



2023 Spring Conference / April 20-22

The Hotel Roanoke & Conference Center | Roanoke

Session Descriptions

The LGA Board of Directors approved the following sessions. The program will provide 8.5 MCLE.

Thursday, April 20

1 – 2:30 p.m. General Session A

Tales from the Trenches: An Update on Employment Law in Virginia Post-2020

Moderator: Kelsey M. Durkin, Asst. City Attorney, City of Roanoke

Speakers:

Kelsey M. Durkin, Assistant City Attorney, City of Roanoke

Paul G. Klockenbrink, Partner, Gentry Locke

Catherine J. Huff, Partner, Gentry Locke

The Virginia General Assembly made sweeping changes to Virginia law in 2020 including adding whistleblower protection for employees, implementing the Virginia Values Act to create a state version of Title VII of the Civil Rights Act of 1964, and addressed “wage theft” and other employment issues in the workplace. Now, almost three years later, we are seeing the effects of these new laws and how Courts are interpreting them. This presentation will cover the impact of these laws and real-world examples of how they affect local government now and what we anticipate for the future.

3 – 4:30 p.m. Concurrent Sessions 1 & 2

Local Governing Body Issues

Moderator: Brandi A. Law, Senior Deputy City Attorney, City of Hampton

Speakers:

Jan L. Proctor, County Attorney, County of Accomack

Michael W.S. “Mike” Lockaby, Principal, Guynn, Waddell, Carroll & Lockaby

MinhChau N. Corr, County Attorney, County of Arlington

Cynthia E. Hudson, Attorney, The McCammon Group

Attendees will hear a discussion of issues that frequently come up when advising local governing bodies, either in litigation or as their primary counsel. Topics will include legislative immunity and privilege, standard of review when legislative actions are challenged, misconduct by members of the local governing body, and FOIA open meeting rules including electronic meetings.

Stranger Things: Review of Code Sections Concerning Locality Issues

Moderator: Michael H. Abbott, Senior Assistant County Attorney, County of Wise

Speakers:

Michael H. Abbott, Senior Assistant County Attorney, County of Wise

Charles H. “Chuck” Slemp, Chief Deputy Attorney General, Office of the Attorney General of Virginia

Attendees will hear about issues concerning animal control (explored under the applicable 3.2-6500 code sections), brown water disposal including the ins and outs of conducting a hearing (under the provisions of 62.1, 32.1 and VACS-610-80), illegal dumping and how to conduct a hearing (under the provisions of Code sections 10.1, 3.2, and related local ordinances), and a multitude of marijuana issues, including private growing, smoking in public housing, and employment issues under the provisions of Code sections 54.1-3408.3, 40.1-27.4 and 4.1).



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Friday, April 21

9 – 10:30 a.m. *General Session B*

2023 VA General Assembly Legislative Review

Moderator: Elizabeth “Beth” D. Teare, County Attorney, County of Fairfax

Speakers:

Michelle M. Gowdy, Executive Director, Virginia Municipal League

M. Christopher “Chris” Sigler, Assistant County Attorney, County of Fairfax

Panelists will summarize the major initiatives of the 2023 General Assembly Session. The speakers will discuss enacted legislation of significance to local governments, while briefly touching on failed measures. Focusing on the bills with the greatest impact to Virginia’s counties, cities, and towns, the presentation will describe how newly-enacted laws may positively or negatively affect local governments and their constituents.

11 a.m. – 12:30 p.m. *Concurrent Sessions 3 & 4*

2023 Tax Assessment Update

Moderator: Mary Beth Nash, Senior Assistant County Attorney, County of Roanoke

Speakers:

Susan E. Cooke, Deputy County Attorney, County of Spotsylvania

Andrew J. Fulwider, Senior Assistant County Attorney, County of Chesterfield

Maggie Ragon, Commissioner of the Revenue, City of Staunton

Todd Divers, Commissioner of the Revenue, City of Charlottesville

Panelists will discuss a variety of topics, including assessment claims under Virginia Code section 58.1-3984, recent caselaw under Virginia Code section 58.1-3984(B), and specific issues arising in litigating these cases helpful to the local government attorneys facing these claims. BPOL taxation will be reviewed generally followed by a focus on the specifics of situs determination and apportionment, the law of which Chesterfield has been on the forefront of developing for many years, drawing from Chesterfield-based cases impacting area law. Representatives of the Commissioners of the Revenue Association will give an update on transient occupancy tax and related tax assessment enforcement issues related to short term rentals to help local government attorneys with clients facing these issues.

Constitutional Law

Moderator: Tara A. McGee, County Attorney, County of Goochland

Speakers:

M. Scott Fisher, Jr., Partner, Harman Claytor Corrigan & Wellman, P.C.

William “Bill” Taylor, Deputy Director, Second Amendment Litigation, Everytown Law

Wirt P. Marks, Senior Assistant City Attorney, City of Richmond

This program will present two different constitutional law topics. First, the balance of First and Fourth Amendment rights with law and order during protests, exploring how local governments protect free speech and public safety during protests, and examining under what circumstances speech can be restricted, when speech or speech-related conduct becomes criminal, and how the government can lawfully respond. The second topic will be the Second Amendment, including recent court decisions and issues for local government attorneys.



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Saturday, April 22

9 – 10 a.m. Concurrent Sessions 5 & 6

A Primer for Those Who are New to the Practice of Local Government Law and a Refresher Course for the Experienced

Moderator: J. Vaden Hunt, County of Pittsylvania, County Attorney

Speakers:

Walter C. Erwin, III, City of Lynchburg, Retired, City Attorney

Andrew R. McRoberts, Shareholder, Sands Anderson PC

Lisa A. Robertson, Assistant Division Counsel, County of Prince William Public Schools

The first part of the presentation focuses on the role of the local government attorney, dealing with such issues as establishing a relationship with the local governing body; understanding who the client is; and the ethical obligations of the government attorney; and other similar topics. The second part of the presentation will be a review of Title 15.2 of the Virginia Code with a focus on some of the little-known sections that if overlooked, can cause problems for a government attorney.

Emergency Preparedness

Moderator: Patrick J. Skelley II, County Attorney, County of Bedford

Speakers:

Meredith H. Jacobi, Deputy City Attorney, City of Hampton

Margaret A. Kelly, Assistant City Attorney, City of Norfolk

Michael "Mike" Guzo, Chief Regional Coordinator Region 6, Virginia Department of Emergency Management

The panel will review Title 44 issues as they relate to emergency declarations. Speakers will discuss flood resilience efforts and preparing for sea-level rise in coastal areas, as well as opportunities and best practices for inter-jurisdictional planning and response to disasters.

10:30 a.m. – 12 p.m. General Session C

The Interaction of Public Records and Business Under FOIA

Moderator: Stephen C. Piepgrass, Partner, Troutman Pepper Hamilton Sanders LLC

Speakers:

Sarah L. Annear, Assistant County Attorney, County of Fairfax

David "Dave" DePippo, Assistant General Counsel, Dominion Energy

Eric A. Gregory, Partner, Hefty Wiley & Gore

Eric H. Monday, General Counsel, Roanoke Regional Airport Commission

Stephen C. Piepgrass, Partner, Troutman Pepper Hamilton Sanders LLC

The Virginia Freedom of Information Act (FOIA) ensures public access to government records and other data. Complications can arise, however, when balancing the public's interest in disclosure with businesses' interest in protecting confidential business information. This panel of attorneys will focus on the interaction of business interests and FOIA, including exemptions for proprietary records and trade secrets, confidentiality agreements, and other issues relating to public-private partnerships and other government-business relationships and transactions.