

THE MAGAZINE OF THE VIRGINIA MUNICIPAL LEAGUE

Hot topics

Staff reports from the 2022 General Assembly

Inside:

How to handle...

Negative
social media

Political
polarization



Also Inside:

Innovation Awards
call for entries



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NEW!



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ABOUT THE COVER

Ah, spring in Richmond! The trees are budding, the air is full of irritants, the General Assembly is still in (special) session, there's no budget in sight, and temperatures – both atmospheric and temperamental – are on the rise. So, break out some allergy medication, pour a tall glass of lemonade, put yourself in a legislative state of mind, and prepare to peruse our policy staff reports on the hot topics trending this season of Session.

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See pages 25-27 for complete rules and visit www.vml.org to start your entries.

How do you spell relief? B-U-D-G-E-T

AS I CONTEMPLATE WHAT to write about this month, I am inclined to just “plop” my article from last month here to say – PLEASE BRING US A BUDGET!!

It is extremely frustrating to continue to wait for a budget and I know that you are as anxious as I am. Since my last article, the Governor has also proposed gas tax relief with the legislation being offered by Delegate Durant (HB6001) and Senator Newman (SB6001). This is part of an interesting debate playing out in the press. These bills would provide complete gas tax relief from May 1, 2022, through July 31, 2022, with a reduction of 50 percent in August and 25 percent in September. The proposal also states that any adjustments after that tied to the CPI shall not exceed 2 percent. Both chambers will have their finance committees meet for discussion prior to the April 27th reconvened session.

As you know, the reconvened session is an opportunity for the General Assembly to consider all the amendments and vetoes that the Governor has proposed. This year, the reconvened session will consider disclosures for historic districts, estimated charges for FOIA requests, freedom of conscience and expression for local employees, electric charging stations and non-electric car parking in those facilities, and health director qualifications. And that’s just to name a few! The reconvened session will be recapped in our *eNews* newsletter (if you have not subscribed, please do!).

This *VTC* issue is not a full recap of the General Assembly session. A full review won’t be possible until the General

Assembly heeds our call to PLEASE BRING US A BUDGET!! Rest assured that a full 2022 General Assembly recap will happen in *VTC* as soon as possible.

In this issue of *VTC* our policy team is pleased offer several short articles about various themes that played out during the 2022 session. I hope you find these staff reports interesting and helpful. If you have questions about specific legislation, please do not hesitate to contact us.

Please be on the lookout for information about a virtual session with VML staff that will review the legislation affecting local governments. We look forward to discussing the ups and downs of this crazy session with you.

I also want to use this opportunity to give a shout-out to a past president of VML Anita James Price – who after a brief hiatus from Roanoke City Council is back to fill a vacancy until December. Welcome back Anita! As a huge advocate of getting children interested in local government, I know Anita is among those looking forward to the May issue of *VTC* that will feature all the winners of our 2022 “If I Were Mayor” essay contest.

Last up, our requests for policy committee members went out earlier this month to your clerk. Please get involved and join one of our policy committees (General Laws, Community and Economic Development, Finance, Infrastructure, and Human Development & Education). If you need more information or a form do not hesitate to contact me.

Happy Spring to all and Happy Mother’s Day to the moms!



Roanoke County names Daly as new Human Resources director



On April 4 Roanoke County Administrator Richard L. Caywood, P.E. was pleased to announce the appointment of **Elijah Daly** as director of Human Resources. Previously, Daly had served as the county's Human Resources manager. Prior

- Daly -

to joining the county, Daly served as human resources manager for United Parcel Service (UPS) with responsibility for more than 7,600 employees in Virginia and West Virginia. In this role, he was responsible for all aspects of human resources, including benefits, employee relations, internal investigations, talent development, and training.

Daly holds a master's degree in human environmental science from the University of Alabama. He also holds a bachelor's degree in psychology from Old Dominion University.

Daly follows Director Anita Hassell who is retiring after serving 22 years with the department.

Danville Councilmember Saunders receives NAACP award



In early February, the Danville chapter of the NAACP presented Councilman **Sherman Saunders** with its Humanitarian of the Year Award for outstanding service to the community.

- Saunders -

Saunders has served

24 years on the city council, with eight of those years as mayor. Prior to retiring, he was the executive director for Pittsylvania County Community Action, Inc.

Saunders serves on the Employee Retirement System Board of Trustees, the Danville-Pittsylvania County Regional Industrial Facility Authority, and the Staunton River Regional Industrial Facility Authority. He previously served on the board of directors of the Pittsylvania Economic Development Organization and Roman Eagle Nursing Home. He is a former board member of the Danville Chamber of Commerce and past president of the Pittsylvania County Chamber of Commerce.

He is past president of the Virginia Council Against Poverty; past president of Region III Community Action Agencies for the states of Pennsylvania, Delaware, Maryland, Virginia, West Virginia and Washington, D.C; and former chairman of the board of directors of the Dan River Business Development Center.

Miller named Salem's economic development director



As of April 18, **Tommy Miller** is the new director of economic development for the City of Salem. Miller was selected after a nationwide search identified him as a top candidate for the vacant post.

- Miller -

Miller comes to Salem after spending the past five years as a senior business investment manager for the Virginia Economic Development Partnership. In this position, he managed various projects and cultivated relationships with individuals in state agencies, educational settings, existing businesses, and local communities.



Optotraffic is now part of Altumint Inc. the leading provider of Artificial Intelligence driven visual solutions to state and local agencies for automated traffic law enforcement, traffic monitoring, and forensic investigations. Our Pro ATE (Automated Traffic Enforcement) systems automatically capture and process speed, red-light and stop arm violations in all weather conditions, with IR illumination when needed. Full back-office support e.g., printing & mailing of citations, payment processing, customer service and court scheduling are included in a turnkey package. These solutions deliver the optimum balance between increasing public safety while decreasing negative law enforcement interactions with the motoring public.

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- 10+ mph over posted speed
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- Penalties collected paid to locality
- Unpaid citations eligible for collections

To Learn More

Contact Mike Phelan
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 (301) 520 6405

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

PEOPLE

Before joining VDEP in the summer of 2017, Miller served as the economic development director in Orange County. During that time, he managed 10 existing and new business development projects that resulted in nearly 600 jobs and over \$37 million in new capital investment in Orange County.

He has worked as both a marketing analyst and existing business manager in Hanover County and he spent three years developing new business in the Franklin Southampton County area.

Perhaps his most unique business venture was the establishment of the Richmond Brewery Tours. In 2012, he developed a business and marketing plan to highlight Richmond blossoming craft beer industry and spearheaded the venture from 2012-2020.

In a press release, Salem City Manager Jay Taliaferro said the city is "excited to attract a candidate of Tommy's caliber to Salem. He has a great skill set and work-related experiences on many different levels. Plus, he has the enthusiasm needed to enhance Salem's business and industry-friendly reputation."

Miller earned both his bachelor's and master's degrees from Virginia Commonwealth University. His undergraduate degree is in real estate and urban land development while his advanced degree is in urban and regional planning. He also holds a Certified Economic Development credential.

Perkins is Altavista's new assistant town manager



- Perkins -

On April 1st, the Town of Altavista was pleased to welcome **Matthew Perkins** as its new assistant town manager. Previously, Perkins held the position of special projects manager for the Central Virginia Planning District Commission. Prior to that, he served as administrator on projects for the Town of Bedford, Amherst County, Appomattox County, and the Town of Appomattox, and served as the primary staff member for the Central Virginia Radio Communications Board.

In a press release, Mayor Mike Mattox said, "Having worked with Matt in the region, I know he has a strong work ethic and many skills. His love and knowledge for this region will be a strong asset for Altavista."

Before working at the Central Virginia Planning District Commission, Perkins worked at the Cutler Law Office as the office

manager and was the owner/manager of Perkins and Associates, a home renovation company.

Perkins holds a bachelor of science degree in French from the University of Lynchburg. He is a Certified FOIA Officer, Inter Governmental Review Designee, and a Notary Public for the Commonwealth of Virginia.

Roanoke council welcomes back Price



- Price -

Former City of Roanoke Councilmember **Anita James Price** became a current councilmember once again on April 18 when she was appointed to fill the unexpired term of Robert Jeffrey, Jr. Price, who served on council from 2008-2020 and as president of the Virginia Municipal League 2018-2019, will serve on council until the term expires on December 31, 2022. Among her stated priorities is working to restore trust in the local government following allegations against Jeffrey that led to his resignation. A lifelong champion of education, Price has also expressed a desire to help the school system recover from the pandemic.

Ashland Police Department's Chief Goodman retires



- Goodman -

After 14 years of leading the Ashland Police Department, Chief **Doug Goodman** retired on April 1st to spend more time with his family and friends.

Chief Goodman joined the Ashland Police Department (APD) in August 2007 after serving the Hanover County Sheriff's Office for over 14 years and reaching the rank of Lieutenant. While with APD, he served as an accreditation team leader and a commissioner for the Commission on Accreditation for Law Enforcement Agencies (CALEA). Goodman also served on the Board of the Virginia Center for Policing Innovation, is a past president of the Virginia Association of Chiefs of Police, and a past chair of the Central Virginia Law Enforcement Chief Executive Association.

During his tenure, Chief Goodman engaged community leaders to decrease blight and improve conditions at several long-term

In memoriam: Former Hampton Councilman Will Moffett



- Moffett -

FORMER HAMPTON CITY Councilman **Will Moffett**, who served from 2010 until stepping down four years ago, died February 1st at the age of 67.

During his time on council, Moffett was known as a "bridge builder" for his outspoken efforts to find common ground and racial harmony in Hampton. Moffett first came to Hampton nearly 45 years ago while serving in the Air Force.

He was admired as a true statesman who was willing to talk to anyone regardless of race or political affiliation to achieve what was best for Hampton.

In a Facebook post prior to his passing, Moffett stated: "I would like to thank my family and friends for their support over my lifetime." He thanked his community of faith for their prayers. "I just needed to take the time to let you all know that I love and appreciate you," he said.

Though he never sought credit for his achievements, Moffett worked diligently on causes related to expanding business opportunities in the city, increasing Hampton's supply of affordable housing, and curbing youth violence through community engagement.

Prior to serving on council, Moffett served as the executive director of the Y.H. Thomas Community Center for youth which he helped to create. After stepping down from council, he served as chairman of the Hampton Redevelopment and Housing Authority.

stay motels along Ashland’s I-95 and Route 1 corridors and worked closely with Randolph-Macon College to improve the safety of the campus community.

In 2009, the agency was awarded a Virginia Municipal League award for his work to improve the quality of life for residents in the South Taylor, Arlington, and Randolph Street corridors.

In addition to sustained reductions in crime and accidents, Chief Goodman coordinated the effort to reach CALEA accreditation for the department in 2008, which

the agency maintains to this day through rigorous independent assessments every four years. In fact, APD remains one of only 35 agencies in the Commonwealth to maintain CALEA accreditation and is the smallest municipal police department to do so.

A fierce advocate for the agency and his officers, Chief Goodman fostered an environment within APD that encouraged data-driven approaches to crime and traffic safety, which earned the agency multiple state and national awards.

Manassas Mayor Davis-Younger receives Justitia award



On April 2nd, it was announced at a Prince William Bench Bar Dinner that City of Manassas Mayor **Michelle Davis-Younger** had received the Prince William County chapter of the Virginia Women’s Attorney’s Association’s 2021 Justitia award. Mayor Davis-Younger was presented with the award at a city council meeting on April 11th. The Justitia Award recognizes exemplary role models in the legal community who support and promote the goals of the VWAA and demonstrate a commitment to justice and the women of Prince William County, a generosity of spirit and skills, leadership, and the characteristics of a trailblazer, coach, innovator, mentor, and ground breaker.

“We chose Mayor Davis-Younger as winner of the 2021 Justitia Award because she was elected in November 2020 to Mayor of the City of Manassas and took office in January 2021 as the first woman, woman of color, and Democrat to hold the position,” said Corrie Sirkin of the Nova Legal Professionals. “She is a trailblazer and ground-breaker in many regards. She has initiatives including programs like My Mayor Looks Like Me program that shows young girls and women the opportunities that they have to serve their community. She takes time out of her schedule to speak to students throughout her constituency and beyond. As a human resources professional, she has helped numerous people in our community to find employment and has helped Manassas grow and support individuals and businesses during the pandemic. She is generous of her time in working to improve the lives of young people.”

Weighing your options?

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Loudoun County celebrates opening of Lovettsville Community Park

ON SATURDAY, APRIL 2, the Loudoun County Board of Supervisors and the departments of Parks, Recreation and Community Services and Transportation and Capital Infrastructure celebrated the grand opening of the Lovettsville Community Park with a ribbon cutting. The public was invited to attend the ceremony and enjoy the park's amenities.

The park is located across the street from the Lovettsville Community Center and is connected to the Lovettsville Elementary School. Loudoun County, the Town of Lovettsville, the Lovettsville Park Advisory Committee, and the Lovettsville Community Center Advisory Board worked together to develop the park.



This project includes 90 acres of park facilities including equestrian trails and an equestrian arena, walking trails, an “off-leash” dog park, community gardens, a pond, an amphitheater, rectangular athletic fields, diamond athletic fields, a concession stand, restrooms, and parking lots.

For information, visit www.loudoun.gov/prcs.



Winners announced for 2022 Community Economic Development Awards

THE VIRGINIA ECONOMIC Developers Association (VEDA) has awarded its 2022 Community Economic Development Awards (CEDA) to three communities in the Commonwealth for their efforts in advancing economic viability through economic and community development programs.

The winning recipients are:

Franklin Southampton Economic Development, Inc (FSEDI), administered by Franklin Southampton Inc., helps entrepreneurs start businesses through business education, which includes developing a plan and pitching it in a competition with prize money awarded for the top plans. The program known as STARTUP Franklin Southampton is a role model for other communities to follow in their revitalization efforts.

Blue Ridge Community College in Weyers Cave was recognized for its advanced manufacturing training program in response to the Shenandoah Valley's struggle to recruit and retain employees. This program marked the first time economic development, education, workforce partners and industry aligned their missions to solve a challenge.

Roanoke County's economic and community development plan, Reimagine 419, leverages public-private partnerships to develop a town center in the heart of Roanoke's commercial corridor. Today the benefits of Reimagine 419 extend to Tanglewood Mall, repurposed and vibrant again thanks to redevelopment. Several new restaurant and retail operations have made 419 Town Center attractive for future investment.

VEDA will submit the winning entries to the Southern Economic Development Council (SEDC) for consideration under its award program that takes place later this year.



Jill Loope, Economic Development Director receives the award for Roanoke County.

VEDA

Fredericksburg welcomes visitors from German sister city

IN EARLY APRIL the City of Fredericksburg was awash in German flags as it welcomed visitors from its German sister city Schwetzingen for a week of cultural activities and renewed friendship between the city governments. “Schwetzburg,” the

citizen group that maintains the sister city relationship, hosted a reception during which Mayor Greenlaw and some members of the Fredericksburg Council welcomed them with a proclamation. Schwetzingen Lord Mayor Rene Poltl and three members of their

city council were part of the visiting delegation. At the end of the week, Poltl posted a heartfelt thanks to the citizens of Fredericksburg: “Thank you very much in the name of all visitors from Schwetzingen to all of you. You all did not only a perfect job for us, you gave us also many unforgettable memories and filled our hearts and souls!! We will come back, and we are looking forward to your next visit in our city. Friends forever!!!”



Newport News opens registration for Juneteenth celebrations

THE DOWNTOWN NEWPORT NEWS Merchants and Neighbors Association, Inc. and the City of Newport News are partnering together to offer a diverse schedule of events to commemorate Juneteenth again this year. The 2022 Juneteenth series of events, focusing on education, awareness, and commemoration, will run from June 8-19, at various locations throughout the city.

Kicking off the roster of events is the poster contest, which is open to elementary and middle school students. Students are encouraged to use their artistic talents to express ideas, visions, and thoughts about the Juneteenth themes of liberty, freedom, equality, and justice.

New for 2022, a Juneteenth Parade will take place in the Southeast community on Saturday, June 11. Marching groups, car clubs, decorated floats, schools, community organizations,

and local businesses are being encouraged to register to participate in the parade.

On Saturday, June 18, the Juneteenth Youth Field Day will take place at Riverview Farm Park. Youth ages 6-17 can participate in outdoor sporting games. The culminating event is the Juneteenth

Freedom Festival at King-Lincoln Park on Sunday, June 19. This family-friendly festival will showcase musical entertainment, food and craft vendors, informational exhibits, and children's activities.

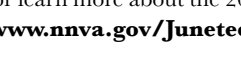
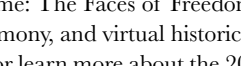
Other events include Juneteenth BINGO, a live debate, spoken word recitals, “Juneteenth Mime: The Faces of Freedom,” an outdoor concert, flag raising ceremony, and virtual historical pageant.

To register or learn more about the 2022 Juneteenth schedule of events, visit www.nnva.gov/Juneteenth.



JUNETEENTH
2022
NEWPORT NEWS

Join us for our celebration starting on June 8th!



Hillsboro concert and art auction raises relief funds for Ukraine

MORE THAN 600 PEOPLE attended the “UkraineAid Concert in The Gap” on April 2 and were joined by First Secretary of the Ukraine Embassy Kateryna Smagli, Ukraine-America Foundation President Nadia McConnell, U.S. Rep. Jennifer Wexton, five Loudoun County Supervisors, Town of Hillsboro officials and Hillsboro Preservation Foundation board directors. According to Hillsboro Preservation Foundation President Amy Marasco, donations and net proceeds from the event have topped \$20,000 and will be split between Save the Children and World Central Kitchen for their work to help the estimated 10 million displaced by the Russian war on Ukraine.

“We were honored to have First Secretary Smagliy and Ukraine-America Foundation President McConnell with us to thank all those who organized and participated in the event and to those who donated so generously,” said Hillsboro Mayor Roger Vance. “We’ve built a true bridge of humanity that provides material support and offers hope – and will no doubt last far beyond this terrible war.” He added that the stage banner, created by the Hillsboro Charter Academy, will be sent to the Ukrainian officials, at their request, to display at upcoming events.

During the concert, Representative Wexton spoke about the U.S. efforts underway to support Ukraine and urged that citizens continue to be generous and to provide money to relief

organizations. Loudoun Supervisors Tony Buffington, Kristen Umstadd, Sylvia Glass, Mike Turner and Caleb Kershner also attended and spoke in support of the people of Ukraine.

In addition to six musical performances, Vance said, the event’s Art Auction for Ukraine, organized by HPF board members and artists Chip and Kathalynn Beck, featured 70 works by outstanding artists, and raised more than \$5,000 through art sales. Food and beverage vendors – Ford’s Fish Shack, Kovi Kitchen, Market in The Gap, Moo-Thru Ice Cream, Old 690 Brewing Company, Doukénie Winery and Two Twisted Posts Winery – also donated a portion of their proceeds, Vance said.



Ukraine Embassy First Secretary Kateryna Smagliy waves to the crowd at Hillsboro’s UkraineAid Concert.



Out of The Coop on The Gap Stage.

PHOTOS BY CHRISTOPHER DERRY

Festival of Champions returns to Virginia Beach in May

WITH SUPPORT FROM Virginia Beach Parks & Recreation and the Virginia Beach Fire Department, the Firefighter Challenge presented by STIHL returns to Mount Trashmore Park on Saturday, May 7.

The competitions will begin with the Firefighter Challenge Team Relay event. Designed to showcase the extraordinary athleticism of America's firefighters, the event demonstrates the essential skills of firefighting including climbing a five-story tower in full PPE gear, dragging and hoisting fire hoses, victim rescue, racing around obstacles, and simulating forcible entry all while competing against the clock to determine the best of the best.

In the afternoon, the nation's top 12 ranked lumberjack athletes will compete with razor-sharp axes and high-powered chainsaws in the STIHL TIMBERSPORTS® US Trophy event. The athletes will perform four different disciplines back-to-back in grueling knockout matchups, all in less than two minutes. STIHL

TIMBERSPORTS®, the original extreme sport, started in 1985 at regional U.S. logging competitions and has grown to become a worldwide phenomenon with National Championships in 27 countries. The Trophy event is the sport's most physically demanding competition.

Once the sawdust has settled, the Mount Trashmore stage will welcome Nashville-charting recording artist Celeste Kellogg for a free concert. The Virginia Beach Festival of Champions event will also feature family-friendly activities, the Virginia Beach Monster Fire Truck, food trucks, and alcohol sales benefiting the Virginia Beach Parks & Recreation Foundation. For more information, visit www.VBgov.com/foc.



Dumfries leverages community relationships to expand digital inclusivity

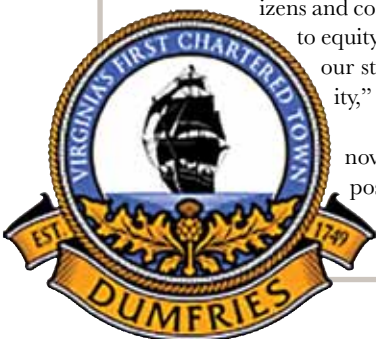
THE PANDEMIC HAS MADE it clear that a reliable broadband connection is integral to municipal infrastructure. When households do not have access to an affordable and reliable broadband connection, it creates a barrier to equitable opportunities in career and education. This issue is exacerbated in households with parents managing remote work and education for school-age children.

Fiber network projects are traditionally private sector owned and, as such, prioritize quality broadband access for communities that provide the greatest return on investment. However, the ever-expanding reliance on digital technology makes it necessary for local governments to lead initiatives to expand broadband access.

To ensure its residents have an edge in education and the evolving job market, the Town of Dumfries is taking a community-driven approach to closing the digital gap. To expand Wi-Fi access, Dumfries partnered with local IT firm, TSI, to install access points at Town Hall, Weems Botts Museum, and Ginn Park. These locations were strategically selected to connect neighborhoods that need it the most. Additionally, fiber networks have been installed with optimal service available by the end of May 2022.

"I am proud to have led the effort to bring access to Wi-Fi to all citizens and continue to build on our Council's commitment to equity. I would like to thank our town manager and our staff for their hard work in making this a reality," stated Councilwoman Selonia Miles.

Collaboration between private sector innovation and public sector motivation makes it possible for motivated teams like the officials and staff of the Town of Dumfries to deliver reliable, fast internet to all residents.



Winchester city council members lead community cleanup event

ON SATURDAY, APRIL 9, City of Winchester Council Vice President Kim Herbstritt and Vice-Mayor John Hill hosted a Community Cleanup event. The cleanup took place in three locations: Shawnee Springs Preserve, Friendship Park, and North Cameron Street. Gloves, pickers, and bags were provided.

"Keeping Winchester beautiful takes all of us," Herbstritt stated in a press release ahead of the event. "Snowplowing and wind can cause a lot of unintended litter in public and natural spaces. This event can't capture it all, but it's a start."

Vice-Mayor Hill encouraged anyone who couldn't attend the April 9 event to help in other ways such as "always putting trash where it belongs and picking up litter on your property or while out and about in the city."

The cleanup event on April 9 was also a kickoff to a new city cleanup program to be held regularly throughout the year. Every other month, the city will host a new location to be cleaned and solicit for community volunteers to help.



Hot topics

VML staff reports on the 2022 General Assembly Session



By Rob Bullington

SHORTLY AFTER I BEGAN WORK at the Virginia Municipal League, I was assailed by a curmudgeonly member of the policy team who, after many years deep in the trenches, was nearing retirement. In my naivete I had had the temerity to ask for clarification of something he had written for our newsletter.

“Do you even know what I do here!?!?” he demanded.

His frustration with my inexperience was palpable and for a moment I feared he might become completely unglued and retire right there on the spot...or slam the door in my face (or both). Instead, he gave me a long, cold stare and waited for my response. At that moment I should have stayed silent, but I chose valor over discretion and attempted some sort of answer.

I don't remember exactly what I said, but I could immediately tell it was not appreciated. I waited for the inevitable explosion. Instead, I was treated to the longest, most clearly articulated sigh I have ever experienced...before the door closed in my face.

That was nearly four years ago, and I'll confess that I'm still not completely sure how our policy team

pulls off some the victories they seem to regularly paw from the maw of defeat. Nor do I fully comprehend how they seem to be able to keep an eye on everything happening with our state's legislative body, Executive branch, and myriad departments all while serving on committees and workgroups, staying in-the-know on anything and everything happening in the Commonwealth, and generally fighting the good fight for local authority.

Of course, it doesn't help that these days the General Assembly seems to meet in perpetuity even as the goal post to deliver a budget gets moved further down field. So, while our April issue is normally the occasion to do a General Assembly wrap-up, this is not possible because *the General Assembly has not wrapped up!*

Stay tuned for our traditional General Assembly wrap-up in a future issue of *VTC*. In the meantime, we are determined to make lemonade from the legislature's lemons by tapping our policy team's deep well of knowledge to bring you 2022's legislative hot topics affecting localities. Enjoy!

Marcus Alert: Some allowances made for smaller localities

AS A RESULT OF THE 2022 General Assembly's actions, local governments with populations of 40,000 or lower now have the option of implementing only some portions of the ambitious Marcus Alert program originally approved by the 2021 General Assembly. However, localities with populations greater than 40,000 are still required to implement all portions of the 2021 law. It is unclear how this will work in the 17 community services boards (CSBs) that have a mixture of localities with populations above and below the 40,000-population threshold.

Two bills were introduced during 2022 session regarding optional participation in Marcus Alert: SB361 (Stuart) and HB1191 (Ransome). The bills went through several amendments during the Session and were approved by the General Assembly and signed by Gov. Youngkin.

What is required of all localities (regardless of size)?

Under this year's legislation, all localities will still be required to develop protocols to divert calls indicating a mental health crisis from their 9-1-1 system to a crisis call center for further assessment, engagement, and dispatch of a crisis response/community care team if such is available.

However, the legislation pushes back the date for two components of the system:

- Local development of a voluntary database for 9-1-1 with relevant mental health information for those who chose to offer such information. Implementation date pushed from from July 2021 to July 1, 2023.
- Final date for all CSBs to have a Marcus Alert system with mobile crisis or community care team. Implementation date pushed from July 1, 2026, to July 1, 2028.

What is optional for smaller localities?

As a result of the work of the 2022 General Assembly, the following will not be required of localities with a population of 40,000 or less:

- Requirements for law enforcement to enter into agreements with mobile crisis or community care response teams regarding requests for law enforcement backup during a mobile crisis or community care team response.
- Development of minimum standards, best practices, and a system for the review and approval of protocols for law enforcement participation.
- Approval by the Department of Behavioral Health and Developmental Services (DBHDS) and Department of Criminal Justice Services (DCJS) of protocols developed for local law enforcement participation in Marcus Alert.

What else does the 2022 legislation say?

The approved legislation also requires the DBHDS and DCJS to:

1. Report annually by Nov. 15 to relevant General Assembly committees and commissions and the Administration regarding the system and effectiveness in meeting the goals established by the original and amended law. Items to be reported include the number of calls received by crisis call lines and responses by community care/crisis response teams, the number of those responses made with law enforcement backup, and the types of local protocols adopted as well as the successes and challenges encountered. Also required are descriptions of any barriers to establishing local programs and community care/mobile crisis teams in those areas that have not yet fully developed their programs/teams.
2. Convene a work group with representatives of each locality with a population of less than or equal to 40,000 to identify barriers to establishing and implementing the protocols outlined in subsection G of § 9.1-193 of the 252 Code of Virginia, as amended by the act. The work group shall report its findings and make recommendations to address such barriers to relevant General Assembly Committees and Commissions by Dec. 1, 2022.

What is the intention of the Marcus Alert program?

As approved by the 2021 General Assembly, the Marcus Alert program is intended to decrease local law enforcement involvement in response to calls for individuals potentially experiencing a behavioral health crisis. It aims to do this by involving community care or mobile crisis response teams staffed by individuals with training and experience with behavioral health situations.

The Marcus Alert program uses the new federal suicide response protocols as a basis for local/regional crisis response lines where calls to 9-1-1 can be diverted for additional assessment, engagement, and potential response by mobile teams that may or may not have law enforcement backup. No state has yet gone as far as Virginia in mandating such a system statewide; most behavioral health mobile response systems in other states are in an individual city/county, mostly in large metropolitan areas.

Among the challenges that will need to be overcome is that all local governments/CSBs, but particularly those in areas with smaller populations and more rural settings, experience difficulties hiring and retaining behavioral health professionals and developing community-based programs to meet the needs of their communities.



Emergency Custody and Temporary Detention: Steps taken to reduce burden on local law enforcement

SEVERAL BILLS WERE INTRODUCED this year to try to address the issue of local law enforcement involvement in emergency custody and temporary detention situations. Nothing was totally resolved, but some small steps were made to try to increase alternatives for individuals and to relieve the burden on local law enforcement.

Background

For years, local law enforcement has been called on to serve as transportation providers and custodians for individuals experiencing a behavioral health crisis as they await assessment in hospital emergency rooms and transport to a facility anywhere in the state for treatment. Sometimes custody stretches into not just hours, but days. The situation became more acute during the pandemic with state hospitals reducing or stopping admissions because of staffing problems and local hospital behavioral health services lacking capacity.



What steps were taken during the 2022 General Assembly session?

Three bills emerged from the extensive discussion this year. One directs a cabinet-level study, one allows use of auxiliary police in certain situations, and one provides a way for police to transfer custody to an alternative transportation provider in certain situations.

1. **SB202 (Newman)** directs the Secretaries of Health and Human Resources and Public Safety and Homeland Security to study options and best practices for alternative custody arrangements and develop recommendations to (i) allow law-enforcement officers to transfer custody of individuals who are subject to an emergency custody (ECO) or temporary detention order (TDO) to another person with the necessary training and certification to reduce the burden on local law-enforcement, and (ii) increase the availability of beds for individuals who are subject to an ECO or TDO to ensure prompt transfer to an appropriate facility. This could include expansion of crisis intervention team assessment centers and development of regional crisis receiving centers and other options for increasing the availability of beds at state and private hospitals and other behavioral health facilities for adults and children subject to an ECO or TDO. The report is due to the Governor and select House and Senate committee chairs by Oct. 1, 2022.
2. **SB593 (Newman)** allows auxiliary police officers to provide transportation for a person subject to an ECO or TDO. The Department of Criminal Justice Services will establish compulsory minimum training standards for auxiliary police officers who are called into service to provide transportation as part of an ECO or TDO.

3. **SB268 (Favola)** became the General Assembly's vehicle for immediately addressing some issues around alternative transportation and custody of individuals subject to an Emergency Custody Order (ECO) or Temporary Detention Order (TDO). Several Senate bills were incorporated into this bill.

This year's discussion and legislation begins to address local law enforcement concerns with but in no way fully resolves them (see final bullet below and details following).

What does SB268 accomplish?

- When a magistrate orders alternative transportation for an individual under a TDO, the legislation allows the local law enforcement agency that executes the order to transfer custody of the person to an alternative transportation provider immediately upon execution of the order if such a provider is available, willing, and able to take custody.
- Authorizes that alternative transportation provider to maintain custody of the person until custody is transferred to the temporary detention facility, as is appropriate.
- Adds employees providing services through a contract with the Department of Behavioral Health and Developmental Services to the list of individuals who may serve as alternative transportation providers during the TDO process.
- Specifies that if no alternative transportation provider is available, able, or willing, local law enforcement will assume custody.

What does SB268 fail to accomplish?

While the bill requires DBHDS to amend its contract with any alternative transportation provider for services up to the available funding for the alternative transportation program, this does not guarantee full service because:

- The state's alternative transportation program is not sum-sufficient.
- It is not intended to provide all transports (the goal is 50 percent statewide; the current amount is about 10-12 percent of transports).

Of additional concern is the scenario in which more or longer periods of custody/transport provided by the alternative transportation contractor cause the program to run out of funding within a fiscal year. In that case, local law enforcement would be required to fill the gap.

About the author: Janet Areson is VML's Director of Policy Development.



In debating new tax cuts, the General Assembly must not repeat history

REMEMBER THE “NO CAR TAX” movement in Virginia in the 1990s? In case you don’t recall, perhaps these quotations will jog your memory...

“The state is not in a position to make the localities whole. That’s not opposing. That’s being realistic.”

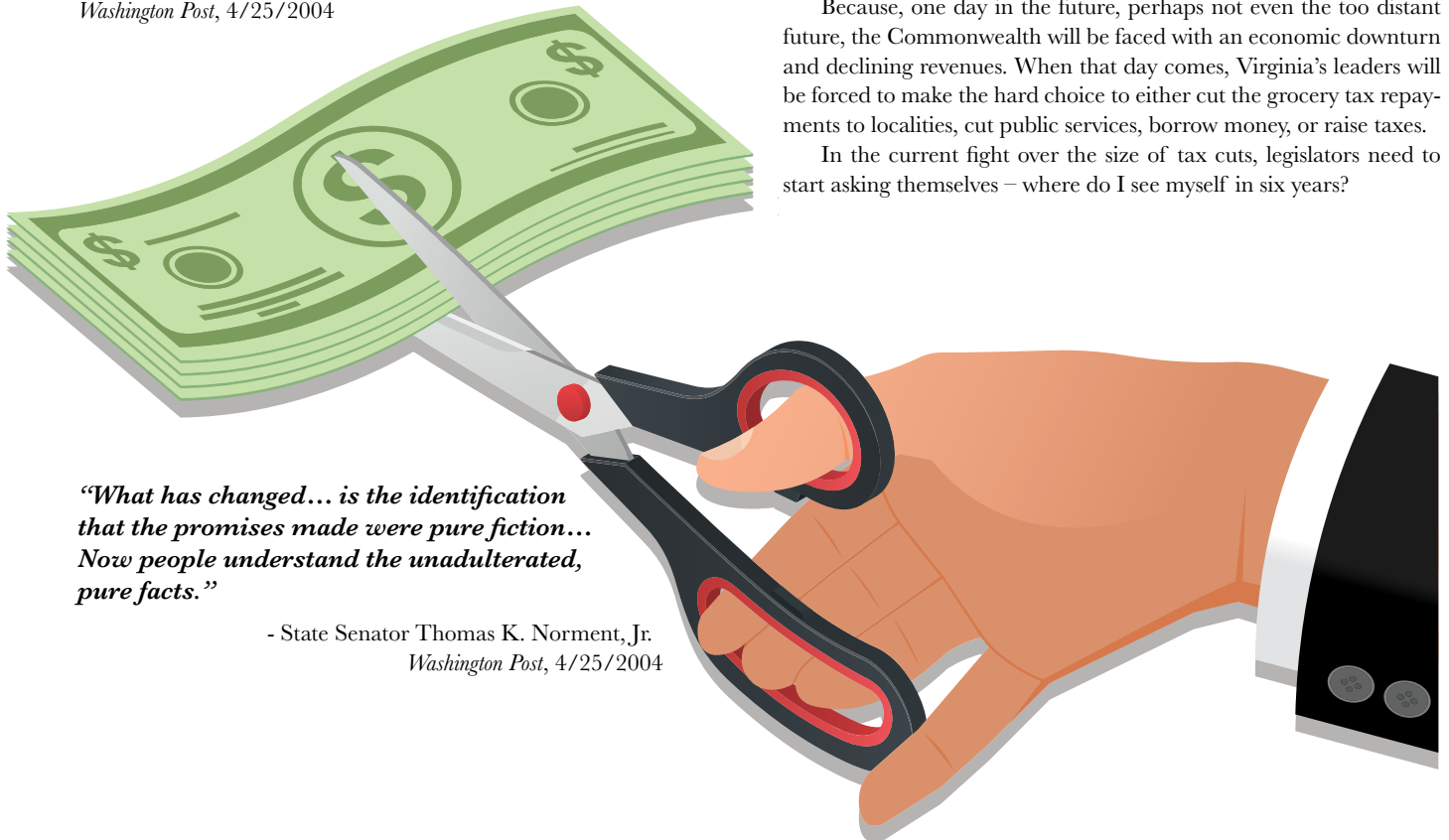
- State Senator Hunter Andrews,
Washington Post, 12/8/1996

“The local government groups cited tax data suggesting that Gilmore failed to account for inflation, population and other growth factors last month when he announced his plan, under which the state would reimburse localities for the property taxes they no longer would collect.”

- Spencer S. Hsu
Washington Post, 6/24/1997

“Everyone was hoodwinked by the initial phaseout of the car tax... On a very superficial level, the idea of getting rid of the car tax was a great idea. It was a good political opportunity. But on a policy level, on an implementation level, it’s been a disaster for the state of Virginia.”

- State Senator Kenneth W. Stolle,
Washington Post, 4/25/2004



“What has changed... is the identification that the promises made were pure fiction... Now people understand the unadulterated, pure facts.”

- State Senator Thomas K. Norment, Jr.
Washington Post, 4/25/2004

During the battle over the Car Tax and the subsequent fallout in the late nineties and early 2000s, the General Assembly and Governor Jim Gilmore passed a law that phased-in the exemption of the first \$20,000 in car value from local personal property taxes. The Governor and legislators pledged to “hold harmless” local budgets and replace the lost Car Tax revenue “dollar for dollar.”

The problem was that there was no certainty that the Commonwealth could afford to repay localities “dollar for dollar” for their lost Car Tax revenue. But that didn’t stop the “No Car Tax” campaign pledge from becoming law; it was passed overwhelmingly by the General Assembly and signed into law by Governor Gilmore in 1998.

Just six years later, Gilmore’s gubernatorial term had ended, and reality had caught up to the General Assembly and Virginia’ local governments. The local budget deficits caused by 1998’s “No Car Tax” law forced the General Assembly to vote to increase taxes in 2004 and freeze the “hold harmless” payments to local governments.

Why does this matter now? Time for another quotation:

“Those who cannot remember the past are condemned to repeat it.”

- George Santayana

In the current fight over the size of tax cuts, particularly the campaign slogan inspired “No Grocery Tax” legislation being bandied about, legislators need to keep the lessons of the “No Car Tax” era in mind.

Because, one day in the future, perhaps not even the too distant future, the Commonwealth will be faced with an economic downturn and declining revenues. When that day comes, Virginia’s leaders will be forced to make the hard choice to either cut the grocery tax repayments to localities, cut public services, borrow money, or raise taxes.

In the current fight over the size of tax cuts, legislators need to start asking themselves – where do I see myself in six years?

Local revenue on the line: A brief account of the effort to repeal the grocery tax in Virginia

Play that old political tune: “Repeal the Grocery Tax”

In 1966, the Virginia General Assembly established two sales taxes: a statewide sales tax and a local option sales tax. While the General Assembly increased the statewide sales tax rate in recent decades to its present level of 5.3 percent (4.3 percent statewide plus 1 percent local option), it has also partially exempted “food intended for home consumption” (a.k.a. groceries) from the state tax.

Because sales taxes increase the cost of nondiscretionary items like food, there has always been bipartisan support to repeal the grocery tax in Virginia. Notably, the effort to do so began almost as soon as the sales taxes were enacted. Lieutenant Governor Henry Howell was the first statewide candidate to place this policy proposal front and center in his unsuccessful 1973 campaign against Governor Mills Godwin, who had signed Virginia’s sales tax into law in 1966.

In fact, since 1966 the General Assembly has not yet been able to find enough revenue to fully phase-out all grocery taxes. For this reason, groceries continue to be taxed at a reduced sales tax rate of 2.5 percent (1 percent local option sales tax plus 1.5 percent reduced state sales tax).

In 2022, both major political parties in the General Assembly have called for that old political tune “Repeal the Grocery Tax” to be played again. As noted above, this tune has been playing since 1973 when Marvin Gaye’s “Let’s Get It On” and Jim Croce’s “Bad, Bad Leroy Brown” were among the chart toppers. (To the credit of 2022’s legislators, however, those are pretty good tunes too.)

Governor Northam’s outgoing budget: The song remains the same

Today, Virginia is one of only 13 states to apply sales taxes to groceries. As a gubernatorial candidate, Lieutenant Governor Ralph Northam echoed Henry Howell’s call for eliminating the state sales tax on groceries. Based on the forecasted increase in state revenues during the 2023-2024 biennium, Northam proposed finally carrying out this policy change in his outgoing budget. In doing so, Northam continued a bipartisan legislative effort that is decades old. In 1999, the General Assembly and Governor Gilmore reduced the state sales tax on groceries from 3.5 percent to 3 percent; in 2005, Governor Warner and the General Assembly reduced that rate to 1.5 percent (where it stands today).

In addition to being an old idea, exempting groceries from the state sales taxes is also an expensive idea – which, of course, is a big reason behind its slow progress despite its simple policy and political appeal. Virginia’s Department of Taxation (TAX) estimates that groceries comprise about 20 percent of total sales in Virginia. Thus, Northam’s proposal to eliminate the remaining state sales tax on groceries was forecast to reduce annual sales tax revenues by about \$400 million. The revenue cut would affect the 1 percent state sales tax distribution to localities for K12 which has been a vital source of funding for public education in Virginia since the days of Harry Byrd, Sr.

To prevent cuts to public school funding, Northam included in his outgoing budget a proposal to distribute full replacement revenue to

school divisions. The replacement funding would follow the current method of funding distribution that is based on the proportion of the local school-aged population of the school division to the school-aged population of the Commonwealth as a whole.

A funding downshift for transportation

It’s important to note that education would not be the only area to lose funding if the grocery tax were eliminated. Transportation would lose \$140 million per year generated by the 0.5 percent state sales tax for transportation, which was enacted by the 1986 Special Session of the General Assembly. Northam’s outgoing budget did not replace the lost transportation revenue.

Enter the 2022 Senate and House budgets

In 2022, the Senate of Virginia endorsed Northam’s approach, exempting groceries from the 1.5 percent state sales tax. At the encouragement of local governments, the Senate Finance and Appropriations Committee (SFAC) reported a grocery tax repeal bill (SB451-Boysko) that would also codify the K12 revenue replacement distribution in state law (again, based on school-aged population as currently required).

The House of Delegates shared the Senate’s support for exempting groceries from the state sales tax, but the House passed legislation that went further and eliminated the application of the local 1 percent sales tax to groceries. This represented another revenue reduction of about \$275 million annually to local governments.

So...will localities lose revenue?

Good question! A tricky but fundamental piece of creating a revenue replacement method is forecasting the amount of lost revenue that will need replacing. It is relatively easy for the state to estimate the statewide ratio of groceries to total taxable sales and utilize that ratio to pay back local school divisions based on their school-aged population. Largely, this method is reflected in HB90 and SB451. VML supports this method being codified in state law as well as in the budget.

However, it is trickier to replace lost grocery revenue from the local 1 percent sales tax because the ratios of groceries to total local taxable sales varies by locality across the Commonwealth. Furthermore, the local ratios are likely to change over time with consumer behavior and the economy.

This means the General Assembly will be making hundreds of educated guesses on behalf of local governments across Virginia if it chooses to exempt groceries from the local 1 percent sales tax. If the General Assembly chooses to amend the local option 1 percent sales tax, VML asks that legislators commit in statute to annually reviewing the repayment distributions to localities to ensure their continued accuracy, particularly on behalf of Virginia’s fiscally distressed communities.

Bottom line: VML supports exempting groceries from sales taxes so long as local budgets are repaid (for real).

A BRIEF HISTORY OF THE SALES TAX ON GROCERIES

1965

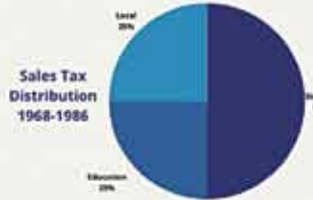
Starting with the City of Norfolk, Virginia's cities began adopting local general sales taxes. By April 1966, there were 16 other cities that had adopted a local general sales tax.

1966

Seeing a general statewide sales tax preferable to proliferation of local taxes, the G.A. and Gov. Godwin adopted the **Retail Sales and Use Act**.

The Act established, effective 1968:

- 3 percent state sales tax



3% STATE SALES TAX DISTRIBUTION:

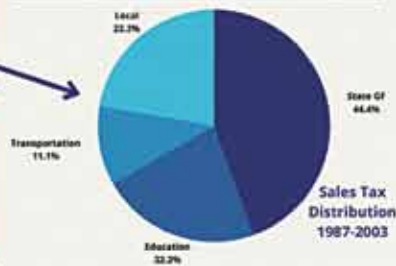
- 2 percent was dedicated to the state's General Fund.
- 1 percent was dedicated to public Local Education based on school-age population.
- The 1966 Act also created a 1 percent optional local sales tax
 - By 1969, every county and city adopted the 1 percent local sales tax.

1986

To raise funding for **transportation**, the G.A. and Gov. Balles increased the state sales tax by **0.5 percent**, making the rates as follows:

3.5% STATE SALES TAX DISTRIBUTION:

- 2 percent: General Fund
- 1 percent: Local Education
- 0.5 percent: Transportation
- 1 percent local sales tax



1999

The G.A. and Gov. Gilmore reduced the **state sales tax on groceries from 3.5 percent to 3 percent**.

2004

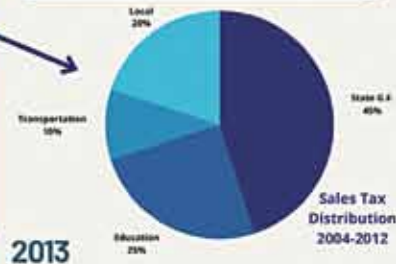
To raise funding for **public education** and general services, the G.A. and Gov. Warner increased the state sales tax by **0.5 percent**, making the rates as follows:

4% STATE SALES TAX DISTRIBUTION:

- 2.25 percent: General Fund
- 1.25 percent: Local Education
- 0.5 percent: Transportation
- 1 percent local sales tax

2005

The G.A. and Gov. Warner reduced the **state sales tax on groceries from 3 percent to 1.5 percent**.

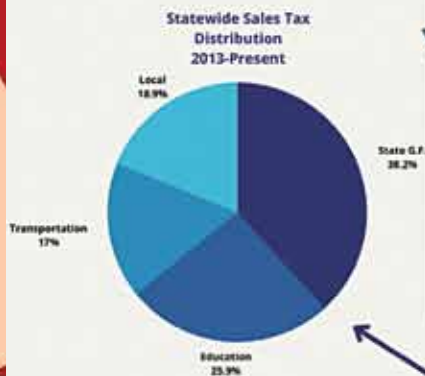


2013

To raise funds for **transportation**, the G.A. and Gov. McDonnell increased the state sales tax by **0.3 percent** and **0.7 percent** in **Northern Virginia and Hampton Roads**, making the rates as follows:

4.3% STATE SALES TAX DISTRIBUTION:

- 2.025 percent: General Fund
- 1.375 percent: Local Education
- 0.9 percent: Transportation
- (0.7 percent): Regional add-on for transportation in Northern Virginia and Hampton Roads.
- 1 percent local sales tax



The property tax referendum bill: How a gubernatorial campaign idea became a problematic bill for localities

AMONG THE MOST WATCHED BILLS of the 2022 Regular Session were HB1010 (Durant) and SB620 (Cosgrove), legislation to require a binding referendum in every city, county, and town where the governing body proposes a property tax increase that is greater than 1 percent over the previous year.

Delegate Tara Durant, representing Stafford County and the City of Fredericksburg, along with Senator John Cosgrove, representing parts of the cities of Chesapeake, Virginia Beach, Franklin, Portsmouth, Suffolk, and part of the counties of Isle of Wight and Southampton, introduced the legislation. Governor Youngkin also listed the legislation on his 2022 legislative agenda.

VML worked with member local governments to educate legislators about the negative affects this proposal would have on local governments in Virginia. The bottom line is that in Virginia, property taxes are the dominant source of revenue for counties (64.6 percent), cities (55.5 percent), and large towns (29.1 percent). Any measures that limit a local government's power to make decisions affecting this revenue curtail local flexibility to adapt to changing circumstances and push the decision-making process onto the public instead of the officials elected to make those decisions.

Legislating indecisiveness doesn't help Virginians

Proposals like property tax referendums are attractive to political candidates because they avoid taking a real stance on key issues like how you pay for basic government services and what revenue sources are available to pay for such services. The problem for localities is that unlike California and Massachusetts (which passed similar measures in the 1970s), Virginia's residents are accustomed to more decisiveness from their elected officials than HB1010 and SB620 would allow. To put it another way, if running for office is akin to interviewing for a job, then ask yourself: In what job interview is it appropriate to brush aside questions about your decision-making process, or to say to your boss (the voters) that when a hard decision comes along, you'll ask them to make it for you?

Referendum proponents make use of a time-honored tactic: Divide the localities to win

With HB1010 and SB620 encountering serious opposition, the proponents of the legislation proceeded with a proven formula for success: divide local governments by changing the bill to only affect cities and urban counties, thereby allowing legislators from rural counties to support a bill that would not affect their own constituents.

As VML members know full well, different localities across Virginia conduct property reassessments in different ways. As of 2018, most of Virginia's urban cities and counties conducted their reassessments in-house, while most of the smaller cities and more rural counties contracted out for a private service to conduct their reassessments.

The frequency of real estate assessments also varies across localities. With a few exceptions, most of Virginia's cities and urban counties conduct reassessments annually or every two years, while most of Virginia's rural counties conduct reassessments every four or six years.

An amended HB1010 gets its own "short notice" hearing in the House

"Thank you for coming to this short notice meeting of the Committee of Finance... We only have one bill on our docket."

- Delegate Roxanne Robinson,
Chair – House Committee on Finance
2/10/22

"In its current form, this bill simply brings transparency to the reporting requirement for increased real property tax... HB1010 will require that this notification is provided separately from the budget and giving taxpayers adequate notice of this increase."

- Delegate Durant to House Finance Committee
2/10/22

Facing pushback on HB1010 from the public and fellow legislators, the House of Delegates delayed a committee hearing on the bill for four weeks. On the last day for committee action on House legislation, a hearing of the House Finance Committee was announced only hours prior for the purpose of considering testimony on just one piece of legislation: HB1010.

At the "short notice" hearing of Finance Committee, Delegate Durant and a representative of Governor Youngkin put forward an amendment to significantly change the bill. Instead of amending local property tax law for *all* localities, as the original bill proposed, the patron's proposed substitute amended property tax law only for localities that conduct real estate reassessments more frequently than once every four years (*i.e., most cities and urban counties*).

Under the revised bill, if the governing body in these referenced localities seeks to impose a property tax increase that is greater than



1 percent, they will be required to provide a second public notice for the hearing at which the matter will be considered – published on a different day and in a different notice – from any notice published for the annual budget hearing.

Given its scaled-back nature, the Virginia Municipal League took no position on the substitute to HB1010, despite an underlying concern about the state mandating different budget procedures for different cities and counties without any discussion of what made the divergence advisable. However, VML took Delegate Durant at her word when she told the House Finance Committee: “We have heard the localities’ concerns about capping an increase and them being able to effectively run their local governments. We’ve heard them loud and clearly.”

A phoned-in promise saves the bill in the Senate

When the amended HB1010 was heard by the Senate Finance and Appropriations Committee, members raised concerns that Governor Youngkin might amend it again to return it to its original form. Motivated by these concerns, the committee failed to report the bill by a vote of 6-9.

A short time later, however, the Governor’s Deputy Secretary of Finance appeared before the committee holding a cell phone. He told the members that, “in the intervening moments, through the miracle of modern technology, I have been able to confirm for you that the Governor does not intend to pursue any amendments to the bill as it is in its current form.”

Reassured that Governor Youngkin would not amend HB1010 further, the committee unanimously approved the bill. It was subsequently passed by a unanimous vote in the full Senate. Ironically, HB1010, a bill passed in Richmond to bring “transparency” and “adequate notice” to Virginia’s taxpayers, was adopted during a “short notice” committee hearing and saved by a last-minute phone call.

Message to local governments: Keep your eye on the ball, er...bill

“We strongly encourage local governments to be responsible to citizens, and that’s why we have pushed to have a referendum before real estate taxes can go up more than 1%.”

- Governor Glenn Youngkin
2/17/22

On April 11, Governor Youngkin followed through on his commitment to the Senate Finance Committee and signed HB1010 without further amendments.

When – not if – more proposals for government-by-referendum return, localities and their allies must come ready to confidently explain to the public and to state legislators that some decision-making functions of government simply can’t be outsourced to the public – they are too fundamental to the smooth operation of local governments and the communities they serve. Indeed, Virginians already have regular opportunities to voice their opinion on policy choices made by their elected leaders – these opportunities are called elections.

Referendum-based policymaking sounds great on the campaign trail, but it can hamper the actual work of localities in governing and making policy choices. VML encourages our members to remind your local Delegates and Senators that municipal governments already struggle to provide core services in a challenging fiscal environment. State mandates – particularly ones that restrict how a locality can raise and spend its own revenue – must always be evaluated carefully and openly in the light of day.

About the author: *Carter Hutchinson is VML’s Director of Fiscal Policy.*



Marijuana: Local authority left behind?

ACCORDING TO THE VIRGINIA Cannabis Control Authority (CCA) adult use retail marijuana dispensaries and adult sales of retail marijuana remain on track to begin as early as January 1, 2024. This might be difficult to believe given that the 2022 Virginia General Assembly declined to re-enact the 2021 legislation establishing the rules, regulations, and necessary local authority for operating the adult use retail market for the sale of marijuana and marijuana products. Sen. Ebbin’s SB391 – which proposed re-enacting the 2021 legislation and incorporated several key amendments expanding local authority – passed the Senate but failed to advance from subcommittee in the House of Delegates.

What does this mean for local governments?

In the short term, the inaction on SB391 eliminates the need for localities to consider placing a referendum on the ballot this year.

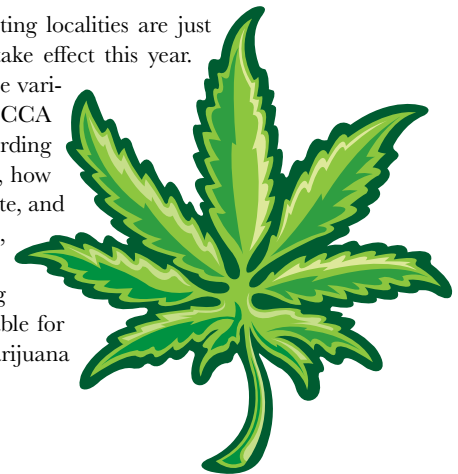
In the long term, the 2022 General Assembly’s decision to not re-enact the 2021 marijuana legislation affords local governments fewer options to decide whether marijuana businesses are permissible in their community and prevents localities from establishing zoning ordinances or adopting taxes for retail marijuana businesses. Localities also lose the authority to pass local ordinances that mirror state law banning the possession, sharing, or consumption of marijuana in public places. As a reminder, according to the CCA, retail marijuana sales in Virginia are set to begin January 1, 2024. So even if the 2023 General Assembly expands local authority, localities will only have a six month window to act before legal retail sales are set to begin.

VML had worked to include local authority provisions in the 2021 and 2022 legislation. These authorities included the local option to:

- Hold a referendum on whether retail marijuana establishments are allowed (4.1-629).
- Levy a local option tax on the sale of retail marijuana products (4.1-1004).
- Adopt requirements for the location of marijuana retail stores into a local zoning ordinance (4.1-630 (C)).
- Adopt local ordinances mirroring state law (4.1-1108, 4.1-1109) prohibiting the possession, sharing, or consumption of retail marijuana on school property, in parks, playgrounds, streets, or sidewalks adjoining public streets or in public places.

The above provisions affecting localities are just a small part of what will *not* take effect this year.

Other items put on hold include various statutory directions for the CCA to promulgate regulations regarding how licenses will be distributed, how marijuana businesses can operate, and various criteria for cultivators, manufacturers, and distributors. Furthermore, sentencing modification remains off the table for those incarcerated on felony marijuana charges.

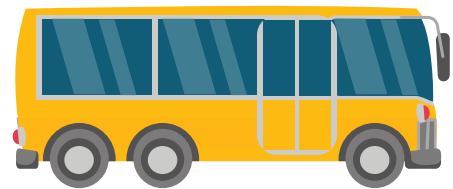


Local Authority

- Referendum
- Zoning
- Taxes



Retail Marijuana Sales



So, is marijuana still legal in Virginia?

Personal possession of marijuana and cultivation remain legal, and the CCA continues to exist but with a much narrower mission since much of the CCA's charge to promulgate regulations to determine how different types of licenses will be issued, administered, and regulated has been eliminated. The CCA will soon take over the administration of Virginia's medical marijuana program while also rolling out several health-related campaigns in the coming year.

What about medical marijuana?

Medical marijuana programs remain the only legal route for Virginians to purchase marijuana and marijuana products. Medical marijuana dispensaries are exempt from taxation and localities are pre-empted from deciding whether to permit medical marijuana businesses. The medical program is set to continue expanding after Governor Youngkin signed HB933 (Robinson) / SB671 (Dunnivant) which simplifies the process for patients to access medical marijuana by eliminating the need for patients to apply for a medical license with the Board of Pharmacy. Patients are now only required to obtain a doctor's recommendation which patients then take directly to a dispensary to purchase medical marijuana products.

Uncertainty remains: A marijuana-related bill fails after Governor's amendments

Legislation establishing limits on marijuana products did pass the 2022 legislature but ultimately died after the Senate rejected the Governor's amendments and referred Senator Hanger's SB591 back to committee effectively ending consideration of the bill.

Senator Hanger's bill as it passed the General Assembly prohibited marijuana products sold in the shape of humans, animals, vehicles, or fruits and broadened the statutory definition of "marijuana" to include products with include THC that is derived from hemp plants (such as Delta-8). The Governor offered amendments to SB591 which were defeated in the Virginia Senate. These amendments proposed

establishing a new criminal offense for possessing more than 2 ounces of marijuana publicly, redefined marijuana, and required CBD products only be sold to persons 21 or older.

Even though SB591 and the Governor's amendments both failed it is worth noting that the Governor and the General Assembly are continuing to debate what the future of legal marijuana in Virginia looks like.

What do local governments need to do now?

It is not clear where this issue is heading or whether future legislation shaping a recreational market will clear the General Assembly a second time. So, local governments do not need to act (just yet) while the Governor and the General Assembly continue to meet and discuss this issue during the ongoing Special Session that the Governor has convened.

However, it is important that legislators hear from localities that want clear authority on retail marijuana. We encourage these members to let legislators know that local governments need the appropriate authority, such as that included in SB391 this year, to regulate retail marijuana. This authority needs to include the ability to hold a referendum on whether to allow retail marijuana to operate in their locality as well as the authority to zone and tax. Additionally, localities need the ability to adopt local ordinances prohibiting the possession, sharing, or consumption of marijuana and marijuana related products.

As we have since 2020 VML will continue to let legislators know the importance of local authority in any proposal related to the recreational sales of marijuana. VML will also continue to update members and local government officials as we learn more from industry representatives, legislators, and the executive branch.

About the author: Mitchell Smiley is VML's
Transportation & Natural Resources Policy Manager.



The VML Voice is the official podcast of the Virginia Municipal League. Each episode explores a different locality or issue but the focus is always on Virginia and the local governments that make the Commonwealth work for everyone.

Contact Rob Bullington, rbullington@vml.org to suggest topics, ask questions, or inquire about sponsorship opportunities.

Listen to our newest episode at www.vml.org.



Cyber Security: Event reporting legislation passes with potential issues for localities

IN DECEMBER 2021, Virginia was hit with a large-scale cyber-attack that affected the State Legislature and organizations with direct ties to the Commonwealth. This attack leaked personal information, halted the work of legislative staff, and cost the state millions. In the wake of the attack, the Administration decided it was time to take immediate action to help mitigate the likelihood and severity of future cyber events.

During the 2022 General Assembly Session, legislation on cybersecurity was developed by the Virginia Information Technology Association (VITA) and introduced by Senator Barker and Delegate Hayes as SB764 and HB1290, respectively.

The legislation requires all public bodies to report any known incidents that compromise or threaten the security of the public body's information technology systems to the Virginia Fusion Center within 24 hours of discovery.

Both the Senate and House legislation passed unanimously and will go into effect July 1st, 2022.

What does this mean for localities?

Although the legislation is well intentioned, VML is concerned that the short time constraint for reporting incidents will, among other things, effectively prevent localities from discussing the matter with their insurance company prior to informing the state. Also cause for concern are the lack of definitions for relevant terms and vague reporting guidelines.

Time constraint: 24 hours to report to the state

When an attack or threat occurs, governing bodies need sufficient time to properly assess the extent of the situation. Has the attacker deleted information? Is the attacker holding the information for ransom? Are systems still vulnerable? It takes time to answer these questions and determine the best strategy to move forward. Furthermore, administrators need time to alert staff and affected individuals. It is unrealistic to expect a public body dealing with an evolving cyber-attack or threat to be ready to report to the state's Fusion Center within 24-hours.

Definitions and Reporting: The "What" and the "How" fall short

The legislation passed by the 2022 General Assembly states that a report to the Fusion Center shall be made about "all known incidents that threaten the security of the Commonwealth's data or communications or result in exposure of data protected by Federal or State laws and (ii) other incidents compromising the security of the public body's information technology systems with the potential to cause major disruption to normal activities of the public body or other public bodies."

Note that the language does not define what qualifies as an "incident". For example, if a staff member mistakenly enters a typo into a search engine resulting in a fire wall pop-up, does the "incident" have to be reported? The reality is that some localities will feel they have to report anything that remotely qualifies, and others will lack the staff to report all but the direst situations. The resulting lack of consistency has the potential to undermine the usefulness of the data being collected.

Another concern, it's not only unclear what needs to be reported, but also how the report should be made. Can an individual simply pick up the phone and call in the incident? Must the public body submit a full report within the 24-hour period? Does an email count as reporting? The vague language in the legislation leaves these questions unanswered.

What can be done?

Following the December 2021 cyberattack, the State is understandably concerned about information safety and security. Indeed, there is definite value in making sure the State has accurate records of cyber security events across the Commonwealth. However, due to the ambiguous and vague language in the 2022 legislation, it is more likely to create a burden than provide a benefit for the state's local governing bodies.

To help address some of the concerns listed above, a work group will make recommendations on timelines, definitions, and modes of reporting. The work group is slated to include representatives from the Virginia Data Advisory Commission, the Office of Data Governance and Analytics, the Virginia State Police, the Virginia Department of Emergency Management, the Virginia Information Technology Agency, the Virginia Municipal League, the Virginia Association of Counties, and other relevant state and local entities. This work group will present its findings and recommendations by November 15th, 2022, to the Governor, the chairman of the Senate Committee on General Laws and Technology and the House Committee on Communications, Technology, and Innovation.

However, **it's important for localities to keep in mind that they must report cybersecurity incidents to the Fusion Center even while the work group is convened.** Please contact VML with any questions or concerns.



About the author: *Josette Bulova is VML's Policy Communications Coordinator.*



How to handle negative social media comments

IF YOUR CITY HAS SOCIAL media profiles, you've probably encountered your fair share of negative comments. There is a lot of magic that comes out of open and transparent communication with

the public on social media but dealing with the inevitable negativity is never easy.

Social media comments may be similar to feedback you'd hear during city meetings, but on social media, it's much more convenient for people to offer their opinion. Your net is also wider, potentially pulling in comments from all over the country, not just your own jurisdiction.

Government communicators encounter many different types of negative replies on social media. While some are complaints – like a complaint about customer service or a situation the commenter has encountered – other comments can be expressions of disagreement or dissatisfaction with something your city is doing, or simply unhappiness about anything related to your city.

How you respond to negative comments says a lot about your city and understanding best practices for responding can lighten your stress. Trained government social media professionals typically consider the following factors to effectively manage negative comments.

Should you respond?

Start here: When you receive a negative comment, ask yourself, "Should we respond?" There are times to respond to negative comments, and there are times not to.

"This city is awful, and its officials have no brains!" "You're the worst and your policies are ridiculous!" Comments like this that are purely argumentative and combative, don't have a clear question, are irrelevant to the post topic, or that violate the platform's terms of service may not warrant a response from your city's account.

Members of the public have a right to speak their mind, and it's not your job to remove opposing views. However, closely monitor the conversation and step in if these comments communicate misinformation that might confuse other people.

Having established rules of engagement and internal customer service policies will help guide these decisions. Remember, negativity alone is not a reason to remove comments and may be considered a

violation of the First Amendment right to freedom of speech. Always consult with your leadership and city attorney when creating your policies, and if there's ever a comment that raises concerns, ask your city attorney about it.

Responding to complaints

Does the commenter have a complaint about a service that your city provides (or doesn't provide)? When someone is expressing a concern, the city should respond.

Think of this type of negative comment — something like, "The streetlight on this corner is still messed up!" — as a customer service opportunity to acknowledge the person's complaint. Try to help resolve their problem.

Respond by recognizing their complaint, thanking them for bringing this to your attention (if appropriate), and giving advice that helps solve their issue. If your city isn't the right entity, provide contact information for the best place to direct their complaint to.

Does this comment have incorrect information? While not all comments deserve responses, comments that have bad information should be addressed when posted on your city's page. Respond respectfully and clarify the information or direct the commenter to an official webpage with the correct information.

Use it as an opportunity

When responding to any negative comment, be transparent, respond respectfully, and use it as an opportunity to showcase your city's professionalism to the commenter and others.

By being open to criticism and responding to frustrations as an opportunity to humanize your city, many times, you'll satisfy the commenter because they know they have at least been heard, even if their issue was not resolved. If you need to take it a step further, invite them to contact you privately with more details. Even if they don't take you up on the offer, they might appreciate that you extended the invitation.

Additional steps

Work internally to channel important messages to the right people. When you notice an uptick in negativity related to a particular service or program, don't sit on the information. As a social media professional, you receive feedback from the public, and you have an obligation to ensure that public sentiment gets to the powers that be.

As your city's communicator, also remember to take care of yourself. Handling negative comments isn't an easy task, but try to remember, these comments aren't about you and aren't even necessarily about your city. Before responding, take a step back first to be able to respond rationally, accurately, and with compassion.

About the author: *Kristy Dalton is the founder and CEO of Government Social Media, LLC.*

Editor's note: *Reprinted with permission of Minnesota Cities Magazine a publication of the League of Minnesota Cities (www.lmc.org).*



Not all polarization is bad, but the U.S. could be in trouble

FOR THE FIRST TIME, the United States has been classified as a “backsliding democracy” in a global assessment of democratic societies by the International Institute for Democracy and Electoral Assistance, an intergovernmental research group.

One key reason the report cites is the continuing popularity among Republicans of false allegations of widespread voter fraud in the 2020 presidential election.

But according to the organization’s secretary general, perhaps the “most concerning” aspect of American democracy is “runaway polarization.” One year after the Jan. 6 Capitol riot, Americans’ perceptions about even the well-documented events of that day are divided along partisan lines.

Polarization looms large in many diagnoses of America’s current political struggles. Some researchers warn of an approaching “tipping point” of irreversible polarization. Suggested remedies are available from across the partisan spectrum.

There are two types of polarization, as I discuss in my book “Sustaining Democracy.” One isn’t inherently dangerous; the other can be. And together, they can be extremely destructive of democratic societies.

Two kinds

Political polarization is the ideological distance between opposed parties. If the differences are large, it can produce logjams, stand-offs and inflexibility in Congress and state and local governments. Though it can be frustrating, political polarization is not necessarily dysfunctional. It even can be beneficial, offering true choices for voters and policymakers alike. Deep-seated disagreement can be healthy for democracy, after all. The clash of opinions can help us find the truth. The clamor of ideological differences among political parties provides citizens with shortcuts for making political choices.

Belief polarization, also called group polarization, is different. Interaction with like-minded others transforms people into more extreme versions of themselves. These more extreme selves are also overly confident and therefore more prepared to engage in risky behavior.

Belief polarization also leads people to embrace more intensely negative feelings toward people with different views. As they shift toward extremism, they come to define themselves and others primarily in terms of partisanship. Eventually, politics expands beyond policy ideas and into entire lifestyles.



AP PHOTO / NATHAN HOWARD

Protesters and counter-protesters face off at a political rally in September 2021.



Even when demonstrators are part of the same group, as the photographer reports these two are, they can have differing views.

But that's not all. As I explain in my book, as society sorts into "liberal" and "conservative" lifestyles, people grow more invested in policing the borders between "us" and "them." And as people's alliances focus on hostility toward those who disagree, they become more conformist and intolerant of differences among allies.

People grow less able to navigate disagreement, eventually developing into citizens who believe that democracy is possible only when everyone agrees with them. That is a profoundly antidemocratic stance.

The polarization loop

Belief polarization is toxic for citizens' relations with one another. But the large-scale political dysfunction lies in how political and belief polarization work together in a mutually reinforcing loop. When the citizenry is divided into two clans that are fixated on animus against the other, politicians have incentives to amplify hostility toward their partisan opponents.

And because the citizenry is divided over lifestyle choices rather than policy ideas, officeholders are released from the usual electoral pressure to advance a legislative platform. They can gain reelection simply based on their antagonism.



As politicians escalate their rifts, citizens are cued to entrench partisan segregation. This produces additional belief polarization, which in turn rewards political intransigence. All the while, constructive political processes get submerged in the merely symbolic and tribal, while people's capacities for responsible democratic citizenship erode.

Managing polarization

Remedies for polarization tend to focus on how it poisons citizens' relations. Surely President Joe Biden was correct to stress in his inaugural address that Americans need to "lower the temperature" and to "see each other not as adversaries, but as neighbors."

Still, democracy presupposes political disagreement. As James

Madison observed, the U.S. needs democracy precisely because self-governing citizens inevitably will disagree about politics. The response to polarization cannot involve calls for unanimity or abandoning partisan rivalries. A democracy without political divides is no democracy at all.

The task is to render people's political differences more civil, to reestablish the ability to respectfully disagree. But this cannot be accomplished simply by conducting political discussions differently. Research indicates that once people are polarized, exposure even to civil expressions of the other side's viewpoint creates more polarization.

This is a case of the crucial difference between prevention and cure. It's not enough to pretend polarization hasn't happened, or to behave as if it's a minor concern. In the current situation, even sincere attempts to respectfully engage with the other side often backfire.

Yet Americans remain democratic citizens, partners in the shared project of self-government who cannot simply ignore one another.

Polarization is a problem that cannot be solved, but only managed. It does make relations toxic among political opponents, but it also hurts relations among allies. It escalates conformity within coalitions, shrinking people's concepts of what levels of disagreement are tolerable in like-minded groups.

It may be, then, that managing polarization could involve working to counteract conformity by engaging in respectful disagreements with people we see as allies. By taking steps to remember that politics always involves disputation, even among those who vote for the same candidates and affiliate with the same party, Americans may begin to rediscover the ability to respectfully disagree with opponents.

About the author: Robert B. Talisse, W. Alton Jones Professor of Philosophy, Vanderbilt University. Dr. Talisse has authored over a dozen academic books and more than 100 peer-reviewed articles. In addition, Dr. Talisse hosts the podcast *Why We Argue*, and co-hosts the podcast *New Books in Philosophy*.

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CALL FOR ENTRIES

2022 VML Innovation Awards

THE PEOPLE WHO MAKE local governments work do so much for their residents with little or no expectation of recognition. That's why 46 years ago, the Virginia Municipal League launched our "Achievement Awards" to recognize outstanding work being done by local governments across Virginia. The program went on to become Virginia's highest honor in local government creativity. In 2017 the name was changed to "Innovation Awards", but the purpose remains the same: To celebrate all that you do to make your city, town, or county a great place to live!

It's time again for our members are to spotlight programs and individuals that have made a big difference to your residents by creating innovative solutions to address emerging needs.

The awards will be presented at VML's Annual Conference in Richmond in October.

Criteria

Projects and programs are judged on how well they demonstrate the following:

- **Innovative problem solving**
- **Improved quality of life**
- **Excellence in management**
- **Making the most of local resources**
- **Increased citizen participation**
- **Long-term value to the community**
- **Adaptability to other communities**

Award-winning projects typically demonstrate innovative ways of delivering services, addressing community needs, or significantly improving an existing service.

CATEGORIES

AWARD CATEGORIES are based on broad topics with local governments of all sizes competing within these categories. The entries will be judged based on the scope and effect of the project in relationship to the community's size, thereby putting all localities on a level playing field.

Many projects relate to more than one category. When deciding what category best fits your project, consider the primary goal of the project and which components of the project demonstrate the greatest innovation.

Localities may submit only **one entry** in each of the eight following categories (i.e., a maximum of eight submissions total per locality):

Community Health

Includes building healthy community environments through active lifestyle programs, nutrition education and improving access to healthier food choices.

Economic Development

Includes business development and retention; international competitiveness; infrastructure development and investment; planning, land use and zoning; blight; enterprise zones; housing; transportation; workforce development; and historic preservation.

Environmental Quality

Includes natural resources and the authority of local governments to manage the environment, including water resources and quality, solid and hazardous waste management, air quality and the Chesapeake Bay.

Public Safety

Includes police, fire, rescue services, emergency planning and coordinated response, building code enforcement, jails, health, and mental health related to public safety.

Working with Youth

Includes civics education, pre-k-12 education, summer programs, parks and recreation, and literacy programs..

Communications

Includes promotional campaigns, branding campaigns, crisis plans, events, customer service programs; media can include online, video, print, social and other formats.

Risk Management

Includes the process of identifying, assessing, and controlling threats to a locality's capital, earnings, information technology, and data. This can include, but is not limited to, investments in risk management and diversification of risk management strategies used to mitigate threats.

Local Champion *

Includes efforts made by local first responders (i.e., firefighters, EMTs, police) or local government staff who performed valuable work beyond the requirements of their job. The intention of this award category is to recognize public servants and local government individuals who made significant contributions to the communal good without expectation of financial compensation. The nominee can be either an individual or group; the award will be presented to both the winning individual/group and the locality in which they serve.

*The Local Champion category was created in 2020 to recognize those doing selfless work during the pandemic. 2022 will be the last year for this award category.

President's Award for Innovation

One winning project from the category winners will be selected for the top prize – the President's Award – and will receive this top honor in addition to the award in their category. The President's award can come from any of the categories.

Deadline

All entries must be received via e-mail by 5 p.m., Monday, Aug. 15, 2022.

Rules for entering

The competition is open to all VML local government members.

All entries must be submitted electronically via email. Localities must download the entry form at www.vml.org/innovation-awards and fill in all of the requested information directly on the form. The completed form must then be e-mailed to Manuel Timbreza at mtimbreza@vml.org.

Entries must cover **new projects** or programs completed between Jan. 1, 2021 and June 1, 2022, or – for **existing projects** – entries must cover major enhancements during the same time period.

Each entry form must be fully completed and must be signed by the local government's chief administrative or elected official.

A local government can only submit one entry in each of the eight categories. The President's Award for Innovation is not a separate category.

Supporting materials totaling no more than 10 pages, including photos, brochures, charts, or other information, can be included in a separate document. This document must also be e-mailed.

A video is also required as part of your supporting materials, include the URL (or web address link) of that video. Maximum length of video is five minutes.

Questions?

For more information about completing your entry or other details, contact Manuel Timbreza at mtimbreza@vml.org or call 804-649-8471..

The judging

Entries are screened by VML staff and judged by a panel of judges chosen for their expertise in local and state government. The judges generally represent a variety of backgrounds, including small and large localities and state agencies.

The winners

Awards will be presented at the 2022 VML Annual Conference in Richmond, Oct. 1-4. All winning entries will also be featured in *Virginia Town & City*.

Don't miss this premiere opportunity to spotlight innovative programs that make your town, city or county a great place for people to call home!



Enter on-line at
[www.vml.org/
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