

**President**  
Ann H. Mallek  
Albemarle County

**President-Elect**  
Ruth Larson  
James City County

**First Vice President**  
William M. McCarty  
Isle of Wight County

**Second Vice President**  
Victor S. Angry  
Prince William County

**Secretary-Treasurer**  
Donald L. Hart, Jr.  
Accomack County

**Immediate Past President**  
Jason D. Bellows  
Lancaster County

**Executive Director**  
Dean A. Lynch, CAE

**General Counsel**  
Phyllis A. Errico, Esq., CAE

VIA ELECTRONIC MAIL

April 30, 2024

Mr. Scott Reiner  
Executive Director, Office of Children's Services  
1604 Santa Rosa Road, Suite 137  
Richmond, VA 23229

Dear Mr. Reiner:

Thank you for the opportunity to provide comment on the Notice of Intent to Develop Policy for SEC Policy 4.5.2 – Time Frames Regarding CSA Pool Fund Reimbursement. The Virginia Association of Counties requested feedback from our members on the draft policy and offers the following comments for the State Executive Council's consideration.

We offer several suggestions regarding the proposed definition of "good cause" in Section 4.5.2.3:

- In the examples provided as part of the definition of "good cause," we would encourage the addition of a local declaration of emergency in addition to a state of emergency declared by the Governor or the President. We would also suggest revising the first sub-bullet to include a state of emergency that limits a locality's ability to submit a reimbursement request prior to the deadline (and not solely a state of emergency that results in the closure of local offices). With these two suggested revisions, the first sub-bullet would read, "A state of emergency declared by the Governor, the President, or appropriate local authority which results in the closure of local government offices on September 30 or that otherwise limits a locality's ability to submit reimbursement requests prior to the September 30 deadline."
- In the second sub-bullet, we would encourage deletion of the second sentence, which reads, "Such failures occurring before September 30 must be communicated to the Office of Children's Services at the time of their occurrence." There may be situations in which the locality may not know about a system failure until after the fact, or may know about a failure, but not know that the failure affected its ability to submit reimbursement requests. The remaining language, which requires that the failure of local information technology systems be documented, would still provide for adequate transparency in the waiver process.
- We would encourage the addition of a final sub-bullet in the list of examples, which would read, "Circumstances beyond a locality's control, to include an inability to receive invoices from service providers despite a good-faith effort to pursue and obtain such invoices." We understand that at times it may take months to receive provider invoices, particularly if Medicaid appeals are involved, and feel that localities should not be penalized for providers' delay in submitting invoices if the locality documents its attempts to secure these invoices.

1207 E. Main St., Suite 300  
Richmond, Va. 23219-3627

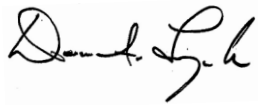
Phone: 804.788.6652  
Fax: 804.788.0083

Email: [mail@vaco.org](mailto:mail@vaco.org)  
Website: [www.vaco.org](http://www.vaco.org)

Lastly, we understand that the OCS IT system allows only one person to serve as the fiscal agent at any given time, and that OCS has historically worked with localities to authorize an alternate in cases of the fiscal agent's absence. We would suggest including information about this option as an explanatory footnote to the revised policy. We would also suggest that the SEC consider, in consultation with OCS staff, whether an alternate fiscal agent could be designated in the IT system, so that the alternate could submit reimbursement requests in the event of an unexpected absence of the primary fiscal agent.

Thank you for your consideration of our perspective and we look forward to working with your office as well as with members of the State Executive Council as this policy moves through the development process.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Lynch". The signature is fluid and cursive, with the first letter of each name being capitalized and prominent.

Dean A. Lynch, CAE, CM  
Executive Director