

VIRGINIA

TOWN & CITY

The magazine of the Virginia Municipal League

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Mayor on a mission

Bob Coiner is VML's new president

Inside:
Farmville aces vice presidential debates



2016 YEAR IN REVIEW

2016 was another great year to be a member of **VML Insurance Programs (VMLIP)**! Throughout 2016:

- VMLIP receives AGRIP 2016 Award for Excellence in Performance;
- VMLIP named "Top Workplace;"
- VMLIP began offering drone liability coverage and enhanced cyber liability coverage;
- VMLIP launched a Slips, Trips & Falls initiative for law enforcement officers;
- VMLIP partnered with SiteHawk to offer online Safety Data Sheet (SDS) management at a discounted cost to members;
- VMLIP safety staff purchased two drones and now has two certified pilots in-house to assist members;
- VMLIP partnered with Risk-Based Security to offer members access to YourCISO, an information security risk management portal;
- VMLIP Property & liability rates decreased by an average of four percent;
- Six VMLIP staff received additional accreditation or designations; and much more.

Read the entire 2016 Year in Review online at: www.vmlins.org



On the cover

Gordonsville Mayor Bob Coiner is the new President of the Virginia Municipal League. Find out more about what inspires him and what he believes local governments can do for their communities in this month's cover story. See page 15.

Cover photo by Ramilyn Thompson.

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All eyes on Farmville

When the vice presidential debates came to Longwood University, Farmville could have settled for 15 minutes of fame. Instead they mobilized the town to make a lasting impression.

By Nancy Chafin

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Stairway to Success

Take a closer look at 23 localities that are taking a more active role in promoting early childhood education.

By Mayor Ron Rordam

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Wireless bill has lots of strings attached

A proposed bill to further 5G wireless technology may sound good for business, but take a closer look and see what localities are being asked to forfeit.

By Michelle Gowdy, Esq.

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Healthcare behind bars

Inmate medical care and the ever-increasing costs for such care are two of the biggest challenges faced by correctional institutions. Some states, including Virginia, are taking advantage of a lesser-known Medicaid provision that allows them to access Federal matching funds for inmate healthcare provided on an in-patient hospital basis.

By Jeffery Newton, CjM and Jeffrey Gore, Esq.

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Charm and hospitality – Gate City style

IT IS ALWAYS a treat to travel to Southwest Virginia and VML’s regional suppers are a perfect opportunity to get on the road to meet with our members. This fall was no exception.

Now, I have to tell you that right after I came to Virginia, a gentleman came up to me and said, “You will never come to Gate City, but I want to tell you about it.” I knew right then that I would make it a point to visit Gate City. I absolutely love meeting with local officials who have a passion for their community. Serving those that are working to make their locality a better place to live, work, and play is what VML is all about.


If you haven’t been to Gate City, I highly recommend that you stop and pay a visit. There is a lovely downtown with a bakery that is to die for. Folks from all over the region turned out for a terrific meal. And, we were all thrilled at the entertainment provided by High Test Grass – they are great! Check them out on their Facebook page!

And, I am sure most of you know this, but the 1984 movie *The River* was filmed in and around the area. It is such a beautiful part of Virginia and I understand that a number of movies were filmed there. There was an article in the *Bristol Herald Courier* that discussed this topic. Check it out at <http://bit.ly/lpvHNNet>.

To thank us for coming, Council Member Wallace W. Ross, Jr. presented us with copies of *The River* and I want



to thank him for having us and for the very kind gesture. During the holiday break, I plan to curl up on the couch and watch it. And, I look forward to my next opportunity to visit southwest Virginia.

Getting out and meeting with local officials is such an important part of what we do. We are planning now for regional suppers in 2017. If your community is interested in hosting, drop me a note at kwinn@vml.org. 



Lynchburg fills two leadership posts



- Hughes -

The city of Lynchburg has appointed **John H. Hughes, IV** to the position of Assistant City Manager. Hughes is currently employed with the Lynchburg Department of Human Services as the Children's Services Act Coordinator. He has been employed in

various positions with the city for over 12 years. Hughes will assume his new duties on December 28, 2016.



- Brown -

Lynchburg has also appointed **Heather Brown** as Human Resources Director. Brown began serving as Interim Human Resources Director in July 2016 following the retirement of former Director Margaret Schmitt. She began

her career with the city of Lynchburg in 2011 and has held various positions in the Human Resources Department including Senior Human Resources Manager. She also led the successful implementation of the City's Learning Management System and assisted in the development of the succession planning process with Senior Leadership.

Norfolk Police Chief promoted to Deputy City Manager



- Goldsmith -

Norfolk Police Chief **Michael Goldsmith** has been promoted to the role of Deputy City Manager. Chief Goldsmith will oversee the departments of Police, Fire, Emergency Operations and Neighborhood Development. Under his leadership, the Norfolk Police Department received its first national accreditation through the Commission on Accreditation for Law Enforcement Agencies. Chief Goldsmith serves on several regional and national law enforcement boards. In addition, he served as the law enforcement subject matter expert at the North Atlantic Treaty Organization's (NATO) Urbanization Experiment at the NATO Defense College in Italy.

Deputy Chief of Police **Larry Boone** has filled the position of Chief of Police. Deputy Chief Boone began his law enforcement career with the Norfolk Police Department in 1989 and served in a multitude of capacities including the Detective Division and Field Operations. Deputy Chief Boone revolutionized the Norfolk Police Department's Recruitment Unit.

Rural Retreat names new police chief

Derek Breedlove has been named to head the Rural Retreat Police Department. Breedlove began his career in law enforcement as a sheriff's deputy at the Smyth County Jail in 2000. He worked his way up to the patrol division and later rose to the rank of sergeant, a position he held the last four years of his career with the Smyth County Sheriff's Office. Following his 15-year career

Capital Project on the Horizon?

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People

with the Smyth County Sheriff's Office, Breedlove served a short stint with the Damascus Police Department. Breedlove takes his new position in Rural Retreat in the last week of December.

Herndon Town Manager to retire

Herndon's Town Manager **Arthur Anselene** has announced plans to retire February 28, 2017, following four decades of service to the town. Anselene joined the town staff in 1976 as Director of Parks and Recreation, a position he held for 30 years. Under his leadership, the department grew from a single-employee operation into a comprehensive parks and recreation system to include eleven parks and the flagship Herndon Community Center. In 2007, Anselene was promoted to the town's top administrative post. During his tenure, the town developed a plan for transit-oriented development near the Herndon station



- Anselene -

on Metro's Silver Line, slated to open in 2020. Anselene also provided careful financial stewardship during the nationwide recession in 2008-09 which helped to maintain the town's AAA bond ratings. Mayor Lisa Merkel said an Interim Town Manager will be appointed shortly, and the town will embark on a national search for Anselene's replacement.

Leesburg Business Development Manager to serve on HUBZone Committee



- Harvey -

Leesburg's Business Development Manager **Kindra Harvey** was recently appointed to the HUBZone Council's Economic Development Committee. The HUBZone Contractors National Council is a non-profit trade association providing information and support for companies and professionals interested in the Historically Underutilized Business Zone (HUBZone) Contracting

Mover and Shakers

Do you know someone who's on the move? Send your announcements about new hires in local government, promotions, retirements, awards and honors to our editor at nchafin@vml.org.

Program. Harvey will bring a local economic development agency perspective to the committee.

The Leesburg HUBZone was designated by the U.S. Small Business Administration in 2013, based on data from the 2010 Census. The HUBZone program promotes economic development and employment growth in distressed areas through federal contracting opportunities. In 2014, the town of Leesburg's Economic Development Office was named the HUBZone Contractors National Council's Economic Development Agency of the Year for their support and promotion of the HUBZone program. Currently, 73 businesses located in the Leesburg HUBZone have received their HUBZone certification.

News & notes

Suffolk brings home top National Night Out honors

FOR THE FOURTH TIME in nine years, the city of Suffolk's National Night Out event was named best in the nation among communities with a population of 50,000 to 100,000 residents by the National Association of Town Watch (NATW). Suffolk's 2016 edition of National Night Out saw thousands of individual citizens, neighborhoods, civic groups, businesses, city employees, and city public safety personnel gather to celebrate and say no to crime.

The city of Suffolk had previously received the number one ranking in 2008, 2009, and 2014. This is the 11th straight year the city of Suffolk has placed in the top 5 in the nation for National Night Out. National Night Out is an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie to make our neighborhoods safer, more caring places to live.

Winchester recognized for highest principles of government budgeting

FOR THE FOURTH consecutive year, the city of Winchester has received the Distinguished Budget Presentation Award from the Government Finance Officers Association of the United States and Canada for its FY17 budget document.

"We take our duty to be fiscally responsible with our community's tax dollars very seriously," said City Manager Eden Freeman. "To be consistently awarded this recognition is a true testament to this commitment and the city's overall financial management practices."



Greening Water Cleaning

Alexandria wastewater utility honored for sustainability

ALEXANDRIA RENEW ENTERPRISES (AlexRenew) – the wastewater utility serving Alexandria and part of Fairfax County, Va. – transforms 35 million gallons of dirty water daily.

AlexRenew's nutrient management facility (NMF), an 18-million-gallon treatment facility topped with a public athletic field, recently received the Institute for Sustainable Infrastructure's Envision Platinum Award. The NMF helps AlexRenew reduce the amount of energy and chemicals needed to clean water and ultimately helps decrease the amount of nitrogen released back into the Chesapeake Bay watershed.

Envision is a sustainability rating tool for infrastructure projects, similar to the U.S. Green Building Council's LEED program. Since Envision launched, only 11 projects in North America have received a Platinum award – the highest distinction possible. This is the first in Virginia and the Washington D.C. metro area.

Last month, the Virginia Energy Efficiency Council also honored AlexRenew as part of the first-ever Virginia Energy Efficiency Leadership Awards.

Some of AlexRenew's energy-efficiency achievements include:

- Reducing total energy used per gallon treated by more than 15 percent since 2008
- Outfitting its administrative offices with 450 solar panels that power more than 40 percent of the building's electricity needs
- Offsetting its use of natural gas by reusing more than 92 percent of the methane gas created while cleaning dirty water.

"These awards show that wastewater utilities don't have to be invisible to the communities they serve, but instead, can, and should, be active partners in creating livable and resilient cities," said Karen Pallansch, AlexRenew CEO. "We're fortunate to serve customers and work alongside community partners who value sustainability and support efforts like this that have such a positive impact on our local waterways."

*By Lisa Van Riper,
Chief of Enterprise Communications, AlexRenew*



The Nutrient Management Facility helps AlexRenew reduce the amount of energy and chemicals needed to clean water and ultimately helps decrease the amount of nitrogen released back into the Chesapeake Bay watershed.

Public art taking flight in Vienna

THE VIENNA PUBLIC ART COMMISSION is moving forward on its inaugural project, a bronze sculpture by Texas artists Seth and Missy Vandable of two children reading and playing atop a stack of five books. The sculpture is entitled “Taking Flight.”

The sculpture is intended to honor Vienna community volunteers, in particular former Mayor M. Jane Seeman, who passed away in February 2014 after serving as Vienna mayor for 14 years.

“By recognizing Jane Seeman,” says Public Arts Commission member Tara Ruszkowski, “we’re recognizing the importance of all of those who live, work, and give to the community. We’re really excited to have this first piece underway because public art energizes a community by humanizing and invigorating its public spaces.”



The cost of the sculpture and concrete base total \$47,000. So far about \$17,000 has been pledged to the Town of Vienna in community donations. The Town is accepting contributions for public art online.

In addition, a community group has organized a celebration concert as a public art fundraiser.

The artwork will not be installed until all funds have been raised.

Arlington County pushes ahead with car-sharing services

TO EXPAND TRAVEL OPTIONS for Arlington County residents and visitors, the County Board recently voted to authorize car-sharing programs. The Board’s action authorizes the County Manager to move beyond pilot car-sharing programs and create a program that will include competitive procurement of car-share services, establish permits and fees, and develop enforcement procedures for authorized car-share vehicles.

The new authority allows the manager to establish two types of car-share service in Arlington’s public right of way: 1) free-floating – where trips start and end in different locations, and 2) reserved-space – where trips start and end

in locations reserved exclusively for car-sharing.

Several car-share services operate under pilot programs in Arlington today. Zipcar has been providing reserved-space service to the community since 2004 and Enterprise Carshare entered the market in 2012.

Car-sharing is part of the County’s Master Transportation Plan and supports its goals of alleviating parking and traffic congestion, reducing greenhouse gases and particulate emissions, reducing personal vehicle ownership and household transportation costs, and increasing travel convenience and accessibility.

Wallerstein Scholarship applications coming soon

APPLICATIONS FOR THE WALLERSTEIN Scholarship program will be posted online in January. Applications are due March 31, 2017.

The Wallerstein Scholarship is administered by UVA’s Weldon Cooper Center for Public Service and the Virginia Municipal League.

This scholarship provides support to an exceptional individual for a period of one year for the purpose of undertaking research either a) as a rising senior or graduate student at the University of Virginia, University of Virginia’s Wise campus or any of UVA’s regional centers or b)

as a Fellow of the Cooper Center.

A Fellow shall be a practitioner who would like to undertake a significant research project within a higher education environment, and who has reached a point in his/her career when he/she would benefit from time to pursue a sustained program of research.

The Wallerstein Scholarship was established in 1973 at the University of Virginia by a gift from Ruth C. and Morton L. Wallerstein to foster interest and research in Virginia local government. For more information, go to vig.coopercenter.org.

New bridge connects old Richmond neighborhood to downtown

FOR THE RESIDENTS of old Manchester, work and home just got a lot closer.

For well over a decade, the once-industrial neighborhood of Manchester has seen a rebirth as scores of Millennials have moved into old warehouses converted into trendy apartment communities. Many Manchester residents work in downtown offices that are a stone's throw from their doorstep but separated by the James River.

Thanks to a new walking and biking path built by the city of Richmond, residents have a more pedestrian-friendly and scenic option to bike or walk to work, restaurants, shows and other city attractions.

Opened in December, the T. Tyler Potterfield Memorial Bridge is approximately a third of a mile long as it spans the river.

“This bridge essentially re-connects our city in a way that it has been disconnected for years,” said Mayor Dwight Jones.

As more residents choose to walk and bike this short bridge to work and play, Richmond is promoting healthier lifestyles and a greener city. Public art adorns the riverbank at the bridge's north end.

The T. Tyler Potterfield Memorial Bridge is a Priority 1 Project under the Richmond Riverfront Plan. Jones said the Riverfront Plan is helping to reverse decades of urban population decline and building more walkable neighborhoods.

Mayor Jones said that several key Riverfront projects will open currently inaccessible portions of the riverfront and support economic revitalization.



The north view across Potterfield Bridge. (above) Public art adorns the entrance to the bridge on the north bank.

All eyes on Farmville

How Farmville and Longwood aced the vice presidential debates

NOT MANY SMALL towns in America get the chance to hold the world's attention for a few days. To be thrust onto the world stage as part of the most sacred processes on which our country was established – the right to elect our own leaders – is a once in a lifetime opportunity.

On October 4, the small town of Farmville, with a population under 9,000, became the center stage in the most controversial presidential campaign in modern American history.

The story began at Longwood University when the school's leadership decided to apply to the Commission on Presidential Debates to be a site for one of four debates – three for the presidential candidates and one for the vice presidential candidates.

The university learned in September 2015 that it had been selected as the site for the vice presidential debate.

That gave the university and the town of Farmville roughly one year to prepare their community to host the candidates, their entourages, 3,000 journalists and 1,700 public safety officials.

The town administration was a true partner from the beginning. Its pledge of support was a critical ingredient in Longwood's application to the Commission on Presidential Debates.

In preparation, Longwood and Farmville representatives visited a few of the universities that had recently hosted presidential and VP debates. These schools' experiences provided valuable guidance on what to do and not to do as a debate host site.

For Farmville, the event was an opportunity to showcase the town as a great destination for visitors.

The town had no dedicated communications department or public information officer at the time, so the council hired a local PR expert to help them capture media attention and to assist them with the task of communicating with residents throughout the process.

Ilsa Loeser of Letterpress Communications in Farmville said her goal was to attract media coverage that would show-



The view from inside the media center during the live vice presidential debate on October 4.



Farmville Mayor David Whitus (left) and Longwood University President Taylor Reveley IV (center) greet vice presidential candidate Mike Pence.



The Downtown Farmville Partnership and local merchants decorated Main Street to celebrate the debate.

case Farmville as, “a great place to visit – full of history and outdoor activity.”

Preparing early to put its best face forward, the town and its partners expanded its new visitFarmville.com site, making a first-class tourism site that showcases the region’s history, natural assets and attractions. It promotes Farmville as the perfect day-trip destination for Washingtonians, Richmonders, and North Carolinians. “The site will benefit the town for years to come,” said Loeser.

Loeser and town officials worked closely with the Down-

town Farmville Partnership which transformed Farmville’s Main Street with stunning displays of red, white and blue streamers, bunting, and other street signs and décor. Local merchants dressed their storefront windows with patriotic décor and debate-themed merchandise and memorabilia.

Loeser coordinated media coverage on Farmville, including a live broadcast from Uptown Coffee. WUSA Channel 9 from Washington, D.C. interviewed the mayor and several council members and community leaders about what the debate would mean for Farmville.

Loeser notes that media coverage helped Farmville to surpass its highest google searches since 2008.

Putting residents first

While boosting tourism was an important goal, the town’s first responsibility was to ensure the safety of its residents and uninterrupted services to them during this historic event.

In preparation for the debates, the town developed an e-mail alert system for residents which will be used for all types of communications going forward. The system was used to keep residents apprised of schedules, street closures and to assure them of extra public safety measures being taken.

Security and public safety required the most manpower with approximately 1,700 law enforcement and public safety officials working various aspects of the event. These included the Farmville Police Department, the Longwood Police De-



LONGWOOD UNIVERSITY

Longwood students were enthusiastic and vocal participants in the debate events.

partment, the Virginia State Police, and the Secret Service. The team also included hundreds of experts from EMS, fire services, military and private security professionals who volunteered from across the state.

Remarkably, there were no law enforcement incidents throughout the event – a testament to the detailed planning and communications.

Likewise, Mayor David Whitus noted that there were almost no injuries. “The hospital worked for almost a year to get all of their resources and doctors lined up in case of any type of mass casualty event, but they had no incidents in the ER and only saw three people in the medical tent set up on campus.”

Whitus says the decision to host the debate at Longwood is proving to be a good one long-term for the town and the university.

“The debate put Farmville and Longwood on the map,” said Mayor Whitus. “We see people coming to visit who were made aware of what Farmville had to offer because of the debate. For years to come, people will point back to the debate as the event that made a real impact on our community.”

Longwood masters storytelling and media relations

Longwood University was responsible for accommodating roughly 3,000 journalists who came to cover the debate. This included orchestrating the technical facilities, equipment and bandwidth needed to support their live broadcasts.

Matthew McWilliams, Longwood’s Director of Communications and Media Relations, was the university’s liaison to the media. In addition to the hundreds of media stations inside the debate hall, “Four networks set up stages outside the perimeter and provided 12 hours of coverage,” said McWilliams. Longwood signs were present in the background of these sets and Longwood students showed their enthusiasm and energy in the

crowds behind the anchors. “We estimate we received \$80 million in ad value from the debate coverage,” added McWilliams.

Longwood hopes that exposure will help to attract more students to the university, especially from regions the school hasn’t fully tapped into, including Northern Virginia.

McWilliams said, “Hosting a debate isn’t right for every school. A lot of things have to conspire to make the school the right fit. Longwood hit all the marks and was well positioned to take advantage of the opportunity. We had a healthy reserve fund for strategic projects.”

McWilliams noted that debates are better suited to a mid-size college than a very large or very small school.

While Longwood didn’t have enough lodging accommodations locally, they partnered with Lynchburg and Richmond and the Virginia Tourism Bureau to accommodate the crowds.

Longwood also arranged an incredible itinerary of special events that celebrated the rich heritage of Farmville. An extensive guide published by the University for media and guests reads, “It’s America’s first two-college town, a place where the final hours of the Civil War unfolded and a student strike helped launched the modern Civil Rights movement.”

“We have a profound and rich history in two watershed moments in history,” McWilliams said. “We reached out to journalists who would have an interest in that story.”

Special events for the media and other guests included guided tours of the Moton Civil Rights Museum, a civil rights walking tour, a Taste of Virginia media picnic, a lectures series by Longwood faculty on topics related to the VP debates, and a live performance by the famed comedy troupe *Second City*.

In addition to special planned events, journalists appreciated the opportunity to get away from the media center and take a break in Farmville, grab a cup of coffee in a little shop and enjoy a stroll on Main Street.

McWilliams recalled a conversation with a network producer in which she admitted that she and other media colleagues groaned when they learned the debate would take them to Longwood and Farmville. Their expectations were low.

After the debate, the producer told McWilliams it was the best run debate site she had ever worked. “It blew their expectations out of the water,” said McWilliams. **VTC**

About the author: Nancy Chafin is Editor of *Virginia Town & City* and Communications Specialist for the *Virginia Municipal League*.

2017 VML DAY



AT THE CAPITOL

Wednesday, Jan. 25, 2017

VML's 2017 special legislative event will provide an outstanding opportunity for local government officials to interact with members of the General Assembly.

Location: Library of Virginia, 800 East Broad Street, Richmond, VA 23219

Schedule: 3 - 5:30 p.m. Keynote address by Governor Terry McAuliffe; Legislative briefings
5:30 - 7 p.m. Reception

Quality reception. We will once again host a high quality reception that will facilitate members of the General Assembly meeting with local elected officials. All legislators from both chambers have been invited by VML to attend the reception, which will be held in the foyer of the Library of Virginia adjacent to Capitol Square.

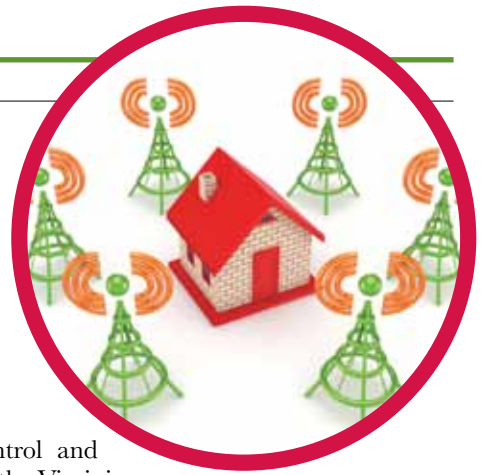
Make appointments with state legislators. By conducting the briefing on important legislation at 3:00 p.m., local officials will have time to meet with their delegates and senators earlier in the day. (Briefing materials on specific issues will be distributed the week prior to the event). Also, for those attendees who spend the night in Richmond, you may choose to make appointments for the following morning as well.

Registration. Register online at www.vml.org. The cost is \$50. Cancellations must be made in writing by Jan. 18, 2017.



5G wireless bill would bulldoze local authority

What local officials need to know



WHILE LOCALITIES ARE WORKING to bury public utilities to enhance the beauty of their communities, wireless providers want to inundate rights of way and public property with towers and unsightly structures. The wireless communications carriers are beginning to rollout various types of technology that will assist with 5G technology, which are also referred to as “small cells.” These small cells may be placed on towers up to 120 feet tall and will have bulky cabinets along with antennae attached. They will also have to be built in close proximity to each other. The wireless carriers say that these aren’t cell towers, but to an ordinary eye, they sure look like them.



And what is 5G technology to begin with? It would allow more people to use more mobile devices at a greater speed in areas where mobile devices can already be used. Most of us have encountered a slow-down in the speed in which a cell phone or tablet can

play a video or even open an email. 5G technology is supposed to speed up that service. My limited knowledge of 5G is that it is designed to support current networks and allow them additional capacity or densification of the network. It was made very clear that 5G will not expand service to underserved areas in any way.

Legislation introduced by Delegate Steve Heretick at the request of Sprint in the 2016 General Assembly session would have gutted the ability of localities to exercise land use control over the placement of these small cells as well as limited the fees that localities can collect. In lieu of passing the bill, however, a Virginia Wireless Communications Infrastructure Work Group was created to work out the issues with it. The work group includes four legislative members: Delegate R. Lee Ware, Jr. (chair), Delegate Terry G. Kilgore (ex officio), Delegate Danny Marshall III and Delegate Kaye Kory. In addition, 12 other people representing localities, broadband interests, Verizon, AT&T and Sprint serve on the body.

VML, the Virginia Association of Counties, our resident expert from Albemarle County, Chief of Special Projects Bill Fritz, and industry representatives (Sprint, Verizon) met numerous times over the summer attempting to compromise on this legislation or find some common ground.

Unfortunately, the industry failed to recognize the need for

local land use control and the applicability of the Virginia Constitution. Although the current draft of HB1347 does not address local concerns, legislators clearly expect that a wireless infrastructure bill will be passed in the upcoming session. For that reason, local officials need to be ready to make the case for local control.

Things the draft bill does to localities:

1. Restricts fees that localities can charge
2. Restricts local permit processes
3. Requires that localities offer unfettered use of public right-of-way to wireless carriers

State law could mandate the fees that localities can charge

Overall, the intent of the draft is to make fees consistent throughout the Commonwealth and to ensure that there is inexpensive access to public property and rights of way (collectively “public lands”). VML has consistently explained that the cost of doing business varies greatly throughout the state and localities need the ability to set their fees based upon their unique circumstances. Wireless carriers are not public utilities as defined in the Virginia Code (56.265.1) and therefore should not be given more access to public lands and/or given special treatment than public utilities.

“This bill grants special privileges to a single industry at the expense of the local taxpayers,” said Newport News Deputy City Attorney Joe Durant. “Forced use of public property and right of way without adequate compensation forces taxpayers to subsidize a single industry.”

5G will not expand service to underserved areas in any way.

Proposed law would amount to blind permit approvals

The complaints from the industry were that current local permitting processes are too onerous and time consuming. This bill would limit the items that localities could consider in reviewing applications.

“The bill is an invasion of localities’ police powers, in that it allows the industry the right to locate any infrastructure where it pleases without any consideration given to health and safety concerns (such as blocking the view of traffic), interference with public communications infrastructure or legitimate concerns

allowed under the localities' zoning laws," Durant added.

Under the draft bill, localities are prohibited from requiring information on the applicant's business decisions with respect to service, customer demand, quality of service or choice of a location or the specific need for the wireless support structure. The locality cannot evaluate an application based on the availability of other potential locations or co-location or require the removal of an existing structure as a condition of approving a new application, such as requirements relating to the appearance of the facilities. And this is just a short list of the "cannots"!

Things that a locality "shall do" include allowing consolidated applications and single permits for multiple facilities and rendering a decision in a single administrative proceeding unless the governing body needs to make the decision.

After the locality navigates all the "cannot do's" and if it fails to make a decision in the Federal Communications Commission (FCC) timelines, the application shall be deemed approved.

Bill would give wireless industry unrestricted access to public rights of way

Perhaps the most disturbing aspects of the bill relate to public rights of way.

According to the current draft of HB1347, "Any domestic or foreign telecommunications provider or broadband provider authorized to do business under the laws of this state shall have the right to construct, maintain, and operate conduit, poles, cable, switches and related appurtenances and facilities along, across, upon and under any public highway or rights-of-way in this state; and the construction, maintenance, operation and regulation of such facilities, including the right to occupy and utilize the public rights-of-way, by telecommunications providers and broadband providers are hereby declared to be matters of statewide concern. Such facilities shall be so constructed and maintained as to not obstruct or hinder the usual travel on or by such highway or rights of way."

How thoughtful that the facilities will not obstruct or hinder usual travel.

Numerous statutes and the Virginia Constitution seem to be in conflict with this very broad authority in the draft bill. My personal favorite is Virginia Code Section 15.2-2017, entitled "Public utilities not to use streets without consent." This bill provides more access to a private money-making company than public utilities. Is faster wireless coverage better than a working sewer system or running water?

VML is opposed to the mandated use of public highways or rights of way. Localities should have the flexibility to exercise their land use authority in these areas.

FCC has long provided a framework for localities to allow 5G technology

Two federal acts under the jurisdiction of the Federal Communications Commission already provide a framework for local governments to regulate wireless facility siting.

Under the 2012 Spectrum Act, Section 6409(a), local governments are required to approve eligible facilities' requests for access to existing wireless towers or base stations if there is no substantial change to the physical dimensions of either. When approving a new structure, it is useful to keep in mind that 6409(a) can be used at a later date to expand the new structure

"The bill is an invasion of localities' police powers, in that it allows the industry the right to locate any infrastructure where it pleases without any consideration given to health and safety concerns."

– Newport News Deputy City Attorney Joe Durant

as well. Applications under the 6409(a) review will be deemed approved if there is no action taken within the specified time period.


The Telecommunications Act of 1996 outlines the so-called shot clock rules that govern the time periods that localities have to approve various applications, as well as when the shot clock can be tolled and start ticking again. It also prohibits discrimination and the effect of denying service.

Meanwhile, a host of wireless issues remain up in the air

Localities that are dealing with 5G telecom siting issues currently have operated within their current land use authority and have been able to accomplish multi-facility approvals, use of public buildings and substantial change modifications. Current local land use processes are effective for these types of facilities.

In addition to problems with this issue just at the state level, rumors are swirling about 5G, including the question of whether the FCC will pre-empt state and local authority. Will the state pre-empt local government and how does 5G interplay with FirstNet and Broadband expansion? FirstNet is a new nationwide public-safety broadband network that is still in the planning stages, but will also require infrastructure. Broadband expansion is something that Virginia needs greatly and will also require a significant amount of additional infrastructure. Will there be interplay between all of these needs? Localities need to be mindful of these questions as they consider various applications.

Another rumor is that the FCC may release a Notice of Proposed Rulemaking to begin discussion with localities on how to regulate 5G. There is no question that the FCC has the authority to preempt localities under Sections 253 and 332 of the Telecommunications Act. Should this Notice come out, it would further confuse this issue in Virginia.

VML will continue to work on this issue and welcomes any input and assistance that you can provide. In the meantime, start getting ready to make calls to your legislators in support of local land use and fee-setting authority. 

About the author: Michelle Gowdy is General Counsel for the Virginia Municipal League.

Mayor on a Mission

VML's new president
Bob Coiner shares
his hopes for healthier
communities



Photographed by
Ramilyn Thompson

VML'S NEW PRESIDENT Bob Coiner comes from a long line of public servants. "I grew up feeling community service was normal, expected and important," says the Gordonsville Mayor.

Since his grandfather's time as Mayor of Gordonsville, the younger Mayor Coiner acknowledges that many things have changed for Americans. One is our overall health. That's why he plans to focus his tenure as VML president on building communities that promote healthier lifestyles.

Coiner says it's a goal that will involve everyone in the community, from schools to businesses to parks and rec and infrastructure.

His exclusive interview with *Virginia Town & City* reveals what drives the man behind the office.

What inspired you to want to run for a local office?

I was asked. Specifically, the Mayor asked me if I would be interested in filling an open council seat. I had always thought I might consider running when I retired, so I had to think long and hard about taking on the commitment with two young daughters and a busy accounting practice competing for my time. I'm so glad I said yes ... it has become my life's work serving my hometown!

How did your upbringing contribute to your interest in public service? Well, my Grandfather Downer served on the Orange County Board of Supervisors, as did my great uncle, who also served on Town Council. My Grandfather Coiner served on the Gordonsville Town Council for over 30 years and was Mayor for three terms until he retired. My dad served on Gordonsville Town Council and was a volunteer firefighter for 69 years, starting at 13 when all the men in town had left for WWII after Pearl Harbor. Dad was also Fire Chief for 23 years. My mom was an officer of the Fire Company Auxiliary, Women's Club and our church.

Because of my family's service, and leadership, I grew up feeling community service was normal, expected and important. National and state politics were often the topics of conversation around the dinner table, as was community affairs. As a basis for those conversations, we read two daily newspapers, along with other periodicals. I was reading most of the Richmond Times-Dispatch and Charlottesville Daily Progress as an eleven-year-old, and earlier for comics and sports.

Was there any one person in the governing profession (local, state or national) who particularly inspired you to want to get into local government?

My inspiration to serve in local government really came from all of my family members who were elected officials, but specifically, my Grandfather Coiner, as the long-time Mayor and "patriarch" of our town for all of my childhood and beyond, followed closely by my dad in his longtime leadership role in our volunteer fire company and his service on Council.

What are you most proud of in your career? In these days of divisiveness and petty politics, I am probably most proud of the fact that our citizens don't view me or Council with the mistrust, anger, and other behavior that we see exhib-

ited around the country on a regular basis. There is a genuine caring and feeling of "brotherly love," if you will, in our little town. Of course, the wonderful people of Gordonsville are the primary reason for this civility, but I also feel that the Council's honesty, integrity, and transparency, as well as the respect and caring we show for all of our citizens, sets a great example and is noted, and appreciated, by all.

"I think my 'inspired moment' may have come when I found out that children are now developing heart disease and type 2 diabetes, 'old age' diseases, because of lack of exercise and horrible eating habits."

What's the biggest thing in your career that you wish you could go back and do differently? Being such a small town with a small budget, our biggest challenges tend to come from money issues and lack of staff. So, I regret there are things we aren't able to do and I'm also sorry that projects sometimes take longer to complete than we would like. But I honestly am not aware of anything I would go back and do differently, given the same facts and situation.

What is the biggest trend or change that local governments need to come to terms with for the future? The changing job market, brought on by globalization and technology, and the resultant work force and housing issues that will continue to impact our local economies, town budgets and quality of life issues in future years.

You've said you will make promoting healthy communities as the priority for your term as President. What was the inspiration behind that? There was no "one thing" that inspired me to promote community health. I just became aware of this very real public health crisis, with more and more people becoming obese and unhealthy each year, even after all of the health programs that have been promoted over the years.

My passion for improving community health was in place prior to me losing 85 pounds last year. In addition to wanting to get healthy and fit myself, I lost the weight so that I would have credibility when I addressed this important issue. The weight loss also hopefully served to inspire folks who find it difficult to lose weight and get fit.

Actually, I think my "inspired moment" may have come when I found out that children are now developing heart disease and type 2 diabetes, "old age" diseases, because of lack of exercise and horrible eating habits. Where once people ate fast food and processed foods as an exception, mainly cooking from scratch at home, now folks eat fast food, sugar, sodas and processed foods on a daily basis and they don't get consistent exercise and activity in their lives.

We are paying the price for this in our children's readiness to learn, as well as their self-image and motivation, among many other societal consequences. America's poor health also affects our work force and even impacts social issues like addiction and other domestic issues. It could potentially even be a national security issue in time of war.

Actually, all areas of society are affected by so many of us being tired and unhealthy, even sick, in direct contrast to a country that is energetic and fit, and well. Regardless of the

60 Seconds on Bob Coiner

Birthplace: Gordonsville, Virginia

Education: Psychology and Economics, University of Richmond; B.S. in Accounting, Virginia Commonwealth University

Family: Married to Jackie for 37 years. Two daughters: Lauren in Berkeley, CA, and Lindsay in Charlottesville.

Career history: Manning, Perkinson & Floyd, CPAs, 1976 - 1983; Coiner & Associates, 1983 - present; Gordonsville Town Council, 2000 - 2004; Mayor of Gordonsville, 2005 - present

Civic involvement:

President, Virginia Municipal League
Executive Committee, VML
President, Virginia Association of Planning District Commissions
Board of Directors, VAPDC
Vice Chair, Rappahannock-Rapidan Regional Commission
Executive Committee and Commissioner, RRRC
National League of Cities, Finance, Administrative & Intergovernmental Relations Committee
Governor's Local Government Policy Council
Council of Elected Officials, Journey Through Hallowed Ground
Community Relations Committee, Culpeper Regional Hospital
Board of Trustees, Gordonsville Medical Aid Fund
Historic Gordonsville, Life Member
Former Chair, VML Town Section and Legislative Committee member
Former Chair, Rappahannock-Rapidan Regional Commission
Former Finance Committee Chair, Town of Gordonsville

Former Vice President of Finance and Board of Directors, Westview on the James

Former Chairman, Gordonsville Methodist Church Administrative Board

Former President, Sigma Alpha Epsilon, University of Richmond

My family would describe me as: According to them, "caring."

If I hadn't gone into local government or accounting, I probably would have become a: Teacher.

Most unusual request you've gotten as mayor?

A Gordonsville citizen called me in a panicked state from Virginia Beach saying their dog had run away and asked if I would try to find it. After agreeing to try, I finally found the dog, but he wouldn't come to me, so I got out of the car and ran to their house, and he chased me all the way home. I called the citizen back saying everything was fine and they could finish their trip as planned.

Favorite quote from an elected leader: Even though it is said he used the oft repeated words of his headmaster, I still think John F. Kennedy's words, "Ask not what your country can do for you – ask what you can do for your country," resonates just as loudly today as it did over 55 years ago.

I wish I could have been at this historical event:

In addition to witnessing the birth of Christ, I would say, the Second Continental Congress. While the First Continental Congress primarily petitioned King George III for a redress of their grievances – a formal protest of sorts – it was the Second Continental Congress that produced a resolution asserting our independence. This was the very beginning of our country, and their work was done against a backdrop of war. I wish I could have been a delegate at this historic event in our nation's history.

cost estimates of our health crisis, the real total cost is still understated.

"We need to assess and improve the infrastructure in our communities for walking, biking and other forms of activity, and we also need to make sure everyone has knowledge of, and access to, healthy food choices."

Without a doubt, our lack of fitness and health is a national crisis and only getting worse. To have a positive effect on the health of our communities, we have to set goals to change the direction things are going. We have to design programs that will help us reach our fitness goals and then monitor the results

of these programs. We must continually adjust our approach and our strategy until we succeed.

We can't just try a few programs, pat ourselves on the back and say we tried. We have to insist on success and not rest until we've built a strong and healthy citizenry again.

How can localities promote healthier lifestyles? While this is first and foremost a personal choice issue, of course, the reality is that most people simply cannot succeed without help and encouragement. I believe as mayors and council members, we have to utilize the platform we are provided as local leaders to promote healthy



Gordonsville's Exchange Hotel, an antebellum railroad hotel that served as a major hospital during the Civil War, is now a Civil War museum.



Mayor Coiner and Councilman Pete Zahn chat outside a popular shop in Gordonsville.


choices and to encourage our friends and neighbors. To succeed we will have to establish health and fitness as an important and daily part of our citizens' lives.

Elected officials should educate themselves first and then speak up when and wherever possible to promote the importance of health to the youth, and to all the citizens of the community. Although there's a lot of information already out there regarding healthy living, I think it's important that this is echoed by local leaders ... from someone the citizens know and trust and who have a personal interest in their neighbors' health and happiness.

Along with education, we know that Americans are competitive, so I hope localities will work with schools, businesses and other organizations to establish fun "health and fitness" challenges and events that their citizens will embrace. We need to assess and improve the infrastructure in our communities for walking, biking and other forms of activity, and we also need to make sure everyone has knowledge of, and access to, healthy food choices.

Presidents and national health organizations have recognized this fitness crisis for decades, but local communities have generally not been willing to address this as a matter of policy or priority. While preferable to address this as a public body and as part of public policy, individual elected leaders can also take up this banner personally and use their leadership to inspire their community.

It will take all of us working together under an umbrella of health providers, educators, and other health related organizations to make a measurable difference. But know this, with a determined effort, we can make a tremendous difference in the lives of our citizens and our communities.

I'll leave you with the words of Ronald Reagan as you consider your role as a public official in addressing the health crisis within our communities, "If not us, who? If not now, when?" 

About the author: *Nancy Chafin is VML's Communications Specialist.*

Stairway to Success

Localities take increasingly active roles in early childhood education

IN OCTOBER OF 2015, I challenged VML members to focus on early childhood education, and the results of that challenge are truly gratifying.

The nine cities, 11 towns and three counties that participated in VML's Stairway to Success program demonstrated an impressive commitment to ensuring that children have the opportunity to enter kindergarten ready to learn and to succeed in school.

Libraries, Smart Beginnings and parks and recreation programs were essential partners with localities in their applications for the Stairway to Success. The Virginia Early Childhood Foundation gave invaluable assistance by posting information on the program on Facebook and distributing information to their local Smart Beginnings programs.

Among our Stairway to Success communities, many of them sponsored drives to collect books or art supplies, participated in preschool reading programs and offered the use of local government facilities for preschool events. Several participants invited Smart Beginnings to present programs to their Councils and aired programs on preschool on local access channels.

Here's just a sampling of some of the great initiatives reported in applications for the Stairways program.

Bristol: The Bristol Public Library has a broad range of programs including a family winter reading program that includes a family soup and board game night and a family LEGO night. The librarian in an elementary school housing a preschool program applied for and received a grant from the public school education foundation to pay for materials for a "LEGO wall" for a library media center.

Orange: A Head Start student and family leads the Pledge of Allegiance at council meetings in Orange, and receive a cup and certificate in recognition of the event. This past year the town partnered with the local Head Start program and through that partnership encourages volunteering at the program, among many other activities.

Lawrenceville: The Mayor of Lawrenceville leads up a mayor's pre-k reading club in which the Mayor reads at each pre-k program and encourages children to check out books at the library.

Leesburg: Leesburg's Parks & Recreation Department offers "A Room to Grow" preschool program for 3-5-year-olds, during the school year. The town also supports cooking classes for children ages 2-5 and a "Little Scholars" program for children ages 3-6.

Manassas: In Manassas, the city's Arbor Day poster contest is open to students in preschool through fifth grade. The

Manassas Museum offers activities at the Farmers' Market to children of all ages and has a trunk program that can be taken to preschools.

Narrows: The town of Narrows supports annual Kids Fishing Days which includes a storytime tent and a free book for children to take home. The town also supports summer story times for pre-school and young grade school children that involves not only reading and discussion, but crafts and snacks as well.

Town of Ashland and Hanover County: In Ashland and Hanover County, bags of groceries were delivered to families with 3 and 4 year old children enrolled in the public preschool. The town's Farmers' Market has a program for children and the Ashland Museum offers a summer history program.

Big Stone Gap: The town of Big Stone Gap applied for and received a grant to complete a splash pad in the town's largest park, which is used by Head Start and day care programs. The town is a member of the Smart Beginnings Coalition, which holds an Early Childhood Summit each spring and distributes pre-school books to very young children at food banks. The town also participates in an oral health project aimed at improving oral health of young children in the LE-NOWISCO planning district.

Blacksburg: The Blacksburg Parks & Recreation Department offers a music time class and a movement program for children. The town provides a nature education center that offers a program aimed at children ages 3-6.

Lexington: Lexington's regional public library offers "Get Ready for Kindergarten" kits and tips for parents to help their children prepare for kindergarten.

Portsmouth: Portsmouth has a wide range of programs aimed at the very young, including Mother Goose on the Loose for children ages birth to 36 months, as well as pre-school STEM activities, Motherread and Fatherread Programs, toddler days at the Children's Museum of Virginia and several programs specifically targeting children from three to six years old.

Prince George County: Prince George County encourages the early identification of developmental, hearing, vision, speech or language delays that could affect a child's school readiness by providing training for volunteers and staff in WIC offices and pediatricians' offices on the use of a developmental



Wheels and Wagons: A special event just for children includes a popular kids parade and art contest. The art is selected and displayed on Blacksburg Transit buses following an unveiling event.

Stairway to Success

screening questionnaire and by screening children at an annual toddlers' fair.

Richmond: Richmond has set up Little Free Libraries at preschools, developed a "Preschool is Real School" community-wide program, established an Early Childhood Cabinet and successfully pursued grant funding aimed at family and early childhood education.

Roanoke: Roanoke has a full-time early literacy librarian who develops programs for preschoolers and works with numerous local preschools to provide library programs to their students. The city also participates in a parent engagement program that provides parenting tips for parents of young children.

Stanley: The town of Stanley supports storytelling programs and early literacy in a very special way. When the regional library closed the Stanley branch for financial reasons, the town formed a library board and charged the board with reopening a community library. The facility is run by 22 volunteers and offers programs for preschoolers and elementary school children.



Toddlers enjoy crafts and activities at the Bristol Public Library.

York County: York County holds Storybook Night and all children who attend get a free book of their choice (as well as dinner for the whole family). The Waterman's Museum has a program aimed at preschoolers and the county works with local organizations such as the Kiwanis Club to purchase books for preschool children.

Colonial Heights: The Youth and Family Services Department in Colonial Heights provides information on early education and learning, behavior and discipline and developmental stages through its Positive Parenting Coalition. The city also has a home visitation program for expectant or first-time parents.

Loudoun County: Preschool programs are offered through 10 community centers in Loudoun County, and participants have field trips, learn about hygiene and health and have nature education programs.

Martinsville: Martinsville has developed a fully locally-funded preschool program for three-years which is provided to qualifying students at no cost to their families. The city also has received grants for projects involving science, food science, LEGOS and mini iPads for early childhood special education classrooms.

New Market: New Market and the New Market Area Library, which is staffed entirely by volunteers, offers a Books and Babies and a preschool story time program. The library and town also sponsor an Arbor Day event that includes the distribution of children's books.




The Prince George County Toddlers' Fair includes a Teddy Bear Parade.


Pearisburg: The Farmers Market in the town of Pearisburg had several activities designed for younger children, including a Kids Day, a Touch a Truck Day and a Kids Gardening Project.

Virginia Beach: Virginia Beach has two week-long summer camps aimed at children ages 3-5, the Nature Detectives and Under the Sea. The city also offers an environmental education program for four-and five-year-olds and their families, and has support programs for childcare and early education businesses in the city.

Gordonsville: Preschoolers in Gordonsville have access to programs focusing on wildlife, maps and wildflowers and trees as well as to family story times at the local library.

When VML began its Stairway to Success program last spring, I really had no idea what the response would be. I was overwhelmed. From the simple to the complex, local governments are finding creative ways to help our young children have a leg up in this competitive world. That's important! 

About the author: Ron Rordam is Mayor of Blacksburg and the Immediate Past President of VML.



STAIRWAY TO SUCCESS
SUPPORTING EARLY CHILDHOOD EDUCATION

About the program

VML'S STAIRWAY TO SUCCESS program is a friendly competition designed to promote the goal of a qualified, trained and educated workforce through the implementation of specific policies and practical actions that increase the involvement of local governments in early childhood education. Local governments earn points by participating in a variety of programs and activities aimed at helping preschoolers be better prepared for kindergarten.

The competition for 2017 has not yet been released, but localities can get a head start by reviewing the 2016 application form a www.vml.org and finding ways to promote early childhood education.

Going ... Going ... Green!

22 more innovations from the 2016 Go Green governments

IN LAST MONTH'S issue, we showcased half of the 22 localities certified in VML's 2016 Green Government Challenge. As promised, we're following up with the stunning accomplishments of the other Go Green communities. Here are 22 more ideas – including many simple, affordable and effective projects – that you can implement in your community.

Hampton: Hampton's Phoebus Living Shoreline was recently planted by volunteers and staff. It functions as a nature-based, shoreline erosion control project that allows for migration of the marsh as sea levels rise. Also, Hampton and NASA operate a waste-to-energy steam plant that serves Hampton residents, five federal installations and the private sector. This project conserves fuel and landfill space, saves money through lower refuse disposal costs and gives NASA low-cost energy to support the Langley Research Center.

Prince George: Prince George County has minimized its use of toxic materials with landscape maintenance, cleaning and painting. The county also has a computer and electronics recycling program and promotes the use of energy performance contracting.

Roanoke: Weatherize Roanoke offers homeowners a free energy evaluation, recommendations for energy efficiency and a package of energy saving items such as LED bulbs, low-flow shower heads and hot water heater covers. The city also had a major energy retrofit at its civic center, resulting in a 23 percent reduction in electricity usage and a 57 percent reduction in emissions.

Vienna: The town of Vienna promotes metal, soccer cleat and toner cartridge recycling. The town has installed LED traffic lights and has produced an eco-efficient home program where builders and homeowners are recognized for homes that meet or exceed energy efficiency criteria. The town also has modified the town code to have a minimum tree canopy where single lot redevelopment occurs.

Falls Church: Falls Church has a Green Home award program for residential construction projects. The city is an EPA Green Power Partners, and is the first EPA Green Power Community in Virginia.

Herndon: Herndon has conducted a stream clean-up, promoted pedestrian and bike use in downtown and installed



Radford approved a conservation easement for Wildwood Park, which includes more than 50 acres of land in the city.

Phoebus Living Shoreline was recently planted by volunteers and staff. It functions as a shoreline erosion control project.



Go Green Virginia

of debris was removed from the portion of the New River running through the city.

James City County: James City County uses social media to promote energy efficiency, recycling and bike-to-work days and has implemented a program to assist low-income housing with energy efficient upgrades. The county has procured a propane tank onsite to facilitate the conversion of more of its fleet to propane, and has development incentives for LEED and EarthCraft buildings in the community. The county has used spray insulation in its buildings to improve energy efficiency, thus realizing more than 30 percent energy savings in some of those facilities.

Chesterfield County: Chesterfield County installed a windmill at a local high school. The county also started a trash clean-up walking program at lunch, where employees can use a bucket and grabber to pick up trash during their lunch-time walks.

Louisa County: Louisa County used closure turf as a final cover for a closed landfill cell. The cover ensures that rainwater does not penetrate the closed landfill, thus reducing pollution from storm water. The county is also in the process of gaining approval for a new tire recycling program that will allow for the disposal of tires for free during an amnesty period. The tires will be used to construct a tactical tire house at the police firing range.

Virginia's local governments can take pride in the steps they have taken to reduce energy costs, contribute to a healthier environment and reduce their carbon footprint. Congratulations to the VML members earning certifications this year!



additional buffer and wetlands plantings after a pond expansion project at its golf course.

Radford: Radford made a conservation easement for Wildwood Park, which covers over 50 acres of land in the city. The city hosted a regional clean-up event where over 400 tons

About the author: *Christina Luman-Bailey is vice mayor of the city of Hopewell and chairman of the Go Green Virginia Advisory Committee.*

About the program

JAY FISETTE, VICE CHAIR of the Arlington County Board, initiated the Go Green program in 2008, during his tenure as VML President. VML's Green Government Challenge is a friendly competition designed to encourage implementation of specific environmental policies and practical actions that reduce the carbon emissions generated by both the local government and the broader community. Cities, towns and counties can become a certified "Green Government," and save money in the process.

Fisette said, "Local governments have an increasingly important role in protecting our environment and reducing

our energy usage. I am thrilled that Go Green Virginia continues to generate enthusiasm, refresh itself, and supports localities to take practical steps toward a more sustainable future. It's good for our residents and their health, and for our budgets long-term!"

The competition for 2017 has not yet been released, but localities can get a head start by reviewing the 2016 challenge and finding ways to promote environmental sustainability. Additional information is posted at www.gogreenva.org.



Go Green Virginia



Healthcare behind bars

Accessing Medicaid in Virginia for inmates
of local correctional facilities

By Jeffery Newton, CJM and Jeffrey Gore, Esq.

INMATE MEDICAL CARE and the ever-increasing costs for such care are two of the biggest challenges faced by correctional institutions. While the expansion of Medicaid under the Affordable Care Act (ACA or Obamacare) has perhaps afforded some relief for states and localities struggling with these costs, federal law still does not allow for federal Medicaid funds to go toward inmate medical costs incurred at the correctional facility.

Some states are taking advantage of a lesser known Medicaid provision predating Obamacare that allows them to access Federal matching funds for inmate healthcare provided on an in-patient hospital basis.

Nonetheless, some states are taking advantage of a lesser known Medicaid provision predating Obamacare that allows them to access Federal matching funds for inmate healthcare provided on an in-patient hospital basis. This article provides background on the legal framework that creates this opportunity. It also explains efforts in Virginia – a state that has not yet chosen to expand its Medicaid program under the ACA – to take advantage of this opportunity for state and local inmates.

Finally, a short case study explains how one regional jail in Virginia has successfully leveraged these federal Medicaid funds to offset some of its costs for inmate medical care.

A brief history of Medicaid and inmate eligibility

In 1965, Congress amended the Social Security Act of 1935 to create the Medicaid program as a federal/state partnership to provide health insurance coverage to our most vulnerable, disabled, aged, and low-income citizens.¹ While the proportion of federal match varies depending on the relative wealth of each state, Medicaid costs in Virginia, for example, are generally divided equally (50/50) between the federal and state government.

States do have some latitude to establish minimum criteria for Medicaid eligibility. In Virginia, Medicaid coverage is mainly available to children in low-income families, pregnant women, individuals with disabilities, the elderly, and parents who meet specific income thresholds. Virginia's eligibility criteria are among the most restrictive in the nation. To show the magnitude of this program, Virginia in 2014 spent nearly \$7 billion to serve nearly 1.2 million individuals through Medicaid.

Historically, states have not made Medicaid available for incarcerated individuals. One reason is that federal law does not allow the federal matching portion (commonly referred to as FMP or FFP) of Medicaid to go toward services provided to individuals when they are incarcerated in a correctional facility.

In light of ever-increasing healthcare costs, and the Constitutional requirement that all levels of government must provide adequate healthcare to incarcerated individuals, Virginia and other states are looking more closely at ways to further leverage federal Medicaid funds.

Although never previously considered by the state, there is a circumstance when the federal government will provide Medicaid funds to inmates. In 1997, the U.S. Department of Health and Human Services issued written guidance clarifying that federal Medicaid funds would be available to fund inpatient services provided outside of the corrections setting to otherwise eligible individuals. This provided certainty for the first time that there was a limited ability for states to acquire the federal share of Medicaid for otherwise eligible individuals who were incarcerated. The 1997 guidance letter states in part:

“... an exception to the prohibition of FFP is permitted when an inmate becomes a patient in a medical institution. This occurs when the inmate is admitted as an inpatient in a hospital, nursing facility, juvenile psychiatric facility, or intermediate care facility. Accordingly, FFP is available for any Medicaid covered services provided to an “inmate” while an inpatient in these facilities provided the services are included under a State’s Medicaid Plan and the “inmate” is Medicaid-eligible.”²

Virginia Department of Corrections updates Medicaid policy

It took 16 years for the state to take advantage of this federal provision. In 2013, the Virginia General Assembly required the Virginia Department of Corrections (DOC) to begin leveraging these federal funds for inpatient hospital services of DOC inmates. Specifically, the 2013 State Appropriations Act directed the DOC to coordinate with the Department of Medical Assistance Services (DMAS) and the Department of Social Services (DSS)³ to establish procedures to enroll eligible state inmates in Medicaid.⁴

In the September 2013 report to the General Assembly required by the budget item, the DOC estimated that the program would save \$2.7 million in General Funds for state fiscal year 2014. After balancing with additional costs incurred by the state Medicaid program, the DOC estimated the net FY 14 savings at \$1.3 million to the State.⁵ Two years into the program at this point, DOC staff (at least anecdotally) estimates total savings for the state at more than \$6 million to date.

Approximately 30,000 individuals are in the state’s prison system and approximately an equal number are also in the local and regional jail system. Although the populations may not have identical medical needs or require the same levels of in-patient hospitalization, the DOC experience can provide a useful indicator of the potential savings to local and regional jails if they were to begin enrolling eligible inmates in Medicaid and filing claims for Medicaid eligible in-patient hospital services.

Moreover, the savings to local and regional jails would be the total equivalent of what they are spending on these ser-

vices, whereas as the state savings only reflects the 50% federal share that supplants half of what the state was previously paying before accessing Medicaid.

Summer 2015: Virginia updates state policies for local and regional jails

After the Virginia Department of Corrections implemented its Medicaid program for in-patient hospital services provided to eligible inmates in 2013, stakeholders in the local corrections community began an advocacy effort requesting the state to authorize this for locally-incarcerated individuals as well.

In June 2015, the DMAS updated its policies and instructed local DSS agencies (which are the main gatekeepers to the Virginia Medicaid program, as they make the individual eligibility determinations and process the majority of Medicaid applications) that inmates at local and regional jails would be afforded the same opportunity as DOC inmates to apply for Medicaid to cover in-patient hospital services.⁶

Ever since the 1997 federal guidance memo, it has been allowable for states to draw on Medicaid funds for in-patient hospital services provided to incarcerated individuals. However, it was never the actual practice or policy to facilitate the filing and approval of inmate Medicaid applications in Virginia. In fact, state policy was the opposite – that is, immediately upon incarceration an individual’s Medicaid was terminated with no exceptions.

As a result, the recent policy and programmatic changes in Virginia have been met with some institutional resistance at the local DSS level, which is understandable since for as long as anyone associated with Medicaid in the state can remember, inmates have not been eligible for Medicaid.

Two years into the program at this point, DOC staff (at least anecdotally) estimates total savings for the state at more than \$6 million to date ... the DOC experience can provide a useful indicator of the potential savings to local and regional jails if they were to begin enrolling eligible inmates in Medicaid and filing claims for Medicaid eligible in-patient hospital services.

To help address this historical impediment to the new policy within social services agencies and to educate jail staff on the Medicaid program, Virginia conducted a series of workshops throughout the state for social services agencies and for local and regional jail staff under the direction of Secretary of Health and Human Resources, Dr. William Hazel. During the fall of 2015, the DMAS (the Virginia Medicaid agency) held five workshops that were attended by approximately 70 jail staff and 70 DSS personnel.

Riverside Regional Jail Authority: A Medicaid case study

Riverside Regional Jail Authority (RRJA) in Prince George County, Virginia, is a regional jail created in 1992 to hold local responsible inmates for seven local governments. Its daily population averages more than 1,500 inmates and the jail medical

budget alone exceeds \$6 million annually – nearly a quarter of which is for medical services provided outside of the jail facility and therefore potentially eligible for Medicaid funding.

Throughout this process and beginning with the legislative direction for the DOC to process Medicaid applications for eligible in-patient hospital services in 2013, RRJA began preparing to implement this program in the hopes it would ultimately be extended to locally held inmates.

The first step for RRJA was to analyze all of its inmate healthcare data to determine which inmates were potentially eligible for Medicaid and to assess when such inmates were receiving in-patient hospital care that could be covered by Medicaid. RRJA staff then attended a coordinating meeting with DMAS staff who outlined the following basics of Medicaid eligibility in Virginia:

- Medicaid is a public assistance program for low income people.
- The application for Medicaid is processed by local DSS office.
- DMAS will pay the claims for services provided to inmates who are receiving Medicaid.

If Virginia were to join the ranks of states that have expanded Medicaid, then the percentage of Virginia inmates who would become eligible for Medicaid coverage of in-patient hospital services would increase to nearly all inmates and the opportunity to leverage more federal funds for inmate healthcare would grow exponentially.

- The categories for eligibility are children under 19 years of age, pregnant women, former foster care children under age 26, disabled individuals, and individuals age 65 or older.
- Both non-financial and financial guidelines must be met to be eligible for Medicaid.
- Applicants must be a citizen or an alien eligible for full Medicaid benefits and must live in Virginia.
- Medicaid will only pay for inpatient hospitalization after an inmate has been hospitalized for 24 hours.
- For pre-release inmates, the application must begin 45 days prior to release but does not become active until they are actually released.

Armed with its own internal inmate healthcare data and the information gained from meeting with state officials, RRJA began implementation of its inmate Medicaid program, completing its first application for Medicaid coverage on September 15, 2015. The process for completing the application proved to be a fairly simple task despite the amount of information that must be obtained from the applicant. The process that is used at RRJA is as follows:

- Representative from RRJA interviews the inmate/applicant.
- If the applicant currently has active Medicaid, the appropriate information is obtained from the applicant.
- If the applicant does not have active Medicaid, the rep-

resentative for RRJA completes the application. The applicant then signs the application and the representative submits the application to the appropriate DSS office.

- The representative for RRJA follows up with the appropriate DSS office for approval of the application.
- After a Medicaid number has been assigned, the representative for RRJA forwards it to the Records and Medical Department.

The table on the next page shows a breakdown of applications submitted by RRJA inmates and the resulting costs savings to the jail in just over 15 months during which the jail submitted inmate Medicaid applications to local departments of social services.

A note on Medicaid expansion

The Patient Protection and Affordable Care Act (Obamacare) includes a provision mandating that states change their Medicaid eligibility rules to allow anyone at or below 138% of the federal poverty level. In Virginia, this would add an estimated 400,000 new enrollees to the state's Medicaid program.

In 2013, the U.S. Supreme Court ruled that state Medicaid expansion could not be mandated. Since that decision, more than 30 states and the District of Columbia have elected to expand their programs so they are available to everyone at or below 138% of the federal poverty level.

Virginia has yet to do this – which has been a major point of partisan contention between Governor McAuliffe's administration that supports Medicaid expansion and the Republican-controlled legislature that generally opposes it.

If Virginia were to join the ranks of states that have expanded Medicaid, then the percentage of Virginia inmates who would become eligible for Medicaid coverage of in-patient hospital services would increase to nearly all inmates and the opportunity to leverage more federal funds for inmate healthcare would grow exponentially.

Steps toward establishing an inmate Medicaid program

Medicaid rules are complicated and vary from state to state. Implementing an inmate Medicaid program requires a significant effort to train jail staff and ensure proper coordination between the jail, the local DSS offices, and the state Medicaid agency.

Each jail wishing to avail itself of these potential medical costs savings will need an in-house coordinator who can identify upon intake those inmates who are currently enrolled in Medicaid and then report the information to the local DSS agencies. The coordinator also will be the point of contact for state and local agencies as any Medicaid claims are processed.

It will also be important for this person to maintain a good relationship with the hospitals that typically receive these patients. They will need to know upfront which inmates are currently in Medicaid so that they can bill Medicaid directly.

Breakdown of RRJA applications and their cost savings

	Pregnancy	Mental Health Disability	Home Monitoring*	Other Disability	Total
Approved	39	1	6	9	55
Pending	3	19	24	4	50
Denied	1	1	0	1	3
Total Savings	\$251,534	\$0.00	\$0.00	\$131,395	\$382,929

Figures reflect the period from September 10, 2015 through December 16, 2016. *RRJA is submitting Medicaid applications for RRJA inmates being held as part of the Federal Bureau of Prisons Re-Entry Home Electronic Monitoring (HEM) Program.

Since the inception of the program at RRJA, the local hospitals now have a point of contact at RRJA and constructive dialog occurs on a weekly basis as inmates transit in and out of hospital care to the mutual benefit of RRJA and the local hospital.

There will also be cases where inmates are not eligible for Medicaid when they enter the jail, but later become eligible as they develop certain conditions and receive certain hospital services. These cases will involve retroactive Medicaid applications that the jail will file after the inmate returns to the correctional facility.


In addition, other issues will need to be addressed, such as the federal requirement for inmates to pay a \$100 co-pay. In Virginia, the DOC and some local jails are covering this cost themselves, which makes sense given that the corresponding Medicaid funds will more than cover this cost.

There's also the requirement that inmates themselves complete the eligibility applications. The Virginia General Assembly, through the 2014 state budget language, tried to allow DOC to do this on behalf of uncooperative inmates, but the Federal Centers for Medicare and Medicaid services recently disallowed this as a violation of federal law, which requires recipients of such benefits to "voluntarily" apply for them.

Nonetheless, it is unlikely that the majority of inmates will be unwilling to sign a Medicaid form.

Improving outcomes upon re-entry into society is another area where this program will be helpful in achieving long-term costs savings. By having inmates "teed-up" to be enrolled in Medicaid seamlessly upon release, it can help with maintaining the continuity of important services, which ultimately would improve health outcomes and reduce recidivism rates.

This is an important area for improvement both in terms of reducing future costs of incarceration and in terms of increasing the odds for former offenders to become self-sufficient and contributing members to society. Successful re-entry can be challenging enough without readily available access to afford-

able healthcare, mental health, and related support services, which in many cases Medicaid can provide. 

Notes

1. Title XIX to the Social Security Act, 42 U.S.C. §§ 1396 et seq.
2. Letter from Department of Health and Human Services to All Associate Regional Administrators of the Division for Medicaid and State Operations (now CMS) regarding "Clarification of Medicaid Coverage Policy for Inmates of a Public Institution," December 12, 1997.
3. The Department of Medical Assistance Services is the State agency that oversees and administers Virginia's Medicaid Program.
4. Item 388 J of the 2013 Appropriations Act (Chapter 806 of the 2013 Acts of Assembly)
5. Report by the Department of Corrections & Department of Medical Assistance Services As Directed by Item 388 J of the 2013 Appropriations Act, September 6, 2013.
6. See provisions M0120.200, M0130, 050, M0280, M1510.102, and M1520.300 in the DMAS policy transmission, which essentially add local and regional jail inmates to the provisions that already covered DOC inmates (www.dss.virginia.gov/files/division/bp/medical_assistance/manual_transmittals)

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Home for the holidays

Governor's mansion features local heritage ornaments two years in a row



FOR THE SECOND YEAR IN A ROW, the Governor's Mansion chose local communities as the theme of its holiday tree. The tree is the highlight of the mansion's holiday tours which draw thousands of visitors each year from the Commonwealth and beyond.

The 2016 theme was "Home for the Holidays." Localities provided stunning ornaments – many of them handcrafted – depicting the unique history, landmarks or natural resources of their communities. VML and the Virginia Association of Counties coordinated the collection of the ornaments for the Executive Mansion.

The tree was on view to visitors throughout the month of December.

VML wishes to thank all of the cities, towns, counties and their talented artists who crafted ornaments for the 2016 Governor's Mansion holiday tree.



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Parting Shots

Before we say farewell to 2016, Virginia Town & City shares these beautiful Main Streets aglow with holiday spirit.



Two scenes from Abingdon



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