



## LOCAL GOVERNMENT LAW SECTION

*Barbara M. Rose, chair*

At the Virginia State Bar Annual Meeting in June 2006, the Local Government Law Section jointly sponsored, with the Environmental Law and Real Property sections, a continuing legal education program on critical planning. The program, “A Practitioner’s Guide to Debunking the Myths of Traditional Neighborhood Developments,” drew a crowd of approximately ninety.

In addition, the section published four issues of the *Local Government Law Journal* during the 2005–2006 fiscal year. These journals addressed legal issues that face local government attorneys, including the alphabet soup of immigration law; Virginia’s Public Records Act; Virginia municipal broadband opportunities and initiatives to protect and, conversely, to bar municipal broadband; and the United States Supreme Court’s eminent domain decision in *Kelo v. New London*.

The Court, in upholding the condemning authority’s action in *Kelo*, merely restated the long-established federal standard for public use under the takings clause of the Fifth Amendment. Nevertheless, in Virginia and elsewhere the case has caused and will continue to cause widespread political action. The challenge for this section and local government attorneys will be *not* to give abstract reasoning about eminent domain to legislators, but to gather examples of projects that would not have been or could not in the future be built if changes are made in Virginia’s already more-restrictive judicial interpretation of the state constitution’s takings clause under the “predominant use test”: Public interest based on all the peculiar facts of each case dominates over private gain.

The section Board of Governors at its last meeting in this fiscal year voted to explore setting up a Web site with the VSB to archive the *Journal*. The section at its annual meeting elected Joseph L. Howard Jr., Stafford County Attorney, chair for the 2006–2007 bar year. Also elected were Michael Long, Fairfax County Attorney’s office, vice chair; Phyllis A. Errico, Virginia Association of Counties, secretary; and Andrea W. Wortzel, Hunton & Williams, and William M. Hackworth, City of Roanoke Attorney, new board members. Rhysa G. South, Mark K. Flynn and Sandra J. McNinch retired from the board after wonderful years of service.

