



Glenn Youngkin
Governor

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Secretary of
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COMMONWEALTH of VIRGINIA

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Bryan W. Horn
Director

Commission on Local Government

January 5, 2024

2:00 p.m.

Virginia Housing Center

4224 Cox Road

Glen Allen, VA 23060

Members Present

Ceasor T. Johnson, D.Min, Chair

Edwin S. Rosado, Vice Chair

Diane M. Linderman, PE (attending virtually)

Robert W. Lauterberg

Call to Order

Members Absent

None

The Commission on Local Government (CLG) Chair, Dr. Ceasor Johnson, called the meeting to order at 2:15 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 the Chair that a quorum of Commissioners Johnson, Rosado, and Lauterberg were present in person, with Commissioner Linderman attending virtually.

Pursuant to the Commission's electronic meetings policy, Commissioner Linderman attended virtually under provision #4 due to a personal matter. She attended from St. Petersburg, Florida, where she was on vacation with her family. There was no objection to her virtual participation.

Election of Officers for 2024

The Chair opened the floor for nominations for Vice Chair of the Commission. Commissioner Rosado nominated Commissioner Lauterberg, and the nomination was seconded by Commissioner Linderman.

Commissioner Lauterberg was elected unanimously.



The chair then opened the floor for nominations for Chair of the Commission. Commissioner Lauterberg nominated Commissioner Rosado, and the nomination was seconded by Commissioner Linderman.

Commissioner Rosado was elected unanimously and assumed the position of Chair for the remainder of the meeting.

Administration

The draft agenda was adopted unanimously on a motion by Commissioner Lauterberg and a second by Commissioner Johnson.

The minutes from the November 3rd, 2023 regular meeting were adopted unanimously on a motion by Commissioner Lauterberg and a second by Commissioner Johnson.

The Chair opened the floor for the public comment period.

Kimberly Dyke thanked the Commission for making its meeting accessible online.

The Chair closed the public comment period.

The Chair introduced the following guests who were in attendance, both in person and virtually:

- Rosemary Mahan
- Dr. Staphanie Davis
- Kristen Dahlman
- Representatives from Loudoun County, the Town of Leesburg, Rappahannock County, and the Town of Washington

Staff Report and Updates

Mr. Northcutt gave an update on articles of interest to the Commission that were distributed in the meeting packet. The articles covered recent zoning changes in Loudoun County and the Town of Kilmarnock's anticipated boundary line adjustment.

Staff gave additional updates regarding the appointment of the newest commissioner, which has been approved but not finalized, and a report on recent boundary line adjustments in King and Queen County.

Staff briefly gave an update on the status of pending and completed periodic reviews and regulatory reduction.



Presentation of Commemorative Resolutions

The Chair presented commemorative resolutions to the following former commissioners and staff:

- Rosemary Mahan, Commissioner from 2018-2022
- Dr. Staphanie Davis, Commissioner from 2019-2023
- Kristen Dahlman, former Commission staff and DHCD Policy and Legislation Director from 2015-2023

Cases before the Commission

Loudoun County and the Town of Leesburg

Pursuant to 1VAC50-20-40 of the Virginia Administrative Code, the Chair suspended the rules of debate and instituted a time limit of 10 minutes for each party to discuss the notification of mediation, stay, and responses.

Notice of mediation and stay

Commissioner Lauterberg recused himself from the discussion and the vote since he will not be participating in the case due to a conflict of interest.

Andrew McRoberts, counsel for Loudoun County, presented the County's motion and proposed that the Commission accept the notice of mediation and the three month stay in its discretion granted by the statute. He stated that a stay would be in the best interest of the parties, the Commission, and staff, and the suspension of adverse proceedings would make a settlement more likely.

Greg Haley, Counsel for the Town of Leesburg, presented the County's response and argued that the Commission did not have discretion to issue a stay, that the County's interpretation of the statute granting such discretion was incorrect, and that the stay request should be rejected.

Upon further questions from the chair about how to best interpret the statute, Mr. McRoberts gave additional reasons why a stay was in the public interest, such as the overall intent of the general assembly and conservation of public funds, and Mr. Haley responded that impending deadlines are typically what forces a settlement.

Commissioner Linderman commented that she did not want the Commission to obstruct or delay the proceedings that will eventually go to court and moved to partially accept the County's notice of desire to attempt to negotiate as a valid notice under 15.2-2907E, but reject



the portions of the request that ask for a stay and keep the Commission's hearing dates and report due date as scheduled.

The motion was seconded by Commissioner Johnson. The motion passed unanimously.

The parties agreed to give regular updates to staff as mediation and negotiations continue.

Mr. Haley presented the administrative case management order. Mr. McRoberts proposed the following amendments:

Administrative Case Management Order

- 1) Change the stipulations due date to February 5;
- 2) Allow the parties to identify additional documents 15 days before the hearing date;
- 3) Change the date for exchange of exhibits and witnesses to February 19. Objections must be submitted by February 28;
- 4) Adding the following language to Section VII: "The Chairman may make additional appropriate revisions and changes to this schedule on his own motion in order to promote mediation and settlement."

Commissioner Linderman moved adoption of the administrative case management order with the proposed amendments. The motion was seconded by Commissioner Johnson. The motion passed unanimously.

Cases before the Commission

Joe Whitead, Mayor of the Town of Washington, presented the background on the proposed voluntary settlement agreement between the Town of Washington and Rappahannock County. The parties asked the Commission to hold oral presentations and a public hearing in Washington on May 20th and issue a report at the July regular meeting.

Rappahannock County and the Town of Washington

Commissioner Lauterberg moved to approve the review schedule. The motion was seconded by Commissioner Johnson. The motion passed unanimously.

Regulatory Reduction

Mr. Northcutt presented further ideas for regulatory reduction of 1VAC50-20. The Commissioners discussed potential changes to the executive sessions regulations and directed staff to not remove "title" back into the regulations that require any person who files before the commission to provide their personal information.

FY2022 Fiscal Stress Report

Ms. Grace Wheaton, Senior Policy Analyst at DHCD, advised the Commission that a six-month extension will be needed to complete the



FY22 fiscal stress report because there are several localities that have not submitted their required reports to the Administrator of Public Accounts.

HB1681 (2023) Residential
Land Development and
Construction Fees

Mr. Chase Sawyer, Senior Policy Analyst at DHCD, presented a proposed course of action for the Commission to complete the surveys and data collection required by HB1671 (2023). Mr. Sawyer proposed sending a survey instrument to localities in early February to comply with the March 1 deadline. The survey results will be reported to the Commission at the next regular meeting.

Commissioner Johnson moved to direct staff to develop the survey instrument and proceed with the proposed action. The motion was seconded by Commissioner Lauterberg. The motion passed unanimously.

2024 General Assembly
Session
Update on Commission work
groups and committees

Staff updated the Commission on the rules for the 2024 session and will report on bills of interest to the Commission

Mr. Northcutt updated the Commission on the Fiscal Stress Report ad hoc work group. The work group will continue its work once the 2024 session adjourns.

Ms. Linderman gave a brief update on the Code Commission work group on public notices. The work group's proposed legislation is pending before the General Assembly, and it does not anticipate meeting again for the 2025 session.

Schedule of Regular
Meetings
Adjournment

The Commission will reschedule its May regular meeting due to conflicts and lack of a quorum. May 21 was tentatively agreed upon.

Commissioner Johnson moved to adjourn, seconded by Commissioner Lauterberg. The meeting adjourned at 3:45.

