

ALBEMARLE COUNTY MANDATES FACTS

Federal & State mandates are costing the County more in expenditures; revenue available to offset those costs is not keeping pace with the growth in expenditures; and the net cost to the County continues to rise. Unfunded mandates are important to the County because they compel the Board of Supervisors to divert local tax dollars to support federal and state programs rather than using tax dollars to support & expand local services & priorities.



WHAT IS A MANDATE?

A mandate is a directive passed by either the federal or state government, imposing requirements (e.g., financial, reporting, service provision, legal) on a lower level of government.

WHAT IS AN UNFUNDED MANDATE?

An unfunded mandate is a statute or regulation that requires a state or local government to perform certain actions, yet provides no money for fulfilling the requirements. When the federal or state government imposes a law or regulation without necessary funding, it becomes the responsibility of the lower level of government.

ESTIMATED ALBEMARLE COUNTY EXPENDITURES FOR MANDATES



34%

Est. total general government positions dedicated to complying with state or federal mandates in FY15

30%

Est. FY15 general government operations (equivalent to approximately \$33M) related to complying with state or federal mandates

11%

Increased cost to general government to comply with federal & state mandates from FY12 to FY15

FEDERAL

An example of a federal mandate is the Americans with Disabilities Act, requiring Albemarle County to provide reasonable accommodation to a job or work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. Additional examples include the Health Insurance Portability Act & Comprehensive Services Act.

STATE

An example of a state mandate is the Virginia Uniform Statewide Building Code, requiring Albemarle County to enforce state building regulations that govern the construction of a new building, repairing an existing building, or renovating/changing the use of a building. Additional examples of state mandates include the Virginia Stormwater Management Program & the Virginia Retirement System.

Examples of Unfunded or Partially-Funded State Mandates

Mandate	Effective Date	Estimated Impact FY 16
Retired Teacher Health Care Credit	2007	\$878,407
Enhanced Retirement for Deputy Sheriffs – This VRS mandate for eligible employees performing hazardous duties, including Deputy Sheriffs potentially increases retirement income for eligible retirees by 8 to 10%. This mandate was adopted in 2007 and it cannot be revoked. This applies to all current and future Deputy Sheriffs meeting the eligibility criteria.	2007	County required to support the entire cost of the enhanced benefits for state-supported Deputy Sheriffs
Mandatory Dam Safety Analysis	This Mandate was expanded in 2008	No analysis studies scheduled for FY 16 so there is no FY 16 costs. As a result of a past study, however, the Hollymead Dam Spillway improvements will be required. There will be more dam safety analysis required in future years.
Line of Duty Act, or LODA	2012	\$180,422 The County's annual LODA expenses has increased 90% since 2012
HR-Related School Board Association Policy mandates mandatory testing for blood borne pathogens in a case where an exposure has occurred to a staff member or student	2012	Potential of approx. \$3,000 per year. Workers Compensation expected to cover expenses associated with employees.
MS4 Program	2013	\$293,000
HR-Related Mandate that school personnel provide proof of training or certificate in CPR, AED and Emergency First Aid in order to obtain initial licensure or renew a license.	2013	Cost estimated by HR at approx. \$10,400 per year for training time and supplies.
Changes to Special Conservator of the Peace (SCOP) Program requiring that background investigations be done by a state or local law enforcement agency within the Commonwealth.	2015	Estimated to require approximately 60 hours of police overtime initially, expected to expand over time
DSS Mandates (see detailed list provided by DSS)	Varies over time	Financial impacts unknowns at this time and would require more research.

Examples of Shortfalls in State funding made up by Albemarle County local taxes

State Funding Shortfalls	Effective Date	Estimated Impact in FY 16
Decrease in Jail per diem rates	2010	Daily rate reimbursement decreased from \$14 to \$12 or 14% This decrease reduced the Jail's state revenues by an estimated \$165,000 in per year.
The State set a maximum 2.13% VRS reimbursement rate to localities for constitutional officers, requiring localities to pay the majority of the employer's share of retirement premiums to cover constitutional officers and their employees.	2011	Localities now pay the majority of the employer's share of retirement premiums for constitutional officers and their employees.
State changed the timing of when they would move prisoners into the State system	2014	The Jail's estimated cost to house these inmates for a longer period of time is \$300,000
Commonwealth Attorney Office – additional positions	2015	\$190,000
Reductions on Electoral Services	Over time, the State has reduced the % reimbursements for electoral services from 100% to a lower percentage	Amount has not been calculated at this time.
Secondary Education – per pupil funding	On-going	The School Division's research shows that if per pupil funding had remained constant since FY 2009, Albemarle County Public Schools would have received \$3.3 million more from the State in FY 2016

Sampling of DSS State and/or Federal Mandates/Requirements that have impacted workload
July 1, 2015

Mandate/Requirements	Estimated Date of Enactment	Type (genesis may have been in legislation for many of these)
Family partnership meetings	December 2010	Regulation/Policy
Child Protective Services (CPS) ongoing visits to families – current and future	Currently monthly visits – potentially July 2015 3-4 visits per month dependent on risk level in SDM	Regulation/Policy
CPS initial response within Structured Decision Making Timeframes	7/2014	
Training – CPS 24 hours annually of ongoing training, and “Basic Training” within 3 years of hire	July 2014 for Continuing Ed (There will be an audit next year)	Regulation/Policy
CPS – requirement to meet specified timelines for teacher investigations	July 1, 2015	VA Legislation
CPS requirement to report certain cases of suspected C A/N to the Commonwealth Attorney and local law enforcement.	July 2014	VA Legislation
National criminal background checks (fingerprinting and electronic printing)	2007	Regulation/Policy
Foster Care visits monthly [50% or more in placement]	2011	
Cohabiting adults as foster parents	July 2013	Regulation/Policy
Foster Care – reduction of time frames for reunification		Regulation/Policy
Training – Foster Care	2013	
Foster Care Transitional Living Plans	7/2013	
Foster Care – Casey Assessment annually	7/2011	
Foster Care IVE new case audits monthly	7/2014	
Foster Care Concurrent Planning mandated	2015	Regulation/Policy
Foster Care – no kids over 18 in placements [with a few exceptions]	Emergent	Federal Regulation/Policy
Foster Care NYTD surveys to 21 [selected group]	7/2011	Federal Regulation/Policy
Adoption audits	7/2014	Regulation/Policy
VEMAT (Virginia Enhanced Maintenance Payment) – new process for determination of payments to foster/adoptive parents	October 2009	Regulation/Policy

Annual credit checks on Foster Care children over 16		VA Legislation
CANS – assessment tool	2011-2012	Regulation/Policy
Additional OASIS Screens		Policy
Adoption Assistance for adoptive parents process changes	July 2014	Regulation/Policy
CSA – Name Change (requires wholesale name change on documents, brochures, business cards, etc. – as well as explanation to partners/families)	2015	VA Legislation
CSA – misc. funding requirements – court reporting, expert witness, paternity testing, orders of publication, medical records	2014	Policy
CSA – expansion of CHINS	December 2007	Policy
CSA – payment of educational costs for non-CSA residential services ¹		Policy
CSA – parental self-referral ²		VA Legislation
CSA – FAPT all cases (no ability to authorize payments through internal process)		Policy
CSA – Data Analysis by CPMT (self-assessment)	2013 and ongoing	Policy
CSA – CANS 2.0 ³		Policy
CSA – requirement for local policy on routine foster care expenses	7/2014	Policy
CSA – SPED wraparound funds use	6/2013	Policy
CSA – System Self-assessment	2/2013 and ongoing	Policy
CSA – update ICC policies and procedures (self-assessment)	2/2013 and ongoing	Policy
CSA – adoption of a planning document (self-assessment)	2/2013	Policy
CSA – required changes to FAPT process (self-assessment)	2/2013 and ongoing	Policy
CSA – 14 day requirement for FAPT for emergency placements		Policy
CSA – comprehensive assessment by ICC within 30 days	2/2013 and ongoing	Policy
CSA – use of state pool funds for Medicaid eligible services	2/2013 and ongoing	Policy
CSA – Denial of funds policy	2011 and ongoing	Policy
CSA – filing of economic interest statement by CPMT members	2012	Policy
CSA – Carve out policy	2012	Policy
CSA – incentive match rate system	2008-2009	VA Legislation
CSA – Standardize service names	2015	VA Legislation

¹ Before the State Executive Council now; anticipate enactment next year

² July 1, 2015

³ A revised CANS (Virginia Child & Adolescent Needs and Strengths) is being rolled out this year.

CSA – expanded population of eligible children for IL services – released from DJJ commitment after 18 who were previously in foster care	2013	VA Legislation
Medicaid Plan First category added including recent income guideline change to 200% of poverty	2010?	
Addition of FAMIS Moms (came and went and came again)	2015	
CommonHelp/VACMS new system requirements and new policies and workflows	October 2013	Regulation/Policy
Transfer of FAMIS cases to LDSS	February 2014	Regulation/Policy
Energy Assistance-Crisis and Cooling Assistance (at least Cooling used to be an optional program – now required)		Federal Regulation/Policy
Interim Reports (SNAP)	2010	Federal Regulations
Voter Registration requirements	1993	Federal Legislation
Able Bodied Adults Without Children – SNAP resulted in a massive influx of new cases. This was a reinstatement of a policy from 1996 that was suspended in 2009.	2014	Federal Legislation
Prisoner Medicaid Cases Expanding to include Local Jail cases	2013	VA Legislation
Federal Financial Marketplace & Cover Virginia Call Center cases to LDSS	October 2014?	Federal and State Legislation
Self-Direct Applications to LDSS	February 2015?	
New category of Medicaid for former foster care to age 26	October 2013	Regulation/Policy
Prisoner Reentry	2007	Regulation/Policy
Guardianship		Regulation/Policy
Training – APS		Regulation/Policy
APS - appeals ⁴		Regulation/Policy
Requirement to change job titles and job descriptions to comply with title protection	July 2011?	VA Legislation
PSSF Funding requirements		Federal Regulation/Policy

⁴ APS appeals currently on hold until incorporated into CODE of VA

<p>Language Assistance requirements (as per Title VI and Exec Order 13166)</p> <ul style="list-style-type: none"> --Annual assessment to determine language needs of LEP individuals in the service area --Annual assessment of the language resources available to ACDSS to provide language assistance services --Assure that each LEP individual receives timely and competent oral and written language assistance necessary to ensure meaningful access to programs --Insure that ACDSS uses competent interpreters and translators --Provide for mandatory staff training on language assistance program and requirements --Document and track language utilization --Identify and translate all vital documents necessary to ensure meaningful access --Monitor accuracy, timeliness and effectiveness of language assistance services --Designate a senior staff person as Language Assistance Coordinator --Develop procedures for dealing with questions and complaints about language program --Insure that all sub-recipients and contractors are informed of their Title VI responsibilities 	<p>OCR acceptance of ACDSS Action Plan; June 2013</p>	<p>Federal Civil Rights Act of 1964, and its implementing regulation (45 C.F.R. part 80)</p>
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