



Glenn Youngkin  
Governor

Caren Merrick  
Secretary of  
Commerce and Trade

# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Bryan W. Horn  
Director

**TO:** Members of the Commission on Local Government  
**FROM:** DHCD Staff  
**DATE:** December 26, 2024  
**SUBJECT:** Draft Agenda and January Regular Meeting Materials

Dear Commissioners:

We are looking forward to the January regular meeting, which will be held in Richmond at DHCD's offices on Friday, January 3 at 3:00 pm. The address and virtual login information, should you need it, is on the agenda in this packet.

Please find enclosed the following:

1. Draft agenda for the January Regular Meeting of the Commission;
2. Draft minutes of the November Regular Meeting;
3. Draft minutes of the December Special Meeting;
4. News articles of interest to the Commission;
5. News articles related to past cases before the Commission;
6. The Commission's Electronic Meetings Policy with proposed updates by staff;
7. Charts showing the steps of the emergency and standard regulatory processes;
8. Completed assessments of mandates on local governments received during the first half of FY2025;

If you have any questions or require additional information, please feel free to contact me at 804-310-7151 or [legrand.northcutt@dhcd.virginia.gov](mailto:legrand.northcutt@dhcd.virginia.gov)

We hope you have a wonderful new year and look forward to seeing you in Richmond for the meeting.





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# COMMONWEALTH of VIRGINIA

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## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

### **AGENDA**

Commission on Local Government  
Regular Meeting  
January 3, 2025, 3:00 p.m.  
Main Street Centre Conference Room 101  
600 E. Main Street, Richmond, VA 23219

### **FOR VIRTUAL ATTENDANCE**

Microsoft Teams  
[Join the meeting](#)  
Meeting ID: 227 258 168 593  
Passcode: nn2pt6mM  
Dial in by phone  
+1 434-230-0065  
Phone conference ID: 277 418 808#

1. This meeting is being held in a government building with a security check point. Members of the public are encouraged to attend the meeting electronically. Please contact LeGrand Northcutt ([legrand.northcutt@dhcd.virginia.gov](mailto:legrand.northcutt@dhcd.virginia.gov)) for additional information on how to attend in-person.
2. The Public Comment portion of the meeting will be limited to thirty (30) minutes. Each person wishing to give comments before the Commission should limit their comments to three (3) minutes. These rules are subject to change without notice by the Commission Chair. It is encouraged to pre-register for public comment by contacting LeGrand Northcutt ([legrand.northcutt@dhcd.virginia.gov](mailto:legrand.northcutt@dhcd.virginia.gov)) in advance of the meeting.
3. Members of the public viewing the meeting through the Microsoft Teams option are required to mute themselves during the meeting unless called upon by the Commission Chair to speak. The CLG reserves the right to remove from its virtual meetings anyone who does not abide by these rules.
4. Access to meeting materials for members of the public is available on the corresponding meeting page of the [Virginia Regulatory Town Hall website](#) and on [Commonwealth Calendar](#).



- I. **Call to Order** (Chair)
- II. **Election of 2025 Officers** (Chair)
  - a. Nomination and election of Vice-chair
    - i. Commission deliberation and action
  - b. Nomination and election of Chair
    - i. Commission deliberation and action
- III. **Administration**
  - a. Approval of the draft agenda (Chair)
  - b. Approval of the minutes of previous meetings (Chair)
    - i. Regular meeting on November 1, 2024
    - ii. Special Meeting on December 2, 2024
  - c. Public comment period (Chair)
  - d. Staff's report (Staff)
- IV. **Presentation of Commemorative Resolutions** (Chair)
  - a. Former Commissioner Diane Linderman
  - b. Former Senior Policy Analyst Grace Wheaton
- V. **Cases Before the Commission**
  - a. Update on previous cases (Staff)
  - b. Update on potential cases (Staff)
- VI. **Electronic Meetings Policy**
  - a. Annual adoption of electronic meetings policy (Staff)
    - i. Commission deliberation and action (Chair)
- VII. **Regulatory Items**
  - a. Update on regulatory reduction action (Staff)
  - b. Update on SB645 emergency regulations (Staff)
- VIII. **Assessments of Mandates on Local Government**
  - a. Presentation of mandates assessed July 1 – December 31, 2024 (Staff)
- IX. **FY23 Fiscal Stress Report**
  - a. Staff presentation (Staff)
- X. **2024 General Assembly Session**
  - a. Staff presentation (Staff)



- XI. Schedule of Regular Meetings (Staff)
- XII. Other Business (Chair)
- XIII. Adjournment (Chair)

DRAFT





**Minutes of the  
COMMISSION ON LOCAL GOVERNMENT  
November 1, 2024  
10:00 am  
Main Street Centre  
600 E. Main Street  
Richmond, VA 23219**

Members Present

Robert Lauterberg, Vice Chair  
Diane Linderman  
Terry Payne (Virtual)  
Edwin Rosado, Chair

Members Absent

Ceasor Johnson

DHCD staff present for all or part of the meeting:

Bryan Horn, Director  
Trisha Lindsey, Policy and Legislative Services Director  
LeGrand Northcutt, Senior Policy Analyst  
Chase Sawyer, Policy and Legislative Services Manager

Call to Order

Mr. Rosado, Chair of the Commission on Local Government, called the regular meeting to order at 10:03 a.m.

Roll Call

The roll was called by Mr. Northcutt. Mr. Northcutt reported that a quorum was physically present.

Prior to the meeting, Mr. Payne had been approved by the Chair, Mr. Rosado, to participate electronically. Mr. Payne participated electronically from his home in Fredericksburg, VA due to a medical condition that prevented his attendance at the meeting.

Approval of Agenda

A motion was made by Ms. Linderman and seconded by Mr. Lauterberg to approve the draft agenda. The motion passed unanimously on a voice vote.

Approval of Minutes

A motion was made by Ms. Linderman and seconded by Mr. Lauterberg to approve the minutes of the Warrenton/Fauquier VSA Oral Presentations on September 16, 2024 with amendments suggested by Mr. Lauterberg. The motion passed unanimously on a voice vote (YEAS: Lauterberg, Linderman, Payne, Rosado; NAYS: None).

A motion was made by Ms. Linderman and seconded by Mr. Lauterberg to approve the minutes of the Warrenton/Fauquier VSA Public Hearing on September 16, 2024 with amendments suggested

by Mr. Lauterberg. The motion passed unanimously on a voice vote (YEAS: Lauterberg, Linderman, Payne, Rosado; NAYS: None).

A motion was made by Mr. Lauterberg and seconded by Ms. Linderman to approve the minutes of the September 17, 2024 regular meeting with amendments suggested by Mr. Lauterberg. The motion passed unanimously on a voice vote (YEAS: Lauterberg, Linderman, Payne, Rosado; NAYS: None).

Public Comment

Mr. Rosado opened the floor for public comment. After seeing no speakers, Mr. Rosado closed public comment.

Staff's Report

Mr. Northcutt updated the Commission on a boundary line adjustment between the Town of Rocky Mount and Franklin County, the status of efforts by the City of Williamsburg and James City county to keep their consolidated school system, and a potential economic growth sharing agreement between Spotsylvania County and Caroline County that may be filed with the Commission in the near future.

Mr. Horn provided additional comments on the potential economic growth sharing agreement and indicated staff's availability to the commissioners as the case progresses.

Mr. Northcutt provided additional information in response to questions about the Rocky Mount/Franklin boundary line adjustment.

Approval of  
Warrenton/Fauquier VSA  
Report

Mr. Northcutt presented the report on the Voluntary Settlement Agreement between the Town of Warrenton and Fauquier County and discussed changes that staff made in response to feedback from the commissioners.

A motion was made by Mr. Lauterberg and seconded by Ms. Linderman to adopt the report on the Voluntary Settlement Agreement between the Town of Warrenton and Fauquier County subject to the correction of typographical errors identified by Mr. Lauterberg. The motion passed unanimously on a voice vote (YEAS: Lauterberg, Linderman, Payne, Rosado; NAYS: None).

City of Emporia Update

Mr. Northcutt informed the commissioners that the City of Emporia is hosting three informational sessions on reversion geared towards its citizens that will be open to the public in the coming weeks. Mr. Northcutt stated that he would provide the commissioners with the exact dates and times.

Regulatory Items

Mr. Northcutt updated the Commission on the status of the proposed stage for the regulatory reduction action and the SB645 Emergency/NOIRA action, both of which were still undergoing executive branch review.

Mr. Northcutt answered questions from commissioners about the immediate effect of the SB645 regulations becoming effective. Mr. Northcutt noted that once the regulations become effective, the regulations are not applicable to the Commission until the Governor and the Auditor of Public Accounts take steps in accordance with State Code Section 15.2-2512.1 to initiate Commission oversight and review.

2024 Cash Proffer Survey and Report

Mr. Northcutt presented the results of the 2024 Cash Proffer Survey and Report. Mr. Northcutt recommended that the report be approved subject to an update to the second chart in the appendix.

The Commission discussed the prevalence of non-cash proffers in Virginia and requested staff contact industry representatives for additional resources and information.

A motion was made by Mr. Lauterberg and seconded by Ms. Linderman to approve the 2024 Cash Proffer Report subject to amendments recommended by staff. The motion passed unanimously on a voice vote (YEAS: Lauterberg, Linderman, Payne, Rosado; NAYS: None).

Commemorative Resolutions for Outgoing Commissioners and Staff

The Commission presented a resolution commemorating Ms. Linderman for her 10 years of service to the Commission as a commissioner. Mr. Lauterberg moved and Mr. Payne seconded to approve the resolution and present it to Ms. Linderman at the January 2025 meeting of the Commission. The motion passed unanimously on a voice vote with one abstention (YEAS: Lauterberg, Payne, Rosado; NAYS: None; ABSTAIN: Linderman).

The Commission presented a resolution commemorating Grace Wheaton for her service to the Commission as a Senior Policy Analyst. Ms. Linderman moved and Mr. Lauterberg seconded to approve the resolution and present it to Ms. Wheaton at the January 2025 meeting of the Commission. The motion passed unanimously on a voice vote (YEAS: Lauterberg, Linderman, Payne, Rosado; NAYS: None).

2025 Schedule of Regular Meetings

Mr. Northcutt presented the proposed schedule of regular meetings for 2025. Commission staff recommended meeting on the first Friday of every odd month, with the exception of the meeting on July 13.

Mr. Lauterberg suggested amending the schedule to have the May meeting on May 9. He subsequently moved to adopt the schedule as amended. The motion was seconded by Mr. Payne and passed unanimously with one abstention (YEAS: Lauterberg, Payne, Rosado; NAYS: None; ABSTAIN: Linderman).

Other Business

There was no other Commission business.

Adjournment

A motion was made by Ms. Linderman and seconded by Mr. Lauterberg to adjourn the meeting of the Commission; The motion passed unanimously on a voice vote (YEAS: Lauterberg, Linderman, Payne, Rosado; NAYS: None). The meeting adjourned at 11:30 a.m.

DRAFT

**Minutes of the  
COMMISSION ON LOCAL GOVERNMENT  
All-Virtual Special Meeting  
December 2, 2024  
3:00 p.m.**

Members Present (virtually)

Robert Lauterberg, Vice Chair  
Diane Linderman  
Terry Payne  
Edwin Rosado, Chair

Members Absent

Ceasor Johnson

DHCD staff present for all or part of the meeting:

Bryan Horn, Director  
Trisha Lindsey, Policy and Legislative Services Director  
LeGrand Northcutt, Senior Policy Analyst  
Chase Sawyer, Policy and Legislative Services Manager

Call to Order

Mr. Rosado, Chair of the Commission on Local Government, called the special meeting to order at 3:00 p.m.

Roll Call

The roll was called by Mr. Northcutt. Mr. Northcutt reported that a quorum was present.

Approval of Agenda

A motion was made by Ms. Linderman and seconded by Mr. Lauterberg to approve the draft agenda. The motion passed unanimously on a voice vote (YEAS: Lauterberg, Linderman, Payne, Rosado; NAYS: None).

Caroline County and  
Spotsylvania County  
Economic Growth Sharing  
Agreement

Ed Petrovich, County Administrator for Spotsylvania County, gave an overview of the history of the agreement before the Commission. Mr. Petrovich discussed the regional and state-wide collaboration that led to the agreement, the historic investments in infrastructure that would result from it and other projects in the two counties, as well as the ways Spotsylvania County has protected its potable water sources from data center construction.

Presentation of the Draft  
Agreement

Charles Culley, County Administrator for Caroline County, concurred with Mr. Petrovich on the historic nature of the agreement and resulting investments. Mr. Culley also noted the collaborative nature of the project and anticipated impact on job creation in Caroline County.

Mr. Northcutt presented the draft agreement and discussed amendments that had been made after the draft was made publicly available on November 26<sup>th</sup>.

Presentation of the Draft  
Report on the Economic  
Growth Sharing Agreement  
Public Comment

Mr. Rosado opened the floor for public comment on the report. After seeing no speakers, Mr. Rosado closed public comment.

Approval of the Report on  
the Economic Growth  
Sharing Agreement

Mr. Rosado opened the floor for questions and comments from the Commissioners regarding the report. Mr. Lauterberg had a general question about data center development across the Commonwealth. In response, a representative from Amazon Data Services spoke to the company's current and anticipated projects in the region.

Hearing no additional comments on the report, Mr. Lauterberg moved to approve the report subject to the amendments proposed by staff. The motion was seconded by Ms. Linderman and passed unanimously (YEAS: Lauterberg, Linderman, Payne, Rosado; NAYS: None).

Other Business

There was no other Commission business.

Adjournment

A motion was made by Ms. Linderman and seconded by Mr. Lauterberg to adjourn the meeting; The motion passed unanimously on a voice vote (YEAS: Lauterberg, Linderman, Payne, Rosado; NAYS: None). The meeting adjourned at 3:27 p.m.

OPINION

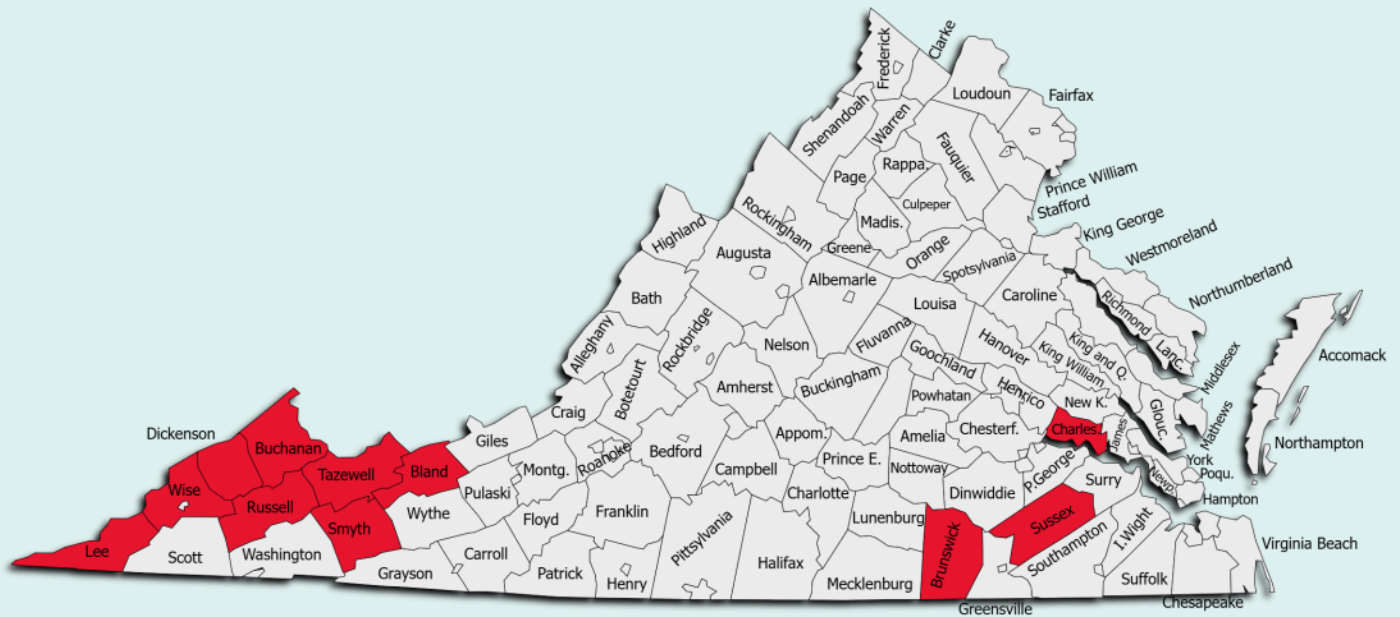
# Would an income tax break help the most 'distressed' localities in Virginia? A state study says maybe so.

*The study, initiated by state Sen. Travis Hackworth, R-Tazewell County, looked at whether an income tax break would reverse population outflows in some localities.*



by **Dwayne Yancey**  
November 26, 2024

## The most 'distressed' counties in Virginia



Created with paintmaps.com

These were the localities identify by the Virginia Department of Taxation study as the most 'distressed' in the state.

State Sen. Travis Hackworth, R-Tazewell County, sponsored legislation earlier this year that set in motion a study on ways to help the most economically distressed localities in the state.

That study is now back, and it's a revealing document.

At first glance, this study would seem to be of pretty limited interest: Just 11 localities in the state meet the official criteria for suffering a triple whammy of challenges: a high unemployment rate, a high poverty rate and the highest rates of population decline since 2013.

Most of those are in Southwest Virginia: Bland County, Buchanan County, Brunswick County, Charles City County, Dickenson County, Lee County, Russell County, Smyth County, Sussex County, Tazewell County and Wise County.

However, some of the questions raised by this report are statewide in nature.

Hackworth began with a single question: Should residents in these most distressed localities qualify for some kind of income tax break? Would that help attract more residents and/or more employers? Tinkering with the income tax, even in fewer than a dozen localities, is the sort of thing that tends to raise eyebrows on both sides of the aisle, although perhaps for different reasons.

Spoiler alert: This study by the Department of Taxation did not come back with a conclusive answer.

“Study participants were generally supportive of a potential income tax incentive targeted to the localities in question,” the report said, although this isn't a surprise since the participants were generally from the localities that would benefit. More importantly, the report found that an income tax break would be helpful but “would not be a comprehensive solution to ending or reversing population loss in those localities.” However, a tax break could be “an important tool in those counties' economic development toolbox.”

Hackworth found that encouraging enough that he's put in a budget request for \$8.76 million to offset an income tax subtraction of \$5,000 per resident in each of the most distressed localities. We'll see how that



State Sen. Travis Hackworth, R-Tazewell County. Photo by Markus Schmidt.



fares. I can see fellow Republicans thinking that with a projected budget surplus of \$3.2 billion over the next two fiscal years, maybe everybody should get a tax break; I can see Democrats thinking that what we need to do is use that surplus to make investments and that what these counties really need is more spending on (insert project here) and not individual tax cuts. We'll get to those political arguments soon enough. Before we get there, let's look at what this study actually says.

## Some localities didn't participate

The goal was to focus on 10 localities, and all were invited to take part. Over the course of the study, it was found that an 11th locality, Bland, also met the criteria. Of the original 10, seven sent representatives to take part in the study. Who didn't? Brunswick, Buchanan and Russell. This seems like a missed opportunity for those localities, but let's move on.

## The minimum wage increases in Virginia are having an unintended consequence

This is what really caught my eye: The state's minimum wage went from \$7.25 to \$9.50 in 2021 and then rose again to \$11 in 2022 and \$12 in 2023 and is set to keep rising until it reaches \$15 per hour in 2026. Tazewell's county administrator, Eric Young, told the study group that these increases are hurting, not helping, the economy in his border county. The report says he told the study group: "By causing wage compression and forcing employers to pay higher wages to their workers, the increases in the minimum wage [have] eliminated the region's historical lower labor costs advantage over West Virginia. This has led to fewer companies locating in Virginia and more existing companies relocating across the border in West Virginia."

In a letter to the Department of Taxation, Young elaborated on the competitive realities Tazewell faces. He begins by pointing out that there are two Bluefields — one in Virginia, one in West Virginia. Bluefield, Virginia, is in Tazewell County. "Driving through town one would hardly know whether you were in the Commonwealth or the Mountain State on any given street," he wrote. "But the employers know. In large part Bluefield, Virginia's manufacturing economy is premised on making mining machines for West Virginia mines or West Virginian mining companies. Interstate 77 located five miles to the east is a conduit for our county's manufacturing exports. Any day of the week convoys can be seen hauling machinery north. However, once our wages par West Virginia's, I-77 will haul Bluefield's businesses north once and forever. At some point they will not be able to overcome the transportation cost difference of operating in Tazewell County, if there is no longer a wage advantage. There will be a day when it makes more sense for them to locate closer to their market."

I sure don't want to be the guy who argues against raising the minimum wage, but I am curious what the legislators who voted for a minimum wage increase would have to say to Tazewell County about this predicament.

For Young, this economic reality of trying to compete with West Virginia leads him to support Hackworth's proposal for an income tax break. It is "not a magic bullet to solve our economic ills," Young wrote. "However, it can add to other local incentives and just may tip the balance in our favor and keep these businesses in Tazewell County. A reduction in the state income tax would ease the wage pressure on our key businesses and hopefully keep them in the Commonwealth. If the employee nets more take-home pay, they will be more satisfied with their current wage and less likely to relocate elsewhere for higher pay. This means the employer pays less to keep employees and can charge less for her product. We can recover some of our competitive advantage."

## Southwest Virginia faces a competitor other parts of Virginia don't: Tennessee

We're accustomed to hearing North Carolina described as Virginia's biggest economic competitor. If you go far enough west, though, the competitor becomes not North Carolina but Tennessee. I hear about this almost anytime I talk to someone in the westernmost corner of Virginia. Tennessee's economic advantage is that it doesn't have a state income tax (although it does have the nation's highest sales tax to make up for that, so pick your economic poison). That gets into another philosophical argument: Which is more fair, a progressive income tax or a regressive sales tax? Whatever the philosophy, here's some of the reality, as documented in the report:

The Lee County representative "suggested that the rise of telework or remote work contributed to population loss and shared a personal anecdote about how his daughters who work from home had moved to Tennessee to avoid income tax because, as remote workers, they are taxed where they live, and Tennessee does not have an individual income tax."

Migration data from the Internal Revenue Service bears this out: Of the people who move out of Lee County, the ones making the most money tend to move to Tennessee, where that higher income isn't subject to income tax. In 2022, the people moving into Lee County made an average of \$41,904. Those who moved out of the county to other parts of Virginia made an average of \$37,805 — but those moving to Tennessee averaged \$83,501. That's a lot of lost disposable income for Lee County.

Bristol, Russell County, Scott County, Washington County and Wise County weren't part of this study, but their IRS migration data shows the same trends: More affluent residents leaving those localities tended to move to Tennessee.

No other part of Virginia faces the same competitive pressure — sharing a border with a state that doesn't have an income tax. It would be interesting to see a larger study on what impact that has on Southwest Virginia. If that part of Virginia faces a very different competitive environment, should there be separate tax rates that apply?

Until then we're left with this written comment from Smyth County's administrator, Shawn Utt: "Localities in Southwest Virginia are at a critical disadvantage due to our proximity to the surrounding states of West Virginia, Kentucky, Tennessee and North Carolina, all of which have more favorable financial conditions than what Virginia provides/requires." Read that again. When a government official includes Kentucky and West Virginia in a list of states with "more favorable financial conditions," maybe we ought to pay attention. He also backed Hackworth's proposal: "This selective income tax reduction should serve as a strategic investment in the long-term economic stability of our region and the Commonwealth as a whole."

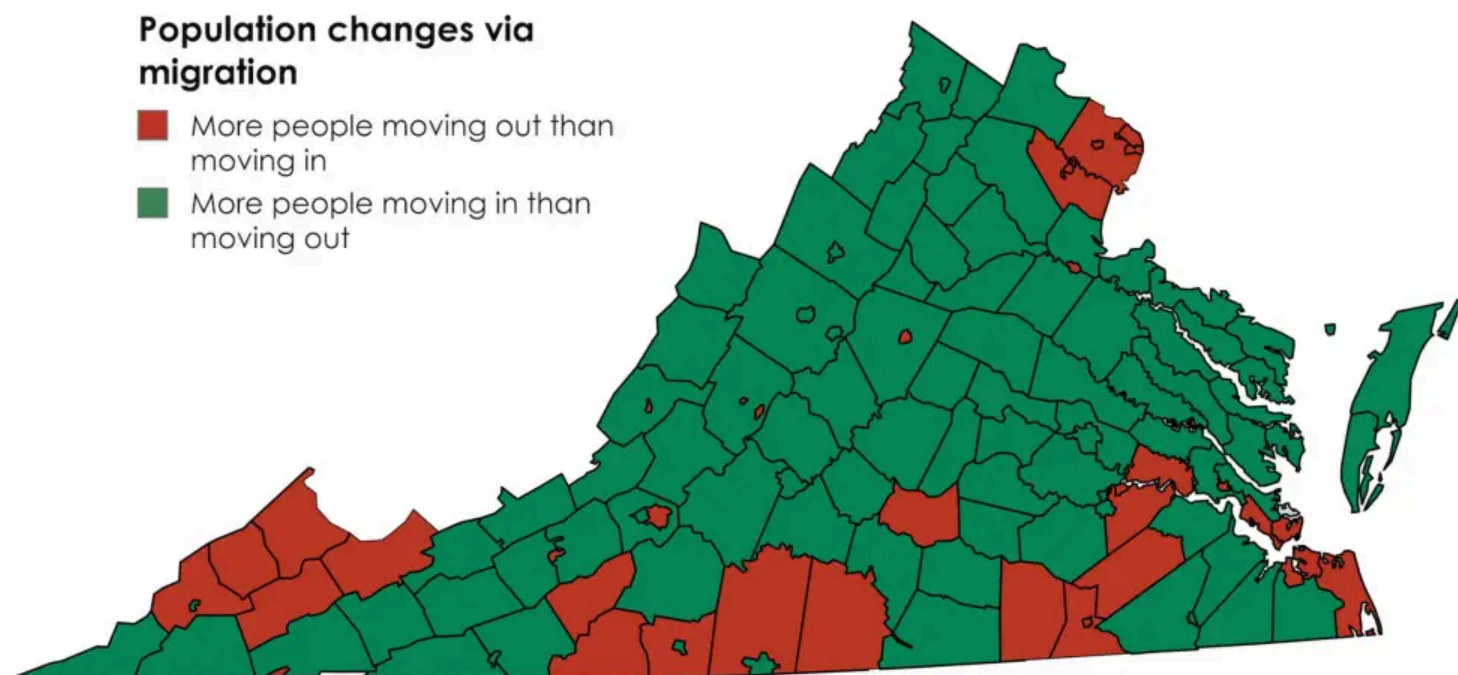
## **Kansas has tried this, with mixed results**

One state has tried something like this: Kansas. A state study in 2021 found it hadn't done much to stem population decline in rural Kansas.

That state's Rural Opportunity Zone program now covers 95 of the state's 105 counties (pretty much anything that's not Kansas City, Wichita or Manhattan). It offers a state tax credit and assistance in repaying student loans; the goal is to persuade young adults to stay in rural Kansas, or to move there. The Kansas study estimated the program was able to only offset about 5% of the population outflows from rural Kansas. However, that's an overall figure. The study found some counties did benefit significantly from the program — 15 counties saw their population losses reduced by 10% or more thanks to the program. Two counties gained population (slightly) as a result of the program, and two others saw population increases grow faster because of it. As is often the case with real estate, the key is "location, location, location."

Maybe the Kansas program is too broad? Or maybe it's simply inadequate to the challenge of preventing population outflows from some hard-case counties? We don't know.

## Most of rural Virginia is seeing a renaissance of newcomers. Some places aren't, though.



This map shows which localities are seeing more people move in than move out since the last census. Note that localities gaining newcomers might still lose population overall because deaths might outnumber births and net in-migration. Data source: Weldon Cooper Center for Public Service, the University of Virginia.

One of the big demographic stories in recent years has been [a dramatic switch in migration trends](#). Instead of more people moving out of Virginia than moving in, we now see more in-migration. That's definitely the case in rural Virginia.

However, some counties have escaped that trend, including eight of the 11 that would be covered by this tax plan: Buchanan County, Brunswick County, Charles City County, Dickenson County, Russell County, Sussex County, Tazewell County and Wise County. They're still losing population two ways, both through the hearse and the moving van.

Only Bland, Lee and Smyth are now seeing more people move in than move out. They're still losing population because, with aging populations, deaths outnumber both births and the net in-migration.

## The question not asked

No report (or column, for that matter) can cover everything, so I'll take it upon myself to ask the question this report couldn't: If this proposed income tax reduction isn't the right solution, what is?

### There are more election numbers we haven't looked at yet

This year's election has produced a veritable feast of election data. I'll look at more numbers and what they mean in this week's edition of West of the Capital, our weekly political newsletter that goes out every Friday afternoon. You can sign up for that or any of our other free newsletters right here:

#### **The Daily**

Everything we publish, every weekday

#### **The Roundup**

A roundup of our most popular stories each week, sent Saturdays at 7 a.m.

#### **Cardinal Weather**

In-depth weather news and analysis on our region, sent Wednesdays

#### **West of the Capital**

A weekly round-up of politics, with a focus on our region, sent Fridays

#### **Your Weekend**

Spread your wings this weekend with our go-to guide for celebrations, festivities, and other events happening in our region, delivered every Thursday at noon.

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# State commission OKs Arrington annexation

## Warrenton could grow by 241 acres with annexation

By Tate Hewitt Staff Writer

Nov 4, 2024

Town of Warrenton generic caption

Photo by Coy Ferrell

Warrenton is seeking to expand its boundaries with the goal of extending sewer connections to serve a proposed project that could bring more than 250 new homes to town.

The town received unanimous support from a state commission on Nov. 1, bringing Warrenton one step closer to moving its boundary line to include the former Alwington Farms.

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For several decades, multiple developments have been proposed for the property, which sits just outside Warrenton. The latest iteration could bring hundreds of septic systems if the boundary line does not change.

That's because the property falls within Warrenton's water service district, which stretches outside the town, but Warrenton's wastewater services are for residents only.

This is why Fauquier County, the town of Warrenton and the project's developer, Van Metre Communities, **want to move the boundary line** – doing so would entitle future residents to town sewer service.

If approved, the former farm site would become home to the **proposed Arrington housing development** and could ultimately include 161 single-family residences, 93 townhomes and 16 affordable townhomes.

That last group is reserved for people who make less than the area's median income, one of multiple proffers, or conditions, in the agreement with the developer. Other proffers include funding to renovate and expand Taylor Middle School, extend Alwington Boulevard into the development and replace and relocate the Taylor Run sewage pumping station – which alone is estimated to cost \$5 million.

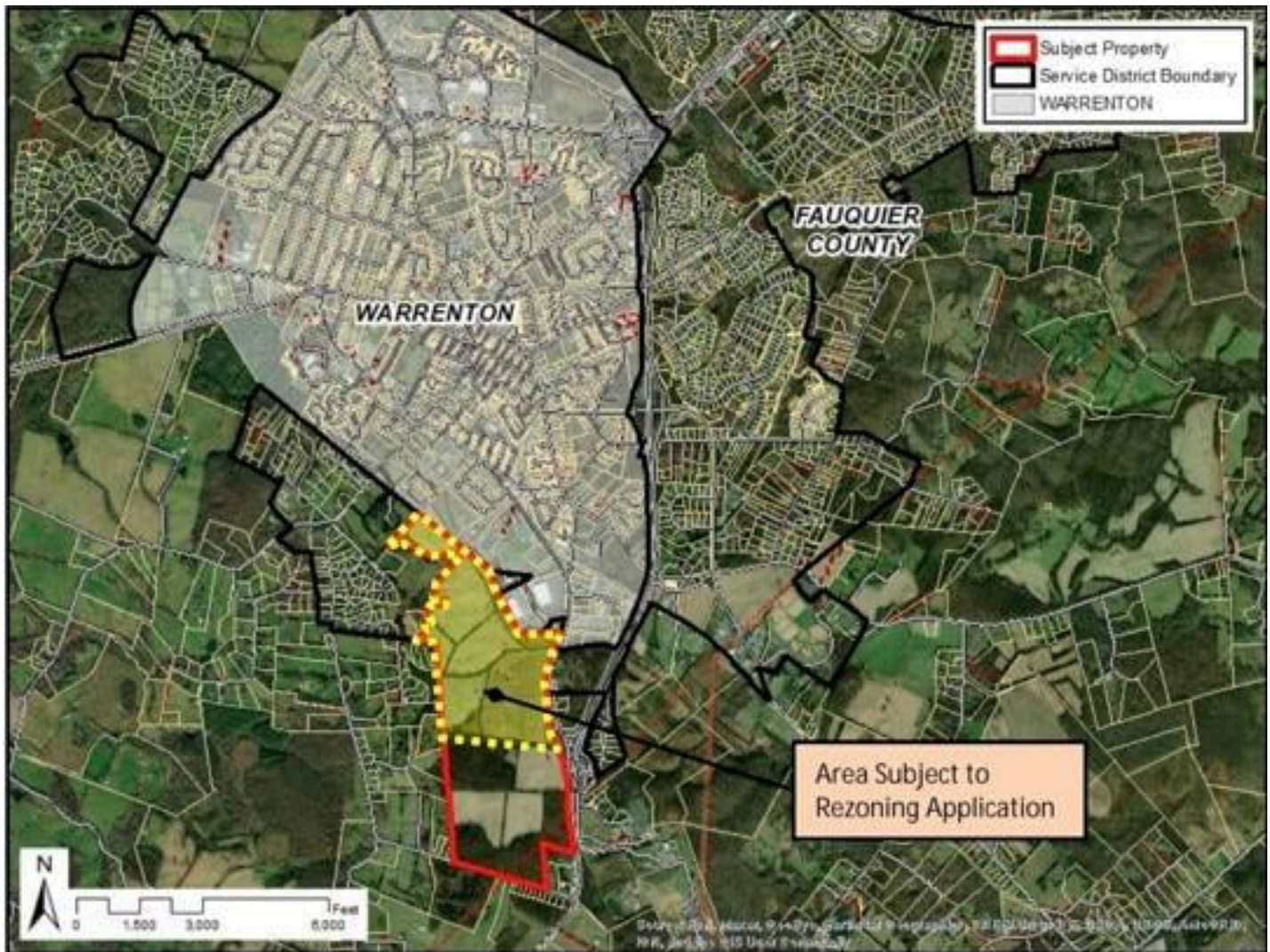
### ***PREVIOUSLY: State commission considers Arrington annexation***

Based on its analysis, the state Commission on Local Government determined the agreement would be “best interest of the commonwealth,” according to a report issued Friday.



The state commission considered the plans at the request of Fauquier County, which wants to transfer the Arrington development to Warrenton.

That would allow future residents to connect to the town sewer and pay lower water rates. If jurisdiction stayed with the county, every residence in the development would need its own septic system, which could impact the environment and county residents who rely on clean well water.



The Arrington development plans up to 270 new single-family and townhouses on about 240 acres. (Photo courtesy of Fauquier County).

Submitted

Now, the governments of Warrenton and Fauquier County will each discuss the annexation before holding public hearings and voting on the plan.

Town spokesperson Lyndie Paul confirmed the agreement will be on the **town council's Nov. 12 work session agenda.**



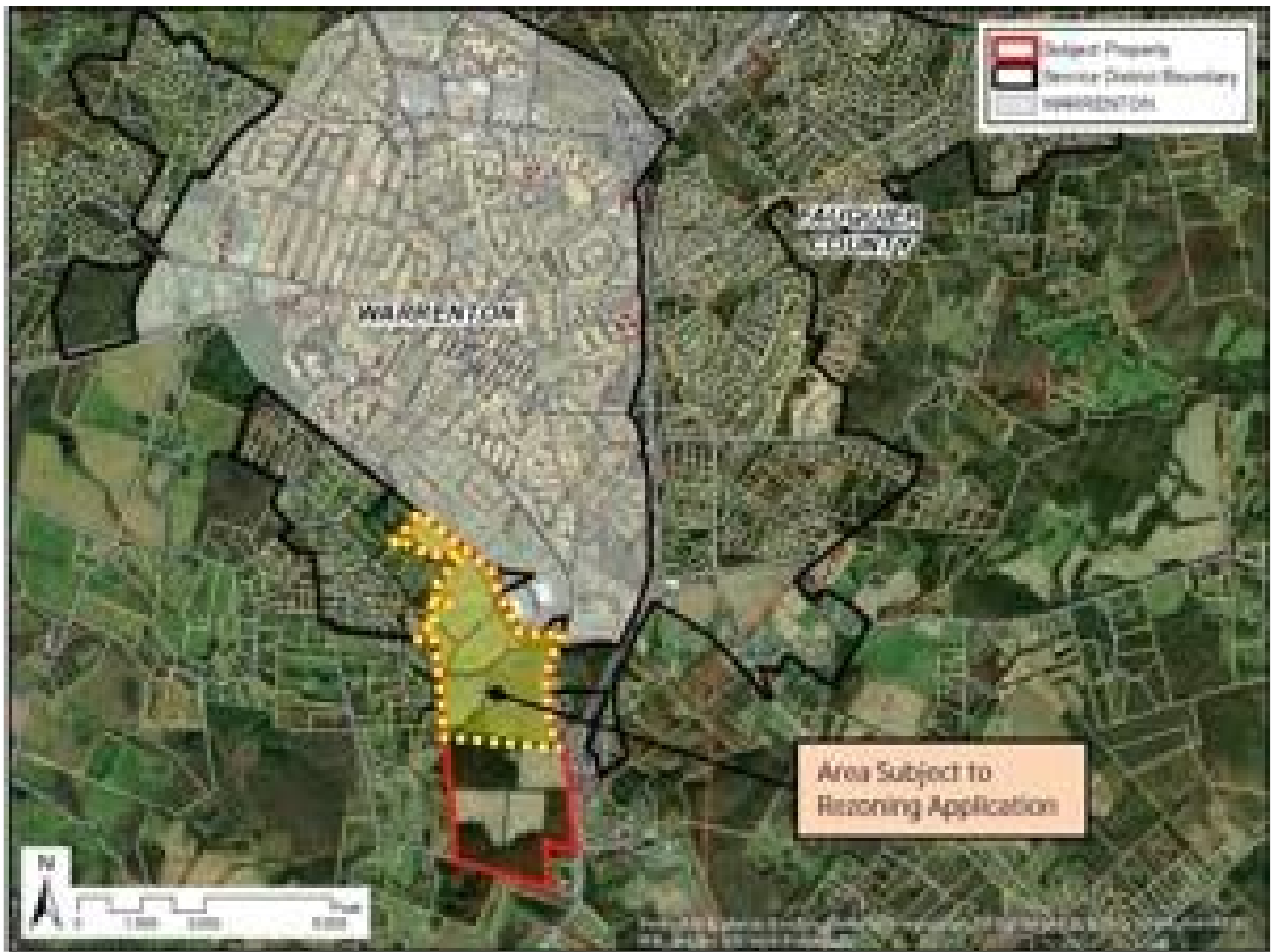
Ultimately, the town of Warrenton must petition the Fauquier County Circuit Court to submit the proposal to the Virginia Supreme Court. The Supreme Court would convene a three-judge panel to make a final decision, based on what it considers best for the citizens of Fauquier County, Warrenton and the Commonwealth.

*Staff writer Tate Hewitt can be reached at [thewitt@fauquier.com](mailto:thewitt@fauquier.com).*

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**Warrenton's annexation move criticized over transparency**



**Warrenton officials consider annexing renewed Arrington development**

Tate Hewitt

POLITICS

# The Giles County town of Glen Lyn votes itself out of existence

*The town's population had slumped after the Appalachian Power coal plant closed nearly a decade ago.*



by **Michael Hemphill**

December 10, 2024



Glen Lyn municipal building. Photo by Michael Hemphill.

Virginia now has one fewer town after 27 citizens of Glen Lyn voted Tuesday to dissolve its charter and become an unincorporated community of Giles County.

Only six Glen Lyn citizens voted against the referendum that asked: “Shall the charter for the Town of Glen Lyn be annulled and repealed?”

“The last mayor?” mused mayor and town manager Howard Spencer, who voted in favor of annulling the charter and, by extension, himself out of a job. “I hadn’t thought too much about it.”

His first reaction was to lament his neighbors’ apathy that resulted in fewer than half the town’s 67 registered voters showing up at the town office to vote.



Howard Spencer has been mayor of Glen Lyn for 40 years. Courtesy of Virginia Tech’s “Save Our Towns.”

The few services currently provided by the town to its 95 residents — mostly sewer and maintenance of the town park — will be assumed by Giles County. The county is already providing water service, police protection through the sheriff’s department, and fire service after the Glen Lyn Volunteer Fire Department was shut down in October due to undisclosed allegations against some of its members.

A new nonprofit organization called Glen Lyn Commons will fund street lights, snow plowing and median mowing.

“I just wanted to be nothing more than a public servant,” said Spencer, who has served as mayor for more than 40 years. “I’ve done my best for the town, and we’ll continue to live here and still be part of the community as long as the Lord lets us live.”

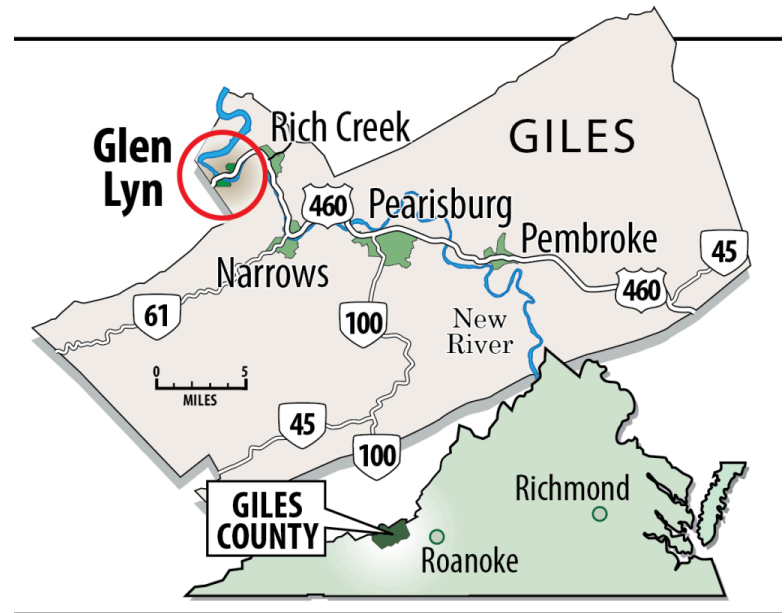
One responsibility that Giles County will not assume is any liability associated with six federal indictments currently filed against Spencer for alleged violations of the U.S. Clean Water Act. According to charges brought in 2023 by the U.S. Attorney’s Office in Roanoke, the 84-year-old mayor ordered employees of the town’s wastewater treatment plant on three occasions “to illegally discharge raw sewage into the East River, a tributary of the New River.”



Spencer has pleaded not guilty, and the case remains open.

“We had these conversations with our attorney and was told there would not be any liability that would transfer to the county,” said county administrator Chris McKlarney.

One of the six who voted against the referendum now stands as the last name ever to appear on a ballot for Glen Lyn mayor.



Map by Robert Lunsford.

Billy Meadows, Jr., 42, ran unopposed on Nov. 5 as Spencer had declined to run for reelection, but he lost 11 to 17 to write-in candidate and town councilman Roger Whitt.

“I’m not happy about it,” said Meadows about the referendum. “I think a lot of the problems is that there’s been too much bad going on and people are holding on to who is going to be in office and who is going to be on council, and they’re afraid nothing is going to change.”

The sheriff’s office already takes up to 20 minutes to get to Glen Lyn, Meadows says, and he worries that other services will receive similar short shrift.

“It sucks,” he said. “I hate it for the citizens. I really wanted to show what I could do to make life better, but there’s nothing I can do now. With the town shutting down, me not getting voted in for mayor, all I can do is me helping everybody I can.”

Glen Lyn’s decline began in 2015 when a coal-fired plant — built in 1919 and responsible for many of the town’s jobs and residents as well as \$230,000 in tax revenue or one-quarter of its budget — was shuttered by Appalachian Power.

According to [virginiaplaces.org](https://www.virginiaplaces.org), Glen Lyn will be the fourth town in Virginia history to dissolve its charter, joining Clover in Halifax County (1995), Castlewood in Russell County (1997), and St. Charles in Lee County (2022).

McKlarney says he anticipates Glen Lyn’s reversion to unincorporated status will take place in January.

“Our job will be to provide continuity of service to the citizens and make the transition as seamless as

possible,” said McKlarney. “They built some really nice amenities and it’s our hope to continue operating them and making improvements to them for all citizens.”

*See also:*

- [\*\*As population and revenues slide, and controversies mount, the Giles County town of Glen Lyn will vote Tuesday on whether to disband\*\*](#)
- Opinion: [\*\*The transition from coal is killing Glen Lyn. Can anyone save it?\*\*](#)

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[https://www.fauquier.com/news/town-county-officials-approve-arrington-annexation-town-expansion/article\\_13437172-bc81-11ef-8160-2fe22af3314f.html](https://www.fauquier.com/news/town-county-officials-approve-arrington-annexation-town-expansion/article_13437172-bc81-11ef-8160-2fe22af3314f.html)

# Town, county officials approve Arrington annexation, town expansion

Some argued vote should have been left to new council

By Tate Hewitt Staff Writer  
Dec 17, 2024

1 of 2



The federal highway interchange between Laurel Ridge Community College and Walmart, is seen south of Warrenton limits. The community college, located on the east side of the highway, and the Arrington property on the west side...

After more than a quarter-century of plans, offers and deliberation, Warrenton is another step closer to annexing the former Alwington Farms.



The Warrenton Town Council **approved the boundary line adjustment** in a 6-1 vote Tuesday — just two days before the Fauquier County Board of Supervisors also voted 4-1 in favor of the plan.

Moving the boundary line puts the proposed Arrington development within town limits, adding more than 250 homes and up to 25 acres of commercial space to the town.

To sweeten the deal, developer Van Metre promised to reserve 16 townhomes for affordable housing, to help fund part of the project to renovate and expand Taylor Middle School, to extend Alwington Boulevard into the development and to replace and relocate the Taylor Run sewage pumping station — which alone is estimated to cost \$5 million.

### ***PREVIOUSLY: State commission OKs Arrington annexation***

The annexation was one of the last votes cast by outgoing town council members Heather Sutphin, Brett Hamby and James Hartman, **whose seats will be occupied by new representatives** in January.

They almost didn't get a chance to weigh in on the matter Tuesday, though.

Council member Eric Gagnon, of Ward 5, moved to postpone the vote until next year so the new council could make the final decision, a suggestion that arose again at Thursday's Fauquier County Board of Supervisors meeting.

"I think it's only fair to allow the new council to review the plan and to own it," Gagnon said Tuesday.

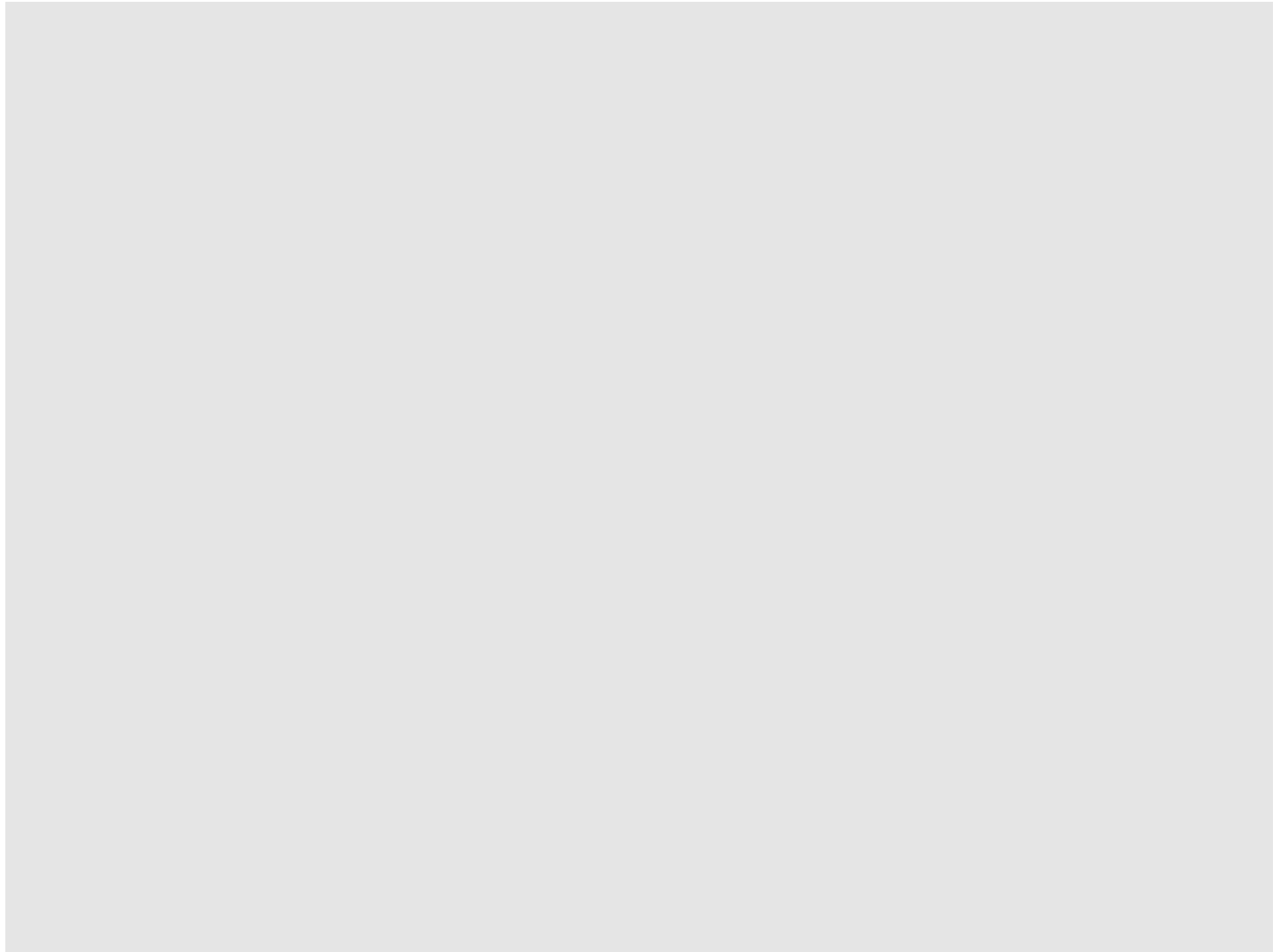
Council member Bill Semple seconded the motion.

Other council members did not agree, including outgoing Vice Mayor James Hartman.

"I've lived in this town all my life, and I've heard about this project for the last 25 years," Hartman said. "And as a member of this council, I have worked tirelessly to make sure that this is the best deal for the town."

"It's a disservice to ask this outgoing council not to vote on this," Hartman added. "Right now, I want to vote on this."

The attempt to postpone was voted down 5-2 and the boundary line adjustment passed 6-1, with Gagnon against.



This map depicts the Arrington development and the surrounding acreage that have been the subject of debate between town and county officials for years.

Submitted

But Gagnon, Semple and the three incoming council members — who will take their seats in January — then took their argument to the county supervisors.

Council members-elect Roy Francis of Ward 1, Larry Kovalik of Ward 3, and Michele O'Halloran of Ward 4 and Gagnon and Semple asked the board of supervisors to postpone its vote on the annexation Thursday night.

“We request that the Board of Supervisor postpone its decisions on (the) Alwington Voluntary Settlement Agreement until the new council has had an opportunity to study and review the agreement and to work with you to resolve any concerns we may have,” O'Halloran said, speaking on behalf of her fellow council members.

Her request was followed in the public hearing by comment from John Foote, the land use attorney representing Van Metre, the developer of Arrington.

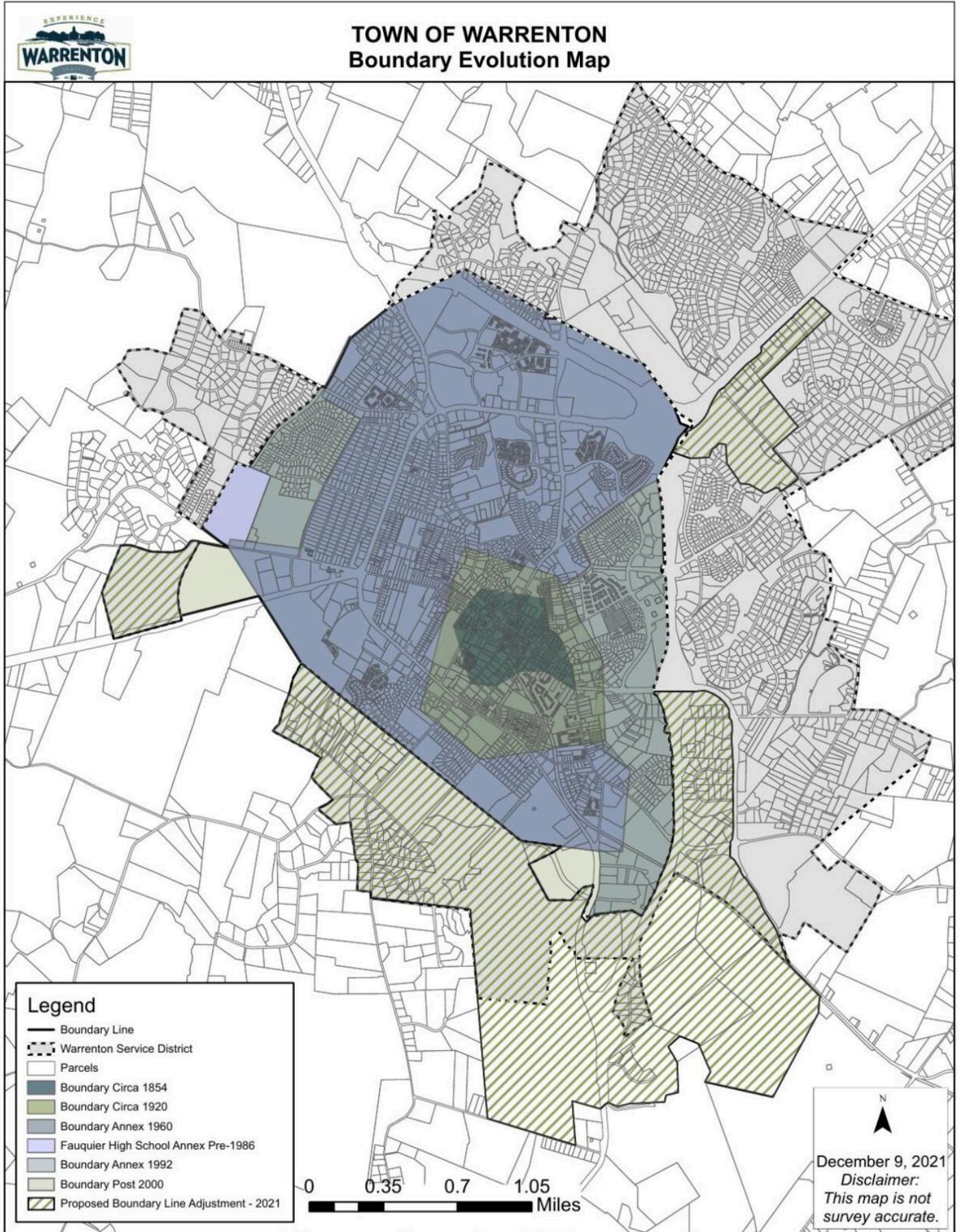
“I’m authorized to say on behalf of Van Metre that, if it does go back to town council, Van Metre is done negotiating,” Foote said. “I’m also authorized by Van Metre to say, if this is deferred, it’s not likely to be developed in the future.”

The Board of Supervisors went forward with the vote, and the measure passed 4-1.

Only Supervisor Regan Washer, of the Marshall District, voted no.

“This is currently in the Marshall District, so, therefore, I feel I have a right to provide my feedback,” Washer said. “The houses are being built whether we want them or not ... but personally, I believe that adding more development, more houses, goes against what Fauquier County stands for.”

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The supervisors vote will allow the county attorney to petition Fauquier County Circuit Court, who will then submit the approved proposal to the Virginia Supreme Court, which would convene a panel to make the final decision.

That three-judge panel would then decide whether the annexation “is in the best interest of the town, the county and the commonwealth,” according to town attorney Martin Crim.

If approved by that panel, Arrington could be within Warrenton’s borders as soon as January 2026.

*Staff writer Tate Hewitt can be reached at [thewitt@fauquier.com](mailto:thewitt@fauquier.com).*

*Want to stay up to date on the best stories about Life in the Piedmont? **Sign up for the Fauquier Times’ daily newsletter, The LIP, here.***

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Tate Hewitt



[https://www.loudounnow.com/news/judges-approve-leesburg-s-compass-creek-annexation/article\\_16f4f764-9deb-11ef-ad38-1b827d1f5ca4.html](https://www.loudounnow.com/news/judges-approve-leesburg-s-compass-creek-annexation/article_16f4f764-9deb-11ef-ad38-1b827d1f5ca4.html)

# Judges Approve Leesburg's Compass Creek Annexation

Norman K. Styer

Nov 8, 2024



The Town of Leesburg is getting 401 acres larger.

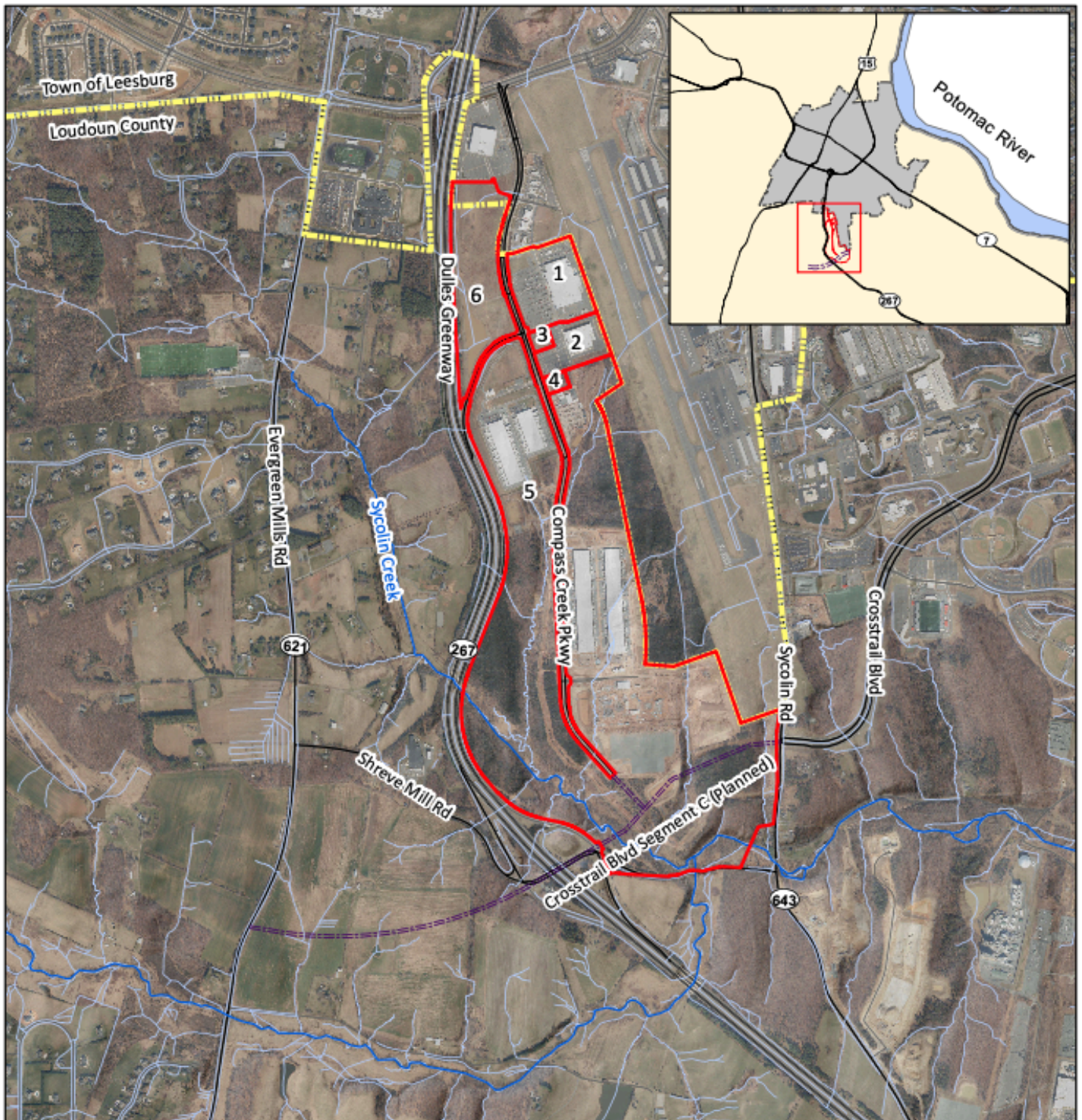
A special three-judge panel this morning approved the settlement agreement in the town's petition to annex the Compass Creek property that covers retail and data center development along the Dulles Greenway and will provide lower bills for Leesburg's out-of-town utility customers.

The 10-minute Circuit Court hearing ended six years of at times acrimonious negotiations between the town and county governments.

Early talks focused on incorporating the property through a voluntary boundary line adjustment, but when those talks broke down the town in September 2022 filed an annexation suit with the state Commission on Local Government.

The town and county avoided a legal battle following a round of mediation in January and arrived at a settlement that was agreed to by the Town Council and Board of Supervisors. Following an on-site visit and local hearing in March, members of the commission signed off on the settlement in March.





An exhibit from Loudoun County's filing in response to the Town of Leesburg's annexation petition shows the existing town boundary in yellow and the proposed annexation area in red.

County of Loudoun

During the brief Nov. 8 hearing, that agreement was approved by the judges after ruling that both the county and the town had demonstrated the annexation was in the public's interest.



As part of the deal, in addition to the land annexation and significant additional tax revenue anticipated from the commercial uses and data centers, the town is set to receive \$2 million annually from the county government in the form of an economic development grant. That money, subject to a 3% annual escalator, will be used to offset the 40% utility rate surcharge paid by the town's out-of-town customers. The town also agreed to create a separate, lower tax rate for data center computer equipment that would be locked in for five years. In the agreement, the town surrendered its ability to seek city status should the current prohibition be lifted in the future.

The change will take effect Jan. 1, ensuring that real estate and property tax collections on the property will begin next year.

The town and county previously agreed on two cooperative boundary line adjustments covering portions of Compass Creek, although only one was completed. The second expansion for land including the Super Walmart and the At Home stores, was approved in April, but never moved to the Circuit Court for final approval. That delay prompted the adverse annexation filing.

The newly annexed area includes those businesses as well as the 323-acre Microsoft data center campus.

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**Norman K. Styer**

## **Spotsy, Caroline strike data center deal; Spotsylvania agrees to data center deal with Caroline**

The Free Lance-Star (Fredericksburg, Virginia)

December 13, 2024 Friday

01 Edition

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**Section:** MAIN; Pg. 1A

**Length:** 464 words

**Byline:** SCOTT SHENK The Free LanceStar

### **Body**

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Spotsylvania County has approved a data center agreement with Caroline County that is expected to bring more than \$300 million in tax revenue to Spotsylvania over several decades.

The Spotsylvania Board of Supervisors unanimously approved the agreement after a public hearing during its Tuesday meeting. No residents spoke during the public hearing.

The economic agreement focuses on the Mattameade Tech Campus, which covers property in both counties.

State code requires the agreement, which is reviewed by a commission overseeing the industry in Virginia.

Caroline's campus will have nearly a dozen data centers, while Spotsylvania will be providing utilities for the centers that power the internet.

Spotsy, Caroline strike data center deal Spotsylvania agrees to data center deal with Caroline

The Spotsylvania portion of the Mattameade campus calls for a maximum of 50,000 square feet of facilities for such things as substations, battery and fuel storage, offices, maintenance, water and sewer, water treatment, guard house and rooftop solar.

The Caroline portion of the Mattameade campus is viable only with Spotsylvania providing water utilities, according to the Spotsylvania staff summary. Spotsylvania will provide the water utilities for the project, which is planned to include 11 data centers in both counties, most of which will be in Caroline.

The agreement calls for the counties to share tax revenue generated by the campus. Spotsylvania will get 42.5% of the revenue and Caroline 57.5%.

According to the Spotsylvania staff summary, the Mattameade campus should generate \$371.1 million in tax revenue over 40 years, the expected term of the agreement.

The agreement begins only when one million square feet of data center space is operating on the campuses.

The staff summary also states that the Mattameade resolution is in line with a different county performance agreement with Amazon Data Services related to a range of data center projects in the county. That agreement "contemplates that Spotsylvania County will provide water utilities to ADS's data center campuses wholly within Spotsylvania County and also the MTC."

The performance agreement calls for Amazon to pay for the construction of a wastewater reuse system to serve county data centers, which use vast amounts of water to cool data center computer equipment.

The reuse system will serve Mattameade and eventually numerous other Spotsylvania data center projects, which could amount to at least 6.6 million square feet of facilities. The county also is working with applicants on numerous other projects that could result in more data centers.

Spotsy, Caroline strike data center deal Spotsylvania agrees to data center deal with Caroline

The Spotsylvania Board of Supervisors approved a deal with Amazon in October on the Mattameade campus wastewater reuse system, which calls for the company to pay for the estimated \$15 million project.

Scott Shenk: [540/374-5436sshensk@freelancestar.com](mailto:540/374-5436sshensk@freelancestar.com)

## Graphic

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What exactly is a deepfake, and how does the technology work? The Scripps News Disinformation Desk explains. (Scripps News) Scripps News

## Classification

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**Language:** ENGLISH

**Publication-Type:** Newspaper

**Subject:** AGREEMENTS (93%); APPROVALS (90%); BOARDS OF DIRECTORS (90%); COUNTY GOVERNMENT (90%); PUBLIC HEARINGS (90%); WATER SUPPLY UTILITIES (90%); WATER CONSERVATION (88%); WATER RESOURCES (68%)

**Industry:** DATA CENTERS (90%); ENERGY & UTILITIES (90%); UTILITIES INDUSTRY (90%); WATER & WASTEWATER MANAGEMENT (90%); WATER SUPPLY UTILITIES (90%); SEWERAGE SYSTEMS (89%); WATER CONSERVATION (88%); SOLAR ENERGY (70%); COMPUTER EQUIPMENT (50%)

**Geographic:** VIRGINIA, USA (94%)

Spotsy, Caroline strike data center deal Spotsylvania agrees to data center deal with Caroline

**Load-Date:** December 13, 2024

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## **Emporia citizens speak out on reversion**

Independent-Messenger (Emporia, Virginia)

November 28, 2024

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**Section:** NEWS

**Length:** 816 words

**Byline:** Staff Writer

### **Body**

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Several citizens concerned about the recent informational sessions on the possibility of the City of Emporia reverting to a town took to the city council meeting on Nov. 19 to share their feedback.

The City of Emporia hosted three informational sessions on reversion in order to give citizens a better understanding of the issue which had previously been voted on during city council. Virginia cities are permitted to revert to towns, which are a political subdivision of counties, if the change will not cause an undue burden on the county.

As opposed to cities, towns operate under county jurisdiction and their residents pay taxes to both localities, though town taxes are typically lower than city taxes. Counties also provide services like education, health and welfare and court services to town residents.

In July, the Emporia City Council voted against beginning the process of reverting to a town. The tied 3-3 vote with one abstention had to be broken by Mayor Dr. Carolyn S. Carey, who voted no.

## Emporia citizens speak out on reversion

Despite the reversion failing to move forward, the council voted to host three informational sessions with experts on different parts of the process. The final session was hosted on Nov. 13 though many citizens visited the city council on Nov. 19 to protest reversion, which at this point is not moving forward.

"That is like the state of Virginia decided to go back to be a colony," one resident said.

He questioned what Stephanie Davis, former member of Virginia's Commission on Local Government, had meant when she spoke about Emporia being fiscally stressed during the second information session. Davis' presentation had largely focused on the financial strain which pressures cities to revert to towns when their expenses to provide for their citizens exceed their revenue.

Vice Mayor Clifton Threat interrupted his question to say that the City of Emporia has a healthy fund balance.

"The City of Emporia is not broke," Threat said. "The city's not struggling, we're not loaning money to the city as a council to help it operate."

The city has maintained a balanced budget despite having the highest fiscal stress score in the commonwealth based on a report by the Commission on Local Government released in 2024. That score is determined based on a locality's potential revenue, actual revenue and median household income. Emporia's median household income is \$41,442, according to the U.S. Census Bureau data from 2018-2022.

Other residents said that Emporia's leaders need to focus on bringing new businesses to the area. Multiple people said that there are not enough restaurants nor opportunities for children to keep people spending their money in Emporia rather than traveling outside of the city.

City Manager William Johnson III said that city staff are working diligently to bring new development to the area including Chick-fil-A, which is set to open in December but that it is a long process.

"We have some landowners who own a lot of land and I'll probably get run out of town tomorrow but I'm gonna make this statement they need to really consider the prices that they are selling some of that land for," Johnson said. "We've had a lot of developers leave the City of Emporia simply because the price of the land."

Melvin Hines called reversion "nonsensical" and argued that taxes would increase.

"I can assure you from living in the city and having lived in the county, the city is going to raise your taxes, the county is going to raise your taxes," Hines said. "You can count on that."

Patrick Clapp, senior economic consultant with Chmura, provided an analysis during the third information session on how Emporia could choose to cut taxes for town residents and balance the budget with less expenditures.

Another resident read a letter from Debra Brown, president of the local chapter of the NAACP. In it, she claimed that the information sessions were not properly advertised to many city residents and asked that if any other major issue comes before the council that every taxpayer should be notified by mail. She felt that the advertisements, which were primarily online, excluded hundreds of Emporia's citizens from knowing about and participating in reversion conversations.

Hattie Sue Jefferson took to the podium to agree that some citizens were unfortunately uninformed.

"My concern is that I know that technology is good there are older people in this community," Jefferson said. "I would think that people in your district should have gotten maybe a letter with questions and answers so that they can understand this concept about the reversion of a city to a town."

She suggested that councilors take more time to engage with their districts either through town halls, hanging flyers on doors and more to ensure that residents feel as though their councilperson is listening to their needs.

At this point, the City of Emporia is not reverting to a town.



## Classification

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**Language:** ENGLISH

**Publication-Type:** Newspaper

**Subject:** CITIES (93%); CITY GOVERNMENT (93%); LEGISLATIVE BODIES (90%); LEGISLATIVE VOTING (90%); LOCAL & STATE TAXES (90%); REGIONAL & LOCAL GOVERNMENTS (90%); TALKS & MEETINGS (90%); GOVERNMENT & PUBLIC ADMINISTRATION (89%); GOVERNMENT BODIES & OFFICES (89%); MAYORS (89%); GOVERNMENT BUDGETS (78%); CENSUS (75%); CHILDREN, ADOLESCENTS & TEENS (74%); COURT ADMINISTRATION (69%); GOVERNMENT STATISTICS AGENCIES (64%); NEW BUSINESSES (50%)

**Industry:** GOVERNMENT BUDGETS (78%); BUDGETS (75%); PUBLISHING (73%)

**Geographic:** VIRGINIA, USA (94%)

**Load-Date:** November 28, 2024

## Commission Policy #1

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**TITLE:**

Procedures for Electronic Participation in Commission on Local Government Meetings and All-virtual Meetings

**EFFECTIVE DATE:**

~~July 23, 2024~~ January 3, 2025

**AUTHORITY:**

Va. Code § 2.2-3708.3

**DEFINITIONS:**

The following definitions shall apply to the words used in this policy unless otherwise noted:

“All-virtual meeting” refers to a meeting that has been approved as an all-virtual meeting pursuant to this policy. During an all-virtual meeting, all Commissioners, staff, and the public may participate through electronic communication. No more than two Commissioners may be assembled in one physical location that is not open to the public.

“Electronic communication” means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

“In-person meeting” refers to a regular or special meeting that has not been approved as an all-virtual meeting pursuant to this policy. All in-person meetings must have a quorum assembled in one physical location.

“Participate electronically” means participating in an in-person meeting through electronic communication from a location that is not the location advertised in the public meeting notice.

“Quorum” consists of three commissioners participating in a meeting as allowed by this policy. When electronic communication is being used to establish a quorum, a Commissioner shall be considered absent from any portion of a meeting during which visual communication with the Commissioner is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails.

**POLICY STATEMENT:**

It is the policy of the Commission on Local Government that individual Commissioners may participate electronically in meetings of the Commission by electronic communication means as permitted by Va. Code § 2.2-3708.3. This policy shall apply to the entire Commission and without

regard to the identity of the Commissioner requesting remote participation or the matters that will be considered or voted on at the meeting.

It is further the policy of the Commission that, in furtherance of the convenience of the Commissioners, staff, and the public, the Commission should schedule all-virtual meetings when the laws of the Commonwealth and the workload of the Commission allow for such meetings.

The Commission believes that members of the public should be able to easily participate in open meetings both in person and through electronic communication. The Commission will therefore make efforts to allow for public comment and viewing through electronic communication at all in-person and all-virtual meetings.

In accordance with Chapter 56 of the 2024 Acts of Assembly, the Commission shall consider updates to and readopt this policy at least annually.

#### **PARTICIPATING ELECTRONICALLY DURING IN-PERSON MEETINGS:**

##### Process for making requests

Each individual Commissioner shall request approval to participate electronically from the Commission Chair, either directly or through Commission staff. Each request shall state a specific reason for electronic participation. Electronic participation is limited to the following reasons:

1. A Commissioner is unable to attend the meeting because of a temporary or permanent disability or other medical condition that prevents their ability to physically attend such meeting,
2. A medical condition of a family member of a Commissioner requires the Commissioner to provide care that prevents their physical attendance,
3. A Commissioner's principal residence is more than 60 miles from the location of the meeting, or
4. A Commissioner is unable to attend due to a personal matter, the specific nature of which shall be shared with the Chair.

If a Commissioner is requesting to participate electronically pursuant to reasons 1, 2, or 3, they should make their request 10 business days before the meeting. The Chair may allow these requests to be made closer to the meeting in his or her discretion.

If a Commissioner is requesting to participate electronically pursuant to reason 4, they may make their request up to 15 minutes before the scheduled start time of the meeting.

##### Other requirements

Whenever an individual Commissioner is to participate electronically, the following conditions must be present:

1. A quorum of the Commission must be physically assembled at the primary or central meeting location.
2. There must be arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

The Commissioner must provide a general description of their location (such as “from my home in Charlottesville” or “from my office in Lynchburg”) if participating electronically. Additionally, the meeting minutes shall reflect which of the four reasons the Commissioner gave for electronic participation, note the general location the Commissioner participated from, and note the specific nature of the personal matter, if applicable.

A Commissioner may only participate electronically under reason 4 for i) 25% of the meetings per year or ii) two meetings per year, whichever is greater. There is no limit to the number of times a Commissioner may participate electronically due to the other allowable reasons.

Automatic approval; vote required if challenged

Requests to participate electronically shall be approved unilaterally by the Chair unless such participation would cause a quorum not to be present in one physical location or otherwise violate this policy or the provisions of the Virginia Freedom of Information Act. If a Commissioner’s participation from a remote location is thought to violate this policy or the provisions of the Virginia Freedom of Information Act, such participation may be challenged by any other Commissioner during the meeting in question. If such participation is challenged, then the Commission shall conduct a roll call vote on whether to allow such participation. If the challenge fails, the Commissioner shall be allowed to participate electronically. If the challenge succeeds, the Commissioner may participate as a member of the public, but will not be counted present for the meeting and will not be allowed to vote on any matter before the Commission.

**ALL-VIRTUAL MEETINGS:**

The Commission on Local Government may convene all-virtual meetings in accordance with the Virginia Freedom of Information Act. An indication of whether a meeting will be in-person or all-virtual will be included in the meeting notice. The type of meeting will not be changed once the notice is published unless the Commission provides a new notice in accordance with the Virginia Freedom of Information Act.

At the final regular meeting of the calendar year, the Commission shall discuss potential dates for all-virtual meetings during the following calendar year based on the planned work load of the Commission and the schedules of the Commissioners. The Commissioners shall then, by consensus, suggest up to three meetings that may be held as all-virtual meetings.

At least 10 business days prior to any regular or special meeting, the Chair of the Commission shall confirm with staff whether a meeting will be an in-person meeting or an all-virtual meeting. Staff will then communicate the type of meeting the other Commissioners and the public. There is a strong preference to follow the suggested schedule created at the end of each

calendar year. However, the Chair may, to the extent allowed by law, change a scheduled in-person meeting to an all-virtual meeting in extenuating circumstances. The Chair may also change a scheduled all-virtual meeting to an in-person meeting at the request of other Commissioners and/or Commission staff.

The Commission may not convene an all-virtual public meeting (i) more than two times per calendar year or 50 percent of its meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting.

All advertised regular and special meetings and public hearings shall count towards the total number of meetings held per calendar year. Meetings held in executive session or meetings that are otherwise exempt from the Freedom of Information Act under Va. Code § 15.2-2907(D) shall not count towards the total.

**CLARIFICATIONS:**

The limits on remote participation due to emergencies or personal matters (reason 4) are separate from the limits on all-virtual meetings and will be counted separately.

If a Commissioner's request to participate electronically is disapproved, said Commissioner may still continue to monitor the meeting from the remote location, but may not participate and may not be counted as present for the meeting.

Three or more Commissioners may be gathered in one location during an all-virtual meeting so long as that location is open to the public.

**LEGAL INTENT:**

These Procedures for Electronic Participation in Commission on Local Government Meetings and All-virtual Meetings have been enacted to fulfill the legal requirements of a policy under Va. Code § 2.2-3708.3(D)

**APPROVAL AND REVIEW:**

This Commission Policy was ~~approved~~ adopted by a recorded vote of the Commission on January 3, 2025 in accordance with Va. Code § 2.2-3708.3(D). July 23, 2024.

**SUPERSESION:**

This Commission Policy replaces ~~any previous the Commission's previous~~ Electronic Participation Policy adopted by the Commission. y that was adopted on September 9, 2022.

**DHCD DIRECTOR:** Bryan Horn

# State Agency Guide to Emergency Regulatory Process

An emergency regulation:

--Is promulgated if there is an "emergency situation" or state law requires a regulation be promulgated within 280 days.

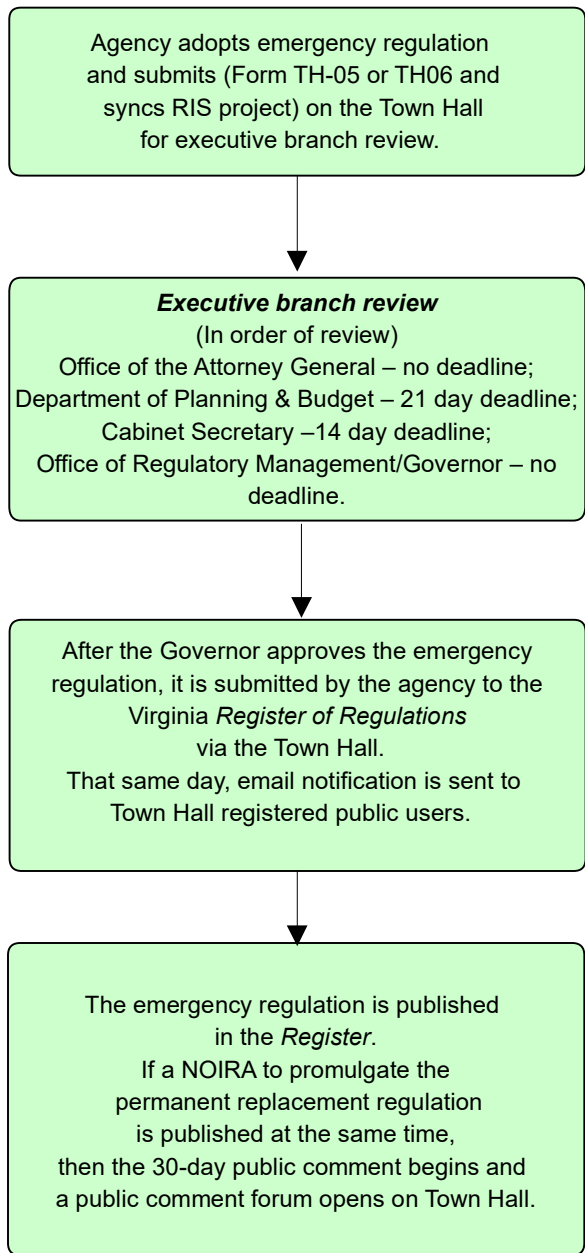
--Can be effective upon filing with the *Virginia Register of Regulations* or on a later date selected by the agency.


--Is a temporary regulation. Initially effective for up to 18 months, an emergency regulation may be extended for an additional 6 months if the Governor approves (for a total of 2 years).

If the plan is to make the emergency regulation permanent, then an Emergency/NOIRA stage must be filed on the Town Hall to begin the process of promulgating the permanent regulation.

Sources: Section 2.2-4011 of the Code of Virginia and Office of Regulatory Management Procedures (2022) to implement Executive Order 19 (2022)

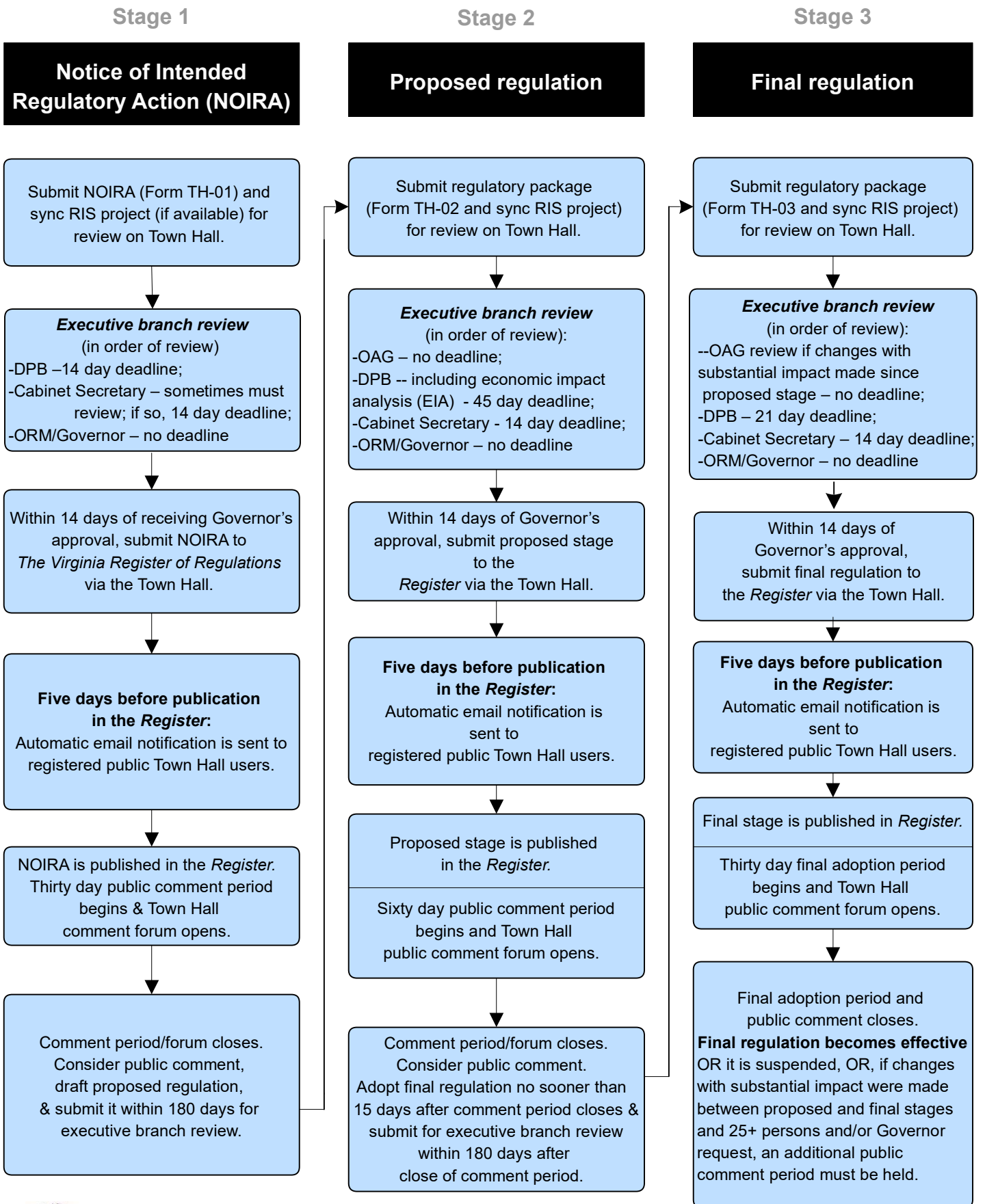
## Emergency Process:



  
For more information,  
visit the  
*Virginia Regulatory Town Hall*  
at  
[townhall.virginia.gov](http://townhall.virginia.gov)



# State Agency Guide to Standard Regulatory Process





Mandate Number: SOA.DGS008

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

Administering Agency Department of General Services

Date of Submittal 09/30/2024

**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:** (see the mandate abstract in the most recent Catalog of State and Federal Mandates on Local Governments, available [here](#))

Laboratory, testing, and analytical functions

**B. Specific Provisions of Mandate:** (see abstract)

Requires local laboratories to meet the certification requirements of the Division of Consolidated Laboratory Services (DCLS) if the local laboratory is certified by DCLS.

**C. Source/Authority:**

1. **Specify Each Applicable**

a) Federal Statute	
b) Federal Regulation	
c) State Statute:	Code of Virginia §2.2-1104
d) State Regulation:	1 VAC 30-45
e) Other:	

2. **Extension of Federal Mandates by State Authority:** (Where the mandate is founded concurrently on State and Federal authority, describe specifically those additional elements prescribed by State authority.)

N/A

**D. Method by Which Agency Oversees Implementation of Mandate:** (Describe how your agency ensures that local governments carry out the requirements of the mandate.)

DCLS certifies non-commercial environmental laboratories that perform testing for the purposes of the Virginia Air Pollution Control Law, the Virginia Waste Management Act or the State Water Control Law. Non-commercial laboratories must meet the quality management standards set out in Virginia regulation 1VAC30-45 and requirements of the specific test methods required by the Commonwealth's air, waste and water laws and regulations. On-site assessments are performed initially and on a three-year schedule, unless a laboratory has demonstrated some specific non-compliances, then re-assessments occur on a two year schedule.

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

1. **Localities Affected:** (List individually or describe a group, for example, all counties in Planning District 8.)

2. **Funding of Mandate:**

82 non-commercial laboratories that are certified under this mandate were contacted to complete a fiscal impact estimate. A non-commercial laboratory is a municipal or industrial laboratory providing analytical data for its owner holding a permit issued by the Virginia Department of Environmental Quality. Of those 82 labs, 35 responses were received.

- a) **Funding Formula:** (Indicate separately the State, federal, and local contributions to the cost of implementing the mandate as a percentage of the total cost of implementation. Include annual statewide dollar contributions by each, if applicable.)

The responses received did not indicate any state or federal funding provided.

- b) **Funding of Mandate:** (Give the range of annual costs of compliance for localities and indicate specific factors affecting local impact. Refer to information contributed by localities. Name the localities providing the information.)

See attached listing of respondents. Responses varied with localities stating their expenditures related to the mandate vary from less than \$5,000 to over \$2 million. The size of the lab, staff, and types of testing performed impact the costs to operate the lab.

- c) **Explanation of Estimation Methodology:**

Respondents included the cost of staff, supplies and equipment, lab certification costs, and annual proficiency testing required for staff

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

1. **General Purpose of Mandate:** (Explain briefly the overall objective this mandate is intended to accomplish.)

The Code of Virginia (2.2-1104) mandates the DGS/DCLS to establish and conduct programs of inspection and certification of other laboratories in the Commonwealth. This mandate sets such requirements that laboratories must adhere to in order to obtain and remain certified to conduct testing.

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.)

Through the Virginia Environmental Laboratory Accreditation Program (VELAP), DCLS accredits environmental laboratories that perform tests, analyses, measurements or monitoring required pursuant to the Commonwealth's air, waste and water laws and regulations. These laboratories are required to meet standards set out in Virginia regulation 1VAC30-46 as well as standards established through a national consensus-based program with input from stakeholders including the US Environmental Protection Agency (EPA), state accreditation bodies, and laboratories.

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

1. **Identification of Alternative Approaches:** (Identify and describe any policy alternatives that could potentially achieve the essential purpose of the mandate, or explain why there are no viable alternatives.)

Local public bodies could decide to not seek accreditation to operate their own testing lab and could contract the functionality out to private sections.

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

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

(For each alternative, give the anticipated range of costs of compliance for localities and describe specific factors causing the variation in local impact.)

This information was not on the DHCD fiscal impact of mandates assessment; therefore, it was not collected.

b) Estimated Change in Range of Costs to State of Alternative Approaches: (For each alternative, give the anticipated range of costs to the State.)

See above.

c) Explanation of Estimation Methodologies: (Describe how you calculated the above cost figures.)

Respondents included the cost of staff, supplies and equipment, lab certification costs, and annual proficiency testing required for staff

**H. Agency Recommendation:**

1. Determination by Agency: (Agency determinations are limited to 'Retain,' 'Alter,' or 'Eliminate.')

Retain       Alter       Eliminate

2. Justification: (Provide a written justification as to why the mandate should or should not be eliminated. If the agency recommends retaining or altering the mandate, explain why.)

The mandate should not be eliminated as the Code of Virginia specifies that DCLS is responsible for certifying and accrediting labs to ensure compliance with federal and state regulations meant to protect the public's health and environment

**I. Agency Contact Regarding Assessment:**

1. Name/Title: Kimberly Freiberger, Division of Government and Regulatory Affairs

2. Address/Telephone: 804-205-3861; 1100 Bank St, 4<sup>th</sup> Floor Richmond VA 23219

**Approval of Assessment:**



(Signature of Agency Head)



(Signature of Cabinet Secretary)

**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL  
GOVERNMENTS  
PURSUANT TO § 15.2-2903(6) CODE OF VA and Executive Order 58 (2007)**

**Administering Agency:** Virginia Port Authority

**Date:** Oct. 1, 2024

**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 as a .pdf and save using the following file name convention: [Mandate Number]-FY25-Assessment.pdf (e.g., SOE.DOE027-FY25-Assessment.pdf) and e-mail the file to the legrand.northcutt@dhcd.virginia.gov. You may keep the signed original for your own agency records.

Please see the separate instruction sheet for details on how to answer each question.

**Part I - Background Information**

**A. Short Title:**

Waterway Maintenance Grant Fund

**B. Summary of Important Provisions:**

Local governments requesting financial assistance through the Waterways Maintenance Fund must submit a request to the Virginia Port Authority for approval by their Board of Commissioners showing that the project will further the interests of the Commonwealth. Localities are required to enter into a memorandum of understanding with the VPA establishing the requirements for the use of grant funds.

**C. Source/Authority:**

**1. Check all that apply:**

- a) Federal Statute:
- b) Federal Regulation:
- c) State Statute:
- d) State Regulation:
- e) Other:

Click or tap here to enter text.

**2. Is this mandate a federal mandate that is augmented by state authority?**

No

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

We require quarterly reports from grant awardees that consist of updates regarding awarded projects. Additionally, localities shall complete requisitions either quarterly or at the completion

of the project for payment of the grant to the awardee upon certifying that the work is complete.

## **Part II: Impact on Local Governments**

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

1. **List the localities affected, either individually or by appropriate groups (e.g., all towns, or planning district 8):**

Political subdivisions and the governing bodies of Virginia localities

2. **Identify the costs associated with the Mandate:**

- a) Indicate how the mandate is funded:

**State General Fund**

- b) Indicate the cost to individual localities:

**No financial contribution requirement for localities but special consideration is given to applicants who can provide a 3 to 1 match for requested funds.**

- c) Explanation of Estimation Methodologies:

**Consistent with guidelines promulgated by the Virginia Port Authority Board of Commissioners.**

## **Part III: Evaluation and Conclusions**

### **F. Effectiveness of Mandate in Accomplishing its Purpose:**

1. **Describe the general purpose of the mandate:**

Supporting shallow-draft dredging projects throughout the Commonwealth.

2. **Describe the public purpose of the mandate and its effect of the mandate on public safety:**

To provide a path for localities to receive state funding to dredge shallow draft waterways of significance. Dredging these waterways furthers the navigability and safety for mariners in the Commonwealth.

### **G. Alternatives to Mandated Action:**

1. **Identify alternative approaches the mandate that could be accomplished with the agency's current authority:**

Request the Army Corps of Engineers fund all of these navigation projects

2. **Identify any fiscal impact of alternative approaches:**

- a) Estimated change in range of costs to localities under alternative approaches:

**Significantly higher because the Army Corps would rely on a cost-benefit analysis where these projects would not score well and would inevitably not be funded.**

b) Estimated change of costs to the Commonwealth under alternative approaches:

**Equal to the annual appropriation for the program, \$4 million annually.**

c) Explanation of Estimation Methodologies:

**This program started because of a lack of funding for shallow-draft navigation projects. This alternative methodology would shift the burden from the state to the federal government.**

**H. Agency Recommendation:**

**1. Agency determination:<sup>1</sup>**

Retain

**2. Justification:**

This provides an avenue for shallow-draft dredging in the Commonwealth for localities who cannot afford to do so.

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<sup>1</sup> The determination must be limited to "retain", "alter", or "eliminate". A recommendation of 'alter' will also require your agency to pursue the necessary action to change the mandate. 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 further 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.



**Part IV: Approval and Signatures**

**I. Agency Contact Regarding Assessment:**

1. Name/Title: Thomas Cross, Director of State and Local Government Affairs
2. Telephone: 757-683-2128
3. Email: tcross@portofvirginia.com

**J. Signatures:**



(Signature of Agency Head)

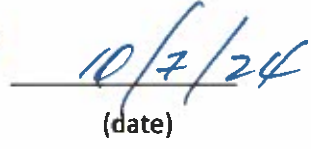
10/2/2024

(date)



(Signature of Cabinet Secretary)

SOT



(date)



# COMMONWEALTH of VIRGINIA

*Department of Taxation*

September 30, 2024

**By Hand:**

Mr. LeGrand Northcutt  
Commission on Local Government  
600 East Main Street, Suite 300  
Richmond, Virginia 23219

Dear Mr. Northcutt:

It is my privilege to submit the enclosed assessment of the Authorization of Local Cigarette Tax Mandate (SFIN.TAX023) on Virginia local governments. The assessment, required by *Va. Code* § 15.2-2903, was conducted by the Department of Taxation.

Legislation enacted in the 2020 Session of the General Assembly, House Bill 785 and Senate Bill 588 (*2020 Acts of Assembly*, Chapters 1214 and 1263), expanded the authority of localities to levy cigarette taxes with certain restrictions:

- A county cigarette tax shall not apply within the limits of any town that imposes a cigarette tax unless the governing body of the town allows the county cigarette tax to apply within the town.
- The maximum tax rate imposed by a locality on cigarettes shall be as follows:
  - If such locality is (i) a city or town that, on January 1, 2020, had in effect a rate not exceeding two cents (\$0.02) per cigarette sold or (ii) a county, then the maximum rate shall be two cents (\$0.02) per cigarette sold.
  - If such locality is a city or town that, on January 1, 2020, had in effect a rate exceeding two cents (\$0.02) per cigarette sold, then the maximum rate shall be the rate in effect on January 1, 2020.

Mr. Northcutt  
September 30, 2024  
Page 2 of 2

The assessment examines the impact of the mandate on localities and contains the recommendation of the Department of Taxation that the mandate be retained.

Sincerely,

A handwritten signature in blue ink that reads "James J. Savage". The signature is fluid and cursive, with the first and last names being more prominent than the middle initial.

James J. Savage  
Policy Development Director

JJS/ks  
Enclosures

c: James J. Alex, Tax Commissioner

ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL GOVERNMENTS  
(PURSUANT TO SEC. 15.2-2903, CODE OF VA.)

**Department of Taxation**  
(Administering Agency)

**September 30, 2024**  
(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:**

Authorization of Local Cigarette Tax

**B. Specific Provisions of Mandate:**

Legislation enacted in the 2020 Session of the General Assembly, House Bill [785](#) and Senate Bill [588](#) (2020 *Acts of Assembly*, Chapters 1214 and 1263), expanded the authority of localities to levy cigarette taxes with certain restrictions:

- A county cigarette tax shall not apply within the limits of any town that imposes a cigarette tax unless the governing body of the town allows the county cigarette tax to apply within the town.
- The maximum tax rate imposed by a locality on cigarettes shall be as follows:
  - If such locality is (i) a city or town that, on January 1, 2020, had in effect a rate not exceeding two cents (\$0.02) per cigarette sold or (ii) a county, then the maximum rate shall be two cents (\$0.02) per cigarette sold.
  - If such locality is a city or town that, on January 1, 2020, had in effect a rate exceeding two cents (\$0.02) per cigarette sold, then the maximum rate shall be the rate in effect on January 1, 2020.

Under prior law, only two counties (Arlington and Fairfax) were permitted to levy a local tax on cigarettes and the rate of tax that they could impose was limited to two cents (\$0.02) per cigarette sold. Any city or town having general taxing powers established by charter was authorized to impose a cigarette tax with no rate limitations.

**C. Source/Authority:**

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

**a) Federal Statute:**

- b) **Federal Regulation:**
- c) **State Statute:** Va. Code [§ 58.1-3830](#)
- d) **Other:**

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

The restrictions on the maximum tax rate on cigarettes in any county, city, or town is a state mandate and not a federal mandate.

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

While the Department of Taxation is charged with the administration of the tax laws of the Commonwealth, the Department does not directly oversee or administer the local Cigarette Tax.

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

**1. Localities Affected:**

All localities to which the mandate is applicable. Based on the survey responses, the mandate is not applicable to the counties of Bedford, Buckingham, Campbell, Chesterfield, Cumberland, Dinwiddie, Franklin, Giles, Gloucester, Goochland, Greensville, Henrico, Highland, King and Queen, Lee, Lunenburg, Lousia, Madison, Nelson, Pittsylvania, Shenandoah, Southampton, Tazewell, Warren, and Washington. The mandate is also inapplicable to the cities of Colonial Heights, Emporia, Lexington, Newport News, Norfolk, and Poquoson.

**2. Funding of Mandate:**

**a) Funding Formula:**

There is currently no funding provided to localities to compensate them for the decrease in revenues resulting from the local Cigarette Tax rate limitations.

**b) Funding of Mandate:**

The Department of Taxation received completed Estimate of Local Fiscal Impact of Mandates survey response forms and emails from 43 localities.

**Localities Reporting Non-Applicable or No Costs**

Of those, thirty-three (33) localities (the counties of Bedford, Buckingham, Campbell, Chesterfield, Cumberland, Dinwiddie, Franklin, Giles, Gloucester, Goochland, Greensville, Henrico, Highland, King and Queen, Lee,

Lunenburg, Lousia, Madison, Nelson, Pittsylvania, Shenandoah, Southampton, Tazewell, Warren, and Washington as well as the cities of Colonial Heights, Emporia, Harrisonburg, Lexington, Newport News, Norfolk, Poquoson, Staunton) stated that they were not affected by the mandate or had no associated costs. One (1) locality (Rockingham County) reported that they passed an ordinance enacting a Cigarette Tax effective July 1, 2024, but has no data to report.

#### **Localities Reporting Staffing Needed**

Three (3) localities (Montgomery County, Prince William County, and Richmond County) reported that staffing was needed for the mandate, with the staffing requirements ranging from .05 to 1 full-time equivalents.

#### **Localities Reporting Net Expenditures between \$0 and \$5,000**

Six (6) localities (Isle of Wight County, King George County, Montgomery County, Richmond County, City of Franklin, and City of Lynchburg) reported net expenditures due to the mandate of greater than \$0 but less than \$5,000. Additionally, Richmond County stated that the tax is monitored and collected by Northern Neck Planning District Commission which charges the county 5% percent of all taxes collected.

#### **Localities Reporting Net Expenditures Greater than \$5,000**

Two (2) localities (Loudoun County and Prince William County) reported net expenditures of greater than \$5,000. The net expenditures greater than \$5,000 ranged from \$202,155.00 (Loudoun County) to \$247,000.00 (Prince William County). The total amount of expenditures for those localities incurring greater than \$5,000 in costs that chose to report their actual expenditures was \$449,155.00, which represents lost revenue.

#### **Total Reported Expenditure**

The total reported expenditures of all localities that report the fiscal impact of this mandate, is \$449,155.00. This figure reflects the \$449,155.00 reported by localities incurring costs above \$5,000.

#### **c) Explanation of Estimation Methodology:**

The Department of Taxation e-mailed the Commissioner of the Revenue or other assessing official for each locality and requested that they complete and return the Commission on Local Government's Estimate of Local Fiscal Impact of Mandates Form with information regarding the restrictions in the maximum tax rate on Local Cigarette Taxes.



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

**1. General Purpose of Mandate:**

The purpose of the mandate was to establish a maximum tax rate limitation for any county, city, or town authorized to levy taxes upon the sale or use of cigarettes. *Virginia Code § 58.1-3830* provides that the maximum tax rate imposed by a locality on cigarettes shall be as follows:

- If such locality is (i) a city or town that, on January 1, 2020, had in effect a rate not exceeding two cents (\$0.02) per cigarette sold or (ii) a county, then the maximum rate shall be two cents (\$0.02) per cigarette sold.
- If such locality is a city or town that, on January 1, 2020, had in effect a rate exceeding two cents (\$0.02) per cigarette sold, then the maximum rate shall be the rate in effect on January 1, 2020.

Under prior law, only two counties (Arlington and Fairfax) were permitted to levy a local tax on cigarettes and the rate of tax that they could impose was limited to two cents (\$0.02) per cigarette sold. Any city or town having general taxing powers established by charter was authorized to impose a cigarette tax with no rate limitations.

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

Not essential to public safety.

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

**1. Identification of Alternate Approaches:**

There is not alternative approach that would achieve the purpose of the mandate.

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

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

Not available.

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

Not available.

**c) Explanation of Estimation Methodologies:**

Not available.

**H. Agency Recommendation:**

1. **Determination by Agency:** Retain.
2. **Justification:**

Of the forty-three (43) localities responding to the Department of Taxation's survey, 76% percent specifically stated that the mandate does not apply to them. Additionally, six (6) localities affected by the mandate responded that the mandate resulted in a net expenditure of less than \$5,000. Furthermore, only two (2) localities responded that the mandate resulted in a net expenditure of more than \$5,000.

As there is not an alternative approach that would achieve the purpose of preventing localities from imposing a cigarette tax rate that exceeds the maximum tax rates imposed by *Virginia Code* § 58.1-3830, the Department of Taxation recommends that the mandate be retained.

**I. Agency Contact Regarding Assessment:**

1. **Name/Title:** Anna D. Dunkum  
Lead Tax Policy Analyst
2. **Address/Telephone:** Office of Policy and Administration, Policy Development Division  
Virginia Department of Taxation  
Post Office Box 27185  
Richmond, Virginia 23261-7185  
Telephone: (804) 371-2299

**Approval of Assessment:**

  
\_\_\_\_\_  
(Signature of Agency Head)

  
\_\_\_\_\_  
(Signature of Cabinet Secretary)

Mandate Number: SAF.VDACS004

**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL GOVERNMENTS  
PURSUANT TO § 15.2-2903(6) CODE OF VA and Executive Order 58 (2007)**

Administering Agency: VDACS

Date: 9/13/24

**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 as a .pdf and save using the following file name convention: [Mandate Number]-FY25-Assessment.pdf (e.g., SOE.DOE027-FY25-Assessment.pdf) and e-mail the file to the legrand.northcutt@dncd.virginia.gov. You may keep the signed original for your own agency records.

Please see the separate instruction sheet for details on how to answer each question.

**Part I - Background Information**

**A. Short Title:**

SAF.VDACS004 Public Animal Shelter

**B. Summary of Important Provisions:**

Section 3.2-6546 of the Code of Virginia requires the governing body of each county and city to maintain or cause to be maintained a public animal shelter. These public animal shelters must be maintained in accordance with regulations promulgated by the Board of Agriculture and Consumer Services. 2VAC5-111-20 requires that public animal shelters meet certain sanitary and welfare standards for the animals that are kept within the shelter, such as providing clean enclosures with adequate space, food, and water. 2VAC5-111-30 further requires public animal shelters to engage with a licensed veterinarian to develop treatment protocols.

**C. Source/Authority:**

**1. Check all that apply:**

- a) Federal Statute:
- b) Federal Regulation:
- c) State Statute:
- d) State Regulation:
- e) Other:

Click or tap here to enter text.

**2. Is this mandate a federal mandate that is augmented by state authority?**

No.

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

VDACS conducts inspections of public animal shelters on a risk-based model, wherein shelters with violations of law or regulation are visited more frequently than those without violations. VDACS utilizes the Board of Agriculture and Consumer Services' approved Civil Penalty Matrix to enforce law and regulations by assessing monetary penalties according to the matrix.

## **Part II: Impact on Local Governments**

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

1. **List the localities affected, either individually or by appropriate groups (e.g., all towns, or planning district 8):**

All counties and independent cities are impacted. All localities were invited to respond. 46 localities responded to the request for input and data (Alleghany, Appomattox, Arlington, Augusta, Bedford, Brunswick, Caroline, Chesterfield, Clarke, Culpeper, Emporia, Fairfax County, Farmville, Fluvanna, Franklin, Giles, Gloucester, Goochland, Greenville, Halifax, Hanover, Harrisonburg, Henry, Hopewell, James City, Mecklenburg, Montgomery, Norfolk, Orange, Patrick, Prince Edward, Prince William, Pulaski, Radford, Rappahannock, Roanoke County, Salem, Scott, Spotsylvania, Sussex, Tazewell, Vinton, Virginia Beach, Warren, Winchester, Wise).

2. **Identify the costs associated with the Mandate:**

- a) **Indicate how the mandate is funded:**

Based on survey responses, localities pay for the vast majority of the cost of running the public animal shelter out of their own budgets, with eight localities receiving state funds from the spay/neuter license plate sales. Of the eight localities that received state funds from the spay/neuter license plate sales, the highest annual amount received by a locality was \$187,715. No locality received any federal funding. Total annual costs varied a great deal based on size of locality and number of employees associated with the shelter, with those counties with the most full-time employees reporting the highest costs. Localities spent an average of \$798,473 annually to run the public animal shelter [range of \$34,000 (Mecklenburg) to \$5,477,383 (Fairfax)], and had an average of 8.7 employees [range of 0 (Harrisonburg, Mecklenburg, Rappahannock) to 64 (Fairfax)]. Localities did not include monies as a percentage of total budget.

- b) **Indicate the cost to individual localities:**

46 Localities responded to the request for input. From that input, an average of \$67,839 was spent annually on capital costs (range \$0 (most counties) to \$2,037,621(Arlington)); average of \$735,504 was spent annually on operating costs [range \$16,325 (Radford) to \$5,512,080(Fairfax)] and an average of \$798,473 annually on total costs [range \$34,000 (Mecklenburg) to \$5,477,383 (Fairfax)]. No locality received federal funds, but eight localities received state funds from the spay/neuter license plate sales for an average of \$5,498 annually (range \$0 to \$187,715, see below for table).

Locality	Amount received from spay/neuter license plate sales
Brunswick	\$228
Culpeper	\$1,710
Fairfax	\$34,697
Hanover	\$4,124
James City	\$2,400
Spotsylvania	\$4,635
Tazwell	\$896
Virginia Beach	\$187,715

**c) Explanation of Estimation Methodologies:**

Localities estimated their annual costs with their budget numbers from last available fiscal year.

**Part III: Evaluation and Conclusions**

**F. Effectiveness of Mandate in Accomplishing its Purpose:**

**1. Describe the general purpose of the mandate:**

The purpose of the public animal shelter is to provide a safe place for stray or loose dogs to be housed while an attempt is made to find an owner and to provide a central location for an owner to search for their lost pet. Additionally, public animal shelters provide adequate care and veterinary care to animals as necessary. Public animal shelters also ensure that each locality has the ability to shelter stray animals in order to protect the public from zoonotic diseases, such as rabies, or from dangerous animals that may harm members of the public.

**2. Describe the public purpose of the mandate and its effect on public safety:**

The public animal shelter protects public health and safety by providing a safe location for loose dogs to be housed, thus reducing the stray population and associated diseases, such as rabies, a disease that can be deadly to animals and people. Additionally, the public animal shelter provides adequate animal welfare, a common and vocal concern of Virginia citizens. The associated regulations of the mandate (2VAC5-111) further protect public health by ensuring that public animal shelters provide adequate care to sheltered animals, which prevents the spread of zoonotic diseases and injury or death to animals.

**G. Alternatives to Mandated Action:**

**1. Identify alternative approaches the mandate that could be accomplished with the agency's current authority:**

The agency does not have the authority to eliminate the requirement that all Virginia localities must maintain a public animal shelter because this is required by § 3.2-3546 of the Code of Virginia. However, the Code allows Virginia localities to contract with regional localities or private entities to provide a public shelter, which reduces costs associated with running a public animal shelter. Additionally, they may transfer animals to privately run animal shelters to reduce ongoing costs of care. The agency only has authority to eliminate or alternate its regulations (2 VAC 5-111 *et seq.*) that require the public animal shelters to meet certain animal welfare, sanitary, and health standards. An alternative approach would result in eliminating or reducing these requirements.

**2. Identify any fiscal impact of alternative approaches:**

- a) Estimated change in range of costs to localities under alternative approaches:
- Eliminating the need for the public animal shelter may result in decreased initial costs to the locality. However, this may be superseded by the costs of increased interaction with free roaming dogs leading to bites and rabies exposure.
- Forming contracts with regional localities or private organizations may reduce the costs to the locality of running a public animal shelter. However, it is impossible to estimate cost savings as there is such a varied range in the amount localities invest in their local shelter, based on demographics and demands from the public. Reducing or eliminating the agency's regulations concerning animal welfare might reduce the operating costs of the public animal

shelter; however, these cost savings would only be short-term because allowing animal health to deteriorate within the public animal shelter may result in increased costs associated with treating sick or injured animals in the long run.

b) Estimated change of costs to the Commonwealth under alternative approaches:

Elimination of the public animal shelter or the agency's regulations will result in increased complaints to the agency from the public and would result in unknown increase in staff time that cannot be met with current resources.

c) Explanation of Estimation Methodologies:

N/A

#### **H. Agency Recommendation:**

**1. Agency determination:<sup>1</sup>**

Retain

**2. Justification:**

The public animal shelter is necessary to protect public health and safety from free roaming dogs and is demanded by Virginia citizens. Free roaming dogs have the potential to injure members of the public and carry serious zoonotic diseases. Keeping sheltered animals safe and healthy for the public also requires that those shelters meet the welfare standards required by the agency's regulations. Proper veterinary care to housed animals is essential to preventing diseases from spreading to the public.

#### **Part IV: Approval and Signatures**

##### **I. Agency Contact Regarding Assessment:**

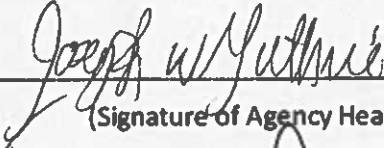
1. Name/Title:Carolynn Bissett, Program Manager
2. Telephone: 804-786-2483
3. Email: Carolynn.Bissett@vdacs.virginia.gov

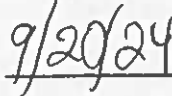
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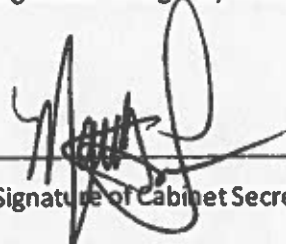
<sup>1</sup> The determination must be limited to "retain", "alter", or "eliminate". A recommendation of 'alter' will also require your agency to pursue the necessary action to change the mandate. A recommendation of 'eliminate' means that the affected local governments should no longer be required to comply with the requirements of the mandate. A recommendation of 'eliminate' will further 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.

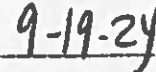


**J. Signatures:**

  
\_\_\_\_\_  
(Signature of Agency Head)

  
\_\_\_\_\_  
(date)

  
\_\_\_\_\_  
(Signature of Cabinet Secretary)

  
\_\_\_\_\_  
(date)

ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL  
GOVERNMENTS  
PURSUANT TO § 15.2-2903(6) CODE OF VA and Executive Order 58 (2007)

**Administering Agency:** VDOE

**Date:** 10/31/2024

**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 as a .pdf and save using the following file name convention: [Mandate Number]-FY25-Assessment.pdf (e.g., SOE.DOE027-FY25-Assessment.pdf) and e-mail the file to the legrand.northcutt@dhcd.virginia.gov. You may keep the signed original for your own agency records.

Please see the separate instruction sheet for details on how to answer each question.

**Part I - Background Information**

**A. Short Title:**

Local School Division Policies

**B. Summary of Important Provisions:**

School divisions are required to maintain and follow up to-date policies; ensure that policies take into account the views of teachers, parents, and other concerned citizens; and advise the public annually of the placement and availability of policies. A current copy of the school division's policies, including the Student Conduct Policy, must be posted on the school divisions' Websites. School divisions must develop policies regarding the distribution of political materials by students and the administration of surveys or questionnaires to students. In any administration of a questionnaire or survey requesting students' sexual information, mental health information, medical information, information on health risk behaviors pursuant to 32.1-78.8, other information on controlled substance abuse, or any other information the school board deems sensitive in nature, the school board must notify parents in writing not less than 30 days prior to its administration. The notice must include the nature and types of questions, the purposes and age-appropriateness of the survey, the use of information collected, who will have access to the information, the steps taken to protect student privacy, and whether and how any findings or results will be disclosed. Unless required by federal or state law or regulation, school personnel administering any such questionnaire or survey must not disclose personally identifiable information. School boards also must develop policies and procedures addressing complaints of sexual abuse of a student by a teacher or other school board employee; the identification and handling of suspected concussions in students; prohibited use

of electronic cigarettes on a school bus, on school property, or at a school-sponsored activity; and a non-restroom location designated in each school in the division for employees or students who are mothers to express milk for their babies through age one. In addition, each school board shall annually provide to parents educational information on eating disorders for public school students in grades five through twelve consistent with Department of Education guidelines.

**C. Source/Authority:**

**1. Check all that apply:**

- a) Federal Statute:
- b) Federal Regulation:
- c) State Statute:
- d) State Regulation:
- e) Other:

Code of Virginia §§ 22.1-79.3, 22.1-253.13:7, 22.1-271.5, 22.1-271.6, 22.1-273.2, 22.1-79.5, 22.1-79.6.

**2. Is this mandate a federal mandate that is augmented by state authority?**

No.

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

As part of the annual Standards of Quality (SOQ) data collection report, all divisions must report whether they are in compliance with the SOQ. A verification form must be signed by the division superintendent and by the school board chairperson. In addition, a corrective action plan must be submitted to VDOE if a school division is not in compliance with the SOQ.

## **Part II: Impact on Local Governments**

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

- 1. List the localities affected, either individually or by appropriate groups (e.g., all towns, or planning district 8):**

Each of the 131 Virginia local school divisions.

- 2. Identify the costs associated with the Mandate:**

- a) Indicate how the mandate is funded:

The cost of funding the SOQ mandate is included in the SOQ funding formula.

- b) Indicate the cost to individual localities:

The cost to individual localities is indeterminate as it varies by division.

- c) Explanation of Estimation Methodologies:

Funding for the SOQ is provided through certain accounts, primarily on a per pupil basis.

### **Part III: Evaluation and Conclusions**

#### **F. Effectiveness of Mandate in Accomplishing its Purpose:**

**1. Describe the general purpose of the mandate:**

The general purpose of this mandate is to ensure that local school boards adopt certain policies and make these policies available to the public.

**2. Describe the public purpose of the mandate and its effect of the mandate on public safety:**

This mandate ensures that parents and other stakeholders have access to policies developed by the school divisions and ensure protections with reference to the distribution of political materials, surveys and questionnaires regarding sexual abuse, and handling of concussions.

#### **G. Alternatives to Mandated Action:**

**1. Identify alternative approaches the mandate that could be accomplished with the agency's current authority:**

These mandates have been specified by the Code of Virginia and alternatives have not been considered.

**2. Identify any fiscal impact of alternative approaches:**

a) Estimated change in range of costs to localities under alternative approaches:

None.

b) Estimated change of costs to the Commonwealth under alternative approaches:

None.

c) Explanation of Estimation Methodologies:

None.

#### **H. Agency Recommendation:**

**1. Agency determination:<sup>1</sup>**

---

<sup>1</sup> The determination must be limited to "retain", "alter", or "eliminate". A recommendation of 'alter' will also require your agency to pursue the necessary action to change the mandate. 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 further 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

Retain.

**2. Justification:**

With the retention of this mandate, VDOE will be able to continue to provide guidance to school boards in the development of local policies regarding the operations of school and protection of students and staff.

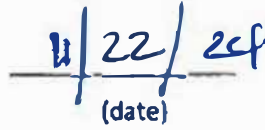
**Part IV: Approval and Signatures**

**I. Agency Contact Regarding Assessment:**

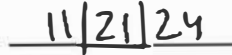
1. Name/Title: Melissa Velazquez/Assistant Superintendent of Policy and Government Relations
2. Telephone: 804-225-2092
3. Email: melissa.velazquez@doe.virginia.gov

**J. Signatures:**

  
\_\_\_\_\_  
(Signature of Agency Head)

  
\_\_\_\_\_  
(date)

  
\_\_\_\_\_  
(Signature of Cabinet Secretary)

  
\_\_\_\_\_  
(date)



ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL  
GOVERNMENTS  
PURSUANT TO § 15.2-2903(6) CODE OF VA and Executive Order 58 (2007)

Administering Agency: VDOE

Date: 10/31/2024

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Please see the separate instruction sheet for details on how to answer each question.

**Part I - Background Information**

**A. Short Title:**

Minimum Standards for New Construction and Renovation of School Facilities

**B. Summary of Important Provisions:**

All school construction or renovation plans must be approved in writing by the division superintendent with an architect or engineer's statement to ensure compliance with minimum standards adopted by the State Board of Education and the Uniform Statewide Building Code and must be submitted to the Superintendent of Public Instruction.

**C. Source/Authority:**

1. Check all that apply:

- a) Federal Statute:
- b) Federal Regulation:
- c) State Statute:
- d) State Regulation:
- e) Other:

Code of Virginia §§ 22.1-138, 22.1-140, Code of Virginia Title 36, Ch. 6; State Board of Education Regulation 8 VAC 20-131-260

2. Is this mandate a federal mandate that is augmented by state authority?

No.

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

All school construction or renovation plans must be approved in writing by the division superintendent and must be submitted to the Superintendent of Public Instruction.

## **Part II: Impact on Local Governments**

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

- 1. List the localities affected, either individually or by appropriate groups (e.g., all towns, or planning district 8):**

Each of the 131 Virginia local school divisions.

- 2. Identify the costs associated with the Mandate:**

- a) Indicate how the mandate is funded:

The cost of this mandate is absorbed in each local school division's budget.

- b) Indicate the cost to individual localities:

Cost to individual localities is indeterminate.

- c) Explanation of Estimation Methodologies:

Estimation methodologies are indeterminate.

### **Part III: Evaluation and Conclusions**

#### **F. Effectiveness of Mandate in Accomplishing its Purpose:**

##### **1. Describe the general purpose of the mandate:**

The purpose of this mandate is to ensure that all construction and renovation plans comply with state standards.

##### **2. Describe the public purpose of the mandate and its effect of the mandate on public safety:**

This mandate requires that all construction and renovation plans comply with the safety guidelines in state code and regulations, ensuring a safe learning environment for all students and staff.

#### **G. Alternatives to Mandated Action:**

##### **1. Identify alternative approaches the mandate that could be accomplished with the agency's current authority:**

These mandates have been specified by the Code of Virginia and alternatives have not been considered.

##### **2. Identify any fiscal impact of alternative approaches:**

a) Estimated change in range of costs to localities under alternative approaches:

None.

b) Estimated change of costs to the Commonwealth under alternative approaches:

None.

c) Explanation of Estimation Methodologies:

None.

#### **H. Agency Recommendation:**

##### **1. Agency determination:<sup>1</sup>**

---

<sup>1</sup>The determination must be limited to "retain", "alter", or "eliminate". A recommendation of 'alter' will also require your agency to pursue the necessary action to change the mandate. 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 further 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

Retain.

**2. Justification:**

With the retention of this mandate, VDOE will be able to continue to support the regular operations, renovation, and construction of schools and ensure protection of students and staff.


**Part IV: Approval and Signatures**

**I. Agency Contact Regarding Assessment:**

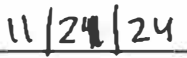
1. Name/Title: Melissa Velazquez/ Assistant Superintendent of Policy and Government Relations
2. Telephone: 804-225-2092
3. Email: melissa.velazquez@doe.virginia.gov

**J. Signatures:**

  
\_\_\_\_\_  
(Signature of Agency Head)

  
\_\_\_\_\_  
(date)

  
\_\_\_\_\_  
(Signature of Cabinet Secretary)

  
\_\_\_\_\_  
(date)

ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL  
GOVERNMENTS  
PURSUANT TO § 15.2-2903(6) CODE OF VA and Executive Order 58 (2007)

Administering Agency: VDOE

Date: 10/31/2024

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Please see the separate instruction sheet for details on how to answer each question.

**Part I - Background Information**

**A. Short Title:**

School Transportation

**B. Summary of Important Provisions:**

School divisions must comply with Federal Motor Vehicle Safety Standards and State laws and regulations for school buses, equipment, insurance, and driver qualifications if transportation is provided for children. Persons under age 18 are not permitted to drive school buses. Bus drivers must have written employment agreements and substitute bus drivers must meet the same requirements as regular drivers. Schools must conduct drills in leaving buses in emergencies within 90 days of the start of the school term. Any new bus placed into service after July 1, 2007 must be equipped with certain warning devices and all buses must have a mechanical or electrical device for cleaning snow, rain, moisture, or other matter from the windshield. School buses must be painted yellow with the words "School Bus" on the front and rear in letters at least eight inches high. School divisions must ensure certain minimum amounts of vehicle liability insurance. The locality or school board shall be subject to action up to, but not beyond, the limits of valid and collectible insurance. School divisions must provide proof of required vehicle insurance to the Superintendent of Public Instruction in order to receive state school funds.

**C. Source/Authority:**

**1. Check all that apply:**

a) Federal Statute:

b) Federal Regulation:

- c) State Statute:
- d) State Regulation:
- e) Other:

Code of Virginia §§ 22.1-176 et seq., 22.1-190, 22.1-194, 33.1-223.2:18, 40.1-100, 46.2-328, 46.2-339 et seq., 46.2-440, 46.2-919, 46.2-1055, 46.2-1089, 46.2-1090, 46.2-1090.1, 46.2-1091, 46.2-1105; State Board of Education Regulation BVAC 20-70-10 et seq.; P. L 103-272 (Fed.); 49 USC 105 (Fed.); 49 use 30125 (Fed.); 49 CFR 571 et seq. (Fed.)

**2. Is this mandate a federal mandate that is augmented by state authority?**

Division superintendents are required annually to certify that insurance providing the required coverage has been obtained for all vehicles to be used in transporting school children and school personnel. Drivers of school and activity buses are required to perform a daily pre-trip safety inspection of the vehicle prior to transporting children with minimum requirements identified on the pre-trip inspection procedure prescribed by the Department of Education. Competent mechanics must inspect buses at least once every 45 school days. School divisions also must report information about crashes or incidents involving school buses, pupils and personnel who ride school or activity buses.

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

DOE has primary responsibility for the development and implementation of state laws and regulations, standards, practices and procedures to promote the safe transportation of public-school pupils to and from school and school-related events. VOOE provides leadership and guidance to school divisions in accordance with applicable statutory requirements, Board of Education regulations, federal regulations and administrative policies. VOOE conducts on-site assessments and evaluates pupil transportation in each school division to ensure the safety of pupils and compliance with all requirements. The department is also responsible for the development and implementation of the Virginia School Bus Driver Training Curriculum Guide to set out minimum training requirements for bus drivers.



## **Part II: Impact on Local Governments**

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

- 1. List the localities affected, either individually or by appropriate groups (e.g., all towns, or planning district 8):**

Each of the 131 Virginia local school divisions.

- 2. Identify the costs associated with the Mandate:**

- a) Indicate how the mandate is funded:

Pupil transportation costs are funded in Basic Aid to support this mandate.

- b) Indicate the cost to individual localities:

Cost to individual localities is indeterminate.

- c) Explanation of Estimation Methodologies:

The online Pupil Transportation Report provides forms to report the data needed to calculate funding for transportation.

### **Part III: Evaluation and Conclusions**

#### **F. Effectiveness of Mandate in Accomplishing its Purpose:**

**1. Describe the general purpose of the mandate:**

The general purpose of this mandate is to promote the safe transportation of public-school pupils to and from school and school-related events.

**2. Describe the public purpose of the mandate and its effect of the mandate on public safety:**

Every school day, nearly one million Virginia students are transported to and from school, field trips, athletic events and other school-related activities on the more than 15,000 school buses operated by the commonwealth's school divisions. Ensuring the conditions for the safe transportation of these students is of primary importance to the public safety.

#### **G. Alternatives to Mandated Action:**

**1. Identify alternative approaches the mandate that could be accomplished with the agency's current authority:**

There are no viable alternatives to the current state mandates related to transportation of public-school students because the responsibility for student safety remains a local responsibility and clear and consistent state and federal rules and guidelines ensure that requirements are consistent regardless of the school division.

**2. Identify any fiscal impact of alternative approaches:**

a) Estimated change in range of costs to localities under alternative approaches:

None.

b) Estimated change of costs to the Commonwealth under alternative approaches:

None.

c) Explanation of Estimation Methodologies:

None.

#### **H. Agency Recommendation:**

**1. Agency determination:<sup>1</sup>**

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<sup>1</sup> The determination must be limited to "retain", "alter", or "eliminate". A recommendation of 'alter' will also require your agency to pursue the necessary action to change the mandate. 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'

Retain

**2. Justification:**

Student safety remains a responsibility of local school divisions and the Virginia Board of Education according to the Constitution of Virginia. Consistent state and federal rules and guidelines ensure that requirements are consistent, and safety is a priority for all students, regardless of the school division attended.

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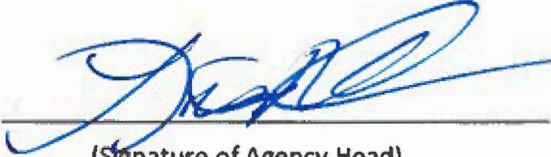
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**Part IV: Approval and Signatures**

**I. Agency Contact Regarding Assessment:**

1. Name/Title: Melissa Velazquez/Assistant Superintendent of Policy and Government Relations
2. Telephone: 804-225-2092
3. Email: melissa.velazquez@doe.virginia.gov

**J. Signatures:**

  
\_\_\_\_\_  
(Signature of Agency Head)

11/22/24  
\_\_\_\_\_  
(date)

  
\_\_\_\_\_  
(Signature of Cabinet Secretary)

11/21/24  
\_\_\_\_\_  
(date)

ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL  
GOVERNMENTS  
PURSUANT TO § 15.2-2903(6) CODE OF VA and Executive Order 58 (2007)

**Administering Agency:** VDOE

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Please see the separate instruction sheet for details on how to answer each question.

**Part I - Background Information**

**A. Short Title:**

School Breakfast Program and National School Lunch Program

**B. Summary of Important Provisions:**

School divisions are required to establish school breakfast programs in any school in which 25 percent or more of the students are approved in the federally funded free or reduced-price lunch program. In addition to paper-based applications for participation in such programs, school divisions must provide a web-based application, to be prominently placed on its website. Each public elementary or secondary school must process each web-based or paper-based application for student participation in the School Breakfast Program or the National School Lunch Program administered by the U.S. Department of Agriculture within six working days after the date of receipt of the completed application. School divisions must annually report on their school breakfast programs to the Department of Education, including the numbers and socioeconomic characteristics of the students participating in the program. Each school board must ensure that the information sheet on the SNAP benefits program developed and provided by the Department of Social Services pursuant to subsection D of § 63.2-801 is sent home with each student enrolled in a public elementary or secondary school in the local school division at the beginning of each school year or, in the case of any student who enrolls after the beginning of the school year, as soon as practicable after enrollment. Each school board must ensure that a fillable free or reduced price meals application is sent home with each student enrolled in a public elementary or secondary school in the local school division at the beginning of each school year or, in the case of any student who enrolls after the beginning of the school year, as

soon as practicable after enrollment. Each school board must ensure that at any back to school night event in the local school division to which the parents of enrolled students are invited, any such parent in attendance receives prominent notification of and access, in paper or electronic form, or both, to information about application and eligibility for free or reduced price meals for students and a fillable free or reduced price meals application that may be completed and submitted on site.

**C. Source/Authority:**

**1. Check all that apply:**

- a) Federal Statute:
- b) Federal Regulation:
- c) State Statute:
- d) State Regulation:
- e) Other:

Code of Virginia §§ 22.1-207.2:1, 22.1-207.2:2, 22.1-207.3, and 22.1-79; State Board of Education Regulations 8 VAC 20-580-10 et seq.; National School Lunch Act (Fed.); Child Nutrition Act of 1966 (Fed.); 42 U.S.C. 1751 et seq. and 42 U.S.C. 1771 et seq. (Fed.); 7 C.F.R. 210 et seq. (Fed.); P.L. 108-265 and Healthy, Hunger Free Kids Act of 2010, P.L. 111-296 (Fed.)

**2. Is this mandate a federal mandate that is augmented by state authority?**

Yes.

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

The Virginia Department of Education oversees this implementation primarily through reporting requirements of school divisions to VDOE, which helps the agency monitor and evaluate the effectiveness and reach of the programs, as well as compliance with state and federal mandates. VDOE also has School Nutrition Programs Coordinators and Regional Specialists who provide support to local school divisions in their implementation of the various elements of this mandate.

## **Part II: Impact on Local Governments**

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

1. **List the localities affected, either individually or by appropriate groups (e.g., all towns, or planning district 8):**

Each of the 131 local school divisions in Virginia.

2. **Identify the costs associated with the Mandate:**

- a) **Indicate how the mandate is funded:**

SBP and NSLP are funded primarily through federal, state, and sometimes local funds. The primary source of funding comes from the federal government, specifically the U.S. Department of Agriculture, which reimburses schools for meals served that meet federal nutritional guidelines. State funds are also used to supplement federal funds.

- b) **Indicate the cost to individual localities:**

Cost to individual localities is indeterminate.

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

Estimation methodologies are indeterminate.



### **Part III: Evaluation and Conclusions**

#### **F. Effectiveness of Mandate in Accomplishing its Purpose:**

**1. Describe the general purpose of the mandate:**

The general purpose of this mandate is to ensure that all eligible students have access to nutritious meals by requiring schools to establish breakfast programs where a significant percentage of students qualify for free or reduced-price lunches. It also aims to streamline the application process for these meal programs, enhance accessibility through web-based applications, and ensure comprehensive outreach and information dissemination to families about available nutritional benefits.

**2. Describe the public purpose of the mandate and its effect of the mandate on public safety:**

The public purpose of the madnate is to improve student health and educational outcomes by ensuring that all eligible students have access to nutritious meals through school breakfast and lunch programs. By facilitating easier access to these programs and ensuring timely processing of applications, the mandate helps reduce food insecurity, which is linked to better academic performance and overall well-being. Enhanced nutrition and reduced hunger among students contributes to a safer school environment by promoting better behavior and reducing incidents related to food insecurity, such as absenteeism and physical and mental health-related issues.

#### **G. Alternatives to Mandated Action:**

**1. Identify alternative approaches the mandate that could be accomplished with the agency's current authority:**

None identified that could achieve the same purpose.

**2. Identify any fiscal impact of alternative approaches:**

**a) Estimated change in range of costs to localities under alternative approaches:**

None.

**b) Estimated change of costs to the Commonwealth under alternative approaches:**

None.

**c) Explanation of Estimation Methodologies:**

None.

#### **H. Agency Recommendation:**

**1. Agency determination:<sup>1</sup>**

Retain.

**2. Justification:**

This mandate reflects Virginia's commitment to providing a safe and healthy environment for learning through ensuring that students have stable access to nutritious meals. This mandate reflects federal and state requirements, and no other alternatives are identified.

---


<sup>1</sup> The determination must be limited to "retain", "alter", or "eliminate". A recommendation of 'alter' will also require your agency to pursue the necessary action to change the mandate. 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 further 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

**Part IV: Approval and Signatures**


**I. Agency Contact Regarding Assessment:**

1. Name/Title: Melissa Velazquez/Assistant Superintendent of Policy and Government Relations
2. Telephone: (804) 750-8724
3. Email: melissa.velazquez@doe.virginia.gov

**J. Signatures:**

  
\_\_\_\_\_  
(Signature of Agency Head)

11/22/24  
\_\_\_\_\_  
(date)

  
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(Signature of Cabinet Secretary)

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ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL  
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Please see the separate instruction sheet for details on how to answer each question.

**Part I - Background Information**

**A. Short Title:**

Program of Instruction for Grades K-12

**B. Summary of Important Provisions:**

School divisions must develop and implement a program of instruction and adopt a curriculum that is aligned to the Standards of Learning for grades K through 12, as prescribed by the Code of Virginia, and that meets or exceeds the requirements of the Board of Education. The program of instruction shall emphasize essential knowledge and skills, concepts and processes, and the development of the ability to apply such skills and knowledge to the preparation for eventual employment or appropriate training and lifelong learning. Each local school board shall provide a program of literacy instruction that is aligned with science-based reading research and provides evidenced-based literacy instruction to students in kindergarten through grade eight. In addition, school divisions must implement middle school career exploration opportunities, career and technical education; educational objectives in middle and high school that emphasize economic education and financial literacy; early identification, diagnosis and assistance for students with reading and math problems; art, music, and physical education in the elementary instruction program; a program of physical fitness; a program of student services; and a program of instruction in the high school Virginia and U.S. Government course on all information and concepts contained in the civics portion of the U.S. Naturalization Test. Effective July 1, 2022, all kindergarten programs must be full-time and include 990 instructional hours. School divisions must also collect and analyze data to evaluate and make decisions about instructional

programs. Local school boards must provide a specified amount of instructional time in English, mathematics, science, and social science to students in elementary and middle school.

**C. Source/Authority:**

**1. Check all that apply:**

- a) Federal Statute:
- b) Federal Regulation:
- c) State Statute:
- d) State Regulation:
- e) Other:

Code of Virginia §§ 22.1-79.1, 22.1-200.2 and 22.1-253.13:1; State Board of Education Regulations ~~BVAC20-131-5 et seq.~~ BVAC20-132-5 et seq.

**2. Is this mandate a federal mandate that is augmented by state authority?**

No.

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

The Virginia Department of Education oversees the implementation through the establishment of SOLs, curriculum frameworks, and statewide assessments to ensure alignment with educational goals. VDOE provides resources, professional development, and technical assistance, while also monitoring school performance through accreditation, policy enforcement, and program evaluation. Collaboration with local school divisions further ensures effective implementation of K-12 instructional programs.

The agency works with school divisions to focus on student mastery of content and not just implementing the program of instruction and curriculum. The agency and Board of Education have overhauled existing regulatory requirements to require school divisions to shift the focus from inputs to student outcomes and whether school divisions are on track for student results that illustrate mastery of content.

## **Part II: Impact on Local Governments**

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

1. **List the localities affected, either individually or by appropriate groups (e.g., all towns, or planning district 8):**

Each of the 131 Virginia local school divisions.

2. **Identify the costs associated with the Mandate:**

- a) **Indicate how the mandate is funded:**

This mandate is funded through federal, state, and local funds. Funds are allocated through the Standards of Quality which outlines the minimum standards for public education and provides funding to support these standards.

- b) **Indicate the cost to individual localities:**

Cost to individual localities is indeterminate.

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

Estimation methodologies are indeterminate.

**Part III: Evaluation and Conclusions**

**F. Effectiveness of Mandate in Accomplishing its Purpose:**

**1. Describe the general purpose of the mandate:**

The general purpose of this mandate is to ensure that all local school divisions in Virginia develop and implement a comprehensive curriculum that aligns with the SOLs and meets or exceeds the requirements set forth by the Board of Education. The mandate emphasizes equipping students with essential knowledge, skills, concepts, and processes that prepare them for future employment, appropriate training, and lifelong learning. The mandate includes specific directives for programs of instruction at the different grade levels and requires the collection and analysis of instructional data.

**2. Describe the public purpose of the mandate and its effect of the mandate on public safety:**

The public purpose of this mandate is to provide a robust educational foundation to help to create informed, responsible, and engaged citizens. Early identification and assistance for students with learning difficulties can prevent future academic and behavioral issues, reducing dropout rates and associated risks.

**G. Alternatives to Mandated Action:**

**1. Identify alternative approaches the mandate that could be accomplished with the agency’s current authority:**

None identified that could achieve the same purpose.

**2. Identify any fiscal impact of alternative approaches:**

**a) Estimated change in range of costs to localities under alternative approaches:**

None.

**b) Estimated change of costs to the Commonwealth under alternative approaches:**

None.

**c) Explanation of Estimation Methodologies:**

None.

**H. Agency Recommendation:**

**1. Agency determination:<sup>1</sup>**

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<sup>1</sup> The determination must be limited to “retain”, “alter”, or “eliminate”. A recommendation of ‘alter’ will also require your agency to pursue the necessary action to change the mandate. A recommendation of ‘eliminate’ means that the affected local

**Retain.**

**2. Justification:**

This mandate reflects Virginia's commitment to providing quality education to all students, as well as ongoing assessment to ensure that instructional programs in all local school divisions are effectively meeting the comprehensive needs of students at all age levels.

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governments should no longer be required to comply with the requirements of the mandate. A recommendation of 'eliminate' will further 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.

Revised June 2024



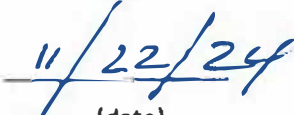
**Part IV: Approval and Signatures**

**I. Agency Contact Regarding Assessment:**

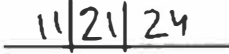
- 1. Name/Title: Melissa Velazquez/Assistant Superintendent of Policy and Government Relations
- 2. Telephone: (804) 750-8724
- 3. Email: melissa.velazquez@doe.virginia.gov

**J. Signatures:**

  
\_\_\_\_\_  
(Signature of Agency Head)

  
\_\_\_\_\_  
(date)

  
\_\_\_\_\_  
(Signature of Cabinet Secretary)

  
\_\_\_\_\_  
(date)

ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL  
GOVERNMENTS  
PURSUANT TO § 15.2-2903(6) CODE OF VA and Executive Order 58 (2007)

Administering Agency: VDOE

Date: 10/31/24

**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 as a .pdf and save using the following file name convention: {Mandate Number}-FY25-Assessment.pdf (e.g., SOE.DOE027-FY25-Assessment.pdf) and e-mail the file to the legrand.northcutt@dhcd.virginia.gov. You may keep the signed original for your own agency records.

Please see the separate instruction sheet for details on how to answer each question.

**Part I - Background Information**

**A. Short Title:**

Drugs, Substance Abuse, and Drunk Driving

**B. Summary of Important Provisions:**

School divisions are required to provide instruction concerning drugs and drug abuse in the elementary and secondary health education programs, and the public safety hazards and dangers of substance abuse, underage drinking, and drunk driving. They must also maintain ongoing in-service substance abuse prevention programs for all school personnel.

**C. Source/Authority:**

**1. Check all that apply:**

- a) Federal Statute:
- b) Federal Regulation:
- c) State Statute:
- d) State Regulation:
- e) Other:

Code of Virginia § 22.1-206; State Board of Education Regulations 8 VAC 20-310-10 et seq., Executive Order 28.

**2. Is this mandate a federal mandate that is augmented by state authority?**

No.

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

The Virginia Department of Education oversees instruction concerning drugs, substance abuse, and drunk driving through the Virginia's Board of Education's regulations and Standards of

Learning to ensure that local school divisions and local school boards are incorporating the required education content and programs. The agency has also issued guidance pursuant to Executive Order 28 to school divisions that requires notification to all parents within a school division through regular communication channels within 24 hours of a school-connected student, overdose, close collaboration between local school division and state law enforcement to prevent student overdoses, and information to school divisions and parents about education programs for students to develop decision-making skills and prevent violations of law, such as the One Pill Can Kill campaign.

## **Part II: Impact on Local Governments**

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

1. **List the localities affected, either individually or by appropriate groups (e.g., all towns, or planning district 8):**

Each of Virginia's 131 local school divisions.

2. **Identify the costs associated with the Mandate:**

- a) **Indicate how the mandate is funded:**

This instruction type is supported by instructional positions and supports costs funded in Basic Aid.

- b) **Indicate the cost to individual localities:**

Cost to individual localities is indeterminate.

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

Estimation methodologies are indeterminate.

### **Part III: Evaluation and Conclusions**

#### **F. Effectiveness of Mandate in Accomplishing its Purpose:**

**1. Describe the general purpose of the mandate:**

The general purpose of the mandate is to ensure local school divisions are incorporating instruction through elementary and secondary health education programs regarding drugs, substance abuse, and drunk driving, as well as providing substance abuse prevention support for school personnel.

**2. Describe the public purpose of the mandate and its effect of the mandate on public safety:**

Providing instruction pertaining to the hazards and dangers of substance abuse, underage drinking, and drunk driving contributes to the development of healthy habits and the long-term health and safety of children across the Commonwealth.

#### **G. Alternatives to Mandated Action:**

**1. Identify alternative approaches the mandate that could be accomplished with the agency's current authority:**

None identified that could achieve the same purpose.

**2. Identify any fiscal impact of alternative approaches:**

a) Estimated change in range of costs to localities under alternative approaches:

None.

b) Estimated change of costs to the Commonwealth under alternative approaches:

None.

c) Explanation of Estimation Methodologies:

None.

#### **H. Agency Recommendation:**

**1. Agency determination:<sup>1</sup>**

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<sup>1</sup> The determination must be limited to "retain", "alter", or "eliminate". A recommendation of 'alter' will also require your agency to pursue the necessary action to change the mandate. 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 further 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.

Retain.

**2. Justification:**

This mandate reflects Virginia's commitment to providing instruction for students that emphasizes health and safety through education about negative impacts of drugs and other substances.

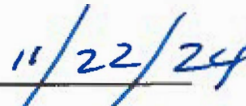
**Part IV: Approval and Signatures**

**I. Agency Contact Regarding Assessment:**

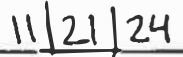
1. Name/Title: Melissa Velazquez/Assistant Superintendent of Policy and Government Relations
2. Telephone: (804) 750-8724
3. Email: melissa.velazquez@doe.virginia.gov

**J. Signatures:**

  
\_\_\_\_\_  
(Signature of Agency Head)

  
\_\_\_\_\_  
(date)

  
\_\_\_\_\_  
(Signature of Cabinet Secretary)

  
\_\_\_\_\_  
(date)

ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL  
GOVERNMENTS  
PURSUANT TO § 15.2-2903(6) CODE OF VA and Executive Order 58 (2007)

Administering Agency: VDOE

Date: 10/31/24

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Please see the separate instruction sheet for details on how to answer each question.

**Part I - Background Information**

**A. Short Title:**

Physical and Health Education

**B. Summary of Important Provisions:**

School divisions are required to emphasize physical and health education throughout their curricula in accordance with State regulations. In addition, local school boards must implement a program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year. Graduation requirements must include a minimum of two courses in Physical Education and Health.

**C. Source/Authority:**

**1. Check all that apply:**

- a) Federal Statute:
- b) Federal Regulation:
- c) State Statute:
- d) State Regulation:
- e) Other:

Code of Virginia §§ 22.1-207, 22.1-253.13:1; State Board of Education  
Regulations 8 VAC 20-131-10 et seq., 8 VAC 20 320 10

**2. Is this mandate a federal mandate that is augmented by state authority?**

No.



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

The Virginia Department of Education oversees physical and health education mandates through the Virginia Board of Education's regulations and Standards of Learning to ensure that local school divisions and local school boards are incorporating physical and health education requirements.

## **Part II: Impact on Local Governments**

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

1. **List the localities affected, either individually or by appropriate groups (e.g., all towns, or planning district 8):**

Each of Virginia's 131 local school divisions.

2. **Identify the costs associated with the Mandate:**

- a) **Indicate how the mandate is funded:**

This instruction type is supported by instructional positions and supports costs funded in Basic Aid.

- b) **Indicate the cost to individual localities:**

Cost to individual localities is indeterminate.

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

Estimation methodologies are indeterminate.

### **Part III: Evaluation and Conclusions**

#### **F. Effectiveness of Mandate in Accomplishing its Purpose:**

**1. Describe the general purpose of the mandate:**

The general purpose of the mandate is to ensure local school divisions are implementing state-regulated physical and health education requirements through their curricula.

**2. Describe the public purpose of the mandate and its effect of the mandate on public safety:**

The emphasis on physical and health education for K-12 students sets a foundation for long-term health and wellness of children throughout the Commonwealth.

#### **G. Alternatives to Mandated Action:**

**1. Identify alternative approaches the mandate that could be accomplished with the agency's current authority:**

None identified that could achieve the same purpose.

**2. Identify any fiscal impact of alternative approaches:**

**a) Estimated change in range of costs to localities under alternative approaches:**

None.

**b) Estimated change of costs to the Commonwealth under alternative approaches:**

None.

**c) Explanation of Estimation Methodologies:**

None.

#### **H. Agency Recommendation:**

**1. Agency determination:<sup>1</sup>**

Retain

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<sup>1</sup> The determination must be limited to "retain", "alter", or "eliminate". A recommendation of 'alter' will also require your agency to pursue the necessary action to change the mandate. 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 further 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.

**2. Justification:**

This mandate reflects Virginia's commitment to providing the physical and health education needed to contribute to the long-term health and wellness of children in the Commonwealth.

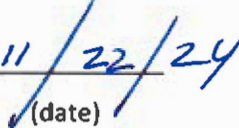
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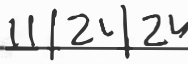
1. Name/Title: Melissa Velazquez/Assistant Superintendent of Policy and Government Relations
2. Telephone: (540) 750-8724
3. Email: melissa.velazquez@doe.virginia.gov

**J. Signatures:**

  
\_\_\_\_\_  
(Signature of Agency Head)

  
\_\_\_\_\_  
(date)

  
\_\_\_\_\_  
(Signature of Cabinet Secretary)

  
\_\_\_\_\_  
(date)

ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL  
GOVERNMENTS  
PURSUANT TO § 15.2-2903(6) CODE OF VA and Executive Order 58 (2007)

Administering Agency: VDOE

Date: 10/31/24

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Please see the separate instruction sheet for details on how to answer each question.

**Part I - Background Information**

**A. Short Title:**

School Crisis, Emergency Management, and Medical Emergency Response Plan

**B. Summary of Important Provisions:**

School divisions are required to conduct safety audits in all public schools in accordance with a list of audit items developed by the Virginia Center for School and Campus Safety, and must develop a written school crisis, emergency management, and medical emergency response plan. A copy of all school safety audits must be made available for public review, and copies of such audits must be submitted to the Virginia Center for School Safety by the division superintendent no later than August 31 of each year. Each school must annually review the written school crisis, emergency management, and medical emergency response plans. The school division must certify this review in writing. Every public school must conduct at least one fire drill per week during the first month of school and at least one fire drill each month for the remainder of the school year. Every public school must conduct two lock-down drills during the first 20 days of school – one of which must occur in September – and two additional lock-down drills during the remainder of the school year – one of which must occur in January. In addition, each school safety audit committee must conduct a school inspection walk-through using a standardized checklist and make the checklist available to the chief law-enforcement officer of the locality upon request.

**C. Source/Authority:**

1. Check all that apply:

a) Federal Statute:

b) Federal Regulation:

c) State Statute:

d) State Regulation:

e) Other:

Code of Virginia §§ 22.1-137, 22.1-137.1, 22.1-137.2 and 22.1-279.8; State Board of Education Regulation 8 VAC 20-131-260; Statewide Fire Prevention Code Sections 404.2.3 and 405.1; Executive Order 33

2. **Is this mandate a federal mandate that is augmented by state authority?**

No.

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

The Virginia Department of Education collaborates with the Virginia Center for School and Campus Safety to collect, analyze and disseminate data to improve school safety, building security, and emergency plans. Additionally, the agencies offer professional development, technical assistance, and other resources to assist school divisions and communities in sustaining safe school environments. Pursuant to Executive Order 33 the agency has also released guidance establishing cell phone-free education in public schools to promote the health and safety of students. The guidance provides that as required by 22.1-279.8., each school must have crisis and contingency plans for school-based emergencies that include written procedures and training for employees, students, and other staff during crisis and emergency situations. These school-based emergency plans outline required safety planning in a crisis or emergency situations and must be reviewed, revised, and adopted annually. Best practices include staff training, student drills, and parent re-unification and communication plans, as well as also ensuring that parents of students who are directly impacted or critically injured are contacted directly versus through a mass communication or recording. Public schools should notify parents at the start of the school year about any updates to the annual crisis emergency plan and clearly outline the communications plan for parent notification should a school-based emergency or crisis occur, including any relevant or timely follow-up information regarding a school-based emergency event. School divisions must be clear in protocols whether or not students can access their stored cell phone and/or personal electronic communication device during a school-based emergency and communicate this policy clearly to parents and students. Not only should training and communications plans be updated for cell phone situations, but school leaders should actively work to build better communication pathways for families.

In addition to the guidance an Emergency Communications Task Force began in fall 2024.

## **Part II: Impact on Local Governments**

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

1. **List the localities affected, either individually or by appropriate groups (e.g., all towns, or planning district 8):**

Each of Virginia's 131 local school divisions.

2. **Identify the costs associated with the Mandate:**

- a) **Indicate how the mandate is funded:**

The Appropriation Act provides funding to the Department of Criminal Justice Services (DCJS) through the School Resource Officer (SRO) Incentive Grants Fund to operate the Virginia Center for School Safety, pursuant to §9.1-110, Code of Virginia. The SRO Incentive Grants Fund also provides grants to local school divisions to support SROs as part of this mandate. DCJS receives additional state appropriations for its operations in support of schools.

- b) **Indicate the cost to individual localities:**

Cost to individual localities is indeterminate.

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

Estimation methodologies are indeterminate.



### **Part III: Evaluation and Conclusions**

#### **F. Effectiveness of Mandate in Accomplishing its Purpose:**

**1. Describe the general purpose of the mandate:**

This mandate ensures that all students in Virginia’s public schools attend school in a safe and secure environment, with school stakeholders involved in planning and prevention to prevent incidents as well as prepare students and schools for potential emergencies.

**2. Describe the public purpose of the mandate and its effect of the mandate on public safety:**

This mandate helps ensure school security and prepare students and staff to respond in ways to maximize safety during emergencies. It also reduces the impact of incidents that do occur, and helps stakeholders to restore the learning environment as effectively as possible.

#### **G. Alternatives to Mandated Action:**

**1. Identify alternative approaches the mandate that could be accomplished with the agency’s current authority:**

None identified that could achieve the same purpose.

**2. Identify any fiscal impact of alternative approaches:**

**a) Estimated change in range of costs to localities under alternative approaches:**

None.

**b) Estimated change of costs to the Commonwealth under alternative approaches:**

None.

**c) Explanation of Estimation Methodologies:**

None.

#### **H. Agency Recommendation:**

**1. Agency determination:<sup>1</sup>**

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<sup>1</sup> The determination must be limited to “retain”, “alter”, or “eliminate”. A recommendation of ‘alter’ will also require your agency to pursue the necessary action to change the mandate. 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 further 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.

Retain.

**2. Justification:**

This mandate reflects Virginia's commitment to providing safe and productive learning environments in all of its public schools.

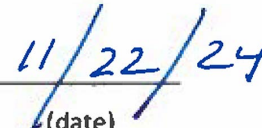
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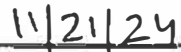
1. Name/Title: Melissa Velazquez/Assistant Superintendent of Policy and Government Relations
2. Telephone: (804) 750-8724
3. Email: melissa.velazquez@doe.virginia.gov

**J. Signatures:**

  
\_\_\_\_\_  
(Signature of Agency Head)

  
\_\_\_\_\_  
(date)

  
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(Signature of Cabinet Secretary)

  
\_\_\_\_\_  
(date)

ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL  
GOVERNMENTS  
(PURSUANT TO SEC. 15.2-2903(6), CODE OF VA.)

**Administering Agency:** Virginia Department of Transportation    **Date of Submission:** October 31, 2024

**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. Please see the separate instruction sheet for more details.

If you need more room than the space here provides, please email your assessment information as a separate Word document; however, please use this form for Agency Head and Cabinet Secretary signatures.

**A. Short Title of Mandate:** Bridge Safety Inspection Standards

**B. Specific Provisions of Mandate:** The National Bridge Inspection Standards (NBIS) apply to all structures defined as highway bridges located on all public roads, on and off Federal-aid-highways, including tribally-owned and federally-owned bridges, private bridges that are connected to a public road on both ends of the bridge, temporary bridges, and bridges under construction with portions open to traffic. Therefore, local governments must have all bridges and culverts subject to the requirements of the federal regulation under their jurisdiction inspected at regular intervals according to the National Bridge Inspection Standards.

**C. Source/Authority:**

**1. Specify Each Applicable**

- a) Federal Statute: 23 U.S.C. 144
- b) Federal Regulation: 23 CFR Part 650 Subpart C
- c) State Statute: N/A
- d) State Regulation: N/A
- e) Other: N/A

2. **Extension of Federal Mandates by State Authority:** Federal regulation (23 CFR 650.307(a)) specifies that “Each State transportation department must perform, or cause to be performed, the proper inspection and evaluation of all highway bridges that are fully or partially located within the State’s boundaries, except for bridges that are owned by Federal agencies or Tribal governments.” Although the Commonwealth Transportation Board and VDOT have authority over the systems of state highways pursuant to §§ 33.2-300, 33.2-310 and 33.2-326 of the Code of Virginia, some localities bear responsibility and authority for maintenance of highways and bridges within their boarders

Locality responsibility and authority for maintenance of highways are reflected in various sections of title 33.2. For example, § 33.2-700 transfers authority over secondary system highways in towns with populations exceeding 3,500 persons to those towns; § 33.2-366 requires the Commonwealth Transportation Board to provide funds for counties that have withdrawn or elect to withdraw from the secondary state highway system and bear responsibility for their highways and bridges pursuant to § 11 of Chapter 415 of the Acts of Assembly of 1932 (which currently includes Arlington and Henrico Counties); and for purposes of municipalities, reference is made to charters (see [Virginia Charters](#)) as well as § 33.2-319 which requires the Commonwealth Transportation Board to make payments to cities and certain towns which bear ownership and authority/responsibility for maintenance of their highways and bridges.

These localities bear responsibility to perform maintenance on those highways and bridges within their boundaries, and responsibility for performing the required bridge inspections, a necessary and critical responsibility of maintenance, lies with these localities.

- D. **Method by Which Agency Oversees Implementation of Mandate:** The Virginia Department of Transportation (VDOT) is responsible for oversight and inventory reporting (to the FHWA) of all National Bridge Inventory (NBI) structures within the Commonwealth. Oversight of the NBIS regulations applicable to localities is accomplished by proactive communications between VDOT district bridge offices and localities and quality assurance and quality control guidelines set forth by the VDOT central office structure & bridge division. Although no state law explicitly requires those localities that maintain their own highways to perform the bridge inspections required by Federal Law, inspection of bridges is a critical and necessary function of ownership and maintenance of bridge assets. VDOT maintains an inventory of all structures that identifies ownership and maintenance responsibilities of all NBI structures. VDOT Structure and Bridge internal agency guidance requires district bridge offices to proactively provide a list of structures due for inspection to each locality in advance of inspection interval completion timeframes. VDOT communicates with localities to monitor progress. Localities submit bridge safety inspection reports and associated inventory data to VDOT for review and entry into the bridge inventory system of record. VDOT also focuses a portion of quality assurance and quality control efforts towards locality owned structures each year. Separately, the FHWA currently conducts an annual national bridge inspection program review in Virginia that often includes a random sampling of locality bridges. In March of each year, Virginia reports to the FHWA bridge inventory data and bridge element data for bridges on the National Highway System for all the Commonwealth’s NBI bridges. This reporting process begins with data validation and verification reporting checks which are inclusive of all locality owned bridges. In summary, VDOT provides oversight of this locality mandate through the combination of proactive communication, quality assurance and quality

control and data validation and verification.

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

**1. Localities Affected:**

See table on next page

NUMBER AND DECK AREA OF STRUCTURES OWNED BY LOCAL GOVERNMENTS					
Jurisdiction	Number	Area (Sq ft)	Jurisdiction	Number	Area (Sq ft)
<b>Bristol District</b>	<b>248</b>	<b>489657</b>	<b>Hampton Roads District</b>	<b>454</b>	<b>6,724,741</b>
Abingdon-140	11	53,619	Chesapeake-131	111	1,867,180
Big Stone Gap-101	6	29,091	Emporia-109	7	38,704
Bluefield-143	11	15,082	Hampton-114	36	451,607
Bristol-102	33	136,404	James city-047	1	700
Buchanan-013	123	78,178	Newport News-121	49	653,987
Coeburn-198	1	416	Norfolk (M)-122	38	1,309,148
Gate city-221	1	322	Portsmouth-124	5	215,978
Lebanon-252	5	12,410	Suffolk-133	115	1,092,297
Marion-119	12	31,587	Virginia Beach-134	86	1,063,184
Norton-146	12	36,947	Williamsburg-137	6	31,956
Richlands-148	10	52,780	<b>Fredericksburg District</b>	<b>14</b>	<b>121,218</b>
Saltville-295	4	12,678	Fredericksburg-111	13	119,890
Tazewell (M)-158	13	25,858	Spotsylvania-088	1	1,328
Tazewell-092	3	1,887	<b>Culpeper District</b>	<b>35</b>	<b>172,884</b>
Wise (M)-329	2	1,358	Charlottesville-104	23	133,563
Wytheville-139	1	1,042	Culpeper (M)-204	8	33,242
<b>Salem District</b>	<b>131</b>	<b>1,163,528</b>	Orange (M)-275	1	644
Bedford (M)-141	2	3,074	Warrenton-156	3	5,434
Blacksburg-150	5	10,696	<b>Staunton District</b>	<b>150</b>	<b>624,842</b>
Christiansburg-154	7	31,322	Broadway-177	5	20,738
Galax-113	5	32,651	Buena Vista-103	18	38,584
Martinsville-120	10	55,061	Clifton Forge-105	7	62,747
Narrows-266	2	1,348	Covington-107	7	67,375
Pulaski (M)-125	15	55,826	Elkton-216	1	2,488
Radford-126	2	34,592	Front Royal-112	11	37,016
Roanoke (M)-128	81	756,965	Grottoes-228	2	1,346
Rocky Mount-157	3	17,353	Harrisonburg-115	30	104,967
Salem-129	17	145,028	Lexington-117	8	23,430
Vinton-149	2	16,166	Luray-159	9	46,444
<b>Lynchburg District</b>	<b>121</b>	<b>1,156,952</b>	Staunton-132	22	81,099
Danville-108	40	491,403	Waynesboro-136	19	102,595
Farmville-144	4	35,683	Winchester-138	7	28,123
Lynchburg-118	69	587,443	Woodstock-330	4	7,890
South Boston-130	8	42,423	<b>NOVA District</b>	<b>111</b>	<b>867,505</b>
<b>Richmond District</b>	<b>222</b>	<b>2,167,473</b>	Alexandria-100	22	427,112
Ashland-166	1	1,092	Arlington-000	25	117,422
Blackstone-142	1	4,491	Fairfax (M)-151	6	48,568
Chesterfield-020	1	474	Falls Church-110	5	17,906
Colonial Heights-106	5	30,508	Herndon-235	5	7,816
Henrico-043	97	248,397	Leesburg-253	20	166,744
Hopewell-116	3	21,449	Manassas Park-152	5	5,312
Petersburg-123	31	222,433	Manassas-155	12	61,768
Richmond (M)-127	83	1,638,628	Purcellville-286	5	5,992
			Vienna-153	6	8,865
TOTAL NUMBER = 1,506		TOTAL DECK AREA = 13,488,800 Sq. Ft.			

Revised 2017

## **2. Funding of Mandate:**

### **a) Funding Formula:**

There is no formula allocation to localities specifically for bridge inspection.

### **b) Funding of Mandate:**

As noted above, the Commonwealth Transportation Board provides maintenance funds to those localities that have authority to maintain their own highways pursuant to several state statutes. These maintenance funds can be used for the required bridge inspections. In the alternative, those localities may use other local funds that the locality may designate for such purpose. VDOT does not require certain maintenance funds to be used for bridge inspections and has no records indicating the exact amount spent by each locality on bridge inspections.

Each VDOT district bridge office identified one locality within their jurisdiction to solicit an estimate of local fiscal impact based on this mandate.

The district list below indicates which localities were contacted. Localities with an "\*" responded and sent a completed "Estimate of Local Fiscal Impact of Mandate" form:

1. Richmond - \*Henrico
2. Fredericksburg - \*City of Fredericksburg
3. Hampton Roads - \*City of Chesapeake
4. Bristol - \*City of Bristol
5. Culpeper - \*Town of Culpeper
6. Salem - City of Salem
7. Lynchburg - City of Danville
8. Staunton - City of Waynesboro
9. NoVa - Town of Leesburg

Of the five (5) localities that responded, annual costs associated with this mandate ranged from less than \$5,000 to \$312,088. Several of the responses on the form appear to omit some of the requested data, such as an itemization of net expenditures, including revenues received.

### **c) Explanation of Estimation Methodology:**

The list of localities affected by this mandate was generated by developing custom data query parameters within the bridge inventory system of record. Data parameters such as ownership and maintenance responsibility in addition to physical jurisdiction codes were used. The structure count is reflective of all bridges within the locality that meet the definition of an NBI structure from the federal regulations, inclusive of bridges and culverts that are open or closed to traffic. Code of Federal regulations 650 subpart C, National Bridge Inspection Standards, define bridge subject to the NBIS as a structure including supports erected over a depression or an obstruction, such as water, highway, or railway, and having a track or passageway for carrying traffic or other moving loads, and having an opening measured along the center of the roadway of more than 20 feet between under copings of abutments or spring lines of arches, or extreme ends of openings for multiple boxes; it includes multiple pipes, where the clear distance between openings is less than half of the smaller contiguous opening.

Additionally, bridge safety inspection costs were queried from financial systems and consultant contract records



to estimate a statewide average cost per square foot of deck area to perform a bridge safety inspection. This statewide average is \$0.81 per square foot of deck area. For any of the localities listed in the table above, their total mandate cost can be estimated by using the statewide average cost per square foot of deck area multiplied by the cumulative deck area of their structure count. It is noted that bridge safety inspection costs are variable and can be influenced by many factors which may either increase or decrease the cost per square foot of deck area. Such variables include, but are not limited to labor rates, access equipment, maintenance of traffic requirements, urban or rural considerations of lane closure restrictions due to time-of-day high traffic volumes and daytime or nighttime work, which may require extra duration due to artificial lighting.

Another factor that will affect the annual cost of the mandate, which may be less than the total cost of the mandate, is the inspection interval of each structure. Most of the structures have a 24-month inspection interval, although if in poor condition, this interval will be 12 months. This variability of inspection intervals will affect the annual costs depending on how many of the total locality structure count are due to be inspected in a given calendar year. For example, if a locality has 4 structures, but only two are due to be inspected in a given calendar year, then the annual cost of the mandate will be approximately half of the total cost of the mandate assuming individual structure inspection costs are similar.

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

- 1. General Purpose of Mandate:** The purpose of the mandate is to establish and maintain inspection standards for the proper inspection and evaluation of all highway bridges for safety and serviceability. These standards are designed to ensure uniformity, including minimum requirements of the inspections and evaluations. The mandate further establishes state compliance requirements inclusive of inventory data collection and reporting, inspection intervals, inspector qualifications, structural evaluations called load ratings, reporting of critical findings and monitoring of associated corrective actions. This language is paraphrased from the federal statute referenced above.
  
- 2. Description of Essentiality to the Public Safety:** The mandate compels localities to accomplish delegated responsibilities under federal regulation 23 CFR 650 defined as the National Bridge Inspection Standards. These delegated responsibilities include § 650.307(e)(3) through (11) involving various programmatic functions such as performing bridge safety inspections, managing reporting and data collection, performing quality control and quality assurance activities, maintaining a bridge inventory, managing scour appraisals and scour plans of action and tracking critical findings and actions taken in response to a critical finding. Most of these activities are directly related to safety of the traveling public and assessment and appraisal of infrastructure for purposes of asset management and preservation.

In addition to condition assessment which assigns commonly associated general condition ratings reflective of deterioration levels, structural evaluations or load ratings are also routinely calculated to determine the safe load carrying capacity of structures, considering documented levels of deterioration. The results of these analyses are used to make load posting or weight restriction decisions for individual structures. Reduction of limits inclusive of weight, width, height, length or speed of vehicles by localities is done in accordance with Code of Virginia § 46.2-1104. VDOT uses such data

reported by the localities to support oversize and overweight permitting operations managed by the Department of Motor Vehicles (DMV). Locality data is an essential component of the overall statewide data set used by the DMV to effectively and efficiently route permit loads considering roadway and bridge data inclusive of weight capacity, weight restrictions (field posted structures), open or closed status, vertical clearances and other restriction data used by the DMV EZ-Haul automated permitting system.

The bridge inventory and condition data collected during bridge safety inspections is an indispensable, foundational component of the Commonwealth's bridge management and bridge maintenance program. Data from inspection reports is used to prioritize and scope every maintenance or replacement action on every bridge. The data is used in formal prioritization processes to select which bridge will receive treatment and is used in engineering analysis to determine which treatments (type and quantity) will be performed on each bridge. Some specific examples of the practical use of this data can be seen in the prioritization and selection processes for VDOT's large programmatic bridge preservation programs: the State of Good Repair bridge program and the Bridge Formula Fund program. Both programs use information collected during safety inspections to create programmatic project scopes, work quantities, and estimates. These scopes and estimates are then used in formulae that select bridge projects and funding allocations per project. Similar processes are used in VDOT's Special Structures Fund and Interstate Maintenance Fund. Without ready access to this locality bridge inventory and appraisal data, VDOT's bridge program statewide data set would be incomplete, and project selection and scope determination would require significantly greater effort, time and coordination with locality bridge asset owners.

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

1. **Identification of Alternative Approaches:** No alternative approaches to achieving the purpose of the mandate have been identified.
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 mandate is necessary for the Commonwealth to comply with federal law. Additionally, the bridge inventory and appraisal data collected by localities is an essential part of VDOT's statewide comprehensive bridge data set used for external reporting requirements to the FHWA as well as internal asset management and preservation purposes.

I. **Agency Contact Regarding Assessment:**

1. Christopher Williams, P.E.  
Assistant State Structure & Bridge Engineer for Safety Inspection
  
2. Virginia Department of Transportation  
1401 East Broad Street  
Richmond, Virginia 23219
  
3. Christopher.Williams@VDOT.Virginia.gov  
(804) 337-6202

**Approval of Assessment:**



(Signature of Agency Head)



(Signature of Cabinet Secretary)

**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL GOVERNMENTS  
PURSUANT TO § 15.2-2903(6) CODE OF VA and Executive Order 58 (2007)**

**Administering Agency:** Department of State Police

**Date:** 10/08/2024

**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 as a .pdf and save using the following file name convention: [Mandate Number]-FY25-Assessment.pdf (e.g., SOE.DOE027-FY25-Assessment.pdf) and e-mail the file to the legrand.northcutt@dhsd.virginia.gov. You may keep the signed original for your own agency records.

Please see the separate instruction sheet for details on how to answer each question.

**Part I - Background Information**

**A. Short Title:**



Facial Recognition Technology

**B. Summary of Important Provisions:**

Local law enforcement agencies, campus police, and the Virginia State Police seeking to use facial recognition technology must have policies and procedures in place.

**C. Source/Authority:**

**1. Check all that apply:**

- a) Federal Statute:
- b) Federal Regulation:
- c) State Statute:
- d) State Regulation:
- e) Other:

Click or tap here to enter text.

**2. Is this mandate a federal mandate that is augmented by state authority?**

No

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

Policy created and reviewed annually to ensure access by both SP and local agencies.

## **Part II: Impact on Local Governments**

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

1. **List the localities affected, either individually or by appropriate groups (e.g., all towns, or planning district 8):**

The use of the standard policy does not cause a fiscal impact.

2. **Identify the costs associated with the Mandate:**

- a) **Indicate how the mandate is funded:**

N/A

- b) **Indicate the cost to individual localities:**

N/A

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

N/A

## **Part III: Evaluation and Conclusions**

### **F. Effectiveness of Mandate in Accomplishing its Purpose:**

1. **Describe the general purpose of the mandate:**

Purpose of this mandate is to provide a standard policy to provide personnel with guidelines and principles for the collection, access, use, dissemination, retention, and purging of images and related information applicable to the implementation of a face recognition (FR) program.

2. **Describe the public purpose of the mandate and its effect of the mandate on public safety:**

- Increasing public safety and improving state, local, tribal, territorial, and national security.
- Minimizing the threat and risk of injury to specific individuals.
- Minimizing the potential risks to individual privacy, civil rights, civil liberties, and other legally protected interests.
- Minimizing the threat and risk of damage to real or personal property.
- Fostering trust in the government by strengthening transparency, oversight, and accountability.

- Making the most effective use of public resources allocated to public safety entities.

**G. Alternatives to Mandated Action:**

1. **Identify alternative approaches the mandate that could be accomplished with the agency's current authority:**

N/A

2. **Identify any fiscal impact of alternative approaches:**

- a) **Estimated change in range of costs to localities under alternative approaches:**

N/A

- b) **Estimated change of costs to the Commonwealth under alternative approaches:**

N/A

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

N/A

**H. Agency Recommendation:**

1. **Agency determination:<sup>1</sup>**

Retain.

2. **Justification:**

This policy will ensure that all facial recognition uses are consistent with authorized purposes while not violating the privacy, civil rights, and civil liberties (P/CRCL) of individuals.

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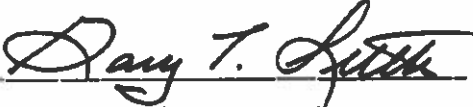
<sup>1</sup> The determination must be limited to "retain", "alter", or "eliminate". A recommendation of 'alter' will also require your agency to pursue the necessary action to change the mandate. A recommendation of 'eliminate' means that the affected local governments should no longer be required to comply with the requirements of the mandate. A recommendation of 'eliminate' will further 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.

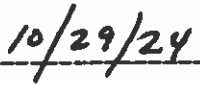
**Part IV: Approval and Signatures**

**I. Agency Contact Regarding Assessment:**

1. Name/Title: Captain Julia M. Gunderson
2. Telephone: 804-674-2023
3. Email: Julia.gunderson@vsp.virginia.gov

**J. Signatures:**

  
\_\_\_\_\_  
(Signature of Agency Head)

  
\_\_\_\_\_  
(date)

  
\_\_\_\_\_  
(Signature of Cabinet Secretary)

  
\_\_\_\_\_  
(date)

Mandate Number: SASHS.VSP021

**ASSESSMENT OF STATE AND FEDERAL MANDATES ON VIRGINIA LOCAL  
GOVERNMENTS  
PURSUANT TO § 15.2-2903(6) CODE OF VA and Executive Order 58 (2007)**

Administering Agency: Virginia Department of State Police

Date:

10/4/2024

**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 as a .pdf and save using the following file name convention: [Mandate Number]-FY25-Assessment.pdf (e.g., SOE.DOE027-FY25-Assessment.pdf) and e-mail the file to the legrand.northcutt@dhcd.virginia.gov. You may keep the signed original for your own agency records.

Please see the separate instruction sheet for details on how to answer each question.

**Part I - Background Information**

**A. Short Title:**



Critically Missing Adult Reporting

**B. Summary of Important Provisions:**

Any person 18 years of age or older, including persons with a developmental disability, intellectual disability, or mental illness, and; whose whereabouts are unknown; whose disappearance or abduction poses a credible threat, as determined by law enforcement, to the safety and health of the missing person, or; based on any other circumstances as deemed appropriate by the Virginia State Police.

**C. Source/Authority:**

**1. Check all that apply:**

- a) Federal Statute:
- b) Federal Regulation:
- c) State Statute:
- d) State Regulation:
- e) Other:

Click or tap here to enter text.

**2. Is this mandate a federal mandate that is augmented by state authority?**

No. VA statute 15.2-1718.2.

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

Revised July 2024



Alert procedures, requirements, and forms are available on VSP webpage  
<https://vsp.virginia.gov/active-alerts/>. Educational bulletins are sent out to agency heads  
reminding them of the Alert criteria. VSP duty sergeants assist with questions 24/7.

## **Part II: Impact on Local Governments**

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

1. **List the localities affected, either individually or by appropriate groups (e.g., all towns, or planning district 8):**

None.

2. **Identify the costs associated with the Mandate:**

- a) **Indicate how the mandate is funded:**

General funds.

- b) **Indicate the cost to individual localities:**

None.

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

Click or tap here to enter text.

### **Part III: Evaluation and Conclusions**

#### **F. Effectiveness of Mandate in Accomplishing its Purpose:**

**1. Describe the general purpose of the mandate:**

To aid in the search for a disappeared or abducted adult.

**2. Describe the public purpose of the mandate and its effect of the mandate on public safety:**

This mandate expedites information sharing between law enforcement and the public to improve chances of a successful outcome in the missing person investigation.

#### **G. Alternatives to Mandated Action:**

**1. Identify alternative approaches the mandate that could be accomplished with the agency's current authority:**

None known.

**2. Identify any fiscal impact of alternative approaches:**

**a) Estimated change in range of costs to localities under alternative approaches:**

N/A

**b) Estimated change of costs to the Commonwealth under alternative approaches:**

N/A

**c) Explanation of Estimation Methodologies:**

N/A

#### **H. Agency Recommendation:**

**1. Agency determination:<sup>1</sup>**

Retain.

**2. Justification:**

The program is important, and functions properly as designed.

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<sup>1</sup> The determination must be limited to "retain", "alter", or "eliminate". A recommendation of 'alter' will also require your agency to pursue the necessary action to change the mandate. 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 further 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.

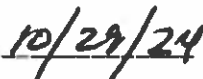
**Part IV: Approval and Signatures**

**I. Agency Contact Regarding Assessment:**

1. Name/Title: Captain Julia M. Gunderson
2. Telephone: 807-674-2023
3. Email: Julia.gunderson@vsp.virginia.gov

**J. Signatures:**

  
\_\_\_\_\_  
(Signature of Agency Head)

  
\_\_\_\_\_  
(date)

  
\_\_\_\_\_  
(Signature of Cabinet Secretary)

  
\_\_\_\_\_  
(date)