

# Update

October 24, 2003

The newsletter of the  
Virginia Municipal League

## Inside ...

1-10



*State revenues jump in  
1st quarter of FY04*

*Isabel eats into  
highway funds*

*School support  
expenditures below  
national average*

*'Visitability' work  
group proposes  
recommendations*

*Virginia lags  
in federal grants*

*Web site to feature  
federal grants*

*Federal court rules  
against local  
governments in cable  
modem case*

*Court rules citizen can  
sue 911 dispatcher*

*FBI suggests  
background check  
ordinance for localities*

## Federal appeals court upholds local authority over cell towers

The U.S. 4<sup>th</sup> Circuit Court of Appeals has upheld Montgomery County's handling of a cell tower case, and in doing so overturned a federal district court that ruled against the county.

The U.S. District Court had decided that the county lacked authority under the federal Telecommunication Act and Virginia zoning law to regulate the height of a cell tower in handling an application for the tower. In the case, the company had applied for a permit to build a 240-foot tall tower that would have protruded above the trees some 170 feet on a prominent ridge line. The county approved an alternative tower, 195-foot tall, coupled with encouragement for the company to build more towers to provide more complete coverage. The evidence presented to the county board was that the single, taller tower would leave gaps in service.

The lower court decided that the county's preference for a shorter tower was a solely aesthetic decision, and that aesthetics cannot generally be the sole basis for a land use decision under Virginia law.

The 4<sup>th</sup> Circuit Court of Appeals decision is most important because the appeals court disagreed with the lower court on whether the county's decision was proper. The appeals court ruled that the county had authority under Virginia zoning law, as the law allows zoning decisions to be based on the height, area and bulk of structures, under Va. Code §15.2-2280. The court ruled that it did not need to consider whether the decision was only about aesthetics, as the Virginia law supported the basis of the decision. ❖

## Tax commission

## Panel pursues ambitious agenda; local leaders must speak out

State and local leaders should set aside their mutual distrust to foster an atmosphere that will result in comprehensive tax reform, according to a co-chair of the General Assembly's tax commission.

At the same meeting where Sen. Emmett W. Hanger Jr. made the plea, tax commission member Del. Kenneth R. Melvin called on state leaders, including the governor and legislators, to increase state revenues to support core government services.

Between now and the Nov. 6 meeting of the tax commission, VML members must meet with their state legislators to stress the fiscal difficulties confronting their communities. In particular, local leaders must convey

the extent to which K-12 education expenditures are straining local budgets.

Hanger's subcommittee on Other Miscellaneous State and Local Taxes held a special meeting on Thursday Oct. 16. The subcommittee is part of the General Assembly's Commission on the Revision of Virginia's State Tax Code and the Streamlined Sales Tax Project Agreement (SJR 347). Del. Harry J. Parrish, the co-chairman of the commission, and Melvin joined Hanger at the meeting.

Hanger continued his pursuit of an ambitious reform agenda. For the first time

*Continued on page 2*

## FROM THE CAPITOL

## Tax commission continued ...



since the panel began meeting in August he acknowledged the need to consider increasing the state's sales and use tax and/or income tax to support state and local services. Hanger:

- wants the Commonwealth to adopt the Streamlined Sales Tax Project agreement, thereby providing the state with a mechanism to collect the sales and use tax on remote retail purchases.

- wants the state to abolish the sales and use tax on food.

- wants to curb local cigarette taxing authority and replace it with a significantly higher state tobacco tax (approximately 30 cents per pack). He would apportion the new revenues to localities.

- wants to re-evaluate and possibly alter the distribution formula for the revenues appropriated under the Personal Property Tax Relief act (the so-called Car Tax). In particular, he is concerned that localities with higher tax rates and methods of assessments receive a greater percentage of the state reimbursement dollars than do the localities with lower tax rates and methods of assessments.

Hanger also:

- expressed interest in examining the processes whereby localities assess real estate and subsequently establish real estate tax rates.

- expressed interest in increasing the

state's portion of the recordation tax to support natural resources; and

- expressed an interest in means testing the current income tax deduction for seniors.

Upon completing the agenda, Parrish asked VML and VACO to evaluate the effect of establishing a 1 percent income tax in exchange for the personal property tax. The subcommittee asked the associations to work with committee counsel and representatives of the Department of Taxation to model the concept.

Between now and the Nov. 6 meeting of the commission, VML members must meet with their state legislators to stress the fiscal difficulties confronting their communities. In fiscal year 2002, the real estate tax generated \$4.5 billion statewide, but local governments spent \$6 billion on K-12 education, including capital and operations costs. Additionally, local governments spent \$2.7 billion more on K-12 education operating expenditures than the state mandated. Local governments were mandated to spend just under \$2.1 billion, commonly referred to as the required local effort. The state spent almost \$3.2 billion for K-12 education.

The commission also will meet on Nov. 25. For more information contact Mike Edwards: [medwards@vml.org](mailto:medwards@vml.org); 804/649-8471. ❖

## State revenues jump in 1st quarter of FY04

State revenues did something extraordinary in the first quarter of fiscal year 2004 – they grew 8.4 percent above the same period last year, comfortably ahead of the annual growth estimate of 4.6 percent. A small portion of this growth – 1.2 percent— was attributed to an enhanced federal reimbursement for Medicaid; remove that and the state's year-to-date growth comes in at 7.2 percent.

According to an Oct. 14 report on September revenues by Secretary of Finance John Bennett, Virginia's revenues for September alone grew 6.1 percent as compared with September 2002. While individual income tax withholding collections, which comprises 62 percent of state general fund revenue, grew 4 percent over last September, the year-to-date withholding

growth of 4.6 percent trails the 6.5 percent growth needed to meet the annual estimate.

Sales tax, which comprises 22 percent of state general fund revenue, increased by 4.6 percent in September. Growth in sales tax collections is at 6.8 percent, ahead of the current estimate of 5.3 percent. Corporate income tax, which makes up only 3 percent of general fund revenues, was up 24.1 percent for the month, also ahead of projections. ABC taxes are up 9.1 percent, well-ahead of the 0.5 percent estimate. Unfortunately, local governments will not gain much from this, given the deep cuts in locally-shared ABC profits the state made this year.

Despite the good news on revenues, the state still faces sizable budget challenges for this year and in the

coming biennium, including rising Medicaid and retirement system costs, a commitment to contribute \$128.5 million to the revenue stabilization fund this fiscal year, as well as the still-undetermined state share of clean-up costs for Hurricane Isabel. The state will need to find more than \$1 billion to balance the budget for the coming biennium, according to news reports. Neither does the current quarterly growth in revenues put the state in position to move to 100 percent reimbursement of the car tax. There are three triggers that must be met in order for the reimbursement to move to 100 percent. It is unlikely that all three will be met. A revised revenue forecast will be released in December. ❖

## FROM THE CAPITOL

## Isabel eats into highway funds



**H**urricane Isabel continues to take a toll – this time on the state's already strapped treasury. Virginia Department of Transportation Commissioner Philip Shucet has told the Commonwealth Transportation Board that the storm will end up costing VDOT more than \$100 million and likely will restrict highway construction and force cutbacks in road repairs in the coming months. The estimate of Isabel's damage greatly exceeds the \$72 million VDOT had budgeted this year for emergencies, including snow removal.

Most of the costs associated with Isabel-related repairs and cleanup will be paid for out of money VDOT budgeted for

maintenance and construction and administration. Together, those funding pots contain about \$1.4 billion. Shucet said that VDOT would limit hiring and contract and wage employment. In addition, the agency will tighten how it spends money for snow removal to help compensate for the hurricane-related costs. As a result, removing snow and ice from the state roads could take longer this winter.

VDOT will present the Commonwealth Transportation Board with a plan next month for handling the additional costs associated with Isabel. It will include more details on the effects of the hurricane on the agency's budget. ♦

## School support expenditures below national average

**V**irginia's expenditures for school support services were \$1,958 per pupil, as compared to \$2,171 on a national basis, according to a study released by the Joint Legislative Audit and Review Commission on Oct. 13.

Support services include expenditures for central administration, attendance, health, operation and maintenance, pupil transportation and school food services. The study did not address instructional issues.

Virginia's per pupil support services were slightly higher than per pupil expenditures in other southern states. If pupil transportation is taken out of the equation, Virginia's per pupil support services fell slightly below the per pupil costs in other southern states.

JLARC noted that transportation costs in Virginia are higher than those in many other southern states because the proportion of pupils who are transported is high. Approximately 78 percent of students use school bus transportation.

The report included 16 recommendations that could lower support costs for divisions to consider. They include:

- working closely with local governments to eliminate redundancies and

considering the consolidation or sharing of administrative services;

- working cooperatively with each other to define areas where redundancy could be eliminated;

- considering whether they are eligible for Medicaid reimbursements for health services delivered by the school, and pursuing Medicaid funding if justified by the size of the reimbursement;

- considering the use of energy management systems and practices; and
- considering additional factors such as bus mileage, wear and tear, maintenance costs and safety features in establishing a bus replacement schedule. Currently, buses generally are replaced on a 12-year cycle.

The report recommended that the state could help reduce support costs by establishing a central point for the collection and distribution of information on best practices (such as contracting out services), examining ways to help divisions negotiate lower health insurance rates, facilitating a bus parts exchange program and developing systems for better tracking students.

The report warned that the state should be cautious in its expectations for

savings through the use of best practices, since divisions already spend a lesser proportion of education funds on non-instructional services than most states. Further, expenditures in Virginia already are similar to or below those in Florida and Texas, the two states that have had the most experience with contracting out services.

Commission members noted that school boards, school superintendents and governing bodies should examine the report to find areas where costs could be held down. After a suggestion was made to send copies of the report to the school divisions, some commission members expressed concern about the cost to JLARC for printing the copies. Another commission member said the report could be posted on the JLARC Web site, where copies could be downloaded.

This prompted one senator to comment that the motion on the floor was to approve the report and pass on the costs to local governments. ♦



**FROM THE CAPITOL****'Visitability' work group proposes recommendations**

The visitability work group of the Housing Study Commission has produced a series of recommendations as it prepares to make its report to the commission on Nov. 18. Visitability is a concept whereby single family homes should be built to allow disabled people to visit the house. It has three elements: the ability to get into a ground floor door in a wheelchair; doors and a downstairs hall wide enough for a wheelchair; and a handicap-accessible bathroom on the first floor.

The work group has recommended a series of educational steps to get the word out about the value of making homes visitable and what is needed to build new homes that are visitable. This will include training of architects, building officials, community association boards, realtors, builders and others.

The work group wrestled with proposals to require all single family homes financed with federal or state funds to be built to visitability standards. However, in the most recent meetings, the question of the average cost of meeting the standards remained in dispute. The opinions on the costs ranged from \$200 to several thousand dollars per home. In order to move the effort forward and not have it fall apart due to a lack of consensus, Representatives of

the Housing Development Authority and the Department of Housing and Community Development offered to develop a pilot program to give extra funds for houses built to visitability standards in VHDA's major home loan programs. The two offices will work to monitor the actual cost differences in visitable and non-visitable homes built over the next year. VHDA will report to the commission in 2005 on what it will have determined to be the actual average cost. Based on those findings, the work group may recommend new laws to require visitability in publicly financed single family homes.

The issue of the cost that surfaced in the work group meetings was that if a significant cost per home is added, the result will be a reduced ability of local government agencies, such as redevelopment authorities and localities managing public funding to build affordable housing. If the costs are high enough, there would be a loss of affordable housing opportunities.

The issue will be brought up again at the Governor's Housing Conference in Norfolk. The session on visitability is scheduled for Nov. 13. The full Housing Commission will take up the issue at its next meeting scheduled for Nov. 18 at 3:30 p.m. in Richmond. ♦

**Virginia lags in federal grants, according to JLARC findings**

While Virginia has typically ranked high among states in terms of total federal expenditures during the past eight years (primarily because of its strong military presence), it ranks in the bottom tenth for federal grant obligations, according to the Virginia Joint Legislative Audit and Review Commission (JLARC).

On Oct. 14, JLARC staff presented a review of the state's activity in maximizing federal grant funding. The report, directed by the commission in July 2002, included a review of the available inventory of federal grants and their requirements, as well as a look at potential uses for Medicaid funds for school health programs, special education services, and after-school programs.

While the Department of Medical Assistance Services (DMAS) and the Department Education (DOE) have

worked together on initiatives to increase Medicaid funding of special education services, they have not found similar opportunities under school health or after-school programs. JLARC projects net revenues of \$4 million in fiscal year 2004 for DMAS and DOE efforts in Medicaid special education services reimbursements. (Not addressed in the JLARC presentation were similar efforts by DMAS, Department of Social Services, and local governments to make greater use of Medicaid and federal Title IV-E funds in the Comprehensive Services Act for At-Risk Youth (CSA) program.)

JLARC found several factors affecting Virginia's pursuit of federal grants, including availability of state matching funds, current state spending levels for some grant programs, and staffing and resource issues within

agencies. For example, since Virginia chooses to spend less than other states on some of the larger federal programs, such as Medicaid and cash assistance payments under TANF, it receives a smaller share of federal funding.

JLARC suggested that the state look at centralizing some of its grants functions, and used the example of the Department of Planning and Budget, where an analyst is responsible for reviewing federal grant notices and notifying agencies and institutions of federal grant opportunities. JLARC said that this function could be expanded to help agencies and other Virginia entities with grant applications and identifying training opportunities regarding grants. ♦

**FROM THE CAPITOL****Web site to feature federal grants**

**G**rants.gov is a new Web site featuring links to all federal grants information. Beginning Nov. 7, all federal agencies will post grant announcements through www.grants.gov, a web portal developed by the U.S. Department of Health and Human Services as part of the President's E-government strategy.

Users will choose from 21 general grant topics, from agriculture, to regional development, to transportation. Under

each topic is listed the departments and agencies within the federal government that offer grant opportunities under a number of subtopics. For example, the topic disaster prevention and relief includes such subtopics as flood prevention and control, disaster relief, and emergency preparedness. While finding individual grant programs may take some time to locate, many people may find it easier than having to locate and pore over copies of the Federal Register. ❖

**IN THE COURTS****Federal court rules against local governments in cable modem case**

**T**he 9<sup>th</sup> Circuit Court of Appeals has ruled in the ongoing cable modem question that cable modem service is not a cable service. If the decision stands, local governments will permanently lose the right to charge cable franchise fees for cable modem services. The FCC chairman stated that his agency would appeal the decision to the U.S. Supreme Court.

The question arose when the FCC decided in March, 2002 that cable modem service is not a cable service. Following that decision, cable companies nationwide stopped paying localities the cable franchise fees on the cable modem services they provided. The FCC ruled that cable modem service is not a telecommunication service, but, under the telecommunication act is an "information service". Information service has the lowest level of regulation by local governments and the states.

The National League of Cities and numerous other groups petitioned the courts to overturn the FCC decision. The government petitioners sought to have

cable modem service determined to be a cable service, so that the franchise fees would continue and so that local governments could continue to regulate the service. The cable industry petitioned to protect the windfall they had under the FCC decision. The various appeals were consolidated into a single proceeding in the 9<sup>th</sup> Circuit. The 9<sup>th</sup> Circuit federal court got the case because it had already issued a decision on the general questions in the appeal in 2000 in the City of Portland case. In that earlier case, the appeals court ruled that cable-modem service is not a cable service.

In addition to the decision's effect on cable franchise fees, the court's decision states that cable modem service is in part a telecommunication service, in addition to being an information service. The consequence of this part of the decision is that it potentially opens cable companies to open access rules. Open access rules require the provider of a service to open its lines to competitors. ❖

**Court rules citizen can sue 911 dispatcher**

**T**he Staunton Circuit Court has ruled that a citizen who calls 911 for help can sue the dispatcher for the dispatcher's failure to call for emergency response to the citizen. Effectively, this opens local governments to such suits. Normally, the public duty doctrine prevents members of the public from suing police officers, firefighters and other public safety personnel for their failure to respond because of what is known as the public duty doctrine. The doctrine says that there is no duty to any individual. The duty is to

the public at large and an individual cannot sue the government or its public safety personnel unless he can show some special duty to him.

If the decision is appealed and affirmed by the Virginia Supreme Court it would represent a major setback for local governments. The court decided that the dispatcher owed a special duty to the injured person, contrasting the duty of a police officer who roams the beat, looking for trouble. The doctrine, however, applies to firefighters, too. Firefighters are closer to dispatchers in the way they operate – by waiting until an individual member of the public calls for help.

The Virginia Supreme Court has adopted the public duty doctrine in a few cases. In a 1990 case, a city jailer's personnel mistakenly released a serious criminal on two occasions. While on the loose the second time, the criminal killed a hotel clerk. The Supreme Court ruled that the police did not owe a duty to the individual who was killed, rather to the public, and denied the claim of the clerk's estate.

There is no word yet on whether the dispatcher will appeal the case. ❖

**FROM THE CAPITOL****2 hearings  
on 6-year plan  
rescheduled**

The Commonwealth Transportation Board has rescheduled two public hearings on the state's Six-Year Improvement Program (FY05-FY10) that were canceled because of Hurricane Isabel.

The Richmond District public hearing will be held Dec. 1 in Petersburg at Union Station located at 103 River St. The Fredericksburg District public hearing will be held Dec. 3 at the Caroline County Community Center Auditorium located south of Bowling Green on Route 301.

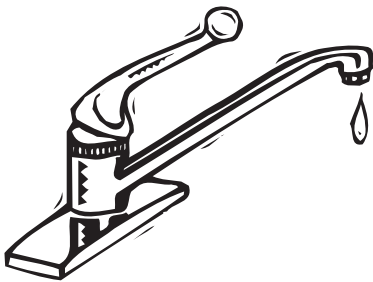
The Virginia Department of Transportation moved the hearings to the fall this year so that local governments and the public can influence transportation projects earlier in the programming process. In the past, the board held hearings in the spring prior to adopting the Six-Year Plan in June.

The first part of each meeting will run from 5 p.m. to 7 p.m. and will be an

informal "open forum" with information stations and maps and transportation staff on hand to answer questions. The second part, beginning at 7 p.m., will be more in line with the traditional format and will include a presentation followed by public comments from meeting participants. "

The other remaining public hearing locations (VDOT districts in parenthesis) are as follows:

- |         |  |
|---------|--|
| Oct. 21 | Southwest Virginia Community College (Bristol)             |
| Nov. 6  | Thomas Nelson Community College in Hampton (Hampton Roads) |
| Nov. 12 | Christiansburg High School (Salem)                         |
| Nov. 13 | Oakton High School in Vienna (Northern Virginia) ❖         |

**State water  
resources plan  
outlined**

The Department of Environmental Quality's Water Policy Advisory Committee has outlined the framework for a comprehensive state water resources plan — the latest step in a process that began with the passage of SB 1221 during the 2003 General Assembly session. The legislation mandated that a comprehensive state water planning process be established.

The resources plan is important because it will determine key issues such as mechanisms for resolving conflicts among local or regional plans, the role of the state in supporting local plans, incentives and funding for regional and local

water supply plans, and protection of instream beneficial uses as well as off stream uses.

At its Oct. 15 meeting, the advisory committee also continued to draft new regulations for local and regional water supply planning. The regulations mainly address requirements for the local plans. Of increasing concern to local government officials are how the state will certify plans, what the state certification means, and the conflict resolution process. The draft regulations are due to be by Dec. 1. The advisory committee is expected to address the details of the state water resources plan in early 2004. ❖

**FBI suggests background check ordinance for localities**

The FBI has sent out a form ordinance for localities to use when adopting an ordinance to require criminal background checks for designated job applicants and license applicants.

The General Assembly passed two bills in the 2003 session to allow local governments to require applicants for certain licenses or employment to submit to a criminal background check. The FBI administers the check. The State Police coordinates the work with the FBI. The State Police have

advised local governments that the FBI form needs to be used in order for the FBI to accept requests for background checks.

The new laws are found in Va. Code §§ 15.2-1503.1 & 1505.1. (There is also new authority for Henrico County in § 15.2-634.1.) Under the new law, each locality may choose the categories of employment applicants and license applicants who must go through a background check. The categories are to be set out in the ordinance. Some examples would be employees who work with children or applicants for explosives handling licenses or, perhaps, pawn dealer licenses. The

applicant is required to pay the costs of the process.

The law contains the flexibility to make the criminal background check a last contingency for offering employment, so that only the final candidates would have to have the check.

The form ordinance is attached to this report for your use. VML recommends using the form, so that your locality can be on the same page as the FBI, with the result that the FBI will respond favorably to your requests.

*Continued on page 7*

## FROM THE CAPITOL

### FBI ordinance continued ...

Suggested language for a county or local ordinance:

Section \_\_\_\_ (State and national criminal backgrounding of persons engaged in \_\_\_\_\_)

[¶ number] This ordinance is enacted pursuant to [citation to state umbrella statute] to regulate [the issuance of licenses of/the employment of/those engaged in] [name of occupation/profession/activity].

[¶ number] An applicant, employee, or volunteer seeking to engage in [name of occupation] shall submit, if required, two sets of his/her fingerprints taken [by the \_\_\_\_\_ Sheriff's Department/\_\_\_\_\_ Police Department] to [name of receiving office/department in county/municipality], along with appropriate fees.

[¶ number] Upon receipt of the fingerprints and the appropriate fees, the [name of receiving office/department in county/municipality] will transmit both sets of fingerprints [and appropriate fees (unless a satisfactory billing arrangement has been entered into between the county/municipality and the state identification bureau] to other [state identification bureau]. The [state identification bureau] will compare the subject's fingerprints against its criminal file and, [(1) if no disqualifying conduct is found therein (or) (2) if necessary], submit the fingerprints to the Federal Bureau of Investigation for a comparison with nationwide records. The results of the Federal Bureau of Investigation check will be returned to the [state identification bureau], which will disseminate the state and national results to [the submitting office/department in county/municipality].

[¶ number] If an employer or organization is a private entity, the [office/department in county/municipality] shall render a fitness determination based upon the results of the criminal background check and communicate its fitness determination to such private employer or organization. If an employer or organization is a public entity, the [office/department in county/municipality] shall [(1) render a fitness determination based upon the results of the criminal background check and communicate its fitness determination to such public entity or (2) disseminate the results of the criminal background check to the public entity for a fitness determination].

[¶ number] In rendering a fitness determination, the [county/municipal office/department or public employer] will decide whether the record subject has been convicted of [or is under pending indictment for] [(a) a crime which bears upon his/her ability or fitness to serve in that capacity; (b) any felony or a misdemeanor which involved force or threat of force, controlled substances, or was a sex-related offense; or (c) enumerated disqualifiers].

[¶ number] A record subject may request and receive a copy of his/her criminal history record information from the [appropriate county/municipal office/department or public employer]. Should the record subject seek to amend or correct his/her record, he/she must contact the [state identification bureau] for a [name of state] state record or the Federal Bureau of Investigation for records from other jurisdictions maintained in its file. ❖

## ETCETERA

### State conference will focus on health needs of migrant workers

A statewide conference to look at improving the health care of migrant and seasonal farm workers will be held in Natural Bridge on Nov. 12. Titled "Changing Faces of Our Community: Improving the Health Care of Migrant and Seasonal Farm Workers," the conference will feature remarks by Roberto Dansie, a nationally recognized cultural competency consultant.

The conference will bring together health care professionals and administrators; local and state government human service agencies; organizations that work with or represent migrant/seasonal farm workers; and others with an interest in improving the health care of migrant and

seasonal farm workers in Virginia. The Virginia Department of Health's Office of Health Policy and Planning, the Virginia Primary Care Association, the Virginia Rural Health Resource Center and the Virginia Rural Health Association are sponsors.

People interested in attending the conference may call Rebecca Davis, Virginia Rural Health Association at 540/375-6563; Andrea Arthur, Virginia Primary Care Association, 804/378-8801, ext. 14; or Rene Cabral-Daniels, VDH Office of Health Policy and Planning at 804/786-4891. The cost of the conference is \$35 for professionals and \$30 for students. ❖

## ETCETERA

## PTI 2003 awards deadline approaches

**H**ave you developed technologies that deliver results for your jurisdiction? If so, PTI wants recognize your community.

PTI Solutions Awards recognizes local government innovation and creativity in the use of technology to help solve problems and enhance service delivery. If you employ technology to increase revenues, improve service to your community, cut costs, or improve management, enter the PTI Solutions Awards competition today.

Entries will be judged with jurisdictions of similar size in major categories including Energy, Environment, Public Safety, Telecommunications & Information Technology, and Transportation.

Award winners will be honored at the

PTI Congress of Public Technologists in San Antonio April 28-30. Winning entries will be featured in the 2003 Top 25 Technology Solutions publication and be distributed to local government leaders nationally.

Any city, county, town, state or regional local government entity may enter. Industry partners must submit entries through a public partner; government entities are also encouraged to identify vendors in their submissions. Entry for PTI members is free. There is a \$100 fee for each entry if you are not a PTI member.

The deadline for submitting entries is Oct. 31. For more information send e-mail to: [tgarnett@pti.org](mailto:tgarnett@pti.org) or [solutions@pti.org](mailto:solutions@pti.org) or call 202/626-2454. ❖

## POSITIONS

### Longer version of job ads posted at [www.vml.org](http://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](http://www.vml.org). Visit the VML site and click on "Marketplace" to read the complete descriptions.

### Chief of Police, Brookneal

SALARY: DOQ (+) benefits. Current chief retiring. Supervise 3 sworn officers. Reqs. associate's degree in criminal justice and 5 yrs. field exper. or 10 yrs. field exper. in a responsible leadership or mngmnt. position. Position profile available. Submit a confidential resume and cover letter to: Region 2000 Regional Commission, P.O. Box 817, Lynchburg, VA, 24517, ATTN: Police Chief — Town of Brookneal. Initial screening begins week of Nov. 24. For info. call 434/845-3491 or e-mail [bill.gillespie@regcomm.org](mailto:bill.gillespie@regcomm.org). Open until filled. EOE.

### Executive Director, Prince William Park Authority

SALARY: \$115,000-\$130,000 entry range. Senior executive responsible for leading and managing well-seasoned staff in the development and operation of the authority's parks, recreation, and cultural programs and

facilities. Position profile available at [www.pwcgov.org](http://www.pwcgov.org), including detailed listing of experience reqs. and qualifications. Use "Apply Now" feature to submit resume via Web site or mail resume and cover letter to: Human Resources Director, Prince William County, 4380 Ridgewood Center Drive, Woodbridge, VA 22192. Contact: 703/792-6640. TTY users call 1-800/828-1120. Deadline: Nov. 13. EOE.

### Street Maintenance Supervisor, Wytheville

SALARY: \$27,941-\$39,889. Responsible for laying out, assigning and overseeing the work of a number of crews engaged in street maintenance, street repair, refuse collection, refuse disposal and occasionally street construction. Application packages available from Libby Henley at the Town Office, 150 E. Monroe St., or at <http://townof.wytheville.org>. Phone: 276/223-3321, e-mail: [libbyh@wytheville.org](mailto:libbyh@wytheville.org). (Previous applicants will be considered.) Deadline: Oct. 30. EOE.

### County Planner, Appomattox

SALARY: \$37,700 to start. Directs planning activities, including the formulation and development of comprehensive plans and changes to county ordinances. Also responsible for the administration of the zoning, subdivision and erosion control ordinances. Submit resume with cover letter and a completed Appomattox County application (which may be obtained by calling 434/352-2637) to Darrell A. Carroll Jr., County Administrator, P.O. Box 863, Appomattox, VA 24522. A copy of the job

description and application may be downloaded from [www.appomattox.org/newsevents.asp](http://www.appomattox.org/newsevents.asp). Open until filled. EOE.

### Environmental Services Director, Culpeper

SALARY: \$60,118 - \$89,225 DOQ (+) benefits. Oversees planning, budgeting, operation and maintenance of water and wastewater plants. Must have strong background in W/WW facilities planning in high-growth community; progressively responsible exper. in dept. budgeting, financial analysis, and personnel mngmnt.; and knowledge of state and federal permit regs. Town application, cover letter and resume to: Town Manager Brannon Godfrey, 118 W. Davis St., Culpeper, VA 22701. Application forms, complete job ad and job description are available at [www.culpeper.to](http://www.culpeper.to) or by calling 540/727-3421. Deadline: Nov. 1.

### Town Manager, West Point

SALARY: Negotiable (+) benefits. (Pop. 2,900) Full-service community with \$10 million operating bdtg. (including town schools), a 5-yr., \$1.8 million CIP, and 40 FTEs. Services include Finance, Community Development, Recreation and Parks, Public Works, Water Utility, Police, Emergency Communications, and Economic Development. Must have significant local govt. mngmnt. exper. M.P.A. preferred. Send resume, 3 references, and salary history to: Sharon Bantel, Town Clerk, Post Office Box 152, West Point, VA 23181. Deadline: Nov. 14.

Continued on page 9

## POSITIONS

### Environmental and Safety Compliance Officer, Bristol

SALARY: DOQ. (Pop. 17,367) Immediate opening. Reqs. bachelor's degree from an accredited college or university with major work in environmental science or a related field and experience in the environmental area(s) of the solid waste management industry. Some supervisory experience preferred. Send resumes and 3 professional references to: Assistant City Manager, 300

Lee St., Bristol, VA 24201-4237 or e-mail to: [bvaacm@bristolva.org](mailto:bvaacm@bristolva.org). EOE.

### Management Analyst, City of Manassas Park

SALARY: \$43,451-\$76,192 DOQ (+) benefits. Organize and manage activities of all city depts. regarding the application, selection and monitoring of grants from outside sources. Reqs. customer service and database mngmnt. skills. Reqs. 3 yrs. exper.

in preparation and administration of state and federal grants. General knowledge of local govt. strongly desired. Bachelor's degree in business, finance or related field is req. City application plus resume and 3 references to: Deputy City Manager, 1 Park Center Court, Manassas Park, VA. 20111. Applications available by calling 703/335-8040 or e-mailing: [mpayton@cityofmanassaspark.us](mailto:mpayton@cityofmanassaspark.us). Open until filled. EOE.

## OTHER POSITIONS

NOTICE: The following positions also are listed on VML's Web site at [www.vml.org](http://www.vml.org).

### Regional Planner, Rappahannock-Rapidan Regional Commission

SALARY: \$32,000-\$38,000 to start DOQ/DOE (+) benefits. Deadline: Oct. 31.

### Public Works Director, Gloucester County

SALARY: \$61,911 or higher DOQ (+) benefits. Deadline: Dec. 1.

### Rural Economic Development Manager, Isle of Wight County

SALARY: \$33,548-\$46,967. Deadline: Nov. 21.

### Street Division Superintendent, Fairfax

SALARY: \$56,857-\$62,685 (+) benefits. Open until filled.

### Chief of Capital Projects, Alexandria

SALARY: \$56,418-\$91,254 (+) benefits. Open until filled.

### Town Manager, Bluefield

SALARY: DOQ. (Pop. 5,018) Deadline Oct. 31.

### Manager of Accounting Services, Roanoke

SALARY: \$57,500-\$72,000. Open until filled.

### City Manager, Glenarden, Md.

SALARY: DOQ/DOE. Deadline: Oct. 27.

### Assistant Director Department of Social Services, Suffolk

SALARY: \$54,959-\$67,324 (midpoint). Open until filled.

### City Assessor, Winchester

SALARY: \$18.45/hr. FT. Open until filled. Other positions

### Building Official, Campbell County

SALARY: DOQ (+) benefits. Open until filled.

### Public Information Officer, Roanoke

SALARY: \$45,828-\$68,442 (+) benefits. Open until filled.

### Assistant City Attorney III (Senior Assistant), Roanoke

SALARY: \$64,076-\$96,113 DOE. Deadline: Oct. 31, but applications considered until position is filled.

**DEADLINE:** *The deadline for placing a job advertisement in the next issue of Update is Friday, Oct. 31. 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

### Virginia Building and Code Officials Association Annual Conference, Oct. 26-28, Virginia Beach

At Virginia Beach Resort & Conference Center. Contact: Mary Jo Fields 804/649-8471 or [mfields@vml.org](mailto:mfields@vml.org).

### 2003 Virginia GIS Conference, Oct. 27-28, Richmond

At the Greater Richmond Convention Center. Registration \$169. Room block at Crowne Plaza Hotel at \$77 group rate.

Contact: Alan Gregory at 804/367-6001 or [vagis@richmondregional.org](mailto:vagis@richmondregional.org).

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

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

### VACo Annual Conference, Nov. 9-11, Bath County

Speakers, workshops, exhibition hall and more at the 69th annual conference at the Homestead. Contact: Linda Butterfield at 804/788-6652.

### NLC Congress of Cities and Exposition, Dec. 9-13, Nashville

Preliminary program information will be available soon. Check [www.nlc.org](http://www.nlc.org).

*The deadline for placing a calendar item in the next issue of Update is Friday, Oct. 31. 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.*

# Update

The newsletter of the  
Virginia Municipal League

P.O. Box 12164 • Richmond, VA 23241



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