

Virginia Town & City

VOLUME 17

MAY 1982

NUMBER 5



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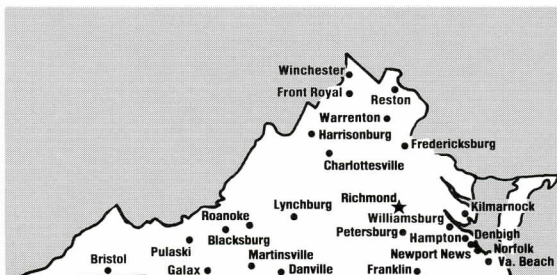
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On the Cover

The City of Staunton, with the assistance of the Historic Staunton Foundation, is going through a facelift. See page 13 for the story on Staunton.

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Editorial

Can the Private Sector Fill In the Gap?

Corporations, foundations have plenty of room to improve in giving for social services.

By Neal R. Peirce

America's corporations and foundations, facing a tidal wave of appeals to make up for the Reagan administration's deep cuts in social services, have been busily moaning and groaning that there's "no way" they can fill the gap.

In raw dollar terms, they're probably right. Reagan policies have created a dollar vacuum for nonprofit social and educational groups estimated to go as high as \$46 billion between now and the end of 1984. By contrast, last year corporations gave only \$2.6 billion and foundations \$2.4 billion for charitable and educational causes.

There is huge room for improvement in corporate giving. Seventy percent of U. S. corporations don't contribute a cent to anything. Overall, corporate contributions average about 1 percent of pretax profits. The Minnesota Five Percent Club has employed vigorous peer pressure to convince 45 Twin Cities corporations to contribute a full 5 percent. Similar clubs now operate in Louisville, Seattle and Baltimore.

Urging firms to give 5 percent has never struck me as coercive socialism incarnate. But it would be a massive achievement to get corporate America up to the average of 2 percent giving recommended by the Business Roundtable. Even if the figure rose to 5 percent, it would fall well below the total of Reagan's budget cuts.

Nor is it realistic to think that a fresh surge of volunteerism—however deeply rooted in American character—can single-handedly make up for the loss of 300,000 CETA jobs and the billions of dollars Washington has withdrawn for social programs. Most nonprofit groups need money and paid professional time to utilize volunteers effectively. And the biggest traditional reservoir of volunteers—women—has been depleted as more and more, by choice or necessity, enter the workplace.

Even President Reagan, who is so excited about the volunteer potential that he established a 42-member Presidential Task Force on Private Sector Initiatives under Armco Chairman C. William Verity, conceded

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recently: "Federal loan guarantees will not be restored by wealthy people dancing till dawn at charity balls. Nor will we replace the Department of Health and Human Services with the Junior League."

Can the yawning social service gap then ever be filled? The answer, I believe, can be "yes"—but only with a set of wrenching readjustments in how our cities function. And the chief among these must be a radically new attitude of corporations to the communities and states in which they operate.

Consider what we have now. Outside of a handful of progressive corporations, with special units for corporate social responsibility and a willingness to undertake some adventuresome projects with local governments or neighborhood groups, the order of the day is still strictly "business as usual." That means a low level of contributions, if any, flowing to established, "safe," charitable organizations, and close to zero personal commitment by business leadership.

Control Data Corp. Chairman William Norris argues that overburdened governments and social service agencies cope with society's most intractable problems (inner-city decay, shamefully high youth unemployment, unresponsive schools, human warehouses called prisons) without our society's "major source of technical, managerial, professional resources, namely the business community." Norris would have business bid to perform many public functions on contract from government.

That's just one of many ideas of how redirected corporations can help make society work. Firms need first to alter their relationship to state and local government. Most now simply dispatch lobbyists to defeat any rule of legislation they think might increase business costs. Instead, they need to become full-fledged partners of city halls and state capitols in times of scarce resources. That means lending personnel, including some top managers, to help with budgets, accounting and personnel systems. It includes donating computer time. And offering similar assistance to non-profit social service agencies, whose very existence may depend on improved management.

Business can take its public giving away from some third vice president for enhancement of the public image and move that function, and its entire relationship to city and state, to the mainstream of its strategic planning. Robert McNulty of Partners for Livable Places rightfully notes that corporate interest in communities—

through helping schools, fire prevention programs, drug treatment or whatever—"is not merely a charitable gift. It is legitimate investment, with the corporation the ultimate beneficiary of lower crime rates and increased employee satisfaction."

The insurance industry—with perhaps the most to lose if the cities in which it insures properties explode with 1960s-style riots—has led strongly in this field. Its Clearinghouse on Corporate Social Responsibility says firms should adopt a "systems approach" to community involvement, including contributions, investment capacity, volunteerism programs and community leadership.

Such involvement doesn't work, however, unless the chief executive officer involves himself in some direct community activity—thus telegraphing the message down the corporate ladder that the firm's public interest is sincere, not just for show.

Community-sensitive corporate decision making can have a thousand and one applications: Hiring disadvantaged from within the community. Helping small businesses (which provide the most new jobs) through targeted procurement. Investment in seed capital funds. Paying small vendors on time. Investing funds (as Aetna, for instance, does) in minority-owned banks. Lending our commuter vans (as Prudential does) to social

service agencies to transport elderly or handicapped. Locating or retaining plants in hard-up urban areas. Influencing United Ways to take more risks in backing inventive new groups that deliver social services with more use of volunteers and less overlays of paid professionals. Lobbying state legislatures to help out particularly distressed cities.

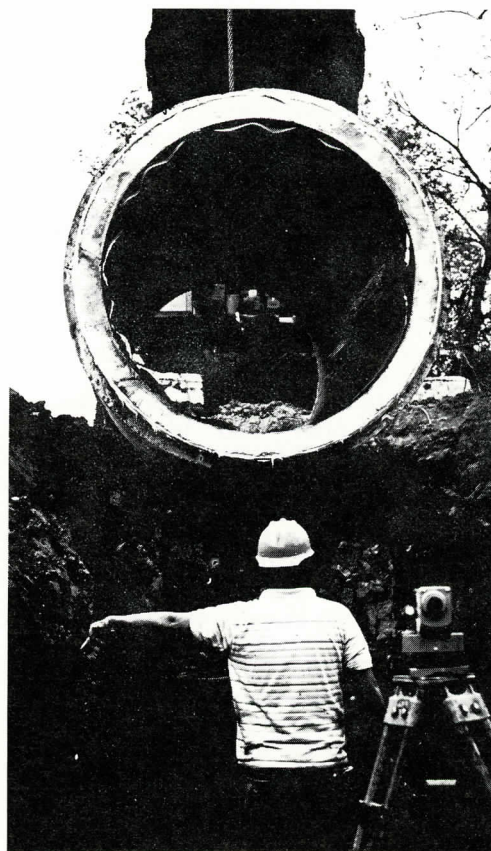
The sober act is that only a minuscule percentage of corporations have advanced to such hands-on, constructive community involvement. Until or unless a much larger number do, we'll not know if the Reaganesque, decentralized model for American social life can work.

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VML Annual Conference

Mark your calendar for September 19-21, 1982 for the Virginia Municipal League Annual Conference at The Pavilion in Virginia Beach.

Registration information will appear in the August issue of VIRGINIA TOWN & CITY and will also be mailed to member localities. Make plans to attend now.



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Owning Your Own Electric System

By Eldred C. Yerks

The local electric utility is owned by the city or town in 16 communities in Virginia. Local ownership of electric utilities provides numerous benefits to municipalities and their citizens, so it is not surprising that this option for electric utility service continues to thrive in Virginia as well as throughout the nation.

Most municipally-owned electric utilities came into existence many decades ago. They were formed by the local citizenry before the private companies became established outside of major population areas. The majority of the Virginia city electric utilities were formed before 1935, and the Danville system, established in 1885, is the oldest municipally-owned electric utility in the United States.

Municipally-owned electric utilities in Virginia are found in Bedford, Blackstone, Bristol, Culpeper, Danville, Elkton, Franklin, Front Royal, Harrisonburg, Iron Gate, Manassas, Martinsville, Radford, Richlands, Salem and Wakefield. Taken together these 16 electric systems serve a total of 105,000 retail customers and collect \$94 million in electric revenues. These utilities have associated together to form the Municipal Electric Power Association of Virginia (MEPAV), which is an affiliate of the Virginia Municipal League. The MEPAV localities periodically meet to discuss and deal with matters of common interest.

"Danville has the oldest utility system in the United States."

The MEPAV localities obtain most of the electricity they need by purchasing it at wholesale rates from the large investor-owned power companies serving Virginia (although one city purchases from TVA). Some of them own small hydroelectric power plants by which they generate a small part of their needs. Even if most of the electricity is purchased, the pur-

About the Author

Mr. Yerks is Danville's Electric Department Director. He currently serves as president of the Municipal Electric Power Association of Virginia.



Eldred Yerks (left) visits a work site.

chases are in bulk quantities at wholesale rates which result in large savings over what the electricity would cost if purchased separately by each of the retail customers on the city's system.

The difference between wholesale and retail rates exists because the local governments take charge of distributing the electricity to customers. Although the private power companies may often be more efficient at generating electricity at large power plants, the localities are certainly more efficient at the business of distributing the power to individual retail customers, especially to residential and small commercial customers.

Some of the factors which result in lower-cost electric distribution for municipalities are: the ability to utilize other municipal departments such as accounting, public works, data processing, purchasing, personnel, and legal, thereby avoiding the extra cost of setting up separate departments within the utility to perform these functions; the ability to combine with the water department (and with the natural gas department if applicable) to carry out the functions of meter reading, billing, collections, and general customer accounting; access to the municipal tax-free status for electric utility functions, including tax-exempt financing; the lower cost of labor and more flexibility in general operations than normally found in a large corporate bureaucracy.

The cost advantages obtained by the municipal electric system can be enjoyed by the local populace either in the form of lower electric rates, lower general tax rates, more and better services, or any combination of these benefits. Other savings and benefits associated with local ownership of the electric utility include full control over and lower cost for street lighting, local control of retail electric rates, availability of the lower cost electricity for city buildings and plants, and better access to the electric utility for coordination of those many matters in which the utility and the city need to work closely together (such as relocating poles for street improvements and modifications).

Although the advantages of local ownership of the electric utility are plentiful, it is rare for a locality served at retail by a private utility to change over to local ownership. The transition is seldom made because the high cost of purchasing the private utility's lines and equipment at today's prices is not an affordable expense for most local governments.

Although the large private utilities in Virginia are generating most of the electricity used by the MEPAV cities, these municipalities are continually searching for means to increase the amount of generation under local control. Virginia law now provides for the electric utility municipalities to join together in an authority or

authorities for the purpose of undertaking electric generation projects on a joint basis.

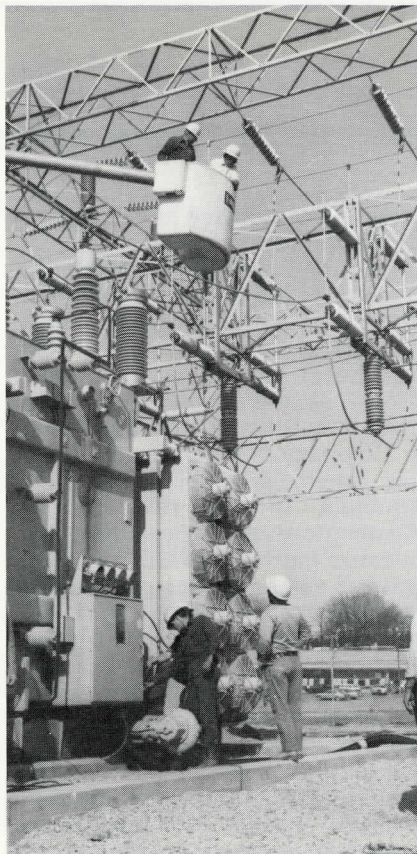
Currently the MEPAV cities are studying the feasibility of adding hydroelectric generating equipment to certain federal flood control dams.

"MEPAV tries to get hydroelectric generation."

There are a great many dams throughout the nation which were built by the federal government in this century for flood control purposes. At the time that most of these dams were built the cost of coal and oil was very low, so it did not appear to be an economical proposition for the federal government to install electrical generation at the dams, since the electricity being generated by fuel-burning plants was so low in cost. In recent years, however, the prices of coal and oil have risen dramatically, and it is quite possible that many of the federal flood control dams are now economically competitive sites for hydroelectric generation. In recognition of this possibility, the federal government has established a program by which non-federal entities can develop the flood control sites for electric generation. To participate in this program, the developer must obtain a permit from the Federal Energy Regulatory Commission (FERC).

MEPAV has applied to FERC for permits to investigate the feasibility of adding generation at six different federal flood control sites. Unfortunately, the possibilities for economical generation of electricity did not escape the notice of many others, and most of the good sites were the focus of several permit applications. The FERC received other permit applications on the best sites among those for which MEPAV applied for permits. Although federal law provides that municipalities are to have preference over others in matters of this type, most of the competing applicants claimed also to be entities eligible for municipal preference. The result was that MEPAV did not immediately receive all of the permits that were originally hoped for, since permits were issued to others on the best sites. MEPAV has filed appeals with FERC on some of the sites, on the grounds that permits were issued to entities making a false claim to municipal preference.

MEPAV did receive permits to investigate two sites, although



these two seemed to be the smallest and least desirable of the lot. Nevertheless, MEPAV is going forward with the feasibility studies on these sites on the basis that a small amount of a good thing is better than nothing at all. While these studies are progressing, hope remains that MEPAV may prevail in its appeals and yet receive permits to investigate the possibilities at one or more of the more lucrative sites.

The advantages of local ownership of the electric utility are so many that the 16 Virginia municipalities who enjoy this option are very fortunate. Through MEPAV, these cities and towns have been working together to see that all possible benefits of local electric utility ownership are made available to the citizens of each community.

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Local Government Laws of Virginia is a handy two volume reference manual incorporating all significant Virginia local government statutes.

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People

Appointments

Ronald L. Waller, former town manager of Culpeper, has been appointed manager of Schuylkill Haven, Pennsylvania.

Simeon E. Ewing has been appointed town manager of Wise.

Fred W. Hottle, a retired game warden, was appointed to the Edinburg Town Council.

Anne Vaughan made history when she became the first woman to be appointed to the Galax City Council.

Loudoun County Supervisor **Carl F. Henrickson** has been elected to head the Metro Council of Government while **Marie Travesky**, a member of the Fairfax County Board of Supervisors, was elected as a COG Vice President. **James McCoart**, Prince William County Supervisor, was elected secretary treasurer. **Robert E. Harris**, Virginia Delegate, was reelected to represent his state legislature on the Metro COG Board.

Joseph Alexander, a Fairfax County supervisor, was elected vice president of the American Public Transit Association, which represents public and private mass transportation systems in North America.

W. L. Lemmon has been appointed by Governor Charles S. Robb to the Board of Education, a resident of Marion, Lemmon is a former six term member of the House of Delegates and was Chairman of the House Education committee. He was also a member of the House Appropriations Committee and served in 1975-76 as chairman of the joint Senate-House

committee studying the standards of quality for public education.

Enid F. Beaumont, Executive Director of the National Institute of Public Affairs, has been named Director of the Academy for State and Local Government. Formerly known as the Academy for Contemporary Problems headquartered in Columbus, Ohio, the institution has been reorganized and its principle offices relocated in Washington, D.C. Beaumont has directed the NIPA since May, 1978 and has served as vice president of the National Academy of Public Administration since November 1981.

Carol W. DeLong has been named chairman of the Northern Virginia Transportation Commission (NVTC). The mayor of Falls Church, she has been treasurer of the commission.

Mayor **Ronald C. Spiggle** of Appomattox was appointed to the Virginia Transportation Safety Board.

The Advisory Commission on Intergovernmental Relations named **S. Kenneth Howard** of Madison, Wisconsin as ACIR's new executive director. Howard has been active in intergovernmental relations for the past 20 years including serving as state budget and planning director for the State of Wisconsin and as a professor at the University of North Carolina and the University of New Hampshire.

Honors

Bruce V. Turner, chief of Falls Church Volunteer Fire Department, has been named an honorary member of Heroes, Inc., which aids

the surviving spouse or parents of a law enforcement officer or firefighter who has been killed in the line of duty.

Retirements, Resignations

Lawrence E. Parham, wastewater treatment plant operator for Franklin for 27 years, recently retired.

Staunton Mayor **S. Willson Sterrett** resigned from Council and Ronald E. Shibley, a Fredericksburg Councilmember, stepped down. Mr. Shibley was elected to council in 1980.

Blacksburg, Roanoke Named

The National Municipal League named Blacksburg and Roanoke All-America Cities last month.

More than 100 localities enter the national contest and only 10 are recognized each year.

It's a triple honor for Roanoke since this is the third time it has won the prestigious award. It won in 1953 and again in 1979, although it shared the award with other Roanoke Valley governments.

This is the first time Blacksburg has been named an All-America City.

Local Government Media Conference

Gerald Baliles, Virginia's Attorney General, will be the keynote speaker at the Local Government Media Conference at the Ramada Inn in Charlottesville on June 11, 1982. The theme of the conference is Freedom of Information. Mr. Baliles is considered to be an expert on Virginia's FOI Act.

Following Mr. Baliles' remarks, a panel discussion on the FOI Act and its impact on media-local government relations will be featured. After lunch, participants will be divided into small groups to discuss informally their concerns about FOI and working with the press.

A minimum registration fee will be charged. For more information, contact Charlotte Kingery at the VML.

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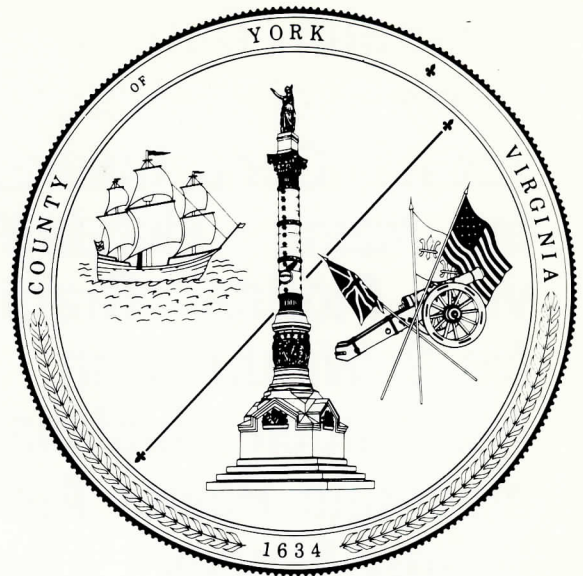
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York County Bridges Communication Gap



Editor's Note: This article was adapted from a 1981 VML Achievement Awards entry. Even though the entry was not a winner, the judges gave it high marks. As a result, the Virginia Municipal League wants to share this idea with its member localities.

If the citizens of a community don't understand and trust their government, everyone involved has a problem.

In 1979, the public officials and citizens of York County found that they weren't communicating with each other, but they attacked the problem systematically. The atmosphere prevailing in the county was one of misunderstanding and criticism, but careful planning, good management and a conscientious effort proved to be the key elements needed for a successful bridge to their communication gap.

Careful planning

The League of Women Voters held several meetings because of the shaky communication flow and as a result, the Board of Supervisors created a citizen's ad hoc committee to investigate the problem. The committee in turn outlined possible programs to be implemented by a newly formed Public Information Office (PIO).

Facing the office was a list of ideas aimed at appeasing the citizens' demand for information while catering to the needs and abilities of the county government. Among the suggested programs were:

- * Improving the local media coverage since the *Daily Press*, *Times-Herald* and *Virginia Gazette* were not fulfilling the public's desire for government news.

- * Improving the information flow from the government to the media, possibly in the form of a press release mailed with county board meeting agendas and summaries.

- * Improving the personal communication and contact between public officials and citizens by scheduling Wednesday mornings meetings between county officials and the public.

- * Improving community awareness and understanding by creating a "Hot Line" answering service and a "Question Line" column in the newspapers, both devoted to county government matters.

Also suggested was a general information brochure explaining government procedure and policy, and mailing an information sheet from the government offices to the citizens' homes on a quarterly basis. The "flier" could contain information such as "tax dollars spent, planning projects, policies, elections and upcoming events."

Good management

Obviously the public information office has had quite a job planning and implementing these or like programs and monitoring public response, but the project gained support soon after it was created in 1979.

The secret of the office's success could be that it acts like an ombudsman for government-citizen problems, serving equally the interests of both. Its goal is to exist with "one foot in the community and one foot in the government."

To get started on the list of programs compiled by the ad-hoc committee, the staff took surveys and polls to gauge the views of the citizens. Once the results were in,

the public information officer prepared a newsletter to inform the citizens about government actions and policy. Staff served as a sounding board for citizen complaints and/or questions and began acting as a liaison between the media and the government.

Conscientious effort

The PIO has adopted a policy to publicize all official actions of the Board of Supervisors and other county departments with the public information officer reporting to the county administrator. It has been strictly enforced that no function of the office may be used for the personal or political purposes of any county employee or elected official.

The daily priorities of the office are to respond to citizen complaints first, inform the citizens with news releases second and respond to the Board of Supervisors third.

The public information office has made strides in implementing the programs and has had success with press releases, "hot line" and information sheets. Staff has also developed an updated directory of York County boards and commissions.

Quarterly newsletters about county government and a speaker's bureau have also been established.

So, the story of York County turns out to be a happy one. In the first 15 months the PIO met all the proposed goals and is still working to improve communication. Different levels in the county are cooperating with each other—department heads are informing the office of events and the press is supporting the information service.

The county that once saw itself

splintering and drifting apart is now experiencing a welcomed reunion of its government and citizens.

Know Job Ad Deadlines

Frequently the Virginia Municipal League is contacted about placing municipal job ads in **Virginia Town & City** and the League's biweekly newsletter, **LEAGUE LETTER**.

The deadline for **Virginia Town & City** is the 10th of the month preceding the issue. If you want to place a job in the July issue, we must receive it by June 10.

LEAGUE LETTER is published the first and third weeks of each month. Deadlines for placing a Position Available ad are the first and third Mondays.

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Legal Guidelines

Licensing Sale of Drug Paraphernalia

By Howard W. Dobbins, General Counsel

One of the principle problems in regulating the sale of drug paraphernalia has been that the material, the sale of which is sought to be regulated, may be used for lawful as well as unlawful purposes. Accordingly, the sale of such items cannot lawfully be banned.

One method of controlling the sale of drug paraphernalia was enacted in an ordinance by the Village of Hoffman Estates, Illinois, requiring a business to obtain a license if it sells any items that are "designed or marketed for use with illegal cannabis or drugs", as defined by the Illinois Revised Statutes. The license fee is \$150 and the business must file affidavits that the licensee and all employees have not been convicted of a drug-related offense. The business must also keep a record of each sale of a regulated item, including the name and address of the purchaser, to be open to police inspection. No regulated item may be sold to a minor. The violation is subject to a fine of not less than \$10 nor more than \$500, and each day that a violation continues gives rise to a separate offense. A series of licensing guidelines prepared by the Village attorney define "Paper", "Roach Clips", "Pipes" and "Paraphernalia", the sale of which is required to be licensed.

The Flipside, Hoffman Estates, Inc. (Flipside), in its store located in the Village, sold a variety of merchandise, including phonographic records, smoking accessories, cigarette paper, cigarette rolling devices, novelty devices and jewelry as well as "roach clips", specially designed pipes typically used to smoke marijuana and other drug-related items, all in proximity to various magazines and books dealing with drug use.

Flipside challenged the ordinance by a suit filed in the United States District Court for the Northern District of Illinois alleging it constitutional infirmity because of its broad, vague language. The District court upheld the validity of the ordinance but the Circuit

reversed on the ground that the ordinance was vague on its face. In an unanimous opinion announced March 3, 1982, however, the United States Supreme Court in *Village of Hoffman Estates v. Flipside, Hoffman Estates, Inc.*, 50 Law Week 4267, determined that the ordinance was not unconstitutionally vague or broad and did not infringe Flipside's First Amendment rights, and thus approved a pattern ordinance which may be enacted by other localities desiring to control the sale of drug-related material.

The Supreme Court rejected out of hand Flipside's contentions that the ordinance imposed a "prior restraint" because the guidelines treat the proximity of drug-related literature as an indicium that paraphernalia are "marketed for use with illegal cannabis or drugs", and that because the presence of drug-related designs, logos, or slogans on paraphernalia may "trigger enforcement, the ordinance infringed protected symbolic speech."

In the opinion written by Justice Marshall, the Court held that "although drug-related designs or names on cigarette papers may subject those items to regulation, the Village does not restrict speech as such, but simply regulates the commercial marketing of items that the labels reveal may be used for an illicit purpose." The scope of the ordinance therefore does not embrace "non-commercial speech." The opinion states further that the "ordinance is expressly directed to commercial activity promoting or encouraging illegal drug use. If that activity is deemed 'speech,' then it is a speech proposing an illegal transaction, which a government may regulate or ban entirely."

Upon consideration of Flipside's contention to vagueness focused on the ordinance language "designed or marketed for use" the Court found that whereas the ordinance and guidelines do contain some ambiguities, the "designed for use" standard is sufficiently clear to cover at least some of the items Flipside sold. Moreover, the

alternative "marketed for use" standard was held to be "transparently clear," giving Flipside ample warning that its marketing activities required a license.

A copy of the Village of Hoffman Estates ordinance is set forth below for guidance of those localities who may wish to consider adopting a similar ordinance.

Village of Hoffman Estates Ordinance N. 969-1978

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE VILLAGE OF HOFFMAN ESTATES BY PROVIDING FOR REGULATION OF ITEMS DESIGNED OR MARKETING FOR USE WITH ILLEGAL CANNABIS OR DRUGS

WHEREAS, certain items designed or marketed for use with illegal drugs are being retailed within the Village of Hoffman Estates, Cook County, Illinois, and

WHEREAS, it is recognized that such items are legal retail items and that their sale cannot be banned, and

WHEREAS, there is evidence that these items are designed or marketed for use with illegal cannabis or drugs and it is in the best interests of the health, safety and welfare of the citizens of the Village of Hoffman Estates to regulate within the Village the sale of items designed or marketed for use with illegal cannabis or drugs.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hoffman Estates, Cook County, Illinois as follows:

Section 1: That the Hoffman Estates Municipal Code be amended by addition thereto an additional section, Section 8-7-16, which additional section shall read as follows:

Sec. 8-7-16-ITEMS DESIGNED OR MARKETING FOR USE WITH ILLEGAL CANNABIS OR DRUGS

A. License Required:

It shall be unlawful for any person or persons as principal, clerk, agent or servant to sell any items,

(Continued on page 22)

Cover Story on Staunton

In many small cities throughout the United States, a successful approach to economic renewal has included capitalizing on a community's unique historic character and architecture.

This approach to revitalization through careful planning and historic preservation is one that is working in Staunton. With the support of city government, the cooperative efforts of Historic Staunton Foundation and investment by the private sector, the face of Staunton is changing—for the better.

Historic Staunton Foundation's Facade Improvement Program (FIP) is part of the City's overall revitalization plan. This program, begun in 1978, has been recognized by the National Trust for Historical Preservation as one of the country's successful approaches to historic preservation.

The Facade Improvement Program has generated more than \$1 million in building improvements in the downtown area. Forty commercial buildings have been renovated under FIP and more are

slated for work during the 1982 building season.


What is FIP? The program is a free service offered to anyone owning or leasing a building in downtown Beverley or Wharf historic districts. Membership in Historic Staunton Foundation is the cost of the service. Anyone choosing to participate in the program is taken through a series of steps designed to arrive at quality improvements that are practical, compatible with the design of the building and affordable for the owner or lessee.

Before a drop of paint touches the surface, the history of the building is determined through HSF's architectural inventory sheet. Also, photographs are taken before the construction begins and after the construction stage. A drawing is also made of the facade, depicting improvements that need to be made. Following the renovation job, a complete file on each job is kept at the Historic Staunton Foundation. The file includes a record of the contractors used, paint colors, cost, and photographs.

The cost of the facade improvement varies with each building. Some maintenance is as

little as \$1,000, however, on a larger scale, it can cost from \$5,000 to \$8,000. All facade improvements are paid by the building owner or lessee.

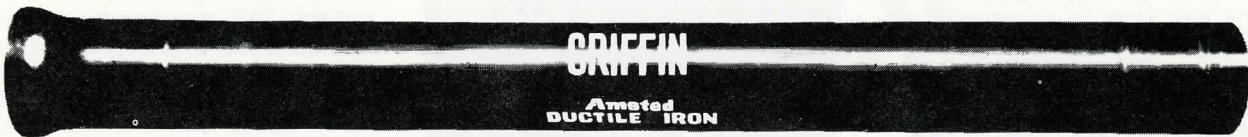
Currently there is no special financing for improvements but there are several programs that give owners tax advantages when they improve their property. Also, the city has its own tax incentive programs for renovation. For residential and commercial structures 25 years or over, improved so as to increase the assessed value by 60 percent or more, taxes are abated up to an amount that equals the differences in assessed value before and after renovation for a period of seven years.



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What Kind of Parks Do Citizens Want?

Roanoke Finds Out

Editor's Note: This was an excellent 1981 VML Achievement Awards entry but it did not win. Because it is a unique way to garner citizen participation for planning recreation space, the Virginia Municipal League wanted its members to know about Roanoke's study.

Since a park is no good unless used and appreciated by the citizens it was created for, Roanoke decided to consult its public before it began improving its parks and recreation system.

The result is a completed park study, "Roanoke's Parks—Today and Tomorrow." Roanoke has found that by involving the citizens in the planning process, community interest and awareness have been increased.

The need for an improved parks system evolved from soaring gas prices which kept Roanokers close to home and lack of good neighborhood recreational facilities. Roanoke conducted a city-wide park study to establish a systematic and community-based recreation planning process, a relatively new concept in the field of planning.

The "Roanoke's Parks—Today and Tomorrow" project began with the teamwork efforts of a recreation planning and design consultant team to facilitate and guide the plan development, a steering committee of the city staff to coordinate the planning, and citizens at large.

"Roanoke got citizens involved by going to them."

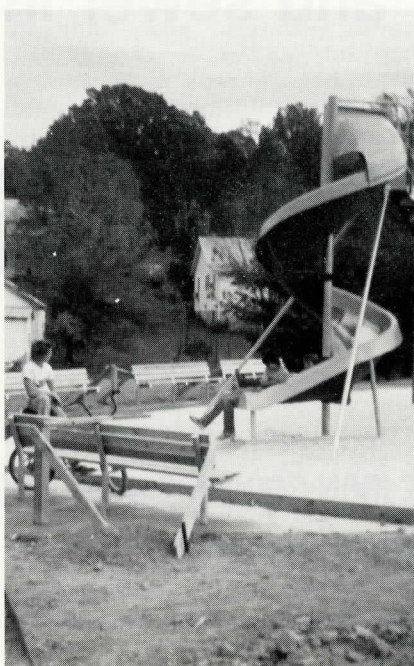
Not using the run-of-the-mill public hearing, Roanoke got citizen reaction by using the local newspaper, a television station, citizen committees, workbooks and a series of workshops.

Questionnaires were published in the newspaper asking Roanokers how they felt their existing parks system met their needs and what the parks system needed. In addition, the city conducted a door-to-door survey and interviewed park



In the top photo workmen construct new recreation facilities.

Below, a mother enjoys watching her child on the new equipment.



users to ask their preferences. Over 1500 responses were gathered.

The city, consultants and a local NBC affiliated TV station prepared three one-half hour programs to explain the parks study and process to viewers. The shows covered the history of Roanoke's parks, new trends in recreation, the parks planning process and responses gathered in the newspaper questionnaire and on-site visits. The TV programs clearly heightened the interest of Roanokers for their parks.

A committee of 23 concerned citizens were appointed by the city council to channel citizen input. The Citizen's Advisory Committee (CAC) was divided into six sub-committees: executive, regional for the larger parks, and one for each of the four quadrants in the city. The regional and quadrant sub-committees had the responsibility of studying the parks in their respective areas as an additional way to gather citizen preferences and hear alternative suggestions.

"The CAC was the backbone of the citizen's involvement process."

Seven workshops and meetings were held by Roanoke where residents, the consultants, city staff and the CAC could exchange ideas and comments on planning the parks projects. In addition, CAC organized and led five public meetings in different sections of the city to obtain direct comments from the citizens. Traditionally, coordinated public meetings have been the responsibility of the local government.

The main tool of the CAC in the citizen participation process was the Citizen's Planning Workbook, which was a combination information document and how-to guide. It contained data, standards, analyses, fact sheets, use-profiles, and decision making criteria for each of Roanoke's parks. The workbook was expanded to be used

Interviewers to go door-to-door

City teams will sample door-to-door and in the parks, starting Monday, the public reaction to Roanoke's park and recreation program.

The interviewers canvassing neighborhoods will have short questionnaires, but those in the parks will conduct informal discussions.

Dinesh Tiwari, a city planner working on the park study, said the interviewers going from door-to-door will have city identification cards on their lapels. Any

resident approached about the park study should ask to see the identification.

The survey will be made from about 10 a.m. to 5 p.m. Mondays through Saturdays until the end of July.

Tiwari said the interviewers expect to sample opinions at 1,000 households, 250 of them in each quadrant of the city.

The interviewers assigned to the parks will talk to people using the facilities.

directly by both the CAC and city staff. The comprehensive workbook provided an innovative "hands-on" tool for direct citizen participation on the parks planning process.

The consultants presented a futuristic slide presentation to a group of community leaders on new trends in leisure and recreation and new facilities which could be made available to Roanoke, such as a velodrome and a wave pool. The intent was to expand the citizen's field of vision toward recreation and jar preestablished points of view to open the "conceivable" range of recreation opportunities. This has helped generate enthusiasm for unique facilities and programs in leisure services.

A local office was also established at the Parks and Recreation Department headquarters. This consultant's office provided a presence in the city and increased people's awareness about the project.

"A cookbook for Roanoke's parks."

A two-volume "How-To-Do-It" guide for planning and designing Roanoke's parks was created. This guide was meant to supplement the actual plan and be used as a "cookbook" for continued future planning by the citizen's groups, city planning, and parks and recreation staff. It included accepted standards for design, equipment, materials, maintenance and operations formulated for use in Roanoke's parks. More importantly, it represented a tool through which park planning could be monitored and the objectives changed as conditions require.

What did the study show?

The studies on two Roanoke parks serve as examples of what

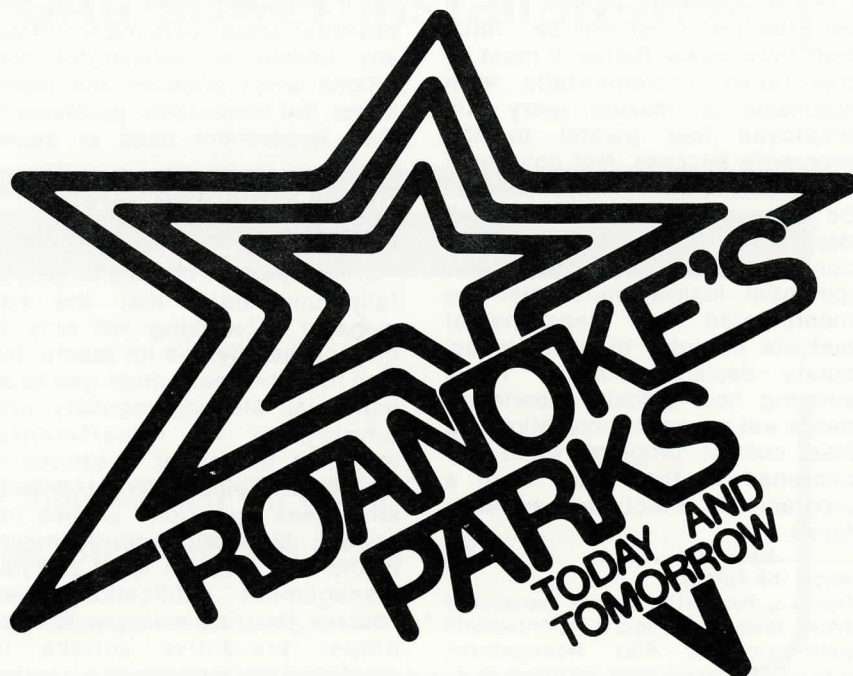
could be done to improve recreation facilities. The Memorial Bridge Park, located below the Memorial Bridge between the river and some railroad tracks, was apparently not used for any recreative use, but the study showed it had great potential if the access to the park was changed. A neighborhood recreation facility would also enhance the use of Memorial Bridge Park.

Golden Park in Riverdale near the sewage treatment plant was a potential neighborhood park with sports and play oriented use since it is located within a neighborhood with many children. The problem is that it had been used as a meeting place for drug exchange and vandalism. The park study recommended a facelift and police protection for Golden Park. The study added that, with im-

provement, the park could serve those children who need recreation space and demand would increase as the area neighborhoods grow.

Grant funds in the amount of \$298,500 have been awarded to Roanoke by the U.S. Department of the Interior and the Virginia Commission of Outdoor Recreation to initiate park improvement needs that were defined in the plan. Five neighborhood parks will soon be rehabilitated with these funds.

Roanoke's successful experience with the teamwork approach to setting goals such as these could serve as a blueprint for other communities. The results of this approach are comprehensive, cost-effective and realistic.



There's Much More to Municipal RM Than Just Minding the Store

By Nancy L. Reppert

The vast majority of U.S. municipalities have virtually no formalized risk management programs in place. Furthermore, a good number of the programs that do exist usually consist of someone trying to "sort out the tangled web of insurance" to assure adequate coverage and/or someone responsible for instituting and implementing an employee safety program.

These very basic procedures, however, in no way constitute a risk management program. Insurance and safety measures simply won't cut it in today's litigious and liability-conscious society. A complete risk management program that assures effective protection of both the municipality as an entity, and municipal officials as public officers, must adhere to a specific set of standards that go way beyond the basics.

A safety program is indeed essential, but only as part of a total risk management program that, to be effective, must not be "force fed" from above. Rather, it must be positioned incrementally with emphasis on making every city employee feel pivotal to the program's success. Not only must the avoidance/prevention concept be thoroughly explained to all department heads, but all costs connected with losses or exposures (potential losses) must also be incorporated into departmental budgets in order to facilitate accurate decision making. It is amazing how quickly department heads will support a prevention and loss control program when it's explained to them how such a program will affect their available funds.

About the Author

Nancy L. Reppert is the risk manager of Ames, Iowa. The article is reprinted with permission of *Risk Management*, August, 1981.

The next step to take when implementing an effective municipal risk management program is to schedule meetings with employees in each affected department. These meetings serve as a forum where the program and its effects on employees as individuals are explained, thus offering an opportunity for them to "buy into the program." In order for this approach to be effective, the program must be explained by using carefully created illustrative materials that clearly and effectively portray the personal employee benefits to be derived from a proper loss control program.

The first item emphasized should be personal safety. A judicious use of psychology in presenting graphic illustrations of unnecessary pain, suffering, disability or death, and the resulting loss to employees and their families, will nearly always be effective. The vast majority of employees will be encouraged to constantly monitor their own workplaces, assume responsibility for maintaining them as safe and healthful areas, personally correct any unsafe or unhealthful conditions when possible and report larger, but correctable, problems to their department head or supervisor.

Stress Employee Safety Benefits

It is important that the employee fully understand that the risk manager is working not only to protect the city and its assets, but also to protect each employee as an individual. Meeting regularly with employees in departmental meetings to answer questions is advisable. Being able to answer employees' questions is also important. Monitoring developments in the field through legal and risk management publications also enables the risk manager to take proper preventive actions to preclude employee injuries.

An example of this approach involved the two-piece wheel rim currently in use on many heavy truck tires. Many of these devices have exploded during maintenance procedures, causing death or serious injuries to workers. After reading about this specific problem, a municipal risk manager alerted her community maintenance service center to this danger. Within five days, a specialized tool had been purchased and implemented in that city, making it safer for municipal employees to work on these truck tires. The safety device cost the city only \$25 but its purchase may have prevented a death or serious injury by eliminating the potential for an accident.

"A \$25 device probably saved a life."

The second, and obviously more difficult concept to convey to city employees, is to be on the alert, both when operating in the field or traveling within the city, for anything that might constitute a hazard to any citizen. Again, vivid illustrations should be used to present an effective message. Since a city's budget is somewhat fixed and since there is only "so much of the pie" to go around, the budget situation affects employees' personal incomes. A city that is financially strapped as a result of an expensive liability lawsuit is not going to be able to continue to give its employees equitable raises, and might conceivably have to lay off employees. By having an open and mutual discussion with employees in this area, it is possible to bring them to a full understanding of their personal stake in the commitment to a loss control program.

Management skills are the key to successful risk management in any organization, but especially in the

(Continued on page 18)

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(Risk, from page 16)

public sector. It is necessary to provide the public sector employee with more intrinsic regards in lieu of the higher pay that is usually offered in the private sector.

"Buying into the system" provides the employees with an esteem factor as full contributors toward the improved management of their department and of the total organization, and gives employees the feeling of having some control over their future through individual efforts.

Implementation of this procedure has proved that employees, when properly approached, take great pride in the program and even engage in some friendly competition with other departments toward attaining the city's best loss control record. These efforts help to keep the city free of possible liability hazards. Employees take pride in being the first to report a hazard—or the first to correct one.

Pride, self-esteem and participative management are the real keys to the effectiveness of public management in this day of the taxpayer revolt. A risk management program is a critical element in that total picture because it encompasses the greatest loss potential, and, therefore, the greatest savings potential. A total organizational approach to the avoidance and prevention of any condition that may present potential harm or injury to a citizen can be effective if it is properly implemented, and if the right management techniques are used.

Win Support From Temps

Most municipalities have a certain number of summer employees, and it is fairly obvious that temporary employees are not going to have quite the stake in preserving the fiscal stability of the city that a permanent employee has. There are, therefore, only two particularly viable tools available to achieve the desired result with temporary personnel. First, there is pride. It is possible to instill pride by demanding excellence and providing training that will make workers more capable of handling their temporary jobs in a professional manner.

For example, the City of Liberty, Mo., trains all recreation aides, lifeguards, swimming instructors, playground supervisors and other general summer-time park employees in first aid and CPR prior to putting them into their positions.

These part-time employees have little reason to be concerned about liability or the city's financial situation over the long haul, but they can develop an intrinsic pride in the quality of work they perform and the results of the program for which they bear responsibility.

The other form of incentive is, of course, the status of independent contractors established in the cases where the professional is contracting for a specific program for a specific length of time, and where the potential liability risk is great. This will be examined further when the transference option is considered.



Liability may be a new concept in local government, but it should not be a foreign or offensive one. As stated in the Owen court decision: "How uniquely amiss it would be ... if the government itself, the social organ to which all in our society look for the promotion of liberty, justice, free and equal treatment and the setting of worthy norms and goals for social conduct, were permitted to disavow liability for the injury it has begotten." A risk management program can work if the emphasis is on management.

Furthermore, avoidance/prevention requires that the risk manager interact with all department heads and attend all city council meetings to offer input when potential administrative decisions or legislation are being developed. Too often, there is a rush to legislate to rectify a small problem without realizing that the legislation itself, because it will affect the entire city and not simply the problem being addressed, will ultimately cause considerably more problems than it was intended to solve.

The prudent and effective risk manager will not allow this to happen but will work with the staff and legislative body to develop

alternatives that will accomplish, as nearly as possible, the desired result without the undesirable aftereffects. The risk manager must have the diplomatic ability to work well with people and operate across departmental lines without creating unnecessary friction.

In addition, current knowledge to all court activity affecting municipalities can prevent unnecessary legislation from being enacted in the first place. A comprehensive record of all court decisions and state and federal legislation pending to otherwise, which might affect the municipality's existing code and ordinances, should be maintained.

"The merits of any action can be toppled by procedural errors."

The risk manager must establish a good working relationship with personnel to guarantee that their actions are fully documented and that every employee's rights to procedural due process and equality of treatment are protected. simultaneously, sufficient documentation must be maintained to protect the city not only against potential lawsuits and administrative procedures resulting from discrimination claims, but also against unemployment compensation claims and invalid workers' compensation claims. If such procedures are properly and consistently monitored, nearly all such actions or claims against the city can be prevented. city can be prevented.

The risk manager must also maintain a watchful eye on all administrative and ministerial functions of all public bodies and officers to be certain that procedural requirements are carefully followed. This is essential because the merits of any action can be toppled by procedural errors.

The Transference/Retention Dilemma

If a comprehensive risk management program is in place, self insurance becomes a viable alternative to purchasing insurance. When losses have been dramatically reduced and controlled, it is considerably less expensive to pay for those few small losses that do occur and perform the administration in-house, than it is to pay an insurer that generally charges approximately four dollars for every

(Continued on page 20)

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 10:00 a.m.

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 Opening Session
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 "Co Generation"
 John Donnelly—
 "Load Management"
 Manufacturer's
 Exhibits—Outdoors
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10:45 a.m.

2:30 p.m.

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(Risk, from page 18)

dollar of claims paid in administrative overhead. The city comes out substantially ahead when it invests the funds, reaps the interest and controls, monitors and pays its own claims—except for umbrella insurance for catastrophic losses.

Generally, when insurance-oriented risk managers discuss transference, they are referring to the purchase of insurance. Contractual transference of risk can be an even more effective tool when

properly used. Every opportunity to enter into a contract that will transfer not only the legal liability for damages but also responsibility for ordinary losses should be seized. Many services can be provided through contractual arrangements at a substantial savings to the city both in dollars and risk. Further, special recreation programs that are implemented by persons other than regular city employees can be provided through an independent contractual arrangement that not only transfers liability and other costs, but also

eliminates potential future unemployment compensation claims.

Municipalities frequently enter into agreements, contracts or cooperative arrangements without thoroughly investigating potentially adverse effects. Every such document should be thoroughly reviewed and never accepted until all of its terms adequately protect the municipality, its officers and employees. Negotiations may be necessary, but in nearly every case, the ultimate aim of securing the best possible benefit from the arrangement for the city can be attained. Contractual documents that are adopted without proper review and refinement can very easily come back to haunt one at a later date.

The responsibility of that risk manager is to protect the city and the citizens, the city and the employee and the city and its officers. It is far more than just buying insurance and monitoring a safety program for employees. It is a total management concept with a total impact much greater than simply the sum of its independent parts.

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Police Chief

Narrows, Virginia, population 2,516; 5 member police department including chief. Salary negotiable depending on experience and qualifications; appointment by Mayor and Council. Call or write for applications. Applications should be submitted by June 1, 1982, to William C. Rolfe, Town Manager, P.O. Drawer S, Narrows, Virginia 24124; (703) 726-3020.

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(Guidelines, from page 12)

effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs, as defined by Illinois Revised Statutes, without obtaining a license therefore. Such licenses shall be in addition to any or all other licenses held by applicant.

B. Application:

Application to sell any item, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs shall, in addition to requirements of Article 8-1, be accompanied by affidavits by applicant and each and every employee authorized to sell such

items that such person has never been convicted of a drug-related offense.

C. Minors:

It shall be unlawful to sell or give items as described in Section 8-7-16A in any form to any male or female child under eighteen years of age.

D. Records:

Every licensee must keep a record of every item, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs which is sold and this record shall be open to the inspection of any police officer at any time during the hours of business. Such record shall contain the name and address of the purchaser, the name and quantity of the product, the date and time of the sale, and the licensee or agent of the licensee's signature, such records shall be retained for not less than two (2) years.

E. Regulations:

The applicant shall comply with all application regulations of the Department of Health Services and the Police Department.

Section 2. That the Hoffman Estates Municipal Code be amended by adding to Section 8-2-1 Fees: Merchants (Products) the additional language as follows:

Items designed or marketed for use with illegal cannabis or drugs \$150.00

Section 3: Penalty. Any person violating any provision of this ordinance shall be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for the first offense and succeeding offenses during the same calendar year, and each day that such violation shall continue shall be deemed a separate and distinct offense.

Section 4: That the Village Clerk be and is hereby authorized to publish this ordinance in pamphlet form.

Section 5: That this ordinance shall be in full force and effect May 1, 1978, after its passage, approval and publication according to law.

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Commentary

Assistance for Abused Spouses

By Mary Jo Fields, Institute of Government, University of Virginia

A mother of three young children was beaten by her estranged husband. Another mother learned that her husband had raped their ten year old daughter. A seventy year old woman had been abused by her husband for the last fifty years. These women all found refuge and safety at a group home operated by Shelter for Help in Emergency (SHE), a program for battered spouses in Charlottesville. During the past fiscal year SHE housed about 250 battered women and their children in this emergency shelter, for a period of up to six weeks (battered men are lodged in motels).

SHE is one of a number of community programs in the Commonwealth established to deal with the effect of domestic violence, which

is a growing problem in America. According to testimony at a U.S. Senate subcommittee in 1980, some form of domestic violence occurs annually in one out of six American families. An estimated 1.8 million wives per year are severely assaulted by their husbands, with child abuse also occurring in one-half of these families. Further, an estimated 20 percent of deaths and 40 percent of injuries to police officers in the line of duty arise out of situations involving domestic violence.

While programs to protect abused children have been in effect for quite some time, community programs like SHE began to appear across the nation only within the past decade. In Virginia, the number

of these community programs to aid battered spouses has grown steadily over the last few years.

In January 1982, the Department of Welfare listed thirty-four such programs operating in twenty cities, fifty-five counties and three military installations. The services offered range from counseling and information only to a broad array of activities that include, in at least seventeen of the programs, the provision of shelter as in the case of SHE.

These community programs, oftentimes the result of grass-roots efforts to assist battered spouses, rely on a mixture of funding sources, including donations from private individuals, churches, corporations, and foundations; special fund-raising projects; local govern-



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ment funding; user fees; and state and federal grants-in-aid. Federal government support has been very valuable to these programs; now, in the wake of budget cuts, the programs are searching for funds to replace the federal dollars they will be losing, particularly from the Law Enforcement Assistance Administration (LEAA), the Comprehensive Employment and Training Act (CETA), and the Community Services Administration. Virginians Against Domestic Violence, a voluntary private organization, reported to the Welfare Department last year that Virginia's local spouse abuse programs will lose over \$575,000 in federal support, primarily through CETA and LEAA funds.

To compensate for these losses, the community programs, while in-

creasing fund-raising efforts in the private sector, also are asking local and state governments for assistance. In response to this need, the 1982 General Assembly (following the example of fourteen other states) turned to marriage license fees to help fund spouse abuse programs, increasing the fee from \$3 to \$10, effective July 1. The 1982 appropriations act has set aside \$400,000 for each year of the coming biennium to the Department of Welfare for spouse abuse programs and for services to abused children. This appropriation, based on the anticipated increase in marriage license fee collections, was contingent upon enactment of the increased fee.

The 1982 session of the General Assembly was the first to appropri-

ate funds specifically for spouse abuse programs, although previous sessions had considered legislation addressing this issue. House Joint Resolution 31, enacted in 1978, encouraged all localities to establish and support community shelters for battered spouses and their children. In the same year, the General Assembly carried over a bill to provide a two-year pilot program to establish emergency shelters in each of the ten congressional districts; the bill subsequently was defeated in 1979. In 1980, the General Assembly gave to the Department of Welfare the responsibilities of coordinating information on spouse abuse programs, dispersing grants, and receiving state and federal grants. With no funds appropriated specifically for these purposes, the depart-




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ment has used discretionary funds to implement this legislation, at least to some extent.

Despite government's response to requests for assistance for spouse abuse programs, questions are still being raised about the appropriateness of government funding for these types of services. Government traditionally has been cautious about intervening in family matters, particularly if the disruption of a family unit is involved. To some extent, spouse and child abuse programs represent a middle course between governmental inaction and criminal prosecution of abusers. Prosecution is difficult, for obvious reasons, and offers little prospect either for familial reconciliation or for viable separation arrangements. Many people fail to realize the difficulties that spouses face in deciding to end an abusive relationship, especially those women who lack the means of supporting themselves and their children.

People are even reluctant to acknowledge that spouse abuse occurs, believing that it is the victim's fault for being the target of violent behavior. However, spouse abuse clearly has serious consequences, not only in the immediate personal results of physical injury and death, but also in the societal problem stemming from the transmission of abusive behavior from one generation to the next. Such societal consequences alone make these programs an appropriate area for government support.

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