



Updates:
**Commission on Local
Government**
and
**The Governor's Task Force for
Local Government Mandate
Review**



Background: CLG

- Created by the General Assembly in 1979, “to create a procedure whereby the Commonwealth will help ensure that all of its localities are maintained as viable communities in which their citizens can live.”
- Was a standalone agency until 2003, when consolidated into the Department of Housing & Community Development.



Membership: CLG

- Five members appointed by the Governor for five-year terms
- Members must be qualified by knowledge and experience in local government.
- No member shall hold any other elective or appointive political office.



CLG Members

- John G. Kines, Jr., *Chair*
- John T. Stirrup, Jr., *Vice-chair*
- Harold H. Bannister
- Cole Hendrix
- Bruce C. Goodson



Interlocal Issues

- Commission reviews and issues an advisory report for the courts review in:
 - Contested annexation cases
 - Voluntary settlement agreements
 - Consolidation of local governments
 - Reversion from city to town status
- Simple boundary line adjustments do not come before the Commission, though we frequently provide technical assistance.



Other CLG Duties

- Fiscal Stress Report
- Cash Proffer Report
- Mandates
 - Mandates Catalog
 - Mandate Assessment Process
 - Fiscal Impact Review of Legislation



CLG Special Assignments

- Governor McDonnell's Task Force for Local Government Mandate Review (2011-2014)
- Town and County Overlapping Powers Task Force (2013)
- Local Fiscal Impact Review Process Task Force (2013)



Town-County Overlapping Powers Task Force

- House Bill 1535 was intended to clarify how powers granted to localities are to be applied within towns when county already exercises the power.
- Confusion: Can a town ordinance can supersede a county ordinance?
- Bill Failed; House Counties, Cities & Towns Committee requested study.



Town-County Overlapping Powers Task Force

Findings

- No significant need for legislative action.
- Resolution of local issues preferred at local level.
- Diverse service needs among towns –
 - Leesburg (pop. 40,000+)/Columbia (pop. 83)



LOCAL MANDATES



Catalog of Mandates



Catalog of Mandates

- Published annually in September.
- Staff attempts to identify all state and federal mandates.



Catalog of Mandates

- Mandate defined:
 - A constitutional, statutory, or administrative measure or action that places a requirement on local governments.



Catalog of Mandates

- Classification of mandates:
 - Compulsory order
 - Regulation of optional activities
 - Non-discretionary condition of aid
 - *Imposes requirements as a condition of receiving aid for which a locality is required or encouraged to apply for.*
 - State fiscal preemption
 - *Actions resulting in a net reduction of revenues collected by a locality or restricts a locality's ability to collect such revenues.*



Catalog of Mandates

- 2013 edition contains 649 entries.
 - 109 Dept. of Education entries
 - 49 Dept. of Social Services entries
 - 39 Dept. of Environmental Quality entries
 - 34 Dept. of Transportation entries
 - 133 are not assigned to an agency (e.g. zoning, FOIA statutes, etc.)



Catalog of Mandates

- Appendix C
 - Details changes since last update
 - Includes new legislation from prior General Assembly session



Agency Assessment of Mandates



Agency Assessment of Mandates

LOCALITIES CAN GET INVOLVED!

- Each entry in the catalog must be assessed by the administering agency two years after the mandate takes effect, or is if the mandate is expanded.
- Agencies should solicit fiscal impact data and comments from affected localities.



Agency Assessment of Mandates

- State agencies must:
 - Identify how the mandate is funded.
 - Identify the purpose and essentiality of the mandate to public safety.
 - Consider alternative approaches.
 - Determine whether the mandate should be Retained, Altered, or Eliminated and provide justification.



Agency Assessment of Mandates

HOW LOCALITIES CAN BE INVOLVED

- When a state agency solicits data/comment, RESPOND!
- The schedule of assessment periods is on our website, and published in June every year, in the *Virginia Register*, *VACo County Connections*, and *VML E-News*.
- Provide unsolicited comment to agencies.



Fiscal Impact Review of Proposed Legislation



Fiscal Impact Review of Legislation

LOCALITIES CAN GET INVOLVED!

- All bills requiring reduction in local revenue or additional local expenditures should be reviewed for fiscal impact.
- In December, CLG works with VACo, VML & VASBO to recruit a volunteer network of localities to provide fiscal impact information on introduced legislation.

SEARCH SITE

GO

Search FAQs

QUICK LINKS

OTHER SESSIONS

LOBBYIST in a BOX

Free bill tracking service



SEARCHABLE DATABASES

Bills & Resolutions

session legislation

Bill Summaries

session summaries

Constitution

Constitution of Virginia

Code of Virginia

Statutory law

Virginia Administrative Code

State agency rules

Reports to the General Assembly

House and Senate documents

2013 SESSION

[another bill?](#) | [print version](#)

SB 721 VIEW; substance abuse screening and assessment of public assistance applicants and recipients.

Introduced by: [Charles W. Carrico, Sr.](#) | [all patrons](#) ... [notes](#) | [add to my profiles](#)

SUMMARY AS INTRODUCED:

Substance abuse screening and assessment of public assistance applicants and recipients. Requires local departments of social services to screen each Virginia Initiative for Employment Not Welfare (VIEW) program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal substances. The bill provides that when a screening indicates reasonable cause to believe a participant is using illegal substances, the local department of social services shall require a formal substance abuse assessment of the participant, which may include drug testing. In cases in which drug testing is required, the cost of testing shall be paid by the Department of Social Services. Any person who fails or refuses to participate in a screening or assessment without good cause or who tests positive for the use of illegal substances shall be ineligible to receive Temporary Assistance for Needy Families (TANF) payments for a period of one year, unless he enters into and complies with the requirements of a drug treatment program; however, an individual has one opportunity during the subsequent 12-month period to comply with the screening, assessment, or treatment requirements and be reinstated to eligibility for TANF benefits.

FULL TEXT

12/03/12 Senate: Prefiled and ordered printed; offered 01/09/13 13100403D pdf | [impact statements](#)

01/29/13 Senate: Committee substitute printed 13104703D-S1 pdf | [impact statement](#)



AMENDMENTS

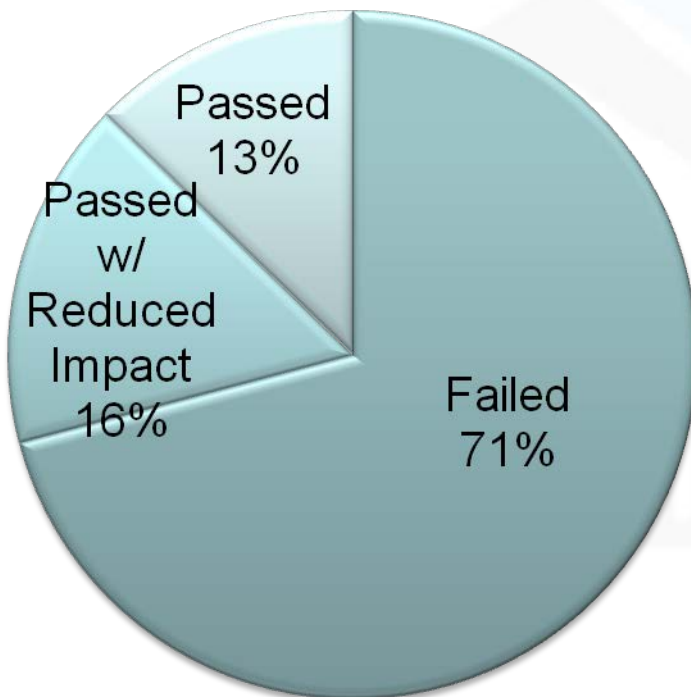
[Senate amendments](#)

[Senate amendments rejected](#)

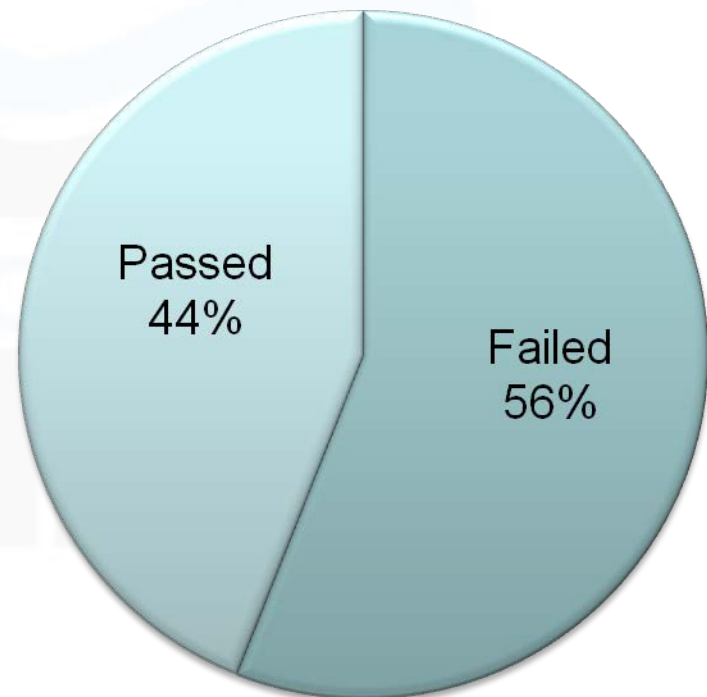


Fiscal Impact Review of Legislation

2010-2013 Bills



55 reviewed for local impact



7743 bills introduced



Fiscal Impact Review of Legislation

- Volunteer to provide input on bills!
 - zachary.robbins@dhcd.virginia.gov
 - or contact VACo.



Task Force for Local Fiscal Impact Review



Task Force For Local Fiscal Impact Review

- The 2013 Budget included language directing the CLG to convene a task force to look at ways to improve this process.
 - Instructed to consider:
 - Fiscal impact review for budget items.
 - Use of consultants or outside policy experts.



Task Force For Local Fiscal Impact Review

Recommendations:

- Permit additional agencies to refer bills for local fiscal impact review.
- Network should be expanded to include subject area experts from professional organizations.
- Web portal for local submission of fiscal impact data to CLG.
- Additional staff resources during General Assembly.



Task Force For Local Fiscal Impact Review

Recommendations:

- Fiscal impact review process for budget items should be approached by a larger group with all budget stakeholders involved.
- Implementation would occur in 2015.



Governor's Task Force for Local Government Mandate Review