

Update

July 1, 2005



The newsletter of the
Virginia Municipal League

Inside ...

1-10



*State revenue growth
exceeds forecast*

*Crime commission
does not modify
vicious dog laws*

*Steering committees
hold meetings*

*Pro-local government
telecommunications
bill introduced in
Senate*

*Adelphia to
transfer all cable
franchises to Time
Warner*

*Governor's service
and volunteerism
nominations still
sought*

U.S. SUPREME COURT

Local use of eminent domain upheld in Connecticut case

A sharply divided U.S. Supreme Court has upheld the right of local governments to use eminent domain to accomplish economic rejuvenation. Four of the nine justices dissented from the opinion of the five-member majority.

The opinion, issued June 23 in the case *Kelo v. New London*, has sparked extensive media coverage and is certain to prompt legislation in the upcoming session of the General Assembly.

The underlying facts in the New London case were not in dispute: The Connecticut city was in decline, and was facing a grim future without a major action by the city to turn its future.

As the majority noted:

"Decades of economic decline led a state agency in 1990 to designate the city a

'distressed municipality.' In 1996, the Federal Government closed the Naval Undersea Warfare Center, which had been located in the Fort Trumbull area of the City and had employed over 1,500 people. In 1998, the City's unemployment rate was nearly double that of the State, and its population of just under 24,000 residents was at its lowest since 1920."

"These conditions prompted state and local officials to target New London, and particularly its Fort Trumbull area, for economic revitalization.

"Those who govern the City were not confronted with the need to remove blight in the Fort Trumbull area, but their determination that the area was sufficiently distressed to justify a program of economic rejuvena-

Continued on page 2

Land conservation tax credits under review

A subcommittee reviewing Virginia's land conservation tax credits learned June 21 that the program has been very successful ... and costly. Secretary of Natural Resources W. Tayloe Murphy explained that conservation easements and land preservation credits have helped the state make significant progress toward the Chesapeake Bay 2000 land conservation goal of permanently preserving 20 percent of the land area in the bay watershed. Virginia has conserved 2,360,000 acres, or about 17 percent of the 20 percent goal. Land conservation also provides economic benefits: tourism, Virginia's third largest industry, is valued at

\$16 billion annually. Murphy noted, though, that abuses, including overvaluation of easements, threaten the tax credit program.

Local governments are interested in the tax credit program because it provides a tool for preserving open space. It can also help localities meet water quality goals by encouraging the protection of land for stream buffers, and conserving wetlands and other fragile environmental areas. State Tax Commissioner Ken Thorsen explained that the Virginia Land Conservation Incentives Act of 1999 allows a tax credit of 50 percent of the fair market value for land conveyed in

Continued on page 3



IN THE COURTS

Eminent domain continued ...

tion is entitled to our deference. The City has carefully formulated an economic development plan that it believes will provide appreciable benefits to the community, including – but by no means limited to – new jobs and increased tax revenue. As with other exercises in urban planning and development, the City is endeavoring to coordinate a variety of commercial, residential, and recreational uses of land, with the hope that they will form a whole greater than the sum of its parts.”

The city adopted a large-scale redevelopment plan that included a pharmaceutical company that announced its move to the area, a marina, a museum, river walk, restaurants and other private facilities. The city, operating through a non-profit private development corporation, acquired land in the area for the redevelopment. Nine property owners, who owned 15 of the 115 separate properties to be acquired, refused to sell their lots. Some of the nine lived in homes on properties being acquired. Others of the 15 lots were investment properties. Because negotiated sales were impossible, the city, through the development corporation, began condemnation proceedings.

The nine owners fought the condemnation on the grounds that the city did not have a public purpose for the condemnations, based on the argument that the whole project was simply an economic development plan and that some of their properties would be turned over to private developers after the taking.

The Fifth Amendment of the U.S. Constitution provides that property may only be taken by eminent domain for a public purpose and upon payment of just compensation. The U.S. Supreme Court has ruled in case after case that the specific property need not be used by the public, but that the *purpose* for the taking must serve a public goal. For example, in 1954 the court ruled that a successful commercial property that was not blighted could be condemned and turned over to another private use if the purpose was a valid public purpose – in that landmark case, the public purpose was to deal with blight in the District of Columbia.

The property owners lost this argument in the Connecticut Supreme Court and in the U.S. Supreme Court. Justice John Paul Stevens, writing for the majority, held that the public purpose was to deal with the economic distress that the city of New London faced. The majority ruled that the fact that some of the 15 condemned lots would be turned over to private developers did not invalidate the condemnation.

The four justices who dissented complained that the majority opinion means that any city that wants to take private property for development by another private owner may do so. The dissent suggested that to justify condemnation, the government agency should be required to show that the specific property was blighted or distressed. However, the majority opinion identified reversing the decline of the area as the purpose. It was not simply economic development of an otherwise healthy part of town.

What does the opinion mean for Virginia?

The dissent noted that one of the nine people who were fighting the condemnation had lived in the house being condemned her whole life and that her ancestors had owned the property for more than 100 years. For eminent domain, however, the issue is not how much the landowner tugs at the heart strings. If the attractiveness of the landowner was the criterion on which the right to condemn land is based, then no matter how crucial the property was to a government purpose (such as an emergency escape route for a major city), the government could not condemn.

Lawyers have a saying that hard cases make bad law. In this case, the bad law may yet come. Because of the close call that was involved in this case, some members of the General Assembly already have called for legislation to limit the authority of local governments so that a *Kelo* situation could not happen in Virginia. Last year, a bill was defeated in the General Assembly that would have limited condemnation to pure public uses – land to be used by the public generally. Local government should expect to see more legislation along these

lines next year, solely due to the negative reaction that the *Kelo* decision has generated.

Virginia’s local governments have not been asking for authority like that involved in the *Kelo* case. Virginia localities have used condemnation in redevelopment as a tool to avoid or abate blight. They have been relying on the authority in the landmark 1954 decision and will continue to rely on that authority. While the *Kelo* decision is a correct outcome for the facts of that case, it is not something that local governments in Virginia have needed in order to do their jobs.

Certainly, in Virginia as elsewhere, some land taken by eminent domain or acquired by voluntary sale has been transferred to other private developers to carry out redevelopment plans. That hasn’t meant that the redevelopment did not have a valid public purpose. No one should want the government to be required to operate the restaurants, stores, laundries, gas stations, factories and other private facilities that make a redevelopment plan successful. If Virginia’s local governments were required to use condemned land solely for purely public uses, we would end up creating the blighted areas of the future. In major cities in the past, the giant public housing projects that were built proved to be disasters because they did not build successful communities – communities that have restaurants, stores, service businesses, places to work. Those projects would satisfy the purely public use argument, but would be failures, perpetuating problems, not curing them.

VML will work with the General Assembly to ensure that any legislation resulting from the *Kelo* decision does not harm the ability of local governments to carry out redevelopment to deal with blight. Local governments should be able to deal with blight before neighborhoods fall into serious decay. The General Assembly should recognize that where the public purpose is valid, private enterprise should be allowed to do what it can do best, so that public-private partnerships should be able to continue to work in redevelopment projects. ❖

FROM THE CAPITOL**Land conservation tax credits continued ...**

perpetuity to a public or private conservation agency. In 2002, the state legislature added the right to transfer unused tax credits to this statute. There is no limit on the amount of property that may be donated, and no limit on the total amount of credit that may be transferred. After the credits became transferable in 2002, the number of donations and the value of the easements increased dramatically. From 2000 to 2004, the number of donations increased by 170 percent (from 84 to 146) and the value of the credits requested increased by 572 percent (from \$18.7 million to \$103.9 million). In the past, there have been concerns about the method used to value property. Thorsen

noted that appraisal standards should be developed to ensure that the donated land is not overvalued based on "development that will never happen, or the assumption of major zoning changes."

Murphy said that SB 1139 (Hanger), which requires the fair market value of qualified donations to be substantiated by a qualified appraisal, addresses the issue of faulty appraisals. Both Murphy and Thorsen said that federal recommendations for changes by the Internal Revenue Service are in the works. The subcommittee, chaired by Del. R. Lee Ware, agreed to meet on Aug. 29 and in mid-November to review proposed legislation prior to the 2006 session. ❖

State revenue growth exceeds forecast

State general fund revenue collections grew 23 percent in May as compared to May 2004, according to information presented by Secretary of Finance John M. Bennett to the June 20 meeting of the House Appropriations Committee and the June 16 meeting of the Senate Finance Committee.

The strongest growth continues to occur in the most volatile sources — non-withholding, corporate income tax and recordation taxes. Bennett reported that through May, revenues have grown 15.2 percent above the same period last year, substantially ahead of the forecast of 10.3 percent.

Sales tax growth shows a year-to-date growth of 14.6 percent, which is very close

to the forecast of 14.7 percent. Lottery net income was up 11.1 percent, mainly due to an increase in scratch ticket sales. Lottery net income growth is already 5.2 percent, which is ahead of the projected 3.8 percent annual rate.

Individual non-withholding payments were especially high, and are very difficult to predict, according to Bennett. These are income tax payments made by "large" filers, and result from bonuses being paid (instead of pay increases), capital gains, dividends and personal income growth.

Bennett reported that other states also were experiencing extraordinary growth in individual non-withholding. ❖

Crime commission does not modify vicious dog laws

Three-and-a-half months after pit bulls mauled an 82-year-old Spotsylvania County woman to death the State Crime Commission decided not to recommend amending state laws that can pertain to vicious dogs.

Dorothy Sullivan was killed March 8 while she walked her shih tzu Buttons in her own yard. The crime commission met June 15 to consider stiffening penalties — including the involuntary manslaughter statute — against the owners of vicious dogs. The commission, which makes recommendations to the General Assembly, could have endorsed changing the law.

Following emotional testimony from Sullivan's son, the commission's chairman said that members of the panel believe the current involuntary manslaughter law sufficiently addresses a fatal attack by a dog. Sen. Kenneth W. Stolle said that if the commission acted it might suggest that the law is inadequate, possibly jeopardizing the case against the woman who owned the dogs that attacked Sullivan. She is scheduled to stand trial later this summer.

The commission heard from a number of other speakers, including representatives of the Doberman Pinscher Society of Virginia and the SPCA of Virginia.

Spotsylvania County Commonwealth's Attorney William F. Neely testified that there are many holes in the current statutes that should be addressed, including inconsistencies in the law for knowingly allowing a vicious dog to wander.

The commission will meet again in November and could reconsider making recommendations to modify the laws at that time. ❖

AT THE LEAGUE

Steering committees hold meetings

Chronic homelessness and fatherhood initiatives were two issues selected for further exploration by the Human Development and Education steering committee at its June 21 meeting in Fredericksburg.

Fredericksburg Mayor Tom Tomzak serves as chair of the committee.

In addition to discussing these two issues, the committee reviewed the status of education funding. At its June 9 meeting, the Legislative Committee instructed the committee to examine the issue.

The May issue of *Virginia Town & City* contained an article by Bob Rotz, staff member with the Joint Legislative Audit and Review Commission, on the status of education funding. The article makes the point that the method the state uses to update its cost figures for education are not realistic in terms of actual practice in school divisions.

The article stated that using a more realistic cost assumption would have required additional state SOQ funding of \$807.6 million to \$870 million for the 2004-06 biennium. The bulk of this funding (\$623.6 million to \$686 million) would have simply met the cost of the current standards as those costs are estimated by JLARC.

VML's Transportation Steering Committee met June 23 in Richmond to discuss a variety of issues suggested by the Legislative Committee, including impact fees for transportation purposes; capturing a greater percentage of the gasoline tax at the local level for transportation; local highway maintenance; streamlining transfer of federal funding for localities; better ways for localities to reserve and preserve rights-of-way; and photo red enforcement authority.

Chesapeake Council Member Debbie Ritter chairs the committee.

The full policy committee will take up the issues of impact fees for transportation purposes only, streamlining transfer of federal funds to localities and local highway maintenance at its July 28 meeting in Richmond. Mike Estes, director of the Local Assistance Division of the Virginia Department of Transportation, will be the speaker.

Additional steering committee meetings are scheduled as follows:

July 12, Environmental Quality Steering Committee, Thomas Jefferson Planning District Commission, (Charlottesville Rocky Mount Mayor Mark Newbill, chair)

July 18, General Laws Steering Committee, Linden Row, Richmond (Newport News Vice Mayor Charles Allen, chair).

All policy committees will meet July 28 at the Greater Richmond Convention Center. ❖

IN CONGRESS

Pro-local government telecommunications bill introduced in Senate

The June 3 issue of *Update* reported that Congressman Pete Sessions of Texas, a longtime employee of the Bell telephone companies, had introduced a bill to give telecommunications companies veto power over the rights of local governments to provide broadband services.

In response to that bill, SB 1294 has been introduced in the U.S. Senate to prohibit state governments from barring local governments from providing broadband services. The bill is entitled the *Community Broadband Act of 2005* and has Sens. John McCain of Arizona and Frank Lautenberg of New Jersey as its sponsors.

The statement of Lautenberg uses the same arguments that VML had used in successfully arguing for local government authority to deploy broadband.

The senator's statement introducing the bill states:

"President Bush has called for universal and affordable broadband in the United States by the year 2007. If

we are going to meet President Bush's goals, we must not enact barriers to broadband development and access. Unfortunately, 14 states have passed legislation to prohibit or significantly restrict the ability of local municipalities and communities to offer high speed Internet to their citizens. More states are considering such legislation. The *Community Broadband Act* is in response to those efforts by states to tell local communities that they cannot establish networks for their citizens even in communities that either have no access to broadband or where access is prohibitively expensive.

"The *Community Broadband Act* is a simple bill. It says that no state can prohibit a municipality from offering high-speed Internet to its citizens; and when a municipality is a provider, it cannot abuse its governmental authority as regulator to discriminate against private competitors. Furthermore, a municipality must comply with federal and state telecommunications laws."

The two senators noted that in the early 20th century local governments ensured that many underserved areas were provided electricity. Providing broadband services today is the equivalent to electrification a century ago, they said.

VML encourages local governments to contact Sens. George Allen and John Warner to support SB 1294, as well as your representative to oppose HR 2726. The Senate bill has been assigned to the Committee on Commerce, Science, and Transportation. Allen is a member of the committee. He also is a member of the Subcommittee on Technology, Innovation, and Competitiveness, where the bill is likely to be sent.

If this bill becomes law, it will be important in Virginia. Local governments continue to face efforts from the telecommunications industry in the General Assembly to restrict local government authority to provide broadband services. Attempts are likely to be made during the 2006 session to restrict the creation of wireless service authorities. ❖

ETCETERA

Adelphia to transfer all cable franchises to Time Warner

Adelphia Communications and its subsidiaries recently mailed to localities in Virginia and elsewhere an FCC Form 394 to officially start the process to transfer its cable franchises to Time Warner Communications. This form starts the clock ticking for every locality that has a franchise agreement with Adelphia to act on approving the transfer.

Each locality that has received the form has 120 days to respond (starting when the 394 form was sent). The main question each locality with an Adelphia franchise (or any Adelphia subsidiary) should evaluate is whether Adelphia is up to date on payments and whether it has complied with its other significant obligations under a franchise agreement (extending cable to

areas of the locality, internet access for public institutions, etc.).

VML, working with VACo, has employed Baller & Herbst Law Group, a Washington D.C.-based telecommunications law firm that represents only government agencies and Seward & Kissell, a New York City bankruptcy firm, to assist Virginia localities with Adelphia franchises in dealing with the bankruptcy.

At VML's request, the two firms sent us an excellent memorandum on how to evaluate the 394 form last week. The memo is being distributed to all Virginia localities that signed onto a working group with VML and VACo. The members of the working group are sharing the cost of the two law firms' work. ❖

Governor's service and volunteerism nominations still sought

The nomination period for the 2005 Governor's Community Service & Volunteerism Awards ends July 15.

The awards program, which recognizes excellence in community service and volunteering, has honored exemplary Virginians for more than 15 years.

The awards include service on the part of businesses, faith-based groups, seniors, youth, families, individuals, government, homeland

security, national service, nonprofits, and civic engagement organizations.

A narrative and two letters of support are required. The awards ceremony will take place on Thursday, Oct. 6 in Richmond. You may download the nominations form and return it by fax, mail or by submitting it online. For more information, go to www.vaservice.org. ❖

REGULATIONS

Intended Regulatory Action

Regulations Relating to School Security Officers. The Criminal Justice Services Board has proposed action to identify compulsory minimum standards for employment, entry-level and in-service training requirements and certification requirements for school security officers. A public hearing will be held. For additional information contact Donna Bowman, Department of Criminal Justice Services, at 804/371-6506 or e-mail her at donna.bowman@dcjs.virginia.gov. ❖

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.

Director of the Department of Transportation, Fairfax County

SALARY: \$84,918-\$125,000 DOQ. Lead multi-modal agency in planning, implementing and directing the activities of a variety of programs. Should have bachelor's degree in civil engineering/transportation and 6 yrs. of progressively responsible transportation experience, four of which must have been in a supervisory capacity at the division head level or above, in a large urban community (pop. in excess of 150,000) or comparable level in a

related business or government agency. A graduate degree in public admin., engineering or business admin. is preferred. For more info., or to apply, visit www.fairfaxcounty.gov/jobs and refer to job # 05-9031. Open until filled. EOE.

GIS Technician, Shenandoah County

SALARY: \$26,482-\$39,313 start range (+) benefits. Responsible for parcel maintenance, map production, maintaining and producing spatial layers within a countywide geographic information system. Reqs. thorough knowledge of GIS, GPS, automated mapping capabilities, computer hardware, cartographic principals and the ArcGIS software package. For an application and complete position description, visit www.co.shenandoah.va.us/jobs/index.htm or contact County Administration, 600 N. Main St., Suite 102, Woodstock, VA 22664. Phone: 540/459-6165. Open until filled. EOE.

Director of Finance and Personnel, Eden, N.C.

SALARY: Negotiable DOQ/DOE. (Pop. 16,000) Responsible for overall financial, personnel and budgetary management func-

Continued on page 6

POSITIONS

tions as head of the Department of Finance and Personnel. Reqs. strong technical knowledge of govt. finance and accounting, financial management systems and technology, investments, and capital budgeting/improvements planning. Also reqs. extensive knowledge in the area of human resources mngmnt. Submit detailed resume, city application, salary history and references to: City Manager's Office, City of Eden, 308 E. Stadium Drive, Eden, N.C. 27288-3525. For more information, contact city manager at 336/623-2110. Open until filled. EOE.

Clerk of Council (Part-time), Front Royal

SALARY: Negotiable. Prepares and maintains official town records and files, as well as maintains the Town Code; prepares and distributes Town Council agenda for regular meetings and work sessions. Reqs. attendance at regular, special and executive sessions of council; takes minutes and records official actions. Serves as records manager in accordance with state library requirements and procedures. Performs clerical duties for the Mayor's Office. Applications available and will be accepted at Town Hall, 16 N. Royal Ave., P.O. Box 1560, Front Royal, VA 22630; 540/635-3929. E-mail: HumanResources@ci.Front-Royal.va.us. See www.ci.Front-Royal.va.us. Deadline: July 5. EOE

Director of Finance, Fluvanna County

SALARY: \$54,000-\$62,000 hiring range (+) benefits. Reqs. thorough understanding of public accounting methods, payroll, budget preparation, and management skills. Min. education and experience: completion of core curriculum for bachelor's degree in finance, accounting, business admin., or related field (master's preferred) and 5 yrs. supervisory exper. in the public finance field; or an equiv. comb. of training and exper. Submit state application, resume, cover letter and references to: Shelly H. Wright, Assistant County Administrator, P.O. Box 540, Palmyra, VA 22963. Contact: 434/591-1910 or swright@co.fluvanna.va.us. Applications at www.co.fluvanna.va.us. Open until filled. Deadline: July 15. EOE.

General Manager, King George County Service Authority

SALARY: DOQ. Plans, oversees and directs the conduct of the service authority's business, including leading employees in

providing water and sewer services reliably, and maintaining facilities. Represents and coordinates the activities and policies of the KGCSA to and with all regulatory agencies, municipal entities, civic bodies and the general public under direction of the KGCSA Board of Directors and general manager. For info. and applications, contact the county administrator's office at 540/775-9181, 10459 Courthouse Drive, Suite 200, King George, VA 22485. Applications also available at www.king-george.va.us. Deadline: July 15. EOE.

Zoning Technician – Environment, Stafford County

SALARY: \$31,761-\$53,435 DOQ. Performs intermediate technical work in reviewing building, environmental and zoning permits for compliance with zoning ordinance; conducts site inspections for compliance; does related work as req. Reviews building and zoning permits for compliance with zoning and related regs. Any comb. of educ. and exper. equiv. to graduation from H.S. supplemented by courses in planning, environmental studies, or related field and some exper. in codes enforcement. Reqs. valid appropriate Va. driver's license. Apply on-line @ www.co.stafford.va.us. Resumes will not be accepted in lieu of county application. Job #1130. Deadline: July 6. EOE.

Chief of Eligibility (Division of Social Services), James City County

SALARY: \$46,338 or higher DOQ. Directs the work of eligibility supervisors in the administration of a variety of benefit programs. Reqs. bachelor's in sociology, psychology, health, or related field and considerable mngmnt. and supervisory exper. in human services. Master's preferred or any equiv. comb. of educ. and exper. providing the req. knowledge, skills and abilities. A completed county application must be submitted. More info. at www.jccEgov.com or call 757/253-6878. #315-01. Deadline: July 8. EOE.

Public Works Construction Inspector, Fredericksburg

SALARY: \$39,512-\$47,415 DOQ (+) benefits. Conducts inspections of city projects, including capital outlay, utility improvements, inflow and infiltration, etc.; consults with contractors regarding specifications, quality, costs, work in progress, and related project issues; identifies unacceptable work and needed corrective action. Reqs. associate's degree in

drafting, construction inspection, mechanical design, or a related field; and 3-5 yrs. exper. in construction work or inspections; or any equiv. combination of training and experience that provides the required skills, knowledge, and abilities. Must have Va. driver's license. Deadline: July 15. EOE

Grants Coordinator, City Manager's Office, Fredericksburg

SALARY: \$39,512-\$47,415 DOQ (+) benefits. Coordinates development, implementation and administration of city grant programs, including the location and application for state, federal, and private sector grants for all city departments and constitutional officers. Bachelor's degree in public administration, political science, communications, business administration, finance, or related field supplemented by 3 yrs. exper. and/or training involving grants writing and administration; must be able to operate a PC, including word processing and spreadsheet applications. Deadline: July 15. EOE

Director of Public Works, Front Royal

SALARY: \$53,580-\$85,621 (+) benefits. (Pop. 13,500) Serves under general direction of town manager and is responsible for all activities, including repair and maintenance of streets, storm drainage systems, curb, gutter, sidewalks, traffic signage, snow and ice control, buildings and grounds, and water, sewer and refuse operations. Supervises 60 FTEs. Reqs. graduation from accredited college with major coursework in civil engineering or a related field and extensive exper. in progressively responsible positions. Send resume to: Director of Human Resources, P.O. Box 1560, 16 N. Royal Ave., Front Royal, VA 22630. Open until filled. EOE

Executive Director (Crooked Road of Southwest Virginia Heritage Music Trail), Rocky Mount

SALARY: Negotiable DOE/DOQ. Chief administrative official will administer and manage the activities related to The Crooked Road project, which is a community-based heritage tourism initiative incorporating 10 counties, 3 cities and several towns throughout southwestern Virginia. Will provide primary leadership, under general guidance of the Executive Committee, to various local governments, major venue attractions, and others involved

Continued on page 7

POSITIONS

with events and attractions within the project area. Complete job description at www.thecrookedroad.org. Send resume and salary reqs. to: Executive Director Search Committee, ATTN Keith Holland, Chairman, 345 Donald Ave. Rocky Mount, VA 24151. Initial review of applications will begin no sooner than July 8. Open until filled. EOE.

Planner, Vienna

SALARY: \$41,000-\$45,000 DOQ (+) benefits. Reviews permits, site plans, subdivision and development plans for compliance. Processes permits and zoning applications, works with the public and provide support to two boards. Familiarity with GIS helpful. Reqs. related degree with previous work experience. More information online at ci.vienna.va.us. Send resume to jobs@ci.vienna.va.us. Deadline: July 8. EOE.

Assistant Town Manager, Purcellville

SALARY: \$55,000-\$60,000 to start DOQ (+) benefits. Full range: \$52,259-\$81,001. Serve as integral part of management team. Departments to be supervised may be restructured based upon exper. and interest of candidate. Serves as point person for all public and media inquiries. Will coordinate economic development activities with Planning Department. Reqs. graduation from accredited 4-yr. college with major course work in political sci., public admin., business admin. or related field. MPA/MBA preferred with 5 yrs. exec. mngmnt. exper., preferably with local or state govt. Submit resume to: Tracy DeMonte, Personnel/Human Resource Specialist, 130 E. Main St., Purcellville, VA 20132. Deadline: July 29. EOE

Assistant City Attorney, Danville

SALARY: \$50,172-\$60,000 DOQ. Provides city council, as well as city agencies and officers, necessary and proper legal services, including litigation (trial and appellate practice); preparing pleadings, contracts and legislation. Reqs. JD and must be a member of the Virginia State Bar. Prefer considerable prior legal experience in municipal law, juvenile law, education law and real estate law, or a willingness to educate self in these areas. Submit completed City of Danville application, cover letter, detailed resume, law school transcript, writing sample (preferably a copy of a brief or memorandum of points and authorities filed in litigation in which applicant was counsel of

record), to Human Resources, P.O. Box 3300, Danville, VA 24543-3300 or e-mail to HR@ci.danville.va.us. All submissions confidential. To download a city application or for additional info. visit www.danville-va.gov. Deadline: July 29. EOE

Assistant Director of Human Services, Budget and Finance, Norfolk

SALARY: Starting high \$70,000s to mid \$80,000s DOE. Serves as chief financial officer for the Department of Human Services. Reqs. 7-plus yrs. of progressively responsible accounting and finance experience with expertise in human services accounting and/or federal accounting practices. CPA preferred with special skills in governmental accounting, experience in human services, or a related field. Submit statement of interest, resume and current salary information to: Andrea Sims or Jerry Oldani, Waters-Oldani Executive Recruitment, 2695 Villa Creek Drive, #104, Dallas, TX 75234. Phone: 972/481-1950; Fax: 972/481-1951; E-mail: search@watersconsulting.com, <http://www.watersconsulting.com>. Deadline: July 22. EOE.

Zoning Administrator, Windsor

SALARY: \$28,000-\$37,000 DOQ (+) benefits). Enforce zoning/subdivision ordinances; review site/subdivision plans; issue zoning permits; serve as staff adviser to Planning Commission and Board of Zoning Appeals; performs other duties as directed by the town manager. Reqs. training and/or education in public admin., planning and zoning; ability to read and interpret blueprints, site plans and architectural designs. Prior exper. in a planning/zoning dept. a plus. Applications available and will be accepted at: Town of Windsor Business Office, 8 E. Windsor Blvd., P.O. Box 307, Windsor, VA 23487. Call 757/242-4288. Open until filled. EOE.

Utility Coordinator, Wakefield

SALARY: DOQ/DOE (+) benefits. Experience in repair and replacing existing water system, also electric system knowledge. Self motivated supervisor capable of scheduling work, ordering materials, etc. Send resume and qualifications to: Town of Wakefield, P.O. Box 550, Wakefield, VA 23888. Deadline: July 8. EOE.

City Clerk, Colonial Heights

SALARY: DOQ/DOE. Serves as clerk to the City Council and is responsible for managing the public business matters of the individual council members. Primary duties

include attending City Council meetings; maintaining official records of council meetings; coordinating agenda preparation; coordinating revisions, publication, sale and distribution of the City Code ordinances and supplements; and preparing reports and correspondences. Experience in office administration essential. Reqs. H.S. diploma or equiv., and have at least 5 yrs. of municipal govt. exper. Submit cover letter and detailed resume in confidence to Jennifer Carpenter, Director of Human Resources, P.O. Box 3401, Colonial Heights, VA 23834. Deadline: Aug. 1. EOE.

Senior Neighborhood Resources Specialist, Chesapeake

SALARY: \$33,364-\$41,829. Coordinate, facilitate and promote programs designed to create viable and livable neighborhoods working in the Department of Neighborhood Services. Reqs. bachelor's degree or educ. and training equiv. to 4 yrs. of college in business admin., public admin., planning or urban design with class work in the behavioral sciences or closely related field. Reqs. min. 3 yrs. exper. For detailed job description and application instructions visit www.jobs.cityofchesapeake.net. Deadline: July 8. EOE.

Safety Specialist, Lynchburg

SALARY: \$40,227 to start (+) benefits. Risk Management Division position responsible for developing, coordinating and implementing city's employee training procedures and programs; teaches safety programs such as the defensive driver course; conducts safety inspections of city buildings, work sites and equipment; assists departments in complying with OSHA regs.; analyzes accident reports to identify areas where additional safety training is needed; coordinates hazardous waste programs. Reqs. bachelor's degree from 4-yr. college with major work in public safety mngmnt/technology or related field, and some exper. To apply: Complete on-line application and resume at www.lyncburgva.gov. #1245-1-1. Deadline: July 1. EOE.

Communications (editorial / desktop publishing / informational graphics), Joint Legislative Audit and Review Commission

SALARY: Negotiable DOQ/DOE (+) benefits. Joint Legislative Audit and Review Commission, a research and evaluation agency of the Virginia General Assembly, is

Continued on page 8

POSITIONS

seeking a resourceful individual with both editing and graphics skills to fill a key communications position. Handles all desktop publishing requirements of the agency, including editorial review, formatting of reports, development of PowerPoint slide presentations, digital photography and printing. Preferred candidate will have a master's degree and/or relevant experience in professional or technical writing, communications media, English, editing, or a field of analytical research. More information on JLARC and the position is available at: <http://jlarc.state.va.us>. To apply: Send letter and resume with salary history, along with samples of informational graphics and/or desktop publishing work, and a list of references to Staff Recruitment, Joint Legislative Audit and Review Commission, Suite 1100, General Assembly Building, Capitol Square, Richmond, VA 23219. When responding to this ad, please refer to the open editorial position number "EIG 2005-VML." Resumes and other application materials may also be sent via e-mail to "jlarc.jobs@leg.state.va.us". Open until filled. EOE.

Director of Transportation Services, Loudoun County

SALARY: Up to low \$100,000 to start DOQ. Offer innovative ideas for financing, project management and private sector partnerships, as well as policy and program alternatives on a variety of transportation issues. Appointed by and reports directly to the county administrator. Prefer master's degree in transportation planning, business or public admin., min. 5 yrs. exper. in transportation planning policy and development or related exper., plus 5 yrs. exper. supervising professional staff. Experience may be substituted for education. For more information about the position and the application process, visit www.loudoun.gov. Ref # 05-466. Deadline: Aug. 12. EOE.

Procurement/Assistant Purchasing Agent, Loudoun County

SALARY: \$52,219-\$65,000 hiring range. Help lead county's procurement office while managing the Contracting for General Operations program, including a staff of 3 contracting officers and one senior buyer. Also will handle high-level complex procurements through competitive sealed bidding, competitive negotiation, and non-competitive negotiation. Master's degree in procurement, business administration, or

related field and at least 4 yrs. of broad experience in procurement with at least 2 yrs. in governmental procurement and 2 yrs. of management or supervisory experience. E-mail resumes to hr@loudoun.gov. For additional information and to receive a required application visit www.loudoun.gov or call 24-hour job line: 703/777-0536. Ref 05-440. Apply immediately. Open until filled. EOE.

Other positions

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

City Attorney, Franklin

SALARY: \$64,000-\$80,000. Deadline: Aug. 19.

County Administrator, King George

SALARY: DOQ. Deadline: July 15.

Zoning Administrator (Part-time), Irvington

SALARY: Negotiable 20 hrs. per week. Deadline: July 15.

Deputy Executive Director Community Revitalization, Richmond Redevelopment and Housing Authority

SALARY: \$74,410-\$124,976. Deadline: June 30.

Building Inspector (Part-time), King and Queen County

SALARY: Negotiable 20 hours per week. Open until filled.

Director of Entrepreneur and Business Services, Middle Peninsula Planning District Commission (Saluda)

SALARY: \$25,000-\$35,000 hiring range (+) benefits. Open until filled.

Director of Utilities, Berryville

SALARY: DOQ (+) benefits. (Pop. 3,400) Deadline: July 8.

Planning and Zoning Administrator, Abingdon

SALARY: \$33,256-\$46,599 DOE. Open until filled.

Deputy Director of Public Works, Manassas Park

SALARY: \$62,000-\$68,266 DOQ (+) benefits. Open until filled.

Assistant County Administrator, Stafford County

SALARY: Negotiable. DOQ. Open until filled.

Director Department of General Services, Albemarle County

SALARY: \$74,284-\$96,569. Open until filled.

Director of Technology, Roanoke

SALARY: \$74,613-\$115,650 hiring range negotiable DOQ (+) benefits. Open until filled.

Human Resources Director, Fauquier County

SALARY: \$54,393-\$81,590 (+) benefits. Deadline: July 15.

Assistant City Manager for Operations, Roanoke

SALARY: \$83,193-\$128,949 negotiable DOQ (+) benefits. Open until filled.

Director of Economic Development, Roanoke

SALARY: \$74,613-\$115,650 DOQ (+) benefits. Open until filled.

Director of Housing and Neighborhood Services, Roanoke

SALARY: \$66,097-\$102,450 negotiable DOQ (+) benefits. Open until filled.

Assistant District Planner, VDOT (Staunton)

SALARY: Negotiable DOE/DOQ (+) benefits.

Director of Communications, Alexandria

SALARY: \$66,429-\$107,447 DOQ. Open until filled.

Senior Pumping Station Operator, Falls Church

SALARY: \$33,000-\$45,000 DOQ (+) benefits.

POSITIONS

Police Chief, Norton

SALARY: \$39,355-\$58,680 DOE/DOQ.
Deadline: June 30.

Procurement Officer, Loudoun County

SALARY: \$38,965-\$50,000 hiring range (+) benefits.

DEADLINE: *The deadline for placing a job advertisement in the next issue of Update is Friday, July 8. 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

Effective Grant Writing: Keys to Unlocking the Vault, Aug. 4, Richmond

Class added due to demand. As public resources decline, writing grants has become a valuable skill for local governments. Learn how to locate the best grants for local governments and how to write persuasive proposals. From 8:30 a.m.-3:30 p.m. at the University of Virginia's Richmond Center. Sponsored by the Virginia Institute of Government. Registration: \$100 (includes lunch). Contact Jovan Hackley at 804/ 371-0202 or jh5sr@virginia.edu, or visit www.VaInstituteofGovernment.org.

Governor's Housing Conference, Sept. 14-16, Roanoke

State's largest and most comprehensive affordable housing event of the year will be held at the Hotel Roanoke. Register online at www.dhcd.Virginia.gov.

Virginia Planning and Zoning Conference, Oct. 9-11, Roanoke

The 2005 annual conference will be held at the Hotel Roanoke. Anticipated cost: \$210. Contact: info@vcpa-va.org.

16th Annual Virginia GIS Conference, Oct. 24-25, Richmond

Hosted by the Virginia Association of Planning District Commissions at the Greater Richmond Convention Center. Call for papers deadline is July 15. Access www.richmondregional.org for additional information and to register online.

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.

Update

The newsletter of the
Virginia Municipal League

P.O. Box 12164 • Richmond, VA 23241



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CELEBRATING 100 YEARS OF LOCAL
GOVERNMENTS WORKING TOGETHER