

Virginia Local Government Law

‘Tis the Season

By: Andrew McRoberts. *This was posted Wednesday, December 23rd, 2009*

It occurred to me that the Virginia Local Government Law blog ought to say something about the legal issues that face local governments at the holidays. And there are many.

This time of year, there are the seasonal First Amendment establishment clause issues in “holiday display” cases, such as oh-too-publicly experienced this year in at least one locality. There, an administrative official banned such displays, then the inevitable protest arose and the local governing body stepped in to allow them again. Other localities looking at a change in membership of the local governing body are facing various issues related to the change in leadership, and as a result of changing policy.

Also this time of year, many localities are seeing a flood a new cases filed alleging erroneous assessments, while others are closing bond deals to take advantage of tax laws and low interest rates to build needed public facilities. Local government legislative folks are hard at work to fend off anticipated attacks on sovereign immunity and condemnation authority in the coming General Assembly session. Some local governments are facing flat revenues (or worse) that will require penny-pinching and perhaps slicing and dicing in the coming budget. Local government attorney offices, like others, are facing increasing demands with no likelihood of additional staff or even raises.

Sorry, but most of this is not especially heart-warming.

But this time of year also allows introspection and review of the events of the past year. This year, as I have transitioned from being a full-time local government attorney responding to one locality’s legal issues, to being a local government attorney working for counties, cities and towns across Virginia, I am upbeat about so much that is positive in local government. This is the level of government most responsive to the people, most accessible and open. This can be a double-edged sword for local government officials, but is something of which we can be proud.

The experience, expertise and dedication of the attorneys and others working for Virginia’s local governments is outstanding. As a group, we work hard, face a local political environment that can be challenging at times, but enjoy what we do and help one another.

So, as I greet you this Christmas from my fine law firm, Sands Anderson Marks & Miller, I remain pleased to be associated with such a great group of lawyers, local government officials and friends.

Best wishes to one and all.

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