

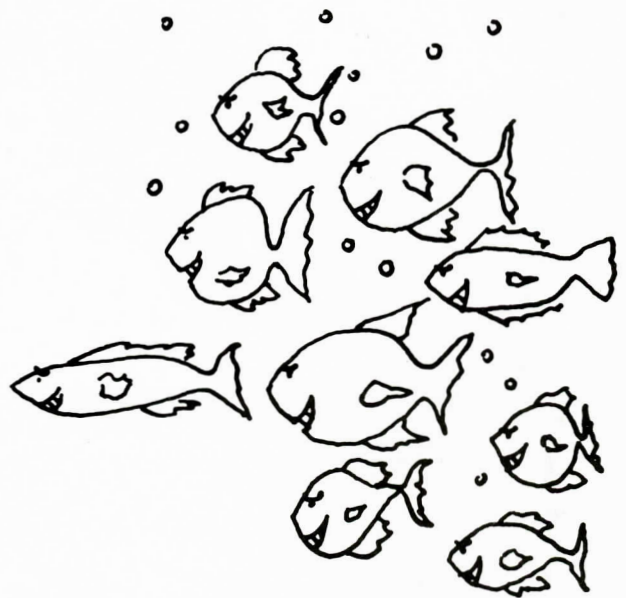
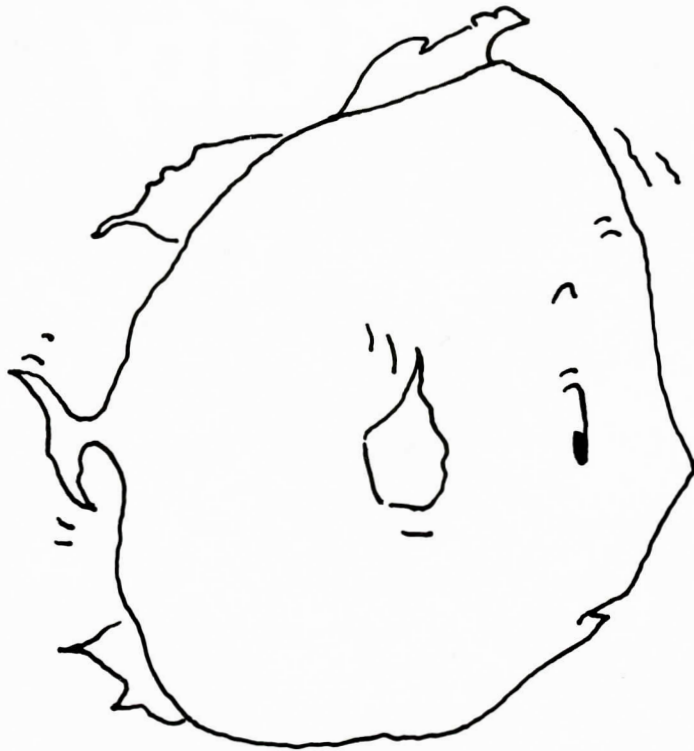
Volume 19
Number 11
November 1984

Virginia & Town & City



The Conference in Review

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Volume 19

November 1984

Number 11

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Officers

Samuel W. Adams III

Robert T. Williams

Martha V. Pennino

Noel C. Taylor

Executive Committee

J. Willard Lineweaver

Jack D. Edwards

Dolores P. Lescure

Sidney M. Oman

William R. Hartz

M. Stewart Koethcke

Charles A. Robinson Jr.

Executive Director

R. Michael Amyx

On the Cover

The 79th VML Annual Conference truly offered something for everyone. As shown on our cover, a reporter from WTVR Channel 6 interviews former VML President Charles A. Robinson Jr., a host of meetings were held with some geared toward towns and others toward cities and counties, and as with all conferences there was an abundance of delicious food. A full report on the conference appears in this issue of Virginia Town & City.

VIRGINIA TOWN & CITY (ISSN0042-6784) is the only official magazine of the Virginia Municipal League. It is published monthly at 311 Ironfronts, 1011 East Main Street, P.O. Box 753, Richmond, Virginia 23206. All contents, copyright 1984 by the Virginia Municipal League. Any reproduction or use of contents must have prior approval of the Virginia Municipal League and if granted must be accompanied by credit to VIRGINIA TOWN & CITY and the Virginia Municipal League. Second-class postage paid at Richmond, Virginia. Subscription rates: \$8 per year, \$1.50 per copy.

Postmaster: Send address changes to VT&C, P.O. Box 753, Richmond 23206

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By Howard W. Dobbins

People

Councils Change

Harrisonburg Council Member **James C. Cisney** has resigned from his council seat because of his health. Cisney, 53, underwent coronary bypass surgery in 1980 and again recently. He has served six years on the Harrisonburg council.

Dr. Charles L. Shank, a Harrisonburg dentist, was named to serve the nearly two years that remain of Cisney's term. In May, Dr. Shank finished fourth in a race for three council seats held by incumbents.

In Staunton, **Desmond C. Wray Jr.** has been appointed by council to succeed **Benham Black** as that city's attorney. Black has resigned but will continue as special counsel for consolidation and annexation matters.

Vienna Employee Receives Award

John Wooden, athletic recreation coordinator for the Vienna Parks and Recreation Department, has received the Outstanding Youth Sports Leader Award sponsored by the National Youth Sports Coaches Association and the National Recreation and Parks Association. He is one of 15 people in the country to receive the award.

Wooden, an employee of Vienna since 1974, has worked for the past two years to guide and assist area youth sports organizations in establishing a training and certification program for coaches.

Fairfax County Appoints di Zerega

The Fairfax County Board of Supervisors has appointed **John W. di Zerega** of Oakton director of the county's Department of Public Works.

Di Zerega, who was director of the Department of Public Works' Office of Capital Facilities since 1976, is a civil engineering graduate of Catholic University, Washington, DC. From 1974 to 1976, he was assistant to the director of the Department of Public Works, and from 1973 to 1974 he was a team leader

in the county's Office of Management and Budget. Prior to that he was deputy director of the Department of Public Works' Division of Solid Waste and held several engineering-related positions with Mobil Oil Corp. His starting salary is \$70,109 annually.

Recent Deaths

Elmer M. Cox, 58, a former vice mayor of Vinton, has died of lung cancer. Cox served on Vinton Town Council from 1974 to 1978 and was vice mayor from 1976 to 1978. Cox was also Virginia's "Realtor of the Year" in 1976.

Fielding L. Williams, former city of Richmond council member, has died at the age of 78. Williams was a senior partner in the Richmond law firm of Williams, Mullen and Christian and was elected president of the Richmond Bar Association in 1966. He also served on the board of the Historic Richmond Foundation and was chairman of the Greater Richmond Community Foundation from 1969 through 1978. He served on council from 1946 to 1948, and he was also a member of the Virginia Commission of the Visually Handicapped.

Richlands Hires New Manager

R. Coleman Brittle has been named town manager of Richlands. He previously served as town manager of Wakefield. Brittle holds a degree in economics from VPI & SU and is a member of the Virginia Municipal Clerks Association and the International Institute of Municipal Clerks. He serves on the executive committee of the Municipal Electric Power Association of Virginia, a VML affiliate organization.

The following Consulting Engineers Council of Virginia member firms sponsored the ad on the facing page.

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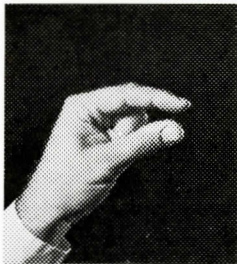
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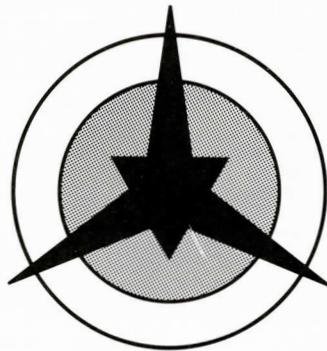


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New VML President Sees No Conflict in Roles as Minister, Mayor

By Christy Everson

Lawrence Davies, on the surface his life appears to have been as smooth as his voice. He went from Houston to Washington, into the ministry and a church in Fredericksburg and into the mayor's office. But on closer listening, one hears careful deliberation in his voice and feels, "This man is determined. He perseveres."

True, there has been a consistency in his life, just as there is a consistency in his voice. But with thought, one realizes that it has not been an easy waltz into his position. After all, he is black, and he is the first black mayor of Fredericksburg.

Davies was born in Houston, TX, in a house where his grandparents lived and which his family still owns. His father was in the poultry business, but died when Davies was only 12. Graduating from high school at the early age of 14, Davies says he "held his own." He attended Prairie View College, a nearby agricultural and mechanical school, graduated with a degree in biology and went on to attend pre-med school at Howard University in Washington, DC.

His transition to Washington was not too difficult. When first there, he lived with his godmother and her husband, Dr. Earl Harrison, a man who was to influence the rest of Davies' life. Dr. Harrison was a baptist minister, and even though Davies was Methodist and attending a Presbyterian school, it was his exposure to this man that drew him into the Baptist ministry.

When he first began to think of going into the ministry, Davies joined the Army. He wanted to give himself time to make sure, but says he really had already made up his mind. In fact, he left the service two months early to go back to Howard University for his degree in divinity. He was 22 at the time, and says today this is "definitely" what he was "born to do."

It was through attending Dr. Harrison's church that he met his wife, Janice. They married while he was in the service.

"I was making decisions about my life and my future, and I wanted her to be my partner in life.

"Fortunately," he says, "she agreed to give it a try."

After Howard, there was Wesley Theological Seminary at American University. He received his master's of sacred



Lawrence Davies, with his wife Janice by his side, receives congratulations following the annual VML Conference banquet.

theology and took the position of assistant pastor and director of religious education at Shiloh Baptist Church in Washington, DC.

In 1962, he became pastor of the Old Site Shiloh Baptist Church in Fredericksburg, the mother church of the one in Washington.

Soon he was asked to be president of the PTA. The schools were segregated at the time, and the blacks felt their school was getting shortchanged. They were inheriting the white school's discarded equipment while the white school got new equipment. Also, the schools' curriculums were different. The school board said it could not provide the blacks with the same curriculum being taught in the white schools because of the lower enrollment. The black community decided they needed direct representation on the school board and then later decided they wanted direct representation on city council also. In 1964, the first effort of a black to run for council failed, but in 1966, Lawrence Davies ran and won. It was a tough race, he says. He won the 13th seat on a

13-member council. It was the sixties; he was the first black on council.

He served on council 10 years and then, in 1976, ran for mayor and won.

He sees his 10 years on council as very productive.

"We moved toward getting the needs and problems of the black community addressed in acceptable ways. We had blacks appointed to decision-making positions, achieved the opportunity to provide input into the decision-making process and made strides in getting our needs addressed."

Davies sees his work on council as an extension of his work as a minister. He is serving the people of the community, improving the quality of life, and making the community a better place to live. As a minister, his time and interest is in the community; as a council member, the same is true.

His only conflict in the two positions is time.

Asked how he handles that, Davies laughs and says, "The best I can."

Davies does not maintain scheduled office hours at either job. He gives his

continued on page 22

Opening Session

Gov. Robb Gives Views on Education

The 79th Annual VML Conference opened with a colorful flourish provided by the Marshall Walker High School Marching Band, the welcome of Richmond's Mayor Roy A. West and the address of Gov. Charles S. Robb.

Robb spoke on an issue of foremost concern to VML, education in the commonwealth, indicating his familiarity with the league's legislative agenda. Although Robb is in favor of improving the state's educational system, he is in favor of doing so without a tax increase, a position at odds with the league's legislative goal of a 1 percent statewide increase in the sales tax in order to fund education. Robb did, however, indicate the possibility of earmarking the state's reserve fund as an "oral commitment" to funding education.

"I believe that education is an economic necessity," said Robb.

"We cannot afford to lose sight of the moral and economic necessities of maintaining a quality education in the United States and the commonwealth. We owe it to our young people of today to prepare them for the hazards of tomorrow's post-technological society."

He noted the increased burden in recent years on local governments to maintain and manage public education and said that federal mandates and the recession had made the situation worse, but he also noted the long-standing commitment of the commonwealth dating back to Thomas Jefferson to provide for the education of its citizens.

"This commitment needs to be reaffirmed in a period of economic uncertainty and change," he said.

Addressing the theme of the place of education in the economic development of the commonwealth, the governor said, "Our current task is not just to increase spending but to increase spending on those programs which are most essential and to do so if at all possible without resorting to a general tax increase.

"Fiscal policy is the singularly most important variable in the state's competitiveness. Tax rates can be thought of as the price the state charges an individual or corporation to locate within its borders.

"We cannot let it become a question



of which comes first — education or economic development. Our job is to strengthen education and at the same time keep Virginia a low tax state."

He cited some of the recent developments in education within the state and indicated that by 1966 Virginia should rank 26th nationally in average teacher salaries, an improvement from its 34th position in 1982.

"The single most important change in our approach to public education," said

Robb, "is the newly-strengthened high school diploma.

"The new diploma will send a signal to educators and businessmen across the U.S. that the commonwealth is strongly committed to education of the widest possible mainstream of its students. The increased requirements in math and science will particularly aid in preparing our students for the workforce of the 1980s and 90s.

"We need to raise our level of investment in education and at the same time raise our level of what we will accept from education. If we expect more and are willing to pay for it, education in the commonwealth will increase in excellence."

Robb said that improvements in education including teacher salaries and additional state resources for localities will remain his highest priorities.

He indicated that two appropriations he will propose to the 1985 General Assembly will be a second year salary adjustment for state employees and a continued revenue reserve as protection against economic uncertainty, but that "if the economy's strength continues we should earmark the reserve as an oral commitment to increase funding of the state formula for public education in the 1986-88 biennium."

NLC President Conveys

Enthusiasm for his work and a love of cities pervaded Mayor George Latimer's address to the luncheon crowd gathered at the John Marshall in Richmond on the final day of the VML Conference. Latimer, who is mayor of St. Paul, MN, and president of the National League of Cities, had spent his morning touring Richmond and walking through the Capitol grounds. He pointed out that the most striking, most prominent building in the area, even more so than the Capitol, appeared to be the old city hall.

"It seems to me our founding fathers knew something about where city government ought to be in our team of federal-state-local relations," he quipped.

Latimer, who serves as the national spokesman on municipal policy for the leadership of the 15,000 member cities

of NLC, gave a report on the national association's activities. He spoke specifically on the recent strides made in the areas of cable television and antitrust legislation and urged members to become interested in revenue bond legislation for the future.

Latimer humorously brought home the seriousness and significance of the passage of antitrust legislation when he said he would probably have to "borrow a little from his relatives" if he was found personally liable for \$28.5 million as each council member had been in the Grayslake antitrust case recently decided in Illinois.

"We do make a difference," he said, pointing out that NLC has played a key role in cable TV negotiations for the past two years and that the Virginia Municipal League was one of the leaders in lobby-

Friddell Stresses Importance of Education

Guy Friddell, columnist with the Virginian Pilot-Ledger Star known for his "love affair" with the commonwealth, commanded a hushed audience with his imagery as he led the group on a scenic and historic verbal tour of the state.

Friddell spoke at the banquet on the final evening of the league's 79th annual conference. He voiced his views on education, speaking strongly in favor of increased funding for education. Excerpts of his speech follow.

Virginia, Jefferson's country, where the idea [of public education] was born, stands in the bottom fifth of what we spend on educating our children. That's our future, right there. And it always comes last; it always comes behind highways. In the Depression, schools were closed but we had some of the finest roads in the country. Education always comes after roads in Virginia.

We're behind. Roughly we are where we were back in the 1930s. We talk about education, but we don't exert ourselves. We can't survive in this time, our children can't, without an education. It's our greatest resource. There is no end to what you can do with the mind of a child, and there is no end to the tragedy of a child who is left uneducated . . .

So many don't finish school. They come out uneducated; they can't read, but they are Americans. It's a free enterprise; they want their piece of the pie. So many of them turn to crime. Go into any of the juvenile courts in our big cities; you'll find the victims, the culprits. In every instance that I've seen they are functional illiterates. We leave them at the mercy of this modern world. That's where our duty lies; that's where this nation's duty lies.

My high school science teacher told me that the greatest boost in education in his lifetime came about because of the launching of Sputnik. For five years we could get all the money we needed to educate scientists. That was when we experienced a great lead in our education. It's those scientists today who are building our missiles. But where are the scientists of the future? 'Star Wars' cost a trillion dollars, but what are you going to spend on educating the scientists of tomorrow? . . .

The federal government ought to have a mass infusion of funds to the localities. They don't have to give it to specific programs. The federal government ought to give block grants to the localities and say, 'you spend it as you will to improve your schools.' That's the great need. That's



where the money should go. Not just to scientists, but to poets, philosophers, everybody. You can't lose putting money into education. There's our task.

Friddell praised local government officials saying, "There is no harder job than being on a town council or board of supervisors." He encouraged more men and women who survive the local level to work in the General Assembly and "not forget those of us in the trenches."

Enthusiasm for Local Government



ing for passage of antitrust legislation.

He urged those present to look at new and different ways of delivering services.

"Our communities can become more self-reliant; we can learn how to do things better," he added.

"The beauty of the variety of our cities is that we can create our own agenda. We can determine how to treat our own infrastructure. We can determine how to better recycle our own energy and resources . . . There is so much we can do locally; that is really the excitement of local government."

Latimer closed by quoting Athenian public policy: "We pledge that we will transmit the city that we love not only as good as, but greater than, more just and more beautiful than it has been transmitted to us."

League Elects Officers for 1984-85

VML members unanimously elected the slate of 1984-85 officers presented at the business session during the 79th Annual VML Conference, Sept. 30-Oct. 2, in Richmond.

Lawrence A. Davies will serve as the league's 1984-85 president. Davies is mayor of Fredericksburg and was first elected to the VML executive committee in 1979. He has moved up through the offices and served as the league's first vice president last year. Davies is pastor of the Old Site Shiloh Baptist Church, and he and his wife, Janice, are the parents of three daughters, Lauren, Karen and Sharron.

Samuel W. Adams III will serve as first vice president. Adams sits on council in Emporia and was first elected to the VML executive committee in 1980. He served as fourth vice president last year but was appointed second vice president following the May elections and subsequent changes in the executive committee. Adams is a native of Morristown, TN, but attended public school in Martinsville where he graduated from high school. He is a graduate of Randolph-Macon College and holds a degree in political science. Adams works as vice president and area manager of Central Fidelity Bank. He and his wife, Barbara, have two young sons.

VML's new second vice president is **Robert T. Williams**, city manager of Newport News. Williams was first elected to the executive committee in 1981 and was appointed third vice president in July 1984. Williams is former city manager of Portsmouth and previously worked as that city's assistant city manager for finance and staff services, finance director/budget officer, assistant director of finance and auxiliary services and director of data processing. He is a graduate of the University of Virginia, and he and his wife, Ann, have one daughter, Cynthia, who is in the dental hygiene program at Old Dominion University.

Martha V. Pennino moved up the league ladder from fourth vice president to third vice president. Pennino is vice chair and Centreville district supervisor on the Fairfax County Board of Supervisors. She was elected to the executive committee as vice chair of the Urban Section in 1981 and assumed the chairmanship in 1982. Pennino is also on the boards of the Virginia Association of Counties and the Metropolitan Washington Council of Governments. She serves nationally on the Environment and Energy Steering Committee of the

National Association of Counties and on the Finance, Administration and Intergovernmental Relations Policy Committee of the National League of Cities. She also serves as a commissioner of the Northern Virginia Planning District Commission. Pennino and her husband, Walter, have four grown children.

Noel C. Taylor was elected VML fourth vice president. Taylor is mayor of Roanoke and pastor of the High Street Baptist Church. He has an extensive background in both the ministry and as a public school teacher and principal. A native of Bedford County, Taylor was elected to Roanoke City Council in 1970 and became mayor in 1975. He and his wife, Barbara, have two daughters, Sabrina and Deseree.

Elected to serve as at-large members of the executive committee were **Jack D. Edwards**, **J. Willard Lineweaver** and **Dolores P. Lescure**.

Edwards has been a member of the James City County Board of Supervisors for 10 years and served as chairman of the board for four of those years. He was elected chairman of the City Section in 1982 and as such has served on the executive committee for the past two years. He is a graduate of Macalester College, Harvard Law School, and holds a doctorate from Vanderbilt University. He was dean of the faculty of arts and sciences at the College of William and Mary from 1974-1981 and 1983-84. He returned to the classroom to teach government in 1981 and has just recently been appointed chairman of the department.

J. Willard Lineweaver is mayor of Warrenton, a position he has held since 1974. He has been active in VML having served on the nominations committee, the time and place committee, the public safety policy committee and the Joint Legislative Audit and Review Advisory Committee. He currently serves on the legislative committee. Lineweaver also served on the Governor's Advisory Council for 5 1/2 years under Govs. Godwin and Dalton. He has been married 41 years and has three daughters and seven grandchildren.

Dolores Lescure was elected in May to her second four-year term on Staunton City Council. She is also a former mayor of Staunton. She served on the VML legislative committee in 1983 and 1984 and is a current member of the VML building committee. Last year she was appointed by Gov. Robb to the Local Government Advisory Council. She is a current member of the Finance,

Administration and Intergovernmental Relations Policy Committee of NLC. Lescure is retired from a career in reporting, public relations and teaching.

Serving on the executive committee by virtue of their election as section chairmen are **William R. Hartz**, town section chairman; **Sidney M. Oman**, urban section chairman; and **M. Stewart Koetckhe**, city section chairman.

Hartz is mayor of Waverly. He has served on the VML legislative committee since 1981 and on the effective government policy committee since 1980. Last year, he served on the Joint Legislative Audit and Review Advisory Committee and as town section vice chairman. He was appointed to the executive committee as town section chairman in July 1984.

Oman serves on Chesapeake City Council and is a former two-term mayor. He served as vice chairman of the Urban Section last year and became chairman in July 1984 thus also joining the executive committee. Oman is senior vice president of Hollomon-Brown & Snellings Funeral Homes.

Koetckhe (pronounced Kur'kēē) has served as a council member in Clifton Forge for the past 10 years. He is vice chairman of the Fifth District Employment Consortium. He has served as vice chairman of the City Section for the past two years. He is a retired supervisor for CSX and previously served on the VML transportation policy committee. He and his wife, Catherine, have a son and two granddaughters.

Immediate Past President **Charles A. Robinson Jr.** will also serve on the executive committee.

Eva Teig Speaks to

Virginia's Commissioner of Labor and Industry Eva S. Teig addressed those attending the Women in Local Government luncheon at the VML Conference. She encouraged women to help each other succeed and to look for new women to encourage to go into the field of government.

Teig, who has served more than 14 years as a leader in both city and state government, gave the group several suggestions on ways to get ahead. She stressed such things as knowing your budget, networking, using good com-

Seven Localities Honored for Achievements



Holding their achievement award trophies are (l to r) Suffolk Mayor Andrew Damiani, Loudoun County Board of Supervisors Vice Chairman Frank Rallo, Wise Mayor Glenn Craft, Norfolk Mayor Joseph A. Leafe, Leesburg Mayor Robert E. Sevila, Blacksburg Mayor Roger E. Hedgepeth, and Newport News Mayor Joseph C. Ritchie.

Presentation of the annual VML Achievement Award was one highlight of the annual conference banquet. Seven localities were honored with the traditional pyramid trophies, with Blacksburg and Newport News each receiving two awards.

Loudoun County and Leesburg won trophies for their joint entry in the category of Effective Government. Suffolk won the Environmental Quality Achievement Award. In the category of Public Safety, Newport News, Blacksburg and Wise all took home trophies. Newport News took home a second trophy in the category of Human Development. Blacksburg also took home a second trophy for development of its public transit system, and Norfolk received an achievement award in the category of Community Development.

Carder Wins Scholarship

Jeanette Carder of Culpeper has been selected to receive the 1984 Baumes Scholarship sponsored by the Virginia Municipal League. She is a 1983 graduate of the University of Virginia with a double major in government and history. She is currently in her first semester of graduate school at the university and expects to receive her master's degree in public administration in December 1985.

Prior to entering graduate school, Carder worked for the American Public Transit Association. Currently, she is serving as an intern for the city of Charlottesville in the public works department

where she is assisting in management and manpower studies, budgeting and other management related duties.

"I have always found government interesting and wanted to work where I could see results, what's going on and how it affects the day to day lives of the general public," says Carder.

The Baumes Scholarship in the amount of \$1,000 is given annually by the Virginia Municipal League in honor of Harold I. Baumes who served as executive director of the league from 1941 to 1973.



Carder talks with Executive Director R. Michael Amyx.

Women in Local Government



munication skills and the importance of follow-up.

Teig was born in Egypt and immigrated to the United States with her family when she was 13 years old. She holds a bachelor's degree in political science and a master's degree from the American University's School of Government and Public Administration. She has worked for the city of Portsmouth in several key positions including as director of economic analysis and information and as director of management and legislative services. In

1981, Lt. Gov. Richard J. Davis appointed Teig as his executive assistant, and in October 1983 she was appointed by Gov. Robb as Virginia's new commissioner of labor and industry.

Elizabeth K. Bowles, council member, Roanoke, presided over the luncheon meeting. Women in government positions who wish to be included on the Women in Local Government mailing list should submit their names and mailing addresses to Christy Everson, VML, P.O. Box 753, Richmond, VA 23206.

The Conference in Review



VML Office Coordinator Joni Terry helps a guest register for the conference.



Roanoke Mayor Noel Taylor invited attendees to visit Roanoke for next year's VML Conference.



Waverly Mayor Bill Hartz presided at the Town Section meeting.

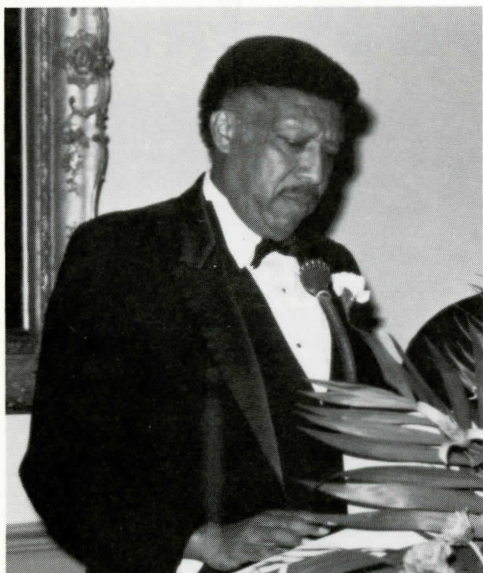


Attorney General Gerald Baliles (r) chatted with friends at the opening reception.



Attendees spent most of their time in workshops and seminars such as this one conducted by Russ Linden of the University of Virginia's Institute of Government.

The Conference in Review



Lawrence Davies, VML's new president, spoke at the annual banquet.



Outgoing VML President Charles A. Robinson Jr. talked with a guest following the banquet.



VML Deputy Director Clay Wirt explains a change in the legislative program during the legislative committee meeting while Ellen Posivach of the league and committee chairman Robert G. Jones listen.



Past Town Section chairmen were honored with certificates of appreciation during the Town Section meeting. Above (l-r), Robert Hall picked up a certificate for Arlie Payne of Gordonsville. Ronald Spiggle of Appomattox, Charles Robinson of Vienna, Carl Stark of Wytheville and Raymond Ratcliffe of Pulaski also received certificates of appreciation. Not pictured, but also honored with a certificate, is Anne Crockett Stark of Wytheville.



Sam Adams, council member from Emporia and member of the VML executive committee, reviews a brochure on the proposed conference site during the executive committee meeting.

League Sets Legislative Program

A major item of business traditionally taken care of at the league's annual conference, other than the election of officers, is the finalization of the league's annual policy statement and legislative program. The league's policy statement is developed by the league's seven policy committees (community and economic development, education, effective government, environmental quality, human development, public safety, and transportation) and must be formally adopted by vote of the membership. This statement serves as a guide for the legislative committee in setting its goals and objectives and in planning its program and priorities for the upcoming session of the General Assembly.

The policy statement is distributed to each league member locality as well as to the state's legislators as a written statement of the Virginia Municipal

League's position on issues of importance to local government. In addition, it is used by the VML staff and by individual VML members as a guide in their lobbying efforts.

The league's legislative program, developed in conjunction with the policy statement, serves to set forth the league's position on specific legislative issues before the General Assembly. It also must be adopted by vote of the membership. As preparation, a preliminary copy of the policy statement and legislative program were mailed to the membership prior to the annual conference.

The VML legislative committee, chaired by Robert G. Jones, council member, Virginia Beach, met Sunday, Sept. 30, the first day of the annual conference. Its task was to finalize the legislative program for presentation to

the membership for vote at the business session. A number of changes were made to the program in this last preparatory meeting. Most served as "housekeeping" measures, efforts to make the written language of the program more precise, however, a few significant changes were made.

One major change was made regarding VML's stance on funding education, which remains VML's first priority. VML still supports full funding of the actual Standards of Quality costs as estimated by the Department of Education and adds support for "full funding of educational mandates as outlined in the Joint Legislative Audit and Review Commission's study of state mandates on local governments and local financial resources." VML's position, however, on the method of funding had been changed from "support of an additional 1 percent statewide sales tax to be returned to localities based on school-age population" to "support of an additional 1 percent statewide sales tax returned to localities for the support of education." The changed wording gives the General Assembly flexibility as to how to distribute the funds as opposed to limiting distribution to being "based on school-age population."

Among other state aid priorities, "maintaining reimbursements for social services" has been added. VML Director of Research Ellen Posivach explained that "the appropriations bill for 1985-86 includes a reduced level of funding for local welfare administrative costs, thus the legislative committee wished to place greater emphasis on maintaining the level of these funds."

State mandates in the areas of education and social services also are pointed out as areas of serious fiscal concern to localities, and the General Assembly is "strongly" encouraged to address their local fiscal impact. In addition, in the area of education again, "VML strongly opposes state mandated salary increases for instructional personnel without commensurate state funding" and "any additional restrictions on local governing bodies in regard to local school board budgets."

VML continues to urge the General Assembly to adopt legislation to distribute the rolling stock tax on railroads and freight car companies to localities, but again here a change has been made to allow the General Assembly flexibility in determining how to distribute funds and eliminating the restriction of "based

Legislative Overview

Top Priority Items Supported by VML

– **Full Funding for the State's Share of Basic Aid and for State Mandated Programs in Primary and Secondary Education.** VML supports an additional 1 percent statewide sales tax increase, returned to localities, to support the state's share of public education costs. It is currently estimated that an additional \$550 million per biennium is necessary in order for the state to achieve full funding of its share of costs related to public education.

– **State Payments to Local Governments in Lieu of Taxes on State Owned Property.**

– **Continued Full Funding for Annexation Legislation (HB 599).**

– **Increased Public Health Funding.** The administration has predicated 1985-86 state budget line item funding on anticipated income from "user fee increase bills" which failed to pass the General Assembly during the 1984 session. Thus, funding for public health for the second year of the biennium has been reduced by \$5.8 million. Unless the budget is amended in the 1985 session, local government stands to lose this amount for community services.

– **Rolling Stock Tax.** VML supports the return of rolling stock tax collections to local government. A two year legislative study committee will be making recommendations on this issue to the 1985 General Assembly. Fiscal impact: approximately \$5 million in aggregate state payments to local governments.

– **Highway Funding.** VML supports the recommendations of the JLARC study. VML strongly supports redistribution of highway construction funds based on the one-third, one-third, one-third formula.

– **Rights of the Disabled.** VML has spent a significant amount of time analyzing and receiving local input on HB 817. The recently released redraft of this bill contains a number of modifications which reflect the input of VML. We are hopeful that this carryover bill will be in a posture which we can support by the beginning of the 1985 session.

Top Priority Items Opposed by VML

– **Limitation on State Expenditures.** VML strongly opposes the passage of SJR 28 and SB 277, which tie the rate of growth in state appropriations to the statewide growth rate in personal income.

– **Local Ability to Negotiate Telephone Rates.** VML is hopeful that carryover bill SB 239 will be amended to provide localities the authority to negotiate telephone rates with local telephone companies. Without this amendment, VML will continue to oppose SB 239 during the 1985 session.

The Conference in Review

on the number of miles of railroad lines within each locality."

In the area of limiting state expenditures, VML adds, "we oppose the concept of limiting state expenditures as contained in SJR 28 and SB 277, carry-over legislation from the 1984 session. It is believed that the limitation on state expenditures would have a significant negative impact on state appropriations to local government, with the most significant local impact being realized in the area of state funding for primary and secondary education."

Under the subject heading of state and locally owned health facilities, VML adds support for "the concept contained in carryover legislation, HB 911, from the 1984 General Assembly. We urge the General Assembly to address discrepancies in funding between state and locally owned health facilities and to appropriate the additional funds necessary in order to address the current discrepancy."

In other new language, VML urges the General Assembly to study the fiscal impact of legislation allowing juvenile court judges to use short-term community based sentencing to regional or local juvenile detention homes. Currently, regional or local juvenile detention homes handle only pre-dispositioned juvenile offenders and the Department of Corrections has maintained that pre- and post-dispositioned juveniles should be segregated. If the General Assembly adopts short-term community based sentencing, localities will be required to segregate these two populations and either construct new facilities or form regional pacts designating some homes for pre-dispositioned youths and others for post-dispositioned youths.

In the area of school board member appointments, the league "believes that all local governing bodies within the state should have the authority to directly appoint school board members and that the term of office for school board members should be at the pleasure of the local governing body."

Also added: "VML strongly opposes any legislation which will permit the State Corporation Commission to regulate rates for utility services furnished to local governments."

And finally, VML urges the General Assembly to correct the inequity in legislation regarding the Virginia Supplemental Retirement System to allow employees to withdraw their share upon leaving employment.

In addition to the adoption of the policy statement and the amended legislative program, two resolutions were adopted during the business session.

One requests that the General Assembly consider the relationship between counties and towns when enacting legislation. Certain laws, especially in the areas of taxation and finance, sometimes foster conflict between counties and towns, and the resolution asks the General Assembly to scrutinize bills for possible sources of these conflicts and to avoid enactment of such laws.

The second resolution asks the General Assembly to provide appropriate relief to communities impacted by the recent change in railroad assessment methods used by the state Tax Department. Impacted communities were not conferred with nor informed regarding the change in assessment procedures prior to the change and have had insufficient time to adjust their local budgets for impending revenue losses.

Editorial

Reprinted from the Virginian-Pilot, Oct. 6, 1984

Sales tax—again

The incurably optimistic Virginia Municipal League has once again proposed an increase in the 4-cent state sales tax as a fresh source of funds for education.

The idea is a good one, but, unfortunately, the VML is whistling in the dark, just as it was last year when it proposed the same thing. The chances of getting the General Assembly and Gov. Charles S. Robb to increase the tax are small. Maybe not as small as the chances that a chemistry major will opt to become a teacher for \$13,000 a year, but pretty small nevertheless.

The additional penny proposed by the VML would help raise these abysmal entry-level salaries for teachers. The revenue would also put more teachers in the schools to improve the pupil-pedagogue ratio a bit.

Virginia's cities can't upgrade public education without a broader tax base. Most of them are financially strapped. This is particularly true after four years of a Reagan administration committed to a New Federalism, which has meant, despite claims about returning money to the government closest to the people, less money for local government. Real estate taxes — the traditional source of funds — are becoming an increasingly burdensome and controversial way to pay for education. The population is aging; property taxes are straining the pocketbooks of middle-class retirees on fixed incomes. A study by the Joint Legislative Audit and Review Commission has established that state funding has not kept up with the costs of local educational programs.

When the VML proposed an increase a year ago, it estimated that the extra levy would raise more than \$500 million over

the two year state budget period. This would have enabled the state to fully fund its share of the state Standards of Quality, which mandate the level of educational services. But the proposal went nowhere, even though conditions were more favorable during last winter's General Assembly — when the nation was swept with concern over the quality of public education — than they will be this winter.

In the 1985 session of the legislature, conditions will be decidedly unfavorable. The entire General Assembly will be facing re-election a year from November, and legislators are not risk-takers, particularly with Governor Robb opposed to any tax increases.

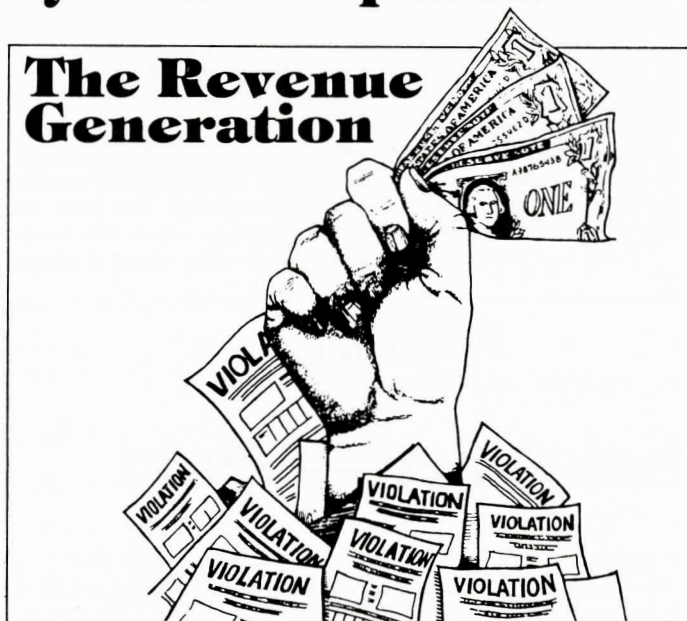
If the General Assembly is averse to bumping the sales tax up on a statewide basis or tinkering with the income tax, then it could give localities the option to add another penny to the sales tax on their own. The current 4 percent tax is actually 3 percent state and 1 percent local option already. Why not give the cities and counties the right to decide whether they want to boost their local option to two pennies on the dollar, with the extra revenue going to the schools?

Most politicians run for cover when the conversation turns to taxes. Local city council members, however, have nowhere to run. They have to face the problems of teacher salaries and crowded classrooms directly. The VML is providing leadership in this state on education financing because it can't quite shake loose of its belief that the state and local governments have a responsibility to ensure an adequate public education for youngsters. If only more state legislators felt the same way.

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League Offers Study Opportunity

Once again the Virginia Municipal League is offering its annual Wallerstein Scholarship in the amount of \$5,000 for use toward a year of research and study at the University of Virginia's Institute of Government. Employees or officials of a Virginia municipality who are interested in spending a year at the institute are given preference for the scholarship and are encouraged to apply.

Other individuals, preferably Virginia municipal employees or officials, seeking to undertake graduate work at the university in a field related to municipal government are also eligible for the scholarship.

The purpose of the scholarship is to foster interest and research in Virginia municipal government. It is hoped, but not required, that the recipient will re-enter Virginia municipal government service upon completion of his/her studies. Applicants must show promise of benefiting substantially from a year at the

university, and a degree applicant must meet the graduate school's admission standards. Potential for public service in Virginia will be a key criterion of the selection committee.

Applications for the scholarship must be received by the Institute of Government no later than March 1, 1985 and may be obtained by writing Dr. Timothy G. O'Rourke, Institute of Government, University of Virginia, 207 Minor Hall, Charlottesville, VA 22903. Applicants seeking a graduate degree who must also fulfill the requirements for admission to the graduate school should contact the Dean of the Graduate School of Arts and Sciences, 438 Cabell Hall, University of Virginia, Charlottesville, VA 22903.

The award will be made for a 12-month period beginning anytime the recipient wishes between June 1, 1985 and September 1, 1985 and may be continued for a second year depending

on the recipient's need and his/her first year record.

The Wallerstein Scholarship was established by a gift to the University of Virginia from Morton L. Wallerstein, the first executive secretary of the Virginia Municipal League, and his wife, Ruth. It is administered jointly by VML and the Institute of Government.

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3:00 p.m. Board of Directors Meeting
6:00 p.m. President's Reception

MONDAY, DECEMBER 3

8:00 a.m. Registration
8:30 a.m. Opening Session
9:45 a.m. CONCURRENT SESSIONS
Zoning
Industrialized Housing & Commercial Development
"Eyeball to Eyeball: How to Communicate, Motivate and Persuade"
10:00 a.m. Guests' Fashion Show
12:00 Noon GROUP LUNCHEON
1:15 p.m. EDUCATION SEMINARS
Elevators - Installation
Fire Protection and Plans Review
3:00 p.m. Energy Conservation
Reinforced Concrete - ACI-318
6:30 p.m. Social Hour

TUESDAY, DECEMBER 4

8:00 a.m. Registration
8:30 a.m. 1984 Uniform Statewide Building Code
9:00 a.m. Guests' Tour: "Where America Grew Up"
12:00 noon Lunch (on your own)
1:30 p.m. 1984 Uniform Statewide Building Code
6:30 p.m. Social Hour
7:30 p.m. Annual Banquet

WEDNESDAY, DECEMBER 5

8:30 a.m. Business Session

For further information and registration contact Joni Terry, Executive Director, P.O. Box 753, Richmond, VA 23206, 804/649-8471.

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VML Schedules Regional Meetings

Legislative priorities will be the topic of discussion during upcoming VML/VACo regional meetings. You are encouraged to attend any of the regional meetings. Regional meetings scheduled for December include the following:

Dec. 3, 5:30 p.m.
Harrisonburg
Belle Meade
Rt. 11 South at I-81

Dec. 5, 5:30 p.m.
Crewe
Weston's Restaurant
Rt. 460 West of Crewe

Dec. 6, 6:30 p.m.
Manassas
Ramada Inn

Dec. 12, 5:30 p.m.
Abingdon
Martha Washington Inn

Dec. 13, 5:30 p.m.
Roanoke
The Hotel Roanoke

Registration fees are \$15 at the Crewe meeting and \$20 at all others. The meetings will include a social period, a meal and policy presentations by VML and VACo. To register call the VML office at (804) 649-8471.

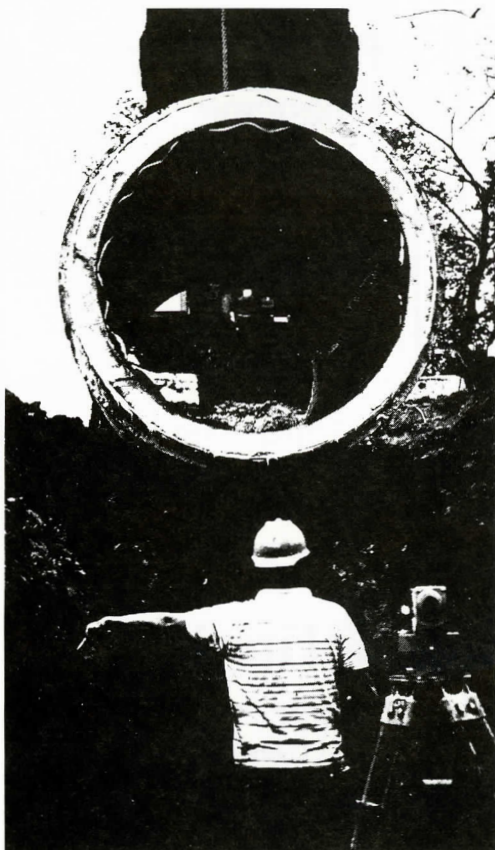
In addition, VML has scheduled **Feb. 7, 1985** for its annual Legislative Day activities.

Alexandria Unit AMA Certified

On Oct. 12, Sheriff Michael E. Norris accepted the Alexandria Correctional Center's certificate of accreditation from the American Medical Association. The certificate recognizes the outstanding level of medical services provided by the correctional center.

The accreditation is based on meeting the AMA standards for health services in jails, which address all aspects of constitutionally guaranteed health care delivery to inmates and reflect the level of adult medical care insisted upon by the courts. The Alexandria Correctional Center is the second local correctional center in Northern Virginia to become certified by the AMA and only one of a small number so certified throughout the United States.

The accreditation realizes the second of two major goals established by Norris when he was elected in 1979: to insure humane and secure treatment of all prisoners and to improve the center's health care delivery system. Norris' first goal was reached in 1983 with certification of the correctional center by the Virginia Department of Corrections.



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Davies

from page seven

attention to whatever is most important at that point in time. This has apparently been quite successful for him as he has been able to accomplish a great deal in the community in addition to serving as mayor and pastor. He is a member and former president of the Fredericksburg Area Ministerial Association, a member and former president of the Fredericksburg Baptist Ministers Conference, a member of the board of directors and former president of the Virginia Mental Health Association, a member of the board of directors and former president of the Rappahannock Association for Retarded Citizens, founder of the Fredericksburg Area Sickle Cell Association, president of the Rappahannock Citizens Corp., member and director of the National Conference of Black Mayors, member of the National League of Cities' Small Cities Advisory Council, member of the Governor's Commission on Block Grants, member of the board of directors of the National Kidney Foundation of Virginia, co-chairman with his wife of the Task Force on Minorities and Cancer in Virginia . . . and the list goes on.

His accomplishments: In terms of service to the black community, he sees it

as involving the black community in the decision-making process by making certain they are well represented and a part of the mainstream. In terms of the total community, he says it has to do with the fact of trying times in terms of the economy.

During the recent recession, a mall was built outside the city drawing away stores and resulting in a financial shortfall for the city. Cutbacks in federal and state funds added to the problem. The city, under his leadership, has intensely pursued economic development and tourism. Tourism, he says, is now in fact the city's number one industry.

In addition, the city annexed 4.5 square miles of Spotsylvania County in January 1984 and some new commercial development is now taking place. Economic development and that the city continues to be able to provide services are major achievements. In fact, "the city is in a positive posture at this point."

So along the way Davies has faced hardships: racism, a threatening economy, and in his personal life, a daughter, now 27, who suffered complications from sickle cell anemia at the young age of 8.

But Davies' advice to newly-elected officials is to "appreciate the opportunity to serve and reap the benefits of office for the community."

Does he like being mayor? "Sometimes," he replies and laughs again.

"When you find positive results, you are pleased. But sometimes your efforts are misunderstood, and sometimes they do not solidify in the way you hoped. Then," he says, "you don't feel like continuing. But if you give your best efforts and you work with the best efforts of those around you, you can make a positive contribution."

His goals for the league: "For the year ahead our concerns have been dictated by the decisions of the executive committee and the league. We will develop our strategic planning program which will outline our long- and short-term goals and determine the changes, if any, that need to be made. In our dealings with the General Assembly, we have as our first priority the matter of education and our attempt to get the General Assembly to fund its full share." Consistency. Determination. Persistence.

And after this coming year? "I will continue to serve on the executive committee as immediate past president and try to support all the league's efforts." Consistency. Determination. Persistence.

And in four years? "Anything could happen," he laughs. Add a subtle sense of humor.



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Membership to Locate Cornerstone Seminars

The Virginia Municipal League has scheduled five "Cornerstone Seminars," short educational sessions established to help elected officials improve their effectiveness in carrying out their legislative and policy-making duties. These unique seminars are planned on scheduled dates, but the seminar sites will be left to the preference of the VML membership.

Each seminar is designed to be highly interactive and may include case studies, small group discussions, panel sessions and problem-solving exercises. The instructors will be university faculty, and guest speakers will include senior elected and appointed officials with considerable experience as well as staff from VML, the University of Virginia's Institute of Government and other local government organizations.

Following is the 1985 schedule:

JANUARY 18

"Controlling the Budget" How to formulate budgets and deal with budget politics: a short course in fiscal responsibility.

MARCH 22

"Do I Really Have to Fight with the Staff?" Managing your relations with the

staff and manager or administrator: evaluation, grievances, getting needed information, etc.

MAY 17

"The Mess They'll Make When You're Gone" The uses of strategic planning to shape the community's future.

JUNE 21

"From Chaos to Order: Getting Individuals to Work Together" Managing conflict and agreement, running meetings effectively, dealing with different personalities and styles.

If there is sufficient demand for one of these seminars in your area, contact Jim Campbell in the VML Office at (804) 649-8471.

Statement of Ownership Management and Circulation

1. Date of Filing: October, 1984
2. Title of Publication: VIRGINIA TOWN & CITY
3. Frequency of Publication: Monthly.
4. Location of known office of publication: 1011 East Main Street.
5. Location of headquarters of general business office of publishers: 311 Ironfronts, 1011 East Main Street, Richmond, Virginia 23219.
6. Editor: Christine A. Everson, 311 Ironfronts, 1011 East Main Street, Richmond, Virginia 23219.
7. Publisher: Virginia Municipal League, 311 Ironfronts, 1011 East Main Street, Richmond, Virginia 23219.
8. Owner: Virginia Municipal League
9. Average No. of copies each issue during preceding 12 months:

Total No. copies printed:	5,045
Mail subscriptions:	3,718
Paid circulation:	3,727
Free distribution:	669
Total distribution:	4,396
Office use, etc.:	649
Total	5,045
10. Single issue nearest to filing date:	
Total No. copies printed:	5,000
Mail subscriptions:	3,599
Counter sales:	100
Paid circulation:	3,699
Free distribution:	660
Total distribution:	4,359
Office, use, etc.:	641
Total:	5,000

I certify that the statements made by me are correct and complete. Christine A. Everson, Editor

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Public Protection from Fraudulent Solicitations

Contributions for the support of charitable organizations have become a part of the fabric of this country and a week seldom passes that each of us is not solicited for a contribution either through the mail, by telephone or in person. Although solicitation is essential for the support of worthy charities, instances occur fairly often where the "charitable solicitation" is a vehicle principally or solely for the benefit of the solicitors.

In an effort to protect the public from fraudulent solicitation and the acts of unscrupulous solicitors, state and local legislative bodies have enacted statutes and ordinances with varying provisions. Virginia has regulated solicitation of contributions since 1974, requiring charitable organizations which solicit or obtain contributions solicited from the public to register with the state commissioner of agriculture and consumer services. The Virginia statute is concerned primarily with disclosure and designed to inhibit false representation by the solicitors. (Virginia Code §57-48, *et seq.*)

Other legislative bodies have attempted to provide greater protection than mere registration and disclosure. One municipality in Illinois adopted an ordinance prohibiting the solicitation of contributions by a charitable organization that did not use at least 75 percent of its proceeds for "charitable purposes." This ordinance was held invalid by the United States Supreme Court in *Village of Schaumburg v. Citizens For Better Environment*, 444 U.S. 620 (1980) as overboard and in violation of the First and Fourteenth amendments of the U.S. Constitution.

More recently, in *Maryland v. Joseph H. Munson Co. Inc.*, 52 LW 4875 (June 26, 1984), the United States Supreme Court considered the validity of a 1982 Maryland statute which prohibited charitable organizations from paying or agreeing to pay fundraising expenses of more than 25 percent of the total gross income derived from the fundraising activity. This statute differed from the Schaumburg ordinance in that the secretary of state was authorized to issue rules which would permit payment of more than 25 percent of the gross income to fundraisers in instances where the limitation would prevent the organi-

zation from raising contributions.

Joseph H. Munson Co., a professional fundraiser with charitable customers in Maryland, brought suit for declaratory and injunctive relief to prevent enforcement of the statute. Munson regularly charged in excess of 25 percent of the gross raised and contended in its complaint that the statute unconstitutionally infringed on its right to free speech and assembly under the First and Fourteenth amendments. After the case worked its way through the Maryland court system, Maryland's Court of Appeals rejected the state's contention that Munson lacked the standing to sue and concluded that the Supreme Court's decision in *Schaumburg* required it to hold the statute unconstitutional.

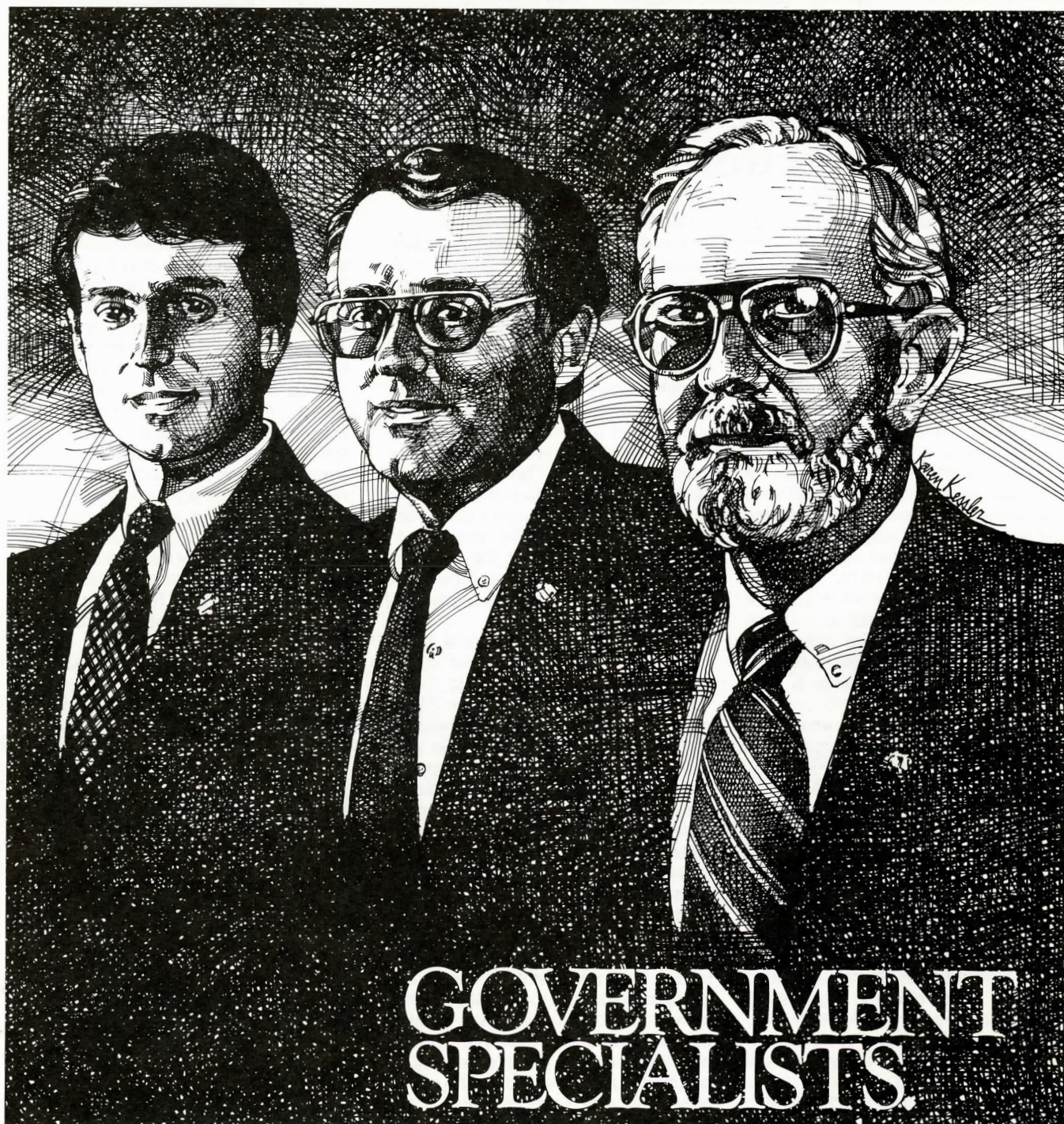
The United States Supreme Court granted certiorari and in a five to four opinion affirmed the Maryland Court. The majority opinion by Justice Blackmun reinstated the conclusions reached in *Schaumburg*: that charitable solicitations are so intertwined with speech that they are entitled to the protection of the First Amendment; that although a locality has a legitimate interest in protecting the public from fraud, crime and undue annoyance, those interests could be served by measures less intrusive than a direct prohibition on solicitation; and that there is no necessary connection between fraud and high solicitation and administrative costs. The question before the court in *Munson* not answered in *Schaumburg* was whether constitutional deficiencies in a percentage limitation on funds expended in solicitation are remedied by the possibility of an administrative waiver of the limitation for a charitable to demonstrate financial necessity as provided in the Maryland law.

Although the certiorari had been denied in *National Foundation v. Fort Worth*, 415 F. 2d 41 (C.A. 5 1969), 396 U.S. 1040 (1970), wherein the circuit court upheld an ordinance which permitted a charity to demonstrate that its solicitation costs though high nevertheless were reasonable, the majority concluded in *Munson* that the Maryland waiver provision did not save the statute because the exemption was available only for financial necessity and not to

organizations whose high costs were due to information dissemination, discussion and advocacy of public issues. The majority in *Munson* rejected Maryland's arguments that Munson lacked standing because the statute regulated charities and not fundraisers and that because of the waiver provision the statute was not "substantially overboard," that is, despite some impermissible application the statute covered a core of easily identifiable and constitutionally proscribable conduct. The court reasoned that the statute was flawed not simply because it included within its sweep some impermissible applications but because in all of its applications "it operated on the fundamentally mistaken premise that high solicitation costs are an accurate measure of fraud."

The dissenting opinion of Justice Rehnquist joined by Chief Justice Burger and Justices Powell and O'Connor strongly disagreed with the majority and expressed the view that Munson was a fundraiser not a charitable organization primarily affected by the statute, therefore it lacked standing to challenge the statute's validity; that the Schaumburg ordinance was primarily directed at controlling the nature and internal working of organizations seeking to solicit and was substantially different from the Maryland law which was primarily directed at controlling the external economic relationship between charities and fundraising; and that there were other specific differences in the Schaumburg ordinance and the Maryland legislation, the latter being more carefully designed to accommodate protected expression by organizations sponsoring receptions, picnics and other social events, permitting deduction of overhead costs from the 25 percent limitation for pro rata allocation of expenses attributable to fundraising and those attributable to advocacy.

Notwithstanding the strong dissent of the conservative members of the court, it appears that the Virginia statute affords essentially all the protection now constitutionally permissible against solicitations which never reach charitable objects.



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