



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: May 7, 2024
SUBJECT: Draft Agenda and May Regular Meeting Materials

Dear Commissioners:

We are looking forward to the May regular meeting, which will be held in conjunction with the Rappahannock/Washington VSA proceedings. The meeting will be held at 9:30 a.m. the Culpeper Economic Development Center, 803 S. Main Street in Culpeper on May 21, 2024.

Please find enclosed the following:

1. Draft agenda for the May Regular Meeting of the Commission;
2. Draft minutes of the Public Hearing on March 21, 2024;
3. Draft minutes of the March 22, 2024 Regular Meeting of the Commission;
4. Draft minutes of the April 30, 2024 Special Meeting of the Commission;
5. News articles of interest to the Commission;
6. The enrolled text of SB645;
7. Memo to the Office of the Attorney General on need for emergency regulations in response to SB645;
8. Code of Virginia § 2.2-4011;
9. The State Agency Guide to Emergency Regulatory Process;
10. The 2024 Local Fiscal Impact Statement Score Card;
11. Draft internal review schedule for the report on the Voluntary Settlement Agreement between Rappahannock County and the Town of Washington;
12. Proposed draft text of 1VAC-50-20;
13. Comment on 1VAC50-20-160, Executive sessions or meetings, from the Virginia Coalition for Open Government;
14. The State Agency Guide to Standard Regulatory Process;
15. Potential regulatory timelines;
16. Draft Mandates Assessment Schedule for FY2025;



17. Cash Proffer Survey Instrument.

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

I hope you have a wonderful week and look forward to seeing you in Washington on May 20th!





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DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

AGENDA

Commission on Local Government
Regular Meeting: 9:30 a.m., May 21, 2024
Culpeper Economic Development Center - Council Meeting Room
803 S. Main Street
Culpeper, VA 22701

FOR VIRTUAL ATTENDANCE

Click [here](#) to join the meeting
Meeting ID: 228 337 766 445
Passcode: raoxb
Or call in (audio only)
+1 434-230-0065,,526026502#
Phone Conference ID: 526 026 502#

1. Occupancy for the meeting space is limited, so the Commission encourages members of the public to observe the meeting through the Microsoft Teams link provided above. Please contact LeGrand Northcutt (legrand.northcutt@dhcd.virginia.gov) for information on how to connect to the meeting using this method.
2. 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.
3. 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. Administration**
- a. Approval of the draft agenda (Chair)
 - b. Approval of the minutes of previous meetings (Chair)
 - i. Public hearing on March 21, 2024
 - ii. Regular meeting on March 22, 2024
 - iii. Special meeting on April 30, 2024
 - c. Public comment period (Chair)
 - d. Staff's report (Staff)



- III. **2024 General Assembly Session**
 - a. Staff presentation (Staff)
 - b. SB645
 - i. Staff presentation
 - ii. Commission deliberation and action (Chair)
 - c. Fiscal Impact Statement score card (Staff)
 - i. Staff presentation

- IV. **Cases before the Commission**
 - a. Pending cases (Staff)
 - i. Follow up on Rappahannock/Washington VSA
 - b. Potential cases
 - i. Update on Fauquier/Warrenton VSA

- V. **Regulatory items**
 - a. Update on periodic reviews (Staff)
 - b. Notice of Intended Regulatory Action to accomplish regulatory reduction
 - i. Consideration of public comments
 - 1. Commission deliberation and action (Chair)
 - ii. Approval of draft text for Proposed Stage package
 - 1. Commission deliberation and action (Chair)

- VI. **Assessment of Mandates on Local Governments**
 - a. Approval of FY2025 mandates assessment calendar
 - i. Commission deliberation and action (Chair)

- VII. **Cash Proffer Survey Instrument**
 - a. Staff presentation (Staff)
 - b. Commission deliberation and action (Chair)

- VIII. **2024 Schedule of regular meetings** (Staff)

- IX. **Other business** (Chair)

- X. **Adjournment** (Chair)





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DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

**Commission on Local Government
Public Hearing
Loudoun County and Town of Leesburg Voluntary Settlement Agreement
March 21, 2024
7:00 p.m.**

**Ide Lee Recreation Center
60 Ida Lee Dr. NW
Leesburg, VA 20176**

Members Present

Edwin Rosado, Chair
Diane M. Linderman, PE
Ceasor T. Johnson, D.Min.
Terry Payne

Members Absent

Robert Lauterberg, Vice Chair
(recused)

Staff Present

LeGrand Northcutt
Grace Wheaton
Chase Sawyer

Call to Order

The Commission on Local Government (CLG) Chair, Mr. Edwin Rosado, called the meeting to order at 6:55 p.m.

Commissioner Rosado introduced the Commissioners and staff present at the public hearing. The purpose of the public hearing was to review the Voluntary Settlement Agreement between Loudoun County and the Town of Leesburg.

Commissioner Rosado recognized Mr. Northcutt to provide an overview of the process set out in the Code of Virginia guiding the Commission's review of the proposed Voluntary Settlement Agreement.

Public Comment

Commissioner Rosado recognized those pre-registered to provide comments in-person.

Joel Smart, a business owner in the Town of Leesburg, spoke in favor of the agreement. He noted that the agreement will allow the Town to grow in proportion with its investments in Compass Creek's infrastructure and that the annexation will have no negative financial impact on the County.



Mitra Setayesh, CEO of the Ion Training Center in the Town of Leesburg, spoke in favor of the agreement. She recounted her experience being annexed into the Town in a previous boundary line adjustment. Overall, it was a very positive experience for her and her business, and she enjoys being a part of a smaller municipality and the benefits of the Leesburg police force's presence.

There were no comments from those who had not pre-registered, nor from those attending online.

Commissioner Rosado noted that the record will remain open for additional written comments through 5:00 pm, April 4, 2024.

Adjournment

By voice vote, the Commission moved to adjourn. The motion passed unanimously. The Commission adjourned at 7:15 p.m.





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DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Commission on Local Government

Regular Meeting

March 22, 2024

9:30 a.m.

Leesburg Townhall

25 West Market Street

Leesburg, VA 20176

Members Present

Edwin S. Rosado, Chair
Robert W. Lauterberg, Vice chair (attending virtually)
Diane M. Linderman, PE
Ceasor T. Johnson. D.Min,
Terry Payne
Call to Order

Members Absent

None

Staff Present

LeGrand Northcutt
Grace Wheaton
Chase Sawyer
Trisha Lindsey

The Commission on Local Government (CLG) Chair, Edwin Rosado, called the meeting to order at 9:30 a.m.

Mr. LeGrand Northcutt initiated a roll call vote. Mr. Northcutt informed the Chair that a quorum of Commissioners Johnson, Linderman, Rosado, and Payne were present in person, with Commissioner Lauterberg attending virtually.

Pursuant to the Commission's electronic meetings policy, Commissioner Lauterberg participated from his office in Richmond because his place of residence is more than 60 miles from the location of the meeting. There was no objection to his virtual participation.

Approval of Agenda

Commissioner Linderman moved and Commissioner Payne seconded the adoption of the agenda. The motion passed unanimously.

Approval of draft minutes from previous meetings

Commissioner Linderman moved and Commissioner Payne seconded the adoption of the minutes from the January regular meeting. The motion passed unanimously.



Commissioner Linderman moved and Commissioner Payne seconded the adoption of the minutes from the February special meeting. The motion passed unanimously.

Public Comment Period

The Chair opened the floor for the public comment period.

Stephen Plescow attended the meeting as a representative of Rush River Commons.

There was no further public comment. The Chair closed the public comment period.

The Chair introduced the following guest who were in attendance from Rappahannock County and the Town of Washington:

- Martin Crim, attorney for the Town of Washington
- Joe Whited, Mayor of Washington
- Garry Curry, County Administrator for Rappahannock County

Staff report

Mr. Northcutt updated the Commission on a potential VSA between the Town of Warrenton and Fauquier County that is expected to be filed soon. Mr. Crim, who is also the attorney for the Town of Warrenton, spoke briefly on the progress the two localities are making.

Mr. Northcutt updated the Commission on the mandates assessment schedule, which will be presented at the May meeting. As part of staff realignment, the Mr. Northcutt will be responsible for the mandates assessment instead of Ms. Wheaton.

Cases before the Commission

Mr. Northcutt presented the updated review schedule for the voluntary settlement agreement between Rappahannock County and the Town of Washington.

Rappahannock County and the Town of Washington

The Town and County will plan a site visit for the Commissioners with help from staff to begin at the Rappahannock County Courthouse.

Commissioner Johnson moved and Commissioner Payne seconded to move the regular meeting of the Commission to 9:30 am on May 21st. The motion passed unanimously.



Commissioner Johnson moved and Commissioner Linderman seconded to extend the report due date for the VSA to July 12, 2024. The motion passed unanimously.

Commissioner Lauterberg moved and Commissioner Johnson seconded to close the record for the VSA on June 3, 2024. The motion passed unanimously.

Staff noted typographical amendments that need to be made to the advertisements for the VSA. Commissioner Linderman moved and Commissioner Johnson seconded directing staff to publish the advertisements for the VSA in the Rappahannock News in accordance with Virginia Code § 15.2-2907, subject to amendments noted. The motion passed unanimously.

The Commission discussed locations for the May meeting after the hearings on the VSA. On the suggestion of Commissioner Johnson, staff will work with Commissioner Lauterberg to secure a public meeting space used by the Town of Culpeper.

Representatives of Rappahannock County and the Town of Washinton left the meeting.

Loudoun County and Town
of Leesburg

Commissioner Lauterberg recused himself from the discussions and votes on the VSA between Loudoun County and the Town of Leesburg.

Staff recommended that the Commission submit its report on the VSA between Loudoun County and the Town of Leesburg before May 3rd. After discussion of schedules, Commissioner Johnson moved and Commissioner Payne seconded to submit the report on the VSA on April 30th. The motion passed unanimously.

The chair will take proper action to call a special meeting on April 30th at 9:30 am to approve the report. It will be an all-virtual meeting.

Mr. Northcutt and Mr. Sawyer presented the internal review schedule for the VSA. Staff will make public the final report as part of the special meeting packet on or before Friday, April 26th.

Regulatory items

Mr. Northcutt presented the results of the periodic review of 1VAC50-20-11. Staff recommends retaining the regulation as is.



Periodic review results

Commissioner Linderman moved and Commissioner Payne seconded to retain the regulation as is and direct staff to submit a final TH-07 form. The motion passed unanimously.

Regulatory reduction updates

Mr. Northcutt gave updates on the regulatory reduction efforts of the Commission including changes to the proposed text since the January meeting, the current timeline for approval, and alternate timelines for moving to the proposed stage. The notice of intended regulatory action will be published in the Virginia Register on March 25th.

The Commissioners did not have any suggestions for changes to the proposed text prepared by staff.

Mr. Northcutt updated the Commission on moving technical assistance documents from Townhall to the Commission's website.

2024 General Assembly Session updates

Mr. Northcutt, Ms. Wheaton, and Ms. Lindsey gave updates on bills that affect the Commission, which include SB645, HB725, and HB564. SB645 may require staffing additions and changes, along with regulatory action.

Commissioner Lauterberg asked for clarification between the roles of the Auditor of Public Accounts and the Commission under SB645.

Ms. Lindsey gave a general overview of DHCD's work during the General Assembly session.

Update on Commission Work Groups

The Fiscal Stress Report workgroup will seek to bring in an expert to talk to the Commission about fiscal stress and whether improvements can be made to the fiscal stress index and report.

The Chair suggested that the work group interview experts and report back to the Commission with recommendations for improving the report.

Commissioner Lauterberg will reach out to the authors of a relevant report on fiscal stress in localities, and Ms. Wheaton will follow up with the University of Michigan's local fiscal stress working group.



Schedule of Regular Meetings

The May regular meeting will be changed to 9:30 am on May 21.

At the suggestion of Commissioner Linderman, the Commission will discuss its remaining virtual meeting options for 2024 at the May meeting.

Other Business

Chris Spera, attorney for the Town of Leesburg, was recognized by the chair and clarified a question that was asked by Commissioner Linderman at the presentations the previous day about the variable tax rates for data center property. Regarding the changes in rates and holding them steady for five years, these rates are also mentioned in the consent letters from Microsoft, and so changing the rates would be a violation of the consent agreement as well as the VSA.

Ms. Spera will provide the additional consent letters to staff that were not provided in the VSA filings.

Adjournment

Commissioner Linderman moved to adjourn to executive session, seconded by Commissioner Payne. The meeting adjourned at 11:05 am.





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DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Commission on Local Government Special Meeting April 30, 2024 9:30 a.m. Held virtually via Microsoft Teams

Members Present

Edwin S. Rosado, Chair
Diane M. Linderman, PE
Terry Payne

Members Absent

Ceasor T. Johnson, D.Min
Robert W. Lauterberg, Vice Chair,
not attending because of recusal
from the case discussed at this
meeting

Staff Present

LeGrand Northcutt
Chase Sawyer
Grace Wheaton

Call to Order

The Commission on Local Government (CLG) Chair, Edwin Rosado, called the special meeting to order at 9:35 a.m. as an all-virtual special meeting in accordance with the Commission's electronic meetings policy.

Mr. LeGrand Northcutt, Senior Policy Analyst at the Virginia Department of Housing and Community Development (DHCD) initiated a roll call vote. Mr. Northcutt informed the Chair that a quorum of Commissioners Linderman, Rosado, and Payne were present virtually.

Approval of Agenda

Commissioner Linderman moved and Commissioner Payne seconded the adoption of the draft agenda. The motion passed unanimously.

Public Comment Period

The Chair opened the floor for the public comment period.

Andrew Bowman of Gentry Locke, representing the Town, thanked the Commission for their work on the report.

There was no further public comment, so the Chair closed the public comment period.



Cases before the
Commission

Mr. Northcutt presented the substance of the Commission’s Draft Report on the Town of Leesburg – Loudoun County Voluntary Settlement Agreement. Staff indicated that the draft report was ready for adoption subject to additional footnotes to reflect the outcome of this meeting, the addition of links to documents on file with the Commission, and any edits suggested by the Commissioners.

Loudoun County and the
Town of Leesburg

There were no recommendations for changes to the draft report.

Schedule of Regular
Meetings

Commissioner Linderman moved, and Commissioner Payne seconded approval of the draft report subject to additions indicated by staff. The motion passed unanimously.

Staff updated the Commission on the schedule for the May meeting and indicated that all logistics documents for the Washington/Rappahannock case would be distributed with the May meeting packet on May 7th.

Other business
Adjournment

Commissioner Linderman moved and Commissioner Payne seconded to adjourn. The motion passed unanimously.

DRAFT



https://www.fauquier.com/news/projects-raise-questions-about-warrenton-s-growth-plan/article_38cef428-eb-11ee-a79e-03ef2bfabb7e.html

TOP STORY

Projects raise questions about Warrenton's growth plan

New proposal calls for 386 new apartments, taller buildings

By Hunter Savery Fauquier Times Staff Writer

March 2024 and quickly, big decisions about what growth should look like in Warrenton over the next few years have begun to inch their way before town officials in 2024.

Last week, it was the Warrenton Town Planning Commission considering a proposal **to radically overhaul the Warrenton Village Center** along Oak Springs Drive near Broadview Avenue and Lee Highway to add 386 new apartments and amenities such as a swimming pool and dog park.

Earlier this month, Warrenton Town Council and Fauquier County Supervisors agreed **to start an annexation process that could eventually lead to the construction of up to 270 new homes** on the south side of Warrenton as part of a proposed project known as the Arrington subdivision.

The prospect of more than 650 new homes and apartments raises questions about the town vision for its own growth, and in the case of Warrenton Village Center, the project was tailored to fit snugly into the town's comprehensive plan, known as "**Plan Warrenton 2040**," by mixing retail with apartment living and offering a promise of affordable housing.

“Personally, I’m very excited for this project,” planning commission Chair Ryan Stewart said. “It meets so much of what our comprehensive plan is laid out to address in terms of affordable housing, providing new housing stock to accommodate need and also the infill development focused around our shopping centers. It meets all the goals very well.”

But many questions remain. The project would be unlike anything the town has seen, with buildings as tall as four stories high, changing the landscape at an entry point to Warrenton where U.S. Route 17 guides highway traffic into town. And just how affordable the cheapest apartments would be has not yet been defined.

“I think all of us are concerned; can the town handle this traffic, infrastructure, etc.?” said Commissioner James Lawrence. “The other angle is, how badly does the town need this?”



An artist's rendering of the proposed mixed-use development at Warrenton Village Center.

Courtesy of MV+A Architects

The shopping center today is home to popular shops and restaurants like Marshalls, Chipotle, Staples, Ace Hardware and Galaxy Strikes Bowling Center, and the project is a long way from breaking ground. It would need to clear several hurdles before any work could begin.

The property owners — Jefferson Associates LP and Warrenton Center LLC — along with New Castle Development Group need to secure a special use permit from the Warrenton Town Council.

A project designed to fit the town's vision

The town's comprehensive plan details what officials say they want when it comes to future development near shopping centers such as the one Warrenton Village Center anchors — mixing living spaces in with open areas and places to shop and eat that people can easily walk to. The comprehensive plan, adopted in 2021, calls for “creating a sense of place.”

The Warrenton Village Center plans were drawn with that goal in mind, according to documents filed by the developers, and the three-story townhouses and four-story apartments were “designed to emulate the scale of a walkable town center.”

The project would keep the retail stores that are in place now while adding three new housing blocks on an unused lot behind Costello's Ace Hardware and in a section of what is now the parking lot along Broadview Avenue. The overall footprint of the development would come to about 30 acres.

The large parking lot would be largely preserved, except for two small buildings along Broadview Avenue that would be torn down and replaced when leases end for the current occupant, Summit Community Bank.

A four-story garage would provide parking for residents, and a central plaza with a “splash pad” and green space would anchor the revamped village center.

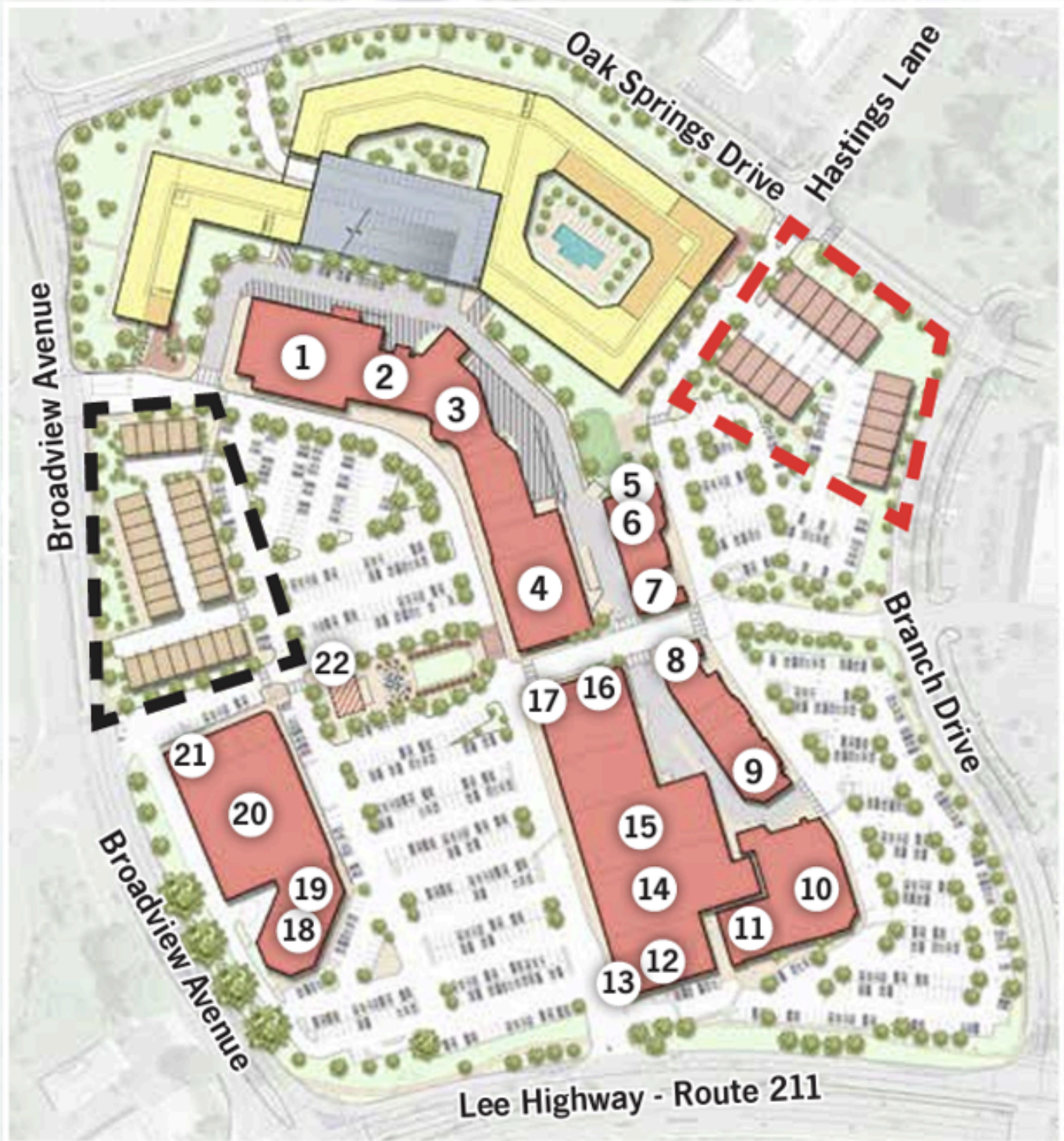
The apartment buildings would be four stories high, considerably taller than stores and restaurants in place there today. The town's rules already allow for buildings up to six stories tall on Lee Highway, but the limit is three stories tall on Oaks Springs Drive. So, the developers would need to ask the town for an exception.



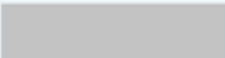
Living areas would include 320 apartments ranging from one to three bedrooms, 30 three-story townhomes with two-car garages and 36 two story townhomes with one-car garages.

Lawrence outlined several questions and concerns he wanted to see addressed by the developers and town staff, including more context on the height of the apartment buildings.

“When you see them all in that picture that looks great, but it doesn’t really tell you; is that going to be the highest thing in town?” said Lawrence. “Is it going to be as high as The Fauquier Bank building? Some perspective on what those elevations compare to around town would be great.”

Proposed changes to Warrenton Village Center



- | | | | |
|---|-------------------------|--|-------------------------------|
|  | Existing retail |  | Multifamily apartments |
|  | Multifamily townhomes |  | Multifamily stacked townhomes |
|  | Proposed parking garage | | |
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|----------------------------------|--------------------------------|
| 1: Costello's Ace Hardware Store | 12: Carmen Rivera - State Farm |
| 2: Fats Warrenton | 13: Chipotle |
| 3: Anytime Fitness | 14: Staples |
| 4: JOANNE'S | 15: P... |

- | | |
|------------------------------|-----------------------------------|
| 4: JOANN Fabric and Crafts | 15: Petco |
| 5: Warrenton Center Cleaners | 16: The Game Store |
| 6: Taj Palace Indian Cuisine | 17: Your CBD Store |
| 7: Red Zone Bar & Grill | 18: Firehouse Subs |
| 8: Faangthai | 19: El Agave |
| 9: Gerald Awadzi, DMD | 20: Galaxy Strikes Bowling Center |
| 10: Marshalls | 21: Little Caesar's Pizza |
| 11: Panera Bread | 22: Central plaza/splash pad |

The revamped Warrenton Village Center project calls for additional commercial spaces interspersed with housing units and amenities.

Vincent Sales/Fauquier Times

The challenge of affordable housing

Another promise the proposal makes is to offer affordable places to live, another big challenge the town faces. Warrenton has a significant shortage of lower- and middle-income housing, and the comprehensive plan calls for more to be built. The village center developers said 10% of the living spaces would be set aside for affordable housing.

“Affordable housing is such a need here in the county,” said Darine Barbour, one of the planning commissioners. “For a lot of people I know, and for me myself, I have to work outside of the town and the county for me to really be able to live here. So, for me it’s huge, the affordable housing piece of it. I have a history of working with transitional homes, and I’m still in touch with them, so I know the need is there.”

All five of the planning commissioners said they broadly favored more affordable housing while discussing the project, but Commissioner Terry Lasher tempered expectations that it could put a dent in Fauquier County’s affordable housing needs.

“I’m assuming we’re not going to close a significant gap with this one project,” Lasher said.

Questions about schools and utilities

While drawing less public attention than Arrington or the hotly contested proposal to build an Amazon data center in town, the plan to revamp Warrenton Village Center has been in the works for several years.

Two rounds of submissions and revisions have already been completed. The first set of comments from Warrenton town staff were released on June 30, and the second round of comments came back on Feb. 14.



An artist's rendering of mixed-use spaces inside the proposed Warrenton Village Center development.
Courtesy of MV+A Architects

Like every nearly new development, there were questions about how adding new residents could affect Warrenton's aging sewer plant and local schools.

The Warrenton Village Center project has already been factored into projections for sewage. While the town's sewage system needs improvement, town staff said the extra residents who would live in the new apartments should not overburden the system if repairs and replacements at the plant continue as planned.

Still Lawrence pushed for more information on the water and sewer impact.

"We recently had a presentation where words like 'imminent failure' were used in regard to some of those systems of ours," said Lawrence, referencing a briefing on the town water and sewer plant conditions the commission received in January.

RELATED: Squeezed out: Many Piedmont residents stymied by rent, mortgages beyond reach

Developers don't project a big impact on local schools in the proposal. They predict just more than two dozen children will end up living in the Warrenton Village Center development.

Lasher raised questions about the impact of the development on school bus routes and how that would work in an area with commercial traffic.

"Sometimes when people think about added households, they just think about the negative," said Lawrence. "How much will this cost to service the water and sewer needs? The transportation needs? The kids going to school? But those are all customers for our retailers. I'm quite sure that there is not a single retailer in the Town of Warrenton who says, 'I don't want any more customers.'"

Ultimately, the Town Council will decide the project's fate, but there are several steps for the planning commission and an opportunity for public input first.

The planning commission plans two more work sessions to discuss the project on April 16 and 23. A public hearing is tentatively scheduled for May, with a full-town staff report on the proposal.

After the public hearing, the project would head to the Warrenton Town Council for a hearing and vote on the special use permit. A vote could happen as early as June.

Reach Hunter Savery at hsavery@fauquier.com.

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Proposal calls for 370 new apartments and town homes at Warrenton Village Center



Warrenton traffic likely to increase with new developments

Tags

- Warrenton
- Warrenton Town Planning Commission
- Development
- Warrenton Village Center
- Amazon
- Growth
- Fauquier County
- Arrington

Hunter Savery

ECONOMY

Henry County continues Commonwealth Crossing construction with \$24 million contract

Commonwealth Crossing is one of several industrial parks in Henry County. The contract is to build a 172-acre pad site and supporting infrastructure.



by **Dean-Paul Stephens**
April 25, 2024



Commonwealth Crossing in Henry County. Photo by Dean-Paul Stephens.

Construction at Commonwealth Crossing is expected to start back up this summer following Henry County supervisors' decision to award a \$24 million contract to construction firm Haymes Brothers.

Located near the Virginia-North Carolina border, Commonwealth Crossing is one of several industrial parks in Henry County and is home to both Press Glass and Crown Holdings.

According to the advertisement for bids, which was filed in February, work entails the construction of a 172-acre pad site along with supporting stormwater management, utility infrastructure and storm sewer.

The tract totals 200 acres. Currently only 57 of those 200 acres have been graded for use.

“This is a crucial step in our economic development efforts as it ensures we have a site ready for prospective industries who wish to locate in Henry County,” Jim Adams, chairman of the Henry County Board of Supervisors, said in a news release.

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Funding for the project comes from two sources. A little more than \$22 million came from Virginia's Economic Development Partnership Site Readiness Program, with a \$6 million match from the Harvest Foundation.

[Disclosure: The Harvest Foundation is one of our donors, but donors have no say in news decisions; [see our policy.](#)]

“We are thankful to the Virginia Economic Development Partnership's Site Readiness Program and the Harvest Foundation for their financial support for this project,” Adams said in the release. “This investment will pay dividends for our residents and taxpayers through job creation and a sizable capital investment.”

Haymes Brothers, which is based in Chatham, believes the work will be completed within two years, but that timeline could be expedited if a company decided to move into the new site.

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VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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An Act to amend and reenact § 15.2-2903 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-2512.1, relating to local fiscal distress; state intervention.

[S 645]

Approved

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2903 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-2512.1as follows:

§ 15.2-2512.1. Local fiscal distress; determination by Auditor of Public Accounts; state intervention.

A. For purposes of this section:

"Auditor" means the Auditor of Public Accounts.

"Emergency fiscal manager" means an official appointed by the Commission on Local Government to implement a remediation plan approved by the Commission under subsection H to restore fiscal health for a locality in the Commonwealth. The "emergency fiscal manager" shall have broad powers to rectify the financial emergency and to assure the fiscal accountability of the locality and the locality's capacity to provide or cause to be provided necessary governmental services essential to the public health, safety, and welfare.

"Fiscal distress" means a situation whereby the provision and sustainability of public services, or the ability to appropriately fund financial liabilities, is threatened by various administrative and financial shortcomings, including cash flow issues, inability to pay expenses, revenue shortfalls, deficit spending, structurally imbalanced budgets, billing and revenue collection inadequacies and discrepancies, debt overload, failure to meet obligations to authorities, school divisions, or political subdivisions of the Commonwealth, lack of trained and qualified staff to process administrative and financial transactions, or the inability to timely produce an audited financial report. "Fiscal distress" may be caused by factors internal to the locality or external to the locality, and in various degrees such conditions may or may not be controllable by management or the local governing body or its constitutional officers.

B. The Auditor shall use leading indicators based on financial data and relevant nonfinancial factors to develop criteria for a preliminary determination that a locality may be in fiscal distress. Such criteria shall be based upon information regularly collected by the Commonwealth or otherwise regularly made public by the locality and the locality's annual audited financial reporting required to be submitted to the Auditor. Information provided by the Virginia Retirement System, the Virginia Resources Authority, the Virginia Public Building Authority, and other state and regional authorities concerning late or missed payments shall be shared with the Auditor.

C. Based upon the criteria established by the Auditor, the Auditor shall establish a prioritized early warning system. Under the prioritized early warning system, the Auditor shall establish a regular process whereby it reviews audited financial data and other relevant factors and qualitative information on at least an annual basis to make a preliminary determination that a locality may meet the criteria for fiscal distress. As part of the early warning system, the Auditor shall use leading financial indicators based on key data from the locality's audited financial reports to evaluate information related to a locality's financial position, financial reserves, debt, and operating revenues and expenditures, along with other relevant factors as applicable. The Auditor shall further evaluate localities that are identified as needing additional evaluation based on their initial financial indicators on the basis of additional leading indicators that may include retirement liabilities, revenue growth, economic and property market value data, reports prepared by the Commission on Local Government on revenue fiscal stress, and other relevant qualitative information.

If a locality has not submitted its audited annual financial report, pursuant to §§ 15.2-2510 and 15.2-2511, within 18 months of the required December 15 deadline or provided a plan to do so, the Auditor shall notify the Governor, the Secretary of Finance, and the Chairmen of the House Committees on Appropriations and Counties, Cities and Towns and the Senate Committees on Finance and Appropriations and Local Government that the Auditor is unable to review the locality's financial data as part of the early warning system or evaluate its financial condition due to the locality's delay with submitting its audited annual financial report. A locality's inability to timely produce its required audited financial report within 18 months of the required deadline as specified in this subsection or to provide a plan to do so shall automatically effectuate the provisions pursuant to subsection D whereby the Auditor shall make a preliminary determination that the locality may meet the criteria for fiscal

57 *distress.*

58 *D. For a locality where the Auditor has made a preliminary determination of fiscal distress based*
59 *upon the early warning system criteria, the Auditor shall notify the local governing body of its*
60 *preliminary determination that it may meet the criteria for fiscal distress. In coordination with the local*
61 *governing body or chief executive officer, the Auditor may conduct a review and request documents and*
62 *data from the locality and the locality's published budget information. Such review shall consider factors*
63 *including budget processes, debt, borrowing, expenses and payables, revenues and receivables, and*
64 *other areas, including staffing and the identification of external variables contributing to a locality's*
65 *financial position. Any local governing body that receives requests for information from the Auditor*
66 *pursuant to such preliminary determination based on the above-described threshold levels shall*
67 *acknowledge receipt of such a request and shall ensure that a response is provided within the*
68 *timeframes specified by the Auditor. If the locality does not acknowledge the Auditor's notification of a*
69 *preliminary determination or does not provide a response to the Auditor's requests within reasonable*
70 *timeframes so specified, the Auditor shall notify the Governor, the Secretary of Finance, and the*
71 *Chairmen of the House Committees on Appropriations and Counties, Cities and Towns and the Senate*
72 *Committees on Finance and Appropriations and Local Government that the locality is not responsive.*
73 *After such review, if the local governing body or chief executive officer requests assistance or the*
74 *Auditor is of the opinion that state assistance, oversight, or targeted intervention is needed, either to*
75 *further assess, help stabilize, or remediate the situation, the Auditor shall notify the Governor and the*
76 *Chairmen of the House Committees on Appropriations and Counties, Cities and Towns and the Senate*
77 *Committees on Finance and Appropriations and Local Government and the governing body of the*
78 *locality in writing, outlining specific issues or actions that need to be addressed by state assistance,*
79 *oversight, or intervention.*

80 *E. 1. Once the Governor has received a notification from the Auditor indicating fiscal distress in a*
81 *specific locality, the Governor shall consult with the Chairmen of the House Committee on*
82 *Appropriations and the Senate Committee on Finance and Appropriations about a plan for state*
83 *assistance, oversight, or intervention prior to any expenditure of funds from the cash reserve. Any plan*
84 *approved by the Governor for state assistance, oversight, or intervention shall, at a minimum, specify*
85 *the purpose of such state assistance, oversight, or intervention efforts, the estimated duration of such*
86 *efforts, and the anticipated resources, dollar amounts, and personnel directed toward such efforts. The*
87 *staffing necessary to carry out the assistance, oversight, or intervention plan may be assembled from*
88 *either public agencies or private entities or both and, notwithstanding any other provisions of law, the*
89 *Governor may use an expedited method of procurement to secure such staffing when, in his judgment,*
90 *the need for state assistance, oversight, or intervention is of an emergency nature such that action must*
91 *be taken in a timely manner to avoid or address unacceptable financial risks to the Commonwealth.*

92 *2. The Director of the Department of Planning and Budget shall identify any amounts remaining*
93 *unexpended from general fund appropriations in the state budget as of June 30 of each year, which*
94 *constitute state aid to local governments. The Director shall provide a listing of such amounts*
95 *designated by item number and by program on or before August 15 of each year to the Governor and*
96 *the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and*
97 *Appropriations.*

98 *3. From such unexpended balances identified by the Director of the Department of Planning and*
99 *Budget, the Governor may reappropriate up to \$750,000 from amounts that would otherwise revert to*
100 *the balance of the general fund and transfer such amounts as necessary to establish a component of*
101 *fund balance, which may be used for the purpose of providing state assistance, oversight, and*
102 *intervention actions for localities deemed to be fiscally distressed and in need of state assistance,*
103 *oversight, or intervention to address such distress. Any such reappropriation approved by the Governor*
104 *shall be separately identified in the commitments specified on the balance sheet and financial statements*
105 *of the State Comptroller for the close of each fiscal year, to the extent that such reserve is not used or*
106 *added to by future appropriation actions.*

107 *4. Prior to any expenditure of the reappropriated reserve, the Governor and the Chairmen of the*
108 *House Committees on Appropriations and Counties, Cities and Towns and the Senate Committees on*
109 *Finance and Appropriations and Local Government shall receive a notification from the Auditor that a*
110 *specific locality is in need of state assistance, oversight, or intervention because of a worsening*
111 *financial situation. The Auditor may issue such a notification upon receipt of an audited financial*
112 *statement or other information that indicates the existence of fiscal distress. However, no such*
113 *notification shall be made until appropriate follow up and correspondence ascertains that, in the*
114 *opinion of the Auditor, such fiscal distress exists. Such notification may also be issued by the Auditor if*
115 *written concerns raised about fiscal distress are not adequately addressed by the locality in question.*
116 *The notification issued by the Auditor indicating fiscal distress in a specific locality pursuant to*
117 *subsection D shall satisfy the notification requirement of this subdivision.*

118 F. The governing body and the elected constitutional officers of a locality subject to a plan of state
 119 assistance, oversight, or intervention approved by the Governor shall assist all state-appointed staff
 120 conducting such efforts regardless of whether such staff are from public agencies or private entities. The
 121 state-appointed staff shall provide periodic reports in writing to the Governor and the Chairmen of the
 122 House Committees on Appropriations and Counties, Cities and Towns and the Senate Committees on
 123 Finance and Appropriations and Local Government outlining the scope of issues discovered and any
 124 recommendations made to address such issues, and the progress that is made on such recommendations
 125 or other state assistance, oversight, or intervention efforts. These periodic reports shall specifically
 126 address the degree of cooperation the state-appointed team is receiving from locally elected officials,
 127 including constitutional officers, city, county, or town managers, and other local personnel in regard to
 128 their intervention work.

129 G. The Commission on Local Government shall act in an oversight capacity for the purpose of
 130 determining whether a locality has taken appropriate action to address the issues specified in subsection
 131 D as requested by the intervention staff and whether the locality appears to be on track to resolve its
 132 fiscal distress. Technical assistance, based on the Auditor's existing oversight and support provided for
 133 local governments, shall be provided to the Commission on Local Government by the Auditor, and all
 134 agencies of the Commonwealth shall provide assistance to the Commission, upon request. The
 135 Commission on Local Government shall report its findings and conclusions to the Governor and the
 136 Chairmen of the House Committees on Appropriations and Counties, Cities and Towns and the Senate
 137 Committees on Finance and Appropriations and Local Government.

138 H. For purposes of this subsection, "locality" means any locality located in Planning District 19. If
 139 the Commission on Local Government's report to the Governor concludes that a locality is either
 140 unwilling or unable to comply with the conditions necessary to address its fiscal distress, the
 141 Commission on Local Government shall appoint an emergency fiscal manager and implement a
 142 remediation plan to restore sustainable fiscal health to the locality. Following such appointment and
 143 during the duration of state remediation, the governing body and the chief executive officer of the
 144 locality shall not exercise any of the powers of those offices directly or indirectly relating to the
 145 locality's finances except as provided in this subsection and such governing body and chief executive
 146 officer shall be subject to any conditions required by the emergency fiscal manager. Notwithstanding
 147 any other provision of law, general or special, the emergency fiscal manager may shift certain
 148 responsibilities and duties from the treasurer of the locality to the emergency fiscal manager if the
 149 emergency fiscal manager determines that it is necessary in order to implement the remediation plan.
 150 The emergency fiscal manager shall (i) implement an approved fiscal recovery plan; (ii) approve all
 151 professional services, suppliers, service provider contracts, and contractual labor agreements; (iii)
 152 approve all city employee payrolls; (iv) approve all long-term debt service and loan payments; (v)
 153 complete internal control and forensic audit assessments, as needed; and (vi) approve the annual
 154 operating and capital budget. The emergency fiscal manager may make recommendations to the
 155 governing body regarding the locality's personnel and staffing. The authority granted under this
 156 subsection may apply to any locality facing fiscal distress whether such fiscal conditions originated
 157 before or after the enactment of this authority. The emergency fiscal manager shall submit a
 158 remediation plan to resolve the locality's fiscal distress to the Commission on Local Government, which
 159 shall approve, reject, or revise the plan after timely notice of any proposed actions to be taken has been
 160 provided to the public and an opportunity for public input has been provided and such input has been
 161 considered by the Commission on Local Government. Such plan shall specify the purpose of remediation
 162 efforts, including the roles and responsibilities of the local governing body and the chief executive
 163 officer, directly or indirectly, relating to the locality's finances and the benchmarks that will allow a
 164 locality to exit the state remediation plan upon meeting such benchmarks. Following approval of the
 165 remediation plan by the Commission on Local Government, the emergency fiscal manager shall report
 166 regularly to the Commission on Local Government, the Governor, and the Chairmen of the House
 167 Committees on Appropriations and Counties, Cities and Towns and the Senate Committees on Finance
 168 and Appropriations and Local Government regarding progress in implementation of the remediation
 169 plan. The Commission on Local Government shall determine when the locality has met the benchmarks
 170 approved in the remediation plan and shall so notify the Governor and the Chairmen of the House
 171 Committees on Appropriations and Counties, Cities and Towns and the Senate Committees on Finance
 172 and Appropriations and Local Government.

173 I. The Department of General Services shall develop a master contract of qualified private sector
 174 turnaround specialists with expertise in local government intervention that the Governor can use to
 175 procure intervention services in an expeditious manner when he determines that state intervention is
 176 warranted in situations of local fiscal distress.

177 **§ 15.2-2903. General powers and duties of Commission.**

178 The Commission shall have the following general powers and duties:

- 179 1. To make regulations, including rules of procedure for the conducting of hearings;
180 2. To keep a record of its proceedings and to be responsible for the custody and preservation of its
181 papers and documents;
182 3. To serve as a mediator between localities;
183 4. To investigate, analyze, and make findings of fact, as directed by law, as to the probable effect on
184 the people residing in any area of the Commonwealth of any proposed action in that area:
185 a. To annex territory,
186 b. To have an area declared immune from annexation,
187 c. To establish a town or independent city,
188 d. To settle or adjust boundaries between localities,
189 e. To make a transition from city status to town status,
190 f. To make a transition from a county to a city,
191 g. To consolidate two or more localities, at least one of which is a county, into a city, or
192 h. To enter into economic growth-sharing agreements among localities;
193 5. To conduct investigations, analyses and determinations, in the sole discretion of the Commission,
194 for the guidance of localities in the conduct of their affairs upon the request of such localities;
195 6. To receive from all agencies, as defined in § 2.2-128, assessments of all mandates imposed on
196 localities administered by such agencies. The assessments shall be conducted on a schedule to be set by
197 the Commission, with the approval of the Governor and the Secretary of Commerce and Trade, provided
198 that the assessments shall not be required to be performed more than once every four years. The purpose
199 of the assessments shall be to determine which mandates, if any, may be altered or eliminated. If an
200 assessment reveals that such mandates may be altered or eliminated without interruption of local service
201 delivery and without undue threat to the health, safety and welfare of the residents of the
202 Commonwealth, the Commission shall so advise the Governor and the General Assembly;
203 7. To prepare and annually update a catalog of state and federal mandates imposed on localities
204 including, where available, a summary of the fiscal impact on localities of all new mandates. All
205 departments, agencies of government, and localities are directed to make available such information and
206 assistance as the Commission may request in maintaining the catalog;
207 8. [Expired];
208 9. *To act in an oversight capacity and coordinate with the Auditor of Public Accounts for the*
209 *purpose of determining whether a locality in fiscal distress has taken appropriate action as provided in*
210 *§ 15.2-2512.1; and*
211 10. To perform such other duties as may be imposed upon it, from time to time, by law.



Glenn Youngkin
Governor

Caren Merrick
Secretary of
Commerce and Trade

COMMONWEALTH of VIRGINIA

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Bryan W. Horn
Director

To: Justin Bell, Assistant Attorney General

From: LeGrand Northcutt, on behalf of the Commission on Local Government

RE: Agency need for emergency regulations in response to SB645

Mr. Bell,

The Commission on Local Government has determined that it needs to promulgate emergency regulations under Code of Virginia § 2.2-4011A to properly administer the provisions of SB645 once it becomes effective on July 1, 2024. This memo provides an overview of the SB645, the need for regulation, and the factual basis for the Commission's determination that an emergency situation exists. I ask that you approve the basis for emergency regulations and communicate that approval to the Governor.

SB645 establishes a comprehensive process for 1) determining when a locality is in fiscal distress, 2) guiding limited state intervention once fiscal distress is established, 3) escalating state oversight if circumstances require, and 4) allowing a locality to exit state oversight once the fiscal distress is resolved. Under the terms of the bill, the Auditor of Public Accounts determines when a locality is in fiscal distress. Once the Auditor notifies the Governor that a locality is in fiscal distress, the Commission will have oversight, reporting, and appointment responsibilities.

At a minimum, the Commission's oversight and reporting responsibilities need regulations to create workable and consistent standards of review, establish timelines for when reports are due, and ensure consistent processes and implementation of the bill in the future. The Commission's report must determine 1) "whether a locality has taken appropriate action to address the issues" identified by the auditor and the state intervention team, 2) "whether the locality appears to be on track to resolve its fiscal distress," and 3) whether "a locality is either unwilling or unable to comply with the conditions necessary to address its fiscal distress." These are broad statutory mandates that need regulations created by the local government experts on the Commission in order for the Commission to fulfil the duties required by the bill.

The Commission specifically needs emergency regulations in this circumstance. Code of Virginia § 2.2-4011 A states that emergency regulations may be adopted when an agency finds they are necessitated by an emergency situation. Based on currently available data and legislative history, at least one locality is already in fiscal distress and subject to investigation by the Auditor under the bill. If the Auditor finds that the locality is in fiscal distress, the Commission



must oversee the intervention team and write a report. Since the Commission cannot delay the actions of the Auditor, the Commission has determined that the passage of this bill creates an emergency situation that necessitates creating an oversight and reporting structure through regulation as quickly as possible to administer the provisions of SB645 consistently, efficiently, and fairly.

Please let me know if you need any additional information.

Sincerely,

LeGrand Northcutt

DRAFT



Code of Virginia
Title 2.2. Administration of Government
Subtitle II. Administration of State Government
Part B. Transaction of Public Business
Chapter 40. Administrative Process Act
Article 2. Regulations

§ 2.2-4011. Emergency regulations; publication; exceptions

A. Regulations that an agency finds are necessitated by an emergency situation may be adopted by an agency upon consultation with the Attorney General, which approval shall be granted only after the agency has submitted a request stating in writing the nature of the emergency, and the necessity for such action shall be at the sole discretion of the Governor.

B. Agencies may also adopt emergency regulations in situations in which Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment and the regulation is not exempt under the provisions of subdivision A 4 of § 2.2-4006. In such cases, the agency shall state in writing the nature of the emergency and of the necessity for such action and may adopt the regulations. Pursuant to § 2.2-4012, such regulations shall become effective upon approval by the Governor and filing with the Registrar of Regulations.

C. All emergency regulations shall be limited to no more than 18 months in duration. During the 18-month period, an agency may issue additional emergency regulations as needed addressing the subject matter of the initial emergency regulation, but any such additional emergency regulations shall not be effective beyond the 18-month period from the effective date of the initial emergency regulation. If the agency wishes to continue regulating the subject matter governed by the emergency regulation beyond the 18-month limitation, a regulation to replace the emergency regulation shall be promulgated in accordance with this article. The Notice of Intended Regulatory Action to promulgate a replacement regulation shall be filed with the Registrar within 60 days of the effective date of the emergency regulation and published as soon as practicable, and the proposed replacement regulation shall be filed with the Registrar within 180 days after the effective date of the emergency regulation and published as soon as practicable.

D. In the event that an agency concludes that despite its best efforts a replacement regulation cannot be adopted before expiration of the 18-month period described in subsection C, it may seek the prior written approval of the Governor to extend the duration of the emergency regulation for a period of not more than six additional months. Any such request must be submitted to the Governor at least 30 days prior to the scheduled expiration of the emergency regulation and shall include a description of the agency's efforts to adopt a replacement regulation together with the reasons that a replacement regulation cannot be adopted before the scheduled expiration of the emergency regulation. Upon approval of the Governor, provided such approval occurs prior to the scheduled expiration of the emergency regulation, the duration of the emergency regulation shall be extended for a period of no more than six months. Such approval shall be in the sole discretion of the Governor and shall not be subject to judicial review. Agencies shall notify the Registrar of Regulations of the new expiration date of the emergency regulation as soon as practicable.

E. Emergency regulations shall be published as soon as practicable in the Register.

F. The Regulations of the Marine Resources Commission shall be excluded from the provisions of this section.

1975, c. 503, § 9-6.14:9; 1977, cc. 450, 459; 1981, c. 387; 1982, c. 425; 1983, c. 295; 1984, c. 5; 1985, c. 602, § 9-6.14:4.1; 1986, c. 615; 1987, cc. 375, 652; 1988, cc. 364, 424, 498, 723, 765, 820; 1989, cc. 54, 71, 299, 478; 1990, cc. 721, 968; 1991, cc. 80, 294, 344; 1992, cc. 200, 409, 488, 592, 793, 829; 1993, cc. 537, 669, 898; 1994, cc. 237, 577, 649, 740, 743, 801, 938; 1995, cc. 103, 499, 516; 1996, cc. 51, 152, 158, 189, 205, 279, 320, 345, 573, 590, 598, 638, 705, 735, 818, 1012; 1997, cc. 87, 88, 109, 212, 390, 439, 567, 624, 785, 806, 845, 850, 861, 868; 1998, cc. 39, 619, 784; 1999, cc. 412, 421, 433, 603; 2000, cc. 382, 400, 924, 1011; 2001, c. 844; 2007, cc. 873, 916; 2013, c. 629.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

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.

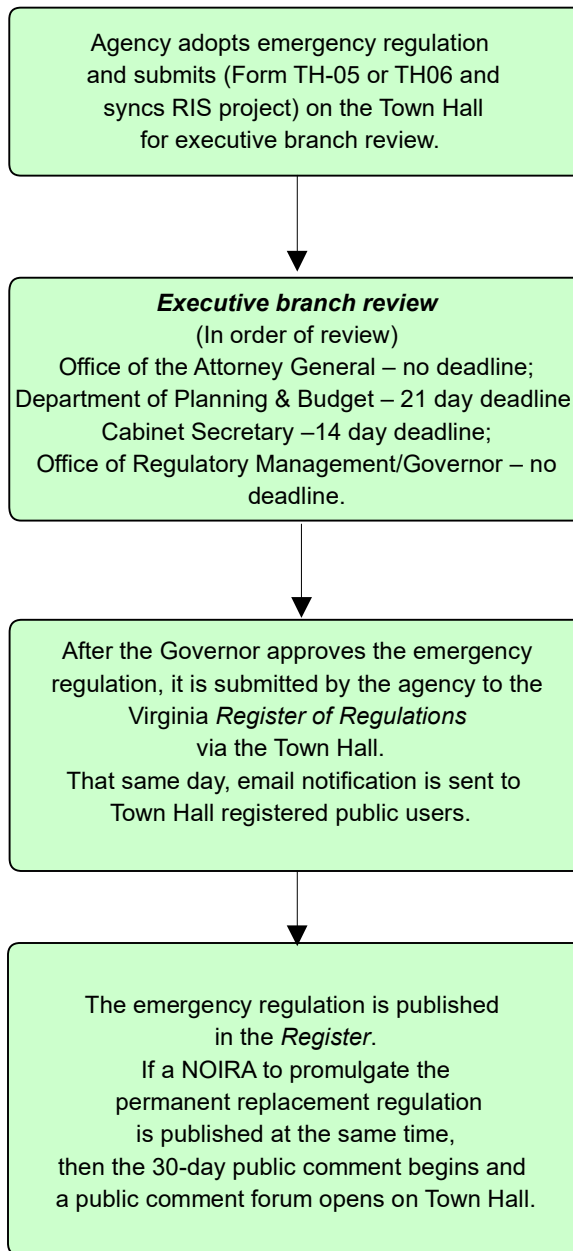
--Can be effective upon filing with the *Virginia Register of Regulations* or on a later date selected by the agency.

--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



Table 1: Number of Responses to FIS Requests, by Jurisdiction and Locality, 2024 General Assembly Session

| Counties | | Cities | | Towns | | PDCs | |
|-----------------------|----------------|------------------------|----------------|------------------------|----------------|---------------|----------------|
| Locality | # of Responses | Locality | # of Responses | Locality | # of Responses | Name | # of Responses |
| Bedford County | 26 | City of Alexandria | 28 | Town of Blacksburg | 25 | Northern Neck | 16 |
| Charlotte County | 20 | City of Danville | 11 | Town of Chincoteague | 26 | | |
| Chesterfield County | 24 | City of Harrisonburg | 28 | Town of Christiansburg | 29 | | |
| Craig County | 1 | City of Lynchburg | 28 | Town of Marion | 19 | | |
| Fauquier County | 9 | City of Norfolk | 7 | Town of Rocky Mount | 7 | | |
| Henrico County | 1 | City of Richmond | 27 | Town of Victoria | 19 | | |
| Mecklenburg County | 27 | City of Roanoke | 6 | Town of Warsaw | 2 | | |
| Montgomery County | 19 | City of Virginia Beach | 3 | | | | |
| Prince George County | 24 | City of Winchester | 22 | | | | |
| Prince William County | 1 | | | | | | |
| Rappahannock County | 25 | | | | | | |
| Rockingham County | 4 | | | | | | |
| Wise County | 4 | | | | | | |
| York County | 1 | | | | | | |

Table 2: Number of FIS Responses by Assigned Bill, 2024 General Assembly Session

| Bill Number | Assigned Groups | # Responses |
|--------------------|------------------------|--------------------|
| SB70 | Education | 10 |
| SB104 | Education | 20 |
| HB187 | Education | 19 |
| SB79 | Education | 12 |
| SB374 | Finance | 11 |
| HB1001 | Finance | 11 |
| SB480 | Finance | 14 |
| HB906 | Finance | 14 |
| HB1355 | Finance | 5 |
| HB9 | General Laws | 25 |
| HB683 | General Laws | 14 |
| HB634 | General Laws | 19 |
| HB539 | General Laws | 18 |
| HB378 | General Laws | 17 |
| SB308 | General Laws | 12 |
| SB324 | General Laws | 10 |
| SB304 | Local Government | 18 |
| SB296 | Local Government | 18 |
| SB288 | Local Government | 20 |
| HB704 | Local Government | 15 |
| HB900 | Local Government | 20 |
| HB1236 | Local Government | 21 |
| HB1010 | Local Government | 21 |
| SB430 | Local Government | 15 |
| SB544 | Local Government | 15 |
| SB641 | Local Government | 17 |
| HB1085 | Local Government | 12 |
| HB21 | Local Government | 14 |
| HB285 | Local Government | 16 |
| HB532 | Local Government | 15 |
| HB1085 | Local Government | 12 |
| HB461 | Local Government | 16 |
| SB697 | Local Government | 10 |

| Table 3: Statistics for FIS Process, 2023 General Assembly Session | |
|---|--------------|
| Measure | Value |
| Average Responses per FIS | 15 |
| Median Responses per FIS | 15 |
| Modal Responses per FIS | 12 |
| Minimum Responses per FIS | 5 |
| Maximum Responses per FIS | 25 |
| | |
| Total Number of FISs Completed | 33 |
| Total Number of Localities Participating | 31 |
| Number of Counties | 14 |
| Number of Cities | 9 |
| Number of Towns | 7 |
| Number of PDCs | 1 |

Rappahannock/Washington VSA Report: Internal Commission Review Schedule (7+ weeks)

| Action/Event | Date |
|---|-------------|
| Presentations and Hearing | 5/20 |
| Executive Session | 5/21 |
| Record Closes (proposed) | 6/4 |
| Draft report due from staff | 6/18 |
| Commissioner Feedback due to staff | 6/25 |
| Report published in the July meeting packet | 6/28 |
| July Regular Meeting | 7/12 |

Chapter 20. Organization and Regulations of Procedure

1VAC50-20-1. Applicability.

The Commission on Local Government's regulations are promulgated pursuant to the authority of § [15.2-2903](#) of the Code of Virginia and are applicable to the proceedings of the Commission on Local Government. When necessary to fulfill its statutory responsibilities, the commission may grant, upon its own initiative, a waiver or modification of any of the provisions of these regulations, except those required by law, under terms and conditions and to the extent it deems appropriate.

1VAC50-20-5. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Chair" means the Chair of the Commission on Local Government.

"Commission" means the Commission on Local Government.

"County" means a county in the Commonwealth of Virginia.

"Local government" means a county, city, or town in the Commonwealth of Virginia.

"Locality" means a county, city, or town in the Commonwealth of Virginia.

"Municipality" means a city or town in the Commonwealth of Virginia.

"Party" means local governments, voters, or property owners initiating a proposed annexation, voters of any community requesting that their community be incorporated as a town, voters petitioning for the transition of a city to town status, or a committee appointed by the circuit court to act for and in lieu of a local government to perfect a consolidation agreement.

1VAC50-20-10. Principal duties.

The commission is charged with reviewing proposed annexations, other local boundary change issues, petitions for partial immunity, local government transitions, and interlocal agreements and with assisting other interlocal concerns for the purpose of maintaining the Commonwealth's local governments as viable communities in which their citizens can live.

1VAC50-20-40. Officers.

The commission shall elect from its membership at ~~the end of~~ its regular ~~January~~ November meeting, or as soon thereafter as possible, a chair and a vice chair, who shall serve terms of one year, or until their successors are elected. In the event of a vacancy occurring in the office of chair or vice chair, for any cause, the commission shall fill the same by election for the unexpired term. The chair shall preside at all meetings, presentations, and public hearings held by the commission unless absent. In the absence of the chair, the vice chair shall preside at

V. 5/2/24 – **Section in yellow received public comment**

any meeting or other assembly of the commission and shall exercise all powers and duties of the chair. In the event that the chair and vice chair are absent for a meeting or other assembly of the commission, the remaining members of the commission shall elect a temporary chair who shall exercise all powers and duties of the chair for the duration of the meeting or assembly.

1VAC50-20-50. Powers and duties of chair.

In addition to any other powers or duties placed upon the chair by law, this chapter, or other action of the commission, the chair shall be authorized to:

1. Request one or more members of the commission or its staff to represent the commission before local governing bodies, before state agencies and legislative committees, or before any other entity where the representation of the commission is requested or where the chair deems appropriate;
2. Select or change sites for oral presentations and public hearings;
3. Defer and reschedule issues the chair deems appropriate upon consultation with the commission;
4. Act on behalf of the commission in efforts to resolve disputes between the parties to an issue relative to the production and sharing of data, or with respect to related concerns bearing on the commission's review of an issue; and
5. Establish upon consultation with the parties an equitable distribution of time for public presentations and to make other arrangements the chair deems appropriate and consistent with the requirements of law and this chapter for the conduct of the commission's oral presentations and public hearings.

1VAC50-20-100. Canons of conduct.

The commission shall adopt, and may from time to time amend, Canons of Conduct regarding members' conduct and their relations with parties and their agents. Officials and agents of parties with issues before the commission shall be expected to obtain and review a copy of the Canons of Conduct.

1VAC50-20-110. Staff.

The commission shall have a staff consisting of an executive director, who shall be appointed by the Governor and confirmed by the General Assembly, and other employees as are needed and authorized by law.

1VAC50-20-140. Regular meetings.

The commission shall fix the time and place for holding regular meetings, which shall be held at least once every two months. Changes in the schedule and location of the regular meetings may be made by the commission, but the changes shall be duly announced in the Virginia Register of Regulations published by the Virginia Code Commission and posted on the Virginia Regulatory Town Hall.

1VAC50-20-142. Special meetings.

Special meetings of the commission may be called by any member on such occasions as may be reasonably necessary to carry out the duties of the commission. Except in instances where a special meeting is scheduled at

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a regular meeting, the chair shall cause to be mailed ~~including~~ by electronic means ~~to~~ all members, at least five days in advance of a special meeting, a written notice specifying the time, place, and purpose of the special meeting. Notice of special meetings shall be announced appropriately on the Virginia Regulatory Town Hall and on a calendar maintained by the Commonwealth.

1VAC50-20-150. Minutes of meetings and hearings.

Minutes shall be recorded for each public meeting held by the commission. The minutes shall include a brief summary of comments on major issues under consideration and concise and specific statements of all action taken by the commission. The minutes shall be provided to each commission member for reading and editing prior to approval at a subsequent commission meeting. There need be no actual reading of the minutes at the meeting, but a vote shall be taken for the formal approval of the minutes as written or amended. Copies of the minutes of public meetings shall be made available to any interested party in accordance with the Department of Housing and Community Development's Virginia Freedom of Information Act policies, at a price sufficient to cover the expense incurred or on the Virginia Regulatory Town Hall and the commission's Internet webpage.

1VAC50-20-160. Executive sessions or meetings.

The commission, along with its panels, committees, subcommittees, or its members, and staff, may hold and conduct executive sessions or meetings as may be necessary for mediation and negotiations, for deliberations, for meeting with local governing bodies or members thereof as allowed by Code of Virginia §15.2-2907(D), or for other lawful and appropriate purposes. Executive sessions of the Commission shall not be subject to the Virginia Freedom of Information Act (Chapter 37 of Title 2.2 of the Code of Virginia), nor shall they be governed by any Commission policy governing electronic meetings. Unless otherwise agreed to by a majority of the members of the session or meeting, such sessions and meetings shall be governed by Commission regulations.

Executive sessions or meetings may be called with notice given by the chair at his discretion and held in any location, in-person or virtually.

A quorum of Commissioners must be present to conduct an executive session or meeting.

No action of the Commission taken during an executive session or meeting that would be considered at a regular meeting or would otherwise require a public vote shall be binding unless the Commission takes a vote on such action at a subsequent regular meeting of the Commission.

The Commission may permit nonmembers to attend an executive session or meeting if such persons are deemed necessary by the Commission, if their presence will reasonably aid the Commission in its consideration of a topic that is a subject of the meeting, or as required by law.

Minutes and recordings may be taken during executive sessions or meetings but shall not be required. Pursuant to 1VAC50-20-170 and other applicable laws, such minutes and recordings shall be confidential.

The Commission reserves the right to meet in a closed meeting during a regular meeting as allowed by Code of Virginia §§ 2.2-3711 and 2.2-3712

1VAC50-20-170. Confidentiality of proceedings and submissions.

All testimony, statements, exhibits, documents, or other evidence submitted to the commission by the parties in conjunction with its legally prescribed public meetings, presentations, or hearings shall be subject to disclosure by the commission under the provisions of the Virginia Freedom of Information Act. All other materials, including the testimony, statements, exhibits, documents, or other evidence submitted to the commission pursuant to executive sessions or meetings, along with other deliberations, negotiations, or mediation which the commission is authorized by law to conduct, shall be treated as confidential and shall not be subject to disclosure by the commission nor by the parties involved in executive proceedings except by agreement of the commission and all parties to the proceedings.

1VAC50-20-180. Notice to commission of proposed action as required by § 15.2-2907 of the Code of Virginia.

~~A.~~ Notice of a proposed action as required by § 15.2-2907 of the Code of Virginia to the commission shall be accompanied by resolution of the governing body of the locality providing the notice evidencing its support of such action. Notice to the commission shall indicate the name, title, ~~address~~, phone number, ~~and, where available, fax number~~ and email address of the individual who shall serve as designated contact with the commission regarding the issue presented. ~~All notices required to be given the commission under the provisions of § 15.2-2907 of the Code of Virginia shall also indicate the other local governments given notice of the proposed action pursuant to subsection C of this section.~~

~~1.~~ Notice of a proposed annexation initiated by voters or property owners shall be accompanied by the original or certified petition signed by 51% of the voters of any territory adjacent to any municipality or 51% of the owners of real estate in number and land area in a designated area. Notice to the commission shall indicate the name, ~~title, address~~, and phone number, ~~and, where available, fax number~~ and email address of the individual who shall serve as designated contact with the commission regarding the issue presented. ~~All notices required to be given to the commission under the provisions of § 15.2-2907 of the Code of Virginia shall also indicate the other local governments given notice of the proposed action pursuant to subsection C of this section.~~

~~2.~~ Notice of a petition for the proposed transition of a city to town status that has been referred to the commission pursuant to § 15.2-4102 of the Code of Virginia shall indicate the name, title, ~~address~~, phone number, ~~and, where available, fax number~~ and email address of the individual who shall serve as designated contact with the commission regarding the issue referred. ~~All notices required to be given the commission under the provisions of § 15.2-2907 of the Code of Virginia shall also indicate the other local governments given notice of the proposed action pursuant to subsection C of this section.~~

~~3.~~ Notice to the commission by a committee of citizens that has been appointed by the circuit court to act for and in lieu of a governing body to perfect a consolidation agreement pursuant to § 15.2-3531 of the Code of Virginia shall indicate the name, title, ~~address~~, phone number, ~~and, where available, fax number~~ and email address of the individual who shall serve as designated contact with the commission regarding the proposed consolidation. ~~All notices required to be given to the commission under the provisions of § 15.2-2907 of the Code of Virginia shall also indicate the other local governments given notice of the proposed action pursuant to subsection C of this section.~~

B. Any party giving notice to the commission of a proposed action pursuant to § 15.2-2907 of the Code of

Virginia may submit with the notice as much data, exhibits, documents, or other supporting materials as it deems appropriate; however, the submissions should be fully responsive to all relevant elements of the applicable section of Part IV ([1VAC50-20-540](#) et seq.) of this chapter.

C. Any party giving notice to the commission of a proposed action as required by § [15.2-2907](#) of the Code of Virginia shall also give notice to each Virginia local government located within or contiguous to, or sharing functions, revenue, or tax sources with the local government proposing the action. All notices to the local governments shall include ~~an annotated listing of all documents, exhibits, and other material submitted to the commission in support of the proposed action.~~ contact information for the Commission's staff with instructions to contact the Commission or the locality's FOIA Officer, as applicable, for copies of additional documents and exhibits submitted to the Commission.

1. Any voters or property owners giving notice to the commission of a proposed annexation as required by § [15.2-2907](#) of the Code of Virginia shall also give notice to each Virginia local government located within or contiguous to, or sharing functions, revenue, or tax sources with the municipality to which annexation is sought. All notices to the immediately affected local governments shall include ~~copies of all documents, exhibits, and other material submitted to the commission in support of the proposed action, and notice to other localities may include, in lieu of copies of the submissions, an annotated listing of the material.~~ contact information for the Commission's staff with instructions to contact the Commission for copies of additional documents and exhibits submitted to the Commission.

2. Any voters whose petition for the proposed transition of a city to town status that has been referred to the commission pursuant to § [15.2-4102](#) of the Code of Virginia shall also give notice to each Virginia local government located within or contiguous to, or sharing functions, revenue, or tax sources with the city proposed for town status. All notices to the immediately affected local governments shall include ~~copies of all documents, exhibits, and other material submitted to the commission in support of the proposed action, and notice to other localities may include, in lieu of copies of the submissions, an annotated listing of the material.~~ contact information for the Commission's staff with instructions to contact the Commission for copies of additional documents and exhibits submitted to the Commission.

3. A committee of citizens that has been appointed by the circuit court to act for and in lieu of a governing body to perfect a consolidation agreement pursuant to § [15.2-3531](#) of the Code of Virginia shall also give notice to each Virginia local government located within or contiguous to, or sharing functions, revenue, or tax sources with the local governments that are proposed to be consolidated. All notices to the immediately affected local governments shall include ~~copies of all documents, exhibits, and other material submitted to the commission in support of the proposed action, and notice to other localities may include, in lieu of copies of the submissions, an annotated listing of the material.~~ contact information for the Commission's staff with instructions to contact the Commission for copies of additional documents and exhibits submitted to the Commission.

D. Any local government receiving notice pursuant to subsection C of this section or any other affected party may submit data, exhibits, documents, or other material for commission review and consideration as it deems appropriate. The submissions should, however, be responsive to all relevant elements of the applicable section of Part IV ([1VAC50-20-540](#) et seq.) of this chapter. Any party submitting material to the commission for review pursuant to this section shall also designate an individual as principal contact for the commission and shall furnish the individual's name, title, ~~address~~, phone number, ~~and, where available, fax number and email~~

address. The submitting party shall notify ~~An annotated listing of all documents, exhibits, or other material submitted to the commission pursuant to this section shall be provided to the party initiating the proceeding before the commission of their submission. Such notification shall include contact information for the Commission's staff with instructions to contact the Commission for copies of the documents submitted to the Commission.~~ The commission may establish a time by which all submissions by respondent parties must be received.

E. Upon its receipt of notice of a proposed action pursuant to subsection A of this section, the commission shall, subsequent to discussion with representatives of the party submitting the notice and other appropriate parties, schedule a review of the proposed action. The commission shall also concurrently extend the services of its office to the parties in an endeavor to promote a negotiated settlement of the issue and, further, may designate, with the agreement of the parties, an independent mediator to assist in the negotiations.

The commission's review of a notice of a proposed annexation as required by § [15.2-2907](#) of the Code of Virginia filed by voters or property owners shall be terminated upon receipt of an ordinance, duly adopted by a majority of the elected members of the governing body of the affected city or town, rejecting the annexation proposed by the notice.

1VAC50-20-230. Referral to commission of proposed voluntary settlement agreements.

~~A. Referral of a proposed voluntary settlement agreement to the commission under the provisions of § [15.2-3400](#) of the Code of Virginia shall be accompanied by resolutions, joint or separate, of the governing bodies of the localities that are parties to the proposed agreement requesting the commission to review the agreement. The resolutions shall also state the intention of the governing bodies to adopt the agreement subsequent to the commission's review and shall indicate the name, title, address, phone number, and, where available, fax number and email address of the individual who shall serve as each locality's principal contact with the commission during the period of its review. Referrals to the commission pursuant to § [15.2-3400](#) of the Code of Virginia shall also be accompanied by a listing of local governments receiving notice of the referral under subsection C of this section.~~

B. Any party referring a proposed voluntary settlement agreement to the commission for review pursuant to § [15.2-3400](#) of the Code of Virginia may submit with the proposed agreement as much data, exhibits, documents, or other supporting materials as deemed appropriate; however, the submissions should be fully responsive to all relevant elements of [1VAC50-20-610](#).

C. Whenever a proposed voluntary settlement agreement is referred to the commission for review pursuant to subsection A of this section, the parties to the proposed agreement shall concurrently give notice of the referral to each Virginia local government with which any of the parties is contiguous, or with which any of the parties shares any function, revenue, or tax source. All such notices of referral shall be accompanied by contact information for the Commission's staff with instructions to contact the Commission for copies of the documents submitted to the Commission ~~a copy of the proposed voluntary settlement agreement, or a descriptive summary thereof, and an annotated listing of all documents, exhibits, and other materials submitted to the commission in support of the proposed agreement.~~

~~D. Any local government receiving notice of referral pursuant to subsection C of this section, or any other party, may submit data, exhibits, documents, or other supporting materials relevant to the commission's review as it~~

deems appropriate; however, the submissions should be responsive to all relevant elements of [1VAC50-20-610](#). Any party submitting materials to the commission pursuant to this chapter shall also designate an individual who shall serve as principal contact with the commission during the period of its review and shall furnish the individual's title, ~~address, name, phone number, and, where available, fax number~~ and email address. The commission may establish a time by which all submissions by respondent parties must be received. Any party submitting materials to the commission pursuant to this chapter shall also notify the parties to the voluntary settlement agreement of their submission. Such notification shall include contact information for the Commission's staff with instructions to contact the Commission for copies of the documents submitted to the Commission. ~~provide an annotated listing of the material to the parties to the proposed voluntary settlement agreement.~~

1VAC50-20-270. Referral to commission of proposed town-county agreement defining annexation rights.

A. Referral to the commission of a proposed town-county agreement defining annexation rights pursuant to § [15.2-3231](#) of the Code of Virginia shall be accompanied by resolutions, joint or separate, of the governing bodies of the town and county requesting the commission to review the agreement. The resolutions shall also state the intention of the governing bodies to adopt the agreement subsequent to the commission's review and shall indicate the name, title, ~~address, phone number, and, where available, fax number~~ and email address of the individual who shall serve as each locality's principal contact with the commission during the period of its review. ~~Referrals to the commission pursuant to § [15.2-3231](#) of the Code of Virginia shall also be accompanied by a listing of local governments receiving notice of such referral under subsection C of this section.~~

B. Any affidavit made pursuant to Code of Virginia §15.2-3232B shall be filed with the Commission within 5 business days of execution.

C. Any notice given under Code of Virginia §15.2-3232B shall include contact information for the Commission's staff with instructions to contact the Commission for copies of the documents submitted to the Commission.

D. Any party referring a proposed agreement to the commission for review pursuant to § [15.2-3231](#) of the Code of Virginia may submit with the proposed agreement as much data, exhibits, documents, or other supporting materials as deemed appropriate; however, submissions should be fully responsive to all relevant elements of [1VAC50-20-560](#).

~~Whenever a proposed agreement is referred to the commission for review pursuant to subsection A of this section, the parties to the proposed agreement shall concurrently give notice of the referral to each Virginia local government with which either party is contiguous or with which either party shares any function, revenue, or tax source. All notices of referral shall be accompanied by a copy of the proposed agreement, or a descriptive summary thereof, and an annotated listing of all documents, exhibits, and other materials submitted to the commission in support of the proposed agreement.~~

E. Any person or local government ~~receiving notice of referral pursuant to subsection C of this section, or any other party,~~ may submit data, exhibits, documents, or other supporting materials relevant to the commission's review as they deem appropriate; however, the submissions should be responsive to all relevant elements of [1VAC50-20-560](#). Any party submitting materials to the commission pursuant to this chapter shall also designate

an individual who shall serve as principal contact with the commission during the period of its review and shall furnish the individual's title, ~~name, address, phone number, and, where available, fax number~~ and email address. The commission may establish a time by which all submissions by respondent parties must be received. Any party submitting materials to the commission pursuant to this chapter shall also notify the parties to the agreement defining annexation rights of their submission. Such notification shall include contact information for the Commission's staff with instructions to contact the Commission for copies of the documents submitted to the Commission. ~~provide an annotated listing of the material to the parties to the proposed agreement.~~

1VAC50-20-310. Referral to commission of town petition for order establishing annexation rights.

A. Any town unable to reach an agreement with its county as to future annexation rights may, pursuant to § [15.2-3234](#) of the Code of Virginia, adopt an ordinance petitioning the commission for an order establishing its rights to annex territory in such county. The petition to the commission shall include the terms of a proposed order establishing the town's annexation rights and shall indicate the name, title, ~~address, phone number, and, where available, fax number~~ and email address of the individual who shall serve as the town's principal contact with the commission. Petitions to the commission pursuant to § [15.2-3234](#) of the Code of Virginia shall also be accompanied by a copy of the ordinance ~~and by a listing of all local governments being served or receiving notice of the town's petition pursuant to subsection C of this section.~~

B. Any town petitioning the commission under the authority of § [15.2-3234](#) of the Code of Virginia may submit with the petition as much data, exhibits, documents, or other supporting materials as deemed appropriate; however, the submissions should be fully responsive to all relevant elements of [1VAC50-20-616](#).

C. Any town petitioning for an order establishing its annexation rights under the authority of § [15.2-3234](#) of the Code of Virginia shall serve a copy of the petition and ordinance on the Commonwealth's attorney, or the county attorney if there be one, and on the chairman of the board of supervisors of the county whose territory would be affected by the town's proposed annexation order. ~~The town shall also give notice of its petition to all other towns located within the affected county and to each Virginia local government adjoining such county. The service in the county and the notice to other localities shall be accompanied by an annotated listing of all materials submitted to the commission pursuant to subsection B of this section.~~ shall include contact information for the Commission's staff with instructions to contact the Commission for copies of additional documents and exhibits submitted to the Commission.

D. A county served with a copy of a town's petition pursuant to subsection C of this section shall file its response to such petition with the commission within 60 days after receipt of the service. Any other party ~~receiving notice pursuant to subsection C of this section, with an interest in the proceedings~~ may also submit materials to the commission for consideration with respect to the town's petition ~~within 60 days of their receipt of the notice.~~ The commission may establish a time by which all submissions by respondent parties must be received so long as the time is no earlier than the County's response date. Responses and submissions to the commission pursuant to this chapter may include data, exhibits, documents, or other materials as the submitting party deems appropriate; however, such responses and submissions should be responsive to all relevant elements of [1VAC50-20-616](#). Any party submitting materials to the commission for review pursuant to this chapter shall also designate an individual who shall serve as principal contact with the commission and shall furnish the individual's title, ~~address, name, phone number, and, where available, fax number~~ and email address. Any party

submitting materials to the commission pursuant to this chapter shall also ~~provide an annotated listing of the material to the town petitioning the commission.~~ notify the Town that they have submitted materials to the Commission.

1VAC50-20-350. Referral to commission of boundary line adjustment.

A. Whenever a court refers a proposed boundary line adjustment to the commission pursuant to § [15.2-3109](#) of the Code of Virginia, the localities proposing the boundary line adjustment shall, upon receipt of notification of the referral, provide the commission with a copy of their petition to the court and shall designate an individual for each locality who shall serve as principal contact with the commission and shall furnish the individual's name, title, address, phone number, and, where available, fax number and email address. ~~Referrals to the commission pursuant to § [15.2-3109](#) of the Code of Virginia shall also be accompanied by a listing of local governments receiving notice of the referral under subsection C of this section.~~

B. The two localities proposing a boundary line adjustment pursuant to § [15.2-3109](#) of the Code of Virginia may, jointly or independently, submit to the commission with their petition as much data, exhibits, documents, or other supporting materials as they deem appropriate; however, such submissions should be fully responsive to all relevant elements of [1VAC50-20-600](#).

~~C. Whenever a proposed boundary line adjustment is referred to the commission for review pursuant to § [15.2-3109](#) of the Code of Virginia, the localities proposing the adjustment shall concurrently give notice of the proposed adjustment as well as notice of the referral of the issue to the commission to each Virginia local government with which either party is contiguous and to any other Virginia local government deemed by the localities proposing the adjustment to be potentially affected by the proposed adjustment. The notice shall include a copy of the petition requesting the boundary line adjustment, or an informative summary thereof, and an annotated listing of all documents, exhibits, and other materials submitted to the commission for review pursuant to subsection B of this section.~~

D. Any person or local government receiving notice of a proposed boundary line adjustment pursuant to subsection C of this section, or any other party, may submit data, exhibits, documents, or other supporting materials relevant to the commission's review as they deem appropriate; however, such submissions should be responsive to all relevant elements of [1VAC50-20-600](#). Any party submitting materials to the commission pursuant to this chapter shall also designate an individual who shall serve as principal contact with the commission during the period of its review and shall furnish the individual's name, title, address, phone number, and, where available, fax number and email address. The commission may establish a time by which all submissions by respondent parties must be received. Any party submitting materials to the commission pursuant to this chapter shall also notify provide an annotated listing of the materials to the localities proposing the boundary line adjustment. the localities proposing the boundary line adjustment that they have submitted evidence to the Commission.

1VAC50-20-382. Referral to commission of proposed economic growth-sharing agreements.

A. Referral of a proposed economic growth-sharing agreement to the commission under the provisions of § [15.2-1301](#) of the Code of Virginia shall be accompanied by resolution, joint or separate, of the governing bodies of the localities that are parties to the proposed agreement requesting the commission to review the agreement. The resolutions shall also state the intention of the governing bodies to adopt the agreement subsequent to the

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commission's review and shall indicate the name, title, ~~address, phone number, and, where available, fax number~~ and email address of the individual who shall serve as each locality's principal contact with the commission during the period of its review. ~~Referrals to the commission pursuant to § 15.2-1301 of the Code of Virginia shall also be accompanied by a listing of local governments receiving notice of the referral under subsection C of this section.~~

B. Any party referring a proposed economic growth-sharing agreement to the commission for review pursuant to § 15.2-1301 of the Code of Virginia may submit with the proposed agreement as much data, exhibits, documents, or other supporting materials as deemed appropriate; however, the submissions should be fully responsive to all relevant elements of [1VAC50-20-612](#).

C. Whenever a proposed economic growth-sharing agreement is referred to the commission for review pursuant to subsection A of this section, the parties to the proposed agreement shall concurrently give notice of the referral to each Virginia local government with which any of the parties ~~is contiguous, or with which any of the parties~~ shares any function, revenue, or tax source. All notices of referral ~~shall be accompanied by a copy of the proposed agreement, or a descriptive summary thereof, and an annotated listing of all documents, exhibits, and other materials submitted to the commission in support of the proposed agreement.~~ shall include contact information for the Commission's staff with instructions to contact the Commission for copies of the additional documents and exhibits submitted to the Commission.

D. Any local government receiving notice of referral pursuant to subsection C of this section, or any other party, may submit data, exhibits, documents, or other supporting materials relevant to the commission's review as it deems appropriate; however, the submissions should be responsive to all relevant elements of [1VAC50-20-612](#). Any party submitting materials to the commission pursuant to this chapter shall also designate an individual who shall serve as principal contact with the commission during the period of its review, and shall furnish the individual's title, name, address, phone number, and, where available, fax number and email address. Any party submitting materials to the commission pursuant to this chapter shall ~~also provide an annotated listing of the material to the parties to the proposed agreement.~~ notify the parties to the economic growth sharing agreement that they have submitted materials to the Commission. The Commission may establish a time by which all submissions by respondent parties must be received.

1VAC50-20-384. Determination of continued eligibility for city status.

A. The commission shall review each decennial census of population released by the United States Bureau of the Census to determine whether any city has failed to meet the criteria for city status established by Article VII, Section 1 of the Constitution of Virginia. In any instance where the census indicates that a city may not meet the constitutional criteria, the commission shall conduct an investigation of the city's population, assets, liabilities, rights, and obligations and shall certify its findings to the governing body of such city.

B. In the conduct of its investigation, the commission shall request the assistance of the city in the provision of relevant data and information. The city may submit as much data, exhibits, documents, or other material as it deems appropriate; however, the submissions should be responsive to all relevant elements of [1VAC50-20-614](#).

1VAC50-20-390. General provisions applicable to mandatory commission reviews.

A. Any local government or other party appearing before the commission relative to any mandatory review may

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be represented by counsel.

B. The commission shall generally schedule for consideration issues in the order in which received; however, the commission reserves the right to consider issues in other sequence where it deems appropriate. Where notices are received of related or competitive actions affecting the same localities, the commission may, where appropriate, consider the issues and render the reports or a consolidated report concurrently.

C. Subsequent to its receipt of an issue for a mandatory review the commission or its staff shall meet, or otherwise converse, with representatives of the principally affected parties for purposes of establishing a schedule for its review of the issue. The schedule shall include dates (i) for the submission of responsive materials from affected jurisdictions, (ii) for tours of affected areas and oral presentations if any are desired by the commission, (iii) for a public hearing, and (iv) for the issuance of the commission's report, as well as other dates the commission deems appropriate.

D. The commission may continue or defer its proceedings with respect to an issue at any time it deems appropriate; however, no continuance or deferral shall result in an extension of the commission's reporting deadline beyond any time limit imposed by law, except by agreement of the parties or in accordance with other statutory procedures. The commission shall also accept requests for continuances or deferrals from any party at any time during its proceedings but shall not grant or deny any such requests until all parties have had an opportunity to comment on the requests. In any instance where the commission grants a continuance or a deferral, the continuance or deferral may be conditioned upon an appropriate extension of the commission's reporting deadline with respect to the issue under review.

E. The commission may confront the necessity of continuing or deferring its proceedings as a result of statutory requirement or court order. In such instances, the commission shall reschedule its proceedings, upon consultation with the parties, in a manner that permits an expeditious conclusion of its review. The parties should anticipate, however, that the duration of the continuance or stay shall result in a commensurate delay in the issuance of the commission's report.

F. In addition to any meeting, presentation, public hearing, or other gathering of the parties specified by this chapter, the commission may, where it deems necessary for an analysis of material or for a discussion or clarification of the issues before it, schedule other meetings of appropriate parties.

G. No party to a proceeding before the commission for mandatory review shall communicate in any manner with any member of the commission with respect to the merits of the issue under review except as is authorized by this chapter, or as may be otherwise authorized by the commission or its chair.

H. In addition to the submissions authorized by [1VAC50-20-180](#) through [1VAC50-20-384](#), the commission may allow supplemental submissions deemed necessary or appropriate by the commission for the provision of current and complete data. Where supplemental submissions are authorized pursuant to this subsection, copies of all submissions shall be provided by the submitting party to all principal parties. The commission shall endeavor to establish dates for the filing of all supplemental submissions which will allow an opportunity for their review and critical analysis by other affected parties. However, the commission may accept supplemental submissions filed after any established dates if, in the commission's judgment, the submissions assist the commission in the discharge of its statutory responsibilities.

I. Any material submitted to the commission by the parties in conjunction with or relative to any notice filed

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pursuant to any mandatory review covered by [1VAC50-20-180](#) through [1VAC50-20-384](#), except materials presented in the context of negotiations or mediation of a confidential nature as authorized by law, shall be considered public documents and made available by ~~the submitting party~~ the Commission for review by any other interested party or by the public. Any interested party or member of the public may request copies of any such material from the Commission or its staff in accordance with the Department of Housing and Community Development's Freedom of Information Act Policy. In addition, the Commission shall post all public documents as defined by this subsection on its website. ~~which shall be provided promptly by the party submitting the material to the commission at a price sufficient to cover the expense incurred.~~

J. Each document, exhibit, or other material submitted to the commission shall bear a title, the date of preparation, a detailed citation of the sources from which all data are obtained, and the name of the entity which submitted the document, exhibit, or other material. All material submitted to the commission by a local government shall be, as nearly as practicable, in the same form as the material would subsequently be submitted to the courts. The commission may refuse to accept for review and consideration any exhibit, document, or other material unless the person preparing it, or a representative of the entity responsible for its submission, shall be willing to appear before the commission for purposes of answering questions concerning the material.

K. Unless otherwise requested, wherever the regulations of the commission call for the projection of data, the projections should be made for a 10-year period. In each instance where projections are given, the method and bases of the projections should be indicated.

L. All data, exhibits, documents, or other material submitted to the commission on the initiative of a party or pursuant to a request from the commission shall be certified by the submitting party (i) as to source and (ii) as to the fact that the material is correct within the knowledge of the submitting party.

M. Any party filing notice or making submissions to the commission shall provide at least eight copies of all submissions, unless the commission agrees that a lesser number would be sufficient for its review and analysis. The commission may make provisions for the electronic filing of submissions, including facsimile.

~~N. At any time during the course of the commission's review of any issue, the commission's staff may solicit additional data, documents, records, or other materials from the parties as is deemed necessary for proper analysis of any issue. Where such materials are solicited from a party, the commission's staff, where practicable, shall make the request in writing, with copies of the request being provided to other principal parties. Copies of all materials submitted to the commission pursuant to this chapter shall concurrently be provided to each principal party or shall be made available to the parties in a manner acceptable to the commission. The commission shall be given written notification by the submitting party of each principal party provided a copy of the material or of arrangements proposed for making the material available to the principal parties.~~

O. The commission shall not be limited in its analysis of any issue to the materials submitted by the parties but shall undertake independent research as it deems appropriate in order to assure a full and complete investigation of each issue.

P. The commission shall request all parties to cooperate fully in the development and timely sharing of data relative to the issue under review. The commission considers the cooperation among parties vital to the discharge of its responsibilities.

Q. The commission may allow the parties to correct the data, exhibits, documents, or other material submitted to the commission prior to the date established for the closing of the record pursuant to [1VAC50-20-640](#) B. Where corrections are authorized pursuant to this chapter, copies of all corrections shall be provided by the submitting party to all principal parties. If, in the commission's judgment, the corrections are of a substantive nature as to significantly alter the scope or character of the issue under review, the commission may delay its proceedings for an appropriate amount of time to provide an opportunity for other parties to respond to the corrected data, exhibits, documents, or other material.

R. Following the receipt of a notice, the commission may request the party initiating the proposed action to prepare and file testimony in support of the proposed action. The testimony of the party initiating the proposed action may refer to all data, exhibits, documents, or other material previously submitted to the commission or filed with the testimony. In all proceedings in which the initiating party files testimony, the affected party shall be permitted and may be requested by the commission to file, on or before a date established by the commission, testimony in response to the proposed action. The testimony of the affected party may refer to all data, exhibits, documents, or other material previously submitted to the commission or filed with the testimony. Any affected party who chooses not to file testimony by the date established by the commission may not thereafter present testimony except by permission of the commission, but may otherwise fully participate in the proceeding and engage only in cross-examination of the testimony of other parties. Failure to comply with the directions of the commission, without good cause shown, may result in rejection of the testimony by the commission. The commission may permit the parties to correct or supplement any prepared testimony before or during the oral presentations as called for in [1VAC50-20-620](#). Eight copies of prepared testimony shall be filed unless otherwise specified by the commission.

1VAC50-20-540. Annexation.

In developing its findings of fact and recommendations with respect to a proposed annexation, the commission shall consider the relevant information, data, and factors listed in this section. Any city or town filing notice with the commission that it proposes to annex territory shall submit with the notice data and other evidence responsive to each element listed in this section that it deems relevant to the proposed annexation. Any voters or property owners filing notice pursuant to § [15.2-2907](#) of the Code of Virginia with the commission seeking annexation to a municipality shall submit with the notice data and other evidence responsive to each element listed in this section that they deem relevant to the proposed annexation, except that subdivision 1 of this section is required to be included in the notice filed with the commission.

1. A written metes and bounds description of the boundaries of the area proposed for annexation having, as a minimum, sufficient certainty to enable a layman to identify the proposed new boundary. The description may make reference to readily identifiable monuments such as public roads, rivers, streams, railroad rights of way, and similar discernible physical features.
2. A map showing (i) the boundaries of the area proposed for annexation and their geographic relationship to existing political boundaries; (ii) identifiable unincorporated communities; (iii) major streets, highways, schools, and other major public facilities; (iv) significant geographic features, including mountains and bodies of water; (v) existing uses of the land, including residential, commercial, industrial, and agricultural; and (vi) information deemed relevant as to the possible future use of the property within the area sought for annexation.
3. A land-use table showing both the acreage and percentage of land currently devoted to the various categories

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of land use in the municipality, the county, and the area proposed for annexation.

4. The past, the estimated current, and the projected population of the municipality, the county affected by the proposed annexation, and the area of the county proposed for annexation.

5. The past, the estimated current, and the projected future number of public school students enrolled in the public schools and the number of school-age children living in the municipality, the county affected by the proposed annexation, and the area of the county proposed for annexation.

6. The assessed property values, by major classification, and if appropriate, the ratios of assessed values to true values for real property, personal property, machinery and tools, merchants' capital, and public service corporation property for the current year and the preceding 10 years for the municipality and the county affected by the proposed annexation, and similar data for the current year for the area of the county proposed for annexation.

7. The current local property and nonproperty tax rates and the tax rates for the preceding 10 years, applicable within the municipality, the county affected by the proposed annexation, and the area of the county proposed for annexation.

8. The estimated current local revenue collections and intergovernmental aid, the collections and aid for the previous 10 years, and projections of the collections and aid (including tax receipts from real property, personal property, machinery and tools, merchants' capital, business and professional license, consumer utility, and sales taxes) within the municipality, and the county affected by the proposed annexation, and similar data for the past year for the area of the county proposed for annexation.

9. The amount of long-term indebtedness and the purposes for which all long-term debt has been incurred by the municipality and the county affected by the proposed annexation.

10. The need in the area proposed for annexation for urban services, including those listed in this subdivision, the level of services provided by the municipality and by the county affected by the proposed annexation, and the ability of the municipality and the county to provide the services in the area proposed for annexation:

- a. Sewage treatment;
- b. Water;
- c. Solid waste collection and disposal;
- d. Public planning;
- e. Subdivision regulation and zoning;
- f. Crime prevention and detection;
- g. Fire prevention and protection;
- h. Public recreational facilities;

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- i. Library facilities;
- j. Curbs, gutters, and sidewalks;
- k. Storm drains;
- l. Street lighting;
- m. Snow removal;
- n. Street maintenance;
- o. Schools;
- p. Housing; and
- q. Public transportation.

11. Efforts made by the municipality and the county affected by the proposed annexation to comply with applicable state policies with respect to environmental protection, public planning, education, public transportation, housing, and other state service policies promulgated by the General Assembly.

12. The community of interest which (i) may exist between the municipality and the area proposed for annexation and its citizens and (ii) may exist between that area and its citizens and the rest of the county; the term "community of interest" may include consideration of natural neighborhoods, natural and manmade boundaries, the similarity of service needs, and economic and social bonds.

13. Any arbitrary prior refusal to cooperate by the governing body of the municipality or of the county affected by the proposed annexation, if such has occurred, to enter into cooperative agreements providing for joint activities that would have benefited citizens of both localities.

14. The need for the municipality to expand its tax resources, including its real estate and personal property tax base.

15. The need of the municipality to obtain land for industrial, commercial, and residential development.

16. The adverse effect on the county affected by the proposed annexation resulting from the loss of areas suitable and developable for industrial, commercial, or residential use.

17. The adverse effect on the county of the loss of tax resources and public facilities necessary to provide services to those persons in the remaining areas of the county after the proposed annexation.

18. The adverse impact of the proposed annexation on agricultural operations located in the area proposed for annexation.

19. The terms and conditions upon which the municipality proposes to annex, its plans for the improvement of the annexed territory during the 10-year period following annexation, including the extension of public utilities and other services, and the means by which the municipality shall finance the improvements and extension of

services.

20. Data pertinent to a determination of the appropriate financial settlement between the municipality and the affected county as required by § [15.2-3211](#) of the Code of Virginia and other applicable provisions of the Code of Virginia.

21. The commission's staff shall endeavor to assist parties contemplating or involved in annexation proceedings by identifying additional data elements considered by the commission to be relevant in the disposition of annexation issues.

1VAC50-20-550. Partial county immunity.

In developing its findings of fact and recommendations with respect to a proposed petition for partial immunity, the commission shall consider the relevant information, data, and factors listed in this section. Any county filing notice with the commission that it proposes to seek immunity for a portion of its territory shall submit with the notice data and other evidence responsive to each element listed in this section that it deems relevant to the proposed petition for partial immunity.

1. A written metes and bounds description of the area for which immunity is sought having, as a minimum, sufficient certainty to enable a layman to identify the proposed immunity areas. The description may make reference to readily identifiable monuments such as public roads, rivers, streams, railroad rights of way, and similar discernible physical features.
2. A map or maps showing: (i) the boundaries of the area proposed for immunity and their geographic relationship to existing political boundaries; (ii) identifiable unincorporated communities; (iii) major streets, highways, schools, and other major public facilities; (iv) significant geographic features, including mountains and bodies of water; (v) existing uses of the land, including residential, commercial, industrial, and agricultural; and (vi) information deemed relevant as to the possible future use of the property within the area for which immunity is sought.
3. A land-use table showing both the acreage and percentage of land currently devoted to the various categories of land use in the county, the affected city, and the area proposed for immunity.
4. The estimated current and projected population and population density of the areas for which immunity is sought.
5. The urban services, including but not limited to those listed below, provided in the area for which immunity is sought and the type and level of services in relation to those furnished by the city from which immunity is sought:
 - a. Sewage treatment;
 - b. Water;
 - c. Solid waste collection and disposal;
 - d. Public planning;

- e. Subdivision regulation and zoning;
 - f. Crime prevention and detection;
 - g. Fire prevention and protection;
 - h. Public recreational facilities;
 - i. Library facilities;
 - j. Curbs, gutters, sidewalks;
 - k. Storm drains;
 - l. Street lighting;
 - m. Snow removal;
 - n. Street maintenance;
 - o. Schools;
 - p. Housing; and
 - q. Public transportation.
6. Efforts made by the county to comply with applicable state policies with respect to environmental protection, public planning, education, public transportation, housing, and other state service policies promulgated by the General Assembly.
7. The community of interest that: (i) may exist between the area for which immunity is sought and the remainder of the county; (ii) the community of interest which may exist between that area and the city from which immunity is sought; and (iii) the relative strength of the community of interests.
8. Any instance in which either the county or the affected city has arbitrarily refused to cooperate in the joint provision of services.
9. Whether the proposed grant of immunity would substantially foreclose a city of 100,000 population or less from expanding its boundaries by annexation.
10. The commission's staff shall endeavor to assist localities contemplating or involved in partial immunity proceedings by identifying the additional data elements considered by the commission to be relevant in the disposition of partial immunity issues.

1VAC50-20-560. Town-county agreements defining annexation rights.

In developing its findings of fact and recommendations with respect to a proposed town-county annexation agreement, the commission shall consider the relevant information, data, and factors listed in this section. Any town

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or county presenting proposed annexation agreements to the commission under the provisions of § [15.2-3231](#) of the Code of Virginia shall submit with the proposed agreement data and other evidence responsive to each element listed in this section that it deems relevant.

1. A written metes and bounds description of those areas of the county made eligible for annexation under the proposed agreement having as a minimum, sufficient certainty to enable a layman to identify those areas. The description may make reference to readily identifiable monuments such as public roads, rivers, streams, railroad rights of way, and similar discernible physical features.

2. A map showing (i) the boundaries of the various areas eligible for annexation under the proposed agreement and their relationship to existing political boundaries; (ii) identifiable unincorporated communities; (iii) major streets, highways, schools, and other major public facilities; (iv) significant geographic features, including mountains and bodies of water; (v) existing uses of the land, including residential, commercial, industrial, and agricultural; and (vi) information deemed relevant as to the possible future use of the property in the areas affected by the proposed agreement.

3. A land-use table showing both the acreage and percentage of land currently devoted to the various categories of land use in the town, the county, and the areas of the county affected by the agreement.

4. The past, the estimated current, and the projected population of the town, the county, and those areas of the county affected by the proposed agreement.

5. The past, the estimated current, and the projected number of public school students enrolled in the public schools and the number of school-age children living in the town, the county, and those areas of the county affected by the proposed agreement.

6. The assessed property values, by major classification and, if appropriate, the ratios of assessed values to true values for real property, personal property, machinery and tools, merchants' capital, and public service corporation property for the current and preceding 10 years for the town, and the county, and similar data for the current year in those areas of the county affected by the proposed agreement.

7. The need of the municipality to expand its tax resources, including its real estate and personal property tax base.

8. The need of the municipality to obtain land for industrial, commercial, and residential development.

9. The current and prospective need for additional urban services in the areas of its county subject to annexation under the agreement.

10. Plans for the immediate and future improvement of areas annexed under the terms of the agreement, including the extension of public utilities and other services.

11. The commission's staff shall endeavor to assist localities contemplating or involved in town-county agreements defining annexation rights by identifying additional data elements considered by the commission to be relevant in the disposition of the issues.

1VAC50-20-570. Town incorporation.

In developing its findings of fact and recommendations with respect to a proposed town incorporation, the commission shall consider the relevant information, data, and factors listed in this section. Parties filing notice with the commission that they propose to have a community incorporated as a town, or whose petition for incorporation has been referred to the commission by the court pursuant to § [15.2-3601](#) of the Code of Virginia, shall submit with such notice or subsequent to the court referral data and other evidence responsive to each element listed in this section that they deem relevant to the proposed incorporation.

1. A petition signed by not fewer than 100 duly qualified voters residing within the boundaries of the proposed town supporting the proposed incorporation.
2. A written metes and bounds description of the area proposed for incorporation as a town having, as a minimum, sufficient certainty to enable a layman to identify the proposed town boundary. The description may make reference to readily identifiable monuments such as public roads, rivers, streams, railroad rights of way, and similar discernible physical features.
3. A map showing (i) the boundaries of the proposed town and their relationship to existing political boundaries; (ii) identifiable unincorporated communities; (iii) major streets, highways, schools, and other major public facilities; (iv) significant geographic features, including mountains and bodies of water; and (v) existing uses of the land, including residential, commercial, industrial, and agricultural.
4. A land-use table showing both the acreage and percentage of land currently devoted to the various categories of land use in the area proposed for incorporation.
5. The past, the estimated current, and the projected population of the area proposed for incorporation and the county within which the town would be situated.
6. Information indicating (i) why the proposed incorporation is desired and in the interest of the inhabitants; (ii) how the general good of the community is served by the incorporation; and (iii) why the services needed within the proposed town cannot be provided by the establishment of a sanitary district, through the extension of existing county services, or by other arrangements provided by law.
7. The commission shall endeavor to assist communities contemplating or involved in proposed town incorporations by identifying additional data elements considered by the commission to be relevant in the disposition of incorporation issues.

1VAC50-20-580. Town-city transitions.

In developing its findings of fact and recommendations with respect to a proposed town to city transition, the commission shall consider the relevant information, data, and factors listed in this section. Any town filing notice with the commission that it proposes to become a city shall submit with the notice data and other evidence responsive to each element listed in this section that it deems relevant to the proposed transition.

1. A written metes and bounds description of the boundaries of the proposed city having, as a minimum, sufficient certainty to enable a layman to identify the proposed city boundary. The description may make reference to readily identifiable monuments such as public roads, rivers, streams, railroad rights of way, and similar discernible physical features.

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2. A map or maps showing: (i) the boundaries of the proposed city and their geographic relationship to existing political boundaries; (ii) identifiable unincorporated communities; (iii) major streets, highways, schools, and other major public facilities; (iv) significant geographic features, including mountains and bodies of water; (v) existing uses of the land, including residential, commercial, industrial, and agricultural; and (vi) information deemed relevant as to the possible future use of the property within the proposed city.
3. A land-use table showing both the acreage and percentage of land currently devoted to the various categories of land use in the proposed city.
4. The past, the estimated current, and the projected population of the proposed city and the county affected by the proposed transition.
5. The past, the estimated current, and the projected future number of public school students enrolled in the public schools and the number of school-age children living in the proposed city and the county affected by the proposed transition.
6. The assessed values, by major classification and, if appropriate, the ratios of assessed values to true values for real property, personal property, machinery and tools, merchants' capital, and public service corporation property for the current year and the preceding 10 years for the county and within the proposed city.
7. The current local property and nonproperty tax rates, and the tax rates for the preceding 10 years, applicable within the county and the proposed city.
8. The estimated current local revenue collections and intergovernmental aid, the collections and aid for the previous 10 years, and projections of the collections and aid, including tax receipts from real property, personal property, machinery and tools, merchants' capital, business and professional license, consumer utility and sales taxes, within the county and the proposed city.
9. The amount of long-term indebtedness and the purposes for which that long-term debt has been incurred by the municipality and the county affected by the proposed transition.
10. The current type and level of urban services provided by the town, the additional services to be provided and the additional costs to be borne by the proposed city, and the means by which the proposed city shall finance the additional services and costs.
11. The fiscal capacity of the town to function as an independent city and to provide appropriate urban services.
12. The effect and impact of the proposed transition on the ability of the county to meet the service needs of its remaining population and the means by which any substantial impairment of the county's ability to meet those needs shall be offset.
13. The effect of the proposed transition on compliance with and the promotion of applicable state policies with respect to environmental protection, public planning, education, public transportation, housing, and other state service policies declared by the General Assembly.
14. Data pertinent to a determination of the appropriate financial settlement as required by § [15.2-3829](#) and other applicable provisions of the Code of Virginia.

15. The commission's staff shall endeavor to assist localities contemplating or involved in town-city transition proceedings by identifying additional data elements considered by the commission to be relevant in disposition of town to city transition issues.

1VAC50-20-590. County-city transitions.

In developing its findings of fact and recommendations with respect to a proposed county to city transition, the commission shall consider the relevant information, data, and factors listed in this section. Any county filing notice with the commission that it proposes to become a city shall submit with the notice data and other evidence responsive to each element listed in this section that it deems relevant to the proposed transition.

1. A map showing (i) the location of all towns situated within the county; (ii) all adjoining and adjacent localities; (iii) identifiable unincorporated communities within the county; (iv) the population density of the various areas of the county; (v) the areas of the county served by urban services; (vi) major streets, highways, schools, and other major public facilities; (vii) significant geographic features, including mountains and bodies of water; (viii) existing uses of the land, including residential, commercial, industrial, and agricultural; and (ix) information deemed relevant as to the possible future use of the property within the county.

2. A land-use table showing both the acreage and percentage of land currently devoted to the various categories of land use in the county.

3. The past, the estimated current, and the projected future population of the county, each town within the county, and of the major densely populated unincorporated communities within the county.

4. The past, the estimated current, and the projected future number of public school students enrolled in the public schools and the number of school-age children living in the county and in each town within the county.

5. The assessed values, by major classification and if appropriate, the ratios of assessed values to true values for real property, personal property, machinery and tools, merchants' capital, and public service corporation property for the current year and the preceding 10 years for the county and each town within the county.

6. The current local property and nonproperty tax rates, and the tax rates for the preceding 10 years, within the county and all towns within the county.

7. The estimated current local revenue collections and intergovernmental aid, the collections and aid for the previous 10 years, and projections of the collections and aid (including tax receipts from real property, personal property, machinery and tools, merchants' capital, business and professional license, consumer utility, and sales taxes) within the county and within each town within the county.

8. The amount of long-term indebtedness of the county and each town within the county and the amount and purpose for which that debt has been incurred.

9. Data regarding (i) the urban-type services presently provided by the county; (ii) the level of those services; (iii) the areas of the county served by those services; (iv) the additional services to be provided and the additional cost to be borne by the proposed city; and (v) the means by which the proposed city shall finance the additional services and costs.

10. The fiscal capacity of the county to function as an independent city and to provide appropriate services.
11. The impact of the proposed transition on compliance with and the promotion of applicable state policies with respect to environmental protection, public planning, education, public transportation, housing, and other state service policies declared by the General Assembly.
12. The commission's staff shall endeavor to assist localities contemplating or involved in proposed county-city transitions by identifying additional data elements considered by the commission to be relevant in the disposition of county to city transition issues.

1VAC50-20-600. Boundary line adjustment.

In developing its findings of fact and recommendations with respect to a proposed boundary line adjustment, the commission shall consider the relevant information, data, and factors listed in this section. The localities petitioning for a boundary line adjustment under the provisions of § 15.2-3109 of the Code of Virginia shall, separately or jointly, at the time they initiate such petition to the court, submit to the commission data and other evidence responsive to each element listed in this section that is relevant to the boundary line adjustment.

1. A written metes and bounds description of the precise segment of the boundary for which an adjustment is sought having, as a minimum, sufficient certainty to enable a layman to identify the boundary segment in question. The description may make reference to readily identifiable monuments such as public roads, rivers, streams, railroad rights of way, and similar discernible physical features.
2. A map or maps showing: (i) the precise segment of the boundary that the parties agree should be adjusted; (ii) identifiable unincorporated communities; (iii) major streets, highways, schools, and other major public facilities; (iv) significant geographic features, including mountains and bodies of water; (v) existing uses of the land, including residential, commercial, industrial, and agricultural; and (vi) information deemed relevant as to the possible future use of the land.
3. The estimated past, the estimated current, and the projected future population and population density of all areas adjacent to the segment of the boundary proposed for adjustment and of other areas possibly affected by the proposed boundary line adjustment.
4. A land-use table showing both the acreage and percentage of land currently devoted to the various categories of land use in all areas adjacent to the segment of the boundary proposed for adjustment and in other areas possibly affected by the proposed boundary line adjustment.
5. The past, the estimated current, and the projected future number of public school students enrolled in the public schools and the number of school-age children living in all areas adjacent to the segment of the boundary proposed for adjustment and in other areas possibly affected by the proposed boundary line adjustment.
6. The assessed and true real property values, by major classification of those areas adjacent to the segment of the boundary proposed for adjustment and of any other area possibly affected by the proposed adjustment and other fiscal data relative to the issue.
7. Maps indicating the principal alternative boundary line adjustments which have been considered by the parties and a brief statement as to how each alternative adjustment would promote the effective and efficient

provision of public services.

8. Information as to why the proposed boundary line adjustment is sought by the parties.

9. The commission's staff shall endeavor to assist localities contemplating or involved in proposed boundary line adjustments by identifying additional data elements considered by the commission to be relevant in the disposition of boundary line adjustment issues.

1VAC50-20-601. City-town transitions.

In developing its findings of fact and recommendations with respect to a proposed transition of a city to town status, the commission shall consider the relevant information, data, and factors listed in this section. Any city filing notice with the commission that it proposes to become a town or any petition for the transition of a city to town status that has been referred to the commission by the court pursuant to § 15.2-4104 of the Code of Virginia should be accompanied by data and other evidence responsive to each element listed in this section that is relevant to the proposed transition.

1. Map or maps showing (i) the boundaries of the city proposed for transition and their geographic relationship to other political boundaries; (ii) identifiable unincorporated communities; (iii) major streets, highways, schools, and other major public facilities; (iv) significant geographic features, including mountains and bodies of water; (v) existing uses of the land within the city, including residential, commercial, industrial, and agricultural; and (vi) information deemed relevant as to the possible future use of the land within the city.

2. The past, the estimated current, and the projected future population and population of the city and the county affected by the proposed transition, and the estimated density of the city and the affected county.

3. A land-use table showing both the acreage and percentage of land currently devoted to the various categories of land use in the city and the county affected by the proposed transition.

4. The past, the estimated current, and a five-year projection of the future number of public school students enrolled in the public schools and the number of school-age children living in the city and the county affected by the proposed transition.

5. The assessed values, by major classification for real property, personal property, machinery and tools, merchants' capital, and public service corporation property for the current year and the preceding 10 years for the city and for the county affected by the proposed transition.

6. The current local property and nonproperty tax rates, and the rates for the preceding 10 years, applicable within the city and the county affected by the proposed transition.

7. The estimated current local revenue collections (including receipts from real property, personal property, machinery and tools, consumer utility, sales taxes, etc., and receipts from nontax sources) and intergovernmental aid, and the collections and aid for the preceding 10 years, for the city and the county affected by the proposed transition.

8. The identification of those services performed by the city that are proposed for assumption by the county as a result of the proposed transition, the number of customers or recipients of each service within the city that would

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be served by the county subsequent to the transition, and the aggregate annual cost to the county for the provision of services within the city.

9. The identification of those services that would be provided by the town subsequent to the proposed reversion, the number of recipients of each service within the municipality, and the aggregate annual cost to the proposed town for the provision of services.

10. The identification of those city-owned facilities that are proposed for transfer to the county, the identification of those that would be retained by the proposed town, and the current fair market value and the outstanding city debt attributable to each facility.

11. The current outstanding debt of the city, the applicable portion of debt stated as a percentage of the city's constitutional debt limit, and the current schedule for the retirement of all municipal debt.

12. The identification of that portion of the city's indebtedness that is proposed for transfer to the county and the purposes for which the debt has been incurred.

13. Estimates of the annual amount of tax and nontax revenues to be collected by the county within the municipality subsequent to the proposed transition.

14. Estimates of the annual additional amount of intergovernmental aid to be received by the county as a result of the proposed transition.

15. An estimate of the net aggregate fiscal impact of the proposed transition on the county during the initial year subsequent to the transition and during each of the ensuing five years.

16. An estimate of the adjustment required in the county's real property tax rate, assuming that the net aggregate fiscal impact on the county resulting from the transition is addressed solely by an adjustment in the rate.

17. An estimate of the net aggregate fiscal impact of the proposed transition on the city during the initial year subsequent to the transition and during each of the ensuing five years.

18. An estimate of the adjustment required in the municipality's real property tax rate, assuming that the net aggregate fiscal impact on the city resulting from the transition is addressed solely by an adjustment in the rate.

19. The effect of the proposed transition on compliance with and the promotion of applicable state policies with respect to environmental protection, public planning, education, public transportation, housing, and other state service policies declared by the General Assembly.

20. Specification of the terms and conditions that should be established by the court to balance the equities between the city and the county; protect the best interests of the affected localities, their residents, and the Commonwealth; and ensure an orderly transition of the city to town status.

21. The commission's staff shall endeavor to assist the parties involved in proceedings for the transition of a city to town status by identifying additional data elements considered by the commission to be relevant in the disposition of city to town transition issues.

1VAC50-20-605. County-city consolidations.

In developing its findings of fact and recommendations with respect to a proposed consolidation of a county and a city that would establish an independent city, the commission shall consider the relevant information, data, and factors listed in this section. Local governments filing notice proposing the consolidation of a city and a county to establish an independent city, or any committee of citizens that has been appointed by the circuit court to act for and in lieu of a governing body to perfect a consolidation agreement pursuant to § 15.2-3531 of the Code of Virginia shall, separately or jointly, submit to the commission data and other evidence responsive to each element listed in this section that they deem relevant to the proposed consolidation.

1. Copy of the consolidation agreement.
2. A map showing (i) the location of all municipalities situated within the proposed consolidated city; (ii) all adjoining and adjacent localities; (iii) identifiable unincorporated communities within the proposed consolidated city; (iv) major streets, highways, schools, and other major public facilities; (v) significant geographic features, including mountains and bodies of water; (vi) existing uses of the land, including residential, commercial, industrial, and agricultural; and (vii) information deemed relevant as to the possible future use of the property within the proposed consolidated city and as to its future viability.
3. The past, the estimated current, and the projected population of each locality proposing to consolidate.
4. The population density of the proposed consolidated city based on the most recent United States decennial census or as estimated by the Weldon Cooper Center for Public Service at the University of Virginia.
5. A land-use table showing both the acreage and percentage of land currently devoted to the various categories of land use in the proposed consolidated city.
6. The estimated current and a five-year projection of the future number of public school students enrolled in the public schools in each locality proposing to consolidate and the number of school-age children living in the proposed consolidated city.
7. The assessed values, by major classification for real property, personal property, machinery and tools, merchants' capital, and public service corporation property for the current year and the preceding 10 years for the county and the city proposing to consolidate and the proposed consolidated city.
8. The estimated local property and nonproperty tax rates that will be applicable within the proposed consolidated city.
9. The estimated local revenue collections including tax receipts from real property, personal property, machinery and tools, merchants' capital, business and professional license, consumer utility, and sales taxes and intergovernmental aid, such collections and aid for the preceding 10 years, and projections of the collections and aid within each of the localities proposing to consolidate.
10. The amount of long-term indebtedness of each of the localities proposing to consolidate and the amount and purpose for which that debt has been incurred.
11. Data regarding (i) the urban-type services presently provided by each of the localities proposing to

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consolidate, (ii) the level of those services to be provided in the proposed consolidated city, (iii) the additional services to be provided and the additional cost to be borne by the proposed consolidated city, and (iv) the means by which the proposed consolidated city shall finance the additional services and costs.

12. The fiscal capacity of the proposed consolidated city to function as an independent city and to provide appropriate services.

13. The impact of the proposed consolidation on compliance with and the promotion of applicable state policies with respect to environmental protection, public planning, education, public transportation, housing, and other state service policies declared by the General Assembly.

14. The impact of the proposed consolidation on the interest of the Commonwealth in promoting strong and viable units of government in the area.

15. The commission's staff shall endeavor to assist the parties involved in proceedings for the consolidation of a county and a city that would establish an independent city by identifying additional data elements considered by the commission to be relevant in the disposition of city-county consolidation issues.

1VAC50-20-610. Voluntary settlement agreements.

In developing its findings of fact and recommendations with respect to a proposed agreement developed under the authority of § [15.2-3400](#) of the Code of Virginia, the commission shall consider the relevant information, data, and factors listed in this section. Local governments submitting a proposed agreement for review shall, separately or jointly, submit to the commission data and other evidence responsive to each element listed in this section that they deem relevant to the proposed voluntary settlement agreement.

1. If the agreement proposes a municipal boundary expansion, submissions should include data and evidence responsive to the relevant provisions of [1VAC50-20-540](#).

2. If the agreement proposes the immunization of areas of a county from annexation or the incorporation of new cities, submissions should include data and evidence responsive to the relevant provisions of [1VAC50-20-550](#).

3. If the agreement proposes the incorporation of a town, submissions should include data and evidence responsive to the relevant provisions of [1VAC50-20-570](#).

4. If the agreement proposes the transition of a town to city status, submissions should include data and evidence responsive to the relevant provisions of [1VAC50-20-580](#).

5. If the agreement proposes the transition of a county to city status, submissions should include data and evidence responsive to the relevant provisions of [1VAC50-20-590](#).

6. If the agreement proposes the transition of a city to town status, submissions should include data and evidence responsive to the relevant provisions of [1VAC50-20-601](#).

7. If the agreement proposes a revenue-sharing plan or similar arrangement by which jurisdictions will share the tax or revenue sources of an area, submissions should include:

- a. A description of the plan;
 - b. Calculations indicating for each locality the projected future contributions to the plan for the next five-year period;
 - c. Each locality's projected net annual receipts or net annual contributions to the plan for the next five-year period;
 - d. Each locality's annual expenditures for the past five years and its projected annual expenditures for the next five years by general operating, school, and debt service categories;
 - e. Each locality's real estate and public service corporation property assessed values for the past five years and projected for the next five-year period;
 - f. Each locality's annual revenue for the past five years and projected for the next five-year period (exclusive of receipts from or payments to the economic growth sharing plan) by source and type;
 - g. Each locality's anticipated major capital needs for the next five-year period; and
 - h. Other information indicating the general equity of the proposed plan for each participating locality.
8. The commission's staff shall endeavor to assist localities contemplating or involved in the development of voluntary settlement agreements under the authority of § [15.2-3400](#) of the Code of Virginia by identifying additional data elements considered by the commission to be relevant to the commission's review of such agreements.

1VAC50-20-612. Voluntary economic growth-sharing agreements.

In developing its findings of fact and recommendations with respect to a proposed voluntary economic growth-sharing agreement developed under the authority of § [15.2-1301](#) of the Code of Virginia, the commission shall consider the relevant information, data, and factors listed in this section. Local governments submitting such a proposed agreement for review shall, separately or jointly, submit to the commission data and other evidence responsive to each element listed in this section that they deem relevant to the proposed agreement.

1. A copy of the proposed agreement and a description of the economic growth-sharing plan.
2. A description of the financial investment or other contributions which each participating locality will make to the project(s) envisaged under the agreement.
3. Projections of each participating locality's net annual receipts or net annual contributions to the project(s) specified in the agreement for the next 10-year period, or for a lesser or greater period as deemed appropriate.
4. A description of any dedication or restriction on the use of funds generated by the project(s) specified in the agreement for the participating localities.
5. Calculations indicating the estimated impact of the project(s) proposed in the agreement on the annual operating expenditures of each participating jurisdiction for the next 10-year period, or for a lesser or greater

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period as deemed appropriate.

6. Calculations indicating the estimated impact of the project(s) proposed in the agreement on the current and prospective capital expenditures of each participating jurisdiction over the course of the next 10-year period, or over a lesser or greater period as deemed appropriate.

7. Calculations indicating the estimated impact of the project(s) proposed in the agreement on the debt and annual debt service of each participating jurisdiction over the course of the next ten 10-year period, or over the course of a lesser or greater period as deemed appropriate.

8. Information indicating the general equity of the proposed plan for each participating locality.

9. Other information which would assist the commission in analyzing the "probable effect on the people" in the participating jurisdictions of the proposed agreement.

10. The commission's staff shall endeavor to assist localities contemplating or involved in the development of voluntary economic growth-sharing agreements under the authority of § [15.2-1301](#) of the Code of Virginia by identifying additional data elements considered by the commission to be relevant to the commission's review of such agreements.

1VAC50-20-614. Determination of continued eligibility for city status.

In undertaking its investigation with respect to whether a city continues to meet the requirements for city status as prescribed by Article VII, Section 1 of the Constitution of Virginia, the commission shall consider the information and data listed in this section. Any city subject to investigation as prescribed by Chapter 40 (§ [15.2-4000](#) et seq.) of Title 15.2 of the Code of Virginia shall be requested to submit information and data responsive to each element listed in this section and any other information and data as the city deems relevant to the continued eligibility for city status.

1. Any official correspondence with the United States Bureau of the Census regarding the accuracy of the most recent United States decennial census of the population of the city under investigation.

2. Any data or other evidence produced by the city under investigation or any other entity bearing on the accuracy of the most recent United States decennial census of the population of the city under investigation.

3. Any data or other evidence produced by the city under investigation or any other entity indicating the current population and projected future population of the city under investigation.

4. Contingent upon the commission's findings with respect to the population of the city under investigation, a listing of all of the city's assets, liabilities, rights, and obligations.

5. The commission's staff shall endeavor to assist the city under investigation by identifying additional data elements considered by the commission to be relevant to the continued eligibility for city status.

1VAC50-20-616. Order defining a town's future annexation rights.

In developing its order defining the future annexation rights of a town pursuant to § [15.2-3234](#) of the Code of Virginia, the commission shall consider the relevant information, data, and factors listed in this section. Any

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petition referred to the commission requesting an order establishing a town's future annexation rights should be accompanied by data and other evidence responsive to each element listed in this section that the town deems relevant to the issue.

1. Information regarding the inability of the town and the county to reach a voluntary agreement as to the future annexation rights of the town.
2. Terms and conditions of a proposed order establishing the town's future annexation rights.
3. Data and evidence responsive to the relevant provisions of [1VAC50-20-540](#).
4. The commission's staff shall endeavor to assist localities involved in proceedings concerning an order defining a town's future annexation rights by identifying additional data elements considered by the commission to be relevant in the disposition of such issues.

1VAC50-20-620. Oral presentations by parties.

A. In the course of its analysis of any issue the commission may schedule oral presentations for purposes of permitting the parties to amplify their submissions, to critique and to offer comment upon the submissions and evidence offered by other parties, and to respond to questions relative to the issue from the commission. The presentations, if scheduled, shall extend for a period of time as the commission may deem appropriate.

B. If oral presentations are scheduled by the commission, the chair shall select, subsequent to the receipt of recommendations from the parties, an appropriate site for the presentations. Recommendations by the parties regarding the sites should be based upon the adequacy of space for the display and movement of exhibits; the adequacy of seating arrangements for the commission, its staff, representatives of the parties, a court reporter, and the public; the adequacy of security at the site to permit materials to be left unattended during recesses; and the adequacy of the acoustical characteristics of the site to facilitate communications or the availability of a public address system.

C. Local governments or other parties desiring to present exhibits or data requiring special equipment should be prepared to provide such.

D. The commission may, where it deems appropriate, consolidate two or more interlocal issues before it for purpose of oral presentations.

E. The commission shall, within the requirements of law, conduct the oral presentations in the manner it considers best suited for reaching a decision in the best interest of the parties and in the best interest of the Commonwealth.

F. The chair, or other member the commission designated to preside during any oral presentations, may allocate time to the various parties as the chair or presiding member deems appropriate. The allocation of time shall be based upon the needs of the commission to review data, to examine witnesses, and to obtain an understanding of the relevant factors affecting the issue under review.

G. The sequence in which testimony will be received by the commission during any oral presentations shall be established by the chair or presiding member but shall generally be as follows:

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1. A brief opening statement by each party, if desired;
2. Presentation by the party initiating the issue before the commission;
3. Presentations by the local governments immediately affected by the action proposed by the initiating party, in an order established by the chair or presiding member;
4. Presentations by other parties, in an order established by the chair or presiding member;
5. Rebuttal where requested by a party and agreed to by the chair or presiding member.

H. The chair or presiding member may, to the extent the chair or presiding member deems appropriate, permit parties to question witnesses regarding submissions, their testimony, or other facts relevant to the issues before the commission. Where a party is represented by counsel, such questioning may be conducted by counsel.

Where the parties have prefiled testimony at the commission's request pursuant to [1VAC50-20-390 R](#), the questioning of individuals whose testimony has been prefiled shall be limited to a cross-examination of such testimony. The commission may accept additional oral testimony from individuals whose testimony has been prefiled during the presentations where good cause is shown. Where additional oral testimony is accepted by the commission, the commission shall provide an opportunity for other parties to respond to the testimony and to cross-examine the individual offering such testimony.

I. The chair or presiding member may, during or at the conclusion of the oral presentations, permit or request oral argument on the issues before the commission.

J. The commission, and its staff, may question any witness or representative of any party during the oral presentations regarding any submission, testimony, or other fact which the commission considers relevant to the issues before it. The chair or presiding member shall endeavor to call for commission questioning in a manner designed to expedite the presentations.

K. The commission may accept depositions from persons unable to attend an oral presentation. Depositions shall only be accepted under conditions deemed acceptable by the commission, including conditions assuring an opportunity for all affected local governments to be present and to examine adequately the witness during the taking of depositions.

L. The parties or their counsel shall be expected to confer in advance of the time and date set for presentations in order to inform one another of their prospective witnesses and the order of their anticipated appearance. All material, data, or exhibits proposed for presentation to the commission during the oral presentations ~~and not previously made available to the other parties shall be exchanged or made available to the parties prior to presentation to the commission, subject to the qualifications in subsection M of this section.~~ shall be made available to other parties and the public and on the Commission's website whenever possible.

M. The commission requires that all materials, data, and exhibits be presented to it and made available to other parties in advance of the commencement of the onsite component of the commission's review. The commission may accept additional materials, data, and exhibits during the onsite component of its review upon unanimous consent of the members present. Where late submissions are accepted by the commission, the commission shall

provide an opportunity for other parties to respond to the filings.

N. The commission may record by mechanical device, unless other recording arrangements are made by the parties, all testimony given during the oral presentations but shall prepare a transcript of the recording only when deemed appropriate. The commission shall provide, upon request, any party a duplicate copy of the transcript or recording, if made, in accordance with the Department of Housing and Community Development's Freedom of Information Act policy, ~~at a price sufficient to cover the expense incurred.~~ In lieu of recording by the commission, the parties may arrange to provide a court reporter at their expense. Where a court reporter is utilized, the commission shall receive one copy of the transcript.

1VAC50-20-630. Public hearing.

A. In all cases where a public hearing is required by law, the commission shall conduct the public hearing at which any interested person or party may testify. The commission shall generally schedule the public hearing in conjunction with the oral presentations held, if any, with respect to the issue; however, public hearings regarding proposed town incorporations required pursuant to § [15.2-3601](#) of the Code of Virginia shall be held no sooner than 30 days after receipt of the court request for commission review.

B. Prior to holding the public hearing the commission shall publish notice of the pending hearing as required by law.

In addition to the notice of public hearing required by this subsection, a town that is a party to an agreement defining annexation rights negotiated pursuant to § [15.2-3231](#) of the Code of Virginia shall give written notice of the commission's hearing at least 10 days before the hearing to the owners or their agent of each parcel of land included in the area proposed for annexation under the terms of the agreement. One notice sent by first-class mail to the last known address of the owners or their agent as shown on the current county real estate tax assessment books or current county real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that the clerk of the town shall make an affidavit that the mailings have been made and file the affidavit with the commission.

C. The commission shall request the party initiating the issue before it and the other principally affected parties to place on public display in or adjacent to the office of the chief administrative officer of each principally affected local government copies of all materials which are available to them and which have been submitted to the commission for consideration with respect to the issue. The material should be made conveniently available to the public during normal working hours. The commission also encourages the parties to make available to the public other copies of the material ~~at libraries, educational facilities, on their websites or at other public places~~ in order that the public might have ample opportunity to study the material prior to the public hearing. The commission's advertisements published under subsection B of this section shall announce the availability of the material at the offices of the administrators ~~and at other facilities as may be selected by the parties for display purposes.~~

D. The commission shall request the chief administrative officer (or other official) of each jurisdiction principally affected by the issue before the commission to make suitable arrangements in or adjacent to their offices for the registration of speakers at the public hearing. The commission shall furnish appropriate registration forms for that purpose. The commission's advertisements under subsection B of this section shall advise the public that registration to speak at the public hearing may be accomplished at the offices of the local

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administrators or, alternatively, through the offices of the commission in Richmond. The commission may also permit speakers to register at the site and at the time of the public hearing and shall request the assistance of the local administrative officers in making suitable arrangements for such registration.

E. The chair or other member of the commission designated to preside over the proceedings shall select the site for the public hearing subsequent to the receipt of recommendations from the parties. Recommendations from the parties should be based upon a site's accessibility to residents of the areas and jurisdictions principally affected, its seating capacity, the adequacy of parking facilities, the availability of a public address system, and seating arrangements permitting the commission to have proper visual contact with the public.

F. The commission shall request the parties to cooperate in the preparation of the site for the public hearing and shall request that a minimum number of maps and exhibits be placed on display at the site in order that persons testifying may identify their residences, property, businesses, or other concerns in relation to the proposed issue.

G. The commission shall request the local jurisdiction within which the site for the public hearing is situated to make appropriate arrangements in order to assure the security and the orderliness of the proceedings.

H. The chair or the presiding member shall determine the sequence of speakers at a public hearing, but the sequence shall ordinarily conform to the sequence of their registration. The chair or presiding member may, however, vary the sequence of speakers in order that persons from all affected jurisdictions and areas, and those representing different perspectives, might have equal opportunity for the timely presentation of their comments.

I. The commission shall endeavor to allow any person or party wishing to speak at a public hearing an opportunity to do so. The chair or presiding member may establish time limits for the presentation of testimony as the chair or presiding member deems appropriate. The chair or presiding member may also rule testimony irrelevant, immaterial, or unduly repetitious. Proponents and opponents of a proposed action are encouraged to designate a chief spokesman for economy of time and for the avoidance of repetitious comment.

J. Any person or party testifying before the commission at the public hearing may extend their remarks in written form for subsequent submission. During the course of the public hearing, the commission shall establish a date by which the extended written comment must be received for consideration.

K. The commission may record by mechanical device, unless other arrangements are made, all testimony given during the public hearing but shall prepare a transcript of the recording only when it deems appropriate. The commission shall provide any person or party with a copy of the transcript or recording, if made, in accordance with the Department of Housing and Community Development's Freedom of Information Act policy ~~at a price sufficient to cover the expense incurred.~~ The parties may arrange to provide a court reporter, at their expense. Where a court reporter is utilized, the commission shall receive one copy of the transcript.

L. The commission may, where it deems appropriate, consolidate two or more interlocal issues for purposes of a public hearing.

1VAC50-20-640. Conclusion of mandatory reviews.

A. The commission may request or authorize the parties to an issue to submit, at a time established by the commission, a written concluding argument with proposed findings and recommendations.

B. The commission shall not accept for consideration or for inclusion in the record of a case any document,

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exhibit, or other material submitted after the date established by it for the close of the record. This regulation shall not preclude the commission's acceptance of data or information from any party at any time which has been solicited by the commission or its staff.

~~C. The commission shall prepare an official record of all proceedings before it of such a nature and in such a manner as it deems appropriate.~~

D. The commission shall submit a written report on the issues presented to it in the manner and at such time as provided by law. The reports shall set forth findings of fact and recommendations on both the merits of a proposed action and, where appropriate and feasible, the financial aspects thereof. Copies of reports shall be made available to the parties and to members of the public requesting such. The commission may charge a fee for copies of its reports in ~~an amount sufficient to cover the cost of duplication, shipping, and handling.~~ accordance with the Department of Housing and Community Developments' Freedom of Information Act policies and applicable law.

E. Subsequent to its review of a petition submitted by a town under the authority of § [15.2-3234](#) of the Code of Virginia, and based upon the applicable statutory standards, the commission shall enter an order granting annexation rights to the town. The order may grant the town annexation rights upon the terms proposed by the town in its petition or upon some other basis as the commission deems appropriate and consistent with law. The order shall in no event grant the town the right to annex county territory by ordinance more frequently than once every five years.

1VAC50-20-650. Statutorily invoked mediation in annexation immunity issues.

A. For purposes of this section and § 15.2-2907(E) of the Code of Virginia, the following definitions shall apply: "Initial notice" shall refer to the notice sent to the Commission by a locality proposing an action pursuant to § 15.2-2907A.

"Annexation or partial immunity suit" or "suit" shall refer to a court proceeding intended to resolve an annexation or partial immunity dispute that is filed after the commission has issued its advisory report pursuant to § 15.2-2907 of the Code of Virginia.

B. When any county, city, or town seeks to negotiate an agreement with one or more localities relative to annexation or partial immunity under the authority granted by § [15.2-2907](#) E of the Code of Virginia, it shall notify the commission, and copies of the notice shall be served on all adjacent localities. The notice to the commission shall be accompanied by satisfactory evidence that the governing body of the locality giving notice supports the negotiation. Local governments negotiating under the above referenced provision of law shall keep the commission advised of progress in the negotiations. If, after a hearing, the commission finds that none of the parties is willing to continue to negotiate, or if it finds, based on progress reports and with or without a hearing, that three months have elapsed with no substantial progress, it shall declare the negotiations to be terminated. Unless the parties agree otherwise, negotiations shall in any event terminate 12 months from the date the initial notice was first given to the commission of the desire to negotiate. Once the commission has declared negotiations terminated, or upon the expiration of 12 months from the Commission's receipt of the initial notice, or upon any extension of the 12-month deadline agreed to by both parties, whichever comes first, ~~the 12-month negotiating term or any agreed extension thereof,~~ no new notice to negotiate shall be filed by any party.

C. Upon the request of the local governments negotiating under the authority of § [15.2-2907](#) E of the Code of Virginia, the commission, or its designee, may be requested to serve as mediator, and, in addition, the commission's staff and resources shall be available to assist the negotiating local governments. All expenses incurred by the commission and its

staff in assisting with negotiations shall be borne by the parties initiating the negotiations unless otherwise agreed.

D. The Commission will not accept any notice filed under the authority granted by § 15.2-2907 E of the Code of Virginia before the initial notice is filed, nor shall it accept any notice after 12 months has passed since receipt of the initial notice unless both parties agree to an extension.

1VAC50-20-660. Mediation of other interlocal issues.

The commission shall, at its discretion, accept for mediation interlocal issues presented to it by mutual agreement of the affected localities. Requests for commission mediation under this section should be made to the commission's offices in Richmond and should be accompanied by satisfactory evidence that the governing bodies of the affected localities agree to the request for mediation assistance. The requests should include a statement indicating the issue for which mediation is sought and any other information as would enable the commission to determine whether its mediation effort would be timely and appropriate. Where the requests for mediation are presented to the commission prior to the submission of formal notice of pending action as required by § [15.2-2907](#) of the Code of Virginia, the requests need not be accompanied by any of the statistical data or material required under Part IV ([1VAC50-20-540](#) et seq.) of this chapter. However, if the commission agrees to mediate interlocal issues under this section, the local governments requesting the mediation shall assist the commission by providing data, material, and other information as the commission or the parties deem necessary.

1VAC50-20-670. Requested investigations and analyses.

The commission may, if it deems appropriate and within the capability of its resources, accept requests from local governments for the undertaking of investigations and analyses. Requests for investigations and analyses should be addressed to the commission's offices in Richmond and should include satisfactory evidence that the governing body of the locality initiating the request supports the proposed study. The request should also include a detailed statement of the issue giving rise to the request for the study, a statement of the extent to which the issue is of general interest to local governments in Virginia, a statement concerning the prospective benefits of a study, and other information as would aid the commission in its determination as to whether or not to undertake the requested study. Where the commission agrees to undertake a study under this section, the locality or localities requesting the study shall assist the commission and provide, to the extent possible, the data and material the commission or the parties deem necessary for the study. The commission shall render reports on such studies at such a time and in such a manner as it deems appropriate.



Mr. LeGrand Northcutt
Virginia Commission on Local Government Government
Re: Proposed amendment to 1VAC50-20-160

Friday, April 26, 2024

Dear Mr. Northcutt:

Thank you for the opportunity to submit comments on amendments to an administrative regulation proposed by the Commission on Local Government, specifically "1VAC50-20-160 Executive sessions or meetings."

Your invitation to submit comments came following a phone conversation we had about the proposed regulation and the regulatory process. In our phone conversation, we confirmed that CLG meets the definition of a "public body" under the Virginia Freedom of Information Act (§§ 2.2-3700, et seq.) and so must comply with FOIA's rules for open meetings unless another law indicates otherwise.

Virginia Code §15.2-2907(D) is such another law. It states:

Except for any hearing or meeting specifically required by law, Chapter 37 (§2.2-3700 et seq.) of Title 2.2 shall not be applicable to the Commission nor meetings convened by members of the Commission, its employees, or by its designated mediators with local governing bodies or members thereof, nor shall such chapter be applicable to meetings of local governing bodies, or members thereof, held for purpose of negotiating any issues which are or would be subject to the Commission's review.

However, since §15.2-2907 is titled "Actions for annexation, immunity, establishment of city, etc.; investigations and reports by Commission; negotiation," the inapplicability of FOIA is limited to meetings and records about those actions (annexation, immunity, establishment of city), and not for other CLG business or general administrative matters.

The proposed amendment is to a regulation titled "Executive sessions or meetings." From our phone conversations, I understand that "executive sessions" is the name given to the types of meetings/proceedings that are exempt from FOIA pursuant to § 15.2-2907. Neither the existing regulation nor the proposed amendment is intended to apply to other meetings the CLG might hold.



As I explained in our conversation, the use of the phrase “executive session” is what first caught my attention. “Executive session” is the same term that used to be used in FOIA for what we now call “closed meetings.” Even though “executive session” has not been used in FOIA since 2000, in my professional experience, I still hear government attorneys, administrators and elected/ appointed members use the two terms — executive session and closed meeting — interchangeably. This is perhaps because Robert’s Rules of Order — which many public bodies rely on for parliamentary procedure — has used that term for *all* closed meetings.

Despite the fact that “executive session” may be construed as a closed session, this wasn’t a particular problem in the context of the existing regulation because the existing regulation specifically tied it to § 15.2-2907(D). However, the proposed amendment does not refer back to that section:

Executive sessions of the Commission shall not be subject to the Virginia Freedom of Information Act (Chapter 37 of Title 2.2 of the Code of Virginia), nor shall they be governed by any Commission policy governing electronic meetings. Unless otherwise agreed to by a majority of the members of the session or meeting, such sessions and meetings shall be governed by Commission regulations. Executive sessions or meetings may be called with notice given by the chair at his discretion and held in any location, in-person or virtually.

In short, the use of the phrase “executive session” and the sweeping nature of the proposal to say that FOIA doesn’t apply, that electronic meeting policies don’t apply, that notice rules don’t apply can, in my opinion, create confusion among the public — a public who may not have the Code of Virginia handy to understand the limited circumstances under which these proceedings can occur (i.e., §15.2-2907(D)).

I believe the proposed amendment is essentially trying to reiterate that these meetings and hearings on annexation, etc., are *sui generis* and can be held in the manner established by CLG policies and procedures, but I am concerned it will be read by the public as covering all other CLG meetings.

This may be a simple fix by (1) changing the term “executive session”, and/or (2) making clear within this regulation that it is for the limited purpose of the actions described in § 15.2-2907.

(1) Change the name of the proceedings (i.e. something other than “executive sessions”)

- (a) Mirror the language used in the descriptive title of § 15.2-2907: “Meetings on actions for annexation, immunity, establishment of city, etc.”;



- (b) Use the language of the subtitle that establishes the CLG: "Meetings on Boundary Adjustments and Changes"; or
- (c) Create a unique term like "Statutorily mandated proceedings" or something similar.

(2) Clarify that the regulation applies only to § 15.2-2907(D) proceedings

- (a) Regardless of what you call the name of the proceeding, add § 15.2-2907(D) to the title of the regulations, e.g., Executive sessions or meetings held pursuant to/authorized by § 15.2-2907"; or
- (b) Weave the code citation into the proposed amendment: Executive sessions of the Commission **held pursuant to § 15.2-2907** shall not be subject to the Virginia Freedom of Information Act (Chapter 37 of Title 2.2 of the Code of Virginia), nor shall they be governed by any Commission policy governing electronic meetings. Unless otherwise agreed to by a majority of the members of the session or meeting, such sessions and meetings **held pursuant to § 15.2-2907** shall be governed by Commission regulations. Executive sessions or meetings **held pursuant to § 15.2-2907** may be called with notice given by the chair at his discretion and held in any location, in-person or virtually.

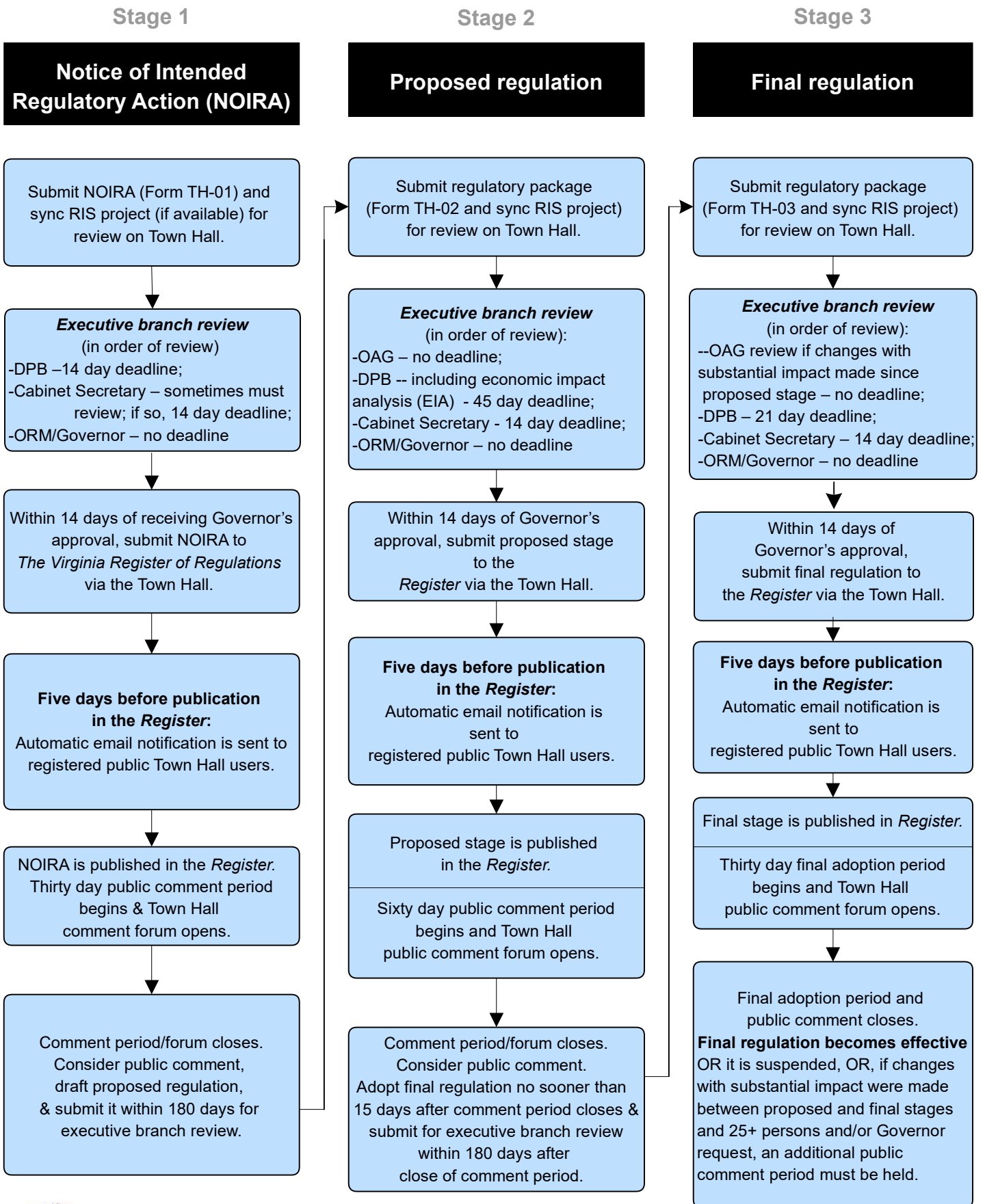
If current policies, procedures or regulations do not include public notice that these proceedings are taking place, I would also recommend adding that. Notice to the public in these instances would be akin to a docket notation in a judicial proceeding or a sealing order. The FACT of the case is made known, even if the proceeding will not be open to the public (in the case of a juvenile) or records related to the proceeding are sealed. Therefore, giving the public notice of proceedings held under § 15.2-02907 would allow them to know the FACT that these proceedings are taking place, even if they are not allowed to attend or to attain records about the proceeding through FOIA.

I hope these comments prove helpful. I am willing to discuss anything about them further with staff or with board members. Thank you again for the opportunity to share my concerns.

All the best,

Megan Rhyne
 Virginia Coalition for Open Government
 540-353-8264

State Agency Guide to Standard Regulatory Process



CLG Regulatory Review Timelines—May 2024

| | Adoption of proposed text at May meeting | Adoption of proposed text at July meeting |
|--|--|--|
| NOIRA public comment closes | 4/24 | 4/24 |
| Adoption | 5/21 | 7/12 |
| 8 week Governor review | ~7/15 | ~9/6 |
| Submission to register | 7/24 | 9/18 |
| Publication in register | 8/12 | 10/7 |
| 60 day public comment period closes | 10/11 | 12/6 |
| Adopt final regulation by | 4/9/25 (November, January, or March meetings) | 6/4/25 (January, March, or May meetings) |

STATE AND FEDERAL MANDATES ON LOCAL GOVERNMENTS

Schedule of Assessment Periods for FY2025 (July 2024 - June 2025)
 Approved by the Commission on Local Government on May 21, 2024
 For Executive Branch Agency Assessments of Cataloged Mandates

| AGENCY | Catalog Number | Assessment Period |
|---|-----------------------|--------------------------|
| Mandate Short Title | | |
| DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS) | | |
| Forfeited Asset Sharing Program (FASP) | SPSHS.DCJS001 | 12/1/24 – 2/28/25 |
| Mental Health Awareness Response and Community Understanding Services (Marcus) Alert System | SPSHS.DCJS040 | 3/1/25 – 5/30/25 |
| DEPARTMENT OF CONSERVATION AND RECREATION (DCR) | | |
| Resilient Virginia Revolving Loan Fund | SNHR.DCR027 | 5/1/25 – 6/30/25 |
| Outdoor Recreation Legacy Partnership | SNHR.DCR029 | 5/1/25 – 6/30/25 |
| DEPARTMENT OF FORENSIC SCIENCE (DFS) | | |
| Handling and Submission of Physical Evidence Recovery Kits (PERKs) | SPSHS.DFS006 | 4/1/25 – 6/30/25 |
| DEPARTMENT OF GENERAL SERVICES (DGS) | | |
| Laboratory, testing, and analytical functions | SOA.DGS008 | 7/1/24 – 9/30/24 |
| Standards for inspection of buildings for asbestos | SOA.DGS009 | 3/1/25 – 5/31/25 |
| DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (DHCD) | | |
| Creation of Redevelopment and Housing Authorities | SCT.DHCD025 | 7/1/24 – 9/30/24 |
| DEPARTMENT OF JUVENILE JUSTICE (DJJ) | | |
| Delinquency Prevention | SPSHS.DJJ002 | 9/1/24 – 11/30/24 |
| Confidentiality of Juvenile Records Upon Entry of a Formal Agreement with the Department of Juvenile Justice to Provide Coordinated Services to Juveniles | SPSHS.DJJ019 | 1/1/25 – 3/31/25 |
| DEPARTMENT OF FORESTRY (DOF) | | |
| Forest Sustainability Fund | SAF.DOF005 | 1/1/25 – 3/31/25 |
| DEPARTMENT OF EDUCATION (ED) | | |
| Local School Division Policies | SOE.DOE026 | 8/1/24 – 10/31/24 |
| Minimum Standards for New Construction and Renovation of School Facilities | SOE.DOE032 | 8/1/24 – 10/31/24 |
| School Transportation | SOE.DOE037 | 8/1/24 – 10/31/24 |

| | | |
|---|---------------|--------------------|
| School Breakfast Program and National School Lunch Program | SOE.DOE043 | 8/1/24 – 10/31/24 |
| Program of Instruction for Grades K-12 | SOE.DOE044 | 8/1/24 – 10/31/24 |
| Drugs, Substance Abuse, Gambling, and Drunk Driving | SOE.DOE047 | 8/1/24 – 10/31/24 |
| Physical and Health Education | SOE.DOE048 | 8/1/24 – 10/31/24 |
| School Crisis, Emergency Management, and Medical Emergency Response Plan | SOE.DOE090 | 8/1/24 – 10/31/24 |
| Excused Absences | SOE.DOE137 | 4/1/25 – 6/30/25 |
| School Health, Training, and Reporting | SOE.DOE141 | 4/1/25 – 6/30/25 |
| Availability of In-person Instruction and Masking Policies | SOE.DOE179 | 4/1/25 – 6/30/25 |
| Governor's Schools and Prohibited Practices | SOE.DOE186 | 4/1/25 – 6/30/25 |
| Post-Graduate Opportunities for Students | SOE.DOE187 | 4/1/25 – 6/30/25 |
| Epinephrine Administration at Early Childhood Education and Care Entities | SOE.DOE188 | 4/1/25 – 6/30/25 |
| Broadband Access Report | SOE.DOE189 | 4/1/25 – 6/30/25 |
| Sexually Explicit Content Policies | SOE.DOE190 | 4/1/25 – 6/30/25 |
| DEPARTMENT OF ELECTIONS (ELECT) | | |
| Electoral Board, Registrar, and Officers of Election | SOA.ELECT002 | 3/1/25 – 5/30/25 |
| Cancellation of Voter Registration | SOA.ELECT005 | 3/1/25 – 5/30/25 |
| DEPARTMENT OF TAXATION (TAX) | | |
| Authorization of Local Cigarette Tax | SFIN.TAX023 | 7/1/24 – 9/30/24 |
| DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (VDACS) | | |
| Public Animal Shelter | SAF.VDACS004 | 7/15/24 – 10/13/24 |
| DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM) | | |
| Local Government Data Security Reporting | SPSHS.VDEM019 | 7/1/24 – 9/30/24 |
| DEPARTMENT OF TRANSPORTATION (VDOT) | | |
| Economic Development Access Road | STO.VDOT006 | 3/1/25 – 5/30/25 |
| Bridge Safety Inspection Standards | STO.VDOT018 | 8/1/24 – 10/31/24 |
| VIRGINIA PORT AUTHORITY (VAP) | | |
| Waterway Maintenance Grant Program | STO.VPA002 | 7/1/24 – 9/30/24 |
| VIRGINIA STATE POLICE (VSP) | | |
| Critically Missing Adult Reporting | SPSHS.VSP021 | 9/1/24 – 11/30/24 |
| Facial Recognition Technology | SPSHS.VSP022 | 9/1/24 – 11/30/24 |



**VIRGINIA DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT**
Partners for Better Communities

Virginia Commission on Local Government: Fiscal Year 2024 Cash Proffer Survey

Section [15.2-2303.2](#) of the *Code of Virginia* requires the Virginia Commission on Local Government to annually survey the acceptance and use of cash proffers by eligible localities. The objective of the survey is to assist the General Assembly in determining the amount of cash proffer revenues and expenditures of local governments and the purposes for which such expenditures were made during Fiscal Year 2024 (July 1, 2023 - June 30, 2024). Accordingly, the Commission is asking the chief administrative officer or other appropriate official in each affected county, city, and town to provide essential information about the locality's acceptance and use of cash proffers.

Please respond to this online questionnaire by September 30, 2024. Please ensure that only one response is generated for your locality.

Information about the survey is also available on the Department of Housing and Community Development's [website](#). The data that you furnish is essential for the preparation of a report that the Commission is required to submit to the General Assembly by November 30, 2024.

If you have any questions concerning these matters, please contact Chase Sawyer at chase.sawyer@dhcd.virginia.gov. Thank you for your cooperation.

Please provide your contact information: *

| | |
|----------------|----------------------|
| Contact Name | <input type="text"/> |
| Position/Title | <input type="text"/> |
| Phone Number: | <input type="text"/> |
| Email Address | <input type="text"/> |

Locality Information

Please provide the following information:

Is the locality a county, city, or town? *

Locality Name *

A cash proffer is (i) any money voluntarily proffered in writing signed by the owner of property subject to rezoning, submitted as part of a rezoning application and accepted by a locality pursuant to the authority granted by Va. Code Ann. § [15.2-2303](#), or § [15.2-2298](#), or (ii) any payment of money made pursuant to a development agreement entered into under authority granted by Va. Code Ann. § [15.2-2303.1](#). This does NOT include cash contributions imposed through conditional/provisional/special use permits as authorized by § [15.2-2286](#) (A)(3).

Did the locality accept cash proffers at any time during FY2024?

If "No" for FY2024, additional information is not needed. *

Enter the total amount of cash proffer revenue collected by the locality during FY2024:

This is the total dollar amount of revenue collected from cash proffers in the specified fiscal year regardless of the fiscal year in which the cash proffer was accepted. Unaudited figures are acceptable.

Enter the estimated amount of cash proffers pledged during FY2024 by which payment is conditioned only on time:

These are cash proffers conditioned only on time (i.e. linked to a specific date or specified time following rezoning approval but NOT an unknown date such as at the time of certificate of occupancy) approved by the locality as part of a rezoning case. Unaudited figures for the specified fiscal year are acceptable.

Did the locality expend cash proffer revenue at any time during FY2024?

If "No" for FY2024, additional information is not needed. *

Enter the total amount of cash proffer revenue expended by the locality during FY2024:

This is the total dollar amount of public projects expended with cash proffer revenue in the specified fiscal year. Unaudited figures are acceptable.

Indicate the purpose(s) and amount(s) (in whole numbers) for which the expenditures in the previous question were made: *

The Total amount at the bottom should equal the amount reported in the cash proffer revenue expended box above.

Schools

Roads and Other Transportation Improvements

Fire and Rescue/Public Safety

Libraries

Parks, Recreation, and Open Space

Water and Sewer Service Extension

Community Centers

Stormwater Management

Special Needs Housing

Affordable Housing

Miscellaneous

Total : 0

Please share any additional comments regarding any unique circumstances surrounding the information provided in this survey.

After hitting the "Submit" button a summary of your responses can be generated and printed for your records.

Submit

0%