



VIRGINIA
TOWN & CITY

The magazine of the
Virginia Municipal League

VOLUME 48 NO. 3 APRIL 2013

Affordable Care Act

What local
governments
need to know



The City of Harrisonburg received the Margaret A. Nichols Risk Management Leadership Award. Accepting are Purchasing Agent Pat Hilliard and HR Director Jennifer Whistleman

Congratulations to the City of Harrisonburg for receiving the prestigious Margaret A. Nichols Risk Management Leadership Award.

Each year VML Insurance Programs recognizes members and their staff for outstanding efforts and innovation in risk management. This year we also congratulate:

Risk Management Performance Award winners:

Town of Halifax
Town of Broadway
City of Emporia

Risk Management Excellence Award winners:

Chief Page Campbell, Town of Luray
Linda Konczal, Upper Occoquan Service Authority
Kathy Melton, Norfolk Redevelopment and Housing Authority

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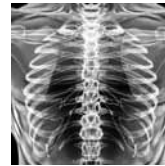
The magazine of the Virginia Municipal League



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Local governments will confront an unwieldy new federal law next year when the Affordable Care Act takes effect. Understanding how the act will affect local government operations is essential.

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Over the last nine years, the U.S. Court of Appeals for the 4th Circuit and the federal district courts in the circuit have ruled repeatedly that sectarian prayers delivered at local government meetings violate the First Amendment's Establishment Clause. A recent case – *Hudson v. Pittsylvania County* – reiterated that fact.

By Mark K. Flynn

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Call for entries: 2013 VML Achievement Awards

The VML Achievement Awards program is an important forum for sharing some of the very best public service ideas in Virginia, a competition in which local government leaders can learn. By sharing winning entries with the public, the league demonstrates that Virginia's local governments are imaginative, highly professional and cost effective.

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The magazine of the Virginia Municipal League

(ISSN0042-6784) is the official magazine of the Virginia Municipal League. Published 10 times a year at 13 E. Franklin St., P.O. Box 12164, Richmond, VA 23241; 804/649-8471. E-mail: e-mail@vml.org. Reproduction or use of contents requires prior approval of the Virginia Municipal League and if granted must be accompanied by credit to VIRGINIA TOWN & CITY and the Virginia Municipal League. Periodicals Postage paid at Richmond, VA. (USPS 661040) Subscription rates: members - \$8 per year, non-members - \$16 per year. Single copies - \$2 each.

Postmaster: Send address changes to VIRGINIA TOWN & CITY, P.O. Box 12164, Richmond, 23241-0164.

Portsmouth taps Rowe as city manager



- Rowe -

Portsmouth City Council named **John L. Rowe Jr.** as city manager recently.

A native of Portsmouth and former deputy city manager, Rowe has more than 30 years of experience managing Virginia cities. He served previously as manager in Suffolk, Poquoson, Clifton Forge, Emporia and Windsor.

Haymarket names Henshaw manager



- Henshaw -

Brian Henshaw was hired as town manager of Haymarket in Prince William County effective May 13.

Henshaw has served as the town planner / assistant town manager in Stephens City since 2007.

Staunton names assistant manager

Steven L. Rosenberg, associate general counsel and special assistant attorney general for the University of Virginia, is the new assistant city manager in Staunton.

Rosenberg replaces **James M. Halasz**, who accepted the position of Halifax County administrator nine months ago. Prior to his position at UVA, he served in local government for many years, first as the senior assistant city attorney for Alexandria, and more recently as the county attorney for Augusta.

Hopewell's Fortenberry receives tourism award

LuAnn Fortenberry, tourism director for the City of Hopewell, received the 2012 Travel Employee of the Year award from the Virginia Hospitality & Travel Association recently.

The award recognizes exemplary action and dedication by a management or non-management employee of a VHTA travel member. Fortenberry has served as Hopewell's tourism director since 1999.

Budesky exits Manassas for Hanover post

Manassas City Manager **John Budesky** is stepping down to become deputy county administrator in Hanover effective July 1. Budesky made the decision in order to help care for an ailing family member in Hanover. He served for just over a year as city manager before making the announcement.

Budesky has served as a local government administrator in Pennsylvania, Maryland and Virginia for more than 17 years. His experience includes 4½ years as county administrator in New Kent. He served as an assistant city administrator in Hagerstown, Md., and as executive director of the Virginia Workers' Compensation Commission.

Falls Church honors top city employee

Cary Frostick, Youth Services supervisor at the Mary Riley Styles Library, was named the 2012 City of Falls Church Employee of the Year recently.

The Employee Review Board selected Frostick for her supervision of the Youth Services Department, which manages the children's room, summer reading program, story times, teen volunteers and more.

Have news about personnel in your city, town or county government? Send information to David Parsons via e-mail at dparsons@vml.org.



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Norfolk parking operation goes green

THE CITY OF Norfolk's Department of Parking replaced its fleet of aging, gas-guzzling, maintenance-heavy vehicles with new Smart Cars in late March.

"The Smart Cars are perfectly suited for a downtown, urban city," said David Freeman, director of General Services. "Not only are the vehicles a cost-effective option to our current fleet, but our employees can do their work in a comfortable and safe environment."

The fleet of 11 Smart Cars cost \$141,000. Norfolk's self-sustaining parking fund covered the cost, so no taxpayer dollars were used. The fuel-efficient vehicles average about 40 miles per gallon, are made from 85 percent recyclable materials, and include four years of maintenance.

The Smart Cars will replace the aging parking fleet. The golf-carts and 3-wheel Cushman carts were purchased in the 1970's and 1980's and cost upward of \$38,000 a year to maintain. The current fleet will be sold at auction



The new Smart Cars hit the streets in late March.

and any profits returned to the parking fund.

The Parking Department also received the city's first Green Leader Award recently for its commitment to sustainable operations. 

Manassas child center earns five-star rating

A Manassas early childhood education program is the first in the state to earn the Virginia Star Quality Initiative's (VSQI) five-star rating.

VSQI was created to provide a consistent way to distinguish the level of quality in early childhood education programs. Its rating system awards early childhood providers one through five stars.

Of the 303 child care programs across Virginia that have been rated previously by VSQI, the Georgetown South Early Head Start Child Development Center is the first center to earn the five-star rating. The City of Manassas Department of Family Services, teaming with the Early Childhood Partnership, has been working with VSQI for three years to manage the VSQI Star grant in the city.

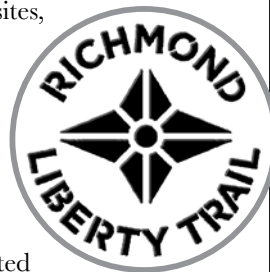
Georgetown South Early Head Start went through an extensive review process that included documentation review and on-site classroom

observations in four standard areas: teacher qualifications (scoring 28 of 40 points), interactions between teachers and students (scoring 60 out of 60), learning environment (scoring 30 out of 30) and instructional practices (scoring 40 out of 40).

Richmond debuts Liberty Trail

The Richmond Liberty Trail is a newly marked walking route that connects many of downtown Richmond's historic sites, attractions and neighborhoods, including 15 national historic landmarks. The 6.2 mile trail is marked with a logo painted on sidewalks.

The trail is one of several self-guided opportunities to experience Richmond's 400-year history on foot. In Shockoe Bottom, it connects with the Richmond Slave Trail at the Lumpkins Jail site and the



African Burial Ground. The trail winds through the neighborhoods of Jackson Ward, Monroe Ward and Church Hill, and includes sites along Capitol Square, Court End, Tredegar and Brown's Island, Canal Walk and Shockoe Slip.

Inspired by the Boston Freedom Trail project, the Richmond Liberty Trail is a collaborative effort among Richmond's business, tourism and history communities. More information on the Richmond Liberty Trail is available at www.RVALibertyTrail.com.

Williamsburg building rated LEED Silver

The Williamsburg Municipal building has received the LEED® Silver rating by the U.S. Green Building Council. LEED® (an acronym for Leadership in Energy and Environmental Design) is the nation's preeminent program for the design, construction and operation of high-performance green buildings.

The municipal building project was completed in early 2011 and included a renovation of the original

22,800-square-foot building constructed in 1988 and a 16,800-square-foot addition. It earned 36 out of 36 attempted points and achieved LEED® certification for many green design and construction features.

Rockingham County launches economic development website

Rockingham County Economic Development has launched a new website to promote the region. Check it out at www.yesrockingham.com.

Located along the I-81 corridor in west central Virginia, the county and surrounding area is home to major corporations in biotechnology, information technology, food processing, manufacturing, aviation and logistics. These include SRI International, Rosetta Stone, MillerCoors, Merck, Virginia Poultry Growers Association, RR Donnell, Dynamic Aviation and others. Innovation Village @ Rockingham, a 365-acre Class A technology park, is also located in the county.

The new website includes the following information and features:

- Enhanced site and real estate information;
- Updated site location information;
- Information for new businesses and entrepreneurs
- Expanded news and publications section

Elsewhere ...

Falls Church has been named a 2012 Tree City USA community by the Arbor Day Foundation for the 35th year in a row. ... **Manassas** also has been named a 2012 Tree City USA by the foundation for the 23rd year in a row. ... The **Newport News** Visitor Center was recently honored with the 2013 “Virginia is for Lovers Trailblazer Award” for its Ambassador Pass program, designed to encourage Newport News residents and city employees to visit attractions in their own hometown. ... **Falls**

Church now provides Frequently Asked Questions and answers for its FY14 city budget. Topics include Budget 101 (basics), Capital Improvements Program (CIP), and Stormwater Funding. Check it out at www.fallschurchva.gov/BudgetFAQ ... The Sunshine Review, a national nonprofit organization dedicated to government transparency, named Williamsburg as one of the winners in its fourth annual Sunny Awards program. ... The joint capital improvement project process between **Manassas** city government and Manassas public schools was selected as a winner of the 2013 Award for Excellence in Local Government by the Alliance for Innovation in Government. The award was presented at the 2013 Transforming Local Government Conference in Atlanta on April 10.


Have news about your city, town or county government? Send information to David Parsons via e-mail at dparsons@vml.org

Northampton government complex design praised

THE AMERICAN COUNCILS of Engineering Companies of Virginia has recognized the design of the Northampton County government complex rehabilitation in Eastville with an Honor Award. The design of the adaptive reuse project by DJG

Inc. of Williamsburg was recognized for its creativity in repurposing the 113-year-old courthouse to a modern 21st century government complex. The firm’s design combined four buildings into one cohesive building that integrates nine different government departments.

The building, originally constructed in 1899, now includes a modern Board of Supervisor’s room, new space for historical displays, renovated work space, as well as a new accessible public entrance. The project successfully integrated contemporary office space within the framework of a 19th century courthouse building.

The American Councils of Engineering Companies of Virginia is a statewide association comprised of more than 85 independent engineering firms. It is affiliated with a national organization representing about 5,500 private engineering companies. DJG Inc. is a full-service engineering, architecture and planning firm that offers services to clients from federal, state and local governments, as well as private companies. The company is a VML sustaining member. 



Northampton County government complex following the rehabilitation.

U.S. Communities launches revamped purchasing website



THE U.S. COMMUNITIES Government Purchasing Alliance, the only national purchasing cooperative sponsored by the National League of Cities (NLC), launched a new website recently with improved design and features.

**By MARC SHAPIRO
National League of Cities**

U.S. Communities is still located at www.uscommunities.org and city purchasing officials and other local officials will find it easier to register, navigate through the numerous available products and solutions, comparison shop and benefit from other available resources.

U.S. Communities was founded in 1996 as a partnership between NLC, the Association of School Business Officials, the National Association of Counties, the National Institute of Governmental Purchasing, and the U.S. Conference of Mayors. It is the leading national government purchas-

ing cooperative, providing world class government procurement resources and solutions to local and state government agencies, school districts (K-12), higher education institutes, and nonprofits.


All purchasing cooperatives are not the same. U.S. Communities offers:

- No User Fees - no costs or fees to participate.
- Best Overall Supplier Government Pricing - by combining the potential cooperative purchasing power of up to 90,000 public agencies, you are able to access the best overall supplier government pricing.
- Quality Brands - thousands of best brands in a wide variety of categories, services and solutions.
- Integrity and Experience - unlike other government cooperative purchasing orga-

nizations, U.S. Communities national government purchasing cooperative is founded by five national sponsors and more than 70 state, city and regional organizations.

- Oversight by Public Purchasing Professionals - our third party audits on contracts ensure that program pricing commitments are met, with benchmark analyses against other suppliers and retailers to guarantee participants the best overall value.

Today, more than 55,000 registered local and state government agencies, education institutions and nonprofits utilize U.S. Communities contracts to procure more than 1.4 billion dollars in products and services annually.

Register at <http://bit.ly/XUDDvG> to become part of the only government purchasing cooperative founded by public agencies for public agencies. 

Virginia economic developers honor 3 communities

THE VIRGINIA ECONOMIC Developers Association (VEDA) announced the selection of Bedford County, the City of Fredericksburg and the Shenandoah Valley Region as winners in three population categories of the 2013 Community Economic Development Awards (CEDA). The awards were presented at the association's spring conference in Charlottesville.

Bedford County was selected in the 40,001-100,000 population category for an entry directed at business retention and expansion, and community involvement.

The Bedford County Office of Economic Development holds quarterly existing business roundtable meetings to ensure a strong, diversified economy and positive business climate. It was during these quarterly meetings that local business managers pointed to the difficulty of finding well-prepared and qualified workers. With this concern in mind, the Office of Economic Development initiated the Bedford One Program, linking high school students with local businesses based on the students' career interests. Initiated in 2007, the program has had nearly 1,000 students participate in 40 company tours to learn about the work and education involved at each company. The program is an example of what can be accomplished when a school system and businesses and economic development interests partner to achieve the same objective.


The City of Fredericksburg was selected in the

15,001-40,000 population category for its first mixed-use development. The project addressed the need for expanded student housing for the University of Mary Washington (UMW), as well as enhanced retail and service offerings within walking distance of the campus. To accomplish this initiative the UMW Foundation purchased a 22-acre shopping center located directly across Route 1 from campus. The UMW Foundation, working closely with the city, has completed Phase I of the project representing an investment of \$115 million and containing a 624-bed premium student apartment facility, a 560-space parking deck, 31,000 square feet of ground-level retail space and 34,500 square feet of Class "A" office space. Phase II, now under construction, is the \$15 million, 93-room Hyatt Place-Fredericksburg Hotel. This part of the initiative is an example of creative financing enabled by the city's tourism zone program, the new Virginia Tourism Development Financing Program and the entrepreneurial strength of the UMW Foundation.

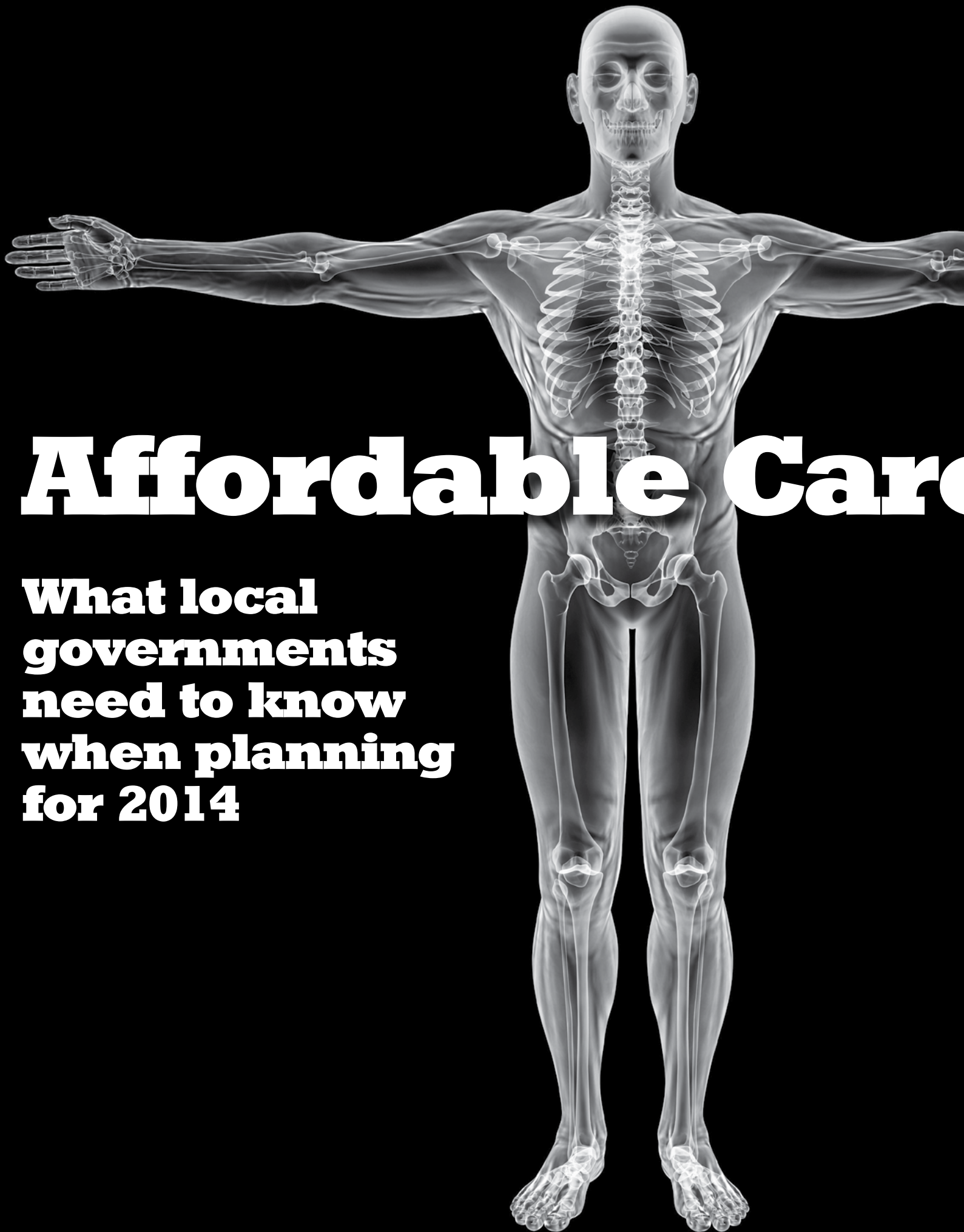
Virginia's Shenandoah Valley Region was selected in the category for populations of more than 100,000. Its 21st Century

Workforce Transitions project has experienced such positive outcomes that Valley leaders are committed to keeping the momentum going through regional collaboration and improved communication channels.

The project began in 2007 with an objective of preparing a workforce ready to support economic growth in emerging high technology sectors. With workforce development challenges clearly defined during Phase I, the Shenandoah Valley Partnership formed the Shenandoah Valley Education and Workforce Committee. The committee, comprised of members from the Valley's K-12 and higher education practitioners, state workforce providers and the business community, quickly began to address specific deficiencies identified in the assessment. To address an often-cited problem, "employers do not know who to call" regarding training for their employees, the committee created an interactive training database that was released to the public in January as a free resource for employers and employees to find education and training programs.

The CEDA awards are designed to recognize communities for their outstanding efforts in advancing economic viability through economic and community development programs. VEDA is following the format developed by the Southern Economic Development Council (SEDC) and will submit its eligible winners to SEDC to be considered by that organization for a southern states regional award. This is the seventh year for VEDA's Community Economic Development Awards. 





Affordable Care

**What local
governments
need to know
when planning
for 2014**



e Act

By Jessica Rogers

AS LOCAL governments plan their operations for next fiscal year, many are struggling to understand exactly how the Affordable Care Act (ACA) will affect their operations. In short, some of the effects of the new healthcare law are relatively easy to decipher while others are murkier.

First, the known: Any employer with 50 or more employees (or the equivalent thereof), will have to either provide affordable health care to all full-time employees or pay a penalty. This includes local governments. Since either option will cost money, local governments need to calculate how much they will need to include in their budgets. So, how can local governments do so?

Employer size

First, every locality must know how many full-time employees it has. The number of employees determines whether or not an employer is subject to the act's shared responsibility requirements (50 or more and you get to comply). Localities that qualify as large employers will need to either (i) offer health care coverage to all full-time employees, or (ii) pay a penalty.

A full-time employee is anyone who works at least 30 hours a week, on average, for at least four months of the year (at least for purposes of determining employer size). Part-time employees' collective hours are divided by 120 each month, to give the number of full-time equivalent positions. If the full-time employees plus the full-time equivalents are 50 or more, you're in the game, so to speak.

So who are employees of the locality? Here's where things start to get tricky. Some are obvious: the city manager, town manager or county administrator, and the accompanying support staff. But what about employees of the local sheriff's department, or the local social services department? What if your locality has a joint EMS agency with a neighboring locality? Are local school division employees also employees of the locality? This brings us to the realm of the unknown.

The act says that anyone treated

as a single employer under § 414 (b),(c),(m),or (o) of the Internal Revenue Code (IRC) will be treated as one employer, for purposes of determining employer size. In the most basic terms, IRC § 414 groups together entities that are under common ownership and control. Historically, this section applies to ERISA plans. Since ERISA does not apply to local governments, these definitions aren't generally applied to government entities. In other words, we don't have many examples to follow.

Since local governments are not "owned," we don't know how this requirement will be interpreted in this context. Proposed regulations tell us that further guidance on applying these definitions to government entities is forthcoming. In the meantime, local governments will not be penalized for a good faith interpretation of the statute. In other words, make a good faith judgment as to who should be included, and wait for further instructions.

While we don't know how the ownership requirement will be applied, localities can start thinking about how much control they have over various related entities, including the schools and the constitutional officers, in making a good faith interpretation of this rule.

For example, neither the schools nor the local constitutional officers are under the control of localities in Virginia. Both have constitutional autonomy, which is a good argument for lack of control. Compare that to the local boards of social services, which by law, are appointed by the locality. That sounds like a lot of control. For now, any decisions localities make about these various groups are unlikely to lead to penalties. Thus far, any new guidance under the act has come with ample time for compliance. But this is one issue that should be on every locality's radar, until further guidance is released.

For any locality that determines it is safely under the 50-employee threshold, penalties for not offering coverage will not apply, but there are several reporting requirements applicable to all employers that must be complied with. For those with 50 or more, there are more decisions to be made.

Penalties

Large employers can face penalties for either (i) not offering minimum essential coverage to full-time employees and their dependents, or (ii) offering coverage that is unaffordable or does not provide minimum value. There are a lot of important terms in that statement. First, with few exceptions, any standard health insurance plan available will qualify as “minimum essential coverage” under the act (dental or vision-only plans will not, for example). “Dependents” means children up to age 26, but not spouses. “Minimum value” means that the plan must have the same value as a bronze level plan sold through the new health insurance exchange in Virginia; so unless you self-insure, this is something you can simply confirm with your insurance broker. Exchanges are state-based online marketplaces in which individuals can seek subsidized health insurance coverage. Beginning Oct. 1, individuals in every state will be able to shop for health insurance and compare plans through the marketplace.

The “affordable” part is the term employers need to worry about. Under the act, a plan is considered affordable if the employee’s share of the premium, for the employee only, does not exceed 9.5 percent of his household income. For employers who don’t know what their employee’s household income is (most, I suspect), the act allows employers to use the income from that employee’s W-2 for the calculation. Note that the act requires employers to offer coverage to dependents, but that coverage does not have to be affordable.

The penalties that will be assessed against any large employer for not offering adequate, affordable coverage fall under two categories. First is the penalty for not offering coverage at all. Under this scenario, if any full-time employee seeks coverage through the exchange and that employee also receives a subsidy for such coverage, the employer will be fined \$2,000 per year for each full-time employee, disregarding the first 30 full-time employees (assessed monthly). Note that one full-time employee receiving



a subsidy through the exchange will result in a penalty for each full-time employee (after the first 30).


If a locality offers coverage, but the coverage is not affordable, that locality may be fined only for employees who actually receive subsidies through the exchange, at the rate of \$3,000 per year, assessed monthly. The penalty under this scenario is capped at the amount the locality could be fined for not offering any coverage at all. These amounts will increase with inflation.

Full-time employees

In order to avoid penalties, an employer must offer coverage to all full-time employees and their dependents (technically, 95 percent of all full-time employees is enough, but it might be helpful to leave a margin of error). A full-time employee is one who, at the time of hire, is expected to work 30 or more hours per week. Many employers, including many localities, will have employees whose hours are not easily predicted. For example, employees who fill-in for others while they are on leave, or employees working more than one part-time job, may work unpredictable hours.

The act creates a system for employers to determine which

employees will be deemed full-time. In the simplest terms, this system involves measuring the hours worked by variable-hour employees for a set period of time, determining if they met the 30-hour per week threshold, and if so, offering them coverage for a limited period of time. While the details make this calculation somewhat complicated, they are worth learning and understanding. Employers need to realize that when an employee applies for a subsidy through the exchange, the exchange will look to the employer to verify questions of coverage and hours worked. Verifying an employee’s hours worked will be the only way to avoid paying undue penalties. Tracking part-time employees’ hours is extremely important.

The act is new and complicated, and many areas of uncertainty remain. While it may seem overwhelming, it is important for localities to keep up with this information. The bottom line: The only way to make sound budget decisions about health care is to understand the Affordable Care Act’s requirements. 

About the author

Jessica Rogers is a local government attorney with the Richmond law firm of Sands Anderson. Her practice focuses on education and employment law. Contact her at jrogers@sandsanderson.com or 804-783-7260.

Federal court rules against prayers at government meetings ... again

The First Amendment to the constitution: *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof*

OVER THE LAST nine years, the U.S. Court of Appeals for the 4th Circuit and the federal district courts in the circuit have ruled repeatedly that sectarian prayers delivered at local government meetings violate the First Amendment's Establishment Clause. The most recent case – *Hudson v. Pittsylvania County, Va.*, – involves the Pittsylvania County Board of Supervisors and county resident Barbara Hudson. The federal district court issued a ruling on March 27.

At the heart of the dispute was the county board's regular practice of beginning its meetings with an invocation that invoked the name of Jesus. After Hudson complained, the board adopted a non-sectarian prayer policy, but the practice of praying in the name of Jesus continued. Hudson testified that at the board meeting following her letter of complaint to the county attorney that all seven board members offered Christian prayers to start the meeting. In the past, only one prayer was offered. In addition, after the board adopted the non-sectarian prayer policy, the court noted that the board invited ministers to the public comment period, where they prayed Christian prayers, with several board members standing and joining in with "Amen."

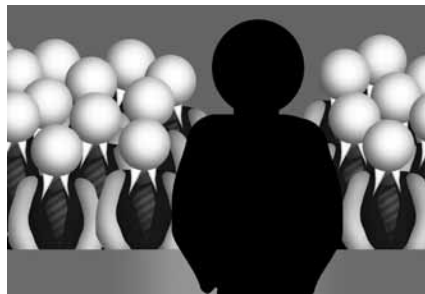
Here is an example of the invocations that the court had to deal with: "Gracious heavenly father, we thank you for the opportunity to address you, and thank you O Lord, because you made all of this possible. You are our God, you are our King, you are the reason we are here. God, without you, and Jesus, without you, there would be no life on earth, and we would not be able to sit down and express our Christian values before the good people of Pittsylvania

County. Amen."

In its decision, the federal district court relied on the previous rulings of the appeals court on the standard for official prayers and other prayers sanctioned by a public body: "Legislative prayer must strive to be nondenominational so long as that is

By **MARK K. FLYNN**

reasonably possible – it should send a signal of welcome rather than exclusion. It should not reject the tenets of other faiths in favor of just one. Infrequent references to specific deities, standing alone, do not suffice to make out a constitutional case. But legislative prayers that go further – prayers in a particular venue that



repeatedly suggest the government has put its weight behind a particular faith – transgress the boundaries of the Establishment Clause. Faith is as deeply important as it is deeply personal, and the government should not appear to suggest that some faiths have it wrong and others got it right."


Following that standard, the court ruled that the practice of the county board of supervisors violated the Establishment Clause of the First Amendment.

The court also commented on another, typical undercurrent in this kind of case – that the plaintiff was "a contentious character" in the county. The court noted: "Hudson's historic role as a board antagonist is beside the point. The fact that Hudson has clashed with the board in the past cannot absolve the board of its clear violation of the Establishment Clause or change the fact that Hudson personally experienced the board's practice of opening each meeting with

a Christian prayer that was offensive to her."

The prior cases that the district court relied on are: *Wynne v. Town of Great Falls* (2004), where the 4th Circuit struck down official, sectarian prayers by a town council; and *Turner v. City Council of Fredericksburg* (2008), where the 4th Circuit again found that the invocation at the beginning of a meeting is an official prayer that must be non-sectarian. In the Turner case, a council member who was a minister refused to comply with the council's non-sectarian prayer policy and sued – unsuccessfully – when the council would not allow him to give the opening prayer. Rev. Hashmel Turner argued that the policy violated his freedom of religion. The court disagreed, due to the prayer being an official prayer as a part of the meeting. The most recent 4th Circuit case was *Joyner v. Forsyth County* (2011), which was factually similar to the Pittsylvania County case.

The lesson from the federal case law that controls Virginia is clear: When prayers are part of a local governing body's meetings, the prayers are official speech. If the governing body by rule (prayer policy) or practice (what they do in the meetings) regularly allows sectarian prayers of any kind, that is a violation of the Establishment Clause of the First Amendment. This law is as settled as any other legal principle in the 4th Circuit, which includes Virginia, North Carolina, South Carolina, Maryland and West Virginia.

It may be frustrating to some local elected officials not to be able to pray as they see fit, but the law is clear. Governing bodies have a responsibility to uphold the First Amendment by taking the steps necessary to avoid sectarian prayers during their meetings. 

About the author

Mark K. Flynn is general counsel for the Virginia Municipal League.

State of the Cities 2013: Infrastructure connects the dots

ON FEB. 4, Charlotte, N.C., Mayor Anthony Foxx left his constituency with a final message about the state of their city.

In a speech that was both reflective of the past and hopeful for the future, Mayor Foxx used his closing moments to drive home how infrastructure – and in particular a new streetcar – can enhance the quality of life for all the city’s residents:

“Let me be clear: this streetcar, and resolving this capital budget, is more important than baseball and more important than football. It is an opportunity to put this city on a path of living together with more opportunity, more economic vibrancy, more quality neighborhoods, more infill development, better schools, more people who want to live here and more businesses who choose to locate here.”

This year’s State of the City addresses showed that mayors across the country are using infrastructure opportunities in a fashion similar to Mayor Foxx. Their addresses demonstrate that infrastructure can serve as more than just the physical foundation of cities, and rather become the critical catalyst that drives economic development, connects people and provides equal opportunities. When envisioned comprehensively, mayors emphasized that infrastructure lies at a unique nexus between people and place; government and residents; and the

present and future. Regardless of the scale or scope of the projects in their cities, mayors’ speeches highlighted how thoughtful infrastructure investment provides an alternate trajectory for their cities.

By RAKSHA VASUDEVAN

Ramping up the roads: Connecting people

Mayors and their public works departments always have and always will play an essential role in infrastructure repair and maintenance (Beaverton, Oregon’s Mayor Denny Doyle said it best when he said: “Beaverton cares about filling potholes – we care about the basics.”). However, cities, including Beaverton, are moving well beyond the basics to reimagine the streetscape in terms of accessibility, usability and enjoyment for all residents. In his speech, Mayor Dwight Jones of Richmond spoke of plans for downtown Franklin Street to become a thoroughway that provides access for bicycles, pedestrians and Segways, as well as car traffic. Additionally, Franklin Street will run through Main Street Station, a welcome center and multi-modal station that serves as the regional transportation hub.

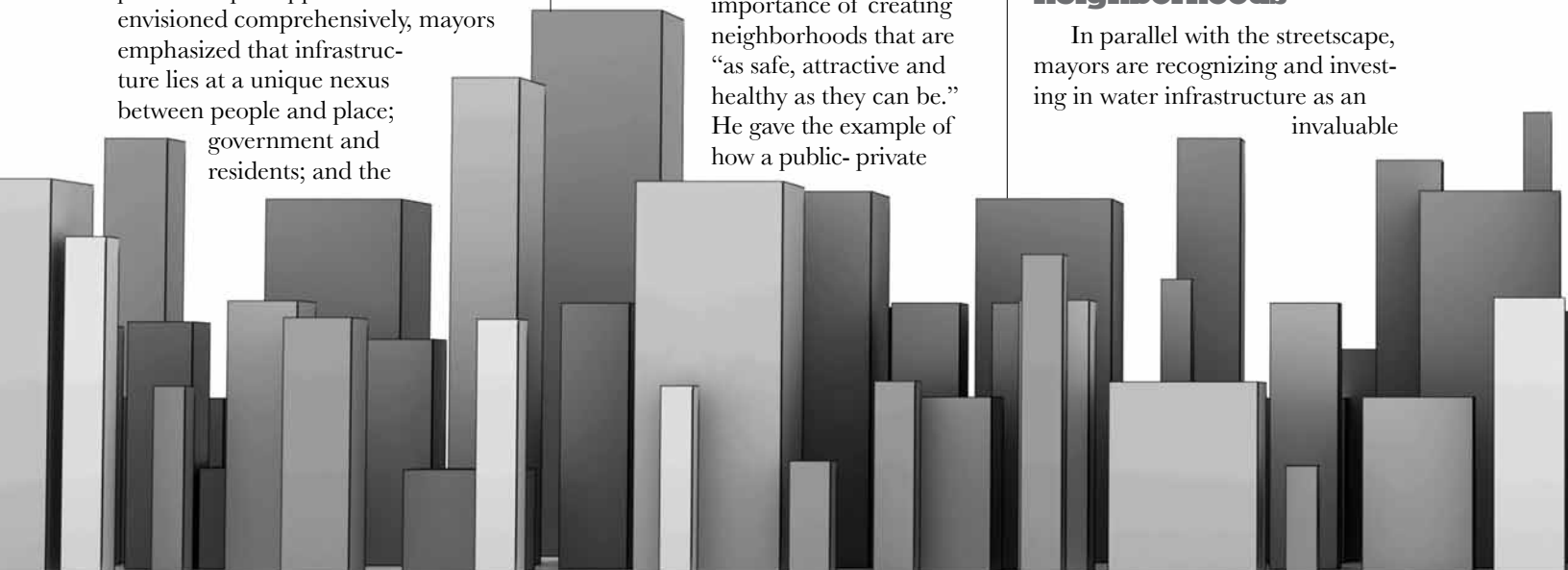
Across the country in San Diego, Mayor Bob Filner highlighted the importance of creating neighborhoods that are “as safe, attractive and healthy as they can be.” He gave the example of how a public-private

partnership model for redevelopment, one that the city successfully used in the past, can be expanded to assist other neighborhoods throughout the city. As part of this effort, Mayor Filner stressed that transportation systems that enhance quality of life – such as pedestrian-friendly streets and dedicated bike paths – will be critical to meet the varied needs of residents.

In a similar vein, Mayor Lionel Jordan of Fayetteville, Ark., stated that, “Our vision for convenient and sustainable transportation, however, is much more than traditional highways and includes alternative transportation as a keystone of our future.” In his address, he described the 100 shared lane markings for bicycle routes, as well as more than 12,000 feet of sidewalks that were constructed all in the past year. Similarly, in Beaverton, Mayor Doyle and his staff not only filled those potholes, they also planted nearly 450 trees and 1,200 native plants; upgraded more than 170 bike path lights to LEDs; and resurfaced 55 streets last year, working to maintain the city’s infrastructure investments while strengthening their mayor’s commitment to sustainability.

Working the waterways: Connecting neighborhoods

In parallel with the streetscape, mayors are recognizing and investing in water infrastructure as an invaluable



community asset, one that not only has economic and environmental implications, but also serves as a social thread woven throughout the community. Mayor A.C. Wharton of Memphis prioritized the city's waterfront as a tool to reconnect neighborhoods and people in a city:

"In consideration of our local assets, we can never overlook our prized riverfront. The riverfront is home to our city's ritual events and celebrations, and common ground for every citizen and every visitor. Because of this, I asked (Jeff) ... to help me develop a balanced approach that attracts people to the riverfront while offering a menu of options to explore and enjoy."

Other mayors spoke more specifically about protecting their watersheds as a means to protect natural resources and enhance quality of life for residents. For example, San Diego Mayor Filner spoke about a regional convening to address water scarcity in the Bay Delta, while Mayor Pete Lewis of Auburn, Wash., described a wetland expansion project on the local community college campus that will increase wetland capacity, filter toxins in rainwater and improve water quality.

Richmond's Mayor Jones aptly stated the role of water in a city's future when he said, "We have plans drawn that will connect the river's use to downtown and remove pedestrian barriers to ensure greater access." He went on to describe the James River as "our precious gem," a source of pride for the whole city.

Tying together transit: Connecting cities


In Somerville, Mass., Mayor Joseph Curtatone spoke of the green line (subway) extension as critical to driving public and private investment in a historically disinvested area of the city: "For years, we've invested heavily in West Somerville while the eastern part of our city soldiered on as a great but underfunded neighborhood. I am here tonight to declare quite unequivocally, it's East Somerville's turn." In Richmond, Atlanta and other cities, mayors similarly acknowledged the potential for transit to reduce poverty in particular neighborhoods, connect people to jobs, and provide transportation alternatives that are accessible and affordable.

These mayors and others also recognized the important role of transit in making their city an effective regional player. Mayor Lewis described how Auburn has emerged as a central transit hub for the region, with four regional transit lines (and numerous local ones) coming together in the city. He went on to describe the implications of this in terms of establishing the city as a regional hub for the education and healthcare sectors. In Durham, N.C., Mayor Bill Bell congratulated residents for approving a half-cent sales tax in Durham and Orange County that will be used to fund new bus and light rail services. With "providing efficient and friendly transit services" as one of five priority areas he spoke of, Mayor Bell not only emphasized the local benefits of connecting people to jobs, shops and healthcare services within the city,

he also directly spoke to his partners outside city limits:

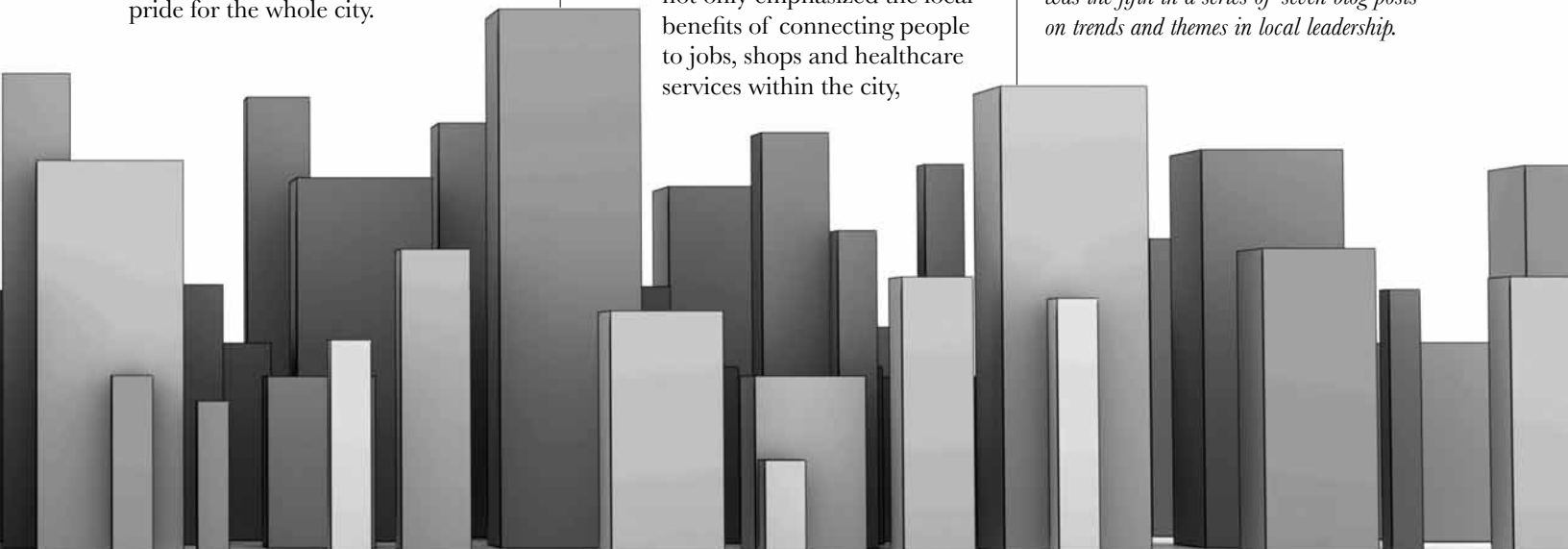
"We must also remind our neighbors to the east that we are truly one interconnected region that is home to millions of people who cross back and forth across all three counties each and every day. Our transportation problems are regional problems and we must partner together on a regional basis to solve these issues."

Building connected cities

Whether mayors are focusing on improving their streetscapes, connecting their transportation services, or enhancing their waterways, the State of the City addresses this year made it clear that infrastructure improvements and investments serve as an important tool whereby local governments are both responding to citizen's immediate needs (e.g. filling potholes) and also working with local and regional partners to envision and implement an alternate future that prioritizes increased quality of life for all residents. Despite scarce resources (and the possible removal of the municipal bond tax exemption), mayors recognize and are committed to infrastructure investments as a priority strategy to create a connected city. 

About the author

Raksha Vasudevan is a sustainability associate at the National League of Cities. This was the fifth in a series of seven blog posts on trends and themes in local leadership.





Virginia Municipal League Achievement Awards

The 2013 VML Achievement Awards will recognize the accomplishments of member local governments in meeting the challenge of operating vibrant cities, towns and counties. Innovative problem solving, excellence in management, increasing citizen participation and achieving higher service levels are all daily occurrences in Virginia local governments. The best of these projects and programs deserve public recognition. Mayors, board chairs, selected clerks and chief executive officers of all VML member local governments were mailed copies of the rules for this year's competition the week of March 18. If you have questions, contact David Parsons at (804) 523-8527 or dparsons@vml.org.



Rules for entering ...

The competition is open to all Virginia Municipal League local government members.

Entries must describe programs or projects brought to conclusion or showing significant results between Jan. 1, 2012 and May 1, 2013.

Each entry must include a cover page bearing the title of the entry, the category of entry, the name of the locality submitting the entry, and the signature of the local government's chief administrative or elected official.

All entries must be typed double-spaced, and the body of the entry, which does not include the cover page, appendices or any supplemental materials, must be at least two pages and not more than eight pages.

All entries must be bound or submitted in a notebook or presentation folder.

Submit one complete bound copy of your entry, including the cover page, all appendices and supplemental materials, videotapes, etc.

Entries may be accompanied by photographs, artwork, CDs or DVDs.

A local government may submit up to four entries: three in its population category and one in the Communications category.

An entry that is entered in a population category may not be entered in the Communications category.

Entries must be postmarked by **May 24, 2013**.

The 4 possibilities

Each VML local government has the opportunity to submit up to four entries in this year's competition: three in its population category, plus one entry for the Communications Award. The winner of the President's Award will be selected from the winners of the five population categories.

Writing & presentation

Although the presentation of your entry will not be the most important consideration of the judges, it will be taken into account. Therefore your entries should have a neat appearance and should be well-written. Photographs or artwork are encouraged.

In writing your entry, be succinct and clear. State the

program's goals and objectives; explain how the project or program was accomplished; and provide as much relevant information about quantifiable results as possible.

Write your entry so that it progresses in a logical manner and tells a story. Your introduction should include background information, such as the need for the project, how it originated, and the goals and objectives. Clearly explain how the project or program was carried out or how a program operates. Also include how the project or program is financed and staffed. Your conclusion should state the results of the project or program.



Deadline & address

All entries must be postmarked by **May 24, 2013**, and mailed to: VML Achievement Awards, P.O. Box 12164, Richmond, VA 23241 or shipped (UPS, FedEx, etc.) to: VML Achievement Awards, 13 E. Franklin St., Richmond, VA 23219

Helpful reminders

The staff person who assembles an entry should read both the brochure announcing the 2013 Achievement Awards and the rules for entering at the beginning of this page.

The entry must be signed on the cover page by the chief administrative officer or the chief elected official.

The cover page must show the category of entry, (e.g. Achievement Award - Population 35,001-90,000; or Communications Award.)

Only one copy of each entry needs to be submitted.

Final checklist

Does each entry have a cover page showing:

The title of the entry? The category of the entry?
The name of the locality? The signature of the chief administrative officer or elected official?

Are your entries neatly and securely bound?

Entries will not be returned. If you have any questions, contact David Parsons at the Virginia Municipal League or by telephone at 804/523-8527.



Wireless infrastructure projects need community outreach, transparency

MOBILE PHONES AND other mobile computing devices have become essential communications tools for daily life. People use wireless devices at home and on the go, increasing the demand for cell phone towers in neighborhoods closer to where they live and work.

Mobile telecommunications carriers are continuously seeking to keep up with demand for network access. While the need for wireless infrastructure grows, citizens also care about the visual impact to their communities. It is not unusual for carriers and tower developers to encounter opposition when trying to improve wireless networks. Milestone Communications, a leading wireless tower developer with school and government landowners, employs a process that has been effective both in helping carriers improve their networks, and in serving communities with solutions that are aesthetically and functionally optimized for their environments.

In 2011, a major national carrier identified a gap in wireless coverage in the Town of Herndon in Fairfax County. Herndon is the third largest town in Virginia with 23,000 residents.

Milestone implemented a transparent outreach process to address the coverage gap and alleviate community concerns about the installation. First, Milestone informed its partner, Fairfax County Public Schools (FCPS), of the interest in placing a cell phone tower at Herndon Middle School. A location for the pole was vetted and agreed upon by FCPS's facilities department.

Prior to site confirmation or construction, school administrators and the community needed to approve the location to make sure the facility would not interfere with the school's use of the property. Administrators mailed information to parents about



So much detailed information about the site was provided to the public prior to the public hearing that the Herndon project was unopposed.


the proposal. At the same time, Milestone created a project-dedicated website and mailed postcards to 483 residents informing them about the project and website. Milestone also kept HOAs and Town Council members informed.

On the website, Milestone presented photo simulations showing what the pole would look like. To create the simulations, a balloon was flown to the height of the proposed pole and photographs were taken from various vantage points around the neighborhood. An architect then superimposed the design of the pole into the images.

Other information on the community website included: propagation maps showing the geographic area that would benefit from better wireless coverage; background on wireless technology and safety; community meeting date and time and, details about the town's permitting process. The website's contact form provided a way for residents to get answers to questions about the proposal.

By the time of the community meeting, residents were well aware of

the plan, and there was no opposition to the proposal. Constituents were kept informed and all questions were answered prior to the community meeting and public hearing date.

The project's objective was to zone new mobile infrastructure in a growing community with increased demand for access. Milestone's process engaged the public early and in a fully transparent way to engender trust and open communications. Additionally, the community outreach helped with zoning approval because it assured elected officials that constituents were being consulted. 

Contact:

Jennifer Bond
Director of Marketing
703-620-2555 x 110
jen@milestonecorp.com
www.milestonecommunications.com

Milestone Communications is a leading developer of wireless towers in partnership with school and government landowners. It manages more than 1,000 potential sites in the Mid-Atlantic.

Longer version of job ads posted at www.vml.org

A complete up-to-date listing of job ads submitted to VML for publication is posted at www.vml.org. Visit the VML website and click on "Marketplace" to read the complete descriptions of these and other openings.

Assistant City Manager, Emporia

SALARY: \$66,079 hiring rate (+) benefits. Assists city manager in a variety of assignments related to the planning, direction, control, and evaluation of the operations and programs of the city government. Reqs. bachelor's degree (master's preferred) in public administration, urban planning, political science or related field; possession of or ability to obtain CZA, Erosion and Sediment Control Program Administrator, and Stormwater Management Program Administrator designations within 24 mos.; valid driver's license; local govt. exper. Must pass background check. Submit city employment application, cover letter, resume and 3 references to Brian S. Thrower, City Manager, 201 S. Main St., Emporia, VA 23847. City applications at www.ci.emporia.va.us. Deadline: May 20. EOE.

County Administrator, Washington

SALARY: Negotiable within range of \$100,000-\$130,000 DOQ/DOE (+) benefits. (pop. 54,827; \$123.3 million FY13 bdt.) Serves as chief executive officer. Reqs. bachelor's degree or equiv. exper. in business or public admin., city mngmnt., planning, political science, personnel administration or related field; master's degree in a similar academic area encouraged. Desire exper. as an executive / administrator in a comparably sized community or organization with a wide range of knowledge and duties in operations and management. Submit letter of application, detailed resume with salary history and 5 work-related references to: John A. Anzivino, Senior Vice President, Springsted Inc., 1564 East Parham Road, Richmond, VA 23228; Fax 804-726-9752 or e-mail Richmond@springsted.com. Complete community / position profile at www.springsted.com. Deadline: May 19. EOE.

Appraiser (Department of Real Estate), Campbell County

SALARY: \$29,708-\$36,500 DOQ/DOE (+) benefits. Responsible for conducting field appraisals of new and existing residential and other real estate property. Also responsible for assisting Board of

Equalization in the hearings of appeals and requests for changes in valuations; assigns value to splits and merges; and takes photographs of residences and prepares photo listing for database. Reqs. 2 yrs. of college or graduation from a business college in a related field and 2 yrs. related exper. Desire a degree in real estate or economics. Ideal candidate has exper. with CAMA systems and GIS. Download applications at www.co.campbell.va.us. Deadline: May 20. EOE.

Budget Analyst, Fauquier County

SALARY: \$54,678 min. to start DOQ/DOE (+) benefits. Assists with preparation, monitoring and administration of assigned budgets; assists in constructing, compiling, advertising and publishing the proposed budget and provides recommendations for funding support; provides support staff for the Board of Supervisor's Revenue and Finance Committees; provides technical and analytical assistance including economic reports, spreadsheets, and other documentation as needed; analyzes budget requests and provides recommendations on actions to be taken. Submit Fauquier County online application at <https://jobs.fauquiercounty.gov>. Open until filled. EOE.



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**Management Analyst,
Fauquier County**

SALARY: \$54,678 DOQ/DOE (+) benefits. Identifies and analyzes management issues developing reports, recommendations and implementation of strategies and policies; assists departments in researching, obtaining, writing, implementing and monitoring state, federal and local grants; researches and manages special projects; performs in-depth analysis of organizational issues, practices, policies and procedures; evaluates resources, missions and financial and internal controls; provides assistance to department heads, constitutional officers, and agency officials and their staffs to promote efficient and effective operating objectives; performs related tasks. Submit Fauquier County online application at <https://jobs.fauquiercounty.gov>. Open until filled. EOE.

**Director of Libraries,
Virginia Beach**

SALARY: \$94,212-\$141,318 DOQ/DOE (+) benefits. Experienced, progressive, collaborative team builder aware of emerging trends and best practices in library services will be responsible for managing a budget of more than \$17 million and a staff of 316 (260 FTE). Reports to deputy city manager. Preferred qualifications: Master's degree in Library and Information Science or Virginia State Library certification; exper. equiv. to 12 yrs. in fields using the req'd knowledge, skills and abilities, including 5 yrs. in public library administration at the program management or administrator level. Apply on-line at www.vbcareers4gov.com and attach a resume and cover letter to the application. For more information, visit www.VBgov.com/VBPIjobs. Deadline: May 15. EOE.

**Maintenance Technician I
(Public Works Streets Division),
Winchester**

SALARY: \$26,603-\$42,556 (+) benefits. Performs routine work in maintaining and repairing streets, curbs, sidewalks, storm sewers, etc. Other duties include mowing, leaf collection, traffic control, deceased animal disposal and assisting in other areas as needed. Also will monitor the inmate worker program. Must be able to perform manual labor. Reqs. H.S. diploma or GED equiv. and Class B CDL, as well as one year related exper. in construction/maintenance activities. To learn more or apply, visit www.winchestervva.gov. Open until filled. EOE.

Site Inspector, Manassas

SALARY: \$47,486-\$78,332 DOQ/DOE (+) benefits. Responsible for the review of site and development plans and the daily site inspection of multiple construction projects to ensure compliance with local, state, and federal codes and standards. Must possess and maintain the following certifications from the appropriate authority: Plan Reviewer, Va. DCR, soils and aggregate, Asphalt Field, American Concrete Institute, and NET Nuclear Density. May be req'd to obtain additional certification(s). To apply, complete city application at: <http://www.manassacity.org/jobs>. Open until filled. EOE.

**Engineering/GIS Technician,
Augusta County Service Authority**

SALARY: \$32,533-\$36,500 start range DOQ/DOE (+) benefits. Provides direct support to the engineering/GIS projects manager in the development and maintenance of the Geographic Information System and with various engineering and service related matters. View complete job description and apply at www.acsawater.com or pick up application at the service authority's Administration and Engineering office located at 18 Government Center Lane in Verona. Open until filled. EOE.

**Human Resources Generalist,
Newport News**

SALARY: \$42,525-\$51,030 anticipated hiring range (+) benefits. Provide strategic support in multiple functional areas of H.R. for assigned departments to include recruitment and employment, employee relations, classification and compensation, performance management and training. Reqs. bachelor's degree in business administration, public administration, psychology, or a related field and 3-5 yrs. related work exper., or an equiv. comb. of educ. and exper. PHR or SPHR certification is a plus. Reqs. acceptable general background check to include criminal history and a valid driver's license with an acceptable driving record. More info and apply at www.jobs-nngov.com. Deadline: May 5. EOE.

Planner, Hanover County

SALARY: \$38,556-\$42,411 hiring range DOQ/DOE (+) benefits. Review site, subdivision and landscape plans for compliance with ordinance requirements and zoning conditions; process applications and assist applicants and engineers with plan submittal and review process; review commercial industrial building permits and performs certificate of occupancy inspections; provide technical assistance

to the Planning Department and other Community Development Department staff. Must possess general knowledge of the principals and practices of land use planning. Reqs. bachelor's degree in planning or related field with 1-2 yrs. professional exper desired. More information and apply at www.hanovercountyjobs.com or call 804-365-6489 (TDD# 365-6140). Open until filled. EOE.

**Executive Director, Crater
District Area Agency on Aging
(Petersburg)**

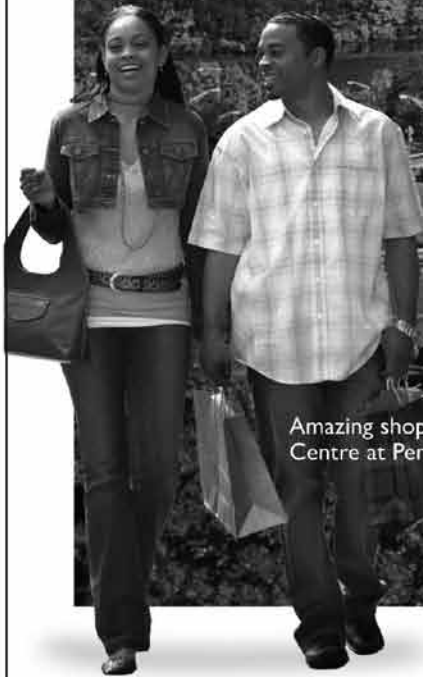
SALARY: DOQ/DOE (+) benefits. Provide leadership and vision in planning services, coordinating community programs, developing new initiatives and fund raising. Must work effectively with Board of Directors, elected officials, local governments, advisory council, advocacy organizations, agency staff, volunteers, and older individuals and families receiving services. Responsible for administration, personnel and financial management, including the monitoring of programs and subcontractors. Reqs. bachelor's degree (master's preferred) with a major in business or public admin., gerontology, social work or a closely-related field. Should have min. 5 yrs. progressively responsible administrative or supervisory exper. in either a public or private agency. Qualified older persons encouraged to apply. Send resumes to: Crater District Area Agency on Aging, P.O. Box 6003, Petersburg, VA 23805. Deadline: May 15 (noon). EOE.

SUBMITTALS: *Submit ads as text files via e-mail to David Parsons at dparsons@vml.org. VML posts job ads on its website at no cost to its local government members. Non-members are charged a flat rate of \$25 per ad, which includes a listing in the VML eNews newsletter and publication in Virginia Town & City (deadlines permitting). VML edits position descriptions in printed publications because of space limitations.*

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It's time to support a new push for redistricting reform in Virginia

REDISTRICTING, AND ITS ugly cousin – gerrymandering – are out of season, which is precisely why now is a good time to start a political movement in Virginia to see how the state can improve the process.

Charlottesville lawyer Leigh Middle ditch is heading up an informal group of business and civic leaders from across Virginia hoping to revive the chances of adopting nonpartisan or less partisan redistricting.

A similar business group has lobbied for redistricting reform in recent years. Governors have offered lip service to reform efforts; but when push came to shove, citizen groups and even Gov. Bob McDonnell's advisory panel have been ignored and left without an insistent patron in the governor's office.

Instead of reform, technology and partisan long knives are married in a gerrymandering exercise that creates more precise ways for legislators in a majority party to choose their own voters and to lock in place a slew of districts uncompetitive in November elections for up to a decade or more.

The intended, and unintended, effects of highly partisan redistricting spill over into what kind of government Virginians receive.

In safe Republican districts and safe Democratic strongholds, legislators often behave as if they are guarding against a challenge from the right or the left.

Instead of compromise and governing toward the middle, lawmakers who wish to avoid a primary challenge govern from the right or the left. They do this to guard against their party's base turning them out for being too compromising or too moderate.

Even if only eight or 10 delegates face party nomination challenges from the left or the right, the clear incentive for all legislators in the 80 to 90

percent of districts drawn to be less than competitive in November is to please the party base.

This hardcore partisan enforcement happens every two years in Virginia and is going on today. Some Democrats are challenging a Central Virginia delegate for being too accommodating to Republicans, while Republican delegates from Leesburg to Southside face primary challenges from folks who consider them guilty of moderation.

This means that work on compromises that can be cast as anti-party heresy is harder. That is true on litmus-test issues such as abortion rights, guns or no new taxes.

Is government as good and responsive to voters as it could be when lawmakers feel they must listen more to the party base or party funding group than to the average citizen?

Probably not.

Do lawmakers considering primarily partisan interests draw districts compactly to reflect and respect communities of interest when primarily considering partisan interests?

Unfortunately not.

Are there states that do redistricting in fairer ways that lead to more competitive general elections and respect communities more than guarantee partisan purity and majority?

You bet! Iowa is such a place.

Looking at decades-long trends, Virginia is becoming less competitive in congressional and state House of Delegates races, following the disturbing national trend of retreat into more partisan base camps.

States such as Iowa do not bow as deeply to the highly partisan redistricting forces. They use nonpartisan redistricting goals and methods.

Virginia government could be better safeguarded from the excesses of super-partisanship if the redistricting process were more like Iowa's.

Technology would allow for such a

change quite nicely.


Lt. Gov. Bill Bolling visited the Iowa redistricting offices recently and pronounced them a worthy model.

Two years after each party in Richmond took advantage of the choose-their-own-voters technology to enhance its own partisan standing in the House of Delegates and Virginia Senate, new statewide elected officials can help set up a better system for next time.

Republican gubernatorial candidate Ken Cuccinelli and Democratic Party candidate Terry McAuliffe say they favor pushing the process into bipartisan reform. They will be asked to pay more than lip service and to provide more than an ignored advisory panel.

Because the legislative hardball exercise in highly partisan reapportionment usually takes place the year after a federal census, the 2013 gubernatorial and legislative elections in Virginia offer a unique chance for a new governor to do the right thing seven years before partisan hardball would be played under current rules.

For the 2014 General Assembly to make more future elections competitive, a governor and lieutenant governor can lead the way by offering more than the usual lightly heeded support for reforming the process.

If the new statewide officials run on the reform issue and make it a mandate, the legislature might start to agree that partisan excess and blatant gerrymandering should be shunned and set aside. 

About the author

Bob Gibson is executive director of the Sorensen Institute for Political Leadership at the University of Virginia. The opinions expressed here are his own and not necessarily those of the institute. Reprinted from The Daily Progress of Charlottesville.



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