

# VIRGINIA

TOWN & CITY

VOL. 49 NO. 4  
MAY 2014

The magazine of the  
Virginia Municipal League



So you've gone and  
gotten yourself elected

# Now what?

**Also inside:**

2014 General Assembly wrap-up



## Is your playground equipment safe?

Each year members of VML Insurance Programs (VMLIP) take advantage of \$250,000 in Risk Management Grant funds to purchase vital equipment and training to strengthen their risk management programs.

Funds have been used to replace aging playground equipment, for crowd control barriers, lightning detectors, and any number of items that aid in risk management. This year grant funding will be distributed equally in two cycles - the first running **July 1 - December 31.**

Funding is allocated on a first-come, first-served basis and members are encouraged to apply early! To learn more about VMLIP Risk Management Grants, visit: [www.vmlins.org](http://www.vmlins.org) or call (800) 963-6800.





### About the cover

For newly-elected local government officials in Virginia, becoming more acquainted with their roles and responsibilities as soon as possible is crucial. This issue of Virginia Town & City was assembled to help these new officials perform their duties effectively and avoid any number of unnecessary pitfalls.

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## Features

### Now what? 50 tips for newly-elected local government officials

You've just been elected to the council in your city or town. Congratulations! But now comes the hard part: Learning to govern – and to govern effectively. These survival tips will get you off on the right foot so that you can accomplish your goals.

By VML staff and the Georgia Municipal Association

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### Conflict of Interests Act is essential reading for elected officials

Elected officials are required by state law to read and familiarize themselves with The Virginia Conflict of Interests Act, which regulates the financial relationship of elected officials with their local government and with any other governmental agency that is related to the municipality. Not understanding the law risks landing an elected official in hot water, including jail.

By Mark K. Flynn

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### Effective public meetings essential for successful governance

A meeting is not an isolated event, but rather one lap of a long race. The substance of a meeting is related to earlier meetings, and to later ones. Experiences of members in a meeting will provide critical background for their future behavior. A successful council member concentrates on the long run.

By Jack D. Edwards

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### General Assembly 2014: No budget, but plenty of other legislation to assess

For the sixth time since 1998, the General Assembly adjourned its regular session without adopting a budget. At this issue of Virginia Town & City went to press, it was not clear how the impasse might be resolved, or what will happen if a budget for the upcoming biennium is not adopted. There was, however, plenty of legislation passed that local governments should evaluate.

By VML staff

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# Next stop: The Historic Triangle

**T**HE WINN CLAN JOURNEYED east from Richmond along Interstate 64 to visit Williamsburg, Jamestown and Yorktown during Spring Break. For a family that enjoys soaking up history as much as ours, it was quite an amazing experience. First, thank-you to Matt Polansky at the Colonial Williamsburg Foundation for helping with the arrangements. Matt's assistance was invaluable and made the trip a special one.

Next, I must applaud the City of Williamsburg, York County and James City County on their collaboration with Colonial Williamsburg and the state and federal entities that oversee Yorktown and Jamestown. These communities and attractions have branded themselves as the "Historic Triangle." Together, Williamsburg, Jamestown and Yorktown comprise three of the most significant locations related to the history of not only our great state, but also the nation. With effective signage and a variety of marketing materials, they encourage visitors to tour and explore the entire area. That level of collaboration is to be commended and appreciated for the value that it adds to the experience of visitors.

I'm sure that most Virginians don't need to be told everything about the treasure that is Colonial Williamsburg and the surrounding areas. So I thought that I would hit the "must-sees" of our vacation.

## Williamsburg

I have two must-sees from Colonial Williamsburg. First, I highly recommend a dinner by candlelight at the King's Arms Tavern. The tavern is designed to give the diner the feel of an authentic Colonial meal. There are literally no lights in the dining area. So as the evening grows later and the candlelight flickers around the darkening room, you are transported to the Colonial period in a unique and delightful way. The food was terrific and the wait staff worked hard to educate us with fun facts and trivia about Colonial times. Much to our surprise, we were even serenaded by a young man dressed in period clothing playing a flute. Not only was he incredibly talented, but he was extremely knowledgeable and readily answered questions.

My next must-see in Colonial Williamsburg was the Governor's Palace. Now, I had been to Williamsburg before, but the rest of my family had not. In my previous visits, I had seen the Governor's Palace but I had never taken the actual tour. I highly recommend it. The palace is truly remark-

*Continues on page 6*



**Make sure to tour the Governor's Palace in Williamsburg.**



**A voyage on the schooner Alliance out of Yorktown includes a dose of the area's rich naval history.**



## **Can You Count On Your Financial Partner?**

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**Foshee chosen as Clerk of the Year**



- Foshee -

Deputy Newport News City Clerk **Pamela L. Foshee, MMC**, was selected as the 2014 Clerk of the Year by the Virginia Municipal Clerks Association at its annual conference in Norfolk this spring. She was one of 11 clerks from across the state nominated for the honor based on service to the association, extraordinary job performance and community engagement.

Foshee, treasurer of the association since 2006, received multiple nominations for her dedication to the profession, strong work ethic and outgoing personality. She has worked for Newport News for 10 years, eight of them in the City Clerk's Office as a deputy city clerk. Prior to her service with the city, she worked as an office manager at Old Dominion University in Norfolk.

**Kinsman named James City assistant**



- Kinsman -

James City County Deputy County Attorney **Adam Kinsman** was named assistant county administrator effective May 1.

Kinsman came to James City as an assistant county attorney in 2005 and was promoted to deputy county attorney in 2007. He had filled the position of acting assistant county administrator since March.

**Manassas mayor cited as tourism champion**



- Parrish -

Manassas Mayor **Harry J. Parrish II** was presented with the Discover Prince William and Manassas Tourism Champion Award recently. This was the inaugural year for the Discover Prince William and Manassas awards program.

Parrish received the award for recognizing the importance of tourism to the community, supporting tourism partner organizations and showcasing the City of Manassas and the greater Prince William area as a great place to live, work, play and visit.

**Norfolk city manager given Hirst award**



- Jones -

Norfolk City Manager **Marcus Jones** has been awarded the Julian F. Hirst Award for Distinguished Service by the Hampton Roads chapter of the American Society of Public Administration. The award is given to a public administrator with: A record of outstanding performance in public service; exceptional leadership, creativity, integrity and response to challenge; dedication to democratic ideals; sensitivity to the need to adapt government to changing problems; and commitment to professionalism and development of useful skills.

As Norfolk city manager since 2011, Jones has developed programs and services that provide increased customer service to city residents and elevated Norfolk to the national and international stage. S&P's upgraded Norfolk's bond rating, a first in 50 years, recognizing Norfolk's strong financial health and management oversight.

**LGA names Tokarz as top assistant**



- Tokarz -

The Local Government Attorneys of Virginia presented Henrico Deputy County Attorney **Tom Tokarz** recently with its 2014 Cherin Award, which is given to an outstanding deputy or assistant local government attorney.

Tokarz, who was presented with the award at the association's recent spring conference in Charlottesville, has worked in the Henrico County Attorney's Office for 34 years. The award recognized Tokarz for his "dem-

onstrated distinguished public service that has enhanced the image of local government attorneys in the Commonwealth." It was established in 1994 and renamed in 2000 to honor the memory of Bob Cherin, an outstanding local government attorney who served in the Fairfax County Attorney's Office.

**W&M honors Tuttle with community award**



- Tuttle -

The College of William & Mary presented Williamsburg City Manager **Jack Tuttle** recently with its Prentis Award, which recognizes individuals who have made notable contributions to the community. The award is named for the proprietors of an 18th-century store on Duke of Gloucester Street that was a focal point of the community.

William and Mary President Taylor Reveley called Tuttle "a major force for both desirable continuity and essential change" both locally and regionally. "Along the way," Reveley added. "He has been a steadfast friend of William and Mary, helping bring the college and the city together in pursuit of the common good. His steady hand and excellent judgment have served us all well."

Tuttle has served as Williamsburg city manager since 1991.

**Roanoke's Lea appointed to Virginia Parole Board**



- Lea -

Roanoke City Councilman **Sherman Lea** has been appointed to the Virginia Parole Board by Gov. Terry McAuliffe.

Lea will serve a four-year term on the five-member board that makes decisions on conditional release from prison of parole-eligible inmates and the revocation of parole, and may advise the governor on executive clemency. The board can also act on geriatric requests for conditional release from prison.

Lea worked for the Virginia Department of Corrections for 35 years before retiring in 2012. He started as an institutional parole officer in Rich-

mond, according to a news release from the governor's office. He later served as an adult probation and parole officer in Danville and was the first black chief probation and parole officer in the state, the release said.

**Oksman named opinions counsel**



- Oksman -

Portsmouth City Attorney **G. Timothy Oksman** was appointed as opinions counsel by Attorney General Mark Herring. Oksman will lead the process by which the attorney general fulfills his statutory obligation to provide legal opinions to authorized recipients, including the governor, legislators, state agencies, constitutional officers, and other state and local officers and employees.

In addition to his service in Portsmouth, Oksman served as city attorney in Richmond and as assistant county attorney in Henrico.

**Norfolk's Howard honored by APWA**

The American Public Works Association has named Norfolk Waste Management Superintendent **Harvey Howard** as its Professional Manager of the Year - Solid Waste Award winner for 2014.



- Howard -

The award recognizes exceptional management, operation and maintenance of public sector solid waste operations. Howard joined the city as superintendent of waste management in 2011. He is responsible for the operations and coordination of the city's refuse, yard waste, recycling and bulk waste.

Prior to joining the city, Howard served as the Solid Waste-Fleet Maintenance Services superintendent for Chapel Hill, N.C. He will receive the award at the International Public Works Congress and Exposition in Toronto later this year.

**Daley selected as Emporia assistant**



- Daley -

**Edwin C. Daley**, former city manager in Hopewell and Winchester, was named assistant city manager in Emporia recently. Daley, who has 40 years of experience in local government management and who is a past president of the International City/County Management Association, had been serving as projects administrator for the city.

Daley will continue to coordinate

capital projects, including neighborhood improvements, street, sewer and storm drainage improvements, business district revitalization, Main Street enhancement and animal shelter improvements.

**Rosenbaum named VMCA president**



- Rosenbaum -

Abington Town Clerk **Cecile M. Rosenbaum**, MMC, was elected president of the Virginia Municipal Clerks Association (VMCA) for 2014-2015 recently.

Also elected during the association's annual conference and business meeting held April 16-18 in Norfolk were: Fauquier County Deputy Clerk **Renée P. Culbertson**, MMC, first vice president; Roanoke Deputy City Clerk **Jonathan E. Craft**, CMC, second vice president; Henrico County Administrative Assistant/Deputy Clerk **Tanya Harding**, treasurer; Virginia Beach Deputy City Clerk **Sandy Madison**, CMC, secretary; and Colonial Heights City Clerk **Pam Wallace**, historian.

**Suffolk's Sary earns state tourism honor**



- Sary -

The Virginia Association of Convention and Visitors Bureaus named Suffolk Visitor Center Coordinator **Kevin Sary** "visitor center manager of the year" at its recent spring meeting in Loudoun County.

Sary has played an integral role with the Suffolk Division of Tourism since 2007. He was promoted to his current position in 2010 and oversees the operation of the visitor center, as well as managing the Suffolk Farmers' Market and overseeing the division's tour program. Sary counts wearing a bow tie and top hat as part of his duties as he routinely leads groups through downtown on the 90-minute Legends of Main Street: A Suffolk Ghost Walk, which he researched and developed.

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### Loudoun OKs adoption of pit bull terriers

The Loudoun County Board of Supervisors has approved a change in the county's animal adoption policy to allow the adoption of Pit Bull Terriers. For the first time in nearly 50 years, Pit Bulls can now be adopted directly from Loudoun County Animal Services. The policy change went into effect immediately.

"We are ecstatic about this change," said Shelter Administrator Amy Martin. "LCAS has transferred about 82 wonderful Pit Bulls in the past several years to our tremendously supportive rescue partners. I am thrilled that we will now be able to find these dogs homes directly from our shelter."

### Creeper Trail gains national recognition

The Rails-to-Trails Conservancy will induct the Virginia Creeper National Recreation Trail into the Rail-Trail Hall of Fame. The Virginia Creeper is one of Southwest Virginia's most prominent recreational draws, in addition to being a coveted place of relaxation, respite and activity for local residents.

The conservancy began formally recognizing exemplary rail-trails around the country in 2007. The first Rail-Trail Hall of Fame inductees were the Great Allegheny Passage (Pa./Md.),

the Katy Trail State Park (Mo.) and the Fred Marquis Pinellas Trail (Fla.). The most recent addition was the Greenbrier River Trail in West Virginia. The Virginia Creeper National Recreation Trail will be the 27th inductee into the Hall of Fame.

### York County cited for vehicle maintenance

The Association of Equipment Management Professions (AEMP), an organization that represents fleet management professionals, in partnership with *Construction Equipment* website and magazine, recently awarded York County the 2014 Fleet Masters award for demonstrating "exceptional skill in meeting the unique challenge of fielding cost-effective mixed equipment fleets." The award-winning fleets are chosen based on estimated replacement value (ERV).

York County Vehicle Maintenance Division was selected in the "Under \$10 million ERV" for its innovative methods of recovering costs such as markups on the cost of diesel, gasoline, parts and vendor charges. In addition, in 2013 York County overhauled and implemented a new fleet information management system that tracks its vehicles and pieces of equipment – nearly 1,000 items – and has turned the division into a paperless facility.

### ELSEWHERE ...

The **City of Falls Church** has launched a redesigned website that will increase community engagement and enhance communication between residents, businesses and the local government. Check out the site at [www.fallschurchva.gov](http://www.fallschurchva.gov). ... The **City of Manassas** has been named a 2013 Tree City USA by the Arbor Day Foundation in honor of the city's commitment to effective urban forest management. This is the 24th year the City of Manassas has earned this national designation. ... The **City of Williamsburg** provided free deck inspections to residents without penalties or notices of violation in observance of Building Safety Month in May. ... The **Norfolk** Bureau of Building Safety is opening an hour earlier to improve customer service for new construction inspections. The earlier start (7 a.m.) matches the working hours of contractors, which improves customer service for the construction and business community. ... Standard & Poor's Ratings Services has raised its long-term rating on **Williamsburg's** general obligation bonds one notch to 'AAA' from 'AA+'. ... The cities of **Hampton** and **Portsmouth** are two of finalists for the National Civic League's All-America City Award, which is given annually to communities that demonstrate innovation, inclusiveness and civic engagement.

## Discovering Virginia

### Historic Triangle

*Continued from page 2*

able inside and the tour guides utilize the space and furnishings in each room to tell the story of the early history of Virginia.

### Yorktown


In Yorktown, where General Cornwallis surrendered to George Washington in 1781 in the last land battle of the American Revolution, the must-see was the Schooner Alliance. We set sail on the York River for a two-hour tour of the York River and historic Yorktown. My husband and children helped man

the sails and we learned a great deal about the naval history of the area. Upon returning to shore, we enjoyed a lovely meal right on the boardwalk at the Riverwalk Restaurant.

### Jamestown

The first thing to understand about Jamestown, the first permanent English settlement in the New World, is that it's administered by several interests. Historic Jamestowne, operated by the National Park Service, is an archeological site that is still being studied today. Jamestown Settlement, a living museum operated by the state, is amazing in its own right. It includes an indoor museum that walks you through the history

of the development of the area and has some absolutely stunning artifacts. Outside, you will find a recreated Powhatan village, the fort, and replicas of the three ships that came from England to Virginia in 1607. We enjoyed both the detailed history of the galleries and the fun, interactive nature of the outdoor areas.

While I'm sure that most Virginians have visited the Historic Triangle before, I encourage everyone to consider a return trip. Visit again with new eyes and an ever greater appreciation of the historic founding of this great Commonwealth. 



# Petersburg opens new library

**T**HE CITY OF PETERSBURG marked the opening of its new \$12.7 million, 45,000-square-foot library on April 26 with a ribbon cutting ceremony and community day event, which included tours of the new building. The new library includes a teen center, a Healthy Living and Learning Center, an adult literacy center, a small business development center, an imagination center for children, drive through services, a café and a patio. Much of the money for the facility – about \$11 million from more than 1,300 donors – was raised by a capital campaign of the Petersburg Library Foundation.

**The grand staircase welcomes visitors while the newspaper and periodical sections provide an inviting area for people to stay abreast of news and events. The vaulted ceilings and glass facades provide natural light throughout the building.**



**The front entrance includes a large plaza area where more than 700 donor bricks are located. The design honors Petersburg's history while at the same time reflecting 21st century features.**



**The mosaic in the rotunda area depicts several aspects of Petersburg's history including the railroad, the river, the civil rights era, tobacco, Indian culture, and the Civil War. This unique work of art is located next to the library café.**

# Now what?

50 tips  
for newly-elected  
local government  
officials



**1** Know what you are getting into. Becoming an effective municipal elected official will require much time and effort on your part. Most elected officials, regardless of their form of government, will find they are a public servant full time. Expect to spend a significant portion of your time attending to your duties – attending council meetings and other meetings, reviewing reports and other materials, meeting with constituents, and attending various functions in your official capacity as mayor or council member.

As an elected official, you can expect to be contacted at all hours by citizens – making complaints, seeking assistance, and seeking personal favors. Additionally, as an elected official, you can plan to give up certain aspects of your privacy. The elected official truly lives in a fishbowl. Accordingly, your actions, however uneventful they may seem, may be subjected to close public scrutiny. Remember that anything you say or do may appear in the newspaper, the evening news, or on the Internet.

**2** Understand your role as a municipal elected official. It is very important that all municipal officials, both elected and appointed, understand their roles in the city's organization. You should clearly understand the roles, lines of authority, and limitations of the following city officials: The mayor, the council, the manager or administrator (if any), the clerk, the attorney and department heads.

**3** Review and understand the Virginia Freedom of Information Act. The act requires that the clerk, manager or attorney provide a copy of the act to all elected, appointed or reappointed officials within two weeks of the election, reelection, appointment or reappointment. The law also requires that elected and appointed officials read and become familiar with the act. Keep in mind that willful and knowing violations of the law are subject to a civil penalty of not less than \$500 nor more than \$2,000. The civil penalty for a second or subsequent violation is not less than \$2,000 nor more than \$5,000.

The civil penalty for a violation of FOIA is just the tip of the iceberg. The true penalty for vio-

lating the freedom of information act is the damage to your reputation as an elected official.

VML annually publishes a guide to FOIA, the Conflict of Interests Act and the Public Records Act, so you should receive a copy that you should read and keep as a handy reference. Never hesitate to call (866-448-4100) or e-mail (foiacouncil@dls.virginia.gov) the FOIA Council for information, or to visit its website (<http://foiacouncil.dls.virginia.gov/>). In addition to issuing advisory opinions on FOIA, the office conducts FOIA training for government agencies. Because public officials must read and familiarize themselves with the act, the training sessions are an important opportunity to learn the act's requirements. VML also offers training in FOIA at its newly elected officials conferences and annual conferences.

*“The most important things to remember as a newly elected official are that you represent all of the citizens, not just those who supported you; and, even though your ideas are the greatest on earth, they aren’t important unless you can get a majority of a council or board to agree with you.”*

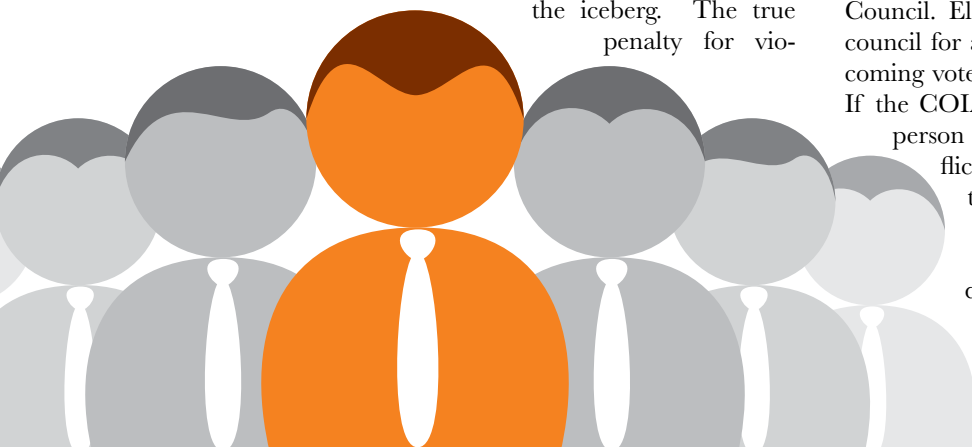
... Wytheville Mayor Trent Crewe

**4** Elected officials are required by state law to read and familiarize themselves with The Virginia Conflict of Interests Act (COIA), which regulates the financial relationship of elected officials with their local government and with any other governmental agency that is related to the municipality. The act is intended to be the one-stop-shopping law for an elected officials' financial involvement in dealings with the local government.

The act regulates how involved a council member may be in an item being considered by council if he or she has a financial interest in that item. The act also defines what constitutes bribery and taking unfair advantage of information gained by reason of being on council. It sets penalties for violations and provides a procedural framework for its enforcement. The Conflict of Interests Act is codified in Title 2.2, Chapter 31 of the Code of Virginia, § 2.2-3100 and following.

The COIA Act was amended during the 2014 session of the General Assembly; those changes go into effect July 1. The changes place a limit of \$250 per item on tangible gifts to council members, other local government employees and immediate family members. The amendments to the act also require semi-annual filing of the statement of economic interest. The amendments also create a Conflict of Interests and Ethics Advisory Council, similar to the FOIA Advisory Council. Elected officers and employees will be able to ask the council for an opinion on whether a conflict exists in an upcoming vote of council or other transaction and other issues. If the COIA council opines that no conflict exists, then the person cannot be prosecuted for a violation of the conflicts act. The amendments also establishes \$5,000 as the financial interest that creates a person interest in a contract or transaction.

A knowing violation of COIA is a Class 1 misdemeanor with a maximum penalties of one year



in jail and a fine of \$2,500. An example of a knowing violation of COIA is the refusal to file a required disclosure form. Three other specific violations have a lower, Class 3 penalty (maximum \$500 fine): 1. Failure to disqualify oneself from participating in a transaction; 2. Failure to file semi-annual statements of economic interests or 3. Failure to file the statement of reasons for a disqualification in a transaction.

Finally, a council member with questions about a contract or transaction should consult the city or town attorney.

**5** Read and familiarize yourself with the Virginia Public Records Act (PRA). You have the same legal obligation to know about this act as you do to read and become familiar with FOIA and COIA. This act establishes the basic rules specifying how state and local public agencies, officials and employees handle “public records.” Members of a city or town council, or county board of supervisors, regardless of their terms or compensation, are officers of the locality and are thus subject to the act’s requirements. The definition of public records includes individual correspondence and other records about public business, kept at home or in a private place of employment. Listen to the advice of your clerk, manager and attorney so that you do not run afoul of the requirements of the Public Records Act.

**6** Do your homework. Follow the Scouting motto “Be prepared.” Read your city or town’s charter in particular to become familiar with the “constitution” for your municipality. Be sure to read the reports your city/town manager, clerk, and/or department heads provide. And while it’s a daunting task, become familiar with your locality’s code of ordinance. In other words, be prepared and informed before making statements, asking questions, or voting on an issue. Read the agenda packet or staff report prior to each council meeting. Such reports generally contain background information on items that are scheduled for consideration at the next council meeting. Becoming familiar with this information prior to the council meeting should assist you in making more informed decisions at the meeting.

**7** Familiarize yourself with your city or town’s operations and learn as much as possible about it operates. For example, find out why the city’s sanitation charges are so high - or so low, why recycling participation rates are so low, and/or how much it costs to repair a sidewalk or a pothole. What about wastewater? Do you know what happens to wastewater when someone flushes a toilet in your city or town? Is your city’s wastewater treatment plant in compliance with applicable regulations?

An examination of a city or town budget will identify major sources of expenditures and revenues. The manager, as well as the department heads, can provide valuable information concerning the operation of the city or town.

Finally, learn as much as you can about the important issues that presently affect your community and surrounding areas. Are there problems with crime, traffic, or water supply?

**8** Adhere to your city’s form of government. Don’t bypass the system. Know your city’s charter! It is the city or town’s fundamental law; much like the national or state constitution. In Virginia, all the cities except for Richmond and many towns operate under the council-manager form of government. The city of Richmond operates under a strong mayor form of government and a number of towns operate under the mayor-council form. Reading and understanding your municipality’s charter will help you to understand your role as an elected official. Many charters prohibit council members from interfering in the administration of the city or town. If that is the case in your municipality, don’t meddle in the day-to-day administration of the city. Let the manager do his or her job of running the locality. Among the manager’s many responsibilities is supervising the city’s department heads. This is impossible if the department heads and other staff are answering to several bosses (i.e., the mayor and council). Therefore, all complaints from the mayor and council should come through the city or town manager. If your role is strictly a legislative one, concentrate on setting policy to the best of your ability, and let your appointed administrative staff perform

the jobs that the city is paying them to do – and then hold them accountable.

**9** Insist that others adhere to your municipality’s form of government. Don’t let others – elected officials, employees, citizens, etc. – bypass the system. Insist that they adhere to the established procedures (regarding complaints, personnel issues, etc.). Additionally, insist that vendors, applicants for employment, etc., adhere to the city’s established procedures.

**10** Recognize the value of teamwork and consensus building. Councils whose members work together as a team, respect each other’s right to have a different opinion, and “agree to disagree,” are probably more effective and can probably accomplish much more than councils whose members spend the majority of their time engaged in grandstanding, fighting and backstabbing. Remember, you are only but one vote; everything depends on teamwork. An annual planning retreat provides an excellent opportunity for the mayor and council to get to know each other better and, hopefully, build an effective working team. At this time, you can get to know what type of personalities you are surrounded by, extroverts or introverts. This may help explain the different approaches that your colleagues may take when discussing and reviewing an issue. If your city does not conduct a retreat, you may want to suggest doing so. The use of an experienced facilitator during the retreat is strongly recommended.

**11** Remember that the council should speak as one voice. The city council or town council possesses its power as a group. Once a vote is taken, the council has spoken. Once a decision has been made by the city council, try to be supportive of it, even if you personally don’t like the decision.

**12** Use your perspective. Once you have become acquainted with your new responsibilities, it is imperative that your new perspective is used to better communicate issues with your constituency. Being a freshman, you may have a better understanding of the citizen’s needs and concerns and may be better able to express them to your more “seasoned” colleagues.

**13** Follow the rules of procedure for the conduct of council meetings. Many councils operate under Robert's Rules of Order. The lengthy "Robert's," is designed for large assemblies. Check into the adoption of "Little Robert's," which are designed for smaller bodies, such as a council. VML can supply examples of operating rules and procedures adopted by other councils or boards of supervisors. The goal of parliamentary procedures is to allow for discussion and review of issues before the body, and to arrive at a decision that reflects the

members needed for passage.

For example, making a promise during the campaign that you will reduce the water rates or fire the police chief might help you win the election. However, without the support and affirmative vote of a majority on the city council, such promises may never come to fruition.

**16** Do the right thing. Always strive to do the right thing, regardless of popularity. Remember that which is right is not always popular, and that which is

**18** Don't try to please everyone. It is impossible to please everyone. Accept this fact and move on to more important issues.

**19** Learn your alphabet. Public hearings on such controversial issues as land use or zoning changes will sometimes fill the council chambers with fearful or angry residents who are opposed to the issue under consideration. Some of these residents may be better characterized by an alphabet soup of acronyms, including the following: NIMBYs – Not in My Back Yard; CAVEs – Citizens Against Virtually Everything; BANANAs – Build Absolutely Nothing Anywhere, Near Anything.

Please note that the NIMBYs, CAVEs and BANANAs can offer valid concerns, and they can also conduct research and provide valuable information that can assist elected officials with their decision-making processes. With a little effort, you should be able to recognize the difference between legitimate concerns and irrational fears. Remember that your job as an elected official is to represent the entire community, not just a particular block or subdivision.

**20** Try to be as consistent as possible in making decisions. Consistency is the best policy when making decisions. Be wary of setting precedents and rely strictly on policy.

**21** Don't be afraid to say, "I don't know." Even if you "do your homework" and become familiar with your local government's operations, as recommended above, it is impossible to know everything about a city's operations, employees, and finances. If a constituent (or anyone else, for that matter) asks you a question and you don't know the answer, have the courage to say so – but offer to find out the answer.

**22** Pace yourself. It is impossible for you to learn the workings of your government overnight. You may find it difficult to juggle the multiple tasks you have recently inherited, but it is crucial that you allot time in your schedule for studying the issues.

*“Always have a response that leaves the conversation open or denotes a follow-up – for example, ‘I can appreciate your concern, but please let me gather more information and get back with you.’ Tell citizens where you are going to get the information and then keep your word. Most inquiring minds will be open to this suggestion unless, of course, they already know the answer and have chosen this moment to be antagonistic.”*

... Newport News Council Member Sharon Scott

will of the body. Parliamentary procedures should be used as a tool for better decision-making, not as a weapon.

**14** Ask questions. Don't be afraid to ask questions. The adage that you learned in first grade, "the only dumb question is the one not asked," is true. Remember that some elected officials may have more experience, and might not ask as many questions. Also, other elected officials may have the same questions as you but may not be willing to ask them. Don't let the fear of asking a "dumb" question deter you in your efforts to become a more informed and a more effective elective official.

**15** Don't make promises you can't keep. Since legislative decisions require the approval of a majority of the city council, it may be difficult to sell your plan to the numbers of council

popular is not always right. Bob Holton, the Bridgewater town superintendent, has a video that he shows at VML's training for newly elected officials. It gives some good examples of this point. At one time in this country, a majority of people felt that women should not have the right to vote, that slavery was acceptable and that black people should not be allowed to vote. Just because these views were accepted by a majority at that time did not make them right.

**17** Consult with and follow the advice of the city or town attorney. We cannot over-emphasize the importance of talking to your local government attorney before addressing the complex issues affecting your locality. And speaking of that attorney, support funding for membership in the Local Government Attorneys of Virginia. There will be big payoffs for the attorney and the municipality.

**23** Ask for opinions, and listen. Listen to everyone, including your adversaries and those who have opinions that differ from yours. Be open to new ideas and suggestions.

**24** Draw the line. Never let differences of political opinions cross over into personal attacks. Respect the seats that your colleagues occupy, and remember that, like yourself, they were elected by the citizens.

**25** Praise in public, criticize in private. In order to form great working relationships with the mayor, council and staff, it is of the utmost importance that you respect them both in public and in private. Don't use the media or public meetings to disrespect your colleagues or staff. People are more likely to receive criticism better in private than in front of an audience.

**26** Gratitude. Always remember to show your appreciation to your staff for their hard work and dedication to the well-being of the city.

**27** Never engage in gossip. Do not allow constituents to approach you with rumors concerning the mayor or council. As the Jewish Proverb states, "What you don't see with your eyes, don't witness with your mouth."

**28** Set goals. Early in life, we learned the importance of setting goals. We also learned the importance of setting realistic goals. Don't expect to conquer the world over night. Even after setting realistic goals, you might not achieve anything you set out to accomplish your first year. Consensus building plays a strong role in whether or not you will be able to achieve your political aspirations.

**29** Try not to reinvent the wheel. There are actually few new ideas. Your municipality's most recent innovation has probably already been implemented in other cities. Before beating your head against a wall trying to be creative or innovative, find

out what other localities are doing. In addition to learning about other success stories, the "lessons learned" by cities and towns who have experienced problems with various programs or services will be invaluable. Why repeat someone else's mistake, when you can repeat their accomplishments?

**30** Use the resources that are available to you. Don't panic – help is available! There are numerous organizations and agencies available to assist local governments. Plan to make the best use of these resources. The Virginia Municipal League is available to serve you. VML's website ([www.vml.org](http://www.vml.org)), biweekly newsletter and monthly magazine contain a variety of information on current topics, training, legislation, policy issues and VML's programs and services. Further, VML's staff is ready and willing to assist your city. Additional resources include the Virginia Institute of Government (VIG), the Virginia Local Government Management Association (VLGMA), the Virginia Freedom of Information Advisory Council (FOIA Council), the Virginia Department of Housing and Community Development (DHCD) and planning district commissions (PDCs). Each of these agencies is available to assist cities and can provide a variety of information and services.

**31** Recognize the importance of training. Take advantage of the excellent training programs available to Virginia's elected officials through VML's meeting and conferences and through training sessions sponsored by agencies such as the FOIA Council. These programs provide excellent opportunities for you to network with your peers, exchange ideas, and share common concerns. Additionally, recognize the importance of training the public workforce. State law requires that some employees receive a minimum amount a training a year in order to retain licensure or certification, but all employees can benefit from training opportunities. Be open to funding training that your manager

recommends for the staff.

Some elected officials are reluctant for their municipalities to spend significant resources on training because they fear that their locality might become a "training ground" for employees who may leave for better paying jobs elsewhere. Unfortunately, this problem does exist in many communities. However, the benefits of having a trained, professional workforce cannot be overstated. Consider this excellent training motto: The only thing worse than training your people and losing them is not training them and keeping them. (Associated General Contractors)

**32** Practice what you have learned. Once the class is over, take the information you have gained and apply that knowledge to your everyday life. By using the information, you will be able to perform at a higher level; therefore showing others the importance of municipal training.



**33** Learn from other experienced officials. Identify an experienced and wise local official (not necessarily from your own locality) who would be willing to serve as a mentor. It is strongly encouraged that you form relationships with elected officials throughout the state, especially those with similar populations and who are facing some of the same issues that your locality faces. It is also important that you look to other jurisdictions that have accomplished the goals that you are now trying to attain. Receiving quality advice from others, regardless of your time in office, could possibly prevent you and your colleagues from making needless errors.

**34** Stay focused. Your constituents expect you to perform the job they elected you to do. Do not lose sight of your commitment to your community. You will be bombarded with requests, from family, friends, associates, and business leaders, which, may or may not be ethical. However, remember, the voters trusted you to represent their well-being, and ultimately, you will be the only one who has to answer to your electorate.

**35** Recognize the importance of intergovernmental relations. Interaction with other governmental officials at the local, state and national levels can be extremely important to your city or town. At the local level, it is important that your locality communicate with other city, town and county officials. Effective communication with state legislators is also important, as the General Assembly annually passes numerous pieces of legislation that affect local governments. While the Virginia Municipal League has a legislative staff that can give state lawmakers the facts about how an issue will affect cities, it is from you, a fellow elected official (and their constituent), that legislators learn how proposed legislation might affect the citizens “back home.” How can city officials lobby effectively with their state

legislators? While personal interaction is usually the best approach, it is often difficult to personally meet with your legislator during the legislative session. However, telephone calls, e-mails, and faxes are effective methods of communicating with your legislators. The most important advice is to establish and maintain a relationship with legislators on a year-round basis, not just when the General Assembly is in session.

**36** Communicate! Remember, communication is the key to any healthy relationship. Don't be afraid to express your concerns or feelings regarding an issue. However, when speaking to others, always remember to be polite. Like the saying goes, “You can catch more flies with honey than you can with vinegar.”

**37** Don't forget your constituents. Once upon a time you were a constituent. It is important that you remember the level of respect you demanded as a voter. Your constituency expects you to understand their problems and issues and to be genuinely concerned about their well-being. Never forget who put you in office, because they will not forget you on Election Day.

**38** Live up to your official responsibilities. Since being elected to office, you probably have gained a better appreciation for those that serve. Attending every event you are invited to may be impossible. It is, however, strongly suggested that you attend every council meeting scheduled during your tenure.

**39** Seek feedback from constituents. Remember to seek out answers from your constituents by making personal calls, attending backyard barbeques, community picnics, and/or making house calls. They expect you to vote to protect their needs and their community for generations to come.

**40** Contact information. Let your constituents know the best means of contacting you (fax, e-mail, social media, snail mail or phone).

Always remember that you were elected to represent the public, rather than to hide from them.

**41** Always respond to the voter. As an elected official, it is your responsibility to respond to any phone calls, letters, e-mails, or faxes you may receive from your constituents. It may be time consuming, but in the end, the voters will applaud you for your effort and your willingness to attend to their needs and concerns. Just remember that e-mails, faxes and letters are subject to FOIA. A good rule is to never put anything in an e-mail that you would not want to see published on the front page of a newspaper.

**42** Never let them see you sweat. At some point during your term, you may find yourself being attacked by the mayor, council members, voters or reporters. But remember, it is always better to take the high road. As a public official, you have become a role model for your entire community. You should remain level headed at all times. People are watching, and that includes the future leaders of your community.

**43** When in doubt, go for modesty. According to Webster's Dictionary, modesty means “freedom from conceit or vanity.” The people elected you as mayor or to the council because they felt a connection to you and your vision for the city or town. If they perceive that you have changed and your behavior is no longer in line with your performance as a candidate, they may lose faith in you. You may possibly become just another “politician” in their eyes and not the public servant they elected. When serving the people, always remain a humble servant.

**44** Be specific. Once you have learned the issues affecting your city or town, it is your responsibility to articulate the needs of the city to your state legislators. It is important that you help them to understand where your city stands on each individual issue so that they may vote or act accordingly.

**45** Work with your media outlets. Inform the newspaper and other media of every possible thing you are doing and get their feedback and input. Invite them to your work sessions and include them in the decision-making. If they are a part of it, they can't complain.

**46** Choose only a couple of things to work on at a time. Do them well but have only a few major initiatives at a time.


**47** Be a leader, not just a politician. Remember the adage – “a politician looks to the next election, a leader looks to the next generation.”

**48** Recognize that controversy is inevitable at times. How you choose to deal with controversy will be an important measure of your effectiveness as an elected official. Remember to focus on the real issues, and do not make promises that you cannot keep.

**49** Remember why you ran for office and whom you serve. Remember to not get caught up in all the hype. As an elected official, your sole responsibility is to serve the people to the best of your ability. You obviously ran for office because you believed that you had something good to offer to the people. Now that you're in office, the people expect you to work solely for the betterment of their community.

**50** Try to have fun! Public service is hard work, but there are no rules against having a good time. Make a concerted effort to enjoy your term in office. Otherwise, it may be the longest period of your life. Try to maintain your sense of humor, and don't take yourself too seriously. Additionally, take pride in the fact that you will have a hand and a voice in the future development of your community. There is no greater reward in public service than knowing that you helped to make a difference in your community!

**BONUS TIP:** Show appropriate respect during public comment times.

Some councils have time periods set aside for the public to address council. Unfortunately, some people take this as an opportunity to be as mean and critical as they can. The best thing you can do is listen without showing emotion or reaction, however difficult that may be. The solace is that if people making public comments are irrational, they will appear that way to the other people in the audience or to people viewing the procedures on television. Council also can take steps to control the amount of time taken up with public comment. Some councils allow public comment only at public hearings, or they limit comment to items that are on the agenda. Finally, speakers can be limited to specific periods of time. While councils want and need to hear from the public, they also have a job to do, and have to take steps to make sure that they can complete their agenda in a timely manner. 

**About the story**

*This story is a compilation of information pulled from VML resources and material published by the Georgia Municipal Association in its Survival Guide for Newly Elected Municipal Officials.*



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# Effective public meetings essential for successful governance

**C**OUNCIL MEETINGS ARE extremely important, both for individual council members and for the council as a whole. There are meetings where some members shine while others stumble. Usually this is not because the successful members understand slick techniques while the less successful ones do not. It is much more likely that successful members have a better understanding of the goals of a meeting, an understanding which guides their behavior.

By the time a meeting takes place, council members usually know how they intend to vote on all major matters. Changing one's mind during a meeting is rare. Most major decisions are not made at a public meeting as much as they are announced or confirmed. Since good council members spend many hours preparing for a major decision, their positions are usually known in advance. We do not admire a council member who is frequently pushed from one side to the other depending on the dynamics of the meeting.

## Goals of public officials in meetings

A meeting is not an isolated event, but rather one battle in a long war. The substance of a meeting is related to earlier meetings, and to later ones. Experiences of members in a meeting will provide critical background for their future behavior. A successful council member concentrates on the long run.

Meetings are important for many reasons, some large and some small. Here are some of the major reasons:

- The public meeting is the culmination of much work done prior to the meeting. Members can show that they understand the problems and have the information needed to solve the problems.
- The public meeting is critical for gaining citizen support. While many citizens will know little of what council

members do between meetings, they are likely to hear about the public meeting. Most citizens make judgments about a council and its members based primarily on reports of public meetings.

- The meeting is a major educational opportunity. Through discussing an issue and explaining a vote, a council member has an opportunity to raise the level of understanding within the public. Sometimes a member can gently send a message that the citizens need to hear, even if they would prefer not to.

## Council operating procedures

For more details on how councils organize their work, including the conduct of meetings, see these examples from five cities across the state.

City of Williamsburg: <http://bit.ly/1lg1Zcb>  
(follow link to Council Procedures and Policies)

City of Staunton: <http://bit.ly/1juu9NN>  
(follow link to Council Procedure Memorandum)

City of Lynchburg: <http://bit.ly/1lzQOgj>  
(follow link to Rules of Procedure)

City of Chesapeake: <http://bit.ly/1v5JTR0>

City of Falls Church: <http://bit.ly/1mYCRaY>



## Five different audiences for a council meeting

### 1st Audience: Citizens in the meeting room

Those who attend a public meeting make up only a tiny fraction of the population. Sometimes they are in the room only because they are particularly affected by a single agenda item. But regardless of their motivation, they are very interested. They are an important audience for that reason, and council members should make sure that those present are given all the information they need to be well informed about the issues being discussed (see accompanying box).

### Informing the audience at public meetings

Citizens who attend council meetings and other public forums are interested enough to be at those meetings – but they may not always be well informed on the issues. They need to be given:

- The background of the issue
- Information that is relevant to that issue
- A description of options, if more than one is being considered.
- Clear reasons for the council's action.

A good question to ask periodically: “What would I want to know if I were a member of the audience?”

### 2nd audience: Citizens who are not in the meeting room

Most citizens who are not at the meeting are not especially interested in or informed about local government matters. Yet the great importance of this group is obvious. They may learn about a meeting in several different ways:

- Word of Mouth. Some citizens will get most of their news about the meeting from other people. But where do these others hear about the meeting?
- Newspapers. Most people get their news and perceptions from a local newspaper. The press has a great impact on the ability of local officials to do their jobs.
- Cable Television. Some local governments show their meetings on a cable channel. Citizens who are not willing to go out for the meeting may watch it from the comfort of their homes.
- TV and Radio News. A few larger jurisdictions are covered regularly by TV and radio reporters. Only major items (or human interest stories) are likely to receive air time.

Your relations with citizens who are not in the meeting room are complicated by the fact that someone will be filtering the news that reaches these citizens. This brings us to the next important audience.

### 3rd audience: The media

There is a natural and healthy tension between officials and reporters, who have different jobs to do. Officials want to obtain support for their ideas from citizens. A reporter wants to know what is happening, why it is happening, who is doing it, and how it might be done better. From the perspective of an official, some of the reporting is bound to be harmful to that official's effort to communicate with the public.

The relationship between a council member and a local reporter is what a biologist might call a symbiotic one – one that is advantageous to both parties. The council member needs the reporter in order to communicate with all those citizens who were not in the meeting room. The reporter needs the council member to supply part of the information needed to do the reporter's job.

If a council member will operate on the assumption that the member-reporter relationship is mutually advantageous, it will work much better. Here are some essentials for an official:

- Understand and respect the job of a reporter.
- Offer each reporter the information needed to understand the meeting.



## Effective public meetings

- Furnish ideas and perspective that give a reporter some context for understanding the broader meaning of the meeting.
- Recognize limitations like deadlines and space availability.
- Be accurate and honest in dealing with reporters.
- Follow the Virginia Freedom of Information Act carefully (that subject is discussed in chapter 4).

### 4th audience: Municipal employees

This audience is often forgotten but it is critical for your success. Policies are only as good as their implementation. Municipal employees are naturally interested in both the content and tone of public meetings:

- Their jobs and salaries depend on the council.
- The council discusses public policies of great significance for the work of employees.
- Comments at meetings suggest what members think about the worth of municipal employees as a group.
- Employees get some insight into the qualities of their collective bosses.

An unhappy aspect of contemporary government is the penchant for ‘bureaucrat-bashing’ – placing blame on managers and other appointed officials whether or not they deserve it. Bureaucrats are favorite targets, in part because they rarely have enough power to defend themselves adequately. This is particularly true when the bureaucrats are hired by those who do the bashing.

Some complaints are legitimate ones arising from incompetency or insensitivity. Those cases need prompt correction in private. In most instances, however, the complainant simply did not receive the answer hoped for. In enforcing municipal policies, bureaucrats are often forced to say “no,” a response that is rarely popular.

Bureaucrat-bashing is tempting for a council member who wants to score points with the complainant and his supporters. But the local government pays a heavy price for such behavior. The morale of municipal employees is likely to plummet if the council expects the laws to be enforced but then publicly jumps on those responsible for enforcement. Therefore council members should be careful about how they deal with specific complaints about staff expressed at a public meeting (see accompanying box).

### How to avoid ‘bureaucrat bashing’

Council members should be especially tactful when responding to complaints at public meetings about municipal employees. Here are some guidelines:

- If the facts of a particular controversy are clear, make sure the citizen and the public receive clear answers about why an action was taken.
- If the facts are murky, make clear to the citizen that the complaint will be addressed, and ask the manager to appoint a staff member to contact the citizen about the problem.

- Don’t try to resolve specific controversies during a public meeting.
- Don’t let the staff be blamed for major policies since those are the responsibility of the council.
- Remember that the success of every policy depends on its implementation by an effective staff.
- If there is a problem with a staff person, resolve it in private rather than at a public meeting.

### 5th audience: Other council members

A council member wants to be a success in getting certain policies approved and carried out. The most important factor in determining whether this will happen is the attitude of other council members. They are a crucial audience – perhaps the most crucial of all.

Every meeting is an opportunity. You will work to have your policy preferences accepted by the council. Yet the choices that you make will affect not only the issues of the moment but also those in the future. Here are some of your choices:

- Do you act in a way that suggests you are concerned primarily with your own benefit? Or does your behavior convince your colleagues that you are acting in the best interest of the council and the entire jurisdiction?
- Do you help your colleagues obtain the information they need to participate effectively? Or do you try to look good at their expense?
- Are you inclusive, trying to get as much agreement as possible? Or are you exclusive – satisfied if at the moment you are part of a majority, regardless how slender?
- In short: do you compete or do you cooperate?

A council member will be respected by colleagues if the member behaves in a way that is seen as fair as well as effective. But colleagues remember when a member is not forthcoming with information, or hastens a decision in order to head off opposition, or acts in a way that they believe is unfair. In that case, the member may pay a substantial price for a short term victory.

Being fair and sensitive may result in a failure to win today’s battle, even though it might have been won by cutting some corners. Be prepared to lose in that case. Look upon it as an investment in your future success.

## Mechanics of meetings

All municipal councils reorganize soon after each election. The first task is to select the mayor or chairman, unless that person is elected directly by the voters. Vice-mayors and vice-chairmen are also selected by the council or board.

The council may assign various responsibilities to its members when it reorganizes. Some governing bodies use committees extensively, while others use them rarely. Committees fall into two categories: a standing committee has a continuing existence from year to year, while a special committee goes out of existence as soon as it finishes its specified task.

If your governing body does not have an attorney to ad-

wise you, the Virginia Municipal League can help you on basic questions of organization.

## Parliamentary Procedure

Some councils adopt full sets of bylaws while others prefer just a single page of rules. The Virginia constitution and laws partly define the process to be used by local governments; the remainder needs to be determined by the council. The usual preference is to use Robert's Rules of Order.

Many Americans are at least slightly familiar with Robert's Rules because it is so widely used in this country. That is an advantage in adopting Robert's to cover the conduct of business.

Robert's is a complicated set of rules running several hundred pages. Almost all of Robert's is designed for large groups where informality and spontaneity must give way to fairly inflexible rules if the group is to accomplish anything. In a group of 30, a full set of rules is helpful; in a group of 100, it is highly desirable; in a group of 500, it is absolutely essential.

In contrast, a council is not a large group. Robert's Rules includes a more informal and relaxed set of rules for smaller bodies (Robert's Rules, 2000, pp. 470-71). Under this provision, most of the usual parliamentary rules apply but with several exceptions, particularly these:

- A member may speak without being recognized by the chair.
- There is no limit to the number of times a person may speak.
- Motions need not be seconded.
- Informal discussion is permitted before a motion is made.
- The chairman can participate in discussion, make motions, and vote.

Thus a council has a choice between the familiar part of Robert's Rules or the less well known part for smaller bodies. If you choose the rules just described for smaller bodies, you should note this in your organizing resolution. Or you can provide in the resolution that only some of these provisions, but not all, are included in your rules (you must specify which ones). If you choose the familiar portion of the rules, be aware that council deliberations will routinely violate Robert's Rules.

Regardless of the rules you choose, remember that a good set of rules is one that will help the council accomplish what it wants to do. If the rules are so complicated or rigid that they frustrate the members, or if they divert attention from substantive issues to procedural ones, they are not serving you well. If your council finds itself in a procedural impasse at a meeting, the best thing to do is back off, withdraw existing motions, and start again.

## Agendas

An agenda is a planning document, not a contract. It cannot bind the council if the majority wants to deviate from it. If it is constructed carefully, however, members will find that it is in their best interest to stick closely to it. The quality of

the meeting will depend heavily on the extent to which the members do their homework.

The basic purpose of a meeting is to reach sound policy decisions. A second purpose, almost as important, is to communicate with citizens in a way that will help them understand the options and (in the long run) participate in resolving problems. In working toward these goals, a governing body is often pulled between the demands of the moment and the needs of the future.

Here are some ways to emphasize policy discussion while minimizing the time spent on less important matters:

- A consent calendar includes items that are less important and seem to be free of controversy. Many are administrative or housekeeping matters. Before the vote, any member may request the removal of an item from the consent calendar; that item is then discussed and voted on separately. The consent calendar is approved with a single motion and vote.
- Most councils have a citizen comment time when a citizen may bring up any matter of concern. Scheduling that time near the end of the meeting, rather than at the beginning, helps to ensure that the council will focus on general policy matters.
- The agenda for a regular meeting should include only those items ready for decision. Until the facts and significance of a case are known, a council meeting is not a good place to have a general discussion about how to dispose of a particular problem. In contrast to a regular meeting designed for decisions, a work session may include discussions of problems which are looming on the horizon but are not yet ready for resolution.
- One goal in all meetings is "no surprises." An agenda should be distributed several days before a meeting, so that the members have a chance to become familiar with all the items. Only subjects on the agenda should be considered at a meeting, except where an emergency exists. There is no emergency simply because a member is terribly anxious to get a non-agenda item approved.
- If an ordinance or resolution is generally favored by the council but is not yet in the kind of shape that makes council members comfortable about approval, it is best to defer the matter so that additional work can be done on it before the next meeting. If the need for prompt action makes deferral unacceptable, a council may be able to suspend consideration of the matter while a small group of staff and interested persons try to write acceptable language, and then consider the matter again before the end of the meeting. The council itself should not try to do any substantial rewriting during the pressure of a meeting.

## Public hearings

Formal public hearings are sometimes required by state law, especially in matters of land use, budgets, and taxation. Hearings are desirable since they give interested persons a chance to speak and offer ideas. Unfortunately, hearings are also frustrating because citizens want to express their views and then find

## Effective public meetings

out what council members think of them; that is not realistic. Trying to have a full exchange of views at a public hearing often results in an extended and unproductive argument. The best alternative is to give a careful hearing to all views expressed by the public, but not agree or argue with them.

Here are some of the ways that councils have tried to make major hearings as efficient and helpful as possible:

- Before a hearing begins, the presiding officer should indicate that the council is interested in citizens' views, and should set forth the rules for the hearing.
- Set a time limit for each speaker, and stick to it.
- Do not permit any person to speak more than once until everyone has had a chance to speak.
- Ask speakers to avoid repetition, insofar as possible. A speaker may simply want to express support for a position expressed by a previous speaker.
- Ask if there is one person who can speak for a group that favors the same position (the rules should relax the time limit for such a speaker).

## Role of the mayor

Mayors in some states may be called "strong mayors" because they have extensive powers such as preparing and implementing budgets, and hiring and firing employees. Virginia mayors are not in this category (except for the City of Richmond). In nearly all cases, these powers are shared by the council (including the mayor) and the manager.

Some observers, noting that the mayor lacks these policy and executive powers, dismiss the mayor as just another council member who only has one vote. That underestimates the mayor's significance.

In chairing a meeting, the mayor can set the tone of the meeting, influence timing and generally affect the reputation of the council. But the major impact the mayor has on a meeting occurs before it begins. He or she can influence:

- What is on the agenda.
- How agenda items are shaped, and what information is collected to support them.
- How much communication occurs among council members as they prepare for meetings.

The Virginia system of local government is based on legislative-executive cooperation, not a separation of powers. A mayor is well-placed to promote that cooperation. The mayor is in the best position to be a leader not only on council but also in the community at large.

## The business of the meeting

A council makes most of its policies by passing an ordinance or resolution. An ordinance is a local law, comparable to a statute at a state or national level. Ordinances set policies and regulate behavior, and they have a continuing effect (that is, they remain in force until they are changed). The Virginia Constitution and laws contain numerous limitations on what

kinds of ordinances can be passed by localities, and what procedures must be followed in passing those ordinances.

A resolution has a less permanent effect. For example, appointments, appropriations, and tax rates are valid for limited periods. Other resolutions have to do with the local government and its administration, but not with citizens generally. Resolutions have fewer limitations on the ways in which they must be considered and approved.

A crucial question about the quality of the meeting is whether council members stick to important questions. An agenda should stress policy matters, and a presiding officer should help as much as he can. But the agenda and the mayor cannot control the outcome; the critical question is what the members do. Do they give in to the temptation to talk about minor matters that interest them, even when their comments are not essential for disposing of the issue at hand? Or do they focus on policy?

## Evaluating meetings

Many of the factors just discussed will affect how well the council performs. They also modify the picture that is seen, either directly or indirectly, by citizens. Thus they affect both the substance and the reputation of the council.


The mechanics of a meeting should be adopted only after considerable thought, and should be reviewed occasionally. What works well at one time may not be adequate in a changed environment. Or it may be that procedures have been used so long that council members have forgotten why they were adopted; if the reasons are not understood, implementation of the rules will be less effective. From time to time, ask citizens if the procedures of the council are adequate. Put the same question to your colleagues on the council.

## Conclusion

To be successful, public officials must use all of the skills needed by those who deal frequently with people. In addition, a council member should:

Remember that a council's primary goal is to make policy. Recognize this in doing homework before the meeting, and in following the agenda at the meeting.

Think of the long run rather than the short run. Sometimes this means losing the battle of today in order to strengthen your position for tomorrow.

Meetings are critical for members because that is the time when their hard work comes together to produce results – or disappointment. From the point of view of most citizens, a public meeting is the only time to get a good look at what the council members are doing. Care in planning meetings is an important ingredient in making both a successful member and a productive council. 

### About the author

*Jack D. Edwards is a professor of government emeritus at the College of William and Mary, a former member of the James City County Board of Supervisors, and a past president of the Virginia Municipal League.*

# Conflict of Interests Act is essential reading for elected officials

**M**ANY OF THE procedures that a council member learns deal with how to accomplish good things for citizens, such as adopting land use regulations to make a community more livable or passing ordinances to make a city or town safer.

Then there is the Conflict of Interests Act (COIA). It sets out the ways that a council member can get into trouble. Unlike laws that tell the council member how to accomplish a goal, the conflicts act tells the council member what he or she cannot do.

The act has three basic parts that affect what a council member may do. They deal with:

- Bribes and using private information;
- What business dealings a council member, his family or business may have with a locality; and
- If a council member has a personal financial interest in a matter that comes before council, when he may participate in the matter on behalf of the city or town.

Over and above the specific provisions in the act is the risk of finding one's name on the front page of the local newspaper. "Council Member Johnson's brother awarded \$50,000 contract to maintain city's computer system." In almost every case, there would be no violation of the conflicts act in such a contract. However, the old adage – in politics, you are what people think you are – can rear its ugly head to create an impression that sticks with constituents.

## General prohibitions

The act prohibits bribes, using confidential information for one's benefit, or receiving gifts if they are so frequent "as to raise an appearance of the use of his public office for private

gain." (Va. Code § 2.2-3103) In addition, gifts of tangible goods are absolutely limited to those with a value less than \$250 per item and in total for a calendar year. The \$250 limit doesn't apply if the gift is from a relative, a personal friend (unless the personal friend is a lobbyist or a company that hires the lobbyist) or if the gift is related to the private business of the council member.



## Business dealings

If a council member has a "personal interest" in a contract with the city or town, the act makes that contract a violation of the law.

The term "personal interest" only exists if one or more of the definitions are met: Ownership of more than 3 percent of a business; income from owning the business that will exceed \$5,000 per year; salary from the business over \$5,000 per year; ownership of land that is involved in a contract with the locality if the ownership interest exceeds \$5,000; liability for a company that exceeds 3 percent of the company value; or an option to buy a business.

In addition to applying the definition to the council member, it applies to his immediate family: a child living at home or a spouse. If any of the definitions is met, the council member or his business may not enter into a contract with the city or town.

The act has several exceptions to the prohibition.

- Contract of employment if the council member or his immediate family member was employed by the locality prior to his going on council.
- If the council member wins a bid for selling goods to the locality, and if that bid was issued through competitive sealed bidding (the full-blown procurement process in the Virginia Public Procurement Act), the city or town has shown a need for the same kinds of goods in the past

## Conflicts of Interests Act

and council adopts a resolution that it is in the public interest for the council member to bid.

- If the city or town has a population under 10,000 and the total of the contracts for the year is less than \$10,000 (or less than \$25,000 if done under competitive sealed bidding).
- If the council member's only connection to the business is salary and he is not involved in the procurement for the business or the locality, then the business may contract with the locality.

## Participating in transactions involving a business or property


If the council member has a personal interest (same definitions as above) in a transaction – in a matter coming before city or town council, he may not participate in any part of the transaction. This applies not only to voting, but to discussion about the transaction. If the council goes into closed session to discuss the transaction, he may not attend the closed session.

As with the contracting side of the act, there's an exception. If the transaction applies to a group of three or more

members that he is in, he may participate if he identifies the transaction; identifies what his personal interest is; and certifies he can “participate ... fairly, objectively and in the public interest.” (§2.2-3115.H)

## Penalties for violations

A knowing violation is a Class 1 misdemeanor (up to a year in jail and a fine up to \$2,500). If a judge imposes a penalty, he may remove the violator from office.

Also, if a council member discloses all the facts to the Commonwealth's attorney or the new Conflict of Interests Advisory Council and receives a finding that he is not violating the act, then he cannot be prosecuted for a violation. 

## About the author

*Mark K. Flynn is general counsel for VML. He says: This article offers only a thumbnail sketch of the Conflict of Interests Act. There are many more rules that can come into play. When you have any questions about whether a transaction or a dealing with your locality is legal, always consult your locality's attorney.*





# General Assembly 2014: No budget, but plenty of other legislation to assess

**F**OR THE SIXTH time since 1998, the General Assembly adjourned its regular session without adopting a budget. At this issue of Virginia Town & City went to press, it's not clear how the impasse might be resolved, or what will happen if a budget for the upcoming biennium is not adopted.

While the budget standoff is disconcerting, local governments should be worried about another ominous trend: The continuing assault on the ability of local governments to control their own revenue sources.

For years, legislators have introduced one bill after another to eliminate, reduce or cap local business and property taxes. The assault on real estate taxation is particularly odious. Unless local elected officials confront this attack, expect to see more of the same ... or worse.

While local governments were able to defeat some of the efforts, some got through, including a constitutional amendment.

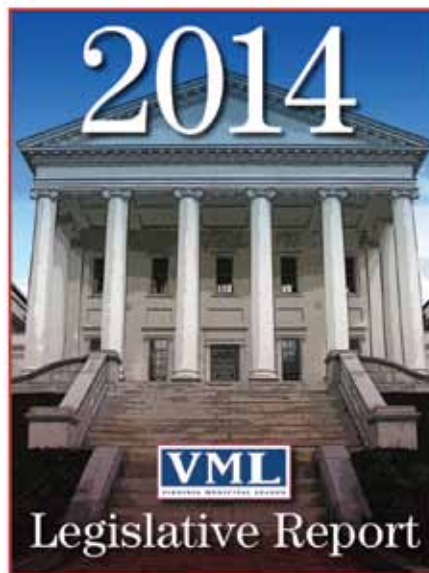
If passed by voters (almost a certainty), the constitutional amendment will exempt surviving spouses of military personnel killed in action from paying real estate taxes for their principal place of residence, within certain conditions. Although local governments are not empowered by either the federal or state constitutions with war powers, the General Assembly believes it is the responsibility of local governments to provide tax relief for the survivors. It is a responsibility that neither the state nor federal government feels obligated to fulfill. While the state could have simply chosen to pay the tax bill with state dollars, instead it passed the cost on to localities.

The news, however, was not all bad. Among its accomplishments, VML succeeded in having legislation passed that will save cities, counties and towns money for special elections. The league also helped beat back numerous attempts to restrict local revenue authority.

Here's an overview of legislation that made it through the General Assembly – as well as some that did not.

## Elections

**Clarifications in scheduling of special elections.** HB 1024 (Ingram), requested by VML, clarifies the rules for a court ordering a special election to fill a vacancy on a town or city council, county board of supervisors or elected school board. Under the bill, the Circuit Court may only set the date for a special election at the time of the next general election for the seat in the locality, unless the *locality* asks for an earlier date. A few



Circuit Court judges have read the current law to allow them to set the special election at a date other than the next general election. Holding special elections on the same date as the general election can result in significant savings for localities, which foot the bills for the elections.

## Education

**Standards of Learning reform.** HB 930 (Greason) and SB 306 (Deeds) reduce the number of SOL tests in grades 3 through 8 from 22 to 17. The bills also require schools to have alternative assessments for courses that are not covered by a SOL test.

**A-F grades.** HB 1229 (Landes) and SB 324 (Miller) delay the implementation of the A-F grading system for individual public schools for two years – until 2016.

## Environment

**Improvements to local stormwater programs.** Under current law, all cities and counties are required to adopt state-mandated stormwater program by July 1. HB 1173 (Hodges) and SB 423 (Hanger) make it optional for certain local governments to adopt the program. Because they contained an emergency clause, the bills took effect March 23. The bills:

- Provide the option for cities and counties that do not operate under an MS4 permit to have the Virginia Department of Environmental Quality (DEQ) run the program. MS4 jurisdictions are typically more urban in nature and meet certain population thresholds as prescribed in state law. Towns that operate under an MS4 permit will still have to adopt a program. All other towns will fall under either a county or DEQ-run program.
- Allow localities to accept a simplified plan for construction of a single home site “in lieu of” mandating the submission of certified engineered drawings and calculations to show compliance for new standards for treating stormwater runoff.
- Conform the process for appealing permit decisions at the local level to the same as those under the Virginia Erosion and Sediment Control Law.

**Recurrent flooding studies.** HJR 16 (Stolle) and SJR 3 (Locke) establish an 11-member panel to undertake a two-year effort to make recommendations for the development of a comprehensive, coordinated planning effort to address recurrent flooding. The final report will be due Nov. 1, 2015.

## Finance, revenues & taxes

**Criminal justice fee bill.** HB 477 (Villanueva) allows cities and counties the option of assessing a fee, not to

exceed \$5, as part of the costs in each criminal or traffic case in district or circuit court. The fees would be used for the implementation and maintenance of an electronic summons system. The money could only be spent on software, hardware and associated equipment costs for the implementation and maintenance of an electronic summons system.

**Auction of properties for tax reasons.** HB 499 (Yost) reduces from five years to three years the period of tax delinquency before a local treasurer or other officer may publicly auction certain unimproved parcels of real estate. The bill applies to any unimproved parcel that is assessed at less than \$10,000 and that either measures less than 4,000 square feet or is a parcel of any size that is determined to be unsuitable for building because of its size, shape, zoning, or soils.

**Property tax exemption for spouses of military personnel killed in action.** HJR 8 (Ramadan) will place a constitutional amendment on the ballot in November that allows the General Assembly to exempt from taxation the real property of the principal place of residence of the surviving spouse of any member of the armed forces who was killed in action.

The exemption would apply whether the spouse was killed in action prior to the effective date of amendment taking effect, although the exemption will not be applicable for any period of time prior to Jan. 1, 2015. The exemption applies to the surviving spouse's principal place of residence without any restriction on the spouse's moving to a different principal place of residence and without any requirement that the spouse reside in Virginia at the time of death of the member of the armed forces. The surviving spouse loses the exemption entitlement if he or she remarries.

HB 46 (Ramadan) implements this state-mandated local property tax exemption program, and is contingent on the referendum's approval in November 2015. The bill requires each locality to waive the property tax on any residential dwelling with an assessed value in the most recently ended tax year that is less than the average assessed value for the same year.

**Church property tax exemption bill approved.** HB 156

(Minchew) and SB 175 (Black) add to the kinds of properties that the tax exemption for churches applies. Under the final version, outdoor worship facilities are exempt. Also exempt are accessory uses allowed under the zoning ordinance if the dominant purpose of the accessory use is to support the primary religious use. Finally, if a feature is put on the property of the church to comply with federal, state or local law, it is exempt. For example, if a storm water protection area is required in building a church, that storm water basin would be exempt.

**Tax exemption for solar energy equipment.** HB 1239 (Hugo) and SB 418 (Hanger) exempt certain solar energy companies from paying machinery & tools taxes. The bills do so by expanding the definition of certified pollution control equipment and facilities to include solar equipment energy facilities and devices (even though such equipment has nothing to do with pollution control). The bills, in effect, provide small solar energy companies with enough of a profit margin to keep them afloat. They limit the solar installation qualifying for the exemption to no greater than 20 megawatts. An installation of this size typically occupies more than 100 acres.

**Exemptions for non-profits collecting meals tax at fundraisers.** HB 1099 (Farrell) exempts the first \$100,000 in gross receipts per calendar year of meals sold by non-profit entities at fundraising sales, beginning with the fourth such sale in a calendar year, from county food and beverage and city meals taxes. In other words, after the third fundraising event, a non-profit would be exempt from collecting meals taxes up to \$100,000. After the threshold is reached, the non-profit would have to collect and remit meals taxes.

**Personal property taxation.** HB 589 (Davis) creates a separate tax classification for electronic communications and processing devices and equipment, and provides that local governments may exempt that classification from personal property taxation.

HB 617 (Davis) creates a classification for personal property tax rate purposes for property owned by a business during its first two years of operation, if the business's annual gross revenues

do not exceed \$100,000. A locality may impose a rate of tax on such property that is lower than the rate on the general class of tangible personal property.

**BPOL appeals.** HB 497 (Head) permits a taxpayer to appeal to the tax commissioner or request a written ruling from him with regard to the classification of the business for BPOL tax purposes, regardless of whether the locality has conducted an audit, issued an assessment, or taken any other action.

**Notice of assessments.** SB 480 (Norment) places new requirements on notices of assessments. The notices must include: (i) the new and prior two assessed values of land and assessed value of improvements, (ii) the new tax rate and the rates for the prior two tax years; (iii) the total new tax levy and the tax levies for the prior two years; and (iv) the percentage changes in such levies. Current law requires information for the current year and the prior year.

**Real estate tax exemption for elderly.** HB 1000 (Minchew) provides that the real property tax exemption for the sole dwelling of the elderly and disabled includes dwellings held by certain trusts. The bill also provides that if a locality establishes income restrictions for the exemption, then the locality shall exclude (i) the income of relatives living in the dwelling providing caregiving services whether or not they are compensated and (ii) the income of non-relative caregivers living in the home whether or not they are compensated.

**Fiscal impact process.** HB 199 (Landes) allows the Department of Planning and Budget and Department of Taxation to refer legislative bills to the Commission on Local Government for submission through the fiscal impact process. Currently, the Division of Legislative Services is the only agency that makes those referrals. The bill also directs DLS to send joint resolutions that propose to study local government expenditures and revenues to the COLG for submission through the local fiscal impact process. The General Assembly rejected a gubernatorial amendment to this bill, so it has been returned to the governor, who may sign it, veto it, or take no action, in which it becomes law without his signature.

## FOIA

**Freedom of Information.** HJR 96 (LeMunyon) directs the FOIA Advisory Council to study the current exemptions in FOIA to determine if any of them should be eliminated. The council is to conclude its study by Dec. 1, 2016.

## Human Services

**Mental health system reforms.** SB 260 (Deeds), HB 478 (Villanueva) and HB 1232 (Cline) incorporate much of the General Assembly's most recent efforts at reforming the mental health system. The three bills:

- Lengthen the time period that an individual can be held under emergency custody from the current four-to-six hours to 12 hours.
- Require law enforcement to notify a community services board (CSB) as soon as practicable when an individual is taken into emergency custody.
- Extend from 48 to 72 hours the time period an individual can be held involuntarily under a temporary detention order.
- Require the Department of Behavioral Health and Developmental Services (DBHDS) to administer a real-time bed registry for available psychiatric beds.
- Require DBHDS to help a CSB locate an available bed if the CSB cannot find one within eight hours.
- Require a state facility to accommodate the individual if no other bed can be found.
- Charge the Governor's Task Force on Mental Health Services and Crisis Response with studying options for reducing law enforcement resources used during the involuntary admission process.

HB 1216 (R. Bell) and SB 261 (Deeds) require DBHDS to make recommendations by December on the qualifications, training and oversight of the CSB employees who are responsible for evaluating individuals taken into custody under emergency custody orders.

The General Assembly created a

study committee to recommend broad reforms to the state's mental health system: The committee set up under SJR 47 (Deeds) will review mental health services, identify service gaps; and recommend changes. This study committee has a four-year time frame for its work.

## Land use

**State suits for violation of land use applicant's constitutional rights.** For years, the U.S. Supreme Court has ruled that in order to pass constitutional muster, the conditions imposed by a local government in a land use application must relate to the burdens created by the project. In 2013, the court expanded that rule to denials of applications. In such cases, the government could be on the hook for damages and attorneys' fees. The court also ruled that requiring the payment of money (such as cash proffers) is an unconstitutional taking, if the requirement is not legitimately connected to the application.

HB 1084 (Morris) and SB 578 (Obenshain) stem from this 2013 case. The bills create the right to sue a locality in state court for an unconstitutional condition imposed by the locality, or an unconstitutional denial of an application. For years, landowners have had the right to bring the same kind of lawsuit in the federal courts.

This new law may push localities to be more conservative in approving applications for land use developments, especially if the applicant would normally pay money to help ameliorate the off-site impact of the project – such as adding road widths, stoplights, etc. The long-term effect may be a slowing of growth.

**Preliminary plat requirements will become optional.** HB 209 (Marshall, D.) removes the requirement that developers submit preliminary plats for subdivisions with fewer than 50 lots. The bill hampers the ability of local governments to work with developers on the design of a project through the preliminary plat process, before the applicant has to pay expensive engineering and other costs for all the information that must accompany a final subdivision plat (road building plans, utility plans, landscaping, etc.).

**Eminent domain bill passed in acceptable form.** SB 194 (Black), initially a troublesome bill, was amended to simply state what the common law has been in inverse condemnation cases: When the government takes or damages property without first filing a condemnation action, the property is valued as of the date it was taken or damaged.

**Local oversight of agritourism to be limited.** The legislature adopted a one-size-fits-all approach to how local governments can regulate land use for certain agriculture purposes. HB 268 (Orrock) and SB 51 (Stuart) prohibit local governments from requiring a special exception, administrative permit, or special use permit for an agritourism activity.

**Aquaculture operations.** HB 1089 (Morris) prohibits localities from requiring a special use permit in agricultural districts for the production of aquaculture products. This bill appears to undo a recent Virginia Supreme Court case that upheld the authority to require a special use permit for oyster harvesting. The bill has a delayed effective date of Jan. 1, 2015.

## Local authority

**Statewide grass cutting on occupied properties.** Under current law, only specified localities have the authority to require owners of occupied properties to cut the grass. HB 177 (Farrell) extends that authority statewide. The bill, like the existing law, requires the locality to adopt an ordinance to put this authority into effect.

**Hybrid dogs.** SB 444 (Norment) authorizes local governments to adopt ordinances to prohibit the owning of hybrid canines (canines that are part dog and part wolf or coyote).

**New audit requirements for most towns removed from legislation.** Under current law, most towns with populations under 3,500 are not required to have an annual financial audit. As originally drafted, HB 1075 (Jones) would have required annual audits in these towns if their annual financial transactions were more than \$25,000. Towns with annual financial transactions less than \$25,000 would have been required to file a statement certifying that fact; in addition, the

## General Assembly wrap-up

Auditor of Public Accounts would have been given the authority to require an audit if the APA decided it was necessary to determine the propriety of the town's financial transactions.

VML successfully requested that these requirements be removed from the bill in order to determine how many towns would be affected by these requirements, and what the cost would be.

With the requirements for towns under 3,500 removed from HB 1075, the final version applies to annual audit requirements for authorities, commissions and other political subdivisions whose governing bodies are not elected. Currently, an audit is required if their financial transactions exceed \$5,000. The bill raises that threshold to \$25,000.

**Boundary line notice adjustment amended to address local government concerns.** Local governments were spared the requirement to send written notice by certified mail to landowners affected by boundary line adjustments agreed to by local governments. Instead, HB 652 (LaRock) requires that the notice be sent by first class mail, a requirement similar to those in place for zoning changes initiated by localities. VML pushed for removal of the certified mail notification requirement, which would have cost \$3.30 per landowner.

**Personnel policies must address use of public property.** Local governments will be required to address the use of public property in their personnel policies. HB 494 (Lingamfelter) requires that such policies “address the use of telephones, computers, and related devices and peripheral equipment that are the property of the locality for (i) personal use, to the extent that such use interferes with the employees’ productivity or work performance, or (ii) political activities.”

At the request of VML, the legislation was amended to exempt towns having a population under 3,500 from the requirement if they do not have a personnel policy.

## Retirement / Benefits

**Roth IRA.** SB 188 (McDougle) allows the state and localities to include a Roth contribution program in the

deferred compensation plan beginning July 1, 2015.

**Line of Duty Act.** HJR 103 (Jones) directs the Joint Legislative Audit and Review Commission to undertake a two-year study of the Line of Duty Act. JLARC is instructed to examine current and projected future costs of benefits; the appeals process; claims administration; and a review of other programs that provide similar benefits.

## Transportation

**Urban roads eligible for reconstruction funds.** Primary highways maintained by cities and towns were added to the list of roads eligible for reconstruction funds. With the passage of SB 518 (Wagner) and HB 1048 (Rust), locally-maintained primary routes can be allocated some of the \$125 million each year of Transportation Trust Fund money for reconstruction of deteriorated highways.

Primary roads that run through Virginia's cities and towns that maintain their own roads comprise just under 11 percent of all primary road lanes, but account for more than 26 percent of the daily vehicle miles traveled on the primary road system. At present, primary road reconstruction projects in cities and towns are not eligible for this funding, even though the VDOT maintained highways are.

**Locating, moving local government public utility lines.** HB 978 (Rust) creates a mechanism for Public-Private Transportation Act projects to work out conflicts for locating and moving local government and other utility lines. Should the locality and the private entity not be able to reach agreement, the private entity has the option of asking the Commonwealth Transportation Board to consider the matter. The private entity would be responsible for paying for the relocation.

The bill originally made localities subject to the SCC and gave the SCC the authority to require a city to move its utility lines when the location conflicted with a project overseen by the commission. The bill was significantly amended to make it clear that local governments are not under the authority of the SCC and are not included as public utilities.

## Miscellaneous

**Sovereign immunity protection in dealing with unclaimed bodies.** Legislation passed that will extend sovereign immunity protection to local governments and police departments in cases dealing with unclaimed bodies.

SB 304(Alexander) and SB 77 (Martin) establish procedures for dealing with unclaimed bodies, as well as with some corpses that might be claimed by a family member. As long as the police departments or sheriff's offices follow these procedures on the collection and disposal of a corpse, the locality, its police and sheriff's office will have sovereign immunity. Existing law grants immunity to the sheriff's office, but not to the locality or police department.

Further, the legislation makes it clear that the locality and its law enforcement personnel have immunity if the police or sheriff cannot find a responsible family member, or other responsible party, and the corpse is disposed of pursuant to the law. The law should deter family members – after an unclaimed body has been disposed of legally – from coming out of the woodwork and filing a lawsuit.

**Mandates task force.** HB 1011 (Byron) extends the current mandates task force to review state mandates on local governments to 2018.

## Bills that failed ...


A host of bills affecting every aspect of local government were either carried over, killed, stricken, tabled, passed by indefinitely or simply ignored. Failed bills included those that would:

- Cap, revise, limit or study the authority of local governments to levy machinery and tools, BPOL and Merchant's Capital tax rates.
- Change the Communications Sales and Use Tax Trust Fund, either by altering the allocation formula or by requiring that the fund pay for local Line of Duty Act benefits.
- Limit stormwater fees on churches.
- Earmark the use of local fines and fees
- Allow residents and businesses of other states to file requests and re-

ceive documents and information under the Freedom of Information Act.

- Establish a fee schedule for payment of medical services under state workers' compensation laws.
- Repeal the authority of local governments to operate photo red lights.
- Try to force local governments to use an impartial panel as the final step in a grievance procedure.

- Suspend oil and gas drilling in a swath of Eastern Virginia until completion of steps to safeguard water supplies.
- Expand the list of people eligible for auxiliary grants.
- Create a compensable right of "quiet and peaceful enjoyment" of property.
- Remove or change the current requirement that school open after Labor Day.

- Expand retirement benefits.
- Require the Comprehensive Service Act program to abide by the Administrative Process Act.
- Limit how long local government (but not state) representatives could serve on the CSA State and Local Advisory Committee. 

## Marketplace

### **Executive Director, Rockbridge Area Recreation Organization (RARO)**

**SALARY:** \$49,029-\$59,029 start range DOQ/DOE (+) benefits. Responsible for managing day-to-day operations of the organization, which facilitates varied recreational programs for youths and adults who reside in the City of Lexington and Rockbridge County. These responsibilities include all aspects of administrative and logistical work. Min. req'd background of BS/BA with coursework in recreation a plus. Prefer CPRP, CYSA or similar certification. Applications available at Lexington City Hall, 300 E. Washington St., Lexington, VA or online at [www.lexingtonva.gov](http://www.lexingtonva.gov). Submit completed applications to that office. Open until filled. EOE.

### **Network Administrator, Herndon**

**SALARY:** \$54,841-\$71,556 start range (+) benefits; full range to \$90,378. Provide primary technical service and support for police information systems. Reqs. bachelor's degree, 3-plus yrs. technical support exper. in law enforcement or intelligence environment and MS-SQL certifications. Town application req'd. Call 703-481-1185, e-mail [jobs@herndon-va.gov](mailto:jobs@herndon-va.gov) or visit [www.herndon-va.gov](http://www.herndon-va.gov). Open until filled. EOE.

### **Systems Analyst/ Application Developer II (I.T. Department), City of Fairfax**

**SALARY:** \$71,041-\$107,082 DOQ/DOE (+) benefits. Responsible for the design, development, implementation and maintenance of web-based .Net applications and Mobile Apps for iOS and Android platforms. Send resume to: City of Fairfax, 10455 Armstrong St., Suite 331, Fairfax, VA 22030 or apply online at [www.fairfaxva.gov/government/personnel/jobs](http://www.fairfaxva.gov/government/personnel/jobs). Open until filled. EOE.

### **President and Chief Executive Officer, BVU Authority (Bristol)**

**SALARY:** Negotiable DOQ/DOE (+) benefits. BVU Authority is a multi-service utility providing electric, water, sewer and triple play services (telephone, broadband and CATV) by fiber to the home in counties, cities and towns in Southwest Virginia. For complete job description, required documentation and application process, go to the authority's website at [www.bvu-optinet.com/ceo](http://www.bvu-optinet.com/ceo). Send submissions by first class mail to: G. Walter Bressler, General Counsel, P.O. Box 8100, Bristol, VA 24202, or to General Counsel by overnight at 15022 Lee Highway, Washington County, VA 24202. Deadline: June 30. EOE.

### **Maintenance Manager, South Central Wastewater Authority (Petersburg)**

**SALARY:** DOQ/DOE (+) benefits. Work with department managers to plan and implement authority policies and maintenance projects. Ensures timely completion of projects and operation of an effective and efficient Maintenance Department. Manages day-to-day plant maintenance operations, including human resources, purchasing and budgeting for the department. A degree in mechanical or electrical engineering is a plus. Applications at [www.scwwa.org](http://www.scwwa.org). Submit letter of interest with application and resume to: Executive Director, South Central Wastewater Authority, 21300 Chesdin Road, Petersburg, VA 23803. /Open until filled. EOE.

### **Senior Planner (Zoning and Development Services Division / Department of Community Development), Fauquier County**

**SALARY:** \$54,678 min. to start DOQ/DOE (+) benefits. Functions as preliminary plat, final construction plan and final plat coordinator managing review and approval of subdivision plans and plats. Reqs. min. of a bachelor's degree in planning (master's preferred) and min. 3 yrs. exper., including land development review, and excellent oral and written communication skills. AICP cer-

### **Longer version of job ads posted at [www.vml.org](http://www.vml.org)**

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

tification desired. Submit an on-line Fauquier County classified application, available at <https://jobs.fauquiercounty.gov/home.htm>. Open until filled. EOE.

### **Planner II (Planning Division / Department of Community Development), Fauquier County**

**SALARY:** \$49,588 min. to start DOQ/DOE (+) benefits. Assists in the development of comprehensive plans and small area plans; analyzes demographic and environmental information; reviews land development applications (rezonings, special exceptions and special permits); conducts research and special projects; and provides technical assistance to citizens, developers, boards and commissions. Reqs. min. of a bachelor's degree (master's preferred) in urban planning or a closely related field; min. 3 yrs. exper. Submit an on-line Fauquier County classified application, available at [www.fauquiercounty.gov](http://www.fauquiercounty.gov). For assistance, call 540-422-8300. Open until filled. EOE.

### **Electric Substation Superintendent (Utilities Department), Danville**

**SALARY:** \$56,993-\$68,391 start range DOQ/DOE (+) benefits. Perform administrative and expert technical support for the Substation and Meter Department, as well coordinating the dispatch/control of power supply. Responsible for preparing the budget and monitoring expenditures, programming; testing and calibrating all meters; handle customer complaints; providing technical support for meter technicians; supervise meter technicians, substation technicians and systems operators. Reqs. broad knowledge in a general professional or technical field or a bachelor's degree in related field; possession of valid driver's license. Apply online at [www.danville-va.gov](http://www.danville-va.gov). Open until filled. EOE.




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