 24.2-417.1, 24.2-428, 24.2-428.1, 24.2-428.2, 24.2-444, 24.2-518, 24.2-545, 24.2-600, 24.2-612, 24.2-623, 24.2-671.2, 24.2-706, 24.2-710, 24.2-802, 24.2-811, 24.2-946.2;

d) State Regulation:

Not Applicable

e) Other:

Va. Const. Art. I, §§ 5 and 6; Art. II, §§ 2, 3, 8; Art. VII, §§ 4, 5

**2. Extension of Federal Mandates by State Authority:**

Pursuant to Va. Const. Art. II §8, each city and county is required to have an electoral board made up of three members. The electoral board is required to appoint the officers of election and general registrar for that locality. Pursuant to §24.2-122, electoral board members, the general registrar, and any deputy registrar are considered employees of the locality they serve; officers of election may be considered independent contractors.

§24.2-106-109.1 outlines the duties, responsibilities, and compensation of the local electoral board. §24.2-110-114 outlines the duties, responsibilities, and compensation of the general registrar. §24.2-115-118.1 outlines the duties, responsibilities, and compensation of officers of election.

Pursuant to §24.2-704, upon receipt of an application from an applicant who indicated that they will require assistance due to a visual impairment or print disability, the general registrar must offer to provide the applicant a ballot marking tool with screen reader assistive technology. If electronic correspondence is used to forward absentee voting materials, the general registrar must use the official email address or fax number that is published on the Department of Elections website.

Pursuant to the Virginia Freedom of Information Act as well as statutes within Chapter 24.2 of the Code of Virginia, local election officials must provide nonexempt information

when requested by the public.

Pursuant to §24.2-600, costs of elections are paid by the locality; however, §24.2-545(F) states that presidential primaries will be paid by the Commonwealth. General registrars and electoral boards provide the costs of the presidential primary to ELECT for reimbursement.

§24.2-671-680 discusses the responsibilities of local election officials during the post-election period, including the canvass process, risk-limiting audits, and certification of the election results.

§24.2-410.2 requires city and county electoral boards to develop and annually update written plans and procedures relevant to the security of VERIS. Failure to comply with security standards as set by the State Board of Elections may result in a city or county's limited access to VERIS. If limited access occurs, the city or county will have seven days to correct any deficiencies.

Pursuant to §24.2-304.3, localities are responsible for implementing redistricting changes to local, state, and congressional districts and providing GIS maps to the Department of Elections when changes are made.

Pursuant to §24.2-802.3, counties and cities must pay for a recount when (i) the candidate petitioning for the recount is declared the winner, (ii) the petitioners in a recount of a referendum win the recount, or (iii) there was between the candidate apparently nominated or elected and the candidate petitioning for the recount a difference of not more than one-half of one percent of the total vote cast for the two such candidates as determined by the State Board or electoral board prior to the recount.

Pursuant to §24.2-811, counties and cities are responsible for the cost of a contest if the contesting candidate is successful in their contest.

**D. Method by Which Agency Oversees Implementation of Mandate:**

ELECT provides guidance documents, forms, training, and policies to assist general registrars and electoral boards with meeting their statutory responsibilities.

ELECT hosts the Virginia Electronic Registration Information System (VERIS) for general registrars to use in the review of voter registration applications.

ELECT reviews the submitted abstracts of results before they are provided to the State Board of Elections. If there are any discrepancies, ELECT staff provides feedback to the locality and works with the locality to resolve the issue.

ELECT staff provides a review of risk-limiting audit requests from localities. If the request meets all statutory and regulatory requirements, then it is presented to the State Board of Elections. ELECT staff provides administrative and technical assistance to localities who perform risk-limiting audits.

ELECT staff provides review and feedback on local security plans submitted pursuant to §24.2-410.2.

**E. Fiscal Impact of Mandate on Localities:**

**1. Localities Affected:** All Localities Affected.

**2. Funding of Mandate:**

a) **Funding Formula:** Pursuant to §24.2-600, localities are responsible for the costs of conducting an election. ELECT provides reimbursement for presidential primaries, pursuant to §24.2-545(F). Generally, ELECT reimburses the salaries of general registrars on an annual basis, excluding any supplements paid by the local governing body.

b) **Funding of Mandate:** Pursuant to §24.2-122, general registrars and electoral board members are employees of the locality; local governing bodies may designate officers of election as employees or independent contractors. Pursuant to §24.2-108 and §24.2-111, salaries for general registrars and electoral board members are set each year by the General Assembly via the state budget and are based on the estimated population of the locality.

For general registrars, local governing bodies are to provide the same benefits as other locality employees and may supplement the general registrar's salary, as allowable by law. For example, the general registrar in King William County, with an estimated population of 18,365, has a salary of \$84,494; whereas, the general registrar of Virginia Beach City, with an estimated population of 453,605, has a salary of about \$153,000.

For electoral board members, local governing bodies are to pay their salary as well as authorized expenses and mileage as allowed by law. The secretary of the local electoral board is compensated based on the estimated population of the locality, whereas the other members of the electoral board are fixed at half the secretary's compensation. For example, the secretary of the electoral board of a locality the size of Montgomery County would be paid at least \$3,842 with the other two members paid \$1,921 each.

Officers of election are paid at least \$75 for each full day's work, pursuant to §24.2-116. Localities may choose to pay their officers of election above the minimum and pay chief officers of election and assistant chiefs more than a regular officer of election. For example, Virginia Beach, with over a hundred precincts, pays \$365 for chiefs, \$315 for assistant chiefs, and \$265 for regular officers of election. Montgomery County has 30 precincts and has 196 officers of election. Chief of officers of election are paid \$355, assistant chiefs are paid \$330, and regular officers of election are paid \$250. King William County spends \$5,403 for all 33 of its officers of election; King William County has six precincts.

Pursuant to §24.2-115, localities are required to have a minimum of three officers of election per polling place; however, a precinct having

more than 4,000 registered voters shall have at least five officers of election serving for a presidential election. Electoral boards may also choose to have more officers of election above the statutory minimum. ELECT has stated that 20,000 officers of election will be necessary for the 2024 election cycle; at a minimum, that is \$1.5 million in compensation expenses for localities.

Postage is another expense for elections as certain notices must be sent by mail. In 2023, Montgomery County spent \$15,635 in postage while King William County spent \$3,400. Both reported an increase in postage expenses for 2024 as the March Presidential Primary required additional mailings as opposed to the typical mailings for June primary and November general election. Virginia Beach reported that it spends \$40,000 on postage each election.

- c) **Explanation of Estimation Methodology:** Input was requested during a scheduled regular meeting with ELECT, the Virginia Electoral Board Association, and the Voter Registrars Association of Virginia. General registrars from King William County, Montgomery County, and Virginia Beach City provided input for this assessment. Research was also conducted via the Code of Virginia, General Registrar and Electoral Board Handbook, and discussions with ELECT staff.

**F. Effectiveness of Mandate in Accomplishing Purpose:**

- 1. **General Purpose of Mandate:** This mandate provides a summarization of the statutory requirements regarding electoral boards, general registrars, and officers of election.
- 2. **Description of Essentiality to the Public Safety:** The general registrar and the local electoral board are the main administrators of an election at the local level. Officers of election provide the necessary staffing of polling places so that voters may cast their ballots. They are instrumental in the electoral process.

**G. Alternative Approaches to Achieving Purpose of Mandate:**

- 1. **Identification of Alternative Approaches:** There is no alternative mandate as this mandate summarizes the requirements under the Code of Virginia.
- 2. **Fiscal Impact of Alternative Approaches:**
  - a) **Estimated Change in Range of Costs to Localities of Alternative Approaches:** There is no alternative mandate as this mandate summarizes the requirements under the Code of Virginia.
  - b) **Estimated Change in Range of Costs to State of Alternative Approaches:** There is no alternative mandate as this mandate summarizes the requirements under the Code of Virginia.
  - c) **Explanation of Estimation Methodologies:** There is no alternative mandate as this mandate summarizes the requirements under the Code of Virginia.



H. **Agency Recommendation:**

1. **Determination by Agency:**

Retain

Alter

Eliminate

2. **Justification:** SOA.ELECT002 was separated into several mandates in 2023 to allow for better reference given the number and variety of topics covered in the mandate.

I. **Agency Contact Regarding Assessment:**

1. Name/Title: Claire Scott/Policy Analyst
2. Address/Telephone: 1100 Bank St First Floor Richmond, VA 23219/(804) 864-8901

**Approval of Assessment:**



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(Signature of Agency Head)



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(Signature of Cabinet Secretary)

**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL  
GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)**

**Administering Agency:** Department of Elections

**Date of Submission:** 14 June 2024

**A. Short Title of Mandate:** Public Notification Requirements for General Registrars

**B. Specific Provisions of Mandate:**

Any change to the boundaries of any election district (including redistricting), or any change that that reduces, consolidates, or relocates polling places in a locality is considered a covered practice.

Prior to enacting a covered practice, notice shall be made at least 45 days in advance of the last date prescribed in the notice for public comment. Notice shall be published on the official website for the locality, through press releases, and such other media as will best serve the purpose and subject involved.

Notice of any adopted change in any election district, town, precinct, or polling place shall be mailed to all affected voters at least 15 days prior to the next general, special, or primary election.

Notice of a change in the location of the office of the general registrar shall be given by posting on the official website of the county or city, by posting at not less than 10 public places, or by publication once in a newspaper of general circulation within not more than 21 days in advance of the change or within seven days following the change.

The general registrar shall give notice of the date, hours, and locations for registration on the final day of registration at least 10 days before the final day. The notice for the final day shall be posted on the official website of the county or city, if applicable, and published at least once in a newspaper of general circulation, if one is available.

At least three days advance notice shall be given for other times and locations for voter registration. This notice shall be posted on the official website of the county or city or announced at least twice on a television station serving the county or city, if one is available.

Localities must post the locations of early voting satellite locations and absentee ballot drop-off locations on the local website not later than 55 days prior to the election.

If an emergency makes a polling place unusable or inaccessible, the electoral board or the general registrar must provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, subject to the prior approval by the Department of Elections.

**C. Source/Authority:**

**1. Specify Each Applicable**

a) <b>Federal Statute</b>	Not Applicable
b) <b>Federal Regulation</b>	Not Applicable
c) <b>State Statute:</b>	§§ 24.2-306, 24.2-310, 24.2-129, and 24.2-415
d) <b>State Regulation:</b>	Not Applicable
e) <b>Other:</b>	Not Applicable

- 2. Extension of Federal Mandates by State Authority:** This is exclusively a state mandate.

**D. Method by Which Agency Oversees Implementation of Mandate:**

ELECT provides guidance documents and the General Registrar and Electoral Board Handbook to ensure that local election officials are aware of their public notification responsibilities.

If a local governing body seeks a Certificate of No Objection pursuant to §24.2-129, the Office of the Attorney General reviews the documents submitted and ensures that the local governing body is in compliance with §24.2-129. The Office of the Attorney General also has the ability to bring a lawsuit if the rights of voters have been violated.

**E. Fiscal Impact of Mandate on Localities:**

- 1. Localities Affected:** All Localities Affected

**2. Funding of Mandate:**

a) **Funding Formula:** 100% Local Funding

b) **Funding of Mandate:** The cost of this mandate would be the paper used to make signs, the printing of those signs, and the placement of those signs when required. The general registrar of Montgomery County noted that a case of copy paper is \$44. Depending on the frequency of printing, copy paper expenses may increase and vary from locality to locality. However, as noted by the King William County general registrar, when the notice is required to be posted in public buildings such as libraries or courthouses the department that controls that building may pay for the paper and posting themselves.

Specifically for newspaper ads, the cost varies based on prices set by the newspaper. The general registrar in King William County posts ads in two newspapers, which can cost between \$375 and \$400. Montgomery pays \$380 per ad in their newspaper while Virginia Beach pays \$2,300 per ad.

Postage is another expense for elections as certain notices must be sent by mail. The frequency of mailings and the size of the locality directly affect the cost of postage for the locality. In 2023,

Montgomery County spent \$15,635 in postage while King William County spent \$3,400. Both reported an increase in postage expenses for 2024 as the March Presidential Primary required additional mailings as opposed to the typical mailings for a June primary and a November general election. Virginia Beach reported that it spends \$40,000 on postage each election.

- c) **Explanation of Estimation Methodology:** Input was requested during a scheduled regular meeting with ELECT, the Virginia Electoral Board Association, and the Voter Registrars Association of Virginia. General registrars from King William County, Montgomery County, and Virginia Beach City provided input for this assessment.

**F. Effectiveness of Mandate in Accomplishing Purpose:**

- 1. **General Purpose of Mandate:** This mandate summarizes the requirements of public notification of changes made that would affect a voter's ability to cast their ballot.
- 2. **Description of Essentiality to the Public Safety:** Giving voters proper notice of changes made to their district, precinct, or polling place is crucial to voters engaging in the election process.

**G. Alternative Approaches to Achieving Purpose of Mandate:**

- 1. **Identification of Alternative Approaches:** There is no alternative mandate as this mandate summarizes the requirements under the Code of Virginia.
- 2. **Fiscal Impact of Alternative Approaches:**
  - a) **Estimated Change in Range of Costs to Localities of Alternative Approaches:** There is no alternative mandate as this mandate summarizes the requirements under the Code of Virginia.
  - b) **Estimated Change in Range of Costs to State of Alternative Approaches:** There is no alternative mandate as this mandate summarizes the requirements under the Code of Virginia.
  - c) **Explanation of Estimation Methodologies:** There is no alternative mandate as this mandate summarizes the requirements under the Code of Virginia.

**H. Agency Recommendation:**

- 1. **Determination by Agency:**



Retain



Alter




Eliminate

- 2. **Justification:** This mandate must remain as it is a summarization of the requirements for public notification regarding the electoral process under the Code of Virginia.

**I. Agency Contact Regarding Assessment:**

- 1. Name/Title: Claire Scott/Policy Analyst
- 2. Address/Telephone: 1100 Bank St First Floor Richmond, VA 23219/(804) 864-8901

**Approval of Assessment:**



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(Signature of Agency Head)



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(Signature of Cabinet Secretary)

**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL  
GOVERNMENTS  
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)**

**Administering Agency: Department of Elections**

**Date of Submission: 14 June 2024**

**A. Short Title of Mandate:** Covered Practices and Preclearance Requirements

**B. Specific Provisions of Mandate:**

The governing body of a locality must undergo preclearance. Preclearance requires a 30-day public comment period, one public hearing during the public comment period, and a 30-day waiting period before the change is effective. In lieu of a public comment period, the governing body of a locality may request a certification of no objection from the Office of the Attorney General.

The following are considered covered practices: (i) any change to the method of election of members of a governing body or an elected school board by adding seats elected at large or by converting one or more seats elected from a single-member district to one or more at-large seats or seats from a multi-member district, (ii) any change, or series of changes within a 12-month period, to the boundaries of a locality that reduces by more than five percentage points the proportion of the locality's voting age population that is composed of members of a single racial or language minority group, (iii) any change to the boundaries of election districts or wards in the locality, (iv) any change that limits or impairs the creation or distribution of voting and election materials in any language other than English, or restricts the ability of any person to provide interpreter services to voters in any language other than English, and (v) any change that reduces, consolidates, or relocates polling places in the covered locality, except where permitted in the event of emergency.

Pursuant to Opinion 21-040 of the Virginia Office of the Attorney General, the requirements for polling places such as accessibility, preclearance, and firearm prohibitions not only apply to designated polling places on Election Day but also to central absentee precincts, voter satellite offices, and offices of general registrars.

**C. Source/Authority:**

**1. Specify Each Applicable**

a) <b>Federal Statute</b>	Voting Rights Act of 1965, 52 USC 10101 et seq
b) <b>Federal Regulation</b>	Not Applicable
c) <b>State Statute:</b>	§24.2-129
d) <b>State Regulation:</b>	Not Applicable
e) <b>Other:</b>	Virginia Office of Attorney General Opinion 21-040

- 2. Extension of Federal Mandates by State Authority:** This is not a federal mandate; this is exclusively a state mandate.

**D. Method by Which Agency Oversees Implementation of Mandate:**

ELECT provides general registrars and Electoral Boards with guidance documents and the General Registrar and Electoral Board Handbook that provides the process for preclearance.

When making changes that are considered a covered practice, local governing bodies must allow for public comment and hold a public hearing. Afterward, the general registrar must submit an electronic ticket to ELECT with supporting documentation showing compliance with §24.2-129, typically by providing the minutes of the public hearing and the ordinance passed by the local governing body.

Alternatively, the governing body, during a public meeting, may choose to request a Certificate of No Objection from the Attorney General’s Office. The Officer of the Attorney General reviews the submitted materials regarding the change to ensure compliance with §24.2-129 and federal law. Afterward, the general registrar must submit an electronic ticket to ELECT with the supporting documentation, typically the signed Certificate of No Objection.

ELECT staff reviews the request and the supporting documentation to ensure that the preclearance process was met. If it was, ELECT staff approve the request and have the changes made in VERIS. If not, ELECT staff request further evidence or documentation from the general registrar to ensure that the process was followed.

**E. Fiscal Impact of Mandate on Localities:**

- 1. Localities Affected:** All Localities Affected

**2. Funding of Mandate:**

a) **Funding Formula:** 100% Local Funding with reimbursement by ELECT for the salaries of general registrars on an annual basis.

b) **Funding of Mandate:** Costs associated with this mandate would involve the time and manpower of the local election officials in the selection and proposal of changes of covered practices to the local governing body. It may take several hours of preparation for such meetings. However, the frequency of polling place changes varies from locality to locality. For example, Montgomery County has not required a polling place change for some time. Other localities with shifting populations and needs may have to seek a polling

place change more often; this may even be the case from election to election should the polling place be no longer available from election to election.

For local governing bodies, costs associated with this mandate would be the time for reviewing the proposed changes, the public notice posted in a local newspaper, if used, and the time during a public to either hold a public hearing or to decide if the local governing body will seek a Certificate of No Objection from the Attorney General's Office. Specifically for newspaper ads, the cost varies based on prices set by the newspaper. The general registrar in King William County posts ads in two newspapers, which can cost between \$375 and \$400. Montgomery pays \$380 per ad in their newspaper while Virginia Beach pays \$2,300 per ad.

- c) **Explanation of Estimation Methodology:** Input was requested during a scheduled regular meeting with ELECT, the Virginia Electoral Board Association, and the Voter Registrars Association of Virginia. General registrars from King William County, Montgomery County, and Virginia Beach City provided input for this assessment. Research was conducted via the Code of Virginia and the General Registrar and Electoral Board Handbook.

**F. Effectiveness of Mandate in Accomplishing Purpose:**

- 1. **General Purpose of Mandate:** This mandate summarizes the statutory requirements of §24.2-129 regarding covered practices and the preclearance process.
- 2. **Description of Essentiality to the Public Safety:** The preclearance process provides necessary oversight of changes that can be significant in the ability of voters to cast their ballots. Thus, the mandate summarizes this preclearance process that is outlined in §24.2-129.

**G. Alternative Approaches to Achieving Purpose of Mandate:**

- 1. **Identification of Alternative Approaches:** There is no alternative as the mandate is a summarization of the statutory requirements of §24.2-129.
- 2. **Fiscal Impact of Alternative Approaches:**
  - a) **Estimated Change in Range of Costs to Localities of Alternative Approaches:** There is no alternative as the mandate is a summarization of the statutory requirements of §24.2-129.
  - b) **Estimated Change in Range of Costs to State of Alternative Approaches:** There is no alternative as the mandate is a summarization of the statutory requirements of §24.2-129.
  - c) **Explanation of Estimation Methodologies:** There is no alternative as the mandate is a summarization of the statutory requirements of §24.2-129.

**H. Agency Recommendation:**

- 1. **Determination by Agency:**



Retain



Alter



Eliminate



2. **Justification:** The mandate should remain as it reflects the statutory requirements of the Code of Virginia.

I. **Agency Contact Regarding Assessment:**

1. Name/Title: Claire Scott/Policy Analyst
2. Address/Telephone: 1100 Bank St First Floor Richmond, VA 23219/(804) 864-8901

**Approval of Assessment:**



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(Signature of Agency Head)



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(Signature of Cabinet Secretary)

Mandate Number:

SPSHS.DJJ018

ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL GOVERNMENTS (PURSUANT TO SEC. 2.2-613, CODE OF VA.)

Administering Agency: Dept. of Juvenile Justice

Date of Submission: 8/19/24

Instructions: Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Mail the signed original to the CLG. Please see the separate instruction sheet for more details.

A. Short Title of Mandate: (see the mandate abstract in the most recent Catalog of State and Federal Mandates on Local Governments, available here)

Youth Justice Diversion Programs

B. Specific Provisions of Mandate: (see abstract)

A jurisdiction that wishes to establish a youth justice diversion program must first

C. Source/Authority:

1. Specify Each Applicable

- a) Federal Statute
b) Federal Regulation
c) State Statute:
d) State Regulation:
e) Other:

Table with 5 rows for source/authority information. Row 3 contains '16.1-260 and 16.1-309.11'.

2. Extension of Federal Mandates by State Authority: (Where the mandate is founded concurrently on State and Federal authority, describe specifically those additional elements prescribed by State authority.)

Not applicable because the mandate is not founded concurrently on State and

D. Method by Which Agency Oversees Implementation of Mandate: (Describe how your agency ensures that local governments carry out the requirements of the mandate.)

The agency has a certification team that conducts audits and recommends

E. Fiscal Impact of Mandate on Localities:

1. **Localities Affected:** (List individually or describe a group, for example, all counties in Planning District 8.) Arlington County and Fairfax County. Neither of the two

2. **Funding of Mandate:**

a) **Funding Formula:** (Indicate separately the State, federal, and local contributions to the cost of implementing the mandate as a percentage of the total cost of implementation. Include annual statewide dollar contributions by each, if applicable.)

State 0%; Federal 0%; Localities 0%. Neither of the two locally

b) **Funding of Mandate:** (Give the range of annual costs of compliance for localities and indicate specific factors affecting local impact. Refer to information contributed by localities. Name the localities providing the information.)

Arlington County = \$0. Fairfax County = \$0.

c) **Explanation of Estimation Methodology:**

Neither of the two locally operated CSUs have established the

**F. Effectiveness of Mandate in Accomplishing Purpose:**

1. **General Purpose of Mandate:** (Explain briefly the overall objective this mandate is intended to accomplish.)

The purpose of the mandate is to expand the youth justice diversion

2. **Description of Essentiality to the Public Safety:** (Describe the manner and the extent to which the mandate has protected and/or improved the health, safety, and welfare of residents of the Commonwealth. Describe the essential public purpose that this mandate accomplishes.)

Because this optional mandate was established recently by the 2021

**G. Alternative Approaches to Achieving Purpose of Mandate:**

1. **Identification of Alternative Approaches:** (Identify and describe any policy alternatives that could potentially achieve the essential purpose of the mandate, or explain why there are no viable alternatives.)

There are no viable alternatives that could achieve the essential purpose

2. **Fiscal Impact of Alternative Approaches:**

a) **Estimated Change in Range of Costs to Localities of Alternative Approaches:**  
(For each alternative, give the anticipated range of costs of compliance for

localities and describe specific factors causing the variation in local impact.)

NA

b) Estimated Change in Range of Costs to State of Alternative Approaches: (For each alternative, give the anticipated range of costs to the State.)

NA

c) Explanation of Estimation Methodologies: (Describe how you calculated the above cost figures.)

Neither of the two locally operated CSUs have established the

H. **Agency Recommendation:**

1. **Determination by Agency:** (Agency determinations are limited to 'Retain,' 'Alter,' or 'Eliminate.')

Retain       Alter       Eliminate

2. **Justification:** (Provide a written justification as to why the mandate should or should not be eliminated. If the agency recommends retaining or altering the mandate, explain why.)


The youth justice diversion programs, as expanded to include less

I. **Agency Contact Regarding Assessment:**

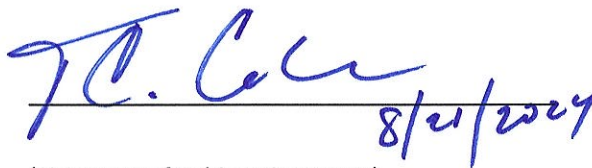
1. Name/Title: James Towey / Legislative & Regulatory Affairs Manager

2. Address/Telephone: james.towey@djj.virginia.gov / 804-564-4658

**Approval of Assessment:**



(Signature of Agency Head)



(Signature of Cabinet Secretary)

# Changes in Mandates Since the Publication of the 2023 Edition of the Catalog

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## New Mandates

### Compulsory Orders

#### Criminal Justice Services, Department of

#### *Surveillance Technology Reporting by State and Local Law-enforcement Agencies and Sheriff's Departments*

SPSHS.DCJS046

All state and local law-enforcement agencies and sheriff's departments are required to provide to the Department of Criminal Justice Services a list of surveillance technologies procured by such agencies and departments on an annual basis by November 1 of each year.

#### *Reporting of Civilian Deaths in Custody*

SPSHS.DCJS047

Each law-enforcement agency must report to the Department of Criminal Justice Services information regarding the death of any person who is detained, under arrest or in the process of being arrested, en route to be incarcerated, incarcerated, or otherwise in the custody of such law-enforcement agency or correctional facility. Any law-enforcement agency that fails to comply may, at the discretion of DCJS, be declared ineligible for state grants or funds.

#### Elections, Department of

#### *Cancelling a Primary Election*

SOA.ELECT002

A candidate who has qualified to have his name printed on the ballot for an election shall not be deemed to have withdrawn from such election until he has submitted a signed written notice declaring his intent to withdraw from such election and that notice has been received by the general registrar. Such notice shall be provided to the general registrar of the county or city in which he resides. In the case of an election held in more than one county or city, the recipient general registrar shall notify the appropriate general registrars of the candidate's withdrawal.

#### Fire Programs, Department of

#### *Fire Drills in Public Schools*

SPSHS.DFP006

Public Schools in Virginia must conduct fire drills in accordance with the Statewide Fire Prevention Code, which is enforceable by the State Fire Marshals Office, a component of the Department of Fire Programs. The Statewide Fire Prevention Code requires a fire drill within the first ten days of instruction and additional fire drills each month that students are in session.

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## Housing and Community Development, Department of

### *Localities in Fiscal Distress*

SCT.DHCD025

Localities that have been determined to be in fiscal distress by the Auditor of Public Accounts must complete certain reporting requirements to the Commission on Local Government. Localities in Planning District 19 may be subject to further Commission oversight until the issues causing their fiscal distress have been resolved.

## Non-Discretionary Conditions of Aid

### Virginia Commission for the Arts

#### *Virginia Touring Grants*

SOE.VCA004

Virginia Touring assistance supports in-state touring for performing artists/ensembles. Presenters seeking support for performances select and book artists from the VCA Touring Artist Roster, which features vetted Virginia artists/ensembles that are provided a set dollar amount reserved for each touring season. Presenters apply for Virginia Touring Grants which provide up to 50 percent of the performance fee for touring programs listed on the Roster. Virginia Touring Grant awards are made to the presenter (not to the artist/ensemble), who is responsible for compensating the touring artist/ensemble in full. The purpose of this program is to provide Virginians with diverse and enriching arts experiences that extend across the state.

#### *Arts in Practice Grants*

SOE.VCA005

Arts in Practice Grants enhance arts education by funding in-person, participatory residencies/workshops led by artists listed on the VCA Teaching Artist Roster. A 15% cash match is required for this grant. The purpose of this grant program is to increase opportunities for students, educators, youth, and adult citizens throughout Virginia to engage in short-term artist residencies (20 hours or less) and promote Virginia teaching artists.

## Regulations of Optional Activity

### Juvenile Justice, Department of

#### *Pretrial Services Agency Reporting*

SPSHS.DJJ020

In any locality or combination of localities that has established a pretrial services agency, the agency shall send any report of a violation of a pretrial condition of release provided to

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the court to the attorney for the Commonwealth and the counsel of record for the accused or juvenile, or directly to the accused or juvenile if such person is not represented by counsel.

## Transportation, Department of

### *Unpaved Secondary Road Fund*

STO.VDOT045

Funds from the highway construction district grant programs established pursuant to § 33.2-371 shall be allocated for the improvement of nonsurface treated secondary highways that carry 50 or more vehicles per day. Such improvement may consist of enhancements other than paving, such as improved materials, drainage upgrades, or enhanced design of the highway profile. Other techniques shall be considered improvements if they increase safety, reduce maintenance costs, or enhance the historic qualities of the highway or highway segment.

## No State Oversight

### *Community Revitalization Fund*

NSO.189

Any locality may by ordinance provide for the creation of a community revitalization fund for the purpose of preventing neighborhood deterioration in such locality. The community revitalization fund shall be composed of appropriated local moneys. The ordinance creating a fund shall establish (i) qualifying income guidelines for participants and the communities in which community revitalization funds may be expended and (ii) criteria for participation by for-profit and nonprofit organizations that may be eligible for loans or grants pursuant to the provisions of this section.

### *Local Animal Cruelty Registry*

NSO.190

Any locality may establish, organize, and maintain a computerized animal cruelty registry as a database of information regarding persons convicted of a felony violation of (i) cruelty to animals as provided by § 3.2-6570; (ii) animal fighting as provided by § 3.2-6571; (iii) maiming, killing, or poisoning an animal as provided by § 18.2-144; or (iv) killing or injuring a police animal as provided by § 18.2-144.1.

A locality that has established a registry may adopt ordinances and develop forms to manage the operation and maintenance of the registry. Any person may request removal of his name and information from a registry not less than 15 years after the violation that warranted inclusion in the registry, provided he has no additional felony convictions of a qualifying offence.

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All costs to establish, organize, and maintain an animal cruelty registry shall be borne by the locality.

## *Seizure of Unlawfully Operated ATVs and Off-road Motorcycles*

NSO.191

Any city may by ordinance provide for the lawful seizure, impounding, and disposition of an unlawfully operated all-terrain vehicle or off-road motorcycle operated on a highway or sidewalk within the boundaries of such city. "All-terrain vehicle" and "off-road motorcycle" are limited to the definitions used in § 46.2-100.

## *Local Military Centered Community Zone*

NSO.192

Any locality may establish, by ordinance, one or more military centered community zones in a community that has a significant presence of military personnel living or working in the area designated as a zone where such presence drives, or has the potential to drive, significant economic activity.

The locality, or another political subdivision acting on behalf of the locality, may offer benefits to businesses looking to locate within a zone for the purpose of serving the needs of the military personnel, and may enter into agreements for the payment of economic development incentive grants to such businesses provide regulatory flexibility and other incentives.

## *Regulation of tobacco, nicotine, and hemp product retail sale locations*

NSO.193

Any locality may by ordinance regulate the retail sale locations of tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking for any such retail sale location and may prohibit a retail sale location on property within 1,000 linear feet of a child day center or a public, private, or parochial school.

## *Local Incentives for Motor Sports Facilities*

NSO.194

Any locality that contains a motor sports facility may create local incentives that address the economic conditions within such locality and will help stimulate real property improvements and new job creation. Such local incentives may include: (i) reduction of permit fees; (ii) reduction of user fees; (iii) reduction of business, professional, and occupational license taxes; or (iv) partial exemption from taxation of substantially rehabilitated real estate.

A locality may establish eligibility criteria for local incentives that differ from the criteria required to qualify for other local incentives.



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## *Waiver of Zoning Requirements for Child Day Programs*

NSO.195

Permits any locality to, by ordinance, provide for the waiver of any requirements for zoning permits for the operation of a child day program in an office building, provided that such facility satisfies the requirements for state licensure as a child day program.

## Newly Identified Mandates

### Regulations of Optional Activity

#### Motor Vehicles, Department of

##### *Permits for Oversize and Overweight Vehicles*

STO.DMV009

Any county, city, or town that opts to issue permits for oversize and overweight vehicles must enter into a memorandum of understanding with the Commissioner that establishes certain operational requirements for the locality's permitting program and that authorizes the Commissioner to issue permits on behalf of the locality.

#### No State Oversight

##### *Firefighter Alzheimer's Disease and Dementia Training*

NSO.180

Every fire department as defined in § 27-6.01 must develop training for its personnel related to Alzheimer's disease and dementia. This training must include techniques for respectful and effective communication with individuals with Alzheimer's disease and dementia and their caregivers, techniques for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to physical restraint, protocols for identifying and reporting incidents of abuse, neglect, and exploitation of individuals with Alzheimer's disease and dementia to adult protective services, protocols for contacting caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an emergency or crisis situation, a reference list of local resources available for individuals with Alzheimer's disease and dementia, and a reference list of local and national organizations that assist law-enforcement personnel with locating missing and wandering individuals with Alzheimer's disease and dementia.

##### *Participation in Local Government Group Insurance Programs*

NSO.181

Any local government may allow participation in its group health insurance program by any non-benefitted employee, including members of governing bodies, if such non-benefitted employee or governing body member is not otherwise entitled to participate, provided that such non-benefitted employees reimburse the locality for the full cost of their participation. The local government may also include spouses, children, and other dependents of employees in group life, accident, and health insurance programs.

##### *Vacant Building Registry*

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NSO.196

Any locality may require, by ordinance, the owner of any building that has been vacant for at least 12 months and (i) that meets the definition of "derelict building" in relevant law, (ii) that meets the definition of "criminal blight" in relevant law, or (iii) in which the locality has determined a person is living without the authority of the owner, to register such building annually.

## *Ordinances Regulating Door-to-Door Vendors*

NSO.197

Any locality may, by ordinance, regulate people offering any item for sale within the locality when such persons go from one place of human habitation to another offering an item, other than newspapers and fresh farm products, for sale.

The locality may in its ordinance exempt any activities that are conducted on behalf of a nonprofit charitable, civic, or religious organization and may provide for other reasonable exemptions in such ordinance.

Any locality adopting an ordinance may collect a fee in an amount not to exceed \$20, from each person granted a permit to sell door to door.

No ordinance shall apply to any person who, on behalf of any political party or any political campaign committee required to file a report or statement of contributions and expenditures, engages in providing information, opinion-sampling, poll-taking, or other similar canvassing activity.

## Expanded Mandates

### Compulsory Orders

#### Behavioral Health and Development Services, Department of

##### *Marcus Alert Systems*

SHHR.DBHDS017

No later than July 1, 2028, all operating and administrative policy community services boards (CSBs) and behavioral health geographical areas that cover jurisdictions with populations greater than 40,000 people shall have established a Marcus alert system that uses a community care or mobile crisis team. CSBs and behavioral health geographical areas that cover jurisdictions with populations less than 40,000 people may establish a Marcus alert system that uses a community care or mobile crisis team.

#### Education, Department of

##### *Management of Student Scholastic Records*

SOE.DOE013

School divisions must comply with state and federal requirements for the management of and limitation of access to students scholastic records, including prohibition on transmitting personally identifiable information to a federal government agency or an authorized representative of such agency except as required by federal law or regulation. School divisions must notify annually the parent, guardian or other person having control or charge of a student of their rights under the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and related regulations, notify

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of the right to review, and to request an amendment of, the student's scholastic record, and must make the student's scholastic record available to them for inspection during the regular school day. School divisions must also notify, as soon as practicable, the parent of any student affected by disclosures in violation of FERPA and must include information on the (i) date, estimated date, or date range of the disclosure; (ii) type of information that was or is reasonably believed to have been disclosed; and (iii) remedial measures taken or planned in response to the disclosure. Local school boards must assign unique student identification numbers, not related to or derived from social security numbers, to each student enrolled in a public elementary or secondary school.

When a student transfers from a local school division, that local school division shall obtain written or electronic documentation of the student's transfer before making any status classification in an information management system prescribed by the Board of Education. The school division superintendent or his designee must transfer the scholastic record and a copy of the complete student disciplinary record of pupils to designated juvenile correctional centers, local jails, or detention centers within five work days. The superintendent or designee, or other school personnel who unlawfully disclose information obtained pursuant to § 16.1-305.1 are guilty of a Class 3 misdemeanor. The principal or designee must record either the official state birth number from the pupil's birth record into the pupil's permanent school record or an affidavit setting forth the pupil's age and explaining the inability to present a certified copy of the birth record.

## *Provision of Free Education*

SOE.DOE022

School divisions must provide free education to each person of school age who resides in the division, to include school-age persons who are homeless or residing in the division under a kinship care arrangement. School divisions must provide free and appropriate education, including special education, for children with disabilities who reside within their jurisdiction as well as children enrolled in a full-time virtual school program of the division. Superintendents must prepare an estimate of funds needed for public schools by prescribed expenditure classifications. In the event that a person in a kinship care arrangement moves into a different school division during the school year, the provisions shall continue to apply through the end of such school year. Appropriations from localities shall not be less than the cost apportioned to the governing body for maintaining an educational program meeting the Standards of Quality. School divisions shall not charge tuition in certain circumstances to children of active members of the military who are ordered to relocated or be deployed.

## *Physical and Health Education*

SOE.DOE048

School divisions are required to emphasize physical and health education throughout their curricula in accordance with State regulations and applicable statutes. In addition, local school boards must implement a program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year. Any physical education class offered to students in grades seven and eight must include at least one hour of personal safety training per school year in each such grade level that is developed and delivered in

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partnership with the local law-enforcement agency and consists of situational safety awareness training and social media education. Graduation requirements must include a minimum of two courses in Physical Education and Health.

## *School Crisis, Emergency Management, and Medical Emergency Response Plan*

SOE.DOE090

School divisions are required to conduct safety audits in all public schools in accordance with a list of audit items developed by the Virginia Center for School and Campus Safety, and must develop a written school crisis, emergency management, and medical emergency response plan and shall include certain community stakeholders in the development of such plan. As part of each such audit, the school board shall create a detailed and accurate floor plan for each public school building in the local school division or shall certify that the existing floor plan for each such school is sufficiently detailed and accurate. The local school board must require its schools to collaborate with the chief law-enforcement officer of the locality or his designee when conducting required school safety audits. The local school board, or designee, and required stakeholders must also annually review the written school crisis, emergency management, and medical emergency response plans. The school division must certify this review in writing. Every public school must conduct fire drills during the school session in accordance with the requirements of the Statewide Fire Prevention Code. Every public school must conduct one lock-down drills during the first 20 days of school and one additional lock-down drill after the first 60 days of the school year. Pre-kindergarten and kindergarten students shall be exempt from mandatory participation in lock-down drills during the first 60 days of the school session. Local school boards shall develop policies to implement such exemption. Notwithstanding the foregoing provisions of this subsection, each pre-kindergarten and kindergarten student shall participate in each lock-down drill after the first 60 days of each school session. Every public school shall provide the parents of enrolled students with at least 24 hours' notice before the school conducts any lock-down drill. In addition to safety drills, school boards shall develop training on safety procedures in the event of an emergency situation on school property. Such training shall be delivered to each student and employee in each school at least once each school year. Each school safety audit committee must conduct a school inspection walk-through using a standardized checklist and make the checklist available to the chief law-enforcement officer of the locality upon request. A copy of all school safety audits must be made available for public review, and copies of such audits must be submitted to the Virginia Center for School Safety by the division superintendent no later than August 31st of each year.

## Elections, Department of

### *Polling Place and Registration Facilities*

SOA.ELECT003

Localities must provide adequate funds for voter registration, and polling place facilities meeting federal and state accessibility standards for persons with disabilities. Facilities must include adequate signage for accessible entrances. Localities must adopt ordinances designating precincts. The governing body must establish a central absentee precinct by ordinance and must adopt ordinances establishing new precincts when required by law and decennially based on the census. New precincts are required when a presidential election produces a turnout exceeding 4,000 voters

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at a precinct; precincts cannot exceed 5,000 registered voters. If a locality is unable to establish a precinct with the minimum number of registered voters without splitting the precinct between two or more congressional districts, Senate districts, House of Delegates districts or local election districts, they must submit a waiver for a split precinct to the State Board of Elections. A new split precinct waiver is required each year the split remains. Localities are responsible for advertising and notifying voters when creating or changing precincts. Any change that reduces, consolidates, or relocates polling places in a locality is considered a covered practice and must undergo preclearance. To the extent practicable, a notice of a change in the location of a polling place must be posted at the old polling place location for the following first primary and general election held at the new polling place. The notice must include information on how voters can locate the new polling place.

Notice of any adopted change in any election district, town, precinct, or polling place shall be mailed to all affected voters at least 30 days prior to the next general, special, or primary election. Localities must also post the locations of absentee ballot drop-off locations and all voter satellite office locations on the local website not later than 55 days prior to the election. The GRs must provide the drop-off locations for posting on the local website. General Registrars must provide for absentee ballot drop-off locations at the office of the general registrar during the absentee voting period and at each polling place location on Election Day.

## *Vacancies to be Filled by Special Election*

SOA.ELECT004

Vacancies in the U.S. Congress, General Assembly, a local governing body, certain constitutional officers and elected school boards shall be filled by special election. At the local level, if the vacant position is not that of a constitutional officer, the position may be filled temporarily by an interim appointment. At least 7 days prior to making an interim appointment, the governing body will have to announce the names of all persons being proposed for the interim appointment during the public meeting. Additionally, each person's resume and any other materials required by the body or board to be available for public inspection. The requirement for a special election overrides charter provisions that allow a governing body or school board to appoint a person to serve the entire remaining portion of a term.

If a vacancy occurs in the General Assembly between December 10 and March 1, a special election must be held no more than 30 days from the date of such vacancy.

## *Cancellation of Voter Registration*

SOA.ELECT005

General registrars shall cancel the registration of all persons known to be deceased or disqualified by reason of felony conviction or adjudication of incapacity, all persons known not to be U.S. citizens by reasons of reports from the DMV, and all persons for whom he receives official notification that the voter has moved outside of the Commonwealth. The general registrar shall provide the cancellation by mail to the address listed in the voter's registration record and by email to the email address listed on the voter's registration application, if provided. The general registrar should provide applicants with specific reasons whenever their voter registration or absentee applications are denied.

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Registrars are required to notify persons whose registration has been denied within 14 days of such denial and allow for such persons to appeal the denial within 10 days of such notice.

Regarding felony convictions, the registrar must process the State Board of Election's most recent list of persons convicted of felonies annually, monthly, and within 21 to 14 days before a primary or general election, cancel the registration of any voter shown to have been convicted of a felony who has not provided evidence that his right to vote has been restored, and send prompt notice of the cancellation.

Regarding persons shown not to be U.S. citizens by the DMV's report, the registrar shall mail notice promptly informing the person of the DMV report, and permit the person to submit a sworn statement affirming that he is a U.S. citizen. The general registrar shall cancel the registrations of such persons who do not respond within 14 days to the notice that they have been reported not to be United States citizens.

## *Public Notification Requirements for General Registrars*

SOA.ELECT007

Any change to the boundaries of any election district (including redistricting), or any change that reduces, consolidates, or relocates polling places in a locality is considered a covered practice. Prior to enacting a covered practice, notice shall be made at least 45 days in advance of the last date prescribed in the notice for public comment. Notice shall be published on the official website for the locality, through press releases, and such other media as will best serve the purpose and subject involved.

To the extent practicable, a notice of a change in the location of a polling place must be posted at the old polling place location for the following first primary and general election held at the new polling place. The notice must include information on how voters can locate the new polling place.

Notice of any adopted change in any election district, town, precinct, or polling place shall be mailed to all affected voters at least 30 days prior to the next general, special, or primary election.

Notice of a change in the location of the office of the general registrar shall be given by posting on the official website of the county or city, by posting at not less than 10 public places, or by publication once in a newspaper of general circulation within not more than 21 days in advance of the change or within seven days following the change.

The general registrar shall give notice of the date, hours, and locations for registration on the final day of registration at least 10 days before the final day. The notice for the final day shall be posted on the official website of the county or city, if applicable, and published at least once in a newspaper of general circulation, if one is available. At least three days advance notice shall be given for other times and locations for voter registration. This notice shall be posted on the official website of the county or city, or announced at least twice on a television station serving the county or city, if one is available.

Localities must also post the locations of absentee ballot drop-off locations and all voter satellite office locations on the local website not later than 55 days prior to the election.

## *Risk-limiting Audits*

SOA.ELECT018

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A risk-limiting audit will be performed on a random contest after every general election based on statutory requirements. The selected localities will perform the risk-limiting audit under the supervision of the Department.

Localities shall also participate at least once every five years in a risk limiting audit. The local electoral board and general registrar shall conduct a risk-limiting audit within their jurisdiction at the date, time, and location noticed by the Department. A local electoral board may request that the State Board approve the conduct of a risk-limiting audit for a contested race wholly contained within the local electoral board's jurisdiction. The local electoral board in coordination with the general registrar shall promptly report the results of a risk-limiting audit of any contested races subject to § 24.2-680 in their jurisdiction to the Department.

## State Police, Department of *Uniform Crime Reporting System* SPSHS.VSP005

State and local law enforcement agencies must report certain crimes and offenses, including certain gang related arrests and hate crimes, to the Department of State Police for statewide crime reporting and for transmittal to the Federal Bureau of Investigation Uniform Crime Reporting System. Monthly electronic files are to be received by the Department of State Police by the 15th of the following month in the Virginia Incident-Based Reporting format. Failure to report, incomplete and inaccurate reporting could affect data driven decisions pertaining to crime and allocated funding.

## Transportation, Department of *Traffic Signs, Signals, and Markings* STO.VDOT013

Traffic signs, signals, and markings placed or erected by local governments or placed by others under authority of the local government, to include placement on private roads open to public traffic, must conform in size, design, and color to those erected for the same purpose by the Department of Transportation as guided or required by the national standard, "Manual on Uniform Traffic Control Devices." In addition, local governments may elect to place traffic signs, signals and markings in accordance with the provisions of the "Virginia Supplement to the Manual on Uniform Traffic Control Devices," to further improve on uniformity and consistency with Virginia statutes.

A county or town requesting that VDOT install signs on state maintained roads/streets providing for additional fines up to a maximum of \$200 for exceeding the speed limit must request such signs in the form of a resolution, provide supporting data that a speeding problem exists, that the increased penalty has community support, and that the roadway meets the criteria established by the Commissioner of Highways for installation of such signs.

A county that has not withdrawn from the secondary system of highways or town may enter into an agreement with the Commissioner of Highways allowing such county or town to install, operate and maintain, at the locations and in the manner as specified in the agreement, signs designating a school crossing. The cost to purchase, install, maintain, and operate school crossing signs shall be the sole responsibility of the county or town.

A county or town may enter into an agreement with the Commissioner allowing the county or town to install and maintain, at locations specified in the agreement, signs alerting motorists that

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children may be at play nearby. The cost of the signs and their installation shall be paid by the county or town. This is not applicable to any county that has withdrawn its roads from the secondary system of state highways.

Localities wishing to prohibit the operation of roller skates, skateboards, and electric personal delivery devices (EPDDs) and/or the riding of bicycles, electric personal assistive mobility devices, motorized skateboards or foot-scooters, motor-driven cycles, or electric power-assisted bicycles on designated sidewalks or crosswalks must enact an ordinance establishing the prohibition and conspicuously post signs in general areas where such use takes place, indicating the prohibition. Any such signs posted by the locality to prohibit these devices must use the signs prescribed by the MUTCD or in the case of EPDDs, signs prescribed by VDOT.

Localities may reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on any highway, including those in the state highway system, within its boundaries that is located in a business district or residence district for which the existing posted speed limit is 25 miles per hour, and restore that speed limit to the speed limit that had been previously posted at that location, provided that such reduced or restored speed limit is indicated by lawfully placed signs. If the change is on a highway in the state highway system, the governing body shall provide written notice of the speed limit change to the Commissioner of Highways at least 30 days prior to changing the speed limit.

## Virginia Supreme Court

### *Support for Courts and Magistrates*

JUD.SUPCT001

Localities must provide quarters, equipment, furniture, and other necessary support for courts and magistrates.

### *Indigent Representation*

JUD.SUPCT002

Localities must compensate court-appointed counsel for indigents charged with local offenses that might result in imprisonment.

## No State Oversight

### *Paid Leave for Military Duty*

NSO.016

Local governments must provide all officers and employees of local governments with paid leave of absence for military duty, not to exceed 21 workdays per federal fiscal year.

Professional Firefighters shall receive paid leaves of absence for all work hours that a leave of absence is required for military duty, regardless of whether such amount of work hours exceeds 21 workdays per federal fiscal year but shall not exceed a total of 388 work hours.

### *Real Estate Reassessment Notification*

NSO.020

Local governments must provide notice by mail to each property owner of any reassessment of real estate, or of any change in the assessed value of any real estate in addition to the tax rate for the past two tax years, the total tax levies from the past two tax years, the percentage change from the



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past two tax years, and information on accessing and reviewing such information. In any county, city, or town that conducts an annual or biennial reassessment of real estate or in which reassessment of real estate is conducted primarily by employees of the county, city, or town under direction of the commissioner of the revenue, in the event that the total assessed value of real property would result in an increase of one percent or more in the total real property tax levied, the notice of assessment changes shall state the tax rate that would levy the same amount of real estate tax as the previous year when multiplied by the new total assessed value of real estate. Upon request of a taxpayer or their representative, the assessing officer shall also provide information regarding the methodology used to calculate the property's assessed value in addition to a written explanation or justification for an increase in the property's assessed value. Additionally, any locality that conducts its reassessment more than once every four years, must provide notice for any public hearing held on a different day and in a different notice from any notice published for the annual budget hearing. Local governments may adjust the tax rate for taxes due on or before June 30 of each year by May 15 of that tax year.

## *Dog Licenses*

NSO.092

County and city governments shall impose a license tax on the ownership of dogs within their jurisdiction. A locality may by ordinance exempt any dog that served as a police or law-enforcement dog or military working dog from the license tax. Such ordinance shall include a verification process for vaccination records of such dog.

## *Transportation of Individuals under a Temporary Detention Order or Emergency Custody Order*

NSO.148

The primary law enforcement agency (sheriff or police department) from the jurisdiction served by the community services board that designated the person to perform the evaluation of an individual for an emergency custody order (ECO), or from the jurisdiction in which the individual subject to a temporary detention order (TDO) resides, or any other willing law enforcement agency, must execute the ECO or TDO and provide transportation for an individual under an ECO or a TDO when ordered to do so by a magistrate.

The law enforcement officer may transfer custody of the person to an alternative transportation provider. An alternative transportation provider shall be deemed available if the provider states that it is available to take custody of the person from law enforcement within six hours of issuance of the temporary detention order or an order changing the transportation provider. The law enforcement agency executing the order shall also notify the appropriate community services board.

## Non-Discretionary Conditions of Aid

Corrections, Department of

*Correctional Facility Cost-Sharing*

SPSHS.DOC002

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Upon approval by the Board of Local and Regional Jails and the Governor, local governments are eligible for State reimbursement of one-fourth of the cost of constructing and renovating correctional facilities. Correctional facility maintenance costs shall be borne by localities.

## Forestry, Department of *Forest Sustainability Fund* SAF.DOF005

Local governments applying for disbursements from the Forest Sustainability Fund shall submit by November 15 of each year (i) a copy of its ordinance and (ii) the total revenue forgone by the locality in the prior fiscal year due to the use value assessment and taxation for real estate devoted for forest use.

## Transportation, Department of *Highway Safety Improvement Program (HSIP)* STO.VDOT029

The HSIP is a core Federal-aid funding program established to achieve a significant reduction in traffic fatalities and serious injuries on all public roads based on analysis of safety problems and using strategies identified in the state strategic highway safety plan.

Local governments administering projects approved under the HSIP are required to design and construct the improvements to federal and state standards. Those localities must also comply with various federal regulations concerning hiring consultants, personnel, recordkeeping, purchasing and other related financial matters. For required annual Federal reporting of project safety benefits (crash reductions), localities must report the project locations and construction period.

HSIP requires a 10 percent non-federal funding match. To assist localities in qualifying for HSIP projects, VDOT provides the 10 percent funding match for locally administered HSIP projects.

## Regulations of Optional Activity

### Health, Department of *Waterworks Permits and Fees* SHHR.VDH019

Local governments that wish to own, construct, or operate a waterworks are required to have a permit. Local governments that own a waterworks are also required to pay an annual operation fee. For most construction, the construction permit requires the local government to comply with the statutory requirements and the Board of Health's regulations, which include: 1) the submission of maps, plans and specifications for the construction; 2) a description of the water sources or sources that will be drawn from; and 3) the submission of a comprehensive business plan that details the technical, managerial, and financial commitments to be made by the local government.

The operation permit requires the local government to operate the waterworks in accordance with the Board of Health's regulations for waterworks, which include: (1) water quality standards; (2) monitoring requirements; and (3) reporting requirements. Local governments that operate community waterworks, defined as waterworks that serve at least 15 service connections used by

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year-round residents or regularly serve at least 25 year-round residents, are also required to develop and maintain an emergency management plan for the provision of pure water during any extended power outage. Local governments that own waterworks are required to submit an operation fee in the amount required by the Board of Health's regulations.

## State Police, Department of

### *Photo Speed Monitoring*

#### SPSHS.VSP020

A state or local law-enforcement agency may place and operate a photo speed monitoring device in school crossing zones for the purposes of recording violations of § 46.2-873 and in highway work zones for the purposes of recording violations of § 46.2-878.1. A state or local law-enforcement agency may also place and operate a photo speed monitoring device at a high-risk intersection segment located within the locality for the purpose of recording vehicle speed violations, provided that such law-enforcement agency certifies that a traffic fatality has occurred since January 1, 2014, in such segment. Any state or local law-enforcement agency that places and operates a photo speed monitoring device pursuant to the provisions of this section shall report to the Department of State Police, in a format to be determined by the Department of State Police, by January 15 of each year on the number of traffic violations prosecuted, the number of successful prosecutions, and the total amount of monetary civil penalties collected. The Department of State Police shall aggregate such information and report it to the General Assembly by February 15 of each year.

## No State Oversight

### *Locally-designated Historic Districts*

#### NSO.131

Any locality may adopt an ordinance designating significant historic or cultural landmarks or districts, or corridors used to access such landmarks or districts. Such ordinance may require review and approval of any construction activity or demolition, provided a review board is established, and a specified review and appeal procedure is established. It may also provide tax incentives for the conservation and renovation of historic structures in such district.

In addition, prior to the designation or expansion of a district, the opportunity for public input must be provided, an inventory of all landmarks, buildings, or structures in the district must be conducted, and written criteria shall be established to determine which properties shall be included. The local ordinance also shall permit a property owner to demolish or raze a structure within the district, provided a specified procedure has been followed whereby the owner has unsuccessfully attempted to sell the property in a specified timeframe. The filing of the building permit or demolition application shall stay the locality from issuing any permit to raze or demolish the historic landmark, building, or structure until 30 days after the rendering of the final decision of the governing body of the locality.

## *Short Term Rentals*

#### NSO.160

A locality is authorized to adopt an ordinance requiring registration of persons offering property for short term rental for less than 30 consecutive days. The registration of each person should include address of property and owner's name. Localities are authorized to impose fees and penalties for

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violations of the registry ordinance or for multiple violations of state or federal laws or ordinances, including violations of the alcoholic beverage control. A short-term rental is considered a bed and breakfast under ABC act.

No local ordinance enacted after December 31, 2023, or any subsequent amendment, shall require that a special exception, special use, or conditional use permit be obtained for the use of a residential dwelling as a short-term rental where the dwelling unit is also legally occupied by the property owner as his primary residence, nor shall any local ordinance prohibit an operator from offering a property as a short-term rental solely on the basis that such operator is a lessee or sublessee.

## Mandates to Remove from the Catalog

### Compulsory Orders

#### Auditor of Public Accounts

##### *Local Stormwater Utility Program Reporting*

LEG.APA003

Each locality that establishes a stormwater utility or enacts a system of charges to support a local stormwater management program, pursuant to § 15.2-2114, Code of Virginia, is required to submit an annual report by October 1 of each year to the Auditor of Public Accounts on each funded program and the expected nutrient and sediment reductions from the programs.

#### Behavioral Health and Development Services, Department of

##### *Data Collection on Children and Adolescents*

SHHR.DBHDS016

Operating and administrative policy community services boards (CSBs) must submit to the Department of Behavioral Health and Developmental Services information on children under the age of 14 and adolescents ages 14 through 17 for whom admission to an inpatient acute care psychiatric or residential treatment facility (excluding group homes) was sought but was unable to be obtained by the board.

#### State Police, Department of

##### *Hate Crimes Report*

SPSHS.VSP007

State and local law enforcement agencies are required to report all hate crimes occurring in their jurisdiction to the Department of State Police.

## Non-Discretionary Conditions of Aid

### Aviation, Department of

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## *Airport Grant Application Approval*

STO.DOAV004

Local government airport sponsors that apply for federal funds for airport planning or construction projects must have approval of the application from the Department of Aviation prior to submitting it to the Federal Aviation Administration.

## Criminal Justice Services, Department of

### *Community Policing Fund*

SPSHS.DCJS014

Local governments receiving grants from the Community Policing Fund are required to establish and operate community policing initiatives. Participants are required to provide a 25% cash match or to request a waiver of the match requirement after demonstrating financial hardship, and to report periodically on expenditures and on progress toward achieving the objectives of their grants.

## Regulations of Optional Activity

### Labor and Industry, Department of

#### *Registered Apprenticeship Programs*

SOL.DOLI005

Local governments that offer voluntary apprenticeship programs and choose to register the programs with the Department of Labor and Industry must comply with the Department's regulations governing the administration of Registered Apprenticeship programs and the requirements for related technical instruction.

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## Summary Table of 2024 Changes

Catalog Number	Type of Mandate	Mandate Title	Change
SPSHS.VSP007	CO	Hate Crimes Report	Removed (incorporated into 005)
SHHR.DBHDS016	CO	Data Collection on Children and Adolescents	Removed
STO.DOAV004	NDCOA	Airport Grant Application Approval	Removed
SPSHS.DCJS014	NDCOA	Community Policing Fund	Removed
LEG.APA003	CO	Local Stormwater Utility Program Reporting	Removed
SOL.DOLI005	ROA	Registered Apprenticeship Programs	Removed
NSO.180	ROA	Firefighter Alzheimer's Disease and Dementia Training	Newly identified
NSO.181	ROA	Participation in Local Government Group Insurance Programs	Newly Identified
STO.DMV009	ROA	Permits for Oversize and Overweight Vehicles	Newly Identified
NSO.196	ROA	Vacant Building Registry	Newly Identified
NSO.197	ROA	Ordinances Regulating Door-to-Door Vendors	Newly Identified
SPSHS.DFP006	CO	Fire Drills in Public Schools	New Mandate
NSO.182	ROA	Animal Cruelty Registry	New Mandate
SPSHS.DJJ020	ROA	Pretrial Services Agency Reporting	New Mandate
SPSHS.DCJS046	CO	Surveillance technology reporting by state and local law-enforcement agencies and sheriff's departments	New Mandate
SPSHS.DCJS047	CO	Reporting of Civilian Deaths in Custody	New Mandate
SOA.ELECT002	CO	Cancelling a Primary Election	New Mandate
SOE.VCA004	NDCOA	Virginia Touring Grants	New Mandate
SOE.VCA005	NDCOA	Arts in Practice Grants	New Mandate
STO.VDOT045	ROA	Unpaved Secondary Road Fund	New Mandate
SCT.DHCD025	CO	Localities in Fiscal Distress	New Mandate
NSO.189	ROA	Community Revitalization Fund	New Mandate
NSO.190	ROA	Local Animal Cruelty Registries	New Mandate
NSO.191	ROA	Seizure of Unlawfully Operated ATVs and Off-road Motorcycles	New Mandate

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NSO.192	ROA	Local Military Centered Community Zone	New Mandate
NSO.193	ROA	Regulation of tobacco, nicotine, and hemp product retail sale locations	New Mandate
NSO.194	ROA	Local Incentives for Motor Sports Facilities	New Mandate
NSO.195	ROA	Waiver of Zoning Requirements for Child Day Programs	New Mandate
IND.VRS002	CO	Line of Duty Act Benefits	Minor Edits (comment)
SNHR.DEQ023	ROA	Groundwater Withdrawal Permit	Minor Edits (comment)
SNHR.DEQ049	CO	Litter and Recycling Enforcement	Minor Edits (comment)
SPSHS.DFP002	ROA	Training Standards for Fire Marshalls	Minor Edits (comment)
SPSHS.DJJ002	NDCOA	Delinquency Prevention	Minor Edits (comment)
SPSHS.DCJS045	NDCOA	Virginia Opioid Use Reduction and Jail-Based Substance Use Disorder Treatment	Minor Edits (comment)
NSO.089	CO	Preliminary Plats	Minor Edits (comment)
SPSHS.VDEM019	CO	Local Government Data Security Reporting	Minor edits (changed to VITA)
SPSHS.VDEM006	NDCOA	Disaster Assistance to Local Governments	Minor Edits (changed to NSO)
SPSHS.VDEM008	CO	SARA Title III Requirements	Minor Edits (changed to NSO)
SPSHS.VDEM012	NDCOA	State and Local Hazard Mitigation Plans	Minor Edits (changed to NSO)
SPSHS.VDEM014	NDCOA	State Homeland Security Grant Program	Minor Edits (changed to NSO)
SPSHS.DCJS035	CO	Multidisciplinary Child Abuse Response Teams	Minor Edits (changed to NSO)
SPSHS.DCJS036	CO	Multidisciplinary Response Team for Criminal Sexual Assault	Minor Edits (changed to NSO)
SPSHS.DCJS044	NDCOA	Child Abuse and Neglect Treatment Program Grant	Minor Edits (changed to DSS)
SHHR.DBHDS002	NDCOA	Community Services Board Participation in Community Medicaid Initiative	Minor Edits (authority)
STO.DOAV001	ROA	Airport Operation Standards	Minor Edits (authority)
STO.VPA002	NDCOA	Waterway Maintenance Grant Program	Minor Edits (authority)

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SHHR.DARS002	CO	Long-Term Care Screening Team Participation Required	Minor Edits (authority)
SHHR.DARS005	CO	Adult Foster Care Program Requirements	Minor Edits (authority)
SHHR.DARS006	CO	Services to Person Discharged from State Hospital	Minor Edits (authority)
SHHR.DARS007	CO	Home-Based Services	Minor Edits (authority)
SHHR.DARS008	CO	Integration of Community Services	Minor Edits (authority)
SNHR.DEQ020	ROA	Virginia Pollution Discharge Elimination System Permit	Minor Edits (authority)
SNHR.DEQ021	ROA	Virginia Water Protection Permit	Minor Edits (authority)
SOA.DHRM002	ROA	Supplemental Salary Payments to State Employees by a Locality	Minor Edits (authority)
JUD.SUPCT006	NDCOA	Drug Treatment Court Programs	Minor Edits (authority)
SFIN.TD004	ROA	Virginia Public Building Authority Regional and Local Jail Construction Reimbursement Program	Minor Edits (authority)
STO.VDOT042	CO	Local Transportation Plan to be Reviewed by VDOT	Minor Edits (authority)
SNHR.DEQ040	CO	Virginia Erosion and Sediment Control Programs by Localities	Minor Edits (abstract/authority/comment)
SPSHS.VSP018	CO	Officer-Involved Shooting	Minor Edits (abstract/authority)
SHHR.DARS011	ROA	Long-Term Care Services Coordination Committee	Minor Edits (abstract/authority)
SNHR.DCR023	CO	Comprehensive Flood Control Program	Minor Edits (abstract/authority)
SNHR.DEQ035	ROA	Sewage Collection and Treatment Regulation	Minor Edits (abstract/authority)
SNHR.DEQ039	CO	Virginia Erosion and Stormwater Management Programs by Localities	Minor Edits (abstract/authority)
SHHR.DBHDS005	CO	Community Services Board Mandated Services	Minor Edits (abstract)
SOA.DHRM001	ROA	Optional Health Insurance	Minor Edits (abstract)
SOE.DOE014	CO	Comprehensive Plan	Minor Edits (abstract)
SPSHS.VSP011	CO	Concealed Handgun Authorization/Permit	Minor Edits (abstract)
SPSHS.VSP021	CO	Critically Missing Adult Reporting	Minor Edits (abstract)



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SHHR.DSS043	CO	Supplemental Nutrition Assistance Program Employment and Training	Minor Edits (abstract)
SHHR.VBPD001	NDCOA	Developmental Disabilities Grants	Minor Edits (abstract)
SPSHS.DCJS038	NDCOA	Victims of Crime Act Funding	Minor Edits (abstract)
SOA.ELECT015	CO	Voter Applications Received by the General Registrar	Minor Edits (abstract)
STO.VDOT028	ROA	Local Transportation Improvement District	Minor Edits (abstract)
STO.VDOT036	ROA	Traffic Signal Photo Enforcement Program Policy	Minor Edits (abstract)
STO.VDOT040	NDCOA	Virginia Transportation Infrastructure Bank (VTIB)	Minor Edits (abstract)
SPSHS.DFS004	CO	DNA Samples Required Upon Arrest	Minor Edits (abstract)
IND.VWC005	CO	Contractors Workers' Compensation Coverage Required Prior to Issuance of Business License	Minor Edits (abstract)
SNHR.DCR001	NDCOA	Open Space Recreation and Conservation Fund - Trail Access	Minor Edits (abstract)
SNHR.DCR021	NDCOA	Virginia Community Flood Preparedness Fund	Minor Edits (abstract)
SNHR.DCR025	NDCOA	Land and Water Conservation Fund	Minor Edits (abstract)
SNHR.DCR026	NDCOA	Rehabilitation of High Hazard Potential Dams Grant Program	Minor Edits (abstract)
SNHR.DCR027	NDCOA	Resilient Virginia Revolving Loan Fund	Minor Edits (abstract)
SNHR.DCR028	NDCOA	Conservation, Small Watersheds Flood Control and Area Development Fund	Minor Edits (abstract)
SNHR.DEQ022	ROA	Virginia Pollution Abatement Permit	Minor Edits (abstract)
SNHR.DEQ025	CO	Aboveground Storage Tank	Minor Edits (abstract)
SNHR.DEQ032	CO	Landfill Closure	Minor Edits (abstract)
JUD.SUPCT001	CO	Support for Courts and Magistrates	Expanded (comment)
JUD.SUPCT002	CO	Indigent Representation	Expanded (comment)
SHHR.DBHDS017	CO	Marcus Alert System	Expanded
SOE.DOE013	CO	Management of Student Scholastic Records	Expanded
SOE.DOE022	CO	Provision of Free Education	Expanded

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SOE.DOE048	CO	Physical and Health Education	Expanded
SOE.DOE090	CO	School Crisis, Emergency Management, and Medical Emergency Response Plan	Expanded
SPSHS.VSP005	CO	Uniform Crime Reporting System	Expanded
SPSHS.VSP020	ROA	Photo Speed Monitoring	Expanded
SPSHS.DOC002	NDCOA	Correctional Facility Cost-Sharing	Expanded
SAF.DOF005	NDCOA	Forest Sustainability Fund	Expanded
SOA.ELECT003	CO	Polling Place and Registration Facilities	Expanded
SOA.ELECT004	CO	Vacancies to be Filled by Special Election	Expanded
SOA.ELECT005	CO	Cancellation of Voter Registration	Expanded
SOA.ELECT007	CO	Public Notification Requirements for General Registrars	Expanded
SOA.ELECT018	CO	Risk-limiting Audits	Expanded
SHHR.VDH019	ROA	Waterworks Permits and Fees	Expanded
STO.VDOT013	CO	Traffic Signs, Signals, and Markings	Expanded
STO.VDOT029	NDCOA	Highway Safety Improvement Program (HSIP)	Expanded
NSO.016	CO	Paid Leave for Military Duty	Expanded
NSO.092	CO	Dog Licenses	Expanded
NSO.160	ROA	Short Term Rentals	Expanded
NSO.020	CO	Real Estate Reassessment Notification	Expanded
NSO.148	CO	Transportation of Individuals under a Temporary Detention Order or Emergency Custody Order	Expanded
NSO.131	ROA	Locally-designated Historic Districts	Expanded