



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: August 28th, 2023
SUBJECT: Draft Agenda and Updated Meeting Materials

Please find enclosed the following:

1. Draft agenda for your regular meeting to be held in person at the Virginia Housing Center on Friday, September 8th, 2023, at 11:00 a.m.;
2. Draft Minutes from the July 21st, 2023 Regular Meeting of the Commission;
3. Articles of interest to the Commission;
4. A proposed timeline for periodic review and regulatory reduction efforts;
5. Preliminary count of regulatory requirements in Commission regulations;
6. Staff suggestions for reducing the regulatory requirements of 1 VAC 50-20, sections 1-390;
7. Two proposed review timelines for the Loudoun/Leesburg annexation case;
8. Filings from Martinsville and Henry County related to their economic growth sharing agreement;
9. Relevant statutes related to economic growth sharing agreements;
10. Relevant regulations related to economic growth sharing agreements;
11. Information on the 2023 Catalog of State mandates on Local Governments.

If you have any questions or require additional information, please feel free to contact us at 804-310-7151 or legrand.northcutt@dhcd.virginia.gov

We look forward to seeing you on September 8th!





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DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

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AGENDA

**Commission on Local Government
Regular Meeting: 1:00 a.m., September 8th, 2023
Virginia Housing Center
4224 Cox Rd, Glen Allen, VA 23060**

**For the public,
Commission on Local Government Meeting
Friday, September 8th, 2023 · 11:00 a.m. – 2:00 p.m.
Microsoft Teams meeting**

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 245 017 231 683

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1. Occupancy for the meeting space is limited, so the Commission encourages members of the public to observe the meeting through the Microsoft Teams link provided above. Please contact LeGrand Northcutt (legrand.northcutt@dhcd.virginia.gov) for information on how to connect to the meeting using this method.
2. 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.
3. 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

II. Administration



- A. Approval of the Draft Agenda (Dr. Johnson)
- B. Approval of Minutes of the Regular Meeting on July 21, 2023 (Dr. Johnson)
- C. Public Comment Period (Dr. Johnson)
- D. Staff's Report (Mr. Northcutt)

III. Cases before the Commission

- A. Loudoun/Leesburg
 - i. Presentation of the Parties (Attorneys for the Town and County)
 - ii. Commission Deliberation and Action (Dr. Johnson)
- B. Martinsville/Henry County
 - i. Staff Presentation (Staff)
 - ii. Presentation of the Parties (Attorneys for the City and County)
 - iii. Commission Deliberation and Action (Dr. Johnson)

IV. Regulatory Reduction

- A. Presentation of proposed regulatory review timeline (Mr. Northcutt, Mr. Flanders, Ms. Lindsey)
- B. Commission Deliberation (Dr. Johnson)

V. Catalogue of Mandates on State and Local Governments

- A. Staff Presentation (Mr. Sawyer)
- B. Commission Deliberation and Action (Dr. Johnson)

VI. Reports on Commission workgroups

- A. Fiscal Stress Report Workgroup (Staff, Commissioners Lauterberg and Rosado)
- B. Virginia Code Commission Work Group (Staff, Commissioner Linderman)

VII. 2023 Regular Meeting Schedule



A. Staff Presentation

(Mr. Northcutt)

VIII. Other Business

(Dr. Johnson)

IX. Adjournment

(Dr. Johnson)





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DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Bryan W. Horn
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Commission on Local Government

July 21, 2023

12:00 Noon

Virginia Housing Center

4224 Cox Road

Glen Allen, VA 23060

Members Present

Ceasor T. Johnson, D.Min, Chair (attending virtually)

Edwin S. Rosado, Vice Chair

Diane M. Linderman, PE

Robert W. Lauterberg

Call to Order

Members Absent

None

The Commission on Local Government (CLG) Chair, Ceasor Johnson, called the meeting to order at 12:12 p.m.

Mr. LeGrand Northcutt, Senior Policy Analyst at the Virginia Department of Housing and Community Development (DHCD) initiated a roll call vote. Mr. Northcutt informed Chair Johnson that a quorum of Commissioners Linderman, Rosado, and Lauterberg were present in person, with Commissioner Johnson attending virtually.

Pursuant to the Commission's electronic meetings policy, Commissioner Johnson attended virtually under provision #2, that his principle residence is more than 60 miles from the location of the meeting. He attended from Lynchburg. There was no objection to his virtual participation.

Administration

The draft agenda was adopted unanimously on a motion by Commissioner Linderman and a second by Commissioner Rosado.

The minutes from the May 5th, 2023 regular meeting were adopted unanimously on a motion by Commissioner Rosado and a second by Commissioner Linderman.



Chair Johnson opened the floor for the public comment period.

Justin Bell, Assistant Attorney General for the Department of Housing and Community Development, introduced himself to the Commission and let the Commissioners know that he was available as a resource should he ever be needed.

There were no further public comments, and the Chair closed the public comment period.

Staff Report and Updates

Mr. Northcutt introduced Trisha Lindsey, the new Policy and Legislative Director at DHCD, who will be serving as additional staff for the Commission.

Mr. Northcutt gave an update on articles of interest to the Commission that were distributed in the meeting packet. The articles noted that James City County and the City of Williamsburg are considering separating their consolidated school system. Staff discussed potential issues that may come before the Commission if the school systems were to separate.

Mr. Chase Sawyer, Senior Policy Analyst at DHCD, gave a brief update on the status of 2023 catalogue of mandates and the cash proffers survey. Both are on schedule and will be reported on when they are completed.

Ms. Grace Wheaton, Senior Policy Analyst at DHCD, gave an update on revisions to the fiscal impact statement process as a follow up from the May meeting. The update process is ongoing. Commissioner Lauterberg requested a list of bills and the blank fiscal impact statement questionnaire so that he can assist with these updates before the start of the 2024 General Assembly Session.

FY21 Fiscal Stress Report

Ms. Wheaton gave a presentation on the FY21 Fiscal Stress Report.

A robust discussion about the nature of the report itself ensued from the presentation. Commissioner Lauterberg engaged staff in a series of questions about where the fiscal stress report is mentioned in code, what is it used for, and who uses it. While staff has some information related to these questions, there is no definitive way to know who uses the report and for what purposes. Commissioner Rosado commented



that most localities will use it to talk about themselves and their financial situation to lobby for more aid from the General Assembly.

The Commissioners asked about the underlying data used for the report, specifically where it comes from, how it is collected, and how delinquent localities may be encouraged to submit their data on time. Staff responded that the information is all publicly available and is not submitted directly to the Commission, but instead, is collected by staff each year from the auditor of public accounts and other state agencies. Commissioner Linderman commented about past years where the Commission had considered contacting delinquent localities and refrained from doing so.

Commissioner Lauterberg expressed a desire to ensure that the Report is useful to the public and those who work in public finance. He brought up apparent inconsistencies in the report related to cities and counties with large numbers of college students as well as differences between the bond ratings of localities and their fiscal stress.

After continued discussion and a suggestion by staff to reconsider the report at the September meeting given the number of questions, Commissioner Rosado moved, and Commissioner Linderman seconded, that an ad hoc workgroup be created to take another look at the fiscal stress report with relevant stakeholders and provide recommendations for how it can be revised or improved so that it is more accurate, accessible, and useful for its intended audience.

In debating the motion, Commissioner Johnson expressed that staff may not be able to handle the responsibilities of an additional work group with its current work load.

The Commission decided that Commissioner Lauterberg and Commissioner Rosado would lead the workgroup, assisted by staff and any other stakeholders to be identified by the workgroup. The workgroup will report its findings at a time to be determined by the group.

The motion to create an ad hoc workgroup led by Commissioners Rosado and Lauterberg passed unanimously.



Periodic Review of Regulations

Mr. Northcutt gave a presentation on the need for periodic review or regulations which included an overview of the timeline and a suggested course of action.

Commissioner Rosado moved that staff publish a notice of periodic review of 1VAC-50-20 in the Virginia Register at the end of August to begin the periodic review process. The motion was seconded by Commissioner Linderman and passed unanimously.

Workgroup Updates

Commissioner Linderman gave an update on the initial meeting of the Virginia Code Commission workgroup to update notices of local government action. She has not been involved in any substantive decisions of the group at this point.

Official Meeting Adjournment

Commissioner Linderman left the meeting 1:23, and the Commission lost its physical quorum. The meeting was adjourned for lack of a quorum, but staff continued with additional updates on information relevant to the Commission's work for the benefit of the remaining Commissioners and the public.

Regulatory Reduction

Staff gave a presentation on the Commission's regulatory reduction goals as required by Executive Order 19 (2023) and the Office of Regulatory Management. As a follow up to the meeting, staff will distribute and make public the official count of Commission regulations required by the Office of Regulatory Management once it has been approved.

In order to facilitate regulatory reduction, staff will prompt the Commissioners to reconsider the virtual meeting schedule at the September meeting.

Cases before the Commission

Staff updated the Commission on the negotiations between the Town of Leesburg and Loudoun County. A voluntary settlement agreement was not reached. The County filed its responsive documents on July 7th. The parties have not agreed on a revised review schedule.

Staff updated the Commission about receiving a potential economic growth sharing agreement between Martinsville and Henry County. Staff will send the proposed agreements after the meeting and make them public once formal notice is filed with the Commission.



Data Centers Pose Loudoun Planning, Budget Puzzle

Renss Greene

Jul 12, 2023



Power lines over homes in Kirkpatrick Farms, viewed from Supreme Drive in Aldie.

Renss Greene/Loudoun Now

As the county budget returns to pre-pandemic norms, and supervisors and planners enter the final phase of rewriting the zoning ordinance, one industry's success continues to pose a tricky challenge: data centers.

Through years of effort and billions of dollars of investment, Loudoun County has become home to the largest data center market on the planet. That has also meant huge influxes of tax revenue for the county government, mostly from the property tax on the computer equipment inside. The county's fiscal year 2024 budget, which began July 1, anticipates almost \$561 million in revenues

just from that tax. For context, the county government's general fund, which funds almost all county government operations, is \$841 million, part of a larger \$2.7 billion annual operating budget that covers both the county government and schools. That's even before considering real estate taxes on the land beneath those data centers.

And that land is valuable. The top 10 real estate owners in Loudoun by value are all data center companies. Prices for some prime data center land now top \$4 million an acre, pricing out other business in zoning districts that permit data centers. The most recent figures from the Commissioner of the Revenue value Loudoun's data center real estate at \$18.4 billion, about another \$161 million in local real estate tax revenues at the current tax rate.

And still the industry's growth continues. Despite a pandemic-era slowdown attributable to supply chain problems, and uncertainty brought on by shortcomings in Dominion Energy's grid, Department of Economic Development Executive Director Buddy Rizer reported roughly \$8 billion in investment from data center companies attracted in fiscal year 2023.

For Loudoun County, that has meant a balancing act on both the government budget and the industry's hunger for more land.

Smoothing the Bumps

The Board of Supervisors' finance committee on Tuesday heard a proposal by county staff to establish a revenue stabilization fund to further insulate the county's budget from dips in the data center market, possibly setting aside more than \$100 million. It would be the latest in a series of measures the county government has taken to wean its dependency on data center taxes.



Data centers along Shellhorn Road, directly adjacent to Loudoun Station.

Renss Greene/Loudoun Now

“The growth and when it will appear has been difficult to forecast,” Office of Management and Budget Director Megan Bourke said. “Even though we’ve missed those revenue forecasts, the revenue line has continued to grow year over year, but because we only have one datapoint a year, we have a very difficult time understanding when it’s going to come in. And the growth of that specific line item has reached a point where a miss in that forecast has significant impacts on the [county] operations.”

County budget officers pointed out those property taxes, such as on data center computer equipment, tend to be much more volatile than real estate taxes—while real estate generally grows in value over time, computer equipment depreciates quickly, with the growth in those revenues linked to frequent upgrades and the industry’s constant expansion. And unlike real estate, business and personal property can be packed into a truck and leave the county.

The revenue stabilization fund, an additional buffer beyond the county's existing reserves, would give supervisors a way to fill the gap if those revenues fall short of projections in the future. But Supervisor Matthew F. Letourneau (R-Dulles) said building that fund will take political will.

"We've got to build it first, which I think is going to be the hard part, because we have to show constraint," he said. "In reality, in a real budget scenario, there will be things that will be proposed to us, or that we will be asked for, that we can't fund in the budget, and we're going to have this chunk of money sitting there and we're going to have to make a decision not to use it. And that is where the rubber will meet the road."

County budget staff members will continue to develop the proposal for a revenue stabilization fund, aiming to have a new policy in place by this winter in time for annual year-end fund balance talks.

Steering the Sprawl

County supervisors are more divided on how to control the industry's spread into new parts of the county. And even while finishing the years-long overhaul of county zoning, they will likely immediately reopen the books to amend the rules around data centers.



Power lines near the intersection of Old Ox Road and Loudoun County Parkway.

Renss Greene/Loudoun Now

In June, supervisors narrowly voted to rush an amendment to the comprehensive plan outlining design standards and where data centers should be permitted, even if that may mean delaying work on the rest of the zoning ordinance. And the Planning Commission handed up a draft of the zoning ordinance while continuing talks on possible new environmental policies around data centers.

In particular, current zoning allows data center development by-right in areas of the Rt. 7 corridor, something supervisors have hoped to avoid. But with data center alley in Ashburn filling up, the industry is now looking to expand into other parts of the county.

The closely divided June vote, and a Board of Supervisors debate July 5 on opening a development rights marketplace to draw data centers away from Rt. 7, showed there is no clear consensus on the county board on how to steer or curb the industry's sprawl.

Supervisor Michael R. Turner (D-Ashburn) proposed looking to transfer of development rights, a program that would allow landowners to sell the development rights from their land to developers elsewhere in the county. The county government would determine sending areas, where those rights can be sold, and receiving areas where they can be bought and used. It's an idea long talked about but never implemented in Loudoun.

Elsewhere, it's been used to protect rural land from development, such as by allowing farmers to profit from the development potential of their land while also preventing future development on that land, and allowing developers additional development density by-right, by buying those rights rather than applying for a zoning exception or rezoning. But some supervisors have argued it would saddle eastern Loudouners with more traffic and development to benefit western Loudouners.

"We agree we're not going to help the west by hurting the east. That's not going to happen," Turner said July 5. "However, if you look into an east-to-east transfer, there is also the possibility of a fairly radically revised TDR program whereby areas that are developing data centers in the east could purchase development rights somewhere else in the east to cause them not to develop where we don't want them, and develop where we can tolerate them."

For example, he said, the board could designate the Rt. 7 corridor as a development rights sending area, incentivizing landowners to sell off the development rights there rather than build. Some supervisors said it was worth a look.

But with the county planning department already at capacity, that market study and analysis would have to either wait, possibly for years, or push back the schedule for another project.

Supervisor Juli E. Briskman (D-Algonkian) said that study should not be done at the expense of delaying other work, including a separate project to update the county comprehensive plan's guidance on where data centers are permitted. And she said Rt. 7 data centers—and more specifically, the high-voltage power lines to power them—are as good as done. Dominion has proposed new high-voltage power lines along Rt. 7 to fix their grid's capacity shortage.

"The power lines on Rt. 7, I think we just all have to admit that they're going to go there, because we don't have any authority over Dominion. They have to pass this thing by the [State Corporation Commission] and that's pretty much it," she said. "We can kick and scream, our residents can kick

and scream and say they don't like it and try to encourage them to bury those power lines, but those power lines are solving what already is a power constraint problem.”

Letourneau said the program wouldn't be a good solution for data center development.

“The problem with the TDR discussion as it relates to data centers is, I can't think of a single scenario in which we are better off with a by-right data center in any situation,” Letourneau said. “Because anytime a data center has to go through a rezoning, whether it's a location that's favorable or not, the board is able to work on that application and improve it.”

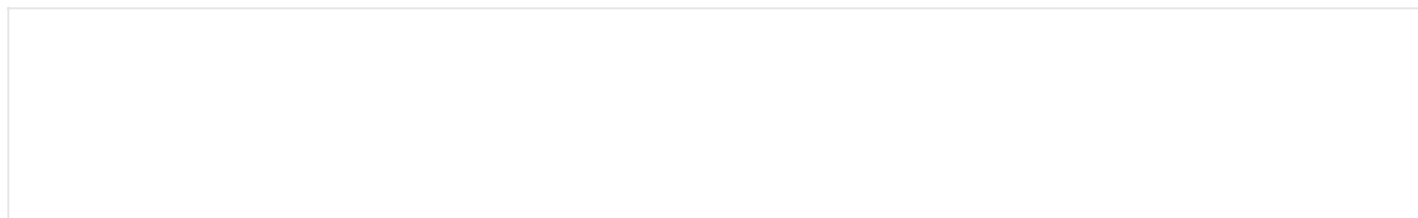
But the biggest hitch may be where to send those development rights once they're sold. Turner proposed targeting Dulles Cloud South, an undeveloped area of southeastern Loudoun which the county Department of Economic Development proposed opening up to data center development. Supervisors previously voted not to allow data centers there, citing environmental impacts and concerns over allowing industrial development in the county's Transition Policy Area, which designed to provide a buffer between rural and developed areas.

“I was going to be supportive of this motion tonight until Supervisor Turner talked me out of it by mentioning again the Dulles [Cloud South],” Supervisor Tony R. Buffington (R-Blue Ridge) said, adding “if it was up to me, we would never discuss the idea of Dulles Cloud South again. We'd go back and erase any memories anybody has of it ever being discussed, and we'd delete it from everything wherever it's written.”

Despite offers from Turner to place the study at the back of the department's work plan, and insistence that he mentioned Dulles Cloud South as an example and not a proposal, supervisors voted down that study 3-5-1, with only Turner, Kershner and Supervisor Kristen C. Umstattd (D-Leesburg) in favor; Briskman, Buffington, Letourneau, Supervisor Sylvia R. Glass (D-Broad Run) and Vice Chair Koran T. Saines (D-Sterling) opposed; and County Chair Phyllis J. Randall (D-At Large) absent.

This article was updated at 4:04 p.m. July 12 to correct the name of Megan Bourke, and at 12:03 p.m. July 13 to correct an error in the size of the county general fund.

MORE INFORMATION





Loudoun Supervisors Hurry New Data Center Rules, Likely Delaying Zoning Rewrite

Loudoun Supervisors to Take Up Zoning Ordinance Rewrite

Loudoun Looks Ahead to Small Nuclear Plants, Industrial Batteries

Renss Greene

Leesburg Council Prepares for Data Center Push

Norman K. Styer

Aug 15, 2023



The Microsoft data center campus is visible just south of a Compass Creek lot planned for the construction of two new data center buildings.

Norman K. Styer/Loudoun Now

As the construction wave of new data centers pushes west from Ashburn, the Town of Leesburg preparing to welcome them, but on its own terms.

Last week, the council adopted two amendments to the town Zoning Ordinance designed to better accommodate the needs of the industry, which is expected to significantly boost the town's commercial tax base in coming years.

First the council made changes to the I-1 (industrial/research park) zoning district to allow buildings taller than 50 feet. The new 65-foot height limit would apply to all buildings permitted in the district but was developed with data centers in mind. The change was proposed after the town received a request concerning two undeveloped lots southeast of East Market Street and Crosstrail Boulevard near Village at Leesburg. In all, the change would impact 39 parcels totaling just over 300 acres. I-1 zoned land is located near Leesburg Executive Airport, in the Trailview Boulevard/Russell Branch Parkway corridor, and at the corner of Edwards Ferry Road and Battlefield Parkway.

The council also adopted a comprehensive set of design standards that will be applied to all data center proposals. The list of detailed requirements addresses architectural design elements, screening and walls, noise limits, mechanical and electrical screening, and lighting, among other features. It is designed to provide clear guidance to data center developers while also providing assurance that complying projects can move forward with only a staff-level review.

The initiative was led by Planning Director James David and Senior Planning Project Manager Christopher Murphy. David has experience working with data center policies from his previous position in the county's planning department.

He said they looked at Loudoun County's rules and new standards recently adopted in Prince William County. "But then we added our Leesburg touch to those and made them more specific and proscriptive. I think that it is actually more than you'll find in other jurisdictions," he said.

He gave credit to Murphy for the extensive research involved with the effort.

"Chris is a pioneer in data center standards," David said.

Both planners said the standards were developed in cooperation with the data center industry representatives to ensure they were feasible and would accomplish the town's goals.

Council members were supportive, as long as the result is something better than the buildings seen in other areas of the county.

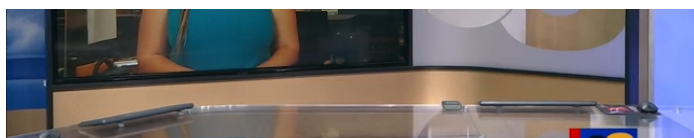
Council member Ara Bagdasarian said the goal was to have data centers look more like typical office buildings.

Vice Mayor Neil Steinberg said the adoption of the design standards was a big step for the town and he acknowledged the positive impact the industry could have on Leesburg— "in the end it's all about the money, and it's a lot of money."

However, he cautioned that town leaders must make prudent decisions on where data centers should be permitted. Even with the best planning efforts, "there are places in town where these will not work," he said.

Council member Zach Cummings said the zoning change established a good balance.

"We did this the Leesburg way. We're limiting where they can go to try to maintain the historic Town of Leesburg, and we're also looking at standards that are different from what the county does and other localities do," he said. "Our residents should be proud of this effort, because we're working to not only maximize the financial benefit for them, but also do it in a way that doesn't allow one industry or another to come in and do as they please."



00:07 / 02:43

THE TRI-CITIES

Hopewell appoints new City Manager as financial problems pile up

by: [Cheyenne Pagan](#)

Posted: Jul 20, 2023 / 10:51 PM EDT

Updated: Jul 20, 2023 / 11:17 PM EDT

HOPEWELL, Va. (WRIC) – The City of Hopewell officially has a new City Manager after it was discovered that the city has not submitted a financial audit to the state since 2014.

Hopewell City Council voted Tuesday night to make their Interim City Manager and former IT Director, Dr. Concetta Manker, their permanent City Manager.

The city [has dealt with money problems for years](#) and is over eight years behind in their financial reporting, and is now counting on Manker to lead them out of distress.

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“Until we get our finances straight, we cannot move ahead. We’re moving 10 steps backwards,” former mayor of Hopewell Jackie Shornak said.

[Hopewell City Council member accused of misusing GoFundMe donations appears at council meeting >](#)

Shornak was concerned about the council’s decision on hiring Manker during this time, along with other residents who stormed out of the meeting after the vote Tuesday night.

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“I’ve lived here 60 years. And I care about the city,” Shornak said. “And to see such disregard and such poor decisions being made. It breaks my heart.”

The state came in and reviewed the city’s finances and offered to step in with help that would have replaced Manker as Interim City Manager.

In a letter obtained by 8News, Virginia’s Secretary of Finance, Stephen Cummings offered the City \$200,000 dollars to help fund a qualified Interim City Manager and an Interim Finance Director.

A follow up letter from Cummings goes on to say, “we believe that experienced professionals are necessary in these positions to further ensure prompt resolution of the long-standing issues.”

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[Investigations launched into death at Riverside Regional Jail >](#)

Despite these recommendations from the state, city council moved forward with making Manker the new City Manager of Hopewell.

“I think that she’s going to do a phenomenal job, even before the state came in. She’s already working on some of the things that they suggested for her to do,” Council Member Dominic Holloway said after Tuesday night’s meeting. “She’s already been working on those things, and we are on a route to recovery.”

Shornak and other residents are now working on a petition to have the state come in and take over the city following ~~the~~ ^{the} decision.

[James City County to halt school agreement Decision leaves Williamsburg 'at a loss,' mayor says](#)

The Virginian - Pilot (Norfolk, VA.)

July 27, 2023 Thursday

1ST Edition

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Section: NEWS; A; Pg. 4

Length: 627 words

Byline: Nour Habib and Sian Wilkerson Staff writers

Highlight: Hipple Trivette Pons

Body

The James City County Board of Supervisors voted Tuesday to terminate its joint school agreement with Williamsburg, effective at the end of the 2025-26 school year.

The vote came after the Williamsburg City Council voted last month to proceed with a feasibility study that "would consider and explore the possibility of forming an independent city of Williamsburg public school division," City Manager Andrew Trivette said at the time. The study results were expected to be ready in the fall.

But the James City County Board of Supervisors decided to act Tuesday "to ensure the County has as much time as possible to prepare for the implications of a system split brought on by the action of the City of Williamsburg in June," according to a release issued by the county Tuesday evening.

"Depending on the city's feasibility study conclusions, the county could have been left with as little as 13 months to plan for potentially displaced students and administrative logistics," the news release said. "Terminating the contract now gives the county two years to prepare and meet its obligation to protect the education, health, welfare and safety of county students."

The joint school system was established in 1955, according to an op-ed submitted Tuesday to the Virginia Gazette from Michael Hipple, chairman of the James City County Board of Supervisors. Currently, the joint school division enrolls about 11,000 students, with 10,000 from James City County and about 1,000 from Williamsburg. Thirteen of the division's schools, as well as the bus operations center, are in the county. Three schools are within Williamsburg city limits.

Williamsburg Mayor Doug Pons said the news left him "at a loss."

James City County to halt school agreement Decision leaves Williamsburg 'at a loss,' mayor says

In his op-ed, Hipple said the board was "particularly caught off guard" by the city's resolution June 8 because the city had not mentioned a potential study during the most recent contract discussions.

But according to Pons, he, Vice Mayor Pat Dent and Trivette met with members of the Board of Supervisors and school board to inform them about the decision to do a feasibility study a few days prior to the June 8 council meeting.

"We shared with them that we weren't holding back for any other reasons other than we understood the nature of the conversation and how we wanted to come out with a narrative that tried to explain that this was only a feasibility study," Pons said. "We understood that (members of the school community) would be very concerned, and we didn't want the rumors to be out there in advance of us being able to put our communications out there.

"It wasn't to surprise them and certainly it was less of a surprise than what we got today from the county."

Pons reassured city residents that Williamsburg will "continue to put our best foot forward and we will work to ensure that the students in the city will receive the best education possible.

"That's always been our goal and we will continue to carry that tradition forward," he said. "I would hope that the parents and the students would know that and expect that we're going to make every effort to provide them the best education in the commonwealth of Virginia."

The county board said it "remains willing to negotiate with the city for a new contract if both parties determine it is in the best interest of all students to remain under a joint system."

The press release also stated that "any potential change in school operations is expected to preserve employment opportunities for all current teachers and staff."

In an email sent out to the school community Tuesday, Superintendent Olwen Herron said that "while many unknowns exist," the division would continue to do good work.

"We have done and will continue to do great work in service to our students and the community," Herron said.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: CITY GOVERNMENT (92%); COUNTY GOVERNMENT (91%); AGREEMENTS (90%); BOARDS OF DIRECTORS (90%); CITIES (90%); COUNTIES (90%); LEGISLATIVE BODIES (90%); MAYORS (90%); REGIONAL & LOCAL GOVERNMENTS (90%); LEGISLATIVE VOTING (89%); TALKS & MEETINGS (89%); EDUCATION & TRAINING (78%); EDUCATION SYSTEMS & INSTITUTIONS (78%); PUBLIC SCHOOLS (78%); SCHOOL

James City County to halt school agreement Decision leaves Williamsburg 'at a loss,' mayor says

BOARDS (78%); GOSSIP & RUMORS (74%); CITY LIFE (73%); SCHOOL SAFETY & SECURITY (73%); RESEARCH REPORTS (72%); SAFETY (66%)

Industry: EDUCATION SYSTEMS & INSTITUTIONS (78%); EDUCATIONAL SERVICES (78%); PUBLIC SCHOOLS (78%)

Geographic: WILLIAMSBURG, VA, USA (94%); VIRGINIA, USA (94%)

Load-Date: July 27, 2023

End of Document

[Teachers watch, wait as school debate continues](#)
[Impending split of JCC-Williamsburg leaves many issues to be addressed](#)

The Virginian - Pilot (Norfolk, VA.)

July 30, 2023 Sunday

1ST Edition

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Section: NEWS; A; Pg. 2

Length: 789 words

Byline: J.W. Catherine Correspondent

Highlight: The office for the Williamsburg-James City County school system. file

Body

As James City County and Williamsburg plan to form separate school divisions, the educators in the joint system are watching the wrangling and wondering what's next.

Marco Sardi, the president of the Williamsburg/James City Education Association, said teachers wish there had been more community involvement leading up to the county choosing to split.

"If they did a poll or referendum and the majority of people in the county voted to split, that would make a lot more sense," Sardi said. "But those steps weren't taken, and so that's why I was a little confused."

Assurances that any change in the school system will maintain employment opportunities does not account for the inevitable disruptions that are tied to a drastic change such as a school system separating, Sardi said.

"Realistically, I think you're going to see some staff leave if they have to choose between working for one system or another," Sardi said.

The James City County Board of Supervisors decided Tuesday evening to end its joint school agreement with Williamsburg in a unanimous vote following a closed-session discussion. Although the city and county have left the door open to future talks, statements from the leaders of the two localities seem to indicate otherwise.

"We wish Williamsburg the best in their school system," said supervisors Chairman Michael Hipple on a county podcast published Wednesday. "They're leaving a premier school system that we have now, that we've had since 1955."

On June 8 the Williamsburg City Council initiated a feasibility study to take place in the fall that would explore the possibility of the city having its own school district.

Teachers watch, wait as school debate continues
Impending split of JCC-Williamsburg leaves many issues to be addressed

In an opinion piece published in Virginia Media newspapers, the Council said its commitment to the "best possible educational system" was the main driver of the decision, but financial considerations also were at play.

Per the joint agreement, the op-ed said, Williamsburg would be expected to pay 10% of the \$135 million in new construction for the school system estimated to occur between fiscal year 2024 and 2033, which would be disproportionate to the city's forecasted 4.5% slice of total student population growth over the next several years.

"The simple truth is absent explosive economic growth in the city that revenue would likely have to be derived via higher taxes on Williamsburg residents," the op-ed said.

Mayor Doug Pons said last week the city intends to proceed as planned.

"The study's going to continue," Pons said. "The findings of that study will ultimately help us in designing what a new school district for the city would look like."

According to county officials, the school contract gives either party the option to separate as soon as the end of the school year following the year when notice is given, meaning that either could theoretically choose to separate as soon as the end of the 2024-25 school year.

County administrator Scott Stevens said on the podcast that the county was concerned if Williamsburg decided to separate on that short timeline, it's possible the city would keep two of the division's four middle schools, Berkeley and James Blair.

"We're OK, we believe, at the high school and elementary level," Stevens said, "(but) we have about six or seven hundred middle-school students that won't have a place in a separated system."

By terminating the contract and making it effective at the end of the 2025-26 school year, the county is setting the timeline to three years to allow for the necessary changes, especially those to accommodate the middle-school students, supervisor John McGlennon said.

The board had not publicly discussed the matter leading up to the vote, McGlennon said, because a contract was involved and, typically, negotiating positions are not made public in those situations. The county said in a news release, however, that it remains open to talking with the city about a new agreement.

As for what happens next, eyes are on the school board, which would be in charge of redistricting in the event of separation. School Board Chairman Greg Dowell declined to comment but said that Superintendent Olwen Herron "may opt to provide comments" at the board's Aug. 1 work session.

In a statement emailed to faculty and staff last week, Herron said she wanted to "bring comfort and clarity" based on what is currently known, emphasizing that the separation would not be right away and that the division has and will continue "to do great work in service to our students and the community."

Teachers watch, wait as school debate continuesImpending split of JCC-Williamsburg leaves many issues to be addressed

While the governmental boards continue to hash it out, Sardi said educators will continue to show that the existing system works.

"We will continue to show the community that the joint system has value," he said.

Staff writer Sian Wilkerson contributed.

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: EDUCATION & TRAINING (90%); EDUCATION SYSTEMS & INSTITUTIONS (90%); EDUCATIONAL INSTITUTION EMPLOYEES (90%); PUBLIC SCHOOLS (90%); AGREEMENTS (89%); CITIES (89%); CITY GOVERNMENT (89%); COUNTIES (89%); COUNTY GOVERNMENT (89%); LEGISLATIVE BODIES (89%); PRIMARY & SECONDARY SCHOOL TEACHERS (89%); BOARDS OF DIRECTORS (78%); CITY LIFE (78%); MAYORS (78%); PUBLIC OFFICIALS (78%); REGIONAL & LOCAL GOVERNMENTS (78%); SCHOOL DISTRICTS (78%); ASSOCIATIONS & ORGANIZATIONS (77%); TALKS & MEETINGS (77%); ECONOMIC GROWTH (74%); LABOR & EMPLOYMENT (74%); STUDENTS & STUDENT LIFE (73%); POPULATION GROWTH (72%); REFERENDUMS (71%); RESEARCH REPORTS (66%); ACADEMIC YEAR (63%)

Industry: EDUCATION SYSTEMS & INSTITUTIONS (90%); PUBLIC SCHOOLS (90%); NEW CONSTRUCTION (73%); PODCASTING (50%)

Geographic: WILLIAMSBURG, VA, USA (94%); VIRGINIA, USA (94%)

Load-Date: July 30, 2023

2023/2024 CLG Regulatory Reduction and Periodic Review Timeline

The following timeline shows suggested actions for the Commission and staff to reduce the regulatory requirements in 1 VAC 50-20 and perform concurrent periodic reviews of 1 VAC 50-20 and 1 VAC 50-10. This timeline will allow the Commission to fully complete the periodic reviews and lay the groundwork for regulatory reduction before the Loudoun/Leesburg hearings in March.

Upon further review, staff no longer recommends reviewing 1 VAC 50-10 to reduce its regulatory requirements because this regulatory chapter contains minimal discretionary regulations and was developed in model form by the Department of Planning and Budget. It was then adopted by every state agency in relevant part. Therefore, reductions to this chapter will create inconsistencies among the public participation guidelines used by other agencies with minimal benefit to overall regulatory reduction. This chapter only needs to undergo a standard periodic review.

Bold = Commission action requiring a vote

Time Period	Periodic Review	Regulatory Reduction
August	<ul style="list-style-type: none"> • Publish notice of periodic review of Chapter 20 • Public comment period runs from 8/28 to 9/18 	<ul style="list-style-type: none"> • Staff will develop suggested changes to Sections 1-390 of Chapter 20
September meeting	<ul style="list-style-type: none"> • No action 	<ul style="list-style-type: none"> • Discuss Sections 1-390 of Chapter 20
October	<ul style="list-style-type: none"> • Staff will receive and compile public comments on periodic review • Create a summary of comments, a draft response to comments, and a draft TH-07 (Due January 16) 	<ul style="list-style-type: none"> • Staff will draft changes suggested to chapter 20 in September meeting into final form • Staff will develop suggested changes to Sections 540-670 of Chapter 20
November meeting	<ul style="list-style-type: none"> • Discuss public comments on Chapter 20 for purposes of periodic review • Commission Action: move to retain, repeal, or start reg review based on public comments (approve the TH-07 with amendments as necessary) • Commission Action: initiate chapter 10 periodic review 	<ul style="list-style-type: none"> • Discuss Sections 540-670 of Chapter 20

December	<ul style="list-style-type: none"> • Staff will publish approved TH-07 for Chapter 20 • Staff will publish notice of periodic review of Chapter 10 • Public comment period _____ to _____ • Staff will receive and compile public comments on periodic review • Staff will create a summary of comments, a draft response to comments, and a draft TH-07 (Due _____) 	<ul style="list-style-type: none"> • Staff will create draft text of all suggested changes to chapter 20
January meeting	<ul style="list-style-type: none"> • Discuss public comments on Chapter 10 for purposes of periodic review • Commission Action: move to retain, repeal, or start reg review based on public comments (approve the TH-07 with amendments as necessary) 	<ul style="list-style-type: none"> • Commission action: approve draft text of Chapter 20 • Direct staff to prepare regulatory package for executive branch review and publication in the register.
February	<ul style="list-style-type: none"> • Staff will publish approved TH-07 for Chapter 10 	<ul style="list-style-type: none"> • Staff submits regulatory package for review (DPB, Secretary, ORM, Governor) • Upon approval, staff will publish appropriate regulatory stage.
March meeting		<ul style="list-style-type: none"> • Action on additional regulatory stages for chapter 20
April		<ul style="list-style-type: none"> • Prepare additional regulatory stages for chapter 20
May Meeting		<ul style="list-style-type: none"> • Action on additional regulatory stages for chapter 20

June		<ul style="list-style-type: none">• Prepare additional regulatory stages for chapter 20
July meeting		<ul style="list-style-type: none">• [IF NECESSARY] Action on additional regulatory stages for chapter 20
August		
September meeting		
October		
November meeting		
December		

Regulation Reform July 2020 Baseline Catalog

A. VAC AND MANDATE INFORMATION				B. BASELINE CATALOG July 1, 2023						
VAC ID	BOARD	VAC Chapter	Section Name	Government/ Statutory	Regulated/ Statutory	Statutory Baseline	Government/ Discretionary	Regulated/ Discretionary	Discretionary Baseline	TOTAL Baseline
1.50.11.10	Commission on Local Government	Public Participation Guidelines	Section 10 - Purpose	0	0	0	0	0	0	0
1.50.11.20	Commission on Local Government	Public Participation Guidelines	Section 20 - Definitions	0	0	0	0	0	0	0
1.50.11.30	Commission on Local Government	Public Participation Guidelines	Section 30 - Notification list	1	0	1	0	0	0	1
1.50.11.40	Commission on Local Government	Public Participation Guidelines	Section 40 - Information to be sent to persons on the notification list	3	0	3	0	0	0	3
1.50.11.50	Commission on Local Government	Public Participation Guidelines	Section 50 - Public comment	11	0	11	0	0	0	11
1.50.11.60	Commission on Local Government	Public Participation Guidelines	Section 60 - Petition for rulemaking	2	3	5	0	2	2	7
1.50.11.70	Commission on Local Government	Public Participation Guidelines	Section 70 - Appointment of regulatory advisory panel	2	0	2	0	0	0	2
1.50.11.80	Commission on Local Government	Public Participation Guidelines	Section 80 - Appointment of negotiated rulemaking panel	0	0	0	0	0	0	0
1.50.11.90	Commission on Local Government	Public Participation Guidelines	Section 90 - Meetings	1	0	1	1	0	1	2
1.50.11.100	Commission on Local Government	Public Participation Guidelines	Section 100 - Public hearings on regulations	3	0	3	1	0	1	4
1.50.11.110	Commission on Local Government	Public Participation Guidelines	Section 110 - Periodic review of regulations	2	0	2	0	0	0	2
1.50.20.1	Commission on Local Government	Organization and Regulations of Procedure	Section 1 - Applicability	0	0	0	0	0	0	0
1.50.20.5	Commission on Local Government	Organization and Regulations of Procedure	Section 5 - Definitions	0	0	0	0	0	0	0
1.50.20.10	Commission on Local Government	Organization and Regulations of Procedure	Section 10 - Principal duties	0	0	0	0	0	0	0
1.50.20.40	Commission on Local Government	Organization and Regulations of Procedure	Section 40 - Officers	1		1	1		1	2
1.50.20.50	Commission on Local Government	Organization and Regulations of Procedure	Section 50 - Powers and duties of chair	0	0	0	0	0	0	0
1.50.20.100	Commission on Local Government	Organization and Regulations of Procedure	Section 100 - Canons of conduct	0	0	0	1	1	2	2
1.50.20.110	Commission on Local Government	Organization and Regulations of Procedure	Section 110 - Staff	1	0	1	0	0	0	1
1.50.20.140	Commission on Local Government	Organization and Regulations of Procedure	Section 140 - Regular meetings	2		2	1		1	3
1.50.20.142	Commission on Local Government	Organization and Regulations of Procedure	Section 142 - Special meetings	1	0	1	1	0	1	2
1.50.20.150	Commission on Local Government	Organization and Regulations of Procedure	Section 150 - Minutes of meetings and hearings	2		2	1		1	3
1.50.20.160	Commission on Local Government	Organization and Regulations of Procedure	Section 160 - Executive sessions or meetings	0	0	0	0	0	0	0
1.50.20.170	Commission on Local Government	Organization and Regulations of Procedure	Section 170 - Confidentiality of proceedings and submissions	2	0	2	0	0	0	2
1.50.20.180	Commission on Local Government	Organization and Regulations of Procedure	Section 180 - Notice to commission of proposed action as required by § 15.2-2907 of the Code of Virginia	0	8	4	1	43	44	48
1.50.20.230	Commission on Local Government	Organization and Regulations of Procedure	Section 230 - Referral to commission of proposed voluntary settlement agreements	0	0	0	0	22	22	22
1.50.20.270	Commission on Local Government	Organization and Regulations of Procedure	Section 270 - Referral to commission of proposed town-county agreement defining annexation rights	0	0	0	0	20	20	20
1.50.20.310	Commission on Local Government	Organization and Regulations of Procedure	Section 310 - Referral to commission of town petition for order establishing annexation rights	0	4	4	0	20	20	24

Regulation Reform July 2020 Baseline Catalog

A. VAC AND MANDATE INFORMATION				B. BASELINE CATALOG July 1, 2023						
VAC ID	BOARD	VAC Chapter	Section Name	Government/ Statutory	Regulated/ Statutory	Statutory Baseline	Government/ Discretionary	Regulated/ Discretionary	Discretionary Baseline	TOTAL Baseline
1.50.20.350	Commission on Local Government	Organization and Regulations of Procedure	Section 350 - Referral to commission of boundary line adjustment	0	0	0	0	23	23	23
1.50.20.382	Commission on Local Government	Organization and Regulations of Procedure	Section 382 - Referral to commission of proposed economic growth-sharing agreements			0		21	21	21
1.50.20.384	Commission on Local Government	Organization and Regulations of Procedure	Section 384 - Determination of continued eligibility for city status	4	0	4	0	1	1	5
1.50.20.390	Commission on Local Government	Organization and Regulations of Procedure	Section 390 - General provisions applicable to mandatory commission reviews	0	0	0	6	17	23	23
1.50.20.540	Commission on Local Government	Organization and Regulations of Procedure	Section 540 - Annexation	0	0	0	1	0	1	1
1.50.20.550	Commission on Local Government	Organization and Regulations of Procedure	Section 550 - Partial county immunity	0	0	0	1	0	1	1
1.50.20.560	Commission on Local Government	Organization and Regulations of Procedure	Section 560 - Town-county agreements defining annexation rights	0	0	0	1	0	1	1
1.50.20.570	Commission on Local Government	Organization and Regulations of Procedure	Section 570 - Town incorporation	0	0	0	1	0	1	1
1.50.20.580	Commission on Local Government	Organization and Regulations of Procedure	Section 580 - Town-city transitions	0	0	0	1	0	1	1
1.50.20.590	Commission on Local Government	Organization and Regulations of Procedure	Section 590 - County-city transitions	0	0	0	1	0	1	1
1.50.20.600	Commission on Local Government	Organization and Regulations of Procedure	Section 600 - Boundary line adjustment	0	0	0	1	0	1	1
1.50.20.601	Commission on Local Government	Organization and Regulations of Procedure	Section 601 - City-town transitions	0	0	0	1	0	1	1
1.50.20.605	Commission on Local Government	Organization and Regulations of Procedure	Section 605 - County-city consolidations	0	0	0	1	0	1	1
1.50.20.610	Commission on Local Government	Organization and Regulations of Procedure	Section 610 - Voluntary settlement agreements	0	0	0	1	0	1	1
1.50.20.612	Commission on Local Government	Organization and Regulations of Procedure	Section 612 - Voluntary economic growth-sharing agreements	0	0	0	1	0	1	1
1.50.20.614	Commission on Local Government	Organization and Regulations of Procedure	Section 614 - Determination of continued eligibility for city status	0	0	0	1	1	2	2
1.50.20.616	Commission on Local Government	Organization and Regulations of Procedure	Section 616 - Order defining a town's future annexation rights	0	0	0	1	0	1	1
1.50.20.620	Commission on Local Government	Organization and Regulations of Procedure	Section 620 - Oral presentations by parties	0	0	0	2	3	5	5
1.50.20.630	Commission on Local Government	Organization and Regulations of Procedure	Section 630 - Public hearing	5	0	5	4	5	9	14
1.50.20.640	Commission on Local Government	Organization and Regulations of Procedure	Section 640 - Conclusion of mandatory reviews	3	0	3	2	0	2	5
1.50.20.650	Commission on Local Government	Organization and Regulations of Procedure	Section 650 - Statutorily invoked mediation in annexation immunity issues	0	3	3	0	1	1	4
1.50.20.660	Commission on Local Government	Organization and Regulations of Procedure	Section 660 - Mediation of other interlocal issues	0	0	0	0	4	4	4
1.50.20.670	Commission on Local Government	Organization and Regulations of Procedure	Section 670 - Requested investigations and analyses	0	0	0	0	7	7	7

Staff Suggestions for Regulatory Reduction of 1 VAC 50-20, Sections 1 – 390

Preliminary count of discretionary regulations on regulated parties in Sections 1 -390	168
Number of discretionary regulations on regulated parties suggested for elimination or reduction	55+
Percent reduction	32.7%

Regulatory Section	Regulations suggested for elimination or reduction
180	17+
230	5+
270	8+
310	7+
350	11+
382	5+
390	2

- **Blue** = Discretionary requirements that govern the Commission’s actions. These may be reduced, but do not count toward the regulatory reduction requirement.
- **Green** = Discretionary requirements that govern outside parties. These must be reduced by 25% in accordance with Executive Order 19 and Office of Regulatory Management guidance.
- **Grey** = Mandatory requirements that are governed by statute.
- Any language that does not place a requirement on the Commission or an outside party (i.e. regulations on the powers and conduct of the chair or other officers) is not counted as a requirement.

Additional note: These sections contain the large majority of our discretionary requirements that govern outside parties—168 of 191. Therefore, most, if not all, of our reduction needs to occur in these sections. Staff has suggested 55 requirements to reduce, which is already greater than the overall target of 48.

Chapter 20. Organization and Regulations of Procedure

Part I

Commission on Local Government

1VAC50-20-1. Applicability.

The Commission on Local Government's regulations are promulgated pursuant to the authority of § [15.2-2903](#) of the Code of Virginia and are applicable to the proceedings of the Commission on Local Government. When necessary to fulfill its statutory responsibilities, the commission may grant, upon its own initiative, a waiver or modification of any of the provisions of these

regulations, except those required by law, under terms and conditions and to the extent it deems appropriate.

1VAC50-20-5. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

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

"Commission" means the Commission on Local Government.

"County" means a county in the Commonwealth of Virginia.

"Local government" means a county, city, or town in the Commonwealth of Virginia.

"Locality" means a county, city, or town in the Commonwealth of Virginia.

"Municipality" means a city or town in the Commonwealth of Virginia.

"Party" means local governments, voters, or property owners initiating a proposed annexation, voters of any community requesting that their community be incorporated as a town, voters petitioning for the transition of a city to town status, or a committee appointed by the circuit court to act for and in lieu of a local government to perfect a consolidation agreement.

1VAC50-20-10. Principal duties.

The commission is charged with reviewing proposed annexations, other local boundary change issues, petitions for partial immunity, local government transitions, and interlocal agreements and with assisting other interlocal concerns for the purpose of maintaining the Commonwealth's local governments as viable communities in which their citizens can live.

1VAC50-20-40. Officers.

The commission shall elect from its membership **at its regular January meeting, or as soon thereafter as possible,** a chair and a vice chair, who shall serve terms of one year, or until their successors are elected. In the event of a vacancy occurring in the office of chair or vice chair, for any cause, the commission shall fill the same by election for the unexpired term. The chair shall preside at all meetings, presentations, and public hearings held by the commission unless absent. In the absence of the chair, the vice chair shall preside at any meeting or other assembly of the commission and shall exercise all powers and duties of the chair. **In the event that the chair and vice chair are absent for a meeting or other assembly of the commission, the remaining members of the commission shall elect a temporary chair who shall exercise all powers and duties of the chair for the duration of the meeting or assembly.**

1VAC50-20-50. Powers and duties of chair.

In addition to any other powers or duties placed upon the chair by law, this chapter, or other action of the commission, the chair shall be authorized to:

1. Request one or more members of the commission or its staff to represent the commission before local governing bodies, before state agencies and legislative committees, or before any other entity where the representation of the commission is requested or where the chair deems appropriate;
2. Select or change sites for oral presentations and public hearings;

3. Defer and reschedule issues the chair deems appropriate upon consultation with the commission;
4. Act on behalf of the commission in efforts to resolve disputes between the parties to an issue relative to the production and sharing of data, or with respect to related concerns bearing on the commission's review of an issue; and
5. Establish upon consultation with the parties an equitable distribution of time for public presentations and to make other arrangements the chair deems appropriate and consistent with the requirements of law and this chapter for the conduct of the commission's oral presentations and public hearings.

1VAC50-20-100. Canons of conduct.

The commission shall adopt, and may from time to time amend, Canons of Conduct regarding members' conduct and their relations with parties and their agents. Officials and agents of parties with issues before the commission shall be expected to obtain and review a copy of the Canons of Conduct.

1VAC50-20-110. Staff.

The commission shall have a staff consisting of an executive director, who shall be appointed by the Governor and confirmed by the General Assembly, and other employees as are needed and authorized by law.

Part II

General Administration

1VAC50-20-140. Regular meetings.

The commission shall fix the time and place for holding regular meetings, which shall be held at least once every two months. Changes in the schedule and location of the regular meetings may be made by the commission, but the changes shall be duly announced in the Virginia Register of Regulations published by the Virginia Code Commission and posted on the Virginia Regulatory Town Hall.

1VAC50-20-142. Special meetings.

Special meetings of the commission may be called by any member on such occasions as may be reasonably necessary to carry out the duties of the commission. Except in instances where a special meeting is scheduled at a regular meeting, the chair shall cause to be mailed - including by electronic means - to all members, at least five days in advance of a special meeting, a written notice specifying the time, place, and purpose of the special meeting. Notice of special meetings shall be announced appropriately on the Virginia Regulatory Town Hall and on a calendar maintained by the Commonwealth.

1VAC50-20-150. Minutes of meetings and hearings.

Minutes shall be recorded for each public meeting held by the commission. The minutes shall include a brief summary of comments on major issues under consideration and concise and

specific statements of all action taken by the commission. The minutes shall be provided to each commission member for reading and editing prior to approval at a subsequent commission meeting. There need be no actual reading of the minutes at the meeting, but a vote shall be taken for the formal approval of the minutes as written or amended. Copies of the minutes of public meetings shall be made available to any interested party at a price sufficient to cover the expense incurred or on the Virginia Regulatory Town Hall and the commission's internet webpage.

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Commented [NL(1)]: This change is necessary to update these regulations to conform to DHCD's publicly available FOIA policies, which only allow a charge if staff time to produce the records exceeds 3 hours.

1VAC50-20-160. Executive sessions or meetings.

The commission, its panels, or its members and staff may hold and conduct executive sessions or meetings as may be necessary for mediation and negotiations, for deliberations, or for other appropriate purposes.

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Commented [NL(2)]: This is an area where you may wish to consider adding regulations to standardize our practices.

No official action of the Commission otherwise requiring a public vote shall be approved in executive session unless the Commission takes a vote on such action at a subsequent regular meeting of the Commission...

Executive session is not the same as a "closed session" under FOIA, and so there are no statutory requirements for entering or exiting it. Under 15.2-2907D, as are simply allowed to enter it by implication whenever it is necessary.

However, since executive session and closed session serve similar purposes, staff suggests looking at 2.2-3712, closed meeting procedures, for potential ideas.

Since this could go in several directions, the added language here is simply a starting point for discussion.

1VAC50-20-170. Confidentiality of proceedings and submissions.

All testimony, statements, exhibits, documents, or other evidence submitted to the commission by the parties in conjunction with its legally prescribed public meetings, presentations, or hearings shall be subject to disclosure by the commission under the provisions of the Virginia Freedom of Information Act. All other materials, including the testimony, statements, exhibits, documents, or other evidence submitted to the commission pursuant to executive deliberations, negotiations, or mediation which the commission is authorized by law to conduct, shall be treated as confidential and shall not be subject to disclosure by the commission nor by the parties involved in executive proceedings except by agreement of the commission and all parties to the proceedings.

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Part III
Mandatory Commission Reviews

1VAC50-20-180. Notice to commission of proposed action as required by § 15.2-2907 of the Code of Virginia.

A. Notice of a proposed action as required by § 15.2-2907 of the Code of Virginia to the commission shall be accompanied by resolution of the governing body of the locality providing the notice evidencing its support of such action. Notice to the commission shall indicate the name, title, address, phone number, and, where available, fax number and email address of the individual who shall serve as designated contact with the commission regarding the issue presented. All notices required to be given the commission under the provisions of § 15.2-2907 of the Code of Virginia shall also indicate the other local governments given notice of the proposed action pursuant to subsection C of this section.

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Commented [NL(3)]: Staff suggests keeping "title" if it is a government official, but remove it if it is a citizen.

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1. Notice of a proposed annexation initiated by voters or property owners shall be accompanied by the original or certified petition signed by 51% of the voters of any territory

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adjacent to any municipality or 51% of the owners of real estate in number and land area in a designated area. Notice to the commission shall indicate the name, ~~title, address,~~ and phone number, ~~and, where available, fax number~~ and email address of the individual who shall serve as designated contact with the commission regarding the issue presented. ~~All notices required to be given to the commission under the provisions of § 15.2-2907 of the Code of Virginia shall also indicate the other local governments given notice of the proposed action pursuant to subsection C of this section.~~

2. Notice of a petition for the proposed transition of a city to town status that has been referred to the commission pursuant to § 15.2-4102 of the Code of Virginia shall indicate the name, ~~title, address,~~ phone number, ~~and, where available, fax number~~ and email address of the individual who shall serve as designated contact with the commission regarding the issue referred. ~~All notices required to be given the commission under the provisions of § 15.2-2907 of the Code of Virginia shall also indicate the other local governments given notice of the proposed action pursuant to subsection C of this section.~~

3. Notice to the commission by a committee of citizens that has been appointed by the circuit court to act for and in lieu of a governing body to perfect a consolidation agreement pursuant to § 15.2-3531 of the Code of Virginia shall indicate the name, ~~title, address,~~ phone number, ~~and, where available, fax number~~ and email address of the individual who shall serve as designated contact with the commission regarding the proposed consolidation. ~~All notices required to be given to the commission under the provisions of § 15.2-2907 of the Code of Virginia shall also indicate the other local governments given notice of the proposed action pursuant to subsection C of this section.~~

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B. Any party giving notice to the commission of a proposed action pursuant to § 15.2-2907 of the Code of Virginia may submit with the notice as much data, exhibits, documents, or other supporting materials as it deems appropriate; ~~however, the submissions should be fully responsive to all relevant elements of the applicable section of~~ Part IV (1VAC50-20-540 et seq.) ~~of this chapter.~~

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- Commented [NL(4)]: This requirement (and the equivalent ones for the other actions) may be reduced, instead of eliminated, by reducing the number of responsive elements in the referenced section. We will consider that section at the next meeting.

C. Any party giving notice to the commission of a proposed action as required by § 15.2-2907 of the Code of Virginia shall also give notice to each Virginia local government located within or contiguous to, or sharing functions, revenue, or tax sources with the local government proposing the action. ~~All notices to the local governments shall include an annotated listing of all documents, exhibits, and other material submitted to the commission in support of the proposed action.~~ ~~contact information for the Commission's staff with instructions to contact the Commission or the locality's FOIA Officer, if applicable, for copies of the documents submitted to the Commission.~~

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1. Any voters or property owners giving notice to the commission of a proposed annexation as required by § 15.2-2907 of the Code of Virginia shall also give notice to each Virginia local government located within or contiguous to, or sharing functions, revenue, or tax sources with the municipality to which annexation is sought. ~~All notices to the immediately affected local governments shall include copies of all documents, exhibits, and other material submitted to the commission in support of the proposed action, and notice to other localities may include, in lieu of copies of the submissions, contact information for the Commission's~~

- Commented [NL(5)]: This and related changes are intended to be a reduction that will count for partial credit.
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staff with instructions to contact the Commission for copies of the documents submitted to the Commission, ~~an annotated listing of the material.~~

2. Any voters whose petition for the proposed transition of a city to town status that has been referred to the commission pursuant to § 15.2-4102 of the Code of Virginia shall also give notice to each Virginia local government located within or contiguous to, or sharing functions, revenue, or tax sources with the city proposed for town status. All notices to the immediately affected local governments shall include copies of all documents, exhibits, and other material submitted to the commission in support of the proposed action, and notice to other localities may include, in lieu of copies of the submissions, ~~contact information for the Commission's staff with instructions to contact the Commission for copies of the documents submitted to the Commission, an annotated listing of the material.~~

3. A committee of citizens that has been appointed by the circuit court to act for and in lieu of a governing body to perfect a consolidation agreement pursuant to § 15.2-3531 of the Code of Virginia shall also give notice to each Virginia local government located within or contiguous to, or sharing functions, revenue, or tax sources with the local governments that are proposed to be consolidated. All notices to the immediately affected local governments shall include copies of all documents, exhibits, and other material submitted to the commission in support of the proposed action, and notice to other localities may include, in lieu of copies of the submissions, ~~contact information for the Commission's staff with instructions to contact the Commission for copies of the documents submitted to the Commission, an annotated listing of the material.~~

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D. Any local government receiving notice pursuant to subsection C of this section or any other affected party may submit data, exhibits, documents, or other material for commission review and consideration as it deems appropriate. The submissions should, however, be responsive to all relevant elements of the applicable section of Part IV (1VAC50-20-540 et seq.) of this chapter. Any party submitting material to the commission for review pursuant to this section shall also designate an individual as principal contact for the commission and shall furnish the individual's name, title, address, phone number, and, where available, fax number and email address. ~~The submitting party shall notify. An annotated listing of all documents, exhibits, or other material submitted to the commission pursuant to this section shall be provided to the party initiating the proceeding before the commission of their submission. Such notification shall include contact information for the Commission's staff with instructions to contact the Commission for copies of the documents submitted to the Commission.~~ The commission may establish a time by which all submissions by respondent parties must be received.

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E. Upon its receipt of notice of a proposed action pursuant to subsection A of this section, the commission shall, subsequent to discussion with representatives of the party submitting the notice and other appropriate parties, schedule a review of the proposed action. The commission shall also concurrently extend the services of its office to the parties in an endeavor to promote a negotiated settlement of the issue and, further, may designate, with the agreement of the parties, an independent mediator to assist in the negotiations. The commission's review of a notice of a proposed annexation as required by § 15.2-2907 of the Code of Virginia filed by voters or property owners shall be terminated upon receipt of an

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ordinance, duly adopted by a majority of the elected members of the governing body of the affected city or town, rejecting the annexation proposed by the notice.

1VAC50-20-230. Referral to commission of proposed voluntary settlement agreements.

A. Referral of a proposed voluntary settlement agreement to the commission under the provisions of § 15.2-3400 of the Code of Virginia shall be accompanied by resolutions, joint or separate, of the governing bodies of the localities that are parties to the proposed agreement requesting the commission to review the agreement. The resolutions shall also state the intention of the governing bodies to adopt the agreement subsequent to the commission's review and shall indicate the name, title, address, phone number, and, where available, fax number and email address of the individual who shall serve as each locality's principal contact with the commission during the period of its review. Referrals to the commission pursuant to § 15.2-3400 of the Code of Virginia shall also be accompanied by a listing of local governments receiving notice of the referral under subsection C of this section.

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B. Any party referring a proposed voluntary settlement agreement to the commission for review pursuant to § 15.2-3400 of the Code of Virginia may submit with the proposed agreement as much data, exhibits, documents, or other supporting materials as deemed appropriate; however, the submissions should be fully responsive to all relevant elements of 1VAC50-20-610.

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C. Whenever a proposed voluntary settlement agreement is referred to the commission for review pursuant to subsection A of this section, the parties to the proposed agreement shall concurrently give notice of the referral to each Virginia local government with which any of the parties is contiguous, or with which any of the parties shares any function, revenue, or tax source. All such notices of referral shall be accompanied by contact information for the Commission's staff with instructions to contact the Commission for copies of the documents submitted to the Commission—a copy of the proposed voluntary settlement agreement, or a descriptive summary thereof, and an annotated listing of all documents, exhibits, and other materials submitted to the commission in support of the proposed agreement.

- Commented [NL(6)]: Unlike with referrals from 15.2-2907, notification of other localities when there is a VSA is not required by statute. However, since issues that come through VSAs are similar to or the same as issues that go through 2907, staff recommends keeping this requirement for consistency.
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D. Any local government receiving notice of referral pursuant to subsection C of this section, or any other party, may submit data, exhibits, documents, or other supporting materials relevant to the commission's review as it deems appropriate; however, the submissions should be responsive to all relevant elements of 1VAC50-20-610. Any party submitting materials to the commission pursuant to this chapter shall also designate an individual who shall serve as principal contact with the commission during the period of its review and shall furnish the individual's title, name, address, phone number, and, where available, fax number and email address. The commission may establish a time by which all submissions by respondent parties must be received. Any party submitting materials to the commission pursuant to this chapter shall also notify the parties to the voluntary settlement agreement of their submission. Such notification shall include contact information for the Commission's staff with instructions to contact the Commission for copies of the documents submitted to the Commission, provide an

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~~annotated listing of the material to the parties to the proposed voluntary settlement agreement. The commission may establish a time by which all submissions by respondent parties must be received.~~

1VAC50-20-270. Referral to commission of proposed town-county agreement defining annexation rights.

A. ~~Referral to the commission of a proposed town-county agreement defining annexation rights pursuant to § 15.2-3231 of the Code of Virginia shall be accompanied by resolutions, joint or separate, of the governing bodies of the town and county requesting the commission to review the agreement. The resolutions shall also state the intention of the governing bodies to adopt the agreement subsequent to the commission's review and shall indicate the name, title, address, phone number, and, where available, tax number and email address of the individual who shall serve as each locality's principal contact with the commission during the period of its review. Referrals to the commission pursuant to § 15.2-3231 of the Code of Virginia shall also be accompanied by a listing of local governments receiving notice of such referral under subsection C of this section.~~

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B. Any party referring a proposed agreement to the commission for review pursuant to § 15.2-3231 of the Code of Virginia may submit with the proposed agreement as much data, exhibits, documents, or other supporting materials as deemed appropriate; however, submissions should be fully responsive to all relevant elements of 1VAC50-20-560.

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C. ~~Whenever a proposed agreement is referred to the commission for review pursuant to subsection A of this section, the parties to the proposed agreement shall concurrently give notice of the referral to each Virginia local government with which either party is contiguous or with which either party shares any function, revenue, or tax source. All notices of referral shall be accompanied by a copy of the proposed agreement, or a descriptive summary thereof, and an annotated listing of all documents, exhibits, and other materials submitted to the commission in support of the proposed agreement.~~

Commented [NL(7): As with VSAs, this additional notification is not required by statute. However, there is a notification requirement for property owners in statute that is not in our regulations. In addition, these are highly localized matters that are not similar to those in 2907. Therefore, staff recommends eliminating this additional notification requirement.

D. Any local government receiving notice of referral pursuant to subsection C of this section, or any other party, may submit data, exhibits, documents, or other supporting materials relevant to the commission's review as they deem appropriate; however, the submissions should be responsive to all relevant elements of 1VAC50-20-560. Any party submitting materials to the commission pursuant to this chapter shall also designate an individual who shall serve as principal contact with the commission during the period of its review and shall furnish the individual's ~~title name~~, address, phone number, and, where available, tax number and email address. The commission may establish a time by which all submissions by respondent parties must be received. Any party submitting materials to the commission pursuant to this chapter shall also ~~notify the parties to the agreement defining annexation rights of their submission. Such notification shall include contact information for the Commission's staff with instructions to contact the Commission for copies of the documents submitted to the Commission, provide an annotated listing of the material to the parties to the proposed agreement. The commission may establish a time by which all submissions by respondent parties must be received.~~

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1VAC50-20-310. Referral to commission of town petition for order establishing annexation rights.

A. Any town unable to reach an agreement with its county as to future annexation rights may, pursuant to § 15.2-3234 of the Code of Virginia, adopt an ordinance petitioning the commission for an order establishing its rights to annex territory in such county. ~~The petition to the commission shall include the terms of a proposed order establishing the town's annexation rights and shall indicate the name, title, address, phone number, and, where available, fax number and email address of the individual who shall serve as the town's principal contact with the commission. Petitions to the commission pursuant to § 15.2-3234 of the Code of Virginia shall also be accompanied by a copy of the ordinance, and by a listing of all local governments being served or receiving notice of the town's petition pursuant to subsection C of this section.~~

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B. Any town petitioning the commission under the authority of § 15.2-3234 of the Code of Virginia may submit with the petition as much data, exhibits, documents, or other supporting materials as deemed appropriate; ~~however, the submissions should be fully responsive to all relevant elements of 1VAC50-20-616.~~

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C. Any town petitioning for an order establishing its annexation rights under the authority of § 15.2-3234 of the Code of Virginia shall serve a copy of the petition and ordinance on the Commonwealth's attorney, or the county attorney if there be one, and on the chairman of the board of supervisors of the county whose territory would be affected by the town's proposed annexation order. ~~The town shall also give notice of its petition to all other towns located within the affected county and to each Virginia local government adjoining such county. The service in the county and the notice to other localities shall be accompanied by include contact information for the Commission's staff with instructions to contact the Commission for copies of the documents submitted to the Commission, an annotated listing of all materials submitted to the commission pursuant to subsection B of this section.~~

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Commented [NL(8)]: Since there is a unique statutory notification requirement and because these actions are highly localized, staff recommends eliminating this additional requirement.

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D. A county served with a copy of a town's petition pursuant to subsection C of this section shall file its response to such petition with the commission within 60 days after receipt of the service.

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Any other party ~~receiving notice pursuant to subsection C of this section, with an interest in the petition~~ may also submit materials to the commission for consideration with respect to the town's petition ~~within 60 days of their receipt of the notice.~~ Responses and submissions to the commission pursuant to this chapter may include data, exhibits, documents, or other materials as the submitting party deems appropriate; ~~however, such responses and submissions should be responsive to all relevant elements of 1VAC50-20-616.~~ Any party submitting materials to the commission for review pursuant to this chapter shall also designate an individual who shall serve as principal contact with the commission and shall furnish the individual's ~~title, name, address, phone number, and, where available, fax number and email address.~~ Any party submitting materials to the commission pursuant to this chapter shall also ~~provide an annotated listing of the material to the town petitioning the commission, notify the Town that they have submitted materials to the Commission.~~ The Commission may establish a time by which all submissions by respondent parties must be received.

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1VAC50-20-350. Referral to commission of boundary line adjustment.

A. Whenever a court refers a proposed boundary line adjustment to the commission pursuant to § [15.2-3109](#) of the Code of Virginia, ~~the localities proposing the boundary line adjustment shall, upon receipt of notification of the referral, provide the commission with a copy of their petition to the court and shall designate an individual for each locality who shall serve as principal contact with the commission and shall furnish the individual's name, title, address, phone number, and, where available, fax number and email address. Referrals to the commission pursuant to § 15.2-3109 of the Code of Virginia shall also be accompanied by a listing of local governments receiving notice of the referral under subsection C of this section.~~

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B. The two localities proposing a boundary line adjustment pursuant to § [15.2-3109](#) of the Code of Virginia may, jointly or independently, submit to the commission with their petition as much data, exhibits, documents, or other supporting materials as they deem appropriate; ~~however, such submissions should be fully responsive to all relevant elements of 1VAC50-20-600.~~

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~~C. Whenever a proposed boundary line adjustment is referred to the commission for review pursuant to § 15.2-3109 of the Code of Virginia, the localities proposing the adjustment shall concurrently give notice of the proposed adjustment as well as notice of the referral of the issue to the commission to each Virginia local government with which either party is contiguous and to any other Virginia local government deemed by the localities proposing the adjustment to be potentially affected by the proposed adjustment. The notice shall include a copy of the petition requesting the boundary line adjustment, or an informative summary thereof, and an annotated listing of all documents, exhibits, and other materials submitted to the commission for review pursuant to subsection B of this section.~~

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Commented [NL(9)]: The Commission must publish notice of its hearing by statute. Additionally, these are also hyper-localized issues. Therefore, staff recommends eliminating this additional requirement.

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~~D. Any local government receiving notice of a proposed boundary line adjustment pursuant to subsection C of this section, or any other interested party, may submit data, exhibits, documents, or other supporting materials relevant to the commission's review as they deem appropriate; however, such submissions should be responsive to all relevant elements of 1VAC50-20-600. Any party submitting materials to the commission pursuant to this chapter shall also designate an individual who shall serve as principal contact with the commission during the period of its review and shall furnish the individual's name, address, phone number, and, where available, fax number and email address. The commission may establish a time by which all submissions by respondent parties must be received. Any party submitting materials to the commission pursuant to this chapter shall also notify provide an annotated listing of the materials to the localities proposing the boundary line adjustment that they have submitted evidence to the Commission. The commission may establish a time by which all submissions by respondent parties must be received.~~

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1VAC50-20-382. Referral to commission of proposed economic growth-sharing agreements.

A. Referral of a proposed economic growth-sharing agreement to the commission under the provisions of § [15.2-1301](#) of the Code of Virginia shall be accompanied by resolution, joint or

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separate, of the governing bodies of the localities that are parties to the proposed agreement requesting the commission to review the agreement. The resolutions shall also state the intention of the governing bodies to adopt the agreement subsequent to the commission's review and shall indicate the name, title, address, phone number, and, where available, fax number and email address of the individual who shall serve as each locality's principal contact with the commission during the period of its review. Referrals to the commission pursuant to § 15.2-1301 of the Code of Virginia shall also be accompanied by a listing of local governments receiving notice of the referral under subsection C of this section.

B. Any party referring a proposed economic growth-sharing agreement to the commission for review pursuant to § 15.2-1301 of the Code of Virginia may submit with the proposed agreement as much data, exhibits, documents, or other supporting materials as deemed appropriate; however, the submissions should be fully responsive to all relevant elements of 1VAC50-20-612.

C. Whenever a proposed economic growth-sharing agreement is referred to the commission for review pursuant to subsection A of this section, the parties to the proposed agreement shall concurrently give notice of the referral to each Virginia local government with which any of the parties is contiguous, or with which any of the parties shares any function, revenue, or tax source. All notices of referral shall be accompanied shall include contact information for the Commission's staff with instructions to contact the Commission for copies of the documents submitted to the Commission, by a copy of the proposed agreement, or a descriptive summary thereof, and an annotated listing of all documents, exhibits, and other materials submitted to the commission in support of the proposed agreement.

D. Any local government receiving notice of referral pursuant to subsection C of this section, or any other party, may submit data, exhibits, documents, or other supporting materials relevant to the commission's review as it deems appropriate; however, the submissions should be responsive to all relevant elements of 1VAC50-20-612. Any party submitting materials to the commission pursuant to this chapter shall also designate an individual who shall serve as principal contact with the commission during the period of its review, and shall furnish the individual's title, name, address, phone number, and, where available, fax number and email address. Any party submitting materials to the commission pursuant to this chapter shall also provide an annotated listing of the material to the parties to the proposed agreement, identify the parties to the economic growth sharing agreement that they have submitted materials to the Commission. The Commission may establish a time by which all submissions by respondent parties must be received.

1VAC50-20-384. Determination of continued eligibility for city status.

A. The commission shall review each decennial census of population released by the United States Bureau of the Census to determine whether any city has failed to meet the criteria for city status established by Article VII, Section 1 of the Constitution of Virginia. In any instance where the census indicates that a city may not meet the constitutional criteria, the commission

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Commented [NL(10)]: This notification requirement is not required by statute. Given the nature of the agreements, staff recommends these edits (as opposed to complete elimination) since it would be helpful for other localities to be able to weigh in on any agreement that may affect their revenues or taxes.

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shall conduct an investigation of the city's population, assets, liabilities, rights, and obligations and shall certify its findings to the governing body of such city.

B. In the conduct of its investigation, the commission shall request the assistance of the city in the provision of relevant data and information. The city may submit as much data, exhibits, documents, or other material as it deems appropriate; however, the submissions should be responsive to all relevant elements of 1VAC50-20-614.

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1VAC50-20-390. General provisions applicable to mandatory commission reviews.

A. Any local government or other party appearing before the commission relative to any mandatory review may be represented by counsel.

B. The commission shall generally schedule for consideration issues in the order in which received; however, the commission reserves the right to consider issues in other sequence where it deems appropriate. Where notices are received of related or competitive actions affecting the same localities, the commission may, where appropriate, consider the issues and render the reports or a consolidated report concurrently.

C. Subsequent to its receipt of an issue for a mandatory review the commission or its staff shall meet, or otherwise converse, with representatives of the principally affected parties for purposes of establishing a schedule for its review of the issue. The schedule shall include dates (i) for the submission of responsive materials from affected jurisdictions, (ii) for tours of affected areas and oral presentations if any are desired by the commission, (iii) for a public hearing, and (iv) for the issuance of the commission's report, as well as other dates the commission deems appropriate.

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D. The commission may continue or defer its proceedings with respect to an issue at any time it deems appropriate; however, no continuance or deferral shall result in an extension of the commission's reporting deadline beyond any time limit imposed by law, except by agreement of the parties or in accordance with other statutory procedures. The commission shall also accept requests for continuances or deferrals from any party at any time during its proceedings but shall not grant or deny any such requests until all parties have had an opportunity to comment on the requests. In any instance where the commission grants a continuance or a deferral, the continuance or deferral may be conditioned upon an appropriate extension of the commission's reporting deadline with respect to the issue under review.

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E. The commission may confront the necessity of continuing or deferring its proceedings as a result of statutory requirement or court order. In such instances, the commission shall reschedule its proceedings, upon consultation with the parties, in a manner that permits an expeditious conclusion of its review. The parties should anticipate, however, that the duration of the continuance or stay shall result in a commensurate delay in the issuance of the commission's report.

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F. In addition to any meeting, presentation, public hearing, or other gathering of the parties specified by this chapter, the commission may, where it deems necessary for an analysis of material or for a discussion or clarification of the issues before it, schedule other meetings of appropriate parties.

G. No party to a proceeding before the commission for mandatory review shall 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.

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H. In addition to the submissions authorized by 1VAC50-20-180 through 1VAC50-20-384, the commission may allow supplemental submissions deemed necessary or appropriate by the commission for the provision of current and complete data. Where supplemental submissions are authorized pursuant to this subsection, copies of all submissions shall be provided by the submitting party to all principal parties. The commission shall endeavor to establish dates for the filing of all supplemental submissions which will allow an opportunity for their review and critical analysis by other affected parties. However, the commission may accept supplemental submissions filed after any established dates if, in the commission's judgment, the submissions assist the commission in the discharge of its statutory responsibilities.

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I. Any material submitted to the commission by the parties in conjunction with or relative to any notice filed pursuant to any mandatory review covered by 1VAC50-20-180 through 1VAC50-20-384, except materials presented in the context of negotiations or mediation of a confidential nature as authorized by law, shall be considered public documents and made available by the submitting party by the Commission for review by any other interested party or by the public. Any interested party or member of the public may request copies of any such material from the Commission or its staff. In addition, the Commission shall post all public documents as defined by this section on its website, which shall be provided promptly by the party submitting the material to the commission at a price sufficient to cover the expense incurred.

Commented [NL(11)]: This is to align this section with our current practice of putting all case materials on our website so they are easily and publicly available.

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J. Each document, exhibit, or other material submitted to the commission shall bear 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, or other material. All material submitted to the commission by a local government shall be, as nearly as practicable, in the same form as the material would subsequently be submitted to the courts. The commission may refuse to accept for review and consideration any exhibit, document, or other material unless the person preparing it, or a representative of the entity responsible for its submission, shall be willing to appear before the commission for purposes of answering questions concerning the material.

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K. Unless otherwise requested, wherever the regulations of the commission call for the projection of data, the projections should be made for a 10-year period. In each instance where projections are given, the method and bases of the projections should be indicated.

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L. All data, exhibits, documents, or other material submitted to the commission on the initiative of a party or pursuant to a request from the commission shall be certified by the submitting party (i) as to source and (ii) as to the fact that the material is correct within the knowledge of the submitting party.

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M. Any party filing notice or making submissions to the commission shall provide at least eight copies of all submissions, unless the commission agrees that a lesser number would be sufficient for its review and analysis. The commission may make provisions for the electronic filing of submissions, including facsimile.

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N. At any time during the course of the commission's review of any issue, the commission's staff may solicit additional data, documents, records, or other materials from the parties as is deemed necessary for proper analysis of any issue. Where such materials are solicited from a party, the commission's staff, where practicable, shall make the request in writing, with copies of the request being provided to other principal parties. Copies of all materials submitted to the commission pursuant to this chapter shall concurrently be provided to each principal party or shall be made available to the parties in a manner acceptable to the commission. The commission shall be given written notification by the submitting party of each principal party provided a copy of the material or of arrangements proposed for making the material available to the principal parties.

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O. The commission shall not be limited in its analysis of any issue to the materials submitted by the parties but shall undertake independent research as it deems appropriate in order to assure a full and complete investigation of each issue.

P. The commission shall request all parties to cooperate fully in the development and timely sharing of data relative to the issue under review. The commission considers the cooperation among parties vital to the discharge of its responsibilities.

Q. The commission may allow the parties to correct the data, exhibits, documents, or other material submitted to the commission prior to the date established for the closing of the record pursuant to 1VAC50-20-640 B. Where corrections are authorized pursuant to this chapter, copies of all corrections shall be provided by the submitting party to all principal parties. If, in the commission's judgment, the corrections are of a substantive nature as to significantly alter the scope or character of the issue under review, the commission may delay its proceedings for an appropriate amount of time to provide an opportunity for other parties to respond to the corrected data, exhibits, documents, or other material.

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R. Following the receipt of a notice, the commission may request the party initiating the proposed action to prepare and file testimony in support of the proposed action. The testimony of the party initiating the proposed action may refer to all data, exhibits, documents, or other material previously submitted to the commission or filed with the testimony. In all proceedings in which the initiating party files testimony, the affected party shall be permitted and may be

requested by the commission to file, on or before a date established by the commission, testimony in response to the proposed action. The testimony of the affected party may refer to all data, exhibits, documents, or other material previously submitted to the commission or filed with the testimony. Any affected party who chooses not to file testimony by the date established by the commission may not thereafter present testimony except by permission of the commission, but may otherwise fully participate in the proceeding and engage only in cross-examination of the testimony of other parties. Failure to comply with the directions of the commission, without good cause shown, may result in rejection of the testimony by the commission. The commission may permit the parties to correct or supplement any prepared testimony before or during the oral presentations as called for in [1VAC50-20-620](#). Eight copies of prepared testimony shall be filed unless otherwise specified by the commission.

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Loudoun/Leesburg 4 day Hearing Schedule: March 5-8, 2024

October 13, 2023 - Reply filings Due (Town)		
Tuesday, Mach 5 - Oral Arguments and Public Hearing		
3:00 - 6:00 p.m.	Arrival and site visit	Commissioners, staff, and parties
Wednesday, March 6 - Oral Arguments		
9:00 a.m. - 12:00 p.m.	Argument	Town
12:00 - 2:00 p.m.	Break (Lunch)	
2:00 - 5:00 p.m.	Argument	Town
Thursday, March 7 - Oral Arguments and Public Hearing		
9:00 a.m. - 12:00 p.m.	Argument	County
12:00 - 2:00 p.m.	Break (Lunch)	
2:00 - 5:00 p.m.	Argument	County
5:00 - 7:00 p.m.	Break (Dinner)	
7:00 p.m. - TBD	Public Hearing	Commissioners, staff, and public
Friday, March 8 - Oral Arguments		
8:30 - 9:30 a.m.	Rebuttal	Town
9:30 - 10:30 a.m.	Surrebuttal (if necessary)	County
10:30 - 11:00 a.m.	Break	
11:00 a.m. - 12:00 p.m.	Closing	Town
12:00 - 1:00 p.m.	Closing	County
Friday, March 8 — Commission Meetings		
2:00 p.m.	Executive Session	Commission
Potential date to close the record (must be established by the Commission)		
Friday, May 3 — Commission Report Due		

Loudoun/Leesburg 5 Day Proposed Hearing Schedule: March 4-8, 2023

October 13, 2023 – Reply Filings Due (Town)		
Monday, March 4 – Oral Arguments and Public Hearing		
9:00 a.m. – 12:00 p.m.	Arrival and site visit	Commissioners, staff and parties
12:00 p.m. – 2:00 p.m.	Break (Lunch)	
2:00 – 5:00 p.m.	Argument/Evidence	Town
Tuesday, March 5 – Oral Arguments and Public Hearing		
9:00 a.m. – 12:00 p.m.	Argument/Evidence	Town
12:00 – 2:00 p.m.	Break (Lunch)	
2:00 – 5:00 p.m.	Argument/Evidence	Town
Wednesday, March 6 – Oral Arguments and Public Hearing		
9:00 a.m. – 12:00 p.m.	Argument/Evidence	County
12:00 – 2:00 p.m.	Break (Lunch)	
2:00 – 5:00 p.m.	Argument/Evidence	County
Thursday, March 7 – Oral Arguments and Public Hearing		
9:00 – 12:00 p.m.	Argument/Evidence	County
12:00 – 1:00 p.m.	Break (Lunch)	
1:00 – 3:00 p.m.	Rebuttal	Town
3:00 – 5:00 p.m.	Surrebuttal (if necessary)	County
5:00 – 7:00 p.m.	Break (Dinner)	
7:00 p.m. – TBD	Public Hearing	Commissioners, staff and public
Friday, March 8 – Oral Arguments		
9:00 a.m. – 10:30 a.m.	Closing	Town
10:30 a.m. – 12:00 p.m.	Closing	County
Friday, March 8 – Commission Meetings		
1:00 p.m.	Executive Session	Commissioners, staff
Potential date to close the record (must be established by the Commission)		
Friday, May 3 – Commission Report Due		

VIRGINIA:

BEFORE THE COMMISSION ON LOCAL GOVERNMENT

RE: AMENDED AND RESTATED REVENUE)
SHARING AGREEMENTS BETWEEN HENRY)
COUNTY, THE CITY OF MARTINSVILLE AND)
INDUSTRIAL DEVELOPMENT AUTHORITY)
OF HENRY COUNTY)

**NOTICE OF HENRY COUNTY, VIRGINIA AND THE CITY OF MARTINSVILLE,
VIRGINIA OF THEIR REFERRAL TO THE COMMISSION ON LOCAL GOVERNMENT
OF RESTATED AND AMENDED REVENUE SHARING AGREEMENTS BETWEEN AND
AMONG HENRY COUNTY, THE CITY OF MARTINSVILLE AND HENRY COUNTY
INDUSTRIAL DEVELOPMENT AUTHORITY**

The County of Henry, Virginia (**the "County"**) and the City of Martinsville, Virginia (**the "City"**), by their counsel, hereby notify the Commission on Local Government (**the "Commission"**), and all Virginia local governments contiguous to, or sharing any function, revenue, or tax source with the County or the City, of their referral of two proposed economic growth sharing agreements between and among the County, the City and the Industrial Development Authority of Henry County (**the "IDA"**) to the Commission for review in accordance with the provisions of §§ 15.2-1301 and 15.2-2903(4) of the Virginia Code, and § 1 Virginia Administrative Code ("VAC") 50-20-382 and 50-20-612,

The two proposed agreements are the Amended and Restated Revenue Sharing Agreement for Patriot Centre Expansion, concerning property commonly known as the "Bryant Property" (**the "Patriot Centre Agreement"**) and the Amended and Restated Revenue Sharing Agreement for Commonwealth Crossing Business Centre, as modified by the First Addendum to Amended and Restated Revenue Sharing Agreement for Commonwealth Crossing Business Centre (**the "Commonwealth Crossing Agreement" and, together with the Patriot Centre Agreement, the "Agreements"**). Copies of the Patriot Centre Agreement and the Commonwealth Crossing Agreement, including the First Addendum thereto, are attached to this Notice.

In support of this Notice, the Parties state the following:

1. The City and the County have cooperated for decades in mutually beneficial economic development efforts, including establishing a joint enterprise zone program, working together with the Martinsville-Henry County Economic Development Corporation (**the "EDC"**)¹ and entering into a Revenue Sharing Agreement dated September 25, 2007 to

¹ The EDC is Virginia not-for-profit corporation, described as a public-private partnership between the County, the City and the Harvest Foundation of the Piedmont; its mission is to support and develop local industry, create new job opportunities and expand the tax base in the Martinsville-Henry County area.

- share the benefits of development of two separate industrial and business sites in the County (**the "Original Agreement"**).
2. The two separate industrial and business sites subject to the Original Agreement are described in Schedule A of the Patriot Centre Agreement (**the "Patriot Centre Property"**) and Schedule A of the Commonwealth Crossing Agreement (**the "Commonwealth Crossing Property"**).
 3. As stated in the Agreements, the City and County have determined it would be appropriate to separate the Original Agreement into two separate agreements, one relating to the Patriot Center Property and one relating to the Commonwealth Crossing Property, and to provide partial funding to the EDC from revenues generated by development on Lot 2 (as described in Section 4 below).
 4. The First Addendum to Amended and Restated Revenue Sharing Agreement for Commonwealth Crossing Business Centre (**the "Commonwealth Crossing Addendum"**) concerns a portion of the Commonwealth Crossing Property described in the Commonwealth Crossing Addendum as "Lot 2."
 5. On July 11, 2023, the City Council of the City, the Board of Supervisors of the County and the Board of Directors of the IDA voted to approve the Agreements.
 6. Code of Virginia § 15.2-1301 provides that revenue, tax base and economic growth-sharing agreements such as the Agreements shall be referred to the Commission for review and issuance of findings in accordance with Code of Virginia 15.2- 2903(4).
 7. On August 22, 2023, the County and City each passed a Joint Resolution of Henry County and the City of Martinsville requesting that the Commission review the Agreements and make the appropriate findings (**the "Joint Resolution"**).
 8. 1 VAC 50-20-612 provides that in developing its findings of fact and recommendations with respect to a proposed voluntary economic growth-sharing agreement referred to the Commission for review in accordance with Code of Virginia 15.2- 2903(4), the Commission shall consider certain information, data, and factors listed in 1 VAC 50-20-612. The County and the City have provided such information to the Commission in the Joint Submission by Henry County and the City of Martinsville Regarding the Amended and Restated Revenue Sharing agreements between Henry County, the city of Martinsville and the industrial Development Authority of Henry County.
 9. 1 VAC 50-20-382(D) provides that any local government receiving this notice of referral, or any other party, may submit data, exhibits, documents, or other supporting materials relevant to the commission's review as it deems appropriate.
 10. The County and City have each designated as their principal contacts with the Commission the following individuals, who along with the undersigned Counsel, may be contacted by the Commission or any locality to whom this Notice is sent:

HENRY COUNTY

Dale Wagoner, Henry County Administrator
P.O. Box 7
Collinsville, VA 24079

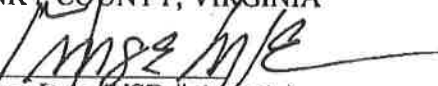
Phone: (276) 634-4601
Email: dwagoner@co.henry.va.us

CITY OF MARTINSVILLE
Glen Adams, Interim Martinsville City Manager
P.O. Drawer 1112
Martinsville, VA 24114


11. Pursuant to 1 VAC50-20-382, the County and the City have mailed copies of this Notice, the Joint Resolution, the Agreements and the attached annotated listing of documents, exhibits and other materials submitted to the Commission in support of the Agreements.
12. The undersigned counsel certify pursuant to 1 VAC50-20-390(L) that the information provided in this Notice came from publicly available sources and was learned during the course of representation of such counsel's respective client. The undersigned further certify that the information provided in this Notice is correct within the knowledge of the submitting party.

WHEREFORE, Henry County, Virginia and the City of Martinsville, Virginia request that the Commission review the Agreements and make its findings at the earliest possible time, but in any event by the end of November, 2023, in accordance with the requirements of §§ 15.2-1301 and 15.2- 2903(4) of the Virginia Code.

HENRY COUNTY, VIRGINIA

By: 
George Glyle (VSB #40572)
Henry County Attorney
3300 Kings Mountain Road
Martinsville, Virginia 24112
Phone: (540) 276-634-4601
Email: glyle@co.henry.va.us
Counsel for Henry County, Virginia

CITY OF MARTINSVILLE, VIRGINIA

By: 
Paul C. Jacobson (VSB #32517)
Sands Anderson PC
1005 Slater Road, Suite 200
Durham, NC 27703
Phone: (919) 313-0045
Email: pjacobson@sandsanderson.com
Steven Durbin (VSB #70963)
Sands Anderson PC
P.O. Box 2009

Christiansburg, VA 24068-2009
Phone: (540) 260-3033
Email: sdurbin@sandsanderson.com
Counsel for City of Martinsville, Virginia

LOCAL GOVERNMENTS NOTIFIED

Pursuant to 1 VAC50-20-382, the County and City have mailed copies of this Notice, the Joint Resolution, the Agreements and the attached annotated listing of documents, exhibits and other materials submitted to the Commission in support of the Agreements to each of the following Virginia local governments contiguous with the County and/or City, or which the County or City shares any function, revenue or tax source.

Patrick County, Virginia

c/o Patrick County Administrator
P.O. Box 466
106 Rucker Street
Stuart, Va. 24171

Franklin County, Virginia

c/o Franklin County Administrator
1255 Franklin Street
Rocky Mount, VA 24151

Pittsylvania County, Virginia

c/o Pittsylvania County Administrator
P.O. Box 426
1 Center Street
Chatham, VA 24531

City of Danville, Virginia

c/o Danville City Manager
427 Patton Street, 4th Floor
Danville, VA 24541

Mailing address

City of Danville, Virginia
c/o Danville City Manager
P.O. Box 3300
Danville, VA 24543

Town of Rocky Mount

c/o Rocky Mount Town Manager
345 Donald Avenue
Rocky Mount, VA 24151

Town of Ridgway

c/o Ridgeway Town Clerk
P.O. Box 525
Ridgeway, VA 24148

ANNOTATED LIST

The following is an annotated list of the documents, exhibits, and other materials the County and the City have submitted to the Commission in support of the Agreements:

1. Amended and Restated Revenue Sharing Agreement for Patriot Centre Expansion
2. Amended and Restated Revenue Sharing Agreement for Commonwealth Crossing Business Centre
3. First Addendum to Amended and Restated Revenue Sharing Agreement for Commonwealth Crossing Business Centre
4. Original Agreement dated September 25, 2007
5. Joint Resolution of Henry County and the City of Martinsville Requesting that the Commission on Local Government Review Proposed Amended and Restate Revenue Sharing Agreements Between Henry County, the City of Martinsville and Industrial Development Authority of Henry County
6. Joint Submission of Henry County, Virginia and the City of Martinsville, Virginia Providing Information Regarding Commission Review of Restated

AMENDED AND RESTATED
REVENUE SHARING AGREEMENT FOR
PATRIOT CENTRE EXPANSION
(Commonly known as the “Bryant Property”)

This Agreement is made and entered into this ____ day of _____, 2023, and executed in quintuplicate originals (each executed copy constituting and original) by and between the County of Henry, Virginia, a political subdivision of the Commonwealth of Virginia (the “County”), the City of Martinsville, Virginia, a municipal corporation of the Commonwealth of Virginia (the “City”), and the Industrial Development Authority of Henry County, a political subdivision of the Commonwealth of Virginia (the “Henry County IDA”).

WHEREAS, the parties to this Agreement previously entered into a Revenue Sharing Agreement dated September 25, 2007 (the “Original Agreement”), pursuant to Virginia Code Section 15.2-1301 (1950), as amended, provided for the sharing of certain revenue between the two localities; and,

WHEREAS, the Original Agreement related to two (2) separate industrial and business sites in Henry County, namely the Patriot Centre Expansion (Commonly known as the “Bryant Property”) in Collinsville Magisterial District and Commonwealth Crossing Business Centre in Ridgeway Magisterial District; and,

WHEREAS, the parties have determined that it would be appropriate to separate the Original Agreement into two (2) separate Agreements, each relating solely to one of specific sites identified above; and,

WHEREAS, the County and the City have determined that the economic growth and development of the region and the comfort, convenience, and welfare of their citizens require the development of industrial and business facilities; and,

WHEREAS, the County and the City have recognized that regional cooperation in industrial and business development will increase the opportunities for the localities to achieve a greater degree of economic stability; and,

WHEREAS, the County and the City have agreed that this Agreement will modify and supersede the Original Agreement as it relates to the joint development of industrial and

business facilities in the County's Patriot Centre described in the attached Schedule "A"; and,

WHEREAS, the Patriot Centre Expansion will continue to be owned by the Henry County IDA; and,

NOW THEREFORE, in consideration of the mutual obligations and covenants set forth herein, the parties agree as follows:

1. The Henry County IDA agrees to use funds transferred to it pursuant to this Agreement to develop the Patriot Centre Expansion for industrial and business facilities as directed by the County and the City.
2. This Agreement does not obligate the City to expend any of its own funds to support the development of Patriot Centre Expansion; however, payment shall be made after the County is reimbursed for land, infrastructure costs, and operating expenses in excess of grant funds and after repayment of any cash incentives that may be paid by the County.
3. The parties agree that the County will be responsible for the marketing and the sale of sites within Patriot Centre Expansion.
4. The County agrees that when a business locates in Patriot Centre Expansion the County will pay to the City one-third of all revenues generated by the real estate, personal property, machinery and tools, and consumer utility taxes collected by the County from the business located on such site.
5. If the County sells more than 5% of the combined acreage within Patriot Centre Expansion to a non-taxpaying entity, the County must obtain the City's approval. While the City will not withhold its approval unreasonably, under certain circumstances the City may condition its approval upon the County compensating the City for the loss of revenues the City otherwise would have received if a taxpaying business had purchased the site.
6. The County's obligation to make any payments to the City pursuant to this Agreement shall be subject to the annual appropriation of sufficient funds by the County Board of Supervisors.
7. The County shall pay any portion of tax revenues due to the City within sixty (60) days of receipt.

8. This Agreement shall be binding upon and inure to the benefit of the County and the City, and each of the future governing bodies of the County and the City, and upon any successor to either the County or the City.
9. The parts and provisions of this Agreement are severable. If any part or provision shall be held invalid by a court of competent jurisdiction, the remainder of this Agreement shall remain in full force and effect.
10. The parties acknowledge that this Agreement incorporates all terms and conditions agreed to between them, and further agree that the Agreement may be amended, modified or supplemented, in whole or in part, by mutual consent of the County and the City, by a written document of equal formality and dignity duly executed by the authorized representatives of the County and the City.
11. The parties agree that, in accordance with Virginia Code Section 15.2-1301 A. (1950), as amended, each party to this Agreement shall, on or before March 1 of each year, provide a written report to each other party to this Agreement describing for the previous fiscal year (i) the amount of money transferred by such party to other parties to this Agreement and (ii) the use that such party made of such funds received under this Agreement.

WITNESS the following signatures and seals.

COUNTY OF HENRY, VIRGINIA,
a political Subdivision of the Commonwealth of Virginia

By: _____

Its: _____

CITY OF MARTINSVILLE, VIRGINIA,
a municipal Corporation of the Commonwealth of Virginia

By: _____

Its: _____

**INDUSTRIAL DEVELOPMENT AUTHORITY OF
HENRY COUNTY,**
a political Subdivision of the Commonwealth of Virginia

By: _____

Its: _____

Approved as to form:

County Attorney

Approved as to form:

City Attorney

SCHEDULE A

A certain parcel of land lying in the Collinsville Magisterial District (formerly known as Martinsville) of Henry County and consisting of 1,206 acres, more or less, all as shown on a "Plat of Survey for Clayton C. Bryant Sr." dated August 9, 2006 and being the same property conveyed to Seller by deed dated May 9, 2006 and of record in the Henry County Circuit Court Clerk's Office as Instrument Number 060003051.

AMENDED AND RESTATED
REVENUE SHARING AGREEMENT FOR
COMMONWEALTH CROSSING BUSINESS CENTRE

This Agreement is made and entered into this ____ day of _____, 2023, and executed in quintuplicate originals (each executed copy constituting an original) by and between the County of Henry, Virginia, a political subdivision of the Commonwealth of Virginia (the “County”), the City of Martinsville, Virginia, a municipal corporation of the Commonwealth of Virginia (the “City”), and the Industrial Development Authority of Henry County, a political subdivision of the Commonwealth of Virginia (the “Henry County IDA”).

WHEREAS, the parties to this Agreement previously entered into a Revenue Sharing Agreement dated September 25, 2007 (the “Original Agreement”), pursuant to Virginia Code Section 15.2-1301 (1950), as amended, provided for the sharing of certain revenue between the two localities; and,

WHEREAS, the Original Agreement related to two (2) separate industrial and business sites in Henry County, namely the Patriot Centre Expansion (Commonly known as the “Bryant Property”) in Collinsville Magisterial District and Commonwealth Crossing Business Centre in Ridgeway Magisterial District; and,

WHEREAS, the parties have determined that it would be appropriate to separate the Original Agreement into two (2) separate Agreements, each relating solely to one of specific sites identified above; and,

WHEREAS, the County and the City have determined that the economic growth and development of the region and the comfort, convenience, and welfare of their citizens require the development of industrial and business facilities; and,

WHEREAS, the County and the City have recognized that regional cooperation in industrial and business development will increase the opportunities for the localities to achieve a greater degree of economic stability; and,

WHEREAS, the County and the City have agreed that this Agreement will modify

and supersede the Original Agreement as it relates to the joint development of industrial and business facilities in the County's Commonwealth Crossing Business Centre described in the attached Schedule "A"; and,

WHEREAS, the Commonwealth Crossing Business Centre will continue to be owned by the Henry County IDA; and,

NOW THEREFORE, in consideration of the mutual obligations and covenants set forth herein, the parties agree as follows:

1. The Henry County IDA agrees to use funds transferred to it pursuant to this Agreement to develop Commonwealth Crossing Business Centre for industrial and business facilities as directed by the County and the City.
2. This Agreement does not obligate the City to expend any of its own funds to support the development of Commonwealth Crossing Business Centre; however, payment shall be made after the County is reimbursed for land , infrastructure costs, and operating expenses in excess of grant funds and after repayment of any cash incentives that may be paid by the County.
3. The parties agree that the County will be responsible for the marketing and the sale of sites within Commonwealth Crossing Business Centre.
4. The County agrees that when a business locates in Commonwealth Crossing Business Centre the County will pay to the City one-third of all revenues generated by the real estate, personal property, machinery and tools, and consumer utility taxes collected by the County from the business located on such site.
5. If the County sells more than 5% of the combined acreage within Commonwealth Crossing Business Centre to a non- taxpaying entity, the County must obtain the City's approval. While the City will not withhold its approval unreasonably, under certain circumstances, the City may condition its approval upon the County compensating the City for the loss

of revenues the City otherwise would have received if a taxpaying business had purchased the site.

6. The County's obligation to make any payments to the City pursuant to this Agreement shall be subject to the annual appropriation of sufficient funds by the County Board of Supervisors.
7. The County shall pay any portion of tax revenues due to the City within sixty (60) days of receipt.
8. This Agreement shall be binding upon and inure to the benefit of the County and the City, and each of the future governing bodies of the County and the City, and upon any successor to either the County or the City.
9. The parts and provisions of this Agreement are severable. If any part or provision shall be held invalid by a court of competent jurisdiction, the remainder of this Agreement shall remain in full force and effect.
10. The parties acknowledge that this Agreement incorporates all terms and conditions agreed to between them, and further agree that the Agreement may be amended, modified or supplemented, in whole or in part, by mutual consent of the County and the City, by a written document of equal formality and dignity duly executed by the authorized representatives of the County and the City.
11. The parties agree that, in accordance with Virginia Code Section 15.2-1301 A. (1950), as amended, each party to this Agreement shall, on or before March 1 of each year, provide a written report to each other party to this Agreement describing for the previous fiscal year (i) the amount of money transferred by such party to other parties to this Agreement and (ii) the use that such party made of such funds received under this Agreement.

WITNESS the following signatures and seals.

COUNTY OF HENRY, VIRGINIA,
a political Subdivision of the Commonwealth of Virginia

By: _____

Its: _____

CITY OF MARTINSVILLE, VIRGINIA,
a municipal Corporation of the Commonwealth of Virginia

By: _____

Its: _____

**INDUSTRIAL DEVELOPMENT AUTHORITY OF
HENRY COUNTY,**
a political Subdivision of the Commonwealth of Virginia

By: _____

Its: _____

Approved as to form:

County Attorney

Approved as to form:

City Attorney

SCHEDULE A

Parcel I: All that certain tract or parcel of land situated in the Ridgeway District of Henry County, Virginia, as shown on a Record Plat for Eugene A. Eggleston and Sarah H. Eggleston, dated November 3, 1972, prepared by Marvin E. Scarce, CLS, containing 77.82 acres, more or less and being Tax Map #71.7(000)000/014A.

Parcel II: All those certain tracts or parcels of land situated in the Ridgeway District of Henry County, Virginia, as shown on a survey for The Price Estate, dated October 20, 1980, surveyed Jointly by Bakkum-DeLoach & Assoc. and William S. May, Jr., being known as designated on said Plat as follows:

Lots #32, #33, #34, #35, #36, #37, #38, #39, #40, #41, #42, #43, #46, #47, #48, #49, #50, and #56

**FIRST ADDENDUM TO
AMENDED AND RESTATED REVENUE SHARING AGREEMENT
FOR COMMONWEALTH CROSSING BUSINESS CENTRE**

WHEREAS, the County of Henry, Virginia (the “County”), the City of Martinsville, Virginia (the “City”) and Industrial Development Authority of Henry County (the “Henry County IDA”) entered into a Revenue Sharing Agreement dated September 25, 2007 (the “Original Agreement”); and

WHEREAS, the parties have this date entered into an Amended and Restated Revenue Sharing Agreement for Commonwealth Crossing Business Centre (the “Amended Agreement”); and

WHEREAS, the Amended Agreement made provision for the sharing of revenues generated from certain taxes collected by the County from businesses locating in the County’s Commonwealth Crossing Business Centre; and

WHEREAS, the parties have agreed to modify the Amended Agreement as set forth hereinafter to provide partial funding to Martinsville-Henry County Economic Development Corporation (the “EDC”);

WITNESSETH, that for and in consideration of obligations set forth herein, the parties agree as follows:

1. Upon the conveyance of Lot 2 located in the Commonwealth Crossing Business Centre as shown on the attached Exhibit A to a third party, the parties agree that all real estate, personal property and machinery and tools taxes collected from the business and improvements on said site shall be paid according to the following schedule:

2.

- a. Year 1: One-hundred percent (100%) of collected tax revenue shall be returned to the company/landowner pursuant to Enterprise Zone incentive laws. The remainder of such tax receipts shall be disbursed in accordance with the original terms of the Amended Agreement.
- b. Year 2: Fifty percent (50%) of collected tax revenue shall be returned to the company/landowner pursuant to Enterprise Zone incentive laws. Ten percent (10%) of the remaining tax revenue shall be distributed to the EDC. The remainder of such tax receipts shall be disbursed in accordance with the original terms of the Amended Agreement.
- c. Year 3: Fifty percent (50%) of collected tax revenue shall be returned to the company/landowner pursuant to Enterprise Zone incentive laws. Ten percent (10%) of the remaining tax revenue shall be distributed to the EDC. The remainder of such tax receipts shall be disbursed in accordance with the original terms of the Amended Agreement.
- d. Year 4: Fifty percent (50%) of collected tax revenue shall be returned to the company/landowner pursuant to Enterprise Zone incentive laws. Ten percent (10%) of the remaining tax revenue shall be distributed to the EDC. The remainder of such tax receipts shall be disbursed in accordance with the original terms of the Amended Agreement.
- e. Year 5: Fifty percent (50%) of collected tax revenue shall be returned to the company/landowner pursuant to Enterprise Zone incentive laws. Ten percent (10%) of the remaining tax revenue shall be distributed to the

EDC. The remainder of such tax receipts shall be disbursed in accordance with the original terms of the Amended Agreement.

- f. Years 6 through 10: All rebates due pursuant to Enterprise Zone incentive law, if any, shall be paid to the company /landowner. Ten percent (10%) of the remaining tax revenue collected shall be distributed to the EDC. The remainder of such tax receipts shall be disbursed in accordance with the original terms of the Amended Agreement.

3. At the expiration of said ten (10) year period, the parties agree to negotiate in good faith a possible extension to this Addendum.

4. Except as modified herein, the terms of the Amended Agreement shall remain in full force and effect.

In witness whereof, the parties hereto execute this Addendum as of the ____ day of _____, 2023.

County of Henry, Virginia

By: _____

City of Martinsville, Virginia

By: _____

Industrial Development Authority of Henry County

By: _____

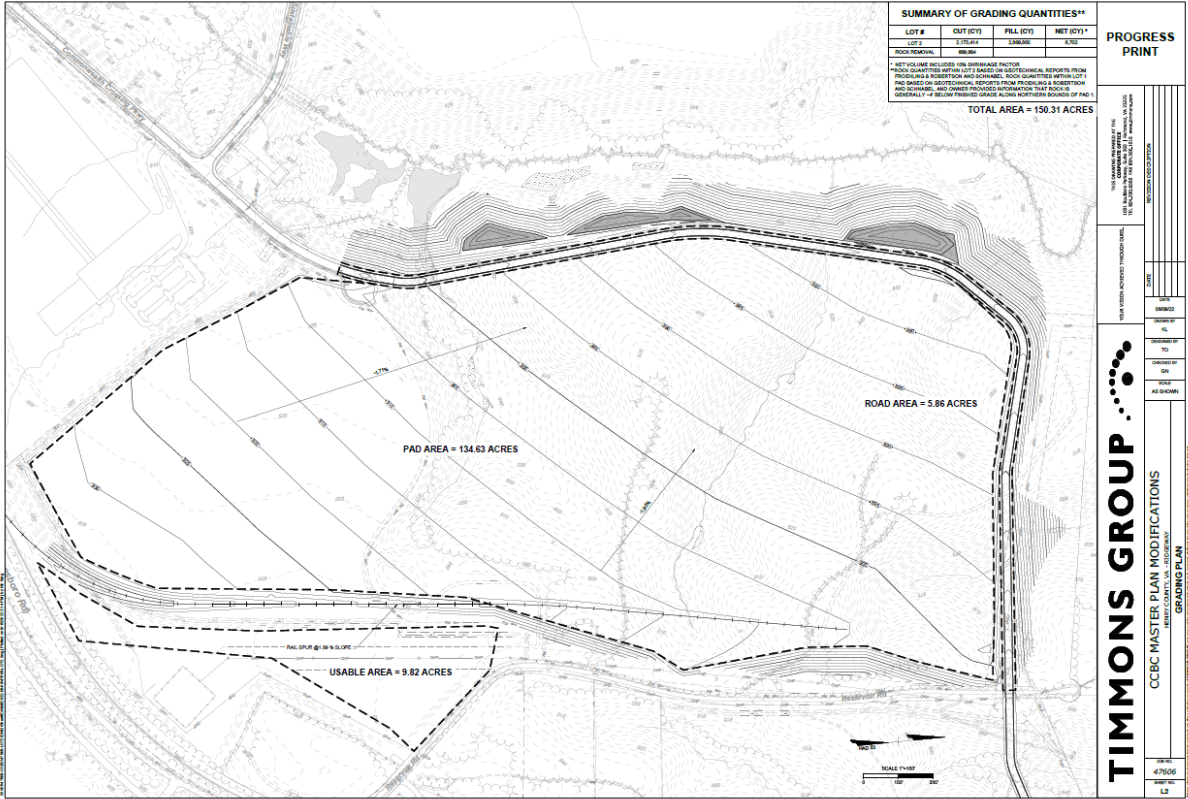
Approved as to form:

County Attorney

Approved as to form:

City Attorney

Exhibit A





REVENUE SHARING AGREEMENT

This AGREEMENT is made and entered into this 25th day of September, 2007, and executed in quintuplicate originals (each executed copy constituting an original) by and between the **COUNTY OF HENRY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the "County"), the **CITY OF MARTINSVILLE, VIRGINIA**, a municipal corporation of the Commonwealth of Virginia (the "City"), and the **HENRY COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY**, a political subdivision of the Commonwealth of Virginia (the "Henry County IDA").

WHEREAS, the County and the City have reached this Agreement, pursuant to Virginia Code Section 15.2-1301 (1950), as amended, providing for the sharing of certain revenue between the two localities; and,

WHEREAS, the County and the City have determined that the economic growth and development of the region and the comfort, convenience, and welfare of their citizens require the development of industrial and business facilities; and,

WHEREAS, the County and the City have recognized that regional cooperation in industrial and business development will

increase the opportunities for the localities to achieve a greater degree of economic stability; and,

WHEREAS, the County and the City have agreed that the most appropriate location to commence joint development of sites for industrial and business facilities is an expansion of the County's Patriot Centre and a new industrial park located 220 South, more specific descriptions of said property being attached to, and incorporated into, this agreement as Schedule "A" and "B"; and

WHEREAS, expansion of the Patriot Centre and the 220 South project will be owned by the Henry County IDA; and,

NOW THEREFORE, in consideration of the mutual obligations and covenants set forth herein, the parties agree as follows:

- 1) The Henry County IDA agrees to use funds transferred to it pursuant to this Agreement to develop the designated sites for industrial and business facilities as directed by the County and the City.
- 2) This Agreement does not obligate the City to expend any of its own funds to support the development of the designated sites; however, payment shall be made after the County is reimbursed for land and infrastructure costs in excess of grant funds and after repayment of any cash incentives that may be paid by the County.
- 3) The parties agree that the County will be responsible for the marketing and the sale of the designated sites.
- 4) The County agrees that when a business locates on one of the designated sites the County will pay to the City one-third of all revenues generated by the real estate, personal property,

machinery and tools, and consumer utility taxes collected by the County from the business located on such site.

- 5) If the County sells more than 5% of the combined acreage to a non-taxpaying entity, the County must obtain the City's approval. While the City will not withhold its approval unreasonably, under certain circumstances the City may condition its approval upon the County compensating the City for the loss of revenues the City otherwise would have received if a taxpaying business had purchased the site.
- 6) The County's obligation to make any payments to the City pursuant to this Agreement shall be subject to the annual appropriation of sufficient funds by the County Board of Supervisors.
- 7) The County shall pay any portion of tax revenues due to the City within sixty days of receipt.
- 8) This Agreement shall be binding upon and inure to the benefit of the County and the City, and each of the future governing bodies of the County and the City, and upon any successor to either the County or the City.
- 9) The parts and provisions of this Agreement are severable. If any part or provision shall be held invalid by a court of competent jurisdiction, the remainder of this Agreement shall remain in full force and effect.
- 10) The parties acknowledge that this Agreement incorporates all terms and conditions agreed to between them, and further agree that the Agreement may be amended, modified or supplemented, in

whole or in part, by mutual consent of the County and the City, by a written document of equal formality and dignity duly executed by the authorized representatives of the County and the City.

WITNESS the following signatures and seals.

COUNTY OF HENRY, VIRGINIA, a political
Subdivision of the Commonwealth of Virginia

By: H. D. Vaughn
Chairman

ATTEST:

Ben Sumner Clerk

CITY OF MARTINSVILLE, VIRGINIA, a municipal
Corporation of the Commonwealth of Virginia

By: James Russell
Mayor

ATTEST:

Conrad M. Boy Clerk

**HENRY COUNTY INDUSTRIAL DEVELOPMENT
AUTHORITY**, a political subdivision of the
Commonwealth of Virginia

By: W. Tony M. Donna
Chairman

ATTEST:

Romy Samsal Clerk

Approved as to form:

[Signature]
County Attorney

Approved as to form:

[Signature]
City Attorney

SCHEDULE A

Parcel I: All that certain tract or parcel of land situated in the Ridgeway District of Henry County, Virginia, as shown on a Record Plat for Eugene A. Eggleston and Sarah H. Eggleston, dated November 3, 1972, prepared by Marvin E. Scarce, C.L.S., containing 77.82 acres, more or less and being Tax Map #71.7(000)000/014A.

Parcel II: All those certain tracts or parcels of land situated in the Ridgeway District of Henry County, Virginia, as shown on a survey for The Price Estate, dated October 20, 1980, surveyed jointly by Bakkum-Deloach & Assoc and William S. May, Jr, being known as designated on said Plat as follows:

Lots #32, #33, #34, #35, #36, #37, #38, #39, #40, #41, #42, #43, #46, #47, #48, #49, #50, and #56

SCHEDULE B

A certain parcel of land lying in the Collinsville Magisterial District (formerly known as Martinsville) of Henry County and consisting of 1,206 acres, more or less, all as shown on a "Plat of Survey for Clayton C. Bryant Sr." dated August 9, 2006 and being the same property conveyed to Seller by deed dated May 9, 2006 and of record in the Henry County Circuit Court Clerk's Office as Instrument Number 060003051.

**JOINT RESOLUTION OF HENRY COUNTY AND THE CITY OF MARTINSVILLE
REFERRING THE PROPOSED AMENDED AND RESTATED REVENUE SHARING
AGREEMENTS BETWEEN HENRY COUNTY, THE CITY OF MARTINSVILLE AND
INDUSTRIAL DEVELOPMENT AUTHORITY OF HENRY COUNTY TO THE
COMMISSION ON LOCAL GOVERNMENT FOR REVIEW**

WHEREAS, Henry County, Virginia (**the "County"**) and the City of Martinsville, Virginia (**the "City"**) have a history of cooperation in promoting regional economic development, including administration of a joint enterprise zone program and mutual support of and cooperation with the Martinsville-Henry County Economic Development Corporation (**the "EDC"**); and

WHEREAS, the EDC is a public-private partnership among County, the City and the Harvest Foundation of the Piedmont with the goals of creating jobs in the City and the County and expanding the tax base in the County and the City, including support and development of local industry; and

WHEREAS, on or about September 25, 2007, the City, the County and the Industrial Development Authority of Henry County, Virginia (**the "IDA"**) entered into a Revenue Sharing Agreement related to two separate industrial and business sites in the County (**the "Original Agreement"**), specifically the subject of the Patriot Centre Agreement (as defined below) and the subject of the Commonwealth Crossing Agreement (as defined below); and

WHEREAS, the City and the County have determined it is appropriate to separate the Original Agreement into two separate agreements, each agreement to relate to its respective industrial and business park property and to modify the Commonwealth Crossing Agreement to provide partial funding to the EDC; and

WHEREAS, the two separate agreements are the Amended and Restated Revenue Sharing Agreement for Patriot Centre Expansion (**the "Patriot Centre Agreement"**) and the Amended and Restated Revenue Sharing Agreement for Commonwealth Crossing Business Centre, as modified by the First Addendum to Amended and Restated Revenue Sharing Agreement for Commonwealth Crossing Business Centre (**the "Commonwealth Crossing Agreement" and, together with the Patriot Centre Agreement, the "Agreements"**); copies of the Patriot Centre Agreement and the Commonwealth Crossing Agreement, including the First Addendum thereto, are attached to this Resolution; and

WHEREAS, on July 11, 2023, the City Council of the City, the Board of Supervisors of the County and the Board of Directors of the IDA held a joint meeting and each body voted to approve the Agreements; and

WHEREAS, Code of Virginia §15.2-1301 provides that economic growth sharing agreements such as the Agreements shall be referred to the Virginia Commission on Local Government (**the "Commission"**) for review and the making of findings as to the probable effect of such agreements on the people residing in the area affected by the agreements; and

WHEREAS, 1 VAC50-20-382 requires that referral of such agreements to the Commission shall be accompanied by resolutions, joint or separate, of the governing bodies of the localities that are parties to the proposed agreements requesting that the Commission review the agreement, stating the parties' intention to adopt the agreement, and providing certain information to the Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF HENRY COUNTY, VIRGINIA AND THE CITY COUNCIL OF THE CITY OF MARTINSVILLE, VIRGINIA THAT:

1. The County and the City each (a) request that the Commission review the Agreements and issue its findings in accordance with the requirements of Code of Virginia § 15.2-1301 and (b) state their intention to adopt the Agreements in final form subsequent to the Commission's review.
2. The County Administrator, the City Manager and the County's and City's attorneys are authorized and directed to refer the Agreements, together with all necessary data and materials, to the Commission and to take all other actions as may be required to accomplish the Commission's review of the Agreements.
3. The County designates the following individual as the County's contact persons for communications with the Commission regarding the review of the Agreements:

Dale Wagoner, County Administrator. Henry County, Virginia

Physical Address:

3300 Kings Mountain Road
Martinsville, VA 24112

Mailing Address:

P.O. Box 7
Collinsville, VA 24078

Phone: 276-634-4601

Email address: dwagoner@co.henry.va.us

4. The City designates the following individual as the City's contact person for communications with the Commission regarding the review of the Agreement:

Glen Adams, Interim City Manager, City of Martinsville, Virginia

P.O. Box 1112
55 W Church Street, Room 216
Martinsville, VA 24112

Phone: 206-403-5182

Email: gadams@ci.martinsville.va.us

Adopted by the Board of Supervisors of the County this 22nd day of August, 2023.

CERTIFICATE

The undersigned Clerk of the Board of Supervisors of Henry County, Virginia hereby certifies that the foregoing constitutes a true and correct copy of a Joint Resolution of Henry County and the City of Martinsville Requesting that the Commission on Local Government Review Proposed Amended and Restated Revenue Sharing Agreements between Henry County, the City of Martinsville and Industrial Development Authority of Henry County, adopted by the Board of Supervisors at a meeting held on August 22, 2023.

Date: August 22, 2023

[SEAL]

Dale Waggoner

Clerk of the Board of Supervisors
Henry County, Virginia

Adopted by the City Council of the City this 22nd day of August, 2023.

CERTIFICATE

The undersigned Clerk of the City Council of the City of Martinsville, Virginia hereby certifies that the foregoing constitutes a true and correct copy of a Joint Resolution of Henry County and the City of Martinsville Requesting that the Commission on Local Government Review Proposed Amended and Restated Revenue Sharing Agreements between Henry County, the City of Martinsville and Industrial Development Authority of Henry County, adopted by the City Council at a meeting held on August 22, 2023.

Date: 8/22, 2023

[SEAL]

Haven B Roberts

Clerk of the City Council
City of Martinsville, Virginia

VIRGINIA:

BEFORE THE COMMISSION ON LOCAL GOVERNMENT

RE: AMENDED AND RESTATED REVENUE)
SHARING AGREEMENTS BETWEEN HENRY)
COUNTY, THE CITY OF MARTINSVILLE AND)
INDUSTRIAL DEVELOPMENT AUTHORITY)
OF HENRY COUNTY)

JOINT SUBMISSION OF HENRY COUNTY, VIRGINIA AND THE CITY OF MARTINSVILLE, VIRGINIA PROVIDING INFORMATION REGARDING COMMISSION REVIEW OF RESTATED AND AMENDED REVENUE SHARING AGREEMENTS BETWEEN AND AMONG HENRY COUNTY, THE CITY OF MARTINSVILLE AND HENRY COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY

County of Henry, Virginia (**the "County"**) and the City of Martinsville, Virginia (**the "City"**), by their counsel, hereby provide the Commission on Local Government (**the "Commission"**) with information and data related to the factors listed in § 1 Virginia Administrative Code ("VAC") 50-20-612 concerning two proposed economic growth sharing agreements between and among the County, the City and the Industrial Development Authority of Henry County (**the "IDA"**).

A. INTRODUCTION

The City and the County have cooperated for decades in mutually beneficial economic development efforts, including establishing a joint enterprise zone program, working together with the Martinsville-Henry County Economic Development Corporation (**the "EDC"**)¹ and entering into a Revenue Sharing Agreement to share the benefits of development of two separate industrial and business sites in the County (described below as the Original Agreement).

The two agreements that are the subject of this submission are the Amended and Restated Revenue Sharing Agreement for Patriot Centre Expansion (**the "Patriot Centre Agreement"**) and the Amended and Restated Revenue Sharing Agreement for Commonwealth Crossing Business Centre, as modified by the First Addendum to Amended and Restated Revenue Sharing Agreement for Commonwealth Crossing Business Centre (**the "Commonwealth Crossing Agreement" and, together with the Patriot Centre Agreement, the "Agreements"**).

The Agreements are "Amended and Restated" because they relate to an original Revenue Sharing Agreement dated September 25, 2007 among the County, the City and the IDA providing

¹ The EDC is Virginia not-for-profit corporation, described as a public-private partnership between the County, the City and the Harvest Foundation of the Piedmont; its mission is to support and develop local industry, create new job opportunities and expand the tax base in the Martinsville-Henry County area.

for the County and the City to share tax revenues generated by development at the property that is subject to the Patriot Centre Agreement (**the "Patriot Centre Property"**) and the property that is subject to the Commonwealth Crossing Agreement (**the "Commonwealth Crossing Property"**). As Amended and Restated Agreements, the actions of the Commission in reviewing the Agreements and making findings as provided for under Code of Virginia §15.2-1301 will allow the County and the City to proceed with holding public hearings on the Agreements and consider final adoption of the Agreements as new economic growth sharing agreements, all in accordance with Code of Virginia §15.2-1301.

As stated in the Agreements, the City and County have now determined it would be appropriate to separate the Original Agreement into two separate agreements, with the Patriot Centre Agreement governing revenue sharing from development of the Patriot Center Property and the Commonwealth Crossing Agreement governing revenue sharing from development of the Commonwealth Crossing Property, and in addition to modify the Commonwealth Crossing Agreement to provide partial funding to the EDC (issues related to funding of the EDC are further described below).

Notice of this referral to the Commission, copies of the Agreements and an annotated listing of documents, exhibits and materials submitted to the Commission has been sent to each Virginia locality contiguous to the County and the City or with which either the County or the City shares any function, revenue, or tax source. These localities include the Counties of Patrick, Franklin and Pittsylvania, the City of Danville and the Town of Rocky Mount.

On July 11, 2023, the City Council of the City, the Board of Supervisors of the County and the Board of Directors of the IDA voted in favor of approval the Agreements. It is the intent of both the Board of Supervisors of the County and the City Council of the City by making this submission to consider final approval of the Agreements subsequent to the Commission's review and each of the governing bodies holding a public hearing thereon.

B. INFORMATION RESPONSIVE TO FACTORS LISTED IN 1VAC 50-20-612

Listed below are the factors set forth in 1VAC 50-20-612 and the information and data submitted by the County and the City responsive to each factor.

1. A copy of the proposed agreement and a description of the economic growth-sharing plan.

Copies of the Patriot Centre Agreement, the Commonwealth Crossing Agreement (including the First Addendum to Amended and Restated Revenue Sharing Agreement for Commonwealth Crossing Business Centre (**the "Commonwealth Crossing Addendum"**)) are attached hereto. The Commonwealth Crossing Addendum concerns a portion of the Commonwealth Crossing Property described in the Commonwealth Crossing Addendum as "Lot 2."

These Agreements modify and supersede the Original Agreement. The Agreements provide for the County and City to share in all revenues generated by the real estate, personal property, machinery and tools, and consumer utility taxes collected by the

County from the businesses located in the Patriot Centre Property and the Commonwealth Crossing Property (excluding Lot 2 thereof), with the County to retain 2/3 of such revenues and to pay the City 1/3 of such revenues. These provisions mirror those of the Original Agreement.

Lot 2 is to be subject to different provisions. The Harvest Foundation² has committed to invest \$6 million to further develop Lot 2. In addition, Lot 2 has been selected by the Governor of Virginia to receive a grant in the amount of \$22,237,705, to be administered by the Virginia Economic Development Partnership. Planned investments will allow Lot 2 to be marketed as a 200-acre site with a 150-acre graded pad, which would be the largest contiguous industrial site ever developed in Martinsville-Henry County.

Historically, the EDC has been funded by the County, the City and the Harvest Foundation, with the Harvest Foundation providing the largest amount of funding. Harvest Foundation now desires to reduce its funding of the EDC's annual operating costs. However, as noted above, Harvest Foundation has agreed to fund \$6 million of the development costs of Lot 2, and the County, the City and the IDA have provided in the Commonwealth Crossing Addendum for the EDC to receive a portion of revenues generated from the development of Lot 2, when it occurs, to help offset the reduced funding to the EDC from the Harvest Foundation. Details of EDC funding are set forth in Section 4 below.

2. **A description of the financial investment or other contributions which each participating locality will make to the projects(s) envisaged under the agreement.**

The County and City have to date made financial investments in the Patriot Centre Property and the Commonwealth Crossing Property to increase the marketability of the sites, primarily for engineering work roadways, landscaping, roadway and landscape maintenance, street lights, utility payments and construction of a shell building. The County and the City agree that the 2/3 – 1/3 split of net revenues (tax receipts) between the County and the City described in Section 1 above is a fair and equitable return reflecting the amounts of the parties respective investments.

3. **Projections of each participating locality's net annual receipt or net annual contributions to the projects(s) specified in the agreement for the next 10-year period, or for a lesser or greater period, as deemed appropriate.**

Future County and City contributions to development of the Patriot Centre Property and the Commonwealth Crossing Property are currently unknown. Significant potential investment by private industry could result in one or more Performance Agreements or similar arrangements whereby the County and/or City would make

² The Harvest Foundation was created about 20 years ago, funded with proceeds from the sale of Martinsville Memorial Hospital. The Harvest Foundation uses its assets and investment earnings on its assets to invest in a variety of public projects in the Martinsville-Henry County area.

investments to promote economic development, but the terms of any such agreements cannot presently be determined.

Regarding projections of annual receipts to the County and City, see answer to Number 5 below.

4. **A description of any dedication or restriction on the use of funds generated by the projects(s) specified in the agreement for the participating localities.**

For the Patriot Centre Property and the Commonwealth Crossing Property (not including Lot 2), the County is to be reimbursed for land, infrastructure costs, and operating expenses in excess of grant funds, and after repayment of any cash incentives that may have been paid by the County there are no conditions that restrict the use of tax revenue shared by the County and the City.

For the Lot 2 portion of the Commonwealth Crossing Property, funds generated by project development are subject to the following provisions:

- a. Year 1: One-hundred percent (100%) of collected tax revenue shall be returned to the company/landowner pursuant to Enterprise Zone incentive laws. The remainder of such tax receipts shall be disbursed in accordance with the original terms of the Amended Agreement.
- b. Year 2: Fifty percent (50%) of collected tax revenue shall be returned to the company/landowner pursuant to Enterprise Zone incentive laws. Ten percent (10%) of the remaining tax revenue shall be distributed to the EDC. The remainder of such tax receipts shall be disbursed in accordance with the original terms of the Amended Agreement.
- c. Year 3: Fifty percent (50%) of collected tax revenue shall be returned to the company/landowner pursuant to Enterprise Zone incentive laws. Ten percent (10%) of the remaining tax revenue shall be distributed to the EDC. The remainder of such tax receipts shall be disbursed in accordance with the original terms of the Amended Agreement.
- d. Year 4: Fifty percent (50%) of collected tax revenue shall be returned to the company/landowner pursuant to Enterprise Zone incentive laws. Ten percent (10%) of the remaining tax revenue shall be distributed to the EDC. The remainder of such tax receipts shall be disbursed in accordance with the original terms of the Amended Agreement.
- e. Year 5: Fifty percent (50%) of collected tax revenue shall be returned to the company/landowner pursuant to Enterprise Zone incentive laws. Ten percent (10%) of the remaining tax revenue shall be distributed to the EDC. The remainder of such tax receipts shall be disbursed in accordance with the original terms of the Amended Agreement.
- f. Years 6 through 10: All rebates due pursuant to Enterprise Zone incentive law, if any, shall be paid to the company /landowner. Ten percent (10%) of the remaining tax revenue collected shall be distributed to the EDC. The remainder of such tax

receipts shall be disbursed in accordance with the original terms of the Amended Agreement.

5. **Calculations indicating the estimated impact of the project(s) proposed in the agreement on the annual operating expenditures of each participating jurisdiction for the next 10-year period, or for a lesser or greater period as deemed appropriate.**

Revenues received by either the County or the City under the Agreements may be applied by the County and the City, respectively, for any lawful purpose, including operating expenditures or capital expenditures. The County and the City have not planned for or budgeted any potential revenues that may be received under the Agreements due to future development at either the Patriot Centre Property or the Commonwealth Crossing Property.

The amounts of real estate, personal property, machinery and tools, and consumer utility taxes to be received by the County and City under the Agreements will depend on the amounts and types of investments at the Patriot Centre Property and the Commonwealth Crossing Property. Economic development consultants have advised local officials that a pad-ready site with rail access and the fully developed utilities currently in place would be highly desirable to large industries and should generate an investment of at least \$500 million. While highly speculative, and understanding that such investments could take more than 10 years to complete, given current patterns in advanced manufacturing, an investment of that amount could generate about \$6 million in real estate and personal property tax revenues (once all enterprise zone benefits are satisfied) to be shared by the County and the City in accordance with the terms of the Agreements.. These amounts will benefit the County and the City and be available to be utilized in annual operating budgets or annual capital expenditure budgets, or both.

6. **Calculations indicating the estimated impact of the project(s) proposed in the agreement on the current and prospective capital expenditures of each participating jurisdiction for the next 10-year period, or for a lesser or greater period as deemed appropriate.**

See response to Number 5 above.

7. **Calculations indicating the estimated impact of the project(s) proposed in the agreement on the debt and annual debt service of each participating jurisdiction for the next 10-year period, or for a lesser or greater period as deemed appropriate.**

Revenues received by the County and the City under the Agreements will have no impact on the debt of either the County or the City and will have no impact on the annual debt service of either the County or the City.

8. **Information indicating the general equity of the proposed plan for each participating locality.**

The Agreements reflect a County-City partnership in developing the Patriot Centre Property and the Commonwealth Crossing Property. The County and the City will

both benefit from increases in real estate, personal property, machinery and tools, and consumer utility taxes resulting from development of these properties, and employment opportunities resulting from development of these properties will benefit both County and City residents. The Agreements were crafted to reflect the contributions of both the County and the City to such development, as well as contributions made by the EDC to economic development in the region.

9. **Other information which would assist the Commission in analyzing the "probable effect on the people" in the participating jurisdictions of the proposed agreement**

There are no negative impacts anticipated for citizens of either the County or the City. Tax revenues to be shared are based on applicable tax rates with no additional tax increases. As noted above, the Harvest Foundation has committed to invest \$6 million in a portion of the Commonwealth Crossing Property. For tax reasons, the Harvest Foundation needs to do so by the end of the calendar year, and its commitment to do so is dependent on the County and City finalizing the Agreements. Thus, the County and the City request Commission review and subsequent issuance of Commission findings be completed by the middle of November, and in any event no later than the end of November. This will allow the County and the City each to hold the required public hearings and make final approvals of the Agreements in the late November/early December time frame. The required County and City public hearings cannot be held until the Commission issues its required findings. Issuance of the Commission's findings in accordance with this schedule will allow the County and the City to hold the public hearings and take necessary action by no later than early December, which action can then be communicated to the Harvest Foundation to allow the Harvest Foundation to undertake its necessary actions and provide its significant \$6 million investment by the end of December, 2023.

Respectfully submitted this 28th day of August, 2023 by:

HENRY COUNTY, VIRGINIA

By: 

George Eyle (VSB # 40372)

Henry County Attorney

3300 Kings Mountain Road

Martinsville, Virginia 24112

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Counsel for Henry County, Virginia

CITY OF MARTINSVILLE, VIRGINIA

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Counsel for Henry County, Virginia

Code of Virginia
 Title 15.2. Counties, Cities and Towns
 Chapter 13. Joint Actions by Localities

§ 15.2-1301. Voluntary economic growth-sharing agreements.

A. Any county, city or town, or combination thereof, may enter voluntarily into an agreement with any other county, city or town, or combination thereof, whereby the locality may agree for any purpose otherwise permitted, including the provision on a multi-jurisdictional basis of one or more public services or facilities or any type of economic development project, to enter into binding fiscal arrangements for fixed time periods, to exceed one year, to share in the benefits of the economic growth of their localities. However, if any such agreement contains any provision addressing any issue provided for in Chapter 32 (§ [15.2-3200](#) et seq.), 33 (§ [15.2-3300](#) et seq.), 36 (§ [15.2-3600](#) et seq.), 38 (§ [15.2-3800](#) et seq.), 39 (§ [15.2-3900](#) et seq.), or 41 (§ [15.2-4100](#) et seq.), the agreement shall be subject to the review and implementation process established by Chapter 34 (§ [15.2-3400](#) et seq.). All such agreements, including those that address any issue provided for in Chapter 32, 33, 36, 38, 39, or 41, shall require, at least annually, a report from each locality that is a recipient of funds pursuant to the agreement to each of the other governing bodies of the participating localities that includes (i) the amount of money transferred among the localities pursuant to the agreement and (ii) the uses of such funds by the localities. The parties to any such agreement that has been in effect for at least 10 years as of July 1, 2018, and pursuant to which annual payments exceed \$5 million, shall (a) comply with the reporting requirements of this subsection, notwithstanding whether such requirements are contained in the existing agreement and (b) convene an annual meeting to discuss anticipated future plans for economic growth in the localities.

B. The terms and conditions of the revenue, tax base or economic growth-sharing agreement as provided in subsection A shall be determined by the affected localities and shall be approved by the governing body of each locality participating in the agreement, provided the governing body of each such locality first holds a public hearing which shall be advertised once a week for two successive weeks, with the first notice appearing no more than 14 days before the hearing, in a newspaper of general circulation in the locality. However, the public hearing shall not take place until the Commission on Local Government has issued its findings in accordance with subsection D. For purposes of this section, "revenue, tax base, and economic growth-sharing agreements" means any agreement authorized by subsection A which obligates any locality to pay another locality all or any portion of designated taxes or other revenues received by that political subdivision, but shall not include any interlocal service agreement.

C. Any revenue, tax base or economic growth-sharing agreement entered into under the provisions of this section that creates a debt pursuant to Article VII, § 10 (b) of the Constitution of Virginia, shall require the board of supervisors to hold a special election on the question as provided in § [15.2-3401](#).

D. Revenue, tax base, and economic growth-sharing agreements drafted under the provisions of this chapter shall be submitted to the Commission on Local Government for review as provided in subdivision 4 of § [15.2-2903](#). However, no such review shall be required for two or more localities entering into an economic growth-sharing agreement pursuant to this section in order to facilitate the reception of grants for qualified companies in such locality pursuant to the Port of Virginia Economic and Infrastructure Development Grant Fund and Program established pursuant to § [62.1-132.3:2](#).

1996, cc. [713](#), [725](#), [743](#), § [15.1-21.2](#); 1997, c. [587](#); 2013, cc. [578](#), [612](#); 2014, c. [470](#); 2018, c. [728](#); 2023, cc. [506](#), [507](#).

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 29. Commission on Local Government

§ 15.2-2903. General powers and duties of Commission.

The Commission shall have the following general powers and duties:

1. To make regulations, including rules of procedure for the conducting of hearings;
2. To keep a record of its proceedings and to be responsible for the custody and preservation of its papers and documents;
3. To serve as a mediator between localities;
4. To investigate, analyze, and make findings of fact, as directed by law, as to the probable effect on the people residing in any area of the Commonwealth of any proposed action in that area:
 - a. To annex territory,
 - b. To have an area declared immune from annexation,
 - c. To establish a town or independent city,
 - d. To settle or adjust boundaries between localities,
 - e. To make a transition from city status to town status,
 - f. To make a transition from a county to a city,
 - g. To consolidate two or more localities, at least one of which is a county, into a city, or
 - h. To enter into economic growth-sharing agreements among localities;
5. To conduct investigations, analyses and determinations, in the sole discretion of the Commission, for the guidance of localities in the conduct of their affairs upon the request of such localities;
6. To receive from all agencies, as defined in § [2.2-128](#), assessments of all mandates imposed on localities administered by such agencies. The assessments shall be conducted on a schedule to be set by the Commission, with the approval of the Governor and the Secretary of Commerce and Trade, provided that the assessments shall not be required to be performed more than once every four years. The purpose of the assessments shall be to determine which mandates, if any, may be altered or eliminated. If an assessment reveals that such mandates may be altered or eliminated without interruption of local service delivery and without undue threat to the health, safety and welfare of the residents of the Commonwealth, the Commission shall so advise the Governor and the General Assembly;
7. To prepare and annually update a catalog of state and federal mandates imposed on localities including, where available, a summary of the fiscal impact on localities of all new mandates. All departments, agencies of government, and localities are directed to make available such information and assistance as the Commission may request in maintaining the catalog;
8. [Expired];
9. To perform such other duties as may be imposed upon it, from time to time, by law.

1979, c. 85, § 15.1-945.3; 1980, c. 592; 1984, c. 444; 1985, cc. 397, 478; 1988, c. 881; 1993, cc. 652, 723; 1997, c. [587](#); 2004, c. [234](#); 2011, c. [381](#); 2014, c. [242](#).

Virginia Administrative Code
Title 1. Administration
Agency 50. Commission On Local Government
Chapter 20. Organization and Regulations of Procedure

1VAC50-20-382. Referral to commission of proposed economic growth-sharing agreements.

A. Referral of a proposed economic growth-sharing agreement to the commission under the provisions of § [15.2-1301](#) of the Code of Virginia shall be accompanied by resolution, joint or separate, of the governing bodies of the localities that are parties to the proposed agreement requesting the commission to review the agreement. The resolutions shall also state the intention of the governing bodies to adopt the agreement subsequent to the commission's review and shall indicate the name, title, address, phone number, and, where available, fax number and email address of the individual who shall serve as each locality's principal contact with the commission during the period of its review. Referrals to the commission pursuant to § [15.2-1301](#) of the Code of Virginia shall also be accompanied by a listing of local governments receiving notice of the referral under subsection C of this section.

B. Any party referring a proposed economic growth-sharing agreement to the commission for review pursuant to § 15.2-1301 of the Code of Virginia may submit with the proposed agreement as much data, exhibits, documents, or other supporting materials as deemed appropriate; however, the submissions should be fully responsive to all relevant elements of [1VAC50-20-612](#).

C. Whenever a proposed economic growth-sharing agreement is referred to the commission for review pursuant to subsection A of this section, the parties to the proposed agreement shall concurrently give notice of the referral to each Virginia local government with which any of the parties is contiguous, or with which any of the parties shares any function, revenue, or tax source. All notices of referral shall be accompanied by a copy of the proposed agreement, or a descriptive summary thereof, and an annotated listing of all documents, exhibits, and other materials submitted to the commission in support of the proposed agreement.

D. Any local government receiving notice of referral pursuant to subsection C of this section, or any other party, may submit data, exhibits, documents, or other supporting materials relevant to the commission's review as it deems appropriate; however, the submissions should be responsive to all relevant elements of [1VAC50-20-612](#). Any party submitting materials to the commission pursuant to this chapter shall also designate an individual who shall serve as principal contact with the commission during the period of its review, and shall furnish the individual's title, address, phone number, and, where available, fax number and email address. Any party submitting materials to the commission pursuant to this chapter shall also provide an annotated listing of the material to the parties to the proposed agreement.

Statutory Authority

§ [15.2-2903](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register [Volume 22, Issue 26](#), eff. October 4, 2006; amended, Virginia Register [Volume 35, Issue 1](#), eff. October 18, 2018.

Website addresses provided in the Virginia Administrative Code to documents incorporated by reference are for the reader's convenience only, may not necessarily be active or current, and should not be relied upon. To ensure the information incorporated by reference is accurate, the reader is encouraged to use the source document described in the regulation.

As a service to the public, the Virginia Administrative Code is provided online by the Virginia General Assembly. We are unable to answer legal questions or respond to requests for legal advice, including application of law to specific fact. To understand and protect your legal rights, you should consult an attorney.

1VAC50-20-612. Voluntary economic growth-sharing agreements.

In developing its findings of fact and recommendations with respect to a proposed voluntary economic growth-sharing agreement developed under the authority of § 15.2-1301 of the Code of Virginia, the commission shall consider the information, data, and factors listed in this section. Local governments submitting such a proposed agreement for review shall, separately or jointly, submit to the commission data and other evidence responsive to each element listed in this section that they deem relevant to the proposed agreement.

1. A copy of the proposed agreement and a description of the economic growth-sharing plan.
2. A description of the financial investment or other contributions which each participating locality will make to the project(s) envisaged under the agreement.
3. Projections of each participating locality's net annual receipts or net annual contributions to the project(s) specified in the agreement for the next 10-year period, or for a lesser or greater period as deemed appropriate.
4. A description of any dedication or restriction on the use of funds generated by the project(s) specified in the agreement for the participating localities.
5. Calculations indicating the estimated impact of the project(s) proposed in the agreement on the annual operating expenditures of each participating jurisdiction for the next 10-year period, or for a lesser or greater period as deemed appropriate.
6. Calculations indicating the estimated impact of the project(s) proposed in the agreement on the current and prospective capital expenditures of each participating jurisdiction over the course of the next 10-year period, or over a lesser or greater period as deemed appropriate.
7. Calculations indicating the estimated impact of the project(s) proposed in the agreement on the debt and annual debt service of each participating jurisdiction over the course of the next ten 10-year period, or over the course of a lesser or greater period as deemed appropriate.
8. Information indicating the general equity of the proposed plan for each participating locality.
9. Other information which would assist the commission in analyzing the "probable effect on the people" in the participating jurisdictions of the proposed agreement.
10. The commission's staff shall endeavor to assist localities contemplating or involved in the development of voluntary economic growth-sharing agreements under the authority of § 15.2-1301 of the Code of Virginia by identifying additional data elements considered by the commission to be relevant to the commission's review of such agreements.

Statutory Authority

§ 15.2-2903 of the Code of Virginia.

Historical Notes

Derived from Virginia Register [Volume 22, Issue 26](#), eff. October 4, 2006.

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Changes in Mandates Since the Publication of the 2022 Edition of the Catalog

NEW MANDATES

Compulsory Order

Behavioral Health and Development, Department of
Community Service Boards Information to Certain Defendants, Services Provided by Boards
(SHHR.DBHDS018)

Community services boards shall develop, regularly update, and make available to all juvenile and domestic relations district courts, general district courts, and circuit courts in the locality served by the community services board information regarding the services provided by the community services board, including services for individuals with mental illness, intellectual or developmental disabilities, or autism spectrum disorder, and information about how to access such services.

Education, Department of
Division Safety Official (SOE.DOE191)

Each division superintendent shall annually designate an employee in the local school division as the division safety official whose duty is to receive all reports required pursuant to subsection A of § 19.2-83.1 and §§ 19.2-291.1 and 19.2-299.3 and shall include such designation in the collated packet of school safety audits submitted to the Virginia Center for School and Campus Safety pursuant to subsection B. The designation required by this subsection shall include updated contact information for the division safety official, including (i) a current mailing address, (ii) a current working daytime phone number, (iii) a current functional email address, and (iv) a current functional fax number. It shall be the duty of the division superintendent to update contact information required by this subsection within 48 hours of any change to such contact information.

Procedure for Removal of Elected and Certain Appointed Officers by the Circuit Court
(SOA.ELECT012)

Upon submission of a petition for removal of elected or certain appointed officers, the clerk of court shall promptly provide a paper or electronic copy of the petition to the officer who is subject of the removal petition, the attorney for the Commonwealth, and for a removal petition filed pursuant to § 24.2-233, the general registrar. The general registrar shall review a petition filed pursuant to § 24.2-233 and determine its sufficiency in accordance with the uniform standards approved by the State Board of Elections. The general registrar shall certify the petition within 10 business days and promptly file such certification with the clerk of the circuit court and may seek an extension of time from the circuit court for good cause shown. The certification shall state the number of signatures required, the number of signatures on the petition, and the number of valid signatures. The certification shall identify those signatures found to be invalid. The certification shall also identify any material omissions in the petition.

Upon receipt of the petition, the attorney for the Commonwealth shall promptly review the petition and determine if valid grounds exist to remove the officer pursuant to § 24.2-233. Upon determining that valid grounds exist for removal, the attorney for the Commonwealth shall notify

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the circuit court. Otherwise, the attorney for the Commonwealth shall request that the court dismiss the petition.

As soon as the attorney for the Commonwealth notifies the circuit court that the petition presents valid grounds for removal, the court shall issue a rule requiring the officer to show cause why he should not be removed from office, the rule alleging in general terms the cause or causes for such removal. The rule shall be returnable in not less than five nor more than 10 days and shall be served upon the officer with a copy of the petition.

Housing and Community Development, Department of Local Housing Policy Report (SCT.DHCD026)

Local governments with populations greater than 3,500 are required to annually report to the Department of Housing and Community Development summarizing the adoption or amendment of any local policies, ordinances, or processes affecting the development and construction of housing during the preceding fiscal year.

Residential Land Development and Construction Fees Report (SCT.DHCD027)

Local governments with populations greater than 3,500 are required to annually report to the Department of Housing and Community Development the total fee revenue collected by the locality over the preceding calendar year in connection with the processing, reviewing, and permitting of applications for residential land development and construction activities.

Motor Vehicles, Department of

Collection and Reporting of Data Related to Driving Under the Influence (STO.DMV008)

The Department shall collect data related to driving under the influence of alcohol, drugs, or a combination thereof, on an annual basis based on the calendar year. The Department may request data and shall be provided such data upon request from (i) every department, division, board, bureau, commission, authority, or other agency created by the Commonwealth, or to which the Commonwealth is a party, or any political subdivision thereof; (ii) any criminal justice agency as defined in § 9.1-101; and (iii) the clerk of each circuit court.

No State Oversight

Organ Donation Leave (NSO.179)

Local governments having more than 50 employees must provide up to 60 business days of unpaid organ donation leave to serve as an organ donor and up to 30 business days of unpaid organ donation leave as a bone marrow donor.

Taxation, Department of

BPOL Tax Notification (SFIN.TAX024)

Localities are required to notify taxpayers of information regarding business, professional, and occupational license (BPOL) tax due dates, penalties, and interest.

Transient Occupancy Tax Reporting (SFIN.TAX025)

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Every tax-assessing officer of a county, city, or town shall send to the Department of Taxation the current rate of the transient occupancy tax imposed in the locality. Such information shall be furnished by such tax-assessing officers as soon as it is available after request by the Department of Taxation or with at least 30 days' notice prior to the effective date of any change in such rate. The tax-assessing officer of a county, city, or town shall administer and enforce the assessment of, and the treasurer of such county, city, or town shall collect, transient occupancy taxes from accommodations intermediaries. In administering the assessment of transient occupancy taxes from accommodations intermediaries, the tax-assessing officer of a county, city, or town shall provide adequate information to accommodations intermediaries to enable them to identify transient occupancy rates, the applicable jurisdiction, and any discounts, deductions, or exemptions.

Treasury, Department of

Verification of Reported Public Fund Balances (SFIN.TD011)

Pursuant to 1 VAC 75-20-160 of the Virginia Security for Public Deposits Act regulations, public depositors shall verify and confirm to Treasury their account balances as reported by the "Public Fund Accounts" search feature on the Department of the Treasury's website after the end of each quarter to ensure their public funds accounts are being properly reported to the Treasury Board by their qualified public depositories.

Virginia Retirement System

Employer Contributions For Retirees Hired Into Covered Positions (Return to Work) (IND.VRS005)

Local public school boards hiring retirees into VRS-covered positions as (i) as an instructional or administrative employee required to be licensed by the Board of Education, (ii) in a specialized student support position as that term is described in subsection O of § 22.1-253.13:2, or (iii) as a school bus driver (under § 51.1-155 (B)(3), effective January 1, 2024) or as a school security officer (under § 51.1-155 (B)(4), effective July 1, 2020) must include the person's compensation in VRS membership payroll subject to employer contributions.

Non-Discretionary Condition of Aid

Agriculture and Consumer Services, Department of

Blue Catfish Processing, Flash Freezing, and Infrastructure Grant Program (SAF.VDACS014)

Political subdivisions wishing to receive funding to support blue catfish processing, flash freezing, and infrastructure projects from the Governor's Agriculture and Forestry Industries Development Fund are required to comply with guidelines to be developed by the Secretary for Agriculture and Forestry, including (i) the awarding of grants on a competitive basis, (ii) the criteria for evaluating grant applications, and (iii) the favoring of projects that create processing, flash freezing, and infrastructure capacity in proximity to small-scale blue catfish watermen. The funds are awarded in the form of reimbursable grants of no more than \$250,000 per grant to political subdivisions.

Criminal Justice Services, Department of

Virginia Opioid Use Reduction and Jail-Based Substance Use Disorder Treatment (SPSHS.DCJS045)

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This fund was created as a non-reverting fund at DCJS to provide grants for locally administered jail-based addiction recovery and substance use disorder prevention programming. Fund guidelines to be developed by DCJS. Grant procedures to be developed in consultation with the Virginia Sheriff's Association and Virginia Association of Regional Jails.

Environmental Quality, Department of *On-site Septic System Loans (SNHR.DEQ050)*

Local governments may receive loans from the Water Facilities Revolving Fund to correct onsite sewage disposal problems to protect or improve water quality and prevent the pollution of state waters or if the local government has developed a funding program to provide low-interest loans or other incentives to individual citizens or eligible business to facilitate the correction of on-site sewage disposal problems. For a business to be eligible for a loan from a local government program it must be located within a locality that is a member of the Rural Coastal Virginia Community Enhancement Authority and be a bed-and-breakfast operation, campground, or restaurant, or a business that uses working waterfronts.

Fire Programs, Department of *Fire Programs Fund- Aid to Localities (Newly Identified, SPSHS.DFP005)*

Approximately 75% of the Fire Programs Fund goes directly to counties, cities and incorporated towns within the Commonwealth as Aid to Localities (ATL). ATL provides Virginia cities, towns and counties with funds to pay for training, construction of training centers, firefighting equipment and protective clothing. Allocations are population-based. In collecting fire programs funding, local governments must file an annual report on the prior fiscal period's fund usage and disbursement agreement specifying uses for the current funding period. Localities are also subject to the Agency's audit policy requirements.

Regulation of Option Activity

Fire Programs, Department of *Firefighter Training on Electric Vehicle Fires (SPSHS.DFP004)*

All firefighters in the Commonwealth of Virginia shall complete a training program on the risks of fires in electric vehicles and how to effectively manage and safely extinguish such fires. This includes volunteer and career firefighters. Firefighters must complete this training by December 1, 2025.

Health, Department of *Services for Survivors of Sexual Assault (SHHR.VDH041)*

Locality-owned hospitals and pediatric health care facilities must have a plan for either the provision of transfer services or treatment services for survivors of sexual assault and the plan(s) must be approved by the Virginia Department of Health.

Maintenance of Emergency Medical Services (SHHR.VDH042)

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An ordinance or resolution is required by the local governing body to operate an emergency medical services agency and such ordinance or resolution shall specify the geographic boundaries of the agency's primary service area within the locality. Additionally, requires that an emergency medical services agency that responds to medical emergencies for its primary service area as defined by the local emergency medical response plan shall be a designated emergency response agency and recognized as an integral and essential part of the official public safety program of the county, city, or town with responsibility for providing emergency medical response.

EXPANDED MANDATES

Compulsory Orders

Education, Department of *Comprehensive Plan (SOE.DOE014)*

Local school boards are required to review and adopt biennially a division-wide comprehensive, unified, long-range plan developed with staff and community involvement, including at least one public hearing to solicit comment. The plan must include: objectives and progress on achievement of those objectives; an enrollment forecast and a plan for managing those changes; an evaluation of and, if appropriate, a plan for establishing regional educational programs; a technology plan; a needs assessment; evidence of public participation; any corrective action plans required by law; a plan for parent and family involvement; high-quality professional development programs that support the recruitment, employment, and retention of qualified teachers and principals; and a divisionwide literacy plan.

Each such divisionwide literacy plan shall be submitted to the Department and shall identify which core literacy curricula, supplemental instructional practices and programs, and intervention programs from the list developed by the Department pursuant to subdivision H 2 of § 22.1-253.13:1 or alternative programs approved by the Department that consist of evidence-based literacy instruction and align with science-based reading research will be used in each grade level, kindergarten through 12, at each of the schools within such school division. Each local school board shall post, maintain, and update as necessary on such school board's website a copy of its divisionwide literacy plan and the job description and contact information for any reading specialist employed by such school division pursuant to subsection G of § 22.1-253.13:2 and for any dyslexia specialist employed by such school division. The Department shall post each divisionwide literacy plan on its website.

By November 1 of each odd-numbered year, the school board must report to the public the progress on objectives it has made for the previous two school years. Each public school must also prepare a comprehensive plan that the school board must consider in the development of the divisionwide comprehensive plan. The plan must include strategies for improving student achievement, particularly the achievement of educationally-at-risk students.

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School Breakfast Program and National School Lunch Program (SOE.DOE043)

School divisions are required to establish school breakfast programs in any school in which 25 percent or more of the students are approved in the federally funded free or reduced-price lunch program. In addition to paper-based applications for participation in such programs, school divisions must provide a web-based application, to be prominently placed on its website. Each public elementary or secondary school must process each web-based or paper-based application for student participation in the School Breakfast Program or the National School Lunch Program administered by the U.S. Department of Agriculture within six working days after the date of receipt of the completed application. School divisions must annually report on their school breakfast programs to the Department of Education, including the numbers and socioeconomic characteristics of the students participating in the program.

Each school board must ensure that the information sheet on the SNAP benefits program developed and provided by the Department of Social Services pursuant to subsection D of § 63.2-801 is sent home with each student enrolled in a public elementary or secondary school in the local school division at the beginning of each school year or, in the case of any student who enrolls after the beginning of the school year, as soon as practicable after enrollment. Each school board must ensure that a fillable free or reduced price meals application is sent home with each student enrolled in a public elementary or secondary school in the local school division at the beginning of each school year or, in the case of any student who enrolls after the beginning of the school year, as soon as practicable after enrollment. Each school board must ensure that at any back to school night event in the local school division to which the parents of enrolled students are invited, any such parent in attendance receives prominent notification of and access, in paper or electronic form, or both, to information about application and eligibility for free or reduced price meals for students and a fillable free or reduced price meals application that may be completed and submitted on site.

Program of Instruction for Grades K-12 (SOE.DOE044)

School divisions must develop and implement a program of instruction and adopt a curriculum that is aligned to the Standards of Learning for grades K through 12, as prescribed by the Code of Virginia, and that meets or exceeds the requirements of the Board of Education. The program of instruction shall emphasize essential knowledge and skills, concepts and processes, and the development of the ability to apply such skills and knowledge to the preparation for eventual employment or appropriate training and lifelong learning. Each local school board shall provide a program of literacy instruction that is aligned with science-based reading research and provides evidenced-based literacy instruction to students in kindergarten through grade eight. In addition, school divisions must implement middle school career exploration opportunities, career and technical education; educational objectives in middle and high school that emphasize economic education and financial literacy; early identification, diagnosis and assistance for students with reading and math problems; art, music, and physical education in the elementary instruction program; a program of physical fitness; a program of student services; and a program of instruction in the high school Virginia and U.S. Government course on all information and concepts contained in the civics portion of the U.S. Naturalization Test. Effective July 1, 2022, all kindergarten programs

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must be full-time and include 990 instructional hours. School divisions must also collect and analyze data to evaluate and make decisions about instructional programs.

Local school boards must provide a specified amount of instructional time in English, mathematics, science, and social science to students in elementary and middle school.

Administration of Assessment Instruments (SOE.DOE059)

School divisions are required to administer appropriate assessments which may include criterion-referenced tests, teacher-made tests, and other assessment instruments, select appropriate industry certification and state licensure examinations, and shall include the Standards of Learning Assessments and the National Assessment of Educational Progress State-by-State Assessment. The Standards of Learning assessments administered to students in grades three through eight shall not exceed (i) reading and mathematics in grades three and four; (ii) reading, mathematics, and science in grade five; (iii) reading and mathematics in grades six and seven; (iv) reading, writing, and mathematics in grade eight; (v) science after the student receives instruction in the grade six science, life science, and physical science Standards of Learning and before the student completes grade eight; and (vi) Virginia Studies and Civics and Economics once each at the grade levels deemed appropriate by each local school board. The reading and mathematics assessments administered to students in grades three through eight shall be through-year growth assessments.

Each school board shall annually certify that it has provided instruction and administered an alternative assessment, consistent with Board guidelines, to students in grades three through eight in each Standards of Learning subject area in which a Standards of Learning assessment was not administered during the school year. Such guidelines shall (a) incorporate options for age-appropriate, authentic performance assessments and portfolios with rubrics and other methodologies designed to ensure that students are making adequate academic progress in the subject area and that the Standards of Learning content is being taught; (b) permit and encourage integrated assessments that include multiple subject areas; and (c) emphasize collaboration between teachers to administer and substantiate the assessments and the professional development of teachers to enable them to make the best use of alternative assessments.

Local school divisions shall provide targeted mathematics remediation and intervention to students in grades six through eight who show computational deficiencies as demonstrated by their individual performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures non-calculator computational skills.

To assess the educational progress of students as individuals and as groups, each local school board shall require the use of Standards of Learning assessments, alternative assessments, and other relevant data, such as industry certification and state licensure examinations, to evaluate student progress and to determine educational performance. Each local school shall require the administration of appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests and shall include the Standards of Learning assessments, the local school board's alternative assessments, and the National Assessment of Educational Progress state-

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by-state assessment. Each school board shall provide teachers, parents, principals, and other school leaders with their students' results on any Standards of Learning assessment or Virginia Alternate Assessment Program assessment as soon as practicable after the assessment is administered. Each school board shall analyze and report annually, in compliance with any criteria that may be established by the Board, the results from industry certification examinations and the Standards of Learning assessments to the public.

All students in grades K-8 are expected to take the SOL assessments, including students with disabilities as prescribed by their IEP or 504 plan and limited English proficient learners as determined by a school-based committee. Each school division shall analyze and report annually to the public, in compliance with any criteria that may be established by the Board of Education, the results from the Stanford 9 Assessment, if administered, industry certification examinations, and the Standards of Learning Assessments.

Special Education Program Standards (SOE.DOE074)

School divisions are required to follow the special education program standards that specify criteria for class size maximums and the operations of programs for students with disabilities. In addition, school divisions must meet criteria for special education teacher endorsements, educational interpreters for students with hearing impairments, and student placements. In developing IEPs for children with disabilities, in addition to any other requirements established by the Board, each local school board shall ensure that IEP teams consider the guidelines established by the Department of Education. Each public high school in the Commonwealth shall publicly identify on its official website the faculty member responsible for special education transition planning and coordination at such high school.

Reports of Certain Acts in Schools (SOE.DOE083)

School division superintendents are required to report certain incidents such as assaults resulting in bodily injury, threats against school personnel, bomb threats, found weapons, student possession of weapons, the possession of certain substances, stalking, and the theft of prescription medications to the Department of Education annually, and to make such information available to the public. School principals must also report such incidents that constitute a felony offense to local law enforcement and, except where prohibited by law, to the parents of any minor student who is the object of such act. The school principal, or his designee shall notify the parents of any student who violates a school board policy or the compulsory school attendance requirements when such violations are likely to result in the student's suspension or the filing of a court petition, whether or not the school administrators have imposed such disciplinary action or filed a petition. A school board may establish an alternative school discipline process to provide the parties involved in an incident described in clause (i) of subsection A of § 22.1-279.3:1 the option to enter into a mutually agreed-upon process between the involved parties. Such process shall be designed to hold the student accountable for a noncriminal offense through a mutually agreed-upon standard.

Prevention of Violence and Crime on School Property (SOE.DOE086)

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School divisions are required to develop programs to prevent violence and crime on school property and at school-sponsored events. Each local school board is required to adopt policies for the establishment of threat assessment teams, consisting of the statutorily-enumerated membership, and to meet mandated reporting requirements. New threat assessment team members shall complete an initial threat assessment training and all threat assessment team members shall be required to complete refresher threat assessment training every three years.

School Health, Training, and Reporting (SOE.DOE141)

Each local school board shall ensure that a specific number of staff in school buildings with an instructional and administrative staff have current certification or training in emergency first aid, cardiopulmonary resuscitation, the use of an automated external defibrillator, and training in the administration of insulin and glucagon if one or more students is diagnosed with diabetes. Each local school board shall develop a plan for the placement, care, and use of an automated external defibrillator in every public elementary and secondary school in the local school division and shall place an automated external defibrillator in every public elementary and secondary school in the local school division. Each local school board must also permit each enrolled student diagnosed with diabetes and having parental consent and prescriber approval: to carry and use supplies and equipment for immediate treatment of high and low blood glucose levels and to self-check blood glucose levels on a school bus, on school property, and at a school-sponsored activity. No school board shall be required to suspend or expel any student who holds a valid written certification for the possession or use of cannabidiol oil or THC-A in accordance with the student's individualized health plan and in compliance with a policy adopted by the school board. School divisions must provide training to school personnel having direct contact with students on the effects of blood-borne pathogens or certain other infections. School division superintendents shall report to their local health director any incident in which any employee is involved in a possible exposure-prone incident.

Elections, Department of

Voting Equipment, Systems, and Staffing Requirements (SOA.ELECT001)

Each city and county must provide, for all elections, electronic voting or counting systems approved by the State Board of Elections. These systems must meet federal and state accessibility standards for voters with disabilities and, upon determination by the Director of the United States Census, must accommodate alternative languages. State law stipulates the minimum number of voting devices and staffing/officers required at each precinct, based on the number of registered voters, equipment type (where applicable), and type of election (e.g. presidential). Localities must provide security for voting equipment under plans adopted by the Electoral Board and approved by the State Board of Elections. Localities must follow certain procedures for the storage and use of voting or counting machines with removable data storage devices. Localities must employ or designate a voting equipment custodian for the purpose of programming and preparing voting and counting equipment, including the programming of any electronic activation devices or data storage media used to program or operate the equipment, and maintaining, testing, calibrating, and delivering it. Localities must perform logic and accuracy testing of electronic voting systems and electronic pollbooks.

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Environmental Quality, Department of

Stormwater Management Programs by Localities (SNHR.DEQ039)

Any locality that operates a regulated municipal separate storm sewer system (MS4), or notifies the Department of Environmental Quality of its decision to participate in the establishment of a Virginia Stormwater Management Program (VSMP) is required to adopt a VSMP for land disturbing activities consistent with the Stormwater Management Act. Such VSMP must be implemented no later than July 1, 2014. Any locality that operates a MS4 that became a regulated MS4 on or after January 1, 2014, may elect to defer implementation of the county's VSMP until January 1, 2015. Any town lying within a county, which has adopted a VSMP, may adopt its own program or may choose to participate in the county's VSMP, or have the Department of Environmental Quality operate a VSMP on behalf of the town. Other localities may choose to become a VSMP authority. For those localities that do not become an authority, the Department of Environmental Quality will operate and administer the VSMP. A VSMP authority may enter into agreements or contracts with soil and water conservation districts, adjacent localities, or other public or private entities to carry out or assist with these responsibilities. If a locality adopts a more stringent stormwater ordinance, the locality must submit an explanation to the Department of Environmental Quality for review.

When establishing a VSMP, the VSMP authority shall assess the statewide fee schedule and shall have the authority to reduce or increase such fees, and to consolidate such fees with other program-related charges, but in no case shall such fee changes affect the amount established in the regulations as available to the Department of Environmental Quality for program oversight responsibilities. A VSMP's portion of the fees shall be used solely to carry out the VSMP's responsibilities under the Stormwater Management Law and its attendant regulations, ordinances, or annual standards and specifications.

A VSMP authority may accept an agreement in lieu of a stormwater management plan for a farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent.

Erosion and Sediment Control Program (SNHR.DEQ040)

Counties and cities are required to adopt an erosion and sediment control program. Towns have the option of adopting an erosion and sediment control program or participating in the county's erosion and sediment control program. Local governments which have adopted an erosion and sediment control program must administer it in a manner consistent with State guidelines and minimum standards. Administration is provided by local governments through ordinances, plan review, inspections, and enforcement.

Localities that do not operate their own Virginia Stormwater Management Program (VSMP) authority may ask the Department of Environmental Quality (DEQ) to review erosion and sediment control plans submitted by any solar project with a rated electrical generation capacity exceeding five megawatts. If asked to do so by one of these localities, DEQ reviews the erosion and sediment

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control plan and provides a recommendation to the locality's Virginia Erosion and Sediment Control Program (VESCP) authority as to whether the plans comply with the Erosion and Sediment Control Law and the relevant regulations. The locality's VESCP authority then grants written approval of the plan or provides written notice of disapproval of the plan in accordance with the Erosion and Sediment Control Law. The locality's VESCP authority remains responsible for inspections and enforcement matters related to such projects.

A VESCP authority may accept an agreement in lieu of a plan for a farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent.

Forensic Services, Department of

DNA Samples Required Upon Arrest (SPSHS.DFS004)

During the booking process, sheriffs and regional jailers must collect a saliva or tissue sample from every person arrested for any commission or attempted commission of any violent felony as defined in § 19.2-297.1, aggravated murder as defined in § 18.2-31, or certain burglaries as listed in § 19.2-310.2:1, provided a sample has not been previously collected from the individual as indicated by the Department of Forensic Science DNA data bank sample tracking system. The samples must be collected by the agency responsible for booking upon arrest, before the person's release from custody. Samples must be forwarded to the Department of Forensic Science within 15 days of collection. They must be collected in accordance with procedures adopted by the Department of Forensic Science.

No State Oversight

Virginia Freedom of Information Act (NSO.114)

Local governments must comply with the Virginia Freedom of Information Act by providing ready public access to records in the custody of public officials and by allowing free entry to meetings of public bodies, including those held through electronic communication means, where public business is being conducted. Local governments with a population of more than 250 must post a FOIA rights and responsibilities document on their website and must designate and identify a local FOIA officer that is well versed in provisions of FOIA and undergo an annual training. Information about the FOIA officer must also be available on their website. Local governments must publish a written policy explaining how the public body assesses charges for accessing requested records and note the current fees charged. Each local elected official, the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act, and members of any boards governing any authority established pursuant to the Park Authorities Act (§ 15.2-5700 et seq.) shall complete regular FOIA training sessions.

Social Services, Department of

Adoption and Other Services (SHHR.DSS033)

Local social services agencies are required to provide adoption services and to administer the program in accordance with Federal statutes and interpretations and State regulations, laws and

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policies. Such services include preparing children for adoption recruitment, training adoptive families, facilitating out-of-state placements, supervising adoption placements, finalizing adoptions, and screening children for adoption assistance eligibility. The local department is responsible for maintaining payments and services identified in the Adoption Assistance Agreement and any Addendum in effect, regardless of where the child lives. Local departments are required to register children who have the goal of adoption on the State's adoption resource exchange AREVA within 60 days of termination of parental rights. Adoption services are provided to children in the care of local departments and privately placed children. Post-adoption services are provided to all children and families residing in Virginia, adopted domestically or internationally.

Non-Discretionary Condition of Aid

Criminal Justice Services, Department of

School Resource Officer and School Security Officer Grants (SPSHS.DCJS022)

Local governments receiving Virginia School Resource Officer and School Security Officer Program grants are required to provide a cash or in-kind match based on the Virginia Department of Education's composite index of local ability to pay, and must meet program and reporting requirements set out in the program guidelines. School Resource Officers hired to work in such local programs must be sworn, certified Virginia law enforcement officers with a minimum of three years of law enforcement experience, and must meet state mandated qualification and training requirements. School Security Officers must meet state mandated qualification and training requirements. Legislation passed in 2023 allows grantees more latitude on use of grant funds to support SRO/SSO grant funded positions.

Transportation, Department of

Safe Routes to School Program (SRTS) (STO.VDOT035)

Local governments receiving grants must comply with VDOT design requirements, procurement rules, and various federal laws and regulations. VDOT provides Transportation Alternative funds for SRTS through a competitive grant program for eligible infrastructure projects that include sidewalk, traffic calming, crossing, traffic diversion and bicycle facility improvements within approximately two miles of schools, as well as non-infrastructure programs that encourage and instruct children to safely walk and bicycle to and from school. Grants are also available for SRTS non-infrastructure programs that may include public awareness campaigns, traffic enforcement, education, and training on bicycle and pedestrian safety.

Regulation of Optional Activity

Environmental Quality, Department of

Sewage Collection and Treatment Regulation (SNHR.DEQ035)

Owners of sewage collection systems and sewage treatment works are required to provide an engineered design for any new or upgraded facility, consistent with the Commonwealth's public health and water quality objectives. The owner must provide certification from a licensed Virginia

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professional engineer that the design and construction of the facility are in compliance with the design standards of the Sewage Collection and Treatment Regulations. For projects funded by the Water Quality Improvement Fund, the owner must submit documents to the Department of Environmental Quality for a technical evaluation for the funded portions of the project. These regulations also address operation and maintenance of facilities and requirements for operation and maintenance manuals. Localities must generally design new plants, expansions, and upgrades so that the facility has the capacity to treat septage from all onsite sewage disposal systems within the facility's service area.

A publicly owned treatment works pretreatment program shall require any industrial user of a publicly owned treatment works that receives and cleans, repairs, refurbishes, or processes any equipment, parts, or media used to treat any water or wastewater from any off-site manufacturing process that the industrial user knows or reasonably should know uses PFAS chemicals to test its wastestream for PFAS chemicals prior to and after cleaning, repairing, refurbishing, or processing such items.

MANDATES TO REMOVE FROM THE CATALOG

Elections, Department of

Municipalities to Pay Expenses of May Elections (Compulsory Order, SOA.ELECT008)

Municipalities shall pay all expenses associated with May elections, including those costs incurred by the State Board of Elections.

Elections, Department of

Electoral Board, Registrar, and Officers of Election (Compulsory Order, SOA.ELECT002)

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. Minutes of local electoral boards' meetings are required to be posted on the local electoral board's website or the official website of the county or city within seven working days of final approval. If a local public body does not own or maintain an official public government website, such public body shall make copies of all meeting minutes available no later than seven working days after final approval of the minutes (i) at a prominent public location in which meeting notices are regularly posted pursuant to subdivision C 2 of § 2.2-3707; (ii) at the office of the clerk of the public body; or (iii) in the case of a public body that has no clerk, at the office of the chief administrator. 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 first year of any subsequent reappointment. 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

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centralized computer database, the Virginia Election and Registration Information System (VERIS). On receipt of an application from an applicant who indicated that he will require assistance due to a visual impairment or print disability, the general registrar must offer to provide to 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. The general registrar must provide access to information required under election laws and the Virginia Freedom of Information Act. Localities are responsible for the costs of conducting all general and special elections except presidential primaries reimbursed by the Commonwealth. Before noon on the day following the election, the general registrar shall deliver all applications for absentee ballots for the election, under seal, to the clerk of the circuit court for the county or city, except that the general registrar may retain all applications for absentee ballots until the electoral board has ascertained the results of the election. Costs include postage and international email capacity. Absentee ballot return envelopes must have postage prepaid and provided by the general registrar. 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 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. 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. If limited access occurs, the city or county will have seven days to correct any deficiencies. 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). County electoral boards are responsible for administering town elections. The secretary of the electoral board shall deliver all absentee ballots received after the election to the clerk of the circuit court. Finally, localities are responsible for implementing redistricting changes to local, state, and congressional districts and providing GIS maps to Department of Elections when changes are made. Statutory deadlines associated with the various responsibilities of the electoral boards and general registrars may result in increased costs. 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.

State Corporation Commission

Discontinuing natural gas service; municipal corporation to provide copies of notices to the State Corporation Commission (Regulation of Optional Activity, IND.SCC004)

A municipal corporation seeking to discontinue natural gas service and attempting to sell the system facilities shall provide copies of the required notices to the SCC concurrent of notice to customers and publication in a newspaper.

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OTHER CHANGES

Elections, Department of

Establishment of the Electoral Board and the Office of the General Registrar (SOA.ELECT013)

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. Minutes of local electoral boards' meetings are required to be posted on the local electoral board's website or the official website of the county or city within seven working days of final approval. If a local public body does not own or maintain an official public government website, such public body shall make copies of all meeting minutes available no later than seven working days after final approval of the minutes (i) at a prominent public location in which meeting notices are regularly posted pursuant to subdivision C 2 of § 2.2-3707; (ii) at the office of the clerk of the public body; or (iii) in the case of a public body that has no clerk, at the office of the chief administrator.

Training for the Electoral Board, the General Registrar, and Officers of Election (SOA.ELECT014)

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 first year of any subsequent reappointment. The general registrar must complete a certification program through the Department of Elections. 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.

Access to the Virginia Voter Registration System shall be restricted to individuals enrolled in a security awareness training program approved or provided by the Virginia Department of Elections. Individuals who do not complete assigned training within the required timeframe may have their credentials revoked or limited as needed to ensure the security of the Virginia Voter Registration System.

Voter Applications Received by the General Registrar (SOA.ELECT015)

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 Voter Registration System. On receipt of an application from an applicant who indicated that he will require assistance due to a visual impairment or print disability, the general registrar must offer to provide to 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. The general registrar must provide access to information required under election laws and the Virginia Freedom of Information Act.

Costs Relating to the Administration of Elections (SOA.ELECT016)

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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. Absentee ballot return envelopes must have postage prepaid and provided by the general registrar. 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).

Election Responsibilities of the Clerk of Court (SOA.ELECT017)

Clerks of court are to furnish lists of those adjudicated incapacitated during the preceding month or a statement that no adjudications have occurred that month. Clerks of court will take possession of the keys or other security devices of the electronic voting systems once they have been locked after the election. Clerks of court will coordinate with local electoral boards and general registrars during the canvass process and any other post-election activities as necessary. Clerks of court shall retain the statement of results and any printed inspection and return sheets for two years and may then destroy them.

Risk-limiting Audits (SOA.ELECT018)

Localities shall 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.

Security Standards of the Virginia Electronic Registration System (SOA.ELECT019)

Local electoral boards are responsible for developing and annually updating written plans and procedures relevant to the security of the Virginia electronic voter registration system. 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 the Virginia electronic voter registration system. If limited access occurs, the city or county will have seven days to correct any deficiencies. Access to the Virginia electronic voter registration system shall be restricted to individuals enrolled in a security awareness training program approved or provided by the Virginia Department of Elections. Individuals who do not complete assigned training within the required timeframe may have their credentials revoked or limited as needed to ensure the security of the Virginia Voter Registration System.

Redistricting (SOA.ELECT020)

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. Statutory deadlines associated with the various responsibilities of the electoral boards and general registrars may result in increased costs.

Election Materials in Minority Languages (SOA.ELECT021)

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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 adequately enough to participate in the electoral process. 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.

Ranked Choice Voting (SOA.ELECT022)

Elections of members of a county board of supervisors or a city council may be conducted by ranked choice voting pursuant to this section. The decision to conduct an election by ranked choice voting shall be made, in consultation with the local electoral board and general registrar, by a majority vote of the board of supervisors or city council that the office being elected serves. Any county board of supervisors or city council that adopts to conduct an election by ranked choice voting shall develop and distribute educational information about ranked choice voting no later than 60 days before the specified election. Educational information must be disseminated to the public through circulation in the local newspaper, posted on the locality's website, or mailed to active and inactive voters eligible to vote in the specified election. Educational information must be posted in the office of the general registrar no later than 60 days before the specific election and made available for distribution if requested by the public. Educational information about ranked choice voting shall be posted in each satellite office and polling place operating for the election.

Workforce Development and Advancement, Department of Virginia Workforce Development Program (SOL.VDWDA001)

The Governor must designate local workforce development areas (LWDAs) in order for the State to receive adult, dislocated worker, and youth funding under title I, subtitle B of the Workforce Innovation and Opportunity Act (WIOA). Local governments participating in workforce development programs funded through the federal WIOA were required to apply for initial and subsequent Local Workforce Development Area Designation. The local governments within a LWDA must designate a single local government to serve as their local grant recipient. They also must assume liability for such funds, appoint members to the Local Workforce Development Board, and comply with other elements of the State and Federal Workforce Development Programs that assist in the employment and training needs of adults, dislocated workers, and youth. The roles and responsibilities of the local governments, the local chief elected officials, and the grant recipient are detailed in the WIOA and regulations.

No State Oversight

Creation of Redevelopment and Housing Authorities (NSO.178)

A local government may establish a redevelopment and housing authority pursuant to Title 36, Chapter 1 (Housing Authorities Law) of the Code of Virginia provided a need for a housing authority has been determined. A locality that establishes such authority may name the authority an appropriate name and title.

Professional and Occupational Regulation, Department of

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Waterworks and Wastewater Works Operators License (SOL.DPOR002)

Local government employees who are in charge of a waterworks or a wastewater works as a supervisor, a shift operator, or a substitute in charge, and whose duties include testing or evaluation to control waterworks or wastewater works operations, must be licensed by the Department of Professional and Occupational Regulation.

Waste Management Facility Operators License (SOL.DPOR003)

Local government employees who are in charge of the actual, on-site operation of a waste management facility during any period of operation must be licensed by the Department of Professional and Occupational Regulation.

Contractors License (SOL.DPOR004)

Local government authorities charged with the duty of issuing building permits and business licenses shall obtain (i) proof of the applicant's license or certificate number issued by the Board for Contractors or (ii) evidence of exemption from the Board's licensure requirements.