

VIRGINIA

TOWN & CITY

The magazine of the
Virginia Municipal League

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**Complicated
issues require
comprehensive response
— starting now**



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About the cover

A host of regulatory and environmental issues related to water threaten to swamp Virginia local governments unless a comprehensive, coordinated response is forthcoming
Illustration by Manuel Timbreza.

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Water: Complicated issues require a comprehensive response – starting now

Local governments across Virginia are facing four complex environmental challenges with one thing in common – water. Addressing these issues – managing stormwater, cleaning up the Chesapeake Bay, ensuring adequate water supply and coping with flooding caused by a rising sea – will require a coordinated response and no small amount of money.

By Henry R. 'Speaker' Pollard V



VIRGINIA MUNICIPAL LEAGUE
ANNUAL CONFERENCE
* ARLINGTON *
COOPERATE INNOVATE CHANGE

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2013 VML Annual Conference: Make plans to come to Arlington

Make plans now to attend the 2013 VML Annual Conference to be held Sunday through Tuesday, Oct. 13-15, at the Marriott Crystal Gateway in Arlington County. Local government officials will find the two-and-a-half days of workshops, general sessions and roundtables invaluable as they chart the futures of their communities.



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VLGMA cites Amyx for VML service

THE VIRGINIA LOCAL Government Management Association honored VML Executive Director **Mike Amyx** June 19 at its annual conference in Virginia Beach.

Amyx, who will retire at the end of the year after 33 years as executive director of the league, was presented VLGMA's Hero Award by Staunton City Manager Steve Owen, who serves as president of the association. The award is given to someone who the VLGMA president believes has made extraordinary contributions that have benefited VLGMA and the local government management profession in Virginia.



- Amyx -

Newport News names Bourey city manager



Newport News hired **James M. "Jim" Bourey** as city manager effective July 16. He is a former city manager of Greenville, S.C. (2004-2010), and

Bourey - worked most recently as the director of corporate development with Elliott Davis, one of the largest accounting, tax and consulting services firms in the Southeast. In the position, he concentrated his work on economic development and business recruiting activities.

Prior to his tenure in Greenville as city manager, Bourey held senior management positions in El Dorado County, Calif., Hennepin County, Minn. and Hillsborough County, Fla. He holds a bachelor's degree in environmental design from North Carolina State University, and two master's degrees from Washington University in St. Louis - in urban design and in architecture.

He replaced **Neil Morgan**, who retired at the end of May.

Cockrell promoted in Kilmarnock

Susan Cockrell was promoted to deputy town manager in Kilmarnock

in early July. She served previously as assistant town manager beginning in 2010.

"It may not sound like much of a change," said Town Manager Tom Saunders, "but a deputy manager is empowered and authorized to do things in the town manager's absence that an assistant manager is not."

Cockrell joined the Kilmarnock staff in 2007 as director of community development with primary responsibility to work with the area business community and chambers of commerce. She has worked on many initiatives, including the recent revision of the town's charter; the conversion of the town's accounting software to a new system and the recent move of Town Hall to a new location.

Arlington names housing director



David Cristeal was named Arlington's housing director in late June. He had been serving as acting director.

Cristeal had served as the county's housing development supervisor for nine years. In that role, he led his team to enhance and implement affordable housing financing and planning tools; worked with

- Cristeal -



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partners to leverage federal and state funding; and made policy recommendations to address affordable housing challenges.

Cristal has more than 27 years of working in both non-profits and local government to develop programs and tools to support affordable housing.

Woodstock names Wodicka manager

The Town of Woodstock in Shenandoah County named **Reid Wodicka** town manager effective June 1.

Wodicka recently completed the coursework for his Ph.D. in public policy from the University of North Carolina at Charlotte. He is finishing work on his dissertation. Before his stint at UNCC, Wodicka served for two years as town manager of Elkton in Rockingham County.

Wodicka succeeded **Larry Bradford**, who retired after serving the town for 26 years.

Joe Williams dies; served Mount Jackson



- Williams -

Mount Jackson Mayor **Joseph A. Williams** died July 16 after a brief illness. He was 80

Mr. Williams won election to his first term as mayor in 1998 as a write-in candidate with about 70 percent of the vote, according to a town press release. Town voters re-elected Williams three times by wide margins.

Williams accomplished much during his 15 years leading the town. According to a news story in the *Northern Virginia Daily*, Williams – with community support – saw to it that Mount Jackson built a Veterans Memorial Park on Main Street, the town hall visitors center that combines the municipal offices, a museum and a library.

NVRC taps Lazaro as new chairman

Town of Purcellville Mayor **Robert W. Lazaro Jr.** was elected chairman of the Northern Virginia Regional Commission in June. He is Purcellville's first representative to chair the commission. Alexandria Council Member **Del Pepper** was re-elected treasurer. She has represented Alexandria on the regional body since 1991. Fairfax County Board of Supervisors member **Penny Gross** was elected vice chairman.

NVRC is a coalition of 14 counties, cities and towns that work together on regional issues including the environment and land use, transportation, human services and legislative analysis. NVRC's programs and policies are established by the 25-member board of commissioners, which is comprised of elected officials appointed by the governing bodies of NVRC's 14 member localities.

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

NEWS & NOTES

Mental health grant to aid NoVa youth

The Arlington County Board recently accepted \$850,000 in state funds to launch a regional program that will help children in the throes of a mental health crisis. The program will provide 24-hour help for youth in crises due to behavioral issues, serious emotional disturbance, serious mental illness, or substance abuse in Arlington, Alexandria, Fairfax, Falls Church, Loudoun, Manassas, Manassas Park, and Prince William County.

The Virginia Department of Behavioral Health and Development Services solicited proposals to implement regional crisis stabilization services in each state health planning region, citing an unmet need for community crisis response and child psychiatry services. Arlington developed its proposal in collaboration

with the participating jurisdictions. The initial \$825,000 in FY14 funding will be ongoing.

"Human services agencies, Community Services Boards, and families throughout the region have long recognized the need for specialized crisis services and psychiatric care for children," said Department of Human Services Director Susanne Eisner.

The program will help youth under the age of 18 who have, or are at risk of, mental health problems. Two mobile crisis response teams – consisting of mental health professionals who specialize in working with youth – will provide crisis intervention and crisis stabilization services on an outpatient basis and refer youth, as needed, to dedicated crisis stabilization beds at two locations to be determined.

The program is expected to launch in early 2014. Arlington will serve as

fiscal agent for the regional program and will coordinate services provided primarily by contracted vendors.

ELSEWHERE ...

The **Abingdon** Muster Grounds was voted the best historic site in Southwest Virginia, in *Virginia Living* magazine's "Best of 2013" campaign. ... The readers of *Blue Ridge Country* magazine have voted **Blacksburg** a winner in multiple categories in this year's Best of the Mountains poll. Blacksburg received gold awards in the following categories: Best Medium Town, Best College Town and Best Retirement Town.

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

Norfolk recognized for hiring, retaining veterans


NORFOLK RECENTLY RECEIVED the Virginia Values Veterans (V3) Silver Certification for its efforts to hire and retain military veterans. Norfolk is one of only nine employers in the state to receive this certification. In

addition, the City of Norfolk was the only Enterprise employer (more than 500 employees) to attain Silver Certification and the only municipality in the state to achieve any level of V3 certification.

Norfolk hired 102 veterans from

July 1, 2012 through June 30, 2013, representing 17.14 percent of all new hires. The silver level V3 designation signifies Norfolk met its commitment to hire veterans in FY13 and now pledges to retain at least 85 percent of those veterans for at least one year.

Paul Galanti, the commissioner of the Virginia Department of Veteran Services, presented the certification to John Andrews, special assistant to the city manager for military and veterans services during the annual V3 conference in Richmond on June 12. Norfolk was the first city in the Commonwealth to reach bronze certification last year.

The V3 initiative is designed to provide incentives for Virginia employers who are committed to making veterans a part of their overall talent acquisition and retention strategy. The program uses industry best practices and state-of-the art theory to meet current and future hiring and retention needs through the employment of Veterans. 



On hand for the recognition given Norfolk were (l-r) Joe Barto, V3 program director; Paul Galanti, commissioner of the Virginia Department of Veterans Services; John Andrews, special assistant to the city manager for military and veterans services; Dr. Tom Auer, chief executive officer of Bon Secours Medical Group in Virginia; Catherine Wilson, deputy commissioner of the Virginia Department of Veterans Services; and John Luke, chairman and chief executive officer for MeadWestvaco.



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Training of underground utility locators saves money, reduces headaches

EVERYONE WITH RESPONSIBILITY for locating underground utilities recognizes that high quality training is probably the best investment a local government can make if it's seriously interested in minimizing damage. The costs associated with utility damage – inconvenience to residents, lost productivity, injuries or even death – can be staggering. In nearly every instance, however, the damage could have been prevented.

Skilled utility locators are a local government's best insurance against incurring costly damage, as well as fines and legal expenses. But where can you send an employee to get high quality training?

Southside Virginia Community College (SVCC) offers new hires, current employees and prospective utility locators a well-rounded Underground Utility Locator Training program. It's designed around the 10 competencies contained in the National Utility Locating Contractors Association's (NULCA) training standards. Moreover, the State Corporation Commission recognizes the program as fully complying with the Virginia state law requiring all underground utility locators to be certified to national standards.

This cost-effective course begins with establishing a solid knowledge base in underground locating theory. The first four days are completed in a classroom environment with hands-on field exercises and utility locating practice in a state-of-the-art field demonstration lab. The second week

(also four days) reinforces the theory with hands on practice in the field lab where skills can be developed progressively. Perhaps most importantly, students receive relevant training that teaches them how to use their newfound knowledge to solve a host of problems that might confront them in the field.

- Horizontal, vertical and omnidirectional antennas.
- Determining utility depth.
- Assessing field symmetry (and problem-solving asymmetrical space).
- Field marking in compliance with Virginia marking standards.



Instruction includes working in small groups.

- Working in partnership with Miss Utility of Virginia (One Call).
- Compliance with the Virginia Underground Utility Damage Prevention Act.
- Job hazards, personal and community safety and property protection.

All instruction is conducted through the SVCC Occupational Technical Center at the Pickett Park campus in Blackstone. Instruction is done in both a classroom setting and in small groups. Individualized evaluation occurs daily and personalized instruction is given as needed. The field demonstration lab provides utility locators practice begin-

A partial list of topics that are covered include:

- Principles of electromagnetism.
- Conductive vs. inductive current application.
- Locator equipment operation and maintenance.
- Signal strength.
- Frequency options and when to change frequency.

ning with elementary exercises and progressing in difficulty all the way up to real-life simulations of gas, electric, water, telecom and sewer utilities. Students who complete the field lab exercises progress to locating and marking live utilities.

Successful graduates of the course will have an enhanced understanding of locating underground utility lines and be certified to NULCA standards, in compliance with the state code.



“This will be a new vocation for me,” said one trainee while taking the course, “yet I felt right at home.”

The next class will wstart Oct. 14 and wrap-up on Oct. 24. Classes will be held Monday through Thursday both weeks from 8:30 a.m. until 5 pm. The cost of tuition is \$530 (Fall 2013) for Virginia residents and \$1,308 for non-residents. The text book written expressly for this class is \$30. Lunch is optional at a modest additional cost. Lodging is available on base for less than \$20 per night, but it fills up quickly. Other lodging options are available.

For more information on the class, call Don Alexander at (804) 356-3232, or to enroll in the class, call LaTonya Fowlkes at (434) 292-3101.



The first four days of training include work in a classroom.

This comprehensive course addresses a variety of skills every successful locator needs, from safety and compliance issues to effective communication with contractors, regulators, homeowners, and local government officials.

“After 14 years as a locator, I can’t believe I just learned two new ways to determine field symmetry,” said one experienced local government employee who took the class about two years ago.



The second week of training includes practice in the field where skills are honed.



WATER

**Complicated issues require
a comprehensive response –
starting now**

LOCAL GOVERNMENTS across Virginia are facing four complex environmental challenges with one thing in common – water. Addressing these issues – managing stormwater, cleaning up the Chesapeake Bay, ensuring adequate water supply and coping with flooding caused by a rising sea – will require a coordinated response and no small amount of money. Complying with unyielding regulatory requirements and limited fiscal resources will make the challenge an even more daunting one.

By Henry R. ‘Speaker’ Pollard V

To understand how these four issues interrelate and why a coordinated response is needed, local officials need to examine each of them separately.

Stormwater management

Before trying to grasp the complexities of local stormwater management, it’s necessary to understand how the state and federal governments fit into the picture.

The Clean Water Act National Pollutant Discharge Elimination System (NPDES) stormwater provisions create a federal mandate requiring permits to control stormwater runoff from three distinct sources: industrial activities, construction activities and municipal separate storm sewer systems (MS4s). The U.S. Environmental Protection Agency (EPA) administers the NPDES program at the federal level through its NPDES regulations. However, as with most states, Virginia has been authorized by EPA to administer the NPDES program in EPA’s stead, subject to EPA oversight and so long as the Virginia program is at least as stringent as the federal program. Virginia carries out its delegated role through the Virginia Pollutant Discharge Elimination System (VPDES) and Virginia Stormwater Management Program (VSMP) pursuant to the State Water Control Law, VPDES regulations, the Virginia Stormwater

Management Act and VSMP regulations. As of July 1, 2013, administration of the VPDES and VSMP at the state level were consolidated into the Virginia Department of Environmental Quality (DEQ).

The stormwater regulatory outlook for localities is, frankly, becoming more burdensome, with corresponding significant operational and fiscal impacts. At the federal level, EPA is working on new rules that are expected to increase the stringency of the stormwater permits issued to MS4s and other permittees. EPA is planning to issue new stormwater rules designed to address Chesapeake Bay cleanup objectives (discussed below) and to expand the use of “green design” techniques to control post-development run-off. Once in effect, these new federal rules would be implemented in Virginia through the VPDES and VSMP programs, and MS4s and development projects will likely bear most of the “in the field” execution.

Thus, localities are now at the “front line” of land-disturbance related stormwater permitting, compliance and enforcement. They must develop their own staff and resources to carry out this mission, even as these same localities are themselves permitted in many cases as MS4s. Ironically, for localities that are subject to MS4 permitting, they will be subject to permit requirements under one aspect of the program while administering another aspect of the permit program. Thus, at some point, a locality may face the prospect of being conflicted in policy and program management. For instance, a position taken by a permitted MS4 in defense of an enforcement action by DEQ or EPA could be at odds with policy applied by the locality in exercising its own permitting or enforcement authority over the regulated community in its jurisdiction.

There is logic behind this shift. Localities already administer several programs involving stormwater, including the Virginia Erosion and Sediment Control (E&S Control) program,



At the state level, the General Assembly has recently acted to delegate to localities the day-to-day administration of the VSMP construction stormwater permit program, with oversight and assistance by DEQ (all of which is in turn still subject to oversight by EPA).

the Chesapeake Bay Preservation Act (CPBA), and flood control. Therefore, those engaging in construction activities can now seek “one stop local shopping” for their respective permits and approvals addressing site impacts to stormwater, rather than having to go to both

local and state levels. Also, localities should be better able to manage the stormwater generated within and discharged from their jurisdictions with all of these duties consolidated at their level.

That said, administration of the stormwater permitting program brings new layers of oversight and stringency, and new duties to the locality than previously experienced. In particular, localities must implement what is ultimately a federally-mandated permit program, with the ultimate federal oversight and related reporting, accountability, costs and program funding conditions that comes with it. Add to these duties evolving discharge limits and technical criteria to implement and oversee, and the stormwater responsibilities for localities become that much more complicated. This all presents significant practical hurdles, such as adequate staffing, training, guidance and funding. That's because local governments will be required to review and ensure compliance with Stormwater Pollution Prevention Plans (SWPPPs). The plans are mandated under the stormwater regulation for construction sites and entail detailed assessment and planning for managing stormwater, though some overlay between the SWPPP and an erosion and sediment control plan are allowed.

In addition, what may have sufficed so far by way of traditional control practices and funding sources seems unlikely to keep pace with the new more stringent standards. For many urban areas, this presents a significant practical problem: how to institute cost-effective additional or supplementary controls on pollutants within the MS4 when there may not be any readily available land to use for that purpose. Indeed, the expense of construction and maintenance and operating an MS4 are often a material, if not significant, portion of a locality's budget. Funding sources and mechanisms to finance MS4 capital and operational needs can include municipal bonds, federal grants, and locally-applied fees and taxes. Fees and taxes are controversial in many cases, making generation of revenue to cover costs more complicated and

politically uncertain. Corresponding fiscal ripple effects can result for a locality and its tax base, including its businesses, residents and large institutional facilities, and can be a factor in competitiveness for economic development.

Even without new regulations, localities face a moving target as to MS4 status and duties. MS4s collect, hold, treat and discharge stormwater runoff from within a municipal jurisdiction, community, and some large-scale publicly-owned facilities (such as universities). Localities are regulated as large, medium or small MS4s, based on census population, and permit requirements generally increase in

be well equipped to pursue without additional resources from the state and federal levels.

Chesapeake Bay cleanup (TMDL implementation)

Ongoing efforts to improve Chesapeake Bay water quality have recently led to a series of regulatory developments that will directly and substantially affect localities in the Chesapeake Bay watershed. Most importantly, in December 2010, EPA issued pursuant to the NPDES



rigor from the small to the large categories. So, as more recent census data are taken into account, many localities are finding themselves taking on new or additional levels of obligations under a new or different MS4 permit.

The goal of strengthening and improving stormwater management while providing a more streamlined process for receiving permits is ultimately to improve water quality. However, in the face of such changes in stormwater regulation, balancing tangible improvements in water quality at the local and regional level against keeping costs from overwhelming localities is a significant and complex undertaking. It is a process many localities may not

program the Chesapeake Bay total maximum daily load (TMDL) rule, which sets a daily limit – a “pollutant diet” of sorts – for nutrient and sediment pollutants entering the bay. Implementation of the TMDL, however, falls to the District of Columbia and the six states having territory within the bay watershed. Virginia and the other jurisdictions prepared Watershed Implementation Plans (WIPs) describing comprehensive set of legal and technical steps that will be taken to reduce the pollutant loadings to achieve the bay TMDL limits. Many stormwater permits and wastewater discharge permits will likely be modified or issued with lower limits on nutrients and sediments to ensure the overall daily loading of

these pollutants does not exceed the TMDL. This will include MS4 discharge permits. Other measures are also planned to help control pollutant loading from non-permitted sources.

Localities will in turn need to institute more stringent stormwater controls and best management practices. Likewise, publicly-owned treatment works (POTWs) will in many cases face stricter wastewater discharge limits and need to install improved nutrient controls, even though they had already achieved substantial reductions in nutrient loadings before the bay TMDL was issued. With such additional efforts come additional capital expenditures and operational costs, as well as increased permit compliance risk for both MS4s. Localities can be expected to pass along much of the impact to private sources of stormwater as part of site plan requirements to achieve pollutant levels within the MS4 that can then be managed to meet the MS4's own discharge requirements. Where implemented, stormwater fees for businesses and residents are likely to increase to account for improvements in the MS4s to reduce nutrient loading in their discharges.

The bay TMDL will also likely affect water supply, economic development and agricultural use in some localities. A VPDES or VSMP permit may not be issued if its terms will lead to a

violation of water quality standards or a TMDL for that receiving stream. That means new or expanded discharges, or even water withdrawals that threaten compliance with the bay TMDL are prohibited. This result could effectively take a stream segment out of consideration as a water supply to meet growing demand.

While localities face significant hurdles with the bay TMDL, improved water quality from successful bay TMDL implementation could ultimately present substantial opportunities for agricultural, fishing, industrial and public uses of state waters. Better quality water can lead to improved fisheries, expanded recreational uses, and easier treatment and use for industry, agriculture and public water supplies. Again, balancing the expected and realized benefits of improved water quality against the costs to achieve these benefits is a challenge localities will experience directly.

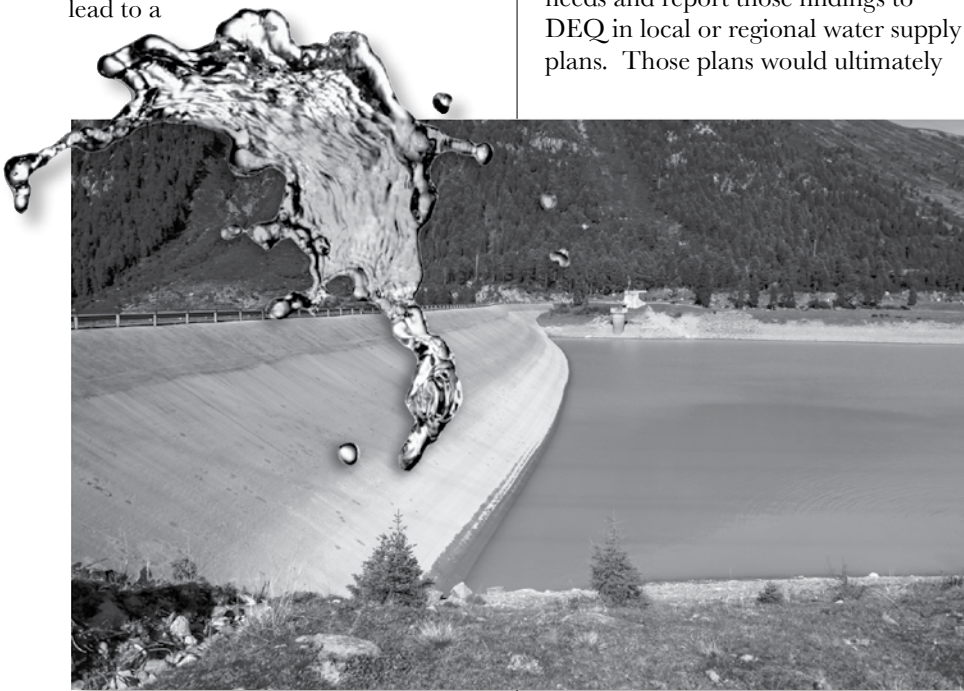
Water supply

Water supply planning is – in most respects – a long-term exercise, but it has largely been a local or regional enterprise, with little statewide perspective. In response to the 2002 drought, however, legislation and implementing regulations called for localities to assess existing and future water supply needs and report those findings to DEQ in local or regional water supply plans. Those plans would ultimately

be fashioned by DEQ into a single state water resources plan. DEQ is in the process of evaluating the submitted local and regional plans to address identified deficiencies and identify and assess potential conflicts. Once developed, the state water resources plan is intended to be used as a tool in making statewide water policy, for influencing local and regional planning, and for informing the permit process under which permits are issued for uses of state waters. Water supply planning is therefore intended to be more strategic and coordinated, which could help mitigate conflicts and meet demands for water more efficiently and cost-effectively.

As the planning process evolves, questions related to balancing current water uses and protecting water supplies from potential threats remain. For example, methods to control stormwater runoff may result in unintended consequences. Allowing stormwater to seep into the ground (infiltration) or capturing it for non-potable uses could substantially reduce the return flow to streams. That could alter their flow rates, which could in turn affect downstream users and aquatic life. New state regulations are planned to help account for the interrelationship of stormwater reuse in water supply planning and stream flows.

Substantial changes to state regulations are in the works for permitting by DEQ of groundwater withdrawals of 300,000 gallons per month or more. Expanded geographical coverage will mean localities in the Middle Peninsula, Northern Neck and extreme northeastern Virginia will soon be subject to such permitting. The revised groundwater withdrawal regulations also change technical standards for modeling groundwater availability, pump elevations, and analysis and monitoring of impacts of withdrawals, among other provisions. Permit application reviews can be very slow and expensive and therefore problematic for economic development and for keeping new supplies current with projected population growth. With expanded coverage and more stringent standards, localities may need to consider more seriously



alternative surface water supplies in the face of greater difficulty in permitting groundwater supplies.

Sea level rise and recurrent flooding

Concerns about the effects and probabilities of sea level rise have been a dominant theme of late for coastal communities. Associated recurrent flooding can be a consequence of increases in sea level or greater stormwater flows caused by increased impervious surface area from expanding development. The combination of the two factors aggravates the difficulty of avoiding flooding when the increased stormwater flow cannot be discharged freely into the receiving water due to higher tide levels or storm surges.

Notwithstanding differing arguments over the causes and projections of sea level rise, recorded tide gage data from around the Commonwealth indicate significant increases in mean sea level over the past 100 years. At Sewell's Point in Norfolk, the increase is nearly 1.5 feet, though this appears to be the result of both actual rise in sea level and sinking of the land. A study of recurrent flooding just released from the Virginia Institute of Marine Science indicates this trend will likely continue for decades, perhaps at a greater rate. Although the effects of sea level rise depend on many factors, assuming these projections hold true, the net result is that many communities below the fall line of Virginia will experience increased mean sea levels and greater flooding. Yet, to date, there is no coordinated state-level strategy to address the potential for sea level rise and the associated risks. Only recently have state officials started to take actions to assess this potential and these risks.

The fundamental dilemma for localities (and any other party

responsible for major coastal or shore line property holdings and human safety) is rather stark: they can ill afford to be wrong about this issue – and therefore be unprepared for sea level rise – when it comes to land use and infrastructure planning, natural resource protection and preservation, and economic development, lest they subject their communities to a host of problems that could have been minimized, mitigated or even avoided. Even if localities seek to do their best, the scale, timeline and costs to assess and address sea level rise and recurrent flooding may arguably be beyond anything a locality has had to face in Virginia. If this statement seems exaggerated, consider that the City of Norfolk estimates that it will

mapping of modeled sea level rise. Without knowing which neighborhood blocks or even specific parcels are likely to be negatively affected, it is difficult to make informed decisions. New maps based on satellite imagery are due out later this year, and this could help bridge this information gap.

Localities may host a number of economically and environmentally strategic industries, enterprises and features that are especially vulnerable to sea level rise. These include ports and their terminal facilities, commercial and retail properties, manufacturing operations, power stations, military facilities, beaches and even wetland mitigation banks. It also is conceivable that public and industrial water supplies and agricultural



need more than \$1 billion to address the rising sea level and recurrent flooding over the next several decades. Indeed, many localities already are confronting a new reality: Certain areas and their infrastructure may be lost to higher water levels because the cost to defend them may be too great. Accordingly, these localities will need to make difficult planning and capital expenditure choices to ensure that they are prepared as can be, even though sea level rise projections are not without uncertainty and controversy. Complicating this is the continued lack of good detailed

interests will face new or increased salt water intrusion with sea level rise pushing up into Virginia's fresher tidal rivers, at least up to the fall line. Rising sea level also could aggravate salt water intrusion already occurring into groundwater aquifers in the coastal plain used for public and industrial water supply. These effects would alter water supply planning in new ways, especially when obtaining a permit for development of fresh water reservoirs has become so complex, expensive and slow.

Many parties therefore face difficult policy and business choices given

the risks and uncertainties of sea level rise, unless a meaningful strategy to address it is employed. Public and private lenders and insurers are compelled to consider the viability of long-term lending or offering insurance on property or projects that are within the projected reach of higher sea levels. Utilities will need to reassess their capital investment and service to such areas, or else risk investment and maintenance costs on infrastructure that will be flooded out regularly. Will local services, such as fire and rescue, be able to gain access to such areas? What would it cost to defend an area or even single property against sea level rise, and can that cost be absorbed by a locality that is already trying to meet the overall needs of its jurisdiction? Does it make business sense for a shoreline industry to defend that facility against sea level rise? Will the Commonwealth develop a statewide sea level strategy and funding resources to assist localities? These are only some of the salient issues raised by the potential problems of sea level rise and recurrent flooding.

How these questions are answered has significant economic implications, including whether some properties may become unmarketable, at least in their current uses, or should be converted to some other use that will help defend against the effects of sea level rise. Given that shoreline property is often among the most valuable in many localities, such land-use planning decisions could materially affect the future tax base and demographics of that locality as well. How a locality responds to such risks could therefore make a substantial difference in the long-term fiscal condition and functionality of the community at large.

Holistic perspective needed

Focusing on any one of these major factors – stormwater, Chesapeake Bay TMDL, water supply and sea level rise – can be a substantial undertaking for most localities. Seeking to address them all at once might appear to be a Herculean enterprise. Given limited resources, a locality


may feel that it is reasonable enough just to focus on each one in its own right. These challenges, however, are indeed interrelated in various, significant and sometimes subtle ways, to the point that not accounting for their relationships with each other could disrupt good management of any one of them. For instance, how would a locality in eastern Virginia properly address the storm water regulatory program changes without factoring in the bay TMDL or sea level rise? Or how can a locality anywhere in the state address water supply planning without considering how regional storm water management could afford some measure of supply for certain uses now drawing on treated water supply or groundwater?

While the answers to the specific issues related to these challenges may still be unknown or evolving, a coordinated, strategic and holistic approach to deal with these challenges should offer overall planning and fiscal benefits over time. On the other hand, localities risk aggravating the individual challenges and their costs, and could forego opportunities to create synergies of effort and expenses, if a siloed approach is taken. An integrated approach is easier said than done, of course, but there are compelling reasons to make this effort to create possible broader solutions that will serve the community better in the end. Such integrated approaches may also provide justifications for projects that would otherwise be subject to objection by regulatory agencies, or allow them to provide grant funding that would otherwise not be available.

Localities are not completely alone or without resources in pursuing a more holistic strategy. There are regional planning districts, state and federal agencies, nonprofit organizations and business organizations that are prepared to assist localities in evaluating these issues and to offer expertise. Alternative financing mechanisms may be available in certain situations, especially for employing innovative use of natural resources and features, such as wetlands and buffers, as adaptation and defense measures for sea level rise and flooding. Purchase of development rights to manage growth in criti-

cal areas is one market-based method. Education of the community stands out as an essential measure, if nothing else than to provide some context for difficult policy decisions that may be made. Still, given the magnitude of these issues in their own right and especially when considering their combined effects, cogent and deliberate regional and state-level planning and flexibility, as well as financial support from state and federal sources, will be necessary to help most localities work their way through these issues.

Conclusion

For localities already feeling the stress of a generally difficult economic climate, swiftly changing regulatory and natural factors are converging in new and different ways that will affect how they manage and plan for their water-related resources, water-related property and economic development. Grappling with them holistically may serve to avoid unintended adverse consequences to any one, or at least shall provide a means to evaluate and address them in a coordinated manner. Localities will likely need to be creative and proactive in assessing these factors and developing proposed solutions, probably through partnerships with other stakeholders and interested parties. So while the challenges seem quite large at this point, not addressing them in a coordinated manner using the options that are available may serve only to make them that much more difficult and costly to address later. 

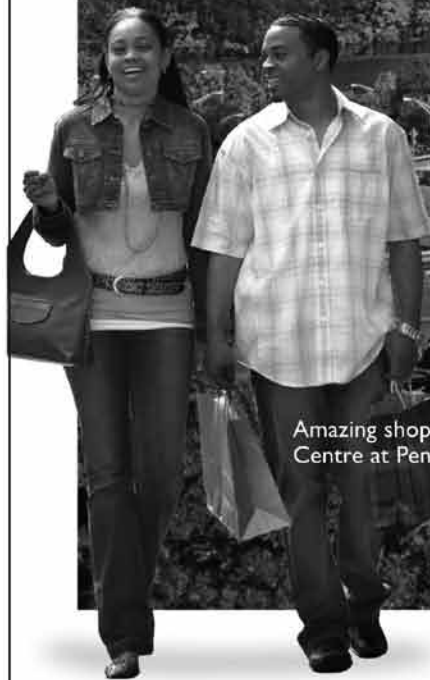
About the author

Henry R. 'Speaker' Pollard V is a partner with Christian & Barton, LLP, where he has practiced environmental and water supply law since 1995. Before joining the Richmond firm, Pollard served on the enforcement staff of the Virginia Department of Environmental Quality. He holds a bachelor's degree in chemistry from Hampden-Sydney College and received his law degree and his MBA from the University of Richmond. This article reflects the opinion of the author only and is not intended to represent the views or positions of Christian & Barton or its clients.

Arlington Welcomes VML in 2013!



Heavenly beignets at Bayou Bakery in Courthouse



Amazing shopping at The Fashion Centre at Pentagon City



People & art collide at Rosslyn's Artisphere

Arlington House, The Robert E. Lee Memorial



**VML Annual Conference
October 13-15, 2013
Crystal Gateway Marriott
Arlington, VA**

Arlington is thrilled to share with you its history, culture and fun during next year's Virginia Municipal League Annual Conference. Here, you'll find world-class dining, shopping and nightlife around every corner. You'll also experience national treasures like the Marine Corps War Memorial (Iwo Jima), Arlington National Cemetery, Arlington House - The Robert E. Lee Memorial, the U.S. Air Force Memorial and the National 9/11 Pentagon Memorial. And of course, the best of our Nation's Capital is right next door.

To start planning your trip, visit www.StayArlington.com or call (800) 677-6267.



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National History. Local Flavor.

Register now for VML Annual Conference in Arlington

THE 2013 VML Annual Conference will be held Oct. 13-15 in Arlington County at the Marriott Crystal Gateway

Because of the large size of this Marriott property, all conference attendees will be able to stay in it. There will be no overflow hotels. In addition, there is an incredibly convenient Metro subway stop connected to the hotel that attendees can access without walking outside. An assortment of restaurants, shopping and tourist attractions are all within a short walk or cab ride. The easy-to-navigate Metro system can speed visitors to attractions throughout the region.

Conference registration

Only people registered for the annual conference will be able to make reservations from the bloc of rooms reserved for VML. The conference registration form on Page 14 may be faxed or mailed to VML, P.O. Box 12164, Richmond, VA 23241; fax 804-343-3758. Checks for the registration fee should be made payable to VML. Purchase order numbers may be sent to indicate that payment is forthcoming. Credit cards for conference registration are not accepted. The deadline for registration refunds is Sept. 13. For information, call the league at 804-649-8471.

Hotel reservations

The hotel reservation form on Page 15 has complete information on the reservation process. Hotel rooms in the VML bloc are only available to people registered for the annual conference; your hotel reservation will not be made until VML has received your conference registration. Please note that hotel reservation forms should be sent by fax, mail or e-mail

to VML Housing Bureau, P.O. Box 241, Washington, VA 22747, phone: 540-675-3118, fax: 540-675-3176; e-mail vml@brmg.com. The deadline for reservations is Sept. 20.

If you book rooms that turn out not to be needed, cancel them as soon as possible so that the rooms can be resold. Please do not wait until the last minute.

appears on Pages 16 and 17.

U.S. Sen. Mark Warner has been invited to address the Monday general session. John Martin, the president of the Southeastern Institute of Research, Inc. and the co-founder of the Boomer Project, will give the keynote address at the Tuesday general session. Some of the other topics on the preliminary agenda range from

a review of pressing federal legislative issues playing out at the local government level and emerging trends in land use liability to implementation of the Affordable Care Act and how to become a brew-friendly community. In addition, sessions dealing with housing, social media and FOIA are among a number of others being planned. Tuesday night's closing banquet will feature not only remarks by the league's incoming president and the presentation of awards, but it will also include entertainment by the Capitol Steps, a

comedy troupe comprised of congressional staffers who perform original songs laced with political satire.

Mobile workshop

The Arlington conference also will offer VML's first-ever mobile workshop, focusing on the connection between development and transportation. There is no better place to see this connection than in Arlington County, and this Monday afternoon outing will allow participants to see those connections with their own eyes.

Virginia Mayors Institute

The Virginia Mayors Institute will be held Oct. 12-13, also at the Marriott Crystal Gateway. Be sure to list the right arrival date on your hotel reservation form if you are planning to attend this meeting!



VIRGINIA MUNICIPAL LEAGUE ANNUAL CONFERENCE

★ ARLINGTON ★

COOPERATE INNOVATE CHANGE

Host Night

Arlington County will stage an exciting Host County Night event at Artisphere, a vibrant arts center in Rosslyn where the county's extraordinary assortment of cuisine and culture will be on full display. The evening will include fine food and drink, as well as performances by two dance companies – Los Quetzales and Bowen McCauley Dance; music for dancing by Laissez Foure; and dessert accompanied by a quartet from the Ibis Chamber Society. Bus transportation will be provided.

Conference program

The conference will feature an assortment of educational programs relevant to many of the issues confronting local elected officials across the state. A preliminary agenda



CONFERENCE REGISTRATION FORM

VIRGINIA MUNICIPAL LEAGUE
ANNUAL CONFERENCE
★ ARLINGTON ★

COOPERATE INNOVATE CHANGE

October 13-15, 2013
Marriott Crystal Gateway
1657 South Eads Street, Arlington, VA 22202

Name _____ Nickname for Badge _____

Title _____ Locality/Agency/Firm _____

Telephone _____ E-mail _____

Address _____

City, State & Zip _____

Name of Spouse (If attending) _____

(Spouse/guests must be registered to attend receptions and host locality night)

Basic Registration Fee (includes activities on Sunday, Monday and Tuesday, except for ticketed events listed below; partial registration fees are not available).

Please check appropriate registration fee:

Member
 \$350

Non-Member
 \$475

Spouse
 \$150

Ticketed Events (please check the events you wish to attend and note additional charges):

VML Golf Tournament - East Potomac Golf Course at Haines Point. First tee-time is Sunday at 9 a.m. Registration form will be mailed upon receipt of **\$60** tournament fee, which includes the greens fee, golf cart and lunch.

Mobile Workshop on Smart Growth/Transportation - (Monday afternoon, 1:15-4 p.m. - **\$15**) Bus tour of Arlington County focused on connections between transportation and housing density.

National Black Caucus of Local Elected Officials Luncheon - (Monday - **\$40**)

Virginia Local Government Management Association Luncheon - (Monday - **\$40**)

Prayer Breakfast - (Tuesday - **\$30**)

Women in Local Government Luncheon - (Tuesday - **\$40**)

Optional Spouse Activity

Tour of Arlington House & Cemetery; includes lunch (Monday - **\$40**)

Total Registration Fees Due

\$ _____

Check enclosed (**check must be received within 30 days of registration**) **OR**

Purchase Order No. _____

We do not bill for registration fees. Please return completed form and purchase order or check payable to Virginia Municipal League, P.O. Box 12164, Richmond VA 23241. Credit cards not accepted. If this form is faxed, please do not mail. You may register on-site at the conference. For additional information call VML at 804/649-8471, Fax: 804/343-3758.

Deadline for registration refunds is Sept. 13, 2013. Refunds will not be given after this date. Please give notification of cancellations by fax, letter or e-mail (e-mail@vml.org).



HOTEL ROOM REGISTRATION FORM

VIRGINIA MUNICIPAL LEAGUE
ANNUAL CONFERENCE
★ ARLINGTON ★

COOPERATE INNOVATE CHANGE

October 13-15, 2013
Marriott Crystal Gateway
1657 South Eads Street, Arlington VA 22202

General Instructions

This form must be used to secure your housing accommodations for the 2013 VML Annual Conference or the Mayors Institute in Arlington, VA. All requests must be received in writing on this room reservation form. Each person requesting housing must submit a separate form. You may use a photocopy of this form if necessary. Please follow the instructions listed below to reserve your housing.

- Hotel rooms at the special VML rate **are only available to people registered** for the VML Annual Conference or the Mayors Institute.
- Use a separate form** for each housing reservation required. Photocopy this form, if necessary, to request housing for multiple registrants. **Couples need to only submit one form.**
- Reservations must be guaranteed by a major credit card. No checks will be accepted to guarantee room reservations.** The credit card will not be charged unless you fail to show up for your reserved room.
- Your housing confirmation will show the exact cost amount, including tax, of your reserved room. You may bring a check in this amount to the hotel with you to pay for your room if you do not wish to pay by credit card.**
- Deadline for reservations is September 20, 2013.** Requests received after that date will be handled on a space available basis with no guarantee that the special VML rate will be available.
- Deadline for cancellations of housing reservations is prior to 6:00 PM on your scheduled arrival day.**
- Deadline for cancellations of housing reservations without penalty is 72 hours prior to your scheduled arrival.

**PLEASE PRINT CLEARLY
AND ANSWER ALL QUESTIONS BELOW**

Last Name: _____ First Name: _____

Title: _____ Locality or Business: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Email: _____ Email CC to: _____

Room reservations cannot be confirmed until VML Conference registration is paid. All reservations must be made through the VML housing bureau to get the conference rate. **The hotel will not take reservations directly.**

Hotel & Address	No. of beds in room	No. of people in room	Daily Rates Incl. Tax
Marriott Crystal Gateway 1657 S. Eads St., Arlington, VA 22202	<input type="checkbox"/> 1 or <input type="checkbox"/> 2	<input type="checkbox"/> 1 or <input type="checkbox"/> 2	\$265.55

Arrival Date: _____ Departure Date: _____ Check if attending the Mayors Institute, Oct. 12-13.

Please note any special disability accommodations needed _____

Guarantee my hotel reservation by: Visa Mastercard American Express Discover

Credit Card #: _____ Exp: _____

Name on Card: _____ Signature: _____

Please return completed form to: VML Housing Bureau
P.O. Box 241
Washington, VA 22747

Phone: (540) 675-3118
Fax: (540) 675-3176
Email: VML@brmg.com

Confirmations will be emailed to the address(es) provided on your reservation form.



VIRGINIA MUNICIPAL LEAGUE
ANNUAL CONFERENCE
★ ARLINGTON ★

COOPERATE INNOVATE CHANGE

PRELIMINARY AGENDA

October 13-15, 2013

Marriott Crystal Gateway

1657 South Eads Street, Arlington, VA 22202

All activities take place at the Marriott Crystal Gateway, with the exception of Host Night and the ticketed spouse event on Monday.

Sunday, October 13

9 a.m. VML Golf Tournament
East Potomac Golf Course at Haines Point
Sponsored by Hurt & Proffitt

Don't miss this opportunity to play a great course in our nation's Capitol. East Potomac, part of the National Park System, is across the Potomac River from Crystal City. It has an 18-hole layout and two nine-hole courses that features views of the monuments, harbor, airport and the Potomac River.

1 - 3 p.m. Executive Committee Meeting

Noon - 6:30 p.m. Registration

1 - 6:30 p.m. Exhibit Hall

2 - 5 p.m. Long Bridge Park Tour
Bike or take a van to explore the creative redevelopment of a brownfield.

3 - 5 p.m. Legislative Committee Meeting

4 p.m. Nominations Committee

**4:30 - 6:30 p.m. Opening Reception
in the Exhibit Hall**

Monday, October 14

8 a.m. - 4 p.m. Registration

8 a.m. - 2:45 p.m. Exhibits

8 - 8:45 a.m. Continental Breakfast, Exhibit Hall

9 - 11:45 a.m. Opening session
Keynote speakers
Senator Mark Warner (invited)

11:45 a.m. - 1 p.m. NBC-LEO Program and Luncheon
(tickets required)

**11:45 a.m. - 1 p.m. Virginia Local Government
Management Association Luncheon**
(tickets required)

11:45 - 1 p.m. Lunch in the Exhibit Hall

1:15 - 2:30 p.m. Concurrent Sessions

Mobile workshop: Smart growth & transportation (pre-registration, extra fee required). Tour of Arlington County focused on the link between development and transportation.

Breakout Sessions

Intervention program for substance abuse among teens
Land use liabilities – sponsored by VML Insurance Programs
Federal issues update
Affordable Care Act
Town track: Cigarette taxation

2:30 - 2:45 p.m. Refreshment Break

2:40 p.m. Raffle Drawing in the Exhibit Hall
Please note that Exhibit Hall closes at 2:45 p.m.

2:45-4 p.m. Concurrent Sessions

Mobile workshop - continued

Breakout sessions

Storm water innovations
Social media issues
Encouraging a brew-friendly community
Property code enforcement
Transit funding update

6 - 9 p.m. Host County Night
An evening at Artisphere -
Sponsored by Arlington County

Enjoy an evening of fine food and drink, as well as performances by two dance companies – Los Quetzales and Bowen McCauley Dance; music for dancing by Laissez Fourre; and dessert accompanied by a quartet from the Ibis Chamber Society. Bus transportation will be provided.

Tuesday, October 15

7:45 - 8:45 a.m. Prayer Breakfast
(tickets required)

8 - 9 a.m. Continental Breakfast

8 a.m. - Noon Registration

Tuesday, October 15 continued

9 - 10:30 a.m. General Session
Keynote Address - Responding to
Changing Demographics
Speaker - John Martin, Southeastern
Institute of Research

10:30 - 10:45 a.m. Refreshment break

**10:45 a.m. - Noon City, Town and Urban Section
Elections & Workshops**

The annual meetings of the City, Urban and Town Sections include the election of the chair and vice chair of each section and a workshop. The chair of each section sits on the VML Executive Committee.

City Section: Housing issues

Town Section: Town County relations

Urban Section: Turning around low performing schools

Noon - 1:15 p.m. Group Luncheon
Keynote address-Workplace Incivility
Sponsored by VML Insurance Programs

**Noon - 1:15 p.m. Women in Local Government
Luncheon** (tickets required)

**1:20 - 3 p.m. Concurrent Workshops
& Local Government Round Tables**

Freedom of Information Act

University/Communities Connections

Local Government Roundtables

Appalachian Trail Community designation
Bells & whistles & trains
Effect of insurance changes on coastal communities
Establishing a public arts foundation
First-time homeowner program
Gang prevention
HEAL Communities
Improving bicycling access
Regulating food trucks
Role of SCC in utility regulation and rates
Smart phone applications for local governments
Solar battery banks for critical infrastructure
Tourism assessments
Urban wildlife management

**3:10 - 4:30 p.m. Business Meeting
& Election of Officers**

5:30 - 6:15 p.m. Reception

6:15 - 9 p.m. Annual Banquet
Remarks by Incoming President
Presentation of Achievement Awards
Entertainment: The Capitol Steps

30 YEARS
1981-2011

The Capitol Steps

Always Fresh And Crispy,
Right From The Headlines!

We put the **MOCK** in Democracy!

Collaboration brought clarity of purpose in Purcellville

THE TOWN OF Purcellville in Loudoun County made a major decision more than a decade ago to create an innovative path to guide its future. To pursue that goal, everyone involved needed to work together as stewards of the public trust. Keeping everyone engaged, energized and working as a unified team was the challenge. Sensing a possible shift away from the collaboration of the past because of changes in elected officials, advisory boards and staff, the town sought a way to recapture earlier energy. Marshall-Wagner Associates (MWA) stepped in using an “Appreciative Inquiry” approach to assist in refocusing the town’s efforts.

A positive journey

Appreciative Inquiry (AI) taps into inherent strengths and creates a future of the possible within groups. MWA, using facilitated sessions, focused on increasing what teams do well rather than on eliminating what they do badly. Traditional approaches seek problems to solve where AI-driven workshops appreciate what you have, envision what could be, engage in what should be, and innovate what will be.

Town leaders focused on three aspects of operations: Town Council-board relations, the workings of a volunteer board, and town staff. The intent was to foster more positive relationships and build on the potential of the groups. MWA outlined a “purpose, planning and execution” approach. Each group worked through a purpose exercise to galvanize its efforts, conducted an asset or strengths-based planning session, and finally developed a charter for achieving their objectives.

Working together

Relationships among the Town Council, Planning Commission and Board of Architectural Review

members were stagnating. There was work to do, but impasses around style, structure and strategy had stopped progress. Facilitating an evening working session, MWA engaged the joint groups in establishing a purpose, working in cross-board teams to develop a picture of the future, and laying out major objectives and work plans.

Re-energizing a board

Heavy turnover found the Economic Development Advisory Council (EDAC) unable to provide clear, sound advice to Town Council. Over two sessions, the EDAC – working with a MWA facilitator – defined its purpose and brainstormed what could be. Engaging with senior staff and council, EDAC determined its priorities and developed teams based on strengths to begin the work.

Staff role

The town manager asked MWA to develop a workshop for senior staff. The six-hour session provided tools, self-assessments and a team-purpose exercise to help staff to reset, recharge and resolve the challenges of working as public servants.

Continued success

Purcellville understands that it takes commitment and continuous improvement to maintain the pace needed to support innovation and be good stewards of the public trust. The objective was to provide tools and techniques to bring out the best in everyone and inject new energy into



Professionally facilitated small group workshops like this one in Purcellville create focus and energy for key programs and projects.

the town. The town has increased the efficiency and effectiveness of key teams with new purpose and a focused agenda building on the success of the past with an eye to the future.



Marshall-Wagner Associates provides local governments with a full service consulting and services network that includes HR services, readiness exercises, team workshops, strategic planning and community engagement.

Contacts:

Rob Lohr
Town Manager
rlahr@purcellvilleva.gov

Greg Wagner
Chief Collaborator and General Partner
MWA – Purcellville
greg@marshallwagnerllp.com
www.marshallwagnerllp.com

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

VML maintains a detailed listing of local government job openings on its website at <http://www.vml.org/JOBS/Jobs.html>.

Human Resources Director, Martinsville

SALARY: \$66,635-\$83,293 DOQ/DOE (+) benefits. (pop. 13,628; 333 FT and 180 PT employees; 11.2 sq. miles. Manages and oversees recruitment and selection activities as well as classification, compensation, benefits, wellness and workers' compensation programs. Reqs. bachelor's degree with major work in public administration, H.R. mngmnt. or related field, supplemented by 8 yrs. progressively responsible public sector personnel mngmnt. exper., or any equiv. comb. of exper. and training. Prefer SPHR or IPMA-CP certification or comparable professional certification. Submit resume and req'd city application to: City Manager's Office, P.O. Box 1112, Martinsville, VA 24114. Complete job description and application at: www.martinsville-va.gov. Deadline: Aug. 21. EOE.

Project Manager for Construction and Engineering (Capital Projects), Leesburg

SALARY: \$67,454-\$113,217 DOQ/DOE (+) benefits. Reqs. bachelor's degree (master's preferred) with major course work in civil engineering, construction management or a related field, or equiv. comb. of educ. and exper.; min. 5 yrs. exper. in civil engineering construction or construction mngmnt.; knowledge of AutoCAD, Primavera, MS Project, or equiv. Prefer P.E. license, CCM and 5-10 yrs. exper. in design and construction of civil engineering projects. Town of Leesburg application req'd. Go to www.leesburgva.gov/jobs to apply online. Open until filled. EOE.

Combination Code Inspector, Portsmouth

SALARY: \$38,181-\$66,588 DOQ/DOE (+) benefits. Performs technical and enforcement duties to ensure that the state's building, electrical, mechanical, and plumbing codes and regulations and other aspects of the Va. Uniform Statewide Building Code are enforced. More info and application at www.portsmouthva.gov. Submit city application to: City of Portsmouth, Department of Human Resource Management, 801 Crawford St., Portsmouth, VA 23704. Open until filled. EOE.

Director of Engineering, Gloucester County

SALARY: \$66,577-\$106,523 DOQ/DOE (+) benefits. Supervises the design and construction of all county properties. Reqs. bachelor's degree or engineering degree with concentration in civil engineering, urban and regional planning, or a related field and 6-9 yrs. progressively responsible exper. in municipal program engineering, including min. 5 yrs. responsible supervisory exper. as a senior local govt. engineer; or any equiv. comb. of training and exper. Must be registered as a P.E. by state of Va. Prefer Construction Document Technologist (CDT) certification from the Construction Specifications Institute. Submit resume, cover letter and 3 professional references with an online application. Complete job description and apply online at www.gloucesterva.jobs. Deadline: Aug. 25. EOE.

Principal Transportation Engineer/Planner - Long Range Planning, Hampton Roads Transportation Organization

SALARY: \$73,500-\$100,500 start range DOQ/DOE (+) benefits. Lead team developing a multi-modal long-range transportation plan for the region, subject to federal requirements of metropolitan planning. Reqs. master's degree in civil engineering or urban planning with a focus on transportation and 10-plus yrs. progressively responsible exper. P.E. or AICP certification a plus. Full description at www.hrtpo.org/page/employment. Send resumes to: Kelli Peterson, Human Resources Administrator, Hampton Roads Planning District Commission, 723 Woodlake Drive, Chesapeake, VA 23320 or by e-mail to kpeterson@hrpdvca.gov. Open until filled. EOE.

Plant Mechanic - Opequon Water Reclamation Facility (Public Services Department), Winchester

SALARY: \$30,784-\$49,254 (+) benefits. Responsible for installing, inspecting, troubleshooting, maintaining and repairing machinery, equipment, physical structures, piping and electrical systems in wastewater treatment plant, water treatment plant and the collection/distribution system; performing routine and preventive maintenance on equipment associated with the operation of the wastewater treatment facility. Reqs. any comb. of a H.S. diploma or GED and 1 yr. of relevant exper. and/or training. To learn more or apply, visit www.winchesterva.gov/employment. Open until filled. EOE.

Fleet Manager, Herndon

SALARY: \$52,266-\$66,288 DOQ/DOE (+) benefits. Coordinate and monitor all aspects

of maintenance/repair for vehicles and equipment. Reqs. CDL Class A, Va. State Inspector license, ASE refrigerant/recycling certification, 6-9 yrs exper. in small engine, automotive, heavy equipment repair; hands-on supervisory exper. Weekdays plus on-call duties. Call 703-481-1185, e-mail jobs@herndon-va.gov or visit www.herndon-va.gov for application/information. Open until filled. EOE.

Environmental Specialist, Franklin

SALARY: \$50,000-\$55,000 DOQ/DOE (+) benefits. Responsibilities include plan review; administer, inspect and enforce environmental regulations, including erosion and sediment control; stormwater management and floodplain regulations. Reqs. min. of bachelor's degree in environmental science, biology, civil engineering, soil conservation, planning, construction management or related field; exper. in construction management or any equiv. comb. of educ. and exper. For a full job description, contact the H.R. Department, 207 W. 2nd Ave., Franklin, VA 23851; 757-562-8508. Submit a complete resume w/references and cover letter to Carolyn S. Joyner at above address. Open until filled. EOE.

Environmental Compliance Officer, Franklin

SALARY: \$30,000-\$35,000 DOQ/DOE (+) benefits. Administers, inspects and enforces environmental regulations, including erosion and sediment control, stormwater management, and floodplain regulations. Reqs. min. of associate's degree with environmental / construction focus; prefer bachelor's degree in engineering, hydrology, environmental science, planning or related field, or a satisfactory comb. of educ. and relevant exper. For a full job description, contact the Human Resources Department, 207 W. 2nd Ave., Franklin, VA 23851; 757-562-8508. Submit a complete resume w/references and cover letter to Carolyn S. Joyner at above address. Open until filled. EOE.

Police Chief, Colonial Beach

SALARY: \$60,000 to start (+) benefits. (Pop. 3,542 / appx. 10,000 in summer) Reqs. bachelor's degree (master's desirable), preferably in criminal justice, criminology or related field; min. 10 yrs. of progressively responsible exper. in law enforcement and public safety as a sworn police officer certified by the VDCJS or equiv. agency from another state. Completion of a national law enforcement mngmnt. training program such as the FBI National Academy is desirable; or equiv. comb. of educ. and exper. Screening process to begin in late August. Submit all applications materials online.

Submit resume, cover letter and a min. of 3 references to: Kathleen Flanagan, town clerk, at kflanagan@colonialbeachva.net. Open until filled. EOE

Business Development and Events Coordinator, Bowling Green

SALARY: Negotiable to \$40,000 DOQ/DOE. Flexible hours and contractual arrangement possible. (Pop. 1,100) Identify, develop, plan and promote events for town in Caroline County that includes a Main Street and shopping center areas. Also, will attract new commercial uses to town and work directly with local businesses and town EDA. Grant application and administration exper. a plus. Obtain application at www.townofbowlinggreen.com, or at Town Hall, 117 Butler St., P.O. Box 468, Bowling Green, VA 22427. Submit application and resume to Town Manager at above address. Open until filled. EOE.

Civil Engineering Inspector (Public Works), Falls Church

SALARY: \$50,602-plus DOQ/DOE (+) benefits. Responsibilities include inspecting and monitoring construction, which includes residential and commercial projects, streets, water and sewer lines, and storm drains. Reqs. bachelor's degree with major course work in engineering or related field (E.I.T. certification preferred); ability to obtain Va. certification as an Erosion and Sediment Control Inspector within 6 mos. An equiv. comb. of training and exper. may be considered. Full job description at: <http://bit.ly/14O6PXy>. Send resume to: City of Falls Church, HR Division, 300 Park Ave., Falls Church, VA 22046 or hr@fallschurchva.gov. Applications and resumes received by Aug. 16 receive priority consideration. Open until filled. EOE.

Civil Engineer (Public Works), Falls Church

SALARY: \$67,343-plus DOQ/DOE (+) benefits. Responsibilities include designing, reviewing, inspecting and monitoring public construction projects, which includes projects involving streets, sewer lines, storm drains, and other aspect of the City's infrastructure. Reqs. bachelor's degree in civil engineering or related field and registration as a P.E. in Va.; min. 7 yrs. exper. in a responsible position in the engineering field. See <http://bit.ly/18Sx0k5> for additional information. Send resume to: City of Falls Church, HR Division, 300 Park Ave., Falls Church, VA 22046 or hr@fallschurchva.gov. Applications and resumes received by Aug. 16 will receive priority consideration. Open until filled. EOE.

Director of Engineering and Utilities, Prince George County

SALARY: \$77,945-\$124,713 DOQ/DOE (+) benefits. (Pop. 36,000; Richmond MSA) Reqs. any comb. of educ. and exper. equiv. to a bachelor's degree with major course work in civil engineering and extensive civil engineering and utilities exper.; registration as a P.E. in Va. or if registered as a P.E. out of state, must achieve Va. certification within 1 yr. Most possess or have ability to obtain water and wastewater operator's licenses. To apply online, visit www.prince-georgeva.org or <http://bit.ly/1b6N0Q5>. Applicants must complete an online county application and submit a detailed cover letter, resume, salary history and 3 work-related references. For additional info, call 804-722-8669. Deadline: Aug. 16. EOE.

Assistant County Administrator, Lancaster

SALARY: DOQ/DOE (+) benefits. Performs general govt. administrative functions, as well as budgetary and related financial duties as finance director, including grant administration and procurement. Reqs. bachelor's degree (master's preferred) in public admin., govt., political science, finance or other public sector-related field; min. 5 yrs. public admin. and/or public finance-related exper., preferably in local govt.; or an equiv. comb. of public sector-related educ., training and exper. Prefer proficiency in Bright financial software. Complete job description and county application available at www.lancova.com. Submit letter of interest, county application, min. 5 professional references, salary history and any other documentation of qualifications to: Lancaster County Administrator's Office, 8311 Mary Ball Road, Lancaster, VA 22503. Open until filled. EOE.

County Administrator, Isle of Wight

SALARY: Negotiable DOQ/DOE (+) benefits. (Pop. 35,356) Must be a collaborative leader, providing administrative direction to dept. heads by communicating effectively. Reqs. a bachelor's degree (master's preferred) in public or business admin., political science, or related field; extensive, progressively responsible public sector exper., including a thorough understanding of the legislative process, govt. budgeting and multi-funded financing operations. Successful candidate must reside in the county within 6 mos. of commencing employment. County employment application available at www.co.isle-of-wight.va.us/human-resources. Submit application, resume and cover letter to: Human Resources, P.O. Box 80, Isle of Wight, VA 23397. Deadline: Aug. 19. EOE.

Assistant Director of General Services, Isle of Wight County

SALARY: DOQ/DOE (+) benefits. Manages the Public Works, Engineering and Public Utilities divisions. This includes overseeing the county's building maintenance, solid waste, water and sewer systems, storm water management, erosion and sediment control, construction administration, and engineering functions. Reqs. exper. in the design, coordination and construction of a variety of public projects, including water, sewer, roads, drainage, parks, landfills, buildings and landscaping. Reqs. bachelor's degree in civil engineering or 8-10 yrs. of relevant, progressively responsible work exper. Preference given licensed P.E.s with local govt. exper. County employment application available at www.co.isle-of-wight.va.us/human-resources. More info at www.ivus.net or call 757-365-6263. Submit application, resume and cover letter to: Human Resources, P.O. Box 80, Isle of Wight, VA 23397. Open until filled. EOE.

Licensed Practical Nurse, Chesapeake

SALARY: \$33,768 (+) benefits. Provides care and support to residents of the ICF/IID who experience intellectual as well as physical/sensory disabilities under medical supervision. Reqs. diploma in practical nursing and licensure as an LPN by the state of Va. or a reciprocal state. Also reqs. certification in CPR, Multi-media First Aid, and Handle With Care. May req. valid driver's license. Reqs. min. of 1 yr. of FT exper. Apply at www.cityofchesapeake.net. Deadline: Aug. 13. EOE.

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

FOIA workshops scheduled around state in September

THE VIRGINIA FREEDOM of Information Advisory Council will hold four in-depth regional workshops in September. The four-and-a-half hours of workshops and training will provide a comprehensive review of the act and its application to local governments. The cost is \$45, which includes breakfast, lunch and training materials.

The workshops will be held:

Richmond – Sept. 10

The Richmond Magnuson Grand Hotel & Conference Center
6531 W. Broad St.
Richmond VA 23230

Lebanon – Sept. 16

Southwest Virginia Technology Development Center
Russell County Conference Center
139 Highland Drive
Lebanon VA 24266

Lynchburg – Sept. 17

Kirkley Hotel & Conference Center
2900 Candler Mountain Road,
Lynchburg VA 24502

Harrisonburg – Sept. 18

Holiday Inn Harrisonburg
1400 E. Market St.
Harrisonburg VA 22801

An electronic registration form is available on the FOIA Council website at <http://foiacouncil.dls.virginia.gov>. If you have questions or require further information, contact Maria J. K. Everett at (804) 225-3605 or 1-866-448-4100 (toll free) or Darlene Jordan at (804) 786-3591 (ext. 282) or djordan@dls.virginia.gov.

NOTE: *As in past years, attorneys can earn MCLE credits for attending. The training is also recognized by the Department of Criminal Justice Services for legal and elective in-service credit and the Municipal Clerks Association.*

FOIA 2013 workshops agenda

8:30 - 9 a.m.	Registration & Continental Breakfast
9 - 10:30 a.m.	Open Records under FOIA: Basic procedures, rights and responsibilities, and their practical application
10:30 - 10:45 a.m.	Break
10:45 a.m. - 12:15 p.m.	Hot Topics: Interaction between FOIA, Email, Social Media, and Records Management.
12:15 - 1 p.m.	Lunch (Lunches Provided)
1 - 2:30 p.m.	Concurrent sessions: Navigating through FOIA's Open Meeting Requirements; closed meeting exemptions. Law-Enforcement Records: Balancing Public Safety with the Right of Access.






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A legal blow to sustainable development

{Reprinted from *The New York Times*}

LOST AMID the Supreme Court's high-profile decisions on affirmative action, voting rights and same-sex marriage was another ruling that may turn out to have a profound impact on American society. The court also handed down a decision that, in the words of Justice Elena Kagan, will "work a revolution in land-use law."

While that may sound obscure, the decision in *Koontz v. St. Johns River Water Management District* will result in long-lasting harm to America's communities. That's because the ruling creates a perverse incentive for municipal governments to reject applications from developers rather than attempt to negotiate project designs that might advance both public and private goals – and it makes it hard for communities to get property owners to pay to mitigate any environmental damage they may cause.

The court's 5-to-4 decision, with Justice Samuel A. Alito Jr. writing for the majority, arose from an order issued by a Florida water management district denying an application by Coy A. Koontz Sr. to fill more than three acres of wetlands in order to build a small shopping center. The district made clear that it was willing to grant the permit if Mr. Koontz agreed to reduce the size of the development or spend money on any of a variety of wetlands-restoration projects designed to offset the project's environmental effects. Because Mr. Koontz declined to pursue any of these options, the district denied the permit.

Mr. Koontz, who is now deceased, went to court and claimed that the permit denial constituted a "taking" under two Supreme Court precedents, *Nollan v. California Coastal Commission* and *Dolan v. City of Tigard*. These cases established that when the government approved a development subject to certain conditions,

like a requirement that a developer dedicate an easement to the public, the conditions would be deemed an appropriation of private property unless the government could show a logical relationship and a "rough proportionality" between the conditions imposed and the projected effects of the development.

The Florida Supreme Court rejected Mr. Koontz's takings argument on two grounds. First, it interpreted *Nollan* and *Dolan* as being limited to cases in which the government has issued a permit subject to a condition – not in those in which a permit has been denied. Second, it ruled that *Nollan* and *Dolan* applied only when the government's condition took an interest in some tangible property (like demanding an easement, for example), not when a government imposed a generalized requirement on someone to spend money.

In what can fairly be described as a blockbuster decision, the Supreme Court has reversed the Florida court on both points.

Leaving the majority's legal reasoning aside, the Supreme Court's ruling is likely to do some serious real-world damage. As Justice Kagan correctly explains in her dissent, the decision will very likely encourage local government officials to avoid any discussion with developers related to permit conditions that, in the end, might have let both sides find common ground on building projects that are good for the community and environmentally sound. Rather than risk a lawsuit through an attempt at compromise, many municipalities will simply reject development applications outright – or, worse, accept development plans they shouldn't.

"Nothing in the Takings Clause requires that folly," Justice Kagan said. But arguably it does now.


As for the second part of the majority's ruling, that *Nollan* and *Dolan* apply to permit conditions

requiring the general expenditure of money, that will also have unfortunate consequences. Cities and towns across America routinely attach fees and other payment obligations to permits, for example, to support wetlands mitigation banks, to finance roads, to pay for new schools or to build affordable housing.

While, to be sure, such mandates must be reasonable under the Constitution, the revolutionary and destructive step taken by the court in *Koontz* is to cast the burden on the government to justify the mandates according to the heightened *Nollan-Dolan* standard. This is contrary to the traditional court approach of according deference to elected officials and technical experts on issues of regulatory policy. Moreover, this heightened standard will result in a huge number of costly legal challenges to local regulations.

Consider the challenges of waste disposal. Many communities impose development-impact fees on developers if a proposed project would require expanding waste-disposal sites or building new ones. Before *Koontz*, a developer could raise a constitutional challenge if the charges were unreasonable, but judges typically deferred to local governments in such cases.

After *Koontz*, developers have a potent new legal tool to challenge such charges because now the legal burden of demonstrating their validity is on the communities themselves.

In the wake of this under-the-radar ruling, the cost of protecting a community from a harmful building project now lies not with the developer but with the local residents and taxpayers. It's hard to fathom that the framers of the Constitution would call this either fairness or justice. 

About the author

John D. Echeverria is a professor at Vermont Law School.



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