

Update

The newsletter of the
Virginia Municipal League

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Richmond**

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VML Legislative Committee to study tax, spending plans

VML's Legislative Committee will convene in Richmond on Jan. 9 to discuss tax and spending proposals that will be debated during the upcoming session of the General Assembly. Committee members will evaluate the proposals, including a tax-restructuring plan put forth by Gov. Mark R. Warner last month, in the context of the governor's proposed 2005-2006 budget.

The 24-member Legislative Committee is charged with setting the league's legislative policy. Its actions on Jan. 9 will guide league staff during the 2004 legislative session.

Without tax reform, Warner's proposed budget likely will need to be cut by more than \$1 billion. Such cuts would affect local governments disproportionately. Approximately 50 percent of the state's General Fund is dedicated to localities, which provide many state-mandated services.

The governor's plan would stabilize the General Fund, which would protect local

governments from what would likely be significant budget cuts. It also would provide increased funding for K-12 education. Both are goals included in the 2004 VML Legislative Program.

Warner contends that his plan reduces the tax burden on 65 percent of Virginians and generates more than \$1.1 billion in new revenue for the next biennium. More than \$6 billion has been cut from the state budget since 2002 and the state is facing a \$1.2 billion shortfall in the next biennium. The governor also asserted that his plan would reduce pressure on local governments to raise real estate taxes.

The Warner plan would increase the sales tax on non-food items from 4.5 to 5.5 percent and the state tax on a pack of cigarettes from 2.5 cents to 25 cents. The increase in the state cigarette tax would generate approximately \$145 million

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JLARC study details keys to SOL pass rates

Poverty, race and adult educational attainment are the strongest predictors of results on the state Standard of Learning tests, according to a study released Dec. 8 by the Joint Legislative Audit and Review Commission at its monthly meeting in Richmond.

Test scores in divisions with a high concentration of poverty, a large proportion of black students or a low proportion of adults with a college education tended to be significantly lower, on the average, compared to other divisions.

Statistically, these three factors explain nearly two-thirds of the variation in Best scores for schools across the state.

JLARC found a particularly strong relationship between race and teacher qualifications and experience.

Poverty was measured as the percentage of students participating in the free or reduced-price lunch program.

JLARC identified 14 divisions that were characterized by all three factors: high concentration of poverty, large percentage of black students and low adult educational attainment. Fifty-eight divisions were identified as having none of these three characteristics.

JLARC identified a number of other characteristics identified with these

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FROM THE CAPITOL

Tax, spending plans continued ...

annually that would be dedicated to health care.

The plan proposes a significant consequence for cities and towns: the capping of local cigarette taxes at 50 cents per pack. Rates currently above 50 cents in cities and towns would be allowed to stay in place. Counties would be allowed to impose a local cigarette tax of up to 20 cents per pack, beginning July 1, 2004, 35 cents per pack in 2005 and 50 cents per pack in 2006. Only Arlington and Fairfax counties now have the authority to impose cigarette taxes. While this expands taxing authority for counties, it limits the taxing authority of municipalities.

The governor's proposed plan also:

- adjusts the income tax by increasing personal and dependent exemptions, and standard deductions. It increases the top rate on those who earn more than \$100,000, alters filing thresholds, phases out the age deduction for those between 62 and 64 and ties the deduction to income for those 65 and older;

- reduces the sales tax on food from 4 cents to 3 cents in 2004 and then to 2.5 cents by July 1, 2005;

- phases-out the car tax in 2008 (77.5 percent for 2005, 85 percent for 2006, 92.5 percent for 2007 and 100 percent for 2008). The reimbursement rate currently is 70 percent;

- repeals the estate tax on certain taxpayers, including family farms and some closely-held businesses;

- repeals the accelerated sales tax collection for businesses;

- eliminates specific corporate income tax loopholes; and
- adopts the national streamlined sales tax project agreement to permit the state to collect the sales and use tax on Internet retail purchases.

Warner's proposed tax reform plan and budget generates an additional \$478 million in FY05 and \$541 million in FY06. Although the governor calculates new revenues generated by his plan, he also factors in additional savings generated by forthcoming budget cuts. He was scheduled to detail the new investments and budget cuts when he releases his biennial budget for fiscal years 2005 and 2006 on Dec. 17.

Warner stated at a Nov. 24 press conference that his plan would enable Virginia to:

- increase K-12 education funding in the next biennium by an additional \$715 million;
- increase higher education funding in the next biennium by an additional \$140 million;
- dedicate \$347 million in state general fund support over the next biennium to previously authorized transportation debt (FRANs); and
- begin to replenish the Revenue Stabilization Fund, commonly referred to as the rainy day fund.

VML expects additional tax plans to be released prior to Jan. 9. The General Assembly convenes on Jan. 14. Details of the governor's plan are on his Web site at: <http://www.governor.virginia.gov>. ❖



Warner budget details forthcoming

GOV. MARK R. WARNER was scheduled to release his proposed budget for the 2005-2006 biennium on Wednesday morning as this edition of *Update* was being printed.

The spending plan will reflect the governor's tax restructuring proposal that would generate \$1.1 billion in new revenue during the two-year budget cycle. (See story page 1)

The highlights of the governor's plan are posted on the VML Web site at www.vml.org. An analysis of the plan by VML's legislative staff will be mailed to VML member local governments and posted on the Web site as soon as possible. ❖

FROM THE CAPITOL

JLARC study continued ...

overarching factors. High levels of poverty are associated with a higher percentage of households headed by women, fewer qualified teachers (teachers certified in the area they teach), a greater incidence of crime and lower attendance rates.

JLARC found that these characteristics were also linked to student populations with a high percentage of black students. Some of the characteristics show an even stronger link to race than to poverty. For example, divisions with a high proportion of black students had significantly more provisionally licensed teachers and fewer classes taught by highly qualified teachers than divisions with a high level of poverty or divisions with a low level of black students. In addition, divisions with a high proportion of black students were more likely to have newer teachers with three or fewer years of experience.

Low educational attainment by adults is associated with several factors as well, including lower adjusted gross income per capita, lower revenue capacity per capacity, lower teacher salaries, and lower per pupil instructional expenditures.

JLARC also identified schools across the state where students are performing better than would be expected when compared to comparable schools. JLARC concludes that it is "possible to overcome the challenges associated with poverty, race, and educational attainment. The strength of the overall pattern that is seen, on the other hand, suggests that this can be difficult to accomplish."

A copy of the report is available at the JLARC Web site at <http://jlarc.state.va.us/Meetings/December03/EdPerfbw.pdf>. ❖

Isabel assessment team issues report; local governments critiqued

Local emergency management officials need to ensure that they have adequate disaster response and recovery plans, according to a panel that examined how the state, local governments and citizens reacted to Hurricane Isabel.

A Hurricane Isabel review team impaneled by Gov. Mark R. Warner also determined that "the public's expectations of government during disasters can be unrealistic. Just as local governments need to become more capable of managing on their own for 72 hours, citizens need to be responsible for making their own preparations during events where there is advance notice."

Warner assembled the Hurricane Isabel review team to assess preparedness, disaster relief efforts and to make findings and recommendations. The team developed the report in less than two-months.

Former Roanoke City Manager Bob Herbert served as chairman. Bath County Administrator Claire Collins, and former Virginia Department of Planning and Budget Deputy Director Bill Rowland also served. The entire report, including the executive summary, is available at <http://www.sysplan.com>.

The team developed and mailed a questionnaire to 128 individuals, including local officials, and scheduled interviews with 62 invited government leaders and staff. After briefing the governor the team released the report on Dec. 10.

Major problems were identified, including: emergency planning and

preparedness needs to be improved; local preparedness to accommodate 72-hours of self-sufficiency is far from uniform; the state's system for handling resource requests failed; without power, local governments faced difficulties communicating with the public; volunteers and federal disaster employees were not organized; and citizens with special medical or accessibility needs encountered problems at shelters.

The team issued 19 recommendations; included among them:

- Local emergency management officials need to ensure that they have adequate disaster response and recovery plans, including a list of local resource providers with pre-negotiate

- The Commonwealth should establish emergency management standards and minimum competency levels for key state and local elected and appointed officials, as well as for EOC staff. The standards and competency levels should form the basis for training courses, and should cover the skills and knowledge needed to prepare for all hazards.

- The Commonwealth should develop a public information campaign about the role of the individual, and of local and state government before, during and after emergencies. The information should be available for local distribution.

VML encourages localities to review the report, which is intended to assist state and local leaders improve emergency and disaster preparedness. ❖



ETCETERA

Survey says: Water, wastewater rates increase in 2003

Residential water rates in Virginia increased about 4 percent between 2002 and 2003 to an average of about \$20 per month. The average monthly residential wastewater bill jumped about 6 percent during the same period, to about \$23 a month.

The figures — for utility service inside municipal or service authority boundaries — are included in the *15th Annual Virginia Water and Wastewater Rate Report 2003* published by Draper Aden Associates. Service to outside areas is slightly higher, averaging almost \$25 per month for water and slightly more than \$30 for sewer.

The 2003 survey, done in cooperation with VML and VACo, also reported that Virginia utility departments are planning to build more than \$1.3 billion in capital

projects over the next three years. Much of this investment — about \$898 million — will go for wastewater treatment plant expansions, improvements and new facilities. The remaining \$411 million is for water plant upgrades and expansions, including water line extensions and rehabilitation. About 60 percent of survey respondents reported that they intend to use grants, loans or bonds to finance the projects. Forty percent of respondents said proposed projects would be funded with rates and fees, tax revenues, or cash.

This year's survey has data from more than 150 water and wastewater providers across the state. For a copy of the report, e-mail wssurvey@daa.com or call Cathy Hanks at 540/552-0444. ♦

REGULATIONS

Intended Regulatory Action

Water Quality Standards. The State Water Control Board has proposed action to include in the regulation updated numerical and narrative criteria to protect designated uses from the impacts of nutrients and sedimentation. The rulemaking will also include new and revised use designations for the Chesapeake Bay and its tidal tributaries. Contact Elleanore Daub, Department of Environmental Quality, at 804/698-4111 or e-mail her at emdaub@deq.state.va.us for more information.

Proposed Regulations

Regulations Governing Driver Education. The State Board of Education has proposed amendments to require that local school boards determine whether to offer a driver education program and require a minimum of 50 miles driven during the in-car phase of a driver education instruction. New provisions define (i) length of class periods for driver education, (ii) the contents of a state-approved driver education program, (iii) application of

regulations to private schools, (iv) collection of fees, (v) specialized requirements for driver education teachers, (vi) requirements for completion of program prior to the school issuing the 90-day provisional license to a student, (vii) requirement that successful completion of a standardized end-of-course road skills assessment must be achieved prior to the school issuing a 90-day provisional license, and (viii) minimum requirement of driver education vehicles. A public hearing will be held. For additional information, contact Vanessa Wigand, Department of Education, at 804/225-3300.

Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Storm Water from Construction Activities. The State Water Control Board has proposed regulations that will reissue the existing general permit for construction activity storm water discharges that will expire on June 30, 2004. Some significant revisions to the regulation are: 1) added TMDL language authorizing coverage only if the SWPPP that is developed incorporates and is

consistent with any TMDL requirements, if applicable; 2) changed deadline for submitting Registration Statement from "two days prior to commencing construction" to "prior to commencing construction", and added language that a mailed Registration Statement is considered to be submitted once it is postmarked; 3) added a special condition that requires the permittee to select, install, implement and maintain BMPs to minimize pollutants and meet water quality standards. If the permittee's discharge causes water quality standards violations or significant downstream impacts, the board may take enforcement action and/or require an individual permit; 4) modified the "Maintenance of Controls" section to require sediment to be removed from sediment traps or sedimentation ponds when the design capacity has been reduced by 25 percent (previous requirement was 50 percent). A public hearing will be held. Contact Burt Tuxford, Department of Environmental Quality, at 804/698-4032 or e-mail him at brtuxford@deq.state.va.us for additional information. ♦

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 position descriptions in *Update*. A full version of all of the job listings published here for the past two months appears on VML's web site at www.vml.org. Visit the VML site and click on "Marketplace" to read the complete descriptions.

County Administrator, Appomattox

SALARY: \$55,475 min. (+) benefits. (Pop. 13,700) \$28 million bdt. Reports to 5-member Board of Supervisors elected by district for staggered terms. Min. reqs: Bachelor's in business or public admin. with master's level course work in the field; master's degree preferred; supplemented by a min. 5 yrs. previous exper. and/or training that includes local govt. operations, budgeting and supervisory exper.; or an equiv. comb. of educ., training and exper. Send resume, cover letter, county application, and 3 professional references to: Appomattox County Board of Supervisors, Attn: County Administrator Search Committee, P.O. Box 863, Appomattox, VA 24522. Complete job description and county employment application at www.appomattox.org/newsevents.asp or call 434/352-2637. Deadline: Jan. 16. EOE.

Mechanical Engineer, Alexandria

SALARY: \$44,000-\$71,000 (+) benefits. In Department of General Services, which manages appx. 90 facilities. Responsible for managing the city's facilities energy use conservation and consumption. Oversees contractors, vendors, and in-house personnel in matters related to specified equipment, maintenance practices, life cycle replacement and efficient alternatives. Min. reqs: 3 yrs. exper. performing professional engineering work that involved design and/or review for code compliance of general mechanical systems, which include electrical and building construction; bachelor's degree in Mechanical Engineering. Prefer advanced degree. Applications available online at: <https://cheyenne.ci.alexandria.va.us/personnel/jobapp3.pdf>.

Risk Manager, Fauquier County

SALARY: \$42,612 min. to start. Manage the county and schools insurance programs, including health, liability and property. Should possess a bachelor's degree in business admin., risk mngmnt., insurance, or related field; (+) 5 yrs. previous exper. and/or training that includes all aspects of risk mngmnt., safety, and loss prevention; and health insurance admin.; or any equiv. comb. of educ., training, and exper. Contact: 540/428-8700 or Fax: 540/349-3133 or visit: www.fauquiercounty.gov. Applications on Web site.) Submit county classified application form to: Fauquier County Human Resources Department, 320 Hospital Drive, Warrenton, VA 20186. Deadline: Jan. 23.

Fire Chief, Bristol

SALARY: \$43,092-\$59,591. (Pop. 18,500) Team-oriented professional with outstanding management, organizational and interpersonal skills will be responsible for a fire department with 48 employees and \$2.9 million annual operating budget. Should have experience and training equivalent to: a minimum of 5 yrs. experience in municipal fire service; experience in fire prevention; emergency medical services; hazardous materials incident responses; extensive experience as a chief officer; a bachelor's degree in fire science/administration; public administration or related field. Submit letter of intent and resume detailing related background, education and experience, 5 work related references and current salary to: Personnel Office, City of Bristol, VA, 300 Lee St., Bristol, VA 24201. Deadline: Feb. 28.

Building Codes Official, Emporia

SALARY: DOQ (+) benefits. Direct operations of Building Inspections and Erosion & Sediment Control. At least 5 yrs. exper. as licensed professional engineer or architect, building inspector, contractor, housing inspector or superintendent of bldg. construction, with at least 3 yrs. supervisory exper. Comb. of educ. and exper. may satisfy this requirement. Submit cover letter, confidential resume and references to: Bessie I. Reed, Human Resources Director, City of Emporia, P. O. Box 511, Emporia, VA 23847, or via e-mail at bessie.reed@ci.emporia.va.us. Deadline: Jan. 7. EOE.

Project Engineer, King George County

SALARY: Negotiable DOQ/DOE (+) benefits. Perform highly varied and complex work associated with the planning, design, inspection and administration of capital improvement, public works, and public utility projects and programs; including the review and approval of development plans. Minimum reqs: Bachelor's degree in civil engineering or related field, knowledge and proficiency with CADD, and knowledge of project management, stormwater management, drainage, water and wastewater. Applications will be accepted until the position is filled. Submit a King George County application to the Office of the County Administrator, King George County, 10459 Courthouse Drive, Suite 200, King George, VA 22485. Contact: 540/775-9181. EOE.

Business Development Coordinator, Buena Vista

SALARY: DOE (+) benefits. (Pop. 6,500) Perform highly responsible professional work directing, reviewing and participating in the promotion of complex economic development initiatives for commercial, retail and professional business development projects; acts as project grants manager for development projects; and performs related duties as required. Desired qualifications: College graduation with major course work in Finance, Real Estate, Marketing, Economics, or related fields and 5+ years' experience as in economic development, business development or related field. Detailed job description at www.buenavistavirginia.org/jobs. Send complete resume to: City Manager, City of Buena Vista, Attn: Business Development Coordinator, 2039 Sycamore Ave., Buena Vista, VA 24416. Open until filled. EOE.

Fire Chief, Kingsport, Tenn.

SALARY: \$4,971-\$7,300 range per month. Reporting to the city manager, plans, directs and administers all activities of the Fire Department, including fire suppression, fire prevention, community outreach and education. Must have knowledge of SBCCI Fire Prevention & Building Codes, EOA and TOSHA regulations. For additional information, log on to www.ci.kingsport.tn.us. Applications may be accessed from the employment link. Completed applications must be mailed to the Human Resources Department at 1644 Fort Henry Drive, Kingsport, TN 37664 or faxed to 423/224-2474. No resumes. Deadline: Jan. 2. EOE.

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POSITIONS

Other positions

NOTICE: The following positions also are listed on VML's Web site at www.vml.org.

County Administrator, Page

SALARY: \$75,000 min DOQ (+) benefits. Deadline: Jan. 5.

Director Mental Health, Mental Retardation & Substance Abuse Services, Loudoun County

SALARY: Up to \$119,132 (+) benefits DOQ. Deadline: Dec. 29.

Key Accounts Manager (Utilities Department), Danville

SALARY: \$43,000-\$53,000 DOQ. Open until filled.

GIS Technician, Shenandoah County

SALARY: \$24,961-\$37,055 to start (+) benefits. Open until filled.

City Manager, Emporia

SALARY: DOQ (+) benefits. Deadline: Jan. 9.

Director of Public Works, Dumfries

SALARY: \$50,679-\$70,951. Open until filled.

Environmental Compliance / Zoning Officer, King William County

SALARY: DOQ. Open until filled.

Assistant Director of Neighborhood & Leisure Services for Parks, Recreation and Open Spaces, Norfolk

SALARY: \$58,468-\$102,905. Open until filled.

Tax Field Auditor, Winchester

SALARY: \$33,134. Open until filled.

Building Official, Appomattox County

SALARY: \$32,394 (+) benefits. Open until filled. EOE.

Police Captain, Albemarle County

SALARY: \$53,000-\$70,000 negotiable DOQ (+) benefits. Deadline: Dec. 29.

Assistant County Attorney, Arlington

SALARY: \$61,532-\$99,457. Open until filled.

City Assessor, Winchester

SALARY: DOE. Open until filled.

DEADLINE: *The deadline for placing a job advertisement in the next issue of Update is Friday, Dec. 26. Submit ads via e-mail to David Parsons at: 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

Virginia Local Government Management Association, Feb. 18-20, Charlottesville.

Mid-Winter conference at the Boar's Head Inn, Charlottesville.

Virginia Water Conference, March 7-9, Virginia Beach

Speakers, workshops, exhibitors and more. Conference theme: "Restoring Virginia's Watersheds." Full registration: \$175. Double Tree Hotel conference room rate: \$55 per night. Contact: Stuart Stein, at 703/642-5080 or sstein@gky.com.

Virginia Rural Water Association 16th Annual Exposition, March 15-17, Richmond

At Holiday Inn Select-Koger Center. Contact: 540/261-7178.

Local Government Attorneys of Virginia 2004 Spring Conference, April 22-24, Roanoke

At the Hotel Roanoke & Conference Center. Contact: Leisa R. Steele, Program & Members Services Coordinator, 700 E. Franklin St., Richmond, VA 23219. Tel: 804/371-0202, FAX: 804/371-0234. E-mail: lrs5c@virginia.edu.

Virginia Building and Code Officials Association, May 3, Charlottesville

Mid-year meeting at the Omni Hotel. Contact: Mary Jo Fields 804/649-8471 or mfields@vml.org.

Municipal Electric Power Association of Virginia, May 26-28, Virginia Beach

Annual meeting. Contact: Kimberly Pollard at kpollard@vml.org.

Virginia Local Government Management Association, June 23-26, Virginia Beach

Annual conference at the Sheraton Virginia Beach.

Virginia Association of Assessing Officers Annual Conference, Sept. 22-24, Richmond

Omni Hotel. Contact: vaao@hotmail.com

Virginia Municipal League Annual Conference, Oct. 3-5, Alexandria

The 99th annual meeting of VML. Contact: Joni Terry at 804/649-8471 or jterry@vml.org. Exhibitors contact: Kimberly Pollard at 804/649-8471 or kpollard@vml.org.

Preferred method of submitting items is via e-mail to David Parsons at: dparsons@vml.org. You may also submit via FAX at: 804/343-3758.



VML, VACo co-sponsor Legislative Day Feb. 12

Omni Richmond Hotel, 100 S. 12th St.

The Virginia Municipal League and the Virginia Association of Counties will sponsor a Legislative Day on Thursday, Feb. 12 at the Omni Richmond Hotel (100 S. 12th St.). VML and VACo staff members will report on legislation affecting local governments, then local officials are encouraged to go to the Capitol to participate in committee meetings and lobby state legislators. In the evening, local officials are strongly encouraged to take their legislators to dinner. Please invite them soon.

To register, mail this form and a check (payable to VML) for \$25 per person to:
Attn: Peggy Blunt, VML, P.O. Box 12164, Richmond, VA 23241. Fax (804) 343-3758.

Officials who need to stay overnight at the Omni Richmond Hotel can get a special rate of \$99 for a single or double room. Call the hotel at (804) 344-7000.

For more details, call VML at (804) 649-8471 or VACo at (804) 788-6652.

PROGRAM SCHEDULE

9 a.m. VML Executive Committee/VACo Board of Directors
11 a.m. Registration
Noon VML and VACo staff legislative briefings (box lunch provided)
Afternoon Visits to state Capitol
5:30 - 6:30 p.m. Cash Bar reception for local officials
Evening Make plans now to take your state legislators to dinner!

Enclosed is a check (\$25 per person) payable to VML for the following people to attend:

Name _____ Name _____

Title _____ Title _____

Name _____ Name _____

Title _____ Title _____

County/City/Town/Organization _____

Mailing Address _____

Phone _____ Special Accommodations _____

(attach a list of additional names with titles)

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Update is published
biweekly by the
Virginia Municipal League

P.O. Box 12164
Richmond, VA 23241
(804) 649-8471
Fax: (804) 343-3758
E-mail: e-mail@vml.org
www.vml.org

Executive Director
R. Michael Amyx

Editor
David Parsons

Associate Editor
Manuel Timbreza