

Update

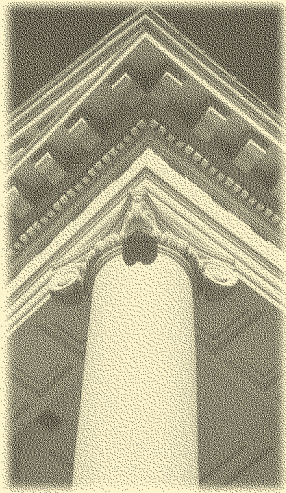
The newsletter of the Virginia Municipal League

Inside ...

1-8



VBCOA meeting to focus on decks, porches



GENERAL ASSEMBLY

For information on last-minute developments during the 2006 session of the General Assembly, please read the latest editions of the *Legislative Bulletin*, which is distributed via e-mail and is posted on www.vml.org.

General Assembly 2006

Transportation debate could delay adjournment

As the scheduled March 11 conclusion to the 2006 General Assembly approached, it was anybody's guess as to whether budget negotiators could strike a deal on transportation funding that would allow legislators to go home on time.

If the House and Senate cannot reach agreement, the session can be recessed or extended by the members, or the governor can call the assembly back into special session. If the session continues past Tuesday, March 14, then the reconvened session set for April 19 will have to be rescheduled. Rescheduling it would cause substantial administrative and logistical problems for House and Senate staffs.

In the meantime, local government officials have an important role to play. Talk to your legislators about the transportation problem and explain how crucial it is to have dedicated, non-general fund revenues

to address transportation needs. Your willingness to support them in making tough choices and taking hard votes is critical.

Our message

There are several key messages that legislators need to hear from their local constituents and their local elected officials:

- There is a critical need for new, adequate and recurring funds dedicated to transportation.
- The transportation need is probably close to \$1 billion per year in new revenue.
- The tax reform package passed in 2004 was an acknowledgement of the critical, continuing and *future* needs of general fund core services.
- Adding another large service area to the general fund will put more pressure on finite resources.

Continued on page 2

Virginia Supreme Court

Local zoning, subdivision decisions upheld

The Virginia Supreme Court has ruled in favor of Culpeper County in a dispute with a real estate developer over the rezoning and subdividing of land.

VML, along with the Virginia Association of Counties and the Local Government Attorneys Association, participated in an amicus brief on behalf of the county. Because of the peculiar procedural steps in the case, *Board of Supervisors of Culpeper County v. Greengael*, VML's role was more extensive than in many of the cases where it has filed a friend of the court brief. The court sided with VML's position on the key elements of the case.

The county had amended its compre-

hensive plan in 2000 to encourage industrial and commercial development in an area near the Town of Culpeper, including the land in dispute in the case. The base zoning, however, remained residential. The developer bought a 96-acre parcel and filed a subdivision application for 12 lots as a first step of the development of the parcel. The county's ordinance required public water and sewer for development in the area. The Town of Culpeper had the only water and sewer, but did not have capacity to serve the project.

As a result of the lack of water and sewer, the county denied the subdivision

Continued on page 3

FROM THE CAPITOL

GENERAL ASSEMBLY 2006

Transportation debate continued ...

- If transportation is funded through the general fund, then transportation will have to compete with education (and other core services) for scarce resources, and education (and other core services) will have to compete continually with transportation. Neither side wins in this equation.

- Even in the current House budget – compared to the introduced budget – cuts were made to essential services to fund the first year of the transportation plan. And these cuts were made during times of a *large* surplus:

- \$17 million cut to K-12 education
- \$39 million less than the governor proposed for teacher salary increases
- \$28 million less for community colleges

- \$12 million less for the governor’s economic development (deal closing) fund

- \$3.6 million less for anti-gang funding

- \$5 million less for BRAC response
- \$32 million less for water quality funding

For those who say that funding transportation through the general fund will never hurt education or other basic services – the proof appears otherwise in the adopted House version of the budget.

Transportation differences

- The Senate plan would increase transportation formula funding by three

times the House plan over four years for primary, secondary, urban, and transit systems.

- Eighty percent of this identifiable location House plan funding is dedicated to the Northern Virginia and Hampton Roads construction districts, but is still significantly less than the amount of funding in the Senate plan.

- Seventy-five percent of four-year funding and 85 percent of long-term funding in the Senate plan is from new, dedicated long-term transportation funding sources.

- Except for the “abuser” fee proposal, the entire House plan is funded from general funds.

The table below offers a brief comparison of the House and Senate plans:

Additional funding for primary, secondary, urban and transit systems

House plan*

Senate plan**

Construction district	4-year total	% of total	4-year total	% of total
Bristol	\$31,794,608	2.5%	\$237,695,913	7.6%
Culpeper	\$28,801,185	2.3%	\$174,772,403	5.6%
Fredericksburg	\$29,727,147	2.4%	\$186,736,953	6%
Hampton Roads	\$416,061,037	32.9%	\$616,523,513	19.7%
Lynchburg	\$31,701,473	2.5%	\$196,625,938	6.3%
Northern Virginia	\$602,616,344	47.7%	\$842,663,259	27%
Richmond	\$54,656,355	4.3%	\$376,526,752	12%
Salem	\$38,562,470	3.1%	\$296,539,845	9.5%
Staunton	\$29,664,943	2.3%	\$198,574,008	6.4%
Total	\$1,263,585,562		\$3,126,658,582	

* House plan shown does not include an estimated total of \$590 million for local revenue sharing, congestion relief, and PPTA programs funded with abuser fees. House four-year plan would increase interstate program by \$307 million.

** Senate plan does not reflect \$211 million per year in 20-cent grantor's tax increase distributed based on point of sale. Plan is funded with 85 percent new, long-term dedicated transportation taxes and fees. Does not include \$61 million in new interstate construction funding and \$60 million for local revenue sharing.

Source: Feb. 28, 2006 Secretary of Transportation letter to the General Assembly, amended Senate data on March 2.

FROM THE CAPITOL**Virginia Supreme Court decision continued ...**

application. The developer convinced the Circuit Court that the county had pushed the town not to make the utilities available. The Supreme Court rejected that argument and upheld the county's denial based on lack of compliance with the subdivision ordinance. It is worth noting that the town could have made the utilities available, at some significant expense, but because it was not required to do so, the county's subdivision ordinance had not been complied with and the denial of the subdivision was appropriate.

At the same time the subdivision application was being considered, the county rezoned the 96 acres from a residential to light industrial category. The developer argued that the residential zoning was fixed for the entire 96 acres based on a vested rights argument under Virginia law.

The court recited the elements of proving vested rights: the applicant "(i) obtains or is the beneficiary of a significant affirmative governmental act which remains in effect allowing development of a specific project, (ii) relies in good faith on the significant affirmative governmental act, and (iii) incurs extensive obligations or substantial expenses

in diligent pursuit of the specific project in reliance on the significant affirmative governmental act."

The court ruled that no vested rights existed, for two reasons. First, the significant governmental act the developer based its vested rights argument on was the subdivision approval ordered by the circuit court. The Supreme Court ruled that because the Circuit Court was wrong, and therefore the developer had no subdivision approval, that could not be the basis for a vested rights argument.

Second, the developer argued that the prior residential zoning provided the significant governmental action. The court disagreed, and ruled that only when the person claiming vested rights had obtained the specific zoning, or a prior rezoning had been sought and approved for the property in question, could the rezoning be the basis for the significant governmental action. Since the residential zoning was only a base, prior zoning for the general area, it did not provide the basis for vested rights.

The Supreme Court issued its opinion March 3. It can be read at <http://www.courts.state.va.us/opinions/opnscvwp/1050461.pdf>. ❖

ETCETERA**VBCOA meeting to focus on decks, porches**

The Virginia Building and Code Officials Association will hold its 2006 spring meeting on May 1 at the Charlottesville OMNI, 2365 W. Main St.

The conference will begin with a business meeting, followed by training sessions on decks and porches. Frank Woeste, an internationally known educator and researcher concerning wood products and building safety with Virginia Tech, and Don Bender, director of the Wood Materials and Engineering Laboratory at Washington State University, will be the instructors. They will focus on deck ledger testing, wood-

plastic-composite deck applications and guardrail post testing.

The \$50 registration fee includes the cost of instruction, handout materials, refreshment breaks and lunch.

Registration and hotel information is available on line at www.vbcoa.org, by calling VML at 804/649-8471 or by e-mailing sdementi@vml.org.

The VBCOA board of directors will hold a quarterly board meeting on April 30, beginning at 12:30 p.m. at the OMNI. ❖

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.

GIS Coordinator, Accomack County

SALARY: \$33,661-\$48,808. Coordinate and support development and management of the enterprise geographic information system; assist with preparation of maps and data for Department of Planning projects, including land use plans, reports and presentations. Reqs. relevant bachelor's degree + 2-3 yrs. exper. involving database operation and design, including ESRI database and ArcGIS 9. Master's preferred. For an application packet, contact the County of Accomack, County Administrator's Office, P.O. Box 388, 23296 Courthouse Ave., Accomack, VA 23301. 757/787-5700. Must submit completed county application. Deadline: March 31. EOE.

Director for Development Services, Kilmarnock

SALARY: \$41,000. Key infrastructure, planning, zoning, mapping and engineering town official. Exper. with Main Street Programs, smart growth management, project budgeting, public works, site-development and design review standards essential. Knowledge and use of Arc View, Arc Info, MS Office tools expected. To apply: Submit a statement of position interest and resume to: Town Manager, 514 N. Main St., P.O. Box 1357, Kilmarnock, Va. 22482. Contact: lhcapps@kilmarnockva.com, www.kilmarnockva.com. Interviews start April 20. EOE.

Police Officer, Haymarket

SALARY: \$35,000. Provide full range of law enforcement services. Reqs. H.S. diploma or equiv., at least 2 yrs. exper. in uniformed police work and a current DCJS Va. Law Enforcement Certification. Resume to: Chief James E. Roop, Town of Haymarket, 6763 Leaberry Way, Haymarket, VA 20118, or fax to 703/753-1954. Deadline: March 31. EOE.

Director of Public Safety, Franklin County

SALARY: DOQ. (Pop. 50,000) Develop, direct and implement comprehensive combination career and volunteer public safety program, as well as act as an incident commander and emergency operations group chief, as necessary. Responsible for animal control, emergency management, fire marshall's office, training/volunteer recruitment and retention and emergency response for both EMS and fire suppression. Reqs. relevant 4-yr. degree (+) exper. or equiv. combination thereof. Obtain applications in the Office of the County Administrator, 40 E. Court St., Rocky Mount, VA 24151. Applications and job description can be downloaded at www.franklincountyva.org. Application review begins March 17. Open until filled. EOE.

Senior Transportation Planner, Loudoun County

SALARY: \$44,950-\$60,683 hiring range DOQ. Duties in Office of Transportation Services include: research and analysis of transportation issues and proffers; participation in development application process; work on special projects such as County-wide Transportation Plan update. Reqs. master's degree (+) experience. Apply and complete job application at <http://www.loudoun.gov/hr/applic.htm>. County of Loudoun, Division of Human Resources, 1 Harrison St., Leesburg, VA 20175. 703/777-0213, fax 703/771-5525.

Chief Financial Officer, Fauquier County Water and Sanitation Authority

SALARY: \$84,581-\$123,218 full range DOQ/DOE. Work independently in support of the general manager and authority Board of Directors as CFO/director of finance and administration. Must show working knowledge of cost accounting, GAAP, GASB pronouncements, annual audit reqs., strategic planning, investment strategies, and system knowledge and applications. MBA or current Va. CPA license preferred. Applications and complete position description available by calling 540/349-2092. Completed applications and resumes must be submitted to the authority's administrative office at 7172 Kennedy Road, Vint Hill Farms, Warrenton, VA 20187. Open until filled. EOE.

Planner, Front Royal

SALARY: \$32,697-\$52,270 DOQ. Perform regulatory review of land development proposals, review of re-zoning and special

use permit requests, site plans, subdivision plats, permits and other applications for compliance with regulations; and formulating recommendations on land use applications. Req. applications at www.ci.frontroyal.va.us. Submit to: Town of Front Royal, Director of Human Resources, 16 N. Royal Ave., Front Royal, VA 22630; e-mail: humanresources@ci.frontroyal.va.us; Fax: 540/631-9006. Open until filled. EOE.

Business Auditor, Albemarle County

SALARY: \$42,305-\$54,996 hiring range DOQ/DOE. \$42,305-\$67,688 full range. Inspect and investigate business establishments to secure compliance with state and local business license and tax ordinances. Bachelor's degree in relevant field with course work equiv. to a major concentration in accounting and/or auditing; reqs. min. 2 yrs. audit exper.; CPA or related certification preferred. Apply and complete job description on-line at www.albemarle.org/jobs.asp. Albemarle County, Department of Human Resources, 401 McIntire Road, Charlottesville, VA 22902; 434/296-5827. Deadline: April 17. EOE.

Town Treasurer, Middleburg

SALARY: DOQ. Establish, maintain and analyze complex financial accounts. Responsibilities include collecting, depositing and investing revenue and managing financial records, payroll and benefits, accounts payable and utility billing. Reqs. relevant bachelor's degree and comprehensive knowledge of finance and accounting principles. Send resume to: Mike Casey, Town Administrator, Town of Middleburg, P.O. Box 187, Middleburg, VA, 20118, mcasey@middleburg.org, or call 540/687-5152 for more info. Deadline: Apply immediately. EOE.

Executive Director, Rappahannock Area Development Commission (RADCO)

SALARY: \$115,000-\$130,000 DOQ (+) benefits. Lead agency in expanding regional cooperation and policy development in areas of land use, transportation, environmental, housing and infrastructure planning. RADCO region consists of Caroline, King George, Spotsylvania and Stafford counties and City of Fredericksburg. For full profile describing the region and position, visit www.springsted.com. Submit letter of application, detailed

Continued on page 5

POSITIONS

resume with salary history and work related references to: John A. Anzivino, Vice President, or Roger M. Scott, Senior Vice President, Springsted Inc., 8790 Park Central Drive, Suite B, Richmond, VA 23227; Fax 804/726-9752 or e-mail janzivino@springsted.com. Deadline: March 31. EOE.

City Clerk, Emporia

SALARY: \$26,000 to start. Appointed by city council. Prepares and maintains official records and files; assists city manager with special projects; prepares city council agenda and agenda packets; attends all meetings of city council. Reqs. any comb. of educ. and exper. equiv. to graduation from H.S. supplemented by course work in business or public admin. and extensive exper. in govt. at responsible level. Send letter of interest and resume to: Bessie I. Reed, Human Resources Director, City of Emporia, P.O. Box 511, Emporia, VA 23847. E-mail bessie.reed@ci.emporia.va.us; FAX: 434/634-0003. Deadline: March 10. EOE.

Building Inspector, Fauquier County

SALARY: \$31,017-\$40,322 (+) benefits. Must possess knowledge and ability to perform building, electrical, mechanical, and plumbing inspections; and to investigate residential, commercial, and industrial construction for compliance with applicable national, state and local code requirements and life safety practices. Va. certification as a combination inspector and general building, mechanical, electrical, and plumbing inspector preferred. Submit Fauquier County classified application form to: Fauquier County Human Resources Department, 320 Hospital Drive, Warrenton, VA 20186. For assistance call 540/428-8700. Applications at www.fauquiercounty.gov. Open until filled. EOE.

Wastewater Treatment Plant Operator, Lexington

SALARY: \$20,462-\$28,157 DOE, state license classification and education (+) benefits. Accepting applications from WWTP Trainee to WWTP Operator III. Reqs: Graduation from H.S. or GED equiv. Must be able to obtain Va. Class III Wastewater Treatment Operator Certification. Apply to: City of Lexington Human Resources Department, 2nd Floor, 300 E. Washington St., Lexington, VA 24450 or e-mail utilitiesprocessing@ci.lexington.va.us or call 540/463-3566 to request job

description/application. Return completed applications to: City of Lexington Human Resources --WWTP Op -- P.O. Box 922, Lexington, VA 24450. Deadline: March 17. Open until filled. EOE.

County Administrator, Bath

SALARY: DOQ/DOE (+) benefits. (Pop. 5,010) 13 FTEs, \$13.6 million bdtg. and 4 depts. ICMA recognized in 2000. Serves at pleasure of nonpartisan, 5-member board of supervisors elected by districts for simultaneous terms. Reqs. graduation from accredited college with bachelor's degree (master's preferred) in public administration / business / related field with 3-5 yrs. progressively responsible local govt. management exper. at executive level. Web site: www.bathcountyva.org. Submit letter of interest, resume, salary history and 3 letters of reference to: County of Bath, P.O. Box 309, Warm Springs, VA 24484. Open until filled. EOE.

Principal Engineer (Team Leader), Loudoun County

SALARY: \$45,108-\$75,781 hiring range (+) benefits. Lead Capital Construction Quality Assurance Program team. Lead a team to manage complex building and public works infrastructure projects. Reqs. graduation from accredited college with master's degree or equivalent exper. in relevant discipline with at least 2 yrs. construction mngmnt. exper. of complex nature; prefer additional 2 yrs. PE, architecture and construction mngmnt. exper. of complex nature; and 2 yrs. administrative mngmnt. exper., including supervising staff. Appropriate Professional License (Va.) is desirable. For additional info. and to receive a required application, contact Web site: www.loudoun.gov or call 24-hr. job line: 703/777-0536. Human Resources: 703/777-0213. Position # 05-448 Apply immediately. EOE.

Transportation Planner, Rappahannock Area Development Commission (Fredericksburg)

SALARY: DOQ/DOE. Support transportation-related activities and special projects within the area's Metropolitan Planning Organization (MPO). GIS, project management and multi-modal planning experience a plus. Degree in transportation planning or related field plus relevant experience. AICP strongly preferred. E-mail resume and cover letter with salary requirements to: jivester@fampo.state.va.us. Open until filled. EOE.

Other positions

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

Executive Assistant to the City Manager, Manassas Park

SALARY: \$31,801-\$49,291 DOQ/DOE (+) benefits. Open until filled.

Community Development and Tourism Coordinator, Galax

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

Building Inspector, Duck, N.C.

SALARY: \$43,717-\$67,759 start range. DOQ/DOE. Deadline: March 24

Director of Administrative Services, Alleghany County

SALARY: \$60,000-\$75,000 DOQ/DOE (+) benefits. Open until filled.

Director of Emergency Communications (Police Department), Lynchburg

SALARY: DOQ (+) benefits. Deadline: March 17.

Youth Services Librarian, Loudoun County (Purcellville)

SALARY: \$40,134-\$54,181 DOQ (+) benefits. Open until filled.

Park System Manager, Franklin County

SALARY: Low \$30,000s (DOE) (+) benefits. Open until filled.

Water/Wastewater Administrator, Chesapeake

SALARY: \$60,265 (min) - \$75,332 (mid) (+) benefits.

Water Production Manager, Chesapeake

SALARY: \$51,515 (+) benefits.

Library Director, Montgomery-Floyd Regional Library System (Christiansburg)

SALARY: \$60,000 and up significantly DOQ/DOE (+) benefits. Open until filled.

Continued on page 6

POSITIONS

Director of Human Resources, Roanoke

SALARY: \$66,096-\$102,449 DOQ (+) benefits. Open until filled.

Business Development Coordinator, Ashland

SALARY: \$38,981-\$51,981 start range DOQ (+) benefits. Open until filled.

City Attorney, Petersburg

SALARY: \$60,972-\$100,397 (+) benefits. Deadline: March 31.

City Clerk, Petersburg

SALARY: \$31,840-\$51,737 (+) benefits. Deadline: March 31.

City Assessor, Petersburg

SALARY: \$52,957-\$87,013 (+) benefits. Deadline: March 31.

Town Manager, Coeburn

SALARY: \$50,000-\$60,000 DOQ/DOE (+) benefits. Deadline: March 10.

DEADLINE: *The deadline for placing a job advertisement in the next issue of Update is Friday, March 17. 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

National League of Cities Congressional City Conference, March 11-15, Washington

For Registration/Housing questions: 888/319-3864 or 703/449-6418. Register online at <https://reg.jspargo.com/cc06/reg/default.asp>.

Virginia Brownfields Redevelopment Conference, March 14-15, Richmond

Sponsored by the Virginia Economic Development Partnership and the Virginia Department of Environmental Quality at the Omni Richmond Hotel. Contact: www.VirginiaAllies.org/06Brownfield.asp.

Virginia Rural Water Association 18th Annual Conference & Technical Exposition, March 26-29, Richmond

Location: Richmond Marriott at 5th and Broad streets in downtown. More than 60 training classes, 100 vendors, networking opportunities and "Womanless Wedding." For more information, log-on to www.vrwa.org or call 540/261-7178.

2006 Annual Virginia Planning Conference, March 29-13, Portsmouth

Theme for this year's conference is plan implementation. Log-on to www.Vaplaning.org for information and registration form.

The Virginia Association of Governmental Purchasing, March 29-31, Blacksburg

Spring '06 conference will be held at the Virginia Tech Skelton Inn and Conference Center. This is for public procurement professionals and will feature timely sessions and speakers. Registration materials and a full agenda will be available at www.vagp.org.

Virginia Transportation Construction Alliance Spring Conference, March 29-31, Roanoke

Contact VTCA: 804/330-3312.

Local Government Attorneys of Virginia 2006 Spring Conference, April 6-8, Richmond

Contact: Leisa Steele, LGA Conference Coordinator, 804/371-0202 or Lrs5c@virginia.edu.

7th Annual Mid-Atlantic DUI Conference, April 18-20, Virginia Beach

For professionals involved in the identification, arrest, prosecution and treatment of people arrested for DUI. Virginia Beach Police Department-sponsored conference at Virginia Beach Convention Center, 1000 19th St. Contact: Special Operations Tel: 757/385/4606 or duiconf@VBgov.com. Conference details: www.vbgov.com/dui.

Virginia Building and Code Officials Association Mid Year Conference, May 1, Charlottesville

Contact: Mary Jo Fields at mfields@vml.org or 804/649-8471.

Virginia Transit Association Annual Meeting, May 11-13, Alexandria

Location: Radisson Hotel in Old Town Alexandria. Contact: Jason Arikian at jarikian@cavtel.net or 804/643-1166.

Municipal Electric Power Association of Virginia Conference, May 24-26, Virginia Beach

Contact: Kimberly Pollard at kpollard@vml.org or 804/649-8471.

Virginia Local Government Management Association, June 21-23, Virginia Beach

Hilton Virginia Beach Oceanfront. Contact: Denise Thompson at dthompson@vml.org or 804/649-8471.

National Association of Counties Annual Conference, Aug. 4-8, Chicago

Registration questions: 866/515-5021.

ICMA Annual Conference, Sept. 10-13, San Antonio

Contact ICMA: 202/289-4262.

CALENDAR**Local Government Attorneys of
Virginia Fall Conference, Oct.
5-7, Roanoke**

Contact: Leisa Steele, LGA Conference
Coordinator, 804/371-0202 or Lrs5c@
virginia.edu.

**VML Annual Conference, Oct.
15-17, Virginia Beach**

Contact: Joni Terry at jterry@vml.org or
exhibitors contact Kimberly Pollard at
kpollard@vml.org. VML phone: 804/649-
8471.

**Virginia Building and Code
Officials Association Annual
Conference, Oct. 22-24,
Staunton**

Contact: Mary Jo Fields at mfields@vml.
org or 804/649-8471.

**Virginia Association of Counties
Annual Conference, Nov. 12-14,
Bath County**

Contact: Linda Butterfield at 804/343-
2507.

**NLC Congress of Cities, Dec. 5-9,
Reno, Nevada**

Contact NLC: 202/626-3105.

*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



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