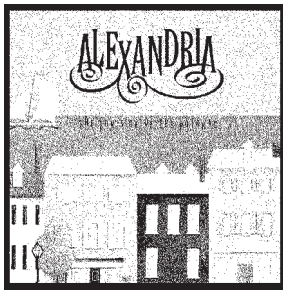


Update

The newsletter of the
Virginia Municipal League

Inside ...



**2004 VML
Annual Conference**
Alexandria, Oct. 3-5

1-8



*Williams, Shields
to headline VML
annual conference*

*Newly elected officials
conference scheduled
for July 14-16
in Charlottesville*

*Va. Supreme Court
reinforces rule
on variances
from zoning ordinance*

Assembly adopts revenue bill; car tax capped at \$950 million

Virginia's standoff over taxes and revenue is over. A coalition of legislators working with Gov. Mark R. Warner cobbled together the necessary votes last week to generate more than \$1.3 billion for the next biennium and cap annual car tax reimbursements at \$950 million.

Both the Senate and the House adopted Senate amendments to HB 5018 (Parrish), the Tax Reform Compromise Act of 2004.

HB 5018 will help stabilize expenditures for core government services, including K-12 education and Medicaid eligible services. SB 5005 caps the state car tax reimbursement, thereby saving the state additional General Fund revenue after the next biennium.

House and Senate budget conferees returned to work this week in an effort to reach a budget agreement. The conferees

were still deliberating as this issue of *Update* went to press. Their task was made easier by the adoption of HB 5018.

VML members should send thank-you letters and e-mails as soon as possible to their legislators who supported HB 5018 (*see page 2*). Additionally, VML members should thank the governor. In particular, the members of the Senate Finance Committee, the so-called House Republican "mavericks" and Warner deserve thanks for coming together for the good of the Commonwealth.

One shortcoming of HB 5018 is that it does not provide additional revenues for transportation. Including any sort of transportation initiative in the new budget appeared problematic at best.

Continued on page 2

Town Section meetings scheduled across state

VML has scheduled a series of five regional Town Section meetings that will be held across the state in late May and early June.

VML Executive Director Mike Amyx said that the gatherings will offer town officials an opportunity to receive useful information on issues of concern, as well as time to interact with other elected and appointed officials. In addition, VML staff will brief attendees on significant actions of the 2004 General Assembly that affect towns. Most of the new legislation will take effect July 1.

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

- Employment law and towns: 1st Amendment issues
- Key changes to FOIA
- Blighted property: What can towns do?

- Summary of 2004 General Assembly session
- State budget impact on towns: 599 funding, ABC and wine profits, cap on car tax program
- Overview of VML

Dates, locations and cost of lunch for the regional meetings are:

May 26	Exmore	\$20
May 27	Smithfield	\$15
June 4	Warrenton	\$19
June 10	Christiansburg	\$10
June 11	Abingdon	\$20

Please complete the registration form on page 7 of this issue of *Update* and return it with your check to: VML, Attn: Peggy Blunt, P.O. Box 12164, Richmond VA 23241. ❖

FROM THE CAPITOL**Revenue bill continued ...****House vote on HB 5018****Yeas (52)**

Alexander, Amundson, Armstrong, BaCote, Barlow, Baskerville, Bland, Brink, Bryant, Carrico, Council, Dillard, Ebbin, Eisenberg, Fralin, Hall, Howell, A.T., Hull, Hurt, Ingram, Johnson, D.C. Jones, S.C. Jones, Keister, Lewis, Marshall, D.W., May, Melvin, Miles, Moran, Morgan, Nutter, Oder, Orrock, Parrish, Petersen, Phillips, Plum, Pollard, Rust, E.T. Scott, J.M. Scott, Shannon, Sickles, Spruill, Stump, Tata, Van Landingham, Van Yahres, Ward, O. Ware, Watts.

Nays (45)

Abbitt, Albo, Athey, Bell, Black, Byron, Callahan, Cline, Cole, Cosgrove, Cox, Drake, Dudley, Frederick, Gear, Griffith, Hargrove, Hogan, Speaker Howell, Hugo, Janis, Joannou, Kilgore, Landes, Lingamfelter, Louderback, Marrs, Marshall, R.G., McDonnell, McDougale, McQuigg, Nixon, O'Bannon, Purkey, Putney, Rapp, Reese, Reid, Saxman, Sherwood, Suit, Wardrup, R.L. Ware, Welch, Wright.

Not voting (3)

Hamilton, Shuler, Weatherholtz.

Senate vote on HB 5018**Yeas (31)**

Blevins, Chichester, Colgan, Deeds, Devolites, Edwards, Hanger, Hawkins, Houck, Howell, Lambert, Locke, Lucas, Marsh, Miller, Mims, Norment, Potts, Puckett, Puller, Quayle, Reynolds, Ruff, Saslaw, Stolle, Stosch, Ticer, Wampler, Watkins, Whipple, Williams.

Nays (8)

Bolling, Cuccinelli, Martin, Newman, Obenshain, O'Brien, Rerras, Wagner.

Not voting (1)

Bell.

Summary of HB 5018**HB 5018 increases revenues by:**

- reducing the state sales tax on food by 1.5 percent in three equal increments of 0.5 percent beginning in FY 2006. By beginning the phase out in FY 2006, the state saves more than \$50 million in FY 2005 because the bill as introduced would have initiated the first phase of its penny phase out in FY 2005.

- increasing the sales and use tax on non-food items by one-half percent. One-half of the increase would be go to the state's General Fund (\$377.7 million) while the remaining one-half would be dedicated to funding the Standards of Quality. The education component generates an additional \$377.7 million for K-12 education in the next biennium.

- eliminating two common corporate tax loopholes, thereby raising an additional \$30 million for the biennium.

- increasing the recordation tax rate by a dime, thereby raising an additional \$224.1 million for the biennium. Local governments will be authorized to increase their local recordation tax rates by an additional 3 cents for a maximum local rate of 8 cents.

- amending the senior age tax preference, thereby generating an additional \$35 million for the biennium.

The bill also:

- increases the state cigarette tax to 20 cents per pack in FY 2005 and 30 cents in FY 2006 and dedicates the money to a health care trust fund largely to support Medicaid payments (\$280.8 million).

- removes the sales tax exemptions on public service corporations (\$77.7 million) and retains the provision to decrease the income tax by raising the personal exemptions (\$70.0 million).

- removes the phase-out of the estate tax, thereby saving the state \$104 million in FY 2006.

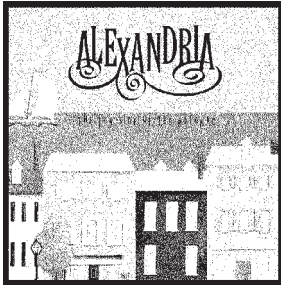
Car tax

SB 5005 caps the state's car tax reimbursements and requires each locality to set a separate rate for all vehicles in order to provide tax relief for assessed values of less than or equal to \$20,000. Just as today, localities will apply their local tangible personal property tax rates to values in excess of \$20,000.

After FY 2005, each locality will receive a flat reoccurring appropriation for car tax reimbursements. These flat appropriations will translate to decreasing tax relief in fast growing localities. The state appropriation will equate to a locality's CY 2005 appropriation. For example, if Locality X receives \$37 million from the state in FY 2005, it will receive that same amount — \$37 million annually — each year thereafter, beginning in FY 2006.

The car tax legislation requires VML and VACo, in consultation with the governor and legislature, to develop legislation for 2005 that establishes an acceptable and reasonable state reimbursement schedule. The new law also converts the reimbursement from a calendar year basis to a fiscal year basis.

The effect of the July start date will be to cause a substantial interruption of cash flow for localities billing semiannually, and (depending on to which fiscal year localities attribute the first billing — typically June), possible movement of revenue from FY 2006 to FY 2007. The work group described above will likely address this problem and offer changes that will be made to the 2006 appropriation schedule. For an illustrative calculation demonstrating how the program will work, please review VML's April 27 Legislative Bulletin. ❖

AT THE LEAGUE**Williams, Shields to headline VML annual conference**

**2004 VML
Annual Conference**
Alexandria, Oct. 3-5

Anthony A. Williams, mayor of Washington, D.C. and first vice president of the National League of Cities, will deliver the opening keynote address on Monday, Oct. 4, at the VML annual conference. The conference will be held Oct. 3-5 in Alexandria.

Mark Shields, the nationally known columnist and political commentator, also will deliver a keynote address at the Oct. 4 opening session.

Williams has served as mayor of the District of Columbia since 1999, and has helped spark a renaissance in Washington, D.C. Williams served as chief financial officer for the city, and is credited with restoring fiscal accountability for the District agencies and balancing the city's budget. Under his leadership, the District has achieved significant improvements in cash management, budget execution, and revenue collections. He is in line to be president of the National League of Cities in December 2004 at NLC's Congress of Cities' meeting in Indianapolis. Williams holds an undergraduate degree from Yale University, a law degree from Harvard University, and a master's degree in public policy from Harvard.

Shields can be seen every Saturday on CNN's *The Capital Gang*, alongside Robert Novak, Al Hunt, Kate O'Beirne and Margaret Carlson. Since 1979, Shields has written a column on politics, which is now nationally distributed, for *The Washington Post*. As one reviewer has written, "Mark Shields is the wittiest political analyst around, and he is frequently the most trenchant, fair-minded, and thoughtful." Before entering journalism, Shields helped manage political campaigns from the courthouse to the White House, in some 38 states. In addition, he has taught American politics and the press at Harvard University and the Wharton School of the University of Pennsylvania.

As previously announced, the Capital Steps will be the entertainment at the conference's closing event, the annual banquet on Oct. 5.

In addition to a broad range of educational sessions, the conference will include the election of VML officers for 2004-05 and the adoption of the VML legislative program for the 2005 session of the General Assembly.

Additional information on the conference, including hotel reservation and conference registration forms, will be available in June. ♦

Newly elected officials conference scheduled for July 14-16 in Charlottesville

The Conference for Newly Elected Municipal Officials will be held Wednesday through Friday, July 14-16 at the Charlottesville Omni Hotel, 213 W. Main St., in Charlottesville. The conference is designed primarily for newly-elected officials, but incumbent office holders and staff are encouraged to attend as well. Concurrent sessions will be held so that the content of the workshops can be targeted more directly to larger and smaller communities.

Topics to be covered at the conference include holding productive council meetings, council/manager relations,

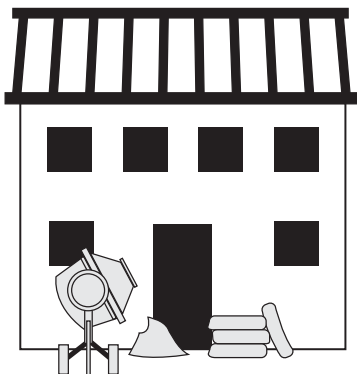
mayor/council relations (for jurisdictions without a manager), freedom of information and conflict of interests, public officials liability, budgeting, land use and team-building.

Registration forms will be sent to key officials and to newly elected officials by mid May.

This conference is held in even-numbered years following the election of municipal officials in May. ♦

IN THE COURTS

Va. Supreme Court reinforces rule on variances from zoning ordinance



The Virginia Supreme Court has made it clear that for a locality's board of zoning appeals to grant a variance from the zoning ordinance, the landowner applying for the variance must prove that not granting the variance would deprive him of all use of the property.

The opinion was issued on April 23 in *Cochran v. Fairfax County Board of Zoning Appeals*. The opinion decides three cases together. In the Fairfax case, the lot owner wanted to build into the setback areas of the lot, mainly for his convenience. The second case came from Pulaski. The lot owner's lot had public streets on three sides. He wanted to build a garage in the setback area, and proposed that the garage would be at the lot line, on the street.

Neighbors objected to the impact on sight distance. In the third case, the owner wanted to build a storage shed in a manner that wasn't allowed by the ordinance. He could have built it as an attached structure with no extra permits needed, but chose his method for his benefit. The facts showed that he had a serious illness and needed the shed for his daughter who was to become his caretaker during the illness.

The Supreme Court restated the rule for granting variances – that the power to grant a variance exists only where applying the zoning ordinance would deny the

property owner all or nearly all use of his land. The court explained that variances exist in order to not render a zoning ordinance unconstitutional, by not having the ordinance create a taking of the use of the lot by its application in a specific case.

The court noted the language of the statute authorizing variances, Va. Code § 15.2-2309, states that a variance requires a showing that “the granting of the variance will alleviate a clearly demonstrable hardship approaching confiscation...”

The court ruled that a BZA only has the power to grant a variance where the “effect of the zoning ordinance, as applied to the piece of property under consideration, would, in the absence of a variance ‘interfere with all reasonable beneficial uses of the property, taken as a whole.’ ” Therefore, the court has made it clear that unless the ordinance would deny the use of the property, the BZA lacks any jurisdiction to grant a variance.

This case doesn't break new ground and doesn't create a new rule. It does serve to emphasize the need to have proof of the unconstitutionality of the ordinance if a variance is not granted. This also means that the fact that the lot owner has a compelling reason for the request, or that no adjoining lot owners will be harmed does not allow a variance, in itself. ❖

REGULATIONS

Intended Regulatory Action

Water Quality Management Planning Regulation. The State Water Control Board has proposed action to amend the Rappahannock River Basin to update the stream segment classifications, effluent limitations and waste load allocations that have changed to reflect new requirements or changing water quality conditions. A public hearing will be held after publication. Public comments may be submitted until May 14. Contact Bryant Thomas, Department of Environmental Quality, at 703/583-3843 for more information.

Final Regulations

Virginia Pollutant Discharge System (VPDES) General Permit Regulation for Nonmetallic Mineral Mining. The State Water Control Board has proposed regulations to reissue the general permit that expires on June 30. It will continue the existence of the general permit that establishes limitations and monitoring requirements for point source discharges from nonmetallic mineral mining facilities. As with an individual VPDES permit, the effluent limits in the general permit are set to protect the quality of the waters receiving the discharges. Only

minor changes were made to the existing regulation in order to update it. Contact Michael Gregory, Department of Environmental Quality, at 804/698-4065 or e-mail him at mbgregory@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.

City Attorney, Fredericksburg

SALARY: \$100,000-\$115,000 DOQ/DOE negotiable (+) benefits. (Pop. 20,600) Relocation to city or immediate area is req. Moving expenses reimbursed. Reqs. graduation from accredited law school, admitted to practice in Va. and min. 10 yrs. exper. in practice of law. Trial exper. a plus. Past local government exper. important with 5 yrs. of service as a local gov. atty. or deputy local gov. atty. desirable. Must show high level of knowledge in planning and zoning, personnel, contract, redevelopment, real estate and general law pertaining to Va. local gov. A complete description and the city's profile available at: www.springsted.com. Submit resume to: John A. Anzivino, Springsted Incorporated, 1206 Laskin Road, Suite 210, Virginia Beach, VA 23451-5263. Tel: 540-341-4290. Fax: 757/422-6617. E-mail: virginiabeach@springsted.com. Deadline: May 26.

Assistant City Manager, Emporia

SALARY: \$44,542-\$62,937 DOE (+) benefits. Assist city manager in assignments relating to the planning, direction, control and evaluation of the operations and programs of the city govt. Reqs. bachelor's in public admin. / business / related field (prefer MPA) and considerable municipal mngmnt. exper. or any equiv. comb. of educ. & exper. Send detailed resume with cover letter and at least 3 professional references to: Bessie I. Reed, Human Resources Director, P.O. Box 511, Emporia, VA 23847. Phone: 434/634-3332; Fax: 434/634-0003; E-mail: bessie.reed@ci.emporia.va.us. Will begin reviewing applications May 25. Open until filled. EOE.

Senior Business Development Representative, York County

SALARY: \$44,648 (+) benefits. Performs marketing, research, analytical, PR, technical and special events work in the Office of Economic Development (OED). Coordinate OED prospect decision support system with county departments, regional organizations and state agencies. Manages and maintains all aspects of the existing business assistance program. Reqs. any comb. of educ. and exper. equiv. to graduation from an accredited college or university, preferably supplemented by a master's degree, as well as min. 4 yrs. exper. in econ. dev. or related field. County application is req. Obtain from Human Resources Office, 120 Alexander Hamilton Blvd., Second Floor, Yorktown, VA; from www.yorkcounty.gov; or by calling 757/890-3690. Open until filled. EOE.

Codes Compliance Supervisor, Williamsburg

SALARY: \$42,100-\$52,600 range effective July 1 DOQ. Assist with administration of Codes Compliance Division. Reqs. strong plan review skills to ensure compliance with the Va. Uniform Statewide Building Code and ability to work with customers regarding reqs. and interpretation of the USBC. Must meet USBC educ. and exper. reqs. as building plans examiner or CBO upon starting. Certification as a residential / commercial comb. inspector and plan examiner, or as a CBO must be obtained within 18 mos. Completion of 2 yrs. of college level study in structural engineering, architecture, fire protection, or the demonstration of equiv. work and training exper. is req. Code enforcement supervision exper. can be recognized as meeting part of this req. Job description and application are available online and in the City Manager's Office, 401 Lafayette St., Williamsburg, VA 23185, or call 757/220-6105 (TTY 220-6108). Deadline: May 14. EOE

Library Director, Amherst County

SALARY: Mid to upper \$40,000s (+) benefits. Library system (2 branches) serves 32,000 population with \$634,000 annual bdgt. Reqs. ALA-accredited MLS, 5 yrs. of public library and technology exper., at least 3 yrs. in a supervisory or administrative capacity. For complete job description see <http://www.aapl.us/director.htm>. Submit cover letter, resume and 3 work-related references to: Mr. Nelson Hyde, Amherst County Library Board of Trustees, P.O. Box 370, Amherst, VA 24512. Deadline: May 17.

Budget Management Analyst, Bedford County

SALARY: \$28,251-\$33,901 start range DOE (+) benefits. Performs complex financial tasks involving the formulation and monitoring of the annual operational and capital budgets. Should have strong background in accounting or public administration, excellent communication skills and a proven ability to establish and maintain effective work relationships. Reqs. min. 3 yrs. experience and a bachelor's degree in public administration, finance or a closely related field. Complete job description and application available at the Bedford County Human Resources Department, Bedford County Administration Building, 122 E. Main St., 2nd Floor, Bedford, VA 24523 or call 540/586-7601 or visit www.co.bedford.va.us. Open until filled. EOE.

Human Resources Manager, Bedford County

SALARY: \$32,705-\$39,246 start range DOQ (+) benefits. Responsible for salary administration, employee relations, training, benefits administration and employee recruitment and selection. Should possess excellent organizational and communication skills, proven ability to perform multi-tasks and to establish and maintain effective work relationships. Reqs. min. 3 yrs. of professional experience and a bachelor's degree in personnel, human resources or public administration or a closely related field. Complete job description and application available at the Bedford County Human Resources Department, Bedford County Administration Building, 122 E. Main St., 2nd Floor, Bedford, VA 24523 or call 540/586-7601 or visit www.co.bedford.va.us. Open until filled. EOE.

Other positions

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

Assistant Director of Planning for Development Review, Chesterfield County

SALARY: \$59,000-\$80,000 DOQ (+) benefits. Open until filled.

City Manager, Colonial Heights

SALARY: DOQ/DOE (+) benefits. Deadline: July 1.

Continued on page 6

POSITIONS

Utility Engineering Manager, Suffolk

SALARY: \$53,615-\$65,679 (midpoint).
Open until filled.

Town Manager, Elkton

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

Public Works Director / Zoning Administrator, Elkton

SALARY: \$31,695 min. negotiable DOQ / DOE (+) benefits. Open until filled.

Building Inspector, Alleghany County

SALARY: \$17,680-\$30,576 DOQ. Open until filled.

Director of Finance and Administration, Western Virginia Water Authority

SALARY: Negotiable. Open until filled.

Executive Director, Mount Rogers Planning District Commission

SALARY: DOQ (+) benefits. Deadline: June 15.

Chief of Police, Newport News

SALARY: \$90,000-\$120,000 (+) benefits. Deadline: May 14.

Director of Downtown Development, Rocky Mount, N.C.

SALARY: DOQ/DOE. Deadline: June 4.

Director of Community Development, Goochland County

SALARY: \$69,920-\$105,142. Open until filled.

Building Official / Plans Examiner, Poquoson

SALARY: DOQ. Deadline: June 15.

Town Manager, Bowling Green

SALARY: \$50,000-\$55,000 DOQ (+) benefits. Deadline: May 14.

County Administrator, Hanover

SALARY: DOQ/DOE (+) benefits. Deadline: June 15.

Town Manager, Leesburg

SALARY: \$125,000-\$145,000 DOQ (+) benefits. Deadline (postmark): May 14.

DEADLINE: *The deadline for placing a job advertisement in the next issue of Update is Friday, May 14. 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

Regional Landscape Water Quality Conference, May 25, Manassas

Professional development opportunity for anyone involved in water quality educational programs in urban and suburban environments from EPA Region 3 with interests in urban environments and their influence on water quality. This conference brings together education and outreach professionals in an attempt to establish regional, collaborative, and cooperative partnerships in landscape water quality programming. For more information: <http://www.conted.vt.edu/urbanwater/> or contact Greg Eaton at geaton@vt.edu or 540/231-6323.

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

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

Building New Partnerships Conference, June 19, Roanoke

At the Hotel Roanoke & Conference Center: City of Roanoke, Purchasing Division Educational conference for minority, small, veteran and women-owned Businesses on how to do business with public entities. Contact Sharon Gentry or Toni Thomas 540-853-2871 or e-mail BNPC@ci.roanoke.va.us

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

Annual conference at the Sheraton Virginia Beach.

Conference for Newly Elected Municipal Officials, July 14-16, Charlottesville

Registration information will be sent to key officials as well as to the newly elected office holders in early May. Contact: Mary Jo Fields at VML 804/649-8471 or mfields@vml.org.

Virginia Resources Authority Financing Conference, Sept. 13-14, Roanoke

The 2004 conference will be held at the Hotel Roanoke. Reception at 5 p.m. Sept. 13. Conference begins 8:30 a.m. Sept. 14. Contact: Bonnie McRae at 804/644-3100 or bmcr@a.vra.state.va.us.

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.

Town Section Meetings



Name: _____

Title: _____

Locality: _____

Phone: _____ Fax: _____

E-mail: _____

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

Wednesday, May 26, 2004 **Exmore** **\$20**
The Trawler
Route 13 & Route 183
Please respond by Friday, May 21

Thursday, May 27, 2004 **Smithfield** **\$15**
The Smithfield Center
220 North Church Street
Please respond by Monday, May 24

Friday, June 4, 2004 **Warrenton** **\$19**
Fantastico Inn
380 Broadview Avenue
Please respond by Friday, May 28

Thursday, June 10, 2004 **Christiansburg** **\$10**
Town Hall
100 East Main Street
Please respond by Monday, June 7

Friday, June 11, 2004 **Abingdon** **\$20**
Martha Washington Inn
150 West Main Street
Please respond by Tuesday, June 7

Enclosed is my check for lunch

Please make checks payable to VML and mail to:

\$ _____

VML

Attn: Peggy Blunt

P.O. Box 12164

Richmond VA 23241

Update

The newsletter of the
Virginia Municipal League

P.O. Box 12164 • Richmond, VA 23241



U.S. Communities Government Purchasing Alliance

Providing local governments with discounted nationwide contracts for office supplies, furniture, computers and peripherals, general supplies and more. For more information:

www.uscommunities.org

1-800-635-3993

A VML-sponsored service



LOCAL GOVERNMENTS
WORKING TOGETHER SINCE 1905



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