

# Update

The newsletter of the  
Virginia Municipal League

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## GENERAL ASSEMBLY

# VML asks governor to act on legislation

After reviewing the budget adopted by the 2002 General Assembly and the legislation it passed, VML has identified the following action that it hopes Gov. Mark R. Warner will address in the reconvened session April 17. Local governments have already been advised of some of these actions, and they will receive further notices from VML on some others. The actions are:

- Veto SB593 (Hanger) which authorizes localities to prohibit their employees from bringing guns into the workplace, but prohibits localities from enacting bans prohibiting the general public from bringing firearms onto government property.
- Veto HB1299 (Jones, J.) which negates the law of nonconforming uses as it applies to manufactured housing units.
- Amend various sections of the budget relative to the Compensation Board appeal process and the personal property tax audit.
- Support HB1021 (Marshall, D.) and

SB245 (Wampler) which allow local governments to provide high-speed telecommunication services in their communities.

**SB593.** The league actively opposed SB593 based on its 2002 Legislative Program, which "supports legislation to clarify that local governments have the authority to prohibit the carrying of dangerous weapons in any publicly owned or leased building or property, as defined by their locality." VML urges any local governments concerned about this issue to urge the governor to veto the bill. Local governments should have the authority to regulate their property, including the option to ban guns. In a state as diverse as the Commonwealth, the one-size-fits-all standard established in SB593 is impractical. A gun policy that works in Page County may not work in the City of Alexandria or Fairfax County.

SB593 overturns current Virginia case

*Continued on page 4*

## Town Section meetings scheduled across state

VML will hold a series of regional Town Section meetings around the state in May. These gatherings will offer town officials an opportunity to receive useful information on issues of concern, as well as time to interact with other elected and appointed officials. Please mark you calendars!

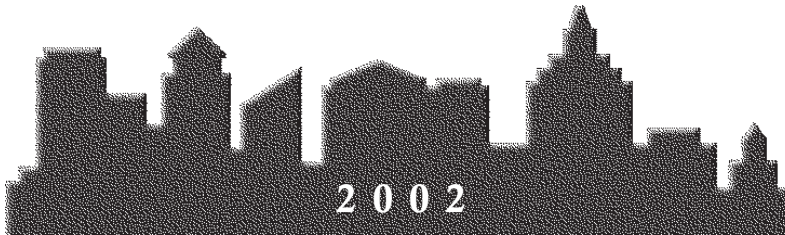
Each meeting will begin at 11 a.m. and will include lunch. Presentations will include:

- Terrorism: Is your town prepared?
- Review of VML Model Personnel Manual for towns

- Getting broadband to your town
- Review of 2002 legislation affecting towns
- How to participate in Sister Cities International
- Update on VML Group Insurance Programs
- Update on VML Purchasing Program

Please see the registration form on Page 2 for the date, location and cost of the meeting nearest you.

Complete the form and return it and a check to VML. ❖



VIRGINIA MUNICIPAL LEAGUE  
**TOWN SECTION MEETINGS**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Locality: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

All meetings will begin at 11 a.m. I will attend the following town section meeting:

- 
- |   |  |   |
|---|--|---|
| <input type="checkbox"/> <b>Thursday, May 9</b> | <b>Bridgewater</b><br>Town Hall<br>201 Green Street<br><i>Respond by Monday, May 6th</i>                                       | <b>No cost</b><br>(Town to cover cost of meal.) |
| <input type="checkbox"/> <b>Friday, May 10</b>  | <b>Abingdon</b><br>Martha Washington Inn<br>150 West Main Street<br><i>Respond by Tuesday, May 7th</i>                         | <b>\$15.95</b>                                  |
| <input type="checkbox"/> <b>Friday, May 17</b>  | <b>Eastern Shore - Exmore</b><br>The Trawler<br>Rt. 13 & Rt. 183<br><i>Respond by Monday, May 13th</i>                         | <b>\$13.95</b>                                  |
| <input type="checkbox"/> <b>Friday, May 24</b>  | <b>Appomattox</b><br>Town Hall<br>Linden Street<br><i>Respond by Monday, May 20th</i>  | <b>\$13.00</b>                                  |
| <input type="checkbox"/> <b>Friday, May 31</b>  | <b>Tappahannock</b><br>Lowery's Seafood Restaurant<br>528 Church Lane (Rt. 17 & Rt. 360)<br><i>Respond by Friday, May 24th</i> | <b>\$12.50</b>                                  |

Enclosed is my check for lunch

\$ \_\_\_\_\_

Make checks payable to VML and mail to:

VML  
Attn: Peggy Blunt  
P.O. Box 12164  
Richmond VA 23241

## AT THE LEAGUE

# In Memoriam

1951 - 2002

## VML's Margaret Nichols dies Cancer claims life of longtime finance director, insurance administrator

**M**argaret A. Nichols, director of finance for the Virginia Municipal League and administrator of its two insurance programs, died at home March 13 after a two-and-a-half year fight against cancer. She was 51.

"Margie's professionalism and dedication to both VML and the insurance programs will be sorely missed by Virginia's local governments," said VML Executive Director R. Michael Amyx. "She served as an important mentor to many VML staff members over the years."

Margie came to work for VML in 1975 as a financial assistant. During her early years with the league she served as office manager, assistant to the executive director and as executive secretary for four affiliated professional associations. In 1982, Margie was appointed finance director. She was named administrator of the league's insurance programs in 1983. The two once-fledgling insurance programs grew dramatically during her 19 years as administrator.

The Virginia Municipal Group Self Insurance Association now provides workers' compensation coverage for more than 480 Virginia local political subdivisions, covering more than 87,000 employees. The Virginia Municipal Liability Pool provides property and casualty coverage to more than 290 local government entities. Collectively, the two nonprofit programs represent more than \$33 million in annual contributions and have returned more than \$92 million in dividends to members.

Margie was diagnosed with melanoma in October 1999. She underwent treatment at Duke University Medical Center in North Carolina and soon returned to work full time. Fourteen months later, at the National League of Cities conference in Boston, Margie was presented the John G. Stutz 25 Year League Service Award for her career accomplishments.

Margie was in-and-out of the hospital at times during 2001, but with a laptop computer at her fingertips she was rarely out of touch. By the end of the year, however, she was no longer able to carry out her many responsibilities at work.

On Feb. 1 of this year, the Members' Supervisory Boards of VML Insurance Programs approved a resolution establishing the Margaret A. Nichols Risk Management Leadership Award to honor Margie's significant contributions to the success of the insurance programs. The resolution was presented to Margie at her home on Feb. 6 by two board members.

A lifelong resident of Henrico County, Margie is survived by her husband, Jim Harris; three children, Aaron Nichols, Brian Harris and Catie Harris; four brothers, three sisters and her parents.

A funeral was held at 2 p.m. March 15 at Bethlehem Baptist Church in Henrico. The family requests that expressions of sympathy take the form of contributions to the Bethlehem Baptist Youth Fund, c/o Melvin Terry, 4210 Penick Road, Richmond, VA 23228. ♦

## FROM THE CAPITOL

Governor  
continued...

law resulting from at least one local circuit court. The City of Alexandria's ban was upheld in local court and the Virginia Supreme Court refused to hear an appeal (thereby upholding the lower court's ruling). Additionally, Fairfax County was acting in good faith when it instituted its ban: then state Attorney General James S. Gilmore III had opined that local governments had the administrative authority to institute a ban.

**HB1299.** VML opposed this bill on two important policy grounds. First, by overturning the law of nonconforming uses as it applies to manufactured housing units, the bill will upset the careful balance in land use law in the Commonwealth regarding the rights of property owners to continue uses that no longer conform to a locality's land use ordinances. Second, it will perpetuate hazardous situations that can endanger the safety of residents of the Commonwealth. VML anticipates that if HB1299 becomes law, in the future other interest groups will push bills to remove themselves from the law. Enactment of this law will handicap comprehensive land use planning because there will no longer be a method to ensure that nonconforming uses are converted to permitted uses over time.

**Personal property tax audit.** Language in the budget would require local governments to implement a complex and costly audit program to ensure that only eligible vehicles receive personal property tax relief. While VML agrees that owners of business vehicles should not benefit from the car tax program, it also believes that any means of ensuring tax compliance must be cost-effective and minimize the

impact on taxpayers and localities. League staff has been discussing this issue with administration officials and localities in an effort to develop amendments to the proposed audit language. As soon as specific amendments have been developed, VML will provide the proposed changes to localities so that they can lobby the governor directly on this issue. In the meantime, local governments may wish to express their general concerns about this issue to the governor.

**Compensation Board appeals.** As a result of the General Assembly's reductions in Compensation Board funding, the budget would place a moratorium on constitutional officers' appeals of Compensation Board actions through fiscal year 2004. However, there is no such moratorium on the ability of constitutional officers to appeal any decision of their local governing body. VML will seek an amendment to the language that clarifies that local governments cannot be forced to replace Compensation Board funding that has been reduced by the state.

**HB1021 and SB245.** VML will urge the governor to sign these bills as passed. These identical bills give local governments two different ways provide high-speed telecommunication services. One is to permit any locality that has a municipal electric system to provide a full range of telecommunication services, including local dial-tone service, by becoming a certificated local exchange carrier (CLEC). The other is to allow any locality to provide high-speed telecommunication services, including cable TV but excluding dial-tone service, if there are less than three nonaffiliated providers in the area. ❖

Budget numbers  
distributed; most  
available on line

**B**udget information on a number of programs of interest to local governments has been mailed to VML member localities recently. Much of the information is also available on-line. Here is a summary of what is available:

HB599 estimates for fiscal year 2002, including the adjusted fourth quarter allocation, and the allocation for fiscal year 2003 and fiscal year 2004 are on-line. To see the allocations, just go to the Department of Criminal Justice Services' web site, at: <http://info.dcjs.state.va.us/sections/memo.cfm?MemoID=21&code=7>.

FY03 budget estimates for the Compensation Board may be viewed on the board's website, at <http://www.cns.state.va.us/compboard>. Click on "budget estimates" and select your locality or regional jail, and then the office estimate you wish to review. This will give you an estimate of expenses to be fixed for FY03 and information regarding the development of the estimated fund amounts provided. The final Comp Board budget will not likely be available until May 1.

Locality specific information on direct aid for education is available on the

*Continued on page 5*

**FROM THE CAPITOL****Budget on-line continued...**

Department of Education's web site in a March 14 memorandum from Superintendent of Public Instruction Jo Lynn DeMarye. The web address for this information is: <http://141.104.22.210/VDOE/suptsmemos/2002/reg001.html>.

Included in the mailing from VML was information from the Department of Taxation on several forms of state aid to localities for fiscal year 2003.

They are not available on-line, but they include:

- Wine Tax
- ABC Profits
- State Sales and Use Tax

- Local Option 1 Percent Sales and Use Tax
- Recordation and Grantor's Tax

Finally, the Virginia Retirement System is preparing its calculations of the effect of budgetary changes on retirement contributions. That information will be faxed to the political subdivisions that are members of VRS as soon as it is developed.

If you have questions, please call or send e-mail to Janet Areson (for questions on HB599) at 804/649-8471 or at [jareson@vml.org](mailto:jareson@vml.org) or Mary Jo Fields (for questions on education or VRS) at 804/649-8471 or [mfields@vml.org](mailto:mfields@vml.org). ❖

**Budget eliminates Project Exile funding**

The budget approved by the General Assembly eliminated funding for Project Exile, which became a statewide program in 1999 after a successful effort in Richmond. Until now, approximately \$1.1 million a year in Project Exile grants were funded through the Intensified Drug Enforcement Jurisdictions Fund (IDEA) at the Virginia Department of Criminal Justice Services. IDEA funds helped to pay for drug courts and for

jail-based substance abuse treatment as well as Exile. IDEA funds are derived from court fees on drug-related cases.

HB30 transfers \$3.5 million in IDEA funds in FY03 and FY04 to the state general fund. The balance of \$5.0 million in IDEA funds in the current fiscal year is being transferred into the state general fund as well. Sweeping the balances in FY02 and transferring \$3.5 million each year after that leaves little to no money in the IDEA pot. ❖

**Update: VJCCCA funding cuts**

As previously reported, the budget approved by the General Assembly reduces funding to the Virginia Juvenile Community Crime Control Act by 51 percent in fiscal years 2003 and 2004. Language in the budget directs the Department of Juvenile Justice to use discretion in awarding funds in FY03, and to emphasize "fundamental, appropriate" services.

Last week a number of VJCCCA stakeholders met at DJJ to discuss the FY03 funding. Dave Marsden, acting

director of DJJ, indicated that local governments should be allowed to determine what was fundamental and appropriate in use of the greatly-reduced funding.

It appears that DJJ is leaning as well toward reducing all users by the same 51 percent. This means all users would get their funds, with a 51 percent reduction. This plan likely requires approval from the governor's office before it is put into place. Plans for FY04 funding distributions are still to be determined. ❖

**Road maintenance funding news is good**

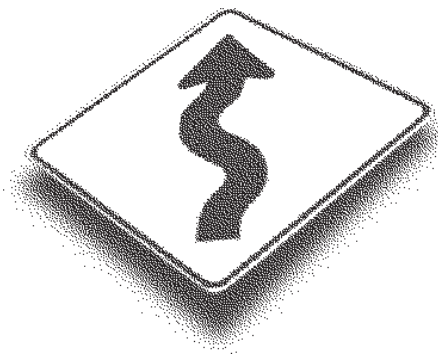
The interim commissioner of the Virginia Department of Transportation (VDOT) affirmed that the fiscal year 2003 maintenance program, including local maintenance payments, should not be affected by the financial restructuring underway at the department. Commissioner Ray Pethtel made this announcement at the March 20 meeting of the Commonwealth Transportation Board (CTB).

The FY2003 maintenance budget, including secondary roads, will grow at about 4 percent while the local street

payments will continue to be based on the Maintenance Cost Index (MCI) factor. The MCI is an artificial inflationary factor used to calculate funding from one year to the next.

At Gov. Mark Warner's directive, VDOT has been charged with reconciling the FY2003 construction program or Six-Year Plan with available and projected revenue. As a result of these actions counties are facing a 43 percent reduction in secondary construction funding and cities and towns

*Continued on page 6*

**FROM THE CAPITOL****Road maintenance continued ...**

are facing a 47 percent reduction in urban construction funding. The General Assembly has granted the department the flexibility to mitigate these cuts, however, the CTB is under pressure to fund projects of regional and statewide importance.

Local leaders are urged to decry the proposed cuts to the secondary and urban systems at the upcoming 2002 Virginia Transportation Program meetings, formerly called pre-allocation hearings. As previously reported, VDOT has released the dates, times and locations of the 2002 Virginia Transportation Program meetings. The Commonwealth Transportation Board (CTB) will adopt the fiscal year 2003 Six-Year Plan before July 1.

**Meeting dates:****Fredericksburg**

April 3, 10 a.m.

Tappahannock Volunteer Fire Department  
Airport Road off Route 17 in  
Tappahannock

**Bristol**

April 4, 9:30 a.m.

Southwest Virginia Higher Education  
Center  
(adjacent Virginia Highlands Community  
College)  
One Partnership Circle, Abingdon

**Staunton**

April 5, 10 a.m.

Augusta County Government Center  
Route 11, Verona

**Lynchburg**

April 8, 10 a.m.

Central Virginia Community College  
Merritt Hall (1st Floor)  
3506 Wards Road, Lynchburg

**Salem**

April 9, 9 a.m.

Salem Civic Center  
1001 Roanoke Blvd., Salem

**Richmond**

April 10, 10 a.m.

John Tyler Community College  
Nicholas Center  
13101 Jefferson Davis Highway, Chester

**Hampton Roads**

April 12, 9:30 a.m.

District Office Auditorium  
1700 N. Main St., Suffolk

**Northern Virginia**

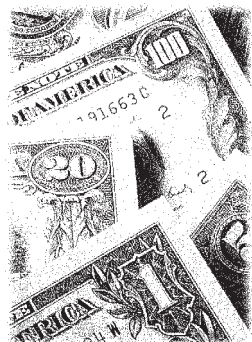
April 15, 10 a.m.

Fairfax City Hall  
10455 Armstrong St., Fairfax

**Culpeper**

April 16, 10 a.m.

Culpeper District Office Auditorium  
1601 Orange Road  
Route 15, 0.6 miles south of Route 3,  
Culpeper

**Funding for Chesapeake Bay grants uncertain**

The Chesapeake Bay Local Assistance Department (CBLAD) has advised localities and others seeking funding under the Chesapeake Bay Preservation Act Competitive Grants program that money may not be available for the grants. The final budget of the 2002 General Assembly session reduced CBLAD's fiscal year 2003 appropriation by \$1 million. The department has advised localities that it is uncertain how much funding will be available, and cannot say at this time if any of the grants will be made.

The department reviewed all requests for fiscal year 2003 funding, and is advising that grants will be awarded in order of ranking, if funds become available. A total of 28 proposals were reviewed, with funding planned for 24 of these projects. The department planned to

award \$544,287 to localities and planning district commissions to implement the Chesapeake Bay Preservation Act. Individual grants would range from \$12,000 to \$50,000.

In a letter to grantees, CBLAD's Acting Executive Director C. Scott Crafton noted that the department regrets "the problems this uncertain situation causes the ... local governments that are our partners in implementing the Chesapeake Bay Preservation Act." He stated: "We are hopeful that these funds will be restored by the Governor and the General Assembly when they return to Richmond for the veto session on April 17, 2002."

In addition to cutting CBLAD's budget, the General Assembly has directed the Secretary of Natural Resources to merge

*Continued on page 7*

## FROM THE CAPITOL

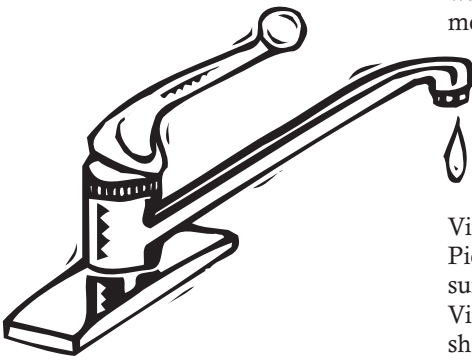
### Bay grants continued...

CBLAD's operations within the Division of Soil and Water of the Department of Conservation and Recreation "in a effort to avoid duplication, overlap and inefficiency in implementation of the Chesapeake Bay Act." By Nov. 1 of this year, the secretary is required to submit the merger plan to the governor and General Assembly.

Critics of the merger have characterized the move as premature, pointing out that a Joint Legislative Audit and Review

study on the implementation of the Chesapeake Bay Preservation Act, which includes an assessment of personnel and financial resources, will not be complete until October 2002. In addition, the Commission on Efficiency and Effectiveness, convened by the governor to "look at the services that government provides and determine if our government can provide those services in a more cost-oriented manner," has just begun its work. ❖

### Localities initiate water conservation



The Drought Monitoring Task Force reported on March 14 that the City of Roanoke has initiated mandatory water conservation requirements. Portsmouth, Chesapeake, Suffolk, Front Royal, Spotsylvania, Fredericksburg and Stafford have initiated voluntary water conservation.

According to the state climatologist, the recent September-February period was the driest September-February in Virginia's past 107 years. In the Western Piedmont, the Shenandoah Valley and surrounding mountains, and Northern Virginia, this drought is "severe both from short and long-term perspectives."

The U.S. Geological Survey reported that streamflows across the state were well below normal, despite recent rain on March 2-3.

Nevertheless, current streamflow, while low, is not consistently at the low levels experienced during the 1930s drought. (The drought of 1930-32 was the worst drought in Virginia in at least 100 years.) And groundwater based public water supplies, according to the Virginia Department of Health, have shown few adverse impacts due to ground water level declines.

The updated task force report is available at [www.deq.state.va.us](http://www.deq.state.va.us) under the topic "what's new." ❖

## ETCETERA

### 'Smart Moves' competition announced

Applications are due May 3 for a new nationwide "Transportation Strategies for Smart Growth" competition.

The Federal Highway Administration and the U.S. Environmental Protection Agency have joined forces with state highway officials to boost smart growth at the state and local level by sponsoring a nationwide competition: "Smart Moves: Transportation Strategies for Smart Growth."

The contest will highlight the best

planning strategies from government transportation agencies. All state and local departments of transportation, metropolitan planning organizations, and transit operators are eligible to participate in the contest. Up to eight winners will be recognized in fall 2002 in three categories: regulatory framework, capital projects, and service-enhancement projects. Download applications from [www.transportation.org/aashto/news.nsf/SmartGrowth](http://www.transportation.org/aashto/news.nsf/SmartGrowth). ❖

### 'Better Models for Development in Virginia' available

The Conservation Fund recently released a 108-page guide, "Better Models For Development in Virginia." The guide explains how to create, maintain and enhance livable communities in Virginia.

Written for elected officials and

interested citizens, the book sets out six principles and 25 key ideas for better development. Copies are \$15 plus shipping and handling. Contact the Conservation Fund at 703/525-6300. Visit the website at [www.conservationfund.org](http://www.conservationfund.org). ❖

## FROM THE CAPITOL

## Phase 2 storm water regulations proposed



The Department of Environmental Quality issued a Notice of Intended Regulatory Action for Small Municipal Separate Storm Sewer Systems on March 7. At its March 28 meeting, State Water Control Board staff will request that the Board hold public hearings and open a 60-day public comment period.

The purpose of the proposed action is to adopt a VPDES general permit for storm water discharges from small municipal separate storm sewer systems, known as small MS4's. U.S. Environmental Protection Agency regulations now require that small MS4's in urbanized areas apply for VPDES permit coverage by March 10, 2003.

This general permit regulation will establish state requirements for small MS4's to develop, implement and enforce a storm water management program. The program must reduce the impact of storm water discharges on receiving streams to the maximum extent practicable.

The permit program requires small MS4's to identify best management practices (BMP's) to control storm water discharges, and measurable goals for each identified BMP for each of the following six minimum control measures: (1) public education and outreach on storm water impacts, (2) public involvement/participation, (3) illicit discharge detection and elimination, (4) construction site storm water runoff control, (5) post-construction storm water management in new develop-

ment and redevelopment, and (6) pollution prevention/good housekeeping for municipal operations.

The program regulations will apply to localities operating an MS4 with a population of at least 10,000. EPA will identify designated localities, based on updated 2000 census figures. Eleven large urban localities in Virginia previously were designated under Storm Water Phase 1 regulations. Presently, the following localities are designated: Albemarle County, Alexandria, Amherst County, Bedford County, Botetourt County, Bristol, Campbell County, Charlottesville, Colonial Heights, Danville, Dinwiddie County, Fairfax, Falls Church, Fredericksburg, Gate City, Gloucester County, Hanover County, Herndon, Hopewell, James City County, Loudoun County, Lynchburg, Manassas, Manassas Park, Occoquan, Petersburg, Pittsylvania County, Poquoson, Prince George County, Richmond, Roanoke, Roanoke County, Salem, Scott County, Spotsylvania County, Stafford County, Suffolk, Vienna, Vinton, Washington County, Weber City, Williamsburg and York County.

According to the DEQ, the following localities are potentially designated: Blacksburg, Christiansburg, Front Royal, Harrisonburg, Town of Leesburg, Martinsville, Radford, Staunton, Waynesboro and Winchester. ❖

## Water Quality Improvement Fund reimbursements deferred

Changes in cash flow projections and no additional appropriation to the Water Quality Improvement Fund have caused the Department of Environmental Quality to defer 15 percent of eligible reimbursements until additional funds become available.

Reimbursements are being prorated to pay 85 percent of the eligible costs. Projects in the James, York, and Rappahannock Basins were not affected. The department reported however,

"that further solicitation for projects and further reductions with cost-share cannot occur until state financial resources are available." The department estimates that future WQIF funding requirements will total \$95.68 million.

The General Assembly established the fund in 1997. Appropriations were to be made annually from the state's surplus

revenues. The state budget shortfall this year meant that no appropriation was made to the WQIF.

Under the cooperative point source control program, the DEQ provides targeted local governments 50 percent of the capital cost to design and install nutrient removal facilities at publicly owned treatment works. DEQ's Jan. 22, 2002 *Annual Report on the Virginia Water Quality Improvement Fund* details grant expenditures through fiscal year 2002.

In fiscal years 1998 and 1999, the DEQ targeted \$47 million in point source funds for projects in the Shenandoah-Potomac Tributary Strategy.

In fiscal year 2000, the \$25 million point source allocation to the WQIF was for use in implementing nutrient reduction strategies for the lower bay tributaries

*Continued on page 9*

## FROM THE CAPITOL

## Water quality fund continued ...

(Rappahannock, York, James, and Small Coastal Basins). For the fiscal year 2001 – 2002 biennium, \$13 million in funds was appropriated to the program. For the fiscal year 2002 budget, however, there was no appropriation to the WQIF point source program.

The annual report is available at

[www.deq.state.va.us/bay/wqifdown.html](http://www.deq.state.va.us/bay/wqifdown.html).

A companion document, the *2000 Annual Report on the Status of Tributary Strategies, Chesapeake Bay Act and Water Quality for Virginia's Chesapeake Bay and Tributaries* dated November 2000, is also available at that site. ❖

## IN THE COURTS

## Supreme Court limits rights to job – the Bowman doctrine

The Virginia Supreme Court has ruled that an employee cannot successfully sue for her job when she was fired for filing an assault and battery charge against her boss. The case is *Rowan v. Tractor Supply*, decided on March 1. It applies to governmental employers as well as to private companies.

Ms. Rowan worked at Tractor Supply. She confronted her department manager about his alleged embezzlement of company funds. He reacted violently, twisting her arm and pushing her against a desk. She sued the manager and won a small judgment. She then went to the police and filed an assault and battery charge against him. At that point, the store manager asked her to drop the charges and, exercising Dilbert-like judgment, reminded her that yet another manager in the loop was a “dangerous and powerful person who could ‘hurt her’” if she didn’t abandon her criminal complaint against the arm-twisting manager. She persisted in the criminal charges and was fired. The arm-twisting manager was convicted of assault.

Ms. Rowan brought a wrongful discharge claim under the Bowman doctrine. The Bowman doctrine is an exception to Virginia’s strong at-will presumption in employment. In Virginia, a job is at-will unless the employer has agreed to a term of employment. When it is at-will, an employee may be dismissed at any time, without cause. In

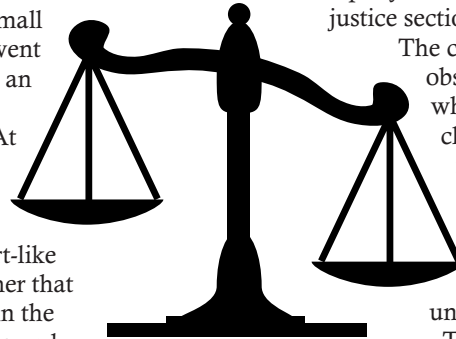
Bowman, a bank employee was fired for not voting her bank stock a certain way. The state code ensured stockholders’ right to vote as they wish, without coercion. The Bowman court ruled that the termination violated public policy, and was therefore not permitted, despite the at-will presumption in Virginia law.

Ms. Rowan did not persuade the court that her firing violated the Bowman rule, because the statute that she claimed Tractor Supply violated when it fired her does not protect her. She claimed that the company violated the obstruction of justice section of the state code.

The court ruled that the obstruction section on which she based her claim does not protect individuals, in contrast to the stock-voting section in Bowman. Therefore, she could be fired under the circumstances.

The court did note another situation in which the Bowman doctrine has been expanded. Where an employee is fired for refusing to commit a crime, the Bowman doctrine protects the employee from firing.

Notwithstanding the Bowman doctrine, public employers have grievance procedures to consider. A public employer may dismiss an employee without cause, but if he is fired for workplace rules violation, a panel may change the punishment, if it was too severe. This rule exists separately from the Bowman doctrine. ❖



**ETCETERA**

**Roanoke seeks information on vehicle rental**

The city of Roanoke is interested in contracting for the rental of vehicles, from passenger cars and mini-vans to light trucks, through a national corporation.

If your city or county uses a vehicle rental contract with a national company for local and out-of-town travel, including the rental of vehicles while attending a

conference in a distant state, Roanoke Fleet Operations Administrator Dick Bain is interested in reviewing such agreements.

He can be reached by e-mail at: dick\_bain@ci.roanoke.va.us or by fax at 540/853-6845 or by telephone at 540/853-2108. ❖

**Evaluate response to comparative cost survey carefully**

A survey has been sent by Auditor of Public Accounts Walter J. Kucharski to various local officials asking them to evaluate the *Comparative Report of Local Government Revenues and Expenditures*. Local government managers and finance directors are the main recipients of the survey, but it has also been sent to a random group of city council and board of supervisor members. VML urges local officials to return the survey, but also asks that they carefully consider their responses.

This report, sometimes referred to as "the big yellow book," contains the most complete information on local government revenues and expenditures

available anywhere in the state. It has been the source of some controversy from time to time, in part because of the difficulties that some local governments have in meeting the deadlines for submitting data to the APA office. Also, when the report is released annually it can result in comparisons of local government spending that present an incomplete and unfair assessment of a given locality.

VML considers the Comparative Cost Report to be a vital source of information in conducting analyses of local government revenue and expenditure trends. It provides invaluable historical data that is essential for evaluating changes that occur over time. If this report were to be

eliminated or radically altered, it would greatly diminish the ability of VML and others who use this data to make comparisons over time. There may, however, be improvements that can be made to the report itself or the manner in which data is collected that would not diminish the usefulness of the data. Local officials are urged to suggest any changes that will improve the report of simplify its preparation without adversely affecting the long-term comparability of the information.

Local officials with questions about the survey should contact Betty Long at the league office -- 804/649-8471 or blong@vml.org. ❖

**POSITIONS**

**Longer version of job ads posted at www.vml.org**

Because of the number of requests it receives to publish job advertisements, VML reduces the length of the of position descriptions in *Update*. A full version of all of the job listings published here appears on VML's web site at www.vml.org. Visit the VML site and click on "Marketplace" to read the complete description.

**Senior Civil Engineer, Herndon**

SALARY: \$48,374-\$60,000 DOQ. (Pop 21,900) Provide construction, maintenance & mgmt of town infrastructure. Responsibilities include private developer site plan review and inspection, erosion and sediment control prgm, stormwater mgmt, GIS mgmt, development and mgmt of capital projects. Reqs. bachelor's degree in engineering (preferably civil), min. 6 yrs relevant exper., Va, professional engineer license or EIT certificate or ability to become registered in

12 mos. Call 703/481-1185 or send e-mail to: jobs@town.herndon.va.us. For info./ application, visit www.town.herndon.va.us. EOE.

**Town Manager, La Crosse**

SALARY: DOQ (+) benefits. Manage with little supervision day-to-day operations of small town in Mecklenburg County w/ recently completed boundary adjustment; town revitalization approved and under way. Possess administrative and fiscal mngmnt. skills; worked as deputy mngr. or supervisor overseeing office with at least 6 staff members. Self-motivated with initiative and vision to enhance growth and community atmosphere. Town residency required. Cover letter and resume w/references to: Town of La Crosse, P.O. Box 178, La Crosse, VA 23950. Deadline: April 30.

**Planner, Bedford County**

SALARY:\$31,147.29-\$46,022.27 (+) benefits. Administers zoning and subdivision ordinances; assists with comprehensive planning. Strong background in zoning, land use and environmental planning. Exper. w/ GIS and Arc View or ARC/INFO desirable. Reqs. 2

yrs. exper. and bachelor's degree in planning or closely related field. Complete job description and application available at: Bedford County Human Resources Department, Bedford County Administration Building, 122 E. Main St., 2<sup>nd</sup> Floor, Bedford, VA 24523 or call 540/586-7601. Application, job description also available at www.co.bedford.va.us. Open until filled. EOE.

**City Clerk, Petersburg**

SALARY: \$28,841-\$47,591. Performs professional and administrative work as legislative assistant to city council. Attends all council meetings. Records and prepares the official record of proceedings. Bachelor's degree in political science, public admin., business admin. or related field preferred and 5-7 yrs. exper. in admin. mngmnt. at responsible level, preferably in a municipal govt. Certification as a municipal clerk by the IIMC is req. within 3 yrs. after appointment. Application and/or resume to: City of Petersburg, Human Resources Department, 103 W. Tabb St., Petersburg, VA 23803. Visit www.petersburg-va.org. Deadline: April 5. EOE.

*Continued on page 11*

## POSITIONS

### **Emergency Medical Technician / Cardiac Technician / Firefighter, Prince George County**

SALARY: \$26,867-\$28,227 to start. Responsible for emergency medical service work; perform basic and advanced life support care; conduct training for emergency response personnel and public; assist in hazardous materials activities. H.S. diploma or equiv.; certification as EMT-cardiac technician; exper. as a cleared cardiac tech for 2 yrs. Application and job description: Call Human Resource Office at 804/733-2600. Additional info. about county at [www.princegeorgeva.org](http://www.princegeorgeva.org). Deadline: April 15. EOE.

### **Emergency Medical Technician / Paramedic / Firefighter, Prince George County**

SALARY: \$30,411-\$31,950 to start. Responsible for all aspects of technical emergency medical service work; perform basic and advanced life support care; conduct training for emergency response personnel and public; assist in hazardous materials activities. H.S. diploma or equiv.; certification as EMT-paramedic, exper. as a cleared paramedic for 2 yrs. Application and job description: Call Human Resource Office at 804/733-2600. Additional info. about county at [www.princegeorgeva.org](http://www.princegeorgeva.org). April 15.

### **Human Resource Manager, Emporia**

SALARY: \$32,155-\$45,434 (+) benefits. Manage, direct personnel functions (120-plus employees) under direction of city manager; administer education and certification programs, benefit programs (including medical, dental, life insurance, workers' compensation, unemployment and retirement), and serves as risk manager. Reqs. bachelor's in related field or 4 yrs. human resource exper. Resume w/ cover letter (detailed work history & exper.) and at least 3 professional references to: City of Emporia, Mercury T. Payton, Assistant City Manager, 201 S. Main St., P.O. Box 511, Emporia, VA 23847. E-mail: [mercury.payton@ci.emporia.va.us](mailto:mercury.payton@ci.emporia.va.us); online: [www.ci.emporia.va.us](http://www.ci.emporia.va.us); fax, 434/634-0003; phone, 434/634-7307. Deadline: April 30. Open until filled. EOE.

### **Finance Director, Emporia**

SALARY: \$33,783-\$47,734 (+) benefits. Manage, oversee \$14 million bldgt. under direction of city manager; exper. w/ financial software packages, multi-year revenue and budget forecasting, investments and team building. Reqs. bachelor's in accounting / business / related field or 4 yrs. finance exper.; prefer some exper. in finance mngmnt. Municipal exper. a plus. Resume w/ cover letter (complete with detailed work history & exper.) and at least 3 professional references to: City of Emporia, Mercury T. Payton, Assistant City Manager, 201 S. Main St., P.O. Box 511, Emporia, VA 23847. E-mail: [mercury.payton@ci.emporia.va.us](mailto:mercury.payton@ci.emporia.va.us); online: [www.ci.emporia.va.us](http://www.ci.emporia.va.us); fax, 434/634-0003; phone, 434/634-7307. Deadline: April 30. Open until filled. EOE.

### **Water Resource Management Administrator, Chesapeake**

SALARY: \$57,363 negotiable DOQ (+) benefits. Oversee and manage planning and coordination of water resources for the city in the Public Utilities Department. Oversees operation and maintenance of the water treatment plant, water distribution system and laboratory. Must possess Va. Professional Engineering License, bachelor's degree in civil, chemical, or environmental engineering, min. 4-8 yrs. exper. Apply to: City of Chesapeake, Department of Human Resources, P.O. Box 15225 Chesapeake, VA 23328. E-mail: [selection@pers.city.chesapeake.va.us](mailto:selection@pers.city.chesapeake.va.us) Web: [www.chesapeake.va.us](http://www.chesapeake.va.us) #03110201 Deadline: April 3. EOE

### **Business Development Director, Eden, N.C.**

SALARY: DOQ/DOE. Coordinates all commercial and downtown activities while working with existing business owners. Serves as city's primary contact on downtown development. Participates in Chamber of Commerce and the local Economic Development Partnership office. Manages community economic development program through marketing projects and managing all administrative requirements. Applications available: Eden City Hall, 308 E. Stadium Drive, or call HR at 623-2110 and Employment Security Commission, Hwy. 87, Reidsville, N.C. Open until filled. EOE.

### **Engineer I, Manassas**

SALARY: \$41,620-\$52,020. Engineering Department seeking degreed engineer with personal computer abilities, including use of latest AutoCAD, civil engineering software. Must possess: Knowledge and experience in surveying and civil engineering practices and

principles; ability to review site plans for conformance to city design standards. Good communication skills. Apply: Department of Human Resources, 9027 Center St., Room 302, Manassas, VA 20110. Or FAX 703/257-5827. Open until filled. EOE.

### **Public Relations Specialist, Norfolk**

SALARY: \$35,115-\$40,861. In Neighborhood and Leisure Services Administrative Office. Develop and execute PR activities to communicate city and dept. positions, programs and services. Reqs. excel. communication and promotional skills, photographic and videography skills, and creativity. Must effectively communicate programs to media. Excel. personal computer skills — Windows 2000 Microsoft Office programs, PowerPoint, Adobe PhotoShop, and Internet. Application at: Human Resources, 100 City Hall Building, 810 Union St., Norfolk, VA 23510 or apply online at [www.norfolk.va.us](http://www.norfolk.va.us). Deadline: April 2. EOE.

### **Treasurer, New Market**

SALARY: Low-high \$30,000s DOQ (+) benefits. Maintain all financial records, utility/tax collection, financial reports, budget assistance, investment mgt., payroll, benefits, distribution of licenses and operation of a computer system and related software. Should have extensive knowledge of accounting principles and procedures, and thorough knowledge of how to operate computers. Considerable experience in bookkeeping, accounting and related work and/or appropriate college-level educ. Resume, cover letter, salary history and professional references to: Town Manager, P.O. Box 58, New Market, VA 22844 Telephone: 540/740-3432). Deadline: April 5. EOE.

### **Director of Public Works, Nags Head, N.C.**

SALARY: \$51,100-\$72,202. Oversee, plan and organize Public Works Department, consisting of facilities maintenance, garage, sanitation and water distribution. Communication and problem-solving skills essential. Must deal constructively with public, staff and outside agencies. Reqs. bachelor's degree in civil engineering, public administration or related field, complemented by substantial public sector exper. Town residency req.. Apply to: Town of Nags Head, P.O. Box 99, Nags Head, NC 27954. Deadline: April 15.

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## POSITIONS

### Deputy Assistant County Executive, Prince William

SALARY: Mid-\$90,000s-\$110,000 DOE/DOQ. (Pop. 303,477) \$480 million bdgt. / 3,300 employees. Under mngmnt. direction of county administrator. Integral part of senior mngmnt team. Demonstrated skills in supervising and managing large agencies and complex projects. Reqs. bachelor's in public or business admin., preferably supplemented by master's in public admin. or related field and extensive supervisory exper. in local gov't. admin. w/ min. 2 yrs. at dept. director level or above. Reqs. extensive exper. w/community groups, planning and development activities in a local gov't. environment. Resume and cover letter to: Prince William County Human Resources, 1 County Complex Court, Woodbridge, VA 22192 OR e-mail resume and cover letter to: pwcresumes@pwcgov.org. For more information, call 703/792-6640. # 89-0085 Deadline: April 25. EOE.

### Director of General Services, Fleet Manager, Environmental Administrator (3 positions), Roanoke

SALARY: DOQ. Seeking experienced professional with leadership, communications, interpersonal and significant management skills for Director of General Services, Fleet Manager and Environmental Administrator. Bachelor's degree and min. of 5 yrs. related exper. Visit city website and apply on the Internet - www.roanokegov.com, City of Roanoke, Department of Human Resources, 215 Church Ave. SW, Room 207, Roanoke, VA 24011. EOE.

### Civil Engineer, Stafford County

SALARY: \$36,358-\$59,592 DOQ (+) benefits. Assists with planning, design, construction quality control and project administration of water and sewer utility improvements for the county's Department of Utilities. Send county application (required), resume, and cover letter to: Stafford County, Personnel Department, P.O. Box 339, Stafford, VA 22555; FAX: 540/658-4597. For application contact: 540/658-8628; TTY: 540/658-4534; www.co.stafford.va.us. Open until filled. EOE

### Plumbing Inspections Supervisor, Loudoun County

SALARY: \$40,389-\$62,603 hiring range. Supervises Plumbing Inspections Division of Building & Development. Manage training program for plumbing inspectors and ensure plumbing compliance with Virginia Uniform Statewide Building Code. Assign daily workload of 16 inspectors and plumbing plans reviewers. E-mail resumes to hr@loudoun.gov. For additional information and to receive a required application, contact web site: www.loudoun.gov or call 24-hr. job line: 703/777-0536. Human Resources: 703/777-0213. TDD: 703/777-0107. Ref # 02-296. Apply immediately. EOE

### Communications Systems Coordinator, Fauquier County

SALARY: \$38,292-\$57,438 (+) benefits. Plan, direct and supervise technical operations of the public safety communications system. Submit Fauquier County Classified application to: Fauquier County Human Resources Department, 10 Hotel St., Warrenton, VA 20186. For assistance call 540/347-8668. Fax # 540/347-3610. www.co.fauquier.va.us/services/jobs. (Applications may be printed from the web site.) Open until filled. EOE.

### Finance Director, Fauquier County

SALARY: \$54,869-\$82,304 (+) benefits. Supports both the county government and public school programs. Direct the activities of the Finance Department, including General Ledger, Payroll, Accounts Receivable, Accounts Payable, Procurement, and Risk Management. Submit Fauquier County Classified application to: Fauquier County Human Resources Department, 10 Hotel St., Warrenton, VA 20186. Assistance: 540/347-8668 or Fax: 540/347-3610. www.co.fauquier.va.us/services/jobs. (Applications may be printed from web site.) Open until filled. EOE.

### Town Manager, Gate City

Salary: \$30,000-\$45,000 DOE/DOQ (+) benefits. (Pop. 2,159). Plan, direct, and review the work of 30 full- and part-time employees. Supervise police chief, public works director, treasurer and clerk. Prepare and administer \$1.6 million bdgt. Serve as sanitation authority manager. Mayor and 5-member town council elected in even years. Send cover letter, complete resume, salary history, and 3 professional references to the Town of Gate City, Personnel Committee, 176 E. Jackson St., Gate City, VA 24251. Information: 276/386-3831. Deadline: April 12. EOE.

### Director of Finance, Fluvanna County

SALARY: \$41,038-\$59,426. Send Virginia state application to Macon C. Sammons Jr., County Administrator, County of Fluvanna, P.O. Box 540, Palmyra, VA. Full job description available upon request. Information or an application: 434/591-1910; website: <http://www.co.fluvanna.va.us>. Open until filled. EOE.

### CSA Program Manager, Fluvanna County

SALARY: DOQ/DOE. FT position. Frequent work with agencies and service providers for children and families with special needs. Oversee public expenditures with focus on cost containment, maintaining confidential files, financial records, preparing contracts, monitoring progress and cost effectiveness of services, billing, meeting agendas, reports, and staffing of FAPT and CPMT teams. State application to: Brenda Browning, Department of Finance, P.O. Box 540, Palmyra, VA. For info. or application: 434/591-1910; Web: www.co.fluvanna.va.us. State application <http://www.co.fluvanna.va.us/jobs.htm#stateapp> to: Fluvanna County, P.O. Box 540, Palmyra, VA 22963 Attn: Brenda Browning, Director of Finance. Open until filled. EOE.

### Senior Planner, Fluvanna County

SALARY: \$29,952-\$43,368 (+) benefits. Department of Planning and Community Development. Full job description available upon request. Send resume and Virginia state application with references to: Fluvanna County, P.O. Box 540, Palmyra, VA 22963, Attn: G. Cabell Lawton IV. For info. or an application: 434/591-1910; E-mail [clawton@co.fluvanna.va.us](mailto:clawton@co.fluvanna.va.us); website: www.co.fluvanna.va.us. Open until filled. EOE.

### Information Officer III, Fairfax County

SALARY: \$45,388-\$60,517 hiring range (+) benefits. In Office of Public Affairs. Serves as a senior public information professional responsible for developing, planning and executing comprehensive public information programs and managing media relations. To apply: Send resume and a resume attachment form to: Fairfax County Application Center, 12000 Government Center Pkwy., Suite #170, Fairfax, VA 22035. Resume attachment form can be found at <http://www.co.fairfax.va.us/jobs/>

Continued on page 13

## POSITIONS

sup\_frm.htm. Questions to Debra Bianchi or Margaret Showalter at 703/324-3187.

### Management Intern, Loudoun County

**SALARY:** DOQ. Seeking up to 3 candidates for high-profile 2002-2003 Management Internship Program. Temporary, FT, partial benefits positions available for 12-month period beginning July 1, 2002. E-mail resumes to [hr@loudoun.gov](mailto:hr@loudoun.gov). Human Resources: 703/777-0213. Web site: [www.loudoun.gov](http://www.loudoun.gov). Apply immediately.

### Community Development Planner, Warrenton

**SALARY:** \$29,494-\$45,677 (+) benefits. Performs responsible technical and professional work in planning/zoning and economic development. Applications or resumes to: Personnel Director, Town of Warrenton, P.O. Drawer 341, Warrenton, VA 20188 (18 Court St., Warrenton, VA 20186). Open until filled. EOE.

### Zoning Administrator, King William County

**SALARY:** DOQ. (Pop. 13,100) Responsible for interpretation of, and compliance with, land-use and environmental codes, including zoning, subdivision, wetlands, erosion and sediment control, stormwater management and GIS. County employment application, resume and 5 profes-

sional references to: County Director of Community Development, King William County, P.O. Box 215, King William, VA 23086. Job description and county application may be obtained by calling 804/769-4969. Open until filled. EOE.

### Director of Community Development, West Point

**SALARY:** \$30,000-\$35,000 negotiable (+) benefits. Department head charged with developing and managing master planning process for 3,360 pop. town in King William County. Town employment application, resume and 3 references to: Anthony J. Romanello, Town Manager, P.O. Box 152, 329 Sixth St., West Point, VA 23181. Call 804/843-3330 for an application. Open until filled.

### Traffic Engineer, Portsmouth

**SALARY:** \$48,290. Direct traffic engineering program, including evaluation, planning, design and implementation of traffic control devices. City application to: City of Portsmouth, Human Resource Management Department, 801 Crawford St., Portsmouth, VA 23704 or to the nearest Virginia Employment Commission office. Visit [www.ci.portsmouth.va.us](http://www.ci.portsmouth.va.us). Deadline: Open until filled. EOE.

### Public Affairs Officer, Alexandria

**SALARY:** \$42,286-\$62,451 DOQ (+) benefits. Perform full range of professional and technical print and media services;

complex hands-on writing, editing, proofing, lay-out and communications tasks involved in writing, designing and editing annual report, newsletters and brochures. Prefer fluency in Spanish. For info. and req. city application, contact 703/838-4422 or for on-line application access <http://ci.alexandria.va.us>. Ref. # 70402. EOE.

### Electric Distribution Superintendent, Danville

**SALARY:** \$44,185-\$49,697. Coordinate, plan and direct line construction and maintenance of power transmission and distribution system for Utility Department's Electric Division. Direct emergency repair operations; oversee switching operations to provide reliable electric service. Apply to: City of Danville, Human Resources, P.O. Box 3300, Danville, VA 24543, the Virginia Employment Commission or see [www.ci.danville.va.us](http://www.ci.danville.va.us) for city application. Open until filled. EOE.

**DEADLINE:** *The deadline for placing a job advertisement in the next issue of Update is Friday, April 5. Submit ads via e-mail to David Parsons at: [dparsons@vml.org](mailto:dparsons@vml.org). You may also submit via FAX at: 804/343-3758. VML publishes job advertisements at no cost to its local government members. Non-members are charged a flat rate of \$25 per ad per issue, which includes posting on VML's web site and publication in Virginia Town & City (deadlines permitting). VML edits position descriptions in printed publications because of space limitations.*

## CALENDAR

### National Association of Government Communicators Annual Communications School, April 3-5, Arlington

Session topics to include crisis communications planning, communicating agency milestones, information dissemination, web sites, mediation techniques for public hearings, making powerful presentations and publishing award winning pieces. At Hilton Crystal City. Contact: 703/691-0377 or [www.nagc.com](http://www.nagc.com).

### 2002 Environment Virginia, April 9-11, Lexington

A conference on current environmental issues at Virginia Military Institute. Early registration fee \$145 (before March 1); \$225

after. Meet Gov. Mark Warner's environmental team. Contact: 540/464-7750 or e-mail to: [conference@vml.edu](mailto:conference@vml.edu).

### APWA 42nd Annual North American Snow Conference, April 14-16, Columbus, Ohio

American Public Works Association's premier event for snow and ice management.

### VAHCDO Annual Meeting, May 5-7, Virginia Beach

At Ramada Plaza Resort, Oceanfront at 57th Street, Virginia Beach, VA 757/428-7025. Registration: \$150. Sunday, May 5 — exhibits / reception. Monday, May 6 — General session, lunch, breakouts. Tuesday, May 7 — Breakouts, lunch.

### Power of Prevention Conference 2002, May 20-22, Richmond

"Preventing Violence Strategies for All Ages" is the title of the Prevent Child Abuse Virginia Power of Prevention 2002 annual statewide conference. At Holiday Inn Select, Koger South Conference Center, Richmond. Keynote speaker is James Garbarino, nationally-known authority on youth violence. Contact: 804/359-0716 or e-mail to [conference@pcav.org](mailto:conference@pcav.org).

*The deadline for placing a calendar item in the next issue of Update is Friday, April 5. Preferred method of submitting items is via e-mail to David Parsons at: [dparsons@vml.org](mailto:dparsons@vml.org). You may also submit via FAX at: 804/343-3758.*

