



Ralph S. Northam
Governor

R. Brian Ball
Secretary of
Commerce and Trade

COMMONWEALTH of VIRGINIA


Erik C. Johnston
Director

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

February 25, 2019

MEMORANDUM

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

FROM: Erik Johnston, DHCD Director 

SUBJECT: Completed Assessments of Local Mandates – FY 2019 1st half

REFERENCE: 2018 Catalog of State and Federal Mandates on Local Governments

Pursuant to Sections 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 to your office the following completed assessments of local government mandates administered by State executive agencies. These assessments have been approved by the appropriate cabinet secretaries during the first half of FY2019.

The Commission on Local Government (CLG) maintains and updates a [catalog](#) of state and federal mandates on local governments pursuant to § [15.2-2903](#) Code of Virginia. The CLG facilitates the assessment of mandates and the process is governed by [Executive Order 58 \(Kaine\)](#). The Commission adopts a schedule at their March meeting for the upcoming fiscal year that usually includes about 10-15 mandates. The schedule is created using feedback from all executive agencies that administer the mandates. The agencies conduct the assessments according to the schedule and use a standardized assessment form adopted by the Commission. The assessments are submitted to the appropriate Cabinet Secretary for endorsement or amendment before being routed back to the Commission. The agencies based on their assessment can recommend to alter, eliminate, or keep the mandate.

The Commission pursuant to Executive Order 58 (Kaine) submits a copy of all completed assessments along with a transmittal letter to the Secretary of Commerce and Trade, the Governor, the Clerks of the House and Senate, and forwards along copies to the Virginia Municipal League and the Virginia Association of Counties. The Commission sends a transmittal letter after the first and second half of the fiscal year. This year, all of the agencies opted to conduct their assessments during the first half of the fiscal year.

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

Partners for Better Communities



www.dhcd.virginia.gov

AGENCY/Mandate Short Title

Catalog Number

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF
Animal Control and Law Enforcement Animal Recordkeeping Requirements

SAF.VDACS013

EDUCATION, DEPARTMENT OF
School Staffing Ratios
Standards of Accreditation Requirements
Broadband Connectivity Capability

SOE.DOE010
SOE.DOE030
SOE.DOE148

ENVIRONMENTAL QUALITY, DEPARTMENT OF
Stormwater Management Programs by Localities

SNR.DEQ039

HOUSING AND COMMUNITY DEVELOPMENT, DEPARTMENT OF
Local Building Permit Fee Levy
Virginia Main Street (VMS)

SCT.DHCD021
SCT.DHCD022

SOCIAL SERVICES, DEPARTMENT OF
Support Payments for Public Service

SHHR.DSS81

VIRGINIA STATE POLICE
Officer Involved Shooting

SPSHS.VSP018

Mandate Number: **SAF.VDACS013**

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

**Department of Agriculture and Consumer
Services**

October 31, 2018

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:

Animal Control and Law Enforcement Animal Recordkeeping Requirements

B. Specific Provisions of Mandate:

Animal control officers, law enforcement officers and public animal shelters are required to make a record of every animal for which they take custody. A summary of these records are required to be submitted to the State Veterinarian annually. Animal control officers, law enforcement officers and public animal shelters must submit a copy of their intake policy annually to the State Veterinarian.

C. Source/Authority:

1. Specify Each Applicable (with citations):

- a) **Federal Statute:** Not applicable
- b) **Federal Regulation:** Not applicable
- c) **State Statute:** Code of Virginia § 3.2-6557
- d) **State Regulation:** Not applicable
- e) **Other:** Not applicable

2. Extension of Federal Mandates by State Authority:

There is no extension of a federal mandate by state authority in regard to this mandate.

D. Method by Which Agency Oversees Implementation of Mandate:

This mandate contains three main provisions that the VDACS Office of Animal Care and Emergency Response (OACER) oversees: the requirement to make a record of each animal taken into custody, containing specific information detailed in Code of Virginia § 3.2-6557; the requirement to submit an annual summary of such records to the State Veterinarian; and the requirement to file an intake policy annually with the State Veterinarian.

During animal shelter inspections, the OACER Animal Shelter Inspector reviews animal custody records to ensure all information on each animal taken into custody is included as required by Code of Virginia § 3.2-6557. Noncompliant agencies are subject to enforcement action up to and including an assessment of a civil penalty in accordance with the Office of Animal Care and Emergency Response Civil Penalty Matrix.

OACER oversees the required submission of annual reports and intake policies using the Animal Custody Record Online Reporting System. All animal control agencies and public animal shelters use the online reporting system to submit the required record summary and intake policy. Each year, localities are notified in advance of the open submission period and submission deadline, and non-reporting localities are subject to enforcement action up to and including the assessment of a civil penalty in accordance with the Office of Animal Care and Emergency Response Civil Penalty Matrix.

E. Fiscal Impact of Mandate on Localities:

1. Localities Affected:

This mandate affects all cities, all counties, and certain towns. Each city and county is required to employ an animal control officer, and towns may choose to do so (Code of Virginia § 3.2-6555). Animal control officers, law-enforcement officers, custodians of animal shelters, and humane investigators are subject to the recordkeeping requirements detailed in Code of Virginia § 3.2-6557.

In addition, each city and county is required to maintain a public animal shelter (Code of Virginia § 3.2-6546). The recordkeeping requirements detailed in Code of Virginia § 3.2-6557 apply to all public animal shelters. Certain cities and counties choose to contract this responsibility to neighboring localities. Although these localities may not employ animal shelter custodians directly, they may continue to bear some financial burden for costs incurred as a result of the recordkeeping requirements. Certain towns choose to maintain public animal shelters, which are also subject to the recordkeeping requirements detailed in Code of Virginia § 3.2-6557.

2. Funding of Mandate:

a) Funding Formula:

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

indirectly contributes to local implementation activities through the provision of technical assistance by OACER personnel.

b) Funding of Mandate:

VDACS estimates that this mandate did not substantively increase costs associated with animal control and sheltering activities borne by local governments. Implementation of this mandate is accomplished using existing animal control units, law enforcement agencies, and/or public animal shelters, all of which are funded by local governments. No locality reported, nor is VDACS aware of, a situation where additional personnel or resources have been allocated specifically to fulfill this mandate.

OACER solicited information from all localities within Virginia, and received responses from Arlington County, Botetourt County, the City of Portsmouth, Mathews County, and Stafford County.

Arlington County reports a net expenditure of less than \$5,000 for implementation of this mandate, in addition to the equivalent of two full-time employees to perform data entry and run reports. They pay \$3,600 per year for database software to record all animal data. Data entry is performed by various staff in conjunction with their other duties, but the cumulative time committed by all employees equates to approximately two full-time equivalents.

Botetourt County reports a net expenditure of less than \$5,000 for implementation of this mandate, and reports that information required for this mandate is included in the normal processes of the county's animal control officers.

The City of Portsmouth reports no cost associated with the implementation of this mandate, as the city contracts its animal sheltering activities out to the Portsmouth Humane Society regardless of the mandate.

Mathews County reports no cost associated with the implementation of this mandate.

Stafford County reports a net expenditure of less than \$5,000 for implementation of this mandate. The county indicates that the most resource-demanding portion of this mandate is the five-year retention requirement.

c) Explanation of Estimation Methodology:

The responding localities indicated that the duties associated with implementing this mandate were absorbed as part of their staff's routine work. Intake records are a fundamental standard of the animal sheltering industry, and law enforcement agencies routinely document

any property taken into custody during their normal duties. As such, the provisions of this mandate require only slight modification to the actions public animal shelters, animal control units, and law enforcement agencies would take if such a mandate were not in place.

As public animal shelters transition to electronic recordkeeping, OACER receives occasional reports of difficulties adapting the required custody record elements to an electronic system. The designs of commercially available animal shelter recordkeeping systems do not readily accommodate the specific items of information that Code of Virginia § 3.2-6557 requires localities to document immediately upon animal intake. However, of the five localities that responded to VDACS' requests for input regarding this mandate, none relayed any additional costs specific to electronic recordkeeping.

F. Effectiveness of Mandate in Accomplishing Purpose:

1. General Purpose of Mandate:

This mandate is intended to ensure that basic elements of identifying information are collected for all animals in the custody of localities across the Commonwealth so that the public can readily access the information for the purpose of being reunited with their animals.

2. Description of Essentiality to the Public Safety:

This mandate enhances the wellbeing of residents in the Commonwealth by: (i) ensuring impounded animals, which are the property of residents of the Commonwealth, are appropriately documented; (ii) enabling the public to readily and consistently locate lost pets across the Commonwealth; and (iii) providing transparency regarding a public service in which residents of the Commonwealth demonstrate a substantial interest.

The information required on animal custody records by Code of Virginia § 3.2-6557 is designed to ensure the impoundment of property is appropriately documented, and assist Commonwealth residents in retrieving lost animals. By requiring a consistent set of identifying information across the Commonwealth, residents of any locality can be assured of the availability of the minimum identifying information deemed necessary to identify and trace an impounded animal. This protects individual property rights and helps ensure local governments are conforming to the acceptable methods of intake and disposition for all animals in their custody.

The annual custody record summary report and requirement to file an intake policy facilitate the transparency of animal control and animal sheltering agencies, which supports a demonstrated interest of residents in the Commonwealth. Government transparency is an essential public service, and the annual reporting requirements were developed in response to public demand for greater transparency regarding animal control and animal sheltering.

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches:

VDACS has not identified any viable alternative approaches regarding the requirement to collect identifying information for each animal in a locality's custody. Because custody records are a necessary component of both animal sheltering and impoundment of personal property, most localities already have animal shelter and/or animal control employees who collect these elements of information as part of their routine duties.

An alternative approach to achieving the level of transparency requested by the public regarding custody summaries and intake policies would be to require localities to maintain this information, but not to report it to the state. If this approach were adopted, the public would be required to reach out to each locality for the information that is currently centrally housed with the state. Localities would not have the burden of annual reporting, but would take on the additional time commitment of responding to requests for records that are presently directed to the state. In addition to increasing the burden on localities, this approach would not be as effective at meeting the intent of the mandate, as the public would have to expend considerably more effort to obtain the same information.

2. Fiscal Impact of Alternative Approaches:

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

The above alternate approach would likely increase local costs for this mandate to greater than \$5,000 per locality per year.

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

The above alternate approach would reduce state costs by approximately \$10,000 per year.

c) **Explanation of Estimation Methodologies:**

If intake policies and custody record summaries were housed locally instead of collected by the state, localities would no longer have costs associated with reporting the information to the state. However, these costs would be replaced and exceeded by the costs of responding to public requests for intake policies and custody record summary data. It is not possible to provide a precise estimate of how much costs would ultimately increase, but costs would likely exceed \$5,000 per locality.

At the state level, costs related to the Animal Custody Record Online Reporting System and associated information requests would be eliminated. This includes database administration, data storage, and responding to public inquiries regarding custody record summaries.

H. Agency Recommendation:

1. **Determination by Agency:** Retain

2. **Justification:**

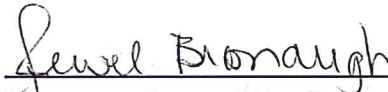
This mandate should be retained because it has been successful in achieving its purpose and no alternatives exist that are as effective or cost-efficient. Regardless of this mandate, similar information is routinely collected by localities and requires few additional resources outside of the information collection process. Any alternate approach to achieving the purpose of this mandate would place an additional resource burden on localities.

I. **Agency Contact Regarding Assessment:**

1. **Name/Title:** Dr. Kathryn MacDonald; Program Manager, Office of Animal Care and Emergency Response

2. **Address/Telephone:** 102 Governor Street, Richmond, VA 23219; 804-692-4001

Approval of Assessment:



(Signature of Agency Head)



(Signature of Cabinet Secretary)

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.

Mandate Number: **SOE.DOE010**

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

Virginia Department of Education

10/XX/2018

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:

School Staffing Ratio

B. Specific Provisions of Mandate:

School divisions are required to assign licensed instructional personnel in a manner that produces specific division-wide and school-wide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, counselors, and librarians, according to ratios prescribed in the Code of Virginia. School boards must report to the public on or before December 31 actual division-wide pupil teacher ratios excluding resource personnel and pupil/teacher ratios including resource teachers. School divisions must employ a sufficient number of principals, assistant principals, librarians, guidance counselors, elementary resource teachers, reading specialists, technical support, instructional technology resource teachers and/or data coordinators, instructional positions for prevention, remediation and intervention, instructional positions for students of limited English proficiency to meet the staffing requirements prescribed in the Standards of Quality. Superintendents must report annually the division-wide ratios of students to full-time equivalent teaching positions for each grade and school. After September 30 of any school year, anytime the number of students in a class exceeds the class size limit established, the local school division shall notify the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limit. Such notification shall state the reason that the class size exceeds the class size limit and describe the measures that the local school division will take to reduce the class size.

C. Source/Authority:

1. Specify Each Applicable (with citations):

- a) **Federal Statute:** P.L. 89-10 (Fed.), P.L. 114-95 (Every Student Succeeds Act 2015) (Fed.)
- b) **Federal Regulation:**
- c) **State Statute:** § 22.1-253.13:2 of the Code of Virginia
- d) **State Regulation:**
- e) **Other:**

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

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

Each year, school division superintendents and chairmen of the school boards must certify to the Board of Education that the division complied with the staffing standards.

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

1. **Localities Affected:**

Each of Virginia's 132 local school divisions.

2. **Funding of Mandate:**

a) **Funding Formula:**

Funding for the operation of school division administration is included under the basic aid provided to school divisions by the state.

b) **Funding of Mandate:**

This mandate is a component of school support which is part of the basic aid funding to local school divisions.

c) **Explanation of Estimation Methodology:**

Basic aid is provided through certain accounts, typically on a per pupil basis.

F. **Effectiveness of Mandate In Accomplishing Purpose:**

1. **General Purpose of Mandate:**

The purpose of the mandate is to ensure that an effective learning environment is provided. The mandate also ensures that school divisions are regularly monitoring pupil/teacher ratios in the classroom.

2. Description of Essentiality to the Public Safety:

Maintaining an appropriate teacher-student ratio promotes a high quality education for all Virginia students, improving the health and welfare of all citizens.

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches:

One alternative would be to eliminate this mandate. However, to do so could result in inconsistent levels of quality in learning environments across Virginia.

2. Fiscal Impact of Alternative Approaches:

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

There is no feasible method to evaluate the changes in costs to localities.

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

There is no feasible method to evaluate the changes in costs to the state. School staffing ratios are used to determine how approximately \$6 billion in Standards of Quality funds are distributed to localities. If staffing ratios were eliminated, a new method to distribute funds would need to be established.

c) Explanation of Estimation Methodologies:

The Department of Education reached out by email to stakeholders for information about the fiscal impact of the mandate, but did not receive any responses. Organizations contacted included the Virginia Association of School Boards, the Virginia Association of Elementary School Principals, the Virginia Association of Counties, the Virginia Municipal League, the Virginia Education Association, the Virginia Association of Secondary School Principals, and the Virginia Association of School Superintendents.

H. Agency Recommendation:

1. Determination by Agency: Retain

2. Justification:

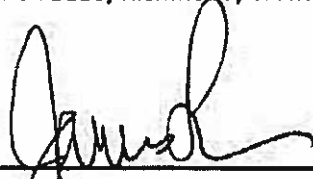
Retaining this mandate is important because it promotes a consistent, high quality learning environment for all Virginia students.

I. Agency Contact Regarding Assessment:

1. **Name/Title:** Rebecca S. Askew, Senior Policy Analyst

2. **Address/Telephone:** P.O. Box 2120, Richmond, VA 23218, 804-225-2775

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.

Mandate Number: **SOE.DOE030**

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

Virginia Department of Education

10/1/2018

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:

Standards of Accreditation Requirements

B. Specific Provisions of Mandate:

School divisions must maintain schools that are accredited pursuant to the Standards of Accreditation as prescribed by the Board of Education and report annually in a public session the accreditation status of all schools. School divisions are required to take certain actions to ensure continuous improvement, depending on the performance of a school in each school quality indicator, including developing improvement plans or corrective action plans. When failure of schools within a division to achieve accreditation is related to division-level failure to implement the Standards of Quality or perform certain actions, the Board may require a division-level academic review and submission of a division corrective action plan. If the Board determines that the proposed corrective action plan is not sufficient to enable all schools within the division to achieve accreditation, the Board may return the plan to the local school board with directions to submit an amended plan pursuant to Board guidance. The results of the corrective action plan must be reported by the local school board, along with annual progress reports, in public session. If the school division fails to make adequate and timely progress in implementing the corrective action plan or actions identified by an academic review process, then the Board of Education shall withhold payment of some or all At-Risk Add-On funds otherwise allocated to the affected division. The local school board shall be given an opportunity to correct its failure and, if successful in a timely manner, may have some or all of its At-Risk Add-On funds restored at the Board of Education's discretion.

C. Source/Authority:

1. Specify Each Applicable (with citations):

a) **Federal Statute:**

- b) **Federal Regulation:**
- c) **State Statute:** §§ 22.1-19, 22.1-253.13:3 of the Code of Virginia
- d) **State Regulation:** 8 VAC 20-131-10 et seq
- e) **Other:** Item 136(C)(9)(e)(4), Chapter 2, 2018 Special Session I Acts of Assembly

2. Extension of Federal Mandates by State Authority:

D. Method by Which Agency Oversees Implementation of Mandate:

School accreditation ratings are released by the Department annually. Schools with areas identified as needing improvement will be required to develop a corrective action plan in cooperation with VDOE. The agency also provides support to other schools upon request.

E. Fiscal Impact of Mandate on Localities:

1. Localities Affected:

Each of Virginia's 132 local school divisions.

2. Funding of Mandate:

a) **Funding Formula:**

No funding is distributed specifically for this mandate, however, funding for operation of school divisions is included under the basic aid provided to school divisions by the state.

b) **Funding of Mandate:**

This mandate is a component of school support which is part of the basic aid funding to local school divisions. The funding varies per division.

c) **Explanation of Estimation Methodology:**

Basic aid is provided through certain accounts, primarily on a per pupil basis.

F. Effectiveness of Mandate In Accomplishing Purpose:

1. General Purpose of Mandate:

The purpose of this mandate is to:

1. Provide an essential foundation of educational programs of high quality in all schools for all students;
2. Encourage and promote school quality and acknowledge achievement and continuous improvement by schools and school divisions in multiple areas;
3. Foster public confidence that graduating students have mastered multiple areas of learning to include academic subjects, workplace skills, career exploration and planning, and civic and community responsibility;
4. Assure recognition of Virginia's public schools by other institutions of learning; and
5. Establish the means of determining the effectiveness of public schools in Virginia including student learning and progress and student outcomes for multiple areas affecting school quality.

2. Description of Essentiality to the Public Safety:

Providing all children in the Commonwealth with a high-quality education improves the health and welfare of all citizens.

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches:

One alternative would be to eliminate the Standards of Accreditation. This not a viable alternative because without this mandate, the quality of educational programs in Virginia could be inconsistent. Without this mandate, there would be no school quality indicators to determine which schools need to improve and where state support and intervention are needed.

2. Fiscal Impact of Alternative Approaches:

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

There is no feasible method to evaluate the changes in costs.

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

There is no feasible method to evaluate the changes in costs.

c) Explanation of Estimation Methodologies:

The Department of Education reached out by email to stakeholders for information about the fiscal impact of the mandate, but did not receive any responses. Organizations contacted included the Virginia Association of School Boards, the Virginia Association of Elementary School Principals, the Virginia Association of Counties, the Virginia

Municipal League, the Virginia Education Association, the Virginia Association of Secondary School Principals, and the Virginia Association of School Superintendents.

H. Agency Recommendation:

1. **Determination by Agency:** Retain

2. **Justification:**

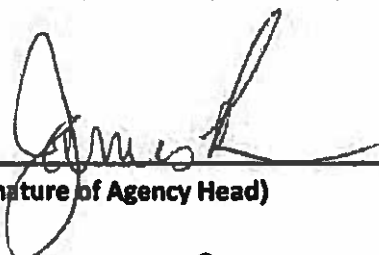
Retaining this mandate is important because it ensures a consistent, essential foundation of educational programs of high quality in all Virginia public schools for all students.

I. Agency Contact Regarding Assessment:

1. **Name/Title:** Rebecca S. Askew, Senior Policy Analyst

2. **Address/Telephone:** P.O. Box 2120, Richmond, VA 23218, 804-225-2775

Approval of Assessment:



(Signature of Agency Head)



(Signature of Cabinet Secretary)

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

Mandate Number: **SOE.DOE148**

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

Virginia Department of Education

10/XX/2018

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:

Broadband Connectivity Capability

B. Specific Provisions of Mandate:

By November 1 each year, school divisions shall report to the Department of Education the status of broadband connectivity capability of schools in the division on a form to be provided by the Department. Such report shall include school-level information on the method of Internet service delivery, the level of bandwidth capacity and the degree such capacity is sufficient for delivery of school-wide digital resources and instruction, degree of internet connectivity via Wi-Fi, cost information related to Internet connectivity, data security, and such other pertinent information as determined by the Department of Education. The Department shall provide a summary of the division responses in a report to be made available on its agency Web site.

C. Source/Authority:

1. Specify Each Applicable (with citations):

a) **Federal Statute:**

b) **Federal Regulation:**

c) **State Statute:**

d) **State Regulation:**

e) **Other:** Item 136 (C) (36), Chapter 2, 2018 Special Session I Acts of Assembly

2. Extension of Federal Mandates by State Authority:

D. Method by Which Agency Oversees Implementation of Mandate:

The Department of Education collects annual data from all 132 school divisions on the status of broadband connectivity capability of each school in the division and ensures a 100% response rate.

E. Fiscal Impact of Mandate on Localities:

1. Localities Affected:

Each of Virginia's 132 local school divisions.

2. Funding of Mandate:

a) Funding Formula:

Funding for the operation of school division administration is included under the basic aid provided to school divisions by the state.

b) Funding of Mandate:

This mandate is a component of school support which is part of the basic aid funding to local school divisions.

c) Explanation of Estimation Methodology:

Basic aid is provided through certain accounts, typically on a per pupil basis.

F. Effectiveness of Mandate in Accomplishing Purpose:

1. General Purpose of Mandate:

This mandate provides a statewide snapshot of the status of broadband connectivity in schools across the state. This information can be used to target resources for broadband expansion.

2. Description of Essentiality to the Public Safety:

Expanding broadband access promotes the use of technology in education which is necessary for students to succeed in the modern workplace, in effect improving the health and welfare of all citizens.

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches:

One alternative would be the elimination of this mandate. However, without this information, broadband expansion resources may not be used where the most need exists.

2. Fiscal Impact of Alternative Approaches:

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

The elimination of this report would have a minimal fiscal impact to localities.

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

The elimination of this report would have a minimal fiscal impact to the state.

c) **Explanation of Estimation Methodologies:**

The Department of Education reached out by email to stakeholders for information about the fiscal impact of the mandate, but did not receive any responses. Organizations contacted included the Virginia Association of School Boards, the Virginia Association of Elementary School Principals, the Virginia Association of Counties, the Virginia Municipal League, the Virginia Education Association, the Virginia Association of Secondary School Principals, and the Virginia Association of School Superintendents.

H. Agency Recommendation:

1. **Determination by Agency:** Retain

2. **Justification:**

Retaining this mandate is important because collecting this data provides a statewide snapshot of the status of broadband connectivity in schools across the state. This information can be used to target resources for broadband expansion.

I. Agency Contact Regarding Assessment:

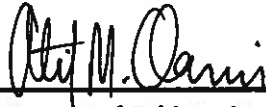
1. **Name/Title:** Rebecca S. Askew, Senior Policy Analyst

2. **Address/Telephone:** P.O. Box 2120, Richmond, VA 23218, 804-225-2775

Approval of Assessment:



(Signature of Agency Head)



(Signature of Cabinet Secretary)

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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.)

Administering Agency: Department of Environmental Quality **Date of Submission:** 12/14/2018

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: Stormwater Management Programs by Localities

B. Specific Provisions of Mandate: Any locality that operates a regulated municipal separate storm sewer system (MS4), or notifies the Department of its decision to participate in the establishment of a Virginia Stormwater Management Program (VSMP) is required to adopt a VSMP for land disturbing activities consistent with the Stormwater Management Law. Such VSMP must be implemented no later than July 1, 2014. Any locality that operates a MS4 that became a regulated MS4 on or after January 1, 2014, may elect to defer implementation of the county's VSMP until January 1, 2015. Any town lying within a county, which has adopted a VSMP, may adopt its own program or may choose to participate in the county's VSMP, or have the Department of Environmental Quality operate a VSMP on behalf of the town. Other localities may choose to become a VSMP authority. For those localities that do not become an authority, the Department of Environmental Quality will operate and administer the VSMP. A VSMP authority may enter into agreements or contracts with soil and water conservation districts, adjacent localities, or other public or private entities to carry out or assist with these responsibilities. If a locality adopts a more stringent stormwater ordinance, the locality must submit an explanation to the Department of Environmental Quality for review. When establishing a VSMP, the VSMP authority shall assess the statewide fee schedule and shall have the authority to reduce or increase such fees, and to consolidate such fees with other program-related charges, but in no case shall such fee changes affect the amount established in the regulations as available to the Department of Environmental Quality for program oversight responsibilities. A VSMP's portion of the fees shall be used solely to carry out the VSMP's

responsibilities under the Stormwater Management Law and its attendant regulations, ordinances, or annual standards and specifications. Any locality that owns or operates a permitted municipal separate storm sewer system (MS4) is authorized by state law to adopt and administer an industrial and high-risk runoff program.

C. Source/Authority:

1. Specify Each Applicable

- a) Federal Statute - Federal Clean Water Act
- b) Federal Regulation- (In 40 CFR 122.26 of the federal regulations, municipalities regulated under the NPDES stormwater regulations for MS4s are required to implement construction and post-construction stormwater programs. Discharges of stormwater from construction activities from certain sized construction sites are also regulated under EPA's Construction General Permit. There are no other comparable federal programs that regulate post-construction stormwater.)
- c) State Statute: Code of Virginia §§ 62.1-44.15:24 et seq.
- d) State Regulation: State Water Control Board Regulation 9VAC25-870 et seq.
- e) Other:

- 2. Extension of Federal Mandates by State Authority:** The VSMP requires compliance with post-construction stormwater water quality and water quantity technical criteria statewide for land-disturbing activities exceeding 1 acre or that are less than 1 acre and part of a common plan of development. To ensure compliance with the technical criteria, review and approval of post-construction stormwater management plans and in field inspections are required. In 2014, the Virginia Stormwater Management Act was revised to require those localities that operate a regulated Municipal Separate Storm Sewer System (MS4) to implement a local VSMP that includes plan review and site inspections. Regulated MS4s are required to implement a local VSMP because they are regulated under the Clean Water Act and National Pollutant Discharge Elimination System program, which requires the MS4s to implement construction and post construction. Virginia is delegated authority to regulate MS4s under the Virginia Pollutant Discharge Elimination System program. Non-regulated MS4 localities have the

option to implement a local VSMP. DEQ is the VSMP for all non-regulated MS4 localities that opted out of adopting a local VSMP.

D. Method by Which Agency Oversees Implementation of Mandate: DEQ oversees localities that are operating a VSMP and in some cases, DEQ is the VSMP and implements the stormwater program in the locality. Localities that had existing MS4 permits as of January 1, 2014 are required to adopt a VSMP. Localities without a MS4 permit have to option of having DEQ operate a VSMP for their locality or adopting their own VSMP.

E. Fiscal Impact of Mandate on Localities:

1. Localities Affected: The VSMP requires compliance with post-construction water quality and water quantity technical criteria statewide for land-disturbing activities exceeding 1 acre or that are less than 1 acre and part of a common plan of development. Localities operating a MS4 program are required to implement their own VSMP. Towns may choose to have the county in which they are located operate their VSMP or they may adopt their own VSMP. For any locality that is not required and decides not to adopt a VSMP, then DEQ is the VSMP.

2. Funding of Mandate:

a)Funding Formula: No federal or state funding is provided to localities to assist them with operating a VSMP. When providing financial impact information to DEQ, some localities referenced the term "state funding." When this term is used, the locality is referring to the permit fees collected by DEQ during the 2014 Construction General Permit reissuance. DEQ remitted a portion of the permit fees to the approved local VSMPs for program implementation. Additionally, permit fees are submitted by permit applicants for their initial permit. Some VSMPs, including DEQ, assess annual permit maintenance fees to operators covered under the Construction General Permit each year the permit remains active. These funds are used for continued program implementation. No fees are assessed when permittees re-apply for coverage at the end of the permit term. In FY 2017, DEQ's estimated direct costs associated with the agency's stormwater program was approximately \$5.5 million. Financial information provided by localities has been included as reported by individual

localities.

b)Funding of Mandate: The following is a summary of costs reported by localities concerning the cost this mandate has on their locality.

Grayson County reported their locality had a net expenditure of less than \$5,000 to comply with this mandate. There is one staff member involved with the stormwater program in Grayson County.

Loudoun County reported their locality had annual operating costs of \$695,438, received \$218,791 from the state, collected \$410,686 in permit fees, resulting in a net expenditure of \$66,522. There are 27 staff members involved with the stormwater program in Loudoun County. *DEQ would like to clarify that the \$218,791 referenced by Loudoun County as being received from the state was general permit issuance fees collected by DEQ in 2014 for general permit registrations for projects located in the county and provided to the locality in FY 2015. DEQ collected general permit fees statewide in 2014 and distributed this funding to individual localities in FY 2015. Some localities may have included this revenue in their permit fee revenues.

Hanover County reported their locality had annual operating costs of \$3,039,524, received \$683,017 from state revenues, resulting in a total annual cost of \$2,356,507 to the locality. There are 12 staff members involved with the stormwater program in County.

Gloucester County reported their locality had annual operating costs of \$90,315, received \$20,300 in VSMP Permit fee revenue, resulting in a total annual cost of \$70,015. There are approximately 1.425 full time equivalent staff members involved with the stormwater program in Gloucester County.

The City of Hopewell reported their locality had annual capital costs of \$275,000, annual operating costs of \$523,620, resulting in the total annual cost of \$798,620 to the locality. There are 5 staff members involved with the

stormwater program in the City of Hopewell (3 office personnel and 2 public works maintenance crew positions).

c) Explanation of Estimation Methodology:

Grayson County indicated the staff used for erosion and sediment control and building code enforcement have been used to comply with the requirements of this mandate. If development increases in the locality, the estimated costs to the locality would change.

Loudoun County indicated their annual expenditures are actual program costs for FY 2018. Since state revenue will go away in FY 2019, the County will have to increase local fee amounts to cover an anticipated impact of \$175,000 in unfunded program costs. The costs related to staffing and program management continue to rise sharply parallel to the demands on the program caused by exponential growth and development in Loudoun County. DEQ would like to clarify that the state revenues Loudoun County references "going away" refers to fact there is no collection of fees for permit coverage reissuances. In accordance with 9VAC25-700 et seq., permittees seeking renewed coverage are not charged application fees as long as permit coverage has been maintained. Annual permit maintenance fees support the program implementation rather than re-issuance application fees.

Hanover County indicated a workload analysis was performed of positions involved in implementation of program to estimate program costs.

Gloucester County indicated their Methodology for FY 2018 calculating the annual capital costs is as follows: Vehicles: \$20,000 (vehicle) x 2 = \$40,000. Annual depreciation over 5 years = \$4,000 per vehicle. Total vehicles annual capital costs \$8,000. Total office capital expenses are \$9,000. 50% of this number, \$4,500 represents the Stormwater portion of the budget. The remaining 50% is for the Erosion and Sediment Control program. Therefore: \$8,000 vehicle cost + \$4,500 SW capital budget = \$12,500 capital costs

The City of Hopewell indicated their data was derived from FY 2018 program expenditure tracking. The most recent Audited Financial Report is FY 2015, and stormwater program staffing and operations were initiated in FY 2016 with a stormwater utility fee, therefore no audited financial report is available. The operating budget represents the current staffing salary and benefits, equipment maintenance, and administrative expenditures. Capital costs include material and labor for contracted stormwater related repairs. Annual capital costs have been restrained by available funding and priorities for Chesapeake Bay TMDL compliance. Expenditures reflect MS4 permit program implementation. Expenditures do not reflect Chesapeake Bay TMDL compliance; likewise grant funding from the DEQ Stormwater Local Assistance Fund, National Fish and Wildlife Foundation, and others is not included in the revenues received.

F. Effectiveness of Mandate in Accomplishing Purpose:

- 1. General Purpose of Mandate:** This mandate implements measures to control stormwater runoff for post-construction conditions to mitigate impacts to human health and the environment. Localities operate their own VSMP or have DEQ operate a VSMP for their locality. Unmanaged stormwater may carry excess nutrients, sediments, and contaminants into waterways, diminishing water quality.
- 2. Description of Essentiality to the Public Safety:** Proper stormwater management practices provide benefits to communities and the environment. Unmanaged stormwater can cause erosion and flooding. It can also carry excess nutrients, sediments, and contaminants into rivers and streams potentially impacting the water quality of state waters. Stormwater management practices are measures that protect the quality of state waters for human consumption, recreation, and wildlife.

G. Alternative Approaches to Achieving Purpose of Mandate:

- 1. Identification of Alternative Approaches:** Previously Stormwater programs were all overseen by the Department of Conservation and Recreation. As part of the transition to have one agency manage non-point source pollution, these programs were

transferred to DEQ in 2013. One alternative would be to require every locality to implement a VSMP and review stormwater management plans for all private projects. DEQ would continue to review stormwater management plans for all federal and state programs and DEQ would provide technical assistance to localities concerning their VSMP, similar to how the Virginia Erosion and Sediment Control Program is implemented.

2. Fiscal Impact of Alternative Approaches:

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

Localities would incur additional costs to operate their own VSMP. Currently some localities do operate their own VSMP and cost information provided by localities indicates localities spend from less than \$5,000 to \$2,356,507 annually to operate their VSMP. A locality's costs would vary depending on the amount of construction that typically takes place in the locality as well as the size of the construction activities. Localities would continue to retain oversight of erosion and sediment control program which is typically handled by the same staff implementing the local stormwater management programs. Localities with MS4s would still be involved with complying with their MS4 permits which include federal requirements for MS4s to implement a post construction program, and there would be no change to the costs associated with the mandate for localities with MS4s.

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

Requiring all localities to implement a VSMPs would require DEQ to implement changes to DEQ's stormwater program. DEQ would continue to require staff to review federal and state project stormwater management plans and also staff would be necessary to provide technical assistance to localities operating a VSMP. Estimating the change in the cost of this approach is difficult since it is unknown how much technical support would be needed from DEQ staff by localities, however, DEQ anticipates approximately the same number of staff would be necessary to assist local governments with their VSMP.

c) Explanation of Estimation Methodologies: Information provided by localities concerning the financial impact the current mandate has on localities was used to estimate the costs to a locality to operate VSMP. The cost to a locality to operate a VSMP will vary depending on the amount of construction that takes place in the locality and size of the construction activities. Local development may fluctuate depending on economic conditions.

H. Agency Recommendation:

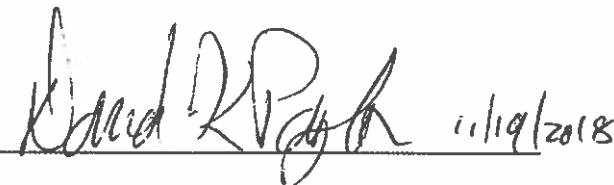
1. **Determination by Agency: Retain**

2. **Justification: Stormwater management benefits the public and the environment by reducing the probability of localized flooding, and erosion and by reducing the amount of nutrients, sediments, and contaminants that enter state waters. These measures are needed to protect water quality. The current structure of the VSMP requirements on localities provides localities with flexibility concerning the implementation of their stormwater programs and is consistent with the requirements of federal and state laws.**

I. Agency Contact Regarding Assessment:

1. **Name/Title: Melissa Porterfield, Regulatory Analyst**
2. **Address/Telephone: P.O. Box 1105, Richmond, VA 23218**

Approval of Assessment:



A handwritten signature in black ink, appearing to read "David K. Paylor", followed by the date "11/19/2018". The signature is written over a horizontal line.

David K. Paylor, Director



A handwritten signature in blue ink, appearing to read "Matthew J. Strickler", written over a horizontal line.

Matthew J. Strickler, Secretary of Natural Resources

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

DHCD

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:

Local Building Permit Fee Levy

B. Specific Provisions of Mandate:

Local building departments shall, by regulation, collect a levy of up to two percent on building permit fees. These fees are to be remitted quarterly to the Department of Housing and Community Development to support the activities of the Jack A. Proctor Virginia Building Code Academy. Localities maintaining their own academies retain the levy locally.

C. Source/Authority:

1. Specify Each Applicable (with citations):

- a) **Federal Statute:**
- b) **Federal Regulation:**
- c) **State Statute:** §36-137:7
- d) **State Regulation:** 13VAC5-63-70 E
- e) **Other:**

2. Extension of Federal Mandates by State Authority:

There is no federal mandate associated with this item.

D. Method by Which Agency Oversees Implementation of Mandate:

DHCD collects the fees on a quarterly basis from all localities. Any localities that have not submitted their fees are required to do so before receiving training opportunities.

E. Fiscal Impact of Mandate on Localities:

1. Localities Affected:

All localities that issue building permits; Counties, Cities and some Towns. Two localities have their own code academies and therefore, are not subject to the levy. These localities are Fairfax County and Prince William County.

2. Funding of Mandate:

a) Funding Formula:

Fee of two percent on building permits is paid at the local level and remitted to DHCD.

b) Funding of Mandate:

Of 72 survey respondents 58 indicated there were no net expenditures related to the Building Permit Fee Levy. Of the 14 that indicated there were net expenditures, twelve said they were less than \$5,000 and only two indicated expenditures of more than \$5,000. The one locality that indicated a specific amount of net expenditures (\$53,863) indicated this was for operating costs. This response appears to be the outlier. Qualitative responses indicated that the two percent levy is included in the permit fee and this is passed on to customers and/or contractors.

c) Explanation of Estimation Methodology:

The estimation methodology is based on survey responses.

F. Effectiveness of Mandate in Accomplishing Purpose:

1. General Purpose of Mandate:

The Permit Fee Levy supports instruction provided by the Jack A. Proctor Virginia Building Code Academy. The Code Academy provides instruction to building, fire, and property maintenance officials across the Commonwealth at no cost to the individual code official or locality if the locality contributes to the permit fee levy. Virginia's Code Academy is recognized as one of the top such academies in the nation.

2. Description of Essentiality to the Public Safety:

Properly trained code officials ensure a safe and habitable built environment. The levy covers the cost to ensure proper training is available.

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches:

The only alternative identified would be to not collect the permit fee levy from building permits which would require the building officials to pay for mandatory training required by law. This would require localities to budget for these trainings.

2. Fiscal Impact of Alternative Approaches:

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

Based on the survey responses there does not generally appear to be a cost to localities to implement the building permit fee levy; only one locality indicated a specific amount related to net expenditures. It is undetermined what it would cost a locality to operate their own academy. A few localities did indicate staff time involved with collecting the levy. If a locality operated their own code academy it is likely staff time would be required as well as potential capital costs.

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

The current state approach does not require general fund dollars to operate the Code Academy. If all localities operated their own academies there would not be a change in cost for the state though there would be a significant reduction in building code compliance.

c) **Explanation of Estimation Methodologies:**

Estimates are based on current practice and survey responses.

H. Agency Recommendation:

1. **Determination by Agency:** Retain

2. **Justification:**

The Building Permit Fee Levy supports the Jack A. Proctor Virginia Building Code Academy which provides excellent training to code officials across the state. Virginia's training and certification program as well as its code development process are recognized as being some of the best in the nation; sustainable funding is critical to maintaining this level of quality. As Virginia's Codes are to be uniformly enforced statewide, it is important to have consistent, quality instruction provided by one entity.

I. Agency Contact Regarding Assessment:

1. **Name/Title:** Kyle Flanders, Senior Policy Analyst

2. **Address/Telephone:** 600 E. Main St., Ste. 300, Richmond, VA 23219/ 804-786-6761

Approval of Assessment:



(Signature of Agency Head)



(Signature of Cabinet Secretary)



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

DHCD

Administering Agency

Date of Submission

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A. Short Title of Mandate:

Virginia Main Street

B. Specific Provisions of Mandate:

Local governments receiving Virginia Main Street (VMS) funding provide financial and other support to their local Main Street Program and comply with program guidelines.

C. Source/Authority:

1. Specify Each Applicable (with citations):

- a) **Federal Statute:**
- b) **Federal Regulation:**
- c) **State Statute:** § 36-139
- d) **State Regulation:**
- e) **Other:**

2. Extension of Federal Mandates by State Authority:

There is no federal mandate associated with this program.

D. Method by Which Agency Oversees Implementation of Mandate:

The National Main Street Center, and Virginia Main Street as the State Coordinating Program, use an annual Accreditation process to assess how Main Street is being implemented locally and

whether or not the Standards of Performance are met. DHCD staff works with each community to review the standards and determine that they are being met by the local program and provide technical services in those areas where additional assistance is needed. Those programs and communities that are working appropriately per the standards are recommended for National Accreditation.

E. Fiscal Impact of Mandate on Localities:

1. Localities Affected:

Virginia Main Street Localities are affected; this encompasses 28 localities including towns, cities, and one county.

2. Funding of Mandate:

a) Funding Formula:

There is not a set amount of funds which local government must contribute in order to support their local Main Street program. Local governments provide funding, workspace, and in-kind support.

b) Funding of Mandate:

Survey responses indicated a range of \$0 dollars up to \$175,000 in order to comply with the mandate. The locality which listed \$175,000 is unique in that the Main Street program is operated directly by the Town. Most Main Street programs are supported by their corresponding local government but operated on a day-to-day basis by nonprofits. Costs reported appeared to be mainly operational in nature. Staffing requirements indicated between 0-1.5 positions required to comply with VMS requirements.

c) Explanation of Estimation Methodology:

Based on survey results from Virginia Main Street communities and current program information.

F. Effectiveness of Mandate in Accomplishing Purpose:

1. General Purpose of Mandate:

The purpose of the mandate is to ensure that when state funds are provided to Main Street communities they are used effectively (program guidelines) and that local governments are committed to the Main Street program via local support. Main Street localities can apply for and receive a number of different grants supported by the state. The mandate also ensures that Main Street communities are adhering to national Main Street standards which are required to maintain their designation.

2. Description of Essentiality to the Public Safety:

This is a community and economic revitalization program. While not directly linked to public safety, strong and vibrant local economies and downtowns often provide positive safety impacts.

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches:

There are no viable alternatives. The program design and guidelines have a long and successful history in Virginia and also rely on national Main Street program guidance.

2. Fiscal Impact of Alternative Approaches:

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

See question G 1.

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

See question G 1

c) Explanation of Estimation Methodologies:

See question G 1

H. Agency Recommendation:

1. Determination by Agency: Retain

2. Justification:


The Virginia Main Street Program and local support has a long and proven track record in helping to revitalize downtown's in Virginia. The current mandate allows flexibility in the type and level of support that localities provide.

I. Agency Contact Regarding Assessment:

1. Name/Title: Kyle Flanders, Senior Policy Analyst

2. Address/Telephone: 600 E. Main St., Ste. 300, Richmond, VA 23219/ 804-786-6761

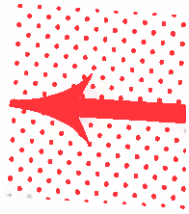
Approval of Assessment:



(Signature of Agency Head)



(Signature of Cabinet Secretary)



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

Mandate Number: **SSHR.DSS081**

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

Department of Social Services

January 22, 2019

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:

Support Payments for Public Service

B. Specific Provisions of Mandate:

Local governments must pay to the Department of Social Services an amount ordered by the court for public service performed by a prisoner in the locality for the support of the prisoner's spouse or children. Such payments for prisoners ordered by the court to perform work must be submitted at the end of each month.

C. Source/Authority:

1. Specify Each Applicable (with citations):

- a) **Federal Statute:**
- b) **Federal Regulation:**
- c) **State Statute:** Code of Virginia §§ 16.1-292, 20-60.3, 20-115
- d) **State Regulation:**
- e) **Other:**

2. Extension of Federal Mandates by State Authority:

N/A

D. Method by Which Agency Oversees Implementation of Mandate:

The agency has not yet made this determination. The agency is developing guidelines and strategies for a pilot project and is communicating with localities to ascertain interest.

E. Fiscal Impact of Mandate on Localities:

1. Localities Affected:

The agency has not yet made this determination.

2. Funding of Mandate:

a) Funding Formula:

The agency has not yet made this determination. The funding formula may vary by locality, depending on the availability of funds.

b) Funding of Mandate:

The funding formula may vary by locality, depending on the availability of funds. Because the required payment amount is \$20-\$40 per week, funding requirements will be minimal.

c) Explanation of Estimation Methodology:

N/A

F. Effectiveness of Mandate in Accomplishing Purpose:

1. General Purpose of Mandate:

The purpose is to have participating localities forward payments made to a prisoner for court-ordered public service work to the Department of Social Services for the support of the prisoner's spouse or children.

2. Description of Essentiality to the Public Safety:

The mandate provides an opportunity for prisoners to be productive and assist their families while incarcerated. Families benefit by receiving even minimal support, localities benefit by having work performed, and prisoners benefit by maintaining involvement with and support of their families and gaining job skills that may help them upon release.

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches:

None. A version of this mandate has been part of Virginia law since 1944 but has not been utilized for many years. Until a legislative change in 2016, localities were required to remit payments for public service work performed by prisoners who owed child/spousal support to the court for payment of that support. Now these payments

are to be remitted directly to the Department of Social Services. The agency is developing plans for working with interested localities to implement this initiative.

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:**

The agency is developing procedures and guidance and is in the process of communicating with localities to determine interest.

I. Agency Contact Regarding Assessment:

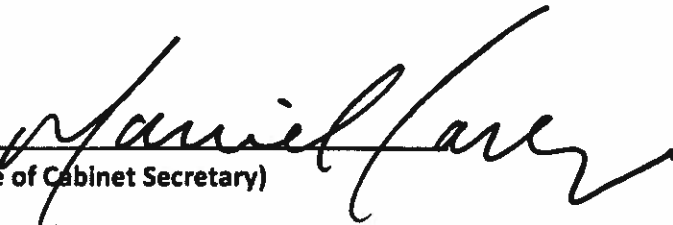
1. **Name/Title:** Melody C. McKinley

2. **Address/Telephone:** Division of Child Support Enforcement, 4504 Starkey Rd., Suite 103, Roanoke, VA 24018; Phone 540-776-2780

Approval of Assessment:



(Signature of Agency Head)



(Signature of Cabinet Secretary)

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

Mandate Number: SPSHS-VSP018

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

Virginia State Police

September 1, 2018

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:

Officer Involved Shooting

B. Specific Provisions of Mandate:

Law enforcement agencies must report all officer involved shootings that result in death or major injury, and indicate whether the shooting was determined to be justified. These shall be included in the annual Crime in Virginia report. Any law enforcement or public safety officer required to make such a report shall receive training concerning such reporting requirement. The completed forms are to be received by the Department of State Police.

C. Source/Authority:

1. Specify Each Applicable (with citations):

- a) **Federal Statute:**
- b) **Federal Regulation:**
- c) **State Statute:** Code of Virginia, §§ 52-25, 52-28, 52-28.2
- d) **State Regulation:**
- e) **Other:**

2. Extension of Federal Mandates by State Authority:

N/A This is not an extension of a federal mandate.

D. Method by Which Agency Oversees Implementation of Mandate:

Law enforcement agencies have been given instructions and training regarding the requirements of this mandate. Occurrences of officer involved shootings in Virginia have been monitored through websites that track fatalities as well as injuries by firearm (Washington Post.com; Gun Violence.org). Agencies that have not returned formal notification of these events using the Virginia State Police form SP-323 (07/01/2016) are contacted individually and given further instructions as to how to comply with this mandate. Of all 36 known officer-involved shootings in 2017, 28 forms were received by the Virginia State Police representing a return of 77 percent. These figures were published in the annual report, Crime in Virginia

E. Fiscal Impact of Mandate on Localities:

1. Localities Affected:

All Independent cities, counties and towns within Virginia

2. Funding of Mandate:

a) Funding Formula:

No federal, state or local contributions to the cost of implementing this mandate were provided.

b) Funding of Mandate:

Estimate of Local Fiscal Impact of Mandates was sent to public law enforcement agencies in Virginia. Of the 367 agencies contacted, 142 returned the form, representing a return rate of 39 percent. The cost of compliance was extremely low for all respondents. Many of the agencies responding indicated that the cost would be treated as a function of their daily activities while other agencies indicated that because they had not experienced an officer-involved shooting, they were unable to determine an associated cost. Henrico County was the exception of those agencies responding to the funding of this mandate, listing staffing requirements and creating a formula relative to this mandate (8 hr. day/2080=.0039; 8 x \$35.00 hr. = \$280.00.

c) Explanation of Estimation Methodology:

N/A for all but Henrico County. Their methodology was based on staffing of 8 hours x \$35 per hr. = \$280.00 per year to fulfill this mandate.

F. Effectiveness of Mandate in Accomplishing Purpose:

1. General Purpose of Mandate:

The overall objective this mandate is intended to obtain an accurate count of officer involved shootings that result in either a fatality or in a major injury and whether the shooting was justified.

2. Description of Essentiality to the Public Safety:

This mandate has brought to the public's attention the number of shootings that occur by law enforcement/public safety officers where there has been a fatality or major injury. This information may assist policymakers in the implementation of laws and regulations regarding various aspects of police-public interactions. Unfortunately, agencies have not always been conscientious in submitting their data. What has occurred is that State Police has had to identify the date and location of these shooting incidents through other media reporting. If the information is not sent to State Police by the designated reporting agency, that agency is then contacted and requested to send in the completed form.

G. Alternative Approaches to Achieving Purpose of Mandate:

1. Identification of Alternative Approaches:

Some of the information regarding officer involved shootings is currently available through independent media sources. More detailed and accurate information, however, should be able to be collected through law enforcement's investigation into these events than through independent sources. It is therefore important that law enforcement continue to supply this information. Currently this information is collected through a manual approach. These data could, however, be obtained electronically through Virginia's Incident Based Reporting program. Doing so would lead to the collection of more complete and accurate data. Additionally, Virginia would be compliant with the anticipated federal mandate requiring more detailed data than what is currently being collected in Virginia. As an example, not only information on shootings, but other types of "force" by law enforcement that could lead to major injury or death will be included in the federal mandate. The expansion of this type of information could have a direct and positive impact in the health, safety and welfare of all residents of Virginia

2. Fiscal Impact of Alternative Approaches:

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

Since most jurisdictions already submit IBR data, there would be either no or only minimal costs associated with this proposed modification to localities.

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

The initial cost of the module to collect these data electronically is \$40,000.

c) **Explanation of Estimation Methodologies:**

The initial cost of \$40,000 is determined by the independent program vendor that is developing Virginia's current Incident Based Reporting system.

H. **Agency Recommendation:**

1. **Determination by Agency:** Retain

2. **Justification:**

Based on locality responses, the officer involved shooting reporting requirement is not burdensome. While it has been of limited value in understanding the frequency and ramifications of the incidents thus far, it is expected to become more robust with the implementation of the new National Incident Based Reporting System.

I. **Agency Contact Regarding Assessment:**

1. **Name/Title:** Norman R. Westerberg, Ph.D.

2. **Address/Telephone:** Administrative Headquarters, 7700 Midlothian Turnpike, North Chesterfield, VA 23235

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.