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COMMONWEALTH of VIRGINIA

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DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Commission on Local Government

Regular Meeting

March 22, 2024

9:30 a.m.

Leesburg Townhall

25 West Market Street

Leesburg, VA 20176

Members Present

Edwin S. Rosado, Chair
Robert W. Lauterberg, Vice chair (attending virtually)
Diane M. Linderman, PE
Ceasor T. Johnson. D.Min,
Terry Payne
Call to Order

Members Absent

None

Staff Present

LeGrand Northcutt
Grace Wheaton
Chase Sawyer
Trisha Lindsey

The Commission on Local Government (CLG) Chair, Edwin Rosado, called the meeting to order at 9:30 a.m.

Mr. LeGrand Northcutt initiated a roll call vote. Mr. Northcutt informed the Chair that a quorum of Commissioners Johnson, Linderman, Rosado, and Payne were present in person, with Commissioner Lauterberg attending virtually.

Pursuant to the Commission's electronic meetings policy, Commissioner Lauterberg participated from his office in Richmond because his place of residence is more than 60 miles from the location of the meeting. There was no objection to his virtual participation.

Approval of Agenda

Commissioner Linderman moved and Commissioner Payne seconded the adoption of the agenda. The motion passed unanimously.

Approval of draft minutes from previous meetings

Commissioner Linderman moved and Commissioner Payne seconded the adoption of the minutes from the January regular meeting. The motion passed unanimously.



Commissioner Linderman moved and Commissioner Payne seconded the adoption of the minutes from the February special meeting. The motion passed unanimously.

Public Comment Period

The Chair opened the floor for the public comment period.

Stephen Plescow attended the meeting as a representative of Rush River Commons.

There was no further public comment. The Chair closed the public comment period.

The Chair introduced the following guest who were in attendance from Rappahannock County and the Town of Washington:

- Martin Crim, attorney for the Town of Washington
- Joe Whited, Mayor of Washington
- Garry Curry, County Administrator for Rappahannock County

Staff report

Mr. Northcutt updated the Commission on a potential VSA between the Town of Warrenton and Fauquier County that is expected to be filed soon. Mr. Crim, who is also the attorney for the Town of Warrenton, spoke briefly on the progress the two localities are making.

Mr. Northcutt updated the Commission on the mandates assessment schedule, which will be presented at the May meeting. As part of staff realignment, the Mr. Northcutt will be responsible for the mandates assessment instead of Ms. Wheaton.

Cases before the Commission

Mr. Northcutt presented the updated review schedule for the voluntary settlement agreement between Rappahannock County and the Town of Washington.

Rappahannock County and the Town of Washington

The Town and County will plan a site visit for the Commissioners with help from staff to begin at the Rappahannock County Courthouse.

Commissioner Johnson moved and Commissioner Payne seconded to move the regular meeting of the Commission to 9:30 am on May 21st. The motion passed unanimously.



Commissioner Johnson moved and Commissioner Linderman seconded to extend the report due date for the VSA to July 12, 2024. The motion passed unanimously.

Commissioner Lauterberg moved and Commissioner Johnson seconded to close the record for the VSA on June 3, 2024. The motion passed unanimously.

Staff noted typographical amendments that need to be made to the advertisements for the VSA. Commissioner Linderman moved and Commissioner Johnson seconded directing staff to publish the advertisements for the VSA in the Rappahannock News in accordance with Virginia Code § 15.2-2907, subject to amendments noted. The motion passed unanimously.

The Commission discussed locations for the May meeting after the hearings on the VSA. On the suggestion of Commissioner Johnson, staff will work with Commissioner Lauterberg to secure a public meeting space used by the Town of Culpeper.

Representatives of Rappahannock County and the Town of Washinton left the meeting.

Loudoun County and Town
of Leesburg

Commissioner Lauterberg recused himself from the discussions and votes on the VSA between Loudoun County and the Town of Leesburg.

Staff recommended that the Commission submit its report on the VSA between Loudoun County and the Town of Leesburg before May 3rd. After discussion of schedules, Commissioner Johnson moved and Commissioner Payne seconded to submit the report on the VSA on April 30th. The motion passed unanimously.

The chair will take proper action to call a special meeting on April 30th at 9:30 am to approve the report. It will be an all-virtual meeting.

Mr. Northcutt and Mr. Sawyer presented the internal review schedule for the VSA. Staff will make public the final report as part of the special meeting packet on or before Friday, April 26th.

Regulatory items

Mr. Northcutt presented the results of the periodic review of 1VAC50-20-11. Staff recommends retaining the regulation as is.



Periodic review results

Commissioner Linderman moved and Commissioner Payne seconded to retain the regulation as is and direct staff to submit a final TH-07 form. The motion passed unanimously.

Regulatory reduction updates

Mr. Northcutt gave updates on the regulatory reduction efforts of the Commission including changes to the proposed text since the January meeting, the current timeline for approval, and alternate timelines for moving to the proposed stage. The notice of intended regulatory action will be published in the Virginia Register on March 25th.

The Commissioners did not have any suggestions for changes to the proposed text prepared by staff.

Mr. Northcutt updated the Commission on moving technical assistance documents from Townhall to the Commission's website.

2024 General Assembly Session updates

Mr. Northcutt, Ms. Wheaton, and Ms. Lindsey gave updates on bills that affect the Commission, which include SB645, HB725, and HB564. SB645 may require staffing additions and changes, along with regulatory action.

Commissioner Lauterberg asked for clarification between the roles of the Auditor of Public Accounts and the Commission under SB645.

Ms. Lindsey gave a general overview of DHCD's work during the General Assembly session.

Update on Commission Work Groups

The Fiscal Stress Report workgroup will seek to bring in an expert to talk to the Commission about fiscal stress and whether improvements can be made to the fiscal stress index and report.

The Chair suggested that the work group interview experts and report back to the Commission with recommendations for improving the report.

Commissioner Lauterberg will reach out to the authors of a relevant report on fiscal stress in localities, and Ms. Wheaton will follow up with the University of Michigan's local fiscal stress working group.



Schedule of Regular Meetings

The May regular meeting will be changed to 9:30 am on May 21.

At the suggestion of Commissioner Linderman, the Commission will discuss its remaining virtual meeting options for 2024 at the May meeting.

Other Business

Chris Spera, attorney for the Town of Leesburg, was recognized by the chair and clarified a question that was asked by Commissioner Linderman at the presentations the previous day about the variable tax rates for data center property. Regarding the changes in rates and holding them steady for five years, these rates are also mentioned in the consent letters from Microsoft, and so changing the rates would be a violation of the consent agreement as well as the VSA.

Ms. Spera will provide the additional consent letters to staff that were not provided in the VSA filings.

Adjournment

Commissioner Linderman moved to adjourn to executive session, seconded by Commissioner Payne. The meeting adjourned at 11:05 am.

