

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on November 28, 2012, at 12:00 p.m., Room 241, County Office Building, McIntire Road, Charlottesville, Virginia. The meeting was adjourned from November 14, 2012.

PRESENT: Mr. Kenneth C. Boyd, Mr. Christopher J. Dumler, Ms. Ann Mallek, Mr. Dennis S. Rooker, Mr. Duane E. Snow and Mr. Rodney S. Thomas.

ABSENT: None.

OFFICERS PRESENT: County Executive, Thomas C. Foley, County Attorney, Larry W. Davis, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. The meeting was called to order at 12:20 p.m., by the Chair, Ms. Mallek. Ms. Mallek welcomed everyone present and thanked them for attending this joint session. (**Note:** Prior to the meeting starting, the Board members and Legislators ate lunch.)

Agenda Item No. 2. Meeting with Area Legislators. State Legislators Present: Senator Creigh Deeds, Senator Bryce Reeves, Delegate Rob Bell, Delegate David Toscano, and Delegate Matt Farris.

Also present was Legislative Liaison for the TJPDC, Mr. David Blount, and Ms. Judith W. Wyatt, Legislative Aide for Delegate Steve Landes.

Thomas Jefferson Planning District Legislative Program Summary.

Thomas Jefferson Planning District Legislative Program Summary, David Blount.

**Thomas Jefferson Planning District
2013 Legislative Priorities
(Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson, and
Charlottesville City)**

STATE MANDATES & FUNDING OBLIGATIONS

- The governor and legislature should: 1) not impose financial or administrative mandates on localities; 2) not shift costs for state programs to localities; and 3) not further restrict local revenue authority.
- The state should eliminate across-the-board reductions in aid-to-localities, budgeted to be \$95 million over FY 13/14.

TRANSPORTATION FUNDING and DEVOLUTION

- We request separate and dedicated state revenues to expand and maintain our transportation infrastructure.
- The state should restore formula allocations for secondary and urban construction.
- We are strongly opposed to any legislation or regulations that would transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.

PUBLIC EDUCATION FUNDING

- The state should fully fund its share of realistic costs of the Standards of Quality (SOQ) without making formula changes that shift the funding burden to localities.

CHESAPEAKE BAY TMDL

- The state and federal governments must provide major and reliable forms of financial and technical assistance for comprehensive water quality improvement strategies.
- We urge fairness in applying requirements for reductions in nutrient and sediment loading across source sectors, and accompanying authority and incentives for all sectors to meet such requirements.
- We will oppose actions that impose monitoring, management or similar requirements on localities without providing sufficient resources.
- We believe any expansion of the Nutrient Exchange Program should be contained within and be relevant to a particular watershed so as to enhance the health of local waters.

LAND USE and GROWTH MANAGEMENT

- We request additional tools to manage growth without preempting or circumventing existing local authorities in this area.

COMPREHENSIVE SERVICES ACT

- We urge a better partnership between the state and localities in containing the costs of CSA, and in balancing CSA responsibilities. We support additional state funding for CSA administration; localities have been footing the bill for most of these costs as state contributions have remained flat over the past decade.

Mr. David Blount addressed the Board, stating that they have a short summary of priority items for the 2013 regional legislative program before them. He said that all localities in the region had unanimously approved the program, and after some editing and formatting the finalized version would be issued in the near future.

Mr. Blount reported that many of the priorities would look familiar, and there is a renewed focus on state mandates and funding obligations and cost shifting – which would be the focus of the legislative forum at the Planning District Commission offices the following evening. He said that the Planning District Commission is urging the state not to impose financial or administrative mandates on localities, to not shift the cost of programs from the state to localities, and to not further restrict local revenue authorities. Mr. Blount said that every year there is an attempt or two to try to take some local revenue authority away.

He stated that the legislative agenda also includes a position on the restoration of the Aid to Localities program, which has experienced reductions to local governments and various regional entities slated to continue through the current biennium. Mr. Blount said that the legislative agenda also focuses on transportation funding and devolution of responsibility for secondary roads, which has been made the top priority of the region and has been melded with the overall transportation funding position heading into 2013. He stated that the Planning District Commission is asking for separate and dedicated revenues for transportation infrastructure, as well as restoration of formula allocations for urban and secondary construction – which were eliminated several years ago.

Mr. Blount reported that public education funding is the next priority, realizing that this is not a re-benchmarking year for determining state and local costs for education. He said that from the local government side, there are significant dollars invested in public education – and localities would like to see the state recognizing prevailing and more realistic needs when it comes to funding. Mr. Blount said the request is also for the state not to make formula or policy changes that have the effect of shifting the cost of certain public education services down to localities.

He said that two years ago the Planning District Commission spent a significant amount of time with local elected officials, local staff, and other stake holders in the region to develop the Chesapeake Bay TMDL position, at the time when the state was preparing the first watershed implementation plan. Mr. Blount stated that the Planning District Commission recognized that there would be a need for a lot of funding, technical assistance, planning and support to address the issues of the watershed and local waterways. He said that storm water management efforts by localities would need to continue to be monitored, and as localities move the regulatory process related to the nutrient credit exchange program, they need to pay careful attention to the health of local waterways when talking about trading credits in watersheds.

Mr. Blount stated that the last two priority positions are also perennial, addressing land use and growth management, and the position this year asks for additional tools to help manage growth. In recent years, he said, realistically localities are more “on the defensive” – seeking to preserve the authority they already have. Regarding the Comprehensive Services Act, he said, the Planning District Commission is always looking for ways to work with the state as a partner. Mr. Blount stated that the increases were moderating or coming down in some cases, and they are pushing for recognition of administration of CSA at the local level – as it takes up a lot of staff time, effort and dollars that is currently not recognized to a great extent. He said that statewide, administrative funding is only about \$1.5 million total, which has been relatively flat for the past 10 years.

Mr. Thomas asked if devolution had been put on a back burner, which was his understanding.

Mr. Blount responded that the issue was raised in last year’s General Assembly session, but it did not get included in any final provisions of the budget or in legislation. He said that it’s certainly an idea out there, but in terms of moving forward with an actual proposal there would likely be a number of proposals addressing transportation. He said that it’s probably more in the back-burner area than it was this time last year.

Senator Deeds said that Legislators are hearing all this talk about a fiscal cliff and are uncertain because they don’t know what’s going to happen at the federal level. He said that we’re facing our own fiscal cliff in Virginia. He stated that unless the state can find a way to match the federal construction dollars and gas tax dollars, the state is going to lose a little bit more than \$1 billion in funding that comes from federal government in 2017. Senator Deeds said that one way to come up with money is to devolve road maintenance to local governments, because state law says that you have to maintain before you build – and that would create several hundred million dollars to match federal dollars.

Mr. Thomas said that at VACo Supervisors talked extensively about toll booths, and representatives from the I-95 area localities expressed concern because they were afraid it would mess up the economy and would chase all the cars off the interstate onto back roads.

Senator Deeds stated that tolling would be in addition to the toll roads that already exist in Northern Virginia – a toll below Petersburg on the I-95 corridor basically for maintenance of 95. He said that the local governments are opposed, and the toll they’re discussing on I-64 is for maintenance of 64 East between Richmond and Newport News. He stated that the reality is that it’s already a parking lot. He noted that the tolling has become an issue because legislators haven’t led at the state level. He said that Legislators have fallen down on the job the last 20 or 30 years and tolling is just one of the new realities of transportation funding.

Mr. Rooker said that the secondary road construction program has ceased to exist, and about 90% of the road miles in the state are secondary. He said that Albemarle had been receiving about \$5.5 million in secondary road funds for construction projects, and the County now gets \$330,000 per year. Mr. Rooker stated that the only money being paid out for secondary road projects in the state right now is the money VDOT takes in from the rental of cell tower locations, so the state has already devolved responsibility to localities for secondary road construction. He added that the only way the County can get

a secondary road project constructed with some state funding is to use the revenue sharing program, and as far as maintenance goes devolution has already effectively occurred.

Senator Deeds noted that 1986 was the last time formulas for funding were really addressed, and the formula at that time favored the rural parts of the state – but now because of dwindling funds the formulas don't really matter anymore. He said that there are still legislators from Northern Virginia and Hampton Roads that “demagogue this issue” and say they're going to change the formula, but that's not a real threat because there's no money. He said that the state needs some leadership on this issue.

Mr. Boyd said that the state coffers continue to increase each year overall, and asked if the legislature was making decisions to spend that money in other areas.

Senator Deeds responded that historically there has always been a separation between the transportation trust fund and the general fund, and the trust fund is what's running out of money. He said that if Legislators make the decision to move more of the general fund to transportation, it's “kind of a slippery slope” because it would put schools and police departments in competition for those dollars.

Ms. Mallek commented that the Watkins Bill would hopefully provide some extra funding.

Senator Deeds responded that the Watkins Bill is still being developed, and what's proposed is to raise money for transportation – with minimal impact on the general fund – primarily by reducing income tax for the lowest level of payers.

Ms. Mallek commented to offset by the increase in gas tax.

Senator Deeds stated that the Watkins Bill is the most interesting proposal that's been out there for a while. He said that Senator Emmett Hanger has led the charge for several years to try to index the gas tax.

Delegate Toscano commented that it's a band-aid.

Senator Deeds said that the Watkins Bill is more than a band-aid – it's beginning to heal the wound.

Mr. Rooker said that the lack of secondary road construction funds has not really hit people yet because funding is allocated to projects in advance of them being built, and projects like the Meadow Creek Parkway would never be built under this scenario.

Senator Deeds stated that secondary road projects have essentially ceased in some of the more rural areas of Virginia, such as Allegheny County – which used to get about \$350,000 a year in secondary road funds – now they get \$16,000 a year.

Delegate Toscano asked if Albemarle had a list of projects they'd want to have done, because without the additional money coming in they're not going to do any.

Ms. Mallek said that they've been approved in the greater Charlottesville area for 10 years or more. Mr. Rooker said that the list has been pared down based on fiscal realities.

Albemarle County 2013 Legislative Priorities: 1) impact of unfunded mandates; 2) eliminate split precincts; 3) proposed legislation regarding signs in VDOT right-of-ways; and 4) proposed legislation regarding inoperable vehicles.

Mr. Davis mentioned that the County has a unique list of priorities that blends a lot of rural and urban issues – and most of the Legislators represent both. He said that the list is similar to those in the past, dealing with “quality of life situations” such as local regulation of bio-solids. He explained that the County has had complaints about how the rural application of bio-solids impact the health and safety of people or the urban environment that they are encroaching upon or the urban environment has encroached upon the rural environment, depending on the prospective. Mr. Davis stated that the list touches on issues of local control on land use decisions, local ability to fund impacts of growth through impact fees or other mechanisms. He said that the County wants to continue to promote conservation easements to preserve the rural character of the area, and thus strongly supports state funding and state programs to encourage that while investing local resources in that effort. Mr. Davis stated that the County is constantly looking for ways to improve the scenic character of the community, as tourism and agribusiness are very important – and preserving the rural environment is key to that success.

He stated that the County also recognized challenges related to health and human services, and Ms. Kathy Ralston of DSS would address those. Mr. Davis mentioned that there continued to be challenges related to the impact of CSA funding and childcare initiatives, as well as funding for general social services programming. He said that the County sees the benefits of the local drug court, so funding for that is very important, and Ms. Lori Allshouse of the Office of Management and Budget would be presenting on the effects of state mandates and funding decisions that are having “a serious impact”. Mr. Davis added that the County would also like to address the split precinct issue, as there are three districts split by the Senate. He said that there is a piece of legislation enabling localities to enforce sign removal, and the bill would allow counties to receive revenues as well as the responsibilities associated with the VDOT enforcement. He said that it is kind of a nuance that is in the existing legislation that requires any

civil penalties that are collected – even if the County enforces the sign ordinance – it would go to the state, rather than the local enforcement effort.

Mr. Rooker commented that it makes it difficult to enforce the ordinance if legal staff time is spent on the issue without recouping the penalty revenue, adding that Fairfax has implemented a successful program there.

Ms. Lori Allshouse, Director of the Office of Management and Budget addressed the Board, stating that she would address three items related to separate state actions occurring over the last several years. She reported that the three items have had an impact on the current budget by \$1.8 million, which now is picked up at the local level.

Ms. Allshouse explained that the state has contributed to shared services through Aid to Localities, such as provision of Constitutional officers – but has reduced their share of support to Albemarle by \$2.6 million since 2009; this year alone, the amount is \$490,000 not including reductions to the regional jail of \$243,000. She stated that the state doesn't say don't do the mandates or don't continue the services the Constitutional officers are suppose to do and continue to do. She said that the Constitutional Officers continue to provide the service at the same level with the local government picking up more of the cost.

Mr. Rooker noted that Constitutional officers are supposed to be state employees, but if the County stopped making contributions to those offices those employees wouldn't be paid sufficiently and would likely quit.

Senator Deeds asked if the County supplements the Commonwealth Attorney's salary. Mr. Davis replied that the County does.

Mr. Rooker said that most localities are having to supplement the salaries to keep them.

Senator Deeds said that most of the localities he represents don't provide supplemental funding for those salaries. Mr. Rooker responded that all of the localities of size in the state are having to do that now.

Senator Deeds asked if the County pays more of the assistant's salary. Mr. Davis responded that the County has added them to the local pay system so instead of being on the Comp Board salary scale they're on the County's salary scale – which equates to a significant difference because the Comp Board salaries are very much below market.

Senator Deeds, using the Commonwealth Attorney's office as an example, asked what percentage of their budget for salary is funded by the Comp Board. Mr. Davis responded that he didn't know a percentage offhand, but could provide it to him, adding that it is significant.

Ms. Allshouse reported that the second item of concern relates to the changes recently made to the Virginia Retirement System, which has the single greatest impact - \$1.1 million in the current year for schools and local government combined. She explained that the provision passed by the General Assembly was that by 2016, employees would be required to pay their 5% contribution, with localities providing raises of an equal amount back to employees. Ms. Allshouse said that it sounds like the change would be a wash, but it impacted the County primarily because of the payroll tax increase due to the higher salaries required. She noted that the state allowed the County to phase it in, but the County opted not to because of administrative complications.

Mr. Foley pointed out that the state's action came at the end of the session last year, when localities were putting their budgets together.

Delegate Toscano asked if the total would change each year.

Mr. Davis responded that the payroll tax impact would stay the same because the VRS contributed by the County was not subject to the payroll tax, whereas now that it's being paid by the employee it is – and the higher salary the County had to pay is also subject to payroll tax. He said that this was an unintended consequence of the legislation, but it ended up having a very significant impact that wasn't fully appreciated at the time the General Assembly acted.

Mr. Rooker commented that the County turned an after-tax benefit into a pre-tax benefit.

Mr. Davis added that it also had an impact on raises that employees were getting.

Delegate Toscano stated that he remembered that the bill passed right at the end of the General Assembly session and Legislators hardly had anytime to discuss it.

Mr. Foley said that it increased the obligation of VRS because the salaries are higher.

Mr. Rooker encouraged the Legislators to be very cautious about passing something that has a huge financial impact without having the item be properly vetted and looked at from all sides to understand how it's going to impact the employees, the localities, the state itself and the state of the pension fund etc.

Senator Deeds agreed, but said that things happen at the last minute without knowledge of the possible impacts – such as Line of Duty Act – which was not even part of any bill or budget amendment. He explained that it was put in the budget conference report as a way to get the budget balanced, and there was very little time to review it.

Mr. Rooker said that the Board doesn't have time to fully study what the implications will be with only a few days notice.

Senator Deeds said that with the LODA item, Legislators were only given a couple hours notice, and that a whole lot of people got sucker punched.

Delegate Toscano stated that one positive item in the House has been that a number of Delegates have raised questions regarding the transparency of the conference report process, so now there is an arrangement that if anything shows up in the conference report that was not in the original budget of either body – or was a rejected piece of legislation inserted in the report – it must be disclosed to the full body.

Mr. Davis asked Ms. Allshouse to explain what the LODA impact was to Albemarle.

Ms. Allshouse said that LODA provides important benefits for state and local public safety officials and volunteers and their beneficiaries, but the state mandate stipulated that either the locality had to make contributions to the fund or opt out and go with a pool insurance or self-fund. She said that if the County decided to stay with the state it was irrevocable, so the County decided to opt out and go with the VACO pool for LODA. Ms. Allshouse explained that the pool went from zero cost to \$92,000, then doubling last year. She said that the County's concern with LODA is that it is going to escalate significantly and it's primarily because it has health benefits associated with it for individuals and their families. So it's a very expensive proposition. Ms. Allshouse noted that the challenge for rural counties is that volunteers must also be covered.

Mr. Foley pointed out that LODA is driving the County to develop an entirely new risk management program because it tips them over the scales of risk management.

Mr. Rooker noted that the \$186,000 this year didn't include the internal administrative costs incurred with figuring out how to deal with LODA. He said that this is really the purest form of an unfunded mandate.

Delegate Toscano added that every year there would be pressure to increase the benefits.

Ms. Allshouse said that the administration of LODA is still controlled by the state and that is one of the issues for localities. She said that localities don't have control of some administration pieces but will have the costs even though they've opted out and gone with the pool or are self-insured

Ms. Allshouse stated that the three changes mentioned all have occurred recently and are having an impact on the County's current budget of \$1.8 million and will continue and escalate in next year's budget which is very significant. She said that the County depends on a lot on property taxes and it's a very significant cost for County.

Mr. Davis said that it is over a penny on the real estate tax rate. In Albemarle the real estate tax rate from a penny is about \$1.5 million and the additional cost is \$1.8 million. He emphasized that it is significant at a time when localities are trying to hold down property tax rates.

Mr. Davis said that Kathy Ralston would address some of the impacts of the unfunded costs of social services, and said that her written handout is also provided.

Ms. Kathy Ralston, Director of Social Services addressed the Board, stating that she doesn't think all mandates are bad as there have been some really positive things implemented resulting in improved customer service and outcomes for families. She said that mandates are difficult when they don't come with any funding behind them or any support behind them. She said that over the years, the "steady drumbeat of mandates" has led to new measures that take anywhere from five minutes per day to several hours per day – but that adds up over time to a significant workload for staff. Ms. Ralston stated that this can impact staff morale, as people feel they cannot do an effective job and errors increase. She added that in general, this means lessened customer service.

Ms. Ralston reported that with benefit programs, the County's staffing needs currently exceed workload measures – exceeding measures in 2012 by 55% with 9.6 positions understaffed. She said that Medicaid Plan First, an expanded coverage group for adult benefits, provides for different income and non-financial rules, requires additional work and support to provide family planning services for people under 64. Ms. Ralston stated that the federal motor/voter law has meant that at every application and renewal staff must talk about it with customers, and if they're not already registered as a voter staff must help them accurately complete the forms and get them to the Voter Registration office in a timely fashion. She said that the anticipated expansion of Medicaid could add up to 3,200 new cases in Albemarle if it's expanded. Ms. Ralston said that DSS also gets some federal pass-through mandates in addition to state mandates, such as the low-income supplement Medicaid program – which had good intentions in the beginning but has added a fairly significant workload for staff with no benefit to the customer.

Ms. Ralston reported that according to workload measures, DSS has been understaffed by 17 positions for 2012. She stated that she has provided legislators with a long list of other program requirements, such as guardianship reporting requirements, which she brought to the attention of the Governor's task force on unfunded mandates over the summer. She said that it is not a bad idea, but there has been no resources that have come to help DSS staff with that. Ms. Ralston said that in April alone, the DSS office spent just over \$1,000 to manage the report, and in the previous 11 months they were reimbursed \$330 for the program. She stated that the federal requirement to visit foster children monthly has come down with no additional resources, and her analysis shows that it is one solid week of work for a foster care worker to visit all of their children around the state. Ms. Ralston said that the criminal background checks for placement of children were an added requirement and are costing the department about \$3,000 per year, which has not been supported by the state.

Ms. Ralston stated that the responsibility of emergency shelter operations rests with local government, and that in turn rests with the Department of Social Services. She said that the National Incident Management System training has increased significantly, and DSS is required to have over 12 hours of training for staff as a requirement for that program. Ms. Ralston emphasized that DSS gets virtually no support or guidance for operation of emergency shelters.

Ms. Ralston reported that DSS has recently had an IRS security audit, as there is concern about how the department is maintaining confidential tax information. As a result of that, she said, the department would be needing capital improvements to the office to provide more security for files and for mailboxes. She noted that staff have not determined how to deal with contracted custodial staff in the building, but it would be an additional issue with the security audit.

She explained that the expanded Title 9 requirements for language assistance have yielded a 775% increase for the department just over the last few years. Ms. Ralston reported that there is a prison reentry program initiative by the Governor, and DSS has been tasked with taking the lead on this even though it is not part of their core business. She said that DSS has been asked to do it, and there's been no funding or resources coming forward to help staff figure out how to do that. Ms. Ralston said that one of the biggest barriers for people coming out of prison is that the law ties their ability to get a driver's license with payment of court fines and fees, and if they can't get a license they can't get a job. She encouraged Legislators to address this issue.

Mr. Rooker said that there is a whole population that is "trapped in poverty" by this, because they can't get a license and drive to work. He stated that for a lot of them, their initial crime was minor – but they end up trapped in a cycle.

Ms. Mallek said that if the people coming out of prison have a child, they can't pay child support either without a job.

Mr. Rooker said that it costs us all a lot of money in the long run.

Ms. Ralston said that the driver's license has been attached to a lot of things in the law, but it's an economic necessity for people to have it.

She reported that there are some fairly significant changes with the Comprehensive Services Act with relation to Title 4-E foster care, whereby anything less than 100% (0) errors means that OCS will not pick up the cost of that. Ms. Ralston said that OCS is trying to align their policy with Title 4-E, which was never the intent of CSA. She noted that CSA was originally funded out of Title 20, which was a 50/50 funding source for foster care, and those policies were different from Title 4-E. Ms. Ralston said that OCS is trying to align their policies with 4-E, which means that a lot of the costs will be shifted down to localities. She said that an example of one policy is that if there has to be a continuance on a court hearing for a foster care child, which is the Judge's discretion, 4-E will not pay for that child in foster care. Now OCS is saying they will not pick up that cost, and so that means that the local government will have to pick up that cost.

Mr. Rooker asked if OCS meant Office of Child Services. Ms. Ralston responded that it meant Office of Comprehensive Services.

Delegate Toscano asked what was rationale of the OCS policy change other than trying to squeeze more money out of localities, because sometimes ministerial mistakes can cause continuance of cases. Ms. Ralston responded that she could see no other rationale other than to save state money.

Delegate Toscano asked what could be done about this, and asked if the DSS Association were already pursuing legislative remedies.

Ms. Ralston responded that there are workgroups at the state level that are trying to come to some consensus on how to address this, and some of what they're discussing now is the importance of shared responsibility for these cases. She said that the state talks a lot about giving localities "rules and tools" so that they don't make errors – but so far those rules and tools have not been great. Ms. Ralston said that the federal 4-E policy has been inconsistent and "changing all the time", so the correct way to do a case this year may not be the correct way next year but you don't really know that until you have a review and you get caught in that. She stated that the system seems very unfair, and stacked against localities.

Mr. Rooker asked if this was being determined administratively. Ms. Ralston responded that this is established through the State Executive Council.

Ms. Ralston said that the final issue with CSA is the administrative costs, which are about \$305,000 locally – not including IT costs – with only about \$12,000 received from the state. Ms. Ralston said that the OCS is undertaking some audits and self-assessments, and Albemarle has been designated as a locality to perform a self-assessment. She said that they got the self-assessment information, and it's an 80-page audit document. Ms. Ralston stated that her staff includes a 30-hour per week CSA Coordinator who's experienced, smart, and very advanced – and she's spending about 25 hours a week on this. She said that it is pretty extensive and that it is an administrative cost that has to be borne by the localities.

Ms. Mallek asked who is doing the work that the CSA Coordinator would normally be doing.

Ms. Ralston responded that the CSA Coordinator is handling the fat cases – but it's because she is experienced and really good at what she does. She stated that if she had someone brand new she would really be hard pressed.

Mr. Davis said that the purpose of the presentations is to help the legislators understand the pain that the localities are feeling. He said that local governments are being asked to pick up a larger and larger share of some very significant costs – from TMDL to transportation, schools, Constitutional officers, public safety, and social services. At the same time, he said, the assessed value of real estate has not increased in the last 3+ years nor will it increase in the next two years based on projections. He stated that the County's major funding source is being reduced at the same time that they're being requested to pick up more and more costs of very important public services that the constituents expect to be maintained at the same level that they have been in this locality. It's just very challenging. He emphasized that the purpose of this presentation is to provide Legislators with some perspective on that.

Mr. Rooker commented that Albemarle is better off than most localities, and the problems are being felt statewide with many areas having even less revenue. He said that often two or three people on a council will come up with an idea without much resistance or input from others, and suddenly it will be recommended to the Governor often without a lot of study and input from below, and then it becomes a mandate.

Mr. Foley said that it is challenging to hear about state surpluses and then fully look at the reduction in aid to localities. He said that, that money is going to different places while localities are taking a hit on some of the programs previously discussed.

Ms. Mallek said that the Club Act funded the surplus and then was given as raises, instead of putting it back into VRS and filling some of the hole.

Senator Deeds said that the surplus this time is because of the VRS program.

Mr. Rooker said that the thing from social services is kind of telling it – let's not impose anymore cost on ourselves. He said that he didn't know if the state saved themselves money by a lot of the things that have occurred. All they've done is increase the regulatory burden on local Social Services Departments and say localities you pay the cost of that.

Ms. Mallek commented that some on this may be an Executive Branch problem, and hopefully there is something legislative that legislators can set the tone and say "this has got to stop", and hold someone accountable who seems to be out of reach from the local level.

She cited as an example the recent change and interpretation on the alternative onsite septic system, which strips away the minimal oversight localities had from the six month old interpretation. She stated that she had a single house issue in the district she represents and it has taken years to get it fixed because the Board of Health will not act until they are forced to go to court. She said that she hopes the legislature can help find some legislative way to fight back on that.

Mr. Rooker said that there are some alternative systems that are as good or better, but the problem is that a lot of them that are allowed have much higher failure rates. He stated that the Health Departments don't seem to be funded to the extent needed to actually monitor the programs as there are more and more systems out there.

Ms. Mallek said that the fact that localities are not allowed to require maintenance is laughable when it's a given that the alternative systems fail.

Mr. Rooker said that by the Attorney Generals interpretation the localities can basically do nothing, and the state Health Departments are not funded to deal with the weight of them.

Legislator's Priorities and Sponsorships/Questions and Answers, Legislators.

Mr. Davis asked Legislators if they have particular issues to share with the County regarding things happening on their agendas or in the General Assembly.

Senator Deeds said that this would be a short session of the General Assembly and that it was created to focus on budget amendments, but it has grown into a mini long session and Legislators would probably consider as many bills as the regular session.

Mr. Davis said it would be about 1,500.

Senator Deeds said it was closer to 3,000.

Senator Deeds stated that the big issues he anticipated included John Watkins' item, which could become a big issue, and uranium mining – which has implications wherever uranium exists, all through the Piedmont. He noted that the concentration of the uranium in the rock in Pittsylvania is .06%, which means that 99.94% is not marketable as uranium. Senator Deeds said that the whole point of the short session was to try to balance the budget and “do no harm” via additional burdens to citizens.

Mr. Boyd asked about the actions proposed by the Registrar to change the district levels at the state, as opposed to changing the precinct levels locally. He asked what the Legislators thought as to the best way to deal with that.

Senator Bryce Reeves responded that on Monday, the Senate passed a bill on House Districts out of P&E, so that will go forward. He said that Legislators would further address this in session, but it is a political issue and would be a hot issue to try to get through – and was probably not a priority issue at this point.

Mr. Boyd asked if the legislature would have to approve any changes suggested locally to precinct lines.

Mr. Davis replied that some of the precincts would still be split, and to solve the problem there would need to be more precincts created.

Mr. Rooker asked about the additional cost of a split precinct.

Mr. Davis responded that it varied depending on the number of voting machines needed, but it cost about \$30,000 in the last election and it wouldn't be felt again until next year when there are house races and then two years later with senate races.

Senator Reeves said that there were split precincts in Spotsylvania County this year, and it was definitely an issue – and it did pass the Senate course on Monday.

Mr. Blount stated that the Cole bill didn't address the Albemarle split between the 57th and 58th districts because it was outside of the deviation.

Delegate Toscano said that populations were changing all the time, and to some extent the farther away from the regional line drawings the more flexibility there is to solve the split precinct problems. He stated that this is a “pretty easy problem to solve”, and if he and Delegate Bell felt it made sense they should be able to fix the issue.

Senator Reeves said that Legislators could just do a floor amendment for it.

Mr. Davis said that the Stony Point precinct between districts is 460 people, but it did go beyond the 1% deviation by a few people.

Delegate Bell said that ten years ago there were a few of these situations, and they looked at just moving the line. He asked if there was a magisterial district difference between the two.

Mr. Davis responded that there isn't an election district, but the problem is where the voting precincts are in relationship to where the line is. He said that it just changes where people have to vote, which was the problem.

Delegate Bell said that there are two ways to reconcile this. He explained that if the state lines and local lines are different they could be moved in any direction as long it doesn't mess up the Senate District, Magisterial District, and House District.

Mr. Boyd noted that another approach would be changing the magisterial districts. Mr. Davis responded that the change would be to precincts rather than the magisterial districts.

Ms. Mallek said that it is a much more dramatic change than just having the Delegates change. Mr. Boyd responded that the Board did it with Baker-Butler and the old Burnley Station.

Ms. Mallek commented that moving it into the Scottsville District would affect lots and lots of people.

Mr. Toscano asked about the recommendation of the Board, and whether they wanted to address the split precinct by trying to move those people. Ms. Mallek said it was outlined in the staff report.

Delegate Bell asked what the objection is to putting them in Stony Point Precinct, adding that where he physically votes has changed three times in 10 years.

Mr. Davis explained that when this went to the Electoral Board, they strongly objected to that position. It impacts on voters having to go to inconvenient polling places and there were other reasons as well, that he could revisit and provide that information.

He thanked Legislators for attending and encouraged them to contact either the County Attorney's office or the County Executive's office if they needed information from the County.

Adjourn.

With no further business to come before the Board, the meeting was adjourned at 1:30 p.m.

Chairman

Approved by Board
Date: 01/09/2013
Initials: EWJ