



Terence R. McAuliffe
Governor

Maurice A. Jones
Secretary of
Commerce and Trade

COMMONWEALTH of VIRGINIA

William C. Shelton
Director

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT COMMISSION ON LOCAL GOVERNMENT

March 4, 2016

MEMORANDUM

TO: The Honorable G. Paul Nardo, Clerk, House of Delegates
The Honorable Susan Clarke Schaar, Clerk, Senate

FROM: Bill Shelton *Bill Shelton*

SUBJECT: Completed Assessments of Local Mandates – FY 2015 2nd half

REFERENCE: 2015 Catalog of State and Federal Mandates on Local Governments

Pursuant to §§ 2.2-613 and 15.2-2903 of the Code of Virginia and Paragraph B(1)(g) of Executive Order 58 (2007), I am hereby submitting the following completed assessments of local government mandates administered by State executive agencies. These assessments have been approved by the appropriate cabinet secretaries:

<u>AGENCY/Mandate Short Title</u>	<u>CATALOG NUMBER</u>
AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF Fertilizer Application to Nonagricultural Lands; Training and Reporting Requirements	SAF.VDACS012
TRANSPORTATION, DEPARTMENT OF Removal of Illegal Signs from VDOT Right-of-way	STO.VDOT038

Please also be advised that assessment of the following mandate has been delayed to account for 2014 and 2015 legislation impacting the statutes governing the mandate. This mandate was originally scheduled to be assessed from April 1, 2015, to June 30, 2015, but will now be assessed from July 1, 2017, to September 30, 2017.

VETERANS SERVICES, DEPARTMENT OF Real Property Tax Exemption for Disabled Veterans	SOVAHS.DVS001
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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 recommendations.

cc: Virginia Association of Counties
Virginia Municipal League

Mandate Number: **SAF.VDACS012**

**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)**

Dept. of Agriculture and Consumer Services

5/21/15

Administering Agency

Date of Submission

Instructions: Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Mail the signed original to the CLG. Please see the separate instruction sheet for more details.

A. Short Title of Mandate:

Fertilizer Application to Nonagricultural Lands; Training and Reporting Requirements)

B. Specific Provisions of Mandate:

When applying fertilizer to nonagricultural lands, local government agencies shall (i) ensure all fertilizer applications to nonagricultural lands are conducted by or under the supervision of employees who have successfully completed VDACS approved training, (ii) apply fertilizer consistent with the standards and criteria for nutrient management promulgated pursuant to Section 10.1-104.2 of the Code of Virginia, and (iii) report annually the total acreage or square footage by zip code of fertilizer applied to local government-owned nonagricultural lands.

C. Source/Authority:

1. Specify Each Applicable (with citations):

- a) **Federal Statute:** Not applicable
- b) **Federal Regulation:** Not applicable
- c) **State Statute:** Va. Code Section 3.2-3602.1
- d) **State Regulation:** 2 VAC 5-405-10 et seq.
- e) **Other:** Not applicable

2. Extension of Federal Mandates by State Authority:

Not applicable.

D. Method by Which Agency Oversees Implementation of Mandate:

Local government agencies utilize a web-based reporting tool to submit the required information about the acreage of non-agricultural lands in their jurisdiction that received fertilizer treatment during the previous calendar year. This tool has report-generating options to produce lists that agency staff uses to track submissions.

E. Fiscal Impact of Mandate on Localities:

1. Localities Affected:

All local government agencies that apply fertilizer to non-agricultural lands that are owned by the respective locality.

2. Funding of Mandate:

a) Funding Formula:

Local governments are solely responsible for funding implementation of this mandate within their jurisdictions.

b) Funding of Mandate:

Only two localities responded to the agency's requests for specific funding and cost information. For the 2014 reporting year, Fluvanna County Public Works indicated that it cost that agency \$640.80 to comply with the mandate, while the City of Virginia Beach indicated that it cost that city \$27,000 to comply.

c) Explanation of Estimation Methodology:

The localities indicated that they estimated the number of hours required to comply with the mandate, and then multiplied that number by the going hourly rate for staff involved in related activities.

F. Effectiveness of Mandate in Accomplishing Purpose:

1. General Purpose of Mandate:

This mandate is intended to ensure that the application of fertilizer to non-agricultural lands owned by local governments is conducted by properly trained individuals, and that the acreage of such lands receiving fertilizer applications is tracked in order to assist in the calculation of reductions in excess nutrient runoff.

2. Description of Essentiality to the Public Safety:

The improper application of fertilizers is one of the leading factors contributing to excess nutrient runoff. By requiring that individuals who apply fertilizer to non-agricultural lands meet certain training criteria, the mandate seeks to protect the

environment, including bodies of water such as the Cheapeake Bay, through reductions in nutrient runoff.

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches:

There are no other practical alternatives to report data about the acreage of non-agricultural lands owned by local governments that receive fertilizer applications. Most localities have nutrient management planners or other similarly trained individuals who, as part of their jobs, already collect the information required in the mandate.

2. Fiscal Impact of Alternative Approaches:

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:

1. Determination by Agency: Retain

2. Justification:

So far, the agency has collected only two years' worth of related data. It will be necessary to continue to collect many more years of additional data to demonstrate meaningful, sustained reductions in excess nutrient runoff. Thus, the mandate should be retained.

I. Agency Contact Regarding Assessment:

1. Name/Title: Larry Nichols, Program Manager, Office of Plant Industry Services

2. Address/Telephone: 102 Governor St., Richmond, VA 23219 (804) 371-7565

Approval of Assessment:


(Signature of Agency Head)



(Signature of Cabinet Secretary)

¹ Agency determinations are limited to 'Retain,' 'Alter,' or 'Eliminate.' A recommendation of 'Eliminate' means that the affected local governments should no longer be required to comply with the requirements of the mandate. A recommendation of 'Eliminate' will require your agency to pursue the necessary legislative, administrative or other action to remove the requirement so that it is no longer imposed on local governments. The Commission will not remove mandates recommended for elimination from its Catalog of State and Federal Mandates on Local Governments until the agency has successfully pursued the necessary action.

A recommendation of 'Alter' will also require your agency to pursue the necessary action to change the mandate.

**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL GOVERNMENTS
(PURSUANT TO SEC. 2.2-613, CODE OF VA.)**

VDOT

Administering Agency

September 30, 2014

Date of Submission

Instructions: Please enter the information requested. There is no limitation on the length of entries. After the Agency Head and Cabinet Secretary have signed the document, scan it, and use the following file name convention: [Mandate Number].pdf (e.g., SOE.DOE027.pdf) and e-mail the .pdf to the Commission on Local Government. Mail the signed original to the CLG. Please see the separate instruction sheet for more details.

A. Short Title of Mandate:

Removal of Illegal Signs from VDOT Right-of-way

B. Specific Provisions of Mandate:

Localities may enter into agreements with VDOT for the purpose of enforcing § 33.2-1224 regarding illegal signs that have been placed in public rights-of-way, including the removal of these signs, and collection of penalties and costs associated with the removal of the signs. The agreement may allow for the locality to retain any penalties or costs associated with the removal of the signs by the locality. The law (§ 33.2-1225) requires that Fairfax County be permitted to retain any penalty or costs associated with the removal of signs; however, Fairfax County must comply with additional requirements, including retaining removed signs for five days so that they may be reclaimed.

C. Source/Authority:

1. Specify Each Applicable (with citations):

- a) **Federal Statute:** N/A
- b) **Federal Regulation:** N/A
- c) **State Statute:** Code of Virginia §§ 33.1-373 and 33.1-375.1 (§§ 33.2-1224 and 33.2-1225, effective October 1, 2014)
- d) **State Regulation:** N/A
- e) **Other:** N/A

2. Extension of Federal Mandates by State Authority:

N/A

D. Method by Which Agency Oversees Implementation of Mandate:

VDOT created the template agreement that provides the structure of VDOT/Locality responsibilities in removing of illegal signs.

E. Fiscal Impact of Mandate on Localities:

1. Localities Affected:

Any locality may participate. Currently the following localities have voluntarily entered into agreements with VDOT:

Fairfax County, James City County, Fauquier County, Botetourt County, Chesterfield County, Loudon County, Hanover County, Prince William County, Stafford County, Spotsylvania County, York County, Goochland County, Albemarle County and the Town of Windsor.

2. Funding of Mandate:

a) Funding Formula:

The locality is permitted to charge a \$100.00 civil penalty and collect for the costs of the removal for each illegal sign removed.

b) Funding of Mandate:

N/A

c) Explanation of Estimation Methodology:

Code of Virginia sets the civil penalty of \$100.00 and allows for the collection of costs associated with the removal of the sign.

F. Effectiveness of Mandate in Accomplishing Purpose:

1. General Purpose of Mandate:

Allows local governments to sign an agreement with VDOT in order to enforce particular statutory prohibitions relating to signs on the VDOT right of way.

2. Description of Essentiality to the Public Safety:

Allowing localities the ability to remove illegal signs from the right of way improves highway safety by increasing resources available for removal of illegal signs, which can present significant safety hazards. Safety is improved as a result of more resources (VDOT and local) being involved with enforcement of the illegal sign statutes.

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 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:

1. Determination by Agency: Retain

2. Justification:

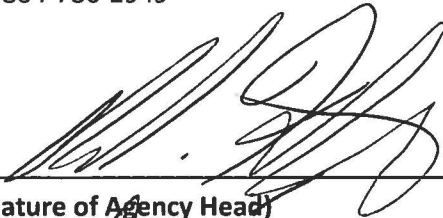
Aids VDOT in enforcing and removal of illegal signs from the right of way by allowing the locality to enforce these statutes and provide additional manpower for this activity.

I. Agency Contact Regarding Assessment:

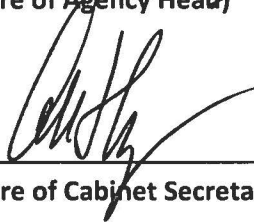
1. Name/Title: Emmett Heltzel/Division Administrator

**2. Address/Telephone: 1401 East Broad Street, Richmond, VA
23219/804-786-2949**

Approval of Assessment:



(Signature of Agency Head)



(Signature of Cabinet Secretary)

¹ Agency determinations are limited to 'Retain,' 'Alter,' or 'Eliminate.' A recommendation of 'Eliminate' means that the affected local governments should no longer be required to comply with the requirements of the mandate. A recommendation of 'Eliminate' will require your agency to pursue the necessary legislative, administrative or other action to remove the requirement so that it is no longer imposed on local governments. The Commission will not remove mandates recommended for elimination from its Catalog of State and Federal Mandates on Local Governments until the agency has successfully pursued the necessary action.

A recommendation of 'Alter' will also require your agency to pursue the necessary action to change the mandate.