

Virginia Town & City

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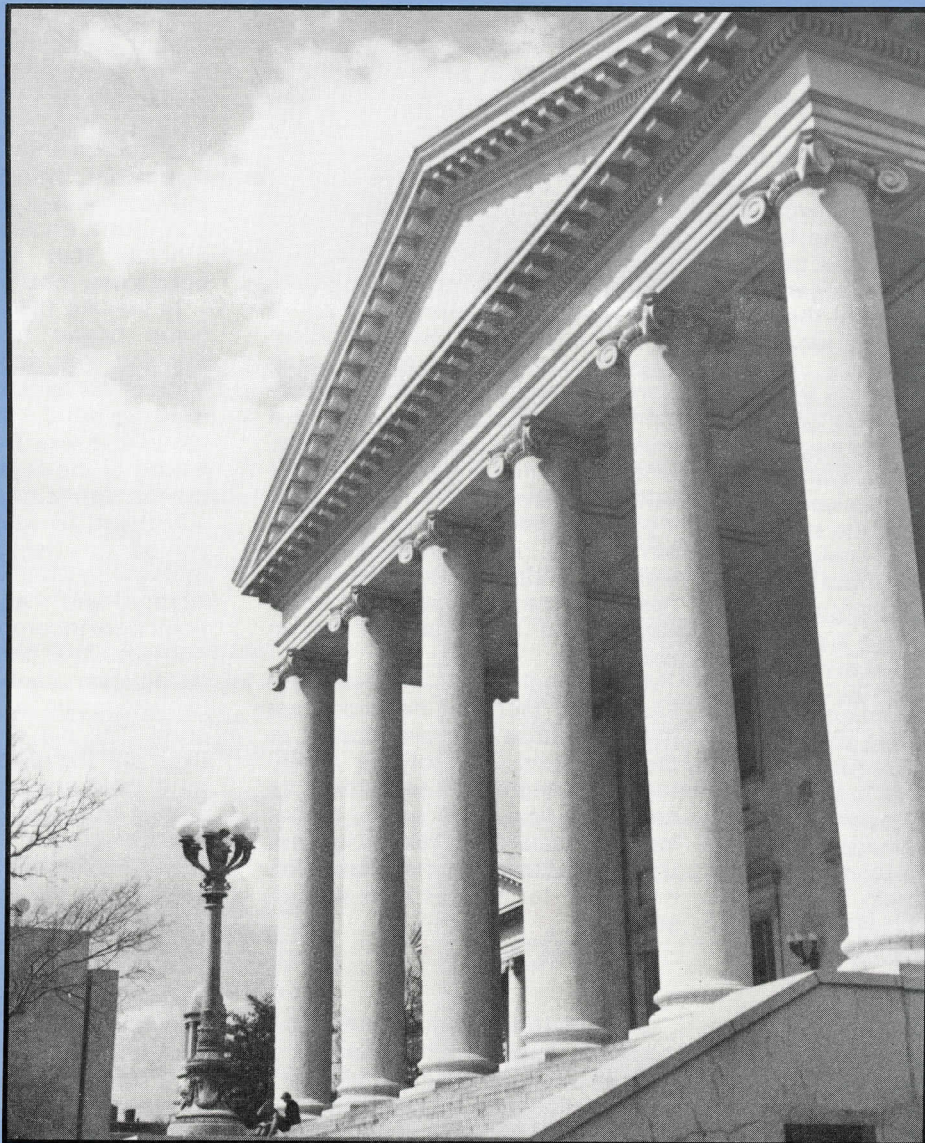
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The Session Convenes

Editorial

Local Government . . . Competition or Cooperation?

By Jack D. Edwards

The question raised in the editorial in the November issue of VIRGINIA TOWN & CITY is phrased most clearly in the title: *Are Municipalities Giving Up Too Much to Achieve Voluntary Annexation Agreements?* The editorial concludes that an annexation agreement with a moratorium longer than 10 years "may not be in the best interest of the state, or the long term interest of the municipality."

This view is consistent with the report of the Commission on Local Government in the case involving Fredericksburg and Spotsylvania County. The question is a central one; it may not be an exaggeration to say that the success of the new statute depends on how localities approach this question.

The recent history of the Virginia Municipal League and the Commonwealth of Virginia should help us to answer this question, as well as two others: How does the answer to the question above affect the relationships between local neighbors? How does the answer affect the welfare of all local governments?

* * *

The annexation situation, and Virginia annexation law, ensures that a city and its neighboring county will see each other as adversaries. Over time this situation has proved to be divisive and harmful to a community—the long-term damage resulted in the statewide moratorium which lasted from 1971 to 1980.

Thomas J. Michie, Jr., then in the House of Delegates, was the driving force behind the legislation which became effective in 1980. He indicated that the four main goals of the statute all related to finding alternatives to annexation. The statute recognized, however imperfectly, that the goal must be amicable settlements rather than divisive and

costly adversary proceedings. In several ways, the statute encouraged cooperation, negotiation and settlement. The statute has been at least partly successful in this respect since the number of localities which have entered negotiation is far greater than ever before.

Why do counties join cities at the negotiating table? One of the major reasons is the possibility of long-term local peace, one that will permit both counties and cities to plan their development and services. If annexation negotiations do not include the possibility of a moratorium exceeding 10 years, it is unlikely that we will see many agreements.

All of this suggests that Fredericksburg and Spotsylvania are to be praised, not chastised or pitied. They worked out the terms which were necessary for a local agreement; one of those terms ensures a long period which will be free of potentially harmful annexations. While I do not know whether each agreement is the best one which could be devised, I am convinced that elected officials in those communities are in the best position to know what terms are essential for an agreement.

The strength of local government lies in the fact that decisions are made by those who are closest to the problems. One of the advantages of a negotiated settlement, as compared to a court battle, is that local officials and citizens control their own destiny rather than committing it to the decision of outsiders.

* * *

As a historical matter, cities and counties have fought each other with an intensity which would make a football coach proud. This may please state officials in Richmond, who realize that such in-fighting prevents local governments from becoming a potent force in state policies. Richmond has relied upon our tendency to use up much of our energy this way, and it has rarely been disappointed.

There were two major exceptions in the 1970's. In 1977, some localities were pushing for an additional one cent to the sales tax, with the proceeds to be divided among local governments. State authorities counted on our inability to agree on a formula for distribution but, in fact, VML and the Virginia Association of Counties (VACO) appointed a joint committee and hammered out an acceptable compromise. The leadership of VML President Anne Kilgore, then mayor of Hampton, was instrumental in achieving that agreement. Unfortunately, the state did not accept the recommendation, but it showed local and state officials that cooperation could build a new local force.

In the late 1970's, the annexation issue began to dominate local thinking. VML and VACO appointed a joint task force to search for common ground. Many observers thought it was fruitless, given the nature of the issue. Again, the two groups found important areas of agreement. These points were suggested to Delegate Michie and others who were working on the legislation, and many of the suggestions were incorporated in the law.

There is a great difference between our usual fighting and the two examples of cooperation just cited. The old disputes assume a fixed pie; the question is how it will be divided among localities. Cooperation assumes that there might be a larger pie for local government. The old disputes reflect a preoccupation with the politics of distribution; cooperation sees the possibility of a politics of growth.

There may have been an earlier and happier time when local governments could afford to worry only about the distribution of the pie. Now times are tough for many local governments, and they are going to get tougher. We need to expand our resources and our authority. To do that, cities and counties must treat each other as partners, not adversaries, in order to show a united front. The Virginia Municipal League should provide leadership in this direction.

About the Author

Mr. Edwards is a supervisor for James City County and as chairman of the League's City Section, is a member of the VML Executive Committee.

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On the Cover

The South portico of Virginia's Capitol. The Virginia General Assembly has been meeting in this building since 1788 and on January 12, the 1983 session will convene. Photo by Charlotte Kingery.

Statements and opinions presented in this magazine do not necessarily reflect the policies of the Virginia Municipal League.

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Resolving Land Use Disputes Between State Agencies and Local Governments

By Frank Buck and
Roger C. Wiley, Jr.

Back in the 1970's, the Commonwealth of Virginia tried to locate a prison in the Green Springs area of Louisa County. It also tried to expand the football stadium at The College of William & Mary, which is in the city limits of Williamsburg. Recently, the state wanted a coal loading pier in Portsmouth and a hazardous waste disposal site in the quiet, rural surroundings of Buckingham County. All these attempts by the state failed but local governments as well as citizens are often surprised to learn that local zoning ordinances give them no protection, regardless of the impact, when the state wants to locate a facility in their area.

While there is no statute or Virginia court decision specifically exempting state institutions and agencies from local zoning control, state officials usually rely on a 1971 opinion of the Attorney General (*Report of the Attorney General, 1971-72, p. 103*) citing the common law rule that the sovereign is not bound by any statute unless the statute specifically says so. That opinion correctly notes that a majority of state courts have thus held state entities exempt from local zoning ordinances. While some sound, contrary arguments are available, most local governments have assumed that the Supreme Court of Virginia, which has frequently upheld state sovereignty in other instances, would agree with the Attorney General's opinion.

Courts in several other states, however, have recognized that granting state agencies absolute immunity from local zoning control is unsatisfactory. Rather than relying on a strict rule that the state's sovereignty is superior, they have adopted a "balancing of governmental interests" test that recognizes both statewide concerns and the needs of local citizens.

Perhaps the first of the cases to adopt this more reasoned view was *Rutgers, State University v. Piluso*, 60 N.J. 142, 286 A.2d 697 (1972), in which the court considered the nature and scope of authority of the state institution, the kind of land use or function involved, the extent of the statewide public interest to be served, the effect the local regulation would have on the state activity and the impact upon legitimate local interests. With slight modifications these factors have since been adopted as the "balancing test" by appellate courts in Delaware, Florida, Minnesota, North and South Dakota and Kansas in deciding which governmental entities should be exempt from zoning restrictions.

"Legislative action can modify the extent of state agencies' immunity from local zoning control."

Even if the courts adhere to the older view of state sovereignty, legislative action can, of course, modify the extent of state agencies' immunity from local zoning control. Interestingly, the legislatures of North and South Carolina have both abolished state immunity altogether, treating state agencies in the same manner as private landowners for zoning purposes.

Officials of the University of North Carolina and the Town of Chapel Hill have reported satisfaction with their experience under this law, which has now been in effect for more than ten years. Predictably the local government officials were more enthusiastic, but the university administrators admitted that the requirement to comply with local ordinances had made them more sensitive to local concerns and had never prevented UNC from doing anything it "really needed to do."

Although the North Carolina experience has apparently been successful, state officials might legitimately be concerned that localities would use their zoning power to exclude unpopular but essential state

facilities such as prisons, mental institutions or waste disposal sites. Nevertheless, it should be evident that not every state sponsored activity serves an essential statewide purpose, and that state agencies often ignore local zoning out of convenience or mere indifference rather than necessity. For example, a Radford city official reported that Radford University purchased houses in single family residential zones and leased them to fraternities, disregarding local zoning regulations.

Recognizing the need for a better way to deal with this problem, Senator Thomas J. Michie of Charlottesville introduced legislation last year that would have required state agencies and institutions to conform to local regulations as a general rule, but would have permitted them to seek relief where they believed an essential state interest was involved. Under the proposal, the appeal would not be made through the courts, but through an administrative process at the state level. That process would apply a balancing test, similar to that used in the *Rutgers* case, and would give the governor final authority to decide whether the state agency's interest outweighs the interests served by the local regulation.

While this legislation was not adopted last year, Senator Michie plans to reintroduce it in this year's session. It effectively preserves the concept of state sovereignty while recognizing legitimate local interests. If adopted, it would remove a frequent source of irritation in state and local relationships and would guarantee citizens protection from arbitrary state action in the same way that the courts have already protected them from arbitrary local government action. Local officials should express their support for Senator Michie's proposal to other members of the General Assembly.

About The Authors
Mr. Buck is the mayor of Charlottesville while Mr. Wiley is the city attorney.

People

Chesterfield Appoints Two

J. Royall Robertson fills the vacancy left by E. Merlin O'Neill on the Chesterfield Board of Supervisors. Robertson represents the Matoaca District and his appointment extends through next year. He is a retired manager of the Richmond office of the Production Credit Association.

Dr. Burt H. Lowe was named director of the Chesterfield County Department of Mental Health/Mental Retardation and Substance Abuse. He holds degrees from Georgetown University and Miami University of Ohio. Dr. Lowe replaces Albert Wynne who recently retired.

Livinski Promoted

Joseph R. Livinski was appointed director of the Falls Church Department of Public Utilities. Livinski replaces **Howard W. Smith** who retired in October. Smith was with the city for 22 years, working his way up from engineer to department director. Livinski, former assistant director, has been with the city for 14

years and is a professional engineer and a member of the American Society of Civil Engineers and the American Water Works Association.

Mauro Named City Clerk

Jackie Mauro was named city clerk of Fairfax City. She has been acting director since July, having been appointed deputy city clerk in October of 1980. Mauro succeeds Suzanne Albin.

Honors

Ray A. Jackson, chief of utility operations for the city of Richmond, was awarded the Distinguished Service Award by the Virginia Section of the American Water Works Association (AWWA) at its annual meeting in Roanoke. He was given the award for his outstanding participation, counsel, and progressive leadership to the state section. AWWA is a nonprofit scientific and educational society for professionals in the water works industry.

Judith S. Robinson, CMC, recorder of the town of Windsor, has been accepted into the Academy for Advanced Education of the Interna-

tional Institute of Municipal Clerks. The academy is a professional body of municipal clerks who have continued their high level educational achievement beyond the attainment of the prestigious Certified Municipal Clerk (CMC) Award. IIMC president Thomas M. Redanauer, announced, "I am pleased to welcome Mrs. Robinson as a member in the IIMC Academy for Advanced Education. She is an inspiration to all members of our profession and a fine example of a dedicated public servant." She was appointed recorder for the town in July, 1972 and 1977, she became zoning administrator and secretary-treasurer to the planning commission.

Angle Dies - Served 20 Years

Alpheus Nathaniel "Runt" Angle, a member of the Rocky Mount Town Council for 20 years, died November 22. Angle also served on the board of trustees of Franklin Memorial Hospital. He is survived by his wife and two children.

R. Howard Robinson fills the vacancy left by Councilman Angle.

The Wallerstein Scholarship

The Wallerstein Scholarship was established by a gift from Ruth C. and Morton L. Wallerstein to the University of Virginia to foster interest and research in Virginia municipal government.

The scholarship is administered by the Virginia Municipal League and the Institute of Government, University of Virginia.

ELIGIBILITY: An Applicant must be:

1. An employee or official of a Virginia municipality who would like to spend a year at the University of Virginia engaged in research and study with the Institute of Government; or

2. A person, preferably an employee or official of a Virginia municipality, seeking to undertake graduate work at the University of Virginia in a field related to municipal government. It is hoped, but not required, that the recipient intends

to enter or re-enter Virginia municipal government service upon completion of the graduate work.

SELECTION CRITERIA:

While an applicant must show promise of benefiting substantially from a year at the University and a degree applicant must meet admission standards, the selection committee will place heavy emphasis upon the individual's potential for public service in Virginia.

DURATION OF THE AWARD:

The award is made for a twelve-month period, beginning, at the recipient's wishes, between June 1, 1983, and September 1, 1983, and may continue for a second year dependent upon the recipient's need and his or her first year record.

AMOUNT OF THE AWARD: The amount is \$5,000.

APPLICATION PROCEDURE:

Applicants for the scholarship may obtain the necessary forms by

writing to the Institute. Applicants seeking a graduate degree must fulfill all the requirements for admission to the graduate school of the University. Inquiries regarding graduate school requirements should be addressed to the Dean of the Graduate School of Arts and Sciences, 438 Cabell Hall, University of Virginia, Charlottesville, 22903.

DATES FOR SELECTION:

Applications must be submitted no later than February 1, 1983. An applicant may be invited to attend a personal interview held either at the Institute or at the Virginia Municipal League offices in Richmond. The recipient will be notified no later than April 15, 1983.

For further information, please write to Dr. Timothy G. O'Rourke, Institute of Government, University of Virginia, 207 Minor Hall, Charlottesville, Virginia 22903.

Cost Cutting Series

One of the sessions at the 1982 Virginia Municipal League Annual Conference in Virginia Beach was "Innovative Local Government Cost Reductions." This session was sponsored by the Virginia Local Government Analysts Network, a group of budget and management analysts working in local governments throughout the state. Because many attendees wanted to know more about the projects presented, VIRGINIA TOWN & CITY will publish a series of articles, beginning

this month, describing the cost reduction programs.

Allen A. Turnbull, administrative analyst for James City County, coordinated the cost reduction session as well as this series of articles. For further information about the analysts network, contact Mr. Turnbull at P.O. Box JC, Williamsburg, Virginia 23187. The members meet several times a year to hold workshops and seminars on topics of interest.

Becoming Your Own Customer

Norfolk's Self-Insurance Program

By Ernest Franklin

No question about it, the easiest approach for a municipality to gain protection from liability and property risks is to transfer the risk to someone else, that is, buy insurance. But through a concerted effort, by City Manager Julian F. Hirst and a number of city departments, one of Norfolk's most successful cost saving innovations is its self insurance program for all fire, automotive and general liability risks. The program has been successful not only in terms of reduced costs but in more complete coverage as well.

Until self insurance, Norfolk, like a number of Virginia localities, had insured for casualty and liability risk through local insurance agent associations. The city relied on a consortium of insurance experts to advise, make recommendations and generally handle all insurance needs.

The Norfolk self insurance concept basically is, that in lieu of paying premiums through existing agents, an insurance reserve fund is established based on the same amount that would otherwise be paid as straight insurance premiums. A significant portion of the fund is used to pay for excess or catastrophic insurance coverage. The remaining funds are used to pay the numerous smaller claims against the city.

The program is not a pure self insurance program. Almost half of the insurance fund dollars are used for the purchase of excess insurance coverage. Another way to look at



Automotive coverage is part of Norfolk's program.

this is going from a program where insurance is paid from the first dollar of loss to a program with a deductible higher than any single claim paid by the city over the previous five years.

The original self insurance concept was identified three years before it was initiated. The goals of the original study, which continue to be the major focus of the program, are the protection of the city against financial catastrophe and the minimization of long term total costs.

In exploring the self insurance possibility, three basic steps involved with any risk management program were taken. First, the city identified and measured all risks

that have a potential loss for the city. Second, Norfolk established control, safety and loss prevention programs. Excepting acts of God, most losses are preventable—the extent and success of a safety program could make or break a self insurance program. The third step was deciding how to best secure protection against those risks which pose major or nonabsorbable loss potential.

It was while determining the best and most affordable protection against identified risks that Norfolk came to the concept of self insurance. As mentioned earlier, the easiest way to protect oneself from risk is to transfer the risk to someone else by buying insurance. A

About the Author

Mr. Franklin is the senior administrative analyst for the City of Norfolk.

simple rationale, however, applies: insurance should only be purchased for losses that are too large to be handled internally or are catastrophic in nature. Risks that are either reasonably predictable (occur regularly) or are relatively small in size (low cost) are best handled by paying from working/operating funds or paying from a reserve set aside for that purpose. Norfolk found it was making the common mistake of purchasing insurance, paying to transfer risks, for losses which were neither catastrophic nor particularly disabling in amount.

Determining what is disabling is no easy question. Several approaches were taken. One rule of thumb relates affordable losses to normal fluctuations that might be expected in the city's annual gross revenues. Total operating revenues had in the past deviated as much as 3 1/2 percent from the anticipated or budgeted revenue amounts. The assumption was made that Norfolk could absorb or retain property and liability losses of one-tenth of that deviation. This realization helped determine both the size of the self insurance fund as well as the maximum affordable loss retention levels.

The bottom line on deciding to go ahead with a self insurance program

"The extent and success of a safety program could make or break a self insurance program."

was provided by an evaluation of Norfolk's historical insurance loss records. Breaking down annual claims by number or occurrences and categorizing them by dollar loss size, it was found that the significant majority of claims were of the predictable low cost variety. Losses that could, in effect, be reasonably expected in the normal course of business and, therefore, budgeted for in total with some degree of accuracy.

There are numerous other considerations in establishing an in-house self insurance program, including the cost to administer, cash flow, competitive bid process for excess insurance and the ability to draw appropriate bid specifications making it possible for bidders to offer plans optimum to local needs. Also, the difficult job or actually identifying all potential risks is a key consideration.

A final set of obstacles include the procedural and organizational difficulties in managing a risk man-

agement program, delegating responsibility and authority, establishing a financial and accounting system and arranging for claims handling.

Now several years after addressing these various problems, Norfolk has a protected risk management program with greater coverage at half the cost of the original full insurance effort.

We Want News from your locality for **VIRGINIA TOWN & CITY** magazine. If you have recent appointments, a new facility or a project/program that can benefit other Virginia local governments, let us know. Contact Charlotte Kingery at 804/649-8471.

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ZBB: Charlottesville's Tool For Cutback Management

By Suzette Denslow

Zero-base budgeting, or ZBB, is a process which had a big popularity a few years ago, and is now more of a "back burner" concept. For a while, ZBB was talked about a lot—too much, and, in fact, many have preconceptions or poor information on the mechanics of the process or what it can be used for.

Zero-base budgeting is not meant to be a process that should be used by everyone, and it should not be presented as one. Instead, it is a method of budgeting backed by usable and practical principles which are important in themselves. The process used by the City of Charlottesville is a modified version of ZBB.

... But First, Some Basics

Zero-base budgeting is a process that:

- starts at the ground-level—zero—rather than at the current level of service;
- forces managers to prioritize their programs and functions; and,
- moves away from incremental budgeting and allows decision makers to focus on policies and programs, instead of pencils and paper clips.

In contrast, incremental budgeting is based on the idea that the services currently provided are at the right level, and will need an incremental increase of funds in order to continue. Incremental budgeting not only allows but encourages stagnation. It encourages people to do things "the way they've always been done" instead of looking for better methods.

The basic concept of ZBB is to evaluate all programs during each budget cycle and determine which services are most important and in what order. After all programs are ranked, a funding level is set, and programs falling below the level are not funded.

There are many complaints about

About the Author

Ms. Denslow is a legislative analyst with the State Joint Legislative Audit and Review Commission (JLARC). From September, 1980 to June, 1982, she was a budget analyst for the City of Charlottesville.

ZBB, a major one being that it is not practical or useful to reevaluate all services annually. This is certainly true, and one of the main reasons the Charlottesville process can be referred to, at best, is modified zero-base budgeting.

A Modified Version—The Charlottesville Way

Charlottesville began implementing ZBB in 1976 with a few departments. Now, all city depart-



ments are involved in the process, and council is comfortable with it.

Although there are two ways to approach the process, both begin at the department or division level. The first method begins with the base level of service that can be provided. The base level is defined as services that are legally required or necessary. Obviously, the determination of the minimum level of service requires some give-and-take between the department manager and the budget officer. After this minimum level has been determined, the incremental levels of increased services are specified. Sometimes rules are set to help the department manager decide how to formulate the levels; each level must include one full-time employee, and have a cost that is approximately 10 percent of the total amount of the proposed departmental or divisional budget.

A good example of this approach is the fire department's budget. The fire chief felt that the base level of service would provide five fire companies with 46 employees, maintain a response time of 4.1 minutes, and provide the fire fighters with 600 hours of training per year. The second increment would cost an additional \$390,000, and would add 19 employees, an additional fire company, and the service of making inspections of businesses. It would also increase the training hours from 600 to 4,000 per year. The third increment adds a trainer to the department, reduces the water application time (as a result of better training), and provides necessary training in fire-cause determination at an added cost of \$30,000. The final service level would cost \$50,000, add three firefighters, reduce the response time and provide 70 public education programs per year.

To determine the funding level for the department in the upcoming budget year, a decision is made based on the desired level of service. If a cutback in funds is necessary, the cuts start with the last level of service shown, which is the least important or least necessary increment.

The second method of working through the budgeting process is to examine the level of service currently provided and decide what part of the service is the least important. This becomes the last service increment. The second least important service level is then determined, and the process is repeated until a minimum level of service is left as the base.

For example, three levels of service were determined by the refuse collection division chief. The division currently provides pickup of refuse from residences and commercial dumpsters, and has a Saturday pickup provided to restaurants and a few other high-volume businesses. The chief decided that the Saturday collection was the least important, and calculated that it costs about \$20,000 a year to provide. The second least important service was the free commercial dumpster pickup which costs \$170,000 annually to operate. The base level of service, as determined by the division, was residential

pickup, at a cost of \$720,000.

The mechanics of developing these types of budget service levels are straightforward, but the process is time consuming. Involving department managers from the start in making priority decisions on their own programs is the main internal benefit. Managers have to examine and evaluate these programs to plan the best use of funds and the correct rankings of their various services. In addition, all department heads are involved in a process of ranking the importance of targeted services across departmental lines.

Two factors serve to keep department managers "honest"; that is, keeping them from proposing the shutdown of a popular recreational facility which would raise public ire. First, many managers truly feel the obligation to provide the best service possible to the public. Second, most managers realize that if they do not do a good job in proposing ranked service levels, then someone else will have to make cutback decisions based on too little or misinformation. Most department managers can be convinced that in budget situations, informed decisions are generally better all-around than uninformed ones.

Why It's Used . . . The Benefits

There are at least six major benefits of this process of having department heads decide "where the cuts should come" if they are needed.

1. The process forces department managers to rank or prioritize their own programs. It is a useful internal tool for each manager to use.

2. It forces managers to answer the question, "What is the minimum, adequate level of service?"

3. It involves department or division heads in the decision making process, rather than trying to force a decision on them.

4. It uses expert knowledge. No one person can have in-depth knowledge of all programs. Expert knowledge, provided by the program managers, is the best source of this information.

5. It encourages the enhancement of services. Setting priorities enables enhancements of programs to take precedence over less important, currently provided services. Without priority-setting, stagnation would occur in bad economic times. The examination of the current level of services paves the way to the examination of methods, with an emphasis on efficiency and quality.

6. The budgeting process used in Charlottesville enables policy

makers to make decisions based on good information. Decisions are easier because the potential areas of reduced services and the outcomes of funding cutbacks are spelled out early in the process.

Done properly, Charlottesville's modified zero-base budgeting process can be used to avoid unpleasant surprises after the decisions are made.

Richmond Halfway House Due

According to the *Richmond Times-Dispatch*, Richmond will become the first city in the state to offer a regional, residential program for people convicted of nonviolent crimes who are put in a community program instead of being sent to jail.

City Council authorized Richmond to accept a \$126,000 grant from the Department of Corrections to establish a halfway house, or residence for such felons.

The program is being set up under the Community Diversion Incentive Act of 1980, which gives judges the option of returning non-violent offenders to the community.

Generally, young offenders, often with drug problems, who are convicted of property crimes, fall into this category. Since the law was enacted, 163 offenders have been diverted from prisons in the state and only eight were later sent back to jail.

The halfway house will be a short-term place to stay and residents are expected to pay a fee for housing and find employment.

According to C. P. Brumfield, a regional county corrections specialist for the state, the halfway house will bear no expense to the city government.

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Suffolk Police Chief Gilbert F. Jackson discusses patrol techniques with one of his officers assigned to the department's Personalized Police Vehicle Program.



Personnel Officer Kay Davenport begins her lecture as part of Suffolk's Supervisory Training Program.

Assigning Vehicles And Training Supervisors Save Suffolk Money

By Myles E. Standish

Within recent years Suffolk has instituted cost savings and efficiency improvement programs such as implementing a word processing system, developing a parks and recreation maintenance management system, and installing a new computer-coupled telephone system which provides management reports. But two other programs, Personalized Police Vehicle and Supervisory Training, have been key components in the city's cost savings plan.

What happens when a city gives police officers their own vehicles? Quite a lot when the results show lower maintenance costs, more police visibility and productivity, higher morale, and greater fuel efficiency.

Since July, 1980, the Personalized Police Vehicle Program has assigned a vehicle to an individual officer and it is his or her responsibility to operate and maintain the vehicle. To be eligible, officers have to pass probation and live in the city. Family or friends may not ride in the vehicle and officers must be neatly dressed and monitor the radio and respond to calls on which he or she can be of assistance. A personally

assigned vehicle is considered a fringe benefit and can be revoked for disciplinary reasons.

Pool cars last an average of one year yet Suffolk has found that personalized vehicles last three to four years, probably because those vehicles not operated on a shift basis receive better preventative maintenance. Also, since pool vehicles are driven 24-hours a day it costs the department about \$100 a month to maintain them as opposed to \$46 for personalized vehicles.

The department has been able to shift from expensive and inefficient eight cylinder vehicles (needed for 24-hour use) to more economical six cylinder vehicles for patrol use and four cylinder vehicles for administrative and detective use. As the larger vehicles are replaced, substantial fuel economy is achieved.

Productivity and police visibility have increased as a result of the program. In addition to the uncompensated overtime officers have devoted to handling off duty calls for service and assistance, the personalized vehicle program has added an average of four hours per week (42 to 46) to the police officer's schedule by including traveling time to and from work for each officer. This has resulted in over \$100,000 in uncompensated, increased productivity. Because police officers live in every section of Suffolk, police visibility and capa-

bilities are extra benefits of the program.

Training Supervisors

How could Suffolk develop a program that would compensate for the loss of 160 CETA employees yet maintain the same level of service? Like many local governments, the city could not depend on the Comprehensive Employment and Training Act (CETA) program after 1981 as a source for staff and related training. To complicate matters, employee safety records, staff turnover rate, increasing employee effectiveness and reducing employee related costs (such as health and workmen's compensation insurance) had to be considered.

Realizing increasing costs of labor would make it financially impossible to hire additional personnel, the city manager designed and initiated a Supervisory Training Program, not only to maintain existing service levels but to improve these levels as well.

"Employee turnover and health care costs have decreased."

Since July, 1981, Suffolk's supervisory staff attend sessions on a variety of topics and information from these sessions is provided to

subordinates. As a result, the city has documented substantial savings, increased productivity and safety records, and improved morale among employees.

In one session employees were shown how usage affects the cost of medical coverage, and now Suffolk's health care costs have been reduced by 92 percent. Employees were not discouraged from using their benefits but rather instructors emphasized how they can use their benefits only when medically necessary and how to consider all the treatment options. The message employees received? Using benefits carefully not only keeps health care costs in line but also saves them money in the form of lower rates for their families.

Since the initiation of supervisory training, employee turnover has decreased to 20 percent as compared to 33 percent the previous year. The decrease in the number of employee terminations is attributed to the program because with training, employees experience a greater feeling of satisfaction from their work. In addition, the process of training helps employees to be more effective because it develops appropriate habits of skill and attitudes.

Suffolk's accident injury rate was too high in 1981, causing the city's workmen's compensation insurance to be jeopardized. To remedy the situation, workshops on the dangers of falls, electrical hazards and defensive driving were incorporated into the supervisory training program. The number of workmen's compensation claims has since dramatically reduced.

Local government cost savings programs do not have to be complex or massive in size. Suffolk found that existing methods can be utilized, and, when implemented, can result in improved efficiencies and economies.

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Protecting Our Older Adults Has Everything Been Done?

By John L. Twisdale

Late on a recent Friday evening an 82-year old widow was brought to the emergency room of a Richmond hospital with multiple bruises and facial lacerations. She appeared confused and disoriented and would not discuss how she had sustained the injuries. Later she admitted to an Adult Protective Services (APS) worker with the city welfare department that her middle-aged son, in a drunken rage, had beaten her.

Around the same time, another APS worker was investigating a complaint from a neighbor of a 73-year old man who alleged that the man was confined to bed and neglected by his daughter during her hours of employment. The worker discovered a nonambulatory, incontinent, elderly male, lying in a soiled hospital bed in the living room of his home with no provision for food, water, or personal care during the nine hours his daughter was employed each day.

A third case under APS investigation that week involved two wealthy sisters in their late 70's who lived in a large home in the western part of Richmond. Out-of-town relatives complained that a distant niece had appeared on the scene to convince the sisters to transfer their property to her. Sure enough, the APS worker found that the sisters had signed over their house and other property to the niece, in return for her promise to take proper care of them. Unfortunately, the care being provided was anything but adequate.

Yet another charge came that week from a concerned neighbor of an elderly man described as a recluse who was seriously neglecting himself. Indeed, the 70-year old male was suffering from malnutrition and a gangrenous leg and workers learned that he had not left his apartment for several weeks and had taken minimal nourishment during that time. He agreed to be taken

About the Author

Mr. Twisdale is the superintendent of adult services for Richmond. He salutes the work of Virginia Delegate Frank Slayton, the Richmond Adult Protective Services staff and others in getting APS law in Virginia.



Most older adults chose to remain in their homes and with a good companion, it is possible. Nonetheless, many find themselves in a threatening environment. (Photograph courtesy of The National Council on the Aging, Inc.)

to the emergency room but, unfortunately, treatment was too late. Doctors had to amputate his leg in order to save his life.

Richmond's Program

In Richmond, as in most other localities in the Commonwealth, the welfare department administers the local APS program. Although administered through that department, adult protective services are not limited to welfare recipients, but are made available on a "universal access" basis to aged or incapacitated adults of any income level. Calls are received from the poor as well as the wealthy.

Of the 3,493 APS complaints received in Virginia last year 345 or 9.9 percent of those were in Richmond. Of that figure, 59 percent of those complaints were found to be valid complaints involving confirmed cases of adult abuse, neglect, and/or exploitation.

The four case examples cited earlier represent actual case situations investigated by the APS staff of the Richmond Welfare Department and unfortunately, they are typical of the kinds of complaints received by the department. For those five adults, it can be said that "home is where the hurt is." That sad little phrase, coined by a VCU student

working on an adult protective services information poster, accurately describes the serious problems encountered by many elderly and incapacitated adults.

For a number of these citizens, home is, indeed, where the hurt is. These endangered adults are being abused, neglected, and/or exploited by relatives or other persons responsible for their care. Then, too, many elderly adults have been found seriously neglecting themselves because of the onset of senility or other physical, mental or financial problems.

Generally, the provision of adult protective services involves the social worker intervening into the life of the endangered adult. That intervention can range from short-term counseling to emergency assistance in securing the basic necessities of life, including food, fuel, shelter, and personal and medical care. Because of the lack of funding for the APS program (to be discussed in more detail later), these financial services are generally secured through other private or public agencies. For the most part, the APS worker acts as a catalyst bringing together the endangered adult with community resources that are needed to meet his needs.

In cases where the adult is living

in a dangerous situation, the APS worker has the authority to take emergency court action to remove the adult.

The primary objective in adult protective services is to insure that the adult receives proper care, supervision and protection from abuse, neglect (including self-neglect) or exploitation. To that end, the APS worker generally works toward helping the adult to maintain and/or reestablish a stable and adequate level of function. Whenever possible, the focus of adult protective services is to maintain the adult in his own home. When the adult can no longer be safely maintained in his own home, the APS worker arranges for and assists with an appropriate placement outside the home.

Getting Legislation

The 1974 Virginia General Assembly enacted legislation that permitted local welfare departments to provide adult protective services. The enactment of that law, and its subsequent amendments, was the culmination of growing recognition in Virginia, and the nation, that significant numbers of adults were being abused, neglected, and/or exploited. Self-neglect was emerging as a major aspect of the problem.

The passage of the adult protective services legislation represented a major step and in many ways, Virginia's APS legislation can be considered "model" legislation. Most states have APS legislation but many do not safeguard citizens' civil liberties and guarantee "due process" under law. Under these points, Virginia law is excellent.

On the other hand, the legislation stopped short of addressing three areas vital to the success of the local APS program. First, the legislature failed to appropriate money to employ staff to operate local programs. Fortunately, most local welfare departments have considered adult protective services a priority service and have used Title XX, or more recently, block grant funding to staff their APS programs. State appropriations specifically earmarked for this program would demonstrate greater state commitment.

Second, the legislature failed to appropriate funding for emergency services, such as emergency shelter, food, fuel or in-home personal care services. Frequently, these short-term emergency services, especially personal care in the home, can make the difference between maintaining the abused or neglected adult in his own home, or having to place him in a protective

institutional setting. For the most part, local APS staff have to rely on donated community resources to meet these emergency needs. Too often these community resources become overused and quickly disappear.

Third, the legislature failed to mandate the adult protective service program on a statewide basis. Indeed, there is no provision in the APS legislation that requires localities to take any action beyond simply reporting the fact that a complaint was received in that locality. Of course, it can be argued that it would be inappropriate for the legislature to mandate a program for which they have been unwilling to appropriate funds. Nevertheless, it is interesting that practically every local welfare jurisdiction in Virginia has offered adult protective services in their local plan during the past several years. In fact, last year 122 out of 124 local welfare jurisdictions provided adult protective services, even though the only state

matching funds made available for the program (five percent) were through Title XX. The mandating of adult protective services, if for no other reason, would give state recognition to a program that has already been given priority by the localities.

Conclusion

While existing legislation recognized the needs of these endangered adults, it falls short in providing local welfare departments with the necessary financial resources to fully provide a comprehensive APS program. Most local welfare departments have demonstrated a commitment to the adult protective services program and have shown creativity in delivering these services with less than adequate resources. Given the full resources to accomplish the mission, local welfare departments can provide the level of service that is inherent in the intent of the existing APS legislation.

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MUNICIPAL ELECTRIC POWER ASSOCIATION OF VIRGINIA ANNUAL CONFERENCE, June 1-3, 1983, Holiday Inn 39th Street, Virginia Beach, Virginia.

STATE FIRE CHIEFS ASSOCIATION OF VIRGINIA ANNUAL CONFERENCE, July 13-16, 1983, Holiday Inn Airport, Richmond, Virginia.

VIRGINIA ASSOCIATION OF CHIEFS OF POLICE ANNUAL CONFERENCE, August 21-24, 1983, OMNI, Norfolk, Virginia.

VIRGINIA MUNICIPAL LEAGUE 78TH ANNUAL CONFERENCE, September 18-20, 1983, Hilton, James City County, Virginia.

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User Charges: Why Aren't Virginia Cities Using Them More?

By John H. Bowman

On the average, large cities in Virginia raise a far smaller portion of their revenue from direct charges on users of specific services than do cities throughout the country. Moreover, while U.S. cities as a group have increased their reliance on such "user charges" in recent years in response to tighter controls on local taxes and slower growth of federal aid, several large Virginia cities reduced their reliance on such charges. Why are user charges an underused source of city revenue in Virginia?

Looking At Virginia

According to the U. S. Census Bureau's annual *City Government Finances* (1979-1980), municipalities across the nation realized 20.7 percent of their revenue, aside from intergovernmental aid, from user charges, yet only two large Virginia cities, Portsmouth and Roanoke, received over 20 percent of their funds from these fees. Most of the 10 cities reported in *Finances* received only about 10 percent to 17.6 percent of their revenues from this source of income. Alexandria fell well below the 10 percent mark.

Moreover, while cities in each population class nationwide increased their reliance on current-charge revenue between 1975-76 and 1979-80, in Virginia it was true only for four cities, and two cities dropped from above average and average to well below average.

A broader measure of user-charge significance is obtained by adding utility charges to current charges and to general revenue (not including intergovernmental aid). Under this broader measure, the user-charge financing role jumps anywhere from 15.6 to 24.6 percentage points for all city size classes. This change, however, affects the figures for the several Virginia cities quite differently.

At one extreme, Alexandria and Hampton, already low in user-charge

reliance, become comparatively even lower, for neither city had utility revenues in the period studied. At the other extreme, the broader measure shoots Richmond's user-charge reliance figure from 14.6 percent to 39.4 percent of own-source revenue from below the above the national average for comparably sized cities. Richmond is the only Virginia city whose user-charge reliance, based on this broader measure, was above the national norm in 1979-80. Norfolk, also above average in 1975-76, was decidedly off the national pace by 1979-80.

Newport News, Portsmouth, Roanoke, and Virginia Beach, as well as Richmond, all increased their reliance upon user charges, broadly measured, over the period from 1975-76 to 1979-80. As noted, all but Richmond remained below the national averages for cities in their respective size classes—and Richmond's position eroded relative to the average.

User Charge Pros and Cons

In the private sector, a specific fee (price) is paid for a specific good or service. Persons who feel the good or service is not worth the market price can opt not to buy. Prices ration available supplies to those who value them most and show which goods and services are most valued.

General tax finance of public sector services, by contrast, demands a mandatory payment from users and non-users alike so there is little relationship between payment and receipt of services. Even if no subsidy is involved, there is a tendency for the public to see tax liabilities and service benefits as independent factors; tax-financed services tend to be regarded as essentially free goods and, therefore, to be over consumed. "Demand" for a service expressed without recognizing and being willing to pay its cost clearly differs from market demand, and is an imprecise guide for public decision makers.

Are They Efficient?

Creating a user charge for a previously "free" service generally will

"Even where user fees are desirable, the cost of administering them might outweigh potential gains."

result in reduced use of the service. If the charge covers program costs, such a reduction will indicate a more efficient use of resources since users did not value the service highly enough to justify the previous level of expenditure. The response to prices also provides information on relative service values, which can be used in redirecting available resources to more valued uses. A service whose use remains strong in the face of a cost-recovering charge may be a good candidate for expansion, while a service whose use drops off could be curtailed.

To recognize the potential advantages, however, the charge should be sensitive to the level of use. A flat charge for residential water service regardless of level of use (e.g., \$15 per month) previously funded through property taxation would permit a reduction in taxes and/or an increase in other services, but such a fee would provide no incentive to alter the use of water.

It is clear that not all services are equally amenable to user charge financing; for some services, price-like charges would diminish efficiency. Many publicly provided services are in the public sector precisely because private sector pricing would result in an inappropriate level of provision. This is true where the benefits extend in significant degree to the community as a whole, rather than being captured largely by those who might pay for them through fees. Control of communicable diseases, streetlighting along through-streets and roads, and snow removal are examples of services which non-payers cannot be prevented from enjoying; in such cases, taxes are needed to assure that beneficiaries pay. But even where user charges are otherwise desirable, the costs of administering appropriate user charges

About the Author

Dr. Bowman is associate professor of economics at Virginia Commonwealth University. The author gratefully acknowledges the editorial assistance of Charlotte Kingery, editor of *VIRGINIA TOWN & CITY*.

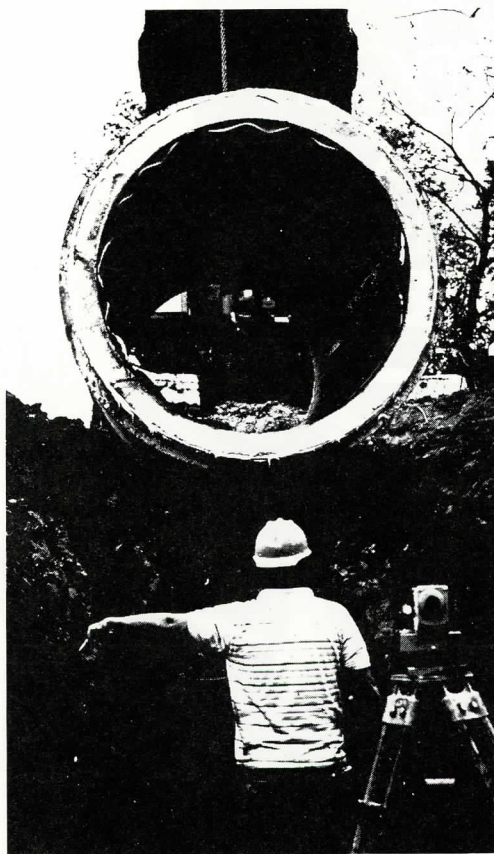
might outweigh potential gains and, therefore, be inefficient.

Are User Fees Equitable?

Appealing to the ability-to-pay concept, some argue that certain services should be available to persons even if they cannot afford to pay for them. Examples might include some minimum level of housing, nutrition, or medical care.

But equity may also be evaluated under the benefits-received concept. Under this approach, equity requires that those who benefit pay and, conversely, that those who do not benefit not be compelled to pay. User charges would promote this notion of equity.

In conclusion, Virginia cities may want to examine why user fees are not implemented more and in what areas of municipal government they are feasible. It seems in these times of short funding, Virginia cities need to take the hint from other U.S. cities and examine every avenue for revenue sources.



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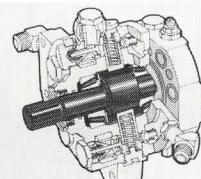
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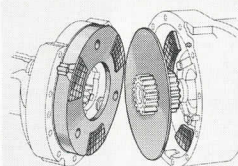
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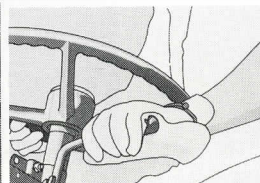
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