

Virginia Town & City

VOLUME 15

DECEMBER 1980

NUMBER 12

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Virginia Town & City

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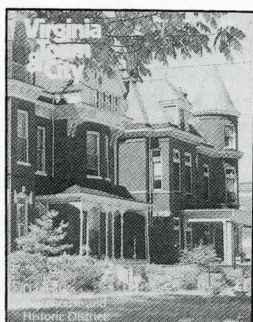
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CORRECTION: In our November, 1980 issue, it was incorrectly reported that Roanoke City Councilman Hampton Thomas is Vice Chairman of the City Section and Manassas Councilman Edgar Rohr is Vice Chairman of the Urban Section. Mr. Thomas is Vice Chairman of the Urban Section and Mr. Rohr is Vice Chairman of the City Section.

ON THE COVER:

Danville has the finest concentration of Victorian and Edwardian homes in Virginia. On the cover is a row of homes on Main Street.



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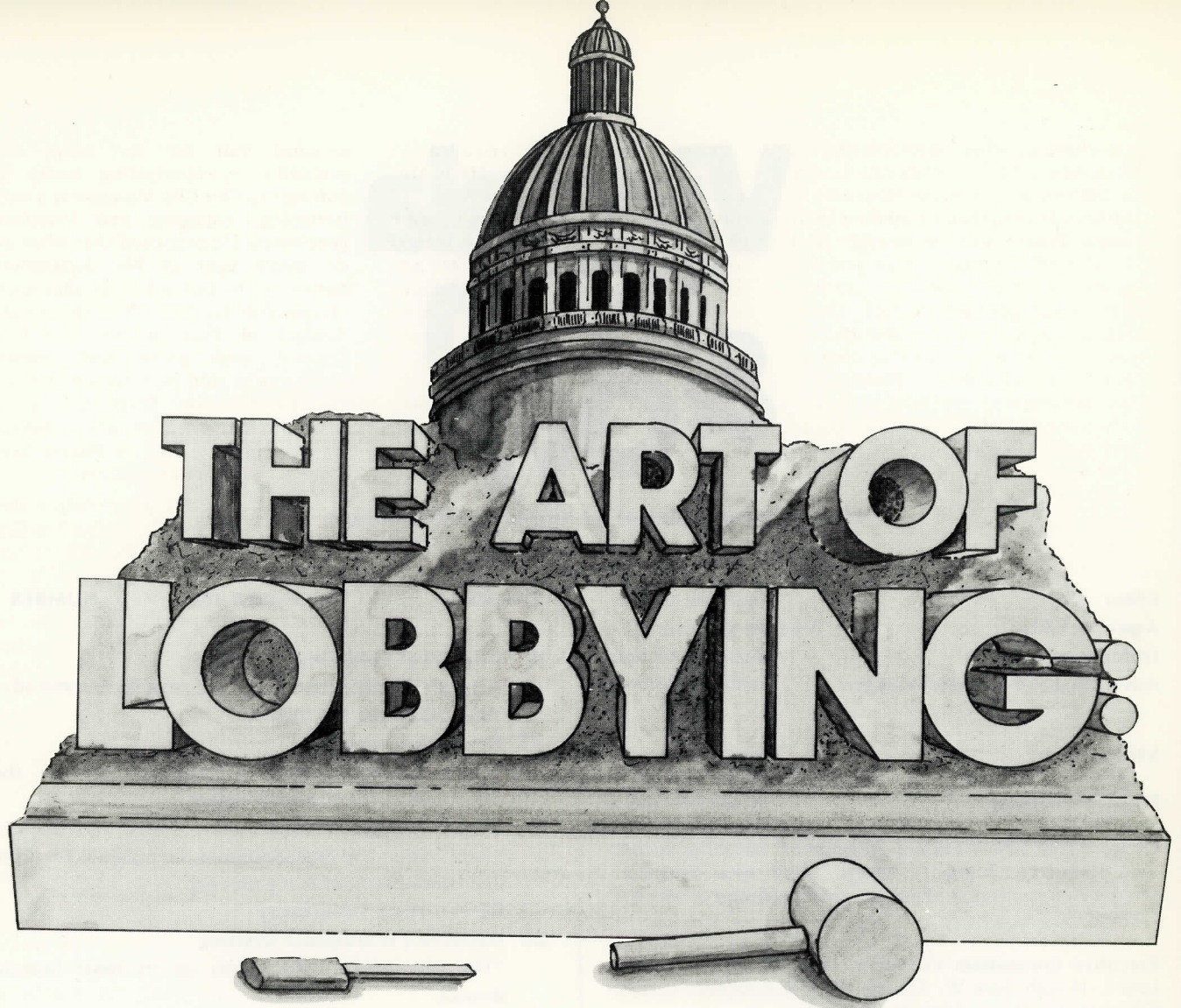
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by Phillip L. Isenberg

Editor's Note: Mayor Isenberg initially gave a version of this speech at the California League of Cities Legislative Institute in July, 1979. He also gave it at the Annual Conference of the League of Kansas Municipalities in October, 1979. The Virginia Municipal League wishes to share Mayor Isenberg's remarks with the readers of VIRGINIA TOWN & CITY. His remarks are longer than our usual articles but we believe they are entertaining and worthwhile to local officials.

Thank you very much for having me here. It's a bit unusual and mysterious to ask a Californian to talk to you about legislation and lobbying. You ought, in my opinion, to beware of Californians bearing gifts. After all, the last three presents we gave you and the nation were Ronald Reagan, Jerry Brown and Proposition 13!

Oh, excuse me, I'm sorry. Has anyone ever heard of Proposition 13?

ABOUT THE AUTHOR

Mr. Isenberg is the Mayor of Sacramento, California. Artwork by Jym Marquez, Marquez/Hardy Design, Sacramento, California

We gave it to you—not as it actually is, not as it was adopted, not as it was implemented—but as people think it was. In my opinion, what California has done to local government throughout the nation is to arm federal and state officials with slogans and catch words. Essentially, they say to us now, "Oh my God, local government is in terrible trouble! The people hate you! Put your house in order!" And there is frankly nothing more unsettling than to receive generally unsolicited (and occasionally hostile) advice from higher levels of government on what we should or should not be doing.

It's not occurring just in California. I ran across a statement by a well-respected, Federal official with great connections in Kansas who told you as follows: "It will be up to all public officials to communicate with those who put them in office. In doing so, however, they must remember that communication is a two-way street which involves listening as well as sending messages. Those who fail in the next two years to deal with the changes may well find embattled voters ready to opt for another candidate who promises less transmitting

and more receiving." Dire and somber words, indeed. Local government beware!

"Or why are they always doing things to us?"

Well, let me give you a brief report from the trenches on the western front, which is California. In California we don't live in the shadow of Proposition 13 because we have to make do with what we have. We no longer consider Proposition 13 to be the great bugaboo we thought it was to begin with. However, we are definitely living under the shadow of what the voters—and consequently state and federal politicians—thought Proposition 13 was all about, and what they keep telling us it was all about.

Most voters believe the campaign commercials. You would have enjoyed them, in a way that only local officials could enjoy them. Imagine, if you will, an opening scene with a wonderful family, a husband and a wife. They are clearly working people, the salt of the earth: young children going to school, looking forward to the future, they all

go to church. And in the middle of this, this questing, hoping desire of a family for improvement, welfare recipients in Cadillacs drive up to pick up their food stamps. What could be worse? And then the ad continues, "Are you for Proposition 13 or against it? Do you want to cut government fat?" (Who doesn't) "Do you want to end welfare chiseling," or "do you want to send an elected official to Paris?" (fade out: a plane landing with the Champs Elysees in the background). I mean, who would want to send an elected official to Paris? Elected officials, perhaps, but no one else.

After Proposition 13 passed a lot of us at the local level began to try to deal with the realities of it. We lost in the City of Sacramento \$16 million in property tax revenues. Property taxes in the State of California were cut by almost 60 percent because of Proposition 13. And property taxes are important to us. So we began talking about how we were going to reduce. We were going to cut employees, and we were going to reduce the hours of library service. We were going to trim the maintenance in the parks and they wouldn't be quite as beautiful as they were before. Our street lines wouldn't be painted every two years; they'd be painted every four years, and so on.

But that isn't what the citizens voted to do. The citizens voted to cut welfare, abolish trips to Paris and cut fat in government. And so we tried to do it a bit. As you know, Prop 13 passed in June of 1978. In the City of Sacramento, we adopt a budget on July 1st—we try to, we've always done it so far—and so, in three weeks we had to create this magic formula to deal with Prop 13. And we had a lot of help. I can remember the night of the first budget hearing when the head of our County Taxpayers' Association came in. Taxpayers' Associations, I'm sure, are the same around the nation. They are composed of people who say never spend a dime for anything, anytime, anywhere. They are generally critical and sometimes helpful, but usually well informed. We had a representative from our local Taxpayers' League, herself a former elected official of a city government in a city not far from Sacramento. She appeared at the Council, stood up and said: "Ladies and gentlemen, we have for you the perfect solution. The absolute perfect solution. Abolish welfare payments from the City of Sacramento. Nothing else need be done." And we were struck dumb. I mean, who would ever imagine that such a simple idea could be implemented? Well, we have some really irritable characters on the City Council, including one who is a

publisher of a non-partisan publication studying State government. He is also a terrible, terrible wit—and he wrote this story in the New York Times, some of you may have seen it. He leaned forward and said to the lady, "Ma'am, that is just a brilliant idea and I move to abolish all welfare payments." And the rest of us sat there. I mean, who can oppose that? So we voted unanimously, nine to nothing, to abolish all welfare payments. And then this Council member who had proposed the motion leaned forward and said, "Oh Ma'am, I just thought I ought to tell you. What we've done had no effect because the City of Sacramento has never paid welfare payments."

"You shouldn't have voted to cut property taxes because they don't pay for welfare."

Much of our debate and much of our discussion, many of the things that happened to us after Prop 13 were of that sort. The people said, "Well, wait a minute, we voted to cut welfare" and we said "Well, you shouldn't have voted to cut property taxes, 'cause they don't pay for welfare." But that was theory or illusion or belief Number 1.

Now, the second thing, of course, was that we abolish trips to Paris. And that was very easy—nobody had ever been to Paris in the City of Sacramento and, as you know, in government it's always easy to cut something you didn't intend to do. I thought it didn't have any meaning until recently. I was speaking to a convention of election officials from most of the western part of the United States—twenty-four states represented, meeting in Sacramento. I don't know how many of you have been to Sacramento—we're proud of our city and the convention had selected Sacramento instead of San Francisco. We said, "By God, we've finally got our convention center going, our hotels are interesting and people would rather come to Sacramento than go to San Francisco." I thought that until I went to the meeting, spoke to the delegates, and the president, in introducing me, stood up and said, "Mr. Mayor, we're happy to be here. One of the primary reasons is because of Proposition 13. No one can accuse us of going on a boondoggle if we go to Sacramento." That's a terrible thing to say about a city.

In any event, after abolishing welfare and ending trips to Paris, we tried to figure out how to deal with the

concept that we can solve our problems by eliminating waste or cutting fat. Our City Manager is a very intriguing, engaging and inventive gentleman. He proposed that what we do every year in his department budget, is to put a line in that says: "Governmental Fat, 3%." We hadn't thought of that before. The City Council, with grave and somber demeanor, would exorcise that demon: We would cast from our body governmental waste and governmental fat. And in so doing, we should have somehow solved the problem.

Voters' attitudes after Proposition 13 were different. All of us on the City Council had opposed Prop 13, as had virtually every elected official in the State of California. We had experienced all the folks coming in and arguing with us before the election. And we knew, we just knew, the first meeting after the election we were going to get it. Everybody was going to walk in and say, "I told you so." We have on our Council agendas, as I'm sure many of you do, what we refer to as the public psychotherapy session. It's the point where everybody can come in and say whatever they want to about anything. It was only after great efforts that I convinced the Council we should put a time limit on it. In any event, sitting in the front row was a gentleman who had appeared before us in my four years as Mayor maybe 55 times. You might have some people like that in your cities. This gentleman headed a small businessmen's group in a community recently annexed to the city and he was always a very strong spokesman in favor of Proposition 13. And we all knew what was coming: he was going to pop up and denounce us until hell froze over. And sure enough, we came to that point on the agenda and I said is there anyone who wants to talk to the Council and he stands up and says: "Ladies and Gentlemen, Mayor and Members of the Council." (And all of us kind of sink down in our chairs because we know something is coming. I'm sure you do it, in the same way. We're all hunching down waiting for it to happen: "I told you so. You rats. The voters have spoken.") And he starts off: "Mayor and Members of the Council. I'm here tonight on behalf of the business community of North Sacramento. Nine months ago you installed traffic dividers on Del Paso Boulevard. You put in beautiful plantings, you have grass there, but some of our customers can't turn left or right to get to our stores. And Mayor and members of Council, we want you to remove those traffic dividers." And we said, "Sir, nine months ago we completed the work that had resulted from a two-year study involving every

segment of the business community, yourself involved, and it cost us \$300,000 to put in those traffic dividers, and now you want us to take them out." And he said, "Sure, some of our customers are inconvenienced." And we said, "Well, this is three days after Proposition 13 (was) passed. Who's going to pay for it?" And he said, "It doesn't matter—get the damned things out."

And that was our first experience with our first citizen, first proponent of Proposition 13 at the first meeting after the thing had passed. And it went on from there when we abolished funding for private non-profit groups. We hadn't given them much money anyway. But we abolished it. We had a woman stand up and it was for a worthy cause and she said, "I'm here on behalf of the Hearing Impaired and you gave us \$2,000 before and we would like to ask for it again." And we said, "Well, Ma'am, since Proposition 13 we have had to abolish all that funding." And she said, "Well, wait a minute, I voted for Proposition 13, but it wasn't to cut my program."

**"This is three days
after Proposition 13
(was) passed.
Who's going to
pay for it?"**

**"It doesn't matter—
get the damned things out."**

And we said, "Sorry, it doesn't work that way." But what you've got, and I think this is relevant to legislation and to lobbying, is the perceptions of people. The State Legislature and the citizens have perceptions about what economy means and about what local government does. They sometimes don't understand anything about it. Particularly since Proposition 13, we believe the voters don't understand us, legislators are insensitive—and in general, no one loves us.

Which is leading to why I came here—to talk about lobbying—and how to get the Legislature to understand.

Let me tell you what lobbying is all about in the era of Proposition 13. You have to overcome slogans, and you have to deal with people who all of the sudden are morally righteous. God save us: the morally righteous and indignant State legislator or Federal official. There is nothing more irritable than dealing with the morally righteous—particularly if they're righteous towards us and what we are doing. However, in my opinion (and I assume I have been brought here from California to utter heresies), the

Legislature gets a bum rap from local officials.

Most of our relations problem with the Legislature are of our own making. After all, legislators are just about like us. In fact, 40 percent of your current legislature is composed of people with local government experience. With that amount you ought to win every vote. But you have to understand their problems:

- They have larger and more diverse constituencies
- They face more organized lobbies
- They rarely get a rational message from local government
- They are trying to make decisions when this entire nation seems unable to agree on what the problems are—let alone the solutions

Therefore, I've developed 10 rules regarding lobbying. Let me describe them to you.

1. Never tell Legislators you're smarter than they are.

It is the prime sin of local government. I was trying to dig something out of all of the speeches I have ever heard local officials give to illustrate this. I summarized one committee testimony, given by one of my friends and colleagues in California, and it

went kind of like this, reduced to three sentences: "Local government is closer to the people. We are the people. You are ignoring our wishes." That's the worst thing in the world to say to anybody. That is calling a legislator stupid. And legislators are not stupid. It seems to me that local government can no longer afford to say to the Legislature what we might say to our children, which is, "Do it because we want you to do it." You've got to go convince them. You've got to talk to them. You've got to argue with them. Occasionally yell at them. Now, the only parallel I can think of is how we as elected officials react to the citizen who walks into the City Council meeting and says, "You absolutely have to put that stop sign up at the intersection. And if you don't you're stupid or you're corrupt or you're waiting for some accident victim to die so you can justify it." Now how many of you have ever heard a stop sign discussion like that? We don't react well when citizens come to us and use what is clearly an uninformed and ill-prepared argument and the Legislature does not react well or easily when we do the same thing.

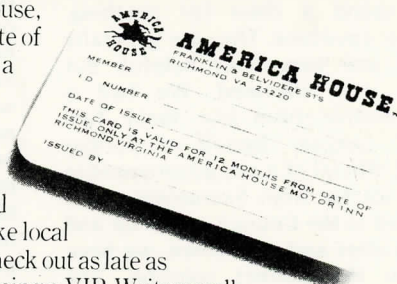
2. Try to develop a program in advance.

Now that sounds like it's simple—it is not. We rarely look ahead any

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farther than six months—or the next session. What the bills were last session and how we can breathe life again into the bills that got lost; how we can defeat the dogs that are coming up in the future and what they are trying to do to us must be explored. One experiment we are going to be trying in California—I don't know whether it's going to work but I think it might—is to develop a long-range view of local government in our State. Not this year, not next year, not the year after. But essentially a 10, 15, 20-year program. Because to my way of thinking what is most important is to educate the legislators on problems that they don't even know exist yet. If you can anticipate a problem, if you can start talking about it now, you will define the legislative debate. But if you wait for the problem to surface, if you wait only to react to what the Legislature is talking about, you're going to blow it seriously. And please let me tell you, you are not doing your legislator a favor by asking that legislator to carry five little bills for your city. They have a lot of things to do. And everytime you ask them to come in and carry those little bills that aren't important but they're "okay," what you're doing is you're drawing down your credit in the bank. A legislator has only so much time, so much energy, so much dedication and so much enthusiasm. And if you write a check for a bill of minor importance, you've drawn on that bank account and it's awfully hard to go back on something that is really important and really crucial.

3. You cannot let cities get divided.

Your strength is your unity. I will tell you an example of failure in California because to me it symbolizes where we went wrong in our State. California, and most of the large industrial states, are heavily unionized in the public employee sector. We are heavily unionized and have been for years. And these are the new associations and they don't smile when you say, "We're one happy family." These are labor unions—police officer, firefighters, and garbage collectors—labor people. And over the years it turns out that we've collectively bargained. State law says go talk to them and what talking means is collective bargaining. But what's also happened is we've developed a situation where everybody is in a bargaining unit. You think it may be hard to deal with a cop on the street in the labor union? Let me tell you, that's nothing compared to the fact that all your Deputy Chiefs and all your Captains in the Fire Department or the Police Department are in a bargaining unit. Let me tell you, they are on your side of the

bargaining table with the troops, they're on the other side of the bargaining table for themselves. Disaster. Absolute disaster. And so, we talked this past year about revising the State law in collective bargaining. And a trade-off occurred.

I hesitate to mention this terrible work. There is no agency shop in California. "Agency shop" means everybody who is within that bargaining unit, whether they choose to or not, has to pay dues because they get the benefit of the union membership. It doesn't

"In my opinion the Legislature gets a bum rap from local officials."

make much difference for us in California because by and large everyone's unionized; by and large, we have a defacto agency shop. But what we don't have are major protections of management rights. That is to say, these people cannot be part of a bargaining unit, these issues cannot be part of labor relations. So we thought we had that unique opportunity where some labor unions didn't care about it, others did, and they would go with agency shop. All cities cared about management bargaining rights. We had a package and we put that package together with a lot of discussion and a lot of debate and it fell apart in the Legislature. It fell apart because there were maybe twenty cities—very small—who had not yet faced the problem of collective bargaining. And they said, "Hey, wait a minute, we don't want any of that. It will encourage labor unrest in our city" and it got tubed because we got divided. And what we face now is exactly the same situation we had before but with no clear definition of management rights, no clear definition of which management employees cannot join a labor union. And the lesson to us was clear: You can't get divided. Your strength here, your strength in Washington, is in big cities and small cities together understanding the same problems and working on them.

4. Lobby at home.

You don't have to come to Topeka, Kansas—even though they love to have you here. As a matter of fact, if you have to go to Topeka to lobby, you've probably lost the vote. It's when your legislators are back home, working on their jobs—the pharmacies, the farms—that's when they're vulnerable. They can't plead a committee meeting, they can't plead another appointment, they can't plead

an emergency meeting with the Governor. They're yours. Nail them back home! It is the one place where you can get your message across without any distraction at all. Now I don't want to say you should never come to Topeka. That's too strong. But the real lobbying is back home.

5. Get other people involved.

An unkind way is to say let the other people do the dirty work for you. Cities are not loved today. They are not loved in Kansas, they're not loved in California. We are somehow a bugaboo for people and for legislators. So what we do is try to form our coalitions. When we have a problem involving libraries, it's not city officials who front it, it's the Friends of the Library, who happen to be the voluntary groups out in the community who support the libraries. Let those people do the advance work. Because no elected official, whether it's a State representative or whether it's a Congressman, can view casually the opinion of volunteers. In municipal government we have a lot of volunteers. You must unite volunteers with you.

6. Trust your staff.

I promise you, this was not written by your League staff. Look—you hire people to do some work for you: to lobby. They're good, they're competent, they're tough and they're effective. But you've got to trust them. That means when you stand back and you say "Oh my God, the Legislature is going to hell and they're making compromises and that isn't what we did at our annual convention and our resolutions specifically said only 3 points over here and now they are talking about a bill with five points and what are they doing?"—you've got to write that off. Because in the push and the tug of the legislative process, your staff has to have maximum flexibility to negotiate on bills. And if you tie their hands too tightly, you have essentially written them out of the legislative process. You've said to them, "Here is our moral premise; no negotiation, no compromise."

7. Don't lobby on your own.

Never contact a legislator unless you have worked out the details with League staff beforehand. You may have been on the League Board of Directors for 28 years. You may have read every issue of the League's publication. You may know every legislator by his or her first name. But still you should engage in lobbying, whether its the Topeka or whether it's back home, after you check it out with your staff. And the reason being, you can't keep up with all the changes that occur—amendments on bills, refining,

revisions and so on. It's the technical points that are often more important. Let me assure you, if you're three weeks out of date and you are arguing to a legislator that he ought to change his position when he's already changed it three weeks ago, your credibility is shot to death. You cannot go back to that legislator with any degree of confidence that the legislator is going to pay any attention to what you want him to. And so you've got to take some direction, some guidance from your staff, because this is an art form, not a science. They are orchestrating the legislative process for you.

8. You wait for the magic moment.

How many people here read Kurt Vonnegut, the novelist? A boy of the plains, from Indiana, I guess, like myself. Kurt Vonnegut writes the strangest novels you've ever seen. *Slaughterhouse Five*, and so on. And there's one I commend to you for its politics, and it only occurs in the first five pages of it. It's called *God Bless You, Mr. Rosewater*. What it's about I don't know, even though I've read it three times. But it starts out with our hero, a rotten so-and-so, but he's our hero, attending law school. (After all, who would be a popular hero attending law school, right?) Anyway, our hero is at law school—Harvard, as I recall it—and he's in a contracts class. The contracts professor is saying, "Gentlemen," (because in law school at Harvard at that time there were only men attending), "in every contract transaction there is a magic moment. It is that point where the seller is willing to take less money for what he's selling than what he's actually asking. And the buyer is willing to pay more money for that same product than what he's offered. And it is the magic moment for the lawyer because the duty of the lawyer is to take from seller the maximum amount of money, give to the buyer the minimum amount of money and pocket the rest." The magic moment exists in the Legislature. Don't let yourself be fooled. For us in California, it's that last part of the session where everyone's going crazy, the bills have been backlogged, the work hasn't been done, the adjournment time is coming, the budget has to be passed, the constitutional deadline is upon us, and we wish we could stop the clock for a day or two. Everything's coming to a crunch. And it is the magic moment. It is the whole point of the legislative process. It's what you pay your staff for. They are on top of everything and it is so important to let them, in cooperation with you, operate in that magic moment together. Maximum advantage for the city. Now, a lot of

people don't like that. They say it's messy, it's sloppy, it means we aren't quite as precise as we should be. But believe me, that's what the process is all about.

9. Stroke your legislators.

How many times in your own affairs in cities have you received a letter from a constituent saying, "My God, you've done a wonderful job." What? If any of you tell me, "A lot," I won't believe you. Even if you have, remember, legislators are just like us and what do we want? We want to be loved, right? We want to be revered. We want no controversy, we want lots of praise, the editorials in the newspaper, the cheering throngs when we come into town—"a citizen beyond reproach," and so on. Legislators want exactly the same thing. And we make the most incredible mistake when we fail to recognize in a public sense what legislators do for us. Some things we do locally I would recommend to you. You ought to consider the Best Legislator of the Year award. It's no big deal. Maybe you've done it. But for us it's been awfully important. We don't do it often. You don't necessarily have to do it every year. But on meaningful reforms, on legislative work where those people went beyond the call of duty, you ought to do it.

Number two, perhaps even more importantly, on the local level you might just consider a thank-you reception. I mean, legislators come back from Topeka and they're exhausted and they're irritable and people have been yelling at them for three months and they are back in town and they've done some good things. Just throw a little reception. Nothing serious, nothing fancy, nothing important, it's not for any particular purpose, it's not tied to a piece of legislation—it's just saying thanks.

The other thing we have started to do in California and I might recommend it to you, is we occasionally ask legislators to write columns for our monthly publications. But we interview them. I mean, we love to be interviewed, right? Newspapers come to us, they say, "Mayor or Council Members, we'd like to have your opinion on this important subject, energy." "Give me a week, I'll be prepared on it." But you sit down, you're brilliant. Legislators like to be interviewed, too. They like to have their opinions asked. And we found it a tremendously effective vehicle for civilizing the debate in the legislative process.

10. Do the work yourself.

You cannot leave it to your staff. You cannot just turn it over to the

League people. You are the strength of any lobbying operation. You are the people that legislators are pleased with and afraid of. You are real people.

Professional staff! I used to be professional staff in the legislature, part of the machinery. We're part of the interworkings. They know us. They might not necessarily know you. You are the troops, the great army, generally unmobilized—the army that can in some way capture the legislative process. And that's what it's all about. You cannot sit back and say, "Well, I'll get up to Topeka maybe once a year during the legislative convention and we'll go over and say hi to our representative and our senator and we'll take instructions if there's anything to be done." You can't do that. You have to be in frequent contact with your League staff, and you have to say, "What's coming up, what can we do to help?" And if you aren't involved early, you won't be involved meaningfully at all.

Now, in conclusion, in my opinion, if we're lazy we get kicked in the head. And we get kicked in the head good and hard. And we deserve it. But if we work just as hard as we can, if we strive just as diligently as we can, we're going to win about 50 percent of all the battles we have, and that's not bad. A lot of people think democracy means we always have to win everything. That's not true. You know it and I know it.

A lot of us, I think, somehow distrust the legislative process. We don't like its chaos, we don't like its disorder, we don't like its compromises. Somehow all of us, or some of us, are really scared by the pure inefficiency of the legislative process.

Well, there's a story, and many of you may have heard it. Hubert Humphrey, when he was on the stump, used to tell a story that went like this, and you can almost hear him saying it: He would say, "Ah! efficiency! You could read the Bible from front to back, you can examine the Constitution and the Bill of Rights line-by-line, you can review the Magna Carta point-by-point, and never once in all those great documents of human freedom do you find the word efficiency. Never once."

Democracy is not efficiency. The legislature is not efficiency. It is the arena for competing ideas and opinions and pressure groups to work out their problems. You can have an efficient society, you can have an efficient legislature, but it will not be to the benefit of all cities. Because someone, somehow is going to capture all the freedoms that we prize so dearly and we are going to be trampled

(Continued, page 14)

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Calendar

VML/VACO Regional Legislative Meetings, December 10, Regency Inn, Richmond and December 11, Holiday Inn, Manassas. Both begin at 6:00 p.m. Contact Rick Weeks at 804/649/8471 if you plan to attend.

Virginia Section, ICMA, Executive Committee Meeting, Friday, December 5, 1980, Richmond Hyatt-House, 11:00 a.m.

Manager/Elected Official Workshop, December 10-12, 1980. The Bonhomme Richard Inn, Williamsburg. Sponsored by the Virginia Committee for Professional Development. Contact Karen Cunningham, 804/786-7406.

VBOA Board of Directors, Friday, December 12, 1980, Virginia Municipal League Library, 10:00 a.m.

Virginia Association of Chiefs of Police, Executive Board Meeting, Thursday, December 18, 1980, Virginia Municipal League Library, 10:00 a.m.

Virginia General Assembly, convenes Wednesday, January 14, 1981.

Mid-Winter Meeting of the Conference of Mayors, January 18-19, 1981, L'Enfant Plaza, Washington, D.C. Hotel reservations must be made by December 19. The demand for rooms will be high since the meeting is right before the President's Inauguration.

Financial Management Workshop, January 28-30, 1981, Richmond. Sponsored by the Virginia Committee for Professional Development; call 804/786-7406 for information.

VML Local Government Officials Day, February 4-5, 1981, Richmond. The reception on February 4 will be at The Valentine Museum and the meeting will be on February 5 at The John Marshall Hotel.

Mid-Winter Fire Chiefs Conference, February 28-March 1, 1981, National Fire Academy, Emmitsburg, Maryland.

National League of Cities Congressional City Conference, March 3-5, 1981, Hilton Inn, Washington, D.C.



The Valentine Museum

The Museum will be the site of the Local Government Officials Day reception on Wednesday evening, February 4, 1981. Meetings will be held the following morning, February 5, at The John Marshall Hotel. Local Government Officials Day is sponsored annually by the Virginia Municipal League to provide an opportunity for local officials to meet with their state legislators while the General Assembly is in session. Mark your calendars now for February 4-5, 1981.

Virginia Section, International City Management Association Annual Conference, April 22-24, 1981, Ramada Inn, Williamsburg.

Municipal Electric Power Association of Virginia Annual Conference, June 3-5, 1981, Holiday Inn 39th Street, Virginia Beach.

49th Annual Meeting of the U.S. Conference of Mayors, June 13-17, 1981, The Galt House, Louisville, Kentucky.

Productivity Workshop, June 17-19, 1981, Ramada Inn, Virginia Beach. Sponsored by the Virginia Committee for Professional Development; call 804/786-7406.

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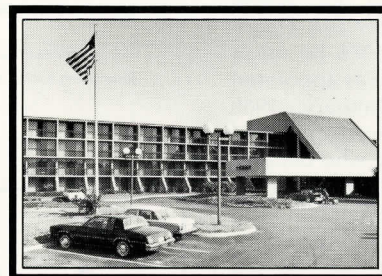
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Reapportionment

Senator Andrews Reviews Requirements

The Constitution of Virginia requires the General Assembly to reapportion in 1981 for Congressional seats, House of Delegate districts, and State Senatorial districts. The House Privileges and Elections Committee and the Senate Privileges and Elections Committee have already commenced the required process. The public hearing concerning Congressional redistricting was held in Arlington on May 5, 1980, and the two committees met jointly to hear the views of citizens and members of the United States House of Representatives. Based upon the 1980 figures of the Virginia Department of Planning and Budgeting, Virginia has approximately 5,313,000 persons. Information received from the Federal Bureau of Census would indicate Virginia would retain its 10 Congressmen and not be eligible for an additional U.S. Representative. Each Congressman will represent ideally 513,000 persons.

The Senate of Virginia contains 40 members in single member districts and the reapportionment will be based upon each district having approximately 130,000 persons.

The House of Delegates having 100 members would have its reapportionment to single member, multiple member, and floatorial member districts—based upon a population of approximately 53,000 persons per delegate.

The Constitution also requires that several counties of Virginia should be reapportioned as to elect districts within the counties for purposes of electing members of the Board of Supervisors in 1981, and the cities of Virginia using a ward or borough plan for election of members of the City Council which shall also be reapportioned in 1981.

The famous one-man, one-vote decision of the United States Supreme Court in the case of *Baker v. Carr* (1962) rising from the State of Tennessee set the tone for reapportionment in the country to be based on population as nearly as practical.

In 1971, Virginia reapportioned in accordance with its Constitution and the Supreme Court case decisions

following *Baker v. Carr*. At that time the deviation for congressional districts was less than 1 percent from the ideal size and it can be expected Virginia can be held to that standard again in 1981. The State Senate districts in 1971 had a deviation from the ideal size of less than 5 percent and it can be expected this standard at least would have to be maintained in 1981.

In the House of Delegates, the Court, in the United States Supreme Court decision *Mahan v. Howell*, held the House could maintain the respective county and city boundary lines without dividing them and meet the requirements as to deviation of population. The State Senate plan in 1971 divided counties and cities to maintain a more exact population standard. It would be expected in 1981 that these minimums will have to be maintained to meet the requirements.

Virginia is required under the provisions of the Voting Rights Act of 1965 that any reapportionment of the Congress or the State Senate or the House of Delegates or counties or cities must be approved by the Civil Rights Division of the Justice Department in Washington. The United States census was taken officially April 1, 1980, and it is expected that the total population for each county and city will be made available by the Census Bureau. Virginia is one of the few states which has fully cooperated with the Census Bureau to obtain definite population figures down to the block level. This refined information will be available to the two committees by the first of January, 1981. By custom the Senate will reapportion itself, and the two bodies will agree on the congressional districts. As soon as the county and city total figures have been received, it is expected the two committees will proceed to propose the several districts as required and hold public hearings throughout the Commonwealth soliciting the views of all citizens who are interested in reapportionment. It is expected that notice of such hearings will be sent to interested groups in order that they may have an opportunity to present their views this fall.

Due to the fact the House of Delegates is to be elected in 1981 and the nominating process for members has to be completed by the second Tuesday in June, 1981 and for those areas using the primary system, the

filing deadline for such candidates is the second Tuesday in April, 1981. It is important to have the reapportionment passed by the General Assembly, and submitted and approved by the Civil Rights Division of the Justice Department in Washington before the filing deadlines expire for candidates seeking nomination by primary. Normally the Justice Department has 60 days to render its opinion from date of transmission of legislation and documents concerning the same. In order to meet the election schedule provided by law in Virginia, most of the work on reapportionment will have to be completed in committee before the convening of the General Assembly on January 14, 1981.

In 1981 Virginians elect a Governor, Lieutenant Governor, and Attorney General who must be nominated by the second Tuesday in June, 1981; if the reapportionment of the House of Delegates is not approved by the Justice Department by the second Tuesday in April 1981, it may be necessary to postpone the nominating processes to a later period in the year. It is possible in 1981 to have two nominating systems, one for the statewide candidates and one for the House of Delegates.

In some counties members of the Board of Supervisors will be up for election in 1981 and their reapportionment must be completed within the same time frame and approved by the Justice Department. City Council reapportionment where applicable will have to be completed for Council elections in May 1982.

Virginia will undoubtedly be one of the first states in the nation to complete its reapportionment.

The Congressional reapportionment will not be effective until the Congressional election in 1982 and the State Senate reapportionment will not be effective until the State Senate election in the year 1983.

ABOUT THE AUTHOR

State Senator Hunter B. Andrews is Chairman of the Senate Privileges and Elections Committee. Permission to reprint his remarks was given by the *Virginia Democrat*.

How The League Works

Policy Process

1). What is the Virginia Municipal Policy Statement?

The written statement of positions adopted by the membership of the Virginia Municipal League expressing the agreement of the membership on matters of interest to local government which are or might be affected by State or Federal policy and program decisions and actions.

2). What functions should its development perform for the VML?

Its development provides a mechanism for aggregating the various interests of the members into a single agreed-upon position, resolving cleavages within the membership and building consensus among the members on State and Federal policy and program issues.

Its development also initiates positions on legislative matters for consideration by the Legislative Committee and resolutions on specific legislative issues.

3). What functions should the document perform for the VML?

It informs the membership of the policy positions to which they have agreed and which their organization is lobbying. It instructs the VML staff on what positions to take in their lobbying and other activities. It (and other materials developed from it) informs those whom VML is attempting to influence of the membership's positions.

4). What is the status of the Virginia Municipal Policy Statement relative to other means of establishing authorized VML positions?

The Legislative Program is generally a more current document and the Legislative Committee is granted authority to amend the Program after it is adopted at the Annual Conference. Therefore, the Municipal Policy Statement determines policy in areas not covered by the Legislative Program.

The chairmen of the Policy Committees are represented on the Legislative Committee to ensure the Legislative Committee is aware of positions in the Municipal Policy Statement.

The Municipal Policy Statement is distributed to key state agencies and members of the General Assembly.

5). How does one become a member of a policy committee?

In early spring of each year the VML office mails to each member locality a request for nominations to the six policy committees. The final appointment is made by our President. If you do not receive a form for some reason, simply send a list of names and preferred committees to the VML. Please limit one nomination per committee.

6). What are the six policy committees?

- Community and Economic Development
- Effective Government
- Environmental Quality
- Human Development
- Public Safety
- Transportation

7). What is the role of the Chairman?

A Chairman and a Vice Chairman are appointed by our President for each committee. The Chairman, in addition to chairing the meetings of the committee, serves on the Legislative Committee and is responsible for communicating the concerns of the policy committee to the Legislative Committee.

Legislative Process

Legislative Program

The Legislative Committee develops a Legislative Program which contains a single priority which is a general statement and the foundation of our proactive efforts during the upcoming General Assembly session. In addition, the Legislative Program contains specific legislative proposals.

The Municipal Policy Statement serves as the foundation for the Legislative Program. It also sets policy for legislative and regulatory matters which are not covered in our Legislative Program.

The individual policy statements are developed by policy committee members who are nominated by individual localities and appointed by our President. The statements are officially adopted at the Business Session of the Annual Conference.

Legislative Committee Membership

The VML Second Vice President serves as the chairman of the Legislative Committee. Three other members of our Executive Committee represent certain categories of membership. These are: the urban section, counties and cities over 35,000 population; the city section, cities under 35,000 population; and the town section which includes all towns. Each section elects a chairman at the Annual Conference in September.

Each spring the section chairmen are asked to nominate members to the Legislative Committee. The town and city sections' chairmen each nominate six members and the urban section chairman nominates twelve members. In addition, the chairmen of each of our policy committees also serve on the Legislative Committee.

The Role of the Legislative Committee

The Legislative Committee serves two purposes: (1) developing and airing legislative items and (2) providing a pool of well-informed local elected officials that are available during the General Assembly sessions to assist the League in its lobbying activities.

The Legislative Committee usually meets twice before the Annual Conference. During the Conference the Legislative Program is adopted at the General Business Session. The Legislative Committee is given the authority to amend the Legislative Program after the Conference if the need arises.

Follow-up on the Legislative Program

We hold a series of regional meetings in late November and early December. All delegates and senators are invited to these meetings as our guests. Each year an average of 80 of the 140 delegates and senators attend at least one of the regional meetings. The total local elected official attendance is about 500 persons. We present our Legislative Program during the banquet which is preceded by a social hour. These meetings are conducted jointly with the Virginia Association of Counties.

The Role of the VML During the General Assembly Session

The Legislative Program guides the staff in their efforts to promote legislation favorable to local government before the General Assembly. The Municipal Policy Statement serves as a back-up for those issues which are not in the Legislative Program.

Legislative Bulletins

During the General Assembly session the VML provides summaries of all legislation affecting local government called Legislative Bulletins. In these summaries we also ask for local input if we are uncertain about the impact of a particular piece of legislation.

(Continued, page 23)



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JOHN DEERE on the move

Legal Guidelines

Some Good News for Localities

By Howard W. Dobbins, General Counsel

There are two other recent developments which should gladden the hearts of local governmental officials—one is the opinion of the Attorney General to the Honorable Vance Wilkins, Jr., dated August 17, 1978, and the other is the opinion of the Honorable Roscoe Stephenson in the action instituted in the Circuit Court of Augusta County on behalf of certain taxpayers against the Board of Supervisors of Augusta County. Both opinions reject independent action on behalf of taxpayer groups to subordinate the legislative authority of local governing bodies to the wishes of complaining groups.

The Attorney General responded to an inquiry as to whether the Change of Form of Municipal Government Act (Chapter 20 of Title 15.1 of the *Code of Virginia* of 1950, as amended) may be used as a vehicle for a charter amendment to place limitations on the taxation of real estate when the amendment does not have the support of city council. The Attorney General opined that the Act was inappropriate to initiate a charter change by the General Assembly, saying that a charter amendment cannot be initiated without the support of the

city council which, as specified in Code Section 15.1-911, must itself determine whether the citizens desire that the council request the General Assembly to amend its charter and to pass an ordinance calling election on that matter, or in the alternate, pursuant to Section 15.1-912, to hold a public hearing. Attorney General Marshall Coleman opined that inasmuch as there is no statute permitting the citizens to compel the council to call for a charter election, or to hold a public hearing, the citizens' sole remedy is to elect a council which favors such an amendment.

The Augusta County case involves an even subtler effort by a group of citizens to substitute their judgement for the judgement of the governing body as to local need for the construction of a particular school and the method by which its construction should be financed. The Augusta County taxpayers relying on Virginia Code Section 58-841 challenged the County's fiscal budget which provided for capital improvements by appealing the Supervisor's order of tax levy. They contended that the County maintenance of a surplus from prior years

(although Virginia Code Section 58-839 specifically permits funds collected and not expended in any fiscal year to be carried over in succeeding fiscal years) was contrary to Article 10, Section 8 of the Constitution of Virginia which provides:

"No other or greater amount of tax or levy shall, at any time be levied than may be required for the necessary expenses of the government, or to pay the indebtedness of the Commonwealth."

Judge Stephenson concluded that the above-quoted constitutional prohibition applied solely to the State and was inapplicable to local governments and further that even if that Article did apply to local government, it did not prohibit the County from budgeting and retaining a surplus. Accordingly, the challenged levy was held to be legal. It is believed that this decision will meet with approval from many prudent local officials who, recognizing the vagries of the economy and the unexpected needs of their citizens, have endeavored, like all prudent business people, to maintain a reasonable surplus.

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(Lobbying, from page 8)

in the process. And in exchange for absolute efficiency and nice, polite discourse and orderly process, you get rotten government. And one of the nice things, the pleasing thing about this country and our society, is that inefficiency actually works, because it promotes a sense of freedom and it promotes democracy.

And I like to think, and I believe that cities, which represent the preponderance of population in this country, have a special duty and a special obligation. And it's the obligation to get our hands dirty. We roll up our sleeves, we get involved in the fray, we kick and we holler and we scream because the people we represent have real concerns and real interest. If we don't get involved, we lose. If we do get involved, maybe we win.

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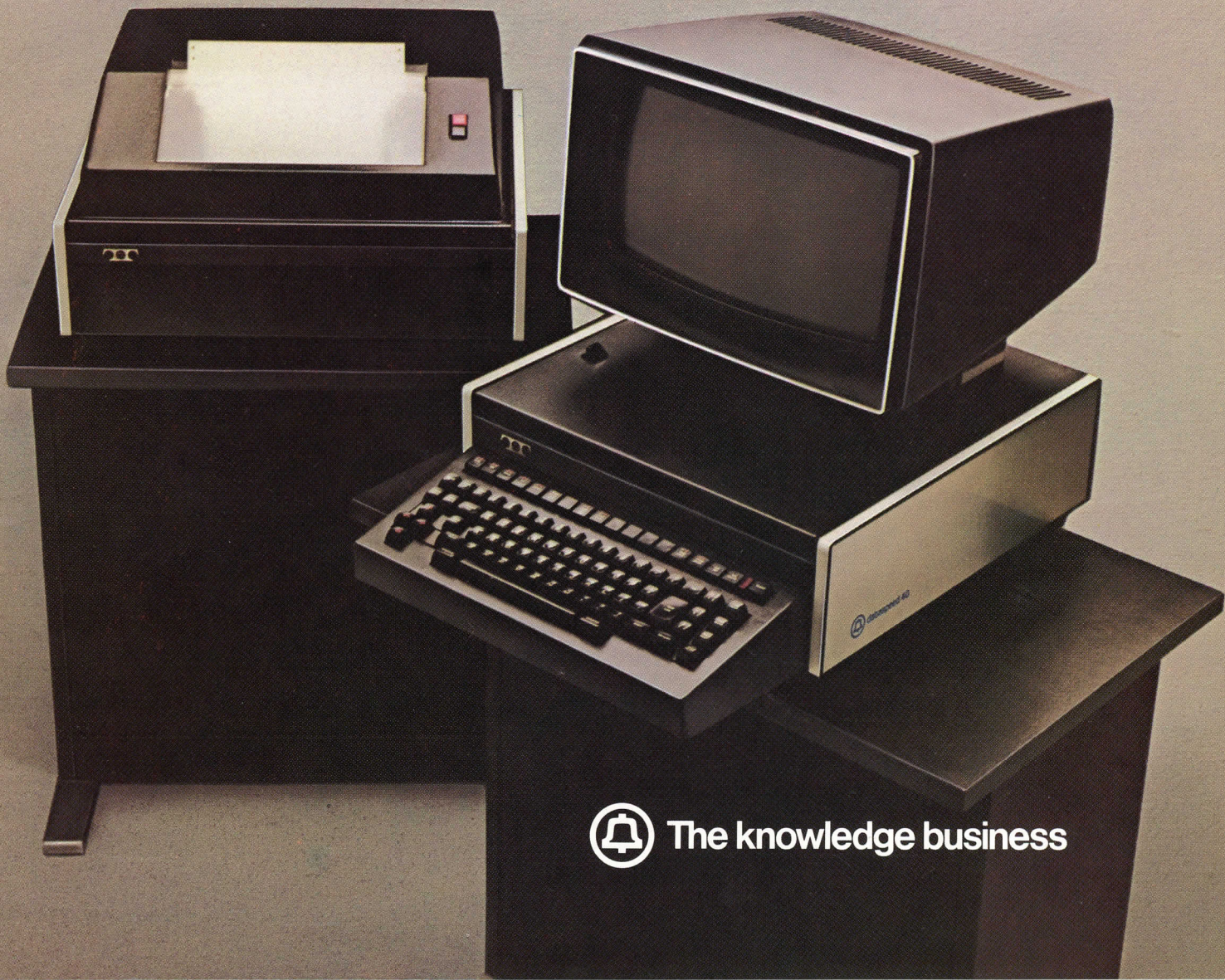
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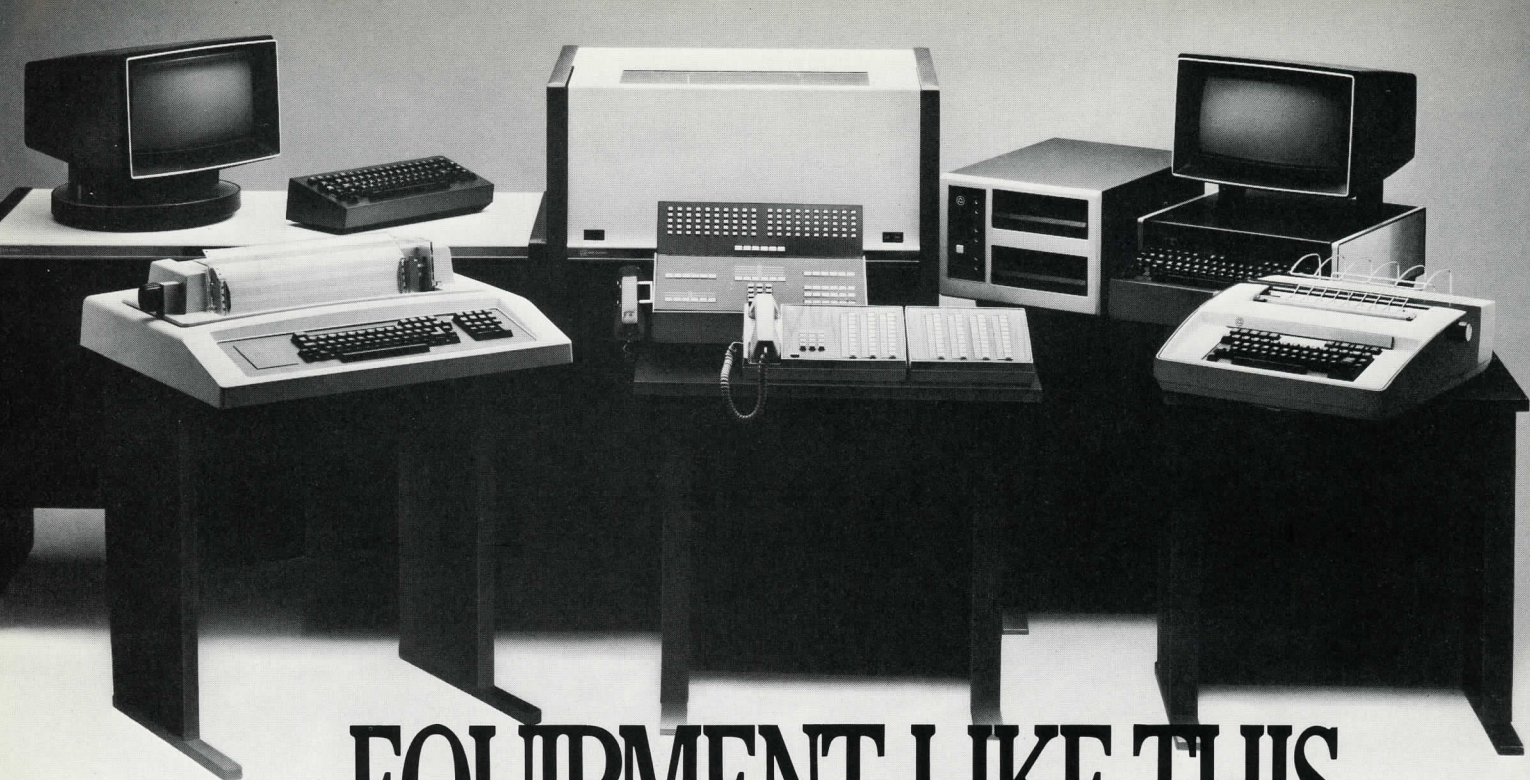
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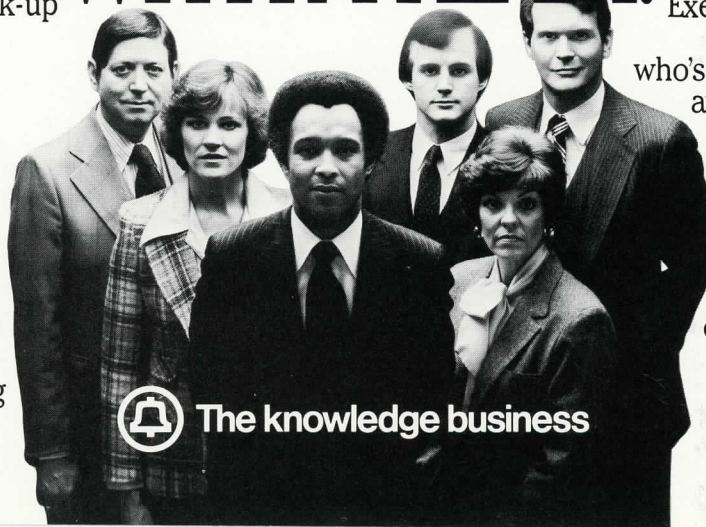
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Building Officials Hold Conference

The 52nd Annual School and Conference of the Virginia Building Officials Association was held on October 19-22, 1980 at the Sheraton Fredericksburg Inn.

The meeting was attended by 148 delegates, an increase of 18 delegates over last year's meeting. A highlight of the meeting was a presentation at the Monday morning session on woodstoves conducted and arranged by Carroll R. Brown, Director of Inspections, Frederick County and Steven A. Melnikoff, Assistant Director of Inspections, Frederick County, both members of the Association. Following the presentation, Mr. Brown and Mr. Melnikoff with panelist Gene Dailey, Fire Administrator for the City of Fairfax, appeared on a 45-minute live radio program to answer questions on woodstoves.

The Conference offered other session topics such as "Oral Communications", "Commercial Frame Structures", "Inspecting Gypsum Constructions" and "Urea Formaldehyde".

The Association was honored to have Wilbur H. Lind, President, B.O.C.A. International, Inc. and his wife Helen and Clarence Bechtel, Executive Director, B.O.C.A. International, Inc. and his wife Dorothy as guests during the Conference.

The new officers of the Association are D. Bain Reed, Building Commissioner, Roanoke, President; John H. Byrd, Jr., Building Official, Harrisonburg, First Vice President; Edward J. Weld, Building Official, Culpeper County, Second Vice President; and Clarence Diersing, Code Administrator, Newport News, Sergeant-At-Arms.

The Mid-Year meeting of the Association will be held in Richmond at the Holiday Inn I-64 on January 26, 1981. Detailed information has been forwarded to the members.

The 1981 Conference of the Virginia Building Officials Association will be held at the Hotel Roanoke, October 11-14, 1981. The 1982 Conference will be at Skyland Lodges, Skyline Drive. The dates for the 1982 Conference have not been finalized.

Danville's Warehouse District

By Margaret Hoffman

Back in the 1950s when progress swept across America's cities, when earlier brick and wooden structures were replaced with steel and glass high-rises and industrial complexes, Danville remained relatively dormant. Because Danville did not experience rapid, haphazard growth, historic houses and other structures remained intact... waiting.

The waiting ended in 1978 when the Historic American Engineering Record (HAER) came to Danville and discovered a sense of the past, lost in many cities, but still alive in Danville. What HAER uncovered was a unique tobacco-textile heritage that is characteristic of the industrial south at the turn of the century.

Danville was established in 1793 when the area was productive enough to have a tobacco warehouse in the town. A canal was constructed around the falls to ship hogsheads of tobacco downstream to the James and in 1858, the famous Danville system of tobacco inspection was developed.

"Millionaire's row was Danville's first historical district."

With the coming of the tobacco and textile giants like Dan River Mills, splendid homes were established on "millionaires row," Danville's first historic district. The businesses stayed in the tobacco warehouse district—roomy, red brick structures built strictly for utilitarian purposes and characterized by stepped gables, stately turrets and brick cornices with brackets. The district now contains approximately 100 of these brick and heavy timber structures. Mild winters and good maintenance have preserved the basic structural condition of these buildings. At present, they have diverse owners—Southern Railway, Davis Storage Company, the privately owned National Tobacco and Textile Museum, the Dibrell Brothers, Inc. and small entrepreneurs.

In this district are also residential structures that are good examples of homes constructed for the expanded

working class during the industrial growth period. These privately owned, single family dwellings have gabled tin roofs and gaily ornamented front porches.

These homes and warehouses once represented prosperity but by the early 1970s a marked change in industrial patterns altered the overall appearance of the warehouse district. The City of Danville realized that the Tobacco Warehouse District was on the decline. Other factors, in addition to the negative impression the Warehouse District left on the downtown area, were also City concerns—the decline of the residential neighborhood, the inability of the city to have a maximum tax return on utilities in the area, the inability to obtain maximum use from the property and a new shopping center constructed outside the city that might affect the central business district's economy.

Hearing about the Historic American Engineering Record of the U.S. Department of the Interior and their efforts to revitalize similar problems in Lynchburg, Durham and Burlington, the Danville City Council asked HAER's help in creating an overall development plan for the city. With financial support from the City, a team of experts completed a three month study and made specific recommendations to improve the Tobacco-Warehouse area.

HAER suggested that Danville's Tobacco Warehouse District be used as a pilot project for other cities confronted with similar problems since it qualified for a wide assortment of federal programs, loans and grants and was an example of public/private partnership. Through the HAER study the Tobacco Warehouse District was presented as a workable district and an area worthy of people's investments.

"The district could offer what the mall did not."

To attract private investment into the Tobacco Warehouse District, profitable uses for the buildings were considered. At first it appeared that all the retail space Danville could support would be absorbed by the shopping



Ornate wrought iron from the Victorian era lines Danville's Debo Street.

mall, but the district could offer what the mall did not—quaint restaurants, speciality retail stores and factory outlet stores. A riverfront park was strongly suggested to make the area more impressive and it is hoped that the owners of the land along the riverfront will donate their land to the City. With little, or no change, sufficient parking is available in the large, spacious warehouse buildings and any improvements could be made with EDA funds. Repairs were suggested for the National Tobacco Textile Museum which is an interpretive center for Danville's tobacco and textile history. HAER also proposed that the district be included in the National Register of Historic Places to qualify under the Tax Reform Act of 1976.

As far as residential development of the district was concerned, HAER encouraged home ownership and a large recreation area since other recreational facilities would not be convenient for the residents.

Many programs recommended by the HAER group are now in effect, or being planned for Danville's warehouse district. In June, 1979 Danville received a grant (\$148,000) from the Community Services Administration to set up an office for administrative services. Basic research was begun on grant and loan programs, and preliminary planning, surveying and map work was conducted.

Neighborhood groups were established to listen to residential wants and needs. The Community Improvement Council, the only active service agency in the area, was made the legal grantee for funds. By October, 1980 a \$60,000 revolving loan was obtained to buy, rehabilitate and sell dilapidated homes in the district. Over 70 homes are now being improved under the Home Weatherization Program. The Tobacco Warehouse District office set up a

ABOUT THE AUTHOR

Ms. Hoffman is Public Relations Director for the City of Danville.

homeowners help fund in which loans in the area would become government grants if the owners lived in the homes for 10 years. Owners of some property in the district have agreed to donate land for a playground and the Community Improvement Council and the City have allocated funds for playground equipment.

A counseling group will be organized to inform neighbors about tax relief on privately owned property in the area. On October 1, 1980, a CETA grant of \$113,000 was obtained to begin a project of clearing brush and trash from all vacant and occupied lots in the neighborhood, repairing homes owned and occupied by the elderly and handicapped, demolishing vacant, dilapidated houses, and fixing up smaller structures such as the ornamental iron fence along Craghead Street.

In the future more commercial ventures are planned for the warehouse district. Negotiations are now being made with a private developer for renovating one of the warehouses for a retail shop and apartment building. Contacts are being made for a riverfront park and steps are being taken to explore the possibilities of developing a factory outlet. The district, which is already included in the Virginia Historic

Register, should qualify for the National Register of Historic Places by February. Once the area is included, it can qualify for the Tax Reform Act. This should provide a strong incentive for private development in the area.

Although the public support has been extremely effective in the Tobacco Warehouse District area it is private support that will determine the area's success in commercial development. There are several good indications already that private industry and enterprise are interested in the Tobacco Warehouse Project. Companies that have already taken steps toward rehabilitation are Dibrell Brothers, the Tobacco Textile Museum and the *Register* and the *Bee* (daily newspapers).

"Danville boasts the finest Victorian and Edwardian architecture in Virginia."

Because of the sound workmanship and excellent craftsmanship, many of Danville's nineteenth and early twentieth century structures survived outside the Tobacco Warehouse District and the City of Danville included them in its first historical district. The district was nominated for

inclusion on the National Register of Historic Places in April of 1973. It boasts the finest and most concentrated collection of Victorian and Edwardian residential architecture in Virginia. Encouraged by the new tax laws of 1976 and 1978, and matching grants of up to 50% by the Historic Landmarks Commission, citizens have been renovating these structures.

In the final analysis it is the citizens who will determine whether the Tobacco Warehouse District is a success. The city and federal governments have set aside certain monies for development plans, and neighborhood and street improvements. The Tobacco Warehouse District Office of the Danville Redevelopment and Housing Authority is putting some of these plans and improvements into effect. But, if the dream is to become a reality it must be developed by organizations like the Dibrell Brothers, *Register* and *Bee* and the Tobacco-Textile Museum which have the foresight and innovation to see a unique environment with far-reaching possibilities for the years ahead.

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Farmland Preservation In Virginia

By Memory Porter

There would be no farmland preservation problem, if farm prices were high enough. This is perhaps the single point on which anyone debating the farmland preservation issue can agree. If the farmer were making a decent return on his investment, he would be less likely to sell out to the speculator or developer. And, it would be more likely that a young farmer would be able to buy land and keep it in farming.

But, the farm prices of the 1970s do not reflect the effects which inflation and the escalating cost of energy have had on the American farmer. The cost of farm machinery and supplies have skyrocketed and modern agriculture has an enormous dependence on fossil fuel energy. The solutions to these problems go far beyond what state and local governments can hope to control. However, state and local government can develop programs that reduce the cost of farming as it relates to land values by "insulating agriculture's land market from the non-agriculture land market" through the application of programs that will channel urban development away from farming areas designated by local government as worthy of protection and into areas where public facilities can be provided in a cost effective manner. In the rapid growth areas of the Commonwealth, particularly those jurisdictions on the "rural-urban fringe", local elected officials are wrestling with these complex land use issues.

Over the past twenty years, Virginia's agricultural land base had been reduced by some three million acres.² According to preliminary findings by the National Agricultural Lands Study, only three states—Florida, Texas and California—are converting agricultural land to urban uses faster than Virginia. On the national level, "every day twelve square miles of American farmland are converted to non-agricultural uses."³ The shifting of productive farmland to other uses is a growing concern to local officials in Virginia. A 1978 study by the Virginia Department of Agriculture and Consumer Services found that "ninety-four percent of county leaders and 66 percent of town

leaders thought their governments should take more positive actions to preserve this limited resource."⁴

'Agriculture is the State's leading industry.'

The importance of the agricultural industry to Virginia's well being is understood by those persons associated with agriculture, but perhaps less understood by the average citizen. "From the standpoint of pure economics, agriculture is the State's leading industry. Currently, about 80,000 full-time equivalent people work on Virginia's 60,000 farms. A farm income of over \$1.5 billion generates between four to five billion dollars in total economic activity throughout the State in a given year. Half of the State's manufacturing work force is related to agriculture and agribusiness and 20 percent of the State's total non-farm work force is associated in some way to agriculture and agribusiness," according to Dr. Berkwood M. Farmer, Chief Economist and Director of Planning and Development for the Virginia Department of Agriculture and Consumer Services.⁵ Farmer notes, however, "When our farm economy gets into trouble, economic ripple effects occur throughout Virginia and especially in our small rural towns and cities." For example, the effect of this year's drought on the peanut crop could cause an economic turndown of about \$100 million in the nine peanut producing counties in Virginia, Farmer says.

Why should we preserve farmland? The importance of the agricultural industry has regional, national and even global implications. Dr. Farmer believes a strong export program for many of Virginia's agricultural commodities is in the long-run best interest of consumers, as well as the farmer. On the national level the income we receive from agricultural exports is an important counterweight to help balance the payments America makes to foreign countries for imported oil. Some experts believe that, as our mineral resources are depleted and our older industrial plants become antiquated, agricultural exports will play an even larger role in maintaining the future economic stability of the United States.⁶

In 1960, Virginia farmers planted about 1.3 million acres in corn, soybeans and tobacco. Nineteen percent—about one out of every five acres was used in production for exports. In 1978, Virginia farmers planted about the same number of

acres to these crops as they did in 1960. However, 39 percent—about two out of every five acres—was used in production for exports.⁷ Dr. Farmer argues that demand for our exports contributes strength to many farm commodity prices, enables many farmers to operate farms of sufficient size whereby unit costs of production can be kept at a relatively low level and exports from Virginia increase employment and earnings throughout the state. For example, a direct result of Virginia broiler and turkey exports in 1978 accounted for 2,000 additional jobs.⁸

While the future of Virginia's agricultural industry will rest largely with solutions devised in Washington on the larger economic issues, the future of Virginia's agricultural land base will depend on actions by local government. At the forefront is Loudoun County.

For two centuries, from 1760 to 1960, Loudoun County exemplified the prosperous rural agricultural community which provided agricultural products for Alexandria and later for Fairfax and Washington, D.C. During these two centuries the County's population remained amazingly stable at about 20,000 persons. The War of Independence, Civil War and the 20th century World Wars did not appreciably alter the rural agrarian character of the County. Even today it is not uncommon to find a family which has farmed the same land for eight generations.⁸

"Loudoun County began to change with Dulles Airport."

The balanced environment began to change radically in the 1960s with the construction of Dulles International Airport in the southeastern portion of the County and the FAA's regional air traffic control center outside Leesburg. The airport brought new jobs, sewer lines linked to the District of Columbia and major housing developments. In 1973 Xerox Corporation established its International Training Center near Leesburg. These major housing and employment opportunities, coupled with dozens of smaller developments have resulted in nearly tripling of the County's population between 1960 and 1980. During the 1970s nearly 25,000 persons moved to Loudoun County. During the last 15 years the County has been transformed from an agrarian community with 75 percent of the population living on farms in the rural residences to an urbanizing area with more than two thirds of the residents living in towns and suburbs. But, most of this growth has, by plan, been

ABOUT THE AUTHOR

Ms. Porter is the Legislative Liaison for the County of Loudoun.

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located in eastern Loudoun County and the historic towns. Much of the countryside remains as rural as it was decades ago, as less than 20 percent of the County's land has been developed for housing and urban areas. However, these rural resources are being increasingly threatened by large lot rural residential development. The expansion of local government services occasioned by growth and high citizen expectations is reflected in the County budget, which grew from \$10 million in 1970 to \$52 million in 1980, and in the construction of eleven schools in the past ten years, involving a debt of over \$30 million.¹⁰

In Loudoun County there is a strong commitment to preserve agricultural resources, but a detailed program has not yet been determined. The County has already made use of the two legal tools provided by State enabling law. Over 90 percent of the county's eligible land is in the use-value assessment program; over 66,000 acres are in the voluntary agricultural and forestal districts. The Loudoun County Board of Supervisors recognizes that, alone these measures cannot assure that the County's agricultural industry and its valuable land resources can be retained as the County continues to accommodate growth pressures from the Washington metropolitan area. County staff is meeting regularly with farmers, non-farm citizens, community groups and local officials to discuss the problems and possible solutions to farmland conversion. The detailed plan for action will be developed over the next year through this public participation process.

Also, the Loudoun Board realizes that whatever program is finally developed, additional state enabling laws will be required. Therefore, the Board has, for the past year, worked closely with the Joint Agricultural Land Preservation Subcommittee created by the 1980 Virginia General Assembly (House Joint Resolution 40). The Subcommittee, chaired by Delegate Ford Quillen of Gate City, is charged with monitoring pilot programs developed at the local level in the jurisdictions currently seeking methods to protect productive farmland.

For the 1981 session of the General Assembly, the Loudoun Board of Supervisors is asking that the Subcommittee be extended for another year and that the legislature support adoption of a state agricultural land preservation policy which recognizes that land use controls must remain at the local level of government. The policy must also incorporate the ability of local governments to direct the location and rate of growth into

areas where public facilities either exist, or can be provided in a timely and cost effective fashion, in order to reduce or eliminate the encroachment on non-farm uses onto prime and productive agricultural land.

"Control of land use needs to be at the local level."

The Subcommittee has held numerous meetings. Local officials from the Counties of Fauquier, Clarke, Albemarle, Hanover, Frederick, Prince William, King George, Nelson and Mathews and from the City of Suffolk have expressed interest in the legislators' deliberations. A public hearing held in Leesburg in mid-October drew some 200 citizens, many of them Loudoun farmers, voicing the need for State permission to try farmland preservation mechanisms being used in other states. The plea from Loudoun County was "give us the tools we need to control our own destinies." Loudoun's officials, farmers and non-farmers all understand that there are difficult issues involved in farmland preservation. Compromises must be reached between the various competing interests, including farmers, developers and urban citizens in order to institute an effective preservation program. Support for such efforts must be broad-based, coming from both farmers and non-farm citizens. In Loudoun County, this broad support is clearly evident.

The Frances Lewis Law Center of the Washington and Lee University sponsored a two-day seminar for the Subcommittee, providing guest speakers from across the country. (A transcript of the proceedings will be prepared by the Division of Legislative Services.) The key speaker was Professor John Keene, Department of City and Regional Planning, University of Pennsylvania, who provided current information on the National Agricultural Lands Study. The study, expected to be completed in early January, 1981, documents the many different approaches to farmland preservation being tried throughout the nation, along with an analysis of how the programs were developed and how effective they have been. Keene stresses that "farmland preservation programs must be set in the general context chances of success, they should be based on sound enabling legislation, developed through comprehensive planning and policies which give appropriate recognition to low and moderate income housing, commercial and industrial development and environmentally protective objectives. At the same time, they

must not contravene the fundamental safeguards accorded to private property but the due process, equal protection and taking clauses of the United States Constitution."

This is a tall order, but one that must have the full attention of the General Assembly and the Governor of Virginia if jurisdictions like Loudoun County are to prevail in protecting its farming industry and agricultural land base for future generations.

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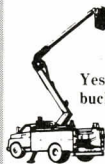


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