

MINUTES

COMMISSION ON LOCAL GOVERNMENT

Regular Meeting

10:00 a.m., September 12, 2006

Members Present

Harold H. Bannister, Jr., Chairman
Kathleen K. Seefeldt, Vice Chairman
John G. Kines, Jr.
Vola T. Lawson
Frances M. Parsons

Members Absent

Others Present

Ted McCormack, Associate Director
Steve Ziony, Senior Economist
Barbara Johnson, Administrative Assistant

Call to Order

The Chairman called the meeting to order at 10:00 a.m., September 12, 2006 in the Board Room of the Department of Housing and Community Development in Richmond.

I. Administration

A. Approval of Minutes of Special and Regular Meetings of July 10, 2006

The minutes of the Commission's special meeting of July 10, 2006 and regular meeting of July 10, 2006 were approved without amendment.

B. Public Comment Period

The Chairman opened the floor to receive comments from the public. No person appeared to testify before the Commission during the public comment period.

C. **Presentation of Financial Statement for August 2006**

The Associate Director indicated that the member's packet for the current meeting contained an internally produced financial statement that encompassed expenditures through the end of the first week in September. He noted that because of the delay in setting up the electronic accounting system for Fiscal Year 2007, it was not possible to produce a financial report for the year ending August 31, 2006. Mr. McCormack stated, however, that for the slightly more than two-month period covered by the report, or approximately 16.7% of the fiscal year, the Commission's expenditures were \$59,434, or approximately 16.8% of the budgeted amount of \$354,392. He observed that the overage in one object code was the result, in part, of not being able to reconcile the proposed budget with appropriations by the date of the current meeting, but he indicated that the shortfall would be reduced or eliminated. The members accepted the report for filing.

D. **Associate Director's Report**

1. **Resignation of Ms. Adria Graham Scott**

The Associate Director advised that Ms. Adria Graham Scott had resigned as the Commission's Senior Policy Analyst on August 31, 2006 to accept a position with the Community Development Division of the Department of Housing and Community Development. Mr. McCormack stated that during her almost one-year tenure with the Commission, Ms. Graham Scott undertook a number of projects, including the review of the mandate assessment process. He noted that her skills and counsel would

be missed. He indicated that the process to fill the vacant position was underway at the present time, and that he hoped to have the position filled by the end of November 2006.

2. Revision of the Commission's Regulations

The Associate Director reported that on August 9, 2006 the Governor's office had approved the final draft of the Commission's Public Participation Guidelines and Regulations, and that those final documents were published in *The Virginia Register of Regulations* on September 4, 2006. Mr. McCormack indicated that barring a last-minute objection, the final guidelines and regulations would become effective on November 4, 2006. He closed by noting that the entire process to revise the Commission's regulations had taken approximately 34 months.

3. Urban Policy Task Force

The Associate Director stated that in the member's meeting packets was a copy of Governor Kaine's Executive Order 32 issued in July 2006 that created the Urban Policy Task Force. He noted that the principal responsibility of that body was to develop by December 1, 2006 an urban policy for the Commonwealth that would include, among other things, benchmarks to measure progress toward achieving those policies. Mr. McCormack reported that in addition to the five cabinet secretaries named in the executive order, the task force would include a number of other officials drawn from municipal and county ranks. At the end of his report, he indicated that the Commission's staff would likely be part of a

team assisting the work of the Governor's Urban Policy Task Force.

4. Potential Issues

The Associate Director reported that there were two interlocal issues that were likely to come before the Commission in the near future. Mr. McCormack noted that although the members had scheduled a review of the proposed Town of Warrenton-Fauquier County voluntary settlement agreement at the July regular meeting, the parties to that accord had subsequently requested that the issue be removed from the Commission's agenda. He indicated that since economic conditions had necessitated a renegotiation of the settlement agreement, the issue may be resubmitted for rescheduling in the near future. The Associate Director also observed that the Town of Stuart and Patrick County had recently concluded three interlocal agreements, but only one of those accords would require Commission review. Mr. McCormack noted that the parties had intended to file notice requesting Commission review of the proposed settlement in advance of the current meeting, but that the Town and County were unable to complete the necessary documents in time. He stated that in early 2007 the Commission would likely receive a request to review the proposed Stuart – Patrick County settlement agreement.

5. Conflict of Interest Training

The Associate Director reported that an additional session of training in the Conflict of Interest Act had been scheduled for 10:00 a.m. on Thursday, September 21, 2006 in the Board Room of the Department

of Housing and Community Development. Mr. McCormack advised that any members who attended that training were eligible to receive reimbursement for travel expenses. He also indicated that the training would be offered in a digital form at a later date.

6. Annual Conferences of the Virginia Municipal League and the Virginia Association of Counties

The Associate Director advised that the members have received complimentary registration for the annual conference of the Virginia Municipal League scheduled for October 15-17, 2006 in Virginia Beach. Mr. McCormack indicated that the members were also eligible to receive complimentary registration for the Virginia Association of Counties' Conference at the Homestead November 12-14. He stated that if individual Commissioners desired to attend either conference, their travel expenses would be reimbursed by the State, but that they could not receive the meeting per diem for attendance unless they were participating in one of the sessions or have been officially designated by the Commission to attend the conferences. He requested that any member planning to attend either conference advise Ms. Barbara Johnson so that certain administrative arrangements can be made for travel reimbursement.

7. Meeting Per Diem

The Associate Director stated that, in accordance with the Commission's Policy on compensation and reimbursement, per diem would be paid to Mrs. Parsons for her travel on September 11, 2006, and

all members present for their service to the Commonwealth on September 12, 2006.

II. Mandate Assessment Task Force

The Associate Director noted that at the July 2006 regular meeting the Commission had endorsed a proposal put forth by the Virginia Association of Counties and the Virginia Municipal League to create a task force of local and state officials to review the current mandate assessment process and to recommend any needed changes. Mr. McCormack reported that the members had been provided in advance of the current meeting the names of the officials that had agreed to serve on the task force, and that an initial meeting of that body was held on August 16, 2006. He stated that all but one of the task force members had attended that meeting and that there was a productive discussion concerning the overall process and possible reform options. Mr. McCormack indicated that a second meeting was scheduled for September 20 to reach consensus on certain proposals and to finalize recommendations to the Commission. In closing, he advised that barring unforeseen circumstances, the work of the task force should be completed in advance of the November regular meeting.

III. Survey of Cash Proffers

The Associate Director stated that progress was being made on the survey of local government utilization of cash proffers. He indicated that in early July the staff had sent survey forms to the 81 counties, 34 cities and 26 towns that were eligible to accept cash proffers. Mr. McCormack noted that by the date of the current meeting, 41 counties, 15 cities and 12 towns had returned completed survey forms, for an overall completion rate of almost 50%. He observed that based on past practice, the initial returns were from

localities that did not accept cash proffers or collected a limited number of such proffers. He also reported that since the official return date for responses was September 30, follow-up letters would not be sent to the non-responding localities until the first week of October. The Associate Director assured the members that the staff would take the necessary steps to achieve a response rate of 100%, and to have a draft of the report for the members to review at their November meeting.

IV. Mandate Assessment Scheduling

A. Preliminary Staff Comment

The Associate Director noted that during the first part of September each year the Commission would request state agencies to propose schedules which the agencies would assess a portion of the mandates that they impose on local governments. Mr. McCormack stated that the individual agency mandate assessment schedules would then be reviewed and sanctioned by the Commission. He indicated, however, that because of the current review of the mandate assessment process, staff was recommending that the next round of assessment scheduling be held in abeyance until early next 2007. He observed that agencies may be reluctant to participate in the current process if it could be amended significantly. Mr. McCormack reported that if the current assessment process was retained unchanged; there would be time during the first quarter of 2007 to request agency mandate assessment scheduling. He indicated, however, that such a delay might require a concurrent postponement in the next edition of the catalog of mandates.

B. Commission Deliberation and Action

After a brief discussion of the process for scheduling the assessment of agency mandates, the Commission agreed to postpone the scheduling of mandate assessments for the February 2007 – April 2008 period.

V. Scheduling of Next Regular Meeting

Because of a desire to acquaint local governments with proposed revisions to the mandate assessment process, the Commission agreed to schedule their next regular meeting during the annual conference of the Virginia Association of Counties, November 12-14, at the Homestead in Bath County, Virginia, but that the exact location, time and date are to be determined.

[The next regular meeting was subsequently scheduled for Tuesday, November 14, 2006 at 10:00 a.m. at the Homestead in Bath County, Virginia.]

VI. Adjournment

The meeting was adjourned at 11:30 a.m.

Harold H. Bannister, Jr.
Chairman

Ted McCormack
Associate Director