



COMMONWEALTH of VIRGINIA

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT *Commission on Local Government*

Mark R. Warner
Governor


Michael J. Schewel
Secretary of
Commerce and Trade

William C. Shelton
Director

April 28, 2004

MEMORANDUM

TO: The Honorable Bruce F. Jamerson, Clerk, House of Delegates
The Honorable Susan Clarke Schaar, Clerk, Senate

FROM: Larry McMillan, Senior Policy Analyst 

SUBJECT: Completed Assessments of Local Mandates

REFERENCE: 2004 Catalog of State and Local Mandates on Local Governments

Pursuant to Sections 2.2-613 and 15.2-2903 of the Code of Virginia and Paragraph 1(g) of Executive Memorandum 1-98, I am hereby submitting separately to your offices the following completed assessments of local government mandates administered by State executive agencies. These assessments have been approved by the appropriate cabinet secretary:

| <u>Agency</u> | <u>Mandate Short Title</u> | <u>Catalog Number</u> |
|---------------|---|-----------------------|
| VDH | Inspection of Local Correctional Facilities | SHHR.VDH022 |
| DSS | Adoption and Other Services | SHHR.DSS033 |
| DSS | Americorps Grant | SHHR.DSS057 |
| DSS | Annual Reports by Guardians | SHHR.DSS067 |
| DSS | State/Local Hospitalization Program | SHHR.DSS068 |
| VSP | Terrorist Acts Report | SPS.VSP007 |

Section 15.2-2903(6) directs the Commission on Local Government to bring to your attention those assessments that carry recommendations from the administering agency for altering or eliminating the mandate in question. However, these assessments carry no such recommendation.

c: Virginia Association of Counties
Virginia Municipal League
File



Partners for Better Communities

www.dhcd.virginia.gov

SHHR.VDH022

ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO SEC. 2.1-7.1, CODE OF VIRGINIA)



Virginia Department of Health (VDH)

March 31, 2004

A. Short Title:

Inspection of Local Correctional Facilities (SHHR.VDH022)

B. Specific Provision of Mandate:

The *Code of Virginia (Code)* authorizes the Virginia Department of Health (VDH) to implement an oversight program to ensure proper sanitary protection for both jail inmates and staff, and it requires VDH to conduct health inspections at least annually. This mandate also requires kitchen areas of local correctional facilities to be evaluated and permitted as restaurants.

C. Source/Authority:

1. Specify Each Applicable (with citations):

- a) Federal Statute: None.
- b) Federal Regulation: None.
- c) State Statute: Section 53.1-68 of the *Code*, relating to the minimum standards for local correctional facilities, requires the Board of Corrections, "in conjunction with the [State] Board of Health," to establish a procedure for conducting inspections of local jails. This section also requires the Department of Corrections (DOC) to conduct at least one annual unannounced inspection of each local jail and, in consultation with VDH, to promulgate standards and inspection procedures for the annual health inspection of jails by VDH.

Section 53.1-127 of the *Code* permits access to the interior of jails by local or state corrections and health staff for the purpose of inspections. Additionally, § 35.1-1 of the *Code* includes local correctional facilities in the definition of restaurants that are permitted and inspected by VDH. Where needed, health standards for living and working conditions in jails will continue to be strengthened or developed. These sections of the *Code* authorize VDH to implement an oversight program to ensure proper protection for both jail inmates and staff, and it requires VDH to conduct health inspections at least annually.

Inspection of Local Correctional Facilities
(SHHR.VDH0220)

d) State Regulation:

Minimum Standards for Jails and Lockups, 6 VAC 15-40 (adopted by the State Board of Corrections).

Food Regulations, 12 VAC 5-421 (adopted by the State Board of Health).

e) Other:

None.

2. Extension of Federal Mandates by State Authority:

None.

D. Method by Which Agency Oversees Implementation of Mandate:

As required by the *Code*, the Board of Health and the State Board of Corrections have established a protocol by which local health departments inspect jails for violation of health and safety standards. An interagency letter of agreement, dated February 8, 1995, and signed by Donald R. Stern, M.D., M.P.H., Acting State Health Commissioner and Andrew J. Winston, Chair of the Board of Corrections, established the inspection protocol. Environmental health specialists employed by VDH enforce applicable regulations. Environmental health specialists conduct annual on-site inspections of local correctional facilities to ensure compliance with the appropriate set of regulations pertaining to the food service and the living and working areas of the facility. In addition, environmental health specialists investigate complaints and allegations filed against a facility.

E. Fiscal Impact of Mandate on Localities:

1. Localities Affected:

All localities in which a jail is located are affected. Currently, local health departments inspect 86 local and regional correctional facilities across the Commonwealth.

2. Funding Mandate:

a) Funding Formula:

Local health departments are funded by a cooperative budget for implementing the inspection program for local correctional facilities. Each health district has a cooperative agreement with the localities it

Inspection of Local Correctional Facilities
(SHHR.VDH0220)

serves and the budget is supported by a mix of funds from the state and the localities.

b) Estimated Costs to Localities:

The estimated costs are minimal as localities are only responsible for their share of the cooperative budget as it pertains to the costs of local health department inspections of local correctional facilities that serve their locality. Generally, a locality is served by a single local or regional correctional facility.

c) Explanation of Estimation Methodology:

In FY 2004, the expenditures for the local correctional facility inspection program are estimated for the entire state to total \$43,344 [\$23,839, or 55 percent, from state general funds and \$19,505, or 45 percent, from non-general, i.e., local funds]. This estimation is the total cost to support the workload for inspecting the 86 local and regional correction facilities. The estimated average local cost for each facility is \$226.80 per year.

F. Effectiveness of Mandate in Accomplishing Purpose:

1. General Purpose of Mandate:

The purpose of the local correctional facility program is to protect the health and safety of both jail inmates and staff by conducting oversight inspections of health and safety conditions in jails.

2. Description of Essentiality of Public Safety:

Because of the vulnerability of inmates incarcerated in local or regional correctional facilities, oversight authority of the health and safety conditions is an important governmental function. VDH inspects and issues licenses for jail kitchens serving 86 local and regional correctional facilities. The food service facilities must comply with the standards of the *Food Regulations*. VDH also inspects the facilities and evaluates the sanitation and environmental health conditions relative to the cleanliness and housing areas found under sections 1140, 1150, 1160, and 1170 of the *Minimum Standards for Jails and Lockups* (6 VAC 15-40). These inspections are coordinated with the DOC and inspection results are reported to DOC.

VDH environmental health specialists conduct these inspections, provide technical assistance and investigate complaints to ensure local jails are complying with the minimum state standards.

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(SHHR.VDH0220)

Accomplishments can be recognized through the monthly reports on compliance audit results submitted to the Board of Corrections and the actions taken by the Board based on these reports. The Board meets bi-monthly to determine the certification status of audited facilities. Based on the findings of the local health departments and DOC, the Director of DOC, through the monthly reports, recommends the Board to certify, decertify, or place on probationary certification the audited facilities. In making their determinations, the Board considers a facility's response to the inspection findings and how responsive they are in correcting the violations or submitting a plan of action to address the deficiencies. Virginia's citizens look to state licensing as their assurance that local jails are held accountable for maintaining minimum standards of inmate care. Inspection and licensing by the local health departments and inspection and auditing by DOC are mechanisms that ensure consistency in the application and enforcement of the health and safety standards.

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches:

Instead of utilizing local health department expertise to provide inspection of the health and safety conditions in jails, the sheriff or jail administrator could develop their own expertise or retain the services of a consultant to inspect correctional facilities from a health perspective. If sheriffs were to develop their own expertise they would recruit for a graduate or accredited four year undergraduate program in environmental health or related field and should expect to fund six months of training for consultants to perform independently. Experience in the field of environmental health might be substituted for the educational requirements.

If sheriffs choose to contract for resources other than the local health department, the availability of consultants, who specialize in the field of correctional institutions and environmental health is limited. Another alternative source of resources is DOC. Since DOC employs environmental health specialists to conduct inspections at state correctional facilities, those persons are trained to conduct health and safety inspections. If these alternatives were implemented, costs of achieving the purpose of the mandate could be shifted from the cooperative budget of the health district and the localities to the operating budget of the jail or to DOC, if their environmental health specialists are utilized. However, except for the utilization of DOC staff, the costs of these alternatives will still be borne by localities through the operating budget of the jail.

The restaurant permitting mandate requires a minimum of an annual inspection by VDH staff and renewal of permits by sheriffs. This is the minimum inspection frequency allowed by the *Code* for the permitting of any restaurant in the Commonwealth. Currently, there is a \$40 per year fee for the permit. The

Inspection of Local Correctional Facilities
(SHHR.VDH0220)

authority to permit the jail kitchen is limited to VDH and, legally, no other permitting options are available to the sheriff or jail administrator.

2. Fiscal Impact of Alternative Approaches:

a) Estimated Change in Range of Costs to Localities of Alternative Approaches:

The alternative approaches would increase the costs to localities over the current estimated average cost for each facility of \$226.50 per year. It is estimated that developing their own expertise or retaining consultant services would cost each local correctional facilities about \$1,700 per year.

b) Estimated Change in Range of Costs to State of Alternative Approaches:

The alternative approaches would increase the costs to the Commonwealth. If DOC environmental health specialists were utilized for inspections, DOC costs would approximate the total existing cost of \$43,344. However, since VDH retains the authority to permit the jail kitchens, VDH costs would still continue.

c) Explanation of Estimation Methodologies:

The estimation methodology is based on the personnel and non-personnel costs to conduct the inspections.

H. Agency Recommendation:

1. Determination by Agency:

VDH recommends that the Commonwealth retain this mandate in its current form because it provides, through agency collaboration, a necessary system of inspections to ensure healthful conditions at local correctional facilities, with minimal costs to localities.

2. Rationale:

The current method by which the mandate is implemented is more effective and efficient than any alternative approach. This mandate has been in effect nearly 10 years and both VDH and DOC believe the coordinated inspection, permitting, and enforcement system satisfies the purpose of the mandate appropriately. Local correctional facilities are placed under routine surveillance, provided technical assistance, and afforded the opportunity to dispute any findings of DOC and VDH before the Board of Corrections. The

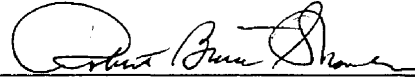
Inspection of Local Correctional Facilities
(SHHR.VDH0220)

audits routinely reveal health and safety violations. If not corrected by the sheriff or jail administrator, the Board can decertify or place a facility on probationary status. The Board meets bi-monthly to review and determine the legal status of facilities under audit. Finally, the cooperation between the staffs of VDH and DOC has been outstanding. The two agencies have worked together extremely well and each has been very accommodating of the other.

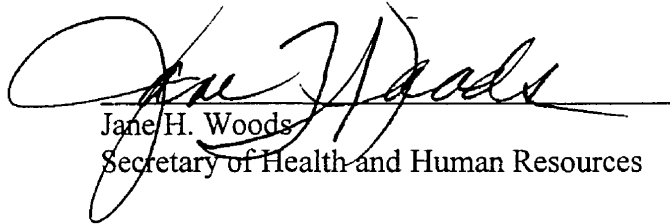
I. Agency Contact:

1. Name and Title: Robert W. Hicks, Director, Office of Environmental Health Services, Virginia Department of Health.

2. Address, Telephone, E-mail: Virginia Department of Health, 109 Governor Street, Fifth Floor, Richmond, Virginia 23219, (804) 864-7456, robert.hicks@vdh.virginia.gov



Robert B. Stroube, MD, MPH



Jane H. Woods
Secretary of Health and Human Resources

SHHR.DSS033

ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO SEC. 2.1-7.1, CODE OF VIRGINIA)



Department of Social Services

April 30, 2004
(Date Assessment is due to the
Commission on Local Government)

- A. **Short Title of Mandate (5 words or less):** Adoption and Other Services
- B. **Specific Provisions of Mandate (10 lines or less):** Each local board shall provide, either directly or through the purchase of services subject to the supervision of the Commissioner and in accordance with regulations adopted by the Board, any or all child welfare services herein described when such services are not available through other agencies serving residents in the locality. For purposes of this section, the term "*child welfare services*" means public social services that are directed toward placing children in suitable adoptive homes in cases where restoration to the biological family is not possible or appropriate.

C. **Source/Authority:**

1. **Specify Each Applicable (with citations):**

- (a) **Federal Statute:** Title IV-B, subparts 1 and 2 of the Social Security Act, and Title IV-E Section 477 of the Social Security Act.
- (b) **Federal Regulation:** 45 CFR Parts 1355, 1356, and 1357.
- (c) **State Statute:** Code of Virginia §§ 16.1-283, 63.2-100, 63.2-319, Chapters 12 (Adoption) and 13 (Adoption Assistance).
- (d) **State Regulation:** Virginia Administrative Code, Title 22 Social Services Regulations 22 VAC 40-220-10 et. seq; Department of Social Services Program Manual Volume VII & III, Chapters C and D.
- (e) **Other:** n/a

2. **Extension of Federal Mandates by State Authority:**

Local departments of social services must provide adoption services. If reunification of a child with his or her family is not appropriate, this service may include the social and legal process to terminate parental rights and assist the child in becoming a member of a new family unit through adoption. Services are provided to the foster family and/or adoptive family including ongoing counseling, support, training, and other pre and post-placement services.

Post- adoptive services may be included. In addition, adoption assistance is provided on behalf of children with special needs who are adopted.

D. Method by Which Agency Oversees Implementation of Mandate:

The adoption program is provided by each local board either directly or through the purchase of services subject to the supervision of the Commissioner and in accordance with regulations adopted by the Board.

E. Fiscal Impact of Mandate on Localities:

1. **Localities Affected:** 120 localities are affected

2. **Funding of Mandate:**

(a) **Funding Formula:**

**Mandated Adoptions
Actual Expenditures SFY
2003**

| | State | Federal IV- E | Federal IV-B Part 2 | Local | Total |
|--|---------------------|---------------------|---------------------------|-------|---------------------|
| IV-E Adoptions | \$9,542,011 | \$10,269,402 | | | \$19,811,413 |
| Special Needs Adoptions | 11,636,334 | | \$2,697,875 | | 14,334,209 |
| Additional Special Needs Expenditures | 96,301 | | 1,105,143 | | 1,201,444 |
| Total Special Needs Expenditures | 11,732,635 | | 3,803,018 | | 15,535,653 |
| Total Mandated Adoptions | <u>\$21,274,646</u> | <u>\$10,269,402</u> | <u>\$3,803,018</u> | | <u>\$35,347,066</u> |
| | 60.19% | 29.05% | 10.76% | | 100% |

b) Estimated Range of Costs to Localities

The estimated range of costs to localities is minimal.

| | |
|---|--------------------------------|
| Service Administration | \$102,862,176 |
| Percent for Adoptions | 1.05% |
| Estimated Service Admin Costs for Adoptions | \$1,080,053 |
| Matching funds provided by localities | <u>20%</u> |
| Estimated Range of Costs to Localities | <u><u>\$216,011</u></u> |

Average Cases Monthly

| | |
|--------------------------------|-------------|
| Adoption Cases (IV-E) | 3370 |
| Adoption Cases (Special Needs) | <u>2009</u> |
| Total monthly cases | 5379 |

(b) Estimated Range of Costs to Localities:

Not Applicable

(c) Explanation of Estimation Methodology:

Service administration costs are cost allocated to the appropriate programs based on statistics from the service administration pool. Using the statistics for IV-E adoptions as a basis, an estimate of the percentage of time spent on non-IV-E adoption cases was determined. The percentage for adoptions was then applied to the total costs for service administration to arrive at an estimate of the total service administration costs that relate to adoptions. This amount was multiplied by the percentage of matching funds that must be provided by the localities for service administration.

F. Effectiveness of Mandate in Accomplishing Purpose:

1. General Purpose of Mandate:

The statutes and policies for adoption are to promote safe, permanent and timely outcomes for children in foster care who cannot be returned to their biological families.

2. Description of Essentiality to the Public Safety:

The purpose of this mandate is to achieve permanency for all children in foster care who have the goal of adoption. The vast majority of these children are older; members of minority races; have siblings with whom they need to be placed; and have physical, mental, and emotional disabilities.

G. Alternative Approaches to Achieving Purpose of Mandate:

1. **Identification of Alternative Approaches:** n/a
2. **Fiscal Impact of Alternative Approaches:** n/a
 - (a) **Estimated Change in Range of Costs to Localities of Alternative Approaches:**
 - (b) **Estimated Change in Range of Costs to State of Alternative Approaches:**
 - (c) **Explanation of Estimation Methodologies:**


H. Agency Recommendation re Retention, Alteration, or Elimination of Mandate:

1. **Determination by Agency:**
The Virginia Department of Social Services recommends that this mandate be retained.
2. **Rationale:**
Foster care is intended to be temporary. Children in foster care who are not able to return to their family need a permanent family through adoption.

I. Agency Contact Regarding Assessment:

1. **Name/Title:** Brenda Kerr, Manager Permanency Unit, Virginia Department of Social Services
2. **Address/Telephone:** 7 North Eight Street, Richmond, VA 23219 (804) 726-7530

Approval of Assessment:



Maurice A. Jones, Commissioner

APR 09 2004

Date



The Honorable Jane H. Woods
Secretary of Health and Human Resources

Date

4-19-04

D. Method by Which Agency Oversees Implementation of Mandate:

The Americorps program is administered by the Department of Social Services. Audits and oversight of the AmeriCorps program are conducted by the Corporation for National and Community Service and Department of Social Services.

E. Fiscal Impact of Mandate on Localities:

1. **Localities Affected:** Any of the 122 local departments of social services agencies responding to the AmeriCorps request for proposal. Twenty-two agencies participate directly.
2. **Funding of Mandate:** Programs must match 15% of the living allowance section of budget and at least 33% match (cash or in-kind) for the operational portion of the budget.

(a) **Funding Formula:** N/A

(b) **Estimated Range of Costs to Localities:**

The annual cost to localities were \$236,440.00 for living allowances and \$328,157.00 for operational costs for Federal Fiscal Year 2003.

(c) **Explanation of Estimation Methodology:** N/A

F. Effectiveness of Mandate in Accomplishing Purpose:

1. **General Purpose of Mandate:** To implement and administer quality community services through the AmeriCorps programs.
2. **Description of Essentiality to the Public Safety:** N/A

G. Alternative Approaches to Achieving Purpose of Mandate:

1. **Identification of Alternative Approaches:** None
2. **Fiscal Impact of Alternative Approaches:** None
 - (a) **Estimated Change in Range of Costs to Localities of Alternative Approaches:** Not Applicable
 - (b) **Estimated Change in Range of Costs to State of Alternative Approaches:** Not Applicable

(c) Explanation of Estimation Methodologies: Not Applicable

H. Agency Recommendation re Retention, Alteration, or Elimination of Mandate:

1. Determination by Agency: Retain
2. Rationale: Retention is necessary to ensure the delivery of high quality services. The agency receives funds from the Corporation for the National Service. These funds are sub-granted to localities to implement the Americorps programs.

I. Agency Contact Regarding Assessment:

1. Name/Title: B. J. Northington, Executive Director
2. Address/Telephone: Department of Social Services
7 North 8th Street
Richmond, Virginia 23219-1849
804.726.7061

Approval of Assessment:



Maurice A. Jones, Commissioner

APR 09 2004

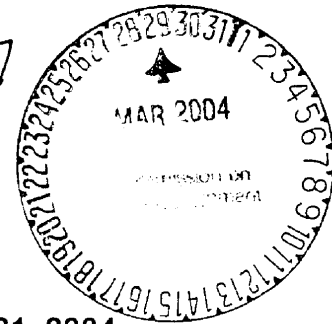
Date


The Honorable Jane H. Woods
Secretary of Health and Human Resources

4-19-04
Date

SHHR.DSS067

ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENT
(PURSUANT TO SEC. 2.1-7.1, CODE OF VIRGINIA)



Department of Social Services

March 31, 2004

A. **Short Title of Mandate:** Annual Reports by Guardians SHHR.DSS067

B. **Specific Provisions of Mandate:** Local departments of social services must accept and review all annual reports of guardianship for their local jurisdiction.

C. **Source/Authority:**

1. Specify Each Applicable:

- a) Federal Statute: N/A
- b) Federal Regulation: N/A
- c) State Statute: §§ 37.1-137.2, *Code of Virginia*
- d) State Regulation: N/A
- e) Other: Volume VII, Social Services Policy Manual, Section IV, Chapters B and C

2. Extension of Federal Mandates by State Authority: None

D. **Method by Which Agency Oversees Implementation of Mandate:**

The Virginia Department of Social Services provides oversight and training which includes review by local staff of guardianship reports. Sample case records are reviewed by local, area, and central office adult services and licensing programs staff.

E. **Fiscal Impact of Mandate on Localities:**

1. Localities Affected: 120 local departments of social services agencies

2. Funding of Mandate:

- a) Funding Formula: House Bill (HB) 2775 amended the *Code of Virginia* and effective July 1, 2003, this bill required that the \$5.00 filing fee that accompanies the annual guardianship reports be retained by the local departments of social services in the

jurisdiction where the fee is collected and be used in the provision of services to protect vulnerable adults and prevent abuse, neglect, and exploitation of vulnerable adults.

- b) Estimated Range of Costs to Localities: N/A
- c) Explanation of Estimation Methodology: N/A

F. Effectiveness of Mandate in Accomplishing Purpose:

1. General Purpose of Mandate: The purpose of this mandate is to ensure that local departments of social services accept and review all annual reports of guardianship for their local jurisdiction and that the required \$5.00 filing fee is retained by the LDSS for use in service provision. Last year, 2,110 annual reports by guardians were filed with local departments of social services. Fifty-nine of these reports (n=3%) resulted in the local agency opening the case for an adult protective services investigation.
2. Description of Essentiality to the Public Safety: This mandate provides accountability for guardians and conservators and oversight. Protection is afforded to the elderly and persons with disabilities who have guardians or conservators.

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches: None
2. Fiscal Impact of Alternative Approaches: N/A
 - a) Estimated Change in Range of Costs to Localities of Alternative Approaches: N/A
 - b) Estimated Change in Range of Costs to State of Alternative Approaches: N/A.
 - c) Explanation of Estimation Methodologies: N/A

H. Agency Recommendation Regarding Retention, Alteration, or Elimination of Mandate:

1. Determination by Agency: Retain
2. Rationale: Retention is necessary to ensure that protection is afforded to the elderly and persons with disabilities who have public guardians or conservators.

I. Agency Contact Regarding Assessment:

1. Name/Title: Cindy Lee
Adult Services Programs Consultant

2. Address/Telephone: Virginia Department of Social Services
7 North 8th Street
Richmond, Virginia 23219-1849
804-726-7538

Approval of Assessment



Maurice A. Jones, Commissioner
Department of Social Services

2/17/04

Date



Jane H. Woods
Secretary of Health and Human Resources

8-20-04

Date

SHHR. DSS068

ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO SEC. 2.1-7.1, *CODE OF VIRGINIA*)



Department of Social Services

April 30, 2004

(Date assessment due to the
Commission on Local Government)

A. Short Title of Mandate:

State and Local Hospitalization Program

B. Specific Provisions of Mandate:

The State and Local Hospitalization Program (SLH) provides medical coverage for inpatient and outpatient hospital care, care in approved ambulatory surgical centers and care provided in local Health Departments. The SLH Program requires all localities within the Commonwealth to participate and mandates a local match, not to exceed 25% of the program benefit expenditures with the Commonwealth providing at least 75%. The program is not an entitlement program and the availability of services is limited by the annual appropriation. The SLH Program provides for health care services to indigent people who are not Medicaid recipients. Determination of eligibility must be made by the Department of Social Services and is restricted to individuals with income equal to or less than 100% of the federal poverty level (FPL).

C. Source/Authority:

1. Specify Each Applicable

- a) Federal Statute: None
- b) Federal Regulation: None
- c) State Statute: The SLH Program is authorized by the Code of Virginia § 32.1-347.
- d) State Regulations: 12 VAC 30-100-70 through 90
12 VAC 30-110-1300
12 VAC 30-150

2. Extension of Federal Mandates by State Authority:

n/a

D. Method by Which Agency Oversees Implementation of Mandate:

Eligibility for the SLH Program is determined by each locally administered department of social service. The Department of Medical Assistance Services administers financing, claims processing and provider reimbursement, and is responsible for provider communications.

E. Fiscal Impact of Mandate on Localities:

1. Localities Affected:

The SLH Program is administered by each of the 120 individual local departments of social services in the Commonwealth.

2. Funding of Mandate:

(a) Funding Formula:

The SLH Program is financed entirely by state and local funds with the state providing at least 75% of the cost by allocating the amount of funds appropriated to each locality on the basis of current estimated demand for covered services. A local match is mandated not to exceed 25% of the program benefit expenditures.

During SFY 2003, \$13,665,779 in general funds was appropriated for the SLH Program. General fund expenditures totaled \$10,800,741. No federal funds were appropriated for the program.

(b) Estimated Range of Costs to Localities:

During SFY 2003, local governments contributed \$2,058,151 for services under the SLH Program. Expenditures ranged from a low of \$138 in the city of Lexington to a high of \$1,550,160 in the city of Norfolk.

(c) Explanation of Estimation Methodology:

The funding methodology for the SLH Program is set forth in the Code of Virginia at 32.1-345 which states:

Each county and city shall provide funds for a share of the estimated total costs as determined by the Director. The share for each county and city shall be calculated by dividing its per capita revenue capacity by the statewide total per capita revenue capacity, as determined by the Commission on Local Government, and by multiplying the resulting ratio by an aggregate local share of twenty-five percent. Each local share shall be adjusted according to local income, as determined by dividing the median adjusted gross income for all state income tax returns in each county and city by

the median adjusted gross income for all income tax returns statewide. However, no county or city shall contribute more than twenty-five percent to the total cost for providing required hospitalization and treatment for indigent persons.

F. Effectiveness of Mandate in Accomplishing Purpose:

1. General Purpose of Mandate:

To provide health care services to indigent people who are not Medicaid recipients.

2. Description of Essentiality to the Public Safety:

A person may be eligible for the SLH Program whether employed or unemployed, insured or uninsured, if the person meets the income and resource criteria established by the program. The SLH program provides for payment for services which might otherwise have to be provided as uncompensated care. The SLH program does not duplicate coverage or payment of any responsible third party insurer.

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches:

One alternative approach would be to make the program an entitlement program which would ensure that individuals who meet the eligibility criteria receive funded services.

Another alternative would be to maintain the funding cap, but eliminate the local contribution and have the program be funded with 100% general funds.

A final alternative would be to eliminate both the spending cap and local contributions. All of these alternatives would require statutory changes.

2. Fiscal Impact of Alternative Approaches

a) Estimated Change in Range of Costs to Localities of Alternative Approaches

Making the SHL Program an entitlement program would require an increase in both general and local program funding. The estimated increase is not known.

b) Estimated Change in range of State Costs of Alternative Approaches

Eliminating the local contribution to the program would increase general fund costs by approximately \$2 million annually. Eliminating the funding cap and eliminating the local contribution would result in an increase in general funds well in excess of \$2 million annually.

c) Explanation of Methodology

The estimate of increase in state costs resulting from the elimination of the local contribution is based on current local expenditures. The cost of eliminating the funding cap and the local contribution is projected to be well in excess of \$2 million, however, the exact costs are not known.

H. Agency Recommendation re Retention, Alteration, or Elimination of Mandate:

1. Determination by Agency:

Due to the current fiscal situation in the Commonwealth, it is recommended that the SLH Program be retained as currently set for the in the Code of Virginia.

2. Rationale:

The SLH program was enacted in its present form in 1989 and provides payment for essential health care to individuals not eligible for Medicaid who meet established financial requirements. Without this program uncompensated care to hospitals and other health care providers would increase dramatically.

I. Agency Contact Regarding Assessment:

1. Name/Title: Jack B. Frazier, Medicaid Program Manager

2. Address/Telephone: 7 North 8th Street
Richmond, Virginia
804-726-7384

Approval of Assessment:

Maurice A. Jones

Maurice A. Jones, Commissioner

APR 09 2004

Date

Jane H. Woods

The Honorable Jane H. Woods
Secretary of Health and Human Resources

4-19-04

Date

SPS.VSPO07



ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO SEC. 2.1-7.1, CODE OF VIRGINIA)

DEPARTMENT OF STATE POLICE

April 15, 2004

- A. Short Title of Mandate: Terrorist Acts Report
- B. Specific Provisions of Mandate: The Superintendent shall establish and maintain within the Department of State Police Criminal Intelligence Division (CID) a central repository for the collection and analysis of information regarding terrorist acts, suspected terrorist acts, and groups and individuals known or suspected of carrying out such acts. State, county and municipal law-enforcement agencies shall report to the Department all terrorist acts and suspected terrorist acts occurring in their jurisdictions in a form, time and manner prescribed by the Superintendent. Such reports shall not be open to public inspection except insofar as the Superintendent shall permit in accordance with State and Federal Regulations.
- C. Source/Authority:
1. Specify Each Applicable Authority:
 - a) Federal Statute: Section 534 of Title 28 of the United States Code
 - b) Federal Regulation: Title 28 of the Code of Federal Regulation, Part 20
 - c) State Statute: 52-8.5 and 52-30 of the Code of Virginia 195, as amended
 - d) State Regulation: Not applicable
 - e) Other: None applicable
 2. Extension of Federal Mandates by State Authority: None
- D. Method by Which Agency Oversees Implementation of Mandate: Field Representatives from the Department's Criminal Justice Information Services Division (CJIS) distribute SP-47 (Report of Terrorist Acts) forms to local law-enforcement agencies. Affected agencies send this information to the Criminal Intelligence Division of the Department, which processes the information received and stores it in the Hate Crime database. In addition, the local law-

enforcement agencies electronically report each incident to the FBI through Uniform Crime Reporting (UCR).

Approximately 269 agencies out of 279 agencies use (UCR) to transmit this data.

Statistical information is periodically requested from the Department by local law-enforcement agencies, the media, and various organizations or individuals. All requests will be directed to the Director of the Bureau of Criminal Investigations.

E. Fiscal Impact of Mandate on Localities:

1. Localities Affected: All state, county and municipal law-enforcement agencies shall report to the Department all terrorist acts occurring within their jurisdictions.
2. Funding of Mandate: The FBI estimates that each report takes the originating agency approximately .17 hours to complete. In 2002, there were 291 total reports received by the Department. This process takes approximately eight hours each quarter. The purpose of the mandate was not to require large new commitments of personnel and other resources by federal, state, and local UCR data contributors. The cost or funding is negligible because of the method used to implement the mandate (adding the information through IBR and UCR channels) and the fact that a small number of reports are received.
 - a) Funding Formula: None applicable.
 - b) Estimated Range of Costs to Localities: Negligible.
 - c) Explanation of Estimation Methodology: The cost is minimal and the actual cost cannot be computed.

F. Effectiveness of Mandate in Accomplishing Purpose:

1. General Purpose of Mandate: The FBI's Training Guide for Hate Crime Data Collection states that national statistics will result in greater awareness and understanding of the true dimensions of the problem.
2. Description of Essentially of the Public Safety: Federal and state law require that these statistics be kept so that they will help law-enforcement agencies quantify their resource needs and do a better job of directing available resources to the areas where they will have the most effectiveness.

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches: The FBI considered a "sampling approach" to collect hate crime data; however, it would have required

approximately 800 participating law-enforcement agencies to identify and track suspected cases. Another drawback was that it would not provide statistical breakdowns of local, state, or regional data.

2. Fiscal Impact of Alternative Approaches: In 1990, the FBI estimated the "sampling approach" to cost over \$12 million annually on a federal level. There are no known feasible alternatives.

a) Estimated Change in Range of Costs to Localities of Alternative Approaches: None

b) Estimated Change in Range of Costs to State of Alternative Approaches: None

c) Explanation of Estimation Methodologies: None

H. Agency Recommendation re Retention, Alteration or Elimination of Mandate:

1. Determination by Agency: Retain


2. Rationale: Federal and state statutes require that the Department serve as a central repository for the collection and analysis of information regarding terrorist acts.

I. Agency Contact re Assessment:

1. Name/Title: Captain John W. Gephart
Criminal Intelligence Division

2. Address/Telephone: 7700 Midlothian Turnpike
Richmond, Virginia 23236

(804) 323-2325



(Signature of Agency Head)

Approval of Assessment:



(Signature of Cabinet Secretary)

Executive Memorandum 1-98 (October 1998)



COMMONWEALTH of VIRGINIA

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Commission on Local Government

Mark R. Warner
Governor


Michael J. Schewel
Secretary of
Commerce and Trade

William C. Shelton
Director

July 8, 2004

MEMORANDUM

TO: The Honorable Bruce F. Jamerson, Clerk, House of Delegates
The Honorable Susan Clarke Schaar, Clerk, Senate

FROM: Larry McMillan, Senior Policy Analyst 

SUBJECT: Completed Assessments of Local Mandates

REFERENCE: 2004 Catalog of State and Local Mandates on Local Governments

Pursuant to Sections 2.2-613 and 15.2-2903 of the Code of Virginia and Paragraph 1(g) of Executive Memorandum 1-98, I am hereby submitting separately to your offices the following completed assessments of local government mandates administered by State executive agencies. These assessments have been approved by the appropriate cabinet secretary:

| <u>Agency</u> | <u>Mandate Short Title</u> | <u>Catalog Number</u> |
|---------------|---|-----------------------|
| DOE | Commercial, Promotional, and Corporate Partnership Policy | SOE.DOE114 |
| DOE | Optional K-5 Education Programs | SOE.DOE116 |
| DOE | Teacher Intervention/Remediation Training | SOE.DOE117 |

Section 15.2-2903(6) directs the Commission on Local Government to bring to your attention those assessments that carry recommendations from the administering agency for altering or eliminating the mandate in question. However, these assessments carry no such recommendation.

c: Virginia Association of Counties
Virginia Municipal League
File



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SOE.DOE114

**ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO § 2.1-7.1, CODE OF VIRGINIA)**



Administering Agency: Virginia Department of Education

Date of Submission: June 1, 2004

- A. Short title of mandate: Commercial, Promotional, and Corporate Partnership Policy:
SOE.DOE114
- B. Specific provisions of mandate: School divisions are required to develop and implement a policy relating to commercial, promotional, and corporate partnerships and sponsorships in their public schools.
- C. Source/Authority:
1. Specify each applicable:
 - a. Federal statute: N/A
 - b. Federal regulation: N/A
 - c. State statute: § 22.1-89.4, Code of Virginia
 - d. State regulation: N/A
 - e. Other: N/A
 2. Extension of federal mandates by state authority: None
- D. Method by which agency oversees implementation of mandate: The Department of Education does not oversee implementation of this mandate.
- E. Fiscal impact of mandate on localities:
1. Localities affected: All localities are affected.
 2. Funding of mandate: State funding is not allocated for implementation of this mandate.
 - a. Funding formula: N/A

b. Estimated range of costs on localities: The range of costs on localities is unknown. However, the costs on localities for implementation of this mandate are expected to be minimal.

c. Explanation of estimation methodology: N/A

F. Effectiveness of mandate in accomplishing purpose:

1. General purpose of mandate: The general purpose of this mandate is to nurture and encourage the business and industry community to become involved in and to contribute to its public schools in appropriate and positive ways.

2. Description of essentiality to the public safety: This mandate is not essential to the public safety.

G. Alternative approaches to achieving purpose of mandate: N/A

1. Identification of alternative approaches: N/A

2. Fiscal impact of alternative approaches: N/A

a. Estimated change in range of costs to alternative costs to localities of alternative approaches: N/A

b. Estimated change in range of costs to state of alternative approaches: N/A

c. Explanation of estimation methodology: N/A

H. Agency recommendation re: retention, alteration, or elimination of mandate:

1. Determination by agency: Retain


2. Rationale: Commercial activities have increased significantly in schools during the past decade. Most school officials and parents would agree that corporate and business involvement in education is desirable, and that the contributions of business and industry have made many activities into reality that would not otherwise have been possible. There are ethical questions and concerns, however, regarding the influence of corporate sponsors on the lifestyles and choices of young people. In order to protect the school divisions and students of Virginia from any unwanted influences, while nurturing and encouraging desirable business and industry involvement in the public schools in appropriate and positive ways, Virginia school boards must develop policies on these issues designed to meet their local needs, circumstances, and standards.


Assessment of Mandate SOE.DOE114

June 1, 2004

Page 3

- I. Agency contact re: assessment: Anne D. Wescott, assistant superintendent for policy and communications, P.O. Box 2120, Richmond, VA 23218-2120; 804/ 225-2403.


(Signature of Agency Head)

Approval of assessment: 
(Signature of Cabinet Secretary)

SOE.DOE116

**ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO § 2.1-7.1, CODE OF VIRGINIA)**

Administering Agency: Virginia Department of Education

Date of Submission: June 1, 2004

- A. Short title of mandate: Optional K-5 Education Programs: SOE.DOE116
- B. Specific provisions of mandate: School divisions establishing optional education programs away from the regular classroom for students in grades K-5 who need to be redirected toward appropriate classroom decorum and acceptable behavior must provide services that will enable the students to benefit from a public education while away from the regular classroom. Such programs must be adequately staffed and facilitate parent participation.
- C. Source/Authority:
1. Specify each applicable:
 - a. Federal statute: N/A
 - b. Federal regulation: N/A
 - c. State statute: § 22.1-200.1, Code of Virginia
 - d. State regulation: N/A
 - e. Other: N/A
 2. Extension of federal mandates by state authority: None
- D. Method by which agency oversees implementation of mandate: The Department of Education does not oversee implementation of this mandate.
- E. Fiscal impact of mandate on localities:
1. Localities affected: All localities may be affected.
 2. Funding of mandate: State funding is not allocated for implementation of this mandate.
 - a. Funding formula: N/A
 - b. Estimated range of costs on localities: The range of costs on localities is unknown.

c. Explanation of estimation methodology: N/A

F. Effectiveness of mandate in accomplishing purpose:

1. General purpose of mandate: The general purpose of this mandate is to permit school divisions to establish optional education programs away from the regular classroom for students in grades K-5 who have been removed from the regular classroom for disciplinary reasons. These optional programs will enable students to maintain academic achievement, attain basic skills and academic proficiencies, and otherwise benefit from a public education during the time that they may be removed from the regular classroom to be redirected toward appropriate classroom decorum and acceptable behavior.
2. Description of essentiality to the public safety: This mandate is not essential to the public safety. However, provision of such optional education programs may facilitate the efficient transition of students between the optional education program and their regular classroom, and provide for the continuity of instruction, a nurturing environment, necessary guidance and supervision, and the participation of the student's parents in correcting his behavior.

G. Alternative approaches to achieving purpose of mandate: N/A

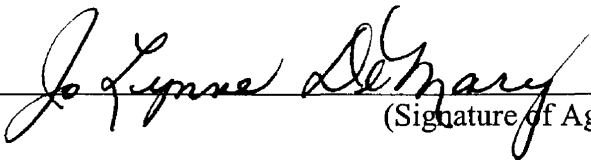
1. Identification of alternative approaches: N/A
2. Fiscal impact of alternative approaches: N/A
 - a. Estimated change in range of costs to alternative costs to localities of alternative approaches: N/A
 - b. Estimated change in range of costs to state of alternative approaches: N/A
 - c. Explanation of estimation methodology: N/A

H. Agency recommendation re: retention, alteration, or elimination of mandate:

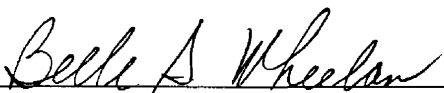
1. Determination by agency: Retain
2. Rationale: In accordance with §§ 22.1-277, 22.1-277.07, and 22.1-277.08 of the Code of Virginia, students may be suspended or expelled from attendance at school for sufficient cause. School boards may choose to establish optional age-appropriate education programs for students suspended or expelled so that students may continue to receive educational programs during completion of the disciplinary consequences. The optional programs may provide age appropriate instruction to young students in grades kindergarten through five who require guidance, supervision, and discipline in a structured learning environment and who need to be redirected toward appropriate classroom decorum and acceptable personal behavior. This mandate sets minimum

standards that school divisions must comply with in providing such programs. The mandate requires school divisions that establish optional education programs to provide instructional and support services that will enable students to maintain academic achievement, attain basic skills and academic proficiencies, and otherwise benefit from a public education during the time that they may be removed from the regular classroom. The programs must be designed to accommodate students within the school building to which they have been assigned, facilitate the efficient transition of students between the optional education program and their regular classroom, and provide for the continuity of instruction, a nurturing environment, necessary guidance and supervision, and the participation of the student's parents in correcting his behavior. The mandate requires that the optional programs be adequately staffed by licensed teachers or other persons with demonstrated qualifications to instruct and manage students with a range of academic gifts and deficiencies, disciplinary problems, and the need to develop and use appropriate social skills.

- I. Agency contact re: assessment: Anne D. Wescott, assistant superintendent for policy and communications, P.O. Box 2120, Richmond, VA 23218-2120; 804/ 225-2403.



(Signature of Agency Head)

Approval of assessment: 

(Signature of Cabinet Secretary)

SOE.DOE117

ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO § 2.1-7.1, CODE OF VIRGINIA)



Administering Agency: Virginia Department of Education

Date of Submission: June 1, 2004

- A. Short title of mandate: Teacher Intervention/Remediation Training: SOE.DOE117
- B. Specific provisions of mandate: School divisions are required to provide training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning assessments.

C. Source/Authority:

1. Specify each applicable:

- a. Federal statute: N/A
- b. Federal regulation: N/A
- c. State statute: §22.1-303, Code of Virginia
- d. State regulation: 8 VAC 20-630-20, Board of Education
- e. Other: N/A

2. Extension of federal mandates by state authority: None

D. Method by which agency oversees implementation of mandate: The Department of Education oversees implementation of this mandate through requirements in the *Standards for State Funded Remedial Programs* regulations. The regulations at 8 VAC 20-630-20 require each local school division to develop a remediation plan designed to strengthen and improve the academic achievement of eligible students, and submit such plan to the Superintendent of Public Instruction. Within the plan each local school division must identify whether the school division will provide in-service and training for staff not trained in remediation techniques that will be assigned to remedial programs, the staff members that will be trained, and the number of hours of training staff members will receive.

E. Fiscal impact of mandate on localities:

- 1. Localities affected: All localities are affected.
- 2. Funding of mandate: State funding that may be used for implementation of this mandate includes Standards of Quality funding Basic Aid, and Remedial Education Payments.

The state Standard of Quality (SOQ) funding provides support for teacher training as a part of support costs in Basic Aid. Basic Aid to school divisions for fiscal year 2004 includes the state share of approximately \$36.5 million or \$456 per instructional position for teacher training. School divisions are encouraged to use these funds to provide teacher training in the core content areas of the Standards of Learning. However, school divisions are not required to use of this funding to provide training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning assessments. The SOQ also requires remediation programs. Although an amount is not specifically allocated, school divisions may use a portion of Remedial Education Payments for remediation training for teachers.

Although specific federal funding is not allocated for this purpose, local school divisions may use a portion of federal funding allocated under the *No Child Left Behind Act of 2001* (NCLB) for this purpose. NCLB funding sources that school division may use include:

- *Title I, Part A*, which requires that local education agencies (LEAs) use at least 5 percent of their *Title I* funds for professional development activities to ensure that teachers who are not currently highly qualified meet that standard by the end of the 2005-06 school year. In addition, any school identified as in need of improvement for failing to make adequate yearly progress must spend 10 percent of its *Title I, Part A* funds on professional development, including teacher mentoring programs.
- *Title I, Part B*, the *Reading First* program, which requires grantees to build on scientifically based reading research to implement comprehensive instruction for children in kindergarten through third grade. From the 20 percent state set-aside funds, 65 percent may be spent in preparing teachers through professional development activities so the teachers have tools to effectively help their students learn to read.
- *Title II, Part A*, Improving Teacher Quality State Grants program, provides funding to support the reform of traditional teacher training, the innovative expansion of alternative routes to teacher licensure, the establishment of mechanisms to recruit highly qualified teachers and provide incentives to retain them in high-needs schools. Additionally, *Title II, Part A* funds can support more effective professional development for teachers currently in the classroom, with a focus on ensuring that teachers have a deep understanding of the core academic subjects they teach.
- *Title II, Part B*, the Mathematics and Science Partnerships program, which provides funding to state education agencies (SEAs) to competitively establish IHE-LEA (institutions of higher education-local education agencies) partnerships to enhance teacher subject-matter knowledge and the quality of teaching in mathematics and science.

- *Title II, Part C*, the Troops-to-Teachers and Transition to Teaching programs, which support efforts to help school districts hire, train, and retain individuals from other careers and backgrounds as teachers in high-need schools.
- *Title II, Part D*, the Enhancing Education Through Technology program, under which each local recipient of funds must use at least 25 percent of those funds for ongoing, sustained, and high-quality professional development on the integration of advanced technologies into curriculum and instruction and on the use of those technologies to create new learning environments.
- *Title III, Part A*, which authorizes LEAs to use formula grant funds for professional development of teachers providing instruction to students needing English language acquisition and language enhancement.
- *Title V, Part A*, which authorizes LEAs to use formula grant funds to provide professional development activities carried out in accordance with *Title II, Part A*, as well as to recruit, train, and hire highly qualified teachers to reduce class size.
- *Title VII, Part A*, the Indian, Native Hawaiian, and Alaska Native Education program, which requires a comprehensive program for meeting the needs of Indian children that, among other things, calls for professional development opportunities to ensure that teachers and other school professionals have been properly trained.

a. Funding formula: N/A

b. Estimated range of costs on localities: The range of costs on localities is unknown.

c. Explanation of estimation methodology: N/A

F. Effectiveness of mandate in accomplishing purpose:

1. General purpose of mandate: The general purpose of this mandate is to provide teachers with training in instructional strategies and techniques to address the needs of students who are at risk of failing the Standards of Learning assessments.
2. Description of essentiality to the public safety: This mandate is not essential to the public safety.

G. Alternative approaches to achieving purpose of mandate: N/A

1. Identification of alternative approaches: N/A

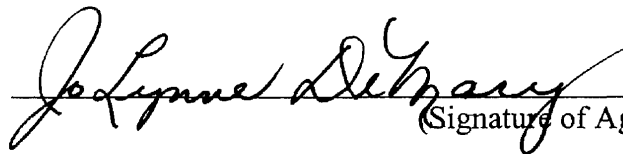
2. Fiscal impact of alternative approaches: N/A

- a. Estimated change in range of costs to alternative costs to localities of alternative approaches: N/A
- b. Estimated change in range of costs to state of alternative approaches: N/A
- c. Explanation of estimation methodology: N/A

H. Agency recommendation re: retention, alteration, or elimination of mandate:

1. Determination by agency: Retain
2. Rationale: Research has proven that to have quality educational programs teachers must be trained and have knowledge in differentiated instructional strategies to address individual needs of students.

I. Agency contact re: assessment: Anne D. Wescott, assistant superintendent for policy and communications, P.O. Box 2120, Richmond, VA 23218-2120; 804/ 225-2403.



(Signature of Agency Head)

Approval of assessment: 

(Signature of Cabinet Secretary)



COMMONWEALTH of VIRGINIA

Mark R. Warner
Governor

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Commission on Local Government


Michael J. Schewel
Secretary of
Commerce and Trade

William C. Shelton
Director

September 20, 2004

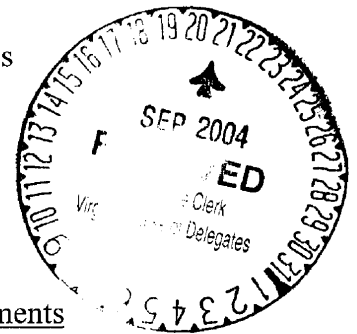
MEMORANDUM

TO: The Honorable Bruce F. Jamerson, Clerk, House of Delegates
The Honorable Susan Clarke Schaar, Clerk, Senate

FROM: Larry McMillan, Senior Policy Analyst 

SUBJECT: Completed Assessments of Local Mandates

REFERENCE: 2004 Catalog of State and Local Mandates on Local Governments



Pursuant to Sections 2.2-613 and 15.2-2903 of the Code of Virginia and Paragraph 1(g) of Executive Memorandum 1-98, I am hereby submitting separately to your offices the following completed assessments of local government mandates administered by State executive agencies. These assessments have been approved by the appropriate cabinet secretary:

| <u>Agency</u> | <u>Mandate Short Title</u> | <u>Catalog Number</u> |
|---------------|--|-----------------------|
| DCJS | Community Policing Fund | SPS.DCJS014 |
| DCJS | STOP Violence Against Women Grants | SPS.DCJS016 |
| DCJS | Pretrail Services Program | SPS.DCJS017 |
| VDOT | Metropolitan Transportation Planning | STO.VDOT001 |
| VDOT | Statewide Transportation Planning | STO.VDOT002 |
| VDOT | VDOT Revenue Sharing Program | STO.VDOT003 |
| VDOT | Residential Cut-Through Traffic Policy | STO.VDOT005 |
| VDOT | Industrial Access Road | STO.VDOT006 |
| VDOT | Airport Access Road | STO.VDOT007 |
| VDOT | Recreational Access Road | STO.VDOT008 |
| VDOT | Subdivision Street Development Control | STO.VDOT009 |
| VDOT | Urban Street Construction | STO.VDOT010 |
| VDOT | Urban Street Payments | STO.VDOT011 |
| VDOT | Removal of Outdoor Advertising | STO.VDOT015 |
| VDOT | Annual Mileage Report | STO.VDOT025 |



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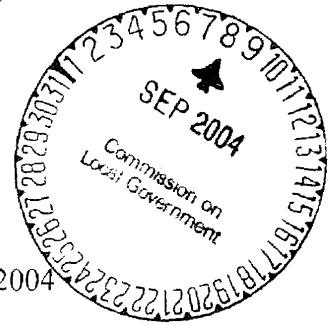
The Honorable Bruce F. Jamerson
The Honorable Susan Clarke Schaar
September 20, 2004
Page Two

Section 15.2-2903(6) directs the Commission on Local Government to bring to your attention those assessments that carry recommendations from the administering agency for altering or eliminating the mandate in question. However, these assessments carry no such recommendation.

c: Virginia Association of Counties
Virginia Municipal League
File

SPS.DCJS014

ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS



Department of Criminal Justice Services

August 3, 2004

A. Short Title of Mandate

Community Policing Fund **SPS.DCJS014**

B. Specific Provisions of Mandate

The Department, on the approval of the Criminal Justice Services Board, awards grants to local governments to support community policing. Localities receiving grants must use the money for community policing purposes, must provide cash matching funds or to request a waiver based on financial hardship, and must report periodically on expenditures and progress toward achieving the objectives of the grant.

NOTE: The Community Policing Fund consists of money contributed by taxpayers receiving Virginia income tax refunds and designating portions of the refunds for the Fund.

C. Source/Authority

1. Specify Each Applicable

- a) Federal Statute: None.
- b) Federal Regulation: None
- c) State Statute: §§58.1-346.5 and 9.1-102, **Code of Virginia**; Department of Criminal justice Services grant guidelines.
- d) State Regulation: No
- e) Other: None

2. Extension of Federal Mandates By State Authority

No.

D. Method By Which Agency Oversees Implementation of Mandate

Department guidelines require localities seeking funds submit grant applications describing the purposes for which they are requesting funds and the results they expect to achieve. Grants are conditioned on the recipients' operating the programs as described in their grant applications and complying with financial and program reporting requirements during the grant periods.

E. Fiscal Impact of Mandate on Localities

1. Localities Affected: There are currently no localities receiving funds through this grant program.

2. Funding of Mandate:

a) Funding Formula: None. Proposals submitted are reviewed and funding decisions are made based on the relative merits of each, and on the availability of funds.

b) Estimated Range of Cost to Localities: Since there are currently no localities receiving these grants, there are no costs. When grants are awarded, recipients are required to contribute cash matching funds equal to 25% of the total cost of the project/activity for which they are seeking grant funding.

c) Explanation of Estimation Methodology: See b, above.

F. Effectiveness of Mandate in Accomplishing Purpose

1. General Purpose of Mandate: The Fund was created to aid local community policing efforts. The purpose of the mandate, i.e. the conditions that grant recipients are required to accept and fulfill in order to receive grants, is to assure that the funds are used in a timely manner for programs consistent with the legislative intent.

2. Description of Essentiality to the Public Safety: Virginia law enforcement officials and the General Assembly have for some time recognized the value of the community policing philosophy in helping law enforcement agencies join with the communities they serve to prevent crime and improve safety. The Fund provides a tangible way to help localities enhance their community policing efforts.

G. Alternative Approaches to Achieving the Purpose of the Mandate

1. Identification of Alternative Approaches: None identified.
2. Fiscal Impact of Alternative Approaches: N/A

H. Agency Recommendation

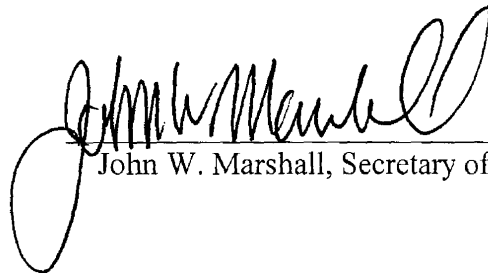
1. Determination by Agency: The agency recommends retention.
2. Rationale: See F 2 above.

I. Agency Contact

1. Name/Title: Joseph R. Marshall, Policy & Planning Coordinator
2. Address/Telephone: DCJS, 805 East Broad Street, Richmond, Virginia 23219
804/786-1577; joe.marshall@dcjs.virginia.gov



Leonard G. Cooke, Director



John W. Marshall, Secretary of Public Safety

SPS. DCJS016



ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO SEC. 2.1-7.1, CODE OF VA.)

Department of Criminal Justice Services

August 2, 2004

- A. **Short Title of Mandate:** STOP Violence Against Women Grants; SPS.DCJS016
- B. **Specific Provisions of Mandate:** The Department administers federal funds which are allocated among the states based on population. The Department uses the funds to make grants to state and local government agencies, non-profit service organizations, and others to “develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.” (Violence Against Women Act of 1994) To be considered for funding, applicants’ programs must meet criteria set out in guidelines issued by the Department and, if awarded funds, they must report quarterly on their expenditures of grant funds and on the progress of their grant-funded programs.
- C. **Source/Authority:**
1. **Specify Each Applicable (with citations):**
 - a) **Federal Statute** : Violence Against Women Act of 1994 (42 U.S.C., 3711, Chapter 2, Section 40121) and Violence Against Women Act of 2000 (P. L. 106-386)
 - b) **Federal Regulation:** Solicitation and application posted annually on the U. S. Department of Justice website.
 - c) **State Statute:** No.
 - d) **State Regulation:** No.
 - e) **Other:** Department of Criminal Justice Services grant guidelines.
 - f)
 2. **Extension of Federal Mandates by State Authority:**

N/A

D. Method by Which Agency Oversees Implementation of Mandate:

Applicants must submit annual grant applications which document need, identify measurable objectives and craft a plan for implementation, and if renewing, report on achievements. Department staff monitor programs funded to assure compliance with grant conditions and provide technical assistance to increase effectiveness and efficiency.

E. Fiscal Impact of Mandate on Localities:

1. **Localities Affected:** Approximately 100 applicants throughout the state are awarded grants each year.

2. **Funding of Mandate:**

a) **Funding Formula:**

The state does not contribute funds to support this program. Federal funds vary each year from \$2.4 million to \$3.2 million. Up to 10% can be used for administration. (Virginia currently uses 7.5%.) Federal regulations require that V-STOP awards be made as follows: 25% to law enforcement agencies, 25% to prosecution offices, 5% to courts, 35% to non-profit victims services agencies, and 15% can be used for the former categories or other programs at the discretion of the state. Awards must also be made to reflect the geographic diversity of the state and address the needs or traditionally underserved populations.

b) **Estimated Range of Costs to Localities:**

Applicants are required to supply cash and/or in-kind match equal to 25% of the cost of the funded project. The matching funds, equipment, time, etc. are subject to the same grant conditions as the federal funds.

c) **Explanation of Estimation Methodology:** Not applicable.

F. Effectiveness of Mandate in Accomplishing Purpose:

1. **General Purpose of Mandate:**

The legislative intent behind the federal funds is to support programs that combat violent crimes against women and improve services for victims of such crimes. The purpose of the mandate, i.e. the conditions that grant recipients must accept and fulfill in order to receive funds, is to assure that the funds are used in a timely manner for programs which are consistent with the legislative intent.

2. **Description of Essentiality to the Public Safety:**

The activities and services supported by the V-STOP program directly address public safety, specifically the safety of victims of domestic and sexual violence and their children. V-STOP support enables law enforcement agencies to do more thorough investigations of domestic violence and sexual assault cases, enables the prosecution of misdemeanor domestic violence and sexual assault cases, enables system-based advocates to help victims navigate the criminal and civil justice systems, and community based advocates to help victims with safety planning.

G. **Alternative Approaches to Achieving Purpose of Mandate:**

1. **Identification of Alternative Approaches:** None identified. The funds are provided specifically for grants to support victims' services programs. Grants, by definition, involve applications, performance measures and requirements for periodic reporting.

2. **Fiscal Impact of Alternative Approaches:**

a) **Estimated Change in Range of Costs to Localities of Alternative Approaches:**

N/A

b) **Estimated Change in Range of Costs to State of Alternative Approaches:**

N/A

c) **Explanation of Estimation Methodologies:** N/A.

H. **Agency Recommendation re Retention, Alteration, or Elimination of Mandate:**

1. **Determination by Agency:**

The Department recommends retention of this program.

2. **Rationale:** See F-2 above.

I. Agency Contact re Assessment:

1. **Name/Title:** Joseph R. Marshall, Policy & Planning Coordinator
2. **Address/Telephone:** Department of Criminal justice Services
805 East Broad Street
Richmond, Virginia 23219
804/786-1577
joe.marshall@dcjs.virginia.gov



Leonard G. Cooke, Director

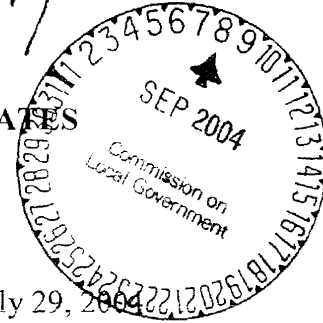
Approval of Assessment:



John W. Marshall, Secretary of Public Safety

SPS.DCJS017

ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS



Department of Criminal Justice Services

A. Short Title of Mandate

Pretrial Services Act Program, SPS.DCJS017

B. Specific Provisions of Mandate

Pursuant to the Pretrial Services Act [§ 19.2-152.2 et sq.] effective July 1, 1994, the Department provides grant funding to localities to establish and operate pretrial services programs. To be considered for funding, applicants must meet criteria set out in Department guidelines, Standards, and policies and comply with all applicable state law. If awarded funds, they must report quarterly on their expenditures of grant funds and monthly on the progress of their grant-funded programs. In accordance with this law certain localities can elect to implement pretrial services programs while others are required by law to participate but “only to the extent funded by the Commonwealth through the general appropriation act.”

C. Source/Authority

1. Specify Each Applicable

- a) Federal Statute: No
- b) Federal Regulation: No
- c) State Statute: The Pretrial Services Act [§19.2-152.2 et seq.] and § 53.1-82.1 of the **Code of Virginia**; Appropriations Act
- d) State Regulation: Yes
- e) Other: DCJS Grant Guidelines, Standards and policies

2. Extension of Federal Mandates By State Authority

No

D. Method By Which Agency Oversees Implementation of Mandate

The agency has provided annual funding to local units of government acting as administrative and fiscal agents for pretrial services in accordance with the Pretrial Services Act for the past eleven (11) fiscal years. Localities are required to submit grant applications annually. These are reviewed and approved based on performance criteria established by the Department. These programs are expected to meet criteria set out in the guidelines issued by DCJS. Grants made with these funds are conditioned on localities operating the programs as described in their grant applications and complying with DCJS program guidelines and meeting financial and program reporting requirements during the grant periods. Performance criteria are preset and programs report on their performance on a quarterly basis. In addition, the Department maintains an automated case management and management information system for all local programs. They submit standardized monthly reports based on this information. No new programs have been established since FY 2001. There are currently 29 localities acting as administrative agents for 80 counties and cities with 30 programs in operation throughout the state.

E. Fiscal Impact of Mandate on Localities

1. Localities Affected: The localities and their partners applying for and receiving grant funds through this program. There are 80 localities being provided pretrial services supported in whole or in part with these funds. Sixty-three (63) are required to participate due to receiving construction reimbursement funds for jail projects planned for and/or approved on or after February 1, 1993. An additional 20 to 24 localities will be required to provide pretrial services during the next 2 (two) years due to approved jail construction projects or planning of jail construction projects.

2. Funding of Mandate:

a) Funding Formula: The total amount awarded for pretrial services programs for FY 2005 was \$6,100,412. Individual grant amounts ranged from \$92,600 [small rural] to about \$643,800 [multiple jurisdictional program]. These were based on the amounts awarded in previous years. If sufficient funds were available for starting new programs, the amounts awarded would be based on assessments projecting the numbers of pretrial investigations to be conducted and supervision caseloads to be maintained.

b) Estimated Range of Cost to Localities: Localities are not required to provide matching funds. However, sixteen (16) recipients provided supplemented local funds totaling \$1,755,000 in FY 2005.

c) Explanation of Estimation Methodology: Actual grant awards made during the most recent grant cycle.

F. Effectiveness of Mandate in Accomplishing Purpose

1. General Purpose of Mandate: The legislature's intent in appropriating these funds is to support local programs which will provide judicial officers better defendant information through pretrial investigations, to expedite the release of defendants held in local jails and provide supervision to those released. The purpose of the mandate, the programmatic and statutory conditions that grant recipients must accept and fulfill in order to receive funds, is to assure that the funds are used effectively and in a timely manner for programs which are consistent with the legislative intent.

2. Description of Essentiality to the Public Safety: As jails are faced with housing growing numbers of convicted offenders, it becomes increasingly important to reduce the demand on jail bed space posed by persons awaiting trial and provide for public safety through supervision of defendants released to local programs by assuring appearance for trial and by reducing the potential for the commission of new crimes. Pretrial services programs provide an important option for localities faced with the need for increased jail space.

G. Alternative Approaches to Achieving the Purpose of the Mandate

1. Identification of Alternative Approaches: None identified. The funds are appropriated specifically for grants to support local pretrial services programs. Grants, by definition, involve applications, performance measures and requirements for periodic reporting.

2. Fiscal Impact of Alternative Approaches: N/A

H. Agency Recommendation

1. Determination by Agency: The agency recommends retention.

2. Rationale: See F2, above.

I. Agency Contact

1. Name/Title: Joseph R. Marshall, Policy & Planning Coordinator

2. Address/Telephone: DCJS, 805 East Broad Street, Richmond, Virginia 23219
804/786-1577; joe.marshall@dcjs.virginia.gov



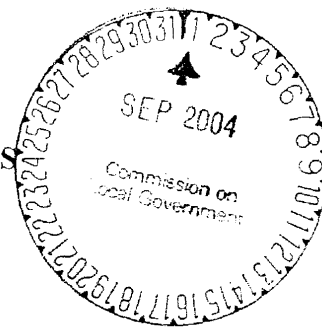
Leonard G. Cooke, Director



John W. Marshall, Secretary of Public Safety

STO.VDOT001

ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO § 2.1 - 7.1, CODE OF VIRGINIA)



Virginia Department of Transportation
(Administering Agency)

August 3, 2004
(Date of Submission)

- A. Short Title of Mandate: Metropolitan Transportation Planning and Programming
- B. Specific Provisions of Mandate: Encourage and promote the development of transportation systems embracing various modes of transportation in a manner which will efficiently maximize mobility of people and goods within and through urbanized areas and minimize transportation related fuel consumption and air pollution. Prepare fiscally constrained long-range transportation plans and Transportation Improvement Programs for metropolitan areas.
- C. Source/Authority:
1. Specify Each Applicable:
 - a) Federal Statute: 23 USC 134
 - b) Federal Regulation: 23 CFR Part 450 Subpart C
- D. Method by Which Agency Oversees Implementation of Mandate:
Annual Unified Work Programs
- E. Fiscal Impact of Mandate on Localities:
1. Localities Affected: 14 Metropolitan Planning Organizations (MPO's): Bristol, Richmond, Kingsport, Tri-Cities, Charlottesville, Danville, Lynchburg, Roanoke, Northern Virginia, Fredericksburg, Hampton Roads, Winchester, Blacksburg-Christiansburg and Harrisonburg.
 2. Funding of Mandate:
 - a) Funding Formula:
80% Federal, 10% State, 10% Local

A portion of the Federal Planning (PL) funds shall be set aside annually for allocation to the air quality non-attainment areas. The amount provided to an area shall be based on the severity of the air quality problem in that area (serious - \$20,000, moderate - \$15,000, or marginal - \$10,000.) When a non-attainment

area contains jurisdictions from more than one metropolitan study area, the allocation for air quality planning shall be proportioned to these study areas based on urbanized area population percentages for the non-attainment jurisdictions only. Adjustments shall be made so that the minimum allocation of Federal PL funds made for air quality consideration shall not be less than \$5,000.

The amount to be allocated annually from the remaining Federal PL funds to each of the urbanized areas of the state shall be a base amount equal to \$50,000 times the percent that the area's urbanized population within Virginia is to its total urbanized area populations, plus a proportionate share of the balance based on the ratio that each area's urbanized population within Virginia is to the total urbanized area population of the state. Adjustments to the allocations shall be made so that the minimum allocation of Federal funds to an area shall not be less than \$50,000.

FY 2005 Work Program: Total FY 05 PL Funds Available as of 7/1/04

| URBAN AREA | FEDERAL | STATE | LOCAL | TOTAL |
|---------------|--------------------|------------------|------------------|--------------------|
| Blacksburg | \$95,462 | \$11,933 | \$11,933 | \$119,328 |
| Bristol | \$50,045 | \$6,256 | \$6,255 | \$62,556 |
| Char'sville | \$115,176 | \$14,397 | \$14,397 | \$143,970 |
| Danville | \$122,158 | \$15,271 | \$15,269 | \$152,698 |
| Fred'burg | \$132,144 | \$16,518 | \$16,518 | \$165,180 |
| Hampton Roads | \$1,467,640 | \$183,455 | \$183,455 | \$1,834,550 |
| Harrisonburg | \$91,831 | \$11,479 | \$11,479 | \$114,789 |
| Kingsport | \$50,000 | \$6,250 | \$6,250 | \$62,500 |
| Lynchburg | \$144,977 | \$18,122 | \$18,122 | \$181,221 |
| No. Virginia | \$1,615,437 | \$201,930 | \$201,929 | \$2,019,296 |
| Richmond | \$606,089 | \$75,761 | \$75,761 | \$757,611 |
| Roanoke | \$274,004 | \$34,251 | \$34,250 | \$342,505 |
| Tri-Cities | \$134,555 | \$16,820 | \$16,819 | \$168,194 |
| Winchester | \$92,541 | \$11,568 | \$11,567 | \$115,676 |
| Total | \$4,992,059 | \$624,011 | \$624,004 | \$6,240,074 |

b) Estimated Range of costs to localities:

10% match share (80-10-10)

F. Effectiveness of Mandate in accomplishing purpose:

1. General Purpose of Mandate:

Local input in developing regional transportation system

2. Description of Essentiality to Public Safety:

The plans and programs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities, that will function as an intermodal transportation system for the metropolitan area and as an integral part of an intermodal transportation system for the State and the United States.

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches: N/A

2. Fiscal Impact of Alternative Approaches:

a) Estimated Change in Range of Costs to Localities for Alternative Approaches:

N/A

b) Estimated Change in Range of Costs to State of Alternative Approaches: N/A

c) Explanation of Estimation Methodologies: N/A

H. Agency Recommendation re Retention, Alteration, or Elimination of Mandate:

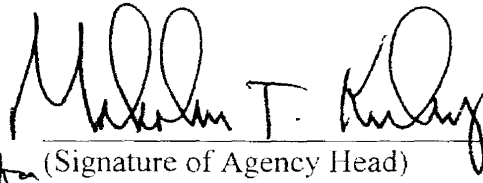
1. Determination by Agency: Retention

2. Rationale: Ensures the development of regional transportation plans that provide for the efficient movement of people and goods. Required federal mandate to insure flow of federal transportation funds to Virginia.

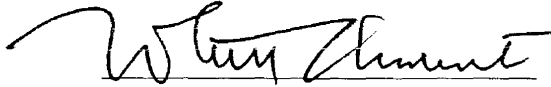
I. Agency Contact re Assessment:

1. Name/Title: Marsha Fiol
Acting State Transportation Planning Engineer

2. Address/Telephone: VDOT
Asset Management Division
1401 E. Broad Street
Richmond, VA 23219


(Signature of Agency Head)

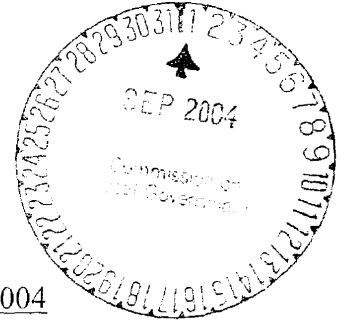
Approval of Assessment:


(Signature of Cabinet Secretary)

Executive Memorandum 1-98 (October 1998)

STO. VDDT002

ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO § 2.1 - 7.1, CODE OF VIRGINIA)



Virginia Department of Transportation
(Administering Agency)

August 9, 2004
(Date of Submission)

- A. Short Title of Mandate: Statewide Transportation Planning
- B. Specific Provisions of Mandate: Encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will serve all areas of the state efficiently and effectively.
- C. Source/Authority:
1. Specify Each Applicable:
 - a) Federal Statute: 23 USC 135
 - b) Federal Regulation: 23 CFR Part 450 Subpart B
- D. Method by Which Agency Oversees Implementation of Mandate:
Rural Planning Scopes of Work and quarterly progress reports
- E. Fiscal Impact of Mandate on Localities:
1. Localities Affected: 20 Planning Districts (see attachments A-1 and A-2)
 2. Funding of Mandate:
 - a) Funding Formula:
Each of the 20 planning districts receive \$48,000 of federal State Planning and Research (SPR) funds annually for the rural planning assistance program. A 20% local match is required to be provided by the planning district.

80% Federal, 0% State, 20% Local
 - b) Estimated Range of Costs to Localities:
20% local (80-0-20)

F. Effectiveness of Mandate in Accomplishing Purpose:

Local input in developing transportation plans, such as pedestrian walkways and bicycle facilities, as well as highway needs.

1. General Purpose of Mandate:

Promotes the maintenance and development of a transportation infrastructure that provides for the safe and efficient movement of people and goods, effectively integrates all transportation modes and stimulates economic development.

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches: N/A

2. Fiscal Impact of Alternative Approaches: N/A

H. Agency Recommendation re Retention, Alteration, or Elimination of Mandate:

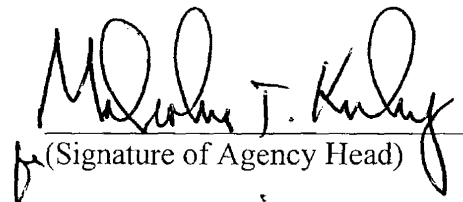
1. Determination by Agency: Retention

2. Rationale: This process is the established transportation practice within the Commonwealth's Planning Districts.

I. Agency Contact re Assessment:

1. Name/Title: Marsha Fiol
Acting State Transportation Planning Engineer

2. Address/Telephone: VDOT
Asset Management Division
1401 E. Broad Street
Richmond, VA 23219


(Signature of Agency Head)

Approval of Assessment:


(Signature of Cabinet Secretary)

Planning Districts

- | | | |
|--|--|--|
| 1. LENOWISCO Lee County Scott County (portion) Wise County Norton City | 6. Central Shenandoah Augusta County Bath County Highland County Rockbridge County Rockingham County Buena Vista City Harrisonburg City Staunton City Waynesboro City | 11. West Piedmont Franklin County Henry County Patrick County Pittsylvania County (portion) Martinsville City |
| 2. Cumberland Plateau Buchanan County Russell County Tazewell County | 7. Lord Fairfax Clarke County Frederick County Page County Shenandoah County Warren County Winchester City | 12. Southside Brunswick County Halifax County Mecklenburg County South Boston City |
| 3. Mount Rogers Bland County Carroll County Grayson County Smyth County Washington County (portion) Wythe County Galax City | 8. Rappahannock-Rapidan Culpeper County Martinsville City Madison County Orange County Rappahannock County | 13. Piedmont Amelia County Buckingham County Charlotte County Cumberland County Lunenburg County Nottoway County Prince Edward County |
| 4. New River Valley Fauquier County Giles County Montgomery County Pulaski County Radford City | 9. Thomas Jefferson Albemarle County (portion) Fluvanna County Greene County Louisa County Nelson County | 14. Richmond Regional Charles City County Goochland County (portion) New Kent County Powhatan County (portion) |
| 5. Fifth Alleghany County Botecourt County (portion) Craig County Roanoke County (portion) Clifton Forge City Covington City | 10. Central Virginia Amherst County (portion) Appomattox County Bedford County (portion) Campbell County (portion) Bedford City | 15. RADCO Caroline County King George County. |
| | | 16. Northern Neck Lancaster County Northumberland County Richmond County Westmoreland County |

Planning Districts (continued)

- | | |
|-----------------------------|---------------------------|
| 17. Middle Peninsula | 19. Accomack-Northampton |
| Essex County | Accomack County (portion) |
| Gloucester County (portion) | Northampton County |
| King and Queen County | |
| King William County | 20. Hampton Roads |
| Mathews County | Southampton County |
| Middlesex County | Franklin City |
-
18. Crater
- Dinwiddie County (portion)
 - Greensville County
 - Prince George County (portion)
 - Rockbridge County
 - Surry County
 - Sussex County
 - Emporia City

STO.VDOT003

ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO SEC. 2.1-7.1, CODE OF VA)



Virginia Department of Transportation
(Administering Agency)

August 11, 2004
(Date of Submission)

A. Short Title of Mandate (Mandate # STO.VDOT003):

VDOT Revenue Sharing Program

B. Specific Provisions of Mandate (10 lines or less):

This is a voluntary program in which VDOT provides a dollar-for-dollar matching allocation to a county of up to \$500,000 for use in either maintaining, improving, or constructing the primary and secondary systems within such county; or bringing subdivision streets, used as such prior to July 1, 1988, up to standards sufficient to qualify them for inclusion in the state primary and secondary system of state highways. The county must submit specific project requests if they opt to participate.

C. Source/Authority:

1. Specify Each Applicable (with citations):

a. Federal Statute:

b. Federal Regulation:

c. State Statute: Code of Virginia, Section 33.1-75.1

d. State Regulation:

e. Other:

2. Extension of Federal Mandates by State Authority:

N/A

D. Method by Which Agency Oversees Implementation of Mandate:

VDOT invites all counties in the Commonwealth to participate in the annual program. Counties submit statements of intent to participate. Each participating county provides a list of potential projects, indicating the dollar amount it intends to contribute towards each project, as well as a request for matching funds. The Commonwealth Transportation Board approves all projects that meet established criteria.

E. Fiscal Impact of Mandate on Localities:

1. Localities Affected

All counties in the Commonwealth (including the former Nansemond County portion of the City of Suffolk) that elect to participate.

2. Funding of Mandate:

(a) Funding Formula:

State contribution:

50% of the total program cost up to \$10,000,000 per § 33.1-75.1 unless specified differently by General Assembly Appropriations Act

(FY99 through FY05, appropriation by the General Assembly and State match was \$15,000,000).

(b) Estimated Range of Costs to Localities:

Locality cost: from \$0 (if county elects not to participate) to \$500,000 if the county requests the maximum amount

(c) Explanation of Estimated Methodology:

Estimation methodology: statutory authority dictates the program is a 50-50 matching program and dictates the maximum allocation per county and total state funding available.

F. Effectiveness of Mandate in Accomplishing Purpose:

1 General Purpose of Mandate

This is a voluntary program that provides matching funds to counties to accelerate or fund projects that might otherwise be delayed. The Commonwealth is relieved of the burden of fully funding road improvements from regular allocations because the participating counties provide 50% of the funding. The requirement to provide a listing of the proposed projects ensures the funds are allocated to eligible projects.

2. **Description of Essentiality to the Public Safety**

Counties have used this program to fund projects that might otherwise remain unfunded due to other pressing needs. The projects vary; spot guardrail improvements, signalization, at-grade rail crossing improvement, rural additions, and major highway widening, all of which enhance public safety.

Citizens of the participating counties benefit because projects that benefit public safety are financed and completed faster than would be accomplished without the supplemental funding.

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches:

Since this is a voluntary program, alternatives to participation are entirely at the discretion of the county.

There are no alternatives to submitting project specific requests and ensuring the integrity of the program.

The locality contribution could change but a 50/50 cost participation is considered the most equitable incentive program.

2. Fiscal Impact of Alternative Approaches:

(a) To Locality: If a county decides not to participate, the fiscal impact to the county would range from \$0 (perform no additional construction or improvement outside that funded with regular allocations) to providing 100% of the cost of unscheduled improvements.

If required cost participation increased-higher cost to locality.

If required cost participation decreased-lower cost to locality.

(b) To State: Any change in cost participation rate would have opposite impact for state.

(c) Estimation methodology: Self-explanatory.

H. Agency Recommendation Re: Retention, Alteration, or Elimination of Mandate:

1. Determination of Agency

Retention

2. Rationale

This is a voluntary program. The Revenue Sharing program has a proven track record of accelerating much-needed and desired improvements for localities that desire to supplement their transportation allocations. This program allows counties to implement certain projects in an earlier time frame. Demand for program funds by counties annually exceeds available funding. Due to the demand, it is not recommended the cost participation be changed.

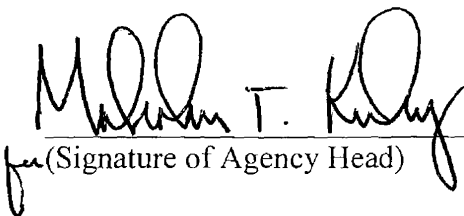
I. Agency Contact

1. Name

Michael A. Estes, PE
Interim Director, Local Assistance Division

2. Address/Telephone

Virginia Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219
(804) 786-2745


(Signature of Agency Head)

Approval of Assessment:


(Signature of Cabinet Secretary)

Executive Memorandum 1-98 (October 1998)

STO, VDOT005

ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO § 2.2 - 7.1 CODE OF VIRGINIA)



Virginia Department of Transportation
(Administering Agency)

August 3, 2004
(Date of Submission)

A. Short Title of Mandate (~~Mandate #20~~):

Residential Cut-Through Traffic Policy

B. Specific Provisions of Mandate:

Counties and towns are required to submit a formal resolution to the Department of Transportation, provide engineering support data, and hold public hearings before Cut-thru traffic restrictions can be implemented on local roads and streets. Exceptions to this policy are Henrico and Arlington Counties, which maintain their own local streets.

C. Source/Authority:

1. Specify Each Applicable: (with citations).

a) Federal Statute:
None

b) Federal Regulation:
None

c) State Statute:
None

d) State Regulation:
Commonwealth Transportation Board Resolution dated May 9, 1996.

2. Extension of Federal Mandate by State Authority:

None

D. Method by Which Agency Oversees Implementation of Mandates:

VDOT installs the traffic control devices and evaluates them after resolution and support data have been received from county/town, and public hearing (s) has been held

E. Fiscal Impact of Mandate on Localities:

1. Localities Affected: County/Town

2. Funding of Mandate: State & Local Funds

a) Funding Formula:

Cost of Engineering support data and public borne by county/town:
Cost of traffic control devices and/or roadway changes provided by state secondary allocations.

b) Estimated Range of Costs to Localities:

Cost of traffic engineering support data and public hearing for a particular cut-through traffic investigation is minimal (range \$3,000 to 6,000). VDOT will provide assistance in developing traffic engineering support data when locality does not have the resources.

c) Explanation of Estimation Methodology:

It is difficult to estimate to estimate the cost of a public hearing because they are, in some instances, held at the same time the county boards of supervisors have the regularly scheduled meetings. Moreover, the hearings are small in scale because they area directed only to a particular neighborhood.

F. Effectiveness of Mandate in Accomplishing Purpose:

1. General Purpose of Mandate:

To ensure public input into the process of determining remedial measures.

2. Description of Essentiality to Public Safety:

Problem identification is initiated by the citizens to and through their local elected representatives, and they should have a voice in problem solution.

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches:

Localities could assume responsibility for local roads and residential streets and establish their own policies and provisions relative to traffic control.

2. Fiscal Impact of Alternative Approaches:

a) Estimated Change in Range of Costs to Localities for Alternative Approaches:

Locality would assume responsibility for engineering, equipment, maintenance, and administration.

b) Estimated Change in Range of Costs to State of Alternative Approaches:

State would reduce its engineering, equipment, maintenance, and maintenance Costs.

c) Explanation of Estimation Methodologies:

Without comprehensive analysis of each locality of county, actual cost of Transferring responsibility for transfer of local roads and streets to their Jurisdiction cannot be determined.

H. Agency Recommendation re Retention, Alteration, or Elimination of Mandate:

1. Determination by Agency:

Retention

2. Rationale:

The Residential Cut-Through Traffic Policy provides a mechanism for local government and private citizens to exercise a great deal of control over local roads and streets without the expense of maintaining them.

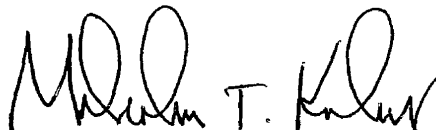
I. Agency Contact re Assessment:

1. Name/Title:

Raymond J. Khoury, P. E.
State Mobility Management Engineer

2. Address/Telephone:

Virginia Department of Transportation
Mobility Management Division
1401 E. Broad Street
Richmond, VA 23219
Telephone: (804) 786-2961



(Signature of Agency Head)

Approval of Assessment:



(Signature of Cabinet Secretary)

STO.VDOT006

ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO SEC. 2.1-7.1, CODE OF VA)



Virginia Department of Transportation
(Administering Agency)

August 11, 2004
(Date of Submission)

A. Short Title of Mandate: Industrial Access Roads Program (STO.VDOT006)

B. Specific Provisions of Mandate (10 lines or less):

This is a voluntary program that provides funding for construction of access roads to qualifying new or expanding industries, or to industrial parks that do not have adequate access.

Any town maintaining its own streets, any county or city, and any regional industrial facility authority, as defined in §15.2-6400 et seq. of the Code of Virginia, may apply. Funding is based on the amount of capital outlay documented by the industry, and is limited to a maximum amount per jurisdiction per fiscal year. Funds may be allocated for construction of an access road project to a site owned by a regional industrial facility authority without penalty to the jurisdiction in which the site is located. The local governing body must request funds by formal resolution, provide right of way at no cost to the program, and provide matching funds up to \$150,000 for allocations over \$300,000.

C. Source/Authority:

1. Specify Each Applicable (with citations):

- a) Federal Statute:
- b) Federal Regulation:
- c) State Statute: Code of Virginia, § 33.1-221
- d) State Regulation:
- e) Other:

2. Extension of Federal Mandates by State Authority:

Not applicable

D. Method by Which Agency Oversees Implementation of Mandate:

A formal resolution from the local governing body is required as part of the application for funds. An environmental review, including obligations resulting from this review, and the provision of right of way and matching funds, if required, are contingencies of the Commonwealth Transportation Board's allocation process. No expenditure of funds on a project is authorized until contingencies have been met.

E. Fiscal Impact of Mandate on Localities:

1. Localities Affected:

All towns that maintain their own streets, all counties, and all cities are eligible to participate.

2. Funding of Mandate:

a) Funding Formula:

State funds – Maximum per fiscal year of \$300,000 unmatched per locality or site owned by a regional industrial facility authority and an additional \$150,000 if matched dollar-for-dollar by the locality or regional industrial facility authority. Funding ranges from 100% to less than 50% of project cost, depending on total cost.

b) Estimated Range of Costs to Localities:

This is a voluntary program that aids localities. There is no cost unless the locality requests funding through this program and the localities actual costs are reduced by the amount of the allocation.

Cost to the participant ranges from \$0 to \$150,000 (if project cost exceeds \$300,000). Local costs to conduct environmental review, including meeting obligations resulting from this review, and to provide right of way could range from \$0 to an undetermined amount, depending on the location, the results of the environmental review, and the extent of the project.

c) Explanation of Estimation Methodology:

The maximum annual allocations and the requirement for providing right of way are prescribed by Industrial Access Policy of the Commonwealth Transportation Board. Additionally the requirement for providing right of way at no cost to the State is implied under §33.1-229, Code of Virginia. The cost to the participant is dependent on the costs required to perform an environmental review, to acquire right of way, and to construct the desired access facility.

F. Effectiveness of Mandate in Accomplishing Purpose:

1. General Purpose of Mandate:

This program assists local governments with an economic development tool by funding, either fully or partially, the construction of access roads to new or expanding industry, or to industrial parks. Requirement for resolution from local governing body ensures that the locality has discretion in the use of its limited annual funding eligibility. An environmental review, including adherence to environmental obligations, and the provision of right of way by the locality ensures that program funds are used only for construction of the access road. The matching funds requirement enables localities to receive program funds exceeding the \$300,000 unmatched maximum when the cost of the access road is more than \$300,000.

2. Description of Essentiality to the Public Safety:

This program has been used to attract new industries to Virginia, to retain existing industries wishing to expand, and to provide adequate access to ensure public safety.

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches:

Since participation is voluntary, alternatives determined by the locality could range from no assistance to funding a similar program at 100% local cost.

2. Fiscal Impact of Alternative Approaches:

a) Estimated Change in Range of Costs to Localities of Alternative Approaches:

A range of costs to the localities cannot be quantified because the program is a voluntary participation program and the scope of work to be funded is indeterminate.

b) Estimated Change in Range of Costs to State of Alternative Approaches:

A range of costs to the State cannot be quantified because the program is a voluntary participation program and the scope of work to be funded is indeterminate.

c) Explanation of Estimation Methodologies:

Not applicable.

H. Agency Recommendation Re: Retention, Alteration, or Elimination of Mandate:

1. Determination of Agency:

Retention

2. Rationale:

This program provides industrial development assistance to localities that choose to participate.

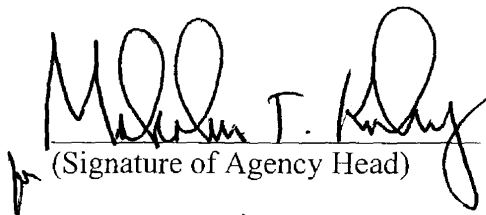
I. Agency Contact

1. Name

Michael A. Estes, PE
Interim Director, Local Assistance Division

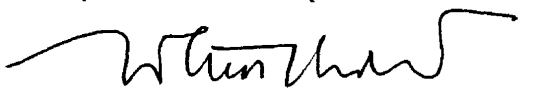
2. Address/Telephone

Virginia Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219
(804) 786-2745



(Signature of Agency Head)

Approval of Assessment:



(Signature of Cabinet Secretary)

STO.VDOT007

ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO SEC. 2.1-7.1, CODE OF VA)



Virginia Department of Transportation
(Administering Agency)

August 11, 2004
(Date of Submission)

A. Short Title of Mandate: Airport Access Program (STO.VDOT007)

B. Specific Provisions of Mandate (10 lines or less):

This is a voluntary program that funds construction of access roads to licensed, public-use airports. Any town maintaining its own streets and any county or any city may apply.

The amount of funding is limited to a maximum amount per airport per fiscal year.

The local governing body must request funds by resolution, provide right of way at no cost to the program, and provide matching funds up to \$150,000 for allocations over \$300,000.

C. Source/Authority:

1. Specify Each Applicable (with citations):

- a) Federal Statute:
- b) Federal Regulation:
- c) State Statute: Code of Virginia, § 33.1-221
- d) State Regulation:
- e) Other:

2. Extension of Federal Mandates by State Authority: N/A

D. Method by Which Agency Oversees Implementation of Mandate:

A formal resolution from the local governing body is required as part of the application for funds. An environmental review, including obligations resulting from this review, and the provision of right of way and matching funds, if required, are contingencies of the Commonwealth Transportation Board's allocation process. No expenditure of funds on a project is authorized until contingencies have been met.

E. Fiscal Impact of Mandate on Localities:

1. Localities Affected:

All towns that maintain their own streets, all counties, and all cities are eligible to participate.

2. Funding of Mandate:

a) Funding Formula:

State funds – Maximums per airport per fiscal year as follows:

\$300,000 unmatched

\$150,000 additional if matched dollar-for-dollar by the locality.

b) Estimated Range of Costs to Localities:

This is a voluntary program that aids localities. There is no cost unless the locality requests funding through this program and the locality's actual costs are reduced by the amount of the allocation.

Cost participation for construction is \$0 to \$150,000 (if project cost exceeds \$300,000). Local cost to conduct environmental review and adhere to obligations resulting from this review, and to provide right of way could range from \$0 to an undetermined amount, depending on the location and extent of the project.

c) Explanation of Estimation Methodology:

The maximum annual allocations and the requirement for providing right of way are prescribed by Airport Access Policy of the Commonwealth Transportation Board. Additionally the requirement for providing right of way at no cost to the State is implied under §33.1-229, Code of Virginia. The cost to the participant is dependent on the costs required to perform an environmental review, to acquire right of way, and to construct the desired access facility.

F. Effectiveness of Mandate in Accomplishing Purpose:

1. General Purpose of Mandate:

This program assists local governments with airport development by providing a funding tool that either fully or partially funds the cost of constructing new access roads or improving existing roads to airport facilities.

2. Description of Essentiality to the Public Safety:

The program has been used both to build access roads to new airports and to improve inadequate existing roads serving expanding airports to ensure public safety; thus enabling localities to advance proposed airport development or to use an equivalent amount of funds for other public infrastructure development.

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches:

Since participation is voluntary, alternatives determined by the locality could range from no assistance to funding a similar program at 100% local cost.

2. Fiscal Impact of Alternative Approaches:

a) Estimated Change in Range of Costs to Localities of Alternative Approaches:

A range of costs to the localities cannot be quantified because the program is a voluntary participation program and the scope of work to be funded is indeterminate.

b) Estimated Change in Range of Costs to State of Alternative Approaches:

A range of costs to the State cannot be quantified because the program is a voluntary participation program and the scope of work to be funded is indeterminate.

c) Explanation of Estimation Methodologies:

Not applicable.

H. Agency Recommendation Re: Retention, Alteration, or Elimination of Mandate:

1. Determination of Agency: Retention

2. Rationale:

This program provides airport development assistance to localities that choose to participate. Airport accessibility is often a factor in site selection by new or expanding business.

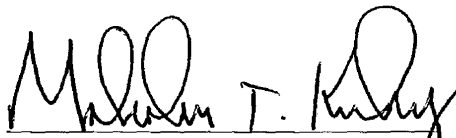
I. Agency Contact

1. Name

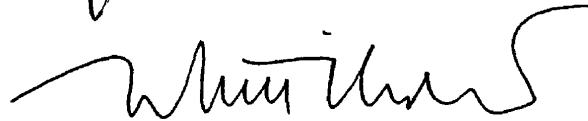
Michael A. Estes, PE
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Approval of Assessment:


(Signature of Cabinet Secretary)

Executive Memorandum 1-98 (October 1998)

STO. VDOT008

ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO SEC. 2.1-7.1, CODE OF VA)



Virginia Department of Transportation
(Administering Agency)

August 11, 2004
(Date of Submission)

A. Short Title of Mandate: Recreational Access Program (STO.VDOT008)

B. Specific Provisions of Mandate (10 lines or less):

This is a voluntary program that funds construction of access roads or bikeways to or within publicly developed recreational areas or historic sites operated by the Commonwealth of Virginia, or by a local government or authority.

All towns receiving state maintenance payments, and any county and any city may apply, but must:

- Request the funds by formal resolution of the local governing body,
- Provide right of way for the facility at no cost to the State, and
- Provide matching funds (1:1) to a maximum of \$100,000 for a road and up to \$15,000 for a bikeway; and
- Adopt a zoning ordinance before requesting funds for a bikeway.

C. Source/Authority:

1. Specify Each Applicable (with citations):

- a) Federal Statute:
- b) Federal Regulation:
- c) State Statute: Code of Virginia, § 33.1-223
- d) State Regulation:
- e) Other:

2. Extension of Federal Mandates by State Authority: Not applicable

D. Method by Which Agency Oversees Implementation of Mandate:

A formal resolution from the local governing body is required as part of the application for funds. An environmental review, including obligations resulting from this review, and the provision of right of way and matching funds, if required, are contingencies of the Commonwealth Transportation Board's allocation process. No expenditure of funds on a project is authorized until contingencies have been met.

E. Fiscal Impact of Mandate on Localities:

1. Localities Affected:

All towns that maintain their own streets, all counties, and all cities are eligible to participate.

2. Funding of Mandate:

a) Funding Formula:

Maximum State funds per project for:

Road projects serving a facility operated
by a locality or authority \$250,000
An additional \$100,000 from other than highway sources is available if
matched dollar-for-dollar by the locality.

Bikeway project \$60,000
An additional \$15,000 from other than highway sources is available if
matched dollar-for-dollar by the locality.

b) Estimated Range of Costs to Localities:

This is a voluntary program that aids localities. There is no cost unless the locality requests funding through this program and the locality's actual costs are reduced by the amount of the allocation.

Construction: \$0 to \$115,000 (if project cost exceeds \$250,000 and includes both road and bikeway).

Right of Way: Local cost to provide right of way could range from \$0 to an undetermined amount, depending on the location and extent of the project.

c) Explanation of Estimation Methodology:

The maximum annual allocations and requirement for providing bikeway right of way are established by Code of Virginia.

The requirement for providing right of way is prescribed by the Recreational Access Policy of the Commonwealth Transportation Board and §33.1-229, Code of Virginia.

The cost to the participant is dependent on the costs required to perform an environmental review, to acquire right of way, and to construct the desired access facility.

F. Effectiveness of Mandate in Accomplishing Purpose:

1. General Purpose of Mandate:

This program assists local governments to provide access to publicly operated recreational areas and historic sites by either fully or partially funding the construction of roads or bikeways providing access to these sites.

The requirement for a formal resolution from local governing body establishes the public ownership status of the recreational facility and provides formal commitment by the locality to provide the necessary right of way for the facility.

Requiring a locality to provide right of way ensures the program funds are used only for construction of the access road or bikeway.

Matching fund requirements enable localities to receive program funds exceeding the unmatched maximum of \$250,000 for roadways or \$60,000 for a bikeway.

2. Description of Essentiality to the Public Safety:

The program has been used to construct access roads and bikeways to establish and improve the public's access to recreational and culturally significant historic sites in a manner that ensures public safety. The program enables localities to advance the development of such facilities or to use an equivalent amount of their own funds for other public infrastructure improvements or operating costs.

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches:

Since participation in the program is voluntary, alternatives, determined by the locality, would range from doing nothing to constructing access roads and bikeways at 100% local cost.

2. Fiscal Impact of Alternative Approaches:

a) Estimated Change in Range of Costs to Localities of Alternative Approaches:

A range of costs to the State cannot be quantified because the program is a voluntary participation program and the scope of work to be funded is indeterminate.

b) Estimated Change in Range of Costs to State of Alternative Approaches:

This cannot be estimated because it is a voluntary program dependent upon the recreational and cultural development opportunities available within a locality.

c) Explanation of Estimation Methodologies: Not applicable.

H. Agency Recommendation Re: Retention, Alteration, or Elimination of Mandate:

1. Determination of Agency: Retention

2. Rationale:

This program provides access to publicly operated recreational areas and historic sites at either no cost or a reduced cost to the locality if it chooses to participate.

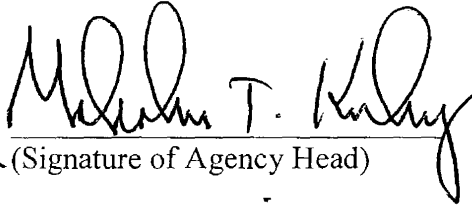
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(Signature of Agency Head)

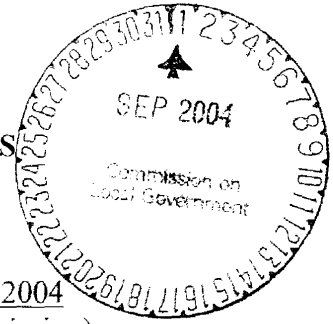
Approval of Assessment:



(Signature of Cabinet Secretary)

STO. VDOT009

ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO SEC. 2.1-7.1, CODE OF VA)



Virginia Department of Transportation
(Administering Agency)

August 11, 2004
(Date of Submission)

A. Short Title of Mandate: Subdivision Street Requirements (STO.VDOT009)

Subdivision Street Requirements 24-VAC-30-90-10 et. seq., currently being repealed via the administrative process act procedures and re-enacted as, 24 VAC 30-91-10 et seq.

B. Specific Provisions of Mandate:

To qualify for VDOT maintenance or maintenance payments, new subdivision streets must be developed and constructed to prescribed minimum standards and meet a minimum service level that warrants maintenance at state expense.

C. Source/Authority:

1. Specify Each Applicable:

- a) Federal Statute: None
- b) Federal Regulation: None
- c) State Statute: Code of Virginia, § 33.1-12, 33.1-69, §33.1-229
- d) State Regulation:
Subdivision Street Requirements, pursuant to the statutes noted above and consistent with the provisions of § 15.2-2240.
- e) Other:
§ 15.2-2240, Code of Virginia, which requires localities to adopt ordinances to regulate subdivisions and the development of land.

2. Extension of Federal Mandates by State Authority: None

D. Method by Which Agency Oversees Implementation of Mandate:

Subdivision Street Requirements are adopted pursuant to the Administrative Process Act.

VDOT's acceptance of streets for maintenance is subject to concurrent review procedures by the VDOT area Resident Engineer, local government staff, and the local governing body, with final action on behalf of the Commissioner taken by the Director of the Local Assistance Division.

E. Fiscal Impact of Mandate on Localities:

1. Localities Affected:

Directly, all Virginia counties (except Arlington and Henrico, but including the former Nansemond County area of the City of Suffolk) and towns with populations under 3500 that operate under §33.1-79 or §33.1-82, Code of Virginia.

Indirectly, the counties of Arlington and Henrico, which receive maintenance payments from VDOT, may be affected and the independent cities and towns of the Urban System of state highways may use the provisions of the SSRs to identify qualifying streets to receive maintenance payments.

2. Funding of Mandate:

a) Funding Formula:

There is no federal contribution.

The Commonwealth currently sustains 100% of the costs for the Department's periodic review and adoption of the requirements plus the costs for administrative, engineering, and inspection services associated with the development of new subdivision streets. These services are provided as a cooperative effort to the counties, consistent with the secondary system partnership as prescribed under §33.1-229, Code of Virginia and established by the Byrd Act of 1932. VDOT's minimal cost is typically sustained as a line item in the secondary construction fund budget for each locality.

b) Estimated Range of Costs to Localities:

The cost of developing roads to minimum VDOT standards is sustained by subdividers and the developers of land rather than the local governments, which, by ordinance, require developers to provide the infrastructure needed by government to serve the citizens who occupy that land. Consequently, there is no initial cost to the localities for the development of new streets, dependant upon the extent of the locality's program to monitor the efforts of developers to build new subdivisions and streets. Most counties rely on VDOT to perform these services.

Localities have the option of adopting the state's minimum standards or adopting their own standards as part of the locality's subdivision control ordinance, pursuant to § 15.2-2240, Code of Virginia. The more stringent standard governs in each locality. Ultimately, however, requiring new streets to be built to VDOT standards so that they qualify for VDOT

maintenance minimizes any future cost to the locality, as these new streets figure into the funding formula specified in the Code of Virginia for the maintenance of streets and roads and, by requiring quality streets, the counties eliminate any burden that either the locality or the landowners served would bear without state assistance.

c) Explanation of Estimation Methodology: None.

F. Effectiveness of Mandate in Accomplishing Purpose:

1. General Purpose of Mandate:

The overriding purpose of the regulation is to influence the planning, design, development, and regulation of streets serving residential, commercial, and industrial subdivision of land in a manner that ensures the public's safety and that the streets established meet recognized criteria that is deemed necessary to serve the traffic volume anticipated when the land served is fully developed; thereby avoiding costly improvements or corrections at public expense.

2. Description of Essentiality to Public Safety:

Prescription of minimum standards is appropriate to the Department's assumption of jurisdictional responsibilities and related liabilities for streets and roads established by local governments and developed by others. This is necessary to ensure that such streets and roads meet recognized minimum standards, either the State's or the locality's, whichever is more stringent, to assure the safety and welfare of the public at large.

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches:

Return jurisdiction, operation, maintenance and responsibility for the continuing development of the local roads system to the individual counties.

However, this may require reversing the Byrd Act of 1932; which, when read in conjunction with the Dillon Rule, appears to remove the authority previously enjoyed by county governments to operate and maintain a system local roads. The Byrd Act transferred that responsibility from the counties to the State unless the voters, by referendum, elected to retain that authority in their Board of Supervisors.

2. Fiscal Impact of Alternative Approaches:

- a) Estimated Change in Range of Costs to Localities for Alternative Approaches:

This cost is indeterminate and directly related to the mileage of each county's local road system, the geographic location of the locality within the state, and the population density that depends on the roads. Costs will vary significantly by locality. In general, localities do not have the manpower, equipment, and resources readily available to assume jurisdiction over the publicly maintained system of local roads (secondary system) maintained by VDOT.

- b) Estimated Change in Range of Costs to State of Alternative Approaches:

Indeterminate.

- c) Explanation of Estimation Methodologies: None

H. Agency Recommendation re Retention, Alteration, or Elimination of Mandate:

1. Determination by Agency: Retention

2. Rationale:

The consistent application of minimum design and construction standards governing street development is deemed to be in the interest of public safety and welfare. While new streets are constructed by developers, their costs to build new streets are recovered from the citizens that buy land the new streets serve and those citizens expect their investment to be preserved through an adequately funded and experienced maintenance authority (VDOT). Additionally, the welfare of the public is protected by ensuring a certain quality is achieved through the requirement of recognized design standards, construction, and uniformity, plus assumption of related liabilities.

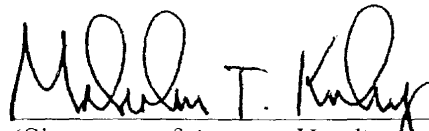
I. Agency Contact

1. Name

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Interim Director, Local Assistance Division

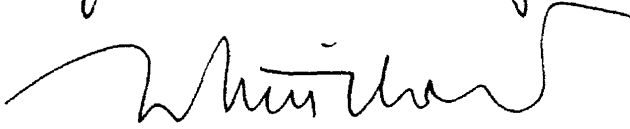
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(804) 786-2745



(Signature of Agency Head)

Approval of Assessment:



(Signature of Cabinet Secretary)

Executive Memorandum 1-98 (October 1998)

STO.VDOT010

ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO SEC. 2.1-7.1, CODE OF VA)



Virginia Department of Transportation
(Administering Agency)

August 11, 2004
(Date of Submission)

A. Short Title of Mandate: Urban Street Construction (STO.VDOT010)

B. Specific Provisions of Mandate:

From the funds available for highway construction, 30% are allocated for the construction, reconstruction, or improvement of streets and highways in cities and towns. Municipalities are allotted funds for projects approved by the Commonwealth Transportation Board on the basis of population. If a municipality does not have a construction project for which it may use funds in a particular year, it may accrue allotments for up to five succeeding years.

All cities, and those towns with a population over 3,500, must contribute 2% of the cost of any project out of its own funds. For towns with a population under 3,500 and which maintain their own streets and are not specifically listed under Section 33.1-44 of the Code of Virginia, the State will pay 100% of the costs of any project.

C. Source/Authority:

1. Specify Each Applicable (with citations):

- | | |
|------------------------------|---|
| a. <u>Federal Statute:</u> | Public Law 105-178 (The Transportation Equity Act for the 21 " Century) |
| b. <u>Federal Regulation</u> | |
| c. <u>State Statute:</u> | Code of Virginia, 33.1-23.1, 33.1-23.3, 33.1-44 |
| d. <u>State Regulation:</u> | |
| e. <u>Other:</u> | Urban Manual (May 2001) |

2. Extension of Federal Mandates by State Authority:

N/A While federal legislation provides funding to the urban construction program, it does not require a local government match. State law requires a local match and its origin is unrelated to federal legislation.

D. Method by Which Agency Oversees Implementation of Mandate:

VDOT develops and manages the implementation of the urban construction program and ensure municipalities contribute the 2% required.

E. Fiscal Impact of Mandate on Localities:

1. Localities Affected:

Eighty-one cities and town are eligible to have projects funded under the urban construction program.

2. Funding of Mandate:

a. Funding Formulas

Basic funding -participation is 80% federal, 18% state and 2% local, or 98% state and 2% local. Other rates of participation may be used depending on the source of the funds. Municipality contributes 2% of project cost.

b. Estimated Range of Costs to Localities:

2% of the total cost of the project

Funds are apportioned to localities on the basis of their population to the total state urban population. Consequently, the larger the population the larger the allocation and the 2% local match increase from a dollar standpoint as the allocation increases.

However the towns under 3,500 population are not required to provide any match. The range, therefore, is from \$0 match to approximately \$540,000 in the current year in Virginia Beach.

Also, there is a provision requiring the localities to reimburse VDOT its expenditures on any project the locality decides to cancel after the locality had requested VDOT to do the work. This provision rarely comes into play.

c. Explanation of Estimation Methodology:

See above.

F. Effectiveness of Mandate in Accomplishing Purpose:

1. General Purpose of Mandate:

The urban construction program is intended to assist local governments in providing safe, effective, efficient and environmentally balanced urban transportation improvements for the citizens of the Commonwealth, now and into the twenty-first century. Requiring the 2% match provides financial

accountability for locality and helps fund features of urban projects that may increase project cost.

2. Description of Essentiality to Public Safety:

These improvements reduce congestion, reduce accident potential and stimulate economic development and the 2% locality contributor helps accomplish this.

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches:

There are no alternate approaches to achieving purpose of mandatory.

2. Fiscal Impact of Alternative Approaches:

a. Estimated Change in Range of Costs to Localities of Alternative Approaches:

N/A

b. Estimated Change in Range of Costs to State of Alternative Approaches:

None.

c. Explanation of Estimation Methodologies:

Multiplied total urban construction budget by 2%.

H. Agency Recommendation Re: Retention, Alteration, or Elimination of Mandate:

1. Determination of Agency:

Retention.

2. Rationale:

It is felt the 2% match requirement and its attendant financial responsibility causes local governments to be a better partner in providing transportation improvements.

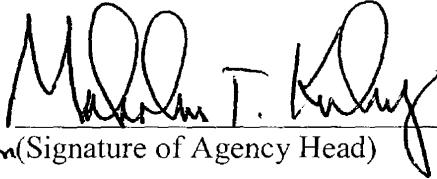
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for (Signature of Agency Head)

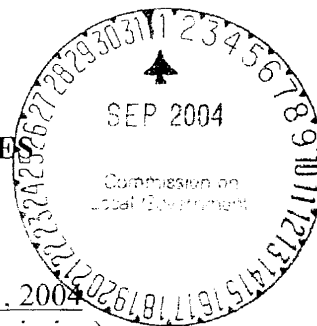
Approval of Assessment:


(Signature of Cabinet Secretary)

Executive Memorandum 1-98 (October 1998)

STO.VDOT011

ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO SEC. 2.1-7.1, CODE OF VA)



Virginia Department of Transportation
(Administering Agency)

August 11, 2004
(Date of Submission)

- A. Short Title of Mandate: Urban Street Payments (STO.VDOT011)
- B. Specific Provisions of Mandate (10 lines or less):

Virginia Department of Transportation makes quarterly payments to eligible cities and towns to provide financial assistance for the costs of maintaining, constructing and reconstructing urban streets and highways.

The localities are required to maintain their streets to VDOT standards. Additionally, localities are required to make annual reports accounting for all expenditures and certifying that none of the money received has been expended for other than maintenance, construction, or reconstruction of the streets.

- C. Source/Authority:

1. Specify Each Applicable (with citations):

- a. Federal Statute:
- b. Federal Regulation
- c. State Statute: Code of Virginia, § 33.1-41.1
- d. State Regulation:
- e. Other:

2. Extension of Federal Mandates by State Authority: N/A

- D. Method by Which Agency Oversees Implementation of Mandate:

VDOT conducts annual inspections of eligible city and town streets and by random sample reviews annual audits of the program to ensure the adequacy of the maintenance and appropriate expenditure of funds.

- E. Fiscal Impact of Mandate on Localities:

1. Localities Affected: 81 cities and towns

2. Funding of Mandate:

a. Funding Formula:

Each eligible municipality receives payments based on the number of moving lane-miles available at peak hour travel within its jurisdiction that meet the established criteria. There are two reimbursement rates. The higher rate is for principal and minor arterial streets; the lower rate applies to collector roads and local streets. The initial payment rates were specified by statute and the Department is required to update those rates annually based on the method established in the code of Virginia or Appropriations Act.

b. Estimated Range of Costs to Localities:

Cost of documenting expenditures and having audit reports prepared

c. Explanation of Estimation Methodology: N/A

F. Effectiveness of Mandate in Accomplishing Purpose:

1. General Purpose of Mandate:

The mandate for financial reporting is intended to ensure public funds are spent appropriately.

2. Description of Essentially to Public Safety:

Ensuring funds are spent on transportation helps provide for unobstructed movement of people and goods and enhance motorist safety.

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches

There are no viable alternative approaches.

2. Fiscal Impact of Alternative Approaches:

a. Estimated Change in Range of Costs to Localities of Alternative Approaches: N/A

b. Estimated Change in Range of Costs to State of Alternative Approaches:
N/A

c. Explanation of Estimation Methodologies: N/A

H. Agency Recommendation Re: Retention, Alteration, or Elimination of Mandate:

1. Determination of Agency:

Retention

2. Rationale

It is essential that proper controls be in place to ensure funds are spent for highway maintenance and/or construction. It is in the best interest of the citizens to continue to provide a safe and well maintained urban street system.

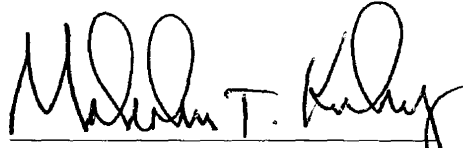
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1. Name

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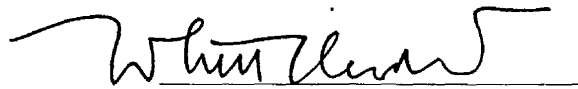
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(Signature of Agency Head)

Approval of Assessment:



(Signature of Cabinet Secretary)

STO. V DOTO 15

ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO § 2.1 - 7.1, CODE OF VIRGINIA)



Virginia Department of Transportation
(Administering Agency)

July 28, 2004
(Date of Submission)

A. Short Title of Mandate: Removal of Outdoor Advertising

B. Specific Provisions of Mandate: If a local government decides to be more restrictive than federal and state law and remove, under local ordinance, lawfully erected and maintained outdoor advertising signs visible from an interstate, national highway system, or federal-aid primary highway (as that system existed on June 1, 1991) the locality must pay just compensation to both the sign owner and the property owner.

C. Source/Authority:

1. Specify Each Applicable:

- a) Federal Statute: 23 U.S.C. 131 (b) and (g)
- b) Federal Regulation: 23 C.F.R. Part 750.705 (e)
- c) State Statute: § 33.1-370 (E) and (F)
- d) State Regulation:
- e) Other:

2. Extension of Federal Mandates by State Authority: State authority is no more restrictive than federal law and regulations require.

D. Method by Which Agency Oversees Implementation of Mandate: Agency staff responsible for regulating outdoor advertising interact with local government officials to ensure they are aware of state and federal requirements for the payment of just compensation prior to the removal of nonconforming signs. Consultation with the Office of the Attorney General has continued to ensure the mandate is required and no more restrictive than is necessary to protect federal transportation apportionments.

E. Fiscal Impact of Mandate on Localities:

1. Localities Affected: All localities within the Commonwealth

2. Funding of Mandate: Mandate does not require additional funding unless a local government wishes to remove nonconforming signs visible from federal-aid highways within its jurisdiction. The mandate would require the payment of just compensation to both the sign owner and the property owner prior to removal of each sign.
 - a) Funding Formula: None
 - b) Estimated Range of Costs to Localities: Unknown
 - c) Explanation of Estimation Methodology:
- F. Effectiveness of Mandate in Accomplishing Purpose: Mandate has accomplished its objective of requiring the payment of just compensation prior to the removal of nonconforming signs. Failure to pay just compensation would result in the U. S. Secretary of Transportation withholding 10 percent of all federal transportation apportionments due to the Commonwealth until compensation has been paid.
1. General Purpose of Mandate: Protection of property rights and compliance with federal mandate.
 2. Description of Essentiality to Public Safety: Does not relate to public safety.
- G. Alternative Approaches to Achieving Purpose of Mandate:
1. Identification of Alternative Approaches: (1) Allow local governments to amortize nonconforming signs and remove without the payment of just compensation thereby subjecting the Commonwealth to the loss of 10 percent of their transportation apportionment. (2) Change federal law (23 U.S.C. 131 *et seq.*) to allow removal of nonconforming signs without the payment of just compensation. (3) Use transportation enhancement opportunity funds to remove nonconforming signs within their localities.
 2. Fiscal Impact of Alternative Approaches:
 - a) Estimated Change in Range of Costs to Localities for Alternative Approaches:
 - (1) Reduce the locality share of transportation funding by 10%
 - (2) No change in costs to localities
 - (3) Locality would be required to provide a 20% match for the funding received.
 - b) Estimated Change in Range of Costs to State of Alternative Approaches:
 - (1) Loss of \$49 million in federal transportation apportionments.
 - (2) No change in costs to the State
 - (3) No change in costs to the State

c) Explanation of Estimation Methodologies:

- (1) Federal law (23 U.S.C. 131 [b]) requires the U.S. Secretary of Transportation to reduce a state's federal transportation apportionment by 10% for failure to provide effective enforcement of the federal Highway Beautification Act. This would include allowing a locality to remove nonconforming signs visible from federal-aid highways without the payment of just compensation.
- (2) If the federal law is changed to eliminate the just compensation provision of 23 U.S.C. 131 the Commonwealth could change its statutes to allow the removal of outdoor advertising without the payment of just compensation.
- (3) Currently the transportation program has a category allowing funds to be authorized to remove nonconforming signs using the enhancement funds to pay just compensation. The locality receiving the funds is required to match the grant with 20% funding or an in-kind match.

H. Agency Recommendation re Retention, Alteration, or Elimination of Mandate:

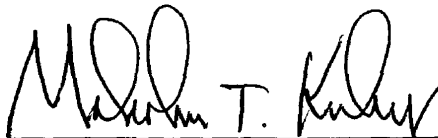
1. Determination by Agency: Retention

2. Rationale: Failure to retain this provision of § 33.1-370 would subject the Commonwealth to a loss of \$49 million annually if any locality or the State government failed to pay just compensation for the removal of nonconforming signs.

I. Agency Contact re Assessment:

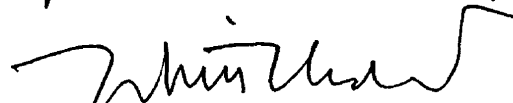
1. Name/Title: James R. Barrett
Program Administrative Specialist

2. Address/Telephone: VDOT
Asset Management Division
1401 E. Broad Street
Richmond, VA 23219



(Signature of Agency Head)

Approval of Assessment:



(Signature of Cabinet Secretary)

STO, VDOT025

ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO § 2.1-7.1, CODE OF VIRGINIA)



Virginia Department of Transportation
(Administering Agency)

August 11, 2004
(Date of Submission)

- A. Short Title of Mandate: Annual Mileage Report (STO.VDOT025)
- B. Specific Provisions of Mandate (10 lines or less):

VDOT requires counties not in the State Secondary System (Henrico and Arlington) to report additional mileage added to local road systems in order to calculate payments for maintenance of their local roads.

- C. Source/Authority:

1. Specify Each Applicable (with citations):

- a) Federal Statute:
- b) Federal Regulation:
- c) State Statute: Code of Virginia, § 33.1-23.5:1
- d) State Regulation:
- e) Other:

2. Extension of Federal Mandates by State Authority:

None

- D. Method by Which Agency Oversees Implementation of Mandate:

Mileage report verified by Resident Engineer prior to calculation of maintenance payments.

- E. Fiscal Impact of Mandate on Localities:

1. Localities Affected:

Arlington and Henrico Counties (These counties do not participate in the Secondary System)

2. Funding of Mandate:

a. Funding Formula:

b. Estimated Range of Costs to Localities:

Nominal. Compliance amounts to transmittal of mileage log.

c. Explanation of Estimation Methodology:

County may certify mileage added.

F. Effectiveness of Mandate in Accomplishing Purpose:

1. General Purpose of Mandate:

VDOT gives accurate inventory of mileage for applying mileage allowance and calculation of payment due the county.

2. Description of Essentiality to the Public Safety:

Maintenance payments provide funding to counties to maintain their local roads to provide a safe transportation system.

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches:

None identified

2. Fiscal Impact of Alternative Approaches:

a. Estimated Change in Range of Costs to Localities of Alternative Approaches:

Failure to add new mileage to inventory will result in a county receiving less maintenance funding than it is entitled to receive under the statute.

b. Estimated Change in Range of Costs to State of Alternative Approaches:

No increase in mileage payment if county fails to include new mileage.

c. Explanation of Estimation Methodologies:

No estimation methodologies employed.

H. Agency Recommendation Re: Retention, Alteration, or Elimination of Mandate:

1. Determination of Agency:

Retention

2. Rationale:

To ensure counties receive maximum entitlement.

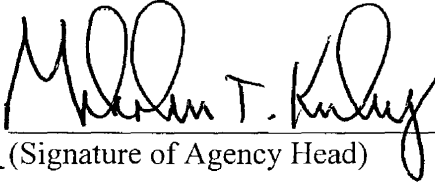
I. Agency Contact Re: Assessment

1. Name/Title:

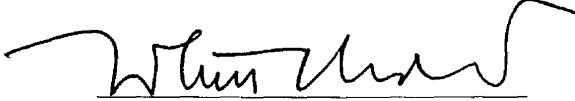
Michael A. Estes, PE
Interim Director, Local Assistance Division

2. Address/Telephone:

1401 East Broad Street
Richmond, Virginia 23219
(804) 786-2745


for (Signature of Agency Head)

Approval of Assessment:


(Signature of Cabinet Secretary)

Executive Memorandum 1-98 (October 1998)



COMMONWEALTH of VIRGINIA

Mark R. Warner
Governor

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Commission on Local Government


Michael J. Schewel
Secretary of
Commerce and Trade

William C. Shelton
Director

October 14, 2004

MEMORANDUM

TO: The Honorable Bruce F. Jamerson, Clerk, House of Delegates
The Honorable Susan Clarke Schaar, Clerk, Senate

FROM: Larry McMillan, Senior Policy Analyst 

SUBJECT: Completed Assessments of Local Mandates

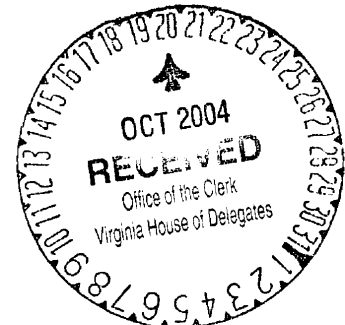
REFERENCE: 2004 Catalog of State and Local Mandates on Local Governments

Pursuant to Sections 2.2-613 and 15.2-2903 of the Code of Virginia and Paragraph 1(g) of Executive Memorandum 1-98, I am hereby submitting separately to your offices the following completed assessments of local government mandates administered by State executive agencies. These assessments have been approved by the appropriate cabinet secretary:

| <u>Agency</u> | <u>Mandate Short Title</u> | <u>Catalog Number</u> |
|---------------|----------------------------------|-----------------------|
| DEQ | Water Withdrawal Report | SNR.DEQ001 |
| DSS | Child Support Income Withholding | SHHR.DSS069 |

Section 15.2-2903(6) directs the Commission on Local Government to bring to your attention those assessments that carry recommendations from the administering agency for altering or eliminating the mandate in question. However, these assessments carry no such recommendation.

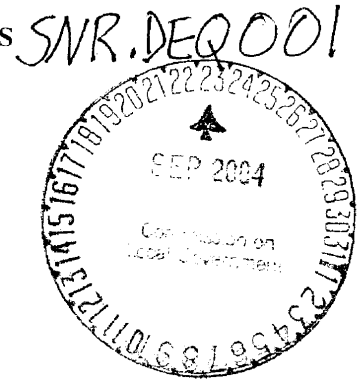
c: Virginia Association of Counties
Virginia Municipal League
File



Partners for Better Communities

www.dhcd.virginia.gov

ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO SEC. 2.1-7.1, CODE OF VA.)
2004 Assessment
Water Withdrawal Report
SNR.DEQ001



A. **Short Title of Mandate:**

Water Withdrawal Reporting

B. **Specific Provisions of Mandate:**

All persons, including local governments, are required to report their water withdrawals if the average daily withdrawal exceeds 10,000 gallons per day in any one month for uses other than agricultural irrigation or more than one million gallons in any month for agricultural irrigation uses.

C. **Source/Authority:**

1. **Applicable Statutes and Regulations:**

(a) **Federal Statute:**

None

(b) **Federal Regulation:**

None

(c) **State Statute:**

Code of Virginia § 62.1-44.38

(d) **State Regulation:**

State Water Control Board Regulation 9 VAC 25-200-10 et seq.

(e) **Other:**

None

2. **Extension of Federal Mandates by State Authority:**

N/A

ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO SEC. 2.1-7.1, CODE OF VA.)
2004 Assessment
Water Withdrawal Report
SNR.DEQ001

D. Method by Which Agency Oversees Implementation of Mandate:

Localities receive a reporting form at the end of the calendar year and have until January 31 to return to DEQ. Water withdrawal data is entered into database and made available to the Public.

E. Fiscal Impact of Mandate on Localities:

1. Localities Affected:

All localities withdrawing water in the amount of 10,000 gallons or more per day.

2. Funding of Mandate:

No funding to localities

(a) Funding Formula:

N/A

(b) Estimated Range of Costs to Localities:

\$0.00-\$35.00

(c) Explanation of Estimation Methodology:

| | | |
|--------|---------|---------|
| \$0.00 | \$5.00 | Postage |
| \$0.00 | \$30.00 | Labor |
| \$0.00 | \$35.00 | Total |

Costs vary as to method and amount of data retrieval necessary to accomplish mandate.

F. Effectiveness of Mandate in Accomplishing Purpose:

1. General Purpose of Mandate:

The mandate's intended purpose is to supply DEQ with water withdrawal data to support water resource management activities and water supply planning activities.

ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO SEC. 2.1-7.1, CODE OF VA.)
2004 Assessment
Water Withdrawal Report
SNR.DEQ001

2. **Description of Essentiality to the Public Safety:**

Reliable supplies of water are essential to support public welfare, safety and health. Therefore, it is incumbent on the Commonwealth to manage water resources and assure that water supply planning activities are adequate to meet current and future water supply demands. The amount of water that is withdrawn within the Commonwealth is a critical data component of water resources management and localities withdraw a significant amount of the total water utilized within the state.

G. **Alternative Approaches to Achieving Purpose of Mandate:**

1. **Identification of Alternative Approaches:**

No water withdrawal data required of localities.

2. **Fiscal Impact of Alternative Approaches:**

\$0.00

(a) **Estimated Change in Range of Costs to Localities of Alternative Approaches:**

\$0.00

(b) **Estimated Change in Range of Costs to State of Alternative Approaches:**

No significant change, the Commonwealth would still be required to manage water withdrawal information associated with other users.

(c) **Explanation of Estimation Methodologies:**

Estimates based on the assumption that the current required level of effort imposed upon localities would be eliminated and that the Department would continue to manage water withdrawal information provided by other water users in the Commonwealth.

ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO SEC. 2.1-7.1, CODE OF VA.)
2004 Assessment
Water Withdrawal Report
SNR.DEQ001

H. Agency Recommendation re Retention, Alteration, or Elimination of Mandate:

1. Determination by Agency:

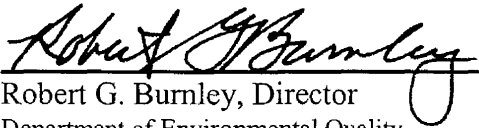
Retention of mandate

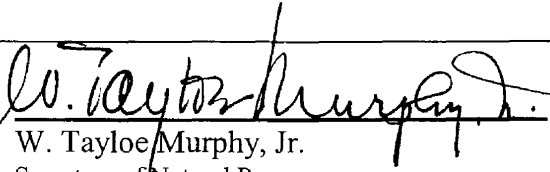
2. Rationale:

Without adequate water withdrawal data and the knowledge of its impact on the water source, future water resource management activities and water supply planning activities will not be supported. Inadequate water resources management and water supply planning activities will endanger the public welfare, safety and health.

I. Agency Contact Regarding Assessment:

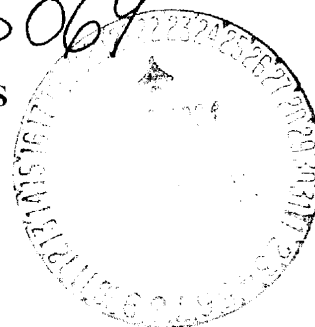
William K. Norris, Environmental Program Analyst
Department of Environmental Quality
609 East Main Street, 6th Floor, P.O. Box 10009
Richmond, VA 23240-0009
804.698.4022
wknorris@deq.virginia.gov


Robert G. Burnley, Director
Department of Environmental Quality
Date: 9/16/04


W. Tayloe Murphy, Jr.
Secretary of Natural Resources
Date: 9-20-04.

SHHR.DSS069

ASSESSMENT OF STATE AND FEDERAL MANDATES
ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO SEC. 2.1-7.1, CODE OF VIRGINIA)



Department of Social Services

September 30, 2004

A. **Short Title of Mandate:** SHHR.DSS069
Child Support Income Withholding

B. **Specific Provisions of Mandate:**
Federal and state laws and regulations require local governments to comply with child support income withholding orders issued by courts or the Department of Social Services' Division of Child Support Enforcement (DCSE), as well as those from other states. Local governments must request all newly hired employees to disclose whether a child support obligation with an income withholding order exists and if so, to begin withholding in accordance with the terms of the order. Employers withhold and pay out of the employees' disposable income a single monetary amount or the maximum amount permitted under § 34-29 (the Consumer Credit Protection Act), whichever is less, for each regular pay period of the child support obligor. Employees' dependents must be enrolled in a health coverage plan and required premiums are deducted from the employees' pay.

C. **Source/Authority:**

1. **Specify Each Applicable:**

- (a) **Federal Statute:** 42 U.S.C. 666(b)
- (b) **Federal Regulation:** 45 CFR § 303.100
- (c) **State Statute:** §§ 20-79.1, 20-79.2, 20-79.3, 20-88.64 through 20-88.65, 62.2-114.1, 63.2-1923, 63.2-1924
- (d) **State Regulation:** 22 VAC 40-880-270
- (e) **Other:** N/A

2. **Extension of Federal Mandates by State Authority:** None

D. Method by Which Agency Oversees Implementation of Mandate:

DCSE oversees implementation of this mandate. DCSE staff routinely issue child support income withholding orders and monitor compliance by employers.

E. Fiscal Impact of Mandate on Localities:

1. **Localities Affected:** All local government offices in Virginia

2. **Funding of Mandate:**

(a) **Funding Formula:** N/A

(b) **Estimated Range of Costs to Localities:**

Income withholding has been mandated by the *Code of Virginia* since 1988. Localities already had procedures in place to garnish wages for other creditors prior to 1988. The primary cost to localities regarding the specific garnishment of income for child support involved the time it took staff to become familiar with the child support income withholding order and where to send payments. The majority of localities have, by now, incorporated child support income withholding into existing garnishment procedures and no longer have any significant costs. Many localities have automated the process in their payroll departments. The percentage of child support payments sent electronically to DCSE continues to increase. Virginia statute allows employers (localities) to charge \$5 for each child support remittance which may be withheld from the employee's income in addition to the child support amount. This fee offsets the cost and time associated with the processing of the orders. Localities contacted report no or insignificant costs to meet this mandate.

(c) **Explanation of Estimation Methodology:** The Virginia New Hire Reporting Center contacted a number of localities of various sizes to inquire about the cost of meeting the income withholding mandate.

F. Effectiveness of Mandate in Accomplishing Purpose:

1. **General Purpose of Mandate:**

The primary objective of the mandate is to increase child support collections to families. Withholding child support due from employee's wages has proven to be the most expeditious enforcement method employed by DCSE. Approximately 75 percent of all child support received by DCSE is a direct result of income withholding orders. Income withholding insures that child support will be paid on a regular consistent basis.

2. **Description of Essentiality to the Public Safety:**
Income withholding helps to protect the welfare of children by guaranteeing that child support will be received by their custodial parents timely and in the full amount due, providing the family with financial stability.

G. Alternative Approaches to Achieving Purpose of Mandate:

1. **Identification of Alternative Approaches:** None
2. **Fiscal Impact of Alternative Approaches:** None
 - (a) **Estimated Change in Range of Costs to Localities of Alternative Approaches:** N/A
 - (b) **Estimated Change in Range of Costs to State of Alternative Approaches:**
N/A
 - (c) **Explanation of Estimation Methodologies:** N/A

H. Agency Recommendation re Retention, Alteration, or Elimination of Mandate:

1. **Determination by Agency:** Retain
2. **Rationale:** Retention of this mandate is necessary to ensure effectiveness of enforcing and collecting child support.

I. Agency Contact Regarding Assessment:

1. **Name/Title:** Nathaniel L. Young, Jr.
Deputy Commissioner
Director, Child Support Enforcement
2. **Address/Telephone:** Department of Social Services
7 N. 8th Street
Richmond, Virginia 23219
(804) 726-7416/7

Approval of Assessment:

Maurice A. Jones
Maurice A. Jones, Commissioner

8/24/04
Date

Jane H. Woods
The Honorable Jane H. Woods
Secretary of Health and Human Resources

08/27/04
Date



COMMONWEALTH of VIRGINIA

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Commission on Local Government

Mark R. Warner
Governor


Michael J. Schewel
Secretary of
Commerce and Trade

William C. Shelton
Director

November 24, 2004

MEMORANDUM

TO: The Honorable Bruce F. Jamerson, Clerk, Virginia House of Delegates
The Honorable Susan Clarke Schaar, Clerk, Senate of Virginia

FROM: Larry McMillan, Senior Policy Analyst 

SUBJECT: Completed Assessments of Local Mandates

REFERENCE: 2004 Catalog of State and Local Mandates on Local Governments

Pursuant to Sections 2.2-613 and 15.2-2903 of the Code of Virginia and Paragraph 1(g) of Executive Memorandum 1-98, I am hereby submitting separately to your offices the following completed assessment of a local government mandate administered by a State executive agency. This assessment has been approved by the appropriate cabinet secretary:

| <u>Agency</u> | <u>Mandate Short Title</u> | <u>Catalog Number</u> |
|---------------|--|-----------------------|
| VEC | Virginia Workforce Development Program | SCT.VEC002 |

Section 15.2-2903(6) directs the Commission on Local Government to bring to your attention those assessments that carry recommendations from the administering agency for altering or eliminating the mandate in question. However, this assessment carries no such recommendation.

c: Virginia Association of Counties
Virginia Municipal League
File



Partners for Better Communities

www.dhcd.virginia.gov

D. Method by Which Agency Oversees Implementation of Mandate:

The VEC, as administrative entity for the operation of WIA in Virginia, reviews local plans that are submitted by the local workforce investment boards and local elected officials for each of the 17 local workforce areas in the Commonwealth. These plans indicate both the strategic and operational elements by which the local areas administer the program and also 17 negotiated levels of performance. In addition, the VEC has four regional consultants stationed in different parts of the state to provide more immediate technical assistance for the local areas and also to conduct annual compliance monitoring of the local programs.

E. Fiscal Impact of Mandate on Localities:

1. **Localities Affected:** Each of Virginia's 134 counties and cities
2. **Funding of Mandate:** Each local area receives an annual allocation of funding from the United States Department of Labor, through the Virginia Employment Commission, to operate local programs. Up to 10% of the local area's allocation may be used for administrative purposes.

a) **Funding Formula:**

The formula for allocating the WIA funds to local areas is prescribed in Federal law and is not altered by the State. For adult and youth program funding, the formula is weighted equally on three factors: substantial unemployment rate, excess unemployment rate and poverty rate. For dislocated worker program funding the formula is based on seven factors: (1) UI Claimants (2) Excess Unemployed (3) Initial Claimants (4) 15 Weeks+ Claimants (5) Final Payments (6) Declined Employment and (7) Agricultural Employment Loss.

b) **Estimated Range of Costs to Localities:**

Cost recovery

c) **Explanation of Estimation Methodology:**

For the items identified in Section B. above that carry actual cost associations to local government (serving as grant recipient and providing oversight of the local system, i.e. through the auditing process, those costs can be charged to the federal WIA funds allocated to the area. Other activities such as appointing local board members, applying for local area designation and planning activities are typical functions of local government that involve the time of individuals and incidental costs such as postage, advertisement, etc.

F. Effectiveness of Mandate in Accomplishing Purpose:

1. General Purpose of Mandate:

The WIA is intended to implement major reforms of the nation's job training system and provide guidance for statewide and local workforce investment systems that increase the employment, retention and earnings of participants, and increase occupational skill attainment by participants, and as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the Nation. Key components of this reform include streamlining services through a One-Stop service delivery system, empowering individuals through information and access to training resources through Individual Training Accounts, providing universal access to core services, increasing accountability for results, ensuring a strong role for Local Boards and the private sector in the workforce investment system, facilitating State and local flexibility, and improving youth programs .

2. Description of Essentiality to the Public Safety:

(Describe the manner and the extent to which the mandate has protected and/or improved the health, safety, and welfare of residents of the Commonwealth. Describe the essential public purpose that this mandate accomplishes.)

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches:

The WIA is a Federally funded public workforce service delivery program. Any alternative approach would require replacement funding from another Federal source, a State source or local sources.

2. Fiscal Impact of Alternative Approaches:

a) Estimated Change in Range of Costs to Localities of Alternative Approaches:

(Give the anticipated change in range of costs of compliance for localities and indicate specific factors affecting the variation in local impact.)

b) Estimated Change in Range of Costs to State of Alternative Approaches:

c) Explanation of Estimation Methodologies:

H. Agency Recommendation re Retention, Alteration, or Elimination of Mandate:

1. Determination by Agency: Retention

2. Rationale:

The WIA provides Virginia with roughly \$40 million annual to create a publicly funded and administered workforce system, that is also used to leverage other funding sources in each area of Virginia to the benefit of youth, adults and dislocated workers. Actual required costs born by local governments that cannot be recovered through Federal reimbursement are minimal.

I. Agency Contact re Assessment:

1. Name/Title: Brian Davis – Planning, Programs and Services Supervisor

2. Address/Telephone:

Virginia Employment Commission
PO Box 1358, Richmond, VA 23218
(804) 786-4161



(Signature of Agency Head)

Dolores A. Esser, Commissioner
Virginia Employment Commission

Approval of Assessment:



(Signature of Cabinet Secretary)

The Honorable Michael J. Schewel
Secretary of Commerce and Trade