

Update

July 4, 2003



The newsletter of the
Virginia Municipal League

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State seeks public input on Olmstead draft report

Members of the public may submit comments until July 18 on *One Community*, a draft report detailing Virginia's task force recommendations for complying with the U.S. Supreme Court's decision in *Olmstead v. L.C.*, 119 S. Ct. 2176 (1999). This case involved a challenge under Title II of the Americans with Disabilities Act (ADA) by two women with mental disabilities who lived in state-operated mental health facilities, but who wanted to live in the community, and whose treatment professionals determined that they were ready for discharge.

The court ruled that a state is required to supply community-based treatment for people with disabilities who live in, are "at risk" of living in, or are eligible for placement in facilities or institutions if: the person and their treatment provider agree that they can live successfully in the community; they

chose to live in the community; and there are resources available to help them live in the community. Given the emphasis on "community-based treatment" in the ruling, local governments may find themselves pressured to provide new or additional services to this population.

The *Olmstead* decision applies to all people for whom the ADA applies – not just people with mental disabilities.

A task force formed by Secretary of Health and Human Resources Jane Woods spent almost a year developing recommendations for implementing the *Olmstead* decision in Virginia. Subcommittees of the task force developed these recommendations, covering such topics as housing, transportation, consumer rights, health and safety, educating families, consumers and providers, and employment. Recommendations

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2003 VML Annual Conference

Holsworth, Thompson to deliver keynote addresses

Political commentator Robert Holsworth will deliver a keynote address at the Oct. 20 opening session of the 2003 VML Annual Conference. The conference will be held Oct. 18-20 at the Hotel Roanoke. Business consultant Chic Thompson will deliver the Oct. 21 keynote address.

Holsworth is an insightful observer and commentator on Virginia politics. He is a professor of political science and public administration, and director of the Center for Public Policy at Virginia Commonwealth University in Richmond. His comments on the political process will be particularly timely, coming just a couple of weeks before the Nov. 4 election.

Thompson is president of the Creative Management Group in Charlottesville. His list of "killer phrases" that can stymie creativity include statements that anyone who has ever worked in the public or private sector has heard, including: "It'll never work," "I don't have time," and "We tried that before."

A preliminary conference agenda and hotel registration information were faxed June 20 to all league key officials and clerks. The forms will be in the July issue of *Virginia Town & City*, and are available on the VML Web site at www.vml.org.

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FROM THE CAPITOL

Olmstead draft report continued ...

tions address Medicaid rules and waivers, ADA-compliance for public transportation systems, federal funding for rural transportation on par with urban areas, availability of sufficient support services in communities and coordinated systems of services, and eliminating barriers to housing.

The draft may be viewed on-line, at www.olmsteadva.com. Comments may be submitted to Fran Sadler, administrative assistant, by fax: 804/786-9248; e-mail: fsadler@dmhmrsas.state.va.us; or by mail: P.O. Box 1797, Richmond, VA 23218. A final report will be given to Gov. Mark Warner on Aug. 31. ❖

AT THE LEAGUE

Annual conference continued ...



Blocks of rooms have been reserved for the conference at the Hotel Roanoke, Wyndham Roanoke Airport Hotel, Clarion Hotel Roanoke Airport and AmeriSuites. Most of the conference events will take place at the Hotel Roanoke.

The hotel reservation process tracks the process established last year. Hotel rooms from the block of rooms reserved for VML are *only available to people registered* for the conference. In addition, a minimum two-night stay is required for the Hotel Roanoke. The hotel reservation form

contains complete information on the reservation process.

The Host City Night event on Oct. 20 will be a Local Color International Food & Music Festival held at Market in the Square, where very successful Host City Nights have been held at past conferences. The rain site will be the Center at the Square, which abuts the market.

Additional information on the conference will be included in future issues of *Update* and *Virginia Town & City*. For additional information, call the league at 804/649-8471. ❖

FROM THE CAPITOL

State expects to meet revenue forecast



Virginia's revenue collections stand at 1.3 percent above the collections for the same period last year — 0.1 percent above the level needed to meet the fiscal year 2003 revenue forecast. Virginia Finance Secretary John Bennett reported on the state's revenue picture to the Senate Finance Committee on June 19.

Bennett reported that revenue collections fell 6.5 percent in May. A large portion of the decline was the result of processing changes for non-withholding collections, which shifted a large portion of revenue normally collected in May into April instead.

Virginia's individual income tax withholding, which comprises 62 percent of general fund revenues, is running at 2.1 percent growth. This falls below the annual estimate of 2.7 percent. Bennett says it is unlikely the withholding collections will meet the forecast.

Individual income tax refunds continue above projections. Through May, refunds

have exceeded the fiscal year projection by about \$87 million.

Sales tax, which comprises 22 percent of general fund revenues, increased 1.4 percent above last May. Sales tax also is falling below projections with 1.1 percent growth in collections through May, versus a projected 2.7 percent growth. Again, Bennett does not expect the state to meet its projections.

Revenue from all other sources, including ABC taxes, insurance premiums, corporate income taxes, recordation and public service corporations, was up a total of 32 percent in May, and up 24.1 percent for the year. Recordation taxes have been particularly robust, given home sales and refinancings.

Bennett reported that lottery net income in May declined 0.3 percent over last May. Year-to-date growth of 0.4 percent is slightly above the amount needed to meet the current revenue estimate of a 1.1 percent decline. ❖

FROM THE CAPITOL

Board of Education approves important revisions to SOQ

The Board of Education approved a package of revisions to the Standards of Quality June 25 that will add more than 12,000 positions to those now required under the SOQ.

The board made no significant changes to the proposals that were tentatively approved in May. An

extensive overview of the proposed changes was included in the June 6 issue of *Update*. The board's initiative is a significant attempt to address the issues raised by the Joint Legislative Audit and Review Commission in its February 2002 study on education funding. Local governments have long maintained that not enough positions are funded through the



and the General Assembly to implement the recommendations no later than fiscal year 2008 (within two biennial budget cycles).

The Board of Education is responsible for establishing the SOQ, but the standards are subject to revision by the General Assembly. In addition, funding for the standards is set out in the Appropriations Act.

Board President Mark Christie, who was attending his last meeting as a member of the board, said that based on conversations with legislators he was optimistic about the chances of the package being approved by the General Assembly.

On the same day, Gov. Mark R. Warner announced the appointments of Thomas G. Johnson Jr. and David L. Johnson to the state board. Thomas Johnson is chairman of a Norfolk law firm and a former member of the Norfolk School Board. David Johnson is an education consultant who retired in 2000 as executive director of the Virginia Education Association.

Leaving the board are Christie and Susan Noble, a Henrico County elementary school principal. Former state delegate Tom Jackson, a resident of Carroll County, appears to be in line to be elected president at the board's next meeting July 23 in Richmond, according to newspaper reports. ❖

Workgroup makes progress on sickness, disability program

Once they made the initial decision to participate, political subdivisions also would be allowed to opt out of a state-sponsored sickness and disability program after five years, provided proper notice and assessments had been made, under legislation being drafted by a workgroup set up by the Virginia Retirement System.

VRS has organized the workgroup to draft legislation to allow political subdivisions and school divisions to participate in a sickness and disability plan offered by VRS.

The workgroup also agreed at its June 25 meeting in Richmond that the legislation should allow the political subdivisions that opted to join the program to determine whether their employees would be required to participate. The workgroup is taking the approach that the political subdivisions should be able to establish the parameters of program as much as possible.

VSDP is a short- and long-term disability program for state employees. The program provides income security to employees who become unable to perform their normal duties because of illness or injury, but is also aimed at returning employees to the workplace. Program features include family and personal leave, short- and long-term disability benefits and long-term care coverage.

The workgroup was convened following a request from Del. Robert Tata, chairman of the House Appropriations Committee on Compensation and General Government, to examine the issue. Legislation was introduced in the past session that would have required VRS to develop a proposal allowing localities to participate in the Virginia Sickness and Disability Program (VSDP). The legislation was tabled because its purpose could be accomplished by the workgroup.

Local government representatives include David Hartzog, Virginia Beach payroll administrator; Staige Miller, Front Royal director of management services; Robert Lee, Fauquier County administrator; Scott Zarembo, Chesterfield County assistant director of human resources; Joe Paxton, Rockingham County deputy administrator; Ellen Davenport, Virginia Association of Counties director of public finance; and Mary Jo Fields, VML director of research.

The workgroup will hold its next meeting July 16 and hopes to complete its work by Aug. 7. Legislation is expected to be introduced in the 2004 session, and VRS anticipates that a pilot program would be available by January 2005. Following the pilot program, additional subdivisions would be phased in.

For information, contact league staff member Mary Jo Fields (mfields@vml.org). ❖

FROM THE CAPITOL

Commonwealth Transportation Board adopts 6-year plan

The Commonwealth Transportation Board (CTB) voted to adopt the Six-Year Improvement Program on June 19. The plan allocates money for highway construction projects, public transit and rail through fiscal year 2009.

The program allots \$7.3 billion for 1,157 transportation projects over the next six fiscal years. It requires the Virginia Department of Transportation to use realistic revenue projections and cost estimates, fund highway needs adequately, bring projects to an acceptable level of completion, and support rail and public transportation.

Secretary of Transportation Whittington Clement stressed the CTB's commitment to the elimination of deficit financing practices at the June 19

meeting. The board is working toward funding all projects by their scheduled year of completion to avoid creating new deficits on future projects. In the next six years, \$301 million will be used to finance deficits on completed projects.

In an effort to decrease the state's financial burden, all new projects added to the program must be eligible for federal funding.

The plan focuses on projects that address critical safety, mobility and environmental issues. The six-year plan focuses resources on congestion relief projects in Northern Virginia and Hampton Roads, the construction and maintenance of nearly 100 bridges throughout Virginia, and an increase in maintenance funding. Alternate modes

of transportation, such as bicycle and pedestrian paths, are to receive more than \$729 million.

Several changes were made during the period of public comment that began after the tentative six-year program was adopted on May 15. The final program dedicated \$102 million in additional resources, but it also has 23 additional projects. The new program has 166 fewer projects than the program approved in December 2001 during the administration of former Gov. Jim Gilmore.

A complete description of the program is available at www.VirginiaDOT.org. ❖

Low-Impact Development Task Force begins work

A Department of Environmental Quality committee has begun work on a variety of measures promoting low impact development techniques that were mandated by legislation during the 2003 General Assembly.

The Low-Impact Development Task Force was charged with developing a certification process for low-impact development techniques designed to prevent pollution. The 16-member task force is also developing guidance for local governments and the general public that promotes a better understanding of

low impact development techniques, recommending changes to existing regulations, and creating a model ordinance for use by local governments. A report of the task force's recommendations is due Oct. 1.

At its first meeting on June 17, the task force gathered preliminary information on low-impact development and discussed it as an effective, low-cost alternative to existing stormwater and water quality control measures. The goal of low-impact development techniques is to reduce the creation of

storm runoff and pollution and to potentially reduce the need to treat or mitigate water pollution.

Many interests are represented on the task force. These include local governments, environmental groups, the Virginia Farm Bureau, homebuilders, the Virginia Department of Transportation, and the U.S. Army Corps of Engineers.

The next meeting is scheduled for July 24 at 10 a.m. at the Piedmont Office of the Department of Environmental Quality. ❖

VDOT reviewing bicycle, pedestrian policies

The Virginia Department of Transportation has started a comprehensive review of policies and procedures related to bicycle and pedestrian accommodations. As a result of this review, a new policy will be submitted to the Commonwealth Transportation Board that will guide VDOT's consideration of bicycling and walking in the planning, funding, design, construction, maintenance and operation of Virginia's transportation network.

Information about this project and a stakeholder survey with questions on walking, biking and the provision of facilities are available through the bicycle section of VDOT's Web site at <http://www.virginiadot.org/infoservice/bk-default.asp>. Updates on the project will be posted throughout the project process. Interested stakeholders can sign up to be on a mailing list for update notifications.

VDOT encourages local governments to read about the project and complete the survey. ❖

AT THE LEAGUE

Steering committees back more funding for at-risk children in danger of failing SOLs

Tax restructuring would help finance initiative

The league's Finance Steering Committee and Human Development & Education Steering Committee have endorsed the concept of a significant increase in state funding of education for at-risk children. To finance the increase, as well as expected increases in other program areas, the committees proposed a list of tax policy options that could generate additional state resources. The committees met jointly in Richmond on June 24.

The committees made their decision following a presentation by Jim Regimbal and John Feldman of the consulting firm Fiscal Analytics. The presentation showed a high correlation between students in the free/reduced price lunch program (at-risk students) and passage on the Standards of Learning tests; that is, students meeting the criteria for free lunch have a higher failure rate on the SOL tests than students who are not eligible for free lunch.

Passage rates lag even further as the concentration of at-risk students in schools increases. Analysis also showed that smaller classes are effective in assisting at-risk children to pass the SOL, with the class size needing to decrease as

the concentration of at-risk students increases. Localities have attempted to fund the additional teachers necessary to achieve the lower class size, but need more funding from the state.

To address the issue of education funding, Fiscal Analytics proposed support for:

- funding the recommendations made by JLARC in its study on education;
- funding the Board of Education proposals (which address many of the Tier 2 issues in the JLARC education study); and
- funding for a significant state initiative for class size reduction in schools that are at-risk of failing to meet the SOL requirements.

Because the SOQ funding formula basically treats all students the same, Fiscal Analytics proposed that this new funding be distributed outside of the SOQ, with the state matching each local dollar two-for-one. Each free lunch student would entitle a school division to receive an amount of state funding, which would be increased by a factor depending on the concentration of free lunch students in a school. The proposal would increase state funding by an estimated \$319 million per year.

Fiscal Analytics then addressed how the state could fund this program. The state will need about \$1.8 billion a year above the base budget just to continue to meet its current obligations, without any policy changes. Fiscal Analytics presented a toolbox of tax policy options that include changes to the state income tax, expanding the sales tax base, increasing corporate income taxes and increasing cigarette taxes.

After discussion, the committee agreed that education is the biggest unfilled hole in the state budget, and that the only way to address the need for additional state funding for education was through restructuring. Steering committee members said that the league could not support additional restrictions on local taxing authority.

The proposals will be presented to the Finance Policy Committee and the Human Development & Education Policy Committee on July 17 in Richmond.

Richmond Mayor Rudy McCollum serves as chair of the Human Development and Education Committee. Lexington Mayor John Knapp serves as chair of the Finance Committee. ♦

Virginians to Virginians

Leesburg delegation visits Blacksburg

Leesburg town officials visited the town of Blacksburg – their Virginians to Virginians partner – June 12 and June 13. Representing Leesburg were Council Member Melinda Kramer, Economic Development Director Betsy Field, Tourism Manager Miranda Edwards and David Fuller, a comprehensive planner.

The Leesburg delegation toured Blacksburg and heard presentations on the town's comprehensive plan, economic development strategic plan, downtown master plan, downtown parking, tourism

and other issues. Representatives of the two towns will meet again in the fall.

A reminder to participants in the 2003-2005 Virginians to Virginians program: After your sister locality visits, please complete the visit summary that was sent to you when you were notified about the name of your partner. Return this form to Beth Knapp, 212 Barclay Lane, Lexington VA 24450. If you do not have this form, contact her at 540/463-5168 or by e-mail at bkknapp@rockbridge.net. She will be happy to send you one. ♦

AT THE LEAGUE

Virginians to Virginians

Independence seeks Virginians to Virginians partner

The town of Independence is looking for a town with similar demographics and interests to be its partner for the 2003-2005 Virginians to Virginians program. With a population of 971 and an annual budget of about \$860,000, Independence is located near the North Carolina border in Grayson County. It is a historic rural community that boasts a municipal airport, an industrial park, trash collection and public safety services.

Although not a member of the Virginia Main Street Program, the town is engaged in downtown revitalization efforts and is interested in economic development and tourism development. If your town would like to be Independence's partner for Virginians to Virginians 2003-2005, contact Beth Knapp at 540/463-5168 or by e-mail at bknapp@rockbridge.net. ♦

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.

Zoning Administrator, Windsor

SALARY: \$28,000-\$32,000 DOQ (+) benefits. Enforce zoning/subdivision ordinances; review site/subdivision plans; issue zoning permits; advise planning commission and board of zoning appeals; serve as assistant to town manager. Applications available and accepted at: Town of Windsor Business Office, 8 E. Windsor Blvd., P.O. Box 307, Windsor, VA 23487. 757/242-4288. Open until filled.

Town Administrator, Middleburg

SALARY: DOQ/DOE (+) benefits. (Pop. 660) FT responsible for financial and personnel mngmnt; preparation of bdgts; formulation of policies and legislative positions; procurement; oversight of municipal services and depts.; and management of all town property. Staff of 12; operating bdgts. of appx. \$1.3 million; ongoing capital improvements of appx. \$1 million. Resume to: Mayor C.L. Dimos, Town of Middleburg, P.O. Box 187, Middleburg, VA 20118. For more informa-

tion, call 540/687-5152 or e-mail: info@middleburg.org. Deadline: July 11. EOE.

Utilities Director, Southampton County

SALARY: \$42,808-\$66,352 (+) benefits. Starting salary negotiable to low \$50,000s DOQ/DOE. Plan and oversee county's utility systems, including production and distribution of water, collection and treatment of wastewater, and all associated maintenance. Job description available upon request. Application letter, detailed resume with salary history, and work-related references in confidence to: Michael W. Johnson, County Administrator, P.O. Box 400, Courtland, VA 23837; 757/653-3015. Screening begins July 14. Open until filled. EOE.

Retail/Commercial Revitalization Administrator, Petersburg

SALARY: \$32,352-\$38,883. Performs complex professional and difficult administrative work to stimulate the retail/commercial revitalization in various business districts. Provides management and technical support to business organizations. Assists property owners and real estate professionals with the redevelopment and adaptive reuse of retail and commercial properties. Submit application and/or resume and requests for needed accommodations to: City of Petersburg, Human Resources Department, 103 W. Tabb St., Petersburg, VA 23803. www.petersburg-va.org. Deadline: July 11. EOE.

Town Administrator, Halifax

SALARY: Negotiable DOQ/DOE (+) benefits. (Pop. 1,500) Mayor / 6-member council. Supervise 15 employees, \$1.3 million FY04 bdtg.; \$2.5 million ongoing

capital projects (includes major downtown renovations), police dept., water and sewer operations, bdtg. preparation, planning and enforce ordinances. Background in grant writing req. Cover letter and resume, including current salary, to: Mayor R. Leon Plaster, 1233 Golf Course Road, Halifax, VA 24558, e-mail: lplaster@halifax.com. Open until filled.

County Engineer, Alleghany

SALARY: \$31,200-\$52,000 DOQ (+) benefits. Perform professional and administrative work related to basic civil engineering and land disturbance activities to ensure compliance with ordinances and statutes. Supervise assigned public works personnel. Must register as Professional Engineer in Va., and complete certification from Va. as an erosion and sedimentation administrator within 2 yrs. of employment. Applications to: Tammy Stephenson, County Administrator, 9212 Winterberry Ave., Suite C, Covington, VA 24426. Open until filled. EOE.

Water Treatment Manager, Chesapeake

SALARY: \$57,363-\$88,913 negotiable (+) benefits. Oversee and manage water treatment plant for Dept. of Public Utilities. Open a second new water resource facility in mid-2003. With staff of 34 and an operating bdtg. of \$14.3 million, provide leadership and strategic direction to the Water Production Division in operating and maintaining the treatment plants and remote storage facilities totaling 27.3 million gallons. Download application at: www.chesapeake.va.us/services/depart/personl/application.pdf. Contact: selection@pers.city.chesapeake.va.us. #03110201 Open until filled. EOE.

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POSITIONS

Assistant to the Town Manager, Dumfries

SALARY: \$28,837-\$40,373. Assist town manager in municipal operations. Duties include relations with town council, commissions, community and citizen groups; public and media information; and special projects and analyses. Send town application and resume to: Town Manager, P.O. Box 56, Dumfries, VA 22026. Applications available by calling 703/231-3400 or by e-mail at djohnson@dumfriesvirginia.org. Open until filled. EOE.

Building Official, Dumfries

SALARY: \$35,052-\$49,090. Reqs. knowledge of the BOCA building code, ability to read and interpret blueprints, familiarity with architectural designs, and thorough knowledge of legal procedures of building code enforcement. Send town application and resume to: Director of Public Works, P.O. Box 56, Dumfries, Va. 22026. Applications available by calling 703/231-3400 or by e-mail at djohnson@dumfriesvirginia.org. Open until filled. EOE.

Airport Director, Leesburg Executive Airport

SALARY: \$66,139-\$90,000 hiring range DOQ (+) benefits; \$66,139-\$105,823 max. range. Manage development and operations of Leesburg Executive Airport. Support and work with Airport Commission on bdgts., capital improvement planning, business planning and development, and complying with all airport rules and regs. Must submit town application: Human Resources Department, 25 W. Market St., Leesburg, VA 20176, or download at www.leesburgva.org. Tel: 703/737-717. Deadline: Aug. 31. EOE.

OTHERS POSITIONS

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

Director of Airport/Industrial Park, Accomack County

SALARY: \$41,603-\$60,324. Deadline: July 18.

Senior Transportation Planner, Northern Shenandoah Valley Regional Commission

SALARY: \$44,400-\$64,300. Open until filled.

Web Developer, Harrisonburg

SALARY: \$29,600-\$44,500 DOQ. Deadline: July 15.

City Planning Manager, Norfolk

SALARY: DOQ.

Planning Engineer, Fairfax County Water Authority

SALARY: \$48,710-\$87,779. Open until filled.

Director of Public Works, Clifton Forge

SALARY: DOQ. Open until filled.

Firefighter, Clifton Forge

SALARY: DOQ. EOE.

Budget Manager, Waynesboro

SALARY: \$51,109. Deadline July 11.

Chief Operating Officer, Virginia Beach

SALARY: Low to mid-\$100s starting range DOE. Deadline: July 7.

Transportation Planner, Loudoun County

SALARY: \$32,354-\$40,442 hiring range.

Business Services Manager, Falls Church

SALARY: \$50,000-\$65,000 (+) benefits DOQ.

Project Engineer, King George County

SALARY: Negotiable DOQ/DOE. Open until filled

Environmental Compliance / Zoning Officer, King William County

SALARY: \$29,000 appx. DOQ. Open until filled.

Environmental Services Director, Culpeper

SALARY: \$58,651-\$64,516 starting range DOQ. Deadline: July 18.

DEADLINE: *The deadline for placing a job advertisement in the next issue of Update is Friday, July 11. 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 Government Communicators, July 24, Richmond

Conference and annual business meeting from 8:30 a.m.-noon at the Science Museum of Virginia's Eureka Theatre. Expectations vs. Realities: Today's Challenges for Local and State Government Communicators. For information, E-mail wrcfcpd@webtv.net or 703/273-3730.

Southwest Virginia Solid Waste Management Association Annual Conference, Sept. 10-12, Roanoke

The 19th annual conference and equipment show will be held at the Clarion Roanoke Airport Hotel. Features a lecture series offering continuing professional education credits for certified managers of solid waste facilities; trade show of more than 30 industry exhibitors; outdoor equipment display and more. For registration information, a conference brochure or exhibitor information, contact Lynn McKinney at 1-800/628-4583 or go to www.svswma.org.

The deadline for placing a calendar item in the next issue of Update is Friday, July 11. 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.

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