



Executive Committee Meeting
Blacksburg Motor Company
400 S. Main St., Blacksburg, VA
May 7, 2016
9:00 a.m.

Action Agenda

- I. Call to Order & Introductions [Tab 1]
- II. Additions to Agenda
- III. Consideration of Minutes from January 27, 2016 [Tab 2]
- IV. Approval of Financial Report as of March 31, 2016 [Tab 3]
- V. 2016 – 2017 Strategic Vision and Goals [Tab 4]
- VI. Consideration of 2016 – 2017 Budget [Tab 5]

Information/Discussion Agenda

- VII. Executive Director's Report [Tab 6]
- VIII. Staff Report on 2016 General Assembly [Tab 7]
- IX. Staff Report on Federal Issues [Tab 8]
- X. Staff Report on Amicus Briefs [Tab 9]
- XI. VML Annual Conference Update [Tab 10]
- XII. Institute of Local Officials [Tab 11]
- XIII. Go Green Update [Tab 12]
- XIV. Future Meetings:
 - a. August 12/13 Homestead (Training & Dinner on 12th; Meeting on 13th)
 - b. October 9 Virginia Beach (with the conference)
- XV. Items Proposed for Discussion at August and October Meetings
- XVI. Other Matters
 - a. Executive Director Evaluation
- XVII. Adjournment

**2015-2016
VML Executive Committee**

Full Name	Position	Title	Local Government	CellPhone	IndivEMail	Spouse
Ron Rordam	President	Mayor	Town of Blacksburg	(540) 552-5204	rrordam@blacksburg.gov	Mrs. Mary Rordam
Robert K. Coiner	President-Elect	Mayor	Town of Gordonsville	(540) 406-1288	bobcoiner@msn.com	Mrs. Jackie Coiner
Katie Sheldon Hammler	Vice President	Council Member	Town of Leesburg	(571) 228-9515	khammler@leesburgva.gov	Mr. Rich Hammler
David P. Helms	Past President	Mayor	Town of Marion	(276) 780-0622	dhelms@marionva.org	Mrs. Sue Helms
Ceasor T. Johnson	At-Large	Vice Mayor	City of Lynchburg	(434) 401-0753	cearos@aol.com	Mrs. Rosie Spann-Johnson
Patricia P. Woodbury	At-Large	Council Member	City of Newport News	(757) 969-8789	pwoodbury@nngov.com	Mr. Gerard Woodbury
Mimi Milner Elrod	At-Large	Mayor	City of Lexington	(540) 817-1852	mimicobb11@gmail.com	
Edythe F. Kelleher	At-Large	Council Member	Town of Vienna	(703) 867-5697	ekelleher@viennava.gov	Mr. Gary Kelleher
Anita James Price	At-Large	Council Member	City of Roanoke	(540) 529-4452	anitajamesprice@gmail.com	Mr. Charles A Price, Jr.
Guy Odum	At-Large	Council Member	City of Bristol	(276) 791-0166	gpodum2008@bvu.net	Mrs. Becky Odum
Thomas Smigiel	Urban Section	Council Member	City of Norfolk	(757) 214-1663	thomas.smigiel@norfolk.gov	Ms. Shannon Walsh
Christina Luman-Bailey	City Section	Vice Mayor	City of Hopewell	(804) 691-4522	clumanbailey@gmail.com	
Timothy Taylor	Town Section	Mayor	Town of Strasburg	(540) 325-4397	mayor@strasburgva.com	Rhonda G. Taylor



Executive Committee Meeting

Hilton Richmond Downtown
501 East Broad St., Richmond
October 4, 2015

In attendance: Bob Coiner, Mimi Elrod, Katie Sheldon Hammler, David Helms, Edythe Kelleher, Christina Luman-Bailey, Guy Odum, Ron Rordam, Thomas Smigiel, Tim Taylor, Patricia Woodbury. ***Staff:*** Kim Winn, Joe Lerch, Michelle Gowdy

Call to Order. President Rordam called the meeting to order at 10:07 a.m. Executive Committee members and staff introduced themselves.

Minutes. Smigiel moved and Luman-Bailey seconded a motion to approve the minutes as presented. Motion prevailed with Odum abstaining because he was not in attendance at the prior meeting.

Financial Report. Elrod moved and Kelleher seconded a motion to approve the financial report as presented. Motion passed without objection.

Dues. Rordam presented the recommendation of the Budget Committee (officers) to increase dues by 2% for the 2016 – 2017 year. Kelleher moved and Bob seconded a motion to approve a 2% adjustment for VML membership for 2016 – 2017. Motion passed without objection.

Executive Director's Report. Winn reviewed the Executive Director's report indicating that communications and trainings will be a focus in the coming year.

Stairway to Success. Rordam discussed the development of a competition challenging localities to support early childhood education.

Institute for Local Officials. Winn explained upcoming changes in what was formerly called the Newly Elected Officials conference. There was a general discussion about ways to motivate and engage different generations.

Virginia Leadership Academy. Lerch explained that staff has developed a new training umbrella that includes three levels of certification. The program is expected to launch sometime in the summer and will replace VEOLA.

General Assembly Report. Lerch and Gowdy reviewed the status of the VML legislative program in the General Assembly.

Amicus Briefs. Lerch reviewed a request from Rocky Mount concerning a case challenging the constitutionality of a statute freezing utility rates. There was consensus that VML should monitor this case, but take no action at this time.

Federal Issues. Staff reviewed the report on issues at the federal level.

Adjournment. There being no other business to come before the body, the meeting was adjourned at 12:06 p.m.

Respectfully Submitted,

Kimberly Winn
Executive Director

Virginia Municipal League
Statement of Revenues and Expenses
For the Nine Months Ending 3/31/2016

	Annual Budget	YTD Budget	YTD Actual	YTD Variance
REVENUES				
Membership Dues	\$1,140,000.00	\$1,140,000.00	\$1,166,040.00	\$26,040.00
Annual Conference	250,000.00	250,000.00	308,012.23	58,012.23
Workshops/Seminars	35,000.00	26,250.03	17,190.00	(9,060.03)
Advocacy	25,000.00	18,749.97	41,525.00	22,775.03
Investment Income	2,500.00	1,874.97	4,592.97	2,718.00
Publications	80,000.00	60,000.03	43,117.60	(16,882.43)
Insurance Programs	890,000.00	667,500.00	686,250.00	18,750.00
Sponsorships	140,000.00	105,000.03	66,479.39	(38,520.64)
Affiliated Groups	85,000.00	63,749.88	75,655.99	11,906.11
Miscellaneous Income	25,000.00	18,749.97	25,956.21	7,206.24
Total Revenues	2,672,500.00	2,351,874.88	2,434,819.39	82,944.51
EXPENSES				
Compensation and Benefits	1,680,000.00	1,260,000.00	1,212,872.54	(47,127.46)
Annual Conference	200,000.00	200,000.00	266,192.67	66,192.67
Workshops/Seminars	38,000.00	28,500.03	16,128.97	(12,371.06)
HR & Financial Services	20,000.00	15,000.03	14,739.82	(260.21)
Travel	50,000.00	37,500.03	18,094.55	(19,405.48)
Office Supplies & Postage	30,000.00	22,500.00	21,778.39	(721.61)
Office Maintenance & Equipment	30,000.00	22,500.00	30,300.74	7,800.74
Office Rent	5,000.00	5,000.00	3,000.00	(2,000.00)
Building Repairs & Utilities	35,000.00	26,250.03	30,305.80	4,055.77
Computer Services	45,000.00	33,750.00	39,858.04	6,108.04
Dues & Subscriptions	20,000.00	15,000.03	18,255.19	3,255.16
National League of Cities Dues	32,050.00	32,050.00	22,048.00	(10,002.00)
Insurance Expense	18,000.00	18,000.00	24,732.06	6,732.06
Professional Fees	46,000.00	34,499.97	47,162.37	12,662.40
Advocacy	115,000.00	86,249.97	100,142.54	13,892.57
Publications	75,000.00	56,250.00	52,144.99	(4,105.01)
Executive Committee	40,000.00	29,999.97	25,622.85	(4,377.12)
Depreciation Expense	33,000.00			
Miscellaneous	27,000.00	18,749.97	24,912.57	6,162.60
Special Projects	40,000.00	29,999.97	13,349.09	(16,650.88)
Real Estate Tax	7,000.00	3,500.00	3,487.50	(12.50)
Accumulated Leave Earned	55,000.00	0.00	285.88	285.88
Total Expenses	2,641,050.00	1,975,300.00	1,985,414.56	10,114.56
Net Revenue	31,450.00	376,574.88	449,404.83	72,829.95
Checking Account			68,311.12	68,311.12
Invested Reserves			2,786,003.09	2,786,003.09



Mission

“The Virginia Municipal League is a statewide, nonprofit, nonpartisan association of city, town and county governments established in 1905 to improve and assist local governments through legislative advocacy, research, education and other services.”

Vision Statement

VML Shall:

- Work to build strong relationships among local, state, and federal officials;
- Serve as a communications hub for local governments;
- Facilitate the engagement of our members with the organization and facilitate the engagement of citizens with their local governments; and
- Maintain a financially stable organization that is staffed to serve the needs of the membership.

Strategic Goals

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.
- VML will facilitate networking among the membership and between VML and local government officials.
- VML will build and maintain partnerships with peer associations, the business community, and other groups with mutual interests.
- The VML Executive Committee will promote and implement principles of ethical and effective leadership throughout the organization.

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

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

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.
- VML will seek strategic partnerships, where possible, in order to enhance our ability to provide top quality programming and services for the membership.
- VML will enhance financial reporting and modernize financial systems where appropriate.

2016 – 2017 Proposed VML Budget

The following comments are provided for your information in reviewing the proposed budget (attached).

Revenue

- Membership Dues. Consists of regular dues, associate dues, and sustaining memberships (see below for the dues for your locality). As directed, the 2016-2017 budget reflects a 2% dues adjustment (\$21,000 from year to date).

Dues History

2005	4	%
2006	4	%
2007	4	%
2008	4	%
2009	0	%
2010	0	%
2011	0	%
2012	3	%
2013	3	%
2014	0	%
2015	0	%
2016	0	%

10-Year
Average 1.4 %

Dues for Executive Committee Localities

Locality	2015-2016		2016-2017	
	Population	Dues	Population	Dues
Blacksburg	43,609	\$14,836	43,985	\$15,226
Bristol	17,690	8,527	17,625	8,681
Gordonsville	1,555	845	1,560	862
Hopewell	22,846	9,782	22,984	10,012
Leesburg	47,673	15,825	49,496	16,594
Lexington	7,329	4,774	7,410	4,912
Lynchburg	77,874	23,168	78,675	23,847
Marion	5,905	4,055	5,875	4,121
Newport News	183,362	44,041	183,454	44,939
Norfolk	246,394	56,721	247,189	58,003
Roanoke	99,320	28,836	99,681	29,510
Strasburg	6,511	4,361	6,559	4,473
Vienna	16,370	8,206	16,459	8,392

- Annual Conference. Revenues have been increased to reflect current projections.
- Workshops/Seminars. Includes charges to participants for attending various VML workshops.
- Advocacy. Captures revenues received in relationship to our legislative advocacy (primarily rent from our space at Old City Hall). There is a corresponding expense category. It has been adjusted to include revenues from VML Day at the Capitol.
- Investment Income. This is a self-explanatory category and is projected to remain stable (and very low).
- Publications. Includes revenues related to *Virginia Town & City* and other VML publications. It has been reduced a bit to reflect historical numbers.
- Insurance Program. This is the revenue received from VMLIP pursuant to our agreement.
- Sponsorships. This includes the U.S. Communities purchasing program and the VML/VACo pooled financing program. These revenues are expected to remain constant.
- Affiliated Groups. Includes secretariat fees for VBCOA, VLGMA, MEPAV, VEPGA, AEP, and the Southern Municipal Conference. These revenues are expected to remain constant.
- Miscellaneous. Includes revenues from all other sources and is expected to remain constant.

Expenses

- Compensation and benefits. Includes all salaries and benefit related expenses (approx. \$1,260,000 for salaries and \$450,000 for benefits). This line includes a 3% adjustment for existing employees. We have also been notified of an increase in our health insurance premiums of 14% so that adjustment is included here as well.

Staff Salary Adjustments

2008-09	4 %	
2009-10	0 %	
2010-11	0 %	
2011-12	3 %	
2012-13	2 %	
2013-14	0 %	
2014-15	3 %	
2015-16	3 %	plus merit adjustments

- Annual Conference. Includes all conference related expenses and has been increased to reflect actual expenditures in recent years and expected expenses in Virginia Beach.
- Workshops/Seminars. Corresponds to the revenue line of the same name. This has been set to reflect recent expenditures.
- HR & Financial Services. Reflects the agreement between VML and VMLIP for these services. I propose continuing this relationship.
- Travel. Includes all staff travel, including travel for various VML events as well as professional development travel. This number has been decreased from last year's budget.
- Office Supplies & Postage. Expected to remain stable.
- Office Maintenance & Equipment. Includes expenses for copiers, postage machines, and other leased equipment. It does not include office maintenance so I am recommending that we change the title of this line item.
- Office Rent. Reflects expenses for rental storage space.
- Building Repairs & Utilities. This line is being increased slightly to reflect recent history.
- Computer Services. Includes non-capitalized computer related expenses. Our expenses in this area have been increased as a result of out-sourcing our technical services that were previously provided by VMLIP staff. In addition, we have made a conscious effort to enhance our technical capabilities. We are undertaking a full technology assessment and developing a multi-year plan for moving forward. Most of the expense for the assessment will be reflected in the current budget year under "special projects."
- Dues and Subscriptions. Includes various memberships and publications for VML and VML staff.
- National League of Cities. Includes our dues to NLC for the upcoming fiscal year as well as expenses related to some NLC events.
- Insurance. Reflects expected costs for non-employee related insurance.
- Professional Fees. Includes expenses for professional services (such as legal services). This line is being increased to reflect recent history.
- Advocacy. This is the line that corresponds to the revenue line of the same name. It includes payments to various policy advocates and the costs associated with the VML lobbyists. This line is being increased to reflect recent history and to address two specific issues. First, we are being kicked out of Old City Hall and will have to find accommodations that will likely be more expensive (additional \$15,000). In addition, we are considering the possibility of hiring a consultant to cover environmental issues (depending upon the outcome of the search to fill the current vacancy at VML). We are estimating this cost at \$25,000.
- Publications. Corresponds to the revenue line of the same name. It includes expense relating to publications including *Virginia Town & City*.
- Executive Committee. Includes all expenses related to the Executive Committee meetings and travel.
- Depreciation. Is expected to remain constant.
- Miscellaneous. Is expected to remain constant.
- Special Projects. This is the expense line for funding new initiatives (including the Early Childhood program).
- Real Estate Tax. Reflects property taxes paid for the property at 13 E. Franklin.

- Accumulated Leave Earned. Includes all cash pay-outs for leave time. Because we have a combined “paid time off” system, we have to compensate employees for all accumulated leave time when they leave VML (whether by retirement, resignation, or termination). In addition to payments when they leave VML employ, employees had previously been allowed to “cash-in” leave time. In order to have a consistently applied policy, I have established an internal limitation of five days per employee per year for this.

Capital Expenditures

Capital expenditures are not reflected in the operations budget and will be funded through current net assets. After an assessment and proposal by three different companies. VML staff is recommending that the Executive Committee approve up to \$65,000 to be spent in replacing existing HVAC systems and installing light sensors.

Air. All of the providers indicated that our second floor air conditioners are not big enough to handle the space. In addition, the condensing units in the entire building are 24 years old. The life cycle of these units is approximately 15 years.

Heat. The boilers that we are currently using are 31 – 33 years old. The life cycle of such equipment is approximately 35 years so we are nearing, but not yet past the life cycle of the boilers.

Added Efficiencies. All of the recommended upgrades would significantly increase the energy efficiency of the building as a whole. As part of this project, we also recommend adding programmable digital thermostats and light sensors in individual offices. This should reduce our electric bill while reducing our carbon footprint.

Net Assets

Checking (as of 3/31/2016) = \$68,311.12

Invested Reserve (as of 3/31/2016) = \$2,786,003.09

Proposed 2016 - 2017

VML Budget

	2014 - 2015	2015 - 2016	2015-2016	YTD	Proposed
	Actuals	Actuals	Budget		2016-2017
Revenues					
Membership Dues	1,132,016	1,153,232	1,140,000	1,166,040	1,187,040
Annual Conference	226,971	278,005	250,000	308,012	305,500
Workshops & Seminars	9,760	40,053	35,000	17,190	40,000
Advocacy	7,532	26,095	25,000	41,525	42,000
Investment Income	2,673	3,208	2,500	4,593	4,000
Publications	73,194	72,262	80,000	43,118	72,000
Insurance Program	786,416	896,702	890,000	686,250	900,000
Sponsorships	155,856	141,915	140,000	66,479	140,000
Affiliated Groups	86,814	87,340	85,000	75,656	87,000
Miscellaneous	40,952	29,124	25,000	25,956	30,000
Gain on Disposal of Property & Equipment	12,618	2,866	N/A	N/A	2,000
	2,534,802	2,730,802	2,672,500	2,434,819	2,809,540
Expenditures					
Compensation & Benefits	1,571,132	1,606,174	1,680,000	1,212,873	1,710,000
Annual Conference	191,264	195,568	200,000	266,193	270,500
Workshops & Seminars	26,579	45,598	38,000	16,129	40,000
HR & Financial Services	5,688	15,566	20,000	14,740	20,000
Travel	33,332	35,510	50,000	18,095	45,000
Office Supplies & Postage	29,848	29,533	30,000	21,778	30,000
Office Maintenance & Equipment	7,359	11,186	30,000	30,301	20,000
Office Rent	0	3,000	5,000	3,000	3,000
Building Repairs & Utilities	37,398	41,185	35,000	30,306	40,000
Computer Services	25,992	35,695	45,000	39,858	43,000
Dues & Subscriptions	20,686	18,310	20,000	18,255	23,000
National League of Cities	22,048	22,048	32,050	22,048	26,000
Insurance Expense	19,785	10,884	18,000	24,732	25,000
Professional Fees	53,417	42,335	46,000	47,162	50,000
Advocacy	96,166	106,994	115,000	100,143	150,000
Publications	76,181	75,032	75,000	52,145	76,000
Executive Committee	27,487	35,458	40,000	25,623	37,000
Depreciation Expense	32,876	37,258	33,000	N/A	35,000
Miscellaneous	22,799	26,117	27,000	24,913	27,000
Special Projects	0	26,400	40,000	13,349	40,000
Real Estate Tax	6,975	6,975	7,000	3,487	7,000
Accumulated Leave Earned	32,880	43,038	55,000	286	50,000
	2,339,892	2,469,864	2,641,050	1,985,416	2,767,500
Net	194,910	260,938	31,450	449,403	42,040
Checking Account					68,311.12
Invested Reserves					2,786,003.09



To: Executive Committee
From: Kim Winn, Executive Director
Date: April 28, 2016
Re: Executive Director's Report

As I mentioned in the evaluation memo that was mailed to you, I continue to be humbled and honored to serve as the Executive Director of such a professional and dynamic organization. I am proud of what we have accomplished in the two years that I have been here. And, I am excited to continue working on the goals that are in progress.

For this year-end report, I thought that it would be appropriate to review our accomplishments relative to the Strategic Vision & Goals set by the Executive Committee (most of this is a repeat of the information included in the evaluation memo that was mailed to you).

VML Strategic Vision & Goals

Building Relationships

- This year, my colleagues in Region 2 of the National League of Cities selected me to serve as their representative. This means that I serve on the NLC Board of Directors and the State Municipal League Steering Committee. In addition, the NLC President asked me to serve on the Finance Committee during a very critical time of transition for NLC. This should not only build my relationships across the country, but I will gain important experience in working in a leadership capacity in a national organization.
- In order to further the goals set out by the Executive Committee and the VML President, I have reached out to members of the business community and members of the education community. Both of these areas are critical to our success and enhancing those relationships has already benefitted us in a very real way. Working together with the education community, we were successful in achieving VML's top legislative priority – increased funding for education.
- The 2016 legislative session was challenging, but mostly successful in the end. In addition to achieving an increase in education funding, we stopped a number of unfunded mandates, successfully slowed down the process on Air BNB, and amended the proffer bill to make it more tolerable. We also secured two gubernatorial vetoes/amendments (one on party ID and one with regard to fines and fees).
- The regional suppers are a great way for our members to build relationships with each other and with VML staff. I personally attended all 13 regional suppers last year and received nothing but positive feedback from local officials on these informative sessions.

- We have established a Federal Advisory Council to enhance our engagement and participation in municipal issues at the federal level.
- I continue to work with a variety of boards and commissions including: the transportation Multimodal Advisory Committee; the civics education committee for the Virginia Local Government Managers Association; ICMA's Government Affairs and Policy Committee, VML/VACo Finance; and VMLIP.

Communications

- In January, I presented the Executive Committee with a new Communications Plan for the organization. This is going to be a focus for advancement in the next couple of years. I meet weekly with Communications Staff to ensure that we are developing appropriate policies and working toward our goals in this area.
- Technology is always a challenge, but it is a critical element in our ability to reach our members. We have made significant progress in this area (we now take credit cards and can register for events online). But, I think there is more to do in this area and I will be starting an overall review of our technology needs and goals to assess where we are and where we need to be in this regard.
- *Virginia Town & City* continues to be a respected and valuable publication. I contribute a column each month and work with communications staff on developing other content as well.
- We worked this year on streamlining our *League News* and *Legislative Alerts*. We reduced the *League News* to once a week (down from three times a week) and utilized *Legislative Alerts* about single topics where appropriate. This was all in an effort to maximize the impact of our advocacy communications.

Engagement

- A lot of time over the past year was spent focusing on and making changes to our various training opportunities. The goal here is to engage our members in a more significant, but efficient, way. The feedback that we have received so far has been very positive. Attendees liked the changes to this year's Annual Conference. They thought both the substance and the social events were outstanding.
- VML Day once again proved to be an exciting opportunity for our organization to shine. Bringing together our members, the State Administration, and members of the General Assembly is truly invaluable.
- The If I Were Mayor essay contest was well received again this year. This is an important starting point for our civics education goals and we certainly will continue this program.
- We have spent some time analyzing our participation in advocacy at the federal level and determined that we should try to step up our efforts here. To this end, President Rordam has established a Federal Advisory Council and we are going to try to engage our members in federal issues in a more specific way.

Finance

- We have continued to develop better accounting practices that have allowed me to provide better information to the Executive Committee. Through the purchasing card system, we can better track and code expenses. We have added to and continue to develop a chart of accounts that relates to the budget and provides the data that we all need to make good financial decisions.
- I have made changes in a number of areas that should result in significant savings for the organization including: reduced audit expenses by \$10,000 annually; cancelled outdated and unnecessary subscriptions to a number of publications; purchased projectors and new laptops so that we will no longer have to rent them for each event. I will continue to evaluate expenses and look for efficiencies as I review the monthly reports.
- A major project over the last year was the VML building. The building is an important asset for the organization and it was in need of some updating in a number of ways. I oversaw the project that included resealing and repairing all of the windows (many were not keeping out the rain and had seriously deteriorated). We also replaced old florescent lighting with much more efficient LED can lighting. We also replaced the very-worn carpet and draperies.

2016 GENERAL ASSEMBLY REPORT
As of April 25, 2016

There were several big victories this year with the General Assembly: The elimination of the state seizure of local fines and fees collections-(budget amendment) and the sustaining of the Governor's veto of the Party-ID bill (SB767) were probably the biggest two. Our next victory was getting the Airbnb (SB416) bills to a study, even after legislation had passed both houses. The bill that localities are most upset about is the proffer bill (SB549); however, it came a long way from where we started and is not bad for localities. While the proffer bill was getting attention, two other bills were passed that localities need to be aware of. The first is SB478, which is an eminent domain bill that is applicable to localities for projects other than those involving public utilities. Secondly, SB611 is a notice of a tort claim bill; localities will need to ensure that anyone suing has followed the notice procedure appropriately.

The proffer bill began as a really horrible bill that would've stifled development in the Commonwealth. The only off-site proffers that could be considered were public safety, schools and roads and any proffer had to be "specifically and uniquely attributable." After meeting with various local government stakeholders and then the homebuilders, who championed this bill, a compromise was reached. This was a bill that local governments did not have a lot of "muscle" to fight with. Parks were added to the list of acceptable proffers and the language was amended to "specifically attributable." While some localities don't like the changes, the compromise was a much better bill than in the introduced version, and proffers will still work in Virginia.

Other things of note include major changes to the Conflict of Interest Act to include only annual filings; each locality must name a trained FOIA officer who will be listed on their website and electronic voting machines will not be allowed for use on or after July 1 2020.

The bill of the session for public safety and one that you will continue to hear about is the "mulch bill" HB944. This bill prohibits the City of Harrisonburg from requiring that mulch be 18 inches away from a building. There is an unsettling trend in the Commonwealth of fires caused by cigarettes being discarded in mulch which then smolders and eventually burns vinyl siding. Ironically, within 24 hours of the Governor signing this bill, Lynchburg had a fire that started in mulch, and since March 23rd Loudoun County has had over 20 fires that started in mulch. You will continue to hear about this issue and the lobbyist for the firefighters' association has asked that VML consider supporting legislation addressing this issue in its legislative agenda. I also expect that the City of Harrisonburg will write a letter to that affect.

Other bills that you will continue to see in the upcoming years include:

- Attempts to mandate public comment at meetings
- Attempts to document closed session meetings
- Virtual Schools
- Funding for Storm water / Water Quality
- Efforts to make employees liable and comply with OSHA

Below is a summary of other bills to note as well as a chart from the Virginia Public Access Project that is interesting.

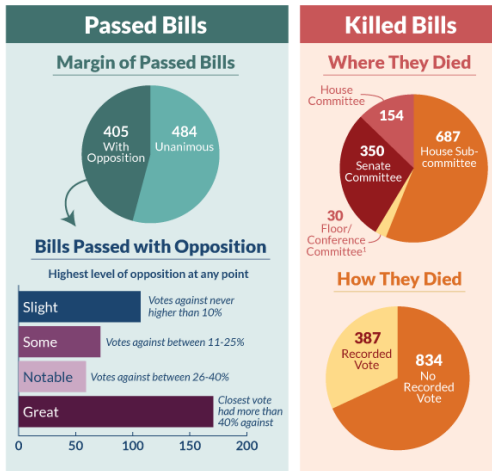
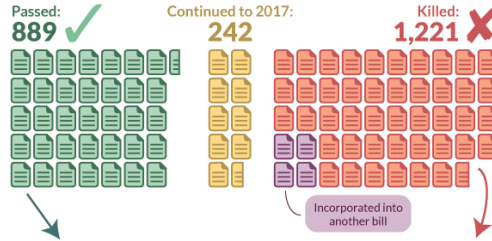
PASS OR FAIL?

Fate of 2016 Legislation

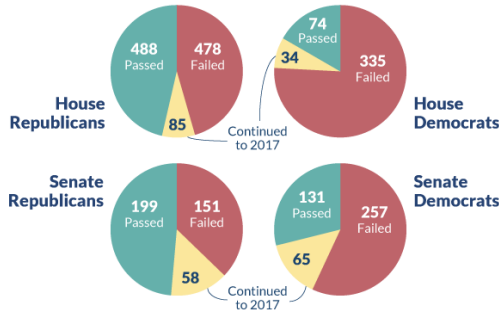
2016 GENERAL ASSEMBLY

Virginia legislators introduced 2,352 bills, excluding commendations and memorializing resolutions.

Outcome of Bills Introduced

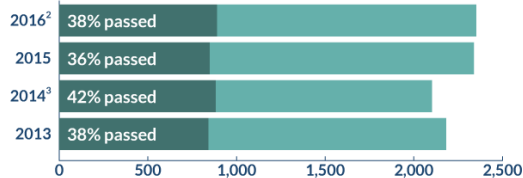


Bill Outcomes by Sponsor

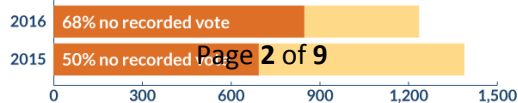


A HISTORICAL PERSPECTIVE

Bills Passed



Bills Killed with No Recorded Vote



SOURCE: Virginia Division of Legislative Automated Systems.

¹ Bills that were defeated in votes before the full House of Delegates or State Senate; Conference Committee: Bills failed after the House and Senate were unable to reconcile different versions approved separately by each chamber.

SB 43 Municipal elections; clarifies that a city or town may move the time of its local elections.

Amends § 24.2-222.1 of the Code of Virginia, relating to time of municipal elections. Clarifies that a city or town may move the time of its local elections pursuant to statutory authority notwithstanding any contrary provisions of its charter.

SB 89 Electoral boards, local; minutes required to be posted on website.

Amends § 24.2-107 of the Code of Virginia, relating to meetings of the electoral boards; minutes required to be posted on website. Requires the posting of minutes of the local electoral boards' meetings on the local electoral board's website or the official website of the county or city when such means are available. Minutes of meetings are required to be posted as soon as possible but no later than one week prior to the following meeting of the electoral board.

SB190 Voting systems; use of direct recording electronic machines. Prohibits the use of direct recording electronic machines (DREs) in elections on and after July 1, 2020. The governing bodies of counties and cities have been prohibited from acquiring DREs for use in elections since July 1, 2007, but under current law the use of previously acquired DREs is permitted for the remainder of their useful life.

HB 220 Virginia FOIA; public access to resumes and other information related to gubernatorial appointee.

Amends §§ 2.2-106, 2.2-107, 2.2-3705.1, and 2.2-3705.7 of the Code of Virginia, relating to the Virginia Freedom of Information Act; public access to resumes and other information related to gubernatorial appointees. Provides that the personnel, working papers, and correspondence record exemption shall not be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor. The bill further provides that the resumes and applications for appointment submitted by persons who are appointed by the Governor shall be available to the public upon request. The bill provides that its provisions apply to persons appointed by the Governor on or after July 1, 2016.

HB 817/SB494 Virginia Freedom of Information Act; record exclusions, rule of redaction, etc.

Amends §§ 2.2-3701, 2.2-3704, 2.2-3705.1 through 2.2-3705.7, 2.2-3711, and 2.2-3713 of the and adds a section numbered 2.2-3704.01, relating to the Virginia Freedom of Information Act; record exclusions; rule of redaction; no weight accorded to public body's determination. This bill reverses the holding of the Virginia Supreme Court in the case of *Department of Corrections v. Surovell*, by setting out the general rule of redaction, which provides that no provision of FOIA is intended, nor shall it be construed or applied, to authorize a public body to withhold a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure by FOIA or by any other provision of law. Further, the bill states that a public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure under FOIA or other provision of law applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject to an exclusion under FOIA or other provision of law may be withheld, and all portions of the public record that are not so excluded shall be disclosed. The bill defines the term "information" and provides that it is declaratory of the law as it existed prior to the September 17, 2015, decision of the Supreme Court of Virginia in the case of the *Department of Corrections v. Surovell*. The bill also reverses that part of the holding of the Virginia Supreme Court in the case of *Department of Corrections v. Surovell* by providing that in a FOIA enforcement action, no court shall be required to accord any weight to the determination of a public body as to whether an exclusion applies.

HB 818 Virginia Freedom of Information Act; designation of officer, posting of rights and responsibilities.

Amends § 2.2-3704.1 of the Code of Virginia and adds a section numbered 2.2-3704.2, relating to the Virginia Freedom of Information Act; designation of FOIA officer; posting of FOIA rights and responsibilities. This bill requires certain local public bodies to post a FOIA rights and responsibilities document on its respective public government website. The bill also requires all local public bodies that are subject to FOIA to designate and publicly identify one or more FOIA officers whose responsibility is to serve as a point of contact for members of the public in requesting public records and to coordinate the public body's compliance with the provisions of FOIA. The bill sets out where contact information for the designated FOIA officer is to be posted. The bill requires that any such FOIA officer shall possess specific knowledge of the provisions of this chapter and be trained at least annually by legal counsel for the public body or the Virginia Freedom of Information Advisory Council.

SB 493 FOIA; closed meeting not authorized for discussion of pay increases.

Amend § 2.2-3711 of the Code of Virginia, relating to the Virginia Freedom of Information Act; closed meeting not authorized for discussion of pay increases for local governing bodies and elected school boards. Clarifies that nothing in the personnel exemption in the open meetings law of FOIA shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters for that affect the membership of such body or board collectively.

SB 645 FOIA; exempt records concerning critical infrastructure.

Amends §§ 2.2-3701, 2.2-3704, and 2.2-3705.2 of the Code of Virginia and adds a section numbered 2.2-3705.2:1, relating to the Virginia Freedom of Information Act; exempt records concerning critical infrastructure, government infrastructure, or security information. Defines the terms "critical infrastructure," "government infrastructure," "interdependency," and "security information" for purposes of FOIA and revises the related FOIA public safety record exemption to incorporate those terms. The bill also sets out conditions precedent in cases where a custodian of any public safety records elects to exercise his discretion to release such records. The bill contains technical amendments.

SB 564 Virginia Freedom of Information Act; exclusions for school personnel licensure applications.

Amends § 2.2-3705.3 of the Code of Virginia, relating to the Freedom of Information Act; exclusions for school personnel licensure applications. Excludes records of an application for licensure or renewal of a license for teachers and other school personnel, including transcripts or other documents submitted in support of an application, from the provisions of the Freedom of Information Act.

SB 727/Hb1318 Virginia Freedom of Information Act; public access to noncriminal records.

Amends § 2.2-3706 of the Code of Virginia, relating to the Virginia Freedom of Information Act; public access to noncriminal records. Clarifies public access to noncriminal records maintained by public bodies engaged in criminal law-enforcement activities. The bill reverses an April 2015 Virginia Supreme Court decision in *Fitzgerald v. Loudoun County Sheriff's Office*, which held that a noncriminal record must be a compilation in order for the exemption for noncriminal records to apply. The bill was also the subject of a Virginia Freedom of Information Advisory Council opinion (AO-08-15) concerning this exemption, which highlighted the need for clarification of this exemption based on the *Fitzgerald* holding.

HB 238/SB 652/SB 708 Conflict of Interests Act, State and Local Government; prohibited contracts, exceptions.

Amends § 2.2-3110 of the Code of Virginia, relating to State and Local Government Conflict of Interest Act; prohibited contracts; exceptions for certain contracts entered into by an officer or employee of a soil and water conservation district. Provides an exception to the prohibition against officers and employees having contracts with their employing agencies for contracts by an officer or employee of a soil and water conservation district to participate in the Virginia Agricultural Best Management Practices Cost-Share Program. The exception does not apply to subcontracts or other agreements entered into to provide services for implementation of a costshare contract established under the Program. Under the bill, the exception applies to contracts entered into prior to July 1, 2016.

HB 1362/SB 692 Conflicts of Interests Acts, State & Local Government & General Assembly; lobbyist reporting.

Amends §§ 2.2-426, 2.2-3106, 2.2-3109.1, 2.2-3114, 2.2-3115, 2.2-3116, 2.2-3117, 30-110, 30-111 of the Code of Virginia and adds sections numbered 2.2-3114.2 and 30-110.1, relating to lobbyist reporting, the State and Local Government Conflict of Interests Act, and the General Assembly Conflicts of Interests Act; annual filing of required disclosures; separate report of gifts. Requires the disclosure forms filed by lobbyists and persons subject to the conflict of interests acts to be filed annually. Lobbyists are required to file by July 1 for the preceding 12-month period complete through the last day of April and persons subject to the conflict of interests acts are required to file on or before January 15. The bill also requires the Governor, Lieutenant Governor, Attorney General, members of the Governor's Cabinet, and members of the General Assembly to file on or before May 1 a separate report of gifts received during the period beginning January 1 through adjournment sine die of the regular session of the General Assembly. Effective January 1, 2017, the bill removes from the Code the disclosure forms filed by lobbyists and persons subject to the conflict of interests acts and requires the Virginia Conflict of Interest and Ethics Advisory Council (Council) to prescribe the forms to be used to comply with disclosure requirements.

The bill also makes numerous other changes related to lobbyist reporting and the conflict of interests acts including (i) exempting from the definition of a gift any gift with a value of less than \$20; (ii) providing that the filing of a single disclosure form by a person subject to the conflict of interests acts satisfies the filing requirement for all positions or offices held or sought by such person; (iii) clarifying that lobbying disclosure forms are filed with the Council and are open to public inspection and copying in the office of the Council, and not the Secretary of the Commonwealth; (iv) clarifying that candidates for statewide office, the General Assembly, and constitutional office are required to file a statement of economic interests with the Council; (v) authorizing travel provided to facilitate attendance by a legislator at certain meetings where attendance is approved by the Chairman of the House or Senate Committee on Rules in addition to approval by either committee is not a gift; (vi) clarifying that gifts to certain members of a lobbyist's family are not considered gifts; (vii) providing that the definition of procurement transaction for purposes of the laws governing lobbyists is limited to those in which the stated or expected value of the contract is equal to \$5 million or more; (viii) providing that records relating to formal advisory opinions or informal advice of the Council shall be confidential and excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act; (ix) providing that a lobbyist's principal is not required to disclose the name of a legislative or executive official, or a member of his immediate family, who attends a reportable entertainment event if that legislative or executive official reimburses the principal for, or otherwise pays for, his attendance, or the attendance of a member of his immediate family, at the entertainment event; and (x) authorizes the Council to grant an extension from a filing deadline for good cause. The bill contains an emergency clause that applies to the changes described in clauses (vii) through (x).

SB 288 Conflict of Interests Act, State and Local Government; advisory opinions for local officers.

Amends § 2.2-3121 of the Code of Virginia, relating to the State and Local Government Conflict of Interests Act; advisory opinions for local officers or employees. Removes the provision that allows a county, city, or town attorney to issue to a local officer or employee an advisory opinion that would shield that officer or employee from future prosecution for knowing violations of the State and Local Government Conflict of Interests Act. An advisory opinion issued by the attorney for the Commonwealth or the Virginia Conflict of Interest and Ethics Advisory Council will still shield the officer or employee from such prosecution. The bill provides that an advisory opinion issued to a local officer or employee by his county, city, or town attorney may be introduced at a trial for a knowing violation as evidence that he did not knowingly

SB 417 Social Services, Department of; unauthorized practice of law.

Amends §§ 16.1-260, 54.1-3900, and 63.2-332 of the Code of Virginia, relating to Department of Social Services; unauthorized practice of law. Allows designated nonattorney employees of a local department of social services to (i) initiate a case on behalf of the local department by appearing before an intake officer and (ii) complete, sign, and file with the clerk of the juvenile and domestic relations district court, on forms approved by the Supreme Court of Virginia, petitions for foster care review, petitions for permanency planning hearings, petitions to establish paternity, motions to establish or modify support, motions to amend or review an order, and motions for a rule to show cause. The bill also directs directors of local departments of social services to designate nonattorney employees who are authorized to perform such tasks.

SB 416 Limited Residential Lodging Act; established, penalty.

Amends the Code of Virginia by adding in Title 55 a chapter numbered 13.4, consisting of sections numbered 55-248.53 through 55-248.56, relating to establishing the Limited Residential Lodging Act; penalty. Establishes the Limited Residential Lodging Act (the Act), which allows persons to rent out their primary residences or portions thereof for charge for periods of less than 30 consecutive days or do so through a hosting platform. Localities are preempted from adopting ordinances or zoning restriction prohibiting such short-term rentals, but authorized to adopt ordinances requiring persons renting their primary residences to have a minimum of \$500,000 of liability insurance, prohibiting persons from renting their primary residences if they fail to pay applicable taxes, and requiring persons renting their primary residences to register with the locality. A hosting platform must register with the Department of Taxation to collect and remit all applicable taxes on behalf of the property owner using the hosting platform. The bill defines "limited residential lodging," "booking transaction," and "hosting platform" and provides for penalties for violations of the Act. The bill contains a reenactment clause, and directs the Housing Commission to convene a workgroup to further study the issues presented in the bill and make recommendations for consideration by the 2017 Session of the General Assembly.

SB 549 Conditional zoning; provisions applicable to certain rezoning proffers.

Amends the Code of Virginia by adding a section numbered 15.2-2303.4, relating to conditional zoning. Provides that no locality shall (i) request or accept any unreasonable proffer in connection with a rezoning or a proffer condition amendment as a condition of approval of a new residential development or new residential use or (ii) deny any rezoning application, including an application for amendment to an existing proffer, for a new residential development or new residential use where such denial is based on an applicant's failure or refusal to submit, or remain subject to, an unreasonable proffer. A proffer shall be deemed unreasonable unless it addresses an impact that is specifically attributable to a proposed new residential development or other new residential use applied for. An offsite proffer shall be deemed unreasonable pursuant to the above unless it addresses an impact to an off-site public facility such that (a) the

new residential development or new residential use creates a need, or an identifiable portion of a need, for one or more public facility improvements in excess of existing public facility capacity at the time of the rezoning or proffer condition amendment and (b) each such new residential development or new residential use applied for receives a direct and material benefit from a proffer made with respect to any such public facility improvements. In any action in which a locality has denied a rezoning or an amendment to an existing proffer and the aggrieved applicant proves by a preponderance of the evidence that it refused or failed to submit, or remain subject to, an unreasonable proffer that it has proven was suggested, requested, or required, formally or informally, by the locality, the court shall presume, absent clear and convincing evidence to the contrary, that such refusal or failure was the controlling basis for the denial.

SB 736/HB944 Landscape cover materials; local ordinances concerning installation or use.

Statewide Fire Prevention Code; City of Harrisonburg; installation or use of landscape cover materials. Provides that notwithstanding any provision of law, general or special, any ordinance in effect and any ordinance adopted by the governing body of the City of Harrisonburg shall not include in any local fire prevention regulations a requirement that an owner of real property who has an occupancy permit issued by the City use specific landscape cover materials or retrofit existing landscape cover materials at such property.

HB 412 Aircraft, certain; local regulation.

Amends the Code of Virginia by adding in Article 1 of Chapter 9 of Title 15.2 a section numbered 15.2-926.3, relating to local regulation of certain aircraft. Provides that no locality may regulate the use of privately owned, unmanned aircraft systems within its boundaries. The provisions of the bill expire on July 1, 2019.

SB 611 Tort claim; notice of claim against the Commonwealth, transportation district, or locality.

Amends §§ 8.01-195.6 and 15.2-209 of the Code of Virginia, relating to notice of tort claim against the Commonwealth, transportation district, or locality; statute of limitations. Provides that the bar to a tort claim against the Commonwealth, a transportation district, or a locality for failure to file a written statement within one year, or within six months if the claim is against a locality, after the cause of action accrues does not apply where there was actual knowledge of the claim within one year by (i) for claims against the Commonwealth, the Division of Risk Management or any insurer or entity providing coverage or indemnification of the claim or the Attorney General; (ii) for claims against a transportation district, the chairman of the commission of such transportation district; or (iii) for claims against a locality, the attorney, chief executive, or mayor of such locality. The bill clarifies that actual knowledge of the claim includes the nature of the claim, the time and place at which the injury is alleged to have occurred, and, for claims against the Commonwealth or a transportation district, the agency or agencies alleged to be liable. The bill further provides that a claim against the Commonwealth or a transportation district is barred unless an action on the claim is commenced within 18 months of the filing of notice of such a claim, or within two years after the cause of action accrues.

HB 1299/SB229 U. S. of America and the Commonwealth of Virginia; purchase of flags by public bodies.

Amends §§ 1-508 and 2.2-1128 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-4323.1, relating to purchase of flags of the United States of America and the Commonwealth of Virginia by public bodies. Provides that whenever a state or local public body or school division purchases a flag of the United States or a flag of the Commonwealth for public use, such flag must be made in the United States from articles, materials, or supplies that are grown, produced, and manufactured in the United States, if

available. The bill has a delayed effective date of July 1, 2017.

HB 1260 Declaration of local emergency; increases time in which localities call a session.

Amends § 44-146.21 of the Code of Virginia, relating to declaration of local emergency. Increases from 14 days to 45 days the time in which a local governing body shall call a special session, if a regularly scheduled session is not held, in order to confirm the declaration of a local emergency.

HB 1345 Line of Duty Act; revises Act by codifying revisions.

Amends §§ 9.1-400, 9.1-401, 9.1-402 through 9.1-405, 9.1-407, and 58.1-3, as it is currently effective and as it shall become effective, of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 9.1-400.1 and by adding in Article 3.1 of Chapter 1 of Title 51.1 a section numbered 51.1-124.38; and to repeal § 9.1-406 of the Code of Virginia, relating to benefits for certain public employees disabled in the line of duty and their families, and for the families and beneficiaries of such employees who die in the line of duty. Revises the Line of Duty Act (the Act) by codifying revisions to the Act from the appropriation act and, among other changes, transferring overall administration of the Act to the Virginia Retirement System, transferring administration of health insurance benefits under the Act to the Department of Human Resource Management, and creating the Line of Duty Health Benefits Plan, a separate health benefits plan for beneficiaries under the Act. The bill has a delayed effective date of July 1, 2017.

SB 9 Civil immunity; forcible entry of motor vehicle to remove unattended companion animal.

Amends the Code of Virginia by adding a section numbered 3.2-6504.1, relating to civil immunity; companion animals left unattended in motor vehicles. Provides that first responders who forcibly enter a motor vehicle to remove an unattended companion animal that is at risk of serious bodily injury or death are immune from liability for property damage to the vehicle or injury to the animal resulting from the forcible entry and removal of the animal.

SB 120/SB74/SB16/HB168 Passing stopped school buses; mailing of summons, rebutting presumption.

Amends § 46.2-844 of the Code of Virginia, relating to passing stopped school buses; mailing of summons; rebutting presumption. Provides that a locality that has authorized by ordinance the installation and operation of a video-monitoring system on school buses for recording violations of unlawfully passing a stopped school bus may execute a summons for such violation by mailing a copy of the summons to the owner of a vehicle that unlawfully passed a stopped school bus. The bill also provides a means by which the existing presumption that the registered owner of the vehicle was the vehicle operator at the time of the violation can be rebutted and requires that this information be included with the mailing of the summons. The bill gives the summoned person 30 business days from the mailing of the summons to inspect information collected by a video-monitoring system in connection with the violation.

SB 542 Delinquent sewer charges; lien on property, delinquent charges.

Amends § 15.2-2119 of the Code of Virginia, relating to sewer authorities; liens for delinquent charges. Allows a locality that provides water or sewer service to a property owner, rather than to a tenant, to place a lien on the property receiving the service in the amount of the number of months of delinquent charges. Current law allows the placement of liens in the amount of up to three months of delinquent water and sewer charges.

HB 883 Telecommunications towers; in accordance with comprehensive plan.

Amends § 15.2-2232 of the Code of Virginia, relating to comprehensive plan. Provides that a proposed telecommunications tower, and certain other facilities, shall be deemed to be substantially in accord with the comprehensive plan and planning commission approval shall not be required if the proposed telecommunications tower or facility is located in a zoning district that allows such telecommunications towers or facilities by right.

Transportation



April 26, 2016

To: VML Executive Committee

From: Janet Areson

Subject: Federal Update

Additional Zika funding sought. The Zika virus is likely to be a factor in at least 30 states, including all southeastern and middle-Atlantic states, and possibly as far up the coast as New York. While about 11 cases have been diagnosed in Virginia, all have come from people who brought the virus with them from other places. However, the mosquitos that spread Zika can be found throughout Virginia.

The White House is seeking Congressional approval of almost \$1.9 billion in emergency funding for mosquito control and vaccine research. As of last late week, the Senate was nearing an agreement on funding, which would supplement the \$510 million the Obama Administration recently redirected from fighting Ebola toward Zika, as congressional Republicans had urged. (Virginia has been using a similar strategy by redirecting leftover Ebola money towards its own Zika response).

The Senate Appropriations Committee will meet again later this week for further markups to its funding plan.

FAA reauthorization includes preemption. The National League of Cities reports that the Senate has passed a short-term reauthorization of the Federal Aviation Administration (S.2658), which includes language that would broadly block state and local control over drone regulation. NLC opposed this provision.

If signed into law, this language would preempt laws and ordinances that address issues like banning weapons on remote-controlled aircraft or requiring police to obtain a warrant to use drones for surveillance.

According to NLC, an amendment to strip out the preemption language received broad bipartisan support, but was thwarted by one Senator (Rand Paul, R-Ky.), who refused to let the amendment package pass unless the Senate voted on his amendment to allow and create incentives to arm commercial airline pilots.

The House must know pass its FAA reauthorization bill before the July 15 funding extension deadline. If the House is able to move forward with its bill, NLC believes there is another chance to address the drone preemption language when the House and Senate go to conference over their competing measures.

Tax reform outline in the works. NLC reports that House Ways and Means Committee Chairman Kevin Brady (R-Tx.) announced his intention to release an outline for a long-range overhaul of the federal tax code in June. He added that only the international tax overhaul portion of the blueprint could possibly be considered in a post-election session this year.

NLC said that it continues to press its case for preserving the tax exemption for municipal bonds and local taxing authority.

Senate pushes budget time-line; House balks. Following years of budget delays, NLC reports that Senate Majority Leader Mitch McConnell (R-Ky.) is pushing the Senate to meet his pledge to pass all 12 annual appropriations bills on time and at the spending levels negotiated by Congressional leaders and the President in a deal last year that prevented a government shutdown. Further, Senator Budget Chair Mike Enzi (R-Wy.) has begun a campaign to get Congress to move to a biennial budget process.

The same cannot be said for the House, where NLC reports that House members are fighting over whether to honor the levels negotiated last year or to draft spending bills with further reductions as originally called for under sequestration. It remains to be seen if the Senate's pledge to finish the appropriations process on time will make any difference with the House.

NLC reports that several spending bills that include priorities for local governments have been passed by Senate Appropriations subcommittees, and in most cases at funding levels near or above last year's level. This includes transportation, where TIGER grants would get a \$25 million boost to \$525 million. Support for transit and rail are mostly in line with amounts called for in the FAST Act, the long-term surface transportation bill passed last year.

In the justice area, the Senate is advancing a bill that includes \$2.36 billion for state and local law enforcement and crime prevention grant programs. The bill would support local efforts to combat the distribution of heroin and illegal opioids by providing \$14 million to support opioid prevention and treatment; \$14 million for prescription drug monitoring; \$43 million for drug courts; \$132 million to support local efforts to arrest and convict heroin and opioid drug dealers; and \$10 million for the Community Oriented Policing Services (COPS) anti-heroin task force program.

New pension mandates? Rep. Devin Nunes (R-Ca.) has introduced H.R.4822, the Public Employee Pension Transparency Act (PEPTA), which would impose on state and local governments an unfunded federal mandate with conflicting pension reporting mandates. It would also allow the Congress to condition the continuation of certain federal tax benefits upon "meaningful disclosure" from state or local employee pension plans.

Frank Shafroth at the George Mason University State & Local Leadership Center points out that while some Congressional fingers are pointing at state and local pension plans, the *Economist* magazine recently noted that the federal government has created its own scheme designed to protect workers against the risk that their companies fail: the Pension Benefit Guaranty Corporation (PBGC), which is funded by levies on employers. The *Economist* said that the PBGC last year reported it had total assets of \$87.7 billion, but liabilities of \$164 billion—and the multi-employer portion of PBGC’s responsibilities has a deficit of \$52.3 billion. Congress has provided for a levy of only \$27 per employee per year—which nets about \$270 million annually, compared to a \$52 billion liability. The PBGC has warned Congress of the looming “risk of insolvency.” Yet, H.R. 4822 does nothing to address this situation.

Asset forfeiture program resumes. The Department of Justice has announced that it is resuming equitable sharing payment to states and local governments through its Asset Forfeiture Program. The payments were suspended late last year when \$1.2 billion in program funds were rescinded. This rescission threatened the financial solvency of the Asset Forfeiture Fund, and forced the Department to cut costs, including the sharing payments.

NLC reports that Congress is still considering legislation that would limit Justice’s ability to transfer property and funding to state and local law enforcement agencies through the program. NLC supports program reforms that safeguard individual rights and remove incentives for program abuse, but opposes legislation to limit local law enforcement’s ability to participate in the program.

FCC Lifeline Program Modernization. Earlier this month, the Federal Communications Commission (FCC) voted to modernize its Lifeline program, which would make it easier for low-income Americans to afford broadband service. Currently the program provides subscribers with a discount on monthly telephone service purchased from participating providers. The Commission’s recent vote would allow those who receive Lifeline subsidies to use those funds on a landline service, a mobile broadband service, or a bundled voice and broadband package.

This modernization of the program is not without controversy; the House Energy and Commerce subcommittee will hold a hearing this week on the CURB Lifeline Act (H.R. 4884), which would cap the Lifeline program’s budget below the FCC-proposed amount and prohibit subsidies from being used on cell phones or other mobile devices.

To: VML Executive Committee

From: Michelle Gowdy

Date: April 25, 2016

Subject: Virginia Committee for Fair Utility Rates

This is an update to the information that was provided to you in January. As you know VML was asked to support an appeal to the Supreme Court of Virginia challenging the constitutionality of a statute enacted last year in which the General Assembly limited the frequency of biennial review proceedings in the State Corporation Commission (SCC) for utilities along with some other things.

On Friday April 22, 2016, there was a hearing before the Supreme Court of Virginia. On that date, they heard oral argument and I expect we will see the opinion sometime in the summer.

The same fact pattern is active in a case that is filed with the State Corporation Commission. That case held a hearing on March 17, 2016 and a decision has not yet been rendered.

VML will continue to monitor these two companion matters.



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MAGAZINE

VIRGINIA TOWN & CITY

To: VML Key Officials and Clerks
From: Kim Winn, Executive Director
Date: April 28, 2016
Re: VML Annual Conference

I am writing to let you know about some exciting changes regarding the VML Annual Conference. In an effort to be more efficient with regard to the amount of time that local officials have to spend away from their communities and their families, we have developed a **new schedule of events** that we will begin using at the upcoming conference in Virginia Beach, October 9-11.

Based on the new schedule, most attendees should plan to arrive on Sunday, October 9th and leave on Tuesday, October 11th. If they plan to attend the Mayors' Institute, then they should plan to arrive on Saturday, October 9th.

Sunday, October 9. The first day of the conference will now feature activities and presentations in the trade show area along with an opening **General Session**. Attendees should plan to arrive between 10:00 a.m and 3:00 p.m. And, attendees won't want to miss **Host City Night** at the Military Aviation Museum.

Monday, October 10. The second **General Session** will feature advocacy in action – a working legislative meeting that gives more members the opportunity to witness this important activity and bring advocacy to the forefront of the conference. **Workshops, roundtables, and section meetings** will also be on Monday. Monday evening will feature the **Annual Banquet** followed by live entertainment and dancing!

Tuesday, October 11. Tuesday will feature a closing **General Session** with a dynamic and inspirational speaker followed by the **Annual Business Meeting**.

The conference will conclude by noon on Tuesday, October 11.

It is our sincere hope that these changes allow for more attendees to participate in all aspects of the conference while preserving a standard of excellence for the VML Annual Conference. Registration opens on July 1, 2016. For more information or to book your hotel room, visit www.vml.org.

I look forward to seeing you in Virginia Beach!

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INSTITUTE FOR LOCAL OFFICIALS

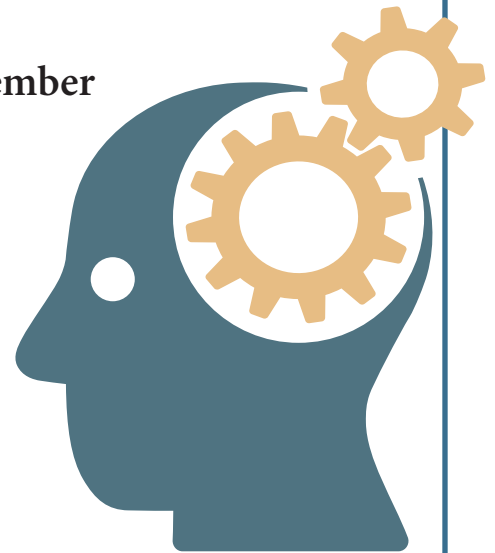
KEY TRAINING FOR NEW & VETERAN OFFICIALS ALIKE

July 22-23, 2016
Hilton Richmond Downtown
501 East Broad Street
Richmond, VA 23219

This event replaces what was previously known as the Newly Elected Officials Conference and is open to newly elected officials and veterans alike.

TOPICS

- **Fundamentals of serving as a council member**
- **Making the most of meetings**
- **Budgeting**
- **Freedom of Information Act**
- **Conflicts of Interest Act**
- **Interacting with constituents**
- **Basic Law Making / Dillon's Rule**
- **Public officials' liability**



Attendees will earn 10 of the 40 hours required to achieve Level One (Local Government Basics) certification in the Virginia Leadership Academy.

Cost: \$175 for Members and \$75 for Guests

Hotel accommodations are available at the group rate of \$121/night.

For questions or more information, please contact Anita Yearwood, CMP, CGMP at (804)523-8534 or ayearwood@vml.org.

See Preliminary Agenda on back



INSTITUTE FOR LOCAL OFFICIALS

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PRELIMINARY AGENDA

Friday, July 22

11 a.m. - 5 p.m.	Registration
Noon - 1 p.m.	Lunch
1 - 2:15 p.m.	Session #1 – The Governing Body at Work
2:15 - 3 p.m.	Session #2 – Public Official's Liability
3 - 3:15 p.m.	Depart Hotel; Travel to State Capitol
3:30 - 4:30 p.m.	Capitol Tours
6 - 7 p.m.	Reception
7 - 8:30 p.m.	Dinner

Saturday, July 23

7:30 - 11 a.m.	Registration
7:30 - 8:15 a.m.	Breakfast
8:15 - 9:15 a.m.	Session #3 – Virginia Conflict of Interests Act
9:30 - 10:15 a.m.	Session #4 – Virginia Freedom of Information Act
10:15 - 10:30 a.m.	Break
10:30 - 11:15 a.m.	Session #5 – Basic Law Making / Dillon's Rule
11:15 a.m. - Noon	Session #6 – Budgeting
Noon - 12:45 p.m.	Lunch & VML Overview
1 - 2 p.m.	Session #7A – Council / Manager Relations
1 - 2 p.m.	Session #7B – Managing a Town Without a Manager
2:15 - 3 p.m.	Session #8 - Comprehensive Planning

Memorandum

To: VML Executive Committee

From: Joe Lerch

Date: April 25, 2016

Re: Go Green Virginia initiative update

The 2016 Green Government Challenge is under preparation with a launch expected no later than early June. At that time members will be able to login and start completing action items to become a certified “green government”. As in years past those qualifying with at least 100 “green” points will be recognized at the VML conference in October.

Last year the challenge was revised to include 14 more action items thereby allowing for additional opportunities to garner points to reach the 100 level. Many of the added items presented opportunities for VML members to build partnerships (both public and private) to expand efforts at building more sustainable and resilient communities. For example, points can be earned by participating in the FEMA Community Rating System (CRS) program, a certification process that reduces risks and damages due to flooding with the reward of lower insurance premiums for policyholders.

The Go Green Advisory Committee, chaired by Christina Luman-Bailey met in January and April to review the challenge and make any recommended revisions. It was decided to add a few additional items, including a resiliency checklist. Additionally there will be two seminars this year to encourage and assist localities in participating in the challenge. The first seminar will be held in Richmond on June 28th at the offices of Williams Mullen in downtown Richmond. The agenda will include a presentation on Virginia Tech’s Environmental and Sustainability Management System (ESMS) Institute as well as roundtable discussions on various challenge action items.

The second seminar in Harrisonburg will be sometime between August 8-12 at a place yet to be determined. The agenda will include the resiliency checklist, Carbon Disclosure Project (CDP), and roundtable discussions on various challenge action items

Copy: Kimberly A. Winn, Executive Director