



Executive Committee Meeting  
Hilton Garden Inn  
501 East Broad St., Richmond  
January 28, 2015  
10:30 a.m.

### Action Agenda

- I. Call to Order
- II. Introductions [Tab 1]
- III. Additions to Agenda
- IV. Consideration of Minutes from October 5, 2014 [Tab 2]
- V. Approval of Financial Report as of December 31, 2014 [Tab 3]
- VI. VML Budget Committee Preliminary Recommendations [Tab 4]

### Information/Discussion Agenda

- VII. Executive Director's Report [Tab 5]
- VIII. 324 Initiative Update [Tab 6]
- IX. Overview of 2015 VML Day at the Capitol
- X. Staff Report on 2015 General Assembly
- XI. Staff Report on Federal Issues [Tab 7]
- XII. Staff Report on Amicus Briefs [Tab 8]
- XIII. Future Meetings (2015):
  - a. May 14/15 Alexandria (dinner 14<sup>th</sup>, meeting 15<sup>th</sup>)
  - b. August 13/14 Charlottesville (dinner 13<sup>th</sup> w/VMLIP, meeting 14<sup>th</sup>)
  - c. October 4 Richmond (with conference)
- XIV. Items Proposed for Discussion at Future Meetings
- XV. Other Matters
- XVI. Adjournment



2014 – 2015  
VIRGINIA MUNICIPAL LEAGUE  
EXECUTIVE COMMITTEE

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(Mr. Charles A. Price, Jr.)



Executive Committee Meeting  
Hotel Roanoke & Conference Center, Pocahontas Ballroom  
110 Shenandoah Ave., NW, Roanoke  
August 16, 2014

**Attending:** President David Helms, President-Elect Bill Euille, Vice President Ron Rordam, Past President Ed Daley, Bob Coiner, Mimi Elrod, Katie Sheldon Hammler, Mary Hynes, Edythe Kelleher, Anita Price, Faye Prichard, Patricia Woodbury. **Staff:** Kim Winn, Mark Flynn, Mary Jo Fields.

- I. **Call to Order.** President Helms called the meeting to order at 1:16 pm. Next, he acknowledged Mary Jo Fields, VML Director of Research, for her 30 years of service to VML.
- II. **Additions to Agenda.** There were none.
- III. **Minutes from August 16, 2014.** Rordam moved and Hynes seconded a motion to approve the minutes as presented. Approved with one abstention from Bill Euille who was not in attendance at the prior meeting.
- IV. **Non-Partisan Redistricting Proposal.** Following a presentation by Shannon Valentine and Brian Cannon from One Virginia 2021, there was a discussion of this issue. Daley moved and Price seconded a motion to endorse this project and participate with educational materials, resources for our members, collaboration with One Virginia 2021, and advocacy related to this issue. Motion approved without objection.
- V. **Financial Statement as of June 30, 2014.** The results of the recently completed audit were reviewed. There were no concerns and there was no management letter from the auditors. Coiner moved and Rordam seconded a motion to approve the financial statement as presented. Motion approved without objection.
- VI. **Future of Virginia's Municipalities.** Winn outlined a proposed partnership with the Southeastern Institute of Research to study the future trends in key areas of concern to localities. There was general discussion regarding the value of this project and a question about who would own the materials that are produced. Daley moved that the Executive Committee approve the concept of the project with the stipulation that the project be discussed with VACo, a sub-committee be appointed, an RFP process be established, and a budget for the project presented at the January Executive Committee meeting. Hynes seconded the motion. The motion was approved (11-2). See reconsideration below.

**VII. Consider Defense Budget Resolution.** Ed Daley offered a resolution outlining concerns regarding reductions in defense spending by the federal government. Euille moved and Johnson seconded a motion to refer the issue to the legislative committee. Motion approved without objection.

**Reconsideration.** Having voting on the prevailing side of the prior issue, Prichard moved and Woodbury seconded a motion to approve the project with the Southeastern Institute of Research as presented. The motion was approved (7-6).

**VIII. Executive Director's Report.** Winn reviewed the highlights of the Executive Director's report.

**IX. Staff Report on Interim Legislative Activities.** Fields reviewed the activities of the VML Legislative and Policy Committees.

**X. Staff Report on Federal Issues.** Fields reviewed the key issues including efforts to move the Marketplace Fairness Act through Congress.

**XI. Staff Report on Amicus Briefs.** The Executive Committee reviewed the written report.

**XII. Review 2014 Regional Suppers.** Winn reviewed the upcoming dates for Regional Suppers. These events will focus on a 2015 legislative preview.

**XIII. Go Green Report.** The Executive Committee reviewed the report provided by staff member Joe Lerch. A Committee will be established to review the program and make recommendations for improvement.

**XIV. Staff Report on the Annual Conference.** Fields and Price reviewed the highlights of the Annual Conference.

**XV. Future Meetings.** President Euille reviewed the future meeting dates.

**XVI. Items Proposed for Discussion at Future Meetings.** There were none.

**XVII. Other Matters.** Details for conference events for members of the Executive Committee were reviewed.

**XVIII. Adjournment.** There being no other business, the meeting was adjourned at 3:40 p.m.

Respectfully Submitted,

Kimberly A. Winn  
Executive Director

Virginia Municipal League  
Statement of Revenues and Expenses  
For the Six Months Ending December 31, 2014

	Annual Budget	YTD Budget	YTD Actual	YTD Variance
<b>REVENUES</b>				
Membership Dues	\$1,136,000.00	\$1,136,000.00	\$1,140,952.00	(4,952.00)
Annual Conference	245,000.00	245,000.00	276,540.00	(31,540.00)
Workshops/Seminars	20,000.00	14,999.98	32,735.00	(17,735.02)
Advocacy	25,000.00	16,000.00	14,520.00	1,480.00
Investment Income	2,000.00	1,000.02	1,281.20	(281.18)
Publications	61,000.00	30,500.04	57,274.00	(26,773.96)
Insurance Programs	867,000.00	433,500.00	450,543.01	(17,043.01)
Sponsorships	150,000.00	75,000.00	69,362.37	5,637.63
Affiliated Groups	50,000.00	38,257.02	39,262.02	(1,005.00)
Other Administrative Fees	35,000.00	17,759.00	19,239.00	(1,480.00)
Miscellaneous Income	25,000.00	12,499.98	16,651.90	(4,151.92)
Transfer from Surplus	40,000.00			
<b>Total Revenues</b>	<b>2,656,000.00</b>	<b>2,020,516.04</b>	<b>2,118,360.50</b>	<b>(97,844.46)</b>
<b>EXPENSES</b>				
Compensation and Benefits	1,680,000.00	840,399.92	818,761.23	21,638.69
Annual Conference	180,000.00	180,000.00	195,941.79	(15,941.79)
Workshops/Seminars	35,000.00	22,499.98	28,780.86	(6,280.88)
HR & Financial Services	18,000.00	9,000.00	3,372.59	5,627.41
Travel	60,000.00	29,999.94	18,542.41	11,457.53
Office Supplies & Postage	40,000.00	19,999.98	17,786.15	2,213.83
Office Maintenance & Equipment	30,000.00	15,000.00	9,004.43	5,995.57
Office Rent	11,000.00	5,500.00	1,500.00	4,000.00
Building Repairs & Utilities	40,000.00	20,000.04	18,497.24	1,502.80
Computer Services	20,000.00	9,999.98	16,766.09	(6,766.11)
Dues & Subscriptions	22,000.00	10,999.98	10,001.91	998.07
National League of Cities Dues	22,048.00	22,048.00	22,048.00	
Insurance Expense	18,000.00	18,000.00	15,704.46	2,295.54
Professional Fees	46,000.00	35,500.00	38,780.52	(3,280.52)
Advocacy	118,000.00	59,999.94	42,855.65	17,144.29
Publications	100,000.00	49,999.98	23,938.19	26,061.79
Executive Committee	50,000.00	25,000.02	15,134.94	9,865.08
Depreciation Expense	30,000.00			
Miscellaneous	23,000.00	10,000.02	14,701.67	(4,701.65)
Special Projects	40,000.00	19,999.98	13,200.00	6,799.98
Real Estate Tax	7,000.00		3,487.50	(3,487.50)
Accumulated Leave Earned	20,000.00	499.98	781.95	(281.97)
<b>Total Expenses</b>	<b>2,613,048.00</b>	<b>1,404,447.74</b>	<b>1,329,587.58</b>	<b>74,860.16</b>
<b>Net Revenue</b>	<b>42,952.00</b>	<b>616,068.30</b>	<b>788,772.92</b>	<b>(172,704.62)</b>

## Virginia Municipal League

## Balance Sheet

As of December 31, 2014

	<u>Actual</u>
Assets	
Cash - Operating	\$62,372.16
Cash - FSA Account	10,426.01
Local Govnt Investment Pool	3,916,735.10
Regular Dues AR	7,285.00
Advertising AR	7,232.75
Prepaid Expenses	10,000.00
Due From VMLIA	(335,779.89)
Due From VBCOA	(2.01)
Due From VLGMA	(27.49)
Due From MEPAV	(12.42)
Due From VEPGA	(18.99)
Due from VML/VACO AEP	(20.31)
Due from NOVEC	(1.00)
Due from SMC	8,713.62
Building	200,395.00
Acc Depreciation - Building	(200,395.00)
Land	144,799.54
Furniture, Etc.	69,229.97
Acc Dep - Furniture, etc.	(209,498.57)
Automobile	44,649.94
Acc Depreciation - Auto	(2,232.50)
Leasehold Improve 13 E Frankln	190,566.64
Acc Dep - Leasehold Improvmnts	(161,170.63)
Computer & Equipment	127,479.91
Other Capital Expenditures	60,606.14
Total Assets	<u><u>3,951,332.97</u></u>
Liabilities	
Miscellaneous Payables	4,790.90
FSA Payable prior to 1/06	2,073.82
Flexible Spending Acct Payable	8,677.28
Affiliate Investments	890,000.00
Accrued Vacation	212,497.33
Lease Obligation	9,185.96
Total Liabilities	<u>1,127,225.29</u>
Fund Surplus:	
Cur Unrstrict Bal/Mem Equity	2,035,334.76
YTD Net Income	788,772.92
Liabilities & Fund Surplus	<u><u>3,951,332.97</u></u>



**OFFICERS**

**PRESIDENT**

WILLIAM D. EUILLE  
ALEXANDRIA MAYOR

**PRESIDENT-ELECT**

RON RORDAM  
BLACKSBURG MAYOR

**VICE PRESIDENT**

ROBERT K. COINER  
GORDONSVILLE MAYOR

**IMMEDIATE PAST PRESIDENT**

DAVID P. HELMS  
MARION MAYOR

**EXECUTIVE DIRECTOR**

KIMBERLY A. WINN

**MAGAZINE**

VIRGINIA TOWN & CITY

To: VML Executive Committee  
From: Budget Committee (Officers)  
Date: January 21, 2015  
Re: Recommendations

The VML Budget Committee (Officers) met on January 7, 2015. Out of that meeting came two specific budget proposals:

**1) Dues for 2015 – 2016.** We are recommending no dues increase for the 2015 – 2016 fiscal year. The recent history regarding the dues follows:

**10-Year Dues History**

2005	4	%
2006	4	%
2007	4	%
2008	4	%
2009	0	%
2010	0	%
2011	0	%
2012	3	%
2013	3	%
2014	0	%

10-Year  
Average 2.2 %

The Executive Committee should take action regarding this recommendation.

**2) Auditing Services.** We have asked the Executive Director to develop an RFP and to submit the auditing services to a bid process. Results of the process will be reported at the May meeting for Executive Committee action.

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To: VML Executive Committee  
From: Kim Winn, Executive Director  
Date: January 21, 2015  
Re: ED Report

Now that we are halfway through the VML fiscal year, I thought a mid-year overview was in order. The following summarizes our activities since July 1, 2014 and our planned steps to achieve these goals.

I am very pleased with our progress in these strategic areas throughout the first half of the year. I am recommending that the Executive Committee review these goals again in May. Some of the specific goals will have been achieved by then. Others may need refining or additional attention.

## Building Relationships

Relationships are the critical foundation upon which successful organizations must be built. VML is committed to forming and maintaining relationships in order to provide excellent service to the membership and to promote the principles of good government.

- VML will develop and maintain strong working relationships with members of the General Assembly, the State Administration, and the Federal Delegation. We invited the delegates and senators from the region to attend our Annual Conference in Roanoke. Several took us up on that offer and even more participated in the host city event.

The fall regional suppers were focused on the 2015 legislative session and all members of the General Assembly were invited to attend (12 did so). In addition, we have had a tremendous response to our revamped VML Day at the Capitol with over 50 legislators and a number of Cabinet members attending our reception. In addition, both the Governor and the Lt. Governor are scheduled to speak at this event.

Regarding the federal delegation, I invited all VML Past Presidents to a meeting to discuss their role and there was a consensus that they would like to do a D.C. drive-in at some point. In addition, I am trying to secure a meeting with Virginia's senators while we are in D.C. for the NLC Congressional Cities Conference.

- VML will facilitate networking among the membership and between VML and local government officials.

Both the spring and the summer regional suppers were a terrific success with 228 local officials participating. Not only do these events get VML staff on the road, but they provide our members an opportunity to meet together on a regional basis. More regional suppers have been planned for this spring.

VML hosted a reception at the NLC Congress of Cities event. Over 50 individuals participated and many thanked us for providing this networking opportunity. As a side note, most of the expense for this event was underwritten by sponsors secured by our new Conference & Marketing Coordinator, Anita Yearwood.

Key components of the 324 Initiative (Tab 6) will bring our membership together in different ways. Webinars and conference sessions will be established around specific topics of interest. Some will also be organized to feature regional discussions.

- VML will build and maintain partnerships with peer associations, the business community, and other groups with mutual interests.

VML maintains a positive working relationship with VACo. Together, the two associations host weekly liaison meetings during the legislative session. In addition, the officers of both associations met in the fall.

I worked with the Department of Education in the development and distribution of the If I Were Mayor essay contest materials. Those partnerships will continue to grow as VML gets more involved in civics education.

It would be impossible to recite all of the boards and commissions that VML works with on a regular basis. But, the staff at VML is frequently called upon to participate in various groups with a wide variety of interests.

- The VML Executive Committee will promote and implement principles of ethical and effective leadership throughout the organization.

The 324 Initiative (see Tab 6) is truly an example of the Executive Committee stepping out and providing strong leadership for this organization. Through this project, we will be able to provide our localities invaluable research and action steps for their future.

# Communications

Timely and substantive communication is critical to the overall mission of VML. As such we are committed to establishing both print and electronic communications to achieve the research, training, and advocacy goals of the organization.

- VML will develop a comprehensive communications strategy in order to tell the local government story and to establish VML as the primary information hub for local government officials.

We have been working to upgrade all of our communications. This included a complete overhaul of the website and development of online registrations. In addition, *Virginia Town & City* is now full color and substantive articles by VML staff have enhanced the content. With the retirement of David Parsons, Director of Communications, I am waiting to develop a more comprehensive strategy until a replacement is on board.

The 324 Initiative will provide significant, substantive content for dissemination in the magazine, via webinars, and at the Annual Conference.

- VML will explore and maximize ways to use communications in order to promote the legislative agenda of the organization.

We recently combined our various electronic mailing lists to ensure that all individuals will receive all of our electronic communications. The legislative staff is making a concerted effort to contact local officials when direct lobbying is appropriate (this includes emails, email blasts, and phone calls).

- VML will develop a comprehensive marketing strategy in order to build stronger relationships with the business community and to provide appropriate avenues for businesses to offer their services to the VML membership.

Our new Conference & Marketing Coordinator is developing a marketing guide that will include a variety of options for the business community. Through this multi-pronged approach, vendors and sponsors will be able to participate in VML events either as part of a package or as an individual offering.

- VML will work to educate and assist the membership in learning to tell their story in a manner that effectively demonstrates the community building accomplished by local governments.

*Virginia Town & City* does a terrific job of allowing localities to tell their story. In addition, one of the regional suppers was specifically focused on how to tell your community's story.

# Engagement

Developing and maintaining an engaged membership is vital to both the short and long term success of VML. We will actively seek ways to engage our membership and to support citizen engagement in our local governments.

- VML will evaluate new ways to demonstrate the value of membership in VML along with the value of being an active participant in the association and our conferences.

Two new localities joined VML over the past year (Saltville and Monterey). We have also updated our internal publications that explain the value of VML. Getting on the road and developing regional relationships has also been a key to demonstrating VML's value.

The 324 Initiative has already engaged our membership by conducting a survey of the topics that localities would like to be studied. The resulting eight topic areas will be the focus of numerous trainings and programs. This type of trend-based programming keeps VML current and relevant as the primary source for information for local officials.

- VML will work to identify ways to improve citizen engagement, including ways to enhance the civics knowledge of Virginia's students.

The If I Were Mayor essay contest was a terrific success. Exactly 999 students submitted essays for consideration. That means that nearly 1,000 students in Virginia spent time thinking about their locality and what it would be like to be the leader of that community. It is impossible to put a value on the importance of programs like this. Through this and other civics education programs, VML will be have a direct impact on our future leaders.

One of the key areas for study in the 324 Initiative is public engagement and purpose. We have scheduled this topic as the opening keynote for our Annual Conference.

- VML will identify and implement programs to encourage the membership to play a more active role in advocacy at both the state and federal level.

On January 7, 2015, VML hosted another successful Finance Forum with 76 local officials participating. This event gives us the opportunity to educate the membership about the state budget so that they can be more effective advocates for their community

In addition, the new VML Day at the Capitol is designed to facilitate more direct contact between local officials and state officials. To date, we have nearly 200 local officials, over 50 state legislators, and several Cabinet officials that have committed to participating in this event.

## Finance

In order to evaluate existing programs and plan for the future of the organization, VML must maintain a strong financial position. VML is committed to maintaining and modernizing accurate and appropriate financial systems.

- VML will evaluate existing programs, seek efficiencies, and make recommendations for staffing changes in order to accomplish the strategic goals of the organization.

Following individual meetings with each staff member, I made two significant staff changes. First, I moved Kimberly Pollard into the Information Services Manager position. As we move forward with our database and other electronic data, it was very clear that we needed an individual to facilitate and manage this information and data.

I also established and filled the position of Conference & Marketing Coordinator. This position has already enabled us to modernize our events and will continue to do so. In addition, this position will be critical in bringing in marketing revenue to make sure that we have the resources available to engage in projects related to our strategic goals.

- VML will seek strategic partnerships, where possible, in order to enhance our ability to provide top quality programming and services for the membership. The relationship with Southeastern Institute of Research and the 324 Initiative is a perfect example of a partnership that will inform our future programming. Once we determine the key trends for localities, we will be able to customize our offerings to coincide with those trends.

- VML will enhance financial reporting and modernize financial systems where appropriate.

As mentioned previously, we re-worked the chart of accounts to match the budget that was adopted for 2014 – 2015. Tab 2 shows the first financials produced using this new system of reporting. In addition, we now accept credit card payments and each staff member has been issued a purchasing card. This convenient method of payment has allowed for more consistent reporting, a reduction in bank fees, and even a cash back allowance.

We received a clean audit with no management letter for the period ending June 30, 2014. Plans are underway to bid the audit services for the coming year.



## 324 Places Initiative

Each of Virginia's 38 cities, 191 towns, and 95 counties is a unique place with its own identity. Together, these localities are the future of the Commonwealth. Throughout 2015, the Virginia Municipal League will be studying the key trends that will be facing Virginia's local governments over the next 10 years.

Our goal is to provide local officials a road map with strategies for effective operations and planning. From changing transportation needs to the future of workforce development, the 324 Places Initiative will identify key trends to help localities better prepare for the future. In addition, wherever possible the initiative will provide action steps for decision makers to consider.

Each month, Virginia Town & City magazine will explore one of the key study areas. Those articles will be followed by webinars that will delve into the specific topics even further. The initiative will culminate with the VML Annual Conference, October 4-6 in Richmond.

**The conference theme will be, The Future of Virginia: 324 Places.** Throughout the conference attendees will have the opportunity to work in groups focused on specific study areas. In addition, there will be discussions centered around the regional differences in the 10-year trend analysis.

The year 2015 marks the 110<sup>th</sup> anniversary of the Virginia Municipal League's service to the cities, towns, and counties of the Commonwealth. To honor this proud tradition, we are looking toward the future to help guide and empower local officials. Working together, we will shape the future of our great state. Working together, we can build amazing places for our citizens to live, work, and play.

## Topics to be Studied in 2015

**Transportation (Mobility):** Driverless cars from Google, ridesharing from Uber, and changing preferences of young Millennials and aging Boomers are redefining mobility. In the future, people will seek neighborhoods and even communities that provide a range of options for getting around. Learn what to know and what to do today to get ready for "car lite" lifestyles of the future.

**Workforce Development:** In the future, there will be relatively fewer young people and relatively more older people. Experts are predicting a worker shortage, particularly in the public sector. Attracting and retaining Millennials – Young Professionals – today will become more and more important to ensure a readily available workforce in the future. Learn what to know and what to do today to make your community a Millennial magnet.

**Community Image and Reputation:** More and more cities and towns are branding themselves, finding a unified messaging platform to help build community pride and recruit newcomers and tourists. Learn how cities, towns and counties are embracing new municipal marketing techniques today to shape their future tomorrow.

**Education:** Budget cuts have caused huge problems for most public school systems today. Learn more about future prospects for additional funding; bolstering Science, Technology, Engineering and Math (STEM) Education; re-examining the importance of standardized testing; sparking innovation; ensuring opportunity for all; strengthening the teaching profession.

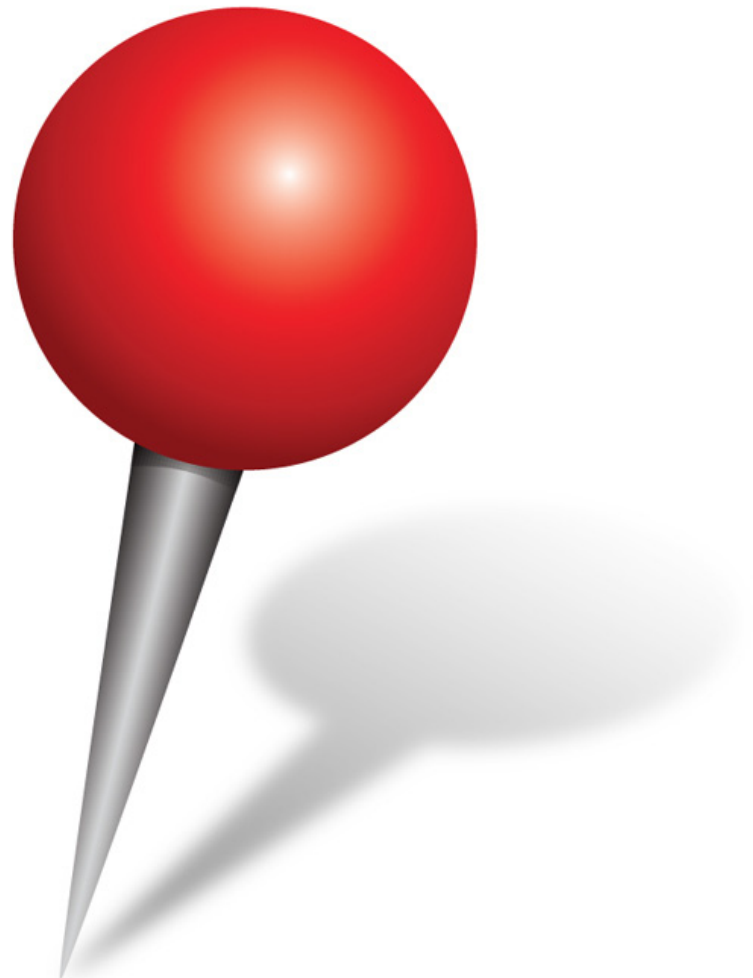
**Public Engagement/Purpose:** The ability and ease at which Millennials connect using mobile technology is redefining how local governments engage the public. Learn how cities and towns are getting ready for the new-style of electronic engagement. ALSO: The growth of organizations with a "purpose" – a cause greater than what they do or how they do it – will shine new light on how effective local governments deliver their own "purpose" of serving the public. Learn how cities, towns and counties are embracing "purpose" today and leveraging it for the future.

**Economic Development:** The days of attracting companies in order to attract people have shifted as Millennials more often select where they want to live and then seek employment. More placemaking is in

the future of every city, town and county. Learn how to shift the economic development model to be one of “placemaking” first.

**Aging Infrastructure:** By most accounts, much of the infrastructure in the United States – roads, bridges, buildings and water/wastewater – is in serious disrepair. As these critical systems continue to age and deteriorate, governments at all levels are struggling to pay for maintenance and upkeep – not to mention investments in much-needed upgrades and new projects. Learn about possible alternatives to the ways these types of projects have been financed in the past.

**Sustainability/Resiliency:** The concept of sustainability is based on the premise that people and their communities are made up of social, economic and environmental systems that are in constant interaction and that must be kept in balance if the community is to continue to function to the benefit of its residents – now and in the future. In practice, the pursuit of sustainability is fundamentally a local endeavor because every community has different social, economic and environmental needs and concerns. Learn how communities that want to pursue sustainability try to: Maintain and, if possible, enhance the quality of life for residents; enhance local economic vitality; promote social and intergenerational equity; maintain and, if possible, enhance the quality of the environment; incorporate disaster resilience and mitigation into its decisions and actions; and use a consensus-building, participatory process when making decisions.



**From:** NLC - National League of Cities  
**Date sent:** 01/16/2015 02:01:21 pm  
**Subject:** Federal Advocacy Update: Week Ending January 16, 2015

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January 16, 2015

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## Cities Urge President Obama to 'Go Local' in 2015 State of the Union Address

*Angelina Panettieri, 202.626.3196*

When President Obama addresses the nation next Tuesday, January 20, NLC hopes that he will "go local" in his policy proposals and push Congress to consider the federal priorities that cities and their residents need most. Ahead of the President's speech, NLC President Ralph Becker, mayor of Salt Lake City, Utah, said, "Cities need strong federal partners that work proactively to support the needs of our residents and communities. Last year, legislation on critical city priorities too often fell victim to partisan bickering and Beltway politics. Without Congressional action on important legislation, our nation's cities will again be left to go at it alone."

We will be watching to see if President Obama focuses on cities' urgent needs, especially:

- Passage of the Marketplace Fairness Act - This bill, backed by legislators from both sides of the aisle, would help Main Street businesses and bring sales taxes into the



21st century by enabling local stores and online sellers to operate under the same rules.

- A new, long-term federal surface transportation program - Cities need a new program that makes our infrastructure more efficient, upgrades older systems, and adds new modes like light rail and bus rapid transit. Investment in local infrastructure creates jobs and boosts local economies.
- Protecting the tax exemption for municipal bonds - Tax-exempt bonds are how local governments finance infrastructure projects-three-quarters of all public infrastructure projects in the U.S. are built by states and localities and paid for with tax-exempt bonds. If the federal income tax exemption is eliminated or limited, states and localities will pay more to finance projects, leading to less infrastructure investment, fewer jobs and a greater tax burden on citizens.

Join NLC in watching the State of the Union next Tuesday, whether on television or [streamed live online](#). Follow our reaction to the speech on Twitter and respond to us at [@leagueofcities](#) using the hashtag #golocal.

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## Congress Finally Extends Terrorism Risk Insurance Program

*Yucel Ors, 202.626.3124*

After failing to take action in the eleventh hour of the last session of Congress, the new one heeded NLC's call and passed a six-year extension of the Terrorism Risk Insurance Act (TRIA) with broad, bipartisan support. Terrorism risk insurance enables city governments to continue to provide critical services to residents in the event of an attack by protecting against loss or liability that could affect a municipality's personnel, property and finances. TRIA's public-private risk sharing mechanism ensures that risk insurance coverage remains available and affordable to local governments. The legislation was one of the first items the new Congress passed and the President signed into law this year.

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## Local Governments Mostly Win Cell Tower Supreme Court Case

*Carolyn Coleman, 202.626.3023*

The Telecommunications Act (TCA) requires that a state or local government's decision denying a cell tower construction permit be "*in writing* and supported by substantial evidence contained in a written record." In *T-Mobile South v. City of Roswell* the Supreme Court held 6-3 that that local governments have to provide reasons for why they are denying a cell tower application so that courts can determine whether the denial was supported by substantial evidence. The Court rejected, however, T-Mobile's argument that the reasons must be set forth in a formal written decision denying the application instead of council meeting minutes because nothing in the TCA "imposes any requirement that the reasons be given in any particular form."

But the Court also held that, because wireless providers have only 30 days after an adverse decision to seek judicial review, the council meeting minutes setting forth the reasons have to be issued "essentially contemporaneous[ly]" with the denial. The State and Local Legal Center (SLLC) filed an [amicus brief](#), which NLC supported, agreeing with the Court that meeting minutes are sufficient but disagreeing that they must be issued contemporaneously

to the denial letter.

In light of the Court's holding that denials under Section 332(c)(7) must include reasons, local governments that include these reasons in separate documents-usually, council meeting minutes or transcripts-are strongly advised to wait to issue the denial letter until the accompanying documents are ready so that they are all issued together. The 30-day period in which the provider may seek judicial review begins to run from the issuance of the denial letter, and the Court held that the reasons need to be available around the same time as this 30-day period begins to run. The local government must still issue the denial within the limits of the FCC's shot clock (90 days for collocations and 150 days for other siting applications).

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## Former City Leaders Have Strong Showing in New Congress

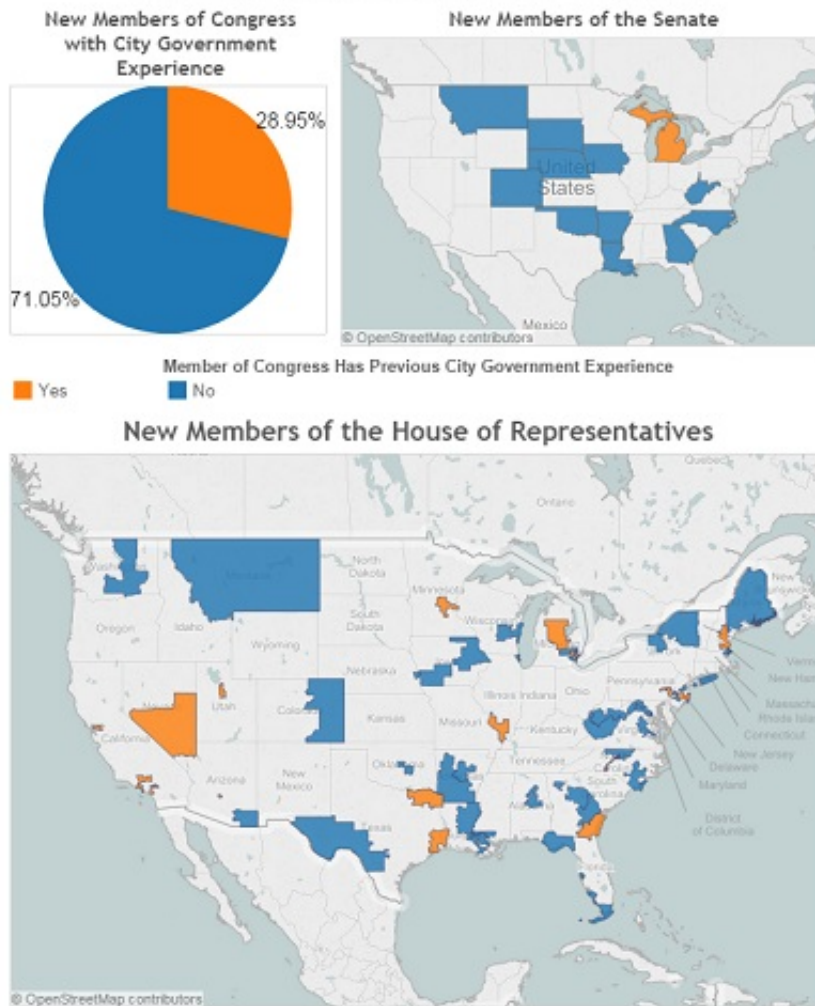
*Angelina Panettieri, 202.626.3196*

The freshman class of senators and representatives sworn in on January 6, 2015, bring with them to Washington a diverse set of experiences and perspectives. In addition to making the 114th Congress the [most demographically diverse Congress in our nation's history](#), over a quarter of the freshman class of this Congress have previous experience in city government. Twenty one representatives and one senator (Sen. Gary Peters, formerly of the Rochester, Mich. City Council) previously served as council members, commissioners, selectmen, and mayors.

Public service at the local level is a unique experience city leaders share with many members of Congress. Don't let the newest members of Congress forget their time spent balancing municipal budgets while working to improve the quality of life in their cities. As you get to know and work with the new members, remind them that taking action to ensure the needs of cities and the 80% of Americans who live in them are met will help the country achieve its goals.

Click on the interactive map below to learn more about the newest residents of Capitol Hill. Zoom in to view smaller congressional districts, or hover over a state or congressional district to find out information about each new senator or representative, his or her prior city government experience, and access their official congressional websites.

## From City Hall to Capitol Hill: Meet the Newest Members of Congress



If you have a new member of Congress and have not yet met him or her, [use these tips](#) to get started on building a strong working relationship. Better yet, join NLC in Washington for the [Congressional City Conference](#) March 7-11, and get to know members of Congress and their staff in person.

## Feb. 17 Webinar: NLC's Advocacy Agenda for 2015

*Angelina Panettieri, 202.626.3196*

Get ready for advocacy and get an inside look ahead at the upcoming legislative year with a [special NLC webinar](#) on Tuesday, February 17 at 2:00PM (EST). We will introduce you to NLC's 2015 advocacy agenda, and examine the impact of the president's budget proposal on cities and the upcoming FY2016 budget debates in Congress.

The president's budget, set to be released on February 2, is the opening salvo in the annual federal appropriations process. Nearly all of the federal programs that result in funding for local priorities are impacted by this process. City advocates should be in the know about this process to help ensure that their interests and needs are front and center.

Find out the latest on NLC's legislative strategy for the new Congress. [Register now](#) to be a part of this webinar. You must register in advance to participate.

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## Register Now for Early Bird Rate on Legislative Conference

*Mari Andrew, 202.626.3027*

You have two more weeks to get the best deal on our [annual legislative conference](#)! Join mayors, councilmembers, and other elected leaders and municipal staff from across the U.S. for The Congressional City Conference, March 7-11 in Washington, D.C. You'll hear directly from policy makers and thought leaders on the federal policies that affect your city, as well as funding opportunities and emerging practices you can pioneer in your community. The last day and a half of the conference has been left open to allow you to meet with your representatives to make sure Congress doesn't forget local government. Learn more on the [Congressional City Conference website](#), and register before January 30th at the early bird rate!

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[Contact Federal Advocacy \(Staff Listing\) »](#)

## **Amicus report**

To: VML Executive Committee

From: Mark Flynn, General Counsel

Re: Amicus report

Date: 21 January 2015

### **Nielsen Company v. Arlington County Board**

VML joined VACo and the Local Government Attorneys Association in a brief in support of the Arlington County Board and the commissioner of revenue in a business license case over how to split revenues derived in other states from in-state revenues. For companies that pay the business license tax and which have business activity in other states, the revenues derived in other states are not taxable. Activity in-state is taxable for BPOL.

Dividing the revenues between those in Virginia and those without is a difficult accounting task. The state tax commissioner issued an opinion in the case that is inconsistent with prior commissioners' opinions. The opinion was overly favorable to the taxpayer. The Arlington circuit court disagreed with the opinion and ruled in favor of the county and commissioner of revenue. The company appealed the case to the Virginia Supreme Court.

Unfortunately, the Virginia Supreme Court ruled against the county in the case in a ruling handed down in January. Localities do not know the dollar amount impact of the case, but are expecting it to cause a significant reduction in BPOL receipts.

VML legislative staff and member locality finance folks and attorneys have held discussions about a legislative fix. The decision has been to wait a year, as any fix will be objected to as a tax increase and any fix will be complicated. It will take time and a lot of negotiation with the business community to come up with a fix. It may prove a serious fight in future sessions of the General Assembly.

### **Boren v. Northwestern Regional Jail Authority**

The Boren case was not resolved in a way that answers the question VML's amicus brief addressed – the proper evaluation of sovereign immunity for the operation of a jail. In December, the plaintiff and the jail reached a settlement. That removed the case from the 4<sup>th</sup> Circuit Court's docket, before it handed down a decision. As a result, the US District Court's opinion stands – that the regional jail lacked sovereign immunity.

While the case was on appeal, the eastern district court ruled that the Pamunkey regional jail had sovereign immunity in a similar fact pattern. As a result, the issue of when a jail has sovereign immunity in Virginia remains unresolved.

The issue in Boren was about how sovereign immunity works in Virginia in jail and other local government entities. The case was decided by the federal district court, which found that the jail authority was not clothed with sovereign immunity.

The US District Court ruled that for sovereign immunity to apply to a Virginia governmental authority it must prove all six particular attributes in sovereign immunity law. Local governments have understood for some time that not all six elements must be proven in every case.