

**2021 LGA Spring Conference**

*TWO-DAY Virtual (9 CLE)*

March (24) 25-26

**Wednesday, March 24**

**Board Meeting 9 a.m. to 1 p.m.**

**Thursday, March 25**

**General Session #1 | 8:30 - 10 a.m. (1.5 hours)**

**Land Use**

Moderators:

Peter Lubeck, County of Roanoke, County Attorney  
Lucy Phillips, County of Washington, County Attorney

Speakers:

Marta Goldsmith, Director of the Form-Based Codes Institute, Executive Director  
Ashby Moss, City of Virginia Beach, SGA Planning Evaluation Coordinator  
Chris Mackenzie, County of Richmond Board of Supervisors, Counsel and Sands Anderson PC, Counselor

Marta Goldsmith, Director of the Form-Based Codes Institute, and Ashby Moss, a planner for Virginia Beach, will present on the topic of form-based codes, and how these types of codes can be integrated into zoning ordinances. The presentation will include a general overview of form-based codes, why localities chose to adopt them, and examples of form-based codes which have been adopted or considered in Virginia.

Chris Mackenzie, counsel for Richmond County Board of Supervisors in the recent *BOS v. Rhoads* Virginia Supreme Court opinion, will speak regarding the latest developments in the law regarding Virginia Code 15.2-2311(C), what constitutes an "order, requirement, decision or determination" subject to its requirements, and how to advise your zoning administrators to avoid and address issues arising out of this subsection as a result of *Rhoads*.

**Annual Meeting | 10 – 10:10 a.m.**

**Break #1 | 10:10 – 10:30 a.m.**

**Concurrent Sessions (A&B) | 10:30 a.m. - 12 p.m. (1.5 hours)**

**Tax Assessment & Defense 101**

Moderator: Andrew McRoberts, Sands Anderson PC, Attorney

Speakers:

Adam Melita, City of Norfolk, Deputy City Attorney  
David Tait, Sands Anderson, Counsel  
William "Pete" Rodda, City of Norfolk, City Assessor

Pete Rodda, Norfolk's chief real estate assessor and former IAAO President will speak on the assessment process under attack in tax assessment cases, including mass appraisal, IAAO standards and how the pandemic may affect what

assessors do. Adam Melita, Norfolk Deputy City Attorney, will speak on defending the taxpayer's cause of action under Va. Code 58.1-3984 (B) and recent case law. David Tait, tax assessment defense litigator with Sands Anderson, will speak on the administrative appeal process and its impact on potential litigation, using the authority of the assessor or commissioner of the revenue to resolve cases, and litigating large industrial taxpayers' appeals.

### Code Enforcement

#### Moderators:

Kelley Kemp, Deal & Lacheney P.C., Assistant County Attorney  
Alan Smith, County of King William, Senior Assistant County Attorney

#### Speakers:

Olivia Wiggins, City of Hampton, Assistant City Attorney  
Alycia Eldridge, County of Rockingham and City of Harrisonburg, Senior Assistant Commonwealth's Attorney  
Emily Russell, County of Chesterfield, Senior Assistant County Attorney

Practical tips and tricks for code enforcement. Focusing on new legislation and its impact on enforcement, animal control issues, and a Fourth Amendment refresher. The session will focus on practical issues that arise for the enforcement officials and how a local government attorney should respond. Plus a brief overview of Fourth Amendment and trespass issues for attorneys to share with code officials.

### **Thursday Lunch | 12 – 1 p.m.**

### **General Session #2 | 1 – 2:30 p.m. (1.5 hours)**

#### Broadband and PPEA

Moderator: Tyler Southall, County of Dinwiddie, County Attorney

#### Speakers:

Evan Feinman, Virginia Tobacco Region Revitalization Commission, Executive Director  
Mike Lockaby, Guynn, Waddell, Carroll & Lockaby, P.C., Principal  
Debbie Bryan, City of Virginia Beach, Legislative Affairs Liaison  
Tyler Southall, County of Dinwiddie, County Attorney

Evan Feinman, Executive Director of the Tobacco Commission and the Governor's Chief Broadband Advisor, would speak about the current state of broadband availability in Virginia, broadband grants available from the Commonwealth, and the progress that has been made on broadband in Virginia to date, including what type of projects have worked well and not as well. Mike Lockaby, who (among other things) advises and represents local governments and broadband authorities on infrastructure matters, would speak about the use of public private partnerships (P3s) as a tool to expand availability and affordability of broadband internet. He would discuss the legal framework of a P3 under the PPEA, creation of PPEA policies and procedures, considerations in deciding whether a P3 is the right delivery vehicle, crafting a PPEA RFP for broadband, negotiating PPEA interim and comprehensive agreements for broadband, and a discussion of what can go wrong with a broadband PPEA and how to avoid it. Debra Bryan, who serves as Legislative Affairs Liaison for the City of Virginia Beach, serves on the FCC Intergovernmental Advisory Committee, and previously served as Associate City Attorney of Virginia Beach, would give an overview of the FCC, including its governance, structure, regulatory authority and how LGA members can interact with the FCC on behalf of their localities. Tyler Southall, who serves as Dinwiddie County Attorney, would present on the Dinwiddie-Amelia PPEA Broadband Project.

### **Break #2 | 2:30 - 3 p.m.**

## **General Session #3 | 3 – 4:30 p.m. (1.5 hours)**

### 2021 Legislative Update

Moderator: Laura Carini, City of Roanoke, Assistant City Attorney

#### Speakers:

Phyllis Errico, Virginia Association of Counties, General Counsel

Michelle Gowdy, Virginia Municipal League, Executive Director

Jeff Gore, Hefty Wiley & Gore, P.C., Shareholder and County of Amelia, County Attorney

Local government attorney/lobbyists summarize the activities of the 2021 Virginia General Assembly. The panel will discuss legislation introduced during the session, both enacted and failed, that particularly affects local governments. With a focus on bills with the greatest impact on Virginia's counties, cities, and towns, the speakers will describe how newly-enacted laws may benefit or disadvantage localities and their residents.

## **Virtual Engagement | 5 - 6 p.m.**

### Friday, March 26

#### **Practice Group Meetings Group #1 | 8:30 – 9:20 a.m.**

Eminent Domain Practice Group – Elizabeth Chupik, City of Virginia Beach, Associate City Attorney

Social Services Practice Group – Martin Crim, Vanderpool, Frostick & Nishanian, P.C., Shareholder and Town of Culpeper, Associate City Attorney

Procurement Practice Group – Haskell Brown, City of Richmond, Interim City Attorney and Brendan Hefty, Shareholder, Hefty, Wiley & Gore, P.C. & County of New Kent, County Attorney

#### **Practice Group Meetings Group #2 | 9:30 – 10:20 a.m.**

Employment Law Practice Group – Michael DeCamps, Attorney, Sands Anderson PC & Assistant County Attorney, County of Essex and Faith Alejandro, Attorney, Sands Anderson PC

Local Taxation Practice Group – Ara Tramblian, Of Counsel, Bancroft, McGavin, Horvath & Judkins, P.C.

Outreach Committee – Dan Whitten, County Attorney, County of Prince George

## **Concurrent Session (C&D) | 10:30 a.m. – 12 p.m. (1.5 hours)**

### Worker's Compensation

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

#### Speakers:

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

Doug Barber, City of Roanoke, Assistant City Attorney

Rick Lucas, Shareholder & President, Lucas & Kite, PLC

Rick Lucas, Esquire, will present an overview of recent workers' compensation cases from the Commission, the Court of Appeals, and the Supreme Court of Virginia, with a particular focus on cases involving first-responders.

Mary Beth Nash and Doug Barber will present an overview of the statutory framework for modified duty for workers' compensation claimants, including a discussion of the Workers' Compensation Commission's vocational rehabilitation

guidelines and applicable case law. Mary Beth and Doug will also discuss practical tips for a robust return to work program, and some of the overlap between the Workers' Compensation Act and the FMLA.

### The Opioid Crisis 101 & How Localities are Stepping Up

Moderator: Laura Carini, City of Roanoke, Assistant City Attorney

Speakers:

Andrew Miller, Sanford Heisler Sharp, Partner

Ed Spivey, Kaufman & Canoles, P.C., Attorney

Leo Rogers, County of Loudoun, County Attorney

This session will provide an overview of the latest developments and status of opioid litigation, including progress on a proposed partial settlement nationally with certain target defendants, as well as separate programs highlighting claims against different groups of defendants, including manufacturers, distributors, and pharmacies. There will also be discussion of recent legislative efforts affecting the opioid settlements.

Friday Lunch 12 – 12:30 p.m.

Friday Awards Program 12:30 – 1 p.m.

### **General Session #4 | 1 – 2:30 p.m. (1.5 hours)**

#### Collective Bargaining

Moderator: Ryan Samuel, County of Arlington, Assistant County Attorney

Speakers:

Meghan Roberts, City of Alexandria, Assistant City Attorney

Cynthia Hudson, Sands Anderson PC, Counsel

Thomas Winn, Woods Rogers PLC, Attorney

The collective bargaining session will provide insight into employee organizing activities, best practices in ordinance drafting, and the local government attorney's role in labor-management relations.