

Product & Services Guide Inside

Volume 20 Number 12 December 1985

Virginia Town & City

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The Legislative Session

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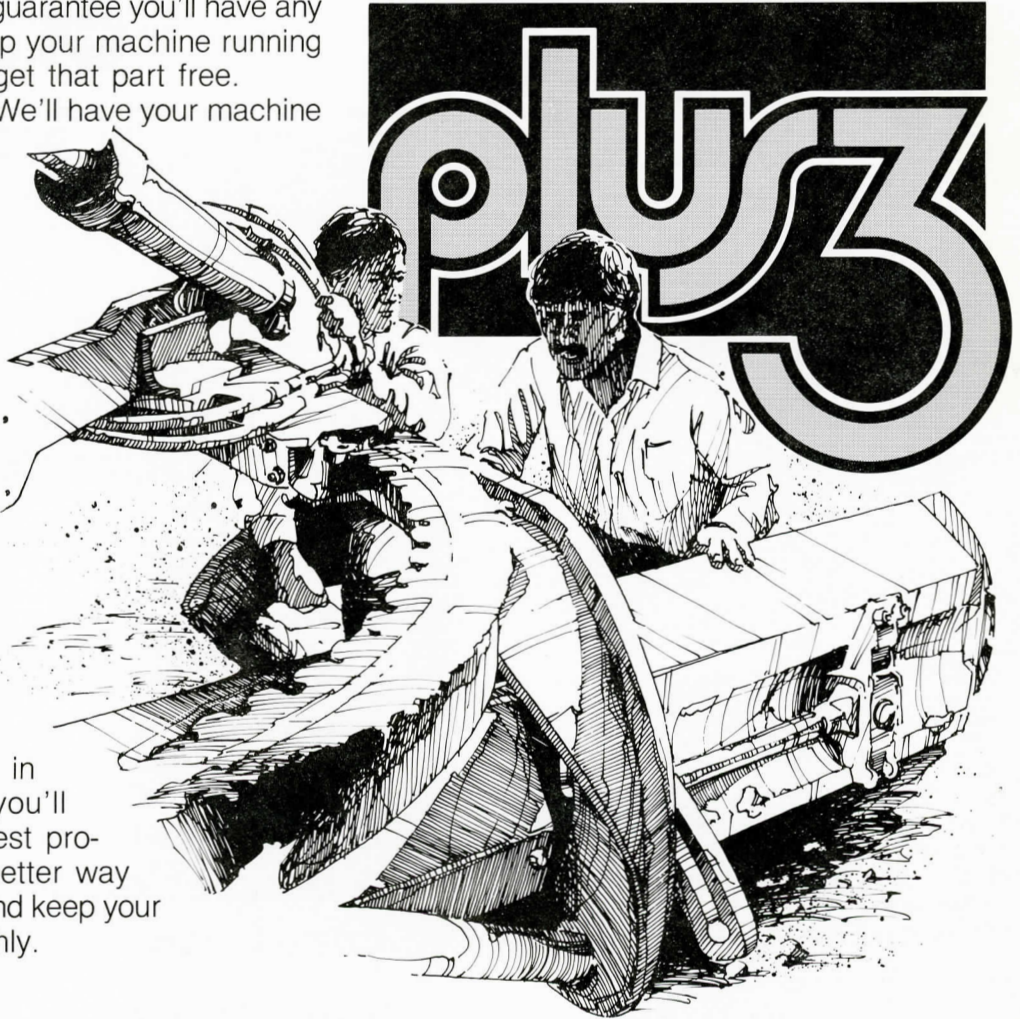
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On the Cover

The Capitol in Richmond serves as the meeting place of the oldest law-making body in the western hemisphere. In this issue of Virginia Town and City you can learn about the league's legislative priorities and how you can help in the upcoming 1986 session of the General Assembly. *Photo by Christy Everson.*

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People

Robb Appoints Pennino to Board

Gov. Charles S. Robb has appointed **Martha V. Pennino** to the George Mason University Board of Visitors. Pennino is vice chair of the Fairfax County Board of Supervisors and serves as the Virginia Municipal League's second vice president. Her appointment to the board of visitors is for a four-year term.

Members of the board are charged with ensuring that Virginia's institutions of higher education function efficiently and effectively. They are responsible for establishing policies for operation and for overseeing the implementation and evaluation of those policies. In addition, board members represent the public's interest in decisions about institutional planning, budgeting and similar matters.

Huggins Elected To National Post

Fairfax County Sheriff **M. Wayne Huggins** is the new chairman of the board of

the Commission on Accreditation for Corrections. He is also the first sheriff ever elected to the post.

Huggins was elected at the commission's recent meeting in New York.

The commission is the only private organization in this country and Canada that promulgates standards for the operation of all types of correctional facilities. To date, approximately 450 correctional facilities have been accredited and an additional 400 are in the accreditation process.

Deese Announces Plans to Resign

Richmond City Manager **Manuel A. Deese** announced his resignation last month to be effective Dec. 31. The 11-year veteran of the city will become senior vice president of government business development for The Computer Co., a Richmond-based data processing firm.

Deese's resignation ends a 22-year career in local government. "The day I walked out of college, I walked into local government," Deese said.

A native of Georgia, Deese grew up in

Pittsburgh. He holds a master's in public administration from American University in Washington.

His first public service job was in the mayor's office in Pittsburgh. From there he went to work as a policy analyst for the National League of Cities in Washington. He served as an assistant to the city manager in Alexandria before coming to Richmond in 1974. He became Richmond city manager in 1979.

Mayor Roy A. West praised Deese saying, "Mr. Deese is a premier city manager, respected across the country."

Lawrence Moves Up In Prince William

Barry R. Lawrence has become assistant to the county executive in Prince William County.

Lawrence has been the county's legislative liaison since 1983. He has previously served as town manager in Purcellville, research assistant at the University of Virginia's Institute of Government, juvenile programs coordinator with the city of Portsmouth and admin-

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istrative analyst with the city of Suffolk.

Lawrence is a graduate of the University of Virginia and holds a master's in public administration. He was recently named an Outstanding Young Man of America for 1985.

Chesterfield's Zook Directs Planning

James P. Zook became director of planning in Chesterfield County Nov. 1.

Zook has been with the county since 1974 and was named acting director in June. He has served Chesterfield as director of community planning, chief of comprehensive and community planning and assistant to the county administrator.

Zook replaced **Stanley R. Balderson** who became director of economic development.

Bennett Receives National Honor

Richmond Police Capt. **Charles W. Bennett** received an honorable mention

award for Police Officer of the Year at the International Association of Chiefs of Police Conference in Houston. The award is co-sponsored by Parade magazine and the International Association of Chiefs of Police.

Capt. Bennett received the award for preventing a 2-year-old girl from being thrown into a burning kitchen by an abductor. As Bennett passed the child to safety he was shot in the abdomen. Bennett has recovered from his wound and is back to regular duty as a precinct commander.

Hamner Resigns State Position

H. Douglas Hamner Jr., director of the state Department of General Services and a veteran state official, retired the first of this month.

Hamner, 58, has been appointed to high office by every Virginia governor since 1966. He was first appointed to head the new Division of Engineering and Buildings by Gov. Mills E. Godwin. He served in that capacity until 1978

under Govs. Linwood Holton and Godwin in his second term. Gov. John N. Dalton Jr. tapped him to direct the new general services agency in 1978, and Gov. Robb reappointed him in 1982.

Prior to serving the state Hamner served as city manager in Front Royal and in Hopewell. A native of Amelia County, Hamner resides in Hopewell.

Hancock Becomes Mayor of Pulaski

Gary Hancock has been appointed mayor of Pulaski following the death of Raymond F. Ratcliffe. Hancock is a member of the town's planning commission.

Chief Retires

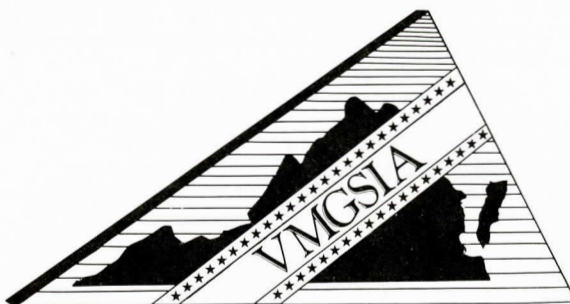
M. J. Robertson has retired as chief of police in Front Royal. Robertson had been with the department since November 1975. He also served as a member of the VML Public Safety Policy Committee. Deputy Chief **L. W. Daniel** has been appointed acting chief.

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How the League Lobbies and What You Can Do To Help

By Christy Everson

At about this time every year, the atmosphere around the Virginia Municipal League office becomes a little more charged. It's the energy and anticipation of the staff planning and preparing for the opening of the Virginia General Assembly.

The General Assembly session, which convenes Jan. 8 this year, is really the climax of the league's policy-making cycle. With the 1986 Legislative Program intact, staff skillfully and purposefully make plans while they wait for the drama to unfold. Each legislative proposal in VML's 1986 Legislative Program must be analyzed and a decision must be made as to the best way to achieve the desired results.

To take on this task, the league follows a team approach, meeting and planning strategies together throughout the session with each staff member as-

signed responsibility for different legislative proposals. Staff frequently are responsible for legislation in areas they have covered in the past, thus they have a better understanding of the issues involved as well as knowledge of any recent action. Most have continued to attend committee meetings during the interim and have become comfortable with speaking to members of committees. In addition, the staff have come to be recognized as representatives of the Virginia Municipal League who speak on behalf of VML's member localities.

In most cases, each legislative proposal in the program requires that new legislation be introduced, that existing legislation be amended or that potentially harmful legislation be warded off.

In the case of introducing new legislation or amendments, sponsors must be found. The staff will try to match the

introduction of legislation with the legislator who can most effectively promote the bill. Many subtleties play in this legislative process. Perhaps the legislation desired directly affects a legislator's constituents, or perhaps a legislator is looking for a certain cause to champion. A staff member through previous contact may be aware that a certain legislator feels strongly on a particular issue, or perhaps the legislator is planning to introduce other legislation which may occupy the majority of his time. Ideally, one looks for a legislator who serves on the committee where the bill is likely to be considered and who has the clout to quickly move the bill forward.

While the staff is busy running hither and yon at the General Assembly, you may ask yourself what can I do to help?

As a VML member, there are any number of ways you can assist in the

lobbying process, from writing letters, to making a speech at a General Assembly committee meeting, to personally visiting your representatives. But first, you must understand the legislative process and you must be familiar with VML's legislative program.

VML's legislative proposals are not just picked out of the blue. They are developed through VML's policy-making process and represent the consensus of the league's membership.

Each year, VML's seven policy committees and the legislative committee start with the policy statements and legislative program adopted the previous year. Working from this base, VML's policies and legislative program are rewritten, deleting those items already accomplished or no longer applicable, keeping those that continue to be pertinent and writing new policies and proposals where new issues have come to the forefront. Most items in the legislative program arise from recommendations by the policy committees.

VML's committees are the true grass-roots of the organization. Committee members are nominated by their localities and appointed by the league president from the list of nominees. The members of VML's policy and legislative committees represent VML's member localities. Committee members come to the meetings knowing the issues in their localities. Usually what affects one member may affect another in the same way, if not presently then at some time in the future. At other times, committee members may agree on the overall aspect of an issue but differ on the details, or they may disagree altogether. At these times, a consensus must be reached.

The policy and legislative committees are formed in the spring and meet during the summer. By the time of the September annual VML Conference, the policies have been written, the specific legislative proposals made and this preliminary policy statement and legislative program mailed to the membership.

It is this preliminary program that is put to the vote of the entire membership at the VML Conference. Following any last minute amendments at the conference, VML's Legislative Program is printed and mailed to the membership. It is from this document supplemented by the policy statements that VML staff work. (The legislative proposals were summarized in the November issue of **Virginia Town & City**.)

No matter how active you want to be during the session, you should sit down and read this document. You may wish



VML Deputy Director Clay L. Wirt (R) coordinates VML's Activities at the General Assembly. Wirt has worked with Governor-elect Gerald L. Baliles (L) throughout his term as attorney general on several issues including antitrust, conflict of interest and public procurement.

to pick one or two issues that directly affect your locality to work on, or you may wish to just get an overall feel for the issues the staff will be working on during the session.

If you are interested in working on particular issues, contact VML to let the staff know of your interest. Also, if you have an established rapport with a legislator which gives you access or influence, again advise the VML staff. If the VML staff knows of your interest, you may be called upon to testify in committee hearings or to assist in other ways.

"One of the most important things to keep in mind when working with the General Assembly," says VML's Deputy Director Clay Wirt, "is that time is of the essence.

"You must understand that the General Assembly operates on deadlines.

There are deadlines for introduction of legislation in each house, deadlines for committees to consider issues and deadlines for each house to consider the other's legislation."

Setting this deadline schedule is one of the first tasks of the General Assembly. Once this schedule is set, VML will publish it both in the League Letter and the Legislative Bulletin. You may find it helpful to note these dates on your personal calendar.

"Furthermore," Wirt says, "critical issues frequently surface at the last minute, and because of this it is most important that you keep informed."

VML takes the initiative on helping to keep you informed in several ways. First, during the session the league publishes the Legislative Bulletin two or three times every week. The bulletin is

mailed to the member locality's designated key official and to one other person the locality designates. Subscriptions are also available from the league office.

The Legislative Bulletin will keep you well informed on issues of interest to the league, however, sometimes things move even faster. In these instances the league will use "Action Calls." The Action Call is an urgent notice used to inform you of issues that need immediate attention. They ask that you take a specific action on an issue.

In addition, Wirt recommends the Richmond Times-Dispatch for its daily account of General Assembly activities.

If you wish to become actively involved by writing, calling or visiting your representative, Wirt again reminds us of the value of time.

"Keep in mind that legislators have minimal time to spend on any one issue,

except possibly for legislation they introduce or legislation they are responsible for in committee.

"If you are to make a difference, you must be able to get your point across in a short period of time," says Wirt.

"You must know your subject and be well-informed when visiting, writing or calling your legislator."

First of all, Wirt advises, you should know a bill's number. Bill numbers will be given for legislation written up in the Legislative Bulletin, however, if you are unable to find a bill's number, you can obtain this information by calling the General Assembly information number: 804/786-6530. You can also find out by calling this number which committee a bill has been referred to, frequently which subcommittee a bill has been referred to, where the committees meet and the exact status of legislation.

Before talking with your legislator,

Tips to Remember

1. A bill is not dead until it dies. Worse yet, dead bills sometimes come back to life.

2. Not every decision at the General Assembly is based on pure logic.

3. As a rule of thumb, the General Assembly will pass incremental legislation, not sweeping changes.

4. Not all legislators are equal. Know where the power lies.

5. Get personally acquainted with your senator and delegate. Take a sincere interest in them and get to know their political philosophies and personal interests. Try to understand their outlook and objectives.

6. Write when your legislator does something of which you approve. Legislators hear frequently from those who are critical. A note of appreciation will make your legislator remember you favorably the next time you write.

7. Your letter, call or visit does count. Most people never contact their legislators and many think their opinion won't make any difference. They couldn't be more wrong. Thoughtful and persuasive contacts can change legislators' minds and cause them to review their judgment.

8. Don't lose your temper. An "enemy" on one issue may be a "friend" on another. Be absolutely honest in all your dealings with your legislator and concentrate on building your credibility.

9. Do not expect to be able to walk into your legislator's office and sit down for a visit. Make an appointment first. If, however, you see your legislator in the halls of the General Assembly Building or on the street,

do not hesitate to step forward and briefly ask for support or opposition to a critical issue. Then indicate you will convey more information in writing to the legislator's office.

10. Don't forget to coordinate your efforts with the league.

In Writing

1. Address the envelope: The Honorable Sen. (Delegate) Robert E. Lee, The Senate of Virginia (House of Delegates), General Assembly Building, Richmond, VA 23219. The greeting: Dear Senator (Delegate) Lee.

2. Identify the bill you are writing about. Give the bill number, the bill's sponsor, the committee the bill has been referred to and a brief description of the subject matter. A legislator cannot be expected to recall every bill by its number and a vague description.

3. Be original. Use your own words, express your own views. Make your arguments personal.

4. Be specific and graphic. Tell how a bill would affect your locality. Use facts and illustrations.

5. Be brief. Make your letter no longer than two pages.

6. Write legibly or type. Use your own stationery, or if you are writing as the spokesperson for your local government use your municipal letterhead.

7. Don't begin on the righteous note "As a citizen and a taxpayer." Almost everybody is.

8. Don't apologize, for your opinion or for taking up a legislator's time.

Wirt advises that you put your thoughts in writing. In your own words write out a one-page position paper listing the best three or four reasons for your position. Wirt suggests writing the reasons in one sentence, then writing a supporting paragraph for each reason.

"Be as specific and graphic as you can about how the issue affects your locality," Wirt says. "Use facts, percentages and examples wherever possible."

Wirt also suggests talking through your paper with your staff or associates. They can provide a good sounding board and may bring new insights into your material. In addition, if you have specific questions about your position, VML staff can assist you. Above all, be sure of your facts.

When you call your legislator it is advisable to have your position paper in hand. Much of the time you will not be able to reach your legislator and your call will be directed to an aide. If a legislative decision is still a few days off, then tell the aide the nature of your call, i.e. support for House Bill 000 regarding animal control currently pending before the House Agriculture Committee. Identify yourself as a constituent and let the aide know you are putting a letter in the mail that day outlining your support or opposition for the legislation.

Ask the aide when would be the best time to call the legislator back after he/she has reviewed your letter.

The aide may say that the legislator will call you back. If you do not hear anything in four or five days, call again. If on your second call, you cannot review the letter with the legislator, go over it with the assistant, briefly explaining why you support or oppose the legislation.

"Make every effort not to spend more than five minutes on the phone with a legislator unless the legislator is raising questions," says Wirt. "Legislators have busy agendas and you want them to be willing to take future calls from you."

A letter to your legislator can parallel your position paper and should be no more than two pages long.

Telegrams can also be an effective tool if an item is to be decided on in the next day or two. In a telegram ask the legislator to vote for or against a specific bill or amendment and give your strongest reason why in one or two sentences.

If an item is coming up the same day, don't overlook the value of calling the legislative aide. Indicate that the item is expected to be voted on later in the day and ask that a message be given to the legislator that you support or oppose the bill. Again, give your strongest reasons for your position in about 30 seconds. The aide will usually write out your position and reasons and relay them to the

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VML Product & Services Guide

For your convenience, the Virginia Municipal League presents its second annual list of companies offering products and services to Virginia local governments. Keep this guide handy for use throughout the coming year.

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Legislative Report

A Discussion of VML's Legislative Priorities

1. Full funding of the state's share of the actual cost of public education.
 2. Support of a statewide bond issue for transportation related construction.
 3. Support of state-local cooperation to offset increasing fiscal responsibilities.
-

1. Public Education

The Virginia Municipal League's first priority for the 1986 legislative session is full funding of the state's share of the cost of public education.

Last year, the General Assembly significantly increased the state's share of funding for public education. While these additional funds were a great help to many financially pressed localities, the state has yet to live up to its obligation to pay its full share of the cost of educating Virginia's children.

In 1971, Virginia citizens adopted a constitutional amendment that pledged the state to seek high quality education. In order to implement this goal, the General Assembly created the Standards of Quality which set certain educational requirements for local school divisions and govern the distribution of the majority of state funds appropriated for primary and secondary public education.

Since the inception of the Standards of Quality (SOQs), the state has been significantly deficient in funding its share of the cost of meeting these standards. In fact, during the lifetime of the formula Virginia localities have been forced to pay hundreds of millions of dollars above and beyond their share of the cost of implementing the SOQs because the state has consistently failed to meet its constitutional commitment.

Last year, the Governor's Commission on Virginia's Future cited the state's failure in its concluding report. The report said, "Despite urgings from a succession of public officials, commissions

and citizens, Virginia has not honored its constitutional commitment to education."

Furthermore, the report concluded, "Virginia's spending on primary and secondary education is inadequate," and "Virginia ranks among the bottom third of American states in its spending for primary and secondary education. At the same time, Virginia's ability to pay has improved. It now ranks above average."

The state Department of Education estimated that the state needs \$517 million in additional funding to fully pay its share of the SOQs in 1986-1988. It appears, however, that major efforts are underway to reduce this amount by changing the components of the funding formula.

For years the state has funded 100 percent of the cost of fringe benefits for teachers up to certain teacher levels and salary limits. This is a significant amount of money and has been a great benefit to local governments. Some members of the Senate Finance Committee have suggested that these fringe benefit payments be included in SOQ funding. The immediate effect would be the appearance of a significant increase in funding with an actual reduction in the amount of state funds going to localities.

A second suggestion has been to include federal impact aid funds received by localities in the education funding formula. Again, the effect would be an apparent increase but an actual decrease.

Virginia's localities, Virginia's citizens and Virginia's newly-elected governor

clearly want more from our public education system. Governor-elect Gerald L. Baliles campaigned promising full funding for public education, and the results of four major citizen surveys taken during the past several years strongly demonstrate the commitment by Virginians to high quality public education. Our citizens deserve more than a budgeting sleight of hand which involves "tinkering with the formula" and "fiddling with the figures" in the public education budget.

The Virginia Municipal League and the Virginia Association of Counties urge the state to meet its longstanding commitment to Virginia's citizens by fully funding its share of the actual costs of the Standards of Quality.

2. Highway Funding

The league's second priority for the session is highway funding. According to the Governor's Commission of Virginia's Future, the commonwealth needs to spend \$18 billion on new and reconstructed highways, bridges and transit facilities during the next 15 years. At today's spending rates, the commission reports that it would take 30 years to complete these needed projects.

Total highway revenues for Virginia in 1985-1986 are estimated at approximately \$1.3 billion. Of this, approximately 53 percent is allocated to administration and maintenance. The remaining 47 percent, amounting to \$612 million, is for construction. Of this \$612 million for construction, the primary,

secondary and urban highway systems receive only what is left over after other priority construction needs are met.

For 1985-1986, only \$92 million will be available for the primary system and \$69 million each for the secondary and urban systems. Even so, highway construction money does not go very far. For example, a conservative estimated cost of turning a 3.7 mile stretch of Brad-dock Road in Northern Virginia into a

“A crisis confronts Virginia in terms of future available revenue for highway funding.”

divided four-lane highway is \$10 million or \$2.7 million per mile.

Looking at the future the picture is even more dismal. Revenue collections are not expected to grow as rapidly as in the past, but inflation will continue to increase the costs of highway construction and maintenance. Assuming an inflation rate of 6 percent on both construction and maintenance and expressing 1991 dollars in terms of 1986 values, the \$612 million available in 1986 will be reduced by \$353 million or 57.6 percent by 1991, leaving an aggregate sum of \$259 million to meet all statewide construction needs. The breakdown among the three systems would result in total 1991 statewide construction funding of \$26 million for the secondary system and \$20 for the urban system.

A crisis confronts Virginia in terms of future available revenue for highway funding. How can the commonwealth raise the revenue necessary to maintain its 53,370 miles of highway as well as to construct new roads?

Traditionally, Virginia has relied on the gasoline tax as the primary source of highway revenue with supplemental revenue coming from a variety of other sources including the federal highway trust fund, excise taxes and motor vehicle sales taxes. As long as highway revenues increased, maintenance and construction costs remained constant and the state grew only minimally, enough money was available for highway needs. However, none of these factors are true today. Revenue growth has not kept pace with the increase in the cost of construction and maintenance, and construction needs have skyrocketed in the state's growing areas.

The traditional approach of periodic gas tax increases and “pay as you go” financing will not come close to addressing the highway construction funding crisis. By 1991, the existing 11 cents per

gallon gas tax would have to more than double to nearly 23 cents per gallon just to maintain the current level of construction.

The General Assembly leadership is considering legislation to increase existing revenue by \$100 million to address highway needs. Should this \$100 million be added to the top of the current highway distribution formula, the “trickle down” effect would result in only a \$7 million increase for the primary system and a \$5 million increase each for the secondary and urban systems — amounts that would have no significant impact on the statewide construction program.

One viable alternative to the traditional “pay as you go” approach is bond financing. Bond financing produces major capital resources up front thus reducing the effect of inflation. Bond financing is not a new approach for the commonwealth. Virginia has successfully used this financing method for funding capital projects in the past. A hypothetical \$100 million increase in revenue during the 1986 session set aside each year to retire bonds could finance approximately a \$750 million dollar bond issue. In addition, this approach would reduce the cost to Virginia taxpayers by alleviating the compounding effect of inflation.

Some advocates of “pay as you go” point to the failure of a bond issue 62 years ago in 1923 as adequate justification for continuing the existing method of funding highway needs. Many things have changed in the commonwealth during the past 62 years. Sixty-two years ago inflation was not the problem it is today. Sixty-two years ago there was no concentrated emphasis on economic development requiring a safe and modern highway system. And, sixty-two years ago there was no comparable skyrocketing growth in Virginia's urban areas. This is a new era, and Virginia's leaders need to look to the future not the past.

The Governor's Commission on Virginia's Future states, “With declining federal assistance, the state's levels of capital spending will not cover these and other capital needs. While these needs can only be met over a period of years, it is clear that the state cannot finance such investments solely out of current revenues. The careful use of debt financing is essential.”

The commission recommends that “the state increase capital investment, using its bonding power to amortize the cost of capital projects over their useful lives.”

In keeping with this, VML and VACo support the concept of a statewide bond issue for highway construction with the debt to be serviced by an increase in highway related revenues.

3. State-Local Cooperation

Finally, as the 1986 session approaches, VML and VACo would like the state to be aware of the many outside influences which have a great potential for negatively affecting Virginia's local governments. Local governments want to take the responsibility to overcome these negative effects to the extent possible but are constrained by a lack of legislative authority to find solutions to problems and by the limitations of local revenue sources. VML and VACo hope that the General Assembly will continue its commitment to the vitality of local government by expanding the state/local partnership already in place.

Of immediate concern is the current state of the insurance market. Virginia's localities have faced significant increases in premiums, reduced limits of coverage, non-renewal of policies and midterm cancellations. Some coverages vital to the existence of local

“Greatly reduced federal funding is another major threat to local governments.”

governments, such as pollution liability, are not available at any price.

Experts agree that the insurance market for local governments is not going to improve until after 1987. Virginia localities cannot abandon their activities until the market turns.

VML has drafted legislation to self insure as a group for all lines of coverage essential to the operation of Virginia's political subdivisions. VACo is considering both this approach and an expansion of the authority of the state's Division of Risk Management to include local government. Legislation addressing insurance problems will be introduced during the 1986 General Assembly, and VML and VACo will seek its support.

Greatly reduced federal funding is another major threat to local governments. President Reagan's proposed deficit reduction package includes significant reductions in financial assistance to localities. Of the \$36 billion in proposed domestic cuts, \$20 billion is slated to be shouldered by state and local government. This translated roughly to a \$212 million cut for Virginia's localities.

The repeal of revenue sharing alone in 1986 will mean a loss of \$100 million

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to Virginia localities. Replacing this money would require real estate tax rate increases of 5 cents to 24 cents per \$100 of assessed valuation.

Other key local programs facing potential federal budget cuts include the Community Development Block Grant Program, funding for roads and mass transit, and grants for sewers.

It should not be surprising that Virginia local governments are very uneasy about proposals to further reduce federal funding. Federal funding for programs to localities has been reduced by as much as 80 percent since 1979.

Other Issues

Other federal legislative action which could potentially affect Virginia local governments includes the following:

- the proposed elimination of state and local tax deductibility which the National League of Cities estimates would cost Virginia localities \$111.4 million,

- the president's proposed repeal of tax exemption status for nearly 80 percent of municipal bonds which would affect the ability of Virginia localities to issue \$1.7 billion dollars worth of municipal bonds,

- the proposed cut in federal sewer grant monies which would reduce fund-

ing to Virginia localities by \$7.2 million dollars, and

— costly permitting requirements tied to reauthorization of the Clean Water Act could cost the nation's urban areas \$23 million.

Finally, uncertainty continues to surround the fiscal impact that the Fair Labor Standards Act will have on local governments as its provisions become effective in April 1986.

In light of the reduced revenues and increased costs to local governments as a result of federal legislative action and other negative influences, VML urges the state to recognize its responsibility to aid stressed localities either directly through state financial assistance or indirectly through the passage of permissive legislation allowing localities to use additional sources of local revenue.

Lobbying

from page 8

legislator.

As you can see, it can be helpful to know your legislator's aides.

Another must if you wish to be active in the session this year is to attend VML Legislative Day Feb. 20. The General Assembly is well into its session by this date and many key issues will be in the forefront. Legislative Day serves not only to provide you a chance to be updated and briefed in depth on legislative issues, but it also gives you a chance to meet face to face with your legislators and it gives VML a chance to show that it has the grassroots support of its members.

About the Author

Christy Everson is director of communications for the Virginia Municipal League and editor of *Virginia Town & City* and *League Letter*.

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continued page 20

Flooding: Lessons Learned

"The recent floods in Virginia were devastating to public works," says Ken Anderson of Anderson & Associates Inc., a consulting engineering firm.

"Roads, bridges, water and sewer lines, sewage pumping stations and sewage treatment plants in western areas of the state suffered major damage.

"We were involved in some of the damage assessment and will be continuing to work with clients in reporting damage and returning facilities to operation."

Anderson passed on some lessons learned or relearned from the recent natural disaster.

Storm Drainage

- Drainage plans should provide a route for the major storm (100-year +) as well as the standard 10-year storm event.
- The timing relationship between peak flows in minor and major stormwater channels should be understood. Detention may actually increase flooding in some situations.
- Stormwater facilities should be designed to be self-cleaning if possible. The enormous amount of debris in floodwater blocks entrances to culverts and causes increased flooding and floodwater velocities.

Water Systems

- Water storage is invaluable in a disaster. Build as much as you can into your system without creating stagnation problems.
- Interconnect systems as much as possible. A simple but effective goal is to be able to feed any point in your system from at least two directions.
- If possible have two independent sources of water or at least have significant storage capability.
- Water lines wash out with road embankments and where stream crossings are eroded. Analyze your system to see where these vulnerable areas are and attempt to develop alternate routing.

Wastewater

- State regulations require all sewerage facilities to be designed to function in 25-year storms and not suffer severe damage during 100-year storms. Review your existing contingency plan or develop one for floods in excess of these intervals.
- Inflow into a sewer system will be significant during a flood, causing backflow into low-lying basements. Consider inflatable plugs for buildings es-

pecially susceptible to sewer backflow.

- Above ground pumps and motors are much easier to work with than those below ground. Submersible pumps and motors can sustain submersion above the anticipated flood level.
- During major floods expect stream channels to widen, deepen or change location. Consider extending protective measures beyond the existing channel.

General

- Good mapping of all facilities including water, storm and sewer lines is important during a disaster. Maps should be available at several sites including at least one not likely to be damaged during a natural disaster.

Are Your Sites Safe

Two problems frequently arise when the flood hazard potential of a site-specific development proposal is being investigated, says James M. Wright, floodplain manager for the Tennessee Valley Authority.

First, detailed flood hazard data are not always available for every site. Decision-makers may need to investigate several sources before obtaining the best data available or in establishing that no data are available.

Second, in light of increasing flood damages occurring outside the traditionally designated 100-year floodplain, it may be appropriate to consider using higher flood standards in siting.

The Federal Insurance Administration has published data for more than 17,000 communities through the National Flood Insurance Program. The availability of a flood boundary-floodway map published with the insurance study should be investigated first.

In addition, FIA has published approximate flood hazard data and maps for another 7,000 communities. However, because of budget, program policy and program benefit considerations, maps prepared by the FIA may not show the entire flood hazard potential in a community, and those investigating flood hazard potential should not be satisfied with the data shown solely on FIA maps.

Other sources of floodplain data include federal agencies such as the U.S. Army Corps of Engineers, the Soil Conservation Service, the U.S. Geological Survey and the Tennessee Valley Authority (for areas within the Tennessee

River watershed). Several information sources are listed below.

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(304) 529-5644 or 529-5687

Floodplain Management Services
U.S. Army Engineering District,
Norfolk

803 Front St.
Norfolk, VA 23510-1096
(804) 441-3779

Floodplain Management Services
U.S. Army Engineering District,
Baltimore

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(301) 962-2650

Tennessee Valley Authority
Forrest J. Crayford, Jr.
Floodplain Management
Tennessee Valley Authority
Westgate Professional Building
2617 W. Andrew Johnson Highway
Morristown, TN 37814
(615) 587-5600

U.S. Geological Survey
District Chief
U.S. Geological Survey
208 Carroll Building
8600 La Salle Road
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(301) 828-1535

U.S. Soil Conservation Service
State Conservationist, SCS
Federal Building, Room 9201
400 N. Eighth St.
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Although the 100-year flood is generally used as the regulatory standard by communities participating in the National Flood Insurance Program, investigations of actual flood experiences and recent studies of flood insurance claims have revealed that significant damage is occurring to structures located in the 500-year floodplain and often in areas shown on FIA maps as being areas of minimal flooding (zone C).

Decision-makers should ensure that proposed developments subject to significant adverse effects are not planned without considering the effects of floods higher than the 100-year flood.

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Legal Guidelines

By Howard W. Dobbins,
VML General Counsel

AIDS and the Public Health

From time to time during the recorded history of civilization there have been periods when plagues and epidemics have devastated whole communities and even entire nations. Although diseases such as leprosy and the black plague for the most part have been relegated to medical textbooks, some can recall the epidemic proportions of influenza that swept across this nation earlier in the 20th century. Many have more vivid recollections of the panic that enveloped regions of this country less than four decades ago when polio with its fatal and crippling effects struck America.

Today in this country and around much of the world, medical science is being presented with another enormous challenge, that of acquired immune deficiency syndrome better known by its acronym AIDS. Not since the polio epidemic have the citizens of this country been so frightened by a disease.

The enormous fear that AIDS has generated, whether real or only perceived, undoubtedly stems from the paucity of knowledge about the disease and the manner in which it is transmitted. As society learns more about the infectious nature of AIDS and how one may be protected from the virus, fear will subside. Until such time, government must give consideration to the development of the most appropriate means to protect the public.

In Virginia, the power and obligation to protect the health and welfare of citizens rests initially upon the state. (See *Grosso v. Commonwealth of Virginia*, 180 Va. 21, S.E. 2d 728 (1942).) However, that power has been delegated by the General Assembly in many cases to local governments. (As to municipalities, see *Etheridge v. City of Norfolk*, 148 Va. 795, 135 S.E. 508 (1927); counties see *Code of Virginia*, § 15.1-510.)

Undoubtedly, a local governing body enjoys broad discretionary powers to protect the public health and general welfare of its citizens. Such powers may be exercised either in reasonable anticipation of a crisis or after a crisis has arisen. (*McMahon v. City of Virginia Beach*, 221 Va. 102, 267 S.E. 2d 130, cert. den'd., 449 U.S. 954, 101 S. Ct. 361, 66 L. Ed. 219 (1980).)

The burning question that local governing bodies currently face is whether the problem, being statewide,

should be addressed by the commonwealth or whether local authorities should take independent actions. Virginia's statutes do not fully answer this vexing issue.

In the distressing event where school children are stricken by AIDS or similar contagious diseases, the attorney general of Virginia, William G. Broaddus, has recently opined that local school authorities, not state officials, are responsible for determining when a child should be excluded from public school. Broaddus relies on Virginia Code § 22.1-272 which provides that a person suffering from a contagious and infectious disease shall be excluded from public schools while in that condition.

The attorney general's opinion implies that a local school board may exercise discretion to exclude a child from public school when a determination is made that the child is suffering from a contagious and infectious disease. From the language of the statute the exclusion appears to be mandatory and not discretionary with the school board.

In the event of an identified outbreak, potential epidemic or epidemic of a vaccine-preventable disease in any public or private school, the state health commissioner is authorized by Code § 2.1-47 to require the exclusion of all children not immunized against that disease from such school. Of course, there is as yet no known vaccine for AIDS, and the exclusion of children from school is a limited protection for the general public against an AIDSlike disease.

More instructive are the provisions of Code § 32.1-39 whereby the state board of health is directed to provide surveillance of and investigation into all preventable disease and epidemics in the commonwealth and into the means for their prevention. When any outbreak or unusual occurrence of a preventable disease shall be identified, the state health commissioner is required to investigate the disease in cooperation with the local health director or directors in the area of the disease. If in the judgment of the commissioner the resources of a locality are insufficient to provide for adequate investigation, he may assume direct responsibility and exclusive control of the investigation applying such resources as he may have at his disposal. In addition, the state Board of Health may issue emergency regulations and orders to accomplish the investigation.

To assist the state health authority in its efforts to investigate and prevent the spread of disease, every practitioner of the healing arts and every person in charge of any medical facility is required to permit the commissioner or his designee to examine any medical records, reserving the anonymity of each patient and physician whose records are examined. This includes any records in his possession or that he has access to in the course of all studies of diseases or deaths of public health importance. (See *Virginia Code* § 32.1-41.)

Notwithstanding the state's efforts, counties, cities and towns are not pre-empted from adopting ordinances or regulations dealing with public health so long as they are not less stringent in the protection of public health than applicable state law or any applicable state regulations of the board of health (Va. Code § 32.1-34). That such actions are permissible seems to support the note that the primary responsibility is with the state to require isolation or quarantine and when and if developed to require vaccination or treatment to prevent the spread of AIDS. Presumably such regulations may include mandatory testing of individuals engaged in certain occupations or professions and perhaps even restrictions which relate only to certain societal subclasses which may be more suspect as either infected or capable of communicating the disease.

Local governments, however, may not escape responsibility of protecting the health and welfare of their citizens by complete reliance on the state or even the federal government. Cities, towns and counties are cautioned not to rush into over-reactive and precipitous action. Any local ordinances and regulations which are adopted to combat the AIDS problem must be enacted only after mature consideration and a balancing of the rights of the general public against those of any group of citizens whose individual rights and liberties may be restricted or abridged. All such legal action as well as state and federal statutes and regulations must be able to bear the judicial scrutiny required by the constitutional requirement of equal protection. No such enactment can be predicated on pure prejudice no matter how deepseated and must be supported by legitimate governmental considerations. (See *City of Cleburne v. Cleburne Living Center*, U.S. Supreme Court, July 1, 1985, 53 LW, 5022.)

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A Side By Side Comparison Can Make You A Permanent Believer In Mobile Homes.



At the Virginia Manufactured Housing Association, we've found that the restrictive ordinances many localities place on mobile homes are based on outdated stereotypes.

The fact is, today's mobile homes compare favorably in virtually every way with site-built housing. (All mobile homes built since 1976, for example, meet stringent HUD codes.)

As further proof, we've compiled a comparison of 50 key code requirements, the most important of which are highlighted in the chart at right.

But quality isn't the only argument in our favor. In those Virginia localities that tax mobile homes as real property, assessments—and tax revenues—have risen steadily.

For more information about how today's mobile homes can help fill the needs of your locality, contact VAMHA at 8505 Mayland Drive, Richmond, Virginia 23229.

Design Item	Mobile Home*	Site-Built Home**
Room Sizes	1 room not less than 150 sq. ft.	Same
Required Exit Doors	Two	One
Minimum Live Loads Wind/Roof/Floor	15 psf/20 psf/40 psf	Same
Indoor Design Temperatures: Heating/Cooling	70°/75°	72°/78°
Building Materials	Nationally accepted standards (used materials not allowed)	Nationally accepted standards (bldg. official may allow some used materials and equipment.)

*Federal Manufactured Home Construction Standards
**BOCA Basic Codes

Virginia Manufactured Housing Association.

The Virginia Manufactured Housing Association, 8505 Mayland Drive, Richmond, Virginia 23229, Phone (804) 747-0810.