Gubernatorial Documents

EXECUTIVE ORDERS

EXECUTIVE ORDER NUMBER ONE (2014)

EQUAL OPPORTUNITY

Importance of the Initiative

By virtue of the authority vested in me as Governor, I hereby declare that it is the firm and unwavering policy of the Commonwealth of Virginia to assure equal opportunity in all facets of state government. The foundational tenet of this Executive Order is premised upon a steadfast commitment to foster a culture of inclusion, diversity, and mutual respect for all Virginians.

This policy specifically prohibits discrimination on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity, age, political affiliation, or against otherwise qualified persons with disabilities. The policy permits appropriate employment preferences for veterans and specifically prohibits discrimination against veterans.

State appointing authorities and other management principals are hereby directed to take affirmative measures, as determined by the Director of the Department of Human Resource Management, to emphasize the recruitment of qualified minorities, women, disabled persons, and older Virginians to serve at all levels of state government. This directive does not permit or require the lowering of bona fide job requirements, performance standards, or qualifications to give preference to any state employee or applicant for state employment.

Allegations of violations of this policy shall be brought to the attention of the Office of Equal Employment Services of the Department of Human Resource Management. No state appointing authority, other management principal, or supervisor shall take retaliatory actions against persons making such allegations.

Any state employee found in violation of this policy shall be subject to appropriate disciplinary action.

The Secretary of Administration is directed to review and update annually state procurement, employment, and other relevant policies to ensure compliance with the non-discrimination mandate contained herein, and shall report to the Governor his or her findings together with such recommendations as he or she deems appropriate. The Director of the Department of Human Resource Management shall assist in this review.

This Executive Order supersedes and rescinds Executive Order No. 6 (2010), Equal Opportunity, issued by Governor Robert F. McDonnell on February 5, 2010.

Effective Date of the Executive Order

This Executive Order shall become effective upon its signing and shall remain in full force and effect until amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 11th day of January 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWO (2014)

PERSONNEL DIRECTIVE PROHIBITING THE RECEIPT OF CERTAIN GIFTS; ESTABLISHMENT OF EXECUTIVE BRANCH ETHICS COMMISSION

Part I – Importance of the Initiative

Every citizen of the Commonwealth is entitled to have complete confidence and the highest degree of trust in Virginia's government. It is the intent of this Executive Order (the "Order") to ensure that Virginians are governed and represented with integrity. This Order is initiated to establish an ethical framework for state Executive Branch officers and employees with regard to gifts that will enhance the public's trust in the actions of such officers and employees by addressing the receipt of gifts that may result in, or create an appearance of, impropriety.

Therefore, by virtue of the authority vested in me under Article V of the Constitution of Virginia and under the laws of the Commonwealth of Virginia, including but not limited to, Chapters 1, 12, and 29 of Title 2.2 of the Code of Virginia, and as the Governor and Chief Personnel Officer of the Commonwealth, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish (i) the following personnel policy, banning the solicitation and receipt of certain gifts by officers and employees of the state Executive Branch of the Commonwealth and (ii) an Executive Branch Ethics Commission to perform such duties and responsibilities as are specified below. An officer's or employee's ethical duties and responsibilities under this Executive Order are in addition to those prescribed by law, primarily the State and Local Government Conflict of Interests Act, § 2.2-3100 *et seq.*, and the Virginia Public Procurement Act, § 2.2-4300 *et seq.*, of the Code of Virginia.

Part II – Definitions

As used in this Executive Order, unless the context clearly requires otherwise:
"Advisory agency" means any board, commission, committee or post of the state Executive Branch that does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Anything of value" means:

1. A pecuniary item, including money, or a bank bill or note;
2. A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;
3. A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
4. A stock, bond, note, or other investment interest in an entity;
5. A receipt given for the payment of money or other property;
6. A gratuity, favor, special privilege or exception;
7. The provision of services;
8. Lodging;

9. A meal, or other food or beverage, or both;
10. Entertainment, including a ticket to an event, or hospitality;
11. The provision of travel or the payment or reimbursement of travel expenses;
12. A right in action;

13. A tangible good, chattel, or an interest in a tangible good, or chattel;
14. A loan or forgiveness of indebtedness;
15. A work of art, antique, or collectible;
16. An automobile or other means of personal transportation;
17. Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest, or other beneficial interest in realty;
18. An honorarium or compensation for services;
19. A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as an officer or employee, or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public;
20. A promise or offer of employment; or
21. Any other thing of value that is pecuniary or compensatory in value to a person.

"Anything of value" does not mean a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 *et seq.*) of Title 24.2.

"Dependent" means a son, daughter, father, mother, brother, sister or other individual, whether or not related by blood or marriage, if such individual receives from the officer or employee, or provides to the officer or employee, more than one-half of his or her financial support.

"Employee" means, unless otherwise limited by the context of its use, all individuals who are not officers of a component part of the state Executive Branch but are employed by a component part of the state Executive Branch on an at will basis or serve at the pleasure of the Governor, and all individuals who are employed by the component parts of the state Executive Branch and who are covered by the Virginia Personnel Act, Va. Code § 2.2-2900 *et seq.*

"Fair market" value means the price that a good or service would bring between a willing seller and a willing buyer in the open market after negotiations. If the fair market value cannot be determined, the actual price paid for the good or service shall be given consideration.

"Gift" means anything of value to the extent that a consideration of equal or greater value is not received by the donor.

"Gift" does not mean:

1. Printed informational or promotional material;

2. A gift that is not used and, no later than sixty (60) days after receipt, is returned to the donor or delivered to a charitable organization or to a state governmental or advisory agency and is not claimed as a charitable contribution for federal income tax purposes;

3. A gift, devise, or inheritance from an officer's or employee's spouse, child, nephew, niece, aunt, uncle, first cousin, or the officer's or employee's or his or her spouse's parent, grandparent, grandchild, brother, sister, the spouse of any individual covered by this subdivision, or an individual to whom the officer or employee is engaged to be married; provided the donor is not acting as the agent or intermediary for someone other than an individual covered by this subdivision;

4. Anything of value provided by an individual on the basis of a personal friendship unless the officer or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the officer or employee and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the circumstances under which the gift was given shall be considered, including: (1) the history of the relationship of the individual receiving the gift with the individual giving the gift, including any previous exchange between them; (2) whether the individual receiving the gift knew that the individual giving the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (3) whether the individual receiving the gift knew that the individual giving the gift also gave the same or similar gifts to other officers or employees;

5. Anything of value provided to an officer or employee, or an immediate family member of an officer or employee, by an individual on the basis of a private business relationship between them that is unrelated to the official duties and responsibilities of the officer or employee, unless the officer or

employee has reason to believe that, under the circumstances, the thing of value was provided by the individual to the officer or employee or the immediate family member because of the official position of the officer or employee and not because of the private business relationship;

6. Any offer of a ticket or other admission or pass unless the ticket, admission, or pass is used or unless it is a ticket, admission or pass to an event held by a team or organization that is an official team or organization of a public or private institution of higher education or elementary or secondary school located in the Commonwealth or held by another governmental or advisory agency, or by a local government or component part of a local government, or by a school board;

7. Honorary degrees;

8. Payment or reimbursement of reasonable legitimate travel and related expenses incurred by an officer or employee in order to engage in an activity that serves a legitimate public purpose;

9. Attendance by an officer or employee at a widely attended event that is attended by at least twenty (20) non-officers or employees, is open to the public or to a wide range of individuals, and where (i) such attendance serves a legitimate public purpose, or (ii) the officer or employee attends by virtue of being the spouse of an invited public official who attends without charge;

10. Attendance by an officer or employee at a political or inaugural event where the officer or employee is invited to attend by the elected official, the candidate, or their authorized representative;

11. Financial aid awarded by an educational institution or training institution or program, provided that the financial aid is awarded pursuant to the institution's or program's normal financial aid standards and procedures;

12. Something of value given to an officer or employee by a governmental or advisory agency related to the officer's or employee's service as a public officer or employee or upon his or her retirement;

13. A prize in a competition that was widely available, or an award from a charitable, religious, civic, or educational group;

14. A gift with a value of $25 or less.

"Governmental agency" means each component part of the state Executive Branch, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties.

"Immediate family" means (i) a spouse, regardless of whether he or she resides in the same household as the officer or employee, (ii) any individual residing in the same household as the officer or employee, who is a dependent of the officer or employee or of whom the officer or employee is a dependent, (iii) any individual who has a child in common with the officer or employee, whether or not the officer or employee and that individual have been married or have resided together at any time, as long as there is a legally enforceable financial relationship between them, or (iv) any individual who cohabits or who, within the previous 12 months, cohabited with the officer or employee, and any children of either of them then residing in the same household as the officer or employee. With regard to the receipt of gifts, "immediate family" also shall mean an officer's or employee's child, grandchild, parent, grandparent, brother, sister, or brother's or sister's spouse or children, if such individual knew or should have known that the gift was given because of the officer's or employee's position as an officer or employee.

"Legitimate travel and related expenses" include reasonable expenses incurred by the officer or employee in order to engage in an activity that serves a legitimate public purpose, including, but not limited to, air, train, bus, and taxi fare, rental car charges, the cost of meals and lodging, and expenses related to attendance at an event that has a legitimate public purpose, including, but not limited to, costs of registration, admission, tickets, food, refreshments, instruction, and materials.
"Legitimate public purpose" means an activity that is intended to promote the interests of the Commonwealth, a political subdivision of the Commonwealth, an advisory or governmental agency of the Commonwealth, or a component part of a political subdivision of the Commonwealth, including, but not limited to, activities that promote tourism, economic development, charitable, public health,

environmental, or educational goals; attendance at training and educational events and conferences designed to improve the efficiencies and effectiveness of public service, or to enhance the knowledge and skills of public officers or employees, or both, relative to their official duties; and any purpose defined as a legitimate public purpose by the Commonwealth, the Governor, the governing body of a political subdivision of the Commonwealth, an advisory or governmental agency, or the Commission established by Part V of this Order.

"Officer" means the Governor, his Cabinet, Deputy Secretaries, and any individual appointed or elected to any governmental or advisory agency who serves at the pleasure of the Governor or whose position may be affected "for cause," whether or not he or she receives compensation or other emolument of office.

"State Executive Branch" means every component part of the government of the Commonwealth of Virginia except any component part of the state Legislative or Judicial Branches, the Office of the Lieutenant Governor, the Office of the Attorney General, the State Corporation Commission, the Virginia Workers' Compensation Commission, the State Lottery Department, local governments and their component parts, and the offices of constitutional officers.

"Value" means the actual cost or fair market value of an item or items, whichever is greater. If the fair market value cannot be determined, the actual amount paid for the item or items shall be given consideration. For food and beverages, "value" includes a proportional amount of any tip, a portion of which was for the food item or beverage.

Part III – Personnel Directive – Prohibited Conduct

No officer or employee of the state Executive Branch or an immediate family member of such officer or employee shall (i) solicit anything of value, or (ii) accept, directly or indirectly, any gift from any lobbyist or from any principal or employee or agent of a principal, as the terms "lobbyist" and "principal" are defined in § 2.2-419 of the Commonwealth's lobbying laws, § 2.2-418 *et seq.* of the Code of Virginia, or (iii) accept directly or indirectly, any gift valued at over $100, from any one source, singularly or in the aggregate over the course of any given calendar year. An officer or employee may receive or may be reimbursed for any legitimate travel and related expenses incurred while engaging in an activity that serves a legitimate public purpose. The receipt of anything of value with a value of $25 or less does not count toward the $100 cumulative total set forth in this paragraph.

An officer or employee or an immediate family member of such officer or employee is not prohibited from accepting an unsolicited gift that is valued at less than $100, from one source, singularly or in the aggregate over the course of any given calendar year, unless a reasonable person, having knowledge of the relevant circumstances, would conclude that the officer or employee may unduly favor the source or be influenced by the source when performing the officer's or employee's official duties.

Part IV– Department of Human Resources Management

The Department of Human Resource Management is designated and directed to work with the Executive Branch Ethics Commission established by Part V of this Executive Order to implement this Order and, specifically, is authorized and directed:

(a) In cooperation and collaboration with the Executive Branch Ethics Commission, to develop and issue appropriate personnel guidelines implementing Part III of this Order, including, but not limited to, (i) any applicable discipline for a violation of Part III of this Executive Order and (ii) the procedures available to any officer or employee alleged to have violated Part III of this Order; and

(b) To recommend to the Governor, at least annually, such revisions to this Executive Order as may appear necessary to ensure the maintenance of high ethical standards within the state Executive Branch.

Part V –Executive Branch Ethics Commission

The Executive Branch Ethics Commission (the "Commission") is hereby established and shall be comprised of three (3) members who shall be appointed by the Governor. Members of the Commission shall serve without compensation, but shall receive reimbursement for reasonable expenses incurred in the discharge of their official duties.

The Commission shall be responsible for overseeing the execution of this Order.
The Commission shall:

(a) Upon request from an officer or employee,provide a written opinion as to whether engagement in an activity, or receipt of a gift or other thing of value violates the provisions of this Executive Order, and whether payment or reimbursement for expenses related to that activity, gift, or other thing of value would constitute legitimate travel and related expenses. Any officer or employee who is informed by the Commission that engagement in the activity or receipt of the gift or other thing of value would not violate this Order, and who in good faith relies on an interpretation by the Commission issued before the activity is undertaken or the gift or other thing of value is received and upon the full disclosure to the Commission by the officer or employee of all the relevant facts, shall not be subject to discipline under Part VI of this Order.

(b) Enforce this Order as specified in paragraph (c) of Part VI of this Order.

(c) Recommend to the Governor, at least annually, such revisions to this Executive Order as may appear necessary to ensure the maintenance of high ethical standards within the state Executive Branch.

The Commission may employ a professional staff of up to two (2) individuals to assist the Commission in the exercise of its duties and responsibilities specified in this Order. The necessary staff shall be furnished by the Office of the Governor, the Virginia Department of Human Resources Management, and such other agencies and offices as are designated by the Governor. An estimated 2000 hours of staff time per year will be required to support the Commission's work
The Commission shall remain assembled for one full calendar year following the signing of this Executive Order, unless reauthorized by further Executive Order.

Part VI -- Enforcement

(a) The head of each advisory or governmental agency of the state Executive Branch (the "agency head") shall enforce this Executive Order, receive any complaint that an officer or employee of his or her agency has violated this Executive Order, investigate such a complaint, and determine the need for and impose the appropriate discipline, using the normal, then-existing personnel policies, rules, and procedures of the officer's or employee's advisory or governmental agency, including the Virginia Personnel Act, Va. Code § 2.2-2900 *et seq.*, where the officer or employee is covered by that Act. If the officer or employee is not covered by the Virginia Personnel Act, the agency head shall use whatever normal, then-existing personnel policies, rules, and procedures that the agency normally uses for officers and employees who are not covered by the Virginia Personnel Act. Disciplinary action may include any action up to and including suspension or termination.

(b) With regard to an alleged violation by a Deputy Secretary, member of a Secretary's staff, or the head of an advisory or governmental agency of the state Executive Branch within a particular Secretariat, the Secretary shall be the "agency head" for purposes of the enforcement process set forth in paragraph (a) above.

(c) With regard to an alleged violation of this Order by the Governor or a member of the Governor's Cabinet, the Commission shall receive and investigate the complaint, and shall determine whether a violation occurred. The results along with a recommendation for appropriate discipline shall be forwarded to the Governor or his designee.

(d) Each agency head who determines whether or not a violation of this Executive Order by an officer or employee in his or her agency has occurred shall, within thirty (30) days of making that determination, report the facts on which that determination was made, and the discipline, if any, that was imposed, to the Governor's Cabinet Secretary under whose Secretariat that advisory or governmental agency falls. The Secretary shall forward such report, or a report prepared by him or her pursuant to paragraph (b) above, to the Commission within ten (10) days of receipt or completion. The Commission shall report to the Governor, on a quarterly basis, the results of all investigations of officers and employees conducted pursuant to this Executive Order.

Part VII – General

The funding to support this Executive Order shall be provided from the budget of the Office of the Governor and of such other state agencies as are designated by the Governor. The estimated direct costs for this Commission are $100,000.

Effective Date of the Executive Order

This Executive Order shall be effective upon signing and shall remain in full force and effect for one full calendar year following its signing, unless amended or rescinded, or reauthorized, by further Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia on this 13th day of February, 2015.

Terence R. McAuliffe, Governor

Attest:

Levar M. Stoney, Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THREE (2014)

AUTHORITY AND RESPONSIBILITY OF THE CHIEF OF STAFF

Importance of the Initiative

By virtue of the authority vested in me as Governor under Article V, Sections 1, 7, 8, and 10 of the Constitution of Virginia and Sections 2.2-100 and 2.2-104 of the *Code of Virginia*, and subject always to my continuing ultimate authority and responsibility to act in such matters and to reserve to myself any and all such powers, I hereby affirm and delegate to my Chief of Staff the powers and duties enumerated below.

1. To direct, as the deputy planning and budget officer, the administration of the state government planning and budget process, except as to the responsibilities enumerated below, which are retained by me:
   a. Submission of the budget and accompanying documents to the General Assembly;
   b. Final review and determination of all proposed expenditures and of estimated revenues and borrowings to be included in the Executive Budget for each state department, division, office, board, commission, institution, or other agency or undertaking;
   c. Amendment of Position Levels;
   d. Authorization of deficits.

2. To direct, as the deputy personnel officer, the administration of the state government personnel system, except as to the responsibility enumerated below, which are retained by me:
   a. Final determination with respect to employee compensation plans;
   b. Submission of reports to the General Assembly by the Governor as required by law;
   c. Issuance, amendment, or suspension of the Rules for the Administration of the Virginia Personnel Act;
   d. Final action on appeals from appointing authorities to the Governor.

3. To review, in the event of my absence or unavailability, major planning, budgetary, personnel, policy, and legislative matters that require my decision.

4. To review, in the event of my absence or unavailability, policy or operational differences that may arise among or between my Secretaries and other Cabinet members.

5. To administer the direction and supervision of the Governor's Office, as well as budgetary and personnel authority for the Office.

Effective Date of the Executive Order

This Executive Order rescinds Executive Order No. 3 (2010) issued on January 29, 2010, by Governor Robert F. McDonnell. This Executive Order shall become effective upon its signing and shall remain in full force and effect until January 31, 2018, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 11th day of January 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FOUR (2014)

DELEGATION OF GOVERNOR'S AUTHORITY TO DECLARE A STATE OF EMERGENCY, TO CALL THE VIRGINIA NATIONAL GUARD TO ACTIVE SERVICE FOR EMERGENCIES OR DISASTERS, AND TO DECLARE THE GOVERNOR UNABLE TO DISCHARGE THE POWERS AND DUTIES OF HIS OFFICE WHEN THE GOVERNOR CANNOT BE REACHED OR IS INCAPACITATED

Importance of the Initiative

By virtue of the authority vested in me by Section 2.2-104 of the Code of Virginia, and subject to the provisions stated herein, I hereby affirm and delegate to the Chief of Staff, followed in protocol order by the Secretary of Public Safety, the State Coordinator of the Virginia Department of Emergency Management, and the Secretary of Veterans Affairs and Homeland Security, my authorities under Sections 44-146.17 and 44-75.1 of the Code of Virginia, to declare a state of emergency and to call forth

the Virginia National Guard or any part thereof to state active duty in any of the circumstances outlined in subsections 4 and 5 of Section 44-75.1.A.

I further hereby affirm and delegate to the Chief of Staff, my authority under Article V Section 16 of the Constitution and under Section 24.2-211 of the Code of Virginia to transmit to the President pro tempore of the Senate and the Speaker of the House of Delegates, a declaration that I am unable to discharge the powers and duties of the Governor's office. Each of these declarations is subject to the following conditions:

1. Such delegation is subject always to my continuing, ultimate authority and responsibility to act in such matters, and in the case of a declaration that I am unable to discharge the powers and duties of my office, my ability to transmit to the Clerk of the Senate and Clerk of the House of Delegates, my written declaration that no inability continues to exist and to resume the powers and duties of my office.

2. Use of this delegation is contingent upon my being unable to be reached so as to give my approval for the declaration of a state of emergency, as defined in Section 44-146.16 of the Code of Virginia, or use of the Virginia National Guard.

3. Use of this delegation to declare that I am unable to discharge the powers and duties of my office is specifically contingent upon my being unable to be reached or otherwise incapacitated for over 24 hours and the unavailability of any one of the Attorney General, President pro tempore of the Senate, or the Speaker of the House of Delegates.

4. This delegation is strictly standby in nature, to be held in abeyance until such time as there may be explicit circumstances involving an emergency whereby human lives and public and private property are threatened in the event of natural or man-made emergencies or disasters.

5. If the authority granted under this order is used, the Lieutenant Governor and I shall be informed of such use as soon as practicable.

Effective Date of the Executive Order

This Executive Order rescinds Executive Order No. 4 (2010) issued on January 29, 2010, by Governor Robert F. McDonnell. This Executive Order shall become effective upon its signing and shall remain in full force and effect until January 31, 2018, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 11th day of January 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIVE (2014)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA IN SUPPORT OF WEST VIRGINIA

Importance of the Issue

On January 10, 2014, my predecessor, Governor Robert F. McDonnell, verbally declared a State of Emergency to exist for the Commonwealth of Virginia to support relief efforts to the state of West Virginia. Due to a chemical spill, water supplied to customers of West Virginia American Water Company cannot be used or consumed, and a State of Emergency has been declared in West Virginia. Relief efforts are necessary to facilitate trucks transporting water to these West Virginia Residents. I therefore direct that appropriate assistance be rendered by agencies of state government to respond to the needs of the state of West Virginia and the potential public safety issues in the Commonwealth presented by oversize water transport vehicles on the Commonwealth's highways.

The health and general welfare of the citizens of Virginia and West Virginia require that state action be taken to help alleviate the conditions caused by this situation. Therefore, by virtue of the authority vested in me by § 44-146.17 of the *Code of Virginia*, as Governor and as Director of Emergency Management, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing that verbal order issued on January 10, 2014, whereby a State of Emergency was found to exist and appropriate assistance was directed to be rendered by agencies of state government to alleviate any impediments to the transport of relief supplies.

In order to marshal public resources to meet this threat, and in accordance with my authority contained in § 44-146.17 of the *Code of Virginia*, I hereby order the following measures:

A. The authorization of the Departments of State Police, Transportation, and Motor Vehicles to grant temporary overweight, over width, registration, or license exemptions to all carriers transporting essential emergency relief supplies (water) or providing restoration of water utilities in and through any area of the Commonwealth in order to support the disaster response and recovery, regardless of their point of origin or destination.

   Such exemptions shall not be valid on posted structures for restricted weight. All over width loads, up to a maximum of 12 feet, and over height loads up to a maximum of 14 feet must follow Virginia Department of Motor Vehicles (DMV) hauling permit and safety guidelines.

   In addition to described overweight/over width transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes vehicles in route and returning to their home base. The above-cited agencies shall communicate this information to all staff responsible for permit issuance and truck legalization enforcement.

   The foregoing overweight/over width transportation privileges, as well as the regulatory exemption provided by § 52-8.4(A) of the *Code of Virginia*, and implemented in § 19 VAC 30-20-40(B) of the "Motor Carrier Safety Regulations," shall remain in effect until February 10, 2014, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety in consultation with the Secretary of Transportation, whichever is earlier.

B. Authorization of the State Coordinator of Emergency Management to grant limited exemption of hours of service worked by any carrier when transporting critical supplies (water) in and through any area of the Commonwealth in order to support the disaster response and recovery, regardless of their point of origin or destination, pursuant to § 52-8.4 of the *Code of Virginia* and Title 49 Code of Federal Regulations, Section 390.23 and Section 395.3. In no event shall the relief from hours of service last more than 30 days, unless a new declaration is issued. Motor carriers that have a Federal Out of Service Order in effect cannot take advantage of the relief from regulations that this declaration provides under 49 CFR 390.23.

C. The discontinuance of provisions authorized in paragraphs A and B above may be implemented and disseminated by publication of administrative notice to all affected and interested parties by

the authority I hereby delegate to the Secretary of Public Safety, after consultation with other affected Cabinet-level Secretaries.

Effective Date of this Executive Order

This Executive Order shall be effective retroactively to January 11, 2014, and shall remain in full force and effect until February 10, 2014, or whenever the emergency no longer exists, which ever time is shorter, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 17th day of January, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SIX (2014)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA IN SUPPORT OF EMERGENCY RELIEF SUPPLIES DUE TO SEVERE WINTER WEATHER

Importance of the Issue

On January 30, 2014, I verbally declared a State of Emergency to exist for the Commonwealth of Virginia due to severe winter weather and continuing cold temperatures requiring relief efforts, and the transport of emergency supplies and home heating fuel.

The health and general welfare of the citizens of Virginia requires that state action be taken to help alleviate the impacts caused by this situation. Therefore, by virtue of the authority vested in me by § 44-146.17 of the *Code of Virginia*, as Governor and as Director of Emergency Management, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing that verbal order issued on January 30, 2014, whereby a State of Emergency was found to exist and appropriate assistance was directed to be rendered by agencies of state government to alleviate any impediments to the transport of relief supplies.

In order to marshal public resources to meet this threat, and in accordance with my authority contained in § 44-146.17 of the *Code of Virginia*, I hereby order the following measures:

A. The authorization of the Departments of State Police, Transportation, and Motor Vehicles to grant temporary overweight, over width, registration, or license exemptions to all carriers transporting essential emergency relief supplies (including but not limited to deicing chemicals and roadway abrasives) and home heating fuels in and through any area of the Commonwealth in order to support the disaster response and recovery, regardless of their point of origin or destination.

Such exemptions shall not be valid on posted structures for restricted weight. All over width loads, up to a maximum of 12 feet, and over height loads up to a maximum of 14 feet must follow Virginia Department of Motor Vehicles (DMV) hauling permit and safety guidelines.

In addition to described overweight/over width transportation privileges, carriers are also exempt from registration with the DMV. This includes vehicles en route and returning to their home base. The above-cited agencies shall communicate this information to all staff responsible for permit issuance and truck legalization enforcement.

The foregoing overweight/over width transportation privileges, as well as the regulatory exemption, provided by § 52-8.4(A) of the *Code of Virginia*, and implemented in § 19 VAC 30-20-40(B) of the "Motor Carrier Safety Regulations," shall remain in effect until March 1, 2014, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety in consultation with the Secretary of Transportation, whichever is earlier.

B. Authorization of the State Coordinator of Emergency Management to grant limited exemption of hours of service worked by any carrier when transporting critical supplies in and through any area of the Commonwealth in order to support the disaster response and recovery, regardless of their point of origin or destination, pursuant to § 52-8.4 of the *Code of Virginia* and Title 49 Code of Federal Regulations, Section 390.23 and Section 395.3.

C. The discontinuance of provisions authorized in paragraphs A and B above may be implemented and disseminated by publication of administrative notice to all affected and interested parties. I hereby delegate to the Secretary of Public Safety, after consultation with other affected Cabinet Secretaries, the authority to implement this order as set forth in § 2.2-104 of the *Code of Virginia*.

Effective Date of this Executive Order

This Executive Order shall be effective January 30, 2014, and shall remain in full force and effect until March 1, 2014, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 3rd day of February 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SEVEN ONE (2014)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO A MAJOR WINTER STORM EVENT

Importance of the Issue

On February 11, 2014, I verbally declared a state of emergency to exist for the Commonwealth of Virginia based on National Weather Service forecasts projecting a winter storm event with potential snow accumulations of 5 to 15 inches of wet snow, with higher amounts possible across areas of Central Virginia, Northern Virginia and Western Virginia, potential ice accumulations up to a quarter-of-an-inch, and gusty winds that could create transportation issues and significant power outages beginning February 12, 2014.

The health and general welfare of the citizens require that state action be taken to help alleviate the conditions caused by this situation. The effects of this event constitute a disaster wherein human life and public and private property are imperiled, as described in § 44-146.16 of the *Code of Virginia*.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the *Code of Virginia*, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by § 44-75.1 of the *Code of Virginia*, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued on February 11, 2014, whereby I proclaimed that a state of emergency exists, and I directed that appropriate assistance be rendered by agencies of both state and local governments to prepare for potential impacts of the winter storm, alleviate any conditions resulting from significant storm events, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions in so far as possible. Pursuant to § 44-75.1(A)(3) and (A)(4) of the *Code of Virginia*, I also directed that the Virginia National Guard and the Virginia Defense Force be called forth to state active duty to be prepared to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia Department of State Police to direct traffic, prevent looting, and perform such other law enforcement functions as the Superintendent of State Police, in consultation with the State Coordinator of Emergency Management, the Adjutant General, and the Secretary of Public Safety, may find necessary.

In order to marshal all public resources and appropriate preparedness, response, and recovery measures to meet this threat and recover from its effects, and in accordance with my authority contained in § 44-146.17 of the *Code of Virginia*, I hereby order the following protective and restoration measures:

A. Implementation by agencies of the state and local governments of the Commonwealth of Virginia Emergency Operations Plan (COVEOP), as amended, along with other appropriate state agency plans.

B. Activation of the Virginia Emergency Operations Center (VEOC) and the Virginia Emergency Response Team (VERT) to coordinate the provision of assistance to local governments. I am directing that the VERT coordinate state actions in support of affected localities, other mission assignments to agencies designated in the COVEOP, and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.

C. The authorization to assume control over the Commonwealth's state-operated telecommunications systems, as required by the State Coordinator of Emergency Management, in coordination with the Virginia Information Technologies Agency, and with the consultation of the Secretary of Public Safety, making all systems assets available for use in providing adequate communications, intelligence, and warning capabilities for the event, pursuant to § 44-146.18 of the *Code of Virginia*.

D. The evacuation of areas threatened or stricken by effects of the winter storm as appropriate. Following a declaration of a local emergency pursuant to § 44-146.21 of the *Code of Virginia*, if a

local governing body determines that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response, or recovery effort, pursuant to § 44-146.17(1) of the *Code of Virginia*, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the VERT, acting on behalf of the State Coordinator of Emergency Management, shall determine. Notwithstanding the foregoing, I reserve the right to direct and compel evacuation from the same and different areas and determine a different timetable both where local governing bodies have made such a determination and where local governing bodies have not made such a determination. Also, in those localities that have declared a local emergency pursuant to § 44-146.21 of the *Code of Virginia*, if the local governing body determines that controlling movement of persons is deemed necessary for the preservation of life, public safety, or other emergency mitigation, response, or recovery effort, pursuant to § 44-146.17(1) of the *Code of Virginia*, I authorize the control of ingress and egress at an emergency area, including the movement of persons within the area and the occupancy of premises therein upon such timetable as the local governing body, in coordination with the State Coordinator of Emergency Management and the VEOC, shall determine. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class 1 misdemeanor.

E. The activation, implementation, and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact (EMAC), and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to § 44-146.17(5) and § 44-146.28:1 of the *Code of Virginia*, to provide for the evacuation and reception of injured and other persons and the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation, and communications personnel, equipment, and supplies. The State Coordinator of Emergency Management is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, § 44-146.28:1 of the *Code of Virginia*.

F. The authorization of the Departments of State Police, Transportation, and Motor Vehicles to grant temporary overweight, over width, registration, or license exemptions to all carriers transporting essential emergency relief supplies or providing restoration of utilities (electricity, gas, phone, water, wastewater, and cable) in and through any area of the Commonwealth in order to support the disaster response and recovery, regardless of their point of origin or destination. Such exemptions shall not be valid on posted structures for restricted weight.

All over width loads, up to a maximum of 12 feet, and over height loads up to a maximum of 14 feet must follow Virginia Department of Motor Vehicles (DMV) hauling permit and safety guidelines.

In addition to described overweight/over width transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes vehicles en route and returning to their home base. The above-cited agencies shall communicate this information to all staff responsible for permit issuance and truck legalization enforcement.

Authorization of the State Coordinator of Emergency Management to grant limited hours of service worked by any carrier when transporting passengers, property, equipment, food, fuel, construction materials, and other critical supplies to or from any portion of the Commonwealth for purpose of providing direct relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the *Code of Virginia* and Title 49 Code of Federal Regulations, Section 390.23 and Section 395.3.

The foregoing overweight/over width transportation privileges as well as the regulatory exemption provided by § 52-8.4(A) of the *Code of Virginia*, and implemented in § 19 VAC 30-20-40(B) of the "Motor Carrier Safety Regulations," shall remain in effect for 30 days from the onset of the disaster, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety in consultation with the Secretary of Transportation, whichever is earlier.

G. The discontinuance of provisions authorized in paragraph F above may be implemented and disseminated by publication of administrative notice to all affected and interested parties. I hereby delegate to the Secretary of Public Safety, after consultation with other affected Cabinet Secretaries, the authority to implement this order as set forth in § 2.2-104 of the *Code of Virginia*.

H. The authorization of a maximum of $300,000 in state sum sufficient funds for state and local governments mission assignments authorized and coordinated through the Virginia Department of Emergency Management that are allowable as defined by The Stafford Act. This funding is also available for state response and recovery operations and incident documentation. Out of this state disaster sum sufficient, a maximum of $150,000 is authorized for the Department of Military Affairs for the state's portion of the eligible disaster related costs incurred for salaries, travel and meals during mission assignments authorized and coordinated through the Virginia Department of Emergency Management.

I. The implementation by public agencies under my supervision and control of their emergency assignments as directed in the COVEOP without regard to normal procedures pertaining to performance of public work, entering into contracts, incurring of obligations or other logistical and support measures of the Emergency Services and Disaster Laws, as provided in § 44-146.28(b) of the *Code of Virginia*. § 44-146.24 of the *Code of Virginia* also applies to the disaster activities of state agencies.

J. Designation of members and personnel of volunteer, auxiliary, and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters, Citizen Corps Programs such as Medical Reserve Corps (MRCs), Community Emergency Response Teams (CERTs), and others identified and tasked by the State Coordinator of Emergency Management for specific disaster related mission assignments as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of § 44-146.23(a) and (f) of the *Code of Virginia*, in the performance of their specific disaster-related mission assignments.

K. The authorization of appropriate oversight boards, commissions, and agencies to ease building code restrictions and to permit emergency demolition, hazardous waste disposal, debris removal, emergency landfill sitting, and operations and other activities necessary to address immediate health and safety needs without regard to time-consuming procedures or formalities and without regard to application or permit fees or royalties.

L. The activation of the statutory provisions in § 59.1-525 *et seq.* of the *Code of Virginia* related to price gouging. Price gouging at any time is unacceptable. Price gouging is even more reprehensible after a natural disaster. I have directed all applicable executive branch agencies to take immediate action to address any verified reports of price gouging of necessary goods or services. I make the same request of the Office of the Attorney General and appropriate local officials. I further request that all appropriate executive branch agencies exercise their discretion to the extent allowed by law to address any pending deadlines or expirations affected by or attributable to this disaster event.

M. The following conditions apply to the deployment of the Virginia National Guard and the Virginia Defense Force:

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Management, shall make available on state active duty such units and members of the Virginia National Guard and Virginia Defense Force and such equipment as may be necessary or desirable to assist in preparations for this event and in alleviating the human suffering and damage to property.

2. Pursuant to § 52-6 of the *Code of Virginia*, I authorize the Superintendent of the Department of State Police to appoint any and all such Virginia Army and Air National Guard personnel called to state active duty as additional police officers as deemed necessary. These police officers shall have the same powers and perform the same duties as the State Police officers appointed by the Superintendent. However, they shall nevertheless remain members of the Virginia National Guard, subject to military command as members of the State Militia. Any bonds and/or insurance required by § 52-7 of the *Code of Virginia* shall be provided for them at the expense of the Commonwealth.

3. In all instances, members of the Virginia National Guard and Virginia Defense Force shall remain subject to military command as prescribed by § 44-78.1 of the *Code of Virginia* and are not subject to the civilian authorities of county or municipal governments. This shall not be deemed to prohibit working in close cooperation with members of the Virginia Departments of State Police or Emergency Management or local law enforcement or emergency management authorities or receiving guidance from them in the performance of their duties.

4. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:

    a. Workers' Compensation benefits provided to members of the National Guard by the Virginia Workers' Compensation Act, subject to the requirements and limitations thereof; and, in addition,

    b. The same benefits, or their equivalent, for injury, disability, and/or death, as would be provided by the federal government if the member were serving on federal active duty at the time of the injury or death. Any such federal-type benefits due to a member and his or her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers' Compensation Act during the same month. If and when the time period for payment of Workers' Compensation benefits has elapsed, the member and his or her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to § 44-14 of the *Code of Virginia*, and subject to the availability of future appropriations which may be lawfully applied to this purpose, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.

5. The following conditions apply to service by the Virginia Defense Force:

    a. Compensation shall be at a daily rate that is equivalent of base pay only for a National Guard Unit Training Assembly, commensurate with the grade and years of service of the member, not to exceed 20 years of service;

    b. Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;

    c. All privately owned equipment, including, but not limited to, vehicles, boats, and aircraft, will be reimbursed for expense of fuel. Damage or loss of said equipment will be reimbursed, minus reimbursement from personal insurance, if said equipment was authorized for use by the Adjutant General in accordance with § 44-54.12 of the Code of Virginia;

    d. In the event of death or injury, benefits shall be provided in accordance with the Virginia Workers' Compensation Act, subject to the requirements and limitations thereof.

Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in § 44-146.28 of the *Code of Virginia*, other than costs defined in the paragraphs above pertaining to the Virginia National Guard and pertaining to the Virginia Defense Force, in performing these missions shall be paid from state funds.

Effective Date of this Executive Order

This Executive Order shall be effective as of February 11, 2014, and shall remain in full force and effect until June 30, 2014 unless sooner amended or rescinded by further executive order. Termination of the Executive Order is not intended to terminate any federal-type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 11th day of February, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER EIGHT (2014)

LAUNCHING "CYBER VIRGINIA" AND THE VIRGINIA CYBER SECURITY COMMISSION

Importance of the Issue

The Commonwealth of Virginia is proud of its distinguished history and exemplary record of exceptional cyber security operations in support of state agencies and operations. As is reflected in the strong presence of state, federal, military, and private cyber security businesses, assets, and activities throughout the Commonwealth, Virginia stands poised to take advantage of its unique resources. The Commonwealth is resolute in its dedication to garnering the expertise of leaders in cyber security in order to mitigate risks and safeguard the highest level of security for government infrastructure networks, foster cyber security education and awareness, incorporate innovative and best practices to protect data statewide, bolster business investment with public-private partnerships, and proactively enhance its national standing as one of the preeminent leaders in the cyber security arena.

Threats to critical systems present a growing and complex challenge. In order to guard against the risks and marshal appropriate resources to meet potential threats, it is important to incorporate optimal policies and develop enhanced standards to protect the Commonwealth's cyber security infrastructure from unforeseen incidents. While rapidly advancing technologies create substantial security risks, they also present significant opportunities for producing more efficient and protected proprietary networks, strengthening the Commonwealth's cyber security framework, and advancing vital prospects for economic development.

Virginia's cyber security businesses are at the forefront to prospectively benefit from federally appropriated funds that are among the few expected to increase in future years. Virginia's cyber security firms are seeking to export their technologies, goods and services to global markets in the public and private sectors. Further, with military assets, related defense activities and, more generally, the critical need for secure business data, the Commonwealth must cultivate conditions to attract and retain as well as secure a competitive advantage for cyber security companies in the marketplace. Promotion of the cyber security industry will produce a synergy to ensure growth of related cyber operations businesses and facilities, sustain a wide variety of high-skilled jobs for Virginians, and strengthen a culture of excellent cyber hygiene that is critical for the Commonwealth.

Cyber security instruction, training, and programs will be requisite components to prepare those currently seeking new occupational options as well as the next generation for the rapidly developing cyber security workplace. Focusing on cutting edge education and training will be essential for Virginia's cyber security workforce and economic development as occupations in the cyber security industry are highly in demand and among the fastest growing in the economy. Virginia continues to lead the nation in the concentration of technology workers, fed by a rich network of nationally-recognized information technology and cyber advanced degree programs at our universities.

Composition of the Commission

The Commission will consist of the Secretaries of Technology, Commerce and Trade, Public Safety, Education, Health and Human Resources, and Veterans Affairs and Homeland Security, and eleven (11) citizen members whose background shall include relevant expertise to be appointed by the Governor and serve at his pleasure. The Governor shall designate a Chairman and Vice Chairman from among the appointed members. The Governor may appoint additional persons to the Commission at his discretion.

Establishment of the Virginia Cyber Security Commission

Accordingly, by virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Virginia Cyber Security Commission.

Responsibilities of the Commission

The Commission's responsibilities shall include the following:

1. Identify high risk cyber security issues facing the Commonwealth of Virginia.

2. Provide advice and recommendations related to securing Virginia's state networks, systems, and data, including interoperability, standardized plans and procedures, and evolving threats and best practices to prevent the unauthorized access, theft, alteration, and destruction of the Commonwealth's data.

3. Provide suggestions for the addition of cyber security to Virginia's Emergency Management and Disaster Response capabilities, including testing cyber security incident response scenarios, recovery and restoration plans, and coordination with the federal government – in consultation with the Virginia Information Technologies Agency.

4. Offer suggestions for promoting awareness of cyber hygiene among the Commonwealth's citizens, businesses and government entities;

5. Present recommendations for cutting edge science, technology, engineering and math (STEM) educational and training programs for all ages, including K-12, community colleges, universities, in order to foster an improved cyber security workforce pipeline and create cyber security professionals with a wide range of expertise.

6. Offer strategies to advance private sector cyber security economic development opportunities, including innovative technologies, research and development, and start-up firms, and maximize public-private partnerships throughout the Commonwealth.

7. Provide suggestions for coordinating the review of and assessing opportunities for cyber security private sector growth as it relates to military facilities and defense activities in Virginia.

Commission Staffing and Funding

Necessary staff support for the Commission's work during its continued existence shall be furnished by the Office of the Secretary of Technology, and such other agencies and offices as designated by the Governor. An estimated 500 hours of staff time will be required to support the work of the Commission.

Necessary funding to support the Commission and its staff shall be provided from federal funds private funds, and state funds appropriated for the same purposes as the Commission, as authorized by § 2.2-135 of the *Code of Virginia*, as well as any other private sources of funding that may be identified. Estimated direct costs for this Commission are $5000.00.

Commission members shall serve without compensation and shall receive reimbursement for expenses incurred in the discharge of their official duties.

The Commission shall serve in an advisory role, in accordance with § 2.2-2100 of the *Code of Virginia* and shall meet upon the call of the chairman at least three times per year. In addition, the Commission shall issue an annual report and any other reports and recommendations as necessary or as requested by the Governor.

Effective Date of the Executive Order

This Executive Order shall be effective upon its signing and shall remain in force and effect until February 25, 2015, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 25th day of February, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER NINE (2014)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO MAJOR WINTER STORM

Importance of the Issue

On March 2, 2014, I verbally declared a state of emergency to exist for the Commonwealth of Virginia based on a National Weather Service forecast projecting a major winter storm bringing the potential for several inches of snow across the Commonwealth, with potential accumulations of 10 inches or more in Northern, Northwest, Central, and West Central Virginia. Snow is forecast the morning of Monday, March 3, 2014, following freezing rain and sleet overnight. This precipitation, combined with gusty

winds and potential accumulations of one-tenth to one-half an inch of ice, has the potential to impact life safety and create significant transportation issues throughout the Commonwealth.

The health and general welfare of the citizens require that state action be taken to help alleviate the conditions caused by this situation. The effects of this incident constitute a disaster wherein human life and public and private property are imperiled, as described in § 44-146.16 of the *Code of Virginia*.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the *Code of Virginia*, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by § 44-75.1 of the *Code of Virginia*, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued on March 2, 2014, whereby I proclaimed that a state of emergency exists, and I directed that appropriate assistance be rendered by agencies of both state and local governments to prepare for potential impacts of the winter storm, alleviate any conditions resulting from the incident, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions in so far as possible. Pursuant to § 44-75.1(A)(3) and (A)(4) of the *Code of Virginia*, I also directed that the Virginia National Guard and the Virginia Defense Force be called forth to state active duty to be prepared to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia Department of State Police to direct traffic, prevent looting, and perform such other law enforcement functions as the Superintendent of State Police, in consultation with the State Coordinator of Emergency Management, the Adjutant General, and the Secretary of Public Safety, may find necessary.

In order to marshal all public resources and appropriate preparedness, response, and recovery measures to meet this threat and recover from its effects, and in accordance with my authority contained in § 44-146.17 of the *Code of Virginia*, I hereby order the following protective and restoration measures:

A. Implementation by agencies of the state and local governments of the Commonwealth of Virginia Emergency Operations Plan (COVEOP), as amended, along with other appropriate state agency plans.

B. Activation of the Virginia Emergency Operations Center (VEOC) and the Virginia Emergency Response Team (VERT) to coordinate the provision of assistance to local governments. I am directing that the VEOC and VERT coordinate state actions in support of affected localities, other mission assignments to agencies designated in the COVEOP, and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.

C. The authorization to assume control over the Commonwealth's state-operated telecommunications systems, as required by the State Coordinator of Emergency Management, in coordination with the Virginia Information Technologies Agency, and with the consultation of the Secretary of Public Safety, making all systems assets available for use in providing adequate communications, intelligence, and warning capabilities for the incident, pursuant to § 44-146.18 of the *Code of Virginia*.

D. The evacuation of areas threatened or stricken by effects of the winter storm as appropriate. Following a declaration of a local emergency pursuant to § 44-146.21 of the *Code of Virginia*, if a local governing body determines that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response, or recovery effort, pursuant to § 44-146.17(1) of the *Code of Virginia*, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the VEOC, acting on behalf of the State Coordinator of Emergency Management, shall determine. Notwithstanding the foregoing, I reserve the right to direct and compel evacuation from the same and different areas and determine a different timetable both where local governing bodies have made such a determination and where local governing bodies have not made such a determination. Also, in those localities that have declared a local emergency pursuant to § 44-146.21 of the *Code of Virginia*, if the local governing body determines that controlling movement of persons is deemed necessary for the preservation of life, public safety, or other emergency mitigation, response, or recovery effort, pursuant to § 44-146.17(1) of the *Code of Virginia*, I authorize the control of

ingress and egress at an emergency area, including the movement of persons within the area and the occupancy of premises therein upon such timetable as the local governing body, in coordination with the State Coordinator of Emergency Management and the VEOC, shall determine. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class 1 misdemeanor.

E. The activation, implementation, and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact (EMAC), and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to § 44-146.17(5) and § 44-146.28:1 of the *Code of Virginia*, to provide for the evacuation and reception of injured and other persons and the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation, and communications personnel, equipment, and supplies. The State Coordinator of Emergency Management is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, § 44-146.28:1 of the *Code of Virginia*.

F. The authorization of the Departments of State Police, Transportation, and Motor Vehicles to grant temporary overweight, over width, registration, or license exemptions to all carriers transporting essential emergency relief supplies, livestock or poultry, feed or other critical supplies for livestock or poultry, or providing restoration of utilities (electricity, gas, phone, water, wastewater, and cable) in and through any area of the Commonwealth in order to support the disaster response and recovery, regardless of their point of origin or destination. Such exemptions shall not be valid on posted structures for restricted weight.

All over width loads, up to a maximum of 12 feet, and over height loads up to a maximum of 14 feet must follow Virginia Department of Motor Vehicles (DMV) hauling permit and safety guidelines.

In addition to described overweight/over width transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes vehicles en route and returning to their home base. The above-cited agencies shall communicate this information to all staff responsible for permit issuance and truck legalization enforcement.

Authorization of the State Coordinator of Emergency Management to grant limited exemption of hours of service by any carrier when transporting passengers, property, livestock, poultry, equipment, food, feed for livestock or poultry, fuel, construction materials, and other critical supplies to or from any portion of the Commonwealth for purpose of providing direct relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the *Code of Virginia* and Title 49 Code of Federal Regulations, Section 390.23 and Section 395.3.

The foregoing overweight/over width transportation privileges as well as the regulatory exemption provided by § 52-8.4(A) of the *Code of Virginia*, and implemented in § 19 VAC 30-20-40(B) of the "Motor Carrier Safety Regulations," shall remain in effect for 30 days from the onset of the disaster, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety in consultation with the Secretary of Transportation, whichever is earlier.

G. The discontinuance of provisions authorized in paragraph F above may be implemented and disseminated by publication of administrative notice to all affected and interested parties. I hereby delegate to the Secretary of Public Safety, after consultation with other affected Cabinet Secretaries, the authority to implement this order as set forth in § 2.2-104 of the *Code of Virginia*.

H. The authorization of a maximum of $250,000 in state sum sufficient funds for state and local governments mission assignments authorized and coordinated through the Virginia Department of Emergency Management that are allowable as defined by The Stafford Act. This funding is also available for state response and recovery operations and incident documentation. Out of this state disaster sum sufficient, $100,000 is authorized for the Department of Military Affairs for the state's portion of the eligible disaster related costs incurred for salaries, travel, and meals during mission assignments authorized and coordinated through the Virginia Department of Emergency Management.

I. The implementation by public agencies under my supervision and control of their emergency assignments as directed in the COVEOP without regard to normal procedures pertaining to performance of public work, entering into contracts, incurring of obligations or other logistical and support measures of the Emergency Services and Disaster Laws, as provided in § 44-146.28(b) of the *Code of Virginia*. § 44-146.24 of the *Code of Virginia* also applies to the disaster activities of state agencies.

J. Designation of members and personnel of volunteer, auxiliary, and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters, Citizen Corps Programs such as Medical Reserve Corps (MRCs), Community Emergency Response Teams (CERTs), and others identified and tasked by the State Coordinator of Emergency Management for specific disaster related mission assignments as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of § 44-146.23(a) and (f) of the *Code of Virginia*, in the performance of their specific disaster-related mission assignments.

K. The authorization of appropriate oversight boards, commissions, and agencies to ease building code restrictions and to permit emergency demolition, hazardous waste disposal, debris removal, emergency landfill sitting, and operations and other activities necessary to address immediate health and safety needs without regard to time-consuming procedures or formalities and without regard to application or permit fees or royalties.

L. The activation of the statutory provisions in § 59.1-525 *et seq.* of the *Code of Virginia* related to price gouging. Price gouging at any time is unacceptable. Price gouging is even more reprehensible during a time of disaster after issuance of a state of emergency. I have directed all applicable executive branch agencies to take immediate action to address any verified reports of price gouging of necessary goods or services. I make the same request of the Office of the Attorney General and appropriate local officials. I further request that all appropriate executive branch agencies exercise their discretion to the extent allowed by law to address any pending deadlines or expirations affected by or attributable to this disaster event.

M. The following conditions apply to the deployment of the Virginia National Guard and the Virginia Defense Force:

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Management, shall make available on state active duty such units and members of the Virginia National Guard and Virginia Defense Force and such equipment as may be necessary or desirable to assist in preparations for this incident and in alleviating the human suffering and damage to property.

2. Pursuant to § 52-6 of the *Code of Virginia*, I authorize the Superintendent of the Department of State Police to appoint any and all such Virginia Army and Air National Guard personnel called to state active duty as additional police officers as deemed necessary. These police officers shall have the same powers and perform the same duties as the State Police officers appointed by the Superintendent. However, they shall nevertheless remain members of the Virginia National Guard, subject to military command as members of the State Militia. Any bonds and/or insurance required by § 52-7 of the *Code of Virginia* shall be provided for them at the expense of the Commonwealth.

3. In all instances, members of the Virginia National Guard and Virginia Defense Force shall remain subject to military command as prescribed by § 44-78.1 of the *Code of Virginia* and are not subject to the civilian authorities of county or municipal governments. This shall not be deemed to prohibit working in close cooperation with members of the Virginia Departments of State Police or Emergency Management or local law enforcement or emergency management authorities or receiving guidance from them in the performance of their duties.

4. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:

    a. Workers' Compensation benefits provided to members of the National Guard by the Virginia Workers' Compensation Act, subject to the requirements and limitations thereof; and, in addition,

    b. The same benefits, or their equivalent, for injury, disability, and/or death, as would be provided by the federal government if the member were serving on federal active duty at the time of the injury or death. Any such federal-type benefits due to a member and his or her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers' Compensation Act during the same month. If and when the time period for payment of Workers' Compensation benefits has elapsed, the member and his or her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to § 44-14 of the *Code of Virginia*, and subject to the availability of future appropriations which may be lawfully applied to this purpose, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.

5. The following conditions apply to service by the Virginia Defense Force:

    a. Compensation shall be at a daily rate that is equivalent of base pay only for a National Guard Unit Training Assembly, commensurate with the grade and years of service of the member, not to exceed 20 years of service;

    b. Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;

    c. All privately owned equipment, including, but not limited to, vehicles, boats, and aircraft, will be reimbursed for expense of fuel. Damage or loss of said equipment will be reimbursed, minus reimbursement from personal insurance, if said equipment was authorized for use by the Adjutant General in accordance with § 44-54.12 of the *Code of Virginia*;

    d. In the event of death or injury, benefits shall be provided in accordance with the Virginia Workers' Compensation Act, subject to the requirements and limitations thereof.

Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in § 44-146.28 of the *Code of Virginia*, other than costs defined in the paragraphs above pertaining to the Virginia National Guard and pertaining to the Virginia Defense Force, in performing these missions shall be paid from state funds.

Effective Date of this Executive Order

This Executive Order shall be effective retroactively to March 2, 2014, and shall remain in full force and effect until April 30, 2014, unless sooner amended or rescinded by further executive order. Termination of the Executive Order is not intended to terminate any federal-type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 3rd day of March, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TEN (2014)

IN FURTHERANCE OF THE VIRGINIA INDIAN COMMEMORATIVE COMMISSION

Importance of the Commission

Native Americans have lived in the land now known as Virginia for thousands of years, their history having been and continuing to be documented. The historical record confirms that Virginia Indians provided aid and comfort to the British colonists in 1607 and were instrumental in the establishment of the first permanent English-speaking settlement in North America at Jamestown.

The legacy of the indigenous peoples of the Commonwealth has been recorded in the names of many Virginia locations and landmarks, such as the cities of Chesapeake and Roanoke, the Counties of Accomack, Appomattox, and Powhatan, and the Chickahominy, Mattaponi, Pamunkey, Potomac, and Rappahannock Rivers, as well as many other sites. Despite hardships brought about by the loss of lands, languages, and civil rights, American Indians in Virginia have persisted and continue to contribute to the Commonwealth through agriculture, land stewardship, teaching, military and civil service, the arts, and other avenues of productive citizenship.

Continuation of the Virginia Indian Commemorative Commission

In recognition that the courage, persistence, determination, and cultural values of Virginia's Indians have significantly enhanced and contributed to society, the General Assembly approved House Joint Resolution 680 (2009), requesting the creation of a commission to recommend an appropriate monument in Capitol Square to commemorate the life, achievements, and legacy of American Indians in the Commonwealth. On October 22, 2009, Governor Tim Kaine issued Executive Order 100 that established the Virginia Indian Commemorative Commission. Since then, the Commission has met regularly and developed a plan for execution of the monument, but there is more work to be done. Accordingly, by virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to direct such matters, I hereby issue this Executive Order to continue the work of the Virginia Indian Commemorative Commission.

Composition of the Commission

The current Virginia Indian Commemorative Commission shall consist of the Governor, the Lieutenant Governor, the Speaker of the House of Delegates, three members of the House of Delegates appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates, the Clerk of the House of Delegates, the Chairman of the Senate Committee on Rules, two members of the Senate appointed by the Senate Committee on Rules, the Clerk of the Senate, the Executive Director of the Capitol Square Preservation Council, three nonlegislative citizen members who shall be representatives of Virginia Indians to be appointed by the Governor, and the Executive Director of the Virginia Capitol Foundation who shall serve ex officio with nonvoting privileges. Additional members may be appointed at the Governor's discretion. The Chairman and the Vice Chairman shall be appointed by the Governor.

Members of the Commission shall serve without compensation, but they may receive reimbursement for authorized expenses incurred in the discharge of their official duties.

Charge for the Commission

The Commission shall take all necessary actions to proceed to contract with an identified artist, implement the selected design and coordinate the construction, pursuant to applicable state construction policies, of an appropriate monument on Capitol Square to commemorate the life, achievements, and legacy of American Indians in the Commonwealth. The Commission shall continue to seek private funding for the operation and support of the Commission and the erection of an appropriate monument. However, the costs of implementation of the Commission, its work, and the reimbursement of members, estimated to be $5,000, shall be borne by the Commission from such private funds as it may acquire to cover the costs of its operation and work. The Commission may establish an organization with 501(c)(3) status for fundraising purposes. The Commission is vested with all the powers to carry out the intent of the General Assembly under House Joint Resolution 680 (2009). All agencies of the Commonwealth shall provide assistance to the Commission, upon request. An estimated 200 hours of staff time will be required to support the work of the Commission.

The Commission shall report annually the status of its work, including any findings and recommendations, to the General Assembly, by December 1st each year.

Effective Date of the Executive Order

This Executive Order replaces Executive Order 59 (2013) issued on February 5, 2013, by Governor Robert F. McDonnell. This Executive Order shall become effective upon its signing, and shall remain in effect for one year from its signing, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 25th day of March, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER ELEVEN NINE (2014)

CONTINUING THE COMMISSION ON
MILITARY INSTALLATIONS AND DEFENSE ACTIVITIES

Importance of the Commission

The Commonwealth of Virginia is proud of its well-documented, distinguished history and unparalleled record of exceptional support for our military services, service members and their families, and the businesses that support our national security. The bond between the Commonwealth and our military services is and will continue to be strong, mutually beneficial, and inextricably linked. While the military recruits soldiers, sailors, airmen, and marines, it retains families. Virginia is and will remain the preeminent state for military installations and defense activities – and for military personnel, their families, and veterans.

Moreover, Virginia affords a multitude of extraordinary strategic advantages that are widely recognized, such as its designation as the best state for business, economic vibrancy, top-ranked institutions of higher education and medicine, renowned centers of innovative research and development, a diverse and highly educated workforce, international trade and investment, an expansive port, and a solid transportation infrastructure. Centrally located in the mid-Atlantic region, with close proximity to our nation's capital and possessing an extraordinary combination of training sites and ranges with immediate access to unrestricted air-space and maritime operating areas, Virginia also offers high quality and high intensity training areas uniquely capable of preparing both conventional and special operations forces to safeguard our vital interests anywhere in the world. The Commonwealth is resolute in its dedication to ensuring the highest level of steadfast commitment to our military installations, defense activities, and surrounding communities.

In recent years, national security and defense spending have begun a decline. However, Virginia's military and government civilian personnel, defense contractors and suppliers, supporting businesses and local communities are working together and moving forward in this new fiscal climate. The Commonwealth must vigilantly and proactively work to retain and strengthen military and federal facilities as well as continue to seek new opportunities for collaborative partnerships, innovative initiatives, and economic development and diversification for related operations and facilities that can be located in Virginia.

Continuing the Commission on Military Installations and Defense Activities

On March 1, 2013, the Commission on Military Installations and Defense Activities was established by executive order. The Commission was tasked to identify, review, and recommend actions that the Commonwealth could take in support of our military and defense installations and activities, military services, and surrounding localities. There is more work to be done by the Commission, and there are additional installations and activities requiring visitation by the Commission and retained experts.

Accordingly, by virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby continue the Commission on Military Installations and Defense Activities.

Composition of the Commission

The continued Commission will consist of the Secretaries of Veterans and Defense Affairs, Finance, Commerce and Trade, Technology, and Transportation, the co-chairs of the General Assembly Military and Veteran Caucus, and four (4) citizen members whose background shall include service as a General or Flag Officer in one of the military services, to be appointed by the Governor and serve at his pleasure. The Governor shall designate a Chairman from among the appointed members. The Governor may appoint additional persons to the Commission at his discretion.

Responsibilities of the Commission

The Commission's responsibilities shall include the following:

1. Continue the process of assessing the Commonwealth's military and defense installations and activities and make recommendations for near- and long-term actions that the Commonwealth can take to improve the support for our nation's military services;
2. Obtain data, information, and studies from subject matter experts in order to develop recommendations and plans for improving relationships with federal military and defense installations and activities located in the Commonwealth;
3. Develop and recommend strategies to improve the local support for federal military and defense installations and activities located in Virginia;
4. Develop and recommend strategies designed to identify the economic impact of federal military and defense installations and activities on the localities hosting or surrounding these installations and activities, as well as on the Commonwealth as a whole;
5. Develop and recommend strategies that support and foster collaboration among local and regional entities in identifying appropriate opportunities for the protection of existing federal facilities and the placement of additional federal facilities in the Commonwealth;
6. Determine and recommend the best and most efficient manner to promote business, technology, transportation, education, economic development, and other efforts to support, attract, and retain existing military installations, commands and defense activities in the Commonwealth;
7. Identify all federal military and defense installation and facility construction plans in the Commonwealth, and facilitate ways to assist in those plans;
8. Support the Commonwealth's role in research and development related to or arising out of military missions, contracting, and defense activities;
9. Identify and recommend strategies for expanding collaborative activities related to strategic economic interests of the Commonwealth including, but not limited to, aerospace, cyber-security, modeling and simulation, energy, and unmanned systems;
10. Recommend improvements and resources for service members, military families and their children, veterans, and businesses that bring military and defense-related jobs to the Commonwealth;
11. Cultivate strategies to facilitate the transition from military service to civilian life, and identify barriers to and opportunities for credentialing**,** licensing and employment for military veterans throughout the Commonwealth of Virginia; and
12. Advance all other prospective opportunities, proactively fostering outreach and good will, in order for the Commonwealth of Virginia to remain the most military-friendly state in the nation.

Commission Staffing and Funding

Necessary staff support for the Commission's work during its continued existence shall be furnished by the Office of the Secretary of Veterans and Defense Affairs, and such other agencies and offices as designated by the Governor. An estimated 200 hours of staff time will be required to support the work of the Commission.

Necessary funding to support the Commission and its staff shall be provided from private contributions and state funds appropriated for the same purposes as the Commission, as authorized by § 2.2-135 of the *Code of Virginia*, as well as any other private sources of funding that may be identified. Estimated direct costs for this Commission are $5,000.

Commission members shall serve without compensation and shall receive reimbursement for authorized expenses incurred in the discharge of their official duties.

The Commission shall meet upon the call of the chairman. The chairman shall meet, at least quarterly, with the Governor, or the Governor's designee, to discuss the progress of the Commission and the current impacts of federal budget actions, and shall issue such other reports and recommendations as necessary or as requested by the Governor.

Effective Date of the Executive Order

This Executive Order replaces Executive Order No. 60 (2013) issued on March 1, 2013, by Governor Robert F. McDonnell. This Executive Order shall be effective upon signing and, pursuant to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, shall remain in force and effect for one year from its signing unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 1st day of April, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWELVE NINE (2014)

CONTINUING THE GOVERNOR'S TASK FORCE ON IMPROVING MENTAL HEALTH SERVICES AND CRISIS RESPONSE

Importance of the Taskforce

Virginians have experienced tremendous heartache as a result of mental health tragedies. It is incumbent upon us to reevaluate how we can better serve our fellow Virginians with mental health needs and examine ways to improve the system by filling in gaps in services and making impactful investments. Collaborative groups of experts, advocates, policy-makers and others have assessed certain aspects of the system and affected critical changes over the years. In particular, following the tragedy at Virginia Tech, Virginia's leaders drew upon work done by the Virginia Tech Review Panel and the Commission on Mental Health Law Reform to study and investigate the tragedy in order to strengthen the civil commitment process through legislation so that individuals with serious mental illness could receive needed help in a timely manner. The 2008 budget included an infusion of funds to build core community services such as emergency services, case management, and outpatient treatment. Unfortunately, many of these gains were lost as a result of the economic downturn. Last year, targeted investments were made to

Virginia's mental health system upon recommendations from the Governor's Taskforce on School and Campus Safety.

While bolstering our ability to respond to mental health crises when they occur, we must continue to seek ways to intervene early and prevent crises from developing. Virginia has crisis prevention services in place, such as outpatient psychiatric consultation, suicide prevention, Program of Assertive Community Treatment (PACT) services, and rehabilitation services. These services are in high demand, and are not consistently available across the Commonwealth.

Virginia's mental health system has moved away from the days of overcrowded state mental institutions toward a community-based system for individuals to receive treatment in their homes and communities. However, the mental health system remains extremely complex and difficult to navigate for families seeking assistance and for workers within the system. Though state law helps guide the process, practices and services are locally developed. This system allows flexibility to implement the policies that work best for particular regions, though the protocols have not always been in writing and variations have existed across the Commonwealth.

The mental health system for emergency services is dependent upon cooperation and communication from a variety of partners, including community services boards, law enforcement, the judicial system and private hospitals. Effective collaboration among these many parties ensures the most favorable outcomes for people in crisis. While emergency mental health services work for most people, it is critical that the mental health safety net responds effectively to all individuals and families in crisis.

Since taking office, my administration and I have been committed to finding and supporting measures to assure the care and safety of persons suffering mental health crises along with their families, neighbors, and members of the community. Lawmakers acted quickly this session to make numerous changes to Virginia's mental health laws. Among the changes is extending the emergency custody order (ECO) period from a maximum of six to a total of eight possible hours. This change will give clinicians more time to locate an available psychiatric bed during the ECO period. Our legislators also extended the temporary detention order period from 48 to 72 hours to help ensure individuals have enough treatment time to stabilize prior to the court hearing which determines involuntary admission to a psychiatric hospital.

To help Virginia improve its mental health crisis response, the Department of Behavioral Health and Developmental Services (DBHDS) has taken steps since the beginning of 2014 to outline clear and specific statewide expectations for securing a private or a state psychiatric bed when an individual qualifies for a temporary detention order. In turn, partners across Virginia's seven DBHDS Partnership Planning Regions, including community services boards and state and private hospitals, have incorporated state guidance into tightened and clarified admission procedures for the regions' private and state psychiatric beds. In addition, in a collaborative effort among DBHDS, Virginia Health Information, the Virginia Hospital and Healthcare Association and the 40 local community services boards, Virginia launched an online psychiatric bed registry to help clinicians locate available beds in an emergency situation. While the changes that have been made in recent months have been critical, more solutions are needed to improve Virginia's complicated and chronically underfunded mental health system. Because the system is multifaceted, the solutions must be as well.

Through this Executive Order, I am calling on leaders in the mental health field, law enforcement communities, the judicial system, private hospitals, and individuals receiving mental health services, to seek and recommend solutions that will improve Virginia's mental health crisis services and help prevent crises from developing.

To accomplish this, in accordance with the authority vested in me by Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby continue the Governor's Task Force on Improving Mental Health Services and Crisis Response.

Governor's Task Force on Improving Mental Health Services and Crisis Response

The Task Force's responsibilities shall include the following:

- Recommend refinements and clarifications of protocols and procedures for community services boards, state hospitals, law enforcement and receiving hospitals.

- Review for possible expansion the programs and services that assure prompt response to individuals in mental health crises and their families such as emergency services teams, law enforcement crisis intervention teams (CIT), secure assessment centers, mobile crisis teams, crisis stabilization centers and mental health first aid.

- Examine extensions or adjustments to the emergency custody order and the temporary detention order period.

- Explore technological resources and capabilities, equipment, training and procedures to maximize the use of telepsychiatry.

- Examine the cooperation that exists among the courts, law enforcement and mental health systems in communities that have incorporated crisis intervention teams and cross systems mapping.

- Identify and examine the availability of and improvements to mental health resources for Virginia's veterans, service members, and their families and children.

- Assess state and private provider capacity for psychiatric inpatient care, the assessment process hospitals use to select which patients are appropriate for such care, and explore whether psychiatric bed registries and/or census management teams improve the process for locating beds.

- Review for possible expansion those services that will provide ongoing support for individuals with mental illness and reduce the frequency and intensity of mental health crises. These services may include rapid, consistent access to outpatient treatment and psychiatric services, as well as co-located primary care and behavioral health services, critical supportive services such as wrap-around stabilizing services, peer support services, PACT services, housing, employment and case management.

- Recommend how families and friends of a loved one facing a mental health crisis can improve the environment and safety of an individual in crisis.

- Examine the mental health workforce capacity and scope of practice and recommend any improvements to ensure an adequate mental health workforce.

Task Force Membership

- The Task Force shall be chaired by the Lieutenant Governor.
- The Task Force shall be co-chaired by the Secretaries of Health and Human Resources and Public Safety and Homeland Security;

Membership shall include the following individuals or their designees:

- The Attorney General of Virginia;
- Secretary of Veterans and Defense Affairs;
- Chief Justice of the Supreme Court of Virginia;
- Commissioner of the Department of Behavioral Health and Developmental Services;
- Commissioner of the Department of Social Services;
- Director of the Department of Medical Assistance Services;
- Superintendent of the Virginia State Police;
- At least three community services board emergency services directors;
- At least three law enforcement officers, including at least one sheriff;
- At least two executive directors of community services boards;
- At least two magistrates;
- At least two private hospital emergency department physicians;

- At least two psychiatrists;
- At least one representative of a state mental health facility;
- At least two representatives from Virginia's private hospital systems;
- At least two individuals receiving mental health services;
- At least one member from a statewide veterans organization;
- At least two family members of individuals receiving services; and
- Two members of the House of Delegates and two members of the Senate of Virginia.

The Governor may appoint other members as he deems necessary.

Task Force Staffing and Funding

Necessary staff support for the Task Force's work during its existence shall be furnished by the Office of the Governor, and the Offices of the Secretary of Health and Human Resources and the Secretary of Public Safety and Homeland Security, as well as other agencies and offices designated by the Governor. An estimated 750 hours of staff time will be required to support the work of the Task Force.

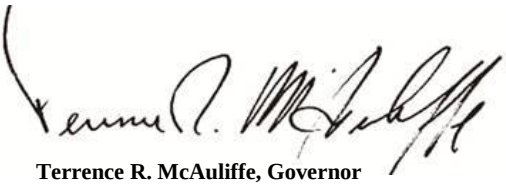
Necessary funding to support the Commission and its staff shall be provided from federal funds, private contributions, and state funds appropriated for the same purposes as the Task Force, as authorized by § 2.2-135 of the *Code of Virginia*, as well as any other private sources of funding that may be identified. Estimated direct costs for this Commission are $5,000 per year.

The Task Force shall commence its work promptly and suggest legislative and budgetary proposals that will enable the implementation of identified recommendations. The Task Force shall make recommendations on an ongoing basis and shall provide a final report to the Governor no later than October 1, 2014. The Task Force shall issue such other reports and recommendations as necessary or as requested by the Governor.

Effective Date of the Executive Order

This Executive Order replaces Executive Order No. 68 (2013) issued on December 10, 2013, by Governor Robert F. McDonnell. This Executive Order shall be effective upon signing and, pursuant to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, shall remain in force and effect for one year from its signing unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 8th day of April, 2014.



Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTEEN (2014)

SHARING OF CRIMINAL HISTORY RECORD INFORMATION FOR DETERMINING ELIGIBILITY FOR AUTOMATIC RESTORATION OF RIGHTS PROCESS

Importance of the Initiative

On April 18, 2014, I announced extensive amendments to the process for automatic, individualized restoration of voting rights for rehabilitated felons who have paid their debt to society. This new policy, which will formally take effect on April 21, 2014, will ensure more transparency by providing Virginians with a defined list of the offenses that require a waiting period before an offender can apply for the restoration of their voting rights. More Virginians will be empowered to regain their rights earlier, particularly as a result of the removal of drug crimes from the list of offenses, and the change of the waiting period for rehabilitated violent offenders from five to three years.

Accordingly, pursuant to the authority vested in me under Article V of the Constitution of Virginia and under the laws of the Commonwealth, I hereby direct that the Virginia State Police and Department of Corrections share criminal history record information with the Office of the Secretary of the Commonwealth, as required, for the limited purpose of determining eligibility for automatic restoration of rights and rehabilitation.

The information shared with the Office of the Secretary of the Commonwealth shall not be used for any other purpose. The Secretary shall ensure that the information is secured and protected from further dissemination.

Effective Date of the Executive Order

This Executive Order replaces Executive Order No. 65 (2013), issued on July 15, 2013, by Governor Robert F. McDonnell. This Executive Order shall become effective upon its signing and shall remain in full force and effect until amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 21st day of April, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBERFOURTEEN (2014)

AUTHORITY OF COMMISSIONER OF THE DEPARTMENT OF MOTOR VEHICLES REGARDING ESCORT VEHICLE DRIVER RECIPROCITY AND CERTIFICATIONS TO THE FEDERAL HIGHWAY ADMINISTRATION

Importance of the Initiative

By virtue of the authority vested in me as Governor under Article V, Sections 1, 7, 8 and 10 of the Constitution of Virginia and Sections 2.2-103 and 2.2-104 of the Code of Virginia, and subject always to my continuing ultimate authority and responsibility to act in such matters and to reserve to myself any and all such powers, I hereby affirm and delegate to the Commissioner of the Department of Motor Vehicles the powers and duties set out below as necessary for the Commonwealth to fulfill the requirements of Code of Virginia Sections 46.2-106, 46.2-2901, and 46.2-2907. I also delegate to the Commissioner the powers and duties for the Commonwealth to fulfill the requirements of 23 U.S.C. § 141 and 23 C.F.R. §§ 657.13 and 669.7.

The following are the duties set out to the Commissioner of the Department of Motor Vehicles:

1. Determine whether another state's escort vehicle driver certification program is substantially similar to the Commonwealth's program for such certification;

2. Execute reciprocal agreements with states, allowing certified escort vehicle drivers to operate in Virginia as provided for in Code of Virginia Sections 46.2-2901 and 46.2-2907;

3. Provide a copy of such written reciprocal agreements to the Secretary of the Commonwealth and the Superintendent of State Police;

4. Issue annual certifications to the United States Department of Transportation, Federal Highway Administration, as required by 23 C.F.R. § 657.13; and,

5. Issue annual certifications to the United States Department of Transportation, Federal Highway Administration, as required by 23 C.F.R. § 669.7.

Effective Date of the Executive Order

This Executive Order shall be effective upon its signing and shall remain in full force and effect until amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 23rd day of April, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIFTEEN (2014)

CONTINUING THE VIRGINIA STATEWIDE TRAFFIC INCIDENT MANAGEMENT COMMITTEE

Importance of the Initiative

Traffic incidents present a tremendous hazard for first responders. According to the National Traffic Incident Management Coalition (NTIMC), traffic crashes and "struck-by" incidents are leading causes of on-duty injuries and deaths for law enforcement, firefighters, emergency medical personnel, and towing and recovery personnel. Reducing incident clearance times will improve first responder safety. In Virginia, it is estimated that more than half of all congestion is “non-recurring” caused by crashes, disabled vehicles, adverse weather, work zones, special events, and other temporary disruptions to the transportation system. Compounding the problem is the issue of secondary crashes.

First responder incident management procedures have been focused on responder safety at the scene with limited consideration for the benefits derived through the utilization of quick clearance strategies. In response to these concerns, the Virginia Statewide Traffic Incident Management Committee (“Committee”) was established in 2013. The Committee began by reviewing the National Unified Goals (“NUG”) of responder safety, quick clearance of incidents, and improved interoperable communications between responding agencies. It unanimously agreed that these principles should be promoted and employed in any traffic incident management strategy, training, or policy the Commonwealth adopts. The Committee, working in conjunction with Traffic Incident Management groups (“TIMs”) of first responders throughout the Commonwealth, has proven to be a productive and efficient method of managing and coordinating the important issue of traffic safety.

Consequently, as Governor, in accordance with the authority vested in me by Article V of the Constitution of Virginia and by §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, I hereby issue this Executive Order to continue the work of the Virginia Statewide Traffic Incident Management Committee.

Formalization of the Committee

The Virginia Statewide Traffic Incident Management Committee shall consist of the following individuals or their designee:

Chair

Superintendent, Virginia State Police

Members

Commissioner, Virginia Department of Transportation;
State Coordinator, Virginia Department of Emergency Management;
Executive Director, Virginia Department of Fire Programs;
Director, Department of Criminal Justice Services;
Representative, Virginia Department of Health, Office of Emergency Medical Services;
Executive Director, Virginia Association of Chiefs of Police;
Executive Director, Virginia Sheriffs Association;
President, Virginia Association of Volunteer Rescue Squads;
President, Virginia Fire Chiefs Association;
President, Virginia Professional Fire Fighters Association;
President, Virginia Association of Towing and Recovery;
President, Virginia Association of Public-Safety Communications Officials;
President, Major Incident Heavy Recovery Operators Association; and
President of the Virginia Association of Governmental EMS Administrators.

The Governor may appoint any other person(s) and support staff deemed necessary and proper to carry out the assigned functions.

Roles and Responsibilities of Committee

- Serves in an advisory role for public safety leaders and transportation experts committed to the management of traffic incidents.
- Supports activities that include disseminating and promoting the comprehensive Traffic Incident Management Plan.
- Promotes and provides multidisciplinary TIMs training to all first responders and stakeholders using the Strategic Highway Research Program ("SHRP2") TIMs curriculum developed by the Federal Highway Administration.
- Supports traffic incident management by 1) promoting the National Uniform Goals for TIMs, including responder safety, safe, quick clearance, and interoperable communications; 2) encouraging the development of TIMs regional teams, promoting collaboration and communication among the Commonwealth's emergency responders; and, 3) keeping emergency responders up to date on national rules, regulations and trends regarding safe roadway incident operations.
- Solicits best practices to improve the response of Virginia agencies charged with the prevention and mitigation of traffic incidents. These guidelines should be used to create local and regional traffic incident management plans consistent with the NUG objectives of responder safety, safe, quick clearance, and prompt, reliable incident communications.

Staffing and Funding

Staff necessary for the Committee will be provided by the respective agencies participating with the Committee. The estimated direct cost of the Committee is $1,000. Funding necessary to support the Committee shall be provided from funds authorized by § 2.2-135 of the *Code of Virginia*.

Effective Date of the Executive Order

This Executive Order replaces Executive Order 58 (2013) issued on February 4, 2013, by Governor Robert F. McDonnell. This Executive Order shall be effective upon its signing and, pursuant to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, shall remain in force and effect for a year or until superseded or rescinded.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 27th day of May, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SIXTEEN (2014)

ESTABLISHING THE VIRGINIA ENERGY COUNCIL

Importance of the Issue

The Commonwealth of Virginia's energy industry is a source of great pride, prosperity, and potential. Historically, Virginia has ensured reliable and affordable energy, helping businesses and consumers thrive. The Commonwealth boasts tens of thousands of energy-related jobs, including miners, gas well crews, manufacturing workers, engineers, mechanics, computer programmers, accountants, and managers. Virginians can and should be proud of the energy industry, but a changing market and energy environment requires decisive action to position the Commonwealth to be a national leader in innovative energy generation and utilization. Virginia must continue to leverage its business-friendly climate, high-quality research and educational institutions, and varied energy resources to attract businesses and create jobs. This requires Virginia to develop and implement a cohesive, comprehensive, and aggressive strategy for energy policy.

The Commonwealth will update the Virginia Energy Plan ("Plan") to be submitted to the General Assembly by October 1, 2014. The Plan will address the objectives of the Commonwealth Energy Policy set forth in the *Code of Virginia*.

These objectives include:

- Accelerating the development and use of renewable energy sources – Virginia can become a hub of innovative and alternative energy research and development by focusing on expanding the use of the Commonwealth's underutilized renewable assets, such as solar and offshore wind.
- Increasing energy productivity through greater efficiency – Virginia can become a national leader in energy efficiency practices that will increase the productivity of the energy used by citizens and businesses throughout the Commonwealth, while not imposing a disproportionate adverse impact on economically disadvantaged or minority communities.
- Promoting a diverse energy mix – Virginia should continue to increase the diversity of sources used to generate energy in the Commonwealth to ensure that we are not overly-reliant on particular sources.
- Growing jobs in the energy sector – Virginia's quality higher education institutions and world-class community college system are well-positioned to educate and prepare the next generation of energy workers. A trained and skilled energy workforce will attract new businesses and help expand existing businesses.

To achieve these objectives, it is critical that the Commonwealth engage the private sector, localities, and other interested stakeholders to develop significant and meaningful energy policies.

Establishment of the Council

The Governor shall create The Virginia Energy Council ("Council"), an advisory group comprised of members representing all areas of the Commonwealth's energy industry. The Council shall work to formulate a comprehensive and innovative energy plan.

All members of the Council will be appointed by the Governor and shall serve at his pleasure.

Responsibilities and Duties of the Council

The 20-25 person Council is charged with working to update the Virginia Energy Plan. Duties of the Virginia Energy Council include:

- Receiving, reviewing, and evaluating input offered by Virginia's residents and businesses related to the Plan;
- Developing strategies to make Virginia a national leader in energy efficiency and ensure that the cost of energy for Virginia consumers remains highly competitive;

- Developing strategies to increase the diversity of energy used to power Virginia, while ensuring a commitment to the most efficient use of existing energy sources;
- Developing strategies to increase Virginia's renewable energy economy and grow the entire energy industry in Virginia by retaining, expanding, and attracting businesses in the energy sector;
- Developing strategies to increase the international export of Virginia's coal;
- Identifying opportunities to expand Virginia's needed energy infrastructure and to increase the reliability of the Commonwealth's existing energy infrastructure;
- Reviewing an analysis of any regulations proposed or promulgated by the U.S. Environmental Protection Agency to reduce carbon dioxide emissions from fossil fuel-fired electric generating units under § 111(d) of the Clean Air Act, 42 U.S.C. § 7411(d);
- Providing expertise and advice on other policy strategies deemed appropriate during the drafting of the Plan to grow the energy industry in the Commonwealth; and,
- Monitoring the implementation of the Plan, providing strategic guidance to ensure successful achievement of Plan goals, and reviewing the interim update of the Plan required to be presented by October 1, 2017.

Council Staffing and Funding

Staff support for the Council shall be furnished by the Secretary of Commerce and Trade, Secretary of Natural Resources, the Department of Mines, Minerals, and Energy, and such other agencies and offices as designated by the Governor. Necessary funding to support the Council and its staff shall be $5000. All executive branch agencies shall cooperate fully with the Council and provide any assistance necessary, upon request of the Council or its staff.

The Council shall meet at the call of the Chairman.

Effective Date of the Executive Order

This Executive Order shall be effective upon signing and shall remain in force and effect from its signing unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 4th day of June, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

DEVELOPMENT AND REVIEW OF STATE AGENCY REGULATIONS

Importance of the Initiative

By virtue of the authority vested in me as Governor under Article V of the Constitution of the Commonwealth of Virginia and under the laws of the Commonwealth, including, but not limited to, Sections 2.2-4013 and 2.2-4017 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish policies and procedures for the review of all new regulations and changes to existing regulations proposed by state agencies, which shall include for purposes of this Executive Order all agencies, boards, commissions, and other entities of the Commonwealth within the executive branch that are authorized to promulgate regulations. Nothing in this Executive Order shall be construed to limit my authority under the *Code of Virginia*, including to require an additional 30-day public comment period, file a formal objection to a regulation, suspend the effective date of a regulation with the concurrence of the applicable body of the General Assembly, or to exercise any other rights and prerogatives existing under Virginia law.

Acronyms and Definitions

The following acronyms and definitions are set out here for ease of use and represent only a summary of terms and acronyms related to the regulatory review process. More detailed descriptions and definitions can be found throughout the Administrative Process Act (APA), Section 2.2-4000, *et seq.* of the *Code of Virginia*.

ABD – Agency Background Document. An ABD is a form completed by agencies and uploaded on the Virginia Regulatory Town Hall (Town Hall) for each regulatory stage in order to describe and explain the regulatory action. The form for each stage is available on the Town Hall.

APA – Administrative Process Act, Section 2.2-4000, *et seq.* of the *Code of Virginia*. Article 2 of the APA contains provisions on how regulations are to be promulgated in Virginia.

Day – All references to a day mean a calendar day.

DPB – Virginia Department of Planning and Budget. DPB houses the Economic and Regulatory Analysis Division (ERAD), which reviews regulatory proposals for economic and policy impact and manages the Town Hall website.

EIA – Economic Impact Analysis. An EIA is prepared by DPB and evaluates the estimated costs and benefits of a regulatory proposal.

Emergency rulemaking process – This process is invoked (1) when there is an emergency situation as determined by the agency and the Governor agrees that an emergency regulation is necessary, or (2) when a Virginia statutory law or the appropriation act or federal law or federal regulation requires that a state regulation be effective in 280 days or less from its enactment.

Executive branch review – The review of a regulatory proposal at various stages by the executive branch before it is published in the *Virginia Register of Regulations* and available for public comment. The scope of review depends on the stage type, e.g., a proposed stage is reviewed by: the Office of the Attorney General (OAG), DPB, the appropriate Cabinet Secretary, and the Governor.

Exempt rulemaking process – Agency actions that are exempt from the promulgation requirements of Article 2 of the APA can generally be adopted and filed directly with the Office of the Registrar of Regulations (Registrar) and are not subject to executive branch review.

Fast-track rulemaking process – This process may be utilized for rules that are expected to be noncontroversial.

Legislative mandate – When a law is passed by the General Assembly that requires a regulation to be promulgated, amended, or repealed in whole or part.

NOIRA – Notice of Intended Regulatory Action. A NOIRA is the first stage in the standard rulemaking process in Virginia.

OAG – Office of the Attorney General. The OAG must review regulatory proposals at the emergency stage, the fast-track stage, and the proposed stage. In addition, the OAG must review a proposal at the final stage if there have been changes with substantial impact made since the proposed stage.

Register – The *Virginia Register of Regulations* is an official legal publication that provides information about proposed and final changes to Virginia's regulations. The Registrar is responsible for publication of the *Register*.

RIS – Regulation Information System. The RIS is a web-enabled application operated by the Registrar and is used by agencies to create text for regulatory proposals. This text is then synchronized on the Town Hall website for display to all Town Hall users.

Rulemaking or regulatory process – There are four types of rulemaking processes in Virginia: (1) emergency, (2) fast-track, (3) standard, and (4) exempt.

Standard rulemaking process – This is the default rulemaking process in Virginia. If a regulatory proposal does not meet the criteria for exempt, fast-track, or emergency rulemaking, it goes through the standard rulemaking process, generally consisting of three stages: NOIRA, proposed, and final.

Town Hall – The Virginia Regulatory Town Hall website. The Town Hall is managed by DPB and used by agencies to post regulatory proposals and to facilitate the regulatory review process. The site features public comment forums, meeting information, and an email notification service.

VAC – *Virginia Administrative Code*. The VAC is the official legal publication for regulations in Virginia.

General Policy

The executive branch agencies of the Commonwealth must consider, review, and promulgate numerous regulations each year. This Executive Order sets out procedures and requirements to ensure the efficiency and quality of Virginia's regulatory process. All state employees who draft, provide policy analysis for, or review regulations shall carefully consider and apply the principles outlined below during the regulatory development and review process.

General Principles

A. All regulatory activity should be undertaken with the least possible intrusion into the lives of the citizens of the Commonwealth and be necessary to protect the public health, safety, and welfare. Accordingly, agencies shall consider:

    1. The use of economic incentives to encourage the desired outcomes (such as user fees or marketable permits);
    2. The use of information disclosure requirements, rather than regulatory mandates, so that the public can make more informed choices;
    3. The use of performance standards in place of mandating specific techniques or behavior; and
    4. The consideration of reasonably available alternatives in lieu of regulation.

B. Where applicable, and to the extent permitted by law, it shall be the policy of the Commonwealth that only regulations necessary to interpret the law or to protect the public health, safety, or welfare shall be promulgated.

C. Regulations shall be clearly written and easily understandable.

D. Regulations shall be designed to achieve their intended objective in the most efficient, cost effective manner.

Regulatory Development

E. Regulatory development shall be based on the best reasonably available and reliable scientific, economic, and other information concerning the need for, and consequences of, the intended regulation. Agencies shall specifically cite the best reasonably available and reliable scientific, economic, and other information in support of regulatory proposals.
F. Regulatory development shall be conducted in accordance with the statutory provisions related to impact on small businesses. DPB shall work with state agencies to address these requirements during the regulatory review process, including notifications as appropriate to the Joint Commission on Administrative Rules.
G. During regulatory development, agencies shall consider the impact on existing and potential Virginia employers and their ability to maintain and increase the number of jobs in the Commonwealth, as well as the cost of compliance to the general public.

Public Participation

H. Agencies shall actively seek input for proposed regulations from interested parties, stakeholders, citizens, and members of the General Assembly.
I. In addition to requirements established in Article 2 of the APA, agencies shall post all rulemaking actions on the Town Hall to ensure that the public is adequately informed of rulemaking activities.
J. All legal requirements related to public participation and all public participation guidelines shall be strictly followed to ensure that citizens have reasonable access and opportunity to present their comments and concerns. Agencies shall inform interested persons of (1) the Town Hall's email notification service that can send information regarding the specific regulations, regulatory actions, and meetings about which they are interested, and (2) the process to submit comments in the Town Hall public comment forums. Agencies shall establish procedures that provide for a timely written response to all comments and the inclusion of suggested changes that would improve the quality of the regulation.

Other

K. Agencies, as well as reviewing entities, shall endeavor to perform their tasks in the regulatory process as expeditiously as the regulatory subject matter will allow and shall adhere to the timeframes set out in this Executive Order.

L. Regulations will be subject to periodic evaluation, review, and modification, as appropriate, in accordance with the APA, policy initiatives of the Governor, and legislation.

M. Each agency head will be held accountable for ensuring that the policies and objectives specified in this Executive Order are put into effect. Agency heads shall ensure that information requested by DPB, the appropriate Cabinet Secretary, or the Office of the Governor, in connection with this Executive Order, is provided on a timely basis. Incomplete regulatory packages may be returned to the appropriate agency by DPB.

Applicability

The review process in this Executive Order applies to rulemakings initiated by agencies of the Commonwealth of Virginia in accordance with Article 2 of the APA.

With the exception of the requirements governing the periodic review of existing regulations, the posting of meeting agenda and minutes, and the posting of guidance documents, agencies and agency regulatory action exempt from Article 2 of the APA are not subject to the requirements of this Executive Order. Nonetheless, the Governor, a Cabinet Secretary, or the Chief of Staff may request in writing that an agency comply with all or part of the requirements of this Executive Order for regulations exempt from Article 2 of the APA. Copies of such requests shall be forwarded to the Governor's Policy Office and DPB. In addition, a Cabinet Secretary may request in writing that certain Article 2 exempt regulations be further exempted from all or part of the requirements of this Executive Order.

These procedures shall apply in addition to those already specified in the APA, the agencies' public participation guidelines, and the agencies' basic authorizing statutes. As of June 30, 2014, these

procedures shall apply to all regulatory actions and stages that have been submitted to DPB for any stage of executive branch review.

Any failure to comply with the requirements set forth herein shall in no way affect the validity of a regulation, create any cause of action or provide standing for any person under Article 5 of the APA (Section 2.2-4025 *et seq.* of the *Code of Virginia*), or otherwise challenge the actions of a government entity responsible for adopting or reviewing regulations.

Regulatory Review Process

Regulations shall be subject to executive branch review as specified herein. All agency regulatory packages shall be submitted via the Town Hall. For each stage of the regulatory development process, agencies shall complete and post the applicable ABD on the Town Hall to describe the regulatory action and inform the public about the substance and reasons for the rulemaking. Agencies shall ensure that the correct regulatory text is synchronized with the appropriate stage information page on the Town Hall.

If a regulatory package is submitted to DPB, and DPB determines that the package is not substantially complete, then DPB shall notify the agency within 10 days. At that time, the agency must withdraw the package from the Town Hall and resubmit the package only after all missing elements identified by DPB have been added. Agencies shall submit regulatory packages to the Registrar for publication on the Town Hall within 14 days of being authorized to do so.

In rulemakings where there are two or more stages, the filing of each subsequent stage shall be submitted on the Town Hall as expeditiously as the subject matter allows and no later than 180 days after the conclusion of the public comment period for the prior stage. If this deadline is not met, it shall be reported to the appropriate Cabinet Secretary in an end of year report further described below.

A. Standard Rulemaking Process

1. Notice of Intended Regulatory Action (NOIRA) Stage

The NOIRA shall include the nature and scope of the regulatory changes being considered and the relevant sections of the Virginia Administrative Code. This package shall include draft regulatory text if it is available.

DPB shall review the NOIRA to determine whether it complies with all requirements of this Executive Order and applicable statutes and whether the contemplated regulatory action comports with the policy of the Commonwealth as set forth herein. Within 14 days of receiving a complete NOIRA review package from the agency, the Director of DPB shall advise the appropriate Secretary and the Governor of DPB's determination. If the Director of DPB advises the appropriate Secretary and the Governor that the NOIRA presents issues requiring further review, the NOIRA shall be forwarded to the Secretary. The Secretary shall review the NOIRA within 14 days and forward a recommendation to the Governor. If DPB does not find issues requiring further review, the agency shall be authorized to submit the NOIRA to the Registrar for publication when the Governor approves the NOIRA for publication.

The Chief of Staff to the Governor is hereby authorized to approve or disapprove NOIRAs on behalf of the Governor.

Public comments received following publication of the NOIRA should be encouraged and carefully considered in developing the proposed stage of a regulatory proposal.

2. Proposed Stage

Following the initial public comment period required by Section 2.2-4007.01 of the *Code of Virginia*, and taking into account the comments received, the agency shall prepare a regulatory review package.

At this stage, the proposed regulation and regulatory review package shall be in as close to final form as possible, including completed review by all appropriate regulatory advisory panels or negotiated rulemaking panels. New issues that were not disclosed to the public when the NOIRA was published shall not be addressed at the proposed stage.

The order of executive branch review shall be as follows:

a. OAG. The OAG will conduct a review of the proposed regulation and produce a memorandum assessing the agency's legal authority to promulgate the regulation. The OAG may also provide any advice, recommendations, or other comments for consideration by the Governor with respect to the proposed regulation. After the OAG has completed its review, the package will be submitted to DPB.

b. DPB. DPB shall review the proposed regulatory package to determine whether it complies with all requirements of this Executive Order, applicable statutes, and other policies of the Commonwealth. Per Section 2.2-4007.04 of the *Code of Virginia*, within 45 days of receiving a complete regulatory review package, the Director of DPB shall prepare a policy analysis and EIA before advising the appropriate Secretary and the Governor of the results of the review.

c. Cabinet Secretary. The Secretary shall review the proposed regulation package within 14 days and forward a recommendation to the Governor.

d. Governor. The Chief of Staff to the Governor is hereby authorized to approve or disapprove proposed regulations on behalf of the Governor.

Revised Proposed Stage (Optional)

Following the proposed stage public comment period, required by Section 2.2-4007.03 of the *Code of Virginia*, the agency may wish to make additional changes and/or receive additional public comment by publishing a revised proposed regulation. The order of executive branch review for the revised proposed stage shall be as follows:

a. OAG. The OAG will conduct a review of the revised proposed regulation and produce a memorandum assessing the agency's legal authority to promulgate the regulation. The OAG may also provide any advice, recommendations, or other comments for consideration by the Governor with respect to the revised proposed regulation. After the OAG has completed its review, the package will be submitted to DPB.
b. DPB. DPB shall review the revised proposed regulatory package to determine whether it complies with all requirements of this Executive Order, applicable statutes, and other policies of the Commonwealth. Within 21 days of receiving a complete regulatory package, the Director of DPB shall prepare a policy analysis and EIA before advising the appropriate Secretary and the Governor of the results of the review.
c. Cabinet Secretary. The Secretary shall review the revised proposed regulation package within 14 days and forward a recommendation to the Governor.
d. Governor. The Chief of Staff to the Governor is hereby authorized to approve or disapprove revised proposed regulations on behalf of the Governor.

3. Final Stage

Following the public comment period required by Section 2.2-4007.03 of the *Code of Virginia* and taking into account all comments received since the last stage was published, the rulemaking entity shall revise the proposed regulation.

If any change with substantial impact – as determined by DPB – has been made to the regulatory text between the proposed and final stages, the agency shall obtain a letter from the OAG certifying that the agency has authority to make the additional changes.

The order of executive branch review shall be as follows:

a. DPB. DPB shall review the final stage package to determine whether it complies with all requirements of this Executive Order, applicable statutes, and other policies of the Commonwealth. In particular, DPB shall assess the effect of any substantive changes made since the publication of the proposed regulation and the responsiveness of the agency to public comment. Within 14 days of receiving a complete final regulation package from the agency, the Director of DPB shall prepare a policy analysis before advising the appropriate Secretary and the Governor of the results of the review.

b. Cabinet Secretary. The Secretary shall review the final stage regulation package within 14 days and forward a recommendation to the Governor.

c. Governor. The Chief of Staff to the Governor is hereby authorized to approve or disapprove proposed final regulations on behalf of the Governor.

B. Fast-Track Rulemaking Process

The fast-track rulemaking process is for rules that are expected to be noncontroversial.

DPB shall review the fast-track regulation to determine whether the regulatory change is appropriately within the intended scope of fast-track regulatory authority, whether it complies with all other requirements of this Executive Order and applicable statutes, and whether the contemplated regulatory action comports with the policy of the Commonwealth. DPB shall request the Governor's office to determine if the fast-track process is appropriate when there is any question as to whether a package should be allowed to proceed in this manner. The Governor shall retain discretion to disapprove use of the fast-track rulemaking process when the Governor determines use of this process is not in the public interest, the determination of which shall be at the sole discretion of the Governor.

After a fast-track regulation has been submitted on the Town Hall, executive branch review will proceed as follows:

1. OAG. The OAG will conduct a review of the proposed fast-track regulation and produce a memorandum assessing the agency's legal authority to promulgate the regulation. The OAG may also provide any advice, recommendations, or other comments for consideration by the Governor with respect to the fast-track regulation. After the OAG has completed its review, the package will be submitted to DPB.

2. DPB. DPB shall determine within 10 days or less whether the regulatory package is appropriate for the fast-track rulemaking process and communicate this decision to the agency. After a package has been determined to be appropriate for the fast-track process, the Director of DPB shall have 30 days to prepare a policy analysis and EIA before advising the appropriate Secretary and the Governor of the results of the review.

3. Cabinet Secretary. The Secretary shall review the fast-track regulation package within 14 days and forward a recommendation to the Governor.

4. Governor. The Chief of Staff to the Governor is hereby authorized to approve or disapprove fast-track regulations on behalf of the Governor.

C. **Emergency Rulemaking Process**

Emergency regulations may be promulgated by an agency if it determines there is an emergency situation, consults with the OAG, and obtains the approval of the Governor. Emergency regulations may also be promulgated in situations in which Virginia statutory law or the appropriation act or federal law or federal regulation requires that a state regulation be effective in 280 days or less from its enactment and the regulation is not exempt from the APA.

If the agency plans to replace the emergency regulation with a permanent regulation, it should file an Emergency/NOIRA stage. The order of executive branch review shall be as follows:

1. OAG. The OAG will conduct a review of the proposed emergency regulation and produce a memorandum assessing the agency's legal authority to promulgate the regulation. The OAG may also provide any advice, recommendations, or other comments for consideration by the Governor with respect to the proposed emergency regulation. After the OAG has completed its review, the package will be submitted to DPB.

2. DPB. DPB shall review the proposed emergency regulatory package to determine whether it complies with all requirements of this Executive Order, applicable statutes, and other policies of the Commonwealth. Within 10 days of receiving a complete emergency regulation package from the agency, the Director of DPB shall prepare a policy analysis before advising the appropriate Secretary and the Governor of the results of the review.

3. Cabinet Secretary. The Secretary shall review the proposed emergency regulation package within 10 days and forward a recommendation to the Governor.

4. Governor. The Chief of Staff to the Governor is hereby authorized to approve or disapprove emergency regulations on behalf of the Governor.

An emergency regulation shall be effective for up to 18 months and may be extended for up to an additional six months if, despite the rulemaking entity's best efforts, a permanent replacement regulation cannot become effective before it expires. If an agency wishes to extend an emergency regulation beyond its initial effective period, the agency shall submit an emergency extension request to the Governor's Office via the Town Hall as soon as the need for the extension is known and no later than 30 days before the emergency regulation is set to expire. The emergency extension request must be granted prior to the expiration date of the emergency regulation, pursuant to Section 2.2-4011D of the *Code of Virginia*.

Periodic Review of Existing Regulations

Every existing state regulation shall be reviewed at least once every four years by the promulgating agency, unless specifically exempted from periodic review by the Governor. A periodic review shall include notice to the public, a public comment period (minimum of 21 days), and a result to be announced no later than 60 days after the close of the public comment period.

The review shall ensure that each regulation complies with the principles set out in this Executive Order. In addition, each periodic review shall include an examination by the OAG to ensure statutory authority for the regulation and that the regulation does not exceed the agency's rulemaking authority. Agencies shall cooperate with reviews of regulations by the OAG, including, but not limited to, reasonable requests for data and other supporting information as may be necessary to conduct the review.

The periodic review must be conducted on the Town Hall and may be accomplished either (1) during the course of a comprehensive regulatory action using the standard rulemaking process, or (2) by using the periodic review feature as follows:

A. During the course of a comprehensive rulemaking using the standard regulatory process. If the agency already plans to undertake a standard regulatory action, the agency can fulfill the periodic review requirement by including a notice of a periodic review in the NOIRA. When the proposed stage is submitted for executive branch review, the ABD shall include the result of the periodic review. When a regulation has undergone a comprehensive review as part of a regulatory action and when the agency has solicited public comment on the regulation, a periodic review shall not be required until four years after the effective date of the regulatory action.

B. Using the periodic review feature. If, at the time of the periodic review, the agency has no plans to begin a comprehensive rulemaking using the standard rulemaking process, then the agency shall use the periodic review feature to announce and report the result of a periodic review. If

the result of the periodic review is to amend the regulation, the agency shall link the periodic review with the subsequent action to amend the regulation. If the result is to retain the regulation as is, the agency shall so indicate using the appropriate Town Hall form.

In addition to the procedures described above, the Governor may request a periodic review of a regulation at any time deemed appropriate. Such a request may outline specific areas to be addressed in the review. In the case of such a request, the agency shall follow the procedures for periodic review as established herein or such other procedures as may be stipulated by the Governor.

Petitions for Rulemaking

Agencies shall post petitions for rulemaking and decisions to grant or deny the petitions on the Town Hall, in accordance with the timeframes established in Section 2.2-4007 of the *Code of Virginia*.

Regulatory Timeframe Deadlines

If an agency fails to meet any regulatory timeframe deadlines set forth below, it shall submit a report to its Cabinet Secretary and DPB no later than December 31 of the year in which the timeframe deadline is not met. This report shall include the Town Hall action and stage number, as well as an explanation of why the timeframe deadline was not met. The report must contain the following missed regulatory timeframe deadlines:

A. For regulatory actions that have multiple stages, the period between the close of a public comment period and when the next stage is submitted on the Town Hall shall not exceed 180 days.
B. Agencies have 14 days to submit a regulatory package to the Register once they have been authorized to do so.

Electronic Availability of Meeting Agenda and Minutes

Executive branch agencies shall post the notice of, and agenda for, a public regulatory meeting on the Town Hall at least 7 days prior to the date of the meeting, except if it is necessary to hold an emergency meeting in which case the agenda shall be posted as soon as possible.

In addition, agencies that promulgate regulations and keep minutes of regulatory meetings shall post such minutes of those meetings on the Town Hall in accordance with the timeframes established in Sections 2.2-3707 and 2.2-3707.1 of the *Code of Virginia*.

Legislative Mandates

By July 1 of each year, agencies shall post on the Town Hall all legislative mandates for rulemaking activity required by the most recent session of the General Assembly. The agency shall then link each legislative mandate with the regulatory action that implements the mandate.

Electronic Availability of Guidance Documents

Agencies shall post all guidance documents or a link to each agency guidance document, as defined by Section 2.2-4001 of the *Code of Virginia*, on the Town Hall. Any changes to a guidance document or a guidance document link shall be reflected on the Town Hall within 10 days of the change.

Effective Date of the Executive Order

This Executive Order rescinds and replaces Executive Order Number 14 (2010) issued by Governor Robert F. McDonnell. This Executive Order shall become effective on June 30, 2014, and shall remain in full force and effect until June 30, 2018, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia on this 30th day of June, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER EIGHTEEN (2014)

CONTINUING THE GOVERNOR'S ADVISORY BOARD ON SERVICE AND VOLUNTEERISM

Importance of the Initiative

Service and volunteerism are critical components of our civic life. The Commonwealth of Virginia and federal government work in tandem to develop a focal point for these efforts.

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to § 2.2-134 of the *Code of Virginia*, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby affirm the Governor's Advisory Board on Service and Volunteerism. The Board is classified as a gubernatorial advisory board in accordance with § 2.2-2100 of the *Code of Virginia*.

The Board shall be established to comply with the provisions of the National and Community Services Trust Act of 1993, and to advise the Governor and Cabinet Secretaries on matters related to the promotion and development of national service in the Commonwealth of Virginia. The Board shall have the following specific duties:

1. To advise the Governor, the Secretaries of Education, Health and Human Resources, Natural Resources, Veterans and Defense Affairs, the Commissioner of Social Services, and other appropriate officials, on national and community service programs in Virginia and on fulfilling the responsibilities and duties prescribed by the federal Corporation for National Service.

2. To advise the Governor, the Secretaries of Education, Health and Human Resources, Natural Resources, Veterans and Defense Affairs, the Commissioner of Social Services, and other appropriate officials, on the development, implementation, and evaluation of Virginia's Unified State Plan that outlines strategies for supporting and expanding national and community service throughout the Commonwealth.

3. To promote the importance of AmeriCorps programs in meeting Virginia's most pressing human, educational, environmental, and public safety needs.

4. To collaborate with the Department of Social Services and other public and private entities to recognize and call attention to the significant community service contributions of Virginia citizens and organizations.

5. To promote volunteerism and community service within the Commonwealth.

6. To work with the Department of Social Services on promoting the involvement of faith-based organizations in community and national service efforts.

The Board shall be comprised of no more than twenty voting members appointed by the Governor and serving at his pleasure. No more than 25 percent of voting members may be state employees.

The Governor may appoint additional persons at his discretion as ex-officio, non-voting members. The voting members of the Board shall elect the Chair. Board voting membership shall include representatives for the categories as outlined in federal regulations issued by the Corporation for National Service.

Staff support as necessary to support the Board's work during the term of its existence shall be furnished by the Department of Social Services, and the Governor may designate further support by any other executive branch agencies. An estimated 300 hours of staff time will be required to support the work of the Board.

Funding needed to support the Board shall be provided from federal funds, private contributions, and state funds appropriated for the same purposes of the Board, authorized by § 2.2-135 of the *Code of Virginia*. Direct costs for this Board are estimated at no more than $15,000. Members of the Board shall serve without compensation, but may receive reimbursement for expenses incurred in the discharge of their official duties.

The Board shall meet at least quarterly upon the call of the Chair. The Board shall make an annual report to the Governor and shall issue such other reports and recommendations as it deems necessary or as requested by the Governor.

This Executive Order replaces Executive Order No. 66, issued on July 22, 2013, by Governor Robert F. McDonnell. This Executive Order shall be effective upon its signing and, pursuant to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, and shall remain in force and effect for a year or until superseded or rescinded.

Effective Date of the Executive Order

Given under my hand and under the Seal of the Commonwealth of Virginia, this 30th day of June, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER NINETEEN (2014)

CONVENING THE GOVERNOR'S CLIMATE CHANGE AND RESILIENCY UPDATE COMMISSION

Importance of the Issue

The National Oceanic and Atmospheric Administration has identified some Virginia coastal areas as among the most vulnerable to sea level rise in the nation, and the U.S. Navy Task Force Climate Change has identified Naval Station Norfolk as one of its most endangered installations. The Chesapeake Bay is particularly susceptible to damage caused by climate change. While Virginia has taken certain steps to mitigate the effects of climate change, it is imperative that the Commonwealth redouble its efforts in the face of this looming problem.

In 2008, Governor Kaine established the Governor's Commission on Climate Change to address these concerns. The Commission's final report outlined the impact that changing weather conditions have on Virginia's built environment, natural systems, and the health of its citizens. Among the findings was the decline or disappearance of key species of the Chesapeake Bay, increased damage from more frequent and severe storms, and the spread of vector born diseases like West Nile virus. The report also made over 150 recommendations to help Virginia adapt to the consequences of climate change, as well as reduce Virginia's contributions to the problem.

Establishment of the Commission

The Commonwealth requires an action–oriented plan with concrete measures to be addressed and executed. Accordingly, I hereby formally convene the Governor's Climate Change and Resiliency Update Commission ("Commission") to review, update, and prioritize the recommendations of the 2008 Climate Change Action Plan. Moreover, the updated report will work to identify sources of revenue to fund the implementation of these recommendations.

Composition of the Commission

The Governor's Climate Change and Resiliency Update Commission membership will be appointed by the Governor and chaired by the Secretaries of Natural Resources and Public Safety and Homeland Security.

Membership shall also include the following individuals or their designee:

Secretary of Transportation;
Secretary of Commerce and Trade;
Representative(s) of the General Assembly;
Representative(s) from the military;
Representative(s) from local governments;
Scientific experts; and,
Representative(s) from agriculture/forestry, environmental organizations, and affected industries.

The Governor may appoint any other member(s) deemed necessary to carry out the assigned functions of the Commission and the members shall serve at his pleasure.

Staff support for the Commission will be provided by the Offices of the Secretary of Natural Resources, the Secretary of Public Safety and Homeland Security, the Secretary of Transportation, the Secretary of Commerce and Trade, the Department of Environmental Quality, the Department

of Mines, Minerals and Energy, the Office of the Governor, and other agencies as may be designated by the Governor. The estimated direct cost of the Commission is $5,000. All executive branch agencies shall cooperate fully with the Commission and provide any assistance necessary, upon request of the Commission or its staff.

Duties of the Commission

The Commission is charged with conducting an assessment of the recommendations from the 2008 Climate Change Action Plan. Specifically, the Commission will:

- Determine which recommendations from the original report were implemented;
- Update and prioritize the recommendations; and,
- Identify sources of funding to support the implementation of the recommendations.

The Commission shall submit a report with its updated recommendations by June 30, 2015.

Effective Date of the Order

This Executive Order shall be effective upon its signing and, pursuant to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, shall remain in force and effect for a year or until superseded or rescinded.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 1st day of July, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY (2014)

ADVANCING EQUITY FOR SMALL, WOMEN, AND MINORITY OWNED BUSINESSES

Importance of the Issue

It is imperative for the Commonwealth of Virginia to maximize the participation of small businesses in state contractual work. For Virginia to remain competitive and continue to advance its small business goals, significant work still must be done for a more transparent, equitable, and inclusive process. Therefore, I am establishing a micro business designation within the small business certification and vital new state procurement initiatives.

For purposes of this Executive Order: 1) "executive branch agency" shall include all entities in the executive branch, including agencies, authorities, commissions, departments, and all institutions of higher education; 2) "small businesses" shall include, but not be limited to, small, women-owned or minority-owned businesses; and, 3) "micro businesses" shall be defined as those certified small

businesses that have no more than twenty-five (25) employees and no more than $3 million in average annual revenue over the three-year period prior to their certification.

I am directing the following executive branch agencies that have statutory authority for procurement, in conjunction with the Department of Small Business and Supplier Diversity (DSBSD) as provided in *Code of Virginia* § 2.2-1605(A)(6), to implement the requirements herein within their respective areas of procurement authority: Department of General Services (DGS), Virginia Information Technologies Agency (VITA), Virginia Department of Transportation (VDOT), those institutions of higher education that have autonomy in procurement granted under the Restructured Higher Education Financial and Administrative Operations Act (*Code of Virginia* § 23-38.88, *et seq*.), and other executive branch agencies that have statutory authority for procurement.

Initiatives

With a continuing rational basis for small business enhancement, and pursuant to the authority vested in me as Governor under Article V of the Constitution of Virginia, the *Code of Virginia*, including *Code of Virginia* § 2.2-4310(C), and applicable Memoranda of Understanding and Management Agreements entered into pursuant to *Code of Virginia* § 23-38.88, *et seq*., I hereby direct my Cabinet Secretaries and all executive branch agencies to continue and advance the following on a race-neutral and gender-neutral basis:

1. Exceed a target goal of 42%, which is the highest percentage of expenditures spent since FY 2004 for executive branch agencies with small businesses certified by DSBSD. This percentage applies to discretionary spending in categories from which the Commonwealth derives procurement orders, prime contracts, and subcontracts. DSBSD, in consultation with executive branch entities and institutions with procurement responsibilities, shall advance race-neutral and gender-neutral goals via annual agency Small, Women-owned, and Minority-owned (SWaM) procurement plans. Each executive branch agency shall review and update its benchmarks, policies, and procedures to conform with this Executive Order and the implementing regulations adopted pursuant to *Code of Virginia* § 2.2-1605(A)(6) and thereby ensure that a greater percentage of purchases is made from certified small businesses, in goods and services categories from which the Commonwealth makes its purchases.

2. Create the micro business designation, which shall include those certified small businesses that have no more than twenty-five (25) employees and no more than $3 million in average annual revenue over the three-year period prior to their certification. DSBSD shall develop a best practices method for identifying those small businesses that are eligible for the micro business designation. DSBSD shall also evaluate and offer recommendations for the implementation of the micro business designation by October 1, 2014.

3. Expand the set-aside for competition among all certified small businesses to include purchases up to $100,000 for goods and nonprofessional services and up to $50,000 for professional services when the price quoted is fair and reasonable. In the procurement selection process for these set-asides, at least one of the proposals/bids shall be obtained from a micro business unless upon due diligence no micro business in a particular category exists or was willing to submit a proposal/bid. Purchases under $10,000, however, shall be set aside for micro businesses when the price quoted is fair and reasonable. Executive branch agencies that have statutory authority for procurement shall include these set-asides in their purchasing regulations, policies, and processes by no later than September 1, 2014. Current contracts will continue in accordance with their terms. The DSBSD will prepare a progress report describing executive branch agencies' compliance with this requirement and deliver its report to the Governor's Chief of Staff no later than October 1, 2014.

4. Provide support to DSBSD in developing a uniform, statewide method for evaluating and monitoring small business (SWaM) procurement plans. Executive branch agencies shall require each prime contractor to include in its proposal(s)/bid(s) a SWaM procurement plan. Before final payment is made, the purchasing agency shall confirm that the contractor has certified compliance with the contract's SWaM procurement plan. If there are any variances between the contractor's required SWaM procurement plan and the actual participation, the

contractor shall provide a written explanation. The written explanation shall be kept with the contract file and made available upon request.

Contracts and renewals may include a provision allowing final payment to be withheld until the contractor is in compliance with its SWaM procurement plan. Prior to entering into a new contract or renewing a contract with a contractor, an agency shall review a contractor's record of compliance with SWaM procurement plan requirements. A contractor's failure to satisfactorily meet designated SWaM procurement plan requirements shall be considered in the prospective award or renewal of any future contracts with the contractor.

5. Implement processes for producing SWaM subcontracting data as established by DSBSD in consultation with DGS and VITA. This subcontracting data must also include information on non-SWaM subcontractors performing on contracts over $200,000.

These initiatives will spur creativity, promote economic justice and development, and encourage procurement participation by small businesses. In support of the initiatives set out above, I further direct the following actions to be taken by Cabinet Secretaries and executive branch agencies:

1. DSBSD, in conjunction with DGS, VITA, VDOT, and higher education institutions with procurement autonomy, shall implement initiatives to enhance the development of small businesses in Virginia. Such initiatives shall include, but not be limited to:

    - Information on access to capital, including contract financing and bonding support and other opportunities for economic development;
    - Management and technical assistance programs;
    - Partnerships and outreach with local business groups, chambers of commerce, and other organizations to develop a diverse vendor base; and,
    - Statewide mentor/protégé and/or joint venture programs.

2. DSBSD, with assistance from DGS, shall conduct a vendor outreach training program for each congressional district in the Commonwealth. Training shall include instructions on how to obtain certification, register with and research through the Commonwealth's e-procurement system (eVA), respond to business opportunities with the Commonwealth, encourage SWaM participation, and overcome identified barriers.

3. Executive branch agencies shall review the efficacy of implementing other small business enhancement tools and processes, such as:

    - Unbundling contracts;
    - Relaxing the requirement for mandatory attendance at pre-bid meetings;
    - Expanding time to respond to small purchase solicitations;
    - Alerting businesses to current and future procurement as well as subcontracting opportunities; and,
    - Streamlining the paperwork required of small businesses.

4. The purchasing manuals, regulations and guidelines of all executive branch entities and institutions shall include updated SWaM purchasing regulations and/or guidelines to reflect the changes made in this Executive Order.

5. Executive branch agencies shall actively recruit small businesses to seek certification from DSBSD, to register on eVA, and to compete for state procurement contracts. DGS and VITA shall develop guidelines that promote greater representation of SWaM businesses on such contracts.

6. VDOT, for road and bridge construction, and DGS, for construction, shall develop guidelines to be used by executive branch agencies in making construction mobilization payments to businesses when reasonable and necessary to facilitate contract initiation.

7. The Virginia Economic Development Partnership (VEDP) shall send DSBSD its regular report to the Secretary of Commerce and Trade on new economic development announcements of

business activity in the Commonwealth, inclusive of those announcements in which a VEDP administered economic incentive is provided. Such report will enable DSBSD to ascertain in a timely manner what opportunities the activity may bring for Virginia's small businesses.

8. Every executive branch agency shall utilize the Commonwealth's central electronic procurement system ("eVA") as its purchasing and/or posting system beginning at the point of requisitioning for all procurement actions, including but not limited to technology, transportation, and construction, for the purpose of identifying available small businesses, and for tracking purchase requisition details from those businesses. DGS, in consultation with VDOT, shall develop guidelines pertaining to the content of requisitions, in order for data to be captured in a timely, accurate, and consistent manner.

9. Each executive branch agency shall designate a SWaM equity champion to ensure equity in the solicitation of procurement proposals/bids and awarding of contracts.

10. Agency heads, senior managers with procurement responsibility, procurement personnel, and end users with purchasing charge cards shall be evaluated on small business purchasing goals as part of their employee evaluations.

11. DSBSD shall coordinate with the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Association of Governmental Purchasing to identify opportunities for state and local government entities to collaborate in order to maximize procurement equity for small businesses.

Reporting Requirements

1. The Secretary of Commerce and Trade shall study the potential advantages of providing start-up incentives, including federally-funded grants, to certified small businesses. This shall include a review of the economic impact of providing the incentives and whether such incentives would promote the profitability and sustainability of such businesses. The Secretary of Commerce and Trade shall provide a report to the Governor's Chief of Staff by no later than December 1, 2014.

2. Cabinet Secretaries shall monitor their agencies' spending with all certified small businesses, and report on the results quarterly. DSBSD shall develop a standard reporting format for such purposes. The report shall include information on purchases made from all certified small businesses. In addition, the Secretary of Commerce and Trade will assess overall state performance, and report quarterly to the Governor.

Each Cabinet Secretary shall evaluate the performance of their agencies in implementing these directives. DSBSD, in cooperation with each Cabinet Secretary, shall provide quarterly reports to the Secretary of Commerce and Trade regarding the Commonwealth's progress in enhancing opportunities for SWaM businesses. The reports shall delineate the Commonwealth's spending in detail by SWaM category and agency.

3. The Secretary of Commerce and Trade shall conduct a study on a new small business designation, with prospective set-aside opportunities, that would be between twenty-five (25) and one hundred (100) employees and between $3 and $10 million. The study shall be delivered to the Governor's Chief of Staff no later than December 1, 2014.

4. Executive branch entities and institutions with procurement responsibilities shall review practices, procedures, and proposal evaluations criteria to identify and remove barriers or limitations to SWaM participation. A section on "barriers or limitations" shall be included in annual agency SWaM plans. SWaM plans shall be developed and submitted to the Secretary of Commerce and Trade on September 1 of each fiscal year.

5. The Secretary of Commerce and Trade will prepare and deliver a report to the Governor no later than October 1, 2015, detailing compliance with this Executive Order and providing spend performance metrics from the prior fiscal year.

Effective Date of this Order

This Executive Order replaces Executive Order 33 (2006), issued by Governor Timothy M. Kaine, and shall be effective upon its signing and shall remain in full force and effect unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 22nd day of July, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY ONE (2014)

CHAMPIONS FOR VIRGINIA'S CHILDREN: VIRGINIA CHILDREN'S CABINET

Importance of the Issues

With a longstanding history of prioritizing our youngest generation, Virginia has a distinguished record as one of the best states for children and families. This achievement has been accomplished through a firm commitment to the highest quality of life, health care, public safety, K-12 and higher education, and a vibrant business environment that promotes job growth, employment opportunities, and career advancement.

We must ensure that youth throughout Virginia can excel, beginning in their earliest years. Addressing the challenges that face our children requires a comprehensive approach that focuses on strengthening families and stemming the tide of poverty. To build Virginia's workforce, we must continue to invest in and foster the development of healthy and well-educated children who are prepared to be productive members of our communities as adults.

The Commonwealth of Virginia must cultivate a solid foundation for our children and their families through supportive measures that promote: 1) early childhood development programs and basic healthcare needs, 2) age-appropriate mental health services, 3) first-rate, coordinated services for at-risk youth, 4) critical educational outcomes and academic readiness to succeed, and 5) nutritional security and access to stable housing. The education, health, safety, and well-being of Virginia's children are fundamental to the Commonwealth's future.

Establishment of the Cabinet

Accordingly, by virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby initiate Champions for Virginia's Children with the establishment of the Virginia Children's Cabinet ("Children's Cabinet").

Virginia Children's Cabinet

The Children's Cabinet shall develop and implement a comprehensive policy agenda related to the education, health, safety, and well-being of youth throughout the Commonwealth. It shall evaluate and recommend strategies to optimize and align local, state, and federal public resources, and public-private partnerships to enhance current and prospective programs and services for Virginia's children and their families, particularly those at highest risk. It shall also identify best practices and areas for improvement.

Additionally, the Children's Cabinet shall provide leadership and strategic direction, facilitate the sharing of information, and work to improve service delivery of state programs. It shall identify specific goals, outcomes, and metrics to accomplish its work during this administration. These issues are interrelated and require regular communication and collaboration across local, state, and federal agencies, secretariats, industry sectors, and other related constituencies. It will coordinate with other state entities as appropriate to remain apprised of developing issues.

Children's Cabinet Priorities

By collaborating across secretariats and working with local, state, and federal agencies, private industry, non-profit organizations, the Children's Cabinet will work to ensure that effective supports are in place to achieve the following:

1. **Beyond the barriers**. Schools in high-poverty communities face numerous systemic societal barriers (such as unstable housing, high crime rates, health, nutritional, and social challenges). The myriad of issues facing these schools and their students must be addressed. Opportunities for increased support will be identified, including, but not limited to, community and social services for Virginia's most vulnerable children and their families.

2. **Raising the foundation.** High quality early child care, increased access to pre-K, and educational programs lay the foundation for academic achievement. Child care providers must be held accountable to provide quality care so that our youngest children will thrive and obtain the necessary skills to contribute to our communities.

3. **Access to basics**. Access to healthcare, housing, and proper nutrition must be facilitated to meet basic needs and ensure the healthy growth, development, and well-being of our children and their families.

4. **Triumph over transitions**. Services for youth who are transitioning out of Virginia's juvenile justice, mental health, and foster care systems will be assessed. Best practices will be determined, and replication will be encouraged. Factors leading to youth entering the juvenile justice system will be identified to reduce the impact of incarceration. Issues related to educational and work transitions from preschool to K-12 education, and K-12 education to college and/or the workforce, will also be examined.

5. **Working parents, building families**. Policies and services that encourage workforce development efforts for parents through education, credential training, career development, and employment will be addressed.

Composition of the Children's Cabinet

The Secretaries of Education and Health and Human Resources shall serve as Co-Chairs of the Children's Cabinet.

The Children's Cabinet will be appointed by the Governor and consist of the Lieutenant Governor, the First Lady, the Secretaries of Commerce and Trade, Education, Health and Human Resources, and Public Safety and Homeland Security. The Children's Cabinet Co-Chairs may invite other Secretaries to participate as needed and appropriate.

Staffing

Staff support for the Children's Cabinet will be provided by the Secretaries of Education, Health and Human Resources, and any other agencies or offices as may be designated by the Governor. The Children's Cabinet will serve in an advisory role, in accordance with § 2.2-2100 of the *Code of Virginia,* and will meet upon the call of the Chairs at least four times per year. The Children's Cabinet will issue an annual report by no later than June 1, and any additional reports and recommendations as necessary or as requested by the Governor.

Effective Date of the Executive Order

This Executive Order shall be effective upon its signing and shall remain in force and effect until January 9, 2018, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 11th day of August, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY TWO (2014)

ESTABLISHING THE COMMONWEALTH COUNCIL ON CHILDHOOD SUCCESS

Initiative

The optimal development of Virginia's infants, toddlers, and young children is linked to our success as a Commonwealth. Children's earliest experiences have a significant impact on their health, growth, and readiness to succeed.

We must address the basic health, education, and child care needs of young children, including the early identification of intellectual and developmental delays, access to stable housing and nutritious foods, and high quality child care and early education programs. Public and other resources need to be used efficiently and effectively by local, state, and federal agencies, nonprofit organizations, and providers of health care, child care, and education through early intervention and case management.

Establishment of the Council

Accordingly, by virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including, but not limited to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Commonwealth Council on Childhood Success.

Commonwealth Council on Childhood Success ("CCCS")

The Commonwealth Council on Childhood Success shall regularly report to the Governor and the Children's Cabinet. It will conduct a comprehensive, statewide assessment of current programs, services, and local, state, and federal public resources that serve Virginia's children ages 0-8. In coordination with the Children's Cabinet and relevant state agencies, it will serve as a central coordinating entity to identify opportunities and develop recommendations for improvement including, but not limited to: 1) funding for preschool, 2) kindergarten readiness, 3) strategies to close the achievement gap in early elementary years, 4) the quality and accountability of child care programs and providers, and 5) coordination of services for at-risk families. The CCCS will also collaborate with other entities as appropriate. It will seek participation from relevant stakeholders, including the business community, private and nonprofit providers, and advocacy organizations.

Composition of the CCCS

The CCCS shall be chaired by the Lieutenant Governor and consist of representatives of the following: Department of Education; Department of Social Services; Department of Behavioral Health and Developmental Services; Department of Health; programs under part B, Section 619, and part C of the Individuals with Disabilities Education Act; Child Care Development Fund; Virginia's Head Start Collaboration; the Virginia Early Childhood Foundation; local educational agencies; institutions of higher education; local providers of education and child care; local Head Start programs; the business community; the legislature; and others with appropriate expertise, as appointed by the Governor.

Staffing

Staff support for the CCCS will be furnished by the Office of the Lieutenant Governor, and such other agencies and offices as designated by the Governor. The CCCS will serve in an advisory role to the Governor, in accordance with § 2.2-2100 of the *Code of Virginia*, and will meet upon the call of the Chair at least four times per year. The CCCS will issue an annual report by no later than June 1, and any additional reports as necessary.

Effective Date

This Executive Order shall be effective upon its signing and, pursuant to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, shall remain in full force and effect for a year from its signing or until superseded or rescinded.

Given under my hand and under the Seal of the Commonwealth of Virginia this 11th day of August, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY THREE (2014)

ESTABLISHING THE NEW VIRGINIA ECONOMY WORKFORCE INITIATIVE

Importance of the Initiative

With its favorable economic climate, quality of life, regulatory environment, and low unemployment rate, Virginia has been designated as the best state for business. Also named the Best State for STEM Jobs, Virginia has the highest concentration of high tech jobs per capita in the nation. In light of these positive factors, it is critical to prepare for changes to Virginia's employment marketplace and retiring workforce.

A new workforce agenda is required to fill jobs of today and the future. Based on current estimates, by 2022, about 500,000 new jobs will be created in Virginia. Over 930,000 workers will be needed to replace Virginia's retiring workforce. Many of these jobs will be in scientific, technical, or healthcare careers, and will require postsecondary education or workforce credentials. Careers in these fields are readily accessible for those who are trained, credentialed, and ready to work. However, we do not have enough tech-savvy frontline workers.

The Commonwealth must devise a long-term, comprehensive plan to equip our workforce with in-demand skill sets that will retain and attract businesses. It is crucial for enough students to graduate from Virginia's educational institutions to meet the demands from current and prospective employers. Employers must be engaged to determine current and future employment needs.

As Chief Executive Officer and Chief Workforce Development Officer for the Commonwealth of Virginia, and in furtherance of my commitment to workforce development and training, I am dedicated to ensuring that all Virginians are afforded access to a world class education and workforce system. Therefore, in consultation with the Secretary of Commerce and Trade, Chief Workforce Development Advisor, I am directing Virginia's Workforce Development System ("Workforce System"), including the Department for Aging and Rehabilitation Services, Department for the Blind and Vision Impaired, Virginia Community College System, Virginia Economic Development Partnership, Virginia Department of Education, Virginia Employment Commission, Department of Labor and Industry, Department of Social Services, as well as the Virginia Board of Workforce Development, local Workforce Investment Boards ("WIBs"), and other state agencies as identified below to take immediate action to marshal the Commonwealth's education and training resources.

Establishment of the Initiative

Accordingly, by virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby create Establishing the New Virginia Economy Workforce Initiative.

Actions to Drive Virginia's Workforce System

This Executive Order requires Virginia's Workforce System to take the following immediate actions:

1. Establish annual goals and identify opportunities to increase statewide attainment rates of credentials that align with employer needs.

Specialized, skilled, and technical jobs at the technician level currently comprise about 45% of Virginia's labor market. The required training for these jobs is usually acquired through community college degrees, certificate programs, apprenticeships, certifications, licenses, or other career-related credentials. As the demand for new workers with specialized skills increases, the Commonwealth must act quickly to address industry needs, fill the workforce gap, and foster new opportunities.

- "Pathway to 50K" – Virginia will set a goal of attaining 50,000 STEM-H credentials, licenses, apprenticeships, and associate degrees that meet the immediate workforce needs during my administration. Many of these jobs will have high individual wages and bring a substantial return on investment to the gross state product.

- Action Item: By October 31, 2014, state agencies including the Department for Aging and Rehabilitative Services, Department of Education, Department of Labor and Industry, Department of Social Services, Virginia Community College System, and local WIBs must each produce a report for the Secretary of Commerce and Trade that will incorporate the current workforce credential attainment levels from FY2013, and regional business and industry needs. After reviewing the baseline data, each agency and WIB will establish an annual goal and strategies for the next three years to increase attainments rates and identify barriers to credential attainment to meet the Governor's goal of 50,000 credentials. The reports must also identify opportunities to take immediate action for changing state policies, funding, or applying for federal waivers to increase credential rates. In addition, local WIBs will work with local businesses and industry sectors, local chambers of commerce, and local community colleges to identify and prioritize those workforce credentials most in demand by employers in the WIBs' regions. Transparency of credential attainment will be provided by an online Commonwealth Scorecard of Economic Opportunity that will be hosted by the State Council for Higher Education of Virginia.

- Action Item: By December 31, 2014, the Secretary of Commerce and Trade will approve a plan for implementing new statewide common metrics and methods of measuring postsecondary education/workforce credential attainment, employment, wages, professional mobility, and return on investment. Currently, the only established performance metrics for most of Virginia's publicly funded workforce programs are those from various federal agencies. To better align Virginia's workforce programs with a common goal of continued economic development, the state will, for the first time, introduce common performance metrics for all publicly funded workforce programs.

2. Create seamless transitions for Virginia's veterans by providing high quality education and workforce services that accelerate career opportunities.

At present, over 840,000 veterans reside in Virginia. Since 2000, Virginia has had high growth in its veteran population, and, more specifically, those veterans under the age of 25. With a strong military presence, defense activities, and civilian contractors, Virginia is a leader of veteran employment strategies through the Department of Veteran Services' Virginia Values Veterans (V3) program. V3 educates employers to recruit, hire, and retain veterans. However, more resources and services are needed to enhance this program. In addition, actual skill sets and academic transcripts must be quickly evaluated for transferability. Virginia must take a multifaceted approach to building a comprehensive veteran workforce services initiative.

- "Our Patriot Pledge" - Virginia will request that 10,000 businesses sign pledges of commitment for hiring our veterans. In addition, by the end of the administration, Virginia will double the number of veterans hired through the V3 program.

- Action Item: By November 30, 2014, the Secretary of Commerce and Trade, in consultation with Virginia's Workforce System, the Secretary of Education, the Secretary of Veterans and Defense Affairs, the Department of Veterans Services, and each of the education and workforce development agencies and programs within Virginia's Workforce System will present a plan to the Governor on how to recruit and retain veterans in Virginia. The plan will outline how Virginia will convert military experience and training into academic or workforce credentials, simplify and accelerate the education and workforce credentialing process toward a career, create online portals with information and services that support the transition process, and build an awareness of careers and services that Virginia offers as the preeminent state for veterans.

3. Diversify the economy by providing workers with skills to meet new private sector needs, encouraging innovation through entrepreneurship, retooling regions for economic advancement, and educating Virginia's workforce for the future.

Roughly thirty percent of Virginia's economy is tied to the federal government. Virginia needs to strengthen its economy by encouraging the growth of robust industry sectors that do not rely on government contracting or grant funding.

- "A Diversified Dominion" – Virginia will seek to diversify the economy by increasing support for small businesses, start-ups, entrepreneurial ventures, and patent production. The Commonwealth can help advance current industries, while recruiting new ones to maintain our global strength.

- Action Item: The Secretary of Commerce and Trade will work closely with the Virginia Economic Development Partnership, state and local chambers of commerce, trade associations, and Virginia's Workforce System to set a vision for Virginia's future economy. Local, state, and national business trends and forecasts will be evaluated to help shape next steps to retain Virginia's current and future competitive edge. These short-term and long- term goals, recommendations, and strategies will be submitted in a report to the Governor's Office by no later than December 1, 2014.

4. Align workforce supply to current and anticipated employer demands by constructing career pathways and training solutions for the dislocated, underemployed, and future worker.

Virginia will align its workforce supply to current and anticipated employer demands by constructing career pathways and training solutions for the dislocated, underemployed, and future worker. Currently, tens of thousands of jobs are left unfilled in Virginia due to the creation of new jobs and positions available from the recently retired. In Virginia's metropolitan areas, job vacancies for highly skilled and high tech workers average over a month to fill, while a single job in rural Virginia might garner hundreds of applications. Education attainment requirements also differ from industry to industry and can be regionally specific.

- "Real-Time Resources" – Virginia will create the Commonwealth Consortium for Advanced Research and Statistics (CCARS) for workforce and education policy. CCARS will support education and workforce entities through analysis and research to help drive economic development in the Commonwealth. This consortium will provide real-time data about human capital, regional skills gaps, local and state wage data, university research and talent, and availability of local and state workforce programs. The availability of data will increase outcomes-based decision-making which will help create effective and efficient strategies for employment development and job replacement, as well as streamline and target resources. The Secretary of Commerce and Trade will convene a CCARS conference at least once a year.

- Action Item: To better assess and take action regarding regional and state skills gaps in key occupations and industry sectors, the Virginia Employment Commission, in partnership with the Secretary of Commerce and Trade and Virginia's Workforce System, will develop an online dashboard that integrates regional and statewide information about the supply of workforce credentials, as well as information about college degrees, and other academic credentials.

Effective Date of the Executive Order

This Executive Order shall become effective upon its signing, and shall remain in full force and effect unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 13th day of August, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY FOUR (2014)

ESTABLISHING AN INTER-AGENCY TASK FORCE ON WORKER MISCLASSIFICATION AND PAYROLL FRAUD

Importance of the Issue

The misclassification of employees as "independent contractors" undermines businesses that follow the law, deprives the Commonwealth of millions of dollars in tax revenues, and prevents workers from receiving legal protections and benefits.

A 2012 report of the Joint Legislative Audit and Review Commission (JLARC) found that one third of audited employers in certain industries misclassify their employees. By failing to purchase workers' compensation insurance, pay unemployment insurance and payroll taxes, or comply with minimum wage and overtime laws, employers lower their costs up to 40%, placing other employers at a competitive disadvantage.

Based on state and national studies, JLARC estimated that worker misclassification lowers Virginia's state income tax collections as much as $28 million a year. Agencies with relevant enforcement responsibilities, including the Virginia Employment Commission, the Department of Labor and Industry, the Department of Professional and Occupational Regulation, the State Corporation Commission's Bureau of Insurance, the Department of Taxation, and the Workers' Compensation Commission each address only one component of this practice and may not fully coordinate their efforts. In its study, JLARC recommended the establishment of a task force with representatives from the agencies listed above.

Establishment of the Task Force

Pursuant to the authority vested in me as Governor under Article V of the Constitution of Virginia, and the *Code of Virginia*, in order to examine the issue of worker misclassification and payroll fraud, I hereby create an Inter-Agency Taskforce on Worker Misclassification and Payroll Fraud (the "Taskforce").

Initiatives

The purpose of the Taskforce is to develop and implement a comprehensive plan with measureable goals to reduce worker misclassification and payroll fraud in Virginia. The activities of the Taskforce should include, but not be limited to:

1. Review statutes and regulations related to worker misclassification and payroll fraud;

2. Evaluate current enforcement practices of the agencies involved;
3. Develop procedures for more effective inter-agency cooperation and joint enforcement;
4. Implement a pilot project for joint enforcement;
5. Develop educational materials for and an outreach strategy to employers;
6. Advise on any technological improvements in worker misclassification and payroll fraud detection; and,
7. Recommend any appropriate changes to relevant legislation or administrative rules.

The Taskforce will be chaired by the Secretary of Commerce and Trade and will include representatives from the Virginia Employment Commission, the Department of Labor and Industry, the Department of Professional and Occupational Regulation, the State Corporation Commission's Bureau of Insurance, the Department of Taxation, and the Workers' Compensation Commission.

A workplan will be developed and a report on the progress of the Taskforce will be presented to the Governor by December 1, 2014.

Staffing

Staff necessary for the Task Force will be provided by the respective agencies participating with the Task Force. The estimated direct cost of the Task Force is $1,000. Funding necessary to support the Task Force will be provided from funds authorized by § 2.2-135 of the *Code of Virginia*.

Effective Date

This Executive Order shall be effective upon its signing and, pursuant to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, shall remain in full force and effect for a year from its signing or until superseded or rescinded.

Given under my hand and under the Seal of the Commonwealth of Virginia this 14th day of August, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY FIVE (2014)

ESTABLISHING THE GOVERNOR'S TASK FORCE ON COMBATING CAMPUS SEXUAL VIOLENCE

Importance of the Taskforce

Nationwide, colleges and universities are increasingly aware of the necessity to combat sexual violence on campus. While institutions of higher education are typically safe environments for students to thrive, both academically and personally, sexual violence is an issue that colleges and universities should confront and strive to prevent.

Virginia's colleges and universities have signed a Joint Declaration pledging to work together to prevent sexual violence. Moreover, they are each committed to providing an atmosphere designed to promote the fair and equitable investigation, adjudication, and timely reporting of sexual violence. Our institutions of higher learning already offer both mandatory and voluntary programs for awareness and prevention of sexual violence. For those adversely affected by sexual violence, Virginia's campuses also furnish resources, or coordinate referral to external, community-based resources, such as counseling, medical care, and alternative living and educational environments.

Through this Executive Order, I am collaborating with the Attorney General of Virginia, who has a critical role as counsel to Virginia's public colleges and universities, and encouraging leaders from college campuses, law enforcement, mental health, and advocacy groups, to seek and recommend solutions that will bring critical awareness and identify best practices to aggressively combat sexual violence on campus.

Establishment of the Task Force

Accordingly, with the authority vested in me by Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby create the Governor's Task Force on Combating Campus Sexual Violence.

Governor's Task Force on Combating Campus Sexual Violence

The Task Force's responsibilities shall include the following:

- Recommend best practices for protocols used by campus officials, including campus police, Title IX Coordinators, and others, to respond to sexual violence on campus.

- Recommend best practice to reinforce existing relationships and form new relationships between Virginia's institutions of higher education, campus police, local law enforcement, commonwealth's attorneys, crisis response centers, mental health counselors, and advocacy organizations, to include the development of a model memorandum of understanding that will delineate respective responsibilities for investigations, sharing of information, and training.

- Recommend best practices for policies governing sexual violence and associated procedures for the investigation and resolution of complaints, and revise such policies and procedures, if needed, to meet all legal requirements.

- Examine sexual violence prevention and awareness programs and recommend measures to maximize best practices for sexual violence training for students, faculty, and staff, as well as bystander intervention programs and mandatory training for incoming residential students, at all of Virginia's universities and colleges.

- Recommend measures to encourage reporting of sexual violence.

- Assess the degree of accessibility of campus services and programs, coordination with community resources and programs, and efforts to make students aware of these resources.

Task Force Membership

The Task Force will be chaired by the Attorney General of Virginia. The Task Force will be comprised of the Secretaries of Education, Health and Human Resources, Public Safety and Homeland Security, representatives of the higher education community, law enforcement, community advocates, health professionals, and relevant government agencies, not to exceed more than thirty members, as appointed by the Governor. The Governor may appoint any other person(s) and support staff deemed necessary and proper to carry out the assigned functions.

Task Force Staffing and Funding

Staff support for the Task Force's work during its existence shall be furnished by the Office of the Governor, and the Offices of the Secretary of Education and the Secretary of Public Safety and Homeland Security, as well as other agencies and offices designated by the Governor.

The Office of the Attorney General will provide legal staff to the Task Force, both through the OAG representatives serving on the Task Force and others, as needed.

Necessary funding to support the Commission and its staff shall be provided from federal funds, private contributions, and state funds appropriated for the same purposes as the Task Force, as authorized by § 2.2-135 of the *Code of Virginia*, as well as any other private sources of funding that may be identified. Estimated direct costs for this Task Force are $5,000 per year.

The Task Force will serve in an advisory role and will provide a final report to the Governor by no later than June 1, 2015. The Task Force will issue other reports as necessary or as requested by the Governor.

Effective Date of the Executive Order

This Executive Order shall be effective upon signing and, pursuant to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, shall remain in force and effect for one year from its signing unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 21st day of August, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY SIX (2014)

ESTABLISHING THE NEW VIRGINIA ECONOMY STRATEGIC PLAN AND STEERING COMMITTEE

Importance of the Taskforce

The Commonwealth of Virginia features vast natural and human resources that serve as the foundation of our economic strength. Our unparalleled educational system, highly educated workforce, competitive business climate, central mid-Atlantic location, and premium infrastructure have afforded Virginia years of recognition as a preeminent state for business and job growth.

Virginia is well-positioned to capitalize on opportunities in various high-growth industries with high-wage employment, including healthcare, bio sciences, cyber security, and energy. According to the Information Technology and Innovation Foundation, the Commonwealth ranks among the nation's best knowledge-based, globalized, entrepreneurial, IT-driven, and innovation-based economies. Moreover, Virginia has one of the largest higher educational systems and among the most educated populations in the nation.

Virginia is an international gateway to move people and products quickly and efficiently, with fourteen commercial airports, including Dulles International. We offer the third largest state-maintained transportation network with six major interstates, an extensive railroad system, and a technologically-advanced port, capable of handling Post Panamax vessels. With agriculture as our largest industry, the Commonwealth will use these assets as we seek to increase agriculture and forestry shipments worldwide and to become the East Coast capital for agricultural exports.

While Virginia enjoys inherent advantages and assets, we are facing unique economic headwinds. Recent federal budget cuts, reductions in defense spending, and the impact of sequestration have presented pressing challenges for Virginia's economy. In this season of federal contraction, we must balance public and private sector enterprise for fiscal resilience. This vital imperative can be achieved by enhancing our fundamentals and addressing our challenges as an opportunity. By recalibrating our fiscal pathway and focusing our efforts on diversified, sustainable, and prospering industry sectors, the Commonwealth will excel in the global marketplace strengthened by a New Virginia Economy.

Establishment of the Steering Committee

By virtue of the authority vested in me as Governor under Article V, Section 1 of the Constitution of Virginia, and Section 2.2-205 of the *Code of Virginia*, I hereby establish the Governor's New Virginia Economy Steering Committee (Steering Committee). The purpose of this Steering Committee is to create a four-year strategic plan for economic development, in collaboration with the business community, local and state officials, and economic development professionals.

The Commonwealth must attract new jobs and investment, and cultivate the next generation of job creators and entrepreneurs. My administration's four-year strategic plan will focus on: 1) enhancing our infrastructure, 2) diversifying and growing our strategic industry sectors, 3) solidifying and promoting our competitive business climate, 4) nurturing a sustainable entrepreneurial environment, and 5) equipping Virginia's workforce with in-demand skill sets to meet current and future business needs. The plan will also recommend specific executive and legislative actions to achieve these goals.

Composition of the Steering Committee

The Secretary of Commerce and Trade will chair the Steering Committee. The Steering Committee will be composed of the Secretaries of Agriculture and Forestry, Finance, and Veterans and Defense Affairs, as well as the Secretaries of Administration, Education, Health and Human Resources, Natural Resources, Technology, and Transportation, as specified in Section 2.2-205 B of the *Code of Virginia*. The Steering Committee will engage representatives of relevant state agencies, local and regional economic development organizations and chambers of commerce, leaders in sectors significant to Virginia's economy, and other organizations or individuals as designated by the Governor.

Strategic Plan Priorities:

The four-year strategic plan will address five economic development priorities:

1. "Project Ready" Infrastructure – Virginia must ensure that our infrastructure assets and resources, such as healthcare, energy, housing, and broadband are ready to attract small, medium, and large scale projects throughout the Commonwealth and advance our competitive position locally, regionally, and globally.

2. Diversified High-Growth Industries – Virginia must devote vital resources to strengthen thriving industries, while diversifying targeted high-growth industry sectors and expanding trading partnerships.

3. Preeminent Business Climate – Virginia must ensure that tax, regulatory, and incentive policies sustain Virginia's position as the best state to start, grow, and locate a business.

4. Innovation and Entrepreneurs – Virginia must pursue policies and public-private partnerships that attract talent, promote business and social entrepreneurship, business development and investment, and encourage the creation and commercialization of new products and services.

5. "Skills to Jobs" Workforce – Virginia must align higher education system priorities and resources to supply in-demand workers, transition veterans, and meet current and future employer needs, in the private and public sectors.

Staffing

Staff support for the Steering Committee will be provided by the Office of the Governor, the Office of the Secretary of Commerce and Trade, the various secretariats and their agencies represented on the Steering Committee, and other agencies as may be designated by the Governor. All executive branch agencies will cooperate fully with the Steering Committee and will render such assistance as may be requested by the Chair. The Secretary of Commerce and Trade will ensure coordination between the development of the New Virginia Economy Strategic Plan and the Workforce Initiative.

The Steering Committee will provide a report to the Governor by no later than December 1, 2014, setting forth the Commonwealth's proposed economic development strategic plan. The Steering Committee shall report annually to the Governor by no later than December 1 on progress toward achieving the goals established in the strategic plan.

Effective Date of the Executive Order

This Executive Order shall be effective upon its signing and shall remain in full force and effect until amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 27th day of August 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY SEVEN (2014)

FACILITATING EMPLOYEE WORKPLACE GIVING AND VOLUNTEERISM

Importance of the Issue

The Commonwealth of Virginia has a dedicated interest in assisting its employees with charitable giving through the provision of an annual single state employee campaign, the Commonwealth of Virginia Campaign (CVC). This vital campaign offers an opportunity for employees to maximize contributions to a wide range of organizations, while minimizing the disruption to the workplace. Employees of the Commonwealth have demonstrated that they share civic responsibility and generosity with other members of their communities, the Commonwealth, and the United States by contributing more than $3.6 million for the 2013 campaign and over $41 million since 1998.

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Section 2.2-103A and 2.2-104 of the Code of Virginia and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby authorize the continuation of an annual Commonwealth of Virginia Campaign.

The Commonwealth of Virginia Campaign will provide a responsive and convenient system to facilitate charitable giving. The goals of this campaign will be to:

1. Provide assistance to non-profit organizations in serving the needs of the community;
2. Facilitate an efficient and cost-effective vehicle by which state employees can voluntarily contribute to charity;
3. Recognize the generosity of the state workforce;
4. Ensure fiscal accountability;
5. Consolidate all fundraising solicitations into one campaign, and prohibit interruptions in the state workplace from outside fundraising.
6. Encourage employees to volunteer their time and share their talents in their schools and communities.

The Commonwealth of Virginia Campaign will be conducted annually in all state agencies through the participation and leadership of two groups of state employees.

1. The CVC Advisory Council (CVCAC): the state employee committee that oversees, articulates, and reviews the general campaign's goals and procedures. This committee, whose members serve three-year terms, includes one representative from each cabinet secretariat, the legislative branch, the judicial branch, seven regional representatives, and three state employees chosen at-large.
2. Agency Coordinators: appointed by their agency head and tasked with organizing the campaign within the workplace.

The Director of Human Resources Management shall serve as the chairperson of the Advisory Council and will lead the development and implementation of operating procedures for the program's organization and administration. These procedures shall be in concert with the goals of the program as set forth in this Executive Order.

Effective Date of the Executive Order

This Executive Order replaces Executive Order Number 26 (2010), issued by Governor Robert F. McDonnell. This Executive Order shall be effective upon its signing and shall remain in full force and effect until rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 11th day of September 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY EIGHT (2014)

ESTABLISHMENT OF THE GOVERNOR'S COMMISSION ON INTEGRITY AND PUBLIC CONFIDENCE IN STATE GOVERNMENT

Importance of the Initiative

The fundamental strength of Virginia's government derives from an engaged citizenry and the utmost dedication from its public servants. Ethical and effective governance requires elected and appointed officers to take every appropriate action for the proper use of public resources and transparency in public endeavors.

My administration is committed to identifying the highest standards for comprehensive governmental reform. Virginia's reputation as one of the outstanding states for business depends upon trusted institutions, public confidence in government, and principled leadership in the Commonwealth. To forge an ethos of trust, it is crucial to continually review operational procedures and systems to ensure that the Commonwealth accountability and efficiency.

Establishment of the Commission

Therefore, by virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to

§§ 2.2-134 and 2.2-135 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility, I hereby establish the Governor's Commission on Integrity and Public Confidence in State Government ("Commission").

Key Reform Issues

I am directing the Commission to review and make recommendations for legislation or policies that address the following reform issues:

1. Comprehensive Government Ethics
- The benefits of a more independent Ethics Commission for oversight of conflicts of interest matters.
- A cap or ban on gifts for legislators, including "intangible" gifts of meals and travel.
- Rules regarding personal loans, or any loans other than those from commercial financial institutions at rates available to the general public, to legislators and their family members from personal friends or business associates.
- Rules regarding grants, deliberations, or decisions by members of public boards and commissions that could provide a direct financial benefit to such members, members' family, personal friends, or close business associates.
- Rules regarding post-governmental employment and an appropriate waiting period prior to beginning such employment.
- Policies regarding lawyer-legislators representing clients before state agencies during their term in office.
- Rules related to legislators holding executive branch employment during their term in office.

2. Campaign Finance
- Rules related to the amount of contributions to campaigns by individuals, corporations, PACs, lobbyists, and others.
- Rules regarding campaign contributions during special sessions of the General Assembly.
- Policies on the personal use of candidate campaign funds.
- The disclosure of independent expenditures and advertising in support of or opposition to political candidates prior to an election.

3. Disclosure Oversight and Enforcement
- Independent investigation and audit of campaign disclosures.
- Independent administration and audit of lobbyist disclosure forms.

4. Selection and Service of Judges and Other Public Officials
- Procedures for improving the selection of judges and other candidates for public service.

5. Second Consecutive Term for Virginia's Governor
- Frequency of gubernatorial transitions and the impact on providing services to citizens as well as the daily operations of executive branch agencies.

6. Various Other Governmental Reforms
- Procedures for legislative and congressional redistricting.
- Alterations in the state budget cycle as it relates to gubernatorial terms.

The Commission may, at its discretion or the discretion of the Governor, examine other issues consistent with the purposes of this Executive Order.

Composition of the Commission

Former Congressman Rick Boucher and former Lieutenant Governor Bill Bolling will serve as Co-Chairs of the Commission. The Commission will be comprised of no more than ten (10) members appointed by the Governor and will serve at his pleasure. The Governor may appoint additional persons to the Commission at his discretion.

Staff support

Staff support as necessary to support the Commission will be furnished by the Office of the Governor, and the Governor may designate further support by any other executive branch agencies. An estimated

300 hours of staff time will be required to support the work of the Commission. The Commission may consult with any experts it deems necessary for the requisite information to provide a full and complete report.

Funding needed to support the Commission will be provided by state and other appropriate funds. Direct costs for this Commission are estimated at no more than $15,000. Members of the Commission will serve without compensation, but may receive reimbursement for expenses incurred in the discharge of their official duties.

The Commission will meet at least once monthly upon the call of the Co-Chairs beginning in October, 2014. The Commission will present an interim report pertaining to comprehensive government ethics reform to the Governor on or before December 1, 2014. The Commission will also issue other reports and recommendations as it deems necessary or as requested by the Governor.

Effective Date of the Executive Order

This Executive Order shall be effective upon its signing and, pursuant to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, shall remain in force and effect for a year or until superseded or rescinded.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 25th day of September, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY NINE (2014)

ESTABLISHING THE GOVERNOR'S TASK FORCE ON PRESCRIPTION DRUG AND HEROIN ABUSE

Importance of the Issue

Nationally, prescription drug and heroin abuse has reached epidemic proportions. Since 2000, deaths from prescription drug overdoses in Virginia have more than doubled, while deaths from heroin overdoses have doubled in the past two years. Though prescription drugs are generally safe when used as prescribed, the misuse and abuse of prescription painkillers (opioids) can lead to addiction, and even death. In addition, individuals that are addicted to opioids are shifting to heroin, as prescription drugs become less available.

Prescription opioid and heroin abuse has also led to an increased burden on law enforcement and elevated health care costs from drug-related emergency department visits and treatment admissions. While the numbers of Virginians requiring treatment for addiction to drugs are substantial, resources for treating those who are addicted are limited. It is vital to the Commonwealth's interests to take immediate steps to reverse this dangerous trend of abuse. Therefore, I am directing relevant state and local agencies, health and behavioral health care professionals and organizations, law enforcement, and other stakeholders to work together toward reducing prescription opioid and heroin addiction, curtailing related criminal activity, and enhancing the health, safety, and well-being of all Virginians.

Establishment of the Task Force

Accordingly, by virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including, but not limited to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Governor's Task Force on Prescription Drug and Heroin Abuse ("Task Force").

The Task Force will serve in an advisory role, in accordance with § 2.2-2100 of the *Code of Virginia*, and will be responsible for recommending short-term and long-term measures that can be taken to tackle prescription drug and heroin abuse and addiction, using best practices and evidence-based strategies.

Composition of the Task Force

The Secretary of Health and Human Resources and Secretary of Public Safety and Homeland Security will serve as Co-Chairs. The Task Force will be composed of representatives from the Office of the Attorney General, legislature, and judiciary, as well as relevant state and local agencies, law enforcement, health and behavioral health care professionals, providers, community advocates, and individuals with personal experience, as appointed by the Governor. The Governor may appoint any other person(s) deemed necessary and proper to carry out the assigned functions.

Key Objectives

The Task Force will offer recommendations to meet the Commonwealth's objectives listed under the following five major areas: 1) education, 2) treatment, 3) data and monitoring, 4) drug storage and disposal, and 5) enforcement.

The Task Force will also recommend specific metrics to be used to track progress in each of these five areas, and will suggest a target for each area with a date by which the goals should be met.

Overall, the Task Force will seek measures for the reduction in deaths from prescription drug and heroin abuse within 5 years.

1. Education
- Raise public awareness about the dangers of misuse and abuse of prescription drugs
- Distribute information about appropriate use, secure storage, and disposal of prescription drugs
- Train health care providers regarding best practices for opioid prescribing, pain management, the use of the Prescription Monitoring Program (PMP), and identification and treatment of individuals at risk of substance abuse through screening, intervention, and referral tools
- Train first responders to more effectively respond to calls involving overdose, and use evidence-based interventions to reduce overdose deaths

2. Treatment
- Improve access to and availability of treatment services
- Foster best practices and adherence to standards for treatment of individuals addicted to opioids
- Strengthen and expand the capacity of Virginia's health workforce to respond to substance abuse treatment needs, including encouraging health professions schools and

continuing education programs to provide more education about how to identify and treat substance abuse

3. Data and Monitoring
- Share and integrate data among relevant licensing boards, state and local agencies, law enforcement, courts, health care providers and organizations, and programs such as the PMP, in order to clarify and address public safety and public health concerns, understand emerging trends, and utilize data- driven decision-making to mitigate harm

4. Storage and Disposal
- Advance effective solutions that lead to safe storage and proper disposal of potentially dangerous prescription drugs

5. Enforcement
- Identify and promote evidence-based best practices and strategies across the criminal justice system to address public safety risks and treatment needs of individuals with opioid addiction, training in the use of life saving interventions, expanded alternatives to incarceration, including drug courts, and cross-system collaboration to improve access to and the availability of treatment

Staffing

Staff support for the Task Force will be furnished by the Office of the Secretary of Health and Human Resources and the Office of the Secretary of Public Safety and Homeland Security, and such other agencies and offices as designated by the Governor. The Task Force will meet upon the call of the Chair at least four times per year. The Task Force will provide initial recommendations to the Governor on or before December 31, 2014, a comprehensive implementation plan by June 30, 2015, and any additional reports as necessary.

Effective Date

This Executive Order shall be effective upon its signing and, pursuant to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, shall remain in full force and effect for a year from its signing or until superseded or rescinded.

Given under my hand and under the Seal of the Commonwealth of Virginia this 26th day of September, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY (2014)

MARRIAGE EQUALITY IN THE COMMONWEALTH OF VIRGINIA

Importance of the Issue

The highest priority of state government should be to guarantee every person's right to live, learn, work, and do business, regardless of their race, gender, creed or sexual orientation. This principle guided my first act as Governor when I signed Executive Order #1 banning discrimination in the state workplace based on sexual orientation or gender identity. This principle also guided the Virginia leaders, advocates and allies who fought for marriage equality and won when the Supreme Court declined to review the Fourth Circuit Court of Appeals' ruling in *Bostic v. Schaefer*. Same-sex marriage is now legal in Virginia. This is a historic and long overdue moment for our Commonwealth and our country.

The decision has opened new doors to my administration's guiding principle of equality. An open and welcoming environment is imperative to grow as a Commonwealth, and to build a new Virginia economy that will attract vital businesses, innovative entrepreneurs, and thriving families.

On issues ranging from recognizing same-sex marriages to extending health care benefits to same-sex spouses of state employees, state government is already well-prepared to implement this landmark decision. My administration will act quickly to continue to bring all of our policies and practices into compliance so that we can give married same-sex couples the full array of benefits they deserve.

Pursuant to the authority vested in me as the Chief Executive Officer of the Commonwealth, and pursuant to Article V of the Constitution and the laws of Virginia, I hereby order, effective immediately, that all entities in the executive branch, including agencies, authorities, commissions, departments, and all institutions of higher education further evaluate all policies and take all necessary and appropriate legal measures to comply with this decision.

In addition, the Director of the Department of Human Resource Management shall notify all state agencies that employees whose same-sex marriage is recognized as legal in the Commonwealth, and who are eligible, may enroll their spouse and eligible dependents in the health benefits program for state employees within sixty (60) days of marriage.

A full and complete report of all appropriate measures will be reviewed by the Counselor to the Governor and presented to the Governor on or before November 15, 2014.

Effective Date of the Executive Order

This Executive Order shall become effective upon its signing, and shall remain in full force and effect unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 7th day of October, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY ONE (2014)

CONSERVING ENERGY AND REDUCING CONSUMPTION IN THE COMMONWEALTH OF VIRGINIA

Importance of the Issue

The cleanest and cheapest energy is energy that is not consumed. Strong energy efficiency measures in government, businesses, and residences can reduce energy consumption, costs, and bills, diminish the need to build new generation infrastructure, and increase Virginians' quality of life through lower carbon emissions polluting the atmosphere. Increased energy efficiency measures will serve as a stimulus to the growing energy efficiency industry in Virginia, helping create new jobs and diversifying our economy. The Commonwealth of Virginia will demonstrate the extraordinary potential and invaluable business advantages achieved with energy efficiency.

As a prudent steward of taxpayer dollars, Virginia is dedicated to finding creative solutions with increasingly limited resources. Pursuing sensible energy efficiency in state government will increase the productivity of the energy used, reduce consumption, save money, and lessen any negative environmental impact. The Commonwealth is seeking to reduce electricity consumption in state facilities by 15% by 2017, using 2009-2010 as a baseline.

While the Commonwealth embraces the challenge of reducing energy consumption, localities, businesses, and individual consumers are encouraged to use energy efficiently, and utilize available tools to conserve energy.

Energy Efficiency Initiatives

By the power vested in me by Article V of the Constitution of Virginia, and § 2.2-103 of the *Code of Virginia*, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby direct all executive branch agencies, authorities, departments, and all institutions of higher education, to every extent practicable, to operate in accordance with the following guidelines:

- All state agencies should proactively pursue energy efficiency measures, especially Energy Performance Contracting (EPC), to reduce energy consumption. EPC is a budget neutral, cost-effective tool that permits state agencies and publicly-owned facilities to reduce their deferred maintenance backlogs without adding any financial burden to the taxpayer. In addition, EPC is an effective mechanism to finance capital improvements using leveraged energy savings to reduce both energy costs and consumption. For agencies that have already employed EPC, overall energy consumption should be re-evaluated to identify areas for further efficiency improvements.
- Agencies should utilize the current process, at no cost to the agency, which provides for a general audit to assess whether EPC is appropriate for the agency. This portion of the process is managed by the Department of Mines, Minerals, and Energy (DMME), and all agencies should work with DMME to have a general audit conducted with the goal of implementing an EPC by 2016.

I have appointed the Advisor for Infrastructure and Development as the Commonwealth's Chief Energy Efficiency Officer (CEEO) to oversee planning, implementation, and measurement of energy efficiency throughout state government, as follows:

- Organize a meeting with all agencies tasked with overseeing EPC in state government and state-certified Energy Service Companies (ESCOs) to establish a fully transparent, streamlined, and standardized process that agencies will use to implement EPC. This will include the development of an "EPC Roadmap" that will lay out each step of the EPC process, and ensure accountability among agencies and the ESCOs at each stage of project development and implementation.

- Coordinate with SCHEV to identify the deferred maintenance needs at each higher education institution and the opportunities to leverage energy savings to fund building infrastructure upgrades.
- Work with the Department of General Services (DGS) and DMME to identify and prioritize state facilities that offer opportunities for significant cost and consumption reduction.
- Work with DMME to establish a comprehensive system to measure, verify, and track energy consumption in state facilities.
- Re-commission electrical equipment and systems in publicly-owned facilities, when needed.
- Ensure that DMME reviews all annual project performance reports submitted by ESCOs to the agencies.
- Work with subject matter experts to identify best practices to incentivize individuals and agencies regarding energy efficiency measures. Those who show leadership in energy efficiency, regardless of agency and project size, will be recognized.

Effective Date of the Executive Order

This Executive Order shall be effective upon signing and shall remain in force and effect from its signing unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 16th day of October, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY TWO (2014)

ADVANCING VIRGINIA'S HOUSING POLICY

Importance of the Issue

The sustained economic and social vitality of communities throughout the Commonwealth of Virginia depends upon the quality, availability, and affordability of housing. Housing is, and will remain, a key policy priority with far-reaching economic and social consequences. Successfully addressing

homelessness, particularly among veterans and youth, requires a continued commitment of energy and resources. Advancing progress in special needs housing is also an imperative to ensure that individuals with disabilities have the opportunity to live in appropriate, fully integrated settings within communities rather than institutional facilities. Moreover, the housing industry is a major direct and indirect contributor to the growth of the state's economy.

The Commonwealth must build upon the foundation established by public and private constituencies to address homelessness, while identifying several new priority areas in which progress is needed and attainable. The availability of affordable housing is a critical component not only for individuals with developmental and intellectual disabilities, but also for a growing workforce. It is essential to coordinate housing and economic development investments.

Accordingly, by virtue of the power vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby direct the Secretary of Commerce and Trade, with the assistance of the Director of the Department of Housing and Community Development, the Executive Director of the Virginia Housing Development Authority, and a representative of the Secretary of Health and Human Resources to identify and implement actions to enable quality, affordable housing, which will strengthen families and communities and foster economic growth.

Policy Review Initiatives

In developing Virginia's current housing policy, prior housing policy initiatives will be reviewed in addition to the following measures:

1. Prioritize the most urgent areas of housing and homeless program needs.
2. Identify the links between housing and economic and community development.
3. Establish working groups as determined by the Secretary of Commerce and Trade and invite stakeholder participation to provide input regarding housing and related issues.
4. Conduct a review of programs and policies in coordination with the activities of state-level housing and economic development policy-setting efforts.
5. Offer advice and recommendations for policies that address:
    a. Homelessness, particularly among veterans, young adults, and children;
    b. Rapid re-housing strategies;
    c. Housing opportunities for individuals with disabilities and other categories of special needs;
    d. Appropriate housing options for an aging demographic;
    e. Economic and community development strategies integrated with housing initiatives for urban and rural revitalization, including adaptive reuse, mixed-use development and mixed-income housing, and the preservation of existing affordable housing;
    f. Cross-Secretariat and agency collaboration and identification of resources to assist individuals receiving supportive services within a community, as appropriate, rather than in institutional settings; and,
    g. Affordable housing that meets the needs of working Virginians in areas where high housing costs impede economic development, productivity, and the quality of life.

Staffing and Funding

Staffing will be furnished by the Office of the Secretary of Commerce and Trade and the Secretary of Health and Human Resources, Department of Housing and Community Development, Virginia Housing Development Authority, and other agencies and offices as needed. Stakeholder participants in the review shall serve without compensation.

Effective Date of the Executive Order

This Executive Order shall be effective upon its signing and shall remain in force and effect until rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 30th day of October, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY THREE (2014)

DESIGNATION OF EXECUTIVE BRANCH OFFICERS AND EMPLOYEES REQUIRED TO FILE FINANCIAL DISCLOSURE STATEMENTS

Important of the Issue

The State and Local Government Conflict of Interest Act reflects the Commonwealth's steadfast commitment to ensure that designated public officers and employees file financial disclosure statements in order to prevent inappropriate conflicts between personal economic interests and the official duties of Virginia's public servants.

In furtherance of the purposes of the State and Local Government Conflict of Interests Act, Section 2.2-3100 et seq. of the *Code of Virginia* (hereinafter, "the Act"), and by virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Sections 2.2-104, 2.2-110, and 2.2-3114 of the *Code of Virginia*, and subject always to my continuing and ultimate authority and responsibility to act in such matters and to reserve powers, I hereby delegate to the Secretary of the Commonwealth the power and duty to implement the Act with respect to Executive Branch agencies, institutions, boards, commissions, councils, and authorities through the following policies and procedures:

1. A comprehensive system for specifying Executive Branch officers and employees who shall file a disclosure form, as follows:

   Office of the Governor
   - Secretaries, Deputy Secretaries, and Assistant Secretaries
   - Chief of Staff and Deputy Chief of Staff
   - Counsel and Deputy Counsel
   - Legislative Director and Deputy Legislative Director
   - Policy Director and Deputy Policy Director
   - Scheduler and Deputy Scheduler
   - Policy Analysts
   - Special Assistants

Executive Branch Agencies

- Agency Heads, Chief Deputies, and Deputies
- Legislative Liaisons and Policy Advisors
- Division/Department/Section Chiefs
- Chief Administrative Officers and Deputies
- Chief Financial Officers and Deputies
- Chief Technology Officers and Deputies
- Human Resource Management Directors
- Procurement Officers and Deputies
- Any persons with approval authority over contracts or audits

Institutions of Higher Education

- Presidents/Vice Presidents/Provosts
- Deans/Department Chairs
- Associate/Assistant Deans
- Any persons designated under Executive Branch Agencies, and those with approval authority over contracts or audits

Executive Branch Authorities

- Authorities established within the Executive Branch
- All persons within this group will file the form set forth in Section 2.2-3118, unless required by law to file the form set forth in Section 2.2-3117

Executive Branch Appointees

- All non-salaried citizen members of Executive Branch advisory boards, commissions, councils, and authorities are hereby designated to file the financial disclosure form included in Section 2.2-3118
- Appointees to boards or commissions who are salaried, such as the Parole Board or ABC Board, shall file the form set forth in Section 2.2-3117

2. Each of the Governor's Secretaries and the head of each agency, institution, board, commission, council and authority within the Executive Branch shall annually submit to the Office of the Secretary of the Commonwealth by April 1st, a report identifying:

   (a) Each position, whether classified or non-classified, that involves substantive responsibility for inspection, investigation, licensure, or other regulation of the activities of private firms, organizations, or professions; and

   (b) Each position, whether classified or non-classified, that involves substantive responsibility for procurement, audit, investment, or other activities that could be subject to abuse or improper influence as a result of the personal economic interests of the officeholder or employee.

3. The Secretary of the Commonwealth shall prepare from the reports submitted, pursuant to Paragraph 2 of this order a comprehensive list of officers and employees, including their position titles, who shall be required to file the statement of economic interests set out in the Act. The Secretary of the Commonwealth, with the assistance and cooperation of the parties listed in Paragraph 2, shall maintain this list, review and revise it annually to reflect the creation and abolition of offices and positions, and inform each officer and employee listed of his or her obligation to file the statement of economic interests in accordance with Section 2.2-3114 of the *Code of Virginia*.

4. The Governor's Secretaries and the heads of each agency, institution, board, commission, council and authority within the Executive Branch shall assist the Secretary of the Commonwealth in compiling the information required by this Executive Order, ensuring that appropriate additions to and deletions from the list of those designated to file the statement of economic interests are recommended in a timely fashion, and ensuring that designated officers and employees file their

statements of economic interests in accordance with Section 2.2-3114 of the *Code of Virginia*.

5. The head of each agency, institution, board, commission, council and authority within the Executive Branch shall be responsible for obtaining a statement of economic interests from each new officer or employee so long as the officer or employee is hired for a position previously designated. Agency heads shall also be responsible for ensuring that appropriate employees receive the necessary orientation on the State and Local Government Conflict of Interests Act in accordance with the provisions Section 2.2-3128 of the *Code of Virginia*.

6. The head of each agency, institution, board, commission, council and authority within the Executive Branch shall communicate to the officers, employees, and members within his or her organization the importance and necessity of maintaining the highest standards of conduct, and avoiding even the appearance of impropriety arising out of personal economic interests and the conduct of the business of the Commonwealth.

Effective Date of the Executive Order

This Executive Order replaces Executive Order Number 16 (2010) issued on June 29, 2010, by Governor Robert F. McDonnell.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 2018, unless amended or rescinded by further Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia this14th day of November 2014.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY FOUR (2014)

THE COMMONWEALTH COUNCIL ON BRIDGING THE NUTRITIONAL DIVIDE

Importance of the Initiative

The foundation for a new Virginia economy rests upon the pillars of a world-class education system, infrastructure, business climate, and workforce. In order to cultivate and sustain economic success, all Virginians, especially children and young adults, must have access to nutritious, affordable, and locally-sourced foods that will enable them to learn, grow, and thrive. We must work to bridge the nutritional divide in Virginia by pursuing these objectives with a cross-Secretariat, public-private approach, relying on the Commonwealth's vast resources and the vibrancy of our large agriculture sector.

Establishment of the Council

Accordingly, by virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Commonwealth Council on Bridging the Nutritional Divide ("Council")

Initiative

The Council will seek to achieve three major objectives through partnerships across the Governor's Cabinet, with state agencies, national, regional, and local nonprofits, local governments, schools, and private businesses, and with increased data sharing and research:

1. Eliminate childhood hunger in Virginia by increasing participation in nutrition assistance programs:

    - Increase school division and community participation in a) the Community Eligibility Provision, b) the Summer Food Service Program, c) the Child and Adult Care Food Program, d) alternative breakfast models, and e) additional pathways to expand meal access as determined by the Council.
    - Increase eligible household participation in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and Supplemental Nutrition Assistance Program (SNAP)

2. Promote Virginia's leading industry – agriculture – and increase access to affordable, healthy, and local foods:

    - Improve food distribution systems to better serve a diversifying Virginia agricultural economy
    - Improve accessibility to farmers' markets
    - Increase acceptance of SNAP/Electronic Benefit Transfer (EBT) and WIC/EBT at farmers' markets
    - Encourage the development of innovative and sustainable retail models to provide access to healthy foods in areas classified as food deserts
    - Increase farm-to-school and other farm-to-institution programs

3. Facilitate efficient and effective local initiatives related to community nutrition, food access, and health strategies and programs across the Commonwealth:

    - Support the development of regional agricultural councils, nutrition education programs, and additional community and learning gardens
    - Serve as a communications hub for initiatives and convener of partners, and recognize and promote innovative local programs, that align with the council's mission

Composition of the Council

The Chair of the Council will be the First Lady of Virginia and consist of representatives of the Secretaries of Agriculture and Forestry, Commerce and Trade, Education, Health and Human Resources, Veterans and Defense Affairs, state and local agencies, the agriculture and business communities, leaders in education and health, and others with appropriate expertise, as appointed by the Governor.

Staffing

Staff support for the Council will be provided by the Office of the Governor, and any other agencies or offices as may be designated by the Governor. The Council will serve in an advisory role, in accordance with § 2.2-2100 of the *Code of Virginia,* and will meet upon the call of the Chair at least four times per year.

Accountability

The Council shall develop a three-year plan to achieve its objectives and shall regularly report to the Governor and the Children's Cabinet. The plan shall include quantifiable metrics and associated goals for each objective, and progress toward achieving these goals shall be made available to the public via an online scorecard.

Effective Date of the Executive Order

This Executive Order shall be effective upon its signing and shall remain in force and effect until January 12, 2018, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 20th day of November, 2014.

Terence R. McAuliffe, Governor

Attest

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY FIVE (2014)

CONTINUATION OF THE VIRGINIA COASTAL ZONE MANAGEMENT PROGRAM

Importance of the Initiative

The Virginia Coastal Zone Management Program's ("Program") mission is to create more vital and sustainable coastal communities and ecosystems. The Department of Environmental Quality will serve as the lead agency for this networked program and will be responsible for allocation and assignment of all federal funds received for the Virginia Coastal Zone Management Program Implementation Grant.

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Sections 2.2-103 and 2.2-104 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby continue the Virginia Coastal Zone Management Program.

POLICY GOALS

State agencies having responsibility for the Commonwealth's coastal resources shall promote the Coastal Zone Management Program consistent with the following goals:

Coastal and Ocean Resource Protection

Goal 1: To protect and restore coastal and ocean resources, habitats, and species of the Commonwealth. These include, but are not limited to, wetlands, subaqueous lands and vegetation, beaches, sand dune systems, barrier islands, underwater or maritime cultural resources, riparian forested buffers, and endangered or threatened species.

Goal 2: To restore and maintain the quality of all coastal and ocean waters for human and ecosystem health through protection from adverse effects of excess nutrients, toxics, pathogens, and sedimentation.

Goal 3: To protect air quality.

Goal 4: To reduce or prevent losses of coastal habitat, life, and property caused by shoreline erosion, storms, relative sea level rise, and other coastal hazards in a manner that balances environmental and economic considerations.

Coastal and Ocean Resource Sustainable Use

Goal 5: To provide for sustainable wild fisheries and aquaculture.

Goal 6: To promote sustainable ecotourism and to increase and improve public access to coastal waters and shorefront lands compatible with resource protection goals.

Goal 7: To promote renewable energy production and provide for appropriate extraction of energy and mineral resources consistent with proper environmental practices.

Coastal and Ocean Management Coordination

Goal 8: To ensure sustainable development on coastal lands and support access for water-dependent development through effective coordination of governmental planning processes.

Goal 9: To avoid and minimize coastal and ocean resource use conflicts through research, planning, and a forum for coordination and facilitation among local, regional, state, and federal government agencies, interest groups, and citizens.

Goal 10: To promote informed decision-making by maximizing the availability of up-to-date educational information, technical advice, and scientific data including the use of new tools such as marine spatial planning.

IMPLEMENTATION AND ENFORCEMENT

The following agencies, in cooperation with local governments, as appropriate, shall have primary responsibility for implementing the enforceable policies of Virginia's Coastal Zone Management Program as approved by the National Oceanic and Atmospheric Administration:

Responsible Agency and Enforceable Policies

Department of Environmental Quality (DEQ)

Point source water pollution management and nontidal wetlands management
Air pollution
Nonpoint source pollution management
Coastal lands management

Marine Resources Commission (MRC)

Primary sand dunes management
Tidal wetlands management
Subaqueous lands management

Fisheries management (shared with DGIF)

Department of Game and Inland Fisheries (DGIF)
Fisheries management (shared with MRC)

Department of Health
Shoreline sanitation

The following agencies are responsible for assisting with the program:
Department of Conservation & Recreation
Department of Agriculture and Consumer Services
Department of Forestry
Department of Historic Resources
Department of Mines, Minerals & Energy
Department of Transportation
Virginia Economic Development Partnership
Virginia Institute of Marine Science
Virginia Department of Emergency Management

In addition, other agencies that conduct activities that may affect coastal resources shall conduct such activities in a manner consistent with and supportive of Virginia's Coastal Zone Management Program. For purposes of this Program, the Coastal Area shall mean Tidewater Virginia as defined in Section 28.2-100 of the *Code of Virginia*, inclusive of all tidal waters out to the three nautical mile Territorial Sea Boundary.

The Director of the Department of Environmental Quality shall monitor all state actions that affect coastal resources. When, in the judgment of the DEQ Director, a state agency, regulatory board, or commission is about to act in a manner that appears to be inconsistent with the Program or has established a pattern of actions that appears to be inconsistent with the Program, the Director shall discuss the situation with the head of such agency, board, or commission to determine if a consistency problem exists.

If, after discussion, the head of such agency, board, or commission and the Director of DEQ are in disagreement about the existence of a consistency problem, the Director will inform the Secretary of Natural Resources of the disagreement. The Secretary shall then determine if a state interagency consistency problem exists.

If the head of such agency, board, or commission and the Director of DEQ agree that a consistency problem exists, they shall attempt to resolve the problem. If they cannot resolve the problem, the Director shall advise the Secretary that an unresolved interagency consistency problem exists.

Upon notification of the existence of an unresolved consistency problem, the Secretary shall review the problem, determine how it should best be resolved, and affect such resolution within the Secretariat of Natural Resources or consult with other Cabinet Secretaries to resolve a consistency problem with agencies, boards, or commissions not within the Secretariat of Natural Resources. If unable to resolve the problem, the Secretary shall report to the Governor and recommend appropriate action. The Governor shall have the ultimate responsibility for resolving any interagency consistency problem that cannot be resolved by the Secretary of Natural Resources.

Any person having authority to resolve consistency problems under the terms of this Executive Order shall resolve those problems in a manner that furthers the goals and objectives of the Program as set forth above and in accordance with existing state law, regulations, and administrative procedures.

Effective Date of the Executive Order

This Executive Order rescinds Executive Order No. 18 (2010), issued by Governor Robert F. McDonnell. This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 2018, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia on this 2nd day of December, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY SIX (2014)

CONTINUING QUALIFIED ENERGY CONSERVATION BONDS

Importance of the Issue

The Commonwealth of Virginia endeavors to facilitate the use of all available tools for projects that reduce energy consumption and encourage energy efficiency and conservation in the public and private sectors. Federal Qualified Energy Conservation Bonds ("QECBs") are significant tools that can be used by the state and local governments, as well as the private sector, to lower the cost of financing energy efficiency, conservation, and renewable generation projects. QECBs are tax credits or direct pay bonds that may be issued by states, political subdivisions, and entities empowered to issue bonds on behalf of such entities, including eligible issuers in conduit financing issues for one or more qualified conservation purpose(s).

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and Sections 2.2-103 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby continue allocating the Original Locality Suballocations, minus the amounts that have been previously utilized.

Initiative

The Director of the Division of Energy of the Department of Mines, Minerals and Energy will act as the QECB Allocation Director, and work in conjunction with the Executive Director of the Virginia Small Business Financing Authority. The QECB Allocation Director will establish a process to develop a green community program and to consider such programs, with other eligible QECB uses and programs, in determining the allocation and reallocation of any unallocated amounts or waived amounts as described to applicants.

The QECB Allocation Director is further directed to issue a Request for Proposal (RFP) to select a firm or firms for the administration of the green community program within 60 days of issuance of this Executive Order. No bonds issued under allocations provided by this Executive Order will be state-supported debt without prior approval of the General Assembly.

The Originally Awarded Localities will have nine months from the issuance of this Executive Order to provide the QECB Allocation Director with written notice of intent to utilize their Original Locality Suballocation and provide documentation acceptable to the QECB Allocation Director identifying a specific project or projects for which the Original Locality Suballocation will be used. Further, they will have twelve months from the issuance of this Executive Order to utilize their Original Locality Suballocation and provide documentation to the QECB Allocation Director evidencing such use. If no notice is given or no use evidenced within either of the prescribed time periods, the unused Original Locality Suballocation will be deemed waived and returned to the QECB Allocation Director for reallocation to other qualifying projects.

Originally Awarded Localities may also waive their Original Locality Suballocation at any time within the twelve month period after the issuance of this Executive Order. The QECB Allocation Director is directed to establish, within 120 days of the issuance of this Executive Order, policies and procedures for the reallocation of any waived Original Locality Suballocation or subsequent allocations to eligible QECB uses and programs.

Suballocation

The QECB Allocation from the federal government to Virginia is $80,600,000. The Original Locality Suballocations, minus the amounts used as of the issuance of this Executive Order, are as follows:

Originally Awarded Locality	Population	Percentage	Original Suballocation	Used	Remaining Suballocation
Fairfax County	1,004,151	13.04%	$10,512,656	--	$10,512,656
Virginia Beach City	435,004	5.65%	$4,554,143	--	$4,554,143
Prince William County	359,588	4.67%	$3,764,598	--	$3,764,598
Chesterfield County	299,022	3.88%	$3,130,521	--	$3,130,521
Henrico County	289,460	3.76%	$3,030,414	--	$3,030,414
Loudoun County	277,346	3.60%	$2,903,590	--	$2,903,590
Norfolk City	235,982	3.07%	$2,470,542	$2,470,542	$0
Chesapeake City	218,830	2.84%	$2,290,975	--	$2,290,975
Arlington County	203,909	2.65%	$2,134,764	--	$2,134,764
Richmond City	199,991	2.60%	$2,093,745	--	$2,093,745
Newport News City	180,810	2.35%	$1,892,936	--	$1,892,936
Hampton City	146,466	1.90%	$1,533,382	--	$1,533,382
Alexandria City	139,848	1.82%	$1,464,095	--	$1,464,095
Stafford County	120,621	1.57%	$1,262,805	--	$1,262,805
Spotsylvania County	118,887	1.54%	$1,244,652	$1,244,652	$0
Portsmouth City	101,931	1.32%	$1,067,136	--	$1,067,136
Total Locality Suballocation			**$45,350,954**	**$3,715,194**	**$41,635,760**

1. Each Locality utilizing a suballocation of QECBs shall ensure compliance with the 70% Use Requirement or the Green Community Program Use Requirement, pursuant to Section 54D(e)(4) of the Internal Revenue Code, and upon issuance of any QECBs will provide a copy of IRS form 8038 to the QECB Allocation Director.

2. The Determination of compliance with the procedures and requirements set forth in this Executive Order or in the additional guidance, including any filings to be made and the timing and substance,

will be subject to the sole discretion of the Allocation Director.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until December 31, 2017, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 10th day of December, 2014.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

COMMONWEALTH of VIRGINIA

Executive Department

August 5, 2014

TO THE SECRETARIES OF ELECTORAL BOARDS OF THE COUNTIES AND CITIES OF CHESTERFIELD, CULPEPER, GOOCHLAND, HANOVER, HENRICO, LOUISA, NEW KENT, ORANGE,SPOTSYLVANIA AND RICHMOND (CTTY),VIRGINIA:

WHEREAS, a vacancy will occur in the United States House of Representatives from the Seventh District, composed of all of Culpeper, Goochland, Hanover, Louisa, New Kent and Orange Counties and part of Chesterfield, Henrico and Spotsylvania Counties; and part of the City of Richmond, occasioned by the resignation of The Honorable Eric I. Cantor.

NOW THEREFORE, in the name of the Commonwealth, you are hereby required to cause an election to be held in this district on November 4, 2014, for a member of the U.S. House of Representatives to fill the vacancy. Pursuant to §§ 24.2-507 and 24.2-510 of the *Code of Virginia*, the last day for filing as a candidate for such office in said election shall be Friday, August 15, 2014 at 5:00p.m.

Given under my hand as Governor of Virginia, and under the Lesser Seal of the Commonwealth, at Richmond, this 5th day of August, two thousand and fourteen and in the 239th year of theCommonwealth.

Terence R. McAuliffe

Governor, Commonwealth of Virginia

Levar Stoney

Secretary of the Commonwealth