

Virginia Town & City

VOLUME 13 • JANUARY 1978 • NUMBER 1

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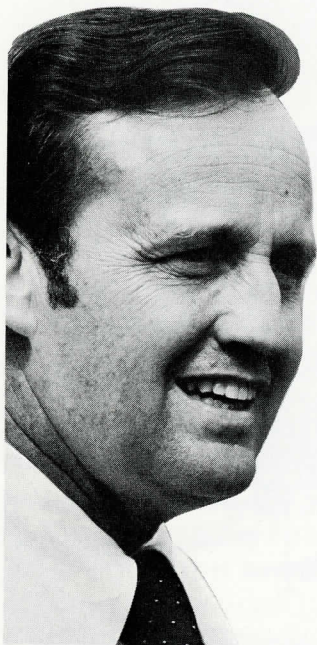
Editorial

I want to assure Virginia municipal leaders that I intend to work closely with you over the next four years as we strive on the state and local levels to build a better life for all our people.

Many serious challenges will face us in the years ahead. They will demand constructive action by the state and local governments. I intend to approach all such problems in a spirit of cooperation and a creative search for solutions.

Among the biggest questions are whether you as the elected representatives of the people are going to be able to retain control over essential services, and whether you are going to have the resources you need to meet the tremendous demand for services.

In many states and cities around the country, control over services has been effectively abdicated to labor unions which invoke the ultimate weapon of collective bargaining—the strike. I know you do not want to be placed in the position of being forced into collective bargaining, and I assure you that during my Administration, no local government will be forced into bargaining with unions through permissive state legislation. We recognize the constitutional right of all working persons to unionize but I do not agree that public-sector unions should have the privilege of bargaining collectively. I believe the people spoke on this issue as much as any other in November.



If we deny public employees the privilege of collective bargaining, we must take reasonable steps to ensure that their concerns are heard through other channels. I intend to set an example on the state level by making the grievance procedure work as it should, seeing to it that every employee has access to his or her supervisors and striving for adequate compensation for all employees. I have pledged that a reasonable cost-of-living pay raise will be included in each of the biennial budgets which I prepare as Governor, and I urge local governments to take reasonable steps to protect your employees from loss of buying power caused by the rising cost of living. Fair pay and fair play are the best ways to attract and retain talented and productive people in the public sector.

Other than the question of collective bargaining, you are faced with the complex question of raising the revenue you need to provide the services the people want. I am well aware that many local government officials feel that the formulas for the distribution of state money are not entirely adequate. I am sure you realize this is a very difficult problem because adjustment of the formulas will result in some localities losing revenue as others gain. A legislative study commission has looked into this problem and I will consider its report very carefully to see if any changes in the aid formulas are warranted by changing circumstances.

It will be my policy as Governor to foster a high degree of cooperation between the local and state government. In particular, I will continue the Governor's Council on Local Government to make sure that local elected officials and the directors of your Association and the Virginia Association of Counties have input at the highest levels. In the Dalton Administration, your views will be listened to and your guidance sought. No one has all the answers but rest assured that we will be asking you the questions.

I look forward to a fruitful and productive four years.

A handwritten signature of John N. Dalton in dark ink. The signature is cursive and stylized, with a large, looping 'J' and 'D'.

John N. Dalton
Governor
Commonwealth of Virginia

Virginia Town & City

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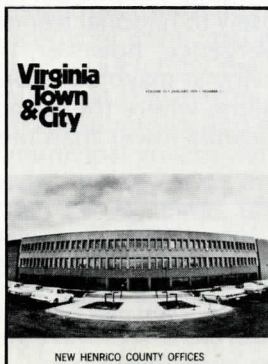
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Statements and opinions presented in this magazine do not necessarily reflect the editorial policy and opinions of VIRGINIA TOWN & CITY or the Virginia Municipal League.

ON THE COVER:

Photograph courtesy of Amir M. Pishdad, Chief photographer, Richmond News Leader. The new Henrico County Administration Building was officially dedicated on November 20, 1977. The \$12 million dollar facility houses the offices of finance, personnel, planning, public works and the county manager among others. The administration building is the second of the five-phase program to put the government of Henrico County in one location.



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THE ECLIPSE OF LOCAL GOVERNMENT: A TIME OF CONCERN

By MICHAEL S. DEEB

Wanted! Candidates to run for city council; must be willing to:

- work long and irregular hours
- accept very low salary
- be available and answerable at all times to community residents on every local problem, real or imagined
- provide services on limited and dwindling funds
- accept and adopt an increasing number of state and federal laws and regulations
- work harmoniously and productively with fellow councilmembers, the mayor and manager
- work without your own exclusive research and administrative staff and personal office.

No experience necessary, but must have strong sense of concern for the welfare of the community with a dedication to work for the good of the community.

Want ads usually are a good means to attract qualified, needed candidates for jobs. However, one can say with great accuracy that if the above ad appeared in a local newspaper, few replies would be received from persons willing to "donate" their time for such an endeavor which is not fully appreciated nor understood. Although there is still a dedicated pool of citizens willing to serve in this capacity, there is an apparent disinclination on the part of a growing number of citizens to step forward for the cause of municipal government. Moreover, growing numbers of officials who serve in municipal government are leaving. Consequently, the number of capable, dedicated individuals, altruistically motivated, who would serve on council, is declining.

The ad, which signifies the predicament municipal government in the U.S. finds itself at this time, is also a portent of what lies ahead. Surely, the ad could have been written 50 or 100 years ago, for example, and the same negative situation would exist. What is different today, however, is the increased negativism which exists, and larger, more complex problems which the ad implies. It is this negative, com-

pounded situation which currently places U.S. municipal government, and many county governments, in a serious situation.

Before relating the issues, some background information on municipal government and the people holding the offices of mayor and councilmember would be helpful in understanding the issues presented.

Last year, the Virginia Municipal League conducted a study of the offices of mayor and councilmember in Virginia cities and towns, and looked at some aspects of the offices, nationally. The League study found that all 41 Virginia cities operate under the council-manager form of government as do most towns above 3,000 population. In towns below 3,000 population, the majority of them utilize the mayor-council form in which the mayor serves as the chief executive officer.

The study showed that the city mayor in Virginia is usually not elected directly by the people, but is appointed by council from among its members; this procedure is related to the council-manager form of government which traditionally has preferred the appointed mayor. However, this occurrence does not hold true for towns, where the great majority of mayors are directly elected by the people under both forms of government.

It was found that few municipal mayors are engaged in overt political party campaigns and elections in Virginia. Again, in keeping with the traditions of the council-manager plan and the traditions of municipal elections in Virginia, the great majority of municipal elections are held without any political involvement.* Also, few mayors are given the veto power over council-passed ordinances. The League study revealed that the overwhelming majority of mayors are white, are male and are in the middle to upper age brackets.

For councilmembers, the League study found that most city councilmembers are elected for four-year, staggered terms, while in towns about a half of them are elected on this basis; the other fifty percent of them are elected for two-year, non-staggered terms.

Like mayors, councilmembers are elected usually with no overt political involvement, although subtle, informal, political activities do take place in many instances.

Also similar to mayors, white males dominate the office of councilmember in Virginia's cities and towns, despite the fact that there have been notable increases in recent years in the numbers of females and blacks elected to councils.

Virginia's municipal elected officials conform fairly closely to national trends in these areas. One glaring, divergence, however, is in the number of females serving as mayors and on council in Virginia's municipalities where the number of females serving is significantly lower than the national figure.

* Although State law prohibits political party identification on ballots for mayor and councilmember, candidates can campaign politically, and can be grouped with their fellow party candidates on ballots. Thus, the Democratic or Republican slate, etc. of candidates can be shown as a group, with separations between the party groups listed.

ABOUT THE AUTHOR

Michael S. Deeb is Deputy Director of the Virginia Municipal League.

These then are the people who see the issues and problems and who have voiced concern. It is becoming readily discernible that the disenchantment and frustration among members of local governing bodies is increasing and is reaching a point of serious proportions which could severely affect our traditional means of governing ourselves. Recent studies and observations point to such a situation. For example, information gathered and analyzed by the League reveals the following: a growing dissatisfaction by mayors and councilmembers in attempting to raise needed, additional revenues from scarce, local resources, and at the same time, to meet more and more citizen demands for services; there is a feeling of inadequacy in trying to answer and satisfy greater, more vocal demands by citizens on various social and economic issues, such as crime, prisons, housing, and minority recognition; a feeling of inadequacy and unproductiveness prevails in a part-time position that yet is demanding more and more of their time; a feeling of confusion, frustration and even anger pervades when attempting to comprehend and abide by federal and state laws and regulations which have been increasing significantly; the anger results largely because mayors and councilmembers feel that state and federal governments induct mandates on local government without an understanding or concern of the effects on local government.

The data compiled by the League disclosed serious deficiencies in municipal government that affect its structure and performance. For example, the data show that the turnover rate on city and town councils is increasing, indicating that more and more councilmembers are not seeking reelection, and correspondingly, the length of service on council is diminishing; additionally, as the more experienced members leave office, they are replaced by inexperienced persons, whose edification for the most part consists of on-the-job training, much to the detriment of a locality. Salaries and other compensation for councilmembers, although increasing slightly, are still terribly low; similarly, although localities perceive a need to provide better staff and facilities for councilmembers, there still exists a woefully inadequate situation generally. Training and the need for additional information is another inadequacy, as many members lack both and cannot receive the proper education and information to perform to the best of their abilities. These are examples of such occurrences; more could be cited given the space to recount them.

Virginia is well in line with national trends, regarding these problems and concerns of municipal governing bodies. A 1973 survey conducted by the National League of Cities revealed that U.S. mayors and councilmembers are restless, apprehensive and concerned about the future of municipal government at a time when significant changes are occurring in our federal system. Their message, clearly stated, is that they need assistance, understanding and greater appreciation of their roles and functions. (See Table I).

In addition, they cited their major problem areas and the most frequent complaints brought by citizens. (See Tables II and III). The problems and com-

plaints are not surprising to those familiar with municipal government. Viewed from the positive side, the lists restate the wide array of services and amenities which local governments provide their citizens and the importance of their existence in our federal system of government. Yet, with this important

TABLE I
THE ELECTED CITY OFFICIAL FRUSTRATION INDEX

(The things that irritate mayors and councilmen about their jobs. By percentage of mentions.)

Frustration	Mayors	Councilmen
Lack of staff assistance	14.8%	20.5%
Long hours required for "part-time" job	37.8	37.1
Lost private business because of conflict of interest legislation	14.3	10.2
Low public salary	27.4	21.1
Late night calls from constituents	27.4	15.8
Expensive election campaign spending	16.4	22.5
Excessive time spent away from family	42.8	43.0
Excessive time spent away from private business	30.4	23.6
Information glut—too much paper to wade through to make decisions	35.5	31.6
Too many meetings to attend	26.4	23.6
Inefficient use of elected officials' time	22.9	32.4
OTHERS*	21.2	27.7

* 259 other "frustrations" were also listed by mayors and city councilmen. Among those most frequently mentioned included: Incompetent, glory-seeking, non-working councilmembers, 40; public apathy, 36; red tape, 19; federal-state mandates, 18; attitude toward elected officials, 17; hassle with news media, 12.

Source: "America's Mayors and Councilmen" National League of Cities, 1974.

TABLE II
RANKING MAJOR URBAN PROBLEMS

Total Mentions*	Problems	Ranking by	
		Mayors	Councilmen
675	Refuse and solid waste	1	1
600	Law enforcement	3	2
573	Streets and highways	2	8
543	Relations with county	4	3
503	Fiscal/tax policies	5	5
490	Downtown development	6	6
486	Planning and zoning	8	4
444	Citizen participation	7	9
420	Public transit	12	7
393	Use of gen. rev. sharing	11	10
385	Parks and recreation	10	11
380	Energy shortage	9	12
310	Housing	13	15
309	Relations with state	15	14
309	Upgrading city staff	16	13
286	Economic development	17	16
269	Water quality	14	19
260	Relations with fed. govt.	16	20
240	Collective bargaining	19	18
233	Manpower development	18	21
228	Relations with region	21	17
223	City govt. reorganization	22	19
213	Health care	20	23
191	Education	23	23
189	Social services	24	22
163	Race relations	26	24
160	Fire prevention	25	25
139	Air quality	27	26
89	Other problems	28	27

* There were 9,703 problems checked by the 1,031 survey respondents for an average of 9.4 problems mentioned by each mayor and councilman.

Source: "America's Mayors and Councilmen," National League of Cities, 1974.

"grass roots" need, local government, and especially municipal government, is attempting to cope and progress in an environment that mitigates against its proper functioning. If one examines closely the list of problems and complaints, one can deduce that the common denominator involves municipal relationships—relationships with citizens, other city officials, regional staffs, and federal and state officials—which leads back to the general problem stated earlier of the need for understanding and support.

The NLC survey reiterated rather common and previously stated concerns and needs by mayors and councilmembers. For example, they cited the following: the need for more citizen input and participation in city government; the need for better understanding of city government by state and federal officials, as to how local governments are structured and work, in relation to the areas of state and federal assistance programs, and programs mandating local performances; they mentioned the fact that as part-time officials, though actually devoting long and irregular hours, their pay and compensation was pitifully low; they were rightfully concerned about the erosion of power from the city to state and federal governments; they were confused and frustrated with the increasingly complex nature of municipal government, while at the same time not having pertinent, up to date training and information to assist them in making decisions.

TABLE III
WHAT DO CITIZENS FREQUENTLY COMPLAIN ABOUT?
(Percentages of Mentions)

Rank	Complaint	Mayors	Councilmen
1	Dog and other pet control problems	60.7	44.3
2	Traffic control (stop signs & lights, parking)	40.7	53.5
3	Rezoning problems	30.1	46.3
4	Potholes in streets	30.6	32.4
5	Tax rates	22.0	26.0
6	Sewer service	23.1	19.3
7	Cleanliness of streets, neighborhoods	18.5	19.7
8	Crime	17.0	14.5
9	Housing	15.4	14.3
10	Other*	14.1	15.6
11	Water service	10.6	5.9
12	Drugs	6.2	4.3
13	Health care	3.3	2.1
14	Fire protection	2.9	1.4

* 158 other frequent citizen complaints also were listed by mayors and city councilmen. Among them: Police-community relations, 27; lack of recreation facilities, 23; administrative duties, lack of action, 23; youth activities, 17; overall appearance of city, 12; ecology problems, 12; snow removal, 11.

Source: "America's Mayors and Councilmen," National League of Cities, 1974.

The erosion of power from the local level to state and federal governments, which has occurred during this century, is a principal cause of the predicament and precarious condition of local government. Perhaps the most serious area of erosion has occurred in the taxing powers, as local government finds itself unable to increase significantly already swollen taxes and to broaden its tax base. Despite

some corrective measures on the part of the federal government—such as enactment of federal revenue sharing—much more must be done to assist local government, in terms of both direct assistance, and self-help measures by granting additional powers to local government. Also, states must recognize the erosion problem and provide more assistance than at present.

These then are the major problems and concerns of municipal mayors and councilmembers. Of importance and newly established is the thread of urgency and desperation which have been disclosed and which have been building gradually over the years.

The same questions keep reappearing. How to cope? How to proceed? How can we progress? Are we losing ground? Are we losing our powers and confidence of our people? Where are the answers and solutions? Where are the officials who can assume the needed responsibilities and assist us?

These are hard and difficult questions and the issues they raise relate to problems not easily solved, and in some cases problems which will never be solved fully. Nevertheless, the concerns of local, elected officials are real and must be addressed and answers, (complete or partial), to the problems must be found. In sum, there is urgently needed a greater awareness of the peril local government in the U.S. faces in the diminishment of its role and viable existence in the federal system; corrective measures must be undertaken soon. Local government must continue to function viably and effectively because it is essential to our federal system and democratic form of government.

If it is to survive as we know it and want it to, it will take a greater awareness of its structure, role, operations and goals by the citizens and local, state and federal officials, and a greater dedication and willingness for all to work to these ends.

Local government must emerge from the shadow cast by brothers state and federal governments into the sunlight as an accepted sibling. Now, this is the hard part. The onus for achieving change and finding solutions to the problems must come with local government initiatives. Acceptance and approval will not be easy and local governments must work hard to make known their presence, problems, needs and importance. However, acceptance and approval will not be achieved by simply stating the issues but will be achieved in combination with demonstrated competence and accomplishments. Consequently, local government officials must assess and take stock of their individual situations and work to improve these conditions. They must convince their citizens and officials in state and federal governments of the great need for local government and demonstrate its importance, and vital place and interrelationship in the federal system. In this endeavor, they will not be alone. They have friends and sympathizers they can call on for assistance, i.e., individuals, other governmental officials, public and private institutions and businesses. But local governments must start to hammer the foot-holding spikes into the mountainside, in the difficult climb to the sun-drenched mountain-top.



RATTLEY ELECTED 2nd V.P. NLC

The Virginia Municipal League is proud to announce the election of Newport News Vice Mayor and the VML First Vice President, Jessie M. Rattley, to the office of Second Vice President of the National League of Cities. Vice Mayor Rattley was elected during NLC's Congress of Cities on December 7 in San Francisco, California. Her election as a national officer is a first in recent years for Virginia.

Recognized at the national level of government, Vice Mayor Rattley served on the National League of Cities' Board of Directors. She also serves as the liaison for the Effective Government Committee. As a member of the NLC Revenue Sharing Task Force, she effectively assisted in the reenactment of General Revenue Sharing. In October, 1976, Vice Mayor Rattley was one of the 15 local elected officials chosen to attend the "Conference on Culture and Urban

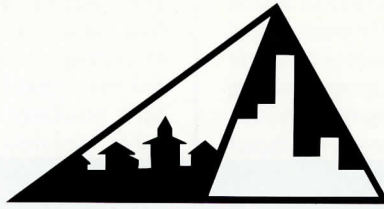
Development" in Munich, Germany. During the 1976 NLC Conference, she was elected President of the National Black Caucus of Local Elected Officials and recently she was elected Vice Chairman of the Black Caucus of the Democratic National Committee.

Since her entry into local government, Jessie Rattley has enjoyed a successful record. Elected to the Newport News City Council in 1970, she was the first black and the first woman elected to Council. She became Vice Mayor of the governing body in July, 1976. As VML First Vice President, she also serves on the Executive Committee of the League. She chairs the Legislative Committee and is a member of the Effective Government Committee.

A native of Birmingham, Alabama, Vice Mayor Rattley is an honors graduate of Hampton Institute, receiving a B.S. degree

in Business Education and Secretarial Science. She established the business department at Huntington High School in Newport News—the first black high school in the City to offer business training. Rattley founded Peninsula Business College in 1952 and since that time she has been the owner-director. She is the wife of Robert L. Rattley and the mother of two daughters.

Vice Mayor Rattley's leadership ability have been recognized by a wide array of local, state and national organizations and her proven ability to represent all interest and complexities of concern has led many other groups to look to her for leadership. The Virginia Municipal League feels that Vice Mayor Rattley's capable guidance can effectively promote the goals of Virginia localities as well as being a national spokesman for municipal concerns.



January 1, 1978

Dear State Senator or Delegate:

Faced with the lack of action by the General Assembly, the Virginia Municipal League, at its 72nd Convention in September, decided that we would not itemize a list of fiscal requests for consideration by the General Assembly in 1978. Instead, we will send representatives to the State Capitol to observe the actions of the General Assembly, to support reasonable solutions initiated by Members of the General Assembly, and to guard against further inroads being made into local government's limited financial powers.

For several years the Virginia Municipal League has requested legislation from the General Assembly which would address your local governments' financial needs through a more equitable system of local taxation. We have worked with individual members and committees of both Houses of the General Assembly in attempting to provide factual information about local government's fiscal posture to justify our recurring request for alternative local revenue sources. We have offered objective studies by respected state and national groups to support our arguments for alternatives. VML staff has cooperated in addressing technical issues which have arisen in regard to present state requirements for uniform fiscal reporting.

In spite of our earnest efforts at cooperation, local government's requests seem to have fallen on deaf ears. No significant action to address this need has been forthcoming from the General Assembly, in spite of the willingness of a few legislators to introduce legislation which would speak to the issue. In previous years we have discussed an income tax surcharge, increasing the sales tax, state assumption of costs of programs over which local government has little or no control (i.e. welfare, education, tax relief, etc.), and regional gasoline taxes, among others. We have been willing to discuss distribution methods, local option vs. statewide enactment, categorical returns of funds, criteria applied as formulas which would address need and income and other measures of wealth, and shared revenue with state government. We have offered to explore ceilings on certain existing tax sources at the local level, saturation factors and a number of other methods of ensuring equity and fairness in tax burden for the citizens of the Commonwealth. Copies of previous legislative programs are available from the League office.

We cannot see that we can do any more to indicate our willingness to cooperate in solving this critical problem. Members of the Virginia Municipal League are creatures of the State and represent a unique "special interest"—the interest of the citizens. Local elected officials and members of the General Assembly share this special interest; we need to work together to effectively serve the citizens of the Commonwealth.

This year we are expecting you at the State level to arrive at a solution. We are ready to work with you in any way possible to see the matter of local financial assistance being resolved. Please call on us or any of the League staff to assist you.

Sincerely,

Sincerely,

R. L. Light, Jr., President
Virginia Municipal League

Jessie M. Rattley, Chairman
Legislative Committee
Virginia Municipal League

THE LEAGUE'S LEGISLATIVE PROGRAM

By Rick Weeks,
VML Staff Associate

The 1978 General Assembly Session will begin the second Wednesday in January. During the Session the League will monitor General Assembly activities and will keep member localities informed of all actions that may have an impact on them. In addition, the League staff remains closely attuned to the priorities set forth in the Staff Work Program that was adopted at the Business Session during the VML Convention in September.

One of the key items of the Program is *Legislative Procedure* which recommends an amendment to the Constitution of Virginia providing a recess during the General Assembly Session between the time all bills are introduced and when they are considered by the Committees. This is intended to provide an opportunity for Committee members to study the bills.

Under the category of general government, the General Assembly will be requested by the League to amend the *Code of Virginia* to provide that salaries of councilmembers and members of boards of supervisors be set by local ordinances rather than by charter change or by special laws. The League also recommends legislation which would provide for joint approval of budgets for constitutional officers when these are joint offices between counties and cities of the second class. The League encourages

the General Assembly to appropriate the total amount of funding authorized by law for public libraries.

The League will request State approval for localities to levy a hotel tax. The League also recommends that localities be granted the authority to levy a two cent additional gasoline tax to be used to support transit systems. A rehabilitation expenditures income tax rebate is recommended for action by the General Assembly. The League advises the General Assembly to repeal the 1976 amendment to Section 16.1-69-48 of the *Code of Virginia*, which requires general district court fines to be routed through the Clerk of the Circuit Court where a 5 percent fee is deducted.

The League urges the delegates and senators to enact legislation to prohibit collective bargaining for all public employees. The VML opposes any legislation which would inhibit the uniform treatment of all local employees.

Further, the League recommends action be taken by the General Assembly to alleviate State mandated salary and fringe benefit inequities. (This item has been added by the Legislative Committee since the League Convention.)

The League urges the State to place greater emphasis upon funding its share for the upgrading of the existing correctional facilities and the development of new and needed facilities.

The Virginia Municipal League requests the State Legislature to study the laws under which alcoholic beverages

are licensed and controlled to ensure that local powers and ABC laws are not in conflict. Additionally, local governments recommend that the State reexamine and redesign its allocation of highway funds to localities, including in its study such areas as cost escalator factors, cost of right of way relocation, funds for towns under 3,500 and distribution criteria.

The League endorses the concept of uniform speed laws as long as localities are granted power to raise or lower speed limits within their corporate limits.

In the area of planning, the League endorses conditional zoning as long as legislation does not impose on localities which presently have additional zoning powers under Section 15.1-491 (a) of the *Code of Virginia*.

The final recommendation of the Staff Work Program is that the General Assembly enact legislation allowing a locality to appoint members of the Local Board of Zoning Appeals, even if such power is not expressly granted to the local governing body.

Key items of the Staff Work Program were backed up by large mailings of resolutions. Copies of the resolution on rehabilitation expenditures income tax rebate were sent to the President, the U. S. Congressional delegation from Virginia, the Governor and members of the General Assembly. A resolution was also sent to the Governor and all General Assembly members urging the local option 2 cent additional gasoline tax and a similar resolution was sent to the President and the Virginia representatives in Congress.

FIRE PREVENTION CLINIC

Offered annually by the State Fire Marshal's office and the State Fire Prevention Association, the Fire Prevention Clinic will be held February 6-10 at Virginia Polytechnic Institute and State University. The three-part Clinic does not have to be taken in numerical order. The 75 Edition of the BOCA Fire Prevention Code is used as a text and the Clinic will cover approximately one-third of the Code in this year's session. While the Clinic is designed for members of Fire Prevention Bureaus, the material presented will be of value to anyone interested or having fire safety responsibilities. The Clinic is also assisted by the State Fire Service Training Division, State Department of Education.

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People

Finnegan Retires

JOHN F. FINNEGAN, JR. announced his retirement as Fire Chief of the City of Richmond. Finnegan has been with the department since 1945 and was promoted to Chief in July, 1972. Chief Finnegan is a member of the State Fire Chiefs Association of Virginia and was a charter member of the fire service section of the National Fire Prevention Association. He was the recipient of the Sherwood Reeder Award, an honor given to the Richmond city employee who exemplifies outstanding service. The son of a former Richmond fire chief (1944-1959), Chief Finnegan's retirement was effective January 7.

Managers Appointed

GARY ELANDER, Administrative Assistant to Lexington's city manager has been named City Manager of Clifton Forge. Elander, a native of Jamestown, New York, received a bachelor's degree in political science from the State University in Buffalo, New York and a master's degree in urban affairs from VPI & SU. He served as assistant to the city manager of Jamestown, New York before coming to Lexington. Filling the post vacated by Ken Bradshaw, Elander assumed his new duties December 1.

JOSEPH E. BAKER, a native of Charlotte, North Carolina, accepted the job of City Manager with the City of Norton. He was formerly town manager in Granite Falls, North Carolina. Baker received a bachelor's degree in political science from the Citadel and is currently working on his master's degree at Appalachian State University. Before becoming town manager of Granite Falls, Baker worked as an assistant city manager in Reidsville, North Carolina. Baker assumed his duties on November 16.

Pearisburg's Town Manager, DANIEL W. HICKEY, III, became Giles County Administrator on December 1. Hickey had been with the Town of Pearisburg for six and one half years.

Former Mayor Dies

JESSIE EVERTS, former mayor of Bristol, Virginia died Friday, November 11, 1977. He was the owner of Everidge's Jewelers in Bristol, Tennessee. He was first elected to Bristol City Council in

1957 and was reelected in 1961, when he was elected mayor. Everts resigned during his second term as mayor in 1964 but was reelected to Council in 1971. Everts sought election again in 1976, but was defeated. The Virginia Municipal League extends sincere sympathy to Jessie Everts' family and to the City of Bristol.

Council Appointments

G. EDWARD JOHNSON, JR., has been appointed to fill the vacancy on Bedford's City Council. Johnson, a native of Bedford, is president of CEJ, Inc. He fills the vacancy created by the August 10 resignation of Lester Dean.

Iron Gate Mayor JAMES L. SHIRES submitted his resignation October 25. Shires, who has been Mayor since 1975, explained to Council that his job requires him to be out of town frequently and that it was not fair to the town or the town employees. He is Superintendent of Postal Operations at the Covington Post Office.

The Shenandoah Town Council has appointed CLINTON LUCAS, JR. to Council, replacing Eddie Vaughan, who resigned last month because he is moving. Lucas will serve until May, when Vaughan's term expires and Town elections are held. The Council also appointed Donnie Jewell as Vice Mayor.

Newby Reappointed

T. ASHBY NEWBY, purchasing agent for the Virginia Department of Highways and Transportation, will continue to serve as a member of the Board of Directors of the National Institute of Governmental Purchasing, Inc. Newby was reappointed at the recent Annual Conference of the organization in Miami Beach, Florida. NIGP is a non-profit educational and technical organization of governmental bond agencies.

Shawver Honored

WILLIS MAXWELL SHAWVER, JR., sports director of radio station WKEY and a Covington City Councilman, was named recipient of the Covington High School Outstanding Alumni Award. Shawver is also a member of the Effective Government Committee of the Virginia Municipal League.

Bloomfield Resigns

Farmville's Town Manager, T. W. BLOOMFIELD, submitted his resignation effective January 1. Bloomfield attended Virginia Polytechnic Institute and served five years in the Army during World War II. Returning to Farmville he owned and operated a plumbing and heating business. Before succeeding E. L. Quisenberry, III in July, 1961 as town manager, Bloomfield had served fifteen years as councilman. His resignation ends more than 30 years of work with town government. Assistant Town Manager Gerald J. Spates became acting manager on January 1. Bloomfield will continue working for the City full-time as a consultant until September 30, his retirement date.

Town of Culpeper Appoints

L. WINFREY BUTLER, retired resident engineer with the Virginia Department of Highways and Transportation, has been appointed Town Engineer for Culpeper. Educated at the University of Virginia, Butler is a certified professional engineer and has also been associated with Burlington Industries. JOSEPH T. DONAHUE has been appointed Town Clerk for Culpeper. He will also serve as administrative assistant to the town manager. A graduate of St. Joseph College, Philadelphia, Pennsylvania, he is retired from the U.S. Army after 23 years of service.

IACP Elects Duling

Howard C. Shook, President of the International Association of Chiefs of Police, Inc. has invited COL. FRANK S. DULING, Chief of Police, Richmond, to represent the District of Columbia and the State of Virginia on the International Association of Chiefs of Police Executive Committee. Duling, also President of the Virginia Association of Chiefs of Police, will serve from 1977 to 1979.

Cullum Named

Virginia Beach City Manager George L. Hanbury announced the appointment of HOWARD M. CULLUM as Director of the City's Mental Health Department. Cullum was previously Human Services Coordinator for Fairfax County, Virginia. He holds a B.S. from Miami University (Oxford, Ohio)

and an MPA from American University (Washington D.C.). His appointment was effective December 5, 1977. The Mental Health Department employs 75 individuals with a budget in excess of \$1 million.

Miller Honored

Falls Church Mayor **HAROLD L. MILLER**, Chairman of the Washington Council of Governments, recently received the Annual Civil Defense Award from the Society of American Military Engineers. The Award honors Mayor Miller for his successful efforts to increase Federal funds available for local civil preparedness and to include natural and man-made disasters, as well as nuclear disasters, in local civil defense programs. Mayor Miller is a former Chairman of COG's Public Safety Policy Committee.

ARLINGTON MANAGER AND NORFOLK HONORED

W. Vernon Ford, Arlington County Manager and the City of Norfolk won awards during the International City Management Association Conference in Atlanta, Georgia on October 30-November 4. Ford was the recipient of ICMA's Management Innovation Award, an award presented to professional managers who have been responsible for the conceptualization and implementation of significant innovative projects which have improved the delivery of municipal services. Ford was cited for the Madison Geriatric Center, a day care center for elderly and handicapped adults who are not bedridden.

The City of Norfolk won top honors in the 1977 City Hall Public Information Awards competition by *City Hall Digest*. The award was presented by Raymond L. Bancroft, editor-publisher of the *Digest*, during the ICMA Conference. The contest honors city governments for the excellence of their public information projects, annual reports and periodicals. Norfolk received honors in the annual report category using the newspaper format.

Chief Gebauer Appointed

A 19-year veteran with the Alexandria Fire Department, **JOSEPH R. GEBAUER**, was named to the newly created post of Director of Fire and Rescue Services for the City of Fairfax. Chief Gebauer began his professional career in 1958 with the East Liverpool, Ohio Fire Department and later became affiliated with the Alexandria Fire Department in 1972. He was promoted several times and served as training officer prior to his appointment with the City of Fairfax.

Marketplace

ADMINISTRATIVE ASSISTANT

Bristol, Virginia. Position for municipal utilities board providing electric, water and wastewater services. Will report to General Manager and assist in all administrative phases of operations. Require B.S. Degree; prefer individual with experience in utility field; strong writing and verbal skills desired. Salary commensurate with experience and abilities. Equal opportunity employer. Send resume to Linda Davis, Bristol Virginia Utilities Board, P. O. Box 391, Bristol, Virginia 24201.

UTILITY LINE SUPERINTENDENT

Town of Leesburg, located in Northern Virginia (pop. 8,500). Responsible to Public Works Director for all phases of water and sewer line Division operations. Minimum 4 years progressive experience in water and sewer line construction/maintenance, along with supervisory experience required. Local govt. experience preferred. Appropriate college level training may be substituted for 2 years of required experience. Starting salary \$12,050 to \$12,650 plus paid retirement, hospitalization, other benefits. Submit resume to Personnel Office, 15 W. Market St., Leesburg, Virginia, 22075, or phone (703) 777-2420 for application by January 30, 1978.

ASSISTANT CITY MANAGER

City of Newport News, Virginia; population approx. 140,000. Variety of responsibilities relating to the planning, direction control and evaluation of the operations and programs of the city government. Comprehensive knowledge of public management, organization and accepted practices of normal city functions. Graduate degree preferred with a minimum of three years of responsible administrative work experience. Salary \$22,000-\$28,000 depending upon experience. Send resume including salary history to Director-Personnel, City of Newport News, 2400 Washington Avenue, Newport News, Virginia 23607. An Equal Opportunity Employer.

TOWN POLICEMAN

The Town of Wakefield, Virginia is presently accepting applications for the position of Police Officer. Salary open. Experience required. Excellent benefits. Send resume and date available to John B. Cafazza, Jr., Town Clerk, P. O. Box 545, Wakefield, Virginia 23888.

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A LOOK AT THE CRISIS IN MUNICIPAL INSURANCE

HOWARD B. CAMDEN,
C.P.C.U.
RICHARD J. HESKIN, C.P.C.U.

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MICHIGAN MUNICIPAL REVIEW

As the property and casualty insurance programs for local governments become the subject of renewal, the management of municipalities are becoming painfully aware that there is truly a crisis in municipal insurance. Although there appears to be no way that premium increases can be avoided, some of the problems of municipalities' insurance programs can be alleviated through good risk management. In fact, a good management program will save the municipality money in the long run.

A quick review of some of the problems leading to these premium increases should help management to understand the reasons for these increases and perhaps lead to possible solutions for some of the difficulties. Some of the problems are:

- 1) Double-digit inflation
- 2) A claims-conscious public
- 3) The dramatically rising cost of medical care
- 4) The public's attitude toward municipalities (Today's citizens believe they can buck City Hall)
- 5) The erosion of governmental immunity
- 6) Aggressiveness of plaintiffs' attorneys
- 7) The tendency of courts to give verdicts far in excess of injuries sustained.
- 8) Municipal insurance has been underpriced for many years.

As a result of the above problems and others, insurance premiums are rising at a mind-boggling rate.

Insurance companies have suffered underwriting losses in the property and casualty insurance field totaling more than \$6 billion during 1974, 1975 and 1976. This has led to extreme tightening of insurance availability with much more selective underwriting, large retentions or deductibles required of insureds, and withdrawal from certain lines of insurance, such as medical malpractice, products liability and some liability coverage for municipalities.

With the advent of more selective underwriting, insurers have come to the realization that municipalities consist of many departments—each with a unique function. They have

taken a stronger attitude toward obtaining higher premiums for certain functions and sometimes insist on excluding coverage for other functions altogether.

Fire departments and police departments pose a danger of greater financial loss to a municipality arising from injury to employees and to third parties. This danger is inherent because of the emergency nature of operations. Higher premiums often are the result. Worker's compensation, automobile liability and physical damage and public liability are all affected. In some cases, some exposures, such as the police professional liability, may be excluded from over-all public liability programs and coverage must be sought through specialty insurers at increases in premiums.

Many municipalities have facilities that pose special exposures to financial loss although they are taken for granted as part of the service owed to citizens. Skating rinks, athletic fields, parks and places of public assembly are some examples of such facilities.

The cost of an accident is generally considered by most people to be the amount paid by the municipality or insurance company to an injured employee, an injured third party or the cost of repair or replacement of damaged equipment. Many years ago a respected safety engineer for a large insurance company determined that the actual cost of an accident is many times greater than the cash outlays which are readily apparent. These are referred to as hidden accident costs and include such items as:

- 1) The lost time of an injured worker.
- 2) Lost time of other employees assisting or discussing the accident.
- 3) Lost time of a supervisor and others investigating, attending hearings, filing reports, etc.
- 4) Time of a foreman or a key man in training a new employee.
- 5) Material or product spoilage.
- 6) Idle equipment.
- 7) Decreased production by injured worker during readjustment period.
- 8) Interruption of work at the time of an accident.
- 9) Incidental cost due to delays.
- 10) Payment of penalties.
- 11) Cost of renting emergency equipment.
- 12) Loss of good will (public or employee).

In addition to the financial costs outlined above, there must be an overriding concern for the safety of others from a pure humanitarian standpoint.

At one time, it was common practice for municipalities to purchase

insurance on a piecemeal basis. Fire insurance, liability insurance, automobile fleet insurance, fidelity and faithful performance bonds, etc. were purchased separately from various companies with numerous insurance agents involved. The normal practice for obtaining each line of insurance was through competitive bidding.

These practices sometimes led to gaps in coverage, and, in some cases, to duplication of coverage. They also resulted in confusion as to claims reporting and compliance with varying engineering safety requirements.

There then came a time when agents and insurers began to survey a municipality's insurance program to eliminate gaps and duplication of coverage. The result was packaging of many lines of insurance through one company or agency. This way resulted in a lower total premium cost and a much greater understanding by insureds of their insurance programs.

Approximately a dozen years ago, the concept of risk management came into vogue in private industry. This concept stresses a number of methods in addition to insurance for handling exposures to financial loss. The four methods commonly used by risk managers are 1) avoidance, 2) prevention and reduction, 3) retention and 4) transfer.

Avoidance of an exposure simply means to forego a procedure or program altogether if the chance for financial loss to the municipality may be greater than the expected benefits to be derived. For example, if an auditorium or other place of public assembly has become antiquated, and past experience has shown that the citizens do not make much use of the hall, the alternative may be to raze the structure rather than to expend the funds necessary to remodel or replace the facility.

The prevention or reduction of the possibilities of loss may take two forms. One is the correction of physical conditions such as the guarding of machinery, the prompt repairing of pot holes in streets, or a periodic maintenance program for all vehicles. The second type of loss prevention or reduction measure involves the personal or human factor such as the periodic training of personnel in correct procedures. In municipalities where there are paid fire departments, it is customary practice to conduct regular training programs for the fighting of fires. Unfortunately, this is not always the case where volunteers serve the community. It becomes mandatory that volunteer workers in all fields be given adequate and periodic training to perform their tasks properly. The periodic ordering of motor vehicle

records from the State on all drivers, and action taken on those with poor records, is another example of the second form of loss prevention.

Retention by insureds for some losses is probably the most economical way to handle those losses. This is certainly the case where the maximum dollar loss is small although it may occur somewhat frequently. An insurance company will charge insureds for the company's handling expenses in addition to the expected payout for such losses. By retaining such losses, municipalities will, therefore, avoid the payment for these additional expenses. Plate glass insurance, inland marine floater coverage on small items of equipment and collision insurance on automobile fleets are examples of lines of insurance that perhaps may best be retained by municipalities altogether. For other lines of insurance, it may be feasible to accept deductibles for the frequently occurring but normally small losses and protect yourself for the possible catastrophe loss by obtaining insurance in excess of the previously determined deductible.

The fourth method used by risk managers is transfer of risk and the most common way to transfer risk is to purchase insurance. The most expensive method of risk management, to the municipality is the purchase of insurance. This should, therefore, be the last consideration by a municipality as to the method desired to handling an exposure to loss. It should only be considered when other risk management methods are not considered feasible.

The problem in obtaining insurance and the cost of insurance, now create a demand that a risk manager be made a vital office in every municipality. The duties of a risk manager have been enumerated quite thoroughly in *Practical Risk Management*, a publication by Warren, McVeigh, Griffin and Huntington—Risk Management Consultants. The publication refers to a risk manager's duties as an employee of a company, but the responsibilities apply equally well to a risk manager for a municipality. There will be variations from municipality to municipality, but the over-all theme is appropriate. The duties listed are:

1. RISK IDENTIFICATION AND MEASUREMENT. This is the single most important function and the one most often slighted or paid only lip service. The risk manager must know all the important things happening or about to happen in his company. He should:

Physically inspect major properties at least annually.

Talk regularly with key staff and operating executives.

Study his company's financial reports, and other significant operating and financial material.

Review all requests for funds from operating units.

Read contracts, leases, bond indentures, and similar documents.

Study reports of all insured and self-insured losses.

Read minutes of meetings of his Board or governing body.

Establish dollar amounts for direct and indirect loss potentials.

Note: In larger municipalities, the risk manager cannot personally inspect all property, read contracts, etc., but should see that properly qualified persons perform the needed functions.

2. DEVELOP RISK MANAGEMENT POLICY. Prepare a statement of policy for consideration and approval by top management.

3. LOSS PREVENTION. Though he cannot be an expert in all phases of loss prevention, the risk manager should have a general knowledge backed by his own loss information. This should enable him to determine the best method of obtaining what loss prevention counsel is needed.

The most effective risk manager has direction of the safety function, but even when it is handled in a separate department, the risk manager, with the loss data, can provide useful support. In fire protection, he usually takes a more direct role in seeing that adequate protective measures are employed but that unsuspecting personnel are not beguiled into spending excessive sums by wily fire protection engineers of the insurance companies.

Recommendations from inspectors should be analyzed by the risk manager before forwarding to appropriate departments.

4. CHOOSE RISK FINANCE ALTERNATIVES. Thorough knowledge of his company's financial structure and organization, select methods of funding risk and administering losses.

5. NEGOTIATE INSURANCE. We used to say "purchase" insurance, but "negotiate" more aptly describes what should be done. This involves, first of all, knowing what insurance is needed, then going to the marketplace to obtain the best conditions of coverage and cost. In most cases, this involves working with one or more agents. Even with agency writing companies, it may be preferable for the risk manager to talk directly with the underwriter, in conjunction with his agent, on any major personal characteristics of their insureds placement. Underwriters consider the quite important, and face-to-face discussions streamline communications both ways.

A part of the insurance function is selection of the agent by the risk manager. In far too many cases, top management reserves this prerogative—a deplorable practice because:

a. The agent may then be somewhat less responsive to the risk manager.

b. The risk manager is more aware of important needs than is management.

6. CLAIMS ADJUSTING. This function of the risk manager is often underestimated in importance. On claims for liability and Workers's Compensation, he must see that reporting procedures are adequate, that claims adjusters are the best available that reserves are frequently checked, etc. Self-insured claims require even more careful attention. Subrogation (recovery) procedures against third parties must be initiated and followed through. Claims expenses (investigations, expert witnesses, legal, etc.) call for exercise of experienced and mature judgment.

Property losses are a special field calling for risk management involvement.

7. RECORD KEEPING. The risk manager's basic tool is a complete, well organized set of insured and self-insured loss records. Other important records he should keep include:

Property valuations, broken down fire divisions or locations.

Insurance policies (current and important expired).

Management decisions on risk.

Correspondence.

Telephone calls re: coverage and other important actions.

Other data pertaining to insurance policies.

Technical information.

8. RISK MANAGEMENT MANUALS. Municipalities with diverse departments need a book of instructions on how to handle claims, how to report values and changes, what to do about inspectors, etc.

9. COMMUNICATIONS. In addition to preparing the risk management manual, a risk manager must communicate up, down, and laterally. He communicates to his superiors by means of regular (at least annual) reports on progress, status, and future plans.

He communicates to the field not only through the manual, but through regular written communications and inspections. If he doesn't do this frequently, he will soon be forgotten.

He communicates to his departmenthead peers by personal contact, telephone and memos.

10. ACCOUNTING. In many multi-divisional organizations, the risk manager must allocate risk and insurance

charges equitably among cost centers. Much of this involves informed judgment.

11. ADMINISTER RISK FUNCTIONS. Miscellaneous duties include: supervise contractor's certificates of insurance, aid legal department in developing standards for purchase orders, leases, etc. Bid, performance and permit bonds may also be handled.

12. KEEP PROFESSIONALLY ACTIVE. As in any professional field, continual contact with peers is essential. Membership in the Risk and Insurance Management Society is basic, as is subscription to the major trade publications and attendance at important meetings.

The selection of a risk manager is difficult, but perhaps some criteria are uniform. Insurance has historically been handled by a finance director or someone involved in the accounting and finance department or the purchasing department of a municipality as a distasteful adjunct to other time-consuming duties. This can no longer

be the case. The job of a risk manager demands that it not take a back seat to other functions.

There are no set criteria for selection, but it is necessary that a risk manager be able to communicate well and get along well with people. He should also have a working knowledge of accounting, finance, insurance, law, loss prevention, and undoubtedly, numerous other skills are used in the job. Obviously, locating a person with skills in all these areas is difficult. Therefore, the risk manager must continually strive to acquire additional knowledge.

There are excellent publications available for continuing education. Among these are *Municipal Risk Management*, a *Risk Management and Insurance Handbook*, published by the National Underwriter Company, 420 East Fourth Street, Cincinnati, Ohio, 45202; the *Executives' Handbook of Business Insurance*, by the Research Institute of America, Inc., 589 5th Avenue, N.Y., NY 10017;

and *Practical Risk Management*, a publication of Warren, McVeigh, Griffin & Huntington—risk management consultants, 680 Beach Street, San Francisco, CA 94104.

There are also formal courses sponsored by the Insurance Institute of America taught regularly throughout the United States. These courses are also available as a self-study project. Write to Insurance Institute of America, Providence and Sugartown Roads, Malvern, PA 19355 and ask for their brochure on the *Program in Risk Management*.

Every municipality, regardless of size, needs a risk manager, whether full- or part-time. The rising costs of accidents strongly suggest that such a position be established and that the necessary authority be granted to the risk manager to handle the various duties of this position. If a conscientious effort is made to fill the position properly, a reduction in overall costs, over the long run, to the municipality will be the result.



The new officers of the Virginia Weights and Measures Association who were elected at the 1977 Annual Conference held in Charlottesville, Virginia, July 31, August 1 and 2 are from left to right: J. B. Haun, Executive Committeeman, Inspector, Weights and Measures Section, Virginia Department of Agriculture and Commerce, Staunton; G. W. Diggs, III, First Vice President, Inspector, Weights and Measures Section, Virginia Department of Agriculture and Commerce, Richmond; J. F. Lyles, Executive Committeeman, Supervisor, Weights and Measures Section, Virginia Department of Agriculture and Commerce, Richmond; J. F. Zegan, President, Sealer of Weights and Measures, Virginia Beach; Robert H. Britt, Jr., Executive Committeeman, Sealer of Weights and Measures, Norfolk; M. P. Gleason, Second Vice President, Bureau of Weights and Measures, City of Richmond; J. G. Sanders, Executive Committeeman, Inspector, Weights and Measures Section, Virginia Department of Agriculture and Commerce, Richmond.

MDTS LOCAL GOVERNMENT PROGRAMS SECTION

LOCAL GOVERNMENT PROGRAMS

LGP exists to provide services to local units of government based on their expressed management development and training and personnel administration needs. Funds for programs are provided primarily through the Intergovernmental Personnel Act of 1970, a Federal grant program administered by the U.S. Civil Service Commission.

SERVICES AVAILABLE

Tailored to meet the specific needs of local government, services include:

- Personnel consulting services to smaller jurisdictions and assistance of a more limited duration for medium and larger jurisdictions at no direct cost
- Training sessions for county administrators, city and town managers and local personnel officials focusing on individual development
- Federal funds at a low matching ratio (4:1) to support management development and training and personnel administration services.

ELIGIBILITY

Virginia cities, counties, towns and Indian tribal governments may apply directly to LGP for services. Planning district commissions and authorities are also eligible.

HOW TO APPLY FOR SERVICES

Call or write Local Government Programs, MDTS, Department of Personnel and Training, P. O. Box 654, Richmond, Virginia 23205, 804/786-7406. Apply for and receive services at any time during the year, although local governments are encouraged to participate in the annual statewide needs assessment process that LGP conducts.

Places

PETERSBURG—The City's proposal for the use of community development funds in a pedestrian mall downtown has gained approval from the Federal Housing and Urban Development department. W. Robinson Worth, Jr., Planning Director, said City officials are pleased with HUD's release of \$430,000 for construction and engineering supervision for the mall. The letter approving the project contained no conditions or stipulations. City Manager William R. Cook said construction should begin this month.

ALEXANDRIA—A sophisticated computer system which has cost the City more than \$100,000 will be in operation this month. City assessor David Chitlik said, however, some of the computer's more sophisticated programs will not be used primarily because his office has not had staff available to go through program printouts and check them for accuracy. The computer system is designed to free appraisers to spend more time looking at property and less time doing routine paper work.

FAIRFAX COUNTY—The Department of Animal Control becomes the nation's first municipal agency to be honored with the Humane Society of the United States' Certificate of Accreditation. The Certificate, which will be accepted by department director Richard F. Amity at the Society's Annual Conference in California, recognizes "the professional standards of operation maintained" by the department. The citation specifically recognizes the department's program of personnel training, which includes a mandatory course for all animal control officers, specialized courses and training in animal care and handling offered on a voluntary basis by area veterinarians. The Fairfax County Board of Supervisors also was cited for having enacted a series of effective, progressive ordinances concerned with animal care and welfare, including a leash law, anti-cruelty laws and a differential license fee as an economic incentive to spay/neuter dogs.

Also in Fairfax County, smoking is prohibited in most enclosed public places unless the locations specifically are designated smoking areas. The new ordinance requires that restricted areas be posted with signs that subject an offender up to \$25.00.

CHESAPEAKE—City Council is considering a plan to bring private ambulance companies into the city to provide non-emergency ambulance service. Fire department ambulances provided this service at no cost until August 1, 1977, when service was limited by Council action to emergency cases only. Assistant City Manager James Rein presented Council with a permit procedure for private ambulance companies that want to operate in the city.

CHATHAM—Town Manager Paul Harold, who has been in contact with Federal authorities, explained to the Council that Chatham is in line to get a \$691,000 federal grant for a medical center. Harold told the Council, should the project be granted for the Town, the sponsoring agencies would place two physicians with a guaranteed salary at the Center. There would also be space for dentists and other medical facilities. The first action of the Council requires obtaining land upon which to build the Center.

EMPORIA—The City Council should decide on a revised contract proposal for fire protection in Greenville County. The latest proposal is reported to have come from recommendations by a City-County-Fire Department Committee presented to Council. The City and County governing bodies have been at odds for years over the share each should pay for operating and capital costs for the fire department. More recently, the City has been pressing for contractual agreement.

RADFORD—The City has filed suit with the Virginia Historic Landmark Commission in an effort to get Indian artifacts returned to the City. The artifacts were sent to the Virginia State Library who turned them over to the Landmarks Commission. Archeologists uncovered about 300 skeletons that were estimated to have existed during the 1500's. Radford charged the Commission is holding the relics unlawfully and they should be returned.

HOPEWELL—The City's redevelopment officially started when Virginia Mutual Savings and Loan Association broke ground for its new building. The underground work for the parking lot, new storm sewer lines and also

the groundlevel work has been underway since August. That work is financed by part of the City's Community Development Block Grant funds and contracted for by the Hopewell Redevelopment and Housing Authority. Two more projects have been planned to refurbish the city.

RICHMOND—A facelift may appear in South Richmond. Trees, trashcans and utility poles may be approved for the Hull Street area. The first phase of the program will be financed through federal community development funds if Council approves.

VIENNA—Tax relief for the elderly and handicapped residents is on its way. The Town Council passed an emergency ordinance providing exemptions from real estate taxes for town residents 65 or over, and for the permanently and totally disabled. The ordinance, which was passed in time to allow town residents to file by the September 1 deadline, is based on the County tax exemption program passed earlier this year. Town Manager C. Clay Harrell has been unable to determine how much tax money will be lost as a result of the new ordinance.

PORTSMOUTH—The City has been named one of the four finalists in the 1977 National Gold Medal Awards competition for parks and recreation programs, given annually by the National Recreation and Parks Association and the Sports Foundation, Incorporated. An all-out effort to obtain outside financial assistance to upgrade the City's recreation facilities was cited by James C. Greiner, Director of the Department, as an important factor in receiving the citation. Since January, 1976, the City has received more than 2.9 million in recreation grants, mostly from the federal government, to supplement recreation planning and activities.

ALTAVISTA—The Town announced plans to help a new company, Schneierson and Son, Inc. Mayor Ed Burton said the plans have not been finalized but the Council plans some "means of assistance" to aid the company in its move to Altavista. Even though the company is presently located outside of the Town limits, Schneierson would keep people employed. The plant, however, will be annexed on January 1, 1978 into the corporate limits.

WYTHEVILLE—Town Council voted to accept the two areas of Wythe County land awarded to the Town by the court. Town Manager Carter Beamer reported to Council that the Town lost two-thirds of the requested area but will have to pay two-thirds of the total bill for improvement costs shown in the total projections. The annexed area is to be developed into an industrial park for the Town.

FAIRFAX COUNTY—The County has taken an important step to cut the soaring cost of housing. New streamline procedures have been adopted which will slash some of the red tape involved in home construction. Estimating that up to nine months can be saved from the overall time involved in rezoning, the cost to the homebuyer should be reduced on the theory that time is money.

YORKTOWN/FREDERICKSBURG—These two localities are interested in improving their waterfronts for tourism and recreational purposes. Yorktown hopes to receive a federal grant to provide residents with a beach and other public facilities. Fredericksburg is trying to include a riverfront recreation area in an economic development plan for the area. Complete with bicycle trails and picnic areas, the waterfront would promote tourism and aid the plan for revitalization.

SUFFOLK—City Council and landowners on the western edge of the Great Dismal Swamp are fighting a proposal to increase the wildlife refuge in the swamp. The City Council voted Wednesday night to oppose the plan by the U. S. Fish & Wildlife Service to acquire more land on the swamp's western edge. The proposed acquisition covers about 50 parcels of land totaling about 4,000 acres, including parts of some farms that have been cultivated for generations. The Department of the Interior wants to expand the refuge to 123,000 acres straddling parts of the cities of Suffolk and Chesapeake and parts of northeastern North Carolina.

MARTINSVILLE—The City is planning to build a new office building for the City's welfare department but welfare workers will have to "camp out" in the municipal building basement for a short period. The present office, Kolodny Apartment building, will have to be vacated before the new building can be constructed. The new social services department building will be funded with local monies and federal assistance through the Economic Development Administration.

Faster Communications—Better Service

By John K. Swan, Chief of Police,
Lynchburg

In the past, law enforcement communications basically consisted of a headquarters telephone (for receipt of a citizen's call for service) and a series of flashing lights or call boxes for relaying the call for service to the officers in the field. Needless to say, the flow of information (from headquarters to the officers in the streets) left much to be desired in terms of expediency. Police efficiency and its effectiveness in the street suffered greatly. Officer safety was in greater jeopardy because they had no means by which to establish immediate contact with headquarters or fellow officers if help was needed quickly.

Over the years there have been greater demands by law enforcement for more reliable and faster means of communications. Law enforcement has recognized its need to transfer information quickly, reliably and accurately, knowing that expeditious communications would increase the efficiency of service, officer safety and police effectiveness in the community.

Virginia law enforcement agencies are now utilizing modern technology to achieve their goal of faster communication methods. Today the field officer not only has instantaneous contact with headquarters and fellow officers in the field through hand held and mobile radios but virtually has a warehouse of information at his finger tips. Today's technology has carried law enforcement communications into highly complex and sophisticated systems. Satellite receivers and repeater stations are rapidly becoming a part of the police communications picture. Computers entered the picture a few years ago and many agencies have or are developing computer aided dispatching systems to help speed the flow of information to the officer in the field.

One of the greatest strides made was the development of the Virginia Criminal Information Network (V.C.I.N.). V.C.I.N. consists of a state-wide teletype data communications network incorporating computerized links to other regional and national law enforcement systems. The basic components consist of communication terminals scattered among the various law enforcement agencies throughout the state. Communication lines leading from each terminal are linked in with a computer housed in the Virginia Department of State Police building in Richmond. This

equipment provides instant communications between law enforcement agencies and offers equally rapid access to data bases maintained by the Division of Motor Vehicles and the National Crime Information Center in Washington, D.C. V.C.I.N. is also interfaced with the National Law Enforcement Telecommunications System (N.L.E.T.S.) located in Phoenix, Arizona. N.L.E.T.S. provides state to state contact between law enforcement agencies throughout the nation. Message traffic includes free form administrative data from one point to other points. In addition, it includes inquiries into other state data bases supporting both vehicle registration and driver license records. The Virginia Criminal Information Network is a solid part of law enforcement communication centers throughout the Commonwealth. Many Virginia police departments are using civilian personnel as trained communicators to operate one or more radio consoles with multiple frequency capability.

Some municipalities have combined their emergency dispatch operations into one single dispatch center which handles dispatch for fire, police, ambulance and rescue in a single area. Still concerned with even faster emergency services, many areas are looking at the 911 emergency system for improved citizen participation and a reduction in the response time for emergency services. Basically, the 911 telephone system is set up to enable citizens to obtain law enforcement medical, fire, rescue and other emergency services as quickly and efficiently as possible by calling the same number, thus enabling public safety agencies to satisfy their operational and communication needs more efficiently.

More important, the engineering of telecommunications to that of the computer industry is giving law enforcement a powerful weapon by enabling them to harness electronic logic and store information so it can be adapted to a wide variety of applications. Used together, telecommunications and the computer complement each other. Virginia law enforcement agencies have recognized communications as the main and sometimes the only bridge between the citizen who needs help and the agency that can give it; sophistication is demanded and telecommunications and the computer are providing it.

A LOOK AT THE VOLUNTEER DEPARTMENT

By HARRY T. GLADDING, JR.

The volunteer fire department is an essential part of every rural community since many small localities in Virginia depend on the volunteer firemen. Lawyers, merchants and farmers are welded together to form the rural volunteer fire department. Volunteers have to be ready to do a professional job.

There are usually two groups of firemen in each volunteer fire department, administrative and firefighting. Administrative details are handled by men who are business oriented. The administrative side, consisting of a president, vice president, secretary, treasurer and a public relations officer, handles the business affairs of the department. The firefighting group is mainly composed of younger men who possess the stamina and perseverance to answer a fire call of unsightly origin. The firefighting side, consisting of a fire chief, assistant fire and captain, is responsible for the suppression of a fire, training firefighters and maintenance of equipment.

Most fire departments elect the officers by popular vote, which has its advantages and disadvantages in the fire department. Some volunteer fire departments will rotate the fire chief from year to year which is a common problem and is not considered good practice. The officers, especially the fire chief, should have the background and knowledge of good firefighting tactics. They should continue to educate themselves in order to broaden their proficiency in firefighting regime.

All volunteer firemen, however, should take advantage of the training facilities, especially the program offered by the Fire Service Training in the Department of Education of the State. Enough emphasis cannot be placed on the importance of fire training. When one is selected as an officer of a fire department, one should put forth all attempts to educate oneself of the office held.

Like other departments, the rural fire department has different equipment needs from the large municipal fire departments. The biggest need? The rural fire department faces a shortage of water supply because there are not any fire hydrants in the outer area of a small community. Because most of the water has to be transported to the fire, it creates the need for special equipment such as large tankers. The 1977 Mack Tanker with 1250 gallons per minute pumper is an example of the type of equipment needed (see photo-

graph). Although the tanker will carry 2500 gallons of water, it is simple to operate. Seven hundred gallons of water are needed to fight a fire and the tanker can accommodate a water capacity of 1500 to 2500 gallons. In addition to a tanker, the rural fire department should consider the large diameter hose for long relays and the collapsible portable tank. The portable tank can immediately be set up at a fire scene.

In order to obtain equipment, most volunteer fire departments have to be financed, usually in one of three ways. The self-supporting organization raises money through carnivals, dances, suppers and other social activities. Other fire departments are supported totally by tax funds. A combination of tax funds and funds raised by the fire department members is the third type of financing in a fire department. Most fire departments are of the third type. The volunteer department can run on a budget of approximately \$4,000, whereas the larger department may require \$40,000 in order to operate.

The volunteer fire department provides fire protection for most of the State of Virginia. With the purpose of serving those who need help, the volunteer fireman applies all the perseverance, dedication and proficiency he can summon.

ABOUT THE AUTHOR

Chief Gladding is currently serving his 13th consecutive term as fire chief of the Tappahannock/Essex Volunteer Fire Department. He is president of Daingerfield Insurance Agency.



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Commentary

THE INTERGOVERNMENTAL PERSONNEL ACT AND LOCAL GOVERNMENTS

By John Poarch,
Institute of Government,
University of Virginia

The Intergovernmental Personnel Act of 1970, which now provides federal grants on a 50-50 matching ratio for improving the administration of personnel and training programs, has significantly spurred the efforts of state and local governments to strengthen policy and resource management. Partially as a result of this act, great strides have been made in Virginia: the establishment and administration of the Management Development and Training Service (MDTS), designed to provide state and local managers with the opportunity to expand their managerial and administration skills; the development and implementation of the Commonwealth's Affirmative Action Plan for state agencies and local governments; the design of a State Employee Relations Program; classification and pay studies; and myriad test validation efforts; the establishment of a local government training section within the State Department of Personnel and Training; and the current effort to automate all employee records for easy access and data compilation purposes. The impact of IPA has indeed been significant in the improvement of management and staff capacity to cope with the increasing problems of state and local government.

The act, however, is not without its implications, some of which are particularly relevant to local government. The first critical area of interest to local jurisdictions is the determination of projects which are to be funded through the grant provisions of the act. Although IPA requires that fully 50 percent of all federal monies be channeled into local governments, potential recipients are first required to present project proposals through the local government section of the State Department of Personnel and Training. There, the IPA staff chooses projects which will provide "the most benefit" through an evaluation based on need, degree of innovation and applicability to other jurisdictions. This provision creates the potential

for conflict between state and local officials, and extends the control of the Commonwealth over local government expenditures. In practice, however, the Commonwealth works closely with local governments in surveying needs so that, according to state officials, there has been no significant disagreement on funding decisions. Furthermore, there are avenues for appeal to the U. S. Civil Service Commission available to local governments.

The "mobility" provisions of the act, which allow for the exchange of personnel among the federal, state, and local governments and educational institutions, also have implications for local officials. (This provision authorizes contractual agreements among any of these four types of institutions for the purpose of temporary personnel transfers. IPA provides no funds for the exchange, and the allocation of funding responsibilities is worked out among the participating institutions.) Jurisdictions must consider the cost of foregone services of local officials on assignment to the federal or state government. Another feature which might be noted is that federal or state officials assigned to localities bring with them values and beliefs which may be different from local values; the intrusion of other values may be considered educational or disruptive, depending upon one's point of view. On the whole, however, intergovernmental cooperation and understanding has been enhanced by this provision.

In addition, IPA has provided training and encouragement for state and local governments to meet national standards in equal employment opportunity, fair labor practices, employee relations and occupational safety and health. The Civil Service Commission and state agencies have the power to monitor local efforts in these areas. The federal government, therefore, is not by any means a passive partner under the IPA system but neither is it a dictator of state and local action. Instead, the Civil Service Commission provides encouragement, information and technical assistance to these jurisdictions in developing programs appropriate to their specific needs.

IPA funding can be utilized to acquaint program managers with workable employee relations techniques

but efforts in this area may have unanticipated consequences. If the focus is upon improving managerial skills for dealing with employees, the program may be perceived by employee groups as being manipulative. In order to avoid this problem, local governments might try to involve employees in IPA-related programs. Training programs may be established to allow more joint management-employee participation to increase productivity and improve working conditions, but management should recognize that such participation may also increase the proficiency of employee groups in the collective bargaining process.

Finally, IPA funding in the context of the Commonwealth's current revenue needs must be addressed. With few funds available to meet federal matching requirements, localities are faced with a difficult tradeoff between improved personnel services and the maintenance of and/or improvement in general community services. Of course, IPA represents one way to channel federal and state funds to localities for personnel programs in order that local funds might be utilized to finance other services, but local jurisdictions should be aware of the "substitution" effect which might result in decreased expenditures for other essential services.

On the whole, however, the IPA has been applauded by federal, state and local officials alike. The major reason for its success has been its emphasis on flexibility to meet the needs identified by state and local jurisdictions. The IPA relies on statements of broad national purpose, rather than on specific regulations to mandate federal programs. In short, the act stimulates state and local activity to set priorities and to expend funds in areas of state and local interest. Although not without its problems, IPA offers a viable way for local governments to meet their own needs in the personnel area.

ABOUT THE AUTHOR

John Poarch is affiliated with the Department of Motor Vehicles, Commonwealth of Virginia and is the 1976-77 Wallerstein Fellow, Institute of Government.

Legal Guidelines

INTERIM ZONING ORDINANCES

By HOWARD W. DOBBINS,
General Counsel

Localities in Virginia and other states have been faced with emergency situations requiring the adoption of interim zoning ordinances to continue the *status quo* during the period while a permanent ordinance is being studied, prepared and adopted. In the absence of statutory guidelines, as in Virginia, localities in the past have had to "fly blind" in drafting and adopting the necessary interim ordinance. The Virginia Supreme Court in a recent case has enunciated a definite standard for interim ordinances—a standard which is applicable to all zoning ordinances—reasonableness.

In *Matthews v. Board of Zoning Appeals of Greene County*, 237 S.E. 2d 128, an interim zoning ordinance which was adopted on March 2, 1974 zoned the entire unincorporated area of Greene County as one district designated as "rural-residential district" in which one dwelling unit per two acres was permitted. The Board of Zoning Appeals was established which was granted specified powers and duties, including that of hearing applications for special use permits. The ordinance required the Board of Zoning Appeals, in deciding whether to approve applications for special use permits, to consider certain factors and to permit special uses only if the use did not change the character and pattern of development of the area; it required the use to be in harmony with uses permitted in a zoning district and specifying that the location and height of buildings must not hinder or discourage the development of adjacent land developments. Provision was also made for special permits in hardship cases.

Matthews acquired a tract of 111 acres near Ruckersville in November, 1973, in the dissolution of a corporation in which he owned stock. He proceeded with plans to develop the property as a subdivision and incurred substantial expenses in connection therewith. On February 4, 1974, he submitted his preliminary plat for approval under the existing county subdivision ordinance but it was rejected because it showed townhouses which

did not comply with the applicable setback requirements. On February 7, 1974, the interim zoning ordinance was advertised and on February 26, 1974, the revised preliminary plat was approved by the county administrator who was also the subdivision agent, building official and zoning administrator for the county. There was evidence that the county administrator informed Matthews at the time the preliminary plat was approved that the proposed zoning ordinance could affect the subdivision and that Matthews was reminded that the final subdivision plat must be submitted within six months after approval of the preliminary plat. Thereafter in April or May, Matthews was informed that he must procure a special exception under the interim ordinance because his lots failed to meet the two-acre requirement.

When Matthews submitted his final plat in August, 1974, it was again rejected because it did not comply with the two-acre minimum lot requirement. Matthews then applied for a special use permit which the Board of Zoning Appeals denied on the grounds that "no hardship financially" had been proved and that the proposed development was not compatible with the proposed county Comprehensive Plan which was actually not adopted until November 16, 1974, after the adverse ruling of the Board of Zoning Appeals. The county's permanent zoning ordinance was adopted on February 22, 1975 dividing the area of the county into eight districts, including conservation, agricultural, single family and multi-family residential, general business, highway business, industrial and flood plain. Matthews' proposed development did not comply with the permanent ordinance either and he brought suit to challenge the validity of the rejection of his applications.

The Virginia Supreme Court first considered the validity of the interim zoning ordinance. Although there is no specific statutory authorization or requirements for interim zoning, the Court held that all zoning ordinances, however titled, are subject to the same statutory requirements and that the temporary duration of the ordinance is irrelevant. In fact, the Court said "any zoning ordinance may be said to be temporary in the sense that it is always subject to amendment".

The critical question was whether the Board of Zoning Appeals acted arbitrarily and capriciously in enacting the single district ordinance which permitted of right only minimum lot size of two acres throughout the county. In the opinion by Justice Cochran, the Court pointed out that the facial difference between the interim ordinance and the permanent ordinance which was adopted after extensive and careful study, illustrates the arbitrary and capricious nature of the interim ordinance, saying further that the basic characteristics of Greene County did not change appreciably, if at all, during the twelve months that the interim zoning ordinance was in effect and, hence, the conclusion was inescapable and that if eight districts were required in March, 1975, a single district was not adequate in March, 1974.

The Court then considered the question of whether Matthews would be subject to the provisions of the permanent ordinance which became effective on March 1, 1975. In distinguishing the facts of this case from that found in the *Board of Supervisors of James City County v. Rowe*, 216 Va. 128, 216 S.E. 2d 199 (1975), our Supreme Court said the rule in *Rowe* which granted the locality time to enact a new ordinance to replace an unconstitutional one was inapplicable because contrary to the facts in *Rowe*, the Greene County land was unzoned at the time the interim ordinance was enacted so the effect of invalidating the interim ordinance was to leave the land unclassified.

It was uncontradicted that Matthews' final plat would have been approved in August or September, 1974 but for the interim ordinance, and hence Matthews' proposed subdivision was not subject to the provisions of the permanent zoning ordinance.

The opinion in *Matthews* is worthy of close scrutiny by any governing body which has the necessity of adopting an interim zoning ordinance to protect the *status quo* during the preparation of a permanent ordinance for it is plain that the court will not permit arbitrary zoning whether temporary or permanent.

Howard W. Dobbins

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Published by the Institute for Local Self Government, under grant from Lilly Endowment, these alternative ideas were not all originally conceived by ILSG; the study found that some, or parts, of them are already being employed by several localities.

Phase II of the project seeks to discover and record, on a national basis, both successes and failures (and the contributing causes) of all jurisdictions implementing any aspect of the proposed alternatives. Results of this monitoring and evaluation will also be given the widest possible dissemination and are expected to further encourage administrators in breaking out of costly, ineffective traditional patterns.

Localities (and administrators) engaged in or considering any such innovations are asked to communicate with John C. Houlihan, Executive Director, Institute for Local Self Government, Hotel Claremont Building, Berkeley, California 94705, phone—415/841-4044.

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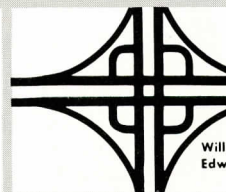
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